

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday, December 6, 2023

Work Session 6:30 pm

Status of SEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:00 pm

Approval of Minutes

Item 1

Resurgence Brewing Company
Commercial

Requests Conceptual review for the rehabilitation and expansion of a former automotive facility to be converted into a brewery and tasting lounge at 6585 Transit Road.

Item 2

Lavocat's Family Greenhouse & Nursery
Agricultural-Rural Residential

Requests Site Plan and Architectural approvals for a pole barn addition to the west of the existing greenhouse at 8441 County Road.

Item 3

Rockledge Professional Park, LLC.
Commercial

Requests a modification to the Architectural approval for a professional office building at 8167 Sheridan Drive.

Item 4

Innovative Concepts in Entertainment (ICE)
Commercial

Requests Site Plan and Architectural approvals for an addition and façade upgrade on the west side of the existing facility at 10123 Main Street.

Chairman Robert Sackett called the meeting to order at 7:04 p.m.

Councilman Shear led the Pledge of Allegiance.

Planning Board Members present:

Chairman Robert Sackett
Jason Geasling
Daniel Tytko

Vice-Chair Richard Bigler
Jason Lahti

Planning Board Members absent:

2nd Vice-Chair Wendy Salvati

Gregory Todaro
Patrick Johnson

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:

Andrew Marino	Chris Ware	Jeff Ware	Brian Nicdon
Chris Lavocat	Teri Lavocat	Donald Lavocat	Bob Bradford
Michael Metzger	Jim Gannon	Kris Kiemmmis	Grace Mondello
Robert Callan			

Motion by Richard Bigler, seconded by Jason Geasling, to **approve** the minutes of the meeting held on September 20, 2023, as written.

Daniel Tytka	Aye	Jason Lahti	Aye	Jason Geasling	Aye
Richard Bigler	Aye	Robert Sackett	Aye		

MOTION CARRIED

Motion by Richard Bigler, seconded by Jason Geasling, to **approve** the minutes of the meeting held on October 18, 2023, as written.

Daniel Tytka	Aye	Jason Lahti	Abstain	Jason Geasling	Aye
Richard Bigler	Aye	Robert Sackett	Aye		

MOTION CARRIED

Item 1

Resurgence Brewing Company
Commercial

Requests Conceptual review for the rehabilitation and expansion of a former automotive facility to be converted into a brewery and tasting lounge at 6585 Transit Road.

DISCUSSION:

Mr. Bleuer introduced this project at 6585 Transit Road, located on the east side of Transit Road, north of Miles Road.

It is an existing 1.8-acre parcel located in the Commercial zone, containing a currently vacant and former automotive facility. In 2016, the site was approved to be converted into a Dunn Tire facility, but the project was never implemented.

The applicant is requesting preliminary conceptual review to consider the rehabilitation and expansion of the former automotive facility for a brewery and tasting lounge. The building addition is planned on the north and east side of the building, of approximately 5,362 sq. ft. An approximately 3,666 sq. ft. dining patio is proposed on the north and east side of the building. Additional parking, landscaping and associated facilities are also proposed.

The Town Board referred this proposal to the Planning Board at their June 28th meeting. The applicant has modified the proposed architectural style since then, based on comments received.

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

Any proposed outside dining will be subject to a Temporary Conditional Permit, as issued by the Town Board after holding a Public Hearing.

Andrew Marino, P.E. with the engineering firm Tredo Engineers was present, adding that the addition will hold roughly 115 seats. There will be a fenced enclosure around the patio, and parking equals one space for every 3 seats.

Mr. Tredo noted that the proposal is to improve the parking area, the frontage of the property including any landscaping in the front, pedestrian access to the street, and a ground sign is also included.

Operations in the back include a dumpster corral, where there is enough egress in the parking lot for a fire truck as well as a garbage truck to egress through from and to Transit Road.

Mr. Tytka asked Mr. Marino if they foresee any issues with additional traffic on Transit Road with this proposed project.

Mr. Marino responded no, that the threshold for the traffic to warrant a traffic study with the New York State Department of Transportation (NYS DOT) was below the requirement.

Mr. Tytka asked Mr. Marino if they are willing to work with Bevilacqua Development and their adjacent proposed development in the future to create an entryway for vehicles to access the traffic light that is proposed.

Mr. Marino responded that they have had discussions with both Bevilacqua Development and the NYS DOT in regards to their current curb-cut that they are maintaining, the second curb-cut on their site that they will be moving, and they anticipate a request to provide parallel access.

