

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday, June 19, 2024

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

RSA Development
Traditional Neighborhood District

Requests Development Plan approval of a Conceptually approved mixed-use project at the northwest corner of Main Street and Winding Lane, 10180 Main Street, SBL 72.01-1-18.

Item 2

Tronconi Segarra & Associates
Traditional Neighborhood District

Requests Site Plan approval of a parking lot addition to the rear of the property located at 8321 Main Street.

Item 3

Regan Landscape
Agricultural-Floodzone

Requests a Recommendation to the Town Board of a Temporary Conditional Permit to operate a landscape business at 8490 Wolcott Road.

Item 4

Rob's Topico Pizza
Traditional Neighborhood District

Requests a Recommendation to the Town Board of a Temporary Conditional Permit for outside dining at 10250 Main Street.

Chairman Robert Sackett called the meeting to order at 7:02 p.m.

Councilman Altieri led the Pledge of Allegiance.

Planning Board Members present:

Chairman Robert Sackett
Gregory Todaro
Jason Lahti

Vice-Chair Richard Bigler
Jason Geasling
Daniel Tytko

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

Town Officials Present:

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

Other Interested Parties Present:

Rob Schofield Bill Weisbeck Robert Gallucci Lori Prelawicz
Michele Toole Gary Stock Loretta Stock Al Hopkins
Kevin Regan Melissa Shiah

Motion by Richard Bigler, seconded by Daniel Tytka, to **approve** the minutes of the meeting held on June 5, 2024 as written.

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

MOTION CARRIED

Item 1

RSA Development
Traditional Neighborhood District

Requests Development Plan approval of a Conceptually approved mixed-use project at the northwest corner of Main Street and Winding Lane, 10180 Main Street, SBL 72.01-1-18.

DISCUSSION:

Mr. Bleuer introduced this project at 10180 Main Street, located at the northwest corner of Main Street and Winding Lane.

It is an existing +/- 2.6-acre vacant parcel located in the Clarence Hollow Traditional Neighborhood District, and the Clarence Hollow Overlay District.

The applicant is requesting Development Plan approval of a Conceptually approved mixed-use project containing a 2-story mixed-use building (5,200 sq. ft. commercial space, 10 apartments) fronting Main Street, 10 units of 2-story townhouses with attached garages on the rear portion of the site and an 1,800 sq. ft. commercial retail building on the west side of the property.

The Town Board originally referred the proposal to the Planning Board in April of 2022. In June of 2022, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA). In May of 2023, the Planning Board issued a Negative Declaration under SEQRA, Conceptual Plan approval, Conceptual Architectural approval, and a recommendation of the issuance of Special Exception Use Permits, all with a series of 22 conditions. In August of 2023, the Town Board held public hearings and issued Special Exception Use Permits for multiple-family housing and structures greater than 10,000 sq. ft., and issued architectural approval. In February of this year, the Landscape Review Committee approved the final landscape plan. Finally in May of this year the Engineering Department determined that the Development Plan meets all technical requirements.

The Planning Board has the authority to consider the Development Plan for this project.

Jeffrey Palumbo with the law firm Block Longo and project engineer Patrick Sheedy with Carmina Wood, were present to represent this project.

Mr. Palumbo briefly reviewed the project, noting that there are 10 townhouses located at the back of the property, the mixed-use in the front of the property with apartments on the second floor and two apartments on the first floor.

Mr. Palumbo added that the property is in the Traditional Neighborhood District (TND) and the Comprehensive Plan as well as town policy is to encourage a mixture of uses and mixed-use structures, which they believe they have accomplished.

Regarding the changes that have been made to the project since it was first introduced several years ago, the height of the building has been lowered slightly, and the major change that has happened since the original submission is the elimination of the driveway on to Winding Lane.

Mr. Palumbo explained that the design of the buildings as well as the materials have been modified based on comments received by both the Planning Board as well as the neighbors.

Mr. Palumbo stated that they are in excess of the required greenspace, they have attempted to locate the buildings to their maximum extent possible, to preserve as much greenspace as they are able to.

