

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday August 17, 2022

Work Session 6:30 pm

Status of SEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:00 pm

Item 1

Eon Verrall
Traditional Neighborhood District

Requests Change-In-Use to allow a nano brewery within an existing residence at 10737 Main Street.

Item 2

Jon & Judy Kemp
Residential Single-Family

Requests recommendation of a Special Exception Use Permit for a secondary living unit at 9121 Roll Road.

Item 3

Ann Marie Kramer
Agricultural-Floodzone

Requests Minor Subdivision of land approval to create one (1) new lot on the north side of Sesh Road, SBL 5.00-6-17.3.

Item 4

GMA Concrete Design
Industrial Business Park

Requests Development Plan approval of a conceptually approved warehouse/office building at 9377 County Road, SBL 44.00-1-52.

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 Lahti

2nd Vice-Chair Wendy Salvati
Jason Geasling

Planning Board Members absent: Chairman Robert Sackett Patrick Johnson

Town Officials Present:

Director of Community Development Jonathan Bleuer
Junior Planner Andrew Schaefer
Councilman Paul Shear
Deputy Town Attorney Steven Bengart
Councilman Robert Geiger

Other Interested Parties Present:

Myra Dunning	Gail Berger	Jon Kemp	Judy Kemp
Todd Vaarweck	Ann Marie Kramer	Eon Verrall	Andrew Terragnoli
Michael Giangrecco			

Item 1

Eon Verrall
Traditional Neighborhood District

Requests Change-In-Use to allow a nano brewery within an existing residence at 10737 Main Street.

DISCUSSION:

Mr. Bleuer introduced this project, located at 10737 Main Street. Located on the south side of Main Street, west of Academy Street.

This is an existing .4-acre parcel in the Clarence Hollow Traditional Neighborhood District, containing an existing residence.

The applicant is requesting a Change-In-Use from residence to mixed use for commercial and the existing residence for the purpose of operating a nano brewery. The nano brewery is proposed to be located in the existing garage area primarily. The nano brewery would include beer production, on-site consumption and retail sale.

The Planning Board has the authority to consider final action on this request. The applicant would then be subject to Building, Building/Fire and Engineering review, approval and permitting, as required. No exterior or site modifications are currently proposed. Any future proposed exterior or site modifications are subject to further Town review.

Mr. Verrall was present, adding that what is shown on the screen is a mock-up of his plans. He is working with an architect and will work with the Town Board and Engineer to assure that he does everything properly as he proceeds.

Mr. Lahti thanked Mr. Verrall for his desire to bring a new business to the Town of Clarence.

Mr. Lahti asked what types of odors will emit from the equipment that will be used.

Mr. Verrall responded that they are nothing more than basic cooking smells. It is not enough to overtake a room, much less travel to the outside.

Mr. Lahti asked if any of the larger breweries use any type of exhaust or fans to mitigate any odors that may come out from the process.

Mr. Verrall noted that as far as he knows, occasionally they will use a vent fan in the brewing area, which is primarily used because it gets warm in the brewing area from all of the boiling.

Mr. Lahti asked about the floor drains that are located in the project, and what will be discharged in to those floor drains.

Mr. Verrall responded that because he is a small-scale brewery, it would be possible to not have any floor drains, but generally they work for water or any spills that occur during transfer of fluids. It is easier to push in to a floor drain rather than mop it up.

Mr. Lahti asked what type of solid wastes are generated through the process, and how will it be disposed.

Mr. Verrall responded that the spent grain is of a mush consistency, and the farmers use it to make feed for the animals. He will find a farmer to donate it to.

Mr. Lahti asked how often the solid waste will be removed, Mr. Verrall responded he is planning on emptying it in to a barrel once a week at this point, and estimates there will be enough to transfer to a farmer after approximately 3-4 weeks.

Mr. Lahti asked if Mr. Verrall plans on putting any exterior lighting around the garage area, where the brewery will be located.

