

Town of Clarence  
One Town Place, Clarence, NY 14031  
**Planning Board Minutes**  
Wednesday, June 21, 2023

**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 Santora – 1927 Brew House  
Commercial

Requests Site Plan and Architectural approvals for the rehabilitation and expansion of a former preschool to be converted into a restaurant and brewery at 6260 Goodrich Road.

**Item 2**

Dominic Piestrak – Spaulding Green  
Residential Single Family

Requests Development Plan approval for Phase 8 of a previously approved Open Space Design Subdivision as an extension of Spaulding Green Parkway at SBL 58.00-4-35.11.

**Item 3**

Griffon Gastropub  
Major Arterial

Requests a recommendation of a Temporary Conditional Permit for outside dining at 5445 Transit Road.

**Item 4**

Starbucks Coffee Company  
Commercial

Requests a recommendation of a Temporary Conditional Permit for outside dining at 9430 Main Street.

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

Councilman Shear led the Pledge of Allegiance.

Planning Board Members present:

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

Vice-Chair Richard Bigler  
Jason Geasling  
Daniel Tytko

Planning Board Members absent:

Gregory Todaro

Jason Lahti

Town Officials Present:

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

Other Interested Parties Present:

Amy Pearl	Maria Wallace	Stewart Clark	Sadowy	Tracy Reed
David Reed	Chris Brophy	Josh Bowers	Tara Bowers	Lyle Judd
Cynthia Judd	Frank Willhauck	Susan Willhauck	Jane Brunner	Pat Nowicki
Sandy Thomas	Natalie Catuzza	Sue Duffy	Mike Duffy	Phil Nowicki

Motion by Richard Bigler, seconded by Jason Geasling, to **approve** the minutes of the meeting held on May 17, 2023, as written.

Daniel Tytka	Abstain	Patrick Johnson	Aye	Jason Geasling	Aye
Wendy Salvati	Abstain	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED

**Item 1**

Paul Santora – 1927 Brew House Commercial

Requests Site Plan and Architectural approvals for the rehabilitation and expansion of a former preschool to be converted into a restaurant and brewery at 6260 Goodrich Road.

**DISCUSSION:**

Mr. Bleuer introduced this project, located at 6260 Goodrich Road, at the southwest corner of Goodrich Road and Juniper Place. It is an existing 2.35-acre parcel located in the Commercial zone, containing a former preschool and associated facilities.

The applicant is requesting Site Plan and Architectural approvals for the rehabilitation and expansion of a former preschool building to be converted into a restaurant & brewery. The building addition is planned on the south end of the building for a cooler, of approximately 650 sq. ft. Additionally, several existing roof and wall areas are proposed to be demolished, and rebuilt upon the existing foundation. Vehicular access is proposed to remain exclusively to Goodrich Road, accessing an expanded parking area. Finally, outside dining is proposed to the rear of the building, buffered by existing and newly proposed vegetation, and an 8-foot-tall privacy fence.

The Town Board referred the proposal to the Planning Board in April of 2023. Since that time, the applicant has modified the proposal per comments received.

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

Jason Utzig, Project Engineer with C&S Engineers, Natalie Catuzza with Silvestri Architects, and applicant Paul Santora were present to represent the request.

Mr. Utzig explained that the current parking lot consists of 22 parking spaces. They are proposing 44 parking spaces, 2 handicapped spaces, and upon recommendation from the Planning Board Executive Committee, they have 6 banked parking spaces for future use if needed.

Mr. Geasling stated that correspondence has been received from adjacent neighbors, beginning with concerns regarding the parking spaces. Mr. Geasling asked Mr. Utzig to explain the banked parking spaces and parking plan.

Mr. Utzig responded that the code requires a minimum of 44 parking spaces and they are proposing 44 striped, permanent parking spaces. There are 6 additional that will remain unstriped unless parking becomes a future concern, at which point they will then stripe them, for a total of 50.

Mr. Geasling noted that the homeowner to the south has concerns about cars and headlights shining in to her house as they park in the parking lot that faces her property. Mr. Geasling asked if the applicant would be willing to provide additional screening in the form of either a fence or additional landscaping, to help mitigate the view from the property to the south.

Mr. Utzig responded that they currently meet the requirements for landscaping, their landscape plan is per Town Code. He would need to consult with the owner to see if he would agree to anything additional.

Mr. Santora stated that they can propose a shrubbery base to assist with keeping the headlights from shining on to the neighboring property, and will help to separate the two properties.

