

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday, March 15, 2023

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

Tarpon Towers II, LLC.
Agricultural-Rural Residential

Requests initiation of a coordinated review under the State Environmental Quality Review Act for an amended proposal of a 149' tall telecommunication tower at 6879 Salt Road.

Item 2

Dean Architects
Residential Single-Family

Requests Development Plan and Final Architectural approvals for a professional office building at 8353 Main Street.

Item 3

Russell Salvatore
Traditional Neighborhood District

Requests a Change-In-Use from commercial to commercial & residential at 10626 Main Street.

Item 4

Rockledge Professional Park, LLC.
Commercial

Requests Development Plan and Final Architectural approvals for a professional office building at 8167 Sheridan Drive.

Item 5

Tim Pazda - The Amish Peddler
Industrial Business Park

Requests a recommendation of a Temporary Conditional Permit for outside display and sale of merchandise at 8630 Roll Road.

Vice-Chair Richard Bigler called the meeting to order at 7:00 p.m.

Councilman Shear led the Pledge of Allegiance.

Planning Board Members present:

Vice-Chair Richard Bigler
Gregory Todaro
Jason Lahti

2nd Vice-Chair Wendy Salvati
Jason Geasling

Planning Board Members absent: Chairman Robert Sackett
Patrick Johnson

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 Berger	Brett Mongder	Patricia King	Rami Herzellah
Mark Dean	Lindsey Boller	Trina Boller	Roland Boller
Steve Kieffer	Tim Pazda		

Item 1

Tarpon Towers II, LLC.
Agricultural-Rural Residential

Requests initiation of a coordinated review under the State Environmental Quality Review Act for an amended proposal of a 149’ tall telecommunication tower at 6879 Salt Road.

DISCUSSION:

Mr. Bleuer introduced this project, at 6879 Salt Road. Located on the north side of Hunts Corners Road, east of Salt Road it is an existing 75.7-acre parcel. Located in the Agricultural Rural Residential zone and designated as a Local Historic Landmark, it contains a residence, farm operation and wind turbine.

The applicant is requesting review of an amended proposal to construct a 149’ tall telecommunication tower on the northeast corner of the property, with access to Hunts Corners Road. Previously, the applicant relocated the proposed tower away from Hunts Corners Road to the northeast corner of the property, based on comment received by the Town Board. Upon completion of a wetland delineation, it was determined that the updated location was located within a NYSDEC regulated wetland. Therefore, the applicant has re-located the proposed tower south of the wetland, but still as far off Hunts Corners Road as possible.

During the Town Board referral, the Town Board asked the applicant to determine the feasibility of relocating the tower into the wetland buffer area. Upon review by the NYSDEC, the tower is unable to be located within the wetland buffer area. This item was last on the Planning Board agenda in February, where no action was taken to allow time for NYSDEC consideration.

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

Within the Agricultural Rural Residential zone, the maximum allowable height of a telecommunication tower is limited to 100’. A variance would be required by the Zoning Board of Appeals for this proposed 149’ tower prior to a Special Exception Use Permit being considered by the Town Board.

Robert Bergdorf with the law firm Nixon Peabody as well as Brett Morgan with Verizon Wireless were present on behalf of the applicant.

Mr. Bergdorf added that they are seeking site plan approval at this time.

Mr. Bergdorf stated that they have responded to questions raised at the previous meeting in a submittal dated May 17, 2022.

Mrs. Salvati noted that this item was on the Planning Board agenda for February 1, 2023.

Mrs. Salvati reviewed some of her questions stemming from her review of the Environmental Assessment Form (EAF)

The EAF does not accurately list the Clarence Town Board as being responsible for the issuance of a Special Exemption Use Permit. The Planning Board will issue Site Plan approval, then the applicant will need to go to the Zoning Board of Appeals for the issuance of a height variance.

Referring to the proposed fence, Mrs. Salvati noted that the minimum allowed for this use is 8 ft. and the applicant is proposing 6 ft. The barbed wire at the top of the proposed fence needs to equal 8 ft. high.

Mrs. Salvati asked for confirmation that there will not be any lighting on the tower.

Mr. Bergdorf responded yes.

