

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday, December 4, 2024

Work Session 6:15 pm

Status of SEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:00 pm

Approval of Minutes

Item 1

5445 Transit Road LLC
Major Arterial and Residential Single-Family

Requests Conceptual review of a proposed expansion and redevelopment of an existing commercial plaza into a mixed-use project containing multiple-family housing at 5445 Transit Road.

Item 2

R&D Contracting Inc
Residential Single-Family

Requests Conceptual review of a proposed 2-lot residential Open Development Area with private drive access to Sheridan Hill Drive, east of 8627 Sheridan Hill Drive, SBL 70.15-3-19.11.

Item 3

Clarence Motor and Sport
Industrial Business Park

Requests Concept Plan approval of an automotive self-storage facility at the Southwest corner of Goodrich Road and County Road, SBL 44.00-1-51.2.

Item 4

Transitown Plaza Associates LLC
Major Arterial

Requests Architectural approval of a façade rehabilitation for the Main Street elevation of Transitown Plaza, at 4301 Transit 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:

Junior Planner Andrew Schaefer
Councilman Paul Shear
Deputy Town Attorney Steven Bengart

Other Interested Parties Present:

Mary C. Bellanti	Karl Wende	Bob Luehrsen	Ken Melson
Gayle Melson	TJ Gray	William Long	Jessica Papadakis
Scott Seibert	Maria Karimer	Jo Ann Gullett	Art Gutierrez
Chris Campanella	Maryanne Nowacki		

Motion by Gregory Todaro, seconded by Daniel Tytka, to **approve** the minutes of the meeting held on November 13, 2024, as written.

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

MOTION CARRIED

Item 1

5445 Transit Road LLC
Major Arterial and Residential Single-Family

Requests Conceptual review of a proposed expansion and redevelopment of an existing commercial plaza into a mixed-use project containing multiple-family housing at 5445 Transit Road.

DISCUSSION:

Mr. Schaefer introduced this project at 5445 Transit Road located on the east side of Transit Road, south of Roll Road.

Mr. Schaefer noted that the Planning Board Meeting Agenda incorrectly listed this property as Commercially zoned. This is an existing 13.7-acre property located in the Major Arterial and Residential Single-Family zones, containing an existing commercial plaza and associated facilities.

The applicant is requesting a Conceptual review of a proposed expansion and redevelopment of an existing commercial plaza into a mixed-use project containing multiple-family housing.

If approved, the project would result in a total of approximately 40,000 sq. ft. of commercial space, 26,750 sq. ft. of which currently exists. 81-109 multiple family housing units are proposed throughout the site, with 53 of the units within the mixed-use building to the front of the site, and the remaining 28 units within seven townhouse buildings at the middle of the site. The rear of the site is proposed to remain natural, with approximately 4-acres preserved as permanent open space.

The rear addition of the mixed-use building is proposed to contain 3-stories, and the proposed standalone restaurant on the southwest corner of the site contains a drive-through lane.

Finally, the applicant is requesting that the property be rezoned to Commercial to accommodate this project.

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

A variance will be required by the Zoning Board of Appeals to consider the third story of the mixed-use building.

Dave Sutton from Sutton Architecture was present to represent the applicant, and further reviewed the project.

Mr. Sutton noted that there is an existing 1-story building on site, approximately 27,000 sq. ft. Part of their proposal is a 2nd floor addition on top of the existing plaza, which will house 21 apartments.

Mr. Sutton explained that the rear of the property will include a 3-story addition to the building with approximately 5,000 sq. ft. of commercial space to the first floor and approximately 6,300 sq. ft. of common-area amenities. Additionally, there will be apartments on the first floor.

Mr. Sutton stated that the 2nd and 3rd floors will house an additional 20 apartments each.

Additionally, Mr. Sutton stated that they are proposing a series of 2-story townhouse buildings that are individual units in a rowhouse type environment with attached garages.

