

Town of Clarence  
One Town Place, Clarence, NY 14031  
**Planning Board Minutes**  
Wednesday, March 30, 2022

**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**

Paul Bliss - Deer Valley Estates  
Residential Single Family

Requests Development Plan Approval of a conceptually approved Open Space Design Subdivision located on the east side of Goodrich Road, north of Keller Road, and west of Deerview Court.

**Item 2**

DMK Development – Tractor Supply Company  
Commercial

Requests Development Plan Approval of a conceptually approved retail store and associated facilities located at 8945 & 8965 Main Street.

**Item 3**

Kim Griswold  
Agricultural Rural Residential

Requests Concept Plan Approval of a one-lot Open Development Area located at 7445 Salt Road.

**Item 4**

Daniel Singer  
Traditional Neighborhood District

Requests Minor Subdivision of land Approval to create one (1) new vacant lot located at 6090 Goodrich Road.

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

Planning Board Members present:

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

Vice-Chair Richard Bigler  
Gregory Todaro  
Jason Lahti

Planning Board Members absent:

Patrick Johnson

Town Officials Present:

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

Other Interested Parties Present:

Sean Hopkins	John Leamer	Flora Leamer	Fred Shelley
Ken Litfin	Jody Singer	Darlene Coffta	Joe Coffta
Cheryl Nagel	Charles Nagel	Patrick Higgins	Nancy Higgins
Jean Bauman	Gary Bauman	Paul Bliss	Michael Bliss
Faith Hodges	Joseph Saletta	Emily Stoll	Roberta Zastempawski

Motion by Gregory Todaro, seconded by Richard Bigler to **approve** the minutes of the meeting held on February 16, 2022, as written.

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

MOTION CARRIED

**Item 1**

Paul Bliss - Deer Valley Estates  
 Residential Single Family

Requests Development Plan Approval of a conceptually approved Open Space Design Subdivision located on the east side of Goodrich Road, north of Keller Road, and west of Deerview Court.

**DISCUSSION:**

Mr. Bleuer introduced this project, which is located on the east side of Goodrich Road, north of Keller Road, and west of Deerview Court.

Approximately 18.3 acres of vacant land in the Residential Single-Family zone.

The applicant is present, seeking Development Plan Approval for a Conceptually Approved 28-lot Open Space Design subdivision.

An Open Space Design subdivision includes preservation of at least 50% of the land to remain natural and open.

This proposal has previously received a Negative Declaration under the State Environmental Quality Review Act and Concept Plan Approval by the Planning Board in August of 2019. The Town Board issued Open Space Design Development Overlay after a Public Hearing held in November of 2019.

Since that time, the applicant has received Landscape Committee Approval, and most recently received Engineering sign-off on the final Development Plan.

The Planning Board has authority to act on this request. This would be the final Board action, prior to construction.

Sean Hopkins from the law firm Hopkins Sorgei McCarthy was present, representing the applicant. Also present were applicants Paul and Michael Bliss, as well as Patrick Sheedy the Project Engineer with Carmina Wood Morris.

Mr. Hopkins stated that the original plan for this project had 31 lots which included a couple of frontage lots, and were not particularly well received by the Planning Board. They were consequently removed, bringing the current total to 28 lots.

Mr. Hopkins reiterated that as part of the Open Space design, that 50% of this site will consist of permanent open space, never to be developed. One of the conditions to be considered is a required Conservation Easement.

While Town of Clarence Code requires a connection with Open Space design a minimum of 200 ft. of permanent open space frontage from any adjacent roadways, they have more than that. Located along Goodrich Road, there is approximately 241 ft. and along Deerview Court there is almost 440 ft.

Mr. Hopkins added that John LaFalce, who owns the closest home on Deerview Court participated extensively in the review process. Mr. Hopkins stated that they have added landscaping, and that he and Paul Bliss have most recently been in contact with Mr. LaFalce over the past week. Mr. LaFalce is very comfortable with the plans as they are being presented this evening.

Mr. Hopkins stated that throughout this process, a series of informational meetings for nearby neighbors have been held, numerous project update letters have been mailed as well, keeping the neighboring residents abreast of all project updates.

A topic that has come up more recently is Lot 10. The plan for this specific lot is to partially fill in the existing wetland pursuant to the wetland permit issued by the Army Corp of Engineers on January 6, 2020. Additionally, an amended wetland permit was filed. If approved, the would allow the remainder of the back portion of the lot to be filled. The portion in question is a mere 0.08 acres of wetland. It will require some time for the Army Corp of Engineers to make their decision. Mr. Hopkins wanted to state that the lot would be developable if the amended wetland permit is not issued by the Army Corp of Engineers.

Mr. Hopkins commented on a question that had been raised that if the wetlands do stay forever, what can and cannot occur in that backyard. Mr. Hopkins has spoken to their wetland Consultant Scott Livingston, who confirmed you can do clearing and mowing, but you can't do any grading or filling of the wetland. It can be a regulated wetland, and maintain the appearance of a backyard.

