

Town of Clarence  
One Town Place, Clarence, NY 14031  
Planning Board Minutes  
Wednesday August 4, 2021

**Work Session 6:00 pm**

Status of SEQR Coordinated Reviews  
Review of Agenda Items  
Miscellaneous

**Agenda Items 7:00 pm**

Approval of Minutes

**Item 1**

DMK Development – Tractor Supply Company  
Commercial & Residential Single-Family

Requests Concept Plan approval of a proposed retail store and associated facilities located at 8945 & 8965 Main Street.

**Item 2**

Jeff Collins  
Agricultural Rural Residential

Requests Development Plan approval of a Conceptually approved 8-lot residential single family Open Development Area located on Keller Road, SBL 45.00-2-6.12.

**Item 3**

John Krantz  
Agricultural Rural Residential

Requests Conceptual Review of a proposed 4-lot residential single family Open Development Area and Minor Subdivision of land approval to create one frontage lot, all at Martin/Heise/County Roads, SBL 30.00-3-56.

**Item 4**

Royal Car Wash  
Commercial

Requests Conceptual Review of a proposed car wash facility located at 6685 Transit Road.

Chairman Robert Sackett called the meeting to order at 7:01 p.m.

Councilman Paul Shear led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett  
2<sup>nd</sup> Vice-Chair Wendy Salvati  
Patrick Johnson  
Jason Geasling

Vice-Chair Richard Bigler  
Jason Lahti  
Jeffrey Buckley

Planning Board Members absent:

Gregory Todaro

Town Officials Present:

Director of Community Development Jonathan Bleuer  
Junior Planner Andrew Schaefer  
Councilman Paul Shear  
Deputy Town Attorney Steven Bengart  
Town Supervisor Patrick Casilio

Other Interested Parties Present:

Fred Shelley	Robyn Cierniak	Pat & Jim Collins	Charles & Cheryl Nagel
Maureen Reed	Jeff Barbeao	C. Auerbach	Maria Pendolino
Eric Broughton	Emily Mammen	Rajiv Mammen	Victoria Krantz
Jason Burford	Karen Caruso	Ron Matre	Henry Jurek IV
Marjorie Ebersole			

Motion by Richard Bigler, seconded by Wendy Salvati, to **approve** the minutes of the meeting held on June 30, 2021, as written.

Jason Geasling	Aye	Jeffrey Buckley	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sackett	Aye		

**MOTION CARRIED**

**Item 1**

DMK Development – Tractor Supply Company Commercial & Residential Single-Family	Requests Concept Plan approval of a proposed retail store and associated facilities located at 8945 & 8965 Main Street.
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**DISCUSSION:**

Mr. Bleuer introduced this project, located at 8945 and 8965 Main Street, together these parcels contain approximately 5.25 acres in the Commercial and Residential Single Family zones. 8945 Main Street is vacant, while 8965 Main Street contains an existing home and associated outbuildings proposed for demolition as part of this proposal.

The applicant is requesting conceptual approval of an approximately 19,000 sq. ft. retail store, with associated facilities including an approximately 5,000 sq. ft. greenhouse, and a 20,000 sq. ft. fenced outdoor display area.

This proposal was referred from the Town Board in February of this year. In March, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act. Since that time the applicant has addressed involved and interested party comment, participated in a preliminary grading and drainage review through the Town’s Engineering Department, and modified the concept plan and conceptual elevations accordingly.

Fred Shelley with BME Associates representing DMK Development further explained that with the project split between two zones, they intend to push the commercial to the extents of the south and west lines of the property.

Mr. Shelley reviewed the project and activity up to the current status of the process to this point.

Mr. Shelley clarified, stating that the 5,000 sq. ft. greenhouse is included within the 20,000 sq. ft. outdoor area, which leaves approximately 15,000 sq. ft. of open area.

Mr. Shelley stated that in working with the Planning Board Executive Committee, one of the most notable revisions that they have made is the shifting of the site further in to the commercial property to the east. They have left a 45 ft. greenbelt along the west side of the property, which is not a requirement by the town's zoning use ordinance because it is a commercial use property.

Mr. Shelley reviewed the landscaping that the applicant has planned along the front and west side of the building, to soften the appearance of those areas.

They have also included some plantings along the drive aisle to the loading dock along the west side of the building. Additionally, they plan to keep much of the vegetation already in existence along the west property line.

Mr. Shelley stated that the berm which will run along the property line and the edge of the pavement will include a fence along the top which will vary in height from 6 ½ ft. to 9 ft.

In regards to the architectural revisions, through the reviews from the Planning Board Executive Committee, the applicant has added a faux storefront along the Main Street side of the building, and awnings along the Main Street and west sides of the building. The addition of a parapet wall to assist in rooftop mechanical screenings, and gable rooflines and roof appearances for both the actual store entrance and the faux store entrance, in an attempt to bring in the agrarian feel of the neighborhood.

Mr. Shelley further reviewed the project to this point.

Mr. Bigler asked about the rooftop units and their visibility from Main Street, Mr. Shelley confirmed that they will not be able to be seen from Main Street.

