

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday May 3, 2023

Work Session 6:00 pm

Status of SEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:00 pm

Approval of Minutes

Item 1

Royal Car Wash
Commercial

Requests Development Plan and Final Architectural approvals of a Conceptually approved car wash facility located at 6685 Transit Road.

Item 2

Harris Hill Commons Open Space Design
Subdivision
Residential Single-Family

Requests Concept Plan approval of a proposed unit density increase of 19 residential single family lots from the originally approved 66 lots, upon control of additional land north of Old Trafford Court.

Item 3

Charles Pezzino
Traditional Neighborhood District

Requests Conceptual review of a proposed multiple family housing project to the rear of the property behind Samuel's Grande Manor at 8750 Main Street.

Item 4

Stephen Development / Dimar Manufacturing
Corporation
Industrial Business Park

Requests Concept Plan approval of a proposed industrial light manufacturing facility, located on the west side of Research Parkway, at Wehrle Drive SBL 83.00-3-15.111.

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

Councilman Shear led the Pledge of Allegiance.

Planning Board Members present:

Chairman Robert Sackett
2nd Vice-Chair Wendy Salvati
Jason Lahti

Vice-Chair Richard Bigler
Gregory Todaro

Planning Board Members absent:

Jason Geasling
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:

Richard Marotta	Angelo Caruso	Bob Koerner	Ann Koerner
Robert Callan	Craig Zimpfer	Sandra Bookmiller	Ed Nesselbeck
Dennis Murphy	Duane Pusch	Joe Freidas	Mike Metzger
Charlie Pezzino	Joyce Normondin	Kim Faso Tucker	Tim Tzetzto
Tom Lavocat			

Motion by Gregory Todaro, seconded by Richard Bigler to **approve** the minutes of the meeting held on March 29, 2023 as written.

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

MOTION CARRIED

Item 1

Royal Car Wash
Commercial

Requests Development Plan and Final Architectural approvals of a Conceptually approved car wash facility located at 6685 Transit Road.

DISCUSSION:

Mr. Bleuer introduced this project, located at 6685 Transit Road. An existing 2.3-acre parcel in the Commercial zone, currently containing a funeral home facility.

The applicant is requesting Development Plan and Final Architectural approvals for a Conceptually approved project involving the demolition of the existing funeral home facility and construction of a drive through car wash and associated facilities, including parking and vacuums. The car wash building is approximately 4,096 sq. ft., featuring brick walls and a peaked asphalt shingle roof. A three-lane right-of-way to Transit Road is planned, as required by the NYS Department of Transportation.

This proposal was referred by the Town Board to the Planning Board in July of 2021. In August of 2021, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA). During that review, the Town coordinated with numerous involved and interested agencies, resulting in a thorough and varied analysis of the proposal. Such review required additional studies and modifications from the applicant, including the potential for cross access to the proposed Bevilacqua mixed-use development to the south, and the modification of stormwater management practices. In January of 2023, the Planning Board issued a Negative Declaration under SEQRA, Conceptual Architectural, Concept Plan approval, and a recommendation of Special Exception Use Permit, with conditions. The Landscape Review Committee approved a final Landscape Plan, and the Engineering Department has determined that the Development Plan meets technical requirements. Most recently, the Town Board approved a Special Exemption Use Permit for the drive through car wash facility, after holding a Public Hearing.

The Planning Board has the authority to consider Development Plan and Final Architectural for this project. A Development Plan Approval would constitute the last Board action prior to construction.

Ari Goldberg from the law firm Barclay Damon, Austin Goodwin with Passero & Associates, and Anthony Danielle with Royal Wash Development were present to represent this request.

Mr. Goldberg briefly reviewed the project history, adding that the Planning Board conducts an extensive State Environmental Quality Review Act (SEQRA). Some of the relevant considerations from the SEQRA review are back before the board tonight for Development Plan approval.

Mr. Goldberg reviewed the findings of the SEQRA review and the Negative Declaration, pointing out the Clarence Master Plan 2030 encourages commercial business along the Transit Road Corridor.

The proposed building uses building materials that are compatible with the surrounding buildings styles. It is a colonial brick building with a segmented roof line, gables, and gooseneck lighting fixtures. It evokes the feeling of yesteryear, fitting within the adjacent Swormville area, within the Town of Clarence traditional aesthetics. This is not your typical commercial block structure.

Thorough reviews of this proposal have been conducted by the Town and other reviewing bodies both within and outside of the Town of Clarence. The New York State Department of Transportation, holding total jurisdiction over Transit Road, were heavily involved throughout the SEQRA process. Dictating the access that was approved with the Concept Plan, and have been the catalyst for all of the iterations of the multiple Traffic Impact Studies that have been conducted.

