

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday, August 2, 2023
Work Session 6:00 pm

Status of SEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous
Agenda Items 7:00 pm

Item 1

West Herr Automotive Group
Traditional Neighborhood District

Requests Conceptual review of the proposed demolition of the existing Budget Inn Motel, Rezoning to Commercial, and construction of an automotive storage lot at 8255 Main Street.

Item 2

Robert Forest Rung
Agricultural-Floodzone

Requests a Minor Subdivision of land to create one (1) new lot located at 8515-8525 Tonawanda Creek Road.

Item 3

Stephen Development / OurGeneration LLC.
Industrial Business Park

Requests Concept Plan approval of a proposed industrial business park and commercial solar photovoltaic system, as an extension of Research Parkway, at Wehrle Drive SBL 83.00-3-15.111.

Item 4

Stephen Development / Dimar Manufacturing Corporation
Industrial Business Park

Requests Development Plan and Final Architectural approvals of a Conceptually approved industrial light manufacturing facility, located on the west side of Research Parkway, at Wehrle Drive SBL 83.00-3-15.111.

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

Councilman Shear led the Pledge of Allegiance.

Planning Board Members present:

Chairman Robert Sackett
Gregory Todaro
Patrick Johnson
Daniel Tytko

Vice-Chair Richard Bigler
Jason Geasling
Jason Lahti

Planning Board Members absent: Wendy Salvati, 2nd Vice-Chair

Town Officials Present:

Director of Community Development Jonathan Bleuer

Junior Planner Andrew Schaefer
Councilman Paul Shear
Deputy Town Attorney Steven Bengart

Other Interested Parties Present:

David Brown	Sean Hopkins	Mike Borowiak	Brad Hohman
Katrina Webster	Heather Schieder	Mike Callaghan	Donna Callaghan
Don Gernatt	Elie Schecter	Mike Metzger	

In the absence of Wendy Salvati, Daniel Tytka will assume voting privileges for tonight's meeting.

Item 1

West Herr Automotive Group
Traditional Neighborhood District

Requests Conceptual review of the proposed demolition of the existing Budget Inn Motel, Rezoning to Commercial, and construction of an automotive storage lot at 8255 Main Street.

DISCUSSION:

Mr. Bleuer introduced this project located at 8255 Main Street on the south side of Main Street, west of Susan Drive. It is an existing 1-acre parcel located in the Traditional Neighborhood District, containing a Budget Inn Motel.

The applicant is requesting preliminary conceptual review to consider the proposed demolition of the existing motel, Rezoning of the parcel to Commercial, and construction of an automotive storage lot at 8255 Main Street, adjacent to the existing BMW dealership.

The Town Board referred this proposal to the Planning Board at their June meeting.

The initiation of a coordinated review under the State Environmental Quality Review Act will allow for involved agency and interested party comment.

Sean Hopkins with the law firm Hopkins Sorgi McCarthy, Scott Scott Bieler, President and CEO of West Herr and Mike Borowiak with the engineering firm Nussbaumer Clark were all present and representing the applicant.

Mr. Hopkins reviewed the proposed project, adding that in addition to approvals needed from the Planning Board, they will be seeking variance approvals from the Zoning Board.

Walking through his presentation, Mr. Hopkins stated that they are requesting 151 parking spaces with the new storage lot, adding that they will have an emphasis on greenspace, landscaping, and screening.

Mr. Hopkins stated that their goal is to transform this site currently void of landscaping, and make dramatic improvements to it.

Referring to the landscape plan, Mr. Hopkins noted that they have retained the services of Registered Landscape Architect Bob Walter. They will not only consider the landscaping for this property, but also for the neighboring BMW property at 8215 Main Street.

Mr. Hopkins pointed out that all landscaping will require review and approval by the Landscape Committee.

Referring to the preliminary lighting plan that has been submitted, Mr. Hopkins noted that all lights will be dark-sky compliant, no lighting spillover on to any adjoining properties, and a proposal to reduce the lighting levels to what is needed for security purposes during evening hours have all been included.