Mr. Verrall responded that his plan is to proceed in two phases. The first phase will be the brewing, which should take approximately 12-18 months to complete and get his license. He doesn't anticipate any extra lighting during Phase 1.

Mr. Verrall added that once he begins bringing customers in to the tasting room, using the guidance of the Town Engineer and his architect, he will take their recommendations as to what and where any exterior lighting should be placed.

Mr. Lahti asked Mr. Verrall if he has any plans to add signage to the property. Mr. Verrall responded that in talking with his architect, he is leaning towards converting the center garage door in to a person door. He anticipates at some point a sign centered above the building, but at this time has no definitive plans for signage.

Mr. Lahti asked how parking will work considering the residential aspect with a commercial use. Mr. Verrall responded that it will depend on the street parking and the town parking lot. The spots right out in front of the building are for the residents.

Mrs. Salvati asked Mr. Verrall about the three parking spaces that he indicated are in front of the garage, and whether any of them would be required to be handicapped spaces. Mr. Verrall added that the three spaces in front of the garage would only be for the residential component, there would not be handicapped spaces for the commercial component of the property.

In regards to Public Participation, no one spoke.

Mrs. Salvati asked to confirm that Mr. Verrall had previously agreed during a Planning Board Executive Committee Meeting that he would supplement the landscaping at the front of his property. Mr. Verrall responded that there is a very small area in front of the house that he plans to spruce up. He'd always like to add more landscaping closer to the brewery portion of the property.

ACTION:

Motion by Jason Lahti, seconded by Gregory Todaro to **approve the Change-In-Use** from residence to mixed-use commercial and residence for the purpose of opening a nano brewery located at 10737 Main Street per the submitted application packet received in the Planning Office on July 21st, 2022, subject to the following conditions:

1. Subject to permits and conditions of the Town Building, Building/Fire, and Engineering Departments.
2. Any future proposed exterior architectural modifications are subject to Town Board review and approval, including review and comment from the Hollow Community Character Protection Committee.
3. Any future proposed exterior site modifications are subject to Town review.
4. The existing landscape beds shall be maintained, and any deficiencies shall be corrected, subject to the review and approval of the Planning Office.
5. Any future proposed 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.
6. Subject to Open Space fee, and any other applicable fees as required by Town Code.

ON THE QUESTION:

The applicant asked to clarify whether approval will be required as he landscapes the front section of the property. Mr. Bleuer responded that when Mr. Verrall is ready to begin the improvements on his landscaping, to notify the Planning Office of what his intentions are. The Planning Office will administratively approve the plans.

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

Jason Lahti	Aye	Jason Geasling	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye		

MOTION CARRIED

Item 2

Jon & Judy Kemp
Residential Single-Family

Requests recommendation of a Special Exception Use Permit for a secondary living unit at 9121 Roll Road.

DISCUSSION:

Mr. Bleuer introduced this project which is located at 9121 Roll Road. South side of Roll Road, west of Thompson Road.

It is an existing 7.5-acre vacant parcel located in the Residential Single-Family 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 part of the new home construction.

Since being referred from the Town Board, the applicant has submitted an updated front elevation as shown, including a two-car garage on the west side of the residence. If recommended to the Town

Board, the applicant is prepared to finalize a full set of drawings consistent with the updated elevation view.

The Planning Board is a recommending body for this proposal.

Jon and Judy Kemp were present to represent their request and answer any questions. Mr. Kemp noted that they do believe they have followed all of the rules set forth by the Planning Board.

Mrs. Salvati explained for Secondary Living Units, that the primary thing the Board is looking at is that there will never be a point in the future that the unit will become a rental unit. Mr. Kemp added that they have made it deed restricted. Mrs. Salvati noted that the unit can only be used by family members, paid employees, or temporary guests.

Mrs. Salvati stated that final plans showing the final floor plan and layout of the unit need to be submitted. Mr. Kemp responded that they have provided the final plans to the Planning Office.

Mrs. Salvati stated that the unit will be occupied by Mr. and Mrs. Kemp's daughter, and the building will be considered a single-family residence.