Mr. Goldberg continued to review the project and necessary approvals.

Mr. Todaro asked Mr. Goldberg to describe the building materials, design, and architecture of the building.

Mr. Goldberg explained that they brought the exact brick that will be used for the building to tonight's meeting, so that the Planning Board is able to see first hand the colors of the bricks that will be used. Additionally, they have a sample of the asphalt roof that they will be using.

Mr. Todaro asked if the brick will be used in a pattern, or in solid areas.

Project Engineer Austin Goodwin with Passero Associates explained that the elevations show the lighter and darker shades of the brick, basically indicating what the final product will look like. It will not be a random pattern.

Mr. Todaro asked for specificities of the gooseneck lighting.

Mr. Danielle explained that the gooseneck lighting is white metal down-lighting, night sky compliant, lighting up the signs that are not internally lit. They also supply a subtle down light on certain parts of the building for aesthetics.

Referring to the elevations, Mr. Todaro asked if there are sconce lights.

Mr. Danielle responded yes, they shine down in order to maintain night sky compliancy and provide subtle accent lighting.

Mr. Todaro asked if the existing light poles on the property will be upgraded and re-utilized.

Mr. Goodwin explained that the lighting plan has been reviewed and approved by the Town of Clarence Engineering Department and also the NYS DOT. They have a few requirements to meet, including limiting light pollution. There are a couple of light poles located on the south side of the property that they plan to reuse by keeping the original pole, replacing the lighting with LED lighting, and making them dark sky compliant.

Mr. Todaro asked how tall the existing light poles are.

Mr. Goodwin responded they are 15 ft.

Mr. Danielle stated that the original light poles were either 20 or 25 ft. tall, and at the Planning Board's request, they have been lowered to 15 ft. This height adjustment required a few extra light heads, but overall, the lights are dark sky compliant, with no light pollution on to adjacent properties.

Regarding the layout of the property, Mr. Todaro asked to confirm that the southeast side of the property there was a gravel parking area noted on some of the diagrams. Mr. Todaro asked what will happen to this area.

Mr. Goldberg responded that this existing parking area will be removed and turned in to greenspace. They will use wild grass seed and keep the area in its natural state once it is grown in.

Mr. Todaro confirmed that there will not be any parking to the east of where the paved area ends. Mr. Goldberg responded yes.

Regarding the 3 queuing lanes, Mr. Todaro asked how the machines work and if there are voice commands on the pay stations.

Mr. Goldberg explained that although there are 3 queuing lanes and 3 pay stations, only one arm will lift at a time. This will avoid any conflict as the 3 lanes narrow down in to 1 lane to proceed to the wash tunnel.

Mr. Danielle added that once a gate closes behind a vehicle, another gate will not open until the first car clears a loop under the pavement. It is designed to keep people in a que, and also how they know who gets which car wash that the purchased, eliminating the potential for any conflict in the queuing.

Mr. Todaro asked how many lanes proceed in to the car wash after the pay area.

Mr. Danielle responded that there is a 16 ft. wide single lane entering the wash tunnel. There are employees that work within that lane also, which is why it is a wider width.

In regards to mechanicals on site, Mr. Danielle explained that there will be water, sewer, gas and electric utilities on site. They are all underground and will come up either inside of the building or outside of the building, depending on where the meters will be located.

Mr. Todaro stated that wherever the mechanicals come up on the outside of the building, they would like for them to be shielded.

Mr. Danielle responded that the only thing that pops up on the roof are vents from the tankless water heaters. They would be happy to work with the Building Department to mitigate any place where it may be needed. They can use black piping which would blend in better with the black roof.

Mrs. Salvati noted that the black piping would satisfy them in terms of shielding.

Mr. Todaro asked if there will be a dumpster on site, and how it will be accessed.

Mr. Danielle stated that the dumpster area is enclosed with a gate for access. Employees have a separate gated door for access, eliminating the need to open the large gate utilized for refuse pickup. Garbage pick-up is generally in the morning before they open, therefore no interaction with customers happens.

Mr. Goldberg added that there is tree-screening of the dumpster enclosure, as part of the landscape plan.

Mr. Todaro reviewed the pay stations.

Mr. Todaro asked about the detention area, specifically where it is located on the property and if there will be any issues with vehicles driving over it.

Mr. Goldberg explained that it is located just south of the entrance lane, within the greenspace area. There will be no vehicles traveling over it due to its location.

Mr. Todaro asked what the hours of operation will be.