Mr. Hopkins stated that this site has a single curb-cut on to Main St., which was essential for entering in to the contract to purchase this property. Preliminary car-carrier plans have been included with this proposed project, to show how it will assist in providing direct access for the larger vehicles on to the site and the adjacent BMW site.

During the Coordinated Review, the Department of Transportation will have the opportunity to comment and ultimately, they have jurisdiction over Main Street.

Mr. Hopkins explained the zoning classification, noting all of the surrounding properties in the area are also zoned Commercial.

Mr. Hopkins noted that this proposed project requires a State Environmental Quality Review Act (SEQRA) review, and Part 1 of the full Environmental Assessment Form has been submitted with all other applications and submittals.

Mr. Hopkins continued to review the project.

Mr. Todaro asked for clarification regarding the function of the project overall, will it be utilized as a storage lot or also a display lot for Main Street.

Mr. Hopkins responded that the goal is for it to function primarily as a storage lot. Due to the frontage on Main Street, there may be some display vehicles on that Main Street frontage only.

Referring to the small display area, Mr. Todaro asked what the differences are with lighting versus the storage area.

Mr. Hopkins explained that typically the goal is to have brighter lighting along Main Street from a visibility perspective. Due to advances in LED lighting, they are able to control lighting levels.

Mr. Hopkins noted that they need to find a fine line for lighting that keeps lighting on site to a minimum, while also deterring theft and vandalism.

Mr. Todaro pointed out that some of the lighting standards are 20 ft. tall, and asked Mr. Hopkins if that is consistent with other parking storage lots that West Herr has.

Mr. Hopkins responded that he believes it to be so, but it is part of the review process, they will be sure to verify that and follow-up on it.

Mr. Todaro stated that other parking storage lots in the area that the Planning Board has reviewed, they have requested lower lighting standards.

Mr. Hopkins confirmed that they will take that in to consideration during the planning stage.

Mr. Todaro asked for a brief description of the drainage.

Mr. Hopkins explained that because this is a redevelopment project, they will be compliant with the Town's strict standards in terms of installing new drainage.

Mr. Todaro asked if the landscaping will be irrigated.

Mr. Hopkins noted that they are reviewing this to see if it is feasible for this site as well as the adjacent site.

Mr. Hopkins stated that Mr. Bieler consistently listens to recommendations and feedback, making necessary adjustments and protocols as needed based on this.

Referring to electric vehicles (EV), Mr. Todaro asked if there will be any charging stations installed on the proposed site.

Mr. Hopkins explained that they have not gotten far enough in to the planning process to determine if they will have electric vehicles on site.

Mr. Bieler stated that they currently have 2 charging stations on other sites, and with the current volume they do not have a need for additional stations. The manufacturer dictates how many stations are necessary, and the dealerships must follow their requirements.

In regards to Public Participation, the following resident spoke:

1. Donna Callaghan of 4248 Foxwood Lane:
 - fully in support of this project
 - previous property owner did not follow through on keeping up the berm and landscaping
 - concerned about the maintenance of the berm
 - concerned about the lighting

2. Michael Vasucci, CEO and President of Mail Lodging / Victoria Manor:
 - fully in support of the proposed project
 - requests they also address the stockade fence in the rear of the property
 - not concerned about lighting spilling on to their property and would welcome the additional lights

Public Participation was closed for this project at this time.

Mr. Hopkins returned to address the questions and concerns, starting off with the maintenance of the berm, which they have already started by replacing several trees.

Mr. Hopkins stated that they are exploring the possibility of some sort of irrigation system.

In terms of lighting, Mr. Hopkins noted that based on the Town’s current stringent lighting standards, there can be no lighting spillover on to the property directly to the south.

Mr. Hopkins noted that they would be willing to meet with all nearby property owners, as solicitor input is a large part of the review process, and they will make the best efforts that they can to address the concerns.

Regarding the stockade fence that the adjacent property owner pointed out, Mr. Hopkins stated that they will look at it and repair / replace as needed.

Discussion continued regarding the height of lighting standards.

