

Town of Clarence  
One Town Place, Clarence, NY 14031  
**Planning Board Minutes**  
Wednesday May 1, 2019

**Work Session 6:30 pm**  
Status of TEQR Coordinated Reviews  
Review of Agenda Items  
Miscellaneous

**Agenda Items 7:00 pm**

Approval of Minutes

**Item 1**

Brothers of Mercy  
Restricted Business

Requests Development Plan Approval for the  
Construction of a new Assisted Living and  
Memory Care Facility at 4526 Ransom Road.

**Item 2**

Benchmark Development  
Major Arterial

Requests Architectural and Concept Plan  
Approval for the construction of a new  
outbuilding at the Shops at Main and Transit,  
4445 Transit Road.

**Item 3**

Dominic Piestrak

Requests Preliminary Concept Review of a  
proposed self-storage facility on the north side of  
Roll Road, east of Harris Hill Road.

Chairman Robert Sackett called the meeting to order at 7:00 p.m. Councilman Paul Shear led the  
pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett  
Timothy Pazda  
Jeffrey Buckley

1<sup>st</sup> Vice-Chairman Richard Bigler  
Gregory Todaro  
Jason Geasling

Planning Board Members absent: 2<sup>nd</sup> Vice-Chairperson Wendy Salvati

Town Officials Present:

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

Other Interested Parties Present:

Chris Santora      Robert McGee      Robyn Cierniak      Martin DelleBovi      Justin Kraft

Motion by Gregory Todaro, seconded by Richard Bigler, to **approve** the minutes of the meeting held on April 10, 2019, as written.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Gregory Todaro	Aye	Timothy Pazda	Abstain
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**

Brothers of Mercy  
Restricted Business

Requests Development Plan Approval for the construction of a new Assisted Living and Memory Care Facility at 4526 Ransom Road.

**DISCUSSION:**

Jim Callahan provided the background on the project noting that it is an existing assisted living rehab center and senior living center located at the corner of Ransom and Bergtold Roads. The applicant is proposing relocating the existing assisted living units and construct new memory care units and to receive Concept Approval and a Special Exception Use Permit from the Town Board for the project. The applicant is present seeking final Development Plan Approval on this project. This will represent the final public action associated with this project.

Kirk Burzinski with Wendel Architects and Engineers is present is seeking final approval and will answer any questions the Board may have.

Chairman Sackett asked when the anticipated ground breaking date would be. Mr. Burzinski said there is a ground breaking ceremony on the 14<sup>th</sup> but they hope to be underway within the next couple weeks.

Mr. Pazda asked what the hours of construction will be. Mr. Burzinski said they would be traditional hours: 7:00 a.m. to 7:00 p.m., Monday through Friday. No nights or weekends. Mr. Pazda asked what the outcome was for a parking spot for an EMS unit. Mr. Burzinski said yes, they have agreed to reserve a spot.

**ACTION:**

Motion by Timothy Pazda, seconded by Richard Bigler, to **approve** the Development Plan for the proposed Brothers of Mercy Assisted Living and Memory Care Project as per the submitted site plans and architectural elevations from Wendel with a revision dated March 11, 2019, with the following conditions:

1. PIP Permits as issued by the Town Engineering Office.

- 2. Construction hours from 7:00am to 7:00pm, Monday through Friday.
- 3. All lighting to be dark sky compliant and shielded from adjoining properties.
- 4. Subject to Open Space and Recreation Fees.

**ON THE QUESTION:**

The applicant understood and agreed with the conditions.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Gregory Todaro	Aye	Timothy Pazda	Aye
Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED.

**Item 2**

Benchmark Development  
Major Arterial

Requests Architectural and Concept Plan Approval for the construction of a new Outbuilding at the Shops at Main and Transit, 4445 Transit Road.

**DISCUSSION:**

Jim Callahan provided the background on the project noting that it is a proposed new retail store located at the Shops at Main and Transit. The Planning Board will have final site plan approval and architectural approval on this proposal.

Robyn Cierniak of William Schutt and Associates is present along with Martin DelleBovi, Executive Vice-President of The Benchmark Group.

