

Town of Clarence  
One Town Place, Clarence, NY 14031  
**Planning Board Minutes**  
Wednesday February 16, 2022

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**

Vitaliy Aponchuk  
Residential Single Family

Requests Minor Subdivision of land approval to  
create two (2) new vacant lots located at 5925  
Thompson Road.

**Item 2**

Snappy Cleaners  
Major Arterial

Requests a Recommendation to the Town Board  
of a Special Exception Use Permit for a dry  
cleaners drive-through facility at the Transitown  
Plaza located at 4301 Transit Road.

**Item 3**

Richard McNamara  
Industrial Business Park

Requests Architectural Approval for an updated  
building façade located at 8615 Roll Road.

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

Planning Board Members present:

Chairman Robert Sackett  
Gregory Todaro  
Patrick Johnson

Vice-Chair Richard Bigler  
Jason Geasling  
Jason Lahti

Planning Board Members absent:

2<sup>nd</sup> 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:

Richard McNamara	Ryan Storto	Ned Gian	*Debbie’s phone*
*iPad (2)*	Steve Dale	Emily Stoll	Peter Kerwin
Bruce Bonhoff	Mike	*Joseph’s iPad*	***-5768
***-0967	***-2591	Jen Whimarsh-Snappy Dry Cleaning	

Motion by Gregory Todaro, seconded by Richard Bigler, to **approve** the minutes of the meeting held on February 2, 2022 as written.

Jason Lahti	Aye	Patrick Johnson	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Richard Bigler	Aye	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**

Vitaliy Aponchuk  
Residential Single Family

Requests Minor Subdivision of land approval to create two (2) new vacant lots located at 5925 Thompson Road.

**DISCUSSION:**

Mr. Bleuer introduced this project which is located at 5925 Thompson Road. It is an existing 11.7 acre property with a residence in the Residential Single Family zone.

The applicant is requesting a Minor Subdivision of land to create two (2) new vacant building lots.

The Planning Board has authority to act on this request, after an action through the State Environmental Quality Review Act.

Mr. Bleuer added that this item may be represented by Joseph David with Howard Hanna Real Estate.

Joseph David from Howard Hanna Real Estate was present virtually to represent the applicant. Mr. David added that they are hoping to have 3 lots on that parcel. Lot 1 is +/- 8.32 acres, Lot 2 has an existing home, is +/- 1.29 acres, and finally Lot 3 would be +/- 2.26 acres.

Mr. Lahti noted that there are potential wetlands on this property as well as the adjoining properties, this would need to be taken in to consideration with the placement of any future structures. Mr. Lahti also pointed out that there would be approvals necessary from town and county agencies to continue with any additional development.

Mr. Lahti stated that the Planning Board is currently only being requested to divide the lots as indicated on the map, not approve the construction of any structures or other development of this land.

Mr. David responded that they understand the concern of potential wetlands, and they have had a wetlands expert come through the property. In terms of where they plan to build the homes, they would not be anywhere near the wetlands.

Mr. Todaro pointed out to the applicant that the minimal side setback for structures between the new property lines would be 12.5 ft. Mr. Todaro also added that it is not from the structure but rather from the property line.

In regards to Public Participation, the following residents spoke:

1. Peter Kerwin of 5905 Thompson Road

- Mr. Kerwin asked about setbacks for Lot 3 in relation to the other property setbacks along that same side of the street. The houses currently on the street were granted variances several years ago for up to 300' setbacks. Mr. Kerwin asked if there could be some consideration to the Lot 3 lot size with some management of that property so that they are not facing the back of someone's house.
- Mr. Kerwin asked in regards to the sizing for Lot 3 if there is any way to make the lot go back a bit further to make room for a building to be placed more in line with the neighbor to the south and the houses much further north from him.
- Mr. Kerwin asked about the 50 ft. strip which is running along his north property line. It is a thin piece of property, and with a 12.5 ft. setback there does not appear to be any real construction that can be done with that strip of land.

Mr. David responded to Mr. Kerwin's concerns, stating that Lot 3 has a 50' strip of land in order to accommodate the Town of Clarence minimum acreage requirement. The plan for Lot 3 is to build a home similar to the distance that the home located on Lot 2 is.

Upon Chairman Sackett's request, Mr. Bleuer explained that the front yard setback would be established based on the average of each home within 500' on the same side of the street. The

exception to this would be any home that has received a previous variance for either a greater or lesser setback.

Mr. Bleuer added that if there comes a time when a building permit request was submitted, the Planning Office would review the lots within 500', then average that setback to determine the allowable setback for the house.

Mr. Bleuer added that he cannot speak for the setback on the south lots and whether or not they received any variances to be set back. If they did, they would not be taken in to account to determine the average setback.