ACTION:

Motion by Gregory Todaro, seconded by Richard Bigler that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies on the proposed West Herr Automotive Group project at 8255 Main Street in the Traditional Neighborhood District. This Unlisted Action involves the demolition of the existing Budget Inn Motel, Rezoning to Commercial, and construction of an automotive storage lot.

Daniel Tytka	Aye	Jason Lahti	Aye	Patrick Johnson	Aye
Jason Geasling	Aye	Gregory Todaro	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED

Item 2

Robert Forest Rung
Agricultural-Floodzone

Requests a Minor Subdivision of land to create one (1) new lot located at 8515-8525 Tonawanda Creek Road.

DISCUSSION:

Mr. Bleuer introduced this project at 8515-8525 Tonawanda Creek Road, located north and south of Tonawanda Creek Road, east of Westphalinger Road. Currently it is existing land, consisting of approximately 36.4 acres, in the Agricultural-Floodzone.

The applicant is requesting a Minor Subdivision of land to create one (1) new building lot. The proposed lot configuration would consist of:

- Parent Parcel (8525 Tonawanda Creek Road): 3.3 acres with a frontage along Tonawanda Creek Road measuring approximately 162’.
- Proposed Lot 1 (8515 Tonawanda Creek Road): 33.1 acres with frontage along Tonawanda Creek Road measuring approximately 206’.

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

The proposed lot located at 8515 Tonawanda Creek Road was previously split at the County level. The Planning Board’s approval would allow the existing lot to be considered a good lot of record at the Town level.

The Zoning Board of Appeals granted an area variance in May, to allow a 360’ front yard setback for the construction of a single-family residence at 8515 Tonawanda Creek Road.

Mr. Lahti noted that and he sees no reason to not approve the requests.

Mr. Rung was present to answer any questions.

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 Rung Minor Subdivision at 8515-8525 Tonawanda Creek Road. This Unlisted Action involves a lot split to create one (1) additional lot in the Agricultural-Floodzone. 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.

Daniel Tytka	Aye	Jason Lahti	Aye	Patrick Johnson	Aye
Jason Geasling	Aye	Gregory Todaro	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED

Motion by Jason Lahti, seconded by Gregory Todaro to **approve the Rung Minor Subdivision** at 8515-8525 Tonawanda Creek Road as per the submitted surveys dated November 11th, 2014, with the following conditions being met:

1. Subject to Erie County Department of Public Works approval for access to Tonawanda Creek Road.
2. Review and approval by the Erie County Health Department for any future on-site sanitary facilities for the newly created lot.
3. Review and approval by the Town Building and Engineering Departments for any future construction on the newly created lot.

4. Creation of 25’ wide public drainage easements as described and shown in the memo from the Engineering Department, dated July 28th, 2023. Said easements shall be provided to the Town Attorney’s office for review and approval, and once approved to be recorded in the Erie County Clerk’s office with a filed copy to be provided to the Town Attorney. Applicant shall provide a “Stamped Filed” copy to the Town Attorney’s office after recording.
5. Should any additional drainage easements be required by the Town to address on-site drainage issues on the property, appropriate easements shall be submitted by the applicant and approved by the Town Engineering, Highway and Legal Departments. If required, applicant shall file same in the Erie County Clerk’s office and provide a “Stamped Filed” copy to the Town Attorney’s office after recording.
6. Subject to Open Space, Recreation, and any other applicable fees as required by Town Code.

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

ON THE QUESTION:

The newly approved lot located at 8515 Tonawanda Creek Road was previously split at the County level, prior to receiving Town approval. This approval now allows the existing lot to be considered a good lot of record at the Town level.

Daniel Tytka	Aye	Jason Lahti	Aye	Patrick Johnson	Aye
Jason Geasling	Aye	Gregory Todaro	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED

Item 3

Stephen Development / OurGeneration LLC.
Industrial Business Park

Requests Concept Plan approval of a proposed industrial business park and commercial solar photovoltaic system, as an extension of Research Parkway, at Wehrle Drive SBL 83.00-3-15.111.

