

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday November 13, 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

Spaulding Green LLC
Residential Single-Family

Requests approval of a Unit Density Increase from the overall originally approved 380 lots to 405 lots, for utilization within the Development Plan approved phase 8 of the Spaulding Green Subdivision, located east of Goodrich Road and west of Glenview Drive.

Item 2

Lucas James
Commercial

Requests preliminary Conceptual review of a proposed 26-room Skyline Hotel and Restaurant, at 9485 Main Street.

Item 3

Tim Krantz
Agricultural-Rural Residential &
Agricultural-Floodzone

Requests preliminary Conceptual review of a proposed 8-lot major subdivision, Sunset Meadows, at 8960 Lapp Road.

Item 4

Edge Development LLC
Commercial

Requests preliminary Conceptual review of a proposed mixed-use project containing multiple-family housing at 9105 Sheridan Drive.

Item 5

Quick Service Realco LLC
Commercial

Requests Final Architectural approval for a Taco Bell restaurant as part of the Development Plan approved phase 1 Bevilacqua mixed-use project at 6625 Transit Road.

Item 6

Stately Builders
Industrial Business Park

Requests Site Plan and Architectural approvals for the construction of a detached warehouse structure at 9780 County 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	Gregory Todaro
Jason Geasling	Jason Lahti
Daniel Tytko	

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

Town Officials Present:

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

Other Interested Parties Present:

Susan Greene	Lori White	Linda Shaffer	Ed Shaffer
James Lewandowski	Sean Hopkins	Bill Burke	Joseph Vendetti
Linda Lewandowski	Dimas Duque	Thomas Morgan	Tim Krantz

Motion by Gregory Todaro, seconded by Jason Geasling, to **approve** the minutes of the meeting held on October 2, 2024, as written.

Daniel Tytko	Aye	Jason Lahti	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Robert Sackett	Aye		

MOTION CARRIED

Motion by Gregory Todaro, seconded by Jason Geasling, to **approve** the minutes of the meeting held on October 16, 2024, as written.

Daniel Tytko	Aye	Jason Lahti	Abstain	Jason Geasling	Aye
Gregory Todaro	Aye	Robert Sackett	Aye		

MOTION CARRIED

Item 1

Spaulding Green LLC
Residential Single-Family

Requests approval of a Unit Density Increase from the overall originally approved 380 lots to 405 lots, for utilization within the Development Plan approved phase 8 of the Spaulding Green Subdivision, located east of Goodrich Road and west of Glenview Drive.

DISCUSSION:

Mr. Bleuer introduced this project located east of Goodrich Road, north of Greiner Road, and west of Kraus Road.

Spaulding Green is a conceptually approved 380-lot Open Space Design Development subdivision approved by the Town in 2008. A significant portion of the project has been developed, including numerous approved amendments to the original plan over the years. One such amendment has been to allow the reduction of lot sizes throughout the development, resulting in more lots in certain phases. This has resulted in phase 8 and 9 becoming exception areas, where the approved density of 380 lots no longer allows for the full buildout of the entire subdivision.

The applicant is requesting a Density Increase approval to allow an additional 25 lots within the subdivision, from 380 lots to 405 lots. This proposed density increase would allow for Phase 8 to be constructed as it was originally conceptually approved.

The applicant's rationale for such a request is that additional adjacent lands have been acquired since the original Environmental Impact Statement was developed, allowing for additional lots per the Town's density calculation requirements for Open Space Design.

The Town Board referred this proposal to the Planning Board in March of 2021. The Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA) in May of 2021. Since that time the Spaulding Green ownership partners have addressed comments received, and continued development of the overall subdivision in compliance within the current approved density. Additionally, the partnership has continued to address outstanding items previously conditioned and approved by the Town, including but not limited to; the installation of a recreational trail between Meadowglen Drive and Rosecroft Drive, the correction and refile of numerous map covers, surveys, and legal descriptions associated with lot line adjustments, the modification and correction of problematic drainage areas, the creation of a subdivision-wide sidewalk plan and sidewalk installation, the creation and conceptual approval of a conservation easement to control open space, and the creation of an easement to the Town for future trail access to Kraus Road.

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

Ken Zollitsch with the engineering firm Greenman Pedersen Inc. (GPI) was present on behalf of the applicant.

Noting that this project has almost 20 years of history with the Town, Mr. Zollitsch recapped the project, noting that the original approval for this project went through an environmental impact study, and conceptual design approvals which is where they were capped at 380 lots for development.