Mrs. Salvati reviewed the reasoning for the tower being placed in this proposed location.

A question was asked at the last meeting regarding how power will be generated. Mrs. Salvati noted that the plans identify an above ground propane tank will be utilized for this.

Mr. Bergdorf responded yes, and no permits from the county are needed for that.

Mrs. Salvati noted that as they proceed through the process, the Planning Board will be looking for the applicant to conduct a balloon test.

Mr. Bergdorf responded that they previously conducted a balloon test with the original application, and asked if there are any additional locations that the Planning Board would be interested in seeing a new balloon test conducted.

Mr. Bleuer explained that there has been discussion with residents who are interested in attempting to view a balloon study. Mr. Lusk has identified that he is willing to reconduct the balloon test once the location has been thoroughly reviewed and determined. As the Coordinated Review area proceeds and there are no negative determinations, the Planning Office will request that the balloon test be re-conducted with notice given to the neighbors so that they can view the test.

Mr. Todaro asked about the easement that runs from County Rd. to the location of the proposed tower, will it be paved.

Mr. Bergdorf responded that typically it is a gravel road with a gate located at the road, set in a little so that there is room for a vehicle to pull in and off of the road.

Mrs. Salvati asked Mr. Bergdorf to indicate the tower's actual fall zone on the plan.

Mr. Bergdorf responded that they will show the fall zone, and the corrected 8 ft. fence on the updated plan. Additionally, they will correct the Environmental Assessment Form to indicate the approvals required.

In regards to Public Participation, the following residents spoke:

1. Lindsay Boller of 6790 Salt Road:

- one of the documents submitted has a discrepancy as to whether the generator will be gas or diesel
- concerned about noise levels of the tower
- there is a cell phone tower nearby, there is not a lapse in coverage
- have other possible locations to place this tower that is not historic property been considered
- concerned about potential lighting on the generator

Public Participation for this item was closed for this meeting.

Mr. Bergdorf addressed the concerns, explaining that the only lighting for the generator will be at night if a technician needs to come service it. The light will not be on 24/7, but only as needed.

As previously stated, if a tower can be co-located, that is always the first choice because of the cost, as well as faster. The only reason a tower wouldn't be co-located is if it doesn't solve the coverage issues.

Mr. Bergdorf explained that the towers are called cellular because each tower covers a small cell that needs to interact with other cells around it. There is extremely limited flexibility in the placement of the cells in order for them to work together coherently. There are multiple points that a Radio Frequency (RF) Engineer looks at to adequately determine a potential site for a cell tower.

Mr. Bigler noted that the applicant provided a coverage area in the initial submittal that shows where and why it is needed in this location.

Mr. Morgan explained that the discrepancy with the type of power for the generator was an oversight. It was originally designed with a diesel generator, but due to the wetlands review, anytime they are in close proximity to wetlands, they do not use diesel, only propane or natural gas.

Mr. Bergdorf noted that they have previously submitted a response to the concerns regarding potential noise. Per a study conducted, it was determined that the noise level is 61 decibels at 100 ft. which is equivalent to the sound of an air conditioner at 100 ft.

ACTION:

Motion by Wendy Salvati, seconded by Gregory Todaro that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the amended Part 1 Environmental Assessment Form as

submitted and to seek Lead Agency status and **re-commence a coordinated review** among involved and interested agencies on the amended Tarpon Towers II & Verizon Wireless cellular tower at 6879 Salt Road, in the Agriculture Rural Residential Zone. This Type I Action involves the proposed construction of a 149’ tall telecommunication tower and associated facilities, with access to Hunts Corners Road.

Jason Lahti	Aye	Jason Geasling	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye		

MOTION CARRIED

Explaining the next steps in the process, Mr. Bleuer identified that the Planning Office will send this project out for coordinated review to all involved and interested parties. After the 30-day review and comment period is over, any and all comments will be provided to the applicant and the Planning Board. Once the comments are addressed the applicant will return to the Planning Board for the State Environmental Quality Review Act (SEQRA) determination and denial of the project due to non-conformity. This will allow the applicant to proceed to the Zoning Board of Appeals to seek a height variance. If successful with the Zoning Board of Appeals, the applicant will ultimately proceed to the Town Board for Special Exception Use Permit consideration prior to construction.