Chairman Sackett asked the applicant if they would be willing to work with the neighbor to the south on development of the landscape plan, prior to coming to the Landscape Committee for review. Additionally, Chairman Sackett suggested inviting that same neighbor to the Landscape Committee meeting.

Mr. Santora responded yes, not a problem.

Regarding parking lot lighting, Mr. Utzig explained that the photometrics that they provided indicates there will not be any spillage on to the adjacent properties.

Mr. Geasling asked what the proposed height is of the light poles.

Mr. Utzig responded that they are 15 ft. tall and shielded.

Mrs. Salvati stated that the nuisance of the lights is of concern to the Board. This pertains to the property owners that have visual access to this property not being disturbed by the lights at night.

Mr. Geasling asked how the outdoor patio / “Beer Garden” noise will be handled.

Mr. Santora explained that it won’t be a full-service area, but rather a gathering area to sit and enjoy the outside underneath the overhang. It is not a full bar full dining experience with live music or any other type of entertainment.

Mr. Geasling asked if there will music pumped out through speakers, and TVs. Mr. Santora explained that basically the sound outside on the exterior is controlled. The reason that there are so many speakers, is so that everything is an equal, controlled sound that assists with controlling the amount of volume.

Mr. Geasling asked what the materials are in the patio area at the rear of the building.

Ms. Catuzza responded, explaining that the materials they are using includes some of the existing brick on the building that will be painted. There will be new stone placed along the bottom of the brewery, and corrugated metal siding accompanied by a wood-look siding as well. She believes that they can utilize their surroundings to help absorb some of the sound with bumpers, and adding more landscaping will also help mitigate the sound.

Ms. Catuzza noted that they may potentially introduce a product for the ceiling outside in the patio area that will also help to absorb sound.

Mr. Santora explained that as in most environments, echoing is of most concern, so in all of their situations, they reduce or eliminate the echoing 100%. They will be installing everything that they need to install to eliminate all echoing.

Mr. Utzig noted that upon request of the Planning Board Executive Sessions, they have raised the height of the fence on their property from 6 ft. to 8 ft., in addition to the whole west property being wooded as well.

Mr. Geasling asked what the hours of operation are for the patio, if they differ from the hours of the restaurant.

Mr. Santora explained that the hours of operation for the restaurant are 11:00 a.m. to 10:00 p.m. Sunday through Thursday, and 11:00 a.m. to 11:00 p.m. Friday and Saturday. While the patio area will be open until 11:00 p.m. on weekends, it will not be serviceable after 11:00 p.m. They will stop serving on the patio before that time, so that people will finish up and leave by closing time.

Mr. Geasling stated that another concern voiced within the correspondence is that of potential smells that may emanate from the proposed project, specifically the kitchen and brewery.

In terms of a brewing situation, Mr. Santora explained that it is all internal, there are no external aspects that would produce smells outside of the facility. There is nothing associated with their brewing process as far as smell.

Mr. Santora added that as far as kitchen smells, they have no fryers therefore there are no grease traps or grease barrels.

Referring to the crosswalk that provides access to Goodrich Road, Mr. Geasling asked why it is laid out at an angle.

Mr. Utzig noted that it is simply to line up with the parking space, keeping it centered on the island. It can probably be shifted.

Discussion continued regarding the alignment of the sidewalk accessing Goodrich Road.

Mr. Utzig agreed to shift the sidewalk north to line up more perpendicular with the crosswalk.

Regarding the hours of operation, Chairman Sackett asked if the lights and music on the patio will be turned off at closing time.

Mr. Santora responded yes, with the exception of the parking lot lights, the lights will be turned off at closing time. They expect patrons to finish up and leave at the close of business, so that the employees can clean up and leave also.

Mrs. Salvati asked if the lighting standards in the parking lot exceed the roofline of the lowest portion of the building.

Mr. Utzig responded that it is 22 ft. to the highest point of the building and 12 ft. to the lowest. The 15 ft. mounted height for the lights is 3 feet higher than the lowest elevation, which is the cooler addition located at the south end of the building.

Mrs. Salvati asked if the proposed lighting under the awning hangs below the awning or if it is tucked in underneath.

Mr. Santora responded that visibility would be very minor from the exterior, but the bulbs could hang slightly lower than the awning.

Mrs. Salvati asked Mr. Santora to confirm that the proposed 44 parking spaces will accommodate full seating in the dining room, the patio, and any additional functions.