Chairman Sackett asked for details regarding the architecture of the building. Mr. DelleBovi explained that this parcel was part of the new development of the center many years ago. They kept this parcel vacant but finished it off for parking at the request of some of the anchor stores. They are now moving forward with the construction of the building. It will be a single-story 7,000 square foot retail building. They are trying to match the elevations with themes they have throughout the rest of the center. They will use different materials, break up lines with cornings and colors.

Chairman Sackett said a comment was received from the fire chief relative to the islands and snow removal. The applicant has a copy of the comment. Chairman Sackett said he believes the comment does not affect the out-parcel but it does affect the plaza. Mr. DelleBovi said one comment that they will address had to do with widening the curb-cut coming in off Transit, running from the west to the east. They will make that modification so that the turn radius is easier coming in off Transit Road. The other concern of the fire chief has to do with the medians that separate the parcel from the rest of the plaza. They will certainly do something there. The issue was that this was a vacant parcel so when you had to put the snow somewhere it was piled up against those medians. Now that this is going to be an operating business that will not be the case. They prefer to keep the medians there because it helps control the traffic coming in off the access drive into the parking lot. There are not an excessive amount of medians across that area but they will look at it. There are some spaces that are extra within the site, so if they had to put in additional landscaping to maintain the greenspace requirement they could. He thinks it is important to delineate the parcel along that access drive because they get a lot of traffic that traverses

along that access drive, by taking the medians out you are not directing people safely into the parking field. They will definitely address the concerns. They store snow on site and truck it off site. There are times when they pile the snow behind the buildings. They will make every effort to keep the ingress and egress clear from snow.

Mr. Todaro said many times during the winter, with the snow piles built up, the site lines can make it difficult to drive through the plaza. He said there needs to be a concentration on getting the height of the snow piles down in other areas of the parking lot. Mr. DelleBovi understands. Mr. Pazda asked how the snow piles will be delineated. Mr. Todaro said it needs to be managed appropriately. The applicant needs to maintain the site lines and the egress and ingress.

Mr. Pazda voiced his concern saying you want to keep the egress open between the old and the new, and almost all the time he sees people driving and crossing cutting through those things like there is no tomorrow. He believes there should be fewer of them and let people go out to the main drive instead of trying to make it through. Mr. DelleBovi believes the amount of curb-cuts they have now is sufficient. The turning radius for the fire trucks and being able to get through the parcel works well.

Fire Chief Mike Schreiber Jr, of Harris Hill Fire Company, is present and represents the first responding agency that would respond to the plaza. As part of the normal review process he has looked at the plans extensively and has zero problem with the building itself but he has concerns with the medians and snow removal. The medians are more of a concern. The Fire Company primarily accesses the plaza at Dunn Tire or next to Office Depot. Having this extra building would mean they would almost always have to access closer to Office Depot and as you travel down that road and get closer to the actual complex, that center island is a challenge for fire trucks to turn. When the snow piles melt they leave a lot of debris in the parking lot and the fire trucks cannot drive across them, as it may damage the truck or the tires and they would not be able to move forward at that point. Often times their access is limited by buses that drop people off at Old Country Buffet. Chief Schreiber Jr. is pro greenspace and understands the concept. He also understands that the applicant is willing to work with all parties involved. He is asking if the center island can be condensed or narrowed a bit. Mr. Bigler asked if would help Chief Schreiber Jr. if the design was changed to be similar to a round-about where it can be driven over by a fire truck. Chief Schreiber Jr., said yes.

Chairman Sackett suggested further meetings between the applicant and the Fire Chief might be in order. Mr. DelleBovi agreed and suggested stripping that area without it being a raised median. This will still help people to take the lanes correctly. He will work with the Fire Chief on a solution.

Deputy Town Attorney Steve Bengart said the Board needs to look at the greenspace requirement and if they take out the median will they still have enough greenspace. Chairman Sackett said that will be addressed in the Landscape Plan review. Mr. DelleBovi said they have spaces in the plaza where they can put additional greenspace to replace what is being removed by deleted the median.

Mr. Geasling asked where the mechanicals are for the building. He also asked what the four (4) marks are in the red-hashed area on the plan. Mr. DelleBovi said those marks indicate the placement of decorative columns for the canopy. The mechanicals are on the roof, the dumpster is enclosed with a dumpster enclosure just to the south.

Mr. Pazda said he would like to see one more decorative column on the back of the building, the east elevation that faces the other stores. Mr. DelleBovi said they agree to do that.