Mr. Bergdorf asked if there has been an extension of the shot clock time line. Mr. Bleuer responded yes, there has been a mutual agreement.

Item 2

Dean Architects
Residential Single-Family

Requests Development Plan and Final Architectural approvals for a professional office building at 8353 Main Street.

DISCUSSION:

Mr. Bleuer introduced this project at 8353 Main Street, located at the southeast corner of Main Street and Susan Drive. It is an existing .5-acre vacant parcel located in the Residential Single-Family zone.

The applicant is requesting Development Plan and Final Architectural approvals of a project consisting of an approximately 4,000 sq. ft. professional office building and associated facilities. Exterior building finishes feature a mixture of hardie siding, hardie shake siding, cultured stone, and asphalt single roof. A single access point is proposed to Susan Drive.

In 2007, the property received a use variance to allow a commercial use, in conformance with the Traditional Neighborhood District. Several proposals were initiated since that time, with varying levels of review, however none resulted in construction on the site. In 2015, a proposal for a professional office facility received a Negative Declaration under the State Environmental Quality Review Act (SEQRA) from the Town, but never advanced to construction.

In August of 2022, Dean Architects submitted plans for this professional office facility. Since that time, the applicant has addressed comments received, resulting in Engineering signoff of the Development Plan, and Landscape Committee approval of a final landscape plan.

The Planning Board has full authority to consider this request.

Mark Dean, Principal of Dean Architects was present to answer any questions for the project.

Mr. Dean noted that the proposed structure will be a single tenant building to be used solely for their office. Their current office is in Depew and they are looking forward to their new location that will allow them to expand their area as well as their capabilities.

Mr. Dean explained that they are in full compliance with all of the zoning requirements. They have added the architectural and landscaping features that the Town of Clarence has requested, and he is hoping to be able to move forward with an approval.

Mr. Geasling asked Mr. Dean to review the exterior building materials, to clarify any confusion.

Mr. Dean stated that the main siding is a hardie lap siding material with hardie shake shingle accent pieces, with a cultured stone for the base material and an asphalt shingle roof.

Mr. Geasling noted that any signage will need to be done separately through the Sign Review Committee.

Mr. Geasling asked Mr. Dean to clarify the height of the pole lights that are indicated on the plan.

Mr. Dean responded that the poles are 20 ft. and all face inward towards the parking lot and are dark sky compliant with 0.1 footcandles.

Mrs. Salvati noted that 20 ft. high light poles are excessive, and they request that the poles be reduced to 10-12 ft.

Mr. Dean responded that they will attempt to make the photometrics work with 12 ft., and a maximum height of 15 ft.

Mr. Geasling asked for an explanation on the lighting on the exterior of the building.

Mr. Dean explained that around the perimeter there will be soffit lighting and 2 coach lights at either side of the main entrance. The soffit lighting will be on a timer that will come on at dusk and go off at 11:00 p.m.

Mr. Geasling asked about the concrete pad located in front of one of the doors that appears to not have any connectivity.

Mr. Dean responded that the intention is for an outdoor employee break area.

Mr. Geasling asked about the screening that is shown for the garbage totes and mechanicals, and if any thought has been given to coordinating them as far as materials and colors.

Mr. Dean explained that he likes the look of the tote enclosure, and will attempt to get a fence that matches the color of the tote enclosure the best that it can. The vinyl tote enclosure is not as aesthetically pleasing and is awkward to work with.

In regards to Public Participation, the following residents spoke:

1. Melissa Shiah of 4282 Susan Drive:
 - will the lights be soft lights or LED
 - will the parking lot lights also be on a timer
 - what are the hours of operation
 - number of employees and anticipated traffic flow of clients
 - will the architect be responsible for shoveling the property on the Main Street side

Public Participation was closed for this project at this time.

Mr. Dean noted that the lights are warm lights, and all of the lights will be on the same timer set to turn on at dusk and go off at 11:00 p.m.