Mr. Utzig responded that all of those aspects were considered in the parking lot calculations that they conducted.

Regarding resident concerns about parking on adjacent streets, Mr. Johnson asked why the reserve spaces aren't put in now, so as to help avoid any parking issues.

Mr. Utzig explained that the Town requires 44 parking spots, which they are meeting. There has been discussion as to whether there is the possibility for additional parking if it is needed, hence the 6 reserve parking spots.

Mr. Geasling asked if the parking lot is asphalt already.

Mr. Utzig responded yes, with diagonal striping. The current striping is not ideal for vehicles attempting to exit the lot.

Mrs. Salvati explained that the Board is concerned that the applicant will do very well at this location, and will need the additional parking spaces. They will likely need more than the 44 proposed parking spaces.

Mr. Santora stated that they are happy to line all of the banked spaces also, giving them the full 50 parking spaces.

Mr. Geasling asked if the intention for the beer garden is for it to be used year-round.

Mr. Santora responded that it will not be enclosed, so it will only be used when weather permits.

In regards to Public Participation, the following residents spoke:

1. Christopher Brophy of 9416 Pinyon Court:

- the area is very pedestrian-friendly
- traffic travels at an excessive speed down Goodrich Road
- customers for the ice-cream business currently park in this proposed business's lot for overflow, then cross Goodrich Road to access the ice-cream shop
- something needs to be done for the pedestrians and residents that will be utilizing all of these very successful businesses, to assure their safety with crossing the street to access them
- there is not enough parking in existence now, or in the plans for the proposed business

2. Amy Pearl of 6254 Tamarack View:

- she is excited that the walkability in the area will be increasing with the additional of a locally-owned family business
- concerned with parking, does not feel there is an adequate amount
- asked for the long-term to be considered, and the possibility that the applicant may eventually move out, or add more tables which would cause the need for more parking
- asked that the neighboring streets be considered and not to put up "no parking" signs so that the adjacent residents can't park on their street

3. Josh Bowers of 6259 Tamarack View:

- he is 100% in support of this project
- pleased to hear that the wooded area will remain to buffer the view and potential noise
- concerned with the parking, the plan does not take in to consideration parking for the employees
- suggested the Town of Clarence create parking behind Big Sings with the town-owned land

4. Lyle Judd with 6220 Goodrich Road:

- has concerns with headlights directed towards their property right next door
- would like an 8 ft. fence to mitigate the headlights
- the trees will eventually help to buffer the land
- will parking lot lights be on a timer or on until dawn

Public Participation was closed for this project.

Mr. Santora responded to the questions and concerns, agreeing that he doesn't have an answer to the parking situation. There is no public parking anywhere in the immediate area, despite multiple successful businesses.

Mr. Santora doesn't feel that this one particular proposed project should be questioned or blamed for the whole surrounding environment. This project has a right to be there just as the others do. They will do everything they can to help control the situation to the best of their abilities.

Mr. Santora suggested that the Town of Clarence and the businesses in the area attempt to collectively come up with a solution. They meet the code requirement, and are hopeful to not be punished based on other successful businesses in the area.

Discussion continued regarding the parking lot capacity.

Chairman Sackett explained the Temporary Conditional Permit process and renewal process, noting that taking the parking in to account will be vital to that aspect of the business.

Discussion ensued regarding parking.

Mr. Santora noted that if it came to it, they have the ability to push back on the southwest side of the property for additional parking, if it became necessary. It would be encroaching on some greenspace, but it is an option, should they need it.

Mrs. Salvati asked if the parking calculations include parking for staff.

Mr. Santora responded yes it does.

Mrs. Salvati asked what time the parking lot lights go out.

Mr. Santora responded that typically they stay on an hour to two hours after closing time. They need to be sure their employees are all out safely after closing up.

Chairman Sackett stated that typically the Board recommends lighting is turned off an hour after closing time, with the exception of security lighting.

Mr. Santora stated that is accurate.

Mr. Bigler explained that in his opinion, it is their job to enforce town code as written, and Mr. Santora meets the parking requirement. It may need to be addressed at a later time, if necessary. In relation to code and tonight's request, the code is being met.