Referring to the berm, Mr. Bigler stated that the berm will start out at the same height as the loading dock surface, giving it additional height, which Mr. Shelley confirmed. Mr. Bigler stated that what they are looking to accomplish by requiring the berm, fencing, and additional landscaping, is a barrier between the residential area and the building with the activity that will be happening. Mr. Bigler stated that while the fence in the back will be 5 ft. tall, the board is looking for a total of 8 ft. in order to provide an adequate barrier, which won't be accomplished by putting a 5 ft. fence on a 1.5 ft. berm. Mr. Bigler stated that if they need to put up a 6.5 ft. fence on the 1.5 ft. berm to reach the recommended 8 ft. then that's what should be done.

Mr. Bigler stated that the board has received correspondence from the neighbors, including one from Maria Pendolino of 4345 Shimerville Rd. who stated that she is opposed to the project.

All correspondence received is placed in the project file.

Mrs. Salvati asked whether a forklift will be used in the loading dock area, and if so, whether it is motorized or electric. Mr. Shelley responded yes, a motorized forklift will be used and that typically there are 1-2 deliveries per week.

Mrs. Salvati stated that while a traffic study wasn't required, she would like to ask whether the applicant would consider not allowing delivery trucks to utilize Shimerville Road when making deliveries. Mr. Shelley stated that he would pass that request along to the applicant.

Mrs. Salvati then asked about the four wall pack units at the top of the wall, whether those were supposed to be Gooseneck lights. Mr. Shelley responded that the three light fixtures on the main store entrance side are Gooseneck lighting, the rest are wall packs.

Mr. Geasling asked if the mechanicals located on the top of the building are true to scale, Mr., Shelley responded that yes, they are. Mr. Geasling stated that the issue is not with not being able to see the mechanicals while standing outside of the store, it's being able to see them while driving down the street. Mr. Shelley stated that the applicant has provided a 3D view of the site which shows that the mechanicals are not visible from the street.

Mr. Bleuer stated that there has been discussion as to the placement of the mechanicals, that they would be placed more toward the back half of the building. This is something that would be further discussed if the project proceeds to the Development Review stage.

At this time, the meeting was opened for Public Participation.

- Maria Pendolino of 4345 Shimerville Rd.
  1. Acknowledged proposed greenbelt, very encouraging
  2. Has no issue with the applicant coming to Clarence, but does not want their loading dock, garbage dumpster, and site retaining wall in her backyard when there is plenty of retail space on Transit Road.
  3. Very concerned about increase of traffic on that portion of Shimerville Rd. between Wehrle Drive and Main Street.
  4. She would like assurance that the tractor trailers will not be idling while unloading for deliveries from both an air and noise quality perspective.
  5. Concerned about the traffic at the intersection of Main and Shimerville, as the current light would not properly service this property's entry and exit. People coming in and out of the store could impact the left turn lane on Main Street which is already a challenge.
  6. She would like to know if the applicant has a pest and mosquito mitigation plan for the retaining pond especially considering the weather, knowing that 100 year storms are happening more frequently.
  7. She would be very interested in participating with the Landscape Committee, assuming this project moves forward, as it has a large impact on both her property and her property value.
- Chuck Nagel of 4375 Shimerville Rd.
  1. Requested clarification on the location of the greenbelt specifically the distance from his backyard to the loading dock as well as the distance from his backyard to the greenbelt.
  2. He agrees that the height of the fence and berm need to be increased.
  3. Feels it is highly unlikely that deliveries will only occur 1-2 times a week.
  4. Concerned about the garbage pickup and how it will affect him due to the close proximity to his property.
  5. Traffic has already greatly increased over the past 25 years, they find it difficult to get in and out of their driveway now, even with school out. Traffic builds up even more so when school is in session, then to add the extra traffic that the applicant will bring in, will make it impossible.
  6. Concerns regarding the speed limit, it is already too high and greatly disregarded.
- Maureen Reed of 4355 Shimerville Rd.
  1. While encouraged to hear of plans for the berm and fence, she has concerns regarding the noise, and would like to see the fence at least 10 ft. high, if that includes a berm then that is fine. She would like to see something high enough that they are unable to see any garbage or delivery trucks coming in and out.

2. While encouraged to see the lighting improvements, but she is concerned about the hours for deliveries and garbage, specifically how the noise caused will impact the quality of life that they enjoy. They spend quite a bit of time in their backyard
  3. She would like to make sure that the applicant does not impact any of the greenspace in the easement behind her yard and that it remains untouched for the wildlife and as a visual barrier.
  4. Her biggest concern is the traffic, and she is disappointed to learn that no traffic study has been done, and reiterated what has already been stated in regards to the traffic.
- Cheryl Nagel of 4375 Shimerville Rd.
    1. Repeated and reiterate the concerns regarding traffic and the potential for increase with the applicant's proposed business. Traffic is horrendous on the street, and their mailbox has been hit 8 times this year so far.
    2. There are several houses with children on the street, they would ask that no tractor trailers be allowed to travel on the Shimerville Rd.
    3. They enjoy their backyard and their view, she gardens a lot and spends time back there with their grandchildren, and she doesn't want them to suffer from the exhaust that will come over from the applicant's business.
    4. She is not against Tractor Supply, but feels there are several other locations in Clarence which would be better suited.
    5. She does not want the town to become over commercialized.
  - Rajiv Mammen of 4344 Shimerville Rd.
    1. Echoes the concerns of his neighbors regarding traffic, safety concern for children in the neighborhood including his, and that a better location would be much more suitable for the proposed business.

At this time, Public Participation has been closed.