Mr. Danielle responded that generally the hours will not be earlier than 7:00 a.m. and no later than 10:00 p.m. Lights will go on no earlier than 1 hour before opening, and shut off no more than 1 hour after closing. The only exception are the wall sconces and other dim lights near the pay stations for security purposes.

Referring to the Gooseneck Lighting in the elevations photo, Mrs. Salvati stated that the bulb fixture needs to be more recessed in to the fixture.

Mr. Danielle explained that the photo is outdated, their lighting is correct.

In regards to Public Participation, the following residents spoke:

1. Joe Frieda, owns a business in Amherst
 - concerns about traffic
2. Rick Johnson
 - concerns about traffic
 - recommends video monitors placed on the property to assist with accidents
3. John Mahofsky
 - concerns about traffic
 - concerned with all of the animals on the property
4. Pete Montana of 6381 Bridlewood Drive S.
 - concerns about traffic
 - drainage will be an issue with water dumping, destroying the street
5. Robert Callan of 8075 Miles Road:
 - has reviewed the Traffic Impact Studies, discussed his thoughts
 - concerns about traffic
6. Angelo Caruso, General Manager of Bubble Boy Car Wash
 - this city has been the city of good neighbors until now with this project
 - concerns about traffic
 - reviewed his thoughts regarding the Traffic Impact Study
7. Calvin Caruso Jr
 - has heard more about lighting and trees than the hazardous materials concern he has
8. Rich Maratto
 - referred to Town of Clarence website and the guiding principle for the community used in the Board's decision

Public Participation for this project has been closed.

Chairman Sackett thanked the residents for sharing their concerns.

Mr. Goldberg reviewed Traffic Impact Studies (TIS) that they have conducted for this project, noting that the Traffic Impact letter stated that generally speaking, car washes do not generate enough trips to be considered having an adverse effect on traffic, according to the Institute of Traffic Engineers Manual.

Mr. Goldberg reviewed the several studies that have been conducted and the numerous agencies that are involved in the traffic studies.

Mr. Goodwin noted that the traffic studies have been conducted 4 times, and reviewed thoroughly by the Planning Board as well as other involved agencies. He further reviewed the assortment of times and days that the studies were conducted in order to gain proper information.

Mr. Goodwin explained that the NYS DOT is the New York State Department of Transportation, they have sole authority over Transit Road.

Mr. Goldberg explained that several traffic models were conducted, including one that pertained to this project, the proposed Bevilacqua project, and the proposed traffic light at Deer Creek Lane. Under the data that was obtained, it was projected that this car wash will still not have a significant adverse environmental impact on traffic.

Chairman Sackett reiterated that the Planning Board has no authority over Transit Road. It is their responsibility to assure that the decisions of the NYS DOT are completed and conducted accurately, to the best of the Board's ability.

Mr. Goldberg stated that this project has been very thoroughly reviewed by the administrative officials charged with the interpretation of the Town of Clarence Code, including both Code Enforcement, and the Engineering Department. None of them have raised the issue of hazardous materials on this site. There are no hazardous materials on site, and they would be willing to share the relevant documentation to support that.

Chairman Sackett explained that this Board is not the authority on hazardous materials, animals, environment, and several other concerns. What they are charged to do is assure that the authorities that can enforce the situations, are made aware and documented in the Planning Office within the project file. It is the Planning Board's responsibility to bring the data to all of the involved and interested agencies. Based on the reviews from the involved agencies, they make their decisions.

Mrs. Salvati noted that the applicant was required to conduct a study for cross-access to the proposed neighboring development with the goal of improving traffic safety.

Mr. Goldberg stated that they are committed to a cross-access agreement per the easement recorded that would allow cross-access between the properties.

Mrs. Salvati explained that while she can't imagine what types of hazardous materials they would need to keep and store on site as a car wash, New York State requires to keep detailed material safety data sheets on file at the location.

Mr. Bleuer clarified the hazardous waste comment, explaining that there are two portions of the Town of Clarence Zoning Code that reference hazardous waste; indoor storage and outdoor storage. They reference an actual section in our local law Industrial Hazardous Waste. That law is arranged to mirror the Department of Environmental Conservation (DEC) standard. As part of the DEC correspondence associated with this project, there were no industrial hazardous waste determined to be present on this site.

Mr. Danielle stated that they use soaps and waxes, they keep the information as required by law accessible. As part of their sewer application to connect in to the public sewer, the Sewer Department asks for the information as well, to assure that no toxins or otherwise hazardous materials are entering the sewer.

Mr. Danielle noted that all of the soaps and waxes are biodegradable and sewer friendly.

Mr. Bengart explained that like the Planning Board, the Town Board also does not have the authority to override the DEC, DOT or any other agency and must work and live with the decisions made by those boards.