Mr. Dean noted that there are 14 employees who work Monday through Friday they 8:00 a.m. until approximately 5-7p.m. They prefer to not work on weekends, but occasionally they do.

They have customers in and out occasionally through the day, with more than enough parking spaces for both employees and customers. Generally, clients come in one at a time with one or two vehicles at the most and typically no more than 5 times a week.

Regarding sidewalk maintenance, Mr. Dean is unfamiliar with the rules in the Town of Clarence but will definitely add it to their property maintenance if necessary.

Mr. Bleuer explained that sidewalk maintenance is the responsibility of the private property owner.

Mrs. Salvati asked if the lights can be turned off at 10:00 p.m. rather than 11:00 p.m.

Mr. Dean responded yes.

ACTION:

Motion by Jason Geasling, seconded by Wendy Salvati to amend the previously approved concept plan and **approve** the Dean Architects **Development Plan** located at 8353 Main Street, per the submitted plan set by Dean Architects dated February 2nd, 2023, and to **approve the Final Architectural** drawings by Dean Architects dated December 6th, 2022, all with the following conditions:

1. Applicant meeting the requirements of the Town of Clarence Engineering and Building Departments, and any associated conditions.
2. Applicant meeting the requirements of the Landscape Committee Approval on December 13th, 2022, and associated conditions, including but not limited to, the maintenance of all landscaping and fencing in perpetuity and replacement, in-kind, should there be any deterioration, or death or disease to plantings.
3. Subject to Clarence Highway Department approval for access to Susan Drive.
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. Buildings to be constructed per the labelled and approved materials and colors.
6. Roof is to be asphalt shingles.

7. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as originally approved.
8. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
9. No outside display or storage of any kind on the property, including but not limited to goods, materials, or other items.
10. Garbage tote system shall be screened, serviced and remain closed in conformance with Town Code.
11. All site lighting shall be dark sky compliant and shielded to prevent spillage onto adjoining properties. No lighting shall be elevated above the roof lines and all lighting shall be turned off no later than 10:00 p.m. except for necessary security lighting.
12. Lighting standards shall not exceed 15 ft. in height.
13. Subject to Open Space, and any other applicable fees as required by Town Code.
14. Any future proposed permanent signage subject to review and approval by the Sign Review Committee. Any temporary signage subject to review and approval by the Office of Planning and Zoning.

ON THE QUESTION:

Mr. Dean has heard, understands, and agrees to the conditions listed.

This Residential Single-Family property received a use variance from the Zoning Board of Appeals to allow a commercial use, in conformance with the standards of the Traditional Neighborhood District. Furthermore, the Town Board issued a Negative Declaration under the State Environmental Quality Review Act for the construction of a professional office on the property. Both of these actions, and their conditions, remain in full force and effect.

Jason Lahti	Aye	Jason Geasling	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye		

MOTION CARRIED

Item 3

Russell Salvatore
Traditional Neighborhood District

Requests a Change-In-Use from commercial to
commercial & residential at 10626 Main Street.

DISCUSSION:

Mr. Bleuer introduced this project at 10626 Main Street, located on the north side of Main Street, west of Bank Street it is an existing 0.19-acre parcel located in the Hollow Traditional Neighborhood District. It contains a principal structure formerly home to Cozy Fireplaces.

The applicant is requesting consideration of a Change-In-Use for the rehabilitation of the existing principal structure to contain two – 2-bedroom apartments and a barber shop fronting Main Street.

The Planning Board has full authority to consider this request.

Mark Velocci of Silvestri Architects was present, representing the applicant.

Mr. Todaro complimented the project, adding that it will nicely compliment the neighborhood.

Mr. Todaro asked Mr. Velocci to describe the materials that will be used on the building.

Mr. Velocci explained that the building is currently a block building, so they will be re-pointing and re-fixing the block as necessary, and modifying it to provide egress windows for the bedrooms in the basement.

The building will be repainted entirely, and the corners will be repaired. Adding to the aesthetics of the exterior, the windows will be painted black with the same style as the Humbert House next door.

Mr. Todaro asked Mr. Velocci to explain any design changes with the egress between the buildings.

Mr. Velocci explained that this structure abuts to the Humbert House, so the entries of the buildings will be left of the project with egress to Main Street provided from there.