Mr. Bengart stated that not only does the Secondary Living Unit need to be deed restricted, but on an annual basis the owners of the property also need to certify that the property is being used as a single-family residence with a secondary use.

Mr. Kemp stated they understand.

In regards to Public Participation, the following resident spoke:

1. Myra Dunning of 9181 Roll Road:

- Originally when the property was owned, because of the wetlands, a small buildable space was allowed. This residence looks much larger than what was originally allowed, and did it receive the necessary permits needed through the Building Department for a buildable lot.
- Has had issues with people encroaching on her property thinking it is an open field.

Mr. Kemp stated that they went through a lengthy process for the permit.

Mr. Bleuer noted that on the survey there are limits of wetland which will be reviewed by the Department of Environmental Conservation (DEC) and / or the Army Corp of Engineers, whichever is appropriate. Subject to necessary permitting or avoidance, though this is planned to be scheduled outside of the regulated wetland.

Mr. Bleuer added that the proposal would need to meet all relative setback requirements in the zone, regardless of wetlands.

ACTION:

Motion by Wendy Salvati, seconded by Gregory Todaro to **recommend issuance of a Special Exception Use Permit to the Town Board** for a secondary living unit located at 9121 Roll Road per the submitted elevation received in the Planning Office on July 28th, 2022, and the conceptual floorplan received in the Planning Office on June 6th, 2022, subject to the following conditions:

1. Creation and submittal of a final floorplan, consistent with the recommended elevation, including a two-car garage on the west side of the residence.
2. Subject to permits and conditions of the Town of Clarence Building Department.
3. Unit shall be secondary to the principle dwelling and cannot be converted to a rental unit.
4. Occupancy shall be limited to family members, paid employees, temporary guests or principal homeowner.
5. The property owner, and 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 and 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 and occupancy so as to limit same to family members, paid employees, temporary guests or the principal homeowner and not allow the unit to be utilized or converted into a rental unit. The Deed Restriction language is to be submitted and approved by the Town Attorney’s Office prior to filing of the Deed in the Erie County Clerk’s office.
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 and requiring those conditions to be placed into the property deed. Both the Agreement and Deed Conditions shall continue in perpetuity. A copy of the Agreement is required to be filed in the Erie County Clerk’s office, after submittal to and approval by the Town Attorney’s Office.
8. Proof of filing of both 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.
9. Review and approval by the Erie County Department of Health for the installation of onsite septic system and waste water disposal.

ON THE QUESTION:

Mr. Geasling asked in regards to condition number 1 and the two-car garage on the west side, is the elevation correct. Mrs. Salvati responded that the elevation is correct, the two-car garage is on the west side.

Mr. Todaro stated that upon approval by the Town Board, the applicant should contact the Town Attorney’s Office for guidance on necessary legal requirements.

Mr. and Mrs. Kemp heard, understand, and agree to the conditions.

Jason Lahti	Aye	Jason Geasling	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye		

MOTION CARRIED.

Item 3

Ann Marie Kramer
Agricultural-Floodzone

Requests Minor Subdivision of land approval to create one (1) new lot on the north side of Sesh Road, SBL 5.00-6-17.3.

DISCUSSION:

Mr. Bleuer introduced this project, located on Sesh Road, SBL 5.00-6-17.3 on the North side of Sesh Road, east of Goodrich Road. It is an existing 15.5-acre vacant parcel located in the Agricultural Floodzone.

This parcel was previously split from 8870 Sesh Road, per the Minor Subdivision Approval issued in March of 2019 by the Planning Board.

The applicant is requesting a Minor Subdivision of land to create one (1) new building lot. Once split, the existing lot and the new lot would each be approximately 277’ wide, 1,240’ deep and contain approximately 7.75 acres

The Planning Board has authority to act on this request, after an action through the State Environmental Quality Review Act.

This Minor Subdivision constitutes the maximum allowable number of lot splits under a Minor Subdivision review. Any future proposed lot splits associated with the property would be subject to a Major Subdivision review.