Mr. Goldberg noted that the site is already impacted, they are reducing the amount of impervious surface. They are maintaining the existing tree line, and adding trees to the site. Because they are not disturbing any of the areas in the rear, there will not be any impact to existing wildlife.

Mr. Goldberg explained that SEQRA forces the applicant to take their own hard look at a project, while the Board also reviews the environmental impacts.

Chairman Sackett explained that the Board makes their decisions individually. Unanimity on a vote is merely the members agreeing, based on their own decisions.

Mrs. Salvati pointed out that their decisions are based on what they have authority on, which is the Town of Clarence Zoning Law. They look at all aspects of site design, because this Board is charged with making projects look the best that they can.

Mr. Todaro asked about the concern regarding water on Transit Road.

Mr. Danielle responded that the topic has come to them before from the DOT, they have worked to do a better job of getting water off of the vehicle before it exits the wash tunnel. Though it doesn't mean there won't be any water on the vehicles upon exiting, they have mitigated to the extent that they can. They have modified their blowers to force air underneath the vehicle, forcing a bulk of the water off of the vehicle. They have agreements with the DOT stating that if there is a proven issue with water from their facility damaging the road, they will be forced to help pay for the repairs.

Regarding the suggestion of placing video cameras on the proposed property for traffic safety reasons, Mr. Danielle responded that he will refer to the DOT for recommendation if needed.

Chairman Sackett explained that traffic is a confluence of all businesses in an area, not one single business. It would not be up to one specific business to install video monitoring for traffic safety.

Mrs. Salvati asked if the area at the back of the site where they are removing the pavement and putting in plantings, do they plan to mow that area or let it grow naturally?

Mr. Danielle responded that they intend to plant wild grass and let it grow naturally, which will restore the habitat.

ACTION:

Motion by Gregory Todaro, seconded by Richard Bigler to **approve** the Royal Car Wash **Development Plan**, located at 6685 Transit Road, per the submitted drawing by Passero Associates, dated September 2021, with a final revision date of March 20th, 2023, and to **approve** the **Final Architectural** drawings by Passero Associates dated January 10th, 2022, all with the following conditions being met:

1. Applicant meeting the requirements of the Town of Clarence Engineering Development Plan Review Letter dated March 30th, 2023.
2. Applicant meeting the requirements of the Town of Clarence Engineering and Building Departments, and any associated conditions, prior to any permits being obtained for the construction on the property.
3. 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 and fencing in perpetuity and replacement, in-kind, should there be any deterioration, or death or disease to plantings, including street trees.
4. Installation of no less than 4 deciduous street trees on the property along the Transit Road frontage. Trees to be a minimum of 2.5” caliper, double staked, and species to be chosen from the Town’s recommended street tree list, planted and maintained per the Town’s Tree Management Plan. Tree species and locations shall be reviewed and approved by the Town of Clarence Planning Office prior to installation.
5. Subject to New York State Department of Transportation approval for access to Transit Road.
6. Subject to Erie County Division of Sewerage Management review and approval, and additional regulatory agencies, as required, for connection to the sanitary sewer system within Erie County Sewer District # 5.
7. All site lighting shall be dark sky compliant and shielded to prevent glare and spillage onto adjoining properties. 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.
8. Buildings to be constructed per the labelled and approved materials and colors.
9. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as approved.
10. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
11. No outside display or storage of materials, goods, or other business-related products of any kind on the property, including but not limited to: vehicles, trailers, equipment, and storage containers.
12. Dumpster enclosure shall remain closed at all times when not in use. Dumpster service shall occur in conformance with Town Code. No garbage or debris shall accumulate outside of the dumpster.
13. 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.
14. Should the ability to cross-connect to the land to the south become available, the applicant agrees to use its best efforts to facilitate such cross-connection.
15. Subject to Open Space, and any other applicable fees as required by Town Code.

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

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

MOTION CARRIED

Item 2

Harris Hill Commons Open Space Design
Subdivision
Residential Single-Family

Requests Concept Plan approval of a proposed unit density increase of 19 residential single family lots from the originally approved 66 lots, upon control of additional land north of Old Trafford Court.

DISCUSSION:

Mr. Bleuer introduced this project, located on the south side of Greiner Road, west side of Harris Hill Road. It is a previously approved 66-lot Open Space Design subdivision located in the Residential Single-Family zone on approximately 62 acres.

The applicant is requesting Concept Plan approval of a proposed unit density increase of 19 residential lots, as a phase 4 expansion of the previously completed subdivision. The applicant has gained control of an additional 8.10 acres north of Old Trafford Court from the adjacent church parcel, owned by Eastern Hills Church.