Mr. Todaro asked what the plan is for waste and dumpster locations.

Mr. Velocci responded that there is adequate space to place a dumpster in the rear parking lot if that is where the applicant decides to place it.

Mr. Todaro directed Mr. Velocci to work with the Planning Department once a location is determined.

Mr. Todaro asked Mr. Velocci to describe the lighting on the building.

Mr. Velocci explained that currently there is gooseneck lighting on the front of the building so the power is already available. They will be removing the existing lights and installing new fixtures which will match the Humbert House located next door. On either side of the front door there will be a low-voltage LED sconce to illuminate the entryway.

Mr. Velocci confirmed that there is no lighting located on the east or north sides of the building.

Mr. Todaro asked where the mechanicals will be located for the building.

Mr. Velocci responded that they will all be located on the north side of the building.

Mr. Todaro explained that they would like some screening along the public right-of-way along Main Street.

Mr. Velocci stated that they can either screen it with plantings or a fence. They will work with the Planning Department to come up with a plan.

Mr. Todaro asked how parking will work.

Mr. Velocci responded that access to the back parking for the parcel is off of Bank Street and will remain as is. He does not believe that there are any current plans to adjoin the two parking lots and a buffer will remain between the Humbert House and the new project's parking lots.

Mr. Todaro asked if there will be separately designated, marked parking spaces for the residents of the building.

Mr. Velocci did not have an answer for the question, but will work with the Planning Department on the specifics for this as well.

Mrs. Salvati asked if there will be any signage on the building.

Mr. Velocci explained that there is an existing sign location that they will remove and update the sign.

After discussion, it was clarified that the mechanicals will be located on the east side of the building.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Gregory Todaro, seconded by Wendy Salvati to **approve the Salvatore Change-In-Use** located at 10626 Main Street, per the submitted plan set by Silvestri Architects dated March 8th, 2023, with the following conditions:

1. Applicant meeting the requirements of the Town of Clarence Engineering and Building Departments, and any associated conditions.
2. Building to be rehabilitated per the approved plan, and colors as depicted.
3. No more than two residential units shall be constructed. Any future proposed additional residential units shall be subject to Town review.
4. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as originally approved.
5. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
6. All site lighting shall be dark sky compliant and shielded to prevent spillage onto adjoining properties. No lighting shall be elevated above the roof lines and all non-residential lighting shall be turned off no later than one hour after business hours except for necessary security lighting.
7. Any future proposed dumpster or garbage tote system shall require Town review and Approval, including but not limited to screening, service and closure in conformance with Town Code.
8. No outside display or storage of any kind on the property, including but not limited to goods, materials, or other items, associated with the business.
9. All air conditioning units and utilities must be screened from view from the public right-of-way.
10. Any future proposed 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.
11. Subject to Open Space, Recreation, and any other applicable fees as required by Town Code.

ON THE QUESTION:

Mr. Velocci stated that he heard, understands, and agrees to the conditions listed.

ACTION:

Jason Lahti	Aye	Jason Geasling	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye		

MOTION CARRIED

Item 4

Rockledge Professional Park, LLC.
Commercial

Requests Development Plan and Final
Architectural approvals for a professional office
building at 8167 Sheridan Drive.

DISCUSSION:

Mr. Bleuer introduced this project at 8167 Sheridan Drive, located on the south side of Sheridan Drive, east of Transit Road, it is an existing 1.9 vacant parcel located in the Commercial zone. Part of a partially constructed professional business park on 4 total acres in the Restricted Business and Commercial zones, it is currently containing two professional office buildings and associated facilities.

The applicant is requesting Development Plan and Final Architectural approvals of a project consisting of a 6,900 sq. ft. professional office building and associated facilities. Exterior finishes feature a mixture of brick, wood siding, decorative block, and asphalt shingle roof. The project constitutes the final phase of this previously approved project, and will tie into the existing single access to Sheridan Drive.

In 2007, the applicant proposed a professional office park complex, which received a Negative Declaration under the State Environmental Quality Review Act in 2008. In 2010, the applicant received final approvals to construct the first two office buildings on the property.