Since the original approval, Spaulding Green LLC has picked up additional properties along Greiner Road east towards Kraus Road and are now considering properties further up on Clarence Center Road.

Mr. Zollitsch stated that they did (submit an application) for a density increase to the Town a number of years ago, knowing that with the additional properties, they are looking at building out different homes. Over the course of time, the lot sizes have been adjusted from what was originally considered more of a uniformed, large lot subdivision and modified as they utilize the open space design to the extent that they can.

Mr. Zollitsch further reviewed the density increase, stating that with the approval of tonight's request, it will allow them to complete Phase 7b and Phase 8. He expects that they will be back in the future for an additional density increase.

Mr. Zollitsch added that working with the Town, the Planning Office and Planning Board, they are assuring that they are completing the parts of the project that are necessary such as installation of the recreation trail and developing the Conservation easement language.

Chairman Sackett advised Mr. Zollitsch that the Planning Board will also be looking for the completion of Phase 10 as per the Town Board's direction.

Mr. Zollitsch explained that Phase 10 is the road connection between Phase 3b and Green Valley Drive. Currently there is an approximate 300' gap in the roadway. This was conditioned early on so that the construction equipment would not be using Green Valley Drive to access the Spaulding Green site. They are well into the process of gaining the necessary approvals to be able to complete Phase 10, and it should be completed around the same time that Phase 8 is completed.

Mr. Todaro asked Mr. Zollitsch to explain Phase 8 with the proposed increased density, and if there are any changes to Phase 8 from a design standpoint since the initial density increase proposal.

In terms of the Phase 8 design as it relates to density, Mr. Zollitsch stated that it has gone through various iterations over the course of the whole project itself. More recently the Phase 8 design plans were prepared, reviewed, submitted and approved by the Town in 2023. They came to an agreement on items such as what was the parkway, what was not the parkway, servicing the lots, and connections to Phase 7b. Since that time there have not been any other changes, and they have received Development Plan approval for Phase 8.

Noting that there were some surveys that need to be corrected, Mr. Todaro asked Mr. Zollitsch where they are in that process.

Mr. Zollitsch noted that a significant portion of the amended subdivision lots in question are in Phase 2, and the subdivision map for those lots has been filed in Erie County tax records. The Town now requires individual lot surveys, legal descriptions, and work with the attorney for Spaulding Green to prepare corrected deeds. That is in process, and while they do not have the surveys completed at this time, they do understand that they are required by the Town.

Mr. Todaro asked about the recreational trail that has now been completed.

Mr. Zollitsch stated that one of the significant aspects and reasons why this density increase has taken so long is because of the recreational trail. It has been a multi-year process, having to deal with being adjacent to a National Fuel line that they had originally proposed to cross, as well as the Department of Environmental Conservation (DEC) and the Army Corp of Engineers to allow a wetland permitting for a recreational trail through their wetlands. This has been a multi-year process, and they are thrilled that it has finally been installed within the past year. The process for the trail itself is not completed, there are still a few aspects that need to be finished including landscaping to help screen some of the adjacent neighbors.

Mr. Todaro asked Mr. Zollitsch to identify any outstanding sidewalks and streetlights that needed to go through engineering, and what the status is.

Mr. Zollitsch stated that he cannot speak on specific sections of sidewalks that still need to be installed, there are gaps where there are homes that have not been built yet. The majority of the sidewalks in the common areas have been installed, and they will continue to work with the Town's Planning and Engineering departments to address any of the final issues as they come up.

In regard to the installation and public road connection known as Phase 10 between Waterlefe Dr. and Green Valley Drive, Mr. Todaro asked Mr. Zollitsch if he is aware that part of the approval is the Development Plan for that Phase 10.

Mr. Zollitsch asked for clarification from the Town that Phase 10 does not require Development Plan approval, and that they are able to proceed straight to Public Improvement Permits (PIP). Mr. Zollitsch stated that to his understanding, Phase 10 was approved under the Phase 3b Development Plan.

Mr. Zollitsch added that since they have Engineering sign-off, and Erie County Water Authority approval to improve the water line extension, then they can go forward to PIP applications. He does not believe they need to go in front of any Boards for Phase 10 approval.

In regard to the density change, Mr. Todaro asked is there any impact on the sewer capacity.

Mr. Zollitsch responded no, not as it relates to this portion of the 25-lot density increase that they are discussing tonight.

In regard to Public Participation, no one spoke.

With no one wishing to be heard, Public Participation was closed for this project at this time.

ACTION:

Motion by Gregory Todaro, seconded by Daniel Tytka 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 Spaulding Green LLC Unit Density Increase within the previously approved Spaulding Green Subdivision located east of Goodrich Road, west of Kraus Road, and north of Greiner Road.