This project was referred from the Town Board in July of 2022. The Planning Office initiated a coordinated review under SEQRA for this density increase in August of 2022, and the Planning Board continued the coordinated review during their September 7, 2022 meeting. During that review, the Town coordinated with numerous involved and interested agencies, resulting in a thorough analysis of the proposal. Such review has required additional studies and modifications from the applicant, including the addition of sidewalks along Harris Hill Road and Eastmoor Lane.

The applicant is requesting an action under the State Environmental Quality Review Act (SEQRA), Concept Plan approval, and a recommendation to the Town Board for an Open Space Overlay for an Open Space Design Development subdivision.

Ken Zollitsch with the engineering firm Greenman Pederson Inc., as well as the developer Windsor Ridge Partners were present to represent the project.

Mr. Zollitsch explained that this is the next phase in the Harris Hill Commons development, the previous phases have completed construction and built out.

Mr. Zollitsch explained that the additional 19 proposed lots are similar to the existing lots, although smaller. The Open Space Design layout requires 50% open space for any new development coming in to the parcel, and they currently have just over 50% open space with this development.

Mr. Zollitsch continued, stating that all proposed work will be public, which includes sewer, roads, and water lines.

Mr. Zollitsch noted that concept approval is the first in many steps of the review process, which he reviewed. Additionally, at the request of the Town of Clarence Mr. Zollitsch acknowledged that they have agreed to install a sidewalk. This sidewalk will start at the intersection of Anfield Rd. and Eastmoor Lane, proceed east to Harris Hill Road, and extend down Harris Hill Road to the Harris Hill Commons Mixed-Use project at the corner of Harris Hill Road and Sheridan Drive.

Mr. Lahti thanked the applicant for agreeing to install the sidewalks, they will be a nice feature for that area, and also preserving greenspace along Harris Hill Road.

Mr. Lahti asked for clarification on the amount of open space disturbed with this project.

Mr. Zollitsch responded that the amount of disturbance is slightly higher than what would be the permanent open space, part of that will be for site infrastructure. Mr. Zollitsch explained and reviewed the small bio-retention area on site that will be installed that will account for a small area of disturbance.

Mr. Lahti asked if a separate Homeowners Association (HOA) will be needed from the existing subdivision.

Mr. Zollitsch responded yes.

Mr. Lahti stated that the current landscape plan is vague, and will need to be more detailed specifically the buffer for the residents of Glenwood Drive and Old Trafford Court. Understanding that this will be done with the Development stage of the review process.

Mr. Zollitsch responded that they understand, and are aware that typically subdivisions are required to work with the Landscape Review Committee. They would like to leave as many of the viable trees in place, and fill in the gaps with additional foliage.

Referring to the Part 1 Short Environmental Assessment Form, Mr. Lahti asked if a wetland walk-over has been conducted in order to determine potential wetlands and impacts.

Mr. Zollitsch stated that it has been completed, and it is his understanding that there are no jurisdictional wetlands located on the property. The Army Corp of Engineers has submitted a letter for verification.

In regards to Public Participation, the following residents spoke:

1. Sandra Bookmiller of 5095 Glenwood Drive:
 - reviewed issues and concerns she has spoken of previously
 - drainage issue, she has noticed a drastic change in her backyard and wooded area behind her backyard
 - many trees have been uprooted
 - water level has increased
 - how will they be assured that the buffers between Glenwood properties and those in the new development will be something the current residents approve of
 - asked about a huge pipe in the new development where water comes through. Where is the water coming from and how will it be affected when new properties are developed
2. Craig Zimpfer of 5035 Glenwood Drive:
 - what assurances can they have that the buffers will be made

3. Tim Tetzo of 5025 Glenwood Drive:

- drainage on Glenwood Drive is horrible, everything flows downhill from Sheridan to the park
- new development will not help, it will add to that
- they will all have more water in their backyards
- buffer between Glenwood and the new development has not been put in as it is supposed to be
- how will they have assurance that they will have the buffer that they are being told they will have

Public Participation was closed for this project in this meeting.

Mr. Zollitsch returned to address the questions and concerns, starting with the drainage. In terms of how it will work on this site, by New York State law they are not permitted to discharge any of their drainage on to adjoining properties. Understanding that there are existing concerns and issues on Glenwood Drive, this does occur when they abut up to older neighborhoods that don't have the facilities that are now required by New York State as well as the Town of Clarence.

Mr. Zollitsch explained that with this site, the drainage will be collected around the perimeter of the cul-de-sac, run easterly across Anfield Lane and in to the existing pond that is located behind a few of the lots located between Anfield Lane and Harris Hill Road.

