

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday, August 3, 2022

Work Session 6:30 pm

Status of SEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:00 pm

Item 1

Stephen Development
Commercial

Requests Development Plan approval of a
conceptually approved mixed use project at 9740
Main Street, SBL 71.11-2-4.

Item 2

William Wilcox
Industrial Business Park

Requests Development Plan approval of a
conceptually approved landscape business at
9367 County Road, SBL 44.00-1-22.112.

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

Legal intern Brooke Conly led the pledge to the flag.

Planning Board Members present:

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

Vice-Chair Richard Bigler
Gregory Todaro
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:

David Sutton

Michael Metzger

Noel Dill

Item 1

Stephen Development
Commercial

Requests Development Plan approval of a conceptually approved mixed use project at 9740 Main Street, SBL 71.11-2-4.

DISCUSSION:

Mr. Bleuer introduced the project, located at 9740 Main Street. Located on the North side of Main Street, east of Spaulding Drive, it is an existing .92-acre vacant parcel located in the Commercial zone.

The applicant is requesting Development Plan and Final Architectural Approval for the construction of a mixed-use project featuring a single 2-story building containing approximately 3,390 sq. ft. of commercial space and one residential unit on the first floor, and five residential units on the second floor.

The Planning Board issued a Negative Declaration under the State Environmental Quality Review Act, Concept approval, Conceptual Architectural approval, and a recommendation of a Special Exception Use Permit in September of 2021. After a public hearing duly held in November of 2021, the Town Board issued a Special Exception Use Permit for multiple family housing. In March of 2022, the Landscape Review Committee approved a final Landscape Plan. Most recently, the Engineering Department has signed off on the final Development Plan as it 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.

Michael Metzger with Metzger Civil Engineering, the applicant Noel Dill, Vice President of Stephen Development, and project architect Dave Sutton from Sutton Architecture were present.

Mr. Metzger stated that since concept approval, they have been working on engineering and the architectural appearance of the building.

They have received approval from the Department of Transportation, Landscape Committee, Town Engineer, Erie County Health Department and the Erie County Water Authority.

Mr. Geasling asked what the proposed materials are. Dave Sutton from Sutton Architecture explained that they plan to do a combination of a stone veneer, a Hardee trim package, and they are proposing LP Smart Siding as well.

Mr. Sutton explained in detail the warranty and durability of the LP Smart Siding versus Hardee. The LP Smart Siding has a 50-year pro-rated warranty and a 15-year unlimited warranty, which is equal to or better than a properly installed Hardee siding and superior to traditional plat board siding.

Mr. Sutton stated that he is aware this is a new product to the Board, and that there will be some levels of approval. Mr. Sutton identified some locations that the Board can go to see the LP Smart Siding.

Mr. Sutton noted that the LP Smart Siding is more user friendly, easier to install, and shows up in the details.

Mr. Sutton continued to explain the details and benefits of the LP Smart Siding.

Mr. Sutton stated that if the Planning Board is not in favor of the LP Smart Siding, they will use the Hardee Siding.

Mr. Sutton noted that the windows are insulated, which they have also provided a sample of.

Mr. Sutton further reviewed the materials that will be used, including premium vinyl siding and the levels of thickness. Additionally, Mr. Sutton spoke on the fade factor, explaining that they will be using a mid-range color that will keep noticeable fading to a minimum.

Mr. Sutton continued to summarize the materials and architecture of the proposed building.

Mr. Geasling asked if the 1st floor living area will be handicap accessible. Mr. Sutton responded that it is 100% adaptable as per New York State and federal code standards.

Mr. Geasling asked if it would make sense to have a handicapped parking spot accessible to the living unit. Mr. Sutton responded that they can provide that, but it would be at the expense of two parking spaces shown on the site plan currently being proposed. Mr. Sutton explained that if it becomes necessary to adjust the living unit with handicapped provisions, then they can identify and convert a parking spot in to a handicapped accessible parking spot.

Mr. Geasling appreciates Mr. Sutton's suggestions, adding that he is concerned that the curb would need to drop as well.

Discussion continued regarding the installation and placement of a handicapped parking space.

Mr. Geasling referred to the letter that the Town of Clarence received regarding pedestrian bike accommodations, which did not state where they would be placed on the property.

Mr. Dill responded, and asked Mr. Metzger if the pedestrian bike accommodations can be relocated to the west side of the building. Mr. Metzger responded yes.

Mr. Geasling asked if there are any reason the mechanicals can't be located on the north side of the building rather than the west side. Mr. Sutton responded that they felt the west side was the most appropriate location because the back of the building is technically part of the front of the building for some of the residents. Mr. Sutton explained that out of respect of the neighbors, they did not place them on the north side of the building. They screened the mechanicals in order to mitigate any Main Street exposure. Mr. Sutton stated that they are willing to shift them to the north side of the building, though their preference is to keep them on the west side where they are currently located.

Mr. Geasling agreed that it is appropriate to keep them on the west side as Mr. Sutton explained.

Mr. Geasling asked if there is any site lighting intended for the proposed building. Mr. Metzger responded yes, they are currently working with suppliers and will have a lighting plan developed and available prior to the Public Improvement Project (PIP).