This Unlisted Action involves the allowance of a residential unit density increase of 25 units, from 380 to 405 in the Residential Single-Family 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	Robert Sackett	Aye		

MOTION CARRIED

Motion by Gregory Todaro, seconded by Daniel Tytka to **approve** the Spaulding Green LLC **Unit Density Increase** of 25 residential sublots within the Spaulding Green Open Space Design Subdivision, from the overall originally approved 380 lots to the now approved 405 lots per the submitted concept plan by GPI, dated July 2024, subject to the following conditions being met:

1. Subject to the completion, signing, and filing of the Conceptually approved Conservation Easement and associated Conceptually approved mapped property area, upon submittal by the applicant and approval by the Town Attorney’s Office, including but not limited to a property survey, metes and bounds legal description, and title insurance policy ensuring the conservation easement property.
2. Subject to the completion of the recently constructed recreational trail running between Meadowglen Drive and Rosecroft Drive, per the conditions of approval and standards of the Town Engineering Department, and the conveyance of the recreational trail to the Town of Clarence, as per the requirements of the Town Attorney’s Office.
3. Subject to the Development Plan approval and installation of the public road connection, known as Phase 10, between Waterlefe Drive and Green Valley Drive.
4. Subject to the approval and installation of any outstanding neighborhood sidewalk and streetlights as per the standards of the Town Engineering Department.
5. Subject to the submittal of the Conceptually approved correcting surveys and legal descriptions for four (4) previously modified sublots; 68A, 69A, 70A, and 71A, all within phase 2A. Applicant shall file in the Erie County Clerk’s Office and provide a stamped “filed” copy to the Town Attorney’s Office and Planning Office after recording.
6. The filing of the Town of Clarence Public Recreational Trail Easement, Parcel No.: 58.00-4-41, for the future potential trail to Kraus Road from the easternmost point of the existing recreational trail, subject to Town Attorney review and approval. Applicant shall file in the Erie County Clerk’s Office and provide a stamped “filed” copy to the Town Attorney’s Office and Planning Office after recording.
7. All previous conditions of this approval, hereby known as conditions 1-6, and to the extent that other approvals do not conflict with this approval, shall be completed to the satisfaction of the Town of Clarence prior to Phase 8 Final Plat approval, as issued by the Town Board. Phase 8 Final Plat approval shall constitute both the final approval and final completion of all conditions associated with the originally approved 380-lot subdivision.
8. Subject to past or future Concept and Development Plan reviews by the Town, including reviews of all phased Development Plans by the Town Engineering Department, Highway Department, and Planning Board.

Mr. Zollitsch has heard, understands and asked for clarification regarding condition #3, his understanding is that they have already received Development Plan approval for Phase 10.

Mr. Bleuer clarified that it is a Development Plan as it relates to the Engineering Department, there is no further Board approval needed.

Mr. Zollitsch confirmed that is his understanding as well.

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

MOTION CARRIED

Motion by Gregory Todaro, seconded by Daniel Tytka that for the purpose of issuing current and relevant conditions of approval, the Planning Board hereby **re-approves** the Spaulding Green LLC Phase 8 **Development Plan**, previously approved on June 21st, 2023, per the submitted drawing set by GPI, dated May 10th, 2023, subject to the following conditions being met:

1. Applicant meeting the requirements of the Town of Clarence Engineering Letters of Approval, dated May 2nd, 2023, and June 9th, 2023, and all associated conditions.
2. Applicant meeting the requirements of the Town Highway Department.
3. Subject to Engineering Department approval and necessary permitting prior to any construction on the site.
4. All lots shall be developed per the lot data table found in the approved development plan set, including but not limited to, basement type, lot grading type, and setbacks.
5. Common areas shall remain in their present and natural state apart from any necessary infrastructure installation, and wetland management.
6. All common areas shall be controlled and maintained by a Homeowners Association, in conformance with all approvals.
7. Subject to Open Space Fees, and any other applicable fees as required by Code.

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

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

MOTION CARRIED

Item 2

Lucas James
Commercial

Requests preliminary Conceptual review of a proposed 26-room Skyline Hotel and Restaurant, at 9485 Main Street.

DISCUSSION:

Mr. Bleuer introduced this project at 9485 Main Street, SBL 71.15-2-2.1, located on the south side of Main Street, west side of Gunnville Road, and on the north side of North Melinda Drive.

It is an existing 9.5-acre vacant parcel in the Commercial and Residential Single-Family zones.