Mr. Hopkins stated that if they cannot get the wetland permit, that there is a Declaration of Restrictions in place to assure that it remains protected. They acknowledge the fact that a Declaration of Restrictions would need to be reviewed by the Town of Clarence Legal Department.

Mr. Hopkins also added in regards to the difference in elevation, that Pat Sheedy from Carmina Wood Morris has confirmed that it will drain to the back, where there will be a rear yard drainage system. Mr. Hopkins stated that if the wetland stays it will not result in problems with sump pumps due to grading.

Mr. Hopkins added that as part of the review process, they agreed to install off-site sidewalks in an area that the Town has indicated there is a need. This will be done in lieu of the Recreational Fee.

Pat Sheedy, Project Engineer from Carmina Wood Morris spoke in regards to the Stormwater Management System, they are proposing a wet pond which is required for the proposed development. It will handle the requirements set forth by both the Town of Clarence as well as the Department of Environmental Conservation (DEC).

Mr. Sheedy also stated that in addition to the Stormwater Management System, they are re-routing the two ditches that are currently on the site. As part of the review process with the Town of Clarence Engineering Department, they are required to analyze the entire watershed area which runs through this site. The southern area all drains in to the ditch which is currently located in the fields, or the roadside ditches and culverts along Keller Rd.

The other ditch drains the wetland areas located in the northern area of the site. Along Goodrich Road a large portion of the existing ditches and culvert pipes drain north. All of this stormwater is routed through an existing culvert under Goodrich Road.

Mr. Sheedy stated that through the rerouting of ditches as well as the proposed stormwater management system, that they have proven to the Town of Clarence that they will not be impacting any existing drainage conditions, rather they will be improving some, most specifically those located along Deerview Court.

Mr. Hopkins noted that as part of the comprehensive drainage analysis and the watershed which is much larger than their site, that they have demonstrated for the Engineering Department that for the 1, 5-, 10-, 25- and 100-year storm event that they are not making the conditions worse, and in some instances are improving them.

Mr. Geasling asked about the guiderail that is located at the entrance coming in off of Goodrich Road, and asked what the end treatments on the guiderails are.

Mr. Sheedy responded that the guardrail will be very similar to the one along the 198 in North Buffalo around Delaware Park. The end sections are approximately 3-4 ft. in length, and they taper in to the ground.

Mr. Sheedy stated in regards to the underground culvert, the tree plantings would be around it.

Mr. Geasling noted that the proposed sidewalk along Goodrich Road may have multiple conflicts with existing catch basins, and a series of man hole covers. Mr. Geasling asked what the intentions are to mitigate these instances.

Mr. Sheedy responded that they have gone through several variations of the sidewalk alignment with the Engineering Department, and ultimately have agreed that they will make it look as straight and clean as they can. Mr. Sheedy confirmed that there are potentially two major utility poles in the way, which they do not foresee as being major issues.

Mr. Sheedy noted that as far as the sanitary sewer improvements along Goodrich Road, the existing sewer will be abandoned in place, which means that the pipes and manhole covers will be filled. Additionally, the top 3 ft. of the manholes will be filled.

Mr. Geasling asked if when the analysis was done on the drainage, whether the culvert that crosses Goodrich Road a bottleneck is bottlenecked. Mr. Sheedy responded that it was initially, but they feel like the improvements made will allow for proper drainage. In the technical analysis that they have provided to the Town of Clarence proves that.

Mr. Todaro asked, in reference to the engineering analysis taken beyond that point and taking in to account the water going off-site, do we know that downstream piping culverts ditches are able to handle the water that will flow out of this development.

Mr. Sheedy responded that as required by the Town of Clarence and the Department of Environmental Conservation, they are not permitted to discharge any more water than what is currently flowing through the culvert. The proposed ditch improvements, as well as the pond on-site, ensure that the project meets those requirements.

Mr. Todaro asked what would prohibit a homeowner or landowner of Lot 10 from putting in a foundation or doing any other kind of work in the wetland area on the back part of their property.

Mr. Hopkins responded that the area is 0.08 of an acre, and they are fairly optimistic that they will receive the permit that they have applied for. If by chance they do not, the area is regulated by the Army Corp of Engineers, and they take wetland violations very seriously. Additionally, they have agreed that they will record a declaration of restrictions. There will be a Homeowner's Association created, because there needs to be an entity to own the permanent Open Space, and they would have the ability to enforce it.

Mrs. Salvati asked if they will be filing for a conservation easement, which will be used to protect any wetlands that will not be disturbed through landscaping. Mr. Hopkins confirmed this.

Mrs. Salvati asked what the estimated size of the homes will be, and Mr. Hopkins responded that he believes the minimum size will be roughly 1,800 sq. ft. up to approximately 2,300 – 2,400 sq. ft. Due to the cost of construction, he doesn't feel that there will be any houses much bigger than that in this development.