**ACTION:**

Motion by Jason Geasling, seconded by Wendy Salvati, pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Environmental Assessment Form as prepared and to **issue a Negative Declaration** on the Santora 1927 Brew House located at 6260 Goodrich Road. This Unlisted Action involves the rehabilitation and expansion of a former preschool to be converted into a restaurant and brewery in the Commercial zone, and Clarence Sewer District 2. After thorough review of the submitted plans,

reports, comments, and Environmental Assessment Forms it is determined that the proposed action will not have a significant negative impact on the environment.

Daniel Tytka	Abstain	Patrick Johnson	Aye	Jason Geasling	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

**MOTION CARRIED**

Motion by Jason Geasling, seconded by Wendy Salvati to issue **Site Plan and Architectural Approval** for the 1927 Brew House Restaurant and Brewery located at 6260 Goodrich Road per the submitted plans by C&S Companies, dated March 15<sup>th</sup>, 2023, with a final revision date of June 5<sup>th</sup>, 2023, and architectural elevations by Silvestri Architects, dated February 20<sup>th</sup>, 2023, all with the following conditions being met:

1. Applicant must meet the requirements of the Town of Clarence Engineering preliminary grading and drainage review, and associated conditions.
2. Applicant must meet the requirements of the Town of Clarence Building Department fire code compliance review, and associated conditions.
3. Subject to Town Building and Engineering Department approval prior to any permits being obtained for the construction on the property.
4. Subject to Town of Clarence Engineering review and approval, and additional regulatory agencies, as required, for connection to the sanitary sewer system within Clarence Sewer District 2.
5. Subject to the issuance of a Temporary Conditional Permit by the Clarence Town Board for outside dining.
6. Landscape Committee approval of a final landscape plan prior to issuance of a Private Improvement Permit (PIP), including dumpster and mechanicals screening, and buffer areas adjacent to residences. In addition, a maintenance plan shall be submitted as part of the landscape plan to ensure landscaping will remain in perpetuity, and is replaced in kind should there be any deterioration or death or disease to plantings.
7. Dumpster enclosures shall remain closed at all times when not in use. Garbage service shall occur in conformance with Town Code. No garbage or debris shall accumulate outside of the dumpsters.
8. All site lighting shall comply with Town Code, be dark sky compliant and shielded to prevent spillage onto adjoining properties. No lighting shall be elevated above the roof lines and all lighting shall be turned off no later than one hour after business hours except for necessary security lighting.
9. Buildings to be constructed per the labelled and approved materials and colors.
10. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as approved.
11. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas, or within the public rights-of-way.
12. No outside display or storage of any kind on the property, including but not limited to goods, materials, or other items.

- 13. Any permanent signage will be subject to review and approval by the Sign Review Committee, and any temporary signage subject to review and approval by the Office of Planning and Zoning.
- 14. Subject to Open Space, and any other applicable fees as required by Town Code.

Mr. Santora has heard, understands, and agrees to the conditions.

**ON THE QUESTION:**

Mrs. Salvati asked for confirmation on the height of the lighting standards. It was discussed bringing them down to 12 ft.

Mr. Santora stated that they will bring the height down to 12 ft., bringing it at or below the roofline.

Mr. Utzig asked if below the roofline is only referring to the southern half of the building where it is 12 ft. and the light pole is 15 ft. or is it all of the lighting needs to be below 15 ft. Portions of the building are 22 ft. high.

Mr. Santora explained that 12 ft. all the way around is perfect for them, and he has no issues with that.

Chairman Sackett asked Mr. Santora if he understood the concerns and comment regarding parking.

Mr. Santora questioned which comment Chairman Sackett is referring to specifically.

Mr. Geasling explained that the public right-of-way are the surrounding public streets, the lawn in front of the business.

Mr. Santora asked if people parking on the street is considered the public right-of-way.

Mr. Bengart responded yes it is.

Chairman Sackett explained to Mr. Santora that he should not allow patrons to park on the street in front of his business.

Daniel Tytka	Abstain	Patrick Johnson	Aye	Jason Geasling	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

**MOTION CARRIED**

To **recommend issuance of a Temporary Conditional Permit to the Town Board** for the 1927 Brew House Restaurant and Brewery outside dining, located at 6260 Goodrich Road, and subject to the following conditions being met:

- 1. All conditions of the Site Plan and Architectural Approval.
- 2. Initial permit shall be for a term no greater than one year.
- 3. Outside music shall be limited to piped-in speaker music aimed to the east, and shall not exceed typical volume of the surrounding area. Acoustic sound-absorbing materials are to be installed to control noise on the patio.
- 4. Outside dining area shall not substantially contain more than eight (8) tables, with eight (8) chairs per table.
- 5. Outside dining area shall not operate later than 10:00pm on Sunday through Thursday, and 11:00pm on Friday and Saturday.