In regards to the fence behind the townhouses, Mr. Palumbo understands that some neighbors may want the fence, while others do not. They will be willing to do whatever the Planning Board suggests in that regard.

Mr. Todaro stated that this project is a nice fit for the area, and appreciates the work that has been done by everyone involved to get it to this point.

Mr. Todaro asked for clarity, noting that the elevations show that asphalt shingles will be used, while the proposed concept drawing indicates a metal roof.

Mr. Sheedy stated that the main roof structure will be asphalt shingles, and all of the accent awnings and cupolas will be metal.

Mr. Todaro asked for a description of the lighting on site, and whether it is dark-sky compliant.

Mr. Sheedy responded, stating that all lighting on site whether it is building lighting or parking lot lights, will be dark sky compliant, and meet all town code requirements. The gooseneck lighting is to illuminate any signage that will be on the façade of the building for the commercial spaces. There are some low-light level and decorative lighting on the townhouse and mixed-use building, all will be dark sky compliant.

Mr. Todaro asked if there is any security lighting on the building.

Mr. Sheedy stated that where the emergency egress access points are designated throughout the building, there will be required emergency lighting.

Mr. Todaro noted that one of the issues as discussed in the work session is regarding a dumpster on site, and asked if that is enough capacity for all of the units and commercial space on site.

Mr. Sheedy explained that the applicant operates multiple other complexes and sites, and feels confident that one dumpster will be sufficient for the residential and commercial units on site. If it does become a nuisance, they will schedule additional pick-ups.

Mr. Todaro stated that the time of the trash pick-ups are of concern to him, as it is in a residential area.

Mr. Sheedy stated that they will do what they can, but the applicant has to work with the refuse company.

Mr. Todaro asked Mr. Sheedy to explain the plan for striping in the parking lot.

Mr. Sheedy explained that after extensive discussions between the applicant, the Town of Clarence Planning Office, and the Department of Transportation (DOT) regarding ingress and egress patterns for this site, the ultimate decisions was made that one access point would be allowable and safest for this site. The driveway on Main Street is designed for both normal pedestrian vehicles and emergency vehicles.

Regarding mechanicals, Mr. Todaro asked Mr. Sheedy to show where the mechanicals will be located.

Mr. Sheedy stated that they do not have a specific site layout on the plan, but they plan to bury them in the knockouts of the building, or the side of the building. The mechanicals will be screened by either landscaping or some form of fencing.

Mr. Todaro asked if there will be any kind of mechanicals on the roof.

Mr. Sheedy responded no.

Chairman Sackett asked if there is striping to indicate ingress and egress at the access area on Main Street.

Mr. Sheedy responded yes; directional arrows will be painted on the pavement.

Chairman Sackett asked for clarification on the metal roofs, and if there will be any metal.

Mr. Sheedy responded yes; the accent pieces will be metal, consistent with the drawings of October, 2023.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Gregory Todaro, seconded by Richard Bigler to **approve** the RSA Development Mixed-Use **Development Plan**, located at 10180 Main Street, SBL 72.01-1-18, per the submitted drawing by Carmina Wood Design, dated October 2023, with a final revision date of May 2024, and the following conditions being met:

1. Applicant meeting the requirements of the Town of Clarence Engineering Development Plan Review Letter, dated May 23rd, 2024.
2. Applicant meeting the requirements of the Town of Clarence Building Department fire code compliance review, and associated conditions.
3. Applicant meeting any additional requirements of the Town of Clarence Engineering, Building Departments, and any associated conditions, prior to any permits being obtained for construction on the property.
4. Applicant continuing to meet all past Town Department conditions as well as conditions of the Town Board issued Special Exception Use Permits and Architectural approval on August 9th, 2023.
5. Subject to New York State Department of Transportation approval for the proposed access to Main Street.
6. Subject to Erie County Health Department and New York State Department of Environmental Conservation approval, if required, on any future on-site sanitary facilities.
7. Applicant shall comply with Town Code minimum commercial square footage requirement, if the 1-story retail building is not constructed in concurrence with the overall project, the first-floor residential units in the mixed-use building shall be reduced in size to allow for the necessary increase in commercial square footage on the first floor, subject to review and verification by the Planning Department.
8. The previously approved 6' tall vinyl fence on the northern property line shall not be constructed behind 10171 Pineledge Drive South, per the request of the parcel owner, and in preference of preserving the natural vegetation in that area.
9. Dumpster enclosure and any garbage tote systems shall remain closed at all times when not in use. Dumpster and tote service shall occur in conformance with Town Code. No garbage or debris shall accumulate outside of the dumpsters and totes.
10. All site lighting shall be dark sky compliant and shielded to prevent spillage onto adjoining properties. No lighting shall be elevated above the roof lines and all non-residential lighting shall be turned off no later than one hour after business hours except for necessary security lighting.
11. No construction vehicles shall access the property from Winding Lane in connection with construction activities for all phases of development.
12. Construction hours shall not occur beyond the Town standard of Monday-Saturday, 7am to 7pm.
13. Buildings to be constructed per the labelled, approved, and visualized materials and colors, and building materials to be used shall be of industry standard high quality for durability and appearance.
14. Any ground exposed mechanicals shall be shielded from view by approved landscaping, and any roof mechanicals shall not be visible from public rights-of-way. Any roof exhaust or vent piping shall be of substantially similar color to the roof color.
15. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
16. For commercial uses, no outside display or storage of any kind on the property, including but not limited to goods, materials, or other items.
17. Any future commercial uses shall comply with allowable uses within the underlying zoning classification.

- 18. Any future proposed commercial outside operations shall be subject to a Temporary Conditional Permit as reviewed and approved by the Town of Clarence.
- 19. 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.
- 20. Subject to Open Space, Recreation, and any other applicable fees as required by Town Code.

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

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

MOTION CARRIED

Item 2

Tronconi Segarra & Associates
Traditional Neighborhood District

Requests Site Plan approval of a parking lot addition to the rear of the property located at 8321 Main Street.

DISCUSSION:

Mr. Bleuer introduced this project located at 8321 Main Street, at the south side of Main Street, west of Susan Drive.

It is an existing +/- 2.3-acre parcel located in the Traditional Neighborhood District, containing an existing office building.

The applicant is requesting consideration of Site Plan approval of a parking lot addition to the rear of the property. The parking lot addition would accommodate 16 additional parking spaces.

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

Al Hopkins with Metzger Civil Engineering was present to represent this project, noting that when the building was originally designed, they put in 98 spaces. What they are finding is that during peak times, they do not have ample parking, therefore they are proposing an additional 16 parking spaces to the rear of the property. A two-way driveway is already on site, so all that is needed to add are the actual parking spaces.

Mr. Hopkins said that landscaping was one of the major aspects they reviewed when looking at this project, which led them to visiting the property to see if what was on site is what was actually approved. Mr. Hopkins noted that the applicant has added more landscaping than what was on the original plan, and the back area of the site has filled in over the past 10 years.

Mr. Hopkins noted that because more asphalt is being added, the drainage was also reviewed to determine if the system that is currently there is able to handle the additional asphalt. The town engineer also reviewed this plan and determined that the drainage currently on site is sufficient.

Mr. Geasling asked if there will be any new lighting planned.

Mr. Hopkins responded no.

Mr. Geasling noted that the Town of Clarence Town Code requires 8% interior landscaping, and with the addition of these spaces it appears that the total is approximately half of that.

Mr. Hopkins stated that it does meet the overall greenspace requirement, but is a bit under the current space interior landscaping, unless you count the area between the parking in the back, and the building.

Mr. Hopkins noted that the only option they have would be to create some islands to add to the interior greenspace, which would defeat the purpose of adding more parking spaces.

Mr. Hopkins reiterated what a nice building and landscaping this property is, and how well it has been kept up.

Mr. Gealing agreed that it is a nice building.