Mr. Zollitsch stated that while he can't promise they will improve the existing drainage issues and concerns, he can say that they will not make them worse, and by law are not permitted to make it worse.

Mr. Zollitsch is not sure of the pipe that was referred to, but they will look in to it and report back to the Planning Office in time for Development review.

Regarding the buffer, Mr. Zollitsch stated that they can put fencing up along the limits of disturbance in the back of the lots indicating where the property ends and before reaching the common area. Part of the buffer on the existing property has already been cleared by the residents on Glenwood, not truly knowing where the property line is unless staked out in a survey.

Mr. Zollitsch stated that they are open to suggestions for an agreeable solution to provide an adequate buffer.

Chairman Sackett suggested the applicant meet with the residents that voiced their concerns at tonight's meeting to review their proposed landscape plan prior to going to the Landscape Review Committee.

Mr. Zollitsch responded that they would be glad to do so.

Mrs. Salvati asked if the rear yard drainage flowing in to the basin is oversized to accommodate the next phase.

Mr. Zollitsch responded yes.

Mr. Bigler clarified that as development progresses, the surveyors will clearly mark where the property lines are, so as to avoid any confusion. This way the residents of Glenwood Drive can clearly see where their properties begin and end.

Elliot Laskey with the developer Windsor Ridge Partners noted that they will have corner stakes showing the corners of the property. If it helps to put a third one in the middle to show the property line, they will gladly accommodate that.

ACTION:

Motion by Jason Lahti, seconded by Gregory Todaro that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Environmental Assessment Form as prepared and to **issue a Negative Declaration** on the Harris Hill Commons Open Space Design Subdivision Expansion on the south side of Greiner Road, west of Harris Hill Road. This Unlisted Action involves the development of up to 19 residential single-family lots and associated infrastructure in the Residential Single-Family zone, Erie County Sewer District No. 5 and Clarence Sewer District 10. After thorough review of the submitted plans, reports, comments, and Environmental Assessment Forms it is determined that the proposed action will not have a significant negative impact on the environment.

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

MOTION CARRIED

Motion by Jason Lahti, seconded by Gregory Todaro to **approve the Harris Hill Commons Open Space Design Subdivision Phase 4 Expansion Concept Plan** on the south side of Greiner Road, west of Harris Hill Road, as per the submitted concept plan by GPI dated April 2022, all with the following conditions being met:

1. Applicant meeting the requirements of the Town of Clarence Engineering preliminary grading and drainage review, and associated conditions.
2. Applicant meeting the requirements of the Town of Clarence Building Department preliminary fire code compliance review, and associated conditions.
3. Applicant meeting the requirements of the Town Highway Department.
4. Applicant submitting a landscape plan for review and approval by the Landscape Review Committee prior to Development Plan approval, to include a minimum of two double-staked street trees per lot, and vegetative buffer between the newly created lots and existing lots along Glenwood Drive.
5. All lots shall be developed per the lot data table placed within the development plan set, including but not limited to, basement type, lot grading type, and setbacks.
6. Applicant agreeing to grant and prepare any easements determined to be necessary by the Town of Clarence Engineering Department, based on technical review of a fully engineered Development plan set. Said Easements shall be submitted by the applicant for review and approved by the Town Engineering, Highway and Legal Departments. After approval, 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.
7. A homeowner’s association shall be created by the applicant, and a copy of the bylaws, rules and regulations shall be prepared and submitted to the Planning Office and Town Attorney’s Office for review and approval prior to Final Plat approval by the Town Board.

8. A Conservation Easement to permanently protect all identified open space shall be prepared by the applicant and submitted to the Planning Office and Town Attorney’s Office for review and approval prior to Final Plat approval by the Town Board. Said Conservation Easement shall be submitted by the applicant for review and approval by the Legal Department. After review and approval, 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.
9. All Open Space to be permanently monumented via a marker at the perimeter of all adjacent exterior lot lines. Such markers shall be approved by the Planning Office prior to installation, and maintained in perpetuity by the homeowner’s association.
10. Installation of 5’ wide sidewalks, constructed in conformance with ADA standards and as approved by the Town Engineering Department, in conformance with the submitted sidewalk exhibit, dated April 2023. Sidewalks shall constitute fulfillment of the required recreational component, and recreation fee.
11. No construction vehicles shall access the property from Glenwood Drive.
12. Any subdivision signage subject to review and approval by the Sign Review Committee.
13. Subject to Open Space Fees and any other applicable fees as required by Code.