Mr. Santora questioned condition No. 2 of the term no greater than one year. Putting that much money in to a project for a one-year term is concerning.

Chairman Sackett explained that Mr. Santora will need to discuss that with the Town Board. This is the Planning Board’s recommendation.

Mr. Bengart explained that generally the first year is the most critical, the Town Board wants to be sure that all conditions are being met with limited neighbor complaints. The Temporary Conditional Permit will always need to be reviewed, so that the Board can be sure that conditions continue to be met.

Mr. Santora has heard, understands, and agrees to the conditions.

Daniel Tytka	Abstain	Patrick Johnson	Aye	Jason Geasling	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

**MOTION CARRIED**

**Item 2**

Dominic Piestrak – Spaulding Green Residential Single Family	Requests Development Plan approval for Phase 8 of a previously approved Open Space Design Subdivision as an extension of Spaulding Green Parkway at SBL 58.00-4-35.11.
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**DISCUSSION:**

Mr. Bleuer introduced this project on Greiner Road SBL 58.00-4-35.11, located east of Goodrich Road, north of Greiner Road.

Spaulding Green is a conceptually approved 380-unit Open Space Design Development subdivision approved by the Town in 2008. A significant portion of the project has been developed, including numerous approved amendments to the original plan over the years.

The applicant is requesting Development Plan Approval for Phase 8 of the previously approved Open Space Design Subdivision as an extension of Spaulding Green Parkway. Phase 8 contains 25 single-family sublots between phases 4A/3B and Phase 7, and a pond to the east of Phase 11.

Until such time as a Density Increase is approved by the Town, 11 of the 25 sublots shall not be built upon, to ensure compliance with the approved residential density of 380-units.

The Planning Board has authority to act on this request.

Ken Zollitsch with the engineering firm Greenman Pedersen Inc., and Dominic Piestrak with the developer Spaulding Green LLC were present to represent this request.

Mr. Zollitsch reviewed the request to this point, explaining that this will complete the loop within Spaulding Green, giving full road connectivity between Goodrich Road and Greiner Road.

Mr. Zollitsch stated that this is essentially the last phase of Spaulding Green, which has been under construction for approximately 15 years.

All reviews have been completed, and Mr. Zollitsch stated that they do understand 11 lots will need to be withheld until a time the overall density for Spaulding Green is increased.

Mr. Zollitsch stated that per a condition placed by the Town of Clarence, the density for Spaulding Green cannot be increased until the bike path running northerly has been completed. They are actively working on the trail, and keeping the Town of Clarence updated.

Regarding the 11 lots that are being withheld, Mr. Geasling asked when the 11 lots will be determined and designated.

Mr. Zollitsch responded that most likely during construction at Final Plat stage. If they receive Development Plan approval tonight, it would be a few months before they would be able to return to the Planning Board for further approvals. This also allows them additional time to make sure they get the trail issue resolved upon returning for the density increase.

Mr. Geasling asked Mr. Zollitsch to identify the intended sequence of construction as far as creating the lots, and also the new storm sewer. It appears that the water goes through a series of ditches and basins in to a large basin to the north.

Mr. Zollitsch stated that as it stands now, all of the drainage from Phase 7 goes through Phase 8 and in to the existing pond located just north of the development. One of the first steps of construction will be to fill the existing basins, and install the permanent structure.

Mr. Zollitsch continued to review the drainage.

Mr. Geasling asked if the pipe will go in before the filling of the basins, and what will happen with the water in the meantime.

Mr. Zollitsch stated that there will need to be some temporary measures used to divert the water around. Typically, they will start at the pond end with the drainage, and work their way back. They will have temporary ditches and basins until a time when they can connect it all. They will work with the Engineering Department to make sure there is no drainage runoff concerns.

Mrs. Salvati asked if construction on the trail will begin once the necessary approvals are secure.

Mr. Zollitsch responded yes.

In regards to Public Participation, no one spoke.

Regarding Mr. Zollitsch's statement that this is the final connection between the subdivision to Greiner and Goodrich roads, Mr. Geasling asked if the dead-end stub in Phase 3 will be opened.

Mr. Zollitsch explained that the direction they have received from the Town of Clarence is that the dead-end was to be installed with the final phase after all of the construction has been completed in Spaulding Green.