Mr. Tytka noted that the adjacent property to the south has requested that a fence be installed to help mitigate any potential noise and views that will come from the proposed business, and asked Mr. Marino if this is something they will agree to installing.

Mr. Marino responded yes, they have agreed to provide a fence, but because they haven't determined a style yet, it is not shown on the plans.

Mr. Tytka asked how noise and debris will be mitigated during the construction period.

Mr. Marino explained that with most of the construction taking place on the north side of the property, noise and debris will be limited to the north side of the building. Also, limiting construction hours will assist with the mitigation of potential noise and debris.

In regards to Public Participation, the following resident spoke:

1. Steve Dale of 4309 Cameron Drive:

- doesn't understand the need for such a complicated and potentially unsafe entrance and exit way of the parking lot by forcing all incoming and outgoing traffic through a serpentine labyrinth around two blind corners where they may encounter other vehicles backing blindly out of a parking spot in to the main traffic flow.
- also keep in mind that those exiting this facility may have diminished driving skills and reaction times
- suggested moving the stormwater detention basin south, and move the primary entrance curb cut north to line up with the major east-west portion of the parking lot.

Public Participation was closed for this project at this for this meeting.

Mr. Marino responded to the concerns stating that in their discussions with the NYS DOT, they prefer that the curb cut be kept where it currently is, which is as far away from the proposed signal as possible. This locates it to the south end of the proposed site.

Chairman Sackett asked Mr. Marino if they know the distance between their entrance and the signal.

Mr. Marino responded no, not at this time.

Chairman Sackett requested when the applicant returns for future meetings, that they have that any joint access progress and distance between their entrance and the signal information available.

ACTION:

Motion by Daniel Tytko, 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 Resurgence Brewing Company project at 6585 Transit Road in the Commercial zone. This Unlisted Action involves the rehabilitation and expansion of a former automotive facility to be converted into a brewery and tasting room.

Daniel Tytko	Aye	Jason Lahti	Aye	Jason Geasling	Aye
Richard Bigler	Aye	Robert Sackett	Aye		

MOTION CARRIED

Item 2

Lavocat's Family Greenhouse & Nursery
Agricultural-Rural Residential

Requests Site Plan and Architectural approvals for a pole barn addition to the west of the existing greenhouse at 8441 County Road.

DISCUSSION:

Mr. Bleuer introduced this project at 8441 County Road, located on the south side of County Road, east of Westminster Drive.

It is an existing 8.8-acre parcel located in the Agricultural Rural Residential zone, containing an existing and operational greenhouse and nursery.

The applicant is requesting Site Plan and Architectural approvals for a 5,290 sq. ft. pole barn addition to the west side of the existing greenhouse. The pole barn will be used to house items for sale, and storage.

The Town Board referred this proposal to the Planning Board at their October 25th meeting. Since then, the applicant has proposed roof insulation and fencing/landscaping on the west property line, based on comments received.

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

Michael Metzger with Metzger Civil Engineering was present to represent the applicant. Also present were owners Don and Terry Lavocat as well as Chris Lavocat, and Bob Bradfield and Brian Nicpon with Sutton Architecture.

Mr. Metzger reviewed Mr. Bleuer's introduction, adding that there is currently a store and greenhouse facility on the site totaling just over 51,000 sq. ft. and they are proposing adding just under 5,300 sq. ft.

Mr. Metzger added that what they are proposing is a simple building with no sanitary sewer or water added on, and any utilities will come from the existing building. No additional parking will be added, and a little bit of sidewalk but no paving, and the proposed building will be unheated.

Mr. Metzger noted that there is a very small wetland impact in the back northwest corner of the property. They have already shared with the Planning Office a copy of the permit that they have received from the U.S. Army Corp of Engineers.

Mr. Metzger also added that the Lavocat's have agreed to put in a 6 ft. privacy fence along with some landscaping along the west property line to help mitigate the views.

Bob Bradfield with Sutton Architecture presented the architectural components of the proposed project, noting that the approximate 5,041 sq. ft. addition would be located on the west side of the existing greenhouse.

Mr. Bradfield explained that the proposed building is a pole barn and an expansion of the existing retail component. The proposed addition will be separated from the existing building by an 18 ft. gap. The outside will have simulated board and batten metal siding painted white, and illuminated store front window accentuated by a barn style pressure-treated details, and a black standing-seam metal roof.

Mr. Bradfield noted that the height of the proposed addition is approximately 22 ft. 2 in. at the main ridgeline and approximately 18 ft. at the entry ridge.

