

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday, May 4, 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

Tarpon Towers II, LLC.
Agricultural Rural Residential

Requests initiation of a Coordinated Review under the State Environmental Quality Review Act for a proposed 149' tall telecommunication tower at 6879 Salt Road.

Item 2

Bank on Buffalo
Traditional Neighborhood District

Requests Site Plan Approval for parking lot and access modifications at 9470 & 9490 Clarence Center Road.

Item 3

John Langworthy II
Agricultural Rural Residential

Requests recommendation of a Special Exception Use Permit for a secondary living unit at 10425 Keller Road.

Item 4

GMA Concrete Design
Industrial Business Park

Requests Concept Plan Approval of a proposed warehouse/office building at 9377 County Road, SBL 44.00-1-52.

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

Planning Board Members present:

Chairman Robert Sackett
Gregory Todaro
Patrick Johnson

Vice-Chair Richard Bigler
Jason Geasling
Jason Lahti

Planning Board Members absent: Wendy Salvati

Town Officials Present:

Director of Community Development Jonathan Bleuer
 Junior Planner Andrew Schaefer
 Councilman Paul Shear

Other Interested Parties Present:

W. Zahn	Trina Boller	Rolland Boller	Lindsey Boller
Kelly Macoff	Kevin Macoff	Ronald Snider	Patt King
Ryan Sandner	Dave VanHoutte	Karen VanHoutte	Mike Noah
Megan Kosmoski	Steven Kosmoski	Richard Budde	

Motion by Gregory Todaro, seconded by Richard Bigler, to **approve** the minutes of the meeting held on March 30, 2022, as written.

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

MOTION CARRIED

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.
- 3-minute time limit on public comment / questions.
- 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.
- The Town and / or Board Chair reserve the right to pause or stop the meeting at any point due to technical issues.
- 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

Tarpon Towers II, LLC.
 Agricultural Rural Residential

Requests initiation of a Coordinated Review under the State Environmental Quality Review Act for a proposed 149’ tall telecommunication tower at 6879 Salt Road.

DISCUSSION:

Introduced by Jonathan Bleuer, this parcel, located at 6879 Salt Road is an existing 75.7-acre parcel located in the Agricultural Rural Residential zone and designated as a Local Historic Landmark. This parcel contains a residence, farm operation and wind turbine.

The Applicant is requesting initiation of a coordinated review under the State Environmental Quality Review Act to consider a 149' tall telecommunication tower on the northeast corner of the property, with access to Hunts Corners Road.

Based on comment received by the Town Board, the applicant has relocated the proposed tower away from Hunts Corners Road in favor of a location to the northeast corner of the property.

A full environmental review is required under the State Environmental Quality Review Act. The Historic Preservation Commission will be an involved agency due to the property being a Local Historic Landmark.

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.

Jared Lusk, from the law firm Nixon Peabody was present to represent the applicants Tarpon Towers and Verizon Wireless.

Mr. Lusk stated that this area of town is currently being served by three sites:

1. Verizon Wireless located in the Town of Royalton
2. Akron
3. Clarence Center

These three sites were overloaded before COVID, but with the additional work and school from home that has occurred since COVID, the sites are working well over capacity.

The need was to locate a tower in the middle of the three existing sites in order to offload traffic from the existing sites, to the new tower. Also, to provide direct coverage on a number of frequencies, in the area.

Ultimately, the proposed tower serves two purposes; to relieve the surrounding properties, and to provide direct coverage on some of the frequencies that Verizon is now operating.

Mr. Lusk noted that based on comments from the Town Board, the proposed tower was relocated further to the northeast corner on the property and closer to the trees.

The proposed tower is approximately 1,450 ft. from the closest residential structure.

The Town Board had asked whether or not any of the surrounding towers were able to be utilized, which Mr. Lusk noted that they explained to the Town Board why this wasn't a possibility.

The Town Board had also requested that the applicant recognize the proposed tower as a total 149 ft., and that a height variance would be needed. Details were provided concerning the coverage, and their engineer provided additional details for the 145 ft. pole, which is technically 149 ft. with the lightning rod at the top of the pole counted in the total height of the pole.

There is a diesel operated back up generator in the event of a power outage.

Mr. Todaro thanked Mr. Lusk for taking the Town Board's recommendation and moving the tower to the new location. The northeast corner of the property is a more suitable location, considering the parcel.

