

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday, June 1, 2022

Work Session 6:30 pm

Status of SEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:00 pm

Item 1

Russel Salvatore
Traditional Neighborhood District

Requests Preliminary Conceptual review of a mixed-use project at the northwest corner of Main Street and Winding Lane, SBL 72.01-1-18.

Item 2

Brookfield Country Club
Community Facility

Requests Site Plan and Architectural approval to redevelop a portion of the existing clubhouse at 5120 Shimerville Road.

Item 3

McDonald’s Restaurant
Major Arterial

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

Vice-Chairman Richard Bigler called the meeting to order at 7:03 p.m.

Planning Board Members present:

Vice-Chair Richard Bigler Gregory Todaro
Jason Geasling Patrick Johnson
Jason Lahti

Planning Board Members absent:

Chairman Robert Sackett 2nd Vice-Chair Wendy Salvati

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:

Bill Weisbeck

Jim Borkman

Grace Mondello

Scott Shearing

Item 1

Russel Salvatore
Traditional Neighborhood District

Requests Preliminary Conceptual review of a mixed-use project at the northwest corner of Main Street and Winding Lane, SBL 72.01-1-18.

DISCUSSION:

Mr. Bleuer introduced this project, which is located at the northwest corner of Main Street and Winding Lane. It is an existing 2.6-acre vacant parcel located in the Clarence Hollow Traditional Neighborhood District.

The applicant is requesting preliminary conceptual review of a mixed-use project containing a 2-story mixed use building (5,200 sq. ft. commercial space, 11 apartments) fronting Main Street, 10 units of 2-story townhouses with attached garages on the rear portion of the site and an 1,800 sq. ft. retail building on the west side of the property.

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

Patrick Sheedy from Carmina Wood Morris was present to further discuss this project.

Mr. Todaro stated that the Planning Office has received multiple pieces of correspondence regarding this project, from its inception up until today. All correspondence will become part of the record for the project going forward.

Any and all correspondence that is received is taken very seriously, and the board reads each piece thoroughly.

Correspondence was received from the following residents:

1. Bill Weisbeck (2) - 10171 Pineledge Dr. South
2. Gary and Erika Stillman – 10061 Pineledge Dr. East
3. Joseph Calleri – Pineledge Dr.
4. Shannon Kinnan – 5050 Winding Lane
5. Vic and Connie Martucci – 10040 Highview Court
6. Alexandra Adamcak Forrestel – Winding Lane
7. Susan Kempf – 4960 Winding Lane
8. Dr. Sarah Finnegan – 4930 Winding Lane
9. Dr. Hugh Davies – 10161 Pineledge Dr. South
10. Janis Morgante – 5030 Winding Lane
11. Danielle Hardt – 10051 Pineledge Dr. West
12. Kira and Garrett Ermiller – 5036 Winding Lane
13. James Borkman – 4892 Winding Lane

Tonight's meeting, if approved, is the beginning of the project and would begin the Coordinated Review portion of the process. If residents would like to continue to have input in to the proposed project, letters to the Planning Office are recommended.

Mr. Todaro provided a summary of the letters received:

- Design items within the architecture itself and within the Hollow Overlay
- Height of the building
- Parking along Main Street
- The scale of the project itself
- Precedent based on Hollow Overlay and architecture and what is included in the Town of Clarence Comprehensive Plan
- Traffic on Winding Lane and safety of the traffic
- Lighting within the area
- Drainage
- Increase in traffic in the area
- Fit within the Traditional Neighborhood District (TND)

Mr. Todaro stated that he has also reviewed the Environmental Assessment Form (EAF) and although this will go through the Engineering Department and the multiple agencies included and involved, he has a couple of questions.

Mr. Todaro asked why this particular project is set to use approximately 5,000 gallons of water a day.

Mr. Sheedy responded that the driving force of that estimation is the 21 residential units, at 220 gallons a day is over 4,000 in itself, then add in any commercial spaces as well.

Mr. Todaro asked about the additional demand on energy, would a project this size need a sub-station? Mr. Sheedy responded no, it would not.

Mr. Todaro questioned the proposed drainage on the site, and which way the dirty water would flow from the site. Mr. Sheedy responded that it is an undeveloped site. Part of their development plans include all stormwater generated on-site between the buildings and the parking area would be collected within the parking area itself, then in to the on-site stormwater pond which would then be discharged on to the Main Street stormwater system.

Mr. Todaro asked if there would be any blasting involved with the proposed project, knowing that the Main Street area is very shallow with rock.

Mr. Sheedy responded that they have not done a Geotech report yet, so they are not sure how shallow the rock is, but obviously they would avoid that at all costs.