Ann Marie Kramer was present to further explain her request, and answer any questions.

Mr. Todaro stated that he has reviewed parts 1, 2 and 3 of the Environmental Assessment Forms (EAF) and everything looks good.

Mr. Todaro reiterated that with the split of this property, they have reached the maximum level allowed.

Mr. Todaro asked if there are plans to clear any trees on the property. Mrs. Kramer responded no, it is all field in front with nothing to clear.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Gregory Todaro, seconded by Wendy Salvati 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 Form as prepared and to **issue a Negative Declaration** on the proposed Kramer Minor Subdivision at Sesh Road, SBL 5.00-6-17.3

This Unlisted Action involves a lot split to create one (1) additional lot in the Agricultural Floodzone. After thorough review of the submitted plan and Environmental Assessment Forms it is determined that the proposed action will not have a significant negative impact on the environment.

Jason Lahti	Aye	Jason Geasling	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye		

MOTION CARRIED.

Motion by Gregory Todaro, seconded by Wendy Salvati to **approve the Kramer Minor Subdivision** at Sesh Road, SBL 5.00-6-17.3 as per the submitted sketch plan received in the Planning Office on July 22nd, 2022, with the following conditions:

1. Review and approval by the Town of Clarence Highway Department for any future access to Sesh Road.
2. Review and approval by the Erie County Health Department for any future on-site sanitary facilities for the newly created lots.
3. Review and approval by the Town Building and Engineering Departments for any future residential construction on the newly created lots.
4. Should any additional drainage easements be required by the Town to address on-site drainage issues on the property, appropriate easements shall be submitted by the applicant and approved by the Town Engineering, Highway and Legal Departments. If required, 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.
5. Subject to any Open Space and Recreation Fees as required by Town code.

ON THE QUESTION:

Mrs. Kramer heard, understands, and agrees to the conditions.

Mr. Todaro noted that this Minor Subdivision Approval constitutes the maximum allowable number of lot splits under a Minor Subdivision review. Any future proposed lot splits associated with the property shall be subject to a Major Subdivision review.

Jason Lahti	Aye	Jason Geasling	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye		

MOTION CARRIED.

Item 4

GMA Concrete Design
Industrial Business Park

Requests Development Plan approval of a conceptually approved warehouse/office building at 9377 County Road, SBL 44.00-1-52.

DISCUSSION:

Mr. Bleuer introduced the project, located at 9377 County Road. South side of County Road, west of Goodrich Road.

A newly created 3.7-acre vacant parcel in the Industrial Business Park zone, and recently split from the Braddell Lakeside Sod Farm.

The applicant is requesting Development Plan and final Architectural Approval for an 8,100 sq. ft. warehouse with small office and associated parking. The owner is expanding their business operation and desires warehouse space for storage of equipment and construction vehicles.

This proposal was referred from the Town Board in April of 2021. The Planning Board issued a Negative Declaration under the State Environmental Quality Review Act, Concept Plan and Conceptual Architectural approvals in May of 2022. In August of 2022, the Landscape Review Committee approved a final Landscape Plan, and the Engineering Department has determined that the final Development Plan meets their technical requirements.

The Planning Board has the authority to act on this Development Plan request. This constitutes the final Board review prior to construction.

Andrew Terragnoli from Studio T3 and Michael Giangrecco, co-owner of GMA Concrete were present to further explain the request, and answer any questions.

Mr. Geasling asked for review of the façade updates that have been made since the previous meeting.

Mr. Terragnoli reviewed the updates that were made based on Planning Board requests, which include Hardee Board on any façade of the warehouse as well as the office.

Mr. Geasling asked where the building's mechanical equipment will be located. Mr. Terragnoli responded that as seen on the site plan, there is a gas meter on the west end side of the office. Mr. Giangrecco stated that the indoor heating mechanicals will be mounted on a corner.