Chairman Sackett referred to the statement made that the Gott Creek capacity will not increase, and asked Mr. Hopkins what regulates the downstream flow that would prohibit it from increasing. Mr. Hopkins responded, explaining that they are regulating the rate of discharge from their site via the stormwater management system.

Further discussion regarding stormwater management and wetlands ensued.

In regards to Public Participation, the following residents spoke (3-minute time limit):

1. Kenneth Litfin of 6371 Mayfield Drive

- Drainage has been an issue long before this development was proposed.
- His issues seem to stem from existing issues and how they have not been taken care of, specifically on Town of Clarence behind the Highway Department. He has visited the town Engineering Office and has not received any response regarding the development currently going on behind the Highway Department.
- His reasoning is based on his assessment of the central drainage swale at the area behind the Highway Department, and he would be willing to walk it with the Town Engineer.

2. Beth Smith of Keller Road

- In regards to drainage, and the ditch that is currently behind her house, which she believes will be enhanced, she would like a better understanding of the sloping. Her yard is already extremely wet. She would like a better understanding of that area and how it will work.
- Also, she has concerns about the streetlight that is located directly behind her property, per the diagram. She would like to be assured that there will be landscaping and trees installed to mitigate the sound of the traffic, and lights from cars shining on her property as they pass by.
- She would like to make sure the lights will be shielded to prevent the light from shining on her property.

3. Roberta Zastempowski of Keller Road

- She is interested in the sidewalks. Her understanding is that they will extend from the property area down Goodrich Road to Keller Road. Will it pass beyond Keller Road? She is wondering if there will ever be a continuous stretch of sidewalk rather than a mix of sidewalk and grass.
- Since there are so many new houses and new people that will be moving in back there, will there be sidewalks in the new neighborhood.
- Regarding the distance from her property to where the proposed road will be in the new development, she would like to know what that distance is.

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

Mr. Hopkins addressed the questions and concerns of the residents, noting that all three of the residents that spoke have been involved in the original review process as well.

Mr. Hopkins noted that in regards to Beth Smith's concerns, they are preserving the existing vegetation on that side of the roadway. He is confident that will be a more suitable option than removing the mature vegetation only to plant new vegetation.

Mr. Sheedy stated that in addition to the existing vegetation, the grading in this area will drain north towards the proposed ditch.

Mr. Hopkins noted that the light pole that Beth Smith referred to will be facing away from her property. Also, they will shield that light to help alleviate any spillage in to her backyard.

Mrs. Salvati asked how high the proposed light poles are. Mr. Sheedy responded that the pole itself is 12 ft. high, and that the fixture included it comes to approximately 14 ½ ft. high.

Mr. Hopkins addressed the concern raised by Roberta Zastempowski regarding the distance of the rear of her lot to the road, stating that it is approximately 55-60 ft. There will be vegetation back there, and it is an area which cannot be developed.

Mr. Bigler noted that the area behind Ms. Zastempowski's home will be fenced off, in order to protect it from any accidents during construction. There will be additional landscaping installed as well, per the approved Landscape Plan. The landscape plan which was submitted by the applicant and approved by the Landscape Review Committee.

Mrs. Salvati stated that there appears to be 70 ft. from the back of Ms. Zastempowski's property to the road right of way.

Mr. Sheedy stated that a continuous sidewalk will run from the beginning of the proposed development, across Kristina Circle, and extend to Countryside Circle.

Mr. Sheedy also stated that there are no proposed sidewalks within the development itself. There is no Town standard requiring sidewalks; therefore, they did not include them in the plans.

Mr. Hopkins noted that the curvy design of the road that runs throughout the proposed development was designed to discourage cut-through traffic as well as to keep people from speeding.

Mr. Todaro asked about the construction process, noting that Goodrich Road is heavily traveled in the mornings with school and work traffic. Mr. Hopkins conferred with Mr. Bliss, who indicated that at this point, they do not know which way construction traffic will flow. In terms of dust mitigation measures, they will work with the Town to be sure this goes as smoothly as possible.

Mr. Todaro asked if there are proposed hours of construction, Mr. Hopkins stated yes, they are regulated through the Town of Clarence. Mr. Bleuer added that this will all be controlled through the Public Improvement Project Permits (PIP) which is regulated through the Town's Engineering Department.

Mr. Todaro asked what the predicted start of construction is, and how long they foresee construction to last. Mr. Hopkins responded that they hope to start this year, and they predict approximately 3-4 months for the infrastructure, then home building will begin once that is completed.

Chairman Sackett responded to Mr. Litfin that his issues with the project behind the Highway Department do not pertain to this proposed project, advising him to put his questions and concerns in to writing and address them to the Town Board. The Planning Board has not been asked to comment or

review any projects related the Highway Department, therefore no further discussion will be entertained.

Mrs. Salvati asked the applicant whether they would be willing to consider placing shields on streetlights at one or two other locations. Mr. Hopkins agreed to that.