In regards to Public Participation, the following residents spoke:

1. Jim Borkman of 4892 Winding Lane:

- Stated that he feels he is a valued participant in this process due to the proximity of his home to the proposed project.
- Mr. Todaro thanked Mr. Borkman for his letter with the supporting documentation, it was very thorough.
- Mr. Borkman reiterated that he doesn't feel the project fits in the neighborhood or that section of Clarence due to its size.
- Mr. Borkman stated that there are differences between the Commercial and Traditional Neighborhood District requirements for septic, reviewing his concerns.
- Mr. Borkman further stated his concerns as to the size of the project in relation to the scale and aesthetics of the neighborhood, as well as the Clarence Hollow.
- Mr. Borkman asked the difference between Multiple Family Development and Mixed-Use Development.
- Mr. Borkman asked if he needs to send a letter to request notification of all public meetings pertaining to this proposed project outside of Planning Board meetings such as meetings with other agencies.

Discussion ensued regarding the Town of Clarence's notification policy.

2. Bill Weisbeck of 10171 Pineledge Dr. South:

- Mr. Weisbeck noted that the design has slightly changed since originally submitted to the Town Board, and that he is requesting a 45 ft. vegetative buffer.
- Commercial lots have a 45 ft. buffer, the vegetation is necessary for the wildlife. If removed, the wildlife will be searching for vegetation, crossing Main Street.
- Mr. Weisbeck stated that no one from Winding Lane is saying "no" to this project, and the common concern throughout the neighbor's letters is the scale of the proposed project.
- On average, properties located on Pineledge Dr. range from .5 to 1.0 acre., and this proposed project is basically an island of 21 families and homes.
- Mr. Weisbeck noted that if the project were to be scaled down, with fewer units, it would be better.
- Mr. Weisbeck also stated that there are only approximately 1-2 ft. of topsoil, and the lot also has poor drainage. This project would create extra water coming in to the area that isn't currently there, and would put them at risk. It is not just stormwater and runoff that will be created, it will be extra water coming in to an area with very poor drainage.

3. Sandy Adamczak Forrestel:

- Many families in the neighborhood, there are a lot of children.
- A lot of cut-through traffic already, this project would add more.
- The neighborhood is in support of growth in the area, but ask that it is contained.

At this time, Public Participation for this item in the meeting has been closed.

Mr. Sheedy responded to the concerns and questions.

In regards to septic and stormwater, the septic system will be designed to meet all Erie County Health Department (ECDOH) and New York Stated Department of Environmental Conservation (NYS DEC)

regulations. The Stormwater Management System will meet all DEC and Town of Clarence regulations.

The access road on to Winding Lane was removed, leaving a single access point from Main Street.

Regarding density, this project is allowed within the zoning district.

Mr. Bigler asked Mr. Sheedy to comment on the redirection of the water flow that they have done. There were concerns with the ponds and water flowing to the north, but it has been redirected to the south.

Mr. Sheedy responded stating any stormwater generated from a proposed development must be contained on site, this is a NYS DEC regulation. They are reversing the current flow and redirecting it to the south. There will also be a dry pond on Main Street which will primarily be dry.

Mr. Geasling confirmed that the dry ponds are overflowed to the storm system on Main Street, Mr. Sheedy stated yes.

The concerns with pavement on Winding Lane will be addressed if the project progresses, at this moment Mr. Sheedy does not know the current condition of Winding Lane. It is a town road, so the Town of Clarence is responsible for the maintenance of the road. The access point and the business draw are both on Main Street, so his professional opinion is that a majority of the traffic will be generated on Main Street.

Mr. Bigler asked about the concern regarding the 45 ft. buffer. Mr. Sheedy responded that the buffer is planned to be greater than the required 45 ft. to the patio as well as the corner of the building.

Mr. Bigler asked about the size of the septic. Mr. Sheedy responded that the septic system will be required to handle all sanitary demand on site for both the commercial and residential uses. It will also need to meet all New York State DEC and DOH regulations.

Mr. Bigler referred to concerns regarding community character, and the design of the proposed building. Mr. Sheedy responded that they will do their best to work with the input from the community.

Mr. Bleuer addressed the question asking what the difference is between Mixed-Use and Multi-Family. Town of Clarence Code identifies Multi-Family Housing as 3 or more residential units. Mixed-Use is a mixture of allowable or permitted uses within a structure.

Mr. Bleuer clarified a statement regarding the buffer, asking the applicant if they would consider the preservation of the existing buffer, and offset with additional plantings as needed.

Mr. Sheedy responded that they plan to keep site disturbance to a minimum, preserving as much vegetation along the northern property line as possible.

When full plan sets are developed, they will have the proper demarcations noted where the property is to remain untouched.

Mr. Bleuer stated that the applicant has removed access to Winding Lane, and that the Department of Transportation (DOT) has not reviewed or commented on this proposal at this time. It will be sent to the DOT for their review, at that time we will explore their considerations.

Mr. Lahti asked about the scale in density for the residential units. Mr. Sheedy responded that they are within the allowed number of units for this property. Due to the number of concerns that were voiced tonight, they will take those in to consideration.

ACTION:

Motion by Gregory Todaro, seconded by Patrick Johnson, that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies on the Salvatore Mixed Use Project at the northwest corner of Main Street and Winding Lane, in the Traditional Neighborhood District. This Type I Action involves the proposed construction of commercial space, multiple family housing and associated facilities.