Mr. Todaro asked Mr. Lusk to describe the tower from the standpoint of services. Will there be shared services, accommodating leases for additional carriers as well as Verizon.

Mr. Lusk responded, stating that Tarpon is in the vertical real estate business, and it is within their business plan to offer additional tenants on the tower.

Mr. Todaro asked Mr. Lusk to explain the business plan, and whether it is 4G or 5G. Mr. Lusk explained that the tower is built for 4G, though it could be used for 5G in the future, the current technology is for 4G service.

Mr. Todaro asked whether there are any imminent plans for 5G service, Mr. Lusk responded no, not that he is aware of.

Mr. Todaro noted that there is also a windmill on the property, and asked if the fall zones for either the proposed tower or the windmill would interact with one another.

Mr. Lusk responded that he is not aware of the windmill's distance from the proposed project, and that the tower that they are proposing does not fall like trees, they are engineered to fall in to themselves.

Mr. Todaro asked Mr. Lusk to explain how the access road, which leads to the proposed tower from Hunts Corners Road, will be constructed.

Mr. Lusk responded, stating that the access road will be a gravel road, approximately 12 ft. wide, located along the eastern property boundary. It will be wide enough to accommodate a service truck, which will enter the property approximately 2-3 times per month. A diesel truck would also utilize the road once a month to service the generator.

Mr. Todaro asked Mr. Lusk how the access road will be secured. Mr. Lusk responded that typically there is a gate located near the street, but stated that he will confirm that.

Mr. Todaro asked Mr. Lusk to describe the fuel tank, what kind of fuel will be used, the generator, and how that area will be secured.

Mr. Lusk responded that the area will be enclosed within a fenced in area, with barbed wire around the top of the 7 ft. tall fence.

Discussion continued regarding the fuel tank and generator specifics.

Mr. Todaro stated that during the Coordinated Review he will ask that the Federal Aviation Association takes a close look at the location of the proposed cell tower.

Mr. Todaro asked Mr. Lusk if he knows whether there is any need for the State Historic Preservation Office (SHPO) to do a review within the Coordinated Review. Mr. Lusk responded, stating that SHPO conducted an analysis with the first location, and responded that from a SHPO perspective, there were no adverse impacts. With relocating the tower, it restarted the SHPO process.

In regards to Public Participation, the following residents spoke:

1. Lindsey Boller of 6790 Salt Road:
 - Lives across the street from the property where the proposed tower is planned.
 - A tower would take away from the aesthetics of the historic landmark as well as the rural views that the residents enjoy in the area.
 - Would like clarification as to the location of the windmill, whether it's staying where it is, or being relocated.
 - Is this the only possible location for a cell tower, or is there an alternate location that would provide the service that is needed.
 - Will the tower be in front of the trees, in the trees, and how will it be displayed or covered within the area.
 - If it is turned in to a 5G tower, will community members be notified.
2. David VanHoutte of 6731 Salt Road:
 - Concerns regarding aesthetics in the area. There is a tower behind the bus garage on County Rd. and you can see it above everything else in the immediate area.
 - He can see, hear, and feel the wind turbine from his back deck.
 - Health concerns are also a concern, he doesn't want to be a future statistic in a health study.
3. Megan Kosmoski of 6969 Salt Road
 - Has several health concerns about a cell tower proposed for this property. Does not want to have to tell her boys someday that they can't have children because of the cell tower that was placed next to them.
 - Understands she is outside of the 500 ft. notification area, but concerned that she wasn't notified of this meeting.
4. Bill Zahn of 10745 Miland Road
 - Stated he can also see the proposed location for the tower from his residence.
 - Why does the proposed tower need to be 150 ft. tall.
 - Asked that if approved, that the cell tower is decorated like a pine tree.
5. Kelly Macoff of 6721 Salt Road
 - Placing a cell tower on historical property and in close proximity to her home is a concern to her.
 - Research shows that properties on or close to cell towers lose 10-30% of their property value.
 - Why can't the cell tower be erected on County Road amongst the commercial and industrial properties where nobody would care if it was there.

Chairman Sackett stated that the Planning Department goes out of the way to involve all of the residents. If you sign in on the sheet and provide your name and address, identifying that this item is your interest, you will be added to the neighbor notification list.

6. Ronald Snider of 10807 Hunts Corners Road:

- Concerned about whether or not the proposed tower will ever transition to 5G.
- Proposed location is directly in the flight path.
- Decreased property values are also a concern.
- Wants area to remain rural.