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

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

MOTION CARRIED

Motion by Jason Lahti, seconded by Gregory Todaro to **recommend** to the Town Board approval of an Open Space Design Overlay for the Harris Hill Commons Open Space Design Subdivision Phase 4 Expansion as per the approved concept plan and associated conditions.

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

MOTION CARRIED.

Item 3

Charles Pezzino
Traditional Neighborhood District

Requests Conceptual review of a proposed multiple family housing project to the rear of the property behind Samuel’s Grande Manor at 8750 Main Street.

DISCUSSION:

Mr. Bleuer introduced this project, located at 8750 Main Street on the north side of Main Street, east of Harris Hill Road. The property is an existing banquet facility and apartments in the Traditional Neighborhood District.

The applicant is requesting preliminary Conceptual review of a 20-unit multiple-family housing project to the rear of the existing Samuel’s Grande Manor property. Two, 10-unit townhouse buildings are proposed, with attached garages.

In 2021, the applicant previously proposed a 24-unit multiple-family housing project to the rear of the existing Samuel's Grande Manor property. The applicant has since determined that the project was cost-prohibitive, and will now be exclusively pursuing this 20-unit proposal. In March of this year, the Town Board referred this proposal for conceptual review.

The initiation of a coordinated review under the State Environmental Quality Review Act will allow for involved agency and interested party comment.

Michael Metzger with Metzger Civil Engineering, and the applicant Charles Pezzino were present to represent the request.

Mr. Metzger added that the concept approval for the previous project had been granted, and they were well in to Development planning when they determined that it would be more cost effective to amend the plan and bring it back before the Planning Board.

Mr. Metzger explained that the new plan looks very similar to the previous plan, including interior parking, and two buildings with 10 units per building. This amended project is less dense than the previous building, otherwise basically the same.

Mrs. Salvati explained that because this project will go through the State Environmental Quality Review Act (SEQRA) process again, she has reviewed the Environmental Assessment Form, and has a couple of questions.

Mrs. Salvati confirmed that there will not be any basements with these units.

Mr. Metzger confirmed there will not be basements.

Mrs. Salvati asked how will construction vehicles access the site?

Mr. Metzger stated that Samuel's Grand Manor is a business that primarily focuses on weekends and evenings, the plan is to utilize the west side. If this becomes an issue, they will redirect and use the east side of the property.

Referring to the application, Mrs. Salvati asked if there will be construction between the hours of 7:00 a.m. and 6:00 p.m. on Saturdays.

Mr. Metzger responded that it will depend on the contractor, it is possible not probable. He wanted to be sure he covered all possibilities when he filled out the EAF.

Mrs. Salvati asked how solid waste will be removed.

Mr. Metzger stated that the same dumpsters utilized for Samuel's Grand Manor will be used for the residents. The expectation would be that they would take their garbage and recyclables to the dumpsters.

Mrs. Salvati noted that 55% of the site is poorly drained, and asked if that will affect the performance of the septic system.

Mr. Metzger responded that they will be installing a sand filter which will be totally lined, with absorption trenches to absorb in to the ground. This will all be reviewed by the Town of Clarence Engineering Department as well as the Department of Environmental Conservation (DEC) and the Health Department.

Mrs. Salvati noted that according to the EAF, the project may contain some oak openings, and wondered where they are on the site or will they be impacted.

Mr. Metzger responded that the auto-fill part of the assessment form indicated that the area may contain part of that habitat community, not necessarily on the site itself. They have done what they can to minimize impacts to the treed areas based on suggestions made by the Planning Board. They have brought the septic system closer to the project site in order to keep the natural habitat in its natural stated.

Mr. Metzger continued, stating that much of the area where the proposed project will go has already been disturbed, it is currently a parking area.

Discussion continued regarding what will potentially be disturbed and what will not.

Mrs. Salavati questioned what is happening at the back of the site, where there seems to be some activity going on.

Mr. Metzger explained that National Fuel is in town doing local work, and they have an arrangement with the applicant to park their trucks on the property at night. It is a short-term arrangement.

Mrs. Salvati reminded Mr. Metzger that when returning for Concept Review, a colored elevation will be required.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Wendy Salvati, seconded by Richard Bigler that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Long Environmental Assessment Form as submitted and to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies on the proposed Pezzino Multiple Family Housing project at 8750 Main Street in the Traditional Neighborhood Design District. This Type I Action involves the construction of a multi-family housing project behind Samuel’s Grande Manor, featuring 20 multiple family units, parking and associated facilities.

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

MOTION CARRIED

Item 4

Stephen Development / Dimar Manufacturing Corporation
Industrial Business Park

Requests Concept Plan approval of a proposed industrial light manufacturing facility, located on the west side of Research Parkway, at Wehrle Drive SBL 83.00-3-15.111.