At a previous Planning Board Executive work session, Mr. Bradfield explained that a concern regarding noise was brought up, therefore they are proposing the metal roof attached directly to the metal to dampen the roof. Based on concerns in the past regarding noise, they have consulted with a sound specialist to assist them with mitigating the sound as much as possible.

Mr. Bradfield stated that it was also suggested to continue the same entry façade materials along the west elevation. As Mr. Metzger mentioned, there is an existing 6 ft. privacy fence located on the site that they are looking to re-purpose to conceal the view of the west elevation. The extension of the wood water table around the corner would not be visible to the public.

Mr. Bradfield added that they plan to add some exterior lighting, all of the emergency lighting for code compliance will be provided as well as some socket lighting to illuminate the building and any wall sconces. This will also match some of the lighting that is on the existing site as well.

Mr. Geasling asked for clarification on the simulated board and batten.

Mr. Bradfield stated that it is a metal siding painted white.

Mr. Geasling asked for clarification regarding the lighting.

Mr. Bradfield explained that they may extend the soffits at both ridgelines and include some down lighting from the vented soffit. They can also include some wall-mounted sconces on the building at the main entry, and to accent the building.

Mr. Geasling asked if it is anticipated that they would be on from dusk to dawn.

Mr. Bradfield stated yes, for security and as a design aesthetic.

Mr. Geasling asked if there will be any dumpsters on site.

Mr. Bradfield responded that there is an existing dumpster on site that they will utilize.

Mr. Geasling asked if the existing dumpster is enclosed.

Mr. Bradfield responded no, but they are located behind the building.

Chairman Sackett asked if the applicant would agree to turn off all lighting with the exception of security lighting no more than one hour after the close of business.

Mr. Bradfield responded that the electric timers are set for one hour after close of business. Security lighting will remain on for security purposes.

In regards to Public Participation, no one spoke.

Mr. Geasling noted that he wants to be sure that one of the conditions includes an enclosure for the existing dumpster.

Mr. Bradfield asked if there is a specific type of enclosure that is required.

Mr. Bleuer responded yes; the Town of Clarence has a standard dumpster enclosure detail that can be provided.

Chris Lavocat stated that they have a recycling bin and dumpster located at the rear of the developed property, out of sight from County Road. He'd prefer not having to put an enclosure around it, and it wasn't required when they did the original building, he isn't sure why he needs to do it now.

Chairman Sackett stated that the code says that regardless of where the dumpster is located on a property, it should meet the current code.

Mr. Metzger asked if considering the nature of the business, could consideration be given to not needing an enclosure around the dumpster.

Mr. Bleuer interjected, noting that Town Code actually specifies that dumpsters must be screened from view. There is a standard dumpster enclosure fencing detail that is typically used for screening, but if the applicant can commit to ensure that there is some type of screening whether it is product which is typically landscaping, as long as there is a commitment that it is screened from view, it does not necessarily have to be a fence.

Chairman Sackett noted that as long as the Code is being followed, and given the nature of this business, they should be able to find creative ways to accomplish this.

ACTION:

Motion by Jason Geasling, 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 Forms as prepared and to **issue a Negative Declaration** on the Lavocat's Family Greenhouse & Nursery project located at 8441 County Road. This Unlisted Action involves a pole barn addition to the west of the existing greenhouse. After thorough review of the submitted plans, documents, 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	Jason Geasling	Aye
Richard Bigler	Aye	Robert Sackett	Aye		

MOTION CARRIED

Motion by Jason Geasling, seconded by Richard Bigler to issue **Site Plan and Architectural Approvals** for the Lavocat's Family Greenhouse & Nursery pole barn addition located at 8441 County Road per the submitted plans and architectural elevations by Sutton Architecture, received in the Planning Office on November 2nd, 2023, with the following conditions being met:

1. Subject to Town Building and Engineering Departments review and approvals, as required, prior to any permits being obtained for the construction on the property.
2. Subject to Erie County Health Department and New York State Department of Environmental Conservation approval, if required, on any additions or modifications to the on-site sanitary facilities.

3. Landscape Committee approval of a final landscape plan prior to any permits being obtained for construction on the property, including fencing and planting details. In addition, a maintenance plan shall be submitted as part of the landscape plan to ensure landscaping and fencing remain in perpetuity, and are maintained or replaced in kind should there be any deterioration, or death and disease to plantings.
4. Any dumpsters or garbage totes shall conform to Town Code and any enclosure 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.
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, including the installation of roof insulation, per the depicted plan detail.
7. Building 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.
9. All prior conditions of approval for this property remain in full force and effect. 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.
10. Subject to Open Space, and any other applicable fees as required by Town Code.