Mr. Shelley addressed the comments and concerns regarding traffic on Shimerville Road, stating that they have discussed anticipated peak hour trips as well as whether or not they qualify for a traffic study. State Environmental Quality Review Act requires sites that are anticipated to exceed 100 trips per hour during peak hour require a traffic study, and that is also a trigger point for the New York State Department of Transportation (NYSDOT). New York State Department of Transportation maintains Main Street as well as controlling the speed limit and the intersection. Their submission to the NYSDOT will be submitted based on their requirements, therefore approval will be based on their review. As far as traffic is concerned, that is as much as they can comment on that.

Mr. Bleuer stated that as part of the Coordinated Review, the Town of Clarence did coordinate with the New York State Department of Transportation and Erie County Department of Public Works.

Mr. Sackett noted that Shimerville Road is a County road, which is why they are involved with the process as well.

Mr. Shelley stated that the stormwater ponds will be dry ponds, therefore they do not anticipate any standing water that would cause pest or mosquito infestations. That is also regulated by the state, designed per their guidelines, and will come up in review.

In regards to Mr. Nagel's question asking the distance from his backyard to the loading dock, it is an 80 ft. wide strip of vegetated area from their property boundary to the rear lots of the Shimerville Road properties. As far as

the distance to the loading dock, there is a total of 125 ft. from the backyard property lines to the pavement of the loading dock.

Mr. Shelley responded to the question as to whether they would be removing anything from an easement, stating that they do not have any easements along the west side of their property line. He believes there is a pole line that runs through the 80 ft. strip however that is not their property, and they do not have rights to access it, nor do they have plans to disturb any of the vegetation there.

Mr. Shelley responded to the concerns regarding noise from the loading dock, stating that besides the berm and fence, they have also proposed a line of evergreens to be placed between the berm and the residences. When the trucks come they will back up and then park, they are not allowed to idle, they will be shut off so there will be no long terms of idling. There will be a periodic forklift running, but the times of use are short and the barriers should help to contain the noises.

Mr. Shelley stated that he currently does not have any information regarding garbage pickup, but he will work on obtaining that information for a later date.

Mr. Sackett asked where the garbage dumpster is located, Mr. Shelley responded that it is at the southwest corner of the greenhouse, adjacent to the portable loading dock.

Mr. Shelley stated that as far as the traffic on Shimerville Road worsening, he would take any of the comments that that county or state made through their review.

Mrs. Salvati asked what the hours of operation will be, Mr. Shelley responded Monday thru Friday the hours are 8am – 9pm, Saturday 8am – 8pm and Sunday is 9am – 7pm. Delivery hours are before the store opens, he is not sure on the exact length of time, but it is within the hour before the store opens, once or twice a week.

Mrs. Salvati asked whether deliveries will occur on Saturdays or Sundays, Mr. Shelley responded that he will reach out to the applicant to obtain an answer, as he does not have one.

**ACTION:**

Motion by Richard Bigler, seconded by Wendy Salvati that Pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Full Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Full Environmental Assessment Forms as prepared and to issue a Negative Declaration on the proposed Tractor Supply Company Retail Store Project at 8945 & 8965 Main Street. This Unlisted Action involves the construction of a retail store and associated facilities in the Commercial and Residential Single Family zones. 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.

Patrick Johnson	Abstain	Jason Lahti	Abstain	Jason Geasling	Aye
Jeffrey Buckley	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED.

**ACTION:**

Motion by Richard Bigler, seconded by Wendy Salvati to **approve the Concept Plan** for Tractor Supply Company at 8945 & 8965 Main Street per the submitted plan by BME Associates dated January 2021, with a

revision date of July 23<sup>rd</sup>, 2021 and to **approve the Conceptual Architectural** drawings by Oxford Architecture dated June 11<sup>th</sup>, 2021, all with the following conditions:

1. Subject to rezoning by the Town Board for the rear of the site from Residential Single Family to Commercial.
2. Subject to Development Plan approval by the Clarence Planning Board prior to any permits being issued by the Town Building and Engineering Departments.
3. Subject to Town Building and Engineering Department approval prior to any permits obtained for the construction on the property.
4. Landscape Committee approval of a final landscape plan prior to Development Plan approval, including but not limited to the buffer along the west property line, and the merchandise loading area. In addition, a maintenance plan shall be submitted to ensure landscaping remains in perpetuity, and is replaced in the event of death or disease to plantings.
5. On-site sanitary sewer system subject to Erie County Health Department and Department of Environmental Conservation review and approval. Furthermore, the system shall not be located above average grade at ground level.
6. Review of a lighting photometric plan prior to Development Plan approval. All site lighting shall be dark sky compliant and shielded to prevent spillage onto adjoining properties.
7. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
8. Bulk propane refueling tank shall receive all necessary governmental permits and approvals prior to installation and operation.
9. Any proposed signage subject to review and approval by the Clarence Sign Review Committee.
10. Subject to Open Space and Recreation fees.

The applicant understands and agrees to the conditions.

**ON THE QUESTION:**

Mrs. Salvati asked to reiterate that the fencing along the western property line that is installed along the top of the berm, will be maintained and will be a height of 8 ft. through a combination of fencing and berm.

Mr. Shelley responded that to his understanding from the pavement to the top of the fence will be 8 ft. total.

Mr. Bleuer stated that the maximum allowable height of a fence in a Commercial zone is limited to 8 ft. Mrs. Salvati stated that is of fence, not overall.

Mr. Sackett stated that the specifications of the overall fence height is a discussion and topic for the Landscape Committee and the applicant.

