

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

Mister Sizzles  
Major Arterial

Requests Site Plan and Architectural approvals for the rehabilitation and expansion of a former bank to be converted into a restaurant at 6409 Transit Road.

**Item 2**

Clarence Motor and Sport  
Industrial Business Park

Requests Conceptual review of an automotive self-storage facility at the Southwest corner of Goodrich Road and County Road.

**Item 3**

Munro Products  
Commercial

Requests Site Plan and Architectural approvals for an addition of an existing warehouse building to the rear of the property at 9150 Clarence Center Road.

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  
2<sup>nd</sup> Vice-Chair Wendy Salvati  
Jason Geasling  
Jason Lahti

Vice-Chair Richard Bigler  
Gregory Todaro  
Patrick Johnson  
Daniel Tytka, - Alternate

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:

Sharon Cook	Fred Cook	Donna Reynolds	Beth Pedersen	Brian Frost
Richard Pedersen	Mark D’Alba	Deborah Frandina	John Cirillo	Casey Casas
Brian Windschitl	Fred Frandina	P. Schmidt	D. Schmidt	Phyllis Zak
Stanley Zak	Eileen Nahogian	Michael Metzger	Jeffrey Palumbo	
Leonard Higgins	Julie Higgins	Mark Anderson		

Motion by Wendy Salvati, seconded by Patrick Johnson to **approve** the minutes of the meeting held on July 19, 2023, as written.

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

MOTION CARRIED

Motion by Richard Bigler, seconded by Jason Geasling to **approve** the minutes of the meeting held on August 2, 2023, as written.

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

MOTION CARRIED

**Item 1**

Mister Sizzles  
Major Arterial

Requests Site Plan and Architectural approvals for the rehabilitation and expansion of a former bank to be converted into a restaurant at 6409 Transit Road.

**DISCUSSION:**

Mr. Bleuer introduced this project located at 6409 Transit Road, at the southeast corner of Transit Road and Old Post Road. It is an existing 1.3-acre parcel located in the Major Arterial zone, containing a former bank.

The applicant is requesting Site Plan and Architectural approvals for the rehabilitation and expansion of the former bank building to be converted into a restaurant. A building addition is planned on the north end of the building, of approximately 1,000 sq. ft. No modifications are requested to the singular vehicular access point to Transit Road. Finally, outside dining is proposed to the rear of the building, buffered by existing and newly proposed vegetation.

The Town Board referred this proposal to the Planning Board at their April 12th meeting. Since that time, the applicant has made modifications to the proposal per comments received. On August 8th, the Landscape Review Committee approved a final Landscape Plan.

The Planning Board has the authority to act on this request.

Outside Dining is subject to a Temporary Conditional Permit as issued and reviewed by the Town Board.

Michael Anderson with Abstract Architecture and Business Owner Casey Casas were present to represent this request.

Mr. Anderson stated that the proposal before the Board tonight is what they consider a neighborhood family-based restaurant. The owners have an original location in Buffalo which they have been successful with for the past two years. The proposed location on Transit Road gives them the opportunity to have an outside patio dining area.

Mr. Geasling asked what the days and hours of operation will be.

Mr. Anderson responded that it will be open 7 (seven) days a week serving lunch and dinner between the hours of 11:00 a.m. to 11:00 p.m. at the latest, and will be closed all major holidays.

Mr. Anderson added that the patio will be seasonal, there will not be any amenities such as heat or service provided to the patio beyond the summer months. The patio will close at 10:00 p.m., which is one hour earlier than the restaurant.

Mr. Geasling asked if there will be any live music on the patio.

Mr. Anderson responded that there will not be any live music anywhere in or out of the establishment. The only music on the outside will be piped in through residential grade speakers, located under the former drive-through covered area.

Mr. Geasling confirmed that the speakers will be in the roof, pointed towards the building not outwards.

Mrs. Casas explained that they use a playlist that they put together themselves, nothing explicit or loud but all family-friendly background music.

Mr. Geasling asked if the game room is indoor or outdoor.

Mr. Anderson explained that it is a small indoor space with a few classic arcade games. It serves as a transition from indoors to the patio.

Pertaining to resident comments that have been received, Mr. Geasling asked several questions relating to those concerns voiced within the correspondence.

Mr. Geasling asked if there is any work currently being conducted at the property.

