

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday, January 10, 2024

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 – Sign Variance

The Little Red Schoolhouse
Residential Single-Family

Requests a variance to allow a 20 square foot wall sign at 5175 Harris Hill Road.

Item 2

KD Associate Buffalo Inc.
Industrial Business Park

Requests a recommendation of a Temporary Conditional Permit for outside storage to operate a landscape, maintenance, and snowplow service at 9950 County Road.

Item 3

Caliber Brokerage
Major Arterial

Requests Conceptual Plan approval for the rehabilitation of the former Hector's Hardware building and site, to accommodate restaurant and retail spaces at 5355 Transit Road.

Item 4

Advance Glass
Industrial Business Park

Requests Site Plan and Architectural approvals for the construction of a detached accessory structure as an expansion to the existing glass fabrication and installation business at 5585 Harris Hill 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
2nd Vice-Chair Wendy Salvati
Jason Geasling
Daniel Tytko

Vice-Chair Richard Bigler
Gregory Todaro
Jason Lahti

Town Officials Present:

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

Other Interested Parties Present:

Karthink Nesan (Han)	Debbie Brent	Mike Brent	Marth Beth Kiesel
Molly Kiesel	Dianne Kracker	Stacy Jafarjian	Al Jafarjian
Anne Quesada	Michele Panzer	Brian Panzer	Laura Meli
Betsy Zadeh	Kathy Karaszewski		

Motion by Gregory Todaro, seconded by Richard Bigler to **approve** the minutes of the meeting held on December 6, 2023 as written.

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

MOTION CARRIED

Item 1 – Sign Variance

The Little Red Schoolhouse
Residential Single-Family

Requests a variance to allow a 20 square foot wall sign at 5175 Harris Hill Road.

DISCUSSION:

Mr. Bleuer introduced this project located at 5175 Harris Hill Road, on the east side of Harris Hill Road, south of Greiner Road. It is a 2-acre parcel located in the Residential Single-Family zone, containing an existing preschool.

The applicant is requesting a variance to allow up to a 20 square foot wall sign on the front of the building, above the main entry/exit door. The sign is proposed to be non-illuminated, and sign letters are to be made from PVC, affixed to a sign backer.

Wall signs are not allowed in the Residential Single-Family zone. For this business, one freestanding sign not exceeding 32 square feet is allowable.

The Planning Board has authority to act upon signage variance requests.

Owner of the Little Red Schoolhouse Mary Beth Kiesel was present to represent the request, adding that they have a lot of traffic between them and the church to the north. Drivers use their parking lot to turn around in, or mistake it for the building to the north. A more visible sign would help to identify their business, hopefully cutting down on the number of turn arounds in their parking lot, it comes down to a safety issue.

Mr. Tytka reiterated that the intention of the proposed sign is to mitigate drivers from coming in and out of their driveway and parking lot unnecessarily.

Mr. Tytka asked if expanding the current sign rather than installing a new one would have any benefits.

Ms. Kiesel responded that they have never had their house number on the building, and when it snows it covers up a significant amount of the ground sign. They will have their numbers and name on the wall sign, making it clear what the address is.

Mr. Tytka asked if there will be any additional lighting on the sign.

Ms. Kiesel stated that there is no lighting on the sign itself, but there is one halogen light above it at the peak that has always been there.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Daniel Tytka, seconded by Richard Bigler to **approve** the request of the applicant, The Little Red Schoolhouse, for up to a 20 square foot wall sign as per the submitted sketch plan by Santoro Signs, dated October 12th 2023.

ON THE QUESTION:

After consideration, it is apparent that the proposal is in keeping with the community character of the area, and is not considered substantial in comparison to nearby freestanding signage.

Mrs. Salvati stated that she does not think the sign will cause any adverse effects to the area, nor will it cause any substantial change. The applicant has explained her reasoning for why she needs this sign to properly identify her property and separate it from the adjacent business. This meets the criteria for the new sign.

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

MOTION CARRIED

Item 2

KD Associate Buffalo Inc.
Industrial Business Park

Requests a recommendation of a Temporary Conditional Permit for outside storage to operate a landscape, maintenance, and snowplow service at 9950 County Road.