Chairman Sackett reiterated that a photometric plan will be available prior to PIP, and provided to the Planning and Zoning office.

Mr. Geasling referred to the existing sidewalk along Main Street, and asked if it is intended to be replaced, or stay existing with any portions that are damaged in construction.

Mr. Metzger responded that it is in good shape, so they plan on leaving it. The section at the entrance will need to be upgraded to a more durable, thicker grade due to vehicle traffic. That area will be replaced as the apron is installed.

Mr. Lahti asked about the septic, understanding that it is subject to approval by the County, but the 1500-gallon septic tank which has both the input and the output are located next to concrete sidewalks. There are trees shown on the landscaping plan that shows a tree right over or close to the feed out and distribution box, as well as a tree right next to the septic tank itself.

Stating that it isn't related to what is in front of the board for this meeting, Mr. Lahti does have questions about those issues. A 1500-gallon tank seems small for 6 apartments and commercial space.

Mr. Metzger responded that they do have Erie County Health Department for the septic system, and the tank is adequate for this facility. Also, the tank will be placed in an area where there is not a tree on it, but nearby.

Mrs. Salvati asked about the lighting plan that will be designed, and where the lights will be placed.

Mr. Metzger responded that it will be one of the details they work out with the supplier for their lighting plan. Mr. Metzger stated that the design and photometrics are done together, and added that there will probably be a pole on the east side of the site. He is unsure whether there will be building or pole lighting.

Mrs. Salvati asked about parking, and pointed out that parking spots have decreased in number since the start of the project.

Mr. Sutton noted in terms of a Mixed-Use building, there is an overlap with parking criteria showing the retail is more active when residential components are not on site. Mr. Sutton noted that his client has the ability to be selective with his tenants, and will not choose a high-traffic commercial component out of respect to the residential tenants.

Mr. Todaro asked in regards to the Smart Siding and with a vertical installation, is water able to get in to the seams.

Mr. Sutton explained that the vertical installation is a simulated board and batten that has an overlap, giving them the ability to caulk the overlap to seal the joint.

Mrs. Salvati asked if the tree located in the southeast corner of the property will be preserved and not be removed during construction or grading. Mr. Metzger responded that the stormwater pond is designed to stay away from the tree, as will the storm line. They will only be excavating down a foot and a half to install the line. The tree will be protected during construction.

In regards to Public Participation the following resident spoke:

- Councilman Shear requested that if the board moves to approve the request, that they add a condition that the photometric plan is available prior to issuing permits.

Public Participation for this portion of the meeting was closed.

ACTION:

Motion by Jason Geasling, seconded by Richard Bigler to **approve the Development Plan** for Stephen Development at 9740 Main Street per the submitted plan by Metzger Civil Engineering dated December 1st, 2021, with a final revision date of April 28th, 2022 and to **approve the Final Architectural** drawings by Sutton Architecture dated July 21st, 2022, all with the following conditions:

1. Applicant meeting the requirements of the Town of Clarence Engineering and Building Departments and any associated conditions.
2. Applicant meeting the requirements of the Landscape Committee Approval on March 8th, 2022, and associated conditions, including but not limited to, the maintenance of all landscaping, walls, and fencing in perpetuity and replacement, in-kind, should there be any deterioration, or death or disease to plantings.
3. 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 New York State Department of Transportation approval for access to Main Street.
5. Building to be constructed per the approved materials and colors, subject to Planning Department review and approval.
6. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as originally approved.
7. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
8. Dumpster enclosure shall remain closed at all times when not in use. Dumpster service shall occur in conformance with Town Code.
9. No outside display or storage of any kind on the property, including but not limited to goods, materials, or other items.
10. Required on-site recreational features in the form of benches and bike rack to be installed per the assurance letter of the applicant, dated July 27th, 2022.
11. 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 and residential lighting. Prior to PIP permit issuance, applicant shall submit a photometric lighting plan to the Town of Clarence Planning Department for review and approval.
12. Any permanent signage subject to review and approval by the Sign Review Committee, and any temporary signage subject to review and approval by the Office of Planning and Zoning.
13. Subject to Open Space, Recreation Fees, and any other applicable fees as required by Town Code.

ON THE QUESTION:

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

Chairman Sackett asked the applicant to stipulate where the benches will be located on the property.

Mr. Dill responded that they can locate the benches on the north side of the property.

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

MOTION CARRIED

Item 2

William Wilcox
Industrial Business Park

Requests Development Plan approval of a conceptually approved landscape business at 9367 County Road, SBL 44.00-1-22.112.

DISCUSSION:

Mr. Bleuer introduced this project, at 9367 County Road, it is located on the south side of County Road, west of Goodrich Road and is a newly created 5-acre vacant parcel in the Industrial Business Park zone. It was recently split from the Braddell Lakeside Sod Farm.

The applicant is requesting Development Plan and final Architectural Approval for an approximately 4,000 sq. ft. warehouse building with associated facilities. The owner desires to operate a landscape business on the premises.

