

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday, May 18, 2022

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

The Broadway Group, LLC
Traditional Neighborhood District

Requests Development Plan approval of a conceptually approved Dollar General retail store at 10340-10344 Main Street.

Item 2

AJ's Restaurant
Traditional Neighborhood District

Requests recommendation to the Town Board of a Temporary Conditional Permit for outside dining at 10250 Main Street.

Item 3

McDonald's Restaurant
Major Arterial

Requests Site Plan approval for an expansion of the existing drive-through facility at 4987 Transit Road.

Chairman Robert Sackett called the meeting to order at 7:07 p.m.

Planning Board Members present:

Chairman Robert Sackett
2nd Vice-Chair Wendy Salvati
Patrick Johnson

Vice-Chair Richard Bigler
Gregory Todaro
Jason Lahti

Planning Board Members absent:

Jason Geasling

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:

Alfonso Turalti

Bill Weisbeck

Bob Lenz

Emily Stoll

Meeting Protocol

- 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.
- The Planning Board Meeting is streamed live via Zoom.
- The web link for the Zoom stream is on the published agenda.
- Available on Zoom for Viewing/Listening Only*
 *The Town reserves the right to continue the In-Person Meeting without the Zoom component should any technical issues arise.
- The Public is unable to comment during the meeting if they are participating via Zoom.
- There will be no Zoom Chat function utilized.

Item 1

The Broadway Group, LLC
 Traditional Neighborhood District

Requests Development Plan approval of a conceptually approved Dollar General retail store at 10340-10344 Main Street.

DISCUSSION:

Mr. Bleuer introduced this project, located at 10340-10344 Main Street. They are existing vacant parcels located in the Traditional Neighborhood District and Hollow Overlay.

The applicant is requesting Development Plan approval to construct a 9,100 sq. ft. retail building, parking and associated facilities.

This proposal has previously received a Negative Declaration under the State Environmental Quality Review Act and Concept Plan approval by the Planning Board in October of 2021. In January of 2022, the Landscape Review Committee approved the landscape plan. The Town Board then issued final Architectural approval in February. Finally, the Engineering Department signed off on the final Development Plan in May.

The Planning Board has Development Plan review authority for this proposal.

Deanna Hyche, Development Manager for the Broadway Group was present to further explain the project. Ms. Hyche thanked the Planning Board for their time with this project, and they are looking forward to getting the project under construction.

Mr. Todaro thanked Ms. Hyche for all of the work that has been put in to this project.

Mr. Todaro asked Ms. Hyche what the lighting plan is for behind the building. Ms. Hyche responded that there is no lighting in the back of the building. There is no need for any safety lighting, and any work that needs to be done in the rear of the building will be done during the day.

Mr. Todaro asked Ms. Hyche to explain the location of the dumpster. Ms. Hyche stated that the dumpster is on the the right side of the HVAC units in the rear of the building. Everything is behind the building, completely hidden and completely screened.

Mr. Todaro asked what the schedule is for the dumpster pickup. Ms. Hyche responded that despite her efforts, she has been unable to obtain that information at this time. Those schedules are not determined until after construction begins.

Ms. Hyche added that the contracts that they have with the providers, such as garbage state that services will be rendered during regular business hours.

Mr. Todaro asked for information regarding delivery times for the store. Ms. Hyche responded that delivery schedules are determined once the store is built. The schedules adjust based on volume of the store. Ms. Hyche noted that this building is also scheduled for fresh food as well, which will come in a separate delivery. According to a letter provided by the company, this delivery will take place sometime between the hours of 6:00 a.m. and 9:00 p.m. Ms. Hyche stated that she did inform the company that due to previous discussions with the Planning Board, she has assured the Board that deliveries are conducted during normal business hours.

Ms. Hyche added that the individuals on the letter that was supplied by the client have stated they are available for discussions once the construction is underway and the store opens as well. They did ask that Ms. Hych reiterate that delivery schedules will adjust as volume changes and the demand for items at the store change.

Mr. Todaro asked Ms. Hyche to explain the lighting for the monument sign that is located on the property. Ms. Hyche responded that they have proposed gooseneck lighting that matches the lighting on the front and side of the store.

Ms. Hyche also stated that they had several lighting options, they are willing to honor whatever the Planning Board chooses.