Public Participation for this item has been closed for this meeting.

Mr. Lusk reviewed the application, and clarified that there are nine antennas on the proposed tower, with three 5G antennas included in those nine.

Mr. Lusk stated that there is currently no security gate planned at the proposed location, he will confirm with the engineers to make sure that they include one.

Mr. Lusk stated in regards to the health concerns, that the proposed project will run within federal and FCC guidelines. They are required to operate within applicable standards.

Included within the application is a certification from a third-party engineer that has reviewed the frequencies and has confirmed that Verizon is operating well within the federal limits. This certification has been provided in the report.

Customarily if the limit is 100, they are operating at less than 1% of the federal limit.

Mr. Lusk stated that in terms of property values, information within the report that the applicant has provided, it states that 55% of Americans are wireless / cordless. A priority in today's society is the ability to be connected to wireless.

Mr. Bleuer stated that the full application is available under Supporting Documents on the Town of Clarence's website.

Mr. Lusk noted that in regards to aesthetics, a full simulation was included in the application as to how the proposed tower and surrounding area will look upon completion.

Mr. Lusk stated that they have a historic consultant, they have gone through the SHPO process, which has determined that there is no adverse impact on historic resources with this facility.

Chairman Sackett asked about alternate sites. Mr. Lusk responded that there is a section of their application titled "Site Selection Report". The Town Board had asked the applicant to consider utilizing an existing tower, Mr. Lusk noted that would be the ideal solution, and not have to erect a new tower. In their search, this location was the best choice for relieving the three overloaded towers.

Discussion continued regarding the location of the proposed tower.

Chairman Sackett reiterated the question regarding the nearby windmill and the fall zone. Mr. Lusk responded no, but he will confirm that.

Mr. Bleuer asked Mr. Lusk to clarify, that the plan is to keep the existing windmill as is. Mr. Lusk responded that the applicant has no impact on the windmill, their proposal has nothing to do with the wind turbine. Mr. Lusk stated that he can not speak for the land owner in regards to the windmill.

Chairman Sackett asked Mr. Lusk if they were asked to, would they agree to perform a Balloon Test to show the height of the proposed tower on the site. Mr. Lusk responded that he would need to confirm with his client, but he does not believe they would be opposed to repeating a Balloon Test.

Mr. Lahti asked Mr. Lusk about the capacity of the diesel storage. Mr. Lusk responded that the EAF has that general information, but the generator is bid out to a contractor as the project progresses, therefore he may not have a specific amount.

Mr. Todaro asked about the decimals of the generator. Mr. Lusk responded that it is in the 50-60 range, similar to a window air conditioner.

Mr. Bigler asked what the health reports are based on, and where they come from. Mr. Lusk responded it is a national standard that Verizon is required to comply with in terms of the amount of power generated from the antenna.

Discussion continued regarding the source of the report.

ACTION:

Motion by Gregory Todaro, seconded by Richard Bigler, that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Full Environmental Assessment Form as submitted and to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies on the Tarpon Towers II & Verizon Wireless cell 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.

ON THE QUESTION:

Mr. Todaro stated that there should be a special focus on the 5G components of this tower with the FAA and any interruption to air traffic that flows in to the Buffalo Niagara International Airport.

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

MOTION CARRIED

Item 2

Bank on Buffalo
Traditional Neighborhood District

Requests Site Plan Approval for parking lot and access modifications at 9470 & 9490 Clarence Center Road.

DISCUSSION:

Mr. Bleuer introduced this project, which is located at 9470 & 9490 Clarence Center Road. These two parcels contain a bank facility, drive-thru, accessory structure, parking facilities and a residence on approximately 1-acre in the Clarence Center Traditional Neighborhood District.

The applicant is proposing parking and access modifications for the existing bank and residence. A portion of the existing bank parking lot will be demolished, and the former access on Railroad Street will become the residence driveway. A new employee parking area will be installed to the north, with a new exit on Railroad Street. Finally, landscaping is proposed to buffer adjacent residential properties.

The applicant has previously received a variance from the Zoning Board of Appeals to modify the property lines, which will accommodate the proposed parking and access modification. If approved as proposed, all bank operations would be wholly located on 9470 Clarence Center Road, while all residential elements would be wholly located on 9490 Clarence Center Road.