The applicant is requesting preliminary Conceptual review of a proposed 26-room boutique hotel and restaurant, called the Skyline Hotel & Restaurant. The structure is proposed to be 3-stories and approximately 45' tall at the highest point of the roof ridgeline.

The Town Board referred this proposal to the Planning Board in September of this year. Due to comments received, the applicant has modified and clarified the proposal as follows; moving the building closer to Main Street to comply with the required front yard setback, relocation of the proposed on-site sanitary system to increase natural buffer areas, reduction of building square footage to better fit the character of the area, addition of a pitched roof design that meets the maximum height requirement of the underlying zone, assurance that the proposed building materials are of high quality such as stone, stucco, glass and aluminum wood finishes, and reduction in the amount of parking/impervious surfaces and size of the pond.

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

Lucas James was present to represent his proposed project, with nothing further to add.

Mr. Lahti explained that the purpose tonight is to begin a Coordinated Review of the proposed project, there will be no final approvals at this meeting for this item.

Referring to the Environmental Assessment Form (EAF) for this item, Mr. Lahti asked about the portion that states there will be some digging of rock and excavation, but none of the material will be removed.

Mr. James stated that there are a few areas that the rock and materials will go, including around the pond to create the bank. Mr. James noted that there is a lot of bedrock on the site, any bedrock that can be recycled for base for the pavement areas will be utilized. Additionally, the septic system will need to be built up, so they will use some fill and rock base for that as well.

Mr. Lahti noted that aesthetically, the view coming down Main Street will be of a large asphalt area and anything that can be done to mitigate that will be beneficial.

Mr. Lahti referred to the residents living to the south of this proposed project, adding that there will need to be substantial landscaping along with the greenbelt area to eliminate the views of the parking areas.

In regard to Public Participation, the following residents spoke:

1. James Lewandowski of 4560 Gunnville Rd.:
 - asked if there will be an access road to Gunnville Road from this proposed project
 - this will add more traffic to the area, he already has a difficult time pulling out of his driveway
2. Dimas Duque of 9500 N. Melinda Dr.:
 - will there be mature trees put in to mitigate the view of people coming and going or whatever they do at hotels

- there are a lot of young children in the area that play back in the forest, and he is concerned they would find someone dead back there
 - thinks it is a bad idea
3. Lori White of 4480 Patricia Dr.:
- how come the part of the project that is in the residential single-family zone is not being built on and why they include that part of the proposed project, as it is in their neighborhood
 - requested clarification between what was submitted in the Environmental Assessment Form (EAD) and what is shown on the renderings in regard to the height of the lights. The rendering on-line showed the parking lot lighting standards will be 15' in height, but the EAF states they were called out at 20'
 - why are there 131 parking spots for a 26-room hotel, that seems excessive
 - on behalf of the neighborhood, they are concerned with noise, impact of events on the neighborhood
 - EAF lists an impact on water and energy use, how will that affect their neighborhood
 - There are a lot of kids in the neighborhood of varying ages who walk to places and will be passing the entrance and exit of the proposed project. Safety is a big concern

Chairman Sackett explained that Coordinated Review is similar to a 3-legged stool in that there are 3 aspects to it: the first leg is the property owner and their rights as defined by the code; second is community commentary, and the third leg are the regulatory agencies. This is why the proposed project is sent out to agencies such as the Water Authority as well as other utilities. This way they are given the opportunity to notify us of any impact on adjoining properties. That determination will be during Coordinated Review.

With no one else wishing to be heard, Public Participation was closed for this project at this time.

Mr. James returned to address the questions and concerns, stating that there is no connection or access road to Gunnville Road, and they have no intent of installing one.

Regarding landscaping buffering residential areas, Mr. James explained that it is one of their highest priority, to keep an oversized buffer of greenspace at the rear, primarily southern end of the development.

Mr. James stated that the Residential Single-Family zoned areas are not going to be touched at all, and are not a part of the proposed project. The reason they are shown on the plans is because they are part of the land that is considered one parcel. Aside from acting as a buffer, those areas will not be used at all.

In regard to the buffer, Mr. James stated that there is significantly more than the required 45' buffer, and most of the southern areas of the site will stay mature trees as they currently are. This means that there should be very little if any, view of the parking area from the residential area on the south side of the parcel. That is important to him as well as the neighbors.

Mr. Geasling noted that the area is proposed to remain undisturbed even through construction.

Mr. James responded yes, and most of it is much larger than a 45' area.