DISCUSSION:

Mr. Bleuer introduced this project on Wehrle Drive SBL 83.00-3-15.111, also with frontage on Research Parkway, it is existing vacant 194-acre parcel located in the Industrial Business Park zone.

The applicant is requesting Concept Plan approval of an industrial business park and commercial solar photovoltaic system (SPS), as an extension of Research Parkway. The industrial business park is proposed to contain 11 sublots. 9 sublots are industrial building lots, while 2 sublots are reserved for the SPS of approximately 10 megawatts on 50.7 acres. Of the 9 industrial building lots totaling 52.8 acres, one subplot is currently proposed to contain the Dimar light manufacturing facility, which is being considered for Development Plan as a separate agenda item.

In October of 2022, the Town Board referred the proposal to the Planning Board. In November of 2022, the Planning Board initiated a coordinated review under the State Environmental Quality Review

Act (SEQRA). Since that time the applicant has modified the proposal to address comments received from involved and interested parties.

The Planning Board has the authority to consider an action under SEQRA, and Concept Plan.

Present to represent the applicant were Noel Dill with Stephen Development, Project Engineer Michael Metzger with Metzger Civil Engineering, and Eli Schechter with OurGeneration LLC.

Mr. Dill stated that they are working diligently to turn Research Parkway in to what it was originally intended to be when it was built more than a half of a century ago, which was an industrial business park.

Referring to the Environmental Assessment Form, Mr. Lahti asked if there are any archaeological areas on the project site.

Mr. Dill responded that some non-specific stone flakes had been found near the southwest portion of the solar project area of the site that indicated a potential by-product in a tool making process. The State Historic Preservation Office (SHPO) has generated an avoidance plan that will keep the area free from avoidance during construction.

Mr. Lahti asked about the training component for emergency personnel that is provided by the owner, and what the plans and ideas are for maintaining that training.

Mr. Dill stated that a training plan was provided and previously submitted, and they have worked with the local emergency personnel and disaster coordinator with respect to fire protection.

Mr. Schechter noted that they have proposed training opportunities on a once-a-year basis, with the possibility for additional opportunities as needed and requested.

Mr. Johnson asked about DC voltage and working with the fire companies.

Mr. Schechter responded that as long as the solar panels are exposed to sunlight there will always be DC voltage.

Mr. Johnson asked if any of the voltage emanating from any of the solar panels are lethal.

Mr. Schechter responded that in certain circumstances, even a small battery is considered lethal, therefore he can not say that no none of the panels are lethal.

Discussion continued regarding conversations with the local fire company and level of details of the solar site and training.

Mr. Schechter noted that they do not have a final design yet, therefore they have not had detailed conversations. They have discussed several briefings that will occur throughout the project review.

Mr. Johnson asked if the solar panels give off any smoke or harmful toxins if they ever catch on fire.

Mr. Schechter responded that the solar panels are photovoltaic, and due to the materials that they are made from have been designated by the EPA as universal waste which is non-toxic and non-harmful.

Discussion continued regarding the intricacies and workings of the solar panels.

Mr. Todaro asked about the output of the solar farm, and if it is back fed in to the electrical feed for Western New York, or is it utilized for that specific area and industrial buildings on the site.

Mr. Schecter stated that it will not be isolated to the industrial park. They do have an inter-connection agreement with NYSEG to connect directly to the overhead distribution line on Wehrle Drive.

In regards to Public Participation, the following residents spoke:

1. David Brown of 4585 Leytonstone Drive:
 - concerns about view from his home and many other neighbors
 - concerned with security
 - concerned that non-residents of Rock Oak will have access to the park via the West Shore Trail
2. Brad Hohman of 4330 Shisler Road:
 - how many acres of trees will be cut down to allow for the southern sun

Public Participation was closed for this item at this time.

Mr. Dill explained that many of these questions will be more thoroughly answered once they reach the development stage of the project.

Mr. Dill stated that the separation between the industrial park and Rock Oak mobile home park has been of the utmost importance to them. They will make sure that nothing they do on the north side of the project site will have any negative impact on the residents on the south side of Rock Oak. They are keenly aware of what the impact would be.