Patrick Johnson	Abstain	Jason Lahti	Abstain	Jason Geasling	Aye
Jeffrey Buckley	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

**MOTION CARRIED.**

**ACTION:**

Motion by Richard Bigler, seconded by Wendy Salvati to **recommend a Special Exception Use Permit** for Tractor Supply Company at 8945 & 8965 Main Street to the Clarence Town Board to allow outside storage and

display of merchandise per the submitted plan by BME Associates dated January 2021, with a revision date of July 23<sup>rd</sup>, 2021 subject to the following conditions:

1. No outside storage or display of merchandise on the property except for within the fenced outdoor display area, permanent sidewalk display area, and permanent trailer & equipment display area as defined on the approved concept plan.
2. Outside storage or display of merchandise shall not impede pedestrian access upon the established sidewalks and walkways.
3. At no time shall outside storage or display be located beyond the Main Street front foundation line of the building.

The applicant understands and agrees to these conditions.

**ON THE QUESTION:**

Mrs. Salvati reiterated that they will be expecting a response regarding anticipated hours for garbage pickup and any further information regarding deliveries.

Jason Lahti	Abstain	Patrick Johnson	Abstain	Jason Geasling	Aye
Jeffrey Buckley	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED

**ACTION:**

Motion by Richard Bigler seconded by Wendy Salvati to **recommend Rezoning of the rear of 8945 & 8965 Main Street** to the Clarence Town Board from Residential Single Family to Commercial. This rezoning involves the rear 370’ to 410’ of the properties, and would result in the entirety of the parcels being located in the Commercial zone.

Jason Lahti	Abstain	Patrick Johnson	Abstain	Jason Geasling	Aye
Jeffrey Buckley	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED

**Item 2**

Jeff Collins  
Agricultural Rural Residential

Requests Development Plan approval of a Conceptually approved 8-lot residential single family Open Development Area located on Keller Road, SBL 45.00-2-6.12.

**DISCUSSION:**

Mr. Bleuer introduced this project, located at the south side of Keller Road, east of Strickler Road and is an existing vacant 44.4 acre parcel in the Agricultural Rural Residential zone.

The applicant is requesting Development Plan approval of an 8-lot Open Development Area, accessible via a single private drive and cul-de-sac. Each lot contains at least 2 acres, while 5 of the 8 lots contain 5 acres or more.

This proposal has previously received a Negative Declaration under the State Environmental Quality Review Act by the Planning Board in December of 2018. After a Public hearing, the Town Board conceptually approved the Open Development Area in February of 2019.

Since that time the applicant has received Engineering sign-off on their full technical development plan set, and received Landscape Committee approval of a final landscape plan.

Representing the applicant is Jason Burford from Greenman Pederson, Inc. (GPI) who added that the Federal Wetland Permit has been received and other permits as required for construction are in process and will be completed before construction begins.

Because it has been listed as a private development, it will be maintained privately including the road, drainage, etc. will all be maintained by a Homeowner's Association (HOA). There is a private water line on the property, the on-site septic system will be located to the rear, and there is a 55 ft. setback from the road.

The site as shown in previous aerials, is a heavily wooded site, very natural, and the intent is to keep it that way, with the lots to remain in their current state as much as possible with limited disturbance.

There are natural drainage ways, with the intent that they will also stay, they have included an extensive drainage plan which has been reviewed by the Town Engineering Department. Private drainage will be maintained privately.

Mr. Burford stated that work hours will remain within the town's ordinance, as required, and at this point there is no planned work on Sundays, which is all that they are able to commit to at this point. It is a construction company, therefore many outside factors can come in to play.

Mr. Geasling recused himself from this item.

Mrs. Salvati stated that since this project has been ongoing since 2018 so they have had the opportunities to address several issues that brings the design to where it is now. Many questions have already been answered, including hours and days of construction. Mr. Burford clarified that there is no planned construction on Sundays, but from a construction perspective, if the weather is not cooperating which causes a delay, it may require some necessary work on a Sunday.

Mrs. Salvati stated that a letter was received from a neighbor, which has been placed in the file. The neighbor's prior concerns have to do with drainage, including what the drainage plan is for the property. Also, they stated concern with the ditch that comes from this property and crosses in to their land and they worry about more water crossing over in to the ditch. Additionally, they inquired about retention ponds as well as how the water will drain.

Robin Cierniak Stormwater Designer with GPI, explained that the majority of the site will be left in its natural state. All of the roadway, house pads, and root drain from the homes will all be collected and detained in one of four retention areas. Each one of the retention ponds will discharge from a small pipe out to one of the ditch areas. Most of the site is intended to be left wooded and undisturbed, with drainage patterns already in existence will be left as is, which is the premise of an Open Design.

Further discussion continued regarding retention ponds.

Mrs. Salvati stated that one of the conditions that they are going to include in the motion is that any drainage easements will require Town Engineer, Highway, and the Legal Department review. Prepared and delivered by

the applicant, to the Town Attorney's Office, and thereafter be filed with the Erie County Clerk's office, with a stamped, filed copy provided to the town attorney's office within a reasonable time frame.

Mr. Bengart stated that they are specifically looking for is to make sure they have means to make sure they can properly maintain that ditch.

Ms. Cierniak stated that it is her understanding that it is all under the Homeowner's Association (HOA). That they are all private drainage areas, and will be maintained by the HOA. Mr. Bengart asked if it will be included in the HOA agreement, Ms. Cierniak responded yes. Mr. Bengart stated that it may be part of the motion, because often they like to reserve the right, so that they can make sure that it is being maintained.