Mr. Geasling referred to the landscape survey, and pointed out that a number of plantings were dead or dying and asked if they were anticipated to be replaced in-kind.

Mr. Hopkins responded yes; they will be replaced.

Mr. Geasling asked if there is any irrigation on the existing landscaping plan.

Mr. Hopkins responded that he is not aware of any.

Mr. Bigler noted that the landscaping at the back of the site behind the dumpster is a little sparse when he was there to visit the site. He believes it might need some additional plantings than what is being proposed.

In regards to irrigation and maintenance of the plantings, Mr. Bigler asked if the applicant plans to run an irrigation system for the plantings, or what is their watering plan.

Mr. Hopkins does not believe they have an irrigation system, noting that what they are doing currently is working, because nothing is dying from lack of watering. There are a few trees in the back that are dying from age.

Mr. Bigler stated that it is not a requirement, only a suggestion. With the addition of the new parking spaces, the landscaping will change. Some additional plantings on the west end, starting where the last pine tree is would be beneficial.

Mr. Hopkins noted that the dumpster and the landscape bed next to it will remain on the site.

Chairman Sackett stated that it is the discretion of the Landscape Committee to request an architectural stamp on a landscape plan.

In regards to Public Participation, the following residents spoke:

1. Melissa Shiah of 4282 Susan Drive:
 - asked how many trees will be removed with this proposed project
 - what is the plan to replace or replant what is removed

2. Michelle Toole of 4255 Thornwood Lane:
 - asked for clarification where additional parking spaces will be
 - requests any trees removed, to be replaced with mature trees to assist with the buffer
 - requests garbage pickup not occurring at 6:00 a.m.

3. Lori Prelewicz of 4240 Clardon Drive:
 - asked for clarification where the additional parking spaces will be, and why they are needed

Public Participation was closed for this item at this time.

Chairman Sackett noted that the Landscape Committee meets on the second Tuesday of every month, and it is an open and public meeting.

In regards to where the additional parking spaces will go, Mr. Hopkins explained that the dumpster and fencing are staying where they are now, next to that is the landscape berm that is also staying. The additional parking spaces will be next to that landscape berm. Aside from some grass, there will be two unhealthy Walnut Trees removed.

Mr. Hopkins noted that they will be removing the dead and mostly dead trees. If it goes to the Landscape Committee it might be a good idea for them to come to the site and make their own assessment of the condition of the trees and whether they should be removed.

Chairman Sackett stated that is why they ask that they utilize a Landscape Architect, in order for the board to have a professional assessment.

Mr. Hopkins stated that there are people in town that are quite qualified to do that as well.

Chairman Sackett reiterated that a Landscape Architect has a stamp to use on the plans, it is a credential. There are a lot of opinions, but the professionals will deal with the issues.

Mr. Hopkins responded that it sounds like something that is done under the purview of the Landscape Committee, which is why he suggested the Landscape Committee members come out to assess the site. He thought that is why we have a Landscape Committee.

Chairman Sackett asked Mr. Hopkins if he anticipates presenting a landscape plan to the Landscape Committee in the month of July.

Mr. Hopkins responded that it depends on the conditions that the Planning Board places. If it is a condition of approval, then yes.

In regards to why the applicant needs additional parking spaces, Mr. Hopkins stated that they are only needed during peak times.

Chairman Sackett recommended that Mr. Hopkins advises his client to stay within code in regards to the 6:00 a.m. dumpster pick up.

Mr. Hopkins responded yes; he has no idea what time the garbage comes.

Mr. Bleuer stated that Town of Clarence code stipulates that garbage collection shall occur between the hours of 6:00 a.m. and 8:00 p.m.

Mr. Bigler asked Mr. Hopkins how many feet of grass will be removed to accommodate the new parking spaces.

Mr. Hopkins responded that 19 ft. of grass will be removed.