DISCUSSION:

Mr. Bleuer introduced this project at 9950 County Road, located on the north side of County Road, west of Strickler Road.

It is an existing 4.1-acre parcel located in the Industrial Business Park zone, containing principal / accessory structures, and shop yard areas, formerly home to J.F. Krantz Nursery Inc.

The applicant is requesting a Temporary Conditional Permit for outside storage to operate a landscaping, maintenance, and snowplowing business in the Industrial Business Park zone.

The Town Board referred this proposal to the Planning Board at their October 11th, 2023 meeting. Since that time, the applicant has modified the proposal per comments received. Such modifications include a proposed planted berm to the rear of the site, aesthetic improvements to the front of the site, and site operation organization and designations.

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

Han Nesan, owner of KD Associates Buffalo Inc. / KD Landscaping, was present to represent his request.

Mr. Todaro stated that they are aware of concerns raised by Denise DiMatteo.

Mr. Todaro asked Mr. Nesan to explain the changes that they are making.

Mr. Nesan explained that they are going to expand the existing berm, adding more pine trees for enhanced privacy. Everything in the middle will remain the same.

Planter boxes will be added to the front of the building, as well as topsoil to the very front of the property.

Referring to the plans that were submitted, Mr. Todaro asked if the split rail fence shown is an existing fence.

Mr. Nesan responded yes; the planting boxes will go along the split rail fence, and additional landscaping will be added to that area.

Mr. Todaro asked if the parking area between County Rd. and the split rail fence will be lined and paved.

Mr. Nesan stated yes.

Mr. Todaro asked Mr. Nesan to explain the other area that he has indicated will be a parking area.

Mr. Nesan stated that there are only millings at the present time, but the plan is to blacktop the area in the future. The back area is a loading area, and will be leveled out.

Mr. Todaro asked Mr. Nesan to explain the storage areas and what will be stored there.

Mr. Nesan explained all of the storage areas in detail, noting that they purchase product from different vendors who then deliver it.

Mr. Todaro asked Mr. Nesan to describe the new berm proposed for the back.

Mr. Nesan stated that they are expanding the existing berm to basically close off his property and provide privacy for both him and the neighbor. The berm will be approximately 15 ft. high and 6-10 ft. wide and will have 8 pine trees on the berm.

In regards to the storage of the materials Mr. Nesan described earlier; Mr. Todaro would like to keep the berm higher so as to mitigate the view.

Mr. Todaro asked how often the materials are delivered.

Mr. Nesan responded once a month with the exception of their off months from the end of October to the beginning of April is their snow plowing time, there is no landscaping done during that time.

Mr. Todaro asked how they plan to mitigate some of the dust and debris that may fly around due to the wind direction.

Mr. Nesan explained that due to the berm being raised to 15 ft. high, that should mitigate any of the potential dust and debris that is circulated.

Mr. Todaro asked when any potential lighting changes on the property may occur, and added that any new lighting must be shielded and downcast so that it does not spill over to adjoining properties.

Mr. Nesan stated that it will be kept as is, they may potentially change it in the future, but no plans at this time.

Mr. Geasling asked Mr. Nesan if he has plans to place anything in the back around the piles to delineate the property lines.

Mr. Nesan stated that after the berm there are concrete blocks separating the piles, they will be adding more to separate the piles also.

Mrs. Salvati asked about the parking area shown with blacktop, and what it is used for.

Mr. Nesan responded that it is for employees.

Mrs. Salvati asked about the signage.

Mr. Nesan responded that he has sign permits for his temporary sign.

Mrs. Salvati reviewed the points and questions that have been made thus far.

Chairman Sackett asked how high the concrete blocks are.

Mr. Nesan responded that every block is 4 ft. high, they can go up to 4 blocks. The blocks are adjusted based on the height of the material inside.

Chairman Sackett asked Mr. Nesan if he would agree to maintain the blocks at a height sufficient to contain the materials inside.

Mr. Nesan responded yes.

Mr. Bigler pointed out that Mr. Nesan did not purchase the entire Krantz property, the parcel to the east does not belong to him.

Mr. Nesan responded no; it is not his.