Mrs. Salvati asked if they would open the connection up prior to Phase 9 if the Town of Clarence requested them to.

Mr. Zollitsch responded yes.

**ACTION:**

Motion by Jason Geasling, seconded by Richard Bigler to **approve** the Phase 8 **Development Plan** of the previously Conceptually approved Spaulding Green Open Space Design Development Subdivision, located on the north side of Greiner Road, east of Goodrich Road, per the submitted drawing set by GPI, dated May 10<sup>th</sup>, 2023, subject to the following conditions being met:

1. Applicant meeting the requirements of the Town of Clarence Engineering Letters of Approval, dated May 2<sup>nd</sup>, 2023, and June 9<sup>th</sup>, 2023, and all associated conditions.
2. Applicant meeting the requirements of the Town Highway Department.
3. Subject to Engineering Department approval and necessary permitting prior to any construction on the site.
4. All lots shall be developed per the lot data table found in the approved development plan set, including but not limited to, basement type, lot grading type, and setbacks.
5. Common areas shall remain in their present and natural state apart from any necessary infrastructure installation, and wetland management.
6. All common areas shall be controlled and maintained by a Homeowners Association, in conformance with all approvals.
7. Creation of a 30' (or to the greatest extent possible that the property is under the control of Spaulding Green) easement to the Town of Clarence for a future recreational trail to Kraus Road from the easternmost point of the existing recreational trail. Such easement shall be submitted by the applicant and approved by the Town Attorney's Office for review and approval prior to Final Plat approval by the Town Board. Upon such approval, 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.
8. Subject to the installation of a recreational trail extension from Meadowglen Drive to Rose Croft Drive In lieu of Recreation Fees. Recreational Trail is subject to installation per prior approvals, and shall be permitted by all regulatory agencies and departments prior to any future residential density actions by the Town.
9. Maximum approved residential density shall not exceed 380 units for the overall subdivision, unless a Density Increase is approved. Eleven (11) of the twenty-five (25) sublots associated with Phase 8 shall not be built upon unless such Density Increase is approved. The eleven (11) sublots shall be identified by the applicant prior to Final Plat approval by the Town Board.
10. Subject to Open Space Fees, and any other applicable fees as required by Code.

**ON THE QUESTION:**

Mr. Bengart reminded the applicant that there is a conservation easement that is separate from tonight's meeting and not a part of these conditions. This conservation easement still needs to be addressed before the entire project is completed.

Regarding the proposed bike path along Kraus Road, Mr. Zollitsch stated that while they understand they generally agreed to that at the work session, he is concerned with the 30 ft. width that has been applied as condition No. 7. While they are able to apply that within portions of the Spaulding Green

property, they do not have 30 ft. of width all the way out to Kraus Road. There is a subdivision lot fronting Kraus Road that would limit the width down to approximately 20-25 ft. wide. This is still enough space for a bike path, but he cannot agree to a 30 ft. path the entire length along Spaulding Green to Kraus Road.

Condition No. 7 was amended to address the change.

Mr. Zollitsch has heard, understands, and agrees to the conditions.

Daniel Tytka	Abstain	Patrick Johnson	Aye	Jason Geasling	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

**MOTION CARRIED**

**Item 3**

Griffon Gastropub  
Major Arterial

Requests a recommendation of a Temporary Conditional Permit for outside dining at 5445 Transit Road.

**DISCUSSION:**

Mr. Bleuer introduced this project, located 5445 Transit Road. East side of Transit Road, south of Roll Road. It is an existing 13.75-acre property in the Major Arterial and Residential Single-Family zones, containing an existing shopping plaza wholly located in the Major Arterial zone.

The applicant is requesting a recommendation to the Town Board of a Temporary Conditional Permit for outside dining. The outside dining area is proposed to be located in front of the existing restaurant on the previously expanded sidewalk area; to include a new aluminum folding door system for entry, awning, stone clad steel bollards and knee wall panels, tables / chairs. A minor parking lot reconfiguration is also proposed to accommodate necessary drive aisle width.

The Town Board referred the proposal to the Planning Board in May of 2023. Since that time, the applicant has modified the proposal per comments received.

The Planning Board is a recommending body to the Town Board.

Ken Scibetta with Griffon Gastropub as well as architect Dave Giusiana with Giusiana Architects were present to represent this request and answer any questions.

Mr. Johnson reviewed the hours of operation, which are Monday – Thursday from 4:00 p.m. to 12:00 a.m. and Friday-Sunday 11:00 a.m. to 12:00 a.m.