Chairman Sackett stated that if this project proceeds, there will be a meeting with the Landscape Committee, which is a public meeting that meets the second Tuesday of every month.

Mr. James noted that for the light standards in the parking lot, he prefers those are at 15', but that is a personal preference. He assumes the Planning Board will have guidelines for that that he will follow. The building itself will have some lights on it, and he plans to avoid having any lights facing the residential areas even though there will be low to no visibility. Any lights on the Main Street side he would like to have facing down and facing the parking areas, away from the street.

Regarding parking capacity, Mr. James explained that the proposed project is primarily a restaurant, which is the need for all of the parking. The hotel rooms are a very small percentage of the use of the parking on site. Mr. James explained that from his experience, it is much more difficult to squeeze additional parking in at a later date, and designing all the parking needed at the beginning is much easier. He wants to be prepared for the size of the restaurant; it is a relatively good size restaurant.

Mr. James stated that they reduced the parking from the original application upon request of the Planning Board Executive Board.

Regarding the comment about seeing blacktop from Main Street, there will be a full and complete landscape plan as part of this project. They plan to put trees in the landscape islands that are placed along the parking areas both in the front along Main Street, and in the back as needed. The plan is to have trees, shrubbery, and extensive landscaping which will all make it look gorgeous from Main Street.

Chairman Sackett asked about the safety concerns surrounding the area during construction times.

Mr. James noted that he cannot recall if there are sidewalks on that section of Main Street, but if it is necessary, they will put up construction fencing. Main Street is a busy area, he does not believe they will add anything more to that in regard to safety issues. It is a private development and a private site; public traffic will not be allowed through the construction areas during construction.

Mr. Lahti asked about the noise from potential events held at the facility, and what type of events may be held there.

Mr. James reiterated that the intent of the proposed development is to be a restaurant, he believes there will be some events and possibly some live music. He does not think it will be all that often, but that is yet to be determined. There is ample space on the back side of the property to buffer any sound that may emanate from the facility.

Mr. Lahti asked if there is any intent for outdoor events at any point.

Mr. James stated that there are not any planned, but they need to be flexible. He does not want to say that there will never be, but that is not the intent currently.

Mr. Geasling asked what the intent of the island, gazebo, and the walkway in the back of the property.

Mr. James explained that the rear patio is strategically positioned to be able to look out on to a gorgeous backdrop of pond, mature trees, gazebo and walkway. It is meant to be a beautiful space, and also not point at any of the residences which is why the building is angled the way that it is.

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 to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies on the Lucas James proposed Skyline Hotel and Restaurant at 9485 Main Street. This Unlisted action involves the construction of a 26-room hotel and restaurant facility in the Commercial zone.

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

MOTION CARRIED.

Item 3

Tim Krantz
Agricultural-Rural Residential &
Agricultural-Floodzone

Requests preliminary Conceptual review of a proposed 8-lot major subdivision, Sunset Meadows, at 8960 Lapp Road.

DISCUSSION:

Mr. Bleuer introduced this project at 8960 Lapp Road, located on the north side of Lapp Road, west of Heise Road.

It is an existing 90-acre property located in the Agricultural Rural-Residential zone and Agricultural-Flood zone, containing C.J. Krantz Organics, a topsoil, mulch, compost, and stone operation.

The applicant is requesting preliminary Conceptual review of a proposed 8-lot major subdivision, known as Sunset Meadows. One private vehicular access point to Lapp Road is proposed.

The existing business operation is proposed to remain on a 4.22-acre exception parcel, but is anticipated to close, or change tenancy in the coming years.

The Town Board referred this proposal to the Planning Board in October of this year.

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

Tim Krantz was present to represent his request.

Mr. Tytka noted that a private road is proposed, and asked who will maintain that road.

Mr. Krantz responded that there will be a Homeowner’s Association (HOA) set in place.

Mr. Tytka asked how much greenspace will be preserved.

Mr. Krantz noted that there is 50-70 acres of wildlife preserve in the back of the property that will remain untouched. The back two lots that will be sold will include those pieces of wildlife preserve, with the homeowners owning that greenspace.

Mr. Tytka asked if the road will extend to the conservation easement.

Mr. Krantz responded no.

Mr. Tytka confirmed with Mr. Krantz that all of the lots are proposed to be on septic systems.

Mr. Krantz responded yes.

Chairman Sackett stated that he recalls conversation that Mr. Krantz would be offering an access easement at the circle to allow access to the conservation easement, is that still the intent.

Mr. Krantz responded yes.

In regard to Public Participation, no one spoke.

With no one wishing to be heard, Public Participation was closed for this project at this time.