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

Robin Cierniak with Greenman Pederson Inc., and Michael Noah from Bank on Buffalo were present to further explain the request.

Ms. Cierniak reiterated Mr. Bleuer's explanation, stating that they are seeking site plan approval for modifications to the driveway and parking area for employees only. This will provide more greenspace and appealing aesthetics to the property.

Ms. Cierniak stated that the current 8 employee parking spots will be removed, a 12 ft. wide, one-way access road to 8 new employee parking spots.

The existing curb cut on Railroad Street will continue to be used as exit only access on to Railroad Street. There is an apron there now, which is not used, that they are utilizing that and keeping it at 12 ft. width.

Ms. Cerniak stated that they ran a truck simulation, and that report is included in their report. A firetruck has access through this area with the driveway as it is.

They will need to remove two trees on the property.

Ms. Cerniak noted that they anticipate comments from the Landscape Committee when they meet with them as well. They will replace the two trees that they need to remove in whichever way the Landscape Committee requests them to.

Ms. Cerniak stated that they will provide a crosswalk area through the drive-thru for the employees to access the sidewalk.

Drainage and Grading has been handed to the Engineering Department for their review. Ms. Cerniak stated that the only comments from Engineering were that the project is sufficient for the stage that they are in.

Ms. Cierniak stated that signage was an issue with the Planning Board Executive Committee. In conversations with the bank personnel, they feel that continuing access as the only access on to Railroad Street is the best option for both the bank and the community.

Mr. Geasling asked what the bank's intentions are for the residential property. Ms. Cerniak responded that that property will be sold. Mr. Geasling confirmed that is the intention for the bank to create the parking for the residence.

Mr. Geasling asked if there will be a fence proposed between the two properties. Ms. Cerniak responded that at this point there is not. Mr. Geasling stated that he thought he recalled reading about it in the Zoning Board of Appeals (ZBA) meeting minutes. Ms. Cerniak responded that she will check on that. They were brought in to work on the project after the ZBA meeting, so she will review those minutes. If a fence was part of the conditions, they will certainly make it happen.

Mr. Geasling asked how deep the excavation of the existing parking lot is. Ms. Cerniak responded that she doesn't have core samples of how thick the blacktop is currently, but that stone and blacktop will be removed.

Ms. Cerniak stated that the parking lot has been there for an extensive amount of time, and has settled substantially. Ms. Cerniak stated that the plan is full depth topsoil and stone replaced with topsoil / growing medium.

Mr. Geasling asked what the intention is for the exit on to Railroad Street, and whether the applicant would be against installing "Exit Only" signs up to reduce the possibility of people entering from Railroad Street.

Ms. Cerniak stated that there is a full signage plan that Bank on Buffalo uses for this region, and they do have the proper signage for these modifications. Ms. Cerniak stated that she does not have that information readily available with her right now, and the plan is subject to change based on the Planning Board's wishes.

Ms. Cerniak stated that they will provide whatever is necessary to assure the public and employees are safe.

Mr. Bleuer stated that directional signage is not up to review by the Landscape Review Committee, so if the Planning Board has any suggestions it should come from them. Mr. Bleuer added that any fencing would be subject to Landscape Committee Review.

Mr. Bigler asked if the plans showed tree removal. Ms. Cerniak responded yes; the removal of two trees.

Discussion continued regarding fencing and the Landscape Plan.

Mr. Bigler asked if the fence that runs along the drive-thru is owned by the bank, or the residence. Mr. Noah responded that he is unsure, and will get an answer.

Mr. Todaro asked Ms. Cerniak whether lighting in the area with the new proposed driveway and parking area, is there any lighting that would be required for the safety of the employees.

Ms. Cerniak responded that they are not proposing any new lighting, but they will be moving two of the existing light structures to new parking area.

Mr. Todaro asked what the height of the light poles are, Ms. Cerniak stated she does not have the exact height, the pole will be relocated approximately 50 ft. from its current location. The light poles will still be down shielded, dark sky compliant. They are the two light poles that are currently located in the employee parking area, which will be shifted to the new employee parking area.

Mr. Todaro asked if the new parking spaces will need to be identified as Bank on Buffalo employee parking spaces to avoid them being used by the general public.

Ms. Cerniak responded that it could be a possibility, though directional signage on the site will help to promote that. She added that most of the employees will be there well before the customers arrive.

Discussion ensued regarding the height of the light poles.