DISCUSSION:

Mr. Bleuer introduced this project located on the west side of Research Parkway, at Wehrle Drive SBL 83.00-3-15.111. A proposed 6.4-acre parcel zoned Industrial Business Park, to be split from the existing parent parcel, with access to Research Parkway.

The applicant is requesting Concept Plan and Conceptual Architectural approvals of a proposed +/- 50,000 sq. ft. light manufacturing / office building as an extension of Research Parkway. The proposed structure will be occupied by Dimar Manufacturing Corporation. Associated facilities include parking, loading docks, and stormwater management areas.

In October of 2022, the Town Board referred the Stephen Development industrial business park and commercial solar facility, as an extension to Research Parkway. In November of 2022, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA). In February of 2023, the applicant solely advanced the Dimar facility portion, and the Planning Office initiated a secondary coordinated review under SEQRA for the Dimar specific portion. Since that time, the applicant has modified the proposal to address comments received; including the modification of the concept plan to reduce the number of curb cuts, and modification of the conceptual architectural plans to reduce amount of metal siding.

Though not on the agenda this evening, the overall Research Parkway Expansion proposal remains active, and in coordinated review.

The applicant is requesting an action under the State Environmental Quality Review Act, Concept Plan approval, and Concept Architecture approval.

Noel Dill with Stephen Development and Michael Metzger were present to represent this request.

Mr. Dill explained that multiple changes have been made to this project since it last appeared in front of this Board. The entire concept has been completely reworked; emergency fire access has been relocated, and they have been able to buffer a small section of DEC wetlands.

Mr. Dill reviewed the attributes of the facility and the ability to keep so many jobs here in Clarence.

Mr. Lahti thanked Mr. Dill for all of the changes and improvements that they have made to the proposed project.

Mr. Lahti noted that the plan meets the Board's standards to move forward with Concept approval.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Jason Lahti, seconded by Wendy Salvati that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Environmental Assessment Form as prepared and to **issue a Negative Declaration** on the proposed Dimar Manufacturing Facility on Research Parkway. This Unlisted Action involves the construction of a light manufacturing facility, parking, and associated facilities in the Industrial Business Park zone, and within Erie County Sewer District # 5. After thorough review of the submitted plans, documents, meeting minutes, reports, letters, and Environmental Assessment Forms, it is determined that the proposed action will not have a significant negative impact on the environment.

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

MOTION CARRIED

Motion by Jason Lahti, seconded by Wendy Salvati to **approve** the Dimar Manufacturing **Concept Plan**, located on Research Parkway, SBL 83.00-3-15.111, per the submitted drawing by Metzger Civil Engineering, dated December 2022, with a final revision date of April 13th, 2023, and to **approve** the **Conceptual Architectural** drawings by Kulback’s dated February 2023, all with the following conditions:

1. Applicant meeting the requirements of the Town of Clarence Engineering preliminary grading and drainage review, and associated conditions.
2. Applicant meeting the requirements of the Town of Clarence Building Department preliminary fire code compliance review, and associated conditions.
3. Subject to Development Plan review by the Town, including a technical review of the final Development Plan by the Town Engineering Department.
4. Subject to Town Building and Engineering Department approval prior to any permits being obtained for the construction on the property.
5. Subject to Clarence Highway Department approval for access to Research Parkway.
6. Subject to Erie County Division of Sewerage Management review and approval, and additional regulatory agencies, as required, for connection to the sanitary sewer system within Erie County Sewer District # 5.
7. Landscape Committee approval of a final landscape plan prior to Development Plan approval, including dumpster location and screening, fencing, and planting details where applicable. In addition, a maintenance plan shall be submitted as part of the landscape plan to ensure landscaping and fencing remain in perpetuity, and is replaced in kind should there be any deterioration or death or disease to plantings.
8. Review of a lighting plan prior to Development Plan approval. 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 one hour after business hours except for necessary security lighting.
9. Final building elevations to be submitted as part of the Development Plan review, including the labelling of material types and colors.
10. Any exterior building mechanicals shall be identified, detailed, and shielded on any future Development Plan submittals.

11. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as approved.
12. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
13. No outside display or storage of materials, goods, or other business-related products of any kind on the property, including but not limited to: vehicles, trailers, equipment, and storage containers.
14. 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.
15. Subject to Open Space Fees and any other applicable fees as required by Code.

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

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

MOTION CARRIED.

Meeting **adjourned** at 9:12 p.m. with a motion by Wendy Salvati.

Amy Major
Senior Clerk Typist