ACTION:

Motion by Daniel Tytka, 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 to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies on the Tim Krantz proposed major subdivision, Sunset Meadows, at 8960 Lapp Road. This Unlisted action involves the construction of an 8-lot residential single-family subdivision in the Agricultural-Rural Residential and Agricultural-Floodzone.

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

MOTION CARRIED.

Item 4

Edge Development LLC
Commercial

Requests preliminary Conceptual review of a proposed mixed-use project containing multiple-family housing at 9105 Sheridan Drive.

DISCUSSION:

Mr. Bleuer introduced this project at 9105 Sheridan Drive, located on the south side of Sheridan Drive, west of Main Street. It is an existing 2.8-acre vacant property located in the Commercial zone.

The applicant is requesting a Conceptual review of a proposed mixed-use project containing multiple-family housing and commercial space. The project consists of approximately 7,000 sq. ft. of commercial space and 22 apartments, as follows:

- One 3-story mixed-use building fronting Sheridan Drive containing 7,000 sq. ft. of commercial on the first floor, and 10 total apartments on floors 2-3.

- Three 2-story residential townhome buildings to the rear, each containing 4 units. The Town Board referred this proposal to the Planning Board in October of this year. Due to comments received, the applicant has modified the proposal. Modifications include reducing the residential density by 2 units, increasing the total amount of commercial space, verifying that the proposed mixed-use building will meet the underlying zoning maximum building height limit of 45', increasing the front yard setback of the mixed-use building, and extending the proposed split rail fence along the frontage of Sheridan Drive.

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

Per Town Code, multiple-family projects in the Commercial zone are limited to a maximum of 2-stories, and projects without access to a public sanitary sewer are limited to 16 residential units. To consider this proposal, variances will be required by the Zoning Board of Appeals.

Present for the applicant were Attorney Sean Hopkins with the law firm Hopkins Sorgi & McCarthy, and Bill Burke with Edge Development.

Mr. Hopkins reviewed the zoning portions of the project, adding that the Commercial Zone portion of the proposed project encourages mixed-uses, connectivity, walkability and landscaping – all elements that they have included in their plans.

Mr. Hopkins continued to review the proposed project, noting that updates made based on input from the Planning Board Executive Committee included an increase to the front yard building setback for the 3-story mixed-use building from 10 ft. to 15 ft. It is important to note that this building is 30 ft. from the edge of the paved portion of Sheridan Drive.

Mr. Hopkins added that they extended the split-rail fence the entire length of the western portion of the front yard and extended the internal sidewalk.

Mr. Hopkins noted that his client will also be installing a sidewalk within the Sheridan Drive right-of-way, along the frontage of Sheridan Drive.

Mr. Hopkins briefly described the conceptual landscape plan, noting that there is extensive landscaping planned. Mr. Hopkins continued to review the various number and amounts of trees and shrubs planned for the proposed project.

Referring to the 3 area variances that they will need for this proposed project, Mr. Hopkins explained that they will need an additional 8 residential units which is primarily because this proposed project is on septic and not sewer. They are proposing 3 stories for the mixed-use building, but the current mixed-use building code only allows for 2 stories, and that building will have a peak height of 44 ft. Mr. Hopkins explained that because they have a septic system, the maximum number of units on any parcel regardless of size is 16 units, their revised concept plan shows 22 units.

Mr. Hopkins stated that they do think this mixed-use project is consistent with the planning objectives and goals set forth in the Town of Clarence's Comprehensive Plan.

Mr. Hopkins noted that they have reviewed the business center design criteria, and they are confident that they are meeting those as well.

Mr. Hopkins explained that Earth Dimensions conducted a wetlands investigation and ultimately ruled that there are no wetlands on the site. This means that the proposed project can move forward without the need for any wetland permitting.

Mr. Geasling reiterated that this is the beginning of the process, there are many details that will be worked out.

Mr. Geasling asked about what is shown on the east side of the site plan that appears to be hanging over the side yard setback.

Mr. Hopkins stated that they are concrete patios.

In regard to the variance for the septic, Mr. Todaro asked the capacity for the septic, and where it drains to.

Noting that it is early in the review process, Mr. Hopkins pointed out the two designated septic areas.

Mr. Burke explained that they are redundant septic systems just in case there is ever a failure with one of them. They will likely be sand filters, so they will disseminate to the given demarcated area.

Mr. Todaro asked for clarification on the redundant septic systems, asking if they are both active, or one of them is inactive and only becomes active in the event the other one fails to work.