In regards to Public Participation, the following resident spoke:

1. Paul Shear of 9530 Maple Road:

- Will the house on the corner that the bank is selling, be zoned residential or commercial.

Mr. Noah responded that it will be 100% residential.

Mr. Bleuer identified one item of correspondence that was received by the Planning Office, from Lynn and Barbara Owcarz stating that they do not believe this request should be approved.

Mr. Bigler asked Ms. Cerniak if the applicant plans to continue using the same light poles and fixtures. Ms. Cerniak responded yes, if they meet Town Code. Mr. Bigler pointed out that the one light is currently facing south, and once it is relocated it will be facing north. Further shielding may need to be done in order to protect the surrounding properties from the light shining on them.

Ms. Cerniak stated that they will do whatever is necessary to meet the code, both for height and dark sky compliant.

Mr. Bigler noted that he can't tell whether the light head is LED or halogen, and asked whether it will be replaced with a new energy efficient LED. Ms. Cerniak responded that Bank on Buffalo would need to discuss and agree to that internally.

ACTION:

Motion by Jason Geasling, seconded by Gregory Todaro to issue **Site Plan approval** for Bank on Buffalo at 9470 & 9490 Clarence Center Road per the submitted plans GPI dated April, 2022 with the following conditions:

1. Subject to any required permits by the Clarence Building and Engineering Departments.
2. Review and approval by the Clarence Highway Department for access to Railroad Street.

3. Parking lot marking and striping to be installed per the approved site plan, and maintained in perpetuity.
4. Installation of “No Entry” signage at Railroad Street.
5. Landscape Committee approval of a final Landscape Plan prior to construction commencement, including but not limited to buffering of adjacent residential properties.
6. Applicant installing required landscaping within six (6) months of construction commencement, and meeting the requirements of the Landscape Committee Approval and any associated conditions, including but not limited to, the maintenance of all landscaping in perpetuity and replacement, in-kind, should there be any death or disease to the plantings.
7. Existing light poles to be relocated to be verified to meet Town of Clarence standards. If found not to do so, new poles and fixtures shall be provided that are dark sky compliant, and meeting all current standards.
8. Subject to payment of Open Space fee.

Ms. Cerniak stated that she has heard, understands, and agrees to the conditions as listed.

ON THE QUESTION:

This proposal has been deemed a Type 2 action by the Town of Clarence, whereby requiring no further environmental review and no action under the State Environmental Review Act.

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

MOTION CARRIED

Item 3

John Langworthy II
Agricultural Rural Residential

Requests recommendation of a Special Exception Use Permit for a secondary living unit at 10425 Keller Road.

DISCUSSION:

Mr. Bleuer introduced this project, located at 10425 Keller Road. There is an existing residence on 37.25 acres in the Agricultural Rural Residential zone.

The applicant is requesting a recommendation to the Town Board of a Special Exception Use Permit for the construction of a secondary living unit as an expansion to the existing residence.

Since being referred from the Town Board, the applicant has received and submitted formal architectural drawings. The proposal is consistent with the provided drawings, apart from the rear garage element, which is no longer being pursued by the applicant due to site grading constraints.

The Planning Board is a recommending body for this proposal.

Mr. Johnson asked for clarification regarding the ingress. Mr. Langworthy stated that the original plan was amended once he met with an architect. The ingress will be located through a new mudroom.

Mr. Johnson asked Mr. Langworthy about the ingress from the proposed addition in to the living room, and if it is going through the mudroom. Mr. Langworthy explained that the ingress will be at grade, with 5 steps from a shared mudroom space up in to the existing mudroom. Eventually they will need to replace the stairs with a ramp.

Mr. Johnson asked if Mr. Langworthy plans to use the same materials for the addition that he currently has on his house. Mr. Langworthy responded yes, that when finished it will appear that the entire house was built at the same time.