Mr. Geasling noted that there had been previous discussion regarding the dumpster enclosure and fire hydrant, and flipping them so that the fire hydrant was more visible and accessible.

Mr. Terragnoli responded that while they have no issue with reversing them, he stated that it was the Town of Clarence's Fire Marshall who is responsible for the current location. As long as the Fire Marshall agrees, then they will move it. Mr. Geasling asked if the dumpster was moved after the Fire Inspector asked for the fire hydrant to be located where it is. Mr. Terragnoli responded that he does not think so.

Mr. Bigler stated that they will act on the plans that are presented in front of them at this time.

Mr. Geasling asked about the lighting plan, as it appears to spill on to the next parcel, which is not allowable.

Mr. Terragnoli responded that per the lighting plan, the photometric manufacturer shows 0.1-foot candles, is Town Code 0.0-foot candles on the property line? Mr. Geasling responded yes.

Mr. Bleuer stated that there should not be any light spilling off of the property lines, therefore the lights will need to be shielded in order to prevent spillage. Mr. Terragnoli responded that they will talk to the manufacturer.

Mr. Geasling asked if the side lights are necessary on that side of the building.

Mrs. Salvati asked what type of lights they are.

Discussion continued regarding the lighting.

Mr. Bigler noted that Town Code requires some type of security lighting around people doors.

Mr. Giangrecco stated that he is in agreement to placing simple security lighting around the people doors rather than lighting all around that side of the building.

Mr. Geasling asked for clarification on the heavy-duty pavement and the standard pavement that is being used.

Mr. Terragnoli responded that the only areas with standard asphalt are the parking spaces. The rest is thicker.

Mr. Geasling noted that the item numbers on the plans are outdated, and not used much. He believes the thickness needs to be 3 in., and the plans show differing degrees of thickness.

Mr. Terragnoli asked if Mr. Geasling would be satisfied if the entire parking lot was at 3 in. thickness. Mr. Geasling agreed.

Mrs. Salvati asked if the structure will be used only for storing equipment, nothing stored outside. Mr. Giangrecco responded yes.

Mrs. Salvati thanked Mr. Giangrecco for the improvements that have been made since the plans were originally submitted.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Jason Geasling, seconded by Wendy Salvati to **approve** the GMA Concrete Design business **Development Plan**, located at 9377 County Road, per the submitted drawing by Studio T3 Engineering, dated August 2nd, 2022, and to **approve the Final Architectural** drawings by MPD Architecture dated June 7th, 2020, and received in the Planning Office on August 8th, 2022, all with the following conditions:

1. Applicant meeting the requirements of the Town of Clarence Engineering Letter of Approval, dated August 8th, 2022, and associated conditions.
2. Applicant meeting the requirements of the Building Department prior to any construction on site.
3. Applicant meeting the requirements of the Landscape Committee Approval on August 9th, 2022, 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.
4. Subject to Erie County Health Department, and New York State Department of Environmental Conservation approval if required, on any future on-site sanitary facilities.

5. Subject to Erie County Department of Public Works approval for access to County Road.
6. Building to be constructed per the approved materials and colors.
7. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as originally approved.
8. Parking lot to be striped and maintained as approved in perpetuity. No parking of vehicles outside the designated parking areas.
9. 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.
10. No outside display or storage of any kind on the property, including but not limited to goods, materials, equipment, fleet vehicles or other items.
11. No dumping of any kind on the property, including but not limited to construction material, concrete forms, yard debris, or other business-related items.
12. Any equipment maintenance and repair shall occur within the warehouse.
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. Subject to Open Space fee, and any other applicable fees as required by Town Code.

Mr. Terragnoli stated that they have heard, understand, and agree to the conditions.

Jason Lahti	Aye	Jason Geasling	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye		

MOTION CARRIED.

Mr. Bigler thanked Mr. Giangrecco for all of the work he is doing on his building that will enhance the aesthetics of the area.

Meeting **adjourned** at 7:45 p.m. with a motion by Wendy Salvati.

Motion Carried

Amy Major
Senior Clerk Typist