ACTION:

Motion by Jason Geasling, seconded by Gregory Todaro to **approve** the Tronconi Segarra & Associates parking lot expansion **Site Plan**, located at 8321 Main Street, per the submitted plan by Metzger Civil Engineering, dated May 30th, 2024, and the following conditions being met:

1. Applicant meeting any additional requirements of the Town of Clarence Engineering, Building, and Fire reviews, and any associated conditions, prior to any permits being obtained and/or construction on the property.
2. Landscape Committee approval of a final landscape plan prior to construction on the property, including planting details. In addition, a maintenance plan shall be submitted as part of the landscape plan to ensure plantings remain in perpetuity, and are maintained or replaced in kind should there be any deterioration, or death and disease to plantings.
3. Dumpster enclosure shall remain closed at all times when not in use. Dumpster service shall occur in conformance with Town Code. No garbage or debris shall accumulate outside of the dumpster.
4. No new lighting shall be installed on the property without proper application made by the applicant, and review and approval by the Town.
5. Site shall be maintained as approved, in perpetuity, and any site deficiencies shall be repaired or replaced as approved.
6. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
7. No outside storage of any kind on the property, included but not limited to goods, materials, parts, tires, and debris.
8. All prior conditions associated with the property shall remain in full force and effect.
9. Subject to any applicable fees as required by Town Code.

Mr. Hopkins has heard, understands, and agrees 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
Gregory Todaro	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED

Item 3

Regan Landscape
Agricultural-Floodzone

Requests a Recommendation to the Town Board of a Temporary Conditional Permit to operate a landscape business at 8490 Wolcott Road.

DISCUSSION:

Mr. Bleuer introduced this project at 8490 Wolcott Road, located on the north side of Wolcott Road, east of Westphalinger Road.

It is an existing unapproved +/- 10.75-acre property containing a detached accessory structure located in the Agricultural-Floodzone. The lot previously existed as a 1-acre vacant lot, and increased in size after an unapproved lot line adjustment with the adjacent lot at 8500 Wolcott Road, containing Woodstream Nurseries. The Town Board referred the proposal to the Planning Board in February. Since that time the applicant has worked to address comments received, including defining access easements, outlining material / vehicle storage areas, and drive lanes.

The applicant is requesting consideration of a Temporary Conditional Permit for outside storage to operate an existing landscape business, Regan Landscape. The applicant seeks to convert the existing detached accessory structure into a principal structure for the business office.

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

The Planning Office is unable to process the retroactive Lot Line Adjustment application until the accessory structure is approved to be converted into a principal structure.

Attorney Mike Wilde, applicant Kevin Regan and Civil Environmental Engineer Bob Galucci were present to represent this project.

Mr. Galucci explained that Woodstream Nurseries at 8500 Wolcott Road sold a portion of its property to Wolcott Clarence LLC. The property was subdivided in to an east and west parcel, Woodstream Nurseries retains ownership of the 13+ acre parcel and Regan Landscape operates on the 10 + acre westerly property. A deed for the west parcel is dated July 6, 2022 and recorded in the Erie County Clerk's Office on August 19, 2022.

Mr. Galucci continued to review the parcels.

Mr. Galucci stated that he prepared a Master Plan for the 10+ acres, identifying what needs to be done in order to operate properly and legally. Their goal for tonight is to have both the Master Plan and the TCP approved.

Chairman Sackett stated that the Planning Board does not have the authority, they are a recommending body to the Town Board for a Temporary Conditional Permit.

Mr. Wilde noted that there is vehicle access at the adjoining property at 8500 Wolcott Road and he has shown a draft easement that he has been negotiating with the other parcel's attorney.

Mr. Wilde continued to review the draft easement lease.

Mr. Bengart stated that he just received before the meeting a copy of the easement agreement. He discussed it very briefly with Mr. Wilde, specifically the comments that are now being received that will need to be added to the agreement.

Mr. Lahti noted that the only item that will be discussed at tonight's meeting is the Temporary Conditional Permit.

Mr. Lahti stated that there are designated parking spaces noted on the submitted plan, which shows 18 striped spaces for employee parking, and asked what the surface of the parking lot is.