Mr. Anderson responded, noting that the previous tenant left several items behind that needed to be removed and cleared out. The Town was made aware, and no work that required a permit was being done on the property. Mr. Anderson explained that they are waiting potential approvals from the Town of Clarence before beginning any work that needs to be permitted.

Mr. Geasling asked Mr. Anderson to explain their plans for parking.

Noting that this proposed location is desirable to the applicants because it is not a large property, Mr. Anderson added that it is part of Mr. Sizzles charm.

Mr. Anderson noted that all of their assumptions are based on experiences with their other location. They don't see that there will be a demand for the additional parking spaces, they feel what they have planned will be adequate.

The following are residents that have submitted correspondence, as read by Mr. Geasling. All correspondence is distributed to the Board members before being placed in the project file. An increase in traffic, people cutting through the neighborhood from Old Post Road, using Old Post to make U-turns, patio noise, smells from the restaurant, potential flooding issues, decrease in property values and parking were all among concerns voiced by the following residents:

- Deborah Frandina
- John Cave
- Carolyn Russo
- Patricia Schmidt
- Sharon Cook
- Mr. & Mrs. Donald Pfalzer

A letter of support was received from Brian Windschitl, COO of the Hofbraus Buffalo

Mrs. Casas stated that based on the traffic at her other location it is mostly families coming to the restaurant, typically they travel in one car. She has no parking lot or off-street parking at her other location, and there have not been any issues.

Mrs. Casas continued to describe the character and ambiance that they hope to provide in the proposed restaurant.

Mrs. Casas explained that they have their HVAC systems cleaned every other month in order to keep the grease from building up, as well as keeping everything clean. They pride themselves on having a clean restaurant, and the outside of the restaurant doesn't collect any debris from hoods not being clean.

Referring to some of the comments that have been received by residents, Mr. Anderson explained that they have worked extensively on the landscaping, and plan to put up the tallest fence permissible in order to assure the privacy of the neighbors. That will be augmented with a very detailed amount and level of vegetation.

Mr. Anderson added that they will also be maintaining the natural wooded area that is currently on the site.

Mr. Anderson noted that they had originally shown a walking path, adding that it was never the intention of the path to provide parking within the neighborhood. It was intended for the residents of the neighborhood to come to the restaurant. Under the direction of the Planning Board Executive Committee, they have removed the walking path from their proposed plans.

Referring to the concern regarding the proposed restaurant decreasing property values in the area, Mr. Anderson stated that he does not believe that is the case, nor will it be an issue with this proposed project.

Mr. Geasling asked about the lighting on the outside, confirming that they will be dark sky compliant, and when the outside lights will turn off.

Mr. Anderson explained that they are open to whatever conditions the Board places on them. It is not the type of establishment that people hang around after closing. For security purposes they'll need some type of safety lighting, but aside from that there is no need for any external lighting past closing time.

Mr. Anderson added that the patio lighting will be string lighting underneath the canopy and facing downward. He stated that it is more of a residential patio than a commercial lit patio.

Mrs. Casas stated that in the evening they keep the lights at a dim but safe level. They want to be good neighbors, and will work with the Board as well as residents to assure they provide an enjoyable, safe place for the community.

Mr. Geasling explained that to stay consistent with other projects, a condition may be placed stating that lighting is to be turned off 1 (one) hour after the close of business, except for security lighting.

Mr. Geasling referred to the roof, noting that an asphalt roof is preferred over a metal roof.

Mr. Anderson stated that they will be updating their documents and plans to show that they will put on an asphalt shingle roof.

Chairman Sackett asked Mrs. Casas to explain their methods of cooking.

Mrs. Casas responded, stating that they have a hood that is built out through captive air, installed by Allstate Fire and Safety. Underneath the hoods is all of the regulated equipment that they require to be properly ventilated. They have a flat-top grill that they use to cook their burgers, then a separate flat top grill under the hood that they cook their vegan products on, so that there is no cross-contamination. Under the hood is a fryer that they use to make their house-made fried chicken and French fries.

Chairman Sackett mentioned concerns from neighbors about the westerly wind causing smells to emanate in to the adjacent neighborhood, and asked how Mrs. Casas will address that possibility.

Mrs. Casas stated that she has spoken with the technician from Captive Air regarding this concern, and he informed her that the 30 (thirty) foot stack that was mentioned does not exist. The system that they

are using has a grease catch with filters that are removed nightly for cleaning. It keeps everything in, they have not had any issues with this at their current location.