Mr. Dill noted that it is too early in the review process to have a number for the trees that will be removed. The configuration of the solar farm project has been driven by the multiple conversations that they have had with the Town.

Mr. Metzger referred to the question regarding tree removal, and stated that that they are not impacting anything in the state wetland or the 100 ft. adjacent area of the state wetland.

Mr. Metzger stated that of the 50 acres allocated to the solar component of the proposed project, approximately ½ will have trees removed for the solar panels. Much of the area is already cleared of vegetation and trees.

Chairman Sackett asked Mr. Dill address the question regarding the number of trees cleared as part of their landscape plan.

Mr. Dill responded yes, they will.

Chairman Sackett explained that each lot will be subject to its own environmental review.

Mr. Johnson asked Mr. Schecter if there is the potential for significant glare as the panels tilt.

Mr. Schechter stated that the Federal Airline Administration (FAA) has a review process that is done with all of their projects, and based on the location, this property does not have a glare hazard.

Mr. Johnson asked about a glare factor for neighboring homes.

Mr. Schechter responded that although he cannot say definitively, studies show that photovoltaic panels have less glare than bodies of water and similar other instances where a glare is produced.

Regarding winter months, Mr. Todaro asked if the panels will need to be cleared of snow.

Mr. Schechter stated that they will not need to clear off the panels as they collect snow, but they will be clearing the roadways and paths through the site, so that emergency personnel can get in. Typical practice for solar panels in winter is to let the snow accumulate then clear off naturally with sunlight.

ACTION:

Motion by Jason Lahti, seconded by Richard Bigler that 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 proposed Stephen Development industrial business park as an extension of Research Parkway. This Type I Action involves the construction of an industrial business park and commercial solar photovoltaic system in the Industrial Business Park zone, and within Erie County Sewer District # 5. After thorough review of the submitted plans, documents, meeting minutes, reports, letters, and Environmental Assessment Forms, it is determined that the proposed action will not have a significant negative impact on the environment.

Daniel Tytka	Aye	Jason Lahti	Aye	Patrick Johnson	Aye
Jason Geasling	Aye	Gregory Todaro	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED

Motion by Jason Lahti, seconded by Gregory Todaro to **approve** the Stephen Development **Concept Plan**, located on Research Parkway, SBL 83.00-3-15.111, per the submitted drawing by Metzger Civil Engineering, dated December 20th, 2022, with a final revision date of June 26th, 2023, with the following conditions:

1. Applicant meeting the requirements of the Town of Clarence Engineering preliminary grading and drainage review, and associated conditions.
2. Applicant meeting the requirements of the Town of Clarence Fire District, Fire Inspector & Emergency Services preliminary review, and associated conditions.
3. Subject to Development Plan review by the Town, including a technical review of the final Development Plan by the Town Engineering Department.
4. Subject to Town Building and Engineering Department approval prior to any permits being obtained for the construction on the property.
5. Subject to Clarence Highway Department review and approval of the expansion of Research Parkway.
6. Subject to Clarence Highway Department approval for access to Research Parkway.