Mr. Bigler commended Mr. Langworthy on doing a great job with the proposed addition.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Patrick Johnson, seconded by Richard Bigler to **recommend issuance of a Special Exception Use Permit to the Town Board** for a secondary living unit located at 10425 Keller Road per the submitted plan stamped received in the Planning Office on April 18th, 2022, subject to the following conditions:

1. Subject to permits and conditions of the Town Building Department.
2. Review and approval by the Erie County Health Department for any modifications to the existing on-site septic system, if required.
3. Unit shall be secondary to the principle dwelling and not converted to a rental unit.
4. Occupancy shall be limited to family members, paid employees, temporary guests or principal homeowner.
5. The property owner, or any future property owner, shall provide certification to the Town on an annual basis that the unit is being used in conformance with the conditions of approval. Failure to submit the annual certification may result in the termination of the Special Exception Use Permit, and may result in a Zoning Violation subject to enforcement and penalties as outlined within Town Code Zoning Law Chapter 229-160 and 161 or any changes made to the Code of the Town of Clarence in the future.
6. A Deed Restriction shall be placed into the deed for the property, restricting its use so as not to allow the unit to be utilized or converted into a rental unit and such Deed Restriction language is to be submitted and approved by the Town Attorney's Office prior to filing of the deed.
7. An Agreement shall be entered into between the property owner and the Town of Clarence. This Agreement shall require that the property owner prepare and record a Deed Restriction incorporating the conditions of approval which shall be placed into the property deed. The Agreement and Deed Restriction shall continue in perpetuity. A copy of the Agreement is required to be filed as an attachment to the deed, and shall be submitted to the Town Attorney's Office prior to filing of the deed.
8. Proof of filing of the deed and Agreement is required and must be submitted to the Town Attorney's Office prior to the issuance of a Certificate of Occupancy as issued by the Building Department.

Chairman Sackett asked the applicant if he heard, understood, and agreed to the conditions. Mr. Langworthy stated that he heard the conditions, his only question was in regards to the Special Exception use Permit, and what it entails. Mr. Bleuer explained the process to Mr. Langworthy, who then stated he understands and agrees to the conditions.

ON THE QUESTION:

Upon approval by the Town Board, the applicant should contact the Town Attorney's Office for guidance on necessary legal requirements.

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

MOTION CARRIED**Item 4**

GMA Concrete Design
Industrial Business Park

Requests Concept Plan Approval of a proposed warehouse/office building at 9377 County Road, SBL 44.00-1-52.

DISCUSSION:

Mr. Bleuer introduced this project, located at 9377 County Road. This is a newly created 3.7-acre vacant parcel in the Industrial Business Park zone. Recently split from the Braddell Lakeside Sod Farm.

The applicant is requesting concept plan approval of an 8,100 sq. ft. warehouse with small office and associated parking. The owner is expanding their business operation and needs warehouse space for storage of equipment and construction vehicles.

The Planning Board has Concept Plan review authority for this proposal. An action under SEQRA will be required prior to Concept plan action.

Andrew Terragnoli from T3 Engineering, and Mike Giangrecco were both present to represent this request.

Mr. Terragnoli stated that since they were last in front of the Planning Board, they have written approval of the septic system from the Erie County Health Department, as well as written approval for the new water line from Erie County Water Authority. Additionally, they have written approval for the new driveway from the Erie County Highway Department, and they have addressed all of the comments that were submitted by the Town Engineer and the Fire Chief.

Mr. Lahti stated that the Town of Clarence has a standard for the Industrial Business Park zoning for architectural standards, that approved metal paneling may not exceed 40% of the façade of a structure visible from a right-of-way. Mr. Lahti asked for clarification that the percentages on the west elevation are in conformance with that standard.

Mr. Terragnoli responded that by looking at the plans, it doesn't appear so, but he would need to speak to the architect on record to confirm. Mr. Terragnoli stated that they can change or agree to change if required.

Mr. Lahti stated that according to the plans, the fire hydrant is located behind the dumpster enclosure, which may make it more difficult for emergency services to locate the fire hydrant. Mr. Lahti suggested looking at alternate locations for the fire hydrant.

Mr. Terragnoli asked if reversing the fire hydrant and the dumpster would be sufficient, Mr. Lahti responded that it makes more sense.

Mr. Lahti asked to confirm that as stated in a previous meeting, a condition of no outside storage was placed. Mr. Terragnoli responded yes.

Mr. Bigler asked Mr. Terragnoli if a Landscape Plan has been submitted for this project. Mr. Terragnoli responded yes; they should have it. Mr. Bigler stated that there have been concerns about the design of the building, specifically the front.

Mr. Bigler noted that although improvements have been made to the front of the building, the board feels it still looks plain. Mr. Bigler asked if some landscaping would add to the front of the building, or if the applicant would be willing to confer with his architect to make some additional modifications to make it appear less drab.