Chairman Sackett asked if the outside patio is essential to the applicant's business plan.

Mrs. Casas responded yes, she feels that it is important and it will provide a nice atmosphere for the limited months that we are able to enjoy the outside weather here. The property has been well maintained, and they would like to utilize that to the fullest extent.

Mr. Anderson explained that the patio is essential to the applicant based on what the space is, and the business model – not how many can be accommodated on the space. The space is seen as a backyard, not a full seating area.

Chairman Sackett explained that the Planning Board does not have the ability to grant a Temporary Conditional Permit (TCP), only the Town Board has that ability. The Planning Board can only recommend it to the Town Board. Generally, what the Town Board will do is if approved, a TCP will first be approved for a term of 1 (one) year. In that one year the first question that is asked is whether there have been any complaints, and have they been addressed. If approved, the applicant has to be willing to work with the Town should any issues or concerns arise.

Mr. Lahti asked what the thoughts are on over-flow parking, where it is, and how does the applicant see that happening.

Mrs. Casas stated that she has contacted some of the adjacent businesses to see if she would be able to work with them to rent additional parking, should the need arise.

Mr. Lahti asked what time the outdoor music will be shut off.

Mrs. Casas responded that the music will shut off at 10:00 p.m.

In regards to Public Participation, the following residents spoke:

1. Fred Cook of 6415 Woodberry Court:
  - the residents of Farmington Woods have a sensitivity to traffic issues
  - concerns with traffic issues and increased traffic through Farmington Woods
  - hoping everyone can work together
  
2. Patricia Schmidt of 8070 Old Post Road West:
  - appreciates entrepreneurs working to succeed
  - as a homeowner in the adjacent neighborhood, she is concerned with parking and noise
  - a bar on the back outside patio with TVs for sporting events will cause an awful lot of noise
  - the two favorable sized bars will attract a lot of people without families
  - if sporting events will be broadcast, the noise will be prohibitive
  - the residents in the front of the neighborhood don't want to have to listen to music or sporting events 7 (seven) days a week for any length of time

3. Deborah Frandina of 8065 Old Post Road West:
  - Farmington Woods is a prestigious neighborhood with high community standards known for peace, tranquility and well-kept homes in a safe and calm environment
  - a quiet restaurant could be considered, but not an alcohol-serving, party hard type sports bar restaurant asking for a waiver on a parking requirement
  - there is no parking on Transit Road
  - this proposed project will be a nuisance to the residential property owners in Farmington Woods
  - she is a licensed real estate broker and feels that the property values for the homes in Farmington Woods will immediately go down because nobody wants an expensive home in a party frat-house type area
  - it's not a family restaurant if there are two bars with people sitting at them with their kids who will then drive home
  
4. Fred Frandina of 8065 Old Post Road West:
  - civil engineer, he has reviewed the plans and found discrepancies specifically with the parking numbers
  - reviewed occupancy undercounts he believes he has found
  
5. Stanley Zak of 8055 Old Post Road West:
  - are deliveries going to be made only during routine business hours
  - will garbage be picked up during routine hours, or will there be lights and beep beep beep noises from trucks backing up all times of the day and night
  - concerned about the wildlife and potential foraging animals because of the dumpsters

Public Participation has been closed for this project in this meeting.

Mrs. Casas and Mr. Anderson returned to address the questions and concerns raised by the residents.

Regarding the potential noise level, Chairman Sackett asked if the applicant if it is fair to say that the noise will not exceed the ambient noise of the neighborhood beyond their property.

Mr. Anderson responded that it is a very fair statement, yes.

Chairman Sackett asked the applicant if they understand that they must abide by the Town of Clarence code for dumpsters.

Mr. Anderson responded yes.

Chairman Sackett asked the applicant to address the concern of large trucks and the potential for them to use the adjacent neighborhood to turn-around in.

Mrs. Casas explained that upon signing contracts with any of the delivery companies that they utilize, they put terms in stating where they can park, which doors to utilize, and hours of delivery. They are box trucks, not semis. The food service company does not deliver on weekends and will deliver within operating hours during the week on their scheduled days.

Mr. Anderson noted that their civil engineer with Carmina Woods has determined that delivery trucks and emergency vehicles have sufficient space within the parking lot to move around as necessary.