Chris Lavocat confirmed that he has heard, understands, and agrees to these conditions.

Daniel Tytka	Aye	Jason Lahti	Aye	Jason Geasling	Aye
Richard Bigler	Aye	Robert Sackett	Aye		

MOTION CARRIED

Item 3

Rockledge Professional Park, LLC.
Commercial

Requests a modification to the Architectural approval for a professional office building at 8167 Sheridan Drive.

DISCUSSION:

Mr. Bleuer introduced this project at 8167 Sheridan Drive, located on the south side of Sheridan Drive, east of Transit Road.

This parcel is located in the Commercial zone, and part of a partially constructed professional business park in the Restricted Business and Commercial zones; currently containing two professional office buildings at the front of the site, one partially constructed professional office building to the rear of the site, and associated facilities.

The applicant is requesting a modification to the architectural materials for the partially constructed 6,900 sq. ft. professional office building to the rear of the site.

In March of this year, the Planning Board approved this project with brick walls. The applicant is now seeking approval to swap out the brick on the rear and side elevations, in favor of FastPlank aluminum siding with a light cherry wood grain finish, or LP Smart siding with a grey finish.

The Planning Board has full authority to consider this request.

Bob Bradfield, Project Manager with Sutton Architecture and Brian Nicpon, Architectural Designer were present to represent this project.

Mr. Bradfield reviewed Mr. Bleuer's opening statement for the request, adding that the accent material at the entry locations on the main north façade are being swapped out to an LP Smart side finish.

The second alteration on all of the other elevations of the building. Mr. Bradfield noted that these alterations are due to the extreme cost of the previously approved material. The south and east elevations will not be visible from Sheridan Drive. Mr. Bradfield added that the view of the south elevation will be blocked by the adjacent building, and the east and west facades will also not be visible.

Mr. Bradfield noted that the decorative block will no longer be along the water table or brick, and these elevations will not be visible to patrons, the parking lot or the street.

Mr. Bigler stated that this proposed modification has been reviewed extensively in the Planning Board Executive Committee, and the applicant has also provided the materials for review. The two proposed materials have been approved in other projects, so the Board is familiar with them.

Mr. Geasling asked for clarification on the north façade which is the main entrance.

Mr. Bradfield responded, explaining that only the east, west and south facades will have the aluminum siding, while the north / main façade will have the LP Smart siding.

Chairman Sackett asked Mr. Bradfield to address the lighting on this building.

Mr. Bradfield stated that they have the code compliant entry and exit lighting that is required, and they can introduce any additional lighting fixtures that the Board would like to see, specifically highlighting the entries. Mr. Bradfield noted that they can do some horizontal wall sconces to flood the front façade, because it is very recessed from the street.

Mr. Bradfield added that there are 5 tenants that will be in the building, and identifying each of them would be a great touch for the project.

Chairman Sackett stated on behalf of the Board, they request that all non-security lighting is turned off one-hour after the close of business.

Mr. Bradfield responded yes.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Richard Bigler, seconded by Daniel Tytka to issue **Amended Final Architectural Approval** for the Rockledge Professional Park located at 8167 Sheridan Drive, per the submitted plan set by Sutton Architecture dated April 20th, 2023, with the following conditions being met:

1. All prior conditions of approval for this property remain in full force and effect.
2. Buildings to be constructed per the labelled and approved materials and colors. Side and rear elevations may be constructed with either Fastplank Light Cherry Wood Grain or LP Smart Siding Cavern Steel.
3. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as originally approved.
4. 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.

Mr. Bradfield has heard, understands, and agrees to these conditions.

Daniel Tytka	Aye	Jason Lahti	Aye	Jason Geasling	Aye
Richard Bigler	Aye	Robert Sackett	Aye		

MOTION CARRIED

Item 4

Innovative Concepts in Entertainment (ICE)
Commercial

Requests Site Plan and Architectural approvals for an addition and façade upgrade on the west side of the existing facility at 10123 Main Street.

DISCUSSION:

Mr. Bleuer introduced this project at 10123 Main Street, located on the south side of Main Street, west of Shisler Road.

It is an existing 16.3-acre parcel located in the Commercial zone, containing the existing ICE office / light manufacturing facility. An additional business, Dimar, also operates at this property.