In July of 2022, the applicant submitted plans for the final office building associated with this project. Since that time, the applicant has addressed comments received, resulting in Engineering signoff of the Development Plan, and Landscape Committee approval.

The Planning Board has full authority to consider this request.

Rami Herzallah with Carmina Wood Design was present to represent the applicant.

Mr. Lahti asked about the changes to the plan over time, and asked why this location for the building was settled on.

Mr. Herzallah stated that since they have been involved, this has been the original location. He is not familiar with previously proposed locations. This location allows for the most parking, sharp k-turnaround and allows an easy connection to the northern property.

Regarding the parking, Mr. Lahti noted that there are 10 more spaces that what is required by code, and asked the reasoning.

Mr. Herzallah explained that they meet greenspace requirements, and the additional parking allows for additional space for the tenants in the building.

Mr. Lahti asked about the doors located on the south side of the building with no sidewalk or concrete area, and if there is a plan to put anything outside those doors.

Michael Berger with Sutton Architecture explained that the doors are there from a building code standpoint to assure proper egress and secondary egress out of the building. There is no intention to tie or connect in to anything else, they would simply be either emergency egress or potentially breakroom exits depending on the interior design of the tenant spaces.

Mrs. Salvati asked for clarification on the potential for the doors being breakroom doors.

Mr. Berger explained that the interior spaces have yet to be designed, but generally the back of the stores are where the breakroom is located. Depending on the tenant of the space associated with these doors, they could be breakroom doors leading to outside.

Mr. Lahti asked about the 20 ft. high light standards, and if they would be able to be reduced.

Mr. Herzallah responded that they can drop them to 15 ft.

Mr. Lahti stated that they prefer the lights be brought down as far as they can, but asked if the applicant agrees to a maximum height of 15 ft.

Mr. Herzallah confirmed yes.

Mr. Lahti asked if the lights are on timers.

Mr. Herzallah responded that the lights will be on timers, but without tenants chosen, it is difficult to give specific times, but they will not be on 24/7.

Mr. Lahti asked if having them off an hour after close would be acceptable.

Mr. Herzallah responded yes.

Mr. Lahti asked what the plan is for garbage totes or dumpsters.

Mr. Herzallah responded that they have not gotten to the point of planning that yet, but the west end of the parking lot at the end of the last parking space would be ideal, or at the end of the 3 ft. parking buffer.

Mrs. Salvati stated that no existing vegetation should be removed to place the dumpster.

Mr. Lahti noted that whatever is decided, it needs to be reviewed and approved by the Planning Department.

In regards to Public Participation, no one spoke.

Steve Kieffer, owner of the project stated that the plans state asphalt roof, but they have changed it to a metal roof. The record indicates a metal roof but the drawings show an asphalt roof.

Mr. Herzallah explained that the rendering of the building indicates a black metal standing c roof, the original drawings show an asphalt roof.

Mr. Bleuer stated that the Planning Office was not provided renders for this project, only elevations were provided and those show an asphalt shingle roof.

Mrs. Salvati asked what materials are used on the two existing office buildings located on the property.

Mr. Kieffer responded that they are asphalt shingles.

Mrs. Salvati stated that she prefers the buildings are consistent with asphalt shingle roofs.

Mr. Bleuer explained that from the Town's perspective, there is nothing to resolve because an asphalt shingle roof is what is before the board for consideration and approval tonight.

Mr. Kieffer responded that they moved to a metal roof because they thought it would be more aesthetically pleasing.

Mr. Bigler noted that they only have the plans for an asphalt shingle roof in front of them tonight, and asked Mr. Kieffer if he would consider the asphalt shingle roof. If not, they will need possibly change their actions for tonight's meeting.

Mr. Kieffer agreed to an asphalt shingle roof.

Mrs. Salvati asked how the solid waste from the two existing buildings is managed, if they have a dumpster.

Mr. Kieffer responded that the dumpsters for the existing buildings are located at the south end of the building, totally enclosed.