7. Subject to Erie County Division of Sewerage Management review and approval, and additional regulatory agencies, as required, for connection to the sanitary sewer system within Erie County Sewer District # 5.
8. Prior to Development Plan approval, applicant shall plan, design, and receive all necessary regulatory approvals for public sanitary sewers to service all approved industrial sublots. Sanitary sewer design flows per lot to be no less than the design flows of the first approved subplot, containing the Dimar manufacturing facility.
9. Future proposed uses for each approved industrial subplot shall be subject to full review and approval by the Town, including but not limited to an environmental review through the State Environmental Quality Review Act.
10. Landscape Committee approval of a final landscape plan prior to Development Plan approval, including limits of clearing, and cul-de-sac treatment as reviewed and approved by the Highway Department.
11. Each industrial subplot, and solar sublots, shall be subject to separate landscape review and approval.
12. Review of a right-of-way lighting plan prior to Development Plan approval. All right-of-way lighting shall be reviewed and approved by the Town Highway and Engineering Departments.
13. Each industrial subplot, and solar sublots, shall be subject to separate lighting review and approval. All site lighting shall 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.
14. Any permanent signage subject to review and approval by the Sign Review Committee, and any temporary signage subject to review and approval by the Office of Planning and Zoning.
15. Subject to Open Space Fees and any other applicable fees as required by Code.
16. If the solar photovoltaic system, **hereby referred to as SPS**, poses a safety hazard, as determined by a Clarence Building Code Enforcement Officer, the owner or operator shall take immediate action to remedy the hazard. The Building Code Enforcement Officer shall have the authority to cause the abatement of any hazardous situation.
17. If the SPS has been nonoperational or abandoned for a period of one year or more, the system shall be removed within 45 days of written notice from the Town of Clarence to the property owner or operator of the system.
18. Records of SPS inspections, reports and maintenance activities shall be provided to the Town of Clarence Building Department within 10 days of written request by the Town of Clarence.
19. The applicant shall provide the following information regarding decommissioning of the SPS and restoring the site upon application:
 - A. The anticipated life;
 - B. The estimated decommissioning costs in current dollars;
 - C. The method and schedule for updating the costs of decommissioning and restoration;
 - D. A method of ensuring that funds will be available for decommissioning and restoration;
 - E. The anticipated manner in which the SPS will be decommissioned and the site restored; and
 - F. Such other and reasonable requirements as the Town of Clarence shall require.
20. An acceptable bond and/or surety for the purposes of removing the SPS shall be purchased and remain in force for the life of the SPS. Said bond shall be submitted for review and approval by the Town Attorney's office.

21. A maintenance and removal plan made in writing to the Town of Clarence to include an agreement by the applicant and/or owner, in writing, to remove all components of the SPS if such facility becomes nonfunctional or ceases to be used for its originally intended purpose, as determined by the Town of Clarence. The maintenance and removal plan shall remain in force for the life of the SPS.
22. All interconnecting cables between the SPS and accessory or servicing structures shall be installed underground or within the structure they are mounted upon.
23. Building permit applications shall be accompanied by standard drawings of structural components of the SPS, including support structures, base and footings. Drawings shall be stamped and any necessary calculations shall be certified, in writing, by a New York State licensed professional engineer or architect, that the system complies with the current New York State Building Code.
24. Building permit applications shall be accompanied by a line drawing identifying the electrical components of the SPS to be installed in sufficient detail to allow for a determination that the manner of installation conforms to the electrical code.
25. The application shall include a statement from a New York State licensed professional engineer or architect indicating that the SPS electrical system conforms to sound engineering practices and complies with the National Electrical Code. All equipment and materials shall be used or installed in accordance with such drawings and diagrams.
26. The SPS shall be properly maintained and be kept free from hazards, including, but not limited to, faulty wiring, loose fastenings, and creation of an unsafe condition or detriment to public health, safety or general welfare.
27. The applicant shall submit an SPS screening and landscaping plan, stamped and signed by a New York State licensed landscape architect, showing adequate measures as determined by the Landscape Committee to screen through landscaping, grading or other means so that the solar panels and other equipment's visibility is minimized from roadways and neighboring properties. The screening and landscaping plan shall include the locations, elevations, height, plant species, and/or materials that will comprise the structures, landscaping and/or grading used to screen and/or mitigate any adverse aesthetic effects of the system.
28. A detailed SPS safety plan specifying the measures that will be used to prevent public access to unsafe areas and to provide for emergency response, including but not limited to the location, height, materials, and colors of fencing and other barriers to access and a safety signage plan that contains the locations, sizes and text of signs that will be used to warn the public away from unsafe areas and that shall include the name and phone number of an official of the owner or operator who can be contacted in the event there is an emergency or any question about safety.
29. Documentation shall be provided to identify that no element of the SPS shall reflect glint or glare, as defined by the FAA.
30. No signage or graphic content may be displayed on the SPS except the manufacturer's badge, safety information and equipment specification information. Said information shall be depicted within an area no more than 36 square inches in size.
31. SPS and site may not be used for displaying advertising except for reasonable identification of the owner/operator and shall comply with all signage restrictions.
32. SPS disconnect and other emergency shutoff information will be clearly displayed at/on the meter location for emergency personnel.