Chairman Sackett stated that the Town of Clarence code specifies the number of chairs in an establishment, not the number of people. Chairman Sackett asked for clarification on the number of chairs.

Mr. Anderson responded that they have seating accommodations for 138, broken down as follows:

- 92 inside
- 24 at the bar
- 46 outside of which 16 are at a bar

Mr. Anderson stated that their interior occupancy is based on New York State (NYS) Building Code.

Chairman Sackett asked for Mr. Anderson's opinions on the traffic situation.

Mr. Anderson reiterated that it comes back to their stance as to why they don't feel they need the parking spaces, which is based on their experiences with their current restaurant. Those coming to the restaurant will be primarily family units, not all individuals traveling separately.

Chairman Sackett confirmed with Mr. Anderson that dumpsters were included with the approved Landscape Plan.

Mr. Anderson responded yes, they are shown on the Landscape Plan, there is a double dumpster enclosure. Because this backs up to what they consider an outdoor family area, it is an enclosed cedar fence at the highest height permitted by code. The only access to it is via the service side.

Mrs. Salvati asked if the fence is higher than the height of the dumpsters.

Mr. Anderson responded yes; it has to be, as stated in the code.

Chairman Sackett noted that the dumpster enclosure must be kept closed when not in use, so as to not attract wildlife.

Mr. Anderson noted that the contractor that has been maintaining the site while it has been vacant has taken precautions to assure no unwanted rodents are around.

Mr. Anderson noted that there will not be any trash on the property, and will be taken care of promptly.

Mrs. Salvati asked what time and how often garbage pick up will occur.

Mrs. Casas responded that at their current location they use Modern, it is emptied twice a week. They come at the same time a normal refuse company comes, not at 5:00 or 6:00 a.m.

Mrs. Salvati asked if this proposed project is a sports bar.

Mrs. Casas responded no.



Mr. Anderson explained that the main backgrounds on the televisions will be visual entertainment, not sporting events with the exception of Bills games.

Mrs. Salvati asked if at their current location, do they exceed the occupancy at the bar so that there is an overflow of patrons standing around, and do patrons come in with the sole intention of utilizing the bar area.

Mrs. Casas responded no to both questions, adding that every patron is coming in to eat not just for drinking.

Referring to the concerns from adjacent neighbors regarding patrons attempting to make left-hand turns out of the property on to Transit Road, Mrs. Salvati asked Mrs. Casas if they were aware of these potential issues that may occur.

Mrs. Casas explained their busier times and how that will work with the traffic of Transit Road, noting that based on their current location, their lunch sales are strong, with the evening lunch time hours being their slowest.

**ACTION:**

Motion by Jason Geasling, seconded by Gregory Todaro to issue **Site Plan and Architectural Approval** for the Mister Sizzles Restaurant located at 6409 Transit Road per the submitted plans by Carmina Wood Design, dated March 1<sup>st</sup>, 2023, with a final revision date of August 23<sup>rd</sup>, 2023, and architectural elevations by Abstract Architecture PC, dated August 23<sup>rd</sup>, 2023, all with the following conditions being met:

1. Subject to Town Building and Engineering Department review and approvals, as required, prior to any permits being obtained for the construction on the property.
2. 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.
3. Subject to the issuance of a Temporary Conditional Permit by the Clarence Town Board for outside dining.
4. Applicant meeting the requirements of the Landscape Committee Approval on August 8<sup>th</sup>, 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.
5. 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.
6. 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 ridge lines and all lighting shall be turned off no later than one hour after business hours except for necessary security lighting.
7. Building to be constructed per the labelled and approved materials and colors, except that roof shall be asphalt shingles, rather than standing seam metal as shown.
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, or within the public rights-of-way.
- 10. No outside display or storage of any kind on the property, including but not limited to goods, materials, or other items.
- 11. 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.
- 12. Subject to Open Space, and any other applicable fees as required by Town Code.

**ON THE QUESTION:**

This change-in-use proposal has been deemed a Type 2 action by the Town of Clarence, and therefore requires no further environmental review nor action under the State Environmental Quality Review Act.