Mr. Terragnoli stated that they would be willing to add landscaping to enhance the appearance of the front of the building. Mr. Terragnoli responded that he will have a rendering prepared to show the landscaping for the next hearing.

Chairman Sackett stated that they have not yet had the opportunity to speak with the project architect. They anticipate having the opportunity to have a conversation with the architect during the development plan process to discuss the percentage of metal siding that may or may not conform.

Chairman Sackett stated that a condition will be that the board speaks with the project architect prior to Architectural Approval. The board will be looking at materials, design on the front of the proposed building, and will ask him to address the model that was supplied by the board for reference, versus what was actually submitted for this project.

Mr. Giangrecco stated that the color of the wood trim will be the same color as the trim on the two rooflines. The photos in the slides do not adequately represent the true colors.

Mr. Giangrecco agreed that the front of the building appears bland.

Mr. Bigler stated that although it's in the industrial zone, they still want the building to have a nice appearance. Mr. Giangrecco agreed.

Mr. Todaro added that the north side of the property acts as a gateway in to the town, which is why it is especially important to have a pleasing view.

Mr. Giangrecco addressed that question regarding storage, stating that the reason for this proposed building is for storage, to keep his property clean and all equipment stored in the building.

Mr. Lahti and Mr. Bigler thanked Mr. Giangrecco for doing and keeping his business in the Town of Clarence.

In regards to Public Participation, the following resident spoke:

1. Ryan Sandner of 9420 Pine Meadow:

- Asked what type of equipment will be stored in the proposed building
- Will any maintenance be performed on the equipment?
- What are the hours of operation?

Mr. Sandner stated that he is concerned about increased noise in the area. Other businesses currently in the area make noise during the day, but are normally quiet at night.

Mr. Giangrecco responded, stating that they are a construction company, they will not be doing construction on site, this location will be their home base to store equipment and materials.

There will not be any noise or construction conducted on location.

Their hours of operation are generally 6:30 a.m. until whenever they are done for the day.

Trucks and trailers are the types of equipment stored in the proposed building. The only maintenance that would be conducted would be routine maintenance on the vehicles, nothing that will be heard outside of the building.

Chairman Sackett stated that if there is maintenance, that may produce certain requirements from the Engineering Department.

ACTION:

Motion by Jason Lahti, seconded by Jason Geasling that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Short Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Short Environmental Assessment Forms as prepared and to **issue a Negative Declaration** on the proposed GMA Concrete Design business at 9377 County Road. This Unlisted Action involves the development of a business warehouse / office building and associated facilities. After thorough review of the submitted plans, documents, Environmental Assessment Forms and comments, it is determined that the proposed action will not have a significant negative impact on the environment.

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

MOTION CARRIED

Motion by Jason Lahti, seconded by Gregory Todaro to **approve** the GMA Concrete Design business **Concept Plan**, located at 9377 County Road, per the submitted drawing by Studio T3 Engineering, dated February 10th, 2022, and to **approve the Conceptual Architectural** drawings by MPD Architecture dated June 7th, 2020, all with the following conditions:

1. Subject to the Town of Clarence Engineering Preliminary Grading and Drainage Memo dated April 18th, 2022, and associated conditions.

2. Subject to Building and Engineering Department approval prior to any construction on the site.
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. Subject to Erie County Department of Public Works approval for access to County Road.
5. Subject to Landscape Committee approval of a final Landscape Plan prior to Development Plan Approval, including but not limited to buffering along County Road, and fencing and dumpster enclosure details if proposed.
6. Maintenance of all landscaping in perpetuity and replacement, in-kind, should there be any death or disease to plantings.
7. Final building elevations to be submitted as part of the Development Plan review, labeling material types and colors.
8. Any exterior building mechanicals shall be identified and detailed on any future Development Plan submittals.
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. 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, equipment, fleet vehicles or other items.
12. No dumping of any kind on the property, including but not limited to construction material, yard debris, or other business-related items.
13. Any equipment maintenance and repair shall occur within the warehouse.
14. Lot to be striped and maintained as approved in perpetuity. No parking of vehicles outside the designated parking areas.
15. 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.
16. Subject to payment of Open Space Fees.

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

ON THE QUESTION:

Prior to Final Architectural Approval, the applicant’s architect must meet with the Town to discuss final elevations and materials.

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

MOTION CARRIED

Meeting **adjourned** at 8:38 p.m. with a motion by Gregory Todaro.

Amy Major
Senior Clerk Typist