- 33. Twenty-four-hour emergency contact information will be clearly displayed at the SPS access.
- 34. No onsite storage of waste materials including decommissioned panels, racks and parts.

ON THE QUESTION:

Referring to condition #22, Mr. Schecter noted that all cables are underground except for the access drive off of Research Parkway with overhead utility poles that connect to the NYSEG distribution system.

Chairman Sackett responded, stating that there should be as much underground as possible. Documentation to show why a specific area is not able to be underground will be requested at the development stage.

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

Daniel Tytka	Aye	Jason Lahti	Aye	Patrick Johnson	Aye
Jason Geasling	Aye	Gregory Todaro	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED

Item 4

Stephen Development / Dimar Manufacturing Corporation Industrial Business Park	Requests Development Plan and Final Architectural approvals of a Conceptually approved industrial light manufacturing facility, located on the west side of Research Parkway, at Wehrle Drive SBL 83.00-3-15.111.
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DISCUSSION:

Mr. Bleuer introduced this project, a proposed 6.4-acre parcel zoned Industrial Business Park, to be split from the existing parent parcel, with access to Research Parkway.

The applicant is requesting Development Plan and Final Architectural approvals for a Conceptually approved +/- ~~50,000~~ 55,000 sq. ft light manufacturing / office building. The structure will be occupied by Dimar Manufacturing Corporation. Associated facilities include parking, loading docks, and stormwater management areas.

In October of 2022, the Town Board referred the Stephen Development industrial business park and commercial solar facility, as an extension of Research Parkway. In November of 2022, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA). In February of this year, the applicant solely advanced the Dimar facility portion, and the Planning Office initiated a secondary coordinated review under SEQRA for the Dimar specific portion. Since that time, the applicant has modified the proposal to address comments received. In May, the Planning Board issued a Negative Declaration under SEQRA, Concept Plan, and Conceptual Architectural approvals. In June, the Landscape Committee approved a Final Landscape Plan. Finally, in July, the Engineering Department determined that the Development Plan meets technical requirements.

The Planning Board has the authority to consider Development Plan and Final Architecture for this project. A Development Plan Approval would constitute the last Board action prior to construction.

Mr. Dill noted that the facility is 55,100 sq. ft. with 5,000 sq. ft. of offices, they are hoping to take occupancy in early 2024 and are excited to expand their facility and jobs.

Mr. Geasling asked for clarification on the materials, specifically the metals listed.

(1:18) Mr. Dill responded that there are different metal panel configurations. The exterior metal has an extensive wood siding applied to it

Discussion ensued regarding the types and styles of metal panels used with this project. Mr. Dill noted that the materials were previously reviewed extensively during that part of the project review. The contractor from Kulbak's Construction was present at that time, and Mr. Geasling's review of the materials is accurate to what was explained previously.

Mr. Geasling asked where the mechanicals are located on the building.

Mr. Dill stated that on the southeast corner of the office area, there will be 3 condensers outside on the ground. This area is immediately adjacent to the wetlands area which is full of vegetation that will never be touched and will provide an extensive buffer.

The bay area is heated the major components will be on the inside of the building with the exception on the north and south walls there will be a 30 in. x 30 in. hooded vent, extending out 24 in.

That is the extent of the outside components.

Mr. Geasling asked if the components will be screened.

Mr. Metzger stated that the 2 heating components are 16 ft. off the ground and are not large. The condensers are adjacent to the wetland, which will provide screening.

Mr. Geasling asked if the sidewalk on the north side is intended to be flush with the road.

Mr. Dill responded that it will be raised along that side of the building.

Discussion continued regarding the sidewalk and parking lot drainage.

Mr. Geasling asked about the lighting.

Mr. Metzger stated that they are not adding any light poles. The building elevations that have been reviewed by the Planning Board Executive Committee indicate that there will be wall packs along the walls of the warehouse portion itself. These will be shielded, pointed downward, and dark-sky compliant.