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

**MOTION CARRIED**

Motion by Jason Geasling, seconded by Gregory Todaro to **recommend issuance of a Temporary Conditional Permit to the Town Board** for the Mister Sizzles Restaurant outside dining, located at 6409 Transit 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 and TV sound shall be limited to piped-in ceiling mounted speakers aimed to the west, and shall not exceed typical volume of the surrounding area.
- 4. Outside dining area shall not substantially contain more than 46 seats, including 16 bar seats, and three tables with 10 seats each.
- 5. Outside dining area shall not operate later than 10:00pm.

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

**MOTION CARRIED**

**Item 2**

Clarence Motor and Sport Industrial Business Park

Requests Conceptual review of an automotive self-storage facility at the Southwest corner of Goodrich Road and County Road.

**DISCUSSION:**

Mr. Bleuer introduced this project located at the southwest corner of Goodrich Road and County Road.

Recently split and approved, the 10.61-acre vacant parcel is located in the Industrial Business Park zone.

The applicant, Leonard and Julie Higgins, are requesting preliminary Conceptual review of an automotive self-storage facility. Per the application, the proposed development will include 9 single-story buildings, comprising of 56 individual units, to be utilized for storage of high-end motor sports vehicles, with access to both Goodrich Road and County Road.

The Town Board referred this proposal to the Planning Board at their January 18th meeting. Since that time, the applicant has made modifications to the proposal per comments received, and has investigated requirements associated with on-site sanitary facilities.

The initiation of a coordinated review under the State Environmental Quality Review Act is in order and is under the Planning Board's purview.

Michael Metzger with Metzger Civil Engineering, Attorney Jeffrey Palumbo, and owners Leonard and Julie Higgins were present to represent their request.

Mr. Metzger reviewed the property and proposed project, noting that multiple modifications have been made since this project was referred by the Town Board.

Mr. Metzger noted that each of the 56 individual units will have a separate door and man-door for access to that unit. They will be lease units, not for sale as originally proposed due to the units having the capability of having sanitary sewers.

Mr. Metzger noted that there will be two (2) access roads to the development, one off of Goodrich Road and one off of County Road. There will be a security fence surrounding the facility as well as gates at each access road.

Regarding the lighting on the site, Mr. Metzger stated that it will be a very low intensity lighting with possibly pendant type lighting in the front, and a single light in the rear at each individual unit's door.

Mr. Metzger stated that there are no wetlands on the site, and it is not located in a 100-year floodplain.

In terms of stormwater management, Mr. Metzger noted that it will be designed at the time of development planning, should they successfully advance to that stage of the project. One of the retention ponds, located off of Goodrich Road would have the appearance of having two ponds, due to being separated by the entrance way. It will have an equalization culvert between the two so that they function equally.

Mr. Metzger added that they are proposing wooden guardrails along the ponds at both Goodrich Road and around the corner intersection where the other pond is as well. In addition to the guardrails, Mr. Metzger noted that there will be exceptional landscaping proposed for this project where the gates will be located.

Mr. Lahti noted that there is a discrepancy between the dimensions of the property as shown on the property survey and the color site plan.

Mr. Metzger responded that the survey is based on the center of road, County Road is a 100 ft. wide right-of-way, which gives it the 50 ft. difference.

Mr. Lahti then questioned the discrepancy on the southernmost portion of the project, with differing numbers.

Mr. Metzger stated that they will correct that.

Referring to Part One of the Environmental Assessment Form (EAF), Mr. Lahti questioned the statement that individual septic systems will be installed, yet there are not any bathrooms indicated on the concept plan.

Mr. Metzger responded, noting that the units will be developed in a way that the tenants leasing them will have the option to have bathrooms if they choose to. There will be the option to have water and sanitary sewer to each individual unit. The system will be sized as if the entire structure will have bathrooms in it.

Mr. Lahti asked why the plans state that individual septic systems will be installed if there will be one common system.

Mr. Metzger responded that he needs to amend that description, they have modified that from the original plans.

Mr. Lahti asked what the phasing plans are.

Mr. Metzger explained that they are currently looking at putting in the infrastructure and roads then the buildings will be added on an as-needed basis.

Mr. Lahti asked what the applicant intends for garbage collection, noting that there is no indication of any garbage collection in the plans.

Conferring with his client, Mr. Metzger responded that the individual units will be responsible for the removal of waste from their site.

Mr. Lahti asked if all vehicle storage will be inside the units, with no outside storage on site.

Mr. Metzger responded that the cars will be inside. The parking spaces are for the people coming to visit their cars to park when they are there.