Mr. Scibetta confirmed that was correct.

Mr. Johnson confirmed the approximate outside dining time to be from Memorial Day weekend to the end of September or October, depending on the weather.

Mr. Scibetta confirmed yes.

Mr. Scibetta stated that the lighting being proposed would barely hang out from underneath the awning, and would mostly likely stay contained underneath, with no additional lighting added.

Mr. Johnson confirmed that two parking spots will be removed to accommodate the 23 ft. requirement from the dining area to the first parking spot.

Mr. Scibetta responded yes.

Mr. Johnson stated that the proposed awning and canopy will be a permanent structure.

Mr. Scibetta responded yes.

Confirming that the music piped to the outside will be the same as what is played inside, Mr. Johnson requested that the speakers be placed facing inward, for less impact on the surrounding properties.

Mr. Scibetta responded yes.

Mr. Johnson asked what the plan is for the dumpster.

Mr. Scibetta responded that the dumpster will be relocated to behind the building where the other businesses have theirs located, not enclosed.

Mr. Johnson asked if there will be any storage or outside displays on the south side of the building.

Mr. Scibetta responded no, nothing.

Chairman Sackett asked which garbage service the applicant has.

Mr. Scibetta responded that it is Modern Disposal.

Chairman Sackett stated that if the dumpster is enclosed it would have a defined space, rather than just in the back of the building.

Mr. Scibetta responded that if needed to, they would be willing to contain the dumpster in to an enclosure.

In regards to Public Participation, no one spoke.

**ACTION:**

Motion by Patrick Johnson, seconded by Richard Bigler to **recommend issuance of a Temporary Conditional Permit to the Town Board** for Griffon Gastropub outside dining, located at 5445 Transit Road, per the submitted plan by Giusiana Architects dated March 21<sup>st</sup>, 2023, subject to the following conditions being met:

1. Initial permit shall be for a term no greater than one year.
2. Applicant must meet the requirements of the Town of Clarence Building Department fire code compliance review, and any associated conditions.
3. Subject to Town Building and Engineering Department approval, as required, prior to any permits being obtained for the construction on the property.

4. Applicant shall restripe the parking lot as required, ensuring that the drive isle along the front of the building is a minimum of 23’ wide, and required handicap parking is accommodated, all within the first year of permit issuance, and prior to consideration of permit renewal.
5. Applicant shall screen the dumpsters per the Town’s standard dumpster enclosure detail, and locate them wholly behind the building so they are not visible from the public right-of-way. Garbage service shall occur in conformance with Town Code. No garbage or debris shall accumulate outside of the dumpsters.
6. No parking shall occur outside the striped and designated parking spaces.
7. Structures, site, parking lots striping, and landscaping shall be maintained, in perpetuity, and any deficiencies shall be repaired or replaced.
8. Any future proposed site or structure modifications subject to Town review.
9. Any outside music, live or recorded, shall not exceed typical volume of the surrounding area.
10. All site lighting shall comply with Town Code, be dark sky compliant and shielded to prevent spillage onto adjoining properties. No lighting shall be elevated above the roof lines and all lighting shall be turned off no later than one hour after business hours except for necessary security lighting.
11. Outside dining area should not substantially contain more than nine (9) tables, with four (4) chairs per table.
12. Any permanent signage subject to review and approval by the Sign Review Committee, and any temporary signage subject to review and approval by the Office of Planning and Zoning.

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

Mr. Bigler asked if the safety materials proposed for the dining area have been presented or included with the submission.

Mr. Scibetta responded yes, they are included on the drawings themselves. Additionally, the bollards will not intrude in to the parking lot, but remain within the expanded sidewalk space for the dining area.

Daniel Tytka	Abstain	Patrick Johnson	Aye	Jason Geasling	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

**MOTION CARRIED**

**Item 4**

Starbucks Coffee Company  
Commercial

Requests a recommendation of a Temporary  
Conditional Permit for outside dining at 9430  
Main Street.

**DISCUSSION:**

Mr. Bleuer introduced this project located at 9430 Main Street. North side of Main Street, west of Goodrich Road. It is an existing 1.3-acre parcel located in the Commercial zone, containing a vacant quick service restaurant and drive through facility, formerly home to Dunkin’ Donuts.

The applicant is requesting consideration of a Temporary Conditional Permit for outside dining. The outside dining patio area is proposed to be constructed in front of the building, containing 6 tables, and surrounded by a railing, bollards, and curbing.