Mr. Sackett explained that the Town of Clarence takes notice of properties which are not properly maintained, and like to make sure that they are able to follow up when these issues arise.

Mr. Bigler asked whether the water maintenance areas will be dry or have water in them, Ms. Cierniak responded that they will typically have water in them. Mr. Sackett asked if having the water will potentially cause problems for mosquitos and pests. Ms. Cierniak responded that the area is wetland now, this will not intensify it.

At this time, the meeting was opened for Public Participation.

- John Dunn, who resides on the north end of Keller Rd. at 10410 Keller Rd., he had previously submitted a photo and flash drive to the planning office last year, which has been distributed for the board members, and placed in the project file.

Mr. Dunn stated that the water currently located on the property is 4 ft. deep, it will need to go somewhere, and it will go to his property, as it already does.

At this time, Public Participation was closed.

Ms. Cierniak stated that it is a very wet site, which has gone through an extensive Town of Clarence Engineering review, they have met all of the Department of Conservation's requirements and regulations and they are satisfied with the project as well.

#### **ACTION:**

**Motion by Wendy Salvati seconded by Jeffrey Buckley to approve the Development Plan** for the Collins Open Development Area at Keller Road SBL # 45.00-2-6.12 per the submitted drawing set by Greenman-Pederson, Inc. dated June 2021 and received in the Planning Office on June 15<sup>th</sup>, 2021, with the following conditions:

1. As per the Town of Clarence Engineering Letter of Approval dated July 20<sup>th</sup>, 2021, and associated conditions.
2. Subject to Town Building and Engineering Department approval prior to any permits being obtained for the construction on the property.
3. As per the Landscape Committee Approval, and 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 plantings.
4. No site clearing or disturbance beyond the limits of disturbance as identified on the approved landscape plan. This shall be documented in the homeowners association rules and/or covenants and agreements

associated with the development. Such language shall be provided to the Town Attorney’s Office for review and approval prior to construction.

- 5. A homeowners association if one is created by the applicant, a copy of the bylaws, rules and regulations shall be provided to the Town Attorney’s Office for review and approval prior to obtaining any building permits.
- 6. Installation of an LED cobra head street light at the corner of Keller Road and Sorellina Way, as required by the Town of Clarence Engineering Department, and this light will be dark sky compliant.
- 7. Any additional entrance or private drive lighting must be dark sky compliant and shielded to prevent spillage onto adjoining parcels.
- 8. No signage for this development shall be installed without receiving necessary permits.
- 9. This development is subject to Open Space and Recreation Fees.
- 10. As indicated, any drainage easements required by the Town Attorney, Highway, or Legal Departments shall be prepared and delivered by the applicant or as applicable, the Homeowner’s Association for review and approval by the Town’s Attorney’s Office. Thereafter filed with the Erie County Clerk’s Office with a stamped, filed copy provided to the Town’s Attorney’s Office within a reasonable time.

Jason Burford, Project Manager from Greenman Pederson, who was present and representing the applicant, stated that he understands and agrees to the aforementioned conditions.

**ON THE QUESTION**

Ms. Salvati stated that it had been previously discussed about the possibility of some type of plan for mosquito and pest control on site. She would like that to be something to be considered by the Homeowner’s Association when preparing their rules and regulations. It is part of the infrastructure that should be maintained.

Mr. Burford stated that they will take that in to consideration.

Jason Lahti	Abstain	Patrick Johnson	Abstain	Jason Geasling	Recuse
Jeffrey Buckley	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

**MOTION CARRIED**

**Item 3**

John Krantz  
Agricultural Rural Residential

Requests Conceptual Review of a proposed 4-lot residential single family Open Development Area and Minor Subdivision of land approval to create one frontage lot, all at Martin/Heise/County Roads, SBL 30.00-3-56.

**DISCUSSION:**

Mr. Bleuer introduced the project, which is located on the east side of Heise Road, south side of Martin Road and north side of County Road

Existing vacant 17.5 acre parcel located in the Agricultural Rural Residential zone.

The applicant is requesting approval of a 1-lot minor subdivision of land, at the corner of Martin and Heise Roads, and conceptual review of a 4-lot Open Development Area with access to Heise Road via a single private drive.

This proposal was referred from the Town Board in March of this year, and at that time, the proposal consisted of a 1-lot minor subdivision and 5-lot open development. Since then, the applicant reduced the Open Development Area to 4 lots after consideration was given to utilities.

Jason Burford from Greenman Pederson, Inc. was present, representing the applicant. He stated that they have been working with the Planning Board Executive Committee as well as the Town's Engineering Department to resolve some issues that had come up.

Because it is still in the conceptual stage at this point, specific topography is unknown. They have submitted a preliminary drainage plan, the location of bio retention and storm water ponds may vary depending on the exact topography.

Mr. Sackett pointed out that there are two items in front of the board, one is an Open Space Development, and the other is a Minor Subdivision.

Mr. Geasling stated that because it is so early on in the process, the only question he has is at the head of the cul de sac, there appears to be a storm line coming out of the cul de sac, does that feed in to the stormwater area? Mr. Burford responded that yes, it does, the intentions are to have a 90 degree basin located just to the south, but because of the preliminary state of the project, they are still basically guessing at exact locations.

At this time, the meeting was opened for Public Participation.