**ACTION:**

Motion by Jason Geasling, seconded by Richard Bigler to approve the Deer Valley Estates Open Space Design **Development Plan** per the submitted drawing by Carmina Wood Morris dated July 10<sup>th</sup>, 2020, with a final revision date of May 11<sup>th</sup>, 2021, with the following conditions:

1. Applicant meeting the requirements of the Town of Clarence Engineering Letter of Approval, dated March 17<sup>th</sup>, 2022, and associated conditions.
2. Applicant meeting the requirements of the Landscape Committee Approval on December 15<sup>th</sup>, 2020, 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.
3. Subject to Engineering Department approval and necessary permits prior to any construction on the site.
4. Installation of sidewalks per the approved plans, along the east side of Goodrich Road from the development to Countryside Drive, in lieu of recreation fees.
5. All off site infrastructure, including sanitary sewers and sidewalks along Goodrich Road, are to be installed in full by the applicant to the satisfaction of the Engineering Department prior to consideration for Final Plat approval by the Town Board.
6. Impacts to the wetlands on the rear of Lot No. 10 to meet all required approvals pursuant to the Permit Modification submitted to the United States Army Corps of Engineers by Earth Dimensions on March 17, 2022. If the Permit Modification is not approved by the United State Corps of Engineers, then the Town shall require a deed restriction to be recorded for the development of Lot 10 for the protection of the federal wetlands to remain with the content and form of the deed restriction being subject to review and approval of the Town Attorney's Office prior to recording at the Erie County Clerk's Office.
7. A Homeowners Association shall be created by the applicant, and a copy of the bylaws, rules and regulations shall be provided to the Planning Office and Town Attorney's Office for review and approval prior to the obtaining of any building permits.
8. Submittal of a Conservation Easement to permanently protect all identified open space must be prepared and submitted for review and approval by the Town Attorney's Office prior to issuance of a building permit.
9. All open space to be permanently monumented via a marker at the perimeter of all adjacent exterior lot lines. Such markers shall be approved by the Planning Office prior to installation, and maintained in perpetuity by the Homeowners Association.
10. Any subdivision signage subject to review and approval by the Sign Review Committee.
11. Subject to Open Space Fees.
12. Installation of proper shielding of street lights along the southern extent of Deer Valley Drive, closest to Keller Road, to mitigate potential glare impacts to the adjacent residential properties.



**ON THE QUESTION:**

Mr. Todaro asked in regards to condition number 6, if depending on which way it ends up, do the final drawings get rendered after the change either way.

Mr. Bleuer asked Mr. Todaro for clarification regarding his question for condition number 6. Mr. Todaro stated that the condition is based on whether the permit is approved or not, so based on that approval do the final development drawings need to be modified in any way, based on that condition.

Mr. Bleuer responded that ultimately, yes it does, and it will be identified on the Final Plat when we get to that point. This will require Final Plat Approval by the Town Board, and it would be identified.

Mrs. Salvati asked that an additional condition be added to state that installation of proper shielding of street lights along the southern extent of Deer Valley Drive to mitigate potential glare impacts to the adjacent residential properties.

Mr. Bigler stated that he believes the Town of Clarence issues the requirements for those lights. Mr. Hopkins responded that the Town of Clarence does issue those requirements, and that they have indicated that they will work with the Town of Clarence to assure that they are properly shielded.

The applicant indicated that he heard, understands, and agrees to the conditions.

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

**MOTION CARRIED**

**Item 2**

DMK Development – Tractor Supply Company Commercial	Requests Development Plan Approval of a conceptually approved retail store and associated facilities located at 8945 & 8965 Main Street.
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**DISCUSSION:**

Mr. Bleuer introduced the project. 8945 & 8965 Main Street are existing parcels containing approximately 5.25 acres in the Commercial zone. 8945 Main Street is vacant and 8965 Main Street contains an existing home and associated outbuildings proposed for demolition as part of this project. The applicant is present, requesting Development Plan Approval of a Conceptually Approved proposal containing an approximately 19,000 sq. ft. retail store, 20,000 sq. ft. outdoor display area and greenhouse, bulk propane sales tank, and associated facilities.

This proposal has previously received a Negative Declaration under the State Environmental Quality Review Act, Concept Plan Approval and Conceptual Architectural Approval by the Planning Board in August of 2021. The applicant has received Landscape Committee Approval. The Town Board issued a Special Exception Use Permit for outside storage/display and Rezoning of the rear of the parcels from Residential to Commercial in December of 2021. Most recently, the Engineering Department has signed-off on the final Development Plan set.

The Planning Board has authority to act on this request. This would be the final Board action, prior to construction.

Present and representing the applicant was site engineer Fred Shelley from BME Associates.