Mr. Lahti asked Mr. Nesan to work with the Landscape Committee to determine the proper types of pine trees that are placed on the berm.

In regards to Public Participation, the following resident spoke:

1. Resident from Martin Road:
Has spoken with Han and approves of the plan, and is happy with the plans for the project.

Public Participation has been closed for the project.

ACTION:

Motion by Gregory Todaro, seconded by Wendy Salvati to **recommend issuance of a Temporary Conditional Permit to the Town Board** for KD Associate Buffalo Inc., known as KD Landscaping, located at 9950 County Road, per the plan received in the Planning Office on November 13th, 2023, subject to the following conditions being met:

1. Initial permit shall be for a term no greater than one year.
2. Any future proposed site or structure modifications subject to Town review.
3. Landscape Committee approval of a final landscape plan prior to Town Board issuance of a Temporary Conditional Permit, including berm, fencing and planting details. In addition, a maintenance plan shall be submitted as part of the landscape plan to ensure berm, fencing and plantings remain in perpetuity, and are maintained or replaced in kind should there be any deterioration, or death and disease to plantings.
4. Applicant shall install any required landscaping within the first year of permit issuance, and prior to consideration of permit renewal.
5. Structures and site shall be maintained, in perpetuity, and any deficiencies shall be repaired or replaced in kind.
6. No business operation, storage, refuse, or display in front of the front yard fence or behind the rear yard berm.
7. Any dumpsters or garbage totes shall be enclosed with a Town standard privacy fence, and the 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.

- 8. Drive lanes and yard to be kept in a maintained condition, that prevents excessive dust.
- 9. 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.
- 10. Any temporary stockpile of job materials, such as wood and stone, shall be located in their respective locations as depicted on the approved site plan and shall be no higher than the new northernly berm. No dumping of grass clippings or off-site snow shall be permitted on the property.
- 11. No additional future business operations or operators unless reviewed and approved by the Town.
- 12. Any future 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.
- 13. Parking along County Road frontage shall be paved and striped to delineate the spaces.

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

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

MOTION CARRIED

Item 3

Caliber Brokerage
Major Arterial

Requests Conceptual Plan approval for the rehabilitation of the former Hector’s Hardware building and site, to accommodate restaurant and retail spaces at 5355 Transit Road.

DISCUSSION:

Mr. Bleuer introduced this project at 5355 Transit Road, on the East side of Transit Road located North of Greiner Road. It is an existing 0.8-acre parcel located in the Major Arterial zone, formerly home to Hector’s Hardware.

The applicant is requesting action under the State Environmental Quality Review Act (SEQRA), Concept Plan and Conceptual Architectural approvals for the rehabilitation of the former Hector’s Hardware building to be converted into a restaurant and retail store. The northern portion of the building is proposed to be demolished to accommodate additional parking. The remaining building interior will be split into two units with the restaurant measuring 2,587 sq. ft. and the retail store measuring 4,093 sq. ft. Upgrades to the existing parking lot, associated facilities, and building façade are also proposed.

The Town Board referred this proposal to the Planning Board at their June 14th, 2023 meeting. The Planning Board initiated a coordinated review under the State Environmental Quality Review Act

(SEQRA) at their July 19th, 2023 meeting. Since that time, the applicant has made modifications to the proposal based on comments received from involved and interested parties.

The Planning Board has the authority to consider an action under SEQRA, and actions associated with the Concept Plan and Conceptual Architecture.

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

Jeffrey Palumbo with the law firm Block Longo and Anthony Pandolfe with Carmina Wood were present to represent this project.

Mr. Palumbo stated that as previously indicated, they have met with the neighbors mainly through a series of emails with the landscape plan. He believes they have done their best satisfy the concerns of the neighbors, including the elimination of deciduous trees and adding Blue Spruce trees. He is hopeful this met everyone's approval.

Mr. Palumbo addressed recent concerns of light spillage on to adjacent properties, noting that the Town Code for Clarence maximizes the amount of foot candles to .5, and they are below that in every instance. Other points that have come up will be addressed if the project reaches the Development Plan stage.

Regarding the filtering of odors that may emanate from the building due to cooking, Mr. Palumbo explained that although there is a filtering system, it is likely that there will still be some limited chicken smell.