- Jeff Barbeau of 9187 Martin Road, stated that the design has changed since the last submission, specifically the retention pond because there is no drainage ditch going north. Mr. Barbeau stated that a drainage ditch in that location makes no sense, and asked where the water will drain to.

Mr. Sackett noted that this project is in the very beginning stages, and has not yet received Town Engineering approval.

- Keith Seitz of 9211 Martin Road, noted that as the area has been building up, the water just sits and builds up, destroying the trees and vegetation in the area.

Mr. Seitz stated that the town has let this property be destroyed because of water, and he has brought it to the town's attention multiple times through the years.

Mr. Seitz noted that he does not have any problems with the homes or any of the plans, other than the water. The sitting water is an issue, and it needs to be fixed.

Mr. Seitz commented that aside from his main concern of water and drainage that needs to be addressed, the one other concern he has is the number of accidents that occur at Heise and County roads, and adding more traffic will make it worse.

At this time, Public Participation was closed.

Mr. Burford responded that there will be extensive engineering done, to assure that stormwater from the site does not navigate to the other properties. In terms of the exact location of the ponds, they are unsure at this time, as it is too early in the process.

#### **ACTION:**

#### **OPEN DEVELOPMENT:**

Motion by Jason Geasling, seconded by Richard Bigler that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Short Environmental Assessment Form as submitted and to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies on the proposed Krantz Open Development Area at Martin/Heise/County Roads SBL # 30.00-3-56 in the Agricultural Rural Residential zone. This Unlisted Action involves the construction of 4 residential single family lots on a private drive accessing Heise Road.

Jason Lahti	Aye	Patrick Johnson	Aye	Jason Geasling	Aye
Jeffrey Buckley	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED

**MINOR SUBDIVISION OF LAND:**

Motion by Jason Geasling, seconded by Richard Bigler 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 Krantz Minor Subdivision at Martin Road SBL # 30.00-3-56. This Unlisted Action involves a lot split to create one (1) additional lot in the Agricultural Rural Residential zone. After thorough review of the submitted sketch 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	Patrick Johnson	Aye	Jason Geasling	Aye
Jeffrey Buckley	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED

Motion by Jason Geasling, seconded by Richard Bigler to **approve the Krantz Minor Subdivision** at Martin Road SBL # 30.00-3-56 as per the submitted sketch plan from Greenman-Pederson, Inc. dated February 2020 and received in the Planning Office on July 23<sup>rd</sup> 2021, with the following conditions:

1. Review and approval by the Erie County Department of Public Works for any future access to Heise Road.
2. Review and approval the Town of Clarence Highway Department for any future access to Martin Road.
3. Review and approval by the Erie County Health Department for any future on-site sewer facilities for the newly created lot.
4. Review and approval by the Town Building and Engineering Departments for any future residential construction on the newly created lot.
5. Should any drainage easements be required 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.
6. Subject to Open Space and Recreation Fees.

Mr. Burford understands the conditions, with one question regarding the Open Space and Recreation fees. Mr. Bleuer stated that yes, it is subject to Open Space and Recreation fees, Mr. Burford agreed.

Mr. Bleuer added that this will be the last allowable lot split under a Minor Subdivision review.

Jason Lahti	Aye	Patrick Johnson	Aye	Jason Geasling	Aye
Jeffrey Buckley	Aye	Wendy Salvati	Aye	Richard Bigler	Aye

Robert Sackett      Aye

## MOTION CARRIED

### **Item 4**

Royal Car Wash  
Commercial

Requests Conceptual Review of a proposed car wash facility located at 6685 Transit Road.

## **DISCUSSION:**

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

The applicant is seeking conceptual review of a proposal to demolish the existing funeral home facility and construct a drive-thru car wash facility and associated facilities, including parking, and vacuums. The proposed car wash building is approximately 4,000 square feet, featuring brick walls and a peaked asphalt shingle roof.

This proposal was referred from the Town Board in July of this year. Initiation of a coordinated review through the State Environmental Quality Review Act would begin a full review of this proposal.

Corey Auerbach from the law firm Barclay Damon was present to represent the applicant, as well as Anthony Daniele from the Daniele family companies Royal Car Wash as well as Dave Cox from Passero Associates, Project Engineer for this parcel.

Adding on to Mr. Bleuer's introduction, Mr. Auerbach added that some important modifications have been made to the plan since it was last reviewed, specifically the drive aisle coming off of Transit Road heading north was widened to accommodate ingress to the vacuum and parking area. They have also increased the landscaping along the buffer at the lot's frontal exit.

Mr. Auerbach stated that this site has an extensive amount of stacking associated with the proposed use. There is a triple-lane entry to accommodate all of the vehicle traffic that is anticipated as well as to build in some redundancy to avoid impacts and conflicts with Transit Road.

There will be 63% greenspace on the site, with less than one and a half of the total 2.27 acres being developed the easterly portion of the parcel will be restored to greenspace.

The lighting standards have been reduced in height to 15 ft. and will be dark sky compliant.

They provide 31 total parking spaces which are primarily devoted to the vacuum stations, as based on experience from Royal Car Wash that the number of vacuum spaces that they are providing are necessary to accommodate those users. There are additional spaces as well, including a handicap accessible space as well as spaces for anyone that may need to come inside the facility to speak with a representative.