Mr. Shelley added that during the Town of Clarence's development review process, that BME Associates also submitted applications and plans to the Erie County Health Department for the septic system, the Erie County Water Authority for the water system, and the New York State Department of Transportation (NYSDOT) for the proposed site access. Approvals have been received from the Health Department as well as the Water Authority, and the NYSDOT has reviewed their plans and are awaiting the applicant's next application submission, which is the final step before obtaining a permit from the NYSDOT.

The applicant has received multiple comments throughout the review process from both the Town Board, Planning Board, town review staff, and there was also an on-site neighbor meeting held, attended by several neighbors.

Mr. Shelley reviewed the elevations and plans, pointing out revisions and updates that have been made based on comments received throughout the process.

Overall, the site plan maintains the original integrity of the approved concept plan, including a greenbelt along the west side of the property to buffer the residential properties along Shimerville.

That buffer is 45 ft. greenspace, and also enhanced with a combination of a berm and a wood fence for a total height of 8ft. above the proposed pavement.

There were several concerns about buffering the loading area from the nearby residents, which the applicant has chosen to utilize all three of the suggested buffers. Landscaping, retention of existing landscaping, a berm, and finally a fence on top of the berm will be used to mitigate the noise and sights of the loading area from the residential houses.

Mr. Shelley addressed several comments and concerns regarding deliveries and garbage pickup at the site, as well as delivery truck traffic utilizing Shimerville Road:

- The applicant does not anticipate any truck traffic using Shimerville Road
- Deliveries average 1-2 per week and will occur one hour before the store opening, Monday through Saturday. There are no deliveries on Sundays. It is anticipated that deliveries would occur when employees arrive, which is one hour before the store opening.
- There was concern about trucks idling in this area, but idling is not permitted by New York State law, and is enforced by NYS Department of Environmental Conservation. There is a 5-minute time limit that trucks are allowed to idle for, then they must be shut off.
- Garbage pickup will be once per week, as far as the exact date and times, Mr. Shelley expects it will coincide with the current routes. However, there may be opportunity for the owner to request a certain pickup time which would be more accommodating to the neighbors.

- Mr. Shelley noted that the light fixtures proposed for the site were a topic of concern at previous Planning Board meetings. The light source is located up above and within the fixture of the light for all of the proposed fixtures on the site. This provides a full downcast distribution of the light, basically meaning that the actual light emission is below the top of the fixture.
- Lighting is set and controlled by photocell and are set to come on one hour before the store opens, and turn off one hour after the store closes.
- Mr. Shelley stated that the duration of construction time was a common concern heard among the neighbors. This is more difficult to address and plan, due to the climate and weather, however the developer anticipates approximately 22-24 weeks from the beginning of construction to the completion of site work.

Mr. Todaro asked Mr. Shelley to explain the lighting on the side of the building along Main Street, for example how many poles and the fixtures are on the poles.

Mr. Shelley responded that there is one proposed free standing light pole, located on the east side of the proposed entrance side on the curb. Additionally, there are two fixtures along the parking area to illuminate that parking area as well. The pole lights have recessed lights up within the fixture, and are a total of 15 ft. in height from the base to the top of the pole, which is in compliance with Town of Clarence code.

The wall mount lights are all down cast and energy efficient. Mr. Todaro asked Mr. Shelley if when he describes “wall-pack” in his definition, are they the wall packs that will be used on the proposed building. Mr. Shelley explained that the wall packs on the building will remain lit throughout the night, turning on approximately an hour before sunset, providing security.

Mr. Todaro asked about the propane tank as well as the location of it. Understanding the permitting and safety measures that will need to be followed, Mr. Todaro asked Mr. Shelley to explain the location of the truck traffic as it relates to the propane tank. Mr. Todaro asked whether the propane tank will be protected from any semi-truck traffic coming near it.

Referring to the diagram that was shown, Mr. Shelley explained that the small dots represent bollards, spaced approximately 5 ft. on the center. There is also an awning above the weigh station, which houses the controls for the propane tank, providing a covered area for that location.

Mr. Shelley further explained that truck traffic will be maintained within a 30 ft. drive aisle and will not travel near the propane tank. Additionally, the tank will be set back approximately 8-9 ft. from the actual lane, providing adequate clearance.

Mr. Todaro asked whether the tank will be secure, Mr. Shelley responded that the controls will be secured overnight in a locked cabinet, while the tank itself will have multiple bollards surrounding it to protect it. Permitting for the tank is done through New York State and the Department of Environmental Conservation.

Mr. Todaro asked Mr. Shelley to explain the dumpster location, enclosure, and the potential timing of garbage pick-up.

Mr. Shelley responded that the dumpster has been proposed adjacent to the mobile loading dock. There is not a dumpster enclosure per se, as typically they are no more than 4-6 ft. high, and with an 8 ft. fence all the way around, shielding it from view of any of the surrounding areas. The dumpsters have lids so that they are able to be closed and maintained, and will also include a few bollards around the sides and rear as well.