Mr. David asked Mr. Bleuer what the setback is for that side of Thompson Road without a variance. Mr. Bleuer responded that they would need to investigate all of the lots within 500 ft. and determine if they have received a variance or not. Mr. David asked if that would pertain to only the lots on the east side of Thompson Road, or on both sides. Mr. Bleuer responded that it would be only for the east side.

## 2. Bruce Bonhoff of 5955 Thompson Road

- Owns the property to the north of the requested lot line, has a history with this area of Thompson Road. Mr. Bonhoff stated that he is an original owner of the property and all of the lots did previously receive a 300 ft. setback variance.
- Mr. Bonhoff stated that he has recently seen sample testing being conductive on the back portion of Lot 1, and would like to know what the intent is for Lot 1. He would like to know what they are planning to build, because there is a maximum 300 ft. setback for the property.

Public Participation for this item was closed.

In regards to Lot 1, Mr. David responded that the surveyor was on the property doing elevations to determine where the wetlands were. No sample testing has been done.

Mr. David stated that at this point they are only requesting the 3 lot subdivision, with the understanding they will need to return to discuss setbacks in terms of where they can build on Lot 1.

Chairman Sackett asked Mr. David if at the present time, he will wait for the planning office before commenting on his intention. Mr. David replied yes.

Mr. Bleuer noted for the public, that if there is a setback proposed greater than what is allowed, it would require a variance and all adjacent property owners that touch the parcel would be notified prior to the request being placed on a Zoning Board of Appeals agenda.

Mr. Lahti asked if is this something that the board wants to proceed with based on the uncertainty regarding the setback. Mr. Bigler reiterated that the board is not approving setbacks at this meeting. Mr. Lahti conveyed that while he understands setbacks are not being approved tonight, there is uncertainty in regards to the setbacks and should the board investigate that further before considering the matter.

Chairman Sackett asked Mr. David his thoughts. Mr. David stated they would like to move ahead with the 3 lot subdivision request, and understands the uncertainty of the setbacks for Lot 1. They also

realize that the southern homes are set back a bit further and he is hopeful that the Zoning Board of Appeals will take that in to consideration when they submit a variance request.

**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 Form as prepared and to **issue a Negative Declaration** on the proposed Aponchuk Minor Subdivision at 5925 Thompson Road. This Unlisted Action involves a lot split to create two (2) additional lots in the Residential Single Family zone. After thorough review of the submitted plans and Environmental Assessment Forms 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
Gregory Todaro	Aye	Richard Bigler	Aye	Robert Sackett	Aye

**MOTION CARRIED**

Motion by Jason Lahti, seconded by Richard Bigler to **approve the Aponchuk Minor Subdivision** at 5925 Thompson Road as per the submitted sketch plan received in the Planning Office on February 10<sup>th</sup>, 2022, with the following conditions:

1. Review and approval by the Erie County Department of Public Works for any future access to Thompson Road from the newly created lots.
2. Consultation with the Town Engineering Department regarding any future sanitary sewer connection.
3. Review and approval by the Town Building and Engineering Departments for any future residential construction on the newly created lots.
4. Should any drainage easements be required by the Town to address on-site drainage issues on the property, appropriate easements shall be submitted by the applicant and approved by the Town Engineering, Highway and Legal Departments. If required, Applicant shall file same in the Erie County Clerk’s office and provide a “Stamped Filed” copy to the Town Attorney’s office after recording.
5. Subject to Open Space and Recreation Fees.

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

**MOTION CARRIED**

**Item 2**

Snappy Cleaners  
Major Arterial

Requests a Recommendation to the Town Board of a Special Exception Use Permit for a dry cleaners drive-through facility at the Transitown Plaza located at 4301 Transit Road.

**DISCUSSION:**

Mr. Bleuer introduced this project, located at 4301 Transit Road. This is an existing commercial shopping plaza known as Transitown Plaza in the Major Arterial zone.

The applicant is requesting a recommendation of a Special Exception Use Permit for a drive-through facility, to operate a dry cleaners business. The business is proposed to be located in the Transitown outparcel building, closest to Main Street, in the former Goodwill space. The drive-through lane is proposed to be located on the west side of the building, adjacent to Pearle Vision.

The Planning Board is the recommending body for this proposal. Town Board must hold a Public Hearing to consider a final action.

Mike Berger with Sutton Architecture was present virtually, representing the applicant. Also present virtually were the property owners as well as potential future tenants from Snappy Cleaners if needed for additional questions.

Mr. Johnson asked Mr. Berger what the applicant's intent is in regards to landscaping maintenance.

Mr. Berger stated that the property owner is available to speak in regards to the landscape maintenance.

Mr. Berger stated that the area that they are working in is existing. The building as well as the drive-up area that they are proposing to use is an existing area. They are not proposing the addition of a building, drive up area, menu boards, or anything else that may be included with a typical drive-thru. It is strictly for the use of a few customers every hour to pull up and have their dry cleaning brought out to them with contactless pick-up.