Mr. Galucci responded that the red dot is existing asphalt, the other part shown would need to be constructed. The condition of the existing asphalt is old, but it works.

Mr. Lahti explained that in order to keep the site orderly, the striping as shown on the drawing is what the town likes to see.

In terms of storage on the site, Mr. Lahti asked what materials will be stored.

Mr. Galucci responded that he has seen topsoil, mulch, stone, and general landscaping materials.

Mr. Regan agreed, stating that there are several grades of topsoil, stone, and other landscaping materials.

Mr. Lahti noted that the Planning Board limits landscaping materials, not allowing grass clippings on the site, and asked Mr. Regan if that would be agreeable.

Mr. Regan responded yes.

Mr. Lahti asked what types of equipment will be running on the site potentially creating noise.

Mr. Regan stated that a skid steer and a loader are on site during typical work hours which are 8:00 a.m. to 5:00 p.m.

Mr. Lahti asked what exceptions to the typical work hours would be.

Mr. Regan responded a snow event, which most materials are stored off-site, but there are exceptions.

Mr. Lahti noted that there are 20' light poles in the parking area, and asked if those are new fixtures just being installed.

Mr. Galucci reiterated that the drawing shown is not a construction plan, he wanted to introduce the concept of the lights from a safety point of view. He has them at 20' because that is the standard number.

Mr. Lahti noted that although they are not approving heights of light poles, the board prefers to see 15' or below, with 12' being preferred. Mr. Lahti requested the light poles be brought down if they are ever installed.

In terms of odors, Mr. Lahti asked what types of smells will be emanating from the site.

Mr. Regan responded that they are similar smells as those in the area, including mulch, which has a distinct smell.

Mr. Lahti asked if there will be anything that can be done to mitigate the odors.

Mr. Regan said sure.

Mr. Galucci stated that the turnover of the materials other than stone should be kept to a relatively short time period, which will assist with mitigating potential odors.

Mr. Regan agreed.

Mr. Lahti asked what the difference is between summer and winter operations.

Mr. Regan explained that the difference is significant, with snow events and removal activities in the winter, but they are working 12 months a year.

Mr. Lahti asked what they do with the snow when removing it from the sites.

Mr. Regan responded that they dump it at acceptable sites.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Jason Lahti, seconded by Gregory Todaro to **recommend issuance of a Temporary Conditional Permit to the Town Board** for Regan Landscape, located at 8490 Wolcott Road, per the submitted drawings by BG Innovations, dated May 10th, 2024, with a final revision date of May 31st, 2024, and the following conditions being met:

1. Initial permit shall be for a term no greater than one year.
2. Applicant meeting any additional requirements of the Town of Clarence Engineering, Building, and Fire reviews, and any associated conditions, prior to any permits being obtained and/or construction on the property.
3. Apart from the existing building conversion, no building expansion or new construction shall occur without proper application made by the applicant, and review and approval by the Town.
4. Landscape Committee approval of a final landscape plan prior to Town Board issuance of a Temporary Conditional Permit, including any necessary dumpster screen fencing and planting details. In addition, a maintenance plan shall be submitted as part of the landscape plan to ensure items remain in perpetuity, and are maintained or replaced in kind should there be any deterioration, or death and disease to plantings.
5. Applicant shall install any required landscaping within the first year of permit issuance, and prior to consideration of permit renewal.

6. Structures and site shall be maintained, in perpetuity, and any deficiencies shall be repaired or replaced in kind.
7. Drive lanes and yard areas to be kept in a maintained condition, that prevents excessive dust.
8. 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 any necessary security lighting.
9. Any temporary stockpile of job materials, such as wood and stone, shall be located in their respective locations as depicted on the approved plan. No dumping or storage of grass clippings or off-site snow shall be permitted on the property.
10. The applicant shall provide, for review and approval by the Town Attorney’s Office, such documentation as shall establish the right to utilize those areas depicted on the Functional Use Area Lease sketch by BG Innovations, LLC. dated May 10th, 2024.
11. No additional future business operations or operators without proper application made by the applicant and review and approval by the Town.
12. 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.
13. Parking areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas as designated on the approved plan.
14. Subject to Open Space, and any other applicable fees as required by Town Code.