Mr. Todaro asked Mr. Shelley to review the location of the mechanicals on the roof of the building. Mr. Shelley stated that both of the mechanicals are located in the same east – west location on the roof, with one on the north side and the other on the south side. The mechanicals are set back on the roof so that they are not visible from the street.

Mr. Todaro asked Mr. Shelley for a brief description of what will be displayed in the back display area. Mr. Shelley responded that the greenhouse will provide coverage for all of the plantings, trees, etc. that are typically stored outside. Permanent outside display areas will have equipment such as lawnmowers, snowblowers, etc. Inside the fenced outdoor display area will contain large agricultural related items.

Additionally, located towards the rear of the site, not visible to the general public, will be a display of assorted trailers for sale.

Mr. Todaro asked whether the products on the display areas in the front will be brought inside during close of business hours. Mr. Shelley responded that these displays are typically on a chain to lock them in place.

Mr. Todaro asked if there will be any bulk items such as peat moss or wood chips on display anywhere on the property. Mr. Shelley responded that any bulk items such as those that Mr. Todaro are referring to, are kept in compliance with building codes.

Mrs. Salvati asked for confirmation that all of the lighting standards around the parking areas will have an external 360 visor for shielding. Discussion continued regarding the lighting.

Mrs. Salvati stated that her concern with the lighting, is that she wants to assure that there is no starlight glare intrusive in the eyes when nearby residents are sleeping at night.

Further discussion regarding starlight glare continued.

Mr. Shelley explained that the vegetation remaining on site as well as additional mitigation will alleviate any light spillage to nearby residents. Mrs. Salvati continued to express her concerns for intrusive light spillage.

Discussion continued regarding the lighting.

Referring to the front of the road where the stone wall is going to be put in, Mrs. Salvati stated that it appears the wall will extend very close to the pine tree that the developer is saving. Mrs. Salvati wants to make sure the excavation for the installation of the stone wall will not kill the tree.

Mrs. Salvati commented on the trees that are being saved along the eastern lot line, and with the grading and drainage that will be occurring, she would like to be assured that they will save the trees as they have indicated. Mr. Shelley reviewed the grading and drainage as planned for that area.

Mrs. Salvati asked that orange fencing be placed around the trees that are to be saved, in order to further protect them.

Mrs. Salvati stated that town code indicates that garbage pick-up cannot occur before 6:00 a.m. and that if deliveries will occur around 7:00 a.m., then perhaps garbage can be picked up around the same time.

Mr. Shelley explained that his client reached out to Tractor Supply Company regarding garbage pick-up, and they have indicated that they will work with the local refuse companies the best that they can to arrange a suitable schedule.

Mr. Geasling asked how the delivery trucks will be unloaded. Mr. Shelley responded that he believes it is a drive-up forklift that will do the unloading, though he is unsure whether it is natural gas or gasoline.

In regards to Public Participation, the following spoke:

1. Charles Nagel of 4375 Shimerville Rd.

- Asked what the height of the lights on the building will be. If there is only an 8ft fence total, that won't even block off a truck as far as his view behind him.
- Also stated regarding the tree coverage, there is very little coverage. The back corner light of the gas station currently shines on his property as it is.
- The berm and fence going towards Main Street, where will it end towards Main St. He prefers that it would go down a bit further.
- Will the berm and fence be in place before construction to help mitigate the noise, dust, dirt, and all other construction issues.
- Why is the fence only 5 ft. when you can go up to 8 ft.

2. Cheryl Nagel of 4375 Shimerville Rd.

- Asked which direction will deliveries come out from on the property.
- Thanked the applicant for considering the lighting, because none of the other businesses there have taken the residents in to consideration.
- Will there be a lot of beep beep beep when they are backing up. They have their grandchildren on the weekends, and it will be disruptive.

At this time, Public Participation was closed for this project.

Mr. Shelley addressed the questions and concerns of the residents.

The height of the lights is 14 ft.

They have proposed pine trees along the same area as the berm and fence, which will help to mitigate the lighting and sound concerns. They would consider moving the pine trees currently planned to be located along the north of the building, and relocating them to the south if that is preferred.

Discussion continued regarding the trees and grass.

Mr. Shelley confirmed that there are no lights along the west / rear of the building aside from one wall pack in the middle of the wall.

The berm along most of the driveway will be 3 ft. high with a 5 ft. fence, with the top of the fence consistently staying at 8 ft. from the pavement, providing that 8 ft. high buffer.

Chairman Sackett stated that he was under the impression that the foliage was quite thick behind the houses on Shimerville Road and up to the applicant's lot line. Mr. Shelley responded that based on his last site visit in August, that area has a good number of trees and foliage.

Mr. Bigler, who sits on the Landscape Committee, stated that the Landscape Plan has been approved as is, and through several updates and improvements, will provide the best mitigation and buffer that is feasible to the adjoining neighbors.