Mr. Lahti thanked Mr. Palumbo for the adaptive reuse of a building.

Noting that per the Department of Transportation's (DOT), a curb cut is being eliminated on Transit Road, and landscaping improvements make for a better sight.

Mr. Lahti's concern is for the neighbors on the east side of the property specifically regarding lights, noise and potential smells are of concern. In regards to deliveries, Mr. Lahti asked what the delivery schedule will be.

Mr. Palumbo responded that he can not be specific in regards to deliveries at this point of the project, but deliveries are fairly minimum and will likely be in the front of the building. Mr. Palumbo stressed that this may not be the case, but it is the most obvious location.

Mr. Lahti asked about dumpsters and dumpster pick up.

Anthony Pandolfi noted that restaurant deliveries and garbage pick up will both be off-hours, so as not to conflict with customer parking.

Mr. Lahti explained that the concerns with the dumpster pick-up is that it will potentially occur in the morning hours and disturb the neighbors. This will be addressed more specifically in Development Plan review.

Mr. Lahti asked if there is any lighting planned along the back wall of the building.

Mr. Pandolfe responded no; there is not.

Chairman Sackett asked for more detail in the development plan stage regarding the filtering system.

Mr. Palumbo agreed.

Mrs. Salvati noted that lighting has been discussed in Executive Sessions, and although Mr. Palumbo has supplied more the sufficient information, she would like to know if and how the lighting standard located at the eastern boundary will be screened

Mr. Palumbo stated that they will all be installed so that the lighting does not spill.

Mrs. Salvati discussed lighting spillage further.

Mrs. Salvati stated that during development plan, she would like to see revised elevations showing a secondary access for Dave's Hot Chicken. Although it meets town code, she does not feel it is safe to have only one access.

Mr. Pandolfe responded that there will be a secondary access, it is not shown on the plan at this time.

Mrs. Salvati reiterated showing where deliveries will take place, as well as where the mechanicals will be located on the development plan.

Mrs. Salvati asked about signage for the business.

Mr. Pandolfe responded that the existing pole sign will be re-used and refurbished to meet current town standards.

Mrs. Salvati noted that although the lighting standards are up to code at 15 ft. high, she would like to see them reduced to 12 ft.

Mr. Palumbo stated that they will look in to it, but generally when lighting standards are lowered, additional ones need to be added.

Mrs. Salvati continued to review points of concern.

Mr. Geasling asked if there is specific reasoning for the location of the handicapped spots and the cross-walk, he would like to see those moved down one space.

Mr. Palumbo stated that they will move them down one space, and the reason they are shown that way there currently are, is because when the DOT requested that they move the driveway, the handicapped spot was there.

In regards to Public Participation, the following resident spoke:

1. Deborah Brent of 5354 Greenhurst Road:

- reviewed the changes that the applicant has made in the landscape plan, adding that it does not solve any problems at all.
- requested they delete 5 Junipers completely and replace them with 15 Blue Spruce in a zig-zag position.
- parking lot is the biggest concern due to lights, trash and sound
- reviewed and submitted her diagram for the file
- suggested the last two parking spaces on the end be eliminated in order to make space for another berm
- don't need the berm behind the building
- color of the back of the building would like it non-intrusive
- requests the lighting go as far up as the top of the building and no higher

Public Participation was closed for this item in this meeting.

Mr. Palumbo returned to address resident concerns, noting that most of the issues raised have previously been covered.

Eliminating parking spaces is not an option, because they will then be less than what is required by town code.

There is not enough room in the area suggested to put in Blue Spruce. They will remove the three behind the front row if they are not considered necessary, but there is not enough room to do anything other than what they have proposed.

Mrs. Salvati asked Mr. Palumbo if there has been any discussion with the neighbors regarding putting up a fence along the eastern property line.

Mr. Palumbo can not recall, but would be willing to consider installing a fence and eliminating the Blue Spruce.

Mrs. Salvati does not want the Blue Spruce eliminated, but would like to have a fence that screens the parking area. There is only 5 ft. to work with, and she does agree that two parking spaces cannot be removed.

Mr. Palumbo confirmed they will look in to the possibility of a fence.