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

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

MOTION CARRIED

Item 4

Rob’s Topico Pizza
Traditional Neighborhood District

Requests a Recommendation to the Town Board of a Temporary Conditional Permit for outside dining at 10250 Main Street.

DISCUSSION:

Mr. Bleuer introduced this project at 10250 Main Street, located at the northeast corner of Main Street and Strickler Road.

It is an existing +/- 1-acre parcel in the Clarence Hollow Traditional Neighborhood District containing an existing restaurant.

The applicant is requesting consideration of a Temporary Conditional Permit for outside dining. The outdoor dining area is proposed to exist within the covered sidewalk area to the west end of the building, containing bench style seating and protected by landscape boulders. Hours of operation would not exceed 10:00 pm.

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

Rob Schofield was present to represent this request.

Referring to the submitted drawing, Mr. Tytka noted that there are currently 5 boulders on site, with 6 more planned. Mr. Tytka asked how far apart Mr. Schofield plans to place them.

Mr. Schofield stated that they are spaced so as to prevent a vehicle from being able to get through, it depends on the size of the boulders. Mr. Schofield asked for a recommendation from the Planning Board.

Mr. Tytka asked Mr. Schofield if 5' apart would be agreeable.

Mr. Schofield agreed.

Mr. Tytka asked if Mr. Schofield has any future expansion plans for the patio, should the business grow to exceed the space.

Mr. Schofield explained that he has a larger plan for the west side of the building, but due to time constraints, he is focusing on the ice cream area for now.

Mr. Tytka asked if any new lighting will be added to the west side.

Mr. Schofield stated that he currently has an electrician looking at the site to give his recommendations. Any additional lighting will be limited to spotlights for the seating area that are currently there but non-functioning. Everything will be dark sky compliant.

Mr. Tytka confirmed with Mr. Schofield that the outside dining area will close at 10:00 p.m. each night as stated.

Mr. Schofield responded yes.

Mr. Todaro asked if the boulders are currently 5' apart.

Mr. Schofield responded that he has not measured them, but in his estimation yes, they are.

In regards to Public Participation, no one spoke.

ACTION:

Motion by Daniel Tytka, seconded by Richard Bigler to **recommend issuance of a Temporary Conditional Permit to the Town Board** for outside dining at Rob's Topico Pizza, located at 10250 Main Street per the submitted plan by K1 Architecture PLLC, dated June 11th 2024, and the following conditions being met:

1. Initial permit shall be for a term no greater than one year.
2. Applicant meeting any additional requirements of the Town of Clarence Engineering, Building, and Fire reviews, and any associated conditions, prior to any permits being obtained and/or construction on the property.
3. Any future proposed site or structure modifications subject to Town review.
4. Paved areas to be striped and maintained in perpetuity per approved plan. No parking of vehicles outside the designated parking areas.

5. Landscape boulders shall be installed per the approved plan, and no greater than 5' apart, prior to the opening of the outside dining area.
6. Applicant shall landscape around the freestanding sign within the first year, and prior to consideration of permit renewal, subject to Planning Department review and approval.
7. Applicant shall screen dumpster area with code compliant dumpster enclosure within the first year, and prior to consideration of permit renewal. Dumpster enclosure to remain closed when not in use, and serviced in conformance with Town Code.
8. Any outside music shall be limited to piped-in speaker music, and shall not exceed typical volume of the surrounding area.
9. All existing utilized site lighting shall be dark sky compliant and shielded to prevent spillage onto adjoining properties, and shall be turned off no later than one hour after business hours except for necessary security lighting.
10. Any new outside dining lighting shall be limited to decorative type lighting, and shall not shed beyond the property lines.
11. Subject to any applicable fees as required by Town Code.

Mr. Schofield has heard, understands, and agrees 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
Gregory Todaro	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