The Town Board referred the proposal to the Planning Board in April of 2023. Since that time, the applicant has modified the proposal per comments received.

The Planning Board is a recommending body to the Town Board.

James Boglioli, Attorney with Benderson Development was present to represent this request and answer any questions.

Mr. Boglioli briefly reviewed the project, noting that the proposed patio is 393 sq. ft. patio and will contain 6 tables with 4 seats at each table. The patio area will be protected by bollards are spaced to prevent any cars from being able to drive through them. These bollards will be covered and screened, and located within the landscaping to keep them out of view.

Mr. Boglioli reviewed the new landscaping in front of the proposed patio, as well as other additional added features.

Mr. Boglioli stated that there are no outdoor speakers or music, and the proposed patio will operate the normal Starbucks hours, Monday-Friday 5:30 a.m. to 9:00 p.m., Saturday 6:00 a.m. to 9:00 p.m. the only additional site change is the bump-out to channelize the drive-through.

Mr. Johnson noted that one piece of correspondence was received regarding this proposed project, from Mr. James Custas, owner of the Hiding Place and Palace of Sweets. Mr. Custas states that he is 100% in support of this project.

Mr. Boglioli stated that the existing dumpster enclosure will be replaced and screened.

Noting the significant site improvements that are proposed, Mr. Johnson asked if there is a time frame to have the project completed.

Mr. Boglioli responded that they will be redoing the entire site along with the building remodeling, and hope to have it operational by December.

Mr. Johnson asked why there is a space in the curb along the driveway through lane.

Mr. Boglioli explained that it is for drainage.

Mr. Bigler asked if the lighting standards will be 12 ft. or 15 ft. in height.

Mr. Boglioli responded that it will match the existing poles that are currently there. They are using the same poles, correcting the broken pole, and upgrading the heads.

Mr. Bigler asked if they would consider lowering the height of the poles, noting that 20 ft. is too high for the new LED lights.

Mr. Boglioli stated that they will review them. He does not know if they are 20 ft. high, they are not planning to change the height, they are re-using the existing poles.

In regards to Public Participation, no one spoke.

Mr. Bengart asked if the cross-access will continue with the property to the east.

Mr. Boglioli responded yes, nothing will change.

**ACTION:**

Motion by Patrick Johnson, seconded by Wendy Salvati to **recommend issuance of a Temporary Conditional Permit to the Town Board** for Starbucks Coffee outside dining, located at 9430 Main Street, per the submitted plan set by Benderson Development dated September 14<sup>th</sup>, 2022, with a final revision date of May 17<sup>th</sup>, 2023, subject to the following conditions being met:

1. Initial permit shall be for a term no greater than one year.
2. Subject to Town Building and Engineering Department approval, as required, prior to any permits being obtained for the construction on the property.
3. Dumpster enclosure shall remain closed at all times when not in use. Garbage service shall occur in conformance with Town Code. No garbage or debris shall accumulate outside of the dumpsters.
4. No parking shall occur outside the striped and designated parking spaces.
5. Structures, site, parking lot striping, and landscaping shall be maintained, in perpetuity, and any deficiencies shall be repaired or replaced.
6. Any future proposed site or structure modifications subject to Town review.
7. Outside music, live or recorded, shall not exceed typical volume of the surrounding area.
8. All site lighting shall comply with Town Code, be dark sky compliant and shielded to prevent spillage onto adjoining properties. No lighting shall be elevated above the roof lines and all lighting shall be turned off no later than one hour after business hours except for necessary security lighting.
9. Outside dining area should not substantially contain more than six (6) tables, with four (4) chairs per table.
10. 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.

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

**ON THE QUESTION:**

Mrs. Salvati referred to condition #8, the height of the light poles.

Mr. Boglioli reiterated that they are not changing the height of the poles, only the light head on the poles. They are before the board for a Temporary Conditional Permit, not Site Plan approval. The conditions exceed what they are here for. The condition should be placed on new light poles, not existing ones.

Chairman Sackett noted that this is a condition placed on every project that is referred to the Town Board, it is not unusual.

Discussion continued regarding the height of the light poles.

Daniel Tytko	Abstain	Patrick Johnson	Aye	Jason Geasling	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED

Meeting **adjourned** at 8:42p.m. with a motion by Wendy Salvati.

MOTION CARRIED

Amy Major  
Senior Clerk Typist