Mr. Daniele gave an overview of how the car wash works, explaining that vehicles will enter from Transit Road, enter one of three stacking lanes to go through a pay kiosk, generally approximately 70-80% of their customers are "Fast Pass" members, which means they won't have any interaction with the kiosk, the gate will automatically rise, making their entry quicker. From there the vehicles will file around and enter the tunnel, which is the building itself, then exit the wash. There is no post – wash drying or detailing, though typically there is someone monitoring the end of the cycle for safety and assure everything runs efficiently. It takes

approximately 2.5 minutes to get through the tunnel, and the only other amenity on site for customers are the vacuums.

Hours of operation most days are 7:00 a.m. to 9:00 p.m. with Saturdays 8:00 a.m. to 9:00 p.m. and Sundays 8:00 a.m. to 8:00 p.m.

Most parking lot lights will go off approximately an hour after closing though there may be security lighting around the building which remains on through the night.

Traffic is typically a topic of conversation topic discussing car washes, and they do believe that 80% of their business will come from transient traffic, it won't add cars to the road.

As far as water usage is concerned, technology has come a long way in the car wash business. If you wash your car at home, studies show that you use about 120 gallons, while their car wash uses approximately 35 gallons to wash a car. The way it is done is through high pressure, high velocity with some water reclaim use which varies between seasons.

Mr. Buckley asked about the demolition that will be needed on the site, which Mr. Auerbach confirmed yes, the existing building will be demolished in order to accommodate the proposed use, with all of the parking lot on the east side being returned to grass.

Mr. Buckley asked with respect to the funeral home itself, are they aware at this time of any environmental issues. Mr. Auerbach responded no, there are no known environmental issues, and during demolition they will adhere to all state and local requirements to insure that there are no negative environmental impacts associated with the demolition.

Mr. Buckley asked if any water is retained on site, any storage facilities or similar in nature. Mr. Auerbach responded that in regards to process water, the only tank that exists is a 2,500 gallon oil water separator, which is a grit separator which allows the grit to come off of the vehicles and settle in the tank. That tank is then emptied out several times a year, and keeps the grime out of the sewer.

Mr. Buckley asked in regards to noise, Mr. Auerbach noted the landscape berm is placed strategically between Transit Road and the edge of the lot, which is where most of the noise will be generated from due to the end of the tunnel. Their experience with other locations is that the noise from the site will not be louder than the ambient noise from Transit Road.

Mr. Buckley stated that several email correspondences have been received and are on record in the project file. in the Planning department from the following residents:

- Tom Potrello
- Dwayne push
- Philip Silvestri
- Michelle Luksak

All of the comments voiced the same concern, which focused on traffic. Mr. Buckley stated that in general as a board, they are all familiar with this area of Transit Road, which is extremely busy, and there is a lot of concern about adding something that would potentially generate an additional amount of traffic for this area.

Mr. Buckley asked about any curb cut changes to entrances or exits for this property other than what currently exists with the funeral home. Mr. Auerbach responded that any improvements and keeping with the Town of Clarence's Comprehensive Plan is that there will be the closure or consolidation of curb cuts on the site. There will be a curb cut that is closed or consolidated for the access that you see on the concept plan.

Mr. Buckley asked how many cars are able to be stacked at the entrance of the site within the three lanes off of Transit Road, meaning Transit Road is completely clear of cars for the carwash entirely.

Mr. Auerbach responded that they can stack approximately 80 vehicles total, from the entrance of the wash tunnel back to approximately where the first light standard on the north side of the access drive. It is all done by design, the goal is to get cars in and out quickly without having any negative impacts.

Mr. Auerbach stated that Royal Car Wash is an expert at locating these facilities along state roads. Just in Erie County alone, there is a Royal Car Wash located approximately 6 miles south in Lancaster also on Transit Road, there is one in Cheektowaga on Union Road, one in Tonawanda on Sheridan Drive, and one in West Seneca also on Transit Road. The Daniele family and Royal Car Wash have worked closely with the Department of Transportation to make sure there are no negative traffic impacts.

Mr. Buckley asked about the other locations of Royal Car Wash located on state highways, and whether they have previously gone through Traffic Impact Studies when getting these locations placed. Mr. Auerbach responded that not often, that although they have done traffic studies previously, most of the times it is deemed not necessary to conduct one. As previously mentioned, most of the business comes from traffic passing by, not people leaving their house to make a special trip to a car wash.

Mr. Buckley asked the applicant if there are other prior traffic studies from other locations that they could review as part of their process, Mr. Auerbach responded that a traffic study was done for the Union Road location which they can submit.

Mr. Buckley asked about the other car wash, which is in close proximity to the proposed location for this Royal Car Wash, and whether there has been any communication with that car wash. Mr. Auerbach responded that to his knowledge, there has not been any communication with that other facility, and it is not uncommon for car wash facilities to be close to one another. It is a different car wash and business model.

Mr. Buckley noted that because of the drive-thru component of this facility, should the process proceed, at some point a Special Exception Use Permit will be required issued by the Town Board.

At this time, the meeting was opened for Public Participation.

- Calvin Caruso, owner and operator of Bubble Boy Car Wash at 6707 Transit Road

He has been in business for 14 years at his location on Transit Road, approximately 110 ft. away from this proposed project.

He is not in favor of a car wash being right next to him, especially by owners that are not from the area. Adding another vehicle based business on Transit Road specifically where it reduces to one lane, is not feasible.

Everyone knows that Transit Road after work hours are miserable, and between the hours of 3:00 pm and 6:00 pm, you cannot get out on to Transit Road. Mr. Caruso had signs made stating “No left turn” because there are so many accidents.