Referring to the materials, Mr. Lahti asked Mr. Metzger to address the amount of metal shown on the plans versus what is allowable per code.

Mr. Metzger stated that the back of the structure is the only area planned to be all metal, there will be extensive landscaping and fencing as well. Mr. Metzger continued to explain the plan for materials.

Mr. Lahti asked about fire access with the gates that are on the property.

Mr. Metzger responded that coordination with the fire company to be sure that they have access to the development will be required.

Mr. Lahti questioned that second parcel noted as an exception parcel would require a separate State Environmental Quality Review Act (SEQRA) action for any development of that parcel. Chairman Sackett asked what the height of both the fence and the building are.

Mr. Metzger responded that the fence is 6 ft. and the building is probably approximately 14 ft.

Chairman Sackett explained to Mr. Metzger that although architectural review is not in front of the Planning Board tonight, he suggests Mr. Metzger address how the code is being met in regards to the fence and materials.

Mrs. Salvati asked about the detention ponds at the roadway with the wood fencing, suggesting that the fence is extended around to the westerly side for added protection.

Mr. Geasling asked if the wet pond is in the clear zone of County Road.

Mr. Metzger responded that it is not a problem, plus they are offering protection.

Mr. Todaro asked where the floor drains in the stalls will drain to.

Mr. Metzger stated that floor drains are more difficult when there are no public sewers, as it can not be put in to the septic. They need to make sure they are compliant with the plumbing code, and there must be the ability somewhere in the downstream of the floor drains for a sample to be obtained when needed. Ultimately, the water from the drains will go in to the storm sewer.

Mr. Todaro asked if the dormers and cupola will be illuminated.

Mr. Metzger conferred with Mr. Higgins, and after discussion between themselves, Mr. Metzger stated that he does not think the cupolas will be lit.

Discussion continued, it was determined that the dormers are not faux and will be illuminated.

Mrs. Salvati confirmed that the radius of the turn on the south end of the project is able to accommodate emergency vehicles.

Mr. Metzger responded yes.

Mr. Bigler stated that the retention pond on the southern end is a substantial distance from the roadway.

#### **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 to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies on the proposed Clarence Motor and Sport project at the southwest corner of Goodrich Road and County Road in the Industrial Business Park zone. This Unlisted Action involves the construction of an automotive self-storage facility, and associated facilities.

**ON THE QUESTION:**

Chairman Sackett noted that there are a couple of corrections Mr. Metzger needs to make to the plans, one with distance and one whether the septic is individual or for the project as a whole.

Chairman Sackett stated that Coordinated Review will commence once the corrections have been made.

Mr. Metzger responded yes.

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

**MOTION CARRIED**

**Item 3**

Munro Products  
Commercial

Requests Site Plan and Architectural approvals for an addition of an existing warehouse building to the rear of the property at 9150 Clarence Center Road.

**DISCUSSION:**

Mr. Bleuer introduced this project at 9150 Clarence Center Road, located on the north side of Clarence Center Road, east of Heise Road it is an existing approximately 1-acre property located in the Commercial zone, containing a kitchen and bathroom refinishing business.

The applicant is requesting Site Plan and Architectural approvals for an addition of the existing warehouse building to the rear of the property. The addition is proposed to contain storage space for packaging materials.

The Town Board referred this proposal to the Planning Board at their August 9, 2023 meeting. Since that time, the applicant has made modifications to the proposal per comments received.

The Planning Board has the authority to act on this request.

Mark D’Alba with D’Alba Architects was present on behalf of the applicant Neil Munro, to represent this project.

Mr. D’Alba explained that Mr. Munro would like to have this 20 ft. by 40 ft. addition to his existing warehouse that will be used for inventory.

Mr. D’Alba stated that Munro Products is an on-line business, and the largest and oldest supplier of this type of bathroom finishing products.

Describing the building as a wood-frame pole barn type construction, Mr. D’Alba noted that it will be finished with the same materials as the existing building, with an asphalt shingle roof.

Mr. D'Alba identified the paved asphalt area, a 5-8 ft. area on the northeast (?) property line, and continued to describe the current layout as shown in the supporting slides.

Mr. D'Alba noted that there is an approximate 1-2 ft. drop as you head towards the north property line. The water will be in a swale before draining out to the open area to the north, approximately 18 ft. away from the addition.