Mr. Burke explained that one would be active and have the capacity to service the entire site, then they would have additional space to allow for any failures or amendments to the system.

Mr. Hopkins added that the septic system is still to be reviewed by the Engineering Department and the Erie County Health Department.

Mr. Lahti asked why they are proposing a variance for the number of units rather than a plan for the allowed number of units.

Mr. Hopkins stated that due to the economics of the project and project financing, as well as the focus will be on the 3-story mixed-use building and the 12 townhome units in the back would not be that noticeable to anyone passing by on Sheridan Drive. The Zoning Board of Appeals will need to review the request, but Mr. Hopkins stated that they feel there is ample justification for those number of units.

Mr. Geasling asked if the proposed project is intended to be phased.

Mr. Hopkins responded no.

In regard to Public Participation, no one spoke.

With no one wishing to be heard, Public Participation was closed for this project at this time.

ACTION:

Motion by Jason Geasling, seconded by Daniel Tytka 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 Edge Development LLC proposed mixed-use project, at 9105 Sheridan Drive. This Type I action involves the construction of 22 apartments and approximately 7,000 sq. ft. of commercial space in the Commercial zone.

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

MOTION CARRIED.

Item 5

Quick Service Realco LLC
Commercial

Requests Final Architectural approval for a Taco Bell restaurant as part of the Development Plan approved phase 1 Bevilacqua mixed-use project at 6625 Transit Road.

DISCUSSION:

Mr. Bleuer introduced this project, a Commercial Parcel # 1 within Phase 1 of the Bevilacqua mixed-use project located at 6625 Transit Road (SBL 43.05-2-1.11 and SBL 43.05-2-1.12). It is on the east side of Transit Road, north side of Miles Road.

An existing and recently approved vacant .82-acre outparcel in the Commercial zone, holding Development Plan approval by the Planning Board for the construction of an approximately 2,240 sq. ft. restaurant with drive through facility.

The applicant is requesting Final Architectural approval of a Taco Bell restaurant. The structure is proposed to be constructed with brick and an enlarged parapet to hide roof top mechanicals, enlarged trim to provide building depth, and window awnings to provide character.

The overall Bevilacqua mixed-use project was referred from the Town Board in July of 2021. In September of 2021, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA). In October of 2022, the Planning Board issued a Negative Declaration under SEQRA. In December of 2022, the Zoning Board of Appeals issued variances for the overall project. In June of 2023, the Town Board issued Special Exemption Use Permits for the overall project. Finally in February of this year the Planning Board issued Development Plan approval for Phase 1, with a condition that final architectural review and approval for each structure be required and must be in conformance with the approved design guidelines.

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

Thomas Morgan, Construction Manager with KBP Brands was present to represent the applicant.

Mr. Lahti commented that there is some clearing being done on the site and asked when they expect to get started on construction.

Mr. Morgan stated that they are aiming for starting when the weather breaks in the Spring.

Regarding the appearance of the building and the materials being proposed appear to meet the criteria that has been established.

Mr. Todaro asked for some information regarding the queuing line and where the order station will be located.

Mr. Morgan stated that according to his plans, the square to the rear is where the cars place their initial order. Where you see the concrete is where the pick-up window will be. There is room for the stacking of 7 cars.

Mr. Todaro asked if the order point will be facing a residential area. He wants to be sure that there is a noise reduction process for the nighttime.

Mr. Morgan stated that with the timers and speaker systems that the drive-thru new technology has, there are quite a few adjustments that can be made for the sound. A lot of their restaurants and drive-thru are bumped up against residential areas. The sounds can be adjusted so that the decibels are not that high.

Mr. Todaro asked about the lighting on the premises, where and how do they anticipate lighting the area.

Mr. Morgan responded with pole lights. Looking at the site plan, there are pole lights shown on the site plan, he is unsure of the height but is sure they are following the code.

In regard to Public Participation, no one spoke.

With no one wishing to be heard, Public Participation was closed for this project at this time.

Chairman Sackett asked Mr. Bleuer if the drive-thru would need any additional permitting.

Mr. Bleuer stated no, it would not need any additional Board permitting.

ACTION:

Motion by Jason Lahti, seconded by Gregory Todaro to issue **Final Architectural Approval** for Taco Bell restaurant located at 6625 Transit Road, within commercial parcel #1 of the Phase 1 Development Plan approved Bevilacqua mixed-use project, per the submitted plan set by Design Plus Architects, received in the Planning Office on November 12th, 2024, with the following conditions being met:

1. All nineteen (19) prior conditions of approval by the Planning Board on February 21st, 2024, for the Bevilacqua mixed-use property and project remain in full force and effect, and as a unified development area these conditions of approval shall apply to this project element and approval.