Mr. Todaro noted that as the sign design proceeds through the Sign Committee for review, he would like Ms. Hyche to adhere to the requests of the Clarence Hollow Community Character Protection Board. Ms. Hyche stated that they prefer the gooseneck lighting because of the snow and plows damaging ground lighting.

Mrs. Salvati noted that Ms. Hyché had indicated that all site lighting would be turned off one (1) hour after the close of business.

Ms. Hyché stated that normal business hours are 8:00 a.m. to 10:00 p.m. Lighting would be left on an additional hour for the staff to stock the store then safely access their vehicles. The vestibule light will remain on all night long for security purposes.

The only light on the rear of the building is a safety light under the egress door. Due to the side of the building that it is located on, that light will not remain on all night.

Mrs. Salvati asked about the noise from the HVAC units. Ms. Hyché responded that the units are similar to those that are used to cool a two-story, three-bedroom house. They have agreed to have all of the ducting be internal, which should help to minimize any noise.

Mrs. Salvati stated that it is important that the screening for the dumpsters is the same height as the dumpster, so that the dumpsters are not showing at the top of the screening.

Mrs. Salvati referred to Ms. Hyché's statements regarding deliveries during regular business hours as well as the monument sign at the street being externally lit, Mrs. Salvati asked if Ms. Hyché would agree to those being conditions of approval. Ms. Hyché responded yes, that she would prefer it that way.

In regards to Public Participation, the following spoke:

1. Scott Kreher of 4695 Pine Manor
 - What about empty carts that are unloaded throughout the day? Where will they be stored. If they're stored inside, will they be visible from the outside.

Ms. Hyché responded that they have previously agreed to enlarge the enclosure where the dumpsters will be stored to allow room to store the carts there as well.

ACTION:

Motion by Gregory Todaro, seconded by Richard Bigler to **approve the Development Plan** for the Dollar General retail store project at 10340-10344 Main Street per the submitted plan set by Bohler Engineering dated November 8th, 2019, with a final revision date of April 27th, 2022, all with the following conditions:

1. Applicant meeting the requirements of the Town of Clarence Engineering Letter of Approval, dated May 5th, 2022, and associated conditions.
2. Applicant meeting the requirements of the Landscape Committee Approval on January 6th, 2022, and associated conditions, including but not limited to, the maintenance of all landscaping, walls, and fencing in perpetuity and replacement, in-kind, should there be any deterioration, or death or disease to plantings.
3. Applicant meeting the requirements of the Town Board Architectural Approval on February 9th, 2022, including design, materials and colors.

4. Subject to Building and Engineering Department approval on any construction on the site.
5. Subject to Erie County Health Department, and New York State Department of Environmental Conservation approval if required, on any future on-site sanitary facilities.
6. Subject to New York State Department of Transportation approval for access to Main Street.
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. Dumpster enclosure shall remain closed at all times when not in use. Dumpster service shall occur in conformance with Town Code.
10. All lighting must be dark sky compliant and shielded to prevent spillage onto adjoining parcels. No lighting shall be elevated above the roof lines and all lighting shall be turned off no later than one hour after business hours except for necessary security lighting.
11. No outside display or storage of any kind on the property, including but not limited to goods, materials, vehicle storage, delivery vehicles or other items.
12. Any 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.
13. Subject to Open Space Fees.
14. Deliveries shall be managed within regular business hours.
15. Monument street sign shall be externally lit.

ON THE QUESTION:

Mrs. Salvati asked Mr. Todaro and Mr. Bigler if they would be willing to add two additional conditions. Both agreed, and the conditions #14 and #15 were added.

ACTION:

Jason Lahti	Aye	Patrick Johnson	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED.

Item 2

AJ's Restaurant
Traditional Neighborhood District

Requests recommendation to the Town Board of a Temporary Conditional Permit for outside dining at 10250 Main Street.

DISCUSSION:

Mr. Bleuer introduced this project, which is located at 10250 Main Street. It is an existing 1-acre parcel in the Clarence Hollow Traditional Neighborhood District containing an existing restaurant.

The applicant is requesting consideration of a Temporary Conditional Permit for outside dining. The outdoor dining area is proposed for the rear of the building, containing no more than 10 tables and a bar area. Hours of operation would not exceed 11:00pm.

The Planning Board is a recommending body for this proposal.