This proposal was referred from the Town Board in July of 2021. The Planning Board issued a Negative Declaration under the State Environmental Quality Review Act, Concept Plan and Conceptual Architectural approvals in December of 2021. In June of 2022, the Landscape Review Committee approved a final Landscape Plan as shown. Finally, in June of 2022, 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

Michael Metzger with Metzger Civil Engineering was present to discuss the project and answer any questions as needed, adding that they have been working with the various regulatory agencies as well as the town engineer.

Since the Concept Plan was approved, they have received approval from Erie County Department of Works – Highways, Erie County Health Department, and the Erie County Water Authority.

Mr. Metzger noted that one of the major updates from the original plan is that upon request, they have moved the building forward. Based on a proposed location for an adjacent project to the east and to line up the buildings closer, they moved their building up. Additionally, they added a small entrance way to the front of the building, which pushes it more forward.

They have also squared off the pond, eliminated some pavement, and installed some landscaping.

Mr. Todaro thanked Mr. Metzger for the work that has been done on this project, he likes the current design of the project and will enhance the area.

Mr. Todaro pointed out that in previous Planning Board meetings it was stated that if a disturbance became greater than 1 acre, a full Stormwater Prevention Plan would become necessary. Mr. Todaro asked Mr. Metzger to confirm that the disturbance is staying under 1-acre. Mr. Metzger responded that it is under 1-acre, and the final plan has been confirmed and accepted with the town engineer.

Mr. Todaro asked about the graphic elevation and the lack of lighting shown on the most recent rendering. Mr. Todaro asked Mr. Metzger to explain the lighting and the plans for it on the building.

Mr. Metzger responded that the building will be utilized by Mr. Wilcox for his business, there is no general public coming to the building, it is strictly for the employees of the business, and for storing the equipment. Because it is a daytime business with little activity at night, low level security lighting will be utilized, with a preference for motion lighting for night. Mr. Metzger noted that Mr. Wilcox would like to have security lighting located just over the top of the front door and both side doors.

Mr. Todaro asked if the stone veneer and wainscot in the back will be the same height. Mr. Metzger responded yes; they will be 42 in. all the way around.

Mr. Todaro asked where the septic will be located on the property. Mr. Metzger responded that the septic will be located as it is shown in the plans, which has also been approved by the Erie County Health Department. Mr. Metzger confirmed that there will not be any large trucks or heavy equipment parked on top of where the septic tank is located, it would be detrimental to the system to do so.

Mr. Todaro stated that if this project is approved, a condition would be applied that stated there is to be no outside storage of any equipment or supplies. Mr. Metzger noted that based on Mr. Wilcox's business, there is no need for any outside storage of any product, and all equipment will be stored inside.

Mr. Todaro included that nothing is to be stored outside of the gate located at the back of the property. Mr. Metzger stated yes, the gate's only purpose is to access the remaining property located behind the building.

Mr. Todaro asked where the dumpster is proposed to be located. Mr. Metzger responded that Mr. Wilcox is not proposing to have any dumpster on site, all supplies that are used stays and leaves from the property that they are working at. Very little activity will be conducted at this building.

Mrs. Salvati asked if there is any signage proposed. Mr. Metzger responded no, because the general public will not be coming to the building, there is no need for any signage.

Mrs. Salvati asked what the plan is for the remainder of the land. Mr. Metzger stated that Mr. Wilcox would like to continue allowing Lakeside Sod to utilize the remaining 4 acres.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Gregory Todaro, seconded by Wendy Salvati to **approve** the Wilcox landscaping business **Development Plan**, located at 9367 County Road, per the submitted drawing by Metzger Civil Engineering dated March 15th, 2022 with a final revision date of June 7th, 2022 and to **approve the Final Architectural** drawings by MPD Architecture dated July 6th, 2022, all with the following conditions:

1. Applicant meeting the requirements of the Town of Clarence Engineering Letter of Approval, dated June 20th, 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 June 14th, 2022, and associated conditions, including but not limited to, the maintenance of all landscaping, walls, and fencing in perpetuity and replacement, in-kind, should there be any deterioration, or death or disease to plantings.
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. 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. Prior to PIP permit issuance, applicant shall submit a photometric lighting plan to the Town of Clarence Planning Department for review and approval.
9. No outside display or storage of any kind on the property, including but not limited to goods, materials, equipment, fleet vehicles or other items.
10. No dumping of any kind on the property, including but not limited to grass clippings, yard debris, mulch, soil or other landscape related items.
11. Any future proposed bulk material storage or sale shall be subject to review, and issuance of a Temporary Conditional Permit, after application being submitted by the applicant and accepted by the Town of Clarence.
12. Any equipment maintenance and repair shall occur within the warehouse.
13. Lot to be striped and maintained as approved in perpetuity. No parking of vehicles outside the designated parking areas.
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, Recreation Fees, and any other applicable fees as required by Town Code.

ON THE QUESTION:

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

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

MOTION CARRIED.

Meeting **adjourned** at 7:53 p.m. with a motion by Wendy Salvati.

MOTION CARRIED.

Amy Major
Senior Clerk Typist