ACTION:

Motion by Jason Lahti, seconded by Wendy Salvati to amend the previously approved concept plan and **approve** the Rockledge Professional Park **Development Plan** located at 8167 Sheridan Drive, per the submitted plan set by Carmina Wood Design dated December 2022, with a revision date of January 2023, and to **approve the Final Architectural** drawings by Sutton Architecture dated February 18th, 2022, all with the following conditions:

1. Applicant meeting the requirements of the Town of Clarence Engineering and Building Departments, and any associated conditions.
2. Applicant meeting the requirements of the Landscape Committee Approval on February 14th, 2023, and associated conditions, including but not limited to, the maintenance of all landscaping in perpetuity and replacement, in-kind, should there be any deterioration, or death or disease to plantings.
3. Subject to Erie County Health Department and New York State Department of Environmental Conservation approval, if required, on any future on-site sanitary facilities.
4. Buildings to be constructed per the labelled and approved materials and colors.

5. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as originally approved.
6. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
7. No outside display or storage of any kind on the property, including but not limited to goods, materials, or other items, associated with the businesses.
8. Any future proposed dumpster or garbage tote system shall require Town review and Approval, including but not limited to screening, service and closure in conformance with Town Code.
9. All site lighting shall be dark sky compliant and shielded to prevent spillage onto adjoining properties. No lighting shall be elevated above the roof lines with a maximum height of 15 ft. and all lighting shall be turned off no later than one hour after business hours except for necessary security lighting.
10. Any future proposed 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.
11. Subject to Open Space, and any other applicable fees as required by Town Code.

ON THE QUESTION:

This is the final phase associated with the previously approved project, and the final allowance under the Town Board’s Negative Declaration issuance under the State Environmental Quality Review Act.

Mrs. Salvati asked the applicant to agree to the lighting standards being a maximum height of 15 ft.

Mrs. Salvati asked the applicant to agree to the installation of an asphalt shingle roof as shown on the submitted plans and drawings.

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

Jason Lahti	Aye	Jason Geasling	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye		

MOTION CARRIED

Item 5

Tim Pazda - The Amish Peddler
Industrial Business Park

Requests a recommendation of a Temporary Conditional Permit for outside display and sale of merchandise at 8630 Roll Road.

DISCUSSION:

Mr. Bleuer introduced this project at 8630 Roll Road, located on the north side of Roll Road, east of Harris Hill Road. It is an existing 1.7-acre property zoned Industrial Business Park, containing an office building, parking, and main access to the former gypsum facility.

The applicant is requesting consideration of a Temporary Conditional Permit (TCP) for outside display & sale of merchandise. The applicant is seeking approval to place playsets, sheds, and small items

within the paved parking area, behind a proposed split-rail fence to be installed along the front edge of the existing parking lot.

In 2018, the property owner received a TCP for outside display & sale of storage sheds, with the condition that no more than four sheds be displayed on the parking pavement. In 2022, the property owner chose not to renew the TCP as the business no longer operated at the location.

The Planning Board is a recommending body to the Town Board.

Tim Pazda was present to represent his request, explaining that the area closest to Roll Road would be playsets, and sheds will be located in the other space.

Mr. Todaro asked for explanation of the split-rail fence that Mr. Pazda plans to place in the front of the property, and how that will work.

Mr. Pazda stated that it was a suggestion of the Planning Board Executive Committee to be able to differentiate the parking lot from the grassy area.

Mr. Todaro stated that whatever it is, needs to be delineated.

Mr. Pazda explained that he has agreed to this split-rail fence, and is fine with it.

Mr. Todaro asked if it is 32 linear feet.

Mr. Pazda responded that he plans to do 5, 8 ft. sections so it would end up being approximately 40 ft., and that there is an approximate 2 ft. wide concrete curb down that runs down the driveway.

Mr. Todaro asked about the displays and the number of units on site, explaining that after much review, they the board is requesting up to 6 sheds in the rear of the property, and a maximum of 4 sheds in the front.

Mr. Pazda stated 6 sheds total on the pavement and up to 6 play sets in the front area is what he has requested.

Mr. Todaro noted that the potential is there to move sheds around based on the season.

Mr. Pazda explained that it is currently prime play set season, and once they sell, he will rotate and move the sheds to the front for more visibility.