The applicant, Alfonso Turalti was present to represent his request.

Mr. Johnson noted that the dumpster on Mr. Turalti's property is not screened it, and it needs to be. Whether located in the rear or as it is brought forward on the property, per town requirements, it needs to be screened in.

Mr. Johnson asked if there is a walkway between the door to the bathroom and the rear of the facility. Mr. Turalti responded yes.

Mr. Johnson confirmed with Mr. Turalti that he plans to have the parking area striped, Mr. Turalti responded yes.

Mr. Johnson asked Mr. Turalti if the external music that will be piped through from the internal music. Mr. Johnson pointed out that when there is a live band inside, the music is shut off. So will that then mean that the outside music will be off as well? Mr. Turalti responded that he is unsure, and will look in to it.

Mr. Johnson asked about the light on the northern portion of the property, Mr. Turalti responded that there is no light in that location.

Discussion continued regarding whether there is a light in the location that Mr. Johnson is referring to.

Mr. Johnson asked if the light located in the rear of the property will be shut off at night when the other lights are turned off. Mr. Turalti responded yes.

Mr. Todaro asked if the lot is not paved but will be striped, will the stone lot be maintained. Mr. Turalti responded that only the south and west sides of the property will be striped, which are paved. The back area of stone will not be striped.

Mr. Johnson asked about the pipes that are protruding from the ground in the back area of the property, and whether they will be placed at ground level. Mr. Turalti responded yes.

Mrs. Salvati asked about the parking, specifically the spaces along the front (south) of the building, and the side (west) of the building. Mrs. Salvati asked if the spots located along the Main Street frontage will be striped as well. Mr. Turalti responded yes.

Mr. Todaro asked about the enclosure for the dining area itself. Mr. Turalti responded that it will be a 6 ft. high fenced in 40' x 40' area.

Mr. Sackett clarified that this board would recommend this request to the Town Board, who would then make the decision. The recommendations that this Board has made should be done within the first year, before renewal is considered. Mr. Turalti agreed to the recommendations that the board has made.

Mrs. Salvati requested that Mr. Turalti clean up around the sign located on the property.

In regards to Public Participation the following spoke:

1. Jim Borkman of 10186 Pineledge Dr. S.
 - Stated that there may have been confusion in regards to the lighting and he would like clarification.

Mr. Sackett noted that there are two lights located in the back of the Mr. Turalti's property, which Mr. Turalti has agreed to turn them both off at 11:00 as requested.

Mrs. Salvati stated that the one light they have referred to is located all the way back on the property and is very bright and can be seen from Strickler Road. Mr. Sackett added that preference would be that the light not go on at all if not necessary. Mr. Turalti responded that he will do that.

ACTION:

Motion by Patrick Johnson, seconded by Wendy Salvati to **recommend issuance of a Temporary Conditional Permit to the Town Board** for outside dining at AJ's Restaurant, located at 10250 Main Street per the submitted plan stamped received in the Planning Office on April 20th, 2022, subject to the following conditions:

1. Initial permit shall be for a term no greater than one year.
2. Applicant shall stripe the parking lot within the first year, and prior to consideration of permit renewal.
3. Applicant shall landscape around the business sign, subject to Planning Office approval, on Main Street within the first year, and prior to consideration of permit renewal.
4. Applicant shall screen dumpster area with code compliant dumpster enclosure within the first year, and prior to consideration of permit renewal. Dumpster enclosure to remain closed when not in use, and serviced in conformance with Town Code.
5. Outside dining area shall be closed no later than 11:00pm.
6. Outside music shall be limited to piped-in speaker music, and shall not exceed typical volume of the surrounding area.

7. Lighting shall be limited to decorative type lighting, and shall not shed beyond the property lines.
8. Outside dining area should not substantially contain more than ten (10) tables, with four (4) chairs per table.
9. Outside dining area shall be access controlled, with perimeter fencing.
10. Exterior pole lighting shall be turned off no later than 11:00 p.m.

Mr. Turalti heard, understands, and agrees to the conditions.