His car wash can wash up to 100 vehicles / hour, adding another car wash is not a solution.

The negative impact it will have on the environment, it will add more chemicals and solutions to the sewer system.

Mr. Caruso added that his car wash uses approximately 50 gallons of water per vehicle, there is a lot of water going in to the sewer system.

Has the pleasure of having employ and employed over 150 young adults over the past 14 years, and has survived the pandemic.

- Karen Caruso, owner of the New York International Style, located in front of Bubble Boy Car Wash

Here to voice her concerns about the potential increase of traffic in an area that already has a lot of congestion and accidents.

Adding this car wash will triple the amount of traffic in that area.

It will push traffic in to residential areas.

Smells like exhaust now already, adding more will make it worse.

People are really getting injured in that location now, they should move this building further down Transit Road.

She is not open past 5:00 p.m. now because it is too difficult to access her business off of Transit Rd. now, much less with added traffic.

- Ron Matre of Ransom Oaks

Outside sales for his company, he travels that route multiple times a day.

He hopes there is a traffic study done, and he's sure once the traffic study is done it will put an end to this.

- Kathryn Aragenna – neighbor

Traffic is super unsafe, she has already had multiple surgeries due to accidents.

This will make Transit Road even more unsafe, and she may need to move.

- Henry Jurek owns a business on County Road

Travels the route every day, from about 3:00 p.m. on, it is impossible to get in and out of the businesses along Transit Road.

He does not understand why the Town of Clarence does not make the applicant have a traffic study done. I has developed a lot of property in this town and has always been required to have a traffic study done.

Going to another town to review their traffic study has nothing to do with the traffic on Transit Road. You need to take several factors in to consideration from the location that is in question.

- Henry Jurek III small business owner in Clarence

Calvin reached out to them, stating that this action could really hurt his business and his family. Mr. Jurek does not like to see a company come in from out of town, and potentially force a small company out of business.

He and his father have developed numerous subdivisions within the town and have had to do traffic studies.

He feels a traffic study should be done for this particular potential location.

- Brandon Sutton

Reviewed a few concerns and added a few more.

Looking at site plan, the left hand turn will not work with the traffic on Transit Road, which is well backed up past Miles Road during rush hour.

Has seen multiple accidents in that area.

Doesn't feel multiple car washes are a good thing or give off the "Clarence vibe"

Two businesses in one area is not idea.

As stated, if it increases business for both car washes then that also means it will increase traffic as well.

Having two car washes within 110 ft. will only magnify the large traffic concern in the area.

Bubble Boy is a local family business, which is what we should continue to endorse.

- Calvin Caruso III of 8105 County Road

This proposed plan makes him think about the changes his father Calvin Caruso, owner of Bubble Boy had to change 15 years ago to accommodate traffic along Transit Road.

If a lot of the applicant's business comes from monthly memberships that means multiple trips each week.

No need for two car washes to be within 110 ft. from each other makes no sense.

You can't compare one end of Transit to another, a traffic study is necessary and will put an end to this request.

At this time Public Participation was closed.

Mr. Auerbach responded to the aforementioned concerns from neighbors, first stating that he understands the concerns from the neighboring car wash and focused on the fact that they have been a successful car wash only proves that this is a transient area for this type of business.

In relation to traffic, they are confident that they will not add any traffic which would create a negative environmental or other impact associated with traffic, and are happy to provide the board with any information that they would like to support that statement.

Mr. Auerbach also reminded the board that Transit Road is a state road, and the Department of Transportation does not take it lightly when a new business locates along Transit Road.

This is the Commercial District, it could be any type of commercial use, they are requesting to build a car wash and improve options, utilizing a vacant building.

Mr. Cox also stated that this is the re-development of a sit, and that a funeral home is a higher generator of traffic than a car wash. It will not generate more traffic as a funeral home does, but rather the traffic already traveling Transit Road.

Mr. Buckley asked about the traffic exiting the car wash facility, and how many cars are able to stack up if there is a hold up attempting to exit on to Transit Rd.

Mr. Auerbach responded that up to 15 cars are able to stack at any time. He believes that is more than enough than will be necessary. That most of the day, peak times excluded, it is not difficult to exit the site or make left hand turns on to Transit Road. They have found in their experience that the best way to make a road safer is to make it busier and slower.

Further discussion regarding vehicle stacking at the exit ensued.

Mr. Buckley asked the applicant if the board decides to requests a traffic study, would they be willing to conduct one. Mr. Auerbach stated that they intend to work completely with the Town of Clarence to satisfy all concerns.

Mr. Buckley stated that while he appreciates that, this area of Transit Road does cause more concern due to the narrowing of the road just north of this location.

Mr. Sackett stated that the Coordinated Review is an information gathering process, not a decision making process.

**ACTION:**

Motion by Jeffrey Buckley, seconded by Jason Geasling that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Long Environmental Assessment Form as submitted and to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies on the proposed Royal Car Wash project at 6685 Transit Road in the Commercial zone. This Unlisted Action involves the demolition of existing structures on the property, and construction of a car wash structure and associated facilities.

Jason Lahti	Aye	Patrick Johnson	Aye	Jason Geasling	Aye
Jeffrey Buckley	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

**MOTION CARRIED**

Meeting adjourned at 9:26 p.m.

Amy Major  
Senior Clerk Typist