The applicant is requesting Site Plan and Architectural approvals for the construction of an approximate 1,200 sq. ft. office and entrance infill addition, and façade renovation on the west side of the existing facility. Proposed building materials include glass, metal paneling, and composite wood cladding.

The Planning Board has full authority to consider this request.

The applicant has committed to add additional landscaping to the site, and remove temporary outside storage, based on comments received.

Jim Gannon with Scheid Architectural and Timothy Finney from ICE were present to represent this request.

Mr. Gannon stated that they previously had a positive first meeting with Mr. Bleuer and the Building Department as well as with the Executive Planning Board.

Mr. Gannon added that while this is primarily an interior alteration project, there is a small change on the west elevation, minor in relation to the facility as a whole.

Chairman Sacket confirmed that the November 8, 2023 plans that they have are the most current rendition.

Mr. Gannon responded yes.

Mr. Lahti asked if there is any idea on the timing for this proposed project.

Mr. Gannon explained that they are currently anticipating the approval to proceed from the Building Department sometime in the Spring of 2024, hitting the construction season at an ideal time.

Mr. Lahti asked what the hours of construction would be.

Mr. Gannon responded that the typical hours of construction are planned, most likely 7:00 a.m. to 3:30 p.m.

In regards to Public Participation, the following resident spoke:

1. Grace Mondello of 4859 Pineledge Drive East:
 - asked where is Main Street on the plans, her concern is the mitigation of noise. With Dimar, the noise mitigation has not been done very well.

Public Participation was closed for this item.

Mr. Lahti explained that this project faces West, which is why Main Street is not shown on the plans.

In regards to Dimar, Chairman Sackett stated that the applicant will be asked if Dimar is staying in the building.

Mr. Gannon explained that the scope of this project is minor in nature and does not affect the production of the ICE facility in any way.

Mr. Gannon stated that they cannot speak for the Dimar tenant, but this project as presented to the board will not present any additional noise, as it is all interior construction.

Chairman Sackett asked the applicant if they anticipate Dimar remaining on the Site.

Mr. Gannon responded yes; it is a separate entity so he cannot speak on the length of time.

Chairman Sackett asked Mr. Gannon if they are aware of the resident's concern of noise created by Dimar.

Mr. Gannon responded no.

Chairman Sackett asked Mr. Gannon if they are familiar with operations inside the Dimar facility that creates noise.

Mr. Gannon responded no; he is not employed by them.

Chairman Sackett stated that if they put a condition, and the resident with the concern provides the Planning Office with additional information, the Code Enforcement Officer will look in to it.

Chairman Sackett stated that they would like noise on the site to be mitigated.

Mr. Gannon responded yes.

ACTION:

Motion by Jason Lahti, seconded by Richard Bigler to issue **Site Plan and Architectural Approvals** for the ICE addition and façade upgrade located at 10123 Main Street, per the submitted plans and elevations by Scheid Architectural, dated November 8th, 2023, with the following conditions being met:

1. Subject to Town Building and Engineering Departments review and approvals, as required, prior to any permits being obtained for the construction on the property.
2. Subject to Erie County Health Department and New York State Department of Environmental Conservation approval, if required, on any additions or modifications to the on-site sanitary facilities.
3. Applicant shall install landscaping along the west building façade per the submitted landscaping plan dated November 15th, 2023. Additionally, low level landscaping shall be installed around the base of the existing freestanding sign and hot-box per the assurance letter from Scheid Architectural dated November 15th, 2023. Tree and plant species shall not be on the New York State prohibited or regulated species list, subject to review and approval by the Clarence Planning Department. Such landscaping shall be maintained in perpetuity, and replaced, in-kind, should there be any deterioration, or death or disease to plantings.
4. Any dumpsters or garbage totes shall be enclosed with a Town standard privacy fence, and enclosure 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.
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 structure roof ridge line 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. Building 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.
9. No outside display or storage of any kind on the property, including but not limited to goods, materials, or other items, per the assurance letter from Scheid Architectural dated November 15th, 2023.
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.

The applicant has heard, understood, and agreed to the conditions.

ON THE QUESTION:

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.

Daniel Tytka	Aye	Jason Lahti	Aye	Jason Geasling	Aye
Richard Bigler	Aye	Robert Sackett	Aye		

MOTION CARRIED

Meeting **adjourned** at 7:56 p.m. with a motion by Jason Geasling.

MOTION CARRIED

Amy Major
Senior Clerk Typist