ON THE QUESTION:

Mrs. Salvati asked Mr. Turalti what time he typically closes. Mr. Turalti responded around 1:00 a.m. Mrs. Salvati asked Mr. Turalti if he understands that the pole lighting shall be turned off by 11:00 p.m. so any customers in the back parking lot after 11:00 p.m. will not have lighting. Mr. Turalti confirmed he understands, stating that customers do not generally exit from the back. Mrs. Salvati stated that while she would like to see the outside pole lighting off at 11:00 p.m., she does not want it to affect Mr. Turalti’s business, and if it does it needs to be addressed.

Jason Lahti	Aye	Patrick Johnson	Aye	Gregory Todaro	Aye
Wendy Salvatie	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED.

Item 3

McDonald’s Restaurant
Major Arterial

Requests Site Plan approval for an expansion of the existing drive-through facility at 4987 Transit Road.

DISCUSSION:

Mr. Bleuer introduced this project, located at 4987 Transit Road. An existing 1-acre parcel in the Major Arterial zone containing a fast-food restaurant and existing single-aisle drive through facility.

The applicant is proposing to expand the drive-through facility to include a secondary order lane.

Minor site changes are proposed as a result, including new striping/signage, landscaping.

The Planning Board has Site Plan review authority for this proposal.

Randy Bebout with Bohler Engineering was present, representing the applicant, McDonalds USA, LLC. Mr. Bebout explained that the main purpose of this side-by-side addition is to add capacity, which will ultimately result in better customer service.

Mr. Bebout explained that they will be moving the order point to a McDonald’s standard set distance. By moving it back, it will move the stacking from the order point back, but they are

moving it back a total of two car lengths, before adding an additional four-car stacking. This layout should reduce the possibility of cars blocking the handicapped parking areas.

Mr. Bebout stated that understanding the configuration of the rear access point, that lane is wide, and it makes it easier for people to make the wrong movement. The intent of this site, as well as most McDonalds sites, is that they are one-way circulation.

By adding the side-by-side, it reduces the width, which will hopefully deter people from making the wrong move.

Mr. Bebout stated that they are proposing a new sign, and will go through the proper process for that as needed. They will put in any sign that the board deems necessary.

Much discussion continued regarding the placement and types of signs.

Mr. Bebout explained that the newly proposed landscape island is not centered because it would interfere with the delivery trucks, therefore they had to offset it.

Mr. Bebout reiterated that this is existing, they are not changing parking or circulation. This site is not unique to other parcels with rear access points, they are attempting to improve the flow and customer service.

Further discussion regarding signage and the traffic flow continued.

Mr. Bebout stated that this plan makes them code compliant.

Mr. Lahti complimented the landscaping and trees.

Mr. Lahti asked whether this proposed project has gone to the Landscape Committee yet. Mr. Bebout responded that they have not, the plan was to address the comments of that committee. They do not have any specifics at this time, aside from adding trees.

Mr. Bebout stated that the concrete located along the center line of the back of the building up to the Handicapped parking spaces is new. The inside lane is 10 ft., the outside lane is 12 ft., the island in the middle will have a raised concrete curb that will be landscaped in between.

Mr. Bebout added that outside of the path will be a yellow stripe, guiding people to stay in the lane.

Mr. Lahti asked if there will be any lighting changes aside from the new proposed sign board. Mr. Bebout responded that no site lighting changes are being proposed.

Mr. Bebout stated that currently there are two digital menu / order boards which will be relocated, and two new ones will be added to service the outer lane. The gateway sign which is also referred to as a clearance bar, will become a double bar so that both lanes are protected.

Mr. Lahti stated that from his observation looking at the drawing, cars won't stack neatly in the lanes. From what he can see, it appears that rather than having one lane backed up to Transit Road, there will be two lanes backed up.

Mr. Lahti stated that this is changing the existing traffic pattern. Currently there is two-way traffic moving in and out of the aisle.

Mr. Bebout replied that it is not intending to be two-lane. It may be happening, but it is not intended to do so.

Mr. Lahti noted that there is no signage directing people to move to the right. There are no markings to indicate to the public that they need to stay to the right. Mr. Lahti added that there needs to be signage to indicate a new traffic pattern.

Much discussion ensued regarding signage.

Mr. Lahti asked Mr. Bebout if the sign indicating right turn only is printed or an arrow indicating the direction.

Mr. Bebout stated that they can show the picture of a right turn only, and also add the standard One-Way sign above or below, however they decide to stack it, to reinforce the movement.