Mr. Geasling asked about the loading bay doors, and whether they are typically closed unless in use.

Mr. Metzger responded yes.

Chairman Sackett asked Mr. Metzger if they will submit a lighting plan.

Mr. Metzger responded yes.

Mr. Bigler asked if the ducts along the south and north sides of the building, and if there is any noise associated with them. Previously the duct work on the building produced a problematic noise.

Mr. Metzger stated that the previous issues were related to process equipment. These vents are strictly for the heating system.

Mr. Dill explained the manufacturing that is conducted at this Dimar facility as well as the location in Cheektowaga that is closing to consolidate with this new facility. The expectation is that the building and insulation will conceal most of the noise that is generated with the manufacturing.

Mr. Dill noted that many of the previous issues have been addressed and resolved.

Discussion continued regarding potential noise coming from the facility.

Mr. Todaro asked what shift operations are for the facility.

Mr. Dill responded that currently there are two shifts.

Mr. Todaro asked how the facility would sustain if they were to lose power.

Mr. Dill stated that there is not a generator at this time, and he is not sure as to whether the other facilities have a generator.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Jason Geasling, seconded by Patrick Johnson to **approve** the Dimar Manufacturing **Development Plan**, located on Research Parkway, SBL 83.00-3-15.111, per the submitted drawing by Metzger Civil Engineering, dated May 5th, 2023, with a final revision date of May 31st, 2023 and to **approve** the **Final Architectural** drawings by Kulback's dated February 2023, all with the following conditions:

1. Applicant meeting the requirements of the Town of Clarence Engineering Development Plan Review Letter dated June 24th, 2023.
2. Applicant meeting the requirements of the Town of Clarence Engineering and Building Departments, and any associated conditions, prior to any permits being obtained for construction on the property.
3. Subject to Clarence Highway Department approval for access to Research Parkway.
4. Subject to Erie County Division of Sewerage Management review and approval, and additional regulatory agencies, as required, for connection to the sanitary sewer system within Erie County Sewer District # 5.
5. Applicant meeting the requirements of the Landscape Committee Approval on June 13th, 2023, and associated conditions, including but not limited to, the maintenance of all landscaping and

fencing in perpetuity and replacement, in-kind, should there be any deterioration, or death or disease to plantings.

- 6. Dumpster enclosures and any garbage tote systems shall remain closed at all times when not in use. Dumpster and tote service shall occur in conformance with Town Code. No garbage or debris shall accumulate outside of the dumpsters and totes.
- 7. Review and approval by the Town of Clarence of a lighting plan prior to issuance of a Private Improvement Permit (PIP). All site lighting shall be dark sky compliant and shielded to prevent spillage onto adjoining properties. No lighting shall be elevated above the roof ridge lines and all lighting shall be turned off no later than one hour after business hours except for necessary security lighting.
- 8. Buildings to be constructed per the labelled and approved materials and colors.
- 9. Any exposed building mechanicals shall be shielded from view by existing vegetation and / or approved landscaping.
- 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.
- 12. No idling, loading, unloading, or parking of commercial vehicles in the public right-of-way.
- 13. No outside display or storage of materials, goods, or other business-related products of any kind on the property, including but not limited to: materials, equipment, pallets, and storage containers.
- 14. Any permanent signage subject to review and approval by the Sign Review Committee, and any temporary signage subject to review and approval by the Office of Planning and Zoning.
- 15. Subject to Open Space Fees and any other applicable fees as required by Code.
- 16. Keep loading bay doors closed when not in use.

ON THE QUESTION:

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

Daniel Tytka	Aye	Jason Lahti	Aye	Patrick Johnson	Aye
Jason Geasling	Aye	Gregory Todaro	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

Chairman Sackett noted that the applicant must submit a lighting plan to the Planning Office as the next step in the approval process.

Mr. Dill responded yes.

MOTION CARRIED

Meeting **adjourned** at 8:36 p.m. with a motion by Gregory Todaro.

MOTION CARRIED

Amy Major
Senior Clerk Typist