Mr. Shelley responded that the concern regarding construction dust, explaining that dust is controlled through the Stormwater Pollution Protection Plan. This is reviewed on a weekly basis with the applicant, developer, and architect to assure all points are being followed.

The routes of the delivery trucks were reviewed. Mr. Shelley noted that any of the higher sound producing areas are located away from the residential areas. Mr. Shelley added that trucks do beep, it is a law for security purposes.

Mr. Shelley stated that they appreciate Mrs. Nagel's comment regarding the garbage pick-up, and they will work with the developer to coordinate that delivery schedule.

Mr. Lahti stated that Mr. Nagel had asked why would they not make the fence taller, and only 8 ft., asking Mr. Shelley to respond to that question.

Mr. Shelley noted that after numerous discussions with the Planning Board, they had discussed what the appropriate height would be. The 8 ft. total height addresses multiple issues all at the same time. Between the berm, fence, and additional plantings, this was the combination that the applicant and the town have agreed on.

#### **ACTION:**

Motion by Gregory Todaro, seconded by Wendy Salvati to **approve the Development Plan** for Tractor Supply Company at 8945 & 8965 Main Street per the submitted plan by BME Associates dated August 2021, with a final revision date of January 31<sup>st</sup>, 2022 and to **approve the Final Architectural** drawings by Oxford Architecture dated February 7<sup>th</sup>, 2022, all with the following conditions:

1. Applicant meeting the requirements of the Town of Clarence Engineering Letter of Approval, dated March 9<sup>th</sup>, 2022, and associated conditions.
2. Applicant meeting the requirements of the Landscape Committee Approval on October 13<sup>th</sup>, 2021, 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.
3. Subject to Building and Engineering Department approval and necessary permits prior to any construction on the site.
4. Subject to Erie County Health Department and New York State Department of Environmental Conservation approval, as required, on any future on-site sanitary facilities. Installation of such facility shall be in conformance with the approved grading and drainage plan.
5. Subject to New York State Department of Transportation approval for all access to Main Street.
6. All site lighting shall be dark sky compliant and shielded to prevent spillage onto adjoining properties, per the approved lighting plan and details. Lighting shall be turned off at most one hour after business hours except for necessary security lighting.
7. Dumpster enclosure shall remain closed at all times when not in use. Dumpster pickup shall occur in conformance with Town Code.
8. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as approved.
9. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
10. Bulk propane refueling tank shall receive all necessary governmental permits and approvals prior to installation and operation.
11. Building materials to be used as per the final approved architectural elevations.
12. 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.
13. Outside storage or display of merchandise shall not impede pedestrian access upon the established sidewalks and walkways.
14. At no time shall outside storage or display be located beyond the Main Street front foundation line of the building.
15. Any permanent signage subject to review and approval by the Sign Review Committee, and any temporary signage subject to review and approval by the Office of Planning and Zoning.
16. Subject to Open Space and Recreation fees.
17. No truck traffic on Shimerville Road.

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

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

**MOTION CARRIED**

**Item 3**

Kim Griswold  
Agricultural Rural Residential

Requests Concept Plan Approval of a one-lot  
Open Development Area located at 7445 Salt  
Road.

**DISCUSSION:**

Mr. Bleuer introduced the project, which is an existing 9.7-acre parcel located in the Agricultural Rural Residential zone, containing a single-family residence and horse farm.

The applicant is requesting Concept Plan Approval of a one (1) lot Open Development Area. The open development lot is proposed to be approximately 8.5 acres, and include the existing horse farm, with area designated for a new single-family residence. The existing frontage lot would retain approximately 1.33 acres and the existing residence on the property.

The applicant has previously received a variance from the Department of State in reference to the Fire Code whereby the proposed residence is more than 400' from a hydrant on a public street.

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

Michael Metzger with Metzger Civil Engineering and the applicant, Dr. Kim Griswold were both present to further explain the proposed project.

Mr. Metzger further explained that the property as it exists contains a home located on Salt Road, as well as a barn, pasture and a pond. There are currently two driveways, one that serves the home and the other serves the barn.

The house is much larger than what Dr. Griswold needs; therefore, she would like to reside on-site, closer to her horses and barn. Part of the proposal is to subdivide a lot which would be compliant with the Town of Clarence's requirements in that zone. The balance of the property as well as a one lot open development area which would include the existing driveway. She would like to build a new home for herself, adjacent to the barn and driveway, approximately 435 ft. back from the road.

Mr. Metzger stated that they are requesting two waivers. One is for the size of the home. The minimum requirement for a single-story home in the Open Development Area is 2,000 sq. ft. They are proposing a single-story home between 1300-1400 sq. ft. with an attached garage.

The second waiver is for the driveway. They are requesting a 20 ft. wide paved driveway, to serve one home on the one lot in the Open Development Area. They are requesting to utilize the existing driveways on site. The Town's Fire Inspector has reviewed their plans, and has concurred that the existing driveway is adequate and complies with the fire code.