Chairman Sackett noted that this discussion will ultimately be the prevue of the Landscape Committee, which is a public meeting. If you'd like to attend the Landscape Committee meeting, contact the Planning Office for the meeting schedule.

Mrs. Salvati asked if there will be an outdoor dining space.

Mr. Palumbo stated that there is a patio proposed, as shown on the site plan. It will be a small area with no music.

Mr. Lahti agreed with Mrs. Salvati regarding the fence, adding that it would mitigate many of the neighbor’s points of concern.

ACTION:

Motion by Jason Lahti, seconded by Gregory Todaro 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 proposed Caliber Brokerage project at 5355 Transit Road. This Unlisted Action involves the partial demolition of the former Hector’s Hardware commercial building, and rehabilitation of the site to accommodate restaurant and retail spaces in the Major Arterial zone. 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	Jason Geasling	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED

Motion by Jason Lahti, seconded by Gregory Todaro to **approve** the Caliber Brokerage project **Concept Plan**, located at 5355 Transit Road, per the submitted plan by Carmina Wood Design, dated June 19th, 2023, and to **approve** the **Conceptual Architectural** drawings by Carmina Wood Design, received in the Planning Office on December 5th, 2023, all subject to the following conditions being met:

1. Applicant meeting the grading and drainage standards and requirements of the Town of Clarence Engineer.
2. Applicant meeting the fire code standards and requirements of the Town of Clarence Fire Inspector.
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 Departments approval prior to any permits being obtained for site work activity.
5. Subject to the issuance of a Temporary Conditional Permit by the Clarence Town Board for any proposed outside dining. Such outside dining shall be detailed on any future Development Plan submittals.
6. Subject to New York State Department of Transportation approval for the proposed access to Transit Road.
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. Landscape Committee approval of a final landscape plan, prior to Development Plan approval, including any planting, dumpster fencing, and eastern property line vegetative screening details where applicable. 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.

9. Review of a lighting plan prior to Development Plan approval. 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 15’ and all lighting shall be turned off no later than one hour after business hours except for necessary security lighting.
10. Final building elevations to be submitted as part of the Development Plan review, including the labelling of material types and colors, with the addition of detailing and material variety for any monotonous and blank wall areas. Building materials to be used shall be of industry standard high quality for durability and appearance.
11. Any exterior building mechanicals shall be identified, detailed, and shielded on any future Development Plan submittals.
12. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as approved.
13. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas, and all parking areas shall be curbed except for any pedestrian access ramp areas.
14. No vehicle displays or advertisements, storage, or sales outside of the building.
15. No outside storage of any kind on the property, including, but not limited to goods, materials, and debris.
16. 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.
17. Subject to Open Space, and any other applicable fees as required by Town Code.

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

ON THE QUESTION:

Mrs. Salvati asked if the current plan, asked about the line of blocks and what they are.

Mr. Palumbo responded that it is a trench drain, it is labeled on the drainage plan.

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

MOTION CARRIED

Item 4

Advance Glass
Industrial Business Park

Requests Site Plan and Architectural approvals for the construction of a detached accessory structure as an expansion to the existing glass fabrication and installation business at 5585 Harris Hill Road.

DISCUSSION:

Mr. Bleuer introduced this project 5585 Harris Hill Road, on the east side of Harris Hill Road, south of Roll Road. It is an existing 3.8-acre parcel located in the Industrial Business Park zone, containing an existing glass fabrication and installation business.

The applicant is requesting Site Plan and Architectural approvals for the construction of a 5,000 square foot detached accessory structure behind the existing facility. The building would accommodate additional workshop space, and be constructed with metal siding and metal roofing.

The applicant has received Landscape Committee approval in July of 2023, and is working to satisfy Development level comments from Clarence Engineering and Fire.

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

Diane Crawford, employee for Advance Glass was present on behalf of the applicant to represent the request, stating that the building proposed is solely for storage, it will not be used as a work area.

Mr. Geasling asked if there are any air handling units.

Ms. Crawford stated that they have hired an architect and she had hoped they would be here tonight to answer these questions, but are not. She will do the best that she can to respond to the questions, but she is an employee.

Mr. Geasling asked if there is a dumpster on site currently.