Also included in this proposal at the southern portion of the property is a small restaurant with a drive-thru. Mr. Sutton noted that there is no tenant selected at this time, but they feel it is an ideal location for that type of business.

There is a total of 346 parking spaces, Mr. Sutton stated that those are primarily associated with the commercial aspect of the project in the front of the property, but also includes the residential and some overflow of mixed-use.

Mr. Sutton explained that the eastern (rear) 4.1 acres of the property is established and to be maintained as permanent open space, and will not to be developed at any time in the future. The proposed zoning change is only for the unit density to protect the interest of the neighbors to the east. A substantial buffer will be established, they feel that respecting the neighbor's privacy to the east, and focusing their development closer to Transit Road is important.

Mr. Sutton stated that the greenspace they will be providing is a total of approximately 7.6 acres for this proposed project just short of doubling the 4.1 acres that are required in the greenspace requirements.

Mr. Sutton stated that they are focusing on the landscaping associated with the overall proposed project, and are well aware that the landscaping will be developed as the project proceeds. It will be going in front of the Landscape Committee where it will be reviewed in terms of both location as well

as the selection of the types of species and features. The proposed project will rely heavily on landscaping to help soften and buffer the property.

Mr. Sutton explained that the greenspace easement to the east is already established, and they will protect and maintain that as an actual buffer.

Mr. Sutton noted that they understand as part of the approval process, they need to go through the rezoning process from Major Arterial and Residential to Commercial. They also need a Special Exception Use Permit for the 3-story multi-family building in the rear, as well as Development Plan Approval.

Reiterating that this is the beginning of the process, Mr. Geasling asked if part of the rezoning request is to have the back portion of the site remain permanent open space and be deed restricted.

Mr. Sutton responded that it would remain permanent open space, and he assumes that for the Town of Clarence to maintain its interest in keeping it that way, it will involve some type of legal action such as a deed restriction.

Mr. Geasling asked if an agreement has been made regarding cross-access for the property next door.

Mr. Sutton stated that they are in negotiations with the property to the south, and are aware of not only the Town's interest, but also the State's interest. As the designer, he is in full agreement that the access is critical. They have not substantiated anything at this point, but they are in the process of negotiating and will do everything they can on their part to make sure that it happens.

Mr. Geasling asked if and when an agreement is reached, will both of the existing driveways still be required.

Explaining that the two existing driveways are critical currently without the easement, Mr. Sutton explained that they would need to re-evaluate when the easement is established with any restrictions or limitations. Their civil engineering company will review it and communicate directly with New York State Department of Transportation (NYSDOT) about either maintaining or eliminating one of the curb cuts.

Mr. Geasling asked when construction is intended to begin.

Noting that it will be dependent on some sewer approvals, Mr. Sutton stated that they are eager to get started as soon as they are able to. As soon as the approvals are granted, the developer is ready to begin.

Mr. Geasling asked if this is dependent on sewer capacity expansion.

Mr. Sutton responded yes; he believes so.

Referring to the garages in the rear, Mr. Geasling asked who those are intended for.

Mr. Sutton stated that they are intended exclusively for the residents in the primary building. While developing the property, they have found that the garages are in high demand. They are not intended for any outside use.

Mr. Geasling asked how the second-floor residential units are intended to be accessed.

Mr. Sutton noted that they are still in design development, but they are going to access those units from the back of the building and encourage all of the tenants to park in the back.

Mr. Sutton stated that this building will have the same quality materials and the same level of inviting qualities and architectural features on both the front and the back.

Mr. Geasling asked where the mechanical systems will be located.

Mr. Sutton stated that the intent is to have all the mechanical systems on the center of the roof, not visible from sightlines at ground level. The parapets that they have established and the visual lines of the architectural features at the front of the building adequately screen all of the units.

Mr. Sutton noted that the condenser units for the townhouses will be located on the ground. There will probably be two condenser units on each side of the 4-unit buildings. Because of the pitched roofs there is more of a residential quality, so they will establish a location for the units. They will be adequately screened with landscaping.