They have been granted a variance from the New York State Department of State for the distance from a fire hydrant for a single-family home. Current State code indicates a fire hydrant is to be located no more than 400 ft. from a home. This proposed home is 570 ft. from the existing hydrant located on Salt Rd. The variance grants them permission to be located further than the 400 ft.



Mr. Lahti commented that this is a unique location and site. There is an existing driveway which would require a variance. It's not a typical arrangement that they normally see. The concept is presented, meeting all of the requirements of the Town. This Open Development is a unique project.

Mr. Lahti asked Mr. Bleuer whether there would need to be a waiver for the size of the proposed home. Mr. Bleuer responded that both of the waivers that the applicant is requesting will be reviewed by the Planning Board during the development plan stage.

Mr. Bigler asked Mr. Metzger whether they have been told that they may need to have a sprinkler system installed in their home due to the distance to the fire hydrant. Mr. Metzger responded that it was discussed, but after review of the systems, they concluded that it would be cost prohibitive.

**ACTION:**

Motion by Jason Lahti, seconded by Gregory Todaro that Pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Short Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Short Environmental Assessment Form as prepared and to **issue a Negative Declaration** on the proposed Griswold Open Development Area at 7445 Salt Road. This Unlisted Action involves the development of a one (1) lot Open Development Area. After thorough review of the submitted plans 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	Robert Sackett	Aye

**MOTION CARRIED**

Motion by Jason Lahti, seconded by Gregory Todaro to issue a variance of the Subdivision Law to allow two access drives within 100' of each other, as per the submitted drawing set by Metzger Civil Engineering, dated March 26<sup>th</sup>, 2019, with a final revision date of June 29<sup>th</sup>, 2021.

**ON THE QUESTION:**

The issuance of this variance is due to the uniqueness of the site whereby both access points already exist, are owned by the applicant, and provide improved emergency access due to the unique nature of the site.

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

**MOTION CARRIED**

Motion by Jason Lahti, seconded by Gregory Todaro to **approve the Concept Plan** for the Griswold Open Development Area at 7445 Salt Road per the submitted drawing set by Metzger Civil Engineering, dated March 26<sup>th</sup>, 2019, with a final revision date of June 29<sup>th</sup>, 2021, with the following conditions:

1. Subject to Development Plan review by the Town, including a technical review of the final Development Plan by the Town Engineering Department.

2. Subject to Town Building and Engineering Department approval prior to any permits being obtained for the construction on the property.
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. If a homeowner’s association is to be 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 the obtaining of any building permits.
5. Any entrance or private drive lighting must be dark sky compliant and shielded to prevent spillage onto adjoining parcels.
6. Subject to Open Space and Recreation Fees.

Dr. Griswold stated that she has heard, understands, and agrees to these conditions.

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

MOTION CARRIED

**Item 4**

Daniel Singer  
Traditional Neighborhood District

Requests Minor Subdivision of land Approval to create one (1) new vacant lot located at 6090 Goodrich Road.

**DISCUSSION:**

Located at 6090 Goodrich Road, an existing 1-acre property with residence in the Clarence Center Traditional Neighborhood District.

The applicant is requesting a Minor Subdivision of land to create one (1) new vacant building lot. The existing home will remain on the parent parcel, and the accessory structure will be relocated to be wholly located on the parent parcel.

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

Present on behalf of the applicant is Jody Singer, and also available via telephone is the applicant, Daniel Singer. Mr. Singer has been given previous permission to interact via telephone.

Ms. Singer read a statement written by Mr. Singer, further explaining his request.

Mrs. Salvati noted that the statement that Mr. Singer prepared was thorough, and she has no further questions.

**ACTION:**

Motion by Wendy Salvati, 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

**approve** the Part 2 & 3 Short Environmental Assessment Form as prepared and to **issue a Negative Declaration** on the proposed Singer Minor Subdivision at 6090 Goodrich Road. This Unlisted Action involves a lot split to create one (1) additional lot in the Traditional Neighborhood District. After thorough review of the submitted plans 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	Robert Sackett	Aye

Motion by Wendy Salvati, seconded by Richard Bigler to **approve the Singer Minor Subdivision** at 6090 Goodrich Road as per the submitted sketch plan received in the Planning Office on March 3<sup>rd</sup>, 2022, with the following conditions:

1. Review and approval by the Erie County Department of Public Works for any future access to Goodrich Road.
2. Consultation with the Town Engineering Department regarding any future sanitary sewer connection to this property.
3. Review and approval by the Town Building and Engineering Departments for any future residential construction on the newly created lot.
4. Relocation of the accessory structure to ensure that it is wholly relocated to the parent parcel in conformance with setback standards, prior to issuance of any building permits for the newly created lot.
5. Should any 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.
6. Subject to Open Space and Recreation Fees.

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

MOTION CARRIED.

Motion by Gregory Todaro to **adjourn** at 9:19 p.m.

MOTION CARRIED

Amy Major  
Senior Clerk Typist