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

MOTION CARRIED

Item 2

Brookfield Country Club
Community Facility

Requests Site Plan and Architectural approval to redevelop a portion of the existing clubhouse at 5120 Shimerville Road.

DISCUSSION:

Mr. Bleuer introduced this project, located at 5120 Shimerville Road. It is an existing 177-acre country club facility in the Community Facility zone.

The applicant is requesting Site Plan and Architectural Approval to redevelop the existing clubhouse. The existing clubhouse is approximately 35,000 sq. ft., and approximately 16,000 sq. ft. of the eastern portion is proposed to be demolished, to allow for a 26,700 sq. ft. addition.

The new space will be used for grill room, banquet facility, and kitchen. Minor re-grading, facility, and parking improvements will occur as a result of the building modification and expansion.

The Planning Board has Site Plan and Architectural approval authority for this proposal.

Patrick Sheedy from Carmina Wood Morris was present to further explain the project, adding that material samples have been dropped off at the Planning and Zoning Office for review.

Mr. Geasling complimented the elevations, adding that this will be a significant upgrade.

Mr. Geasling asked what the building removal limits on the east side are. Mr. Sheedy responded that the dashed lines shown on the plans indicate the removal, which is approximately 16,000 sq. ft.

Mr. Geasling asked about the doors located to the north of the elevations.

Steve Carmina with Carmina Wood Design responded, stating that the doors will be architecturally detailed, so that staff are able to open them to dispose of the trash. This eliminates the exterior dumpsters on the rear of the building.

Mr. Carmina stated that this will also be the receiving area, so that when the delivery trucks come, they will pull right up to the kitchen, utilizing these new doors.

Mr. Geasling asked about the material, asking if it's cultured stone or panels. Mr. Carmina responded that there are three materials, the main one being used is brick. The foundations are designed to carry a full-depth brick. The new structure will have the same brick as what is currently on the rest of the building.

Mr. Carmina stated that the façade of the tower is full-depth natural stone.

Mr. Todaro asked what the height is on the tower. Mr. Carmina responded that he believes the approximate height of the tallest tower is 40 ft., the other towers are approximately 30 ft. - 32 ft.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Jason Geasling, seconded by Gregory Todaro 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 Brookfield Country Club partial redevelopment at 5120 Shimerville Road. This Unlisted Action involves the redevelopment of the existing clubhouse 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		

MOTION CARRIED

ACTION:

Motion by Jason Geasling, seconded by Gregory Todaro to issue **Site Plan and Architectural Approval** for the partial redevelopment of the Brookfield Country Club Clubhouse located at 5120 Shimerville Road per the submitted plans and architectural elevations by Carmina Wood Design, dated April 15th, 2022, with the following conditions:

1. Subject to all required permits by the Building and Engineering Departments.
2. Building shall be maintained as approved, in perpetuity, and any building deficiencies shall be repaired or replaced as approved.

- 3. Any exterior building lighting must be dark sky compliant and shielded to prevent spillage onto adjoining parcels. Lighting shall be turned off at most one hour after operating hours except for necessary security lighting.
- 4. Building materials to be installed per the approved plan specifications.
- 5. Subject to any associated open space fees as required by code.

Mr. Sheedy stated that he has heard, understands, and agrees to the conditions stated.

Jason Lahti	Aye	Patrick Johnson	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Richard Bigler	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. It is 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, and landscaping.

This item was previously tabled to allow time for the applicant to update the site plan. The site plan has since been updated to include additional vehicular and pedestrian safety and directional features.

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

Scott Shearing from Bohler Engineering was present to represent this proposed project, stating that it has been a pleasure to work with everyone on this project, and they look forward to the improvements.

Mr. Lahti stated they appreciate the applicant heeding the suggestions brought forth by the Planning Board. Mr. Lahti stated that the updated plan captures all of the concerns that were discussed at the previous meeting.

Mr. Lahti added that the updated plans are much improved from the original submission. Making the change with the traffic flow will improve the site.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Jason Lahti, seconded by Gregory Todaro, to **issue Site Plan Approval** for the expansion of the existing drive-through facility at McDonalds Restaurant, located at 4987 Transit Road per the submitted plans by Bohler Engineering, dated May 19th, 2022, with the following conditions:

1. Subject to any required permits by the Building Department.
2. Landscape Committee approval of a final Landscape Plan prior to construction commencement, including but not limited to interior greenspace and street trees.
3. 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.
4. Installation of vehicular and pedestrian directional features per the approved plan.
5. Site, structure, and directional features, including signage and striping, to be maintained in perpetuity, and any deficiencies shall be repaired or replaced as approved.
6. No placement of advertising signage without necessary permit.
7. All prior approvals for the McDonald’s Restaurant shall remain in full force and effect.
8. Subject to any associated open space fees as required by code.

ON THE QUESTION:

Mr. Lahti stated that this proposal has been deemed a Type 2 action by the Town of Clarence, and therefore requires no further environmental review nor action under the State Environmental Quality Review Act.

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

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

MOTION CARRIED.

Meeting **adjourned** at 7:44 p.m. with a motion by Richard Bigler.

Amy Major
Senior Clerk Typist