2. Building to be constructed per the labelled and approved materials and colors and building materials to be used shall be of industry standard high quality for durability and appearance.
3. Landscape Committee approval of a final landscape plan associated with this commercial parcel #1, prior to permits being issued by the Building Department, including any planting details where applicable. Proposed planting variety and quantity shall be no less than what was previously depicted and reviewed as part of the Bevilacqua mixed-use overall landscape plan. Finally, a maintenance plan shall be submitted as part of the landscape plan to ensure landscaping remain in perpetuity and is maintained or replaced in kind should there be any deterioration, or death and disease to plantings.
4. Prior to any permits being issued by the Building Department, applicant shall submit cross access agreement(s) for review and approval by the Town Attorney’s Office. Before commencing construction or activity, the easements shall be recorded in the Erie County Clerk’s office and stamped “FILED” copies be provided to the Town Attorney’s Office and Town Planning Office.
5. Subject to Open Space, and any other applicable fees as required by Town Code.

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

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

MOTION CARRIED.

Item 6

Stately Builders
Industrial Business Park

Requests Site Plan and Architectural approvals for the construction of a detached warehouse structure at 9780 County Road.

DISCUSSION:

Mr. Bleuer introduced this project at 9780 County Road, located on the north side of County Road, east of Goodrich Road. It is an existing 3-acre parcel located in the Industrial Business Park zone, containing an existing construction company.

The applicant is requesting Site Plan and Architectural approvals for the construction of an approximately 5,760 sq. ft. warehouse structure behind the existing business. The building would accommodate additional workshop space and storage space, and be constructed with metal siding and metal roofing, with an architectural wall feature on the upper portion of the façade facing County Road. There are no proposed water or sanitary connections at this time.

The Town Board referred this proposal to the Planning Board in August of this year. Due to comments received, the applicant has modified the proposal. Modifications include architectural designs to the south façade of the newly proposed warehouse structure. In October of this year, the State of New York Department of State approved a variance, with conditions, for the distance from the fire hydrant to the proposed warehouse structure.

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

Dan LaPietra with Carmina Wood Design was present to represent this project.

Mr. Tytka asked Mr. LaPietra what the need is for the new building.

Mr. LaPietra responded that it will be primarily used for storage of construction materials.

Mr. Tytka asked how any new water runoff from this building would be managed.

Mr. LaPietra stated that they will be using a perimeter drain from the building that the roof drains will connect to. From there it will fall in to the existing ditch system between the two properties.

Mr. Tytka asked if there will be any new exterior lighting on this proposed building.

Mr. LaPietra stated not at this time, although the owner did express interest in eventually installing wall packs, but nothing at this time.

Mr. Tytka confirmed that there are no new water or sanitary services in the newly proposed building.

Mr. LaPietra responded no.

In regard to Public Participation, no one spoke.

With no one wishing to be heard, Public Participation was closed for this project at this time.

ACTION:

Motion by Daniel Tytka, 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 Stately Builders project located 9780 County Road. This Unlisted Action involves the construction of a detached warehouse structure to the rear of the site. 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	Robert Sackett	Aye

MOTION CARRIED

Motion by Daniel Tytka, seconded by Gregory Todaro to issue **Site Plan and Architectural Approvals** for the Stately Builders detached accessory structure located at 9780 County Road per the submitted drawing by Carmina Wood Design dated July 17th, 2024, with a revision date of September 26th, 2024, and per the architectural drawings by Stately Builders, received in the Planning Office on July 19th, 2024, with a revision received in the Planning Office on October 9th, 2024, all 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, and any conditions of the New York State variance to the Uniform Fire Prevention and Building Code.
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. Landscape Committee approval of a final landscape plan, prior to permits being issued by the Building Department, including any planting details where applicable. In addition, a maintenance plan shall be submitted as part of the landscape plan to ensure landscaping remain in perpetuity, and is maintained or replaced in kind should there be any deterioration, or death and 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, including the installation of approved architectural features to match the principal structure.
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 outside the area depicted as outdoor storage on the approved plan, 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 future proposed 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.

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

ON THE QUESTION:

Mr. Todaro reiterated that should service pack lighting be installed on the doors, they must be dark-sky compliant.

Mr. LaPietra responded yes.

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

MOTION CARRIED.

Meeting **adjourned** at 8:23 p.m. with a motion by Gregory Todaro.

Amy Major
Senior Clerk Typist