Mr. D'Alba noted that the parking lot will have 11-12 parking spaces that they plan to stripe. There are 15 employees, many that come together in one car and the others come then leave to proceed to their job site.

Mr. D'Alba stated that the primary product stored inside the additional warehouse space will be cardboard boxes, addressing any potential concerns for fire hazards, adding that the size of the building is significantly under size for code concerns.

Mr. D'Alba confirmed that they will be compliant with the lighting requirements.

Mr. D'Alba continued to explain Mr. Munro's current and future plans for the property.

Mr. Johnson asked Mr. D'Alba how he plans to handle the drainage of the water off of the property to the north.

Mr. D'Alba explained that from the asphalt to the granular fill where there is a berm, there will be a swale with cutouts in the berm that the water will drain through. There will not be any additional plantings on the berm, Mr. Munro will keep it as is with weeds and grass.

Referring to the striping of the parking lot, Chairman Sackett noted that there were cars parked in the right-of-way, confirming that Mr. D'Alba understands they cannot stripe and make parking spaces in the right-of-way.

Mr. D'Alba responded yes.

Mr. Bigler noted that Mr. D'Alba stated he was willing to stripe the parking lot near the display building. Mr. Bigler pointed out that it needs to be done, it is not optional.

Mr. D'Alba responded yes.

Mr. Bigler asked Mr. D'Alba if a retention pond is needed for any of the water that is being moved off-site.

Mr. D'Alba responded that he is unaware.

Mr. Bengart stated to Mr. D'Alba that he will need to go to the Engineering Department with regard to the drainage issues.

Mrs. Salvati asked if the cuts through the berm will have any type of drainage piping placed in them.

Mr. D'Alba responded no, they will just be formed and the water will just flow. It will drain around the swale.

Mr. Bengart pointed out that this will be handled through the Engineering Department.

Mrs. Salvati asked how many parking spaces Mr. D'Alba is proposing to add along the showroom.

Mr. D'Alba responded 8 more, there will not be any striping along the back side.

Discussion continued regarding the amount of parking spaces along the showroom.

Mr. Bleuer stated that the Planning and Zoning Office can assure that the required parking spaces are striped in the subsequent resubmittal. If approved tonight, it will then go to the Landscape Committee and the Engineering and Building Departments.

**ACTION:**

Motion by Patrick Johnson, seconded by Wendy Salvati to issue **Site Plan and Architectural Approval** for the Munro Products warehouse addition located at 9150 Clarence Center Road per the submitted plans and architectural elevations by d'alba architects, received in the Planning Office on August 23<sup>rd</sup>, 2023, all with the following conditions being met:

1. Subject to Town Building and Engineering Department review and approvals, as required, prior to any permits being obtained for the construction on the property.
2. New asphalt paving shall be set back from the property line a sufficient distance to accommodate drainage, as reviewed and approved by the Town Engineering Department.
3. Landscape Committee approval of a final landscape plan prior issuance of a Private Improvement Permit (PIP), including dumpster screening. 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.
4. 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.
5. 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 ridge lines and all lighting shall be turned off no later than one hour after business hours except for necessary security lighting.
6. Building to be constructed per the labelled and approved materials and colors.
7. Buildings and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as approved.
8. 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.
9. No outside display or storage of any kind on the property, including but not limited to goods, materials, or other items.
10. 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.
11. Subject to Open Space, and any other applicable fees as required by Town Code.



**ON THE QUESTION:**

Mr. D’Alba has heard and understands the conditions, with a question regarding landscaping. He does not understand what that entails.

Chairman Sackett explained that Mr. D’Alba can work with the Planning and Zoning Office and the Landscape Committee to assist with the landscaping issues such as the berm, striping, and any other landscaping that Mr. Munro may want to add to the property.

Mr. D’Alba agreed to the conditions.

Mr. Bigler reiterated that Mr. D’Alba must proceed to the Engineering Department regarding the water on the site.

Mr. Bleuer stated responded yes, it will be reviewed by both the Engineering and Building Departments as standard process.

This proposal has been deemed a Type 2 action by the Town of Clarence, and therefore requires no further environmental review nor action under the State Environmental Quality Review Act.

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

**MOTION CARRIED**

Meeting **adjourned** at 8:59 p.m. with a motion by Wendy Salvati.

Amy Major  
Senior Clerk Typist