Chairman Sackett asked if Mr. Bebout is stipulating that is what they will do. Mr. Bebout responded stated he doesn't have a preference. Chairman Sackett asked what the applicant is stipulating.

Mr. Bebout responded that they will do a right-turn only sign picture with a one-way sign above it.

Chairman Sackett noted that often times when the intention is to direct traffic, raised concrete known as "pork chops" are used. Chairman Sackett stated that traffic needs to be directed towards the right.

Chairman asked Mr. Bebout to re-think how to restrict wrong way traffic for all practical purposes. Mr. Bebout responded that it will be difficult for the delivery trucks if a pork chop was installed.

Discussion regarding the delivery trucks continued.

Much discussion continued regarding types and location of signage to be installed.

Mr. Bebout explained the configuration of the McDonald's in regards to pedestrian signage and door access in and out of the building.

Mr. Todaro asked if the entrance on the east side of the building is currently marked with two-lane striping. Mr. Bebout responded that they can make improvements to that area to assist with the traffic flow.

Discussion regarding traffic flow and signage continued.

Chairman Sackett confirmed with Mr. Bebout that he has stipulated to stripe the exits of the plaza in such a way as to indicate a left or right and a center. This would not prohibit trucks, but would direct traffic. Mr. Bebout responded yes.

Mr. Johnson asked Mr. Bebout if he has any idea of the percentage of the customers that park on the south side of the building exit and head north on Transit Road. Mr. Johnson continued to express his concerns with the multiple exits on the site.

Mr. Bebout stated that they would be willing to strip a crosswalk as a visual indicator that people are exiting. He is unaware of any issues that have occurred with that area.

Mrs. Salvati stated in regards to the entrance at the front of the building, she would like yield signs placed in order to alert traffic that there are cars moving through the area that they need to yield to.

Mrs. Salvati added that on the opposite side where there is an entrance near the drive-thru, she agrees that a crosswalk would be beneficial. Caution signage alerting to pedestrians would also be beneficial.

Further discussion regarding signage continued.

Mrs. Salvati stated that over signing the area would not be a bad thing.

Mrs. Salvati asked Mr. Bebout if he would overlay what they are proposing on top of the aerial photo, which they have submitted. A before and after with aerial photos would help better illustrate the changes.

In regards to Public Participation, no one spoke.

Chairman Sackett asked Mr. Bebout to review the amendments he feels comfortable agreeing to.

Starting at the back of the site and working forward, Mr. Bebout stated the following will be updated:

- Add triangular shaped striping hatching at the rear entrance.
- Cars will drive to the right, it will direct cars leaving the plaza, and allows cars moving from the south parking to the north and around. It will be triangular shaped, with a double yellow line extending to the limits of the parking spaces at the west end of the plaza driveway.

- In that same location, they will add a one-way sign on McDonald's property between the property line and the curb line of the rear drive. This will be made the one-way sign.
- At the tip of the island, they will add a right-turn only sign. It will be high enough to be seen over an average vehicle.
- Heading around to the north of the property they will add a painted 5 ft. wide crosswalk. He will verify whether there is currently a pedestrian sign on the back corner of the building, which is standard.
- Coming around the front bypass lane, a Yield sign will be added in front of the existing crosswalk.

Mr. Lahti asked if the items that Mr. Bebout listed should be included in the motion, or will they be in the record.

Mr. Sackett responded that a statement should be included to note that stipulations listed in regards to the striping and the signage.

Mr. Lahti asked whether the stipulations should be noted in the printed plan, because right now they are not. His concern is that this is the only approval.

Mr. Bengart stated that the conditions should be stated in the motion, and the applicant is asked whether they have heard, understands, and agrees to the conditions.

Mr. Lahti noted that an option is to request a revised drawing, then proceed with a potential approval at that point.

Mr. Lahti stated that his recommendation would be to have a revised site drawing with an overlay of the revisions including striping and additional details as stipulated.

ACTION:

Motion by Jason Lahti, seconded by Wendy Salvati to **table** this item to allow for a revision of the site drawing based on the comments and discussions that have been presented.

Jason Lahti	Aye	Patrick Johnson	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED.

Meeting **adjourned** at 8:20 p.m. with a motion by Chairman Sackett, seconded by Wendy Salvati.

Amy Major
Senior Clerk Typist