Mr. Todaro stated that he will propose that no more than 4 sheds be allowed in the front area closest to Roll Road.

Mr. Pazda stated that it agreeable.

Mr. Todaro continued, stating that the board has determined a maximum of 4 sheds will be allowed in the front area based on the season, no more than 6 play sets in front, or 10 small items such as chairs, etc. also in the front area.

Mr. Todaro added that a maximum of 6 sheds would be permissible in the rear display area of the property.

Mr. Todaro asked Mr. Pazda if he plans to display anything on the grass area in the front of the property closest to Roll Road.

Mr. Pazda responded no.

Mr. Todaro asked if there will be any additional lighting.

Mr. Pazda stated that there is no power on the site, therefore there will not be any additional lighting. He will be applying for a building sign, and may use a solar spotlight to shine on the sign.

Mr. Bigler noted that the sign permit will be handled separately with the Planning Office.

Mr. Todaro asked if the items will be brought in at night, or stored somewhere for security purposes.

Mr. Pazda responded, stating that he will use a chain or cord through the items and leave them out.

Mr. Todaro confirmed that no other items will be stored outside.

Mr. Pazda replied no.

Requesting clarification on the size of the items, Mr. Bigler requested Mr. Bleuer to explain the differences.

Mr. Bleuer explained from an enforcement standpoint, the specifications will apply to large or small items, with sheds or playsets considered large items, and chairs, tables, etc. will be considered small items.

The applicant has requested up to 6 large items in both the front and back areas, and 10 small items in the front area along with the 6 large items.

Mr. Bleuer stated that the Town Board has asked the Planning Board to consider consistency with past approvals for this site, therefore a balance of the applicant's request for 6 large items in the front versus the previous approval of 4 large items.

Mr. Bigler clarified that they are looking at 4 large items in the front, not necessarily one or the other.

Specificity of large or small items will be identified from an enforcement standpoint.

Mr. Bigler reiterated that previous approvals for this site was for a maximum of 4 items in the front area closest to Roll Road, not 6 items as currently requested by the applicant. Additionally, a maximum of 4 large items to be located in the back, for a total of 10 large items on the site.

Mr. Pazda stated that the original TCP that was granted was for 4 large items, although 6 large items were in discussion.

ACTION:

Motion by Gregory Todaro, seconded by Jason Lahti to **recommend issuance of a Temporary Conditional Permit to the Town Board** for outside display and sale of merchandise by Tim Pazda – The Amish Peddler, located at 8630 Roll Road per the submitted plans stamped received in the Planning Office on March 3rd and 7th 2023, subject to the following conditions:

1. Initial permit shall be for a term no greater than one year.
2. Installation of a split rail fence along the front, southerly edge of the parking lot, running east to west, 40’ in length, centered on the parking lot.
3. No more than 4 large items, such as sheds and playsets, and 10 small items, such as chairs, shall be placed within the front parking lot area.
4. No more than 6 items, regardless of size, shall be placed within the rear parking lot area.
5. No items shall be placed outside of the identified parking lot areas or in front of the split rail fence.
6. No outside storage of unassembled items on-site.
7. No outside accumulation and storage of garbage, construction materials, and unlicensed vehicles associated with the business.
8. Any future proposed 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.

ON THE QUESTION:

The applicant has heard, and asked for clarification on condition no. 2 pertaining to the split rail fence. Mr. Pazda stated that he is proposing 40 ft. of split rail fence, and the parking lot is longer than 40 ft.

Mr. Todaro noted that the display area is where they are most concerned with the fence.

Mr. Pazda explained that 40 ft. is enough to delineate the display area. The outer edges have a curve and a sidewalk.

Mr. Bengart explained that the idea is to delineate where the display area is, so centering the fence to the parking lot would be allowed.

Mr. Pazda understands and agrees to the conditions, after further clarification from Mr. Todaro that condition no. 3 permits a maximum of 4 large items.

Jason Lahti	Aye	Jason Geasling	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye		

MOTION CARRIED

Meeting **adjourned** at 8:25 p.m. with a motion by Wendy Salvati.

MOTION CARRIED

Amy Major
Senior Clerk Typist