Ms. Crawford responded yes; there is, it is internal and the plan is to keep it internal.

Mr. Geasling asked if the shipping containers will be kept outside.

Ms. Crawford stated that as far as she knows, with the addition of the storage building the shipping containers will not be needed, which will improve the aesthetics of the property.

Mr. Geasling confirmed that the long-term plan is to have the shipping container removed once the proposed structure is complete.

Ms. Crawford responded yes; to the best of her knowledge.

Mr. Geasling asked if there is any plan for new lighting.

Ms. Crawford assumes it will be minimal security lighting.

Chairman Sackett asked Ms. Crawford if she can stipulate that the outside pallets will be eliminated with the addition of the proposed storage building, and there will not be any outside storage.

Ms. Crawford stated that the owner has stated to her that with the addition of the proposed building, the outside storage will then be contained in the new building.

Chairman Sackett asked Ms. Crawford to stipulate that there will be no outside storage with the addition of the proposed building. That if the owner sent her, he must assume that she has the authority to act. Chairman Sackett asked Ms. Crawford if she agrees to take that authority.

Ms. Crawford responded that she assumes it will be stored in the proposed building.

Mrs. Salvati noted that based on aerial photos of the site, it appears that there are some boat trailers in the back, where the proposed building will go.

Ms. Crawford stated that they will go inside the new building.

Mr. Geasling stated that as with previous projects, there will be conditions placed on an approval, and Ms. Crawford will need to state that she understands and agrees to them. Mr. Geasling asked Ms. Crawford if she believes she has the authority to do so.

Ms. Crawford responded no.

Discussion continued as to whether this proposed project can proceed.

Mr. Bigler stated that the Board has been privy to a lot of the proposed project's information, and are familiar with the project. It all has to be documented, and even though the Board knows about the project, they have to have it on the record.

In regards to Public Participation, the following resident spoke:

1. Betsy Zadeh of 5469 Center Pine Lane:
 - concern if there will be significant noise as a result of construction
 - will it increase any population in to the area
 - Harris Hill Road is a small road with some traffic, she does not want a large increase in traffic

Public Participation closed for this project.

Ms. Crawford returned to address the questions of the resident, noting that the proposed building is solely a storage building, it will not create a change in traffic to the business.

Ms. Crawford stated that aside from general construction noise, there will not be any additional noise generated after the building is up and in use.

Ms. Crawford stated that upon further thought and consideration, she is comfortable with agreeing to any conditions placed on an approval tonight.

Chairman Sackett explained the two parts of action that will be occur tonight, and asked Ms. Crawford if she has the authority to agree to the conditions.

Ms. Crawford responded yes.

ACTION:

Motion by Jason Geasling, seconded by Wendy Salvati 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 Advance Glass project located at 5585 Harris Hill Road. This Unlisted Action involves a detached accessory structure addition to the east of the existing facility. 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
Gregory Todaro	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED

Motion by Jason Geasling, seconded by Wendy Salvati to issue **Site Plan and Architectural Approvals** for the Advance Glass detached accessory structure addition located at 5585 Harris Hill Road per the submitted plans and architectural elevations by TRM Architecture, dated March 2022, with a final revision date of October 23rd, 2023, subject to 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. Applicant meeting the fire code standards and requirements of the Town of Clarence Fire Inspector.
3. 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.
4. 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 in perpetuity and replacement, in-kind, should there be any deterioration, or death or disease to plantings.
5. Any dumpsters or garbage totes shall be enclosed with a Town standard privacy fence, and the 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.
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.
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. No outside storage of any kind on the property, including, but not limited to goods, materials, and debris.
10. Paved areas to be striped and maintained in perpetuity, and all access areas shall be maintained in perpetuity. No parking of vehicles outside the designated parking areas.

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.

Ms. Crawford has heard, understands and agrees to these conditions.

ON THE QUESTION:

Mr. Bleuer stated that should the applicant choose to modify the plan in any way or modify the conditions as approved, they will need to come back to the Town to be approved prior to any building permits being approved.

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

MOTION CARRIED

Meeting **adjourned** at 8:12 p.m. with a motion by Gregory Todaro.

Amy Major
Senior Clerk Typist