**ACTION:**

Motion by Gregory Todaro, seconded by Timothy Pazda, pursuant to Article 8 of the Environmental Conservation Law, to **accept** the State Environmental Assessment Form (SEAF) Part 1 as submitted and approve the Part 2/3 as prepared and to **issue** a Negative Declaration on the proposed Skechers Outlet Store located at 4445 Transit Road. This Unlisted Action involves the construction of a 7000 +/- square foot retail store as an outparcel at the Shops at Main and Transit. After thorough review of the submitted site plan, elevations and SEAF, it is determined that the proposed action will not have a significant negative impact upon the environment.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Gregory Todaro	Aye	Timothy Pazda	Aye
Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED.

Motion by Gregory Todaro, seconded by Timothy Pazda, to **approve** the Concept Plan and Architectural Elevations as per the submitted drawings from William Schutt & Associates dated April 10, 2019, with the following conditions:

1. Landscape Plan approval required prior to Development Plan approval.
2. All new lighting fixtures to be dark sky compliant and shielded from adjoining properties.
3. Landscaping along the Transit Road frontage required to screen the parking lot.
4. The curb cut on the north driveway be widened to an accepted extent to the Fire Chief, so trucks are able to enter the parking lot appropriately.
5. The median is to be adjusted in association with the Fire Chief and discussions that would take place between the developer and the Fire Chief as to the appropriate dimensions and size.
6. Open Space and Recreation Fees required on building permits.
7. Additional column be added to the middle of the east elevation on the back of the building that matches columns that are currently on the drawing.

**ON THE QUESTION:**

Mr. DelleBovi understood and agreed with the conditions.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Gregory Todaro	Aye	Timothy Pazda	Aye
Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED.

**Item 3**

Dominic Piestrak  
Industrial Business Park

Requests Preliminary Concept Review of a proposed self-storage facility on the north side of Roll Road, east of Harris Hill Road.

**DISCUSSION:**

Mr. Callahan provided the background on the project noting that it is located on the north side of Roll Road, east of Harris Hill Road. The applicant is present to introduce the project to the full Board. An

action under the State Environmental Quality Review Act (SEQRA) will be required prior to taking action on the Concept.

Ken Zollitsch with the engineering firm GPI is present along with the applicant Dominic Piestrak. Mr. Zollitsch explained the showed the potential full build-out of the project although it will be market driven. The initial thought is to build units located on the south side of Gott Creek, they would extend across Gott Creek and have more units in the back. The majority of the units will be cold storage, there will be outside garage doors for access. The front building parallel with Roll Road would be indoor conditioned space storage, a 2-story building to help block the views of the single story units towards the back. A small office facility would be located here as well, open during the day for customers. Everything would be fenced in and controlled. It is clarified that the applicant is asking the Board to commence with a coordinated review.

Mr. Todaro asked what type of fencing will be used. If construction is phased, how would the fencing work? Mr. Zollitsch said the facility will be fenced for security measures, however he does not have specifics on the type of fencing to be used. Mr. Piestrak said the clearing of the brush on the property will happen based on need.

Robert McGee owns a facility on Roll Road and he asked the Town to take another look at putting this facility in the middle of two other facilities, it is not fair to the existing facilities. He is also concerned with traffic saying it is bumper-to-bumper at rush hour and there are more accidents happening on Roll Road and Harris Hill Road.

Mr. Zollitsch said the traffic counts will be looked at. A storage facility is not the typical 9am-5pm business so they are not hitting those peak times. Traffic is more spread out between weekends and evenings.

**ACTION:**

Motion by Jason Geasling, seconded by Richard Bigler, pursuant to Article 8 of the Environmental Conservation Law to **accept** the Part 1 Environmental Assessment Form as submitted and to seek Lead Agency status and **commence** a coordinated review among involved agencies on the proposed Piestrak Self-Storage Project located on the north side of Roll Road, east of Harris Hill Road. This Unlisted Action involves the construction of a self-storage facility in the Industrial Business Park Zone.

Jason Geasling	Aye	Jeffrey Buckley	Aye
Gregory Todaro	Aye	Timothy Pazda	Aye
Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED.

Meeting adjourned at 7:42 p.m.

Carolyn Delgato  
Senior Clerk Typist