Mr. Berger added that they are planning on making some improvements to the area. This involves providing way-find signage to the property which includes signage on the walls, and way-finding signs indicating an area not to be entered. Also, signage indicating no right turn in to the drive-thru area to insure they are entering from the north side of the building. Signage will help to direct the traffic and customers.

Mr. Berger added that they will also provide striping and arrows typical of what may be found in a drive-thru, which directs the flow of traffic.

Mr. Berger stated that they plan to install protective bollards which will protect the light pole that is not in a convenient spot on the property. They also plan to paint the pole itself a safety yellow, a minimum of 10 ft. from the ground up.

Mr. Berger also stated that they plan to remove a couple of sections of the roof ladder, which is located on the building, in order to get the necessary clearance to allow vehicles to drive-thru.

Mr. Berger noted that they may be adding another light to the existing lights, with the primary purpose to indicate to customers where to stop and pull up.

As a business the applicant would like to make this as user friendly to the customers coming in as they can. Anything that can be done to improve the site and assist customers to navigate the site.

Mr. Berger stated that he believes there is a separate project in place with the owner of the property that will involve installing additional landscaping. This landscaping project will also benefit the proposed dry cleaning project due to the proximity of the drive-up area.

In regards to the issue raised regarding landscape maintenance, Mr. Berger referred to the owner of the property.

Mr. Lahti stated that it appears the applicant is comfortable with the level of light along the drive-thru corridor, further stating that if an additional light is added, it would be required to be dark sky compliant, and shielded.

Mr. Berger responded that it would be a light over the door and it would provide additional lighting for the customers coming.

Mr. Todaro asked what the access is from the building that the customers will be utilizing. Mr. Berger responded that it will be a slider door, rather than handing the dry cleaning out through a window, an employee inside would bring out the garments to the customer. The idea is to provide a contactless service to the customer.

Mr. Todaro asked where the door would be located on the building. Mr. Berger responded that it will be at the southeast corner. This building location had a previous drive-thru area from a previous tenant that has since been boarded over. Mr. Berger stated that their intention is to simply re-establish the drive-thru access, but will do what needs to be done to make it work properly.

Mr. Geasling asked Mr. Berger if there is any concern with someone driving in the front of the building which is the south side, and making a right hand turn in to the drive-thru lane. He is aware that there is proposed "Do Not Enter" signage for the area, but he is concerned about people driving in from the other direction that may not see the signage in time. Mr. Berger responded that they do intend to look at all areas of signage required, or that they feel is necessary to best avoid the possibility of accidents. Mr. Berger added that they would be willing to put signage up at an angle that would be seen from the direction that Mr. Geasling is referring to.

In regards to Public Participation, no one spoke.

#### **ACTION:**

Motion by Patrick Johnson, seconded by Gregory Todaro to **recommend a Special Exception Use Permit** to the Clarence Town Board for Snappy Cleaners drive-through facility at 4301 Transit Road, per the submitted drawing by Sutton Architecture dated February 10<sup>th</sup>, 2022, with the following conditions:

1. Subject to any required permits by the Building and Engineering Departments.
2. Any exterior building lighting must be dark sky compliant and shielded to prevent spillage onto adjoining parcels. Lighting shall be turned off at most one hour after business hours except for necessary security lighting.
3. Per the assurance letter from Ned Gian, Vice President of Transitown Plaza Associates LLC, dated February 7, 2022, a landscape plan shall be submitted for review by the Landscape

Review Committee, and all required plantings shall be installed within one (1) year of the issuance of the Special Exception Use Permit.

- 4. Installation of bollards and directional signage, painting of the utility pole, and modification of the roof access ladder to allow appropriate vehicle clearance, all per the submitted plan.
- 5. All installed items including but not limited to landscaping shall be maintained as approved, in perpetuity.
- 6. No outside storage of material, goods, or other business related products.
- 7. Any future façade modifications shall be subject to Town review.
- 8. No placement of signage without necessary permit.
- 9. Subject to Open Space fee if required.

Mr. Berger heard, understood, and agrees to these conditions.

Chairman Sackett asked Mr. Berger to explain how they plan to maintain the landscaping in perpetuity.

Mr. Berger referred to Ned Gian, owner of Transitown Plaza. Mr. Gian stated that to get the proposed project approved, they will agree to the plan that will be submitted to the Landscape review Committee. Mr. Gian stated that they will maintain the landscaping as they do with the entire property.

Mr. Sackett noted that there is currently very little landscaping in the plaza, and foliage can succumb to disease and drought. While disease is not something that can be controlled, drought can be prevented by watering. Chairman Sackett asked Mr. Gian if he will have a watering plan included with the landscape submittal.

Mr. Gian responded that they have been in discussions regarding this matter in length with their landscape architects, as they are planning a landscape plan on a much larger scope. Mr. Gian noted that they are planning to include drought resistant foliage as well as updated irrigation for the property. Mr. Gian added that the plans that they present to the Landscape Review Committee will show a focus on special irrigation for the first couple of years. Mr. Gian stated that the landscape said that if they do it for the first couple of years it will then do it for itself.

Chairman Sackett stated to Mr. Gian that there will be questions about irrigation at the Landscape Review Committee level.

Mr. Gian stated that a majority of the irrigation will be focused along the Transit Road and Main Street areas of the property. He plans to work with landscape specialists that will make sure the landscaping thrives for the first year, then thereafter it will be drought-resistant.

Mr. Bengart confirmed with Mr. Gian that if one of the plants dies, Mr. Gian will be required to replace it. Mr. Gian confirmed he understands.

**ON THE QUESTION:**

This proposal has been deemed a Type 2 action by the Town of Clarence, and therefore requires no further environmental review nor action under the State Environmental Quality Review Act.

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

MOTION CARRIED.

**Item 3**

Richard McNamara  
Industrial Business Park

Requests Architectural Approval for an updated  
building façade located at 8615 Roll Road.

**DISCUSSION:**

Mr. Bleuer introduced this project, located at 8615 Roll Road. This is an existing 2.5 acre parcel located in the Industrial Business Park zone, containing existing industrial business operations throughout multiple structures.

The applicant is requesting Architectural Approval for an updated building façade of the principle structure located closest to Roll Road.

Updates include new dormers, new entry features, new windows, and new board and batten siding with stone knee wall.

The applicant has previously received approval to construct multiple industrial outbuildings to the rear of the property, which are currently under construction and have been previously approved.

The Planning Board has authority to review this request.

Mr. McNamara was present virtually to further explain this request, adding that he has been at this property for approximately 5 years and is making a substantial investment in his business. His business is expanding and he would like the building to adequately represent who they are.

Mr. Geasling commended Mr. McNamara on all of his improvements and work to upgrade the property thus far.

Mr. Geasling asked Mr. McNamara if the air conditioning unit (ac) located on the west side of the building is still there. Mr. McNamara explained that a berm is located on the west side of the building as well as an air conditioning unit. The ac unit will be moved to the east side of the building where he recently built a mechanical room for all of the work that is being done in the back.

Mr. McNamara explained that the berm will be lowered to the ground, level with the parking lot and a new septic system will be installed in that area. His current septic system is outdated, and the berm causes water to leak in to the building.

Mr. McNamara explained that all of his backflows, mechanicals, electrical service, and everything else he needs for the buildings are in the back.

Mr. Geasling asked if Mr. McNamara has chosen a roof color for the front entryway. Mr. McNamara responded that the entire roof will be black, with the front entrance being a black stained steel.

Mr. Geasling asked what the existing asphalt color on the building is now. Mr. McNamara responded that it is tan.

Mr. Geasling asked if Mr. McNamara is proposing any landscaping. Mr. McNamara explained that where the berm was will be grass, he is unable to add anything more due to the leech field they are

putting in. Mr. McNamara added that in the front near the curb he put plantings in approximately two year ago including low laying evergreens and Black Eyed Susan, and there is not adequate space left to put any more landscaping.

In regards to Public Participation, no one spoke.

**ACTION:**

Motion by Jason Geasling, seconded by Gregory Todaro to issue **Architectural Approval** for the McNamara building façade renovation at 8615 Roll Road per the submitted plans by Sutton Architecture dated January 28<sup>th</sup>, 2022, with the following conditions:

1. Subject to any required permits by the Building and Engineering Departments.
2. Building shall be maintained as approved, in perpetuity, and any building deficiencies shall be repaired or replaced as approved.
3. Any exterior building lighting must be dark sky compliant and shielded to prevent spillage onto adjoining parcels. Lighting shall be turned off at most one hour after business hours except for necessary security lighting.
4. Building materials to be installed per the approved plan specifications.
5. No placement of signage without necessary permit.
6. All prior approvals for 8615 Roll Road shall remain in full force and effect.
7. Subject to Open Space fee if required.

Mr. McNamara agreed to all conditions, and inquired if the Open Space fee is a normal requirement on a remodel project. Mr. Bleuer added that it pertains to the addition of square footage. Mr. McNamara asked if the front porch roof qualifies as square footage, Mr. Bleuer responded that the Building Department will determine that.

**ON THE QUESTION:**

This proposal has been deemed a Type 2 action by the Town of Clarence, and therefore requires no further environmental review nor action under the State Environmental Quality Review Act.

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

MOTION CARRIED.

Motion by Gregory Todaro to **adjourn** the meeting at 7:53p.m..

MOTION CARRIED.

Amy Major  
Senior Clerk Typist