Mr. Geasling noted that the dumpsters shown on the plans do not appear to be adequate for the number of residents of the proposed buildings, both commercial and residential.

Mr. Sutton explained that all of the garbage is going to be similar to a private dumpster, not through totes. He believes there is adequate size in the dumpster corrals, the dumpster service pick-ups can be increased as needed, which is what they would do if necessary.

Mr. Todaro asked about the concept for lighting on the property, both in the parking lot and on the building.

Mr. Sutton stated that they are all currently under development, but the plan is to use low-level, dark-sky compliant, downward facing light standards in the parking lots. They tend to use more, lower light standards so that they get more focused and are not over-lighting.

Mr. Sutton explained that they are looking to not only provide safety in terms of lighting for the building, but also plan to highlight the building. They are focusing more on night lighting on buildings, because they feel that it enhances the quality of the building not only from Transit Road, but also on all sides of the proposed building. They will all be downward facing and have a 0 footprint on all adjacent properties.

Mrs. Salvati reiterated that any building lighting must be down-lighting.

Mr. Sutton stated that occasionally they use a wall-washer located in the middle of the building which sheds a little bit of light in all directions, but it is very low-level accent lighting.

Mrs. Salvati asked if they plan to utilize 12 ft. lighting standards.

Mr. Sutton stated that it has not been developed yet, and that the number and location of the light standards will dictate their height. It is the intent to do an even disbursement of low-level footcandle light for safety while being dark sky compliant.

Mr. Todaro asked if there will be any spot lighting from the 3rd floor of the proposed apartments on to the parking lot.

Mr. Sutton stated that the only building lighting attached to the building will be highlighting architectural features, no spotlighting projecting away from the building.

Referring to the 4+ acres in the back of the property that will be preserved, Mrs. Salvati asked if it will be kept in its natural state, not mowed.

Mr. Sutton stated that the plan is to maintain the current vegetation that is there, because they feel that it is something that the neighbors are used to seeing. They feel that it is a very nice screening, especially with the depth that they are leaving it.

Mrs. Salvati confirmed that there are no plans to supplement any foliage or trees in the area to be preserved.

Mr. Sutton said no, not unless they are advised to by the Landscape Committee.

Mrs. Salvati asked if the north side of the proposed building will have the same quality of materials and attention as the other sides.

Mr. Sutton explained that the south side will be almost identical to the north side of the building, and all sides of the building will be equally energized.

Pointing out that the proposed buildings to the front are 2-stories and the proposed addition is 3-story, Mr. Bigler asked for the final heights of the buildings to be adjusted.

Mr. Sutton stated that the proposed 3-story building in the back will be proportionally lower than the 2-story building in front. They have included raised parapets to make it more architecturally appealing. The second and third floor will be lower than the existing first floor of this building. So, although the proposed 3-story building in the back may be taller than this building in the front, it will not be a full story taller. They are willing to state that the proposed back building will not exceed 35 ft. in overall height.

Mrs. Salvati stated that on the site data table the height indicated stated less than 45 ft.

Mr. Sutton explained that the table Mrs. Salvati is referring to has been established by the civil engineer and he knows that 45 ft. is the maximum height, so he said less than 45 ft. Architecturally Mr. Sutton has a little more control and can suggest 35 ft. in height.

In regards to Public Participation, the following residents spoke:

1. William Long of 5460 Village Station Circle:
 - would like the residential units on the south side plotted on to the plan
 - concerned with the location of the proposed townhouses to the property line
 - rather than the huge buffer in the back, they could have a buffer on the south side where the townhouses are proposed
2. Bob Leuhrsen of 5534 Via Marina:

- will the 4 acres in the rear of the property going to be cleaned up, it has been a mess for the 35 years he has lived back there
 - will there be a berm put in the back 4 acre area
3. T.J. Grey, Vice President of Real Estate with Valu Properties:
 - in negotiations for the easement
 - concerned with the amount of traffic from all of the additional units
 - concerned with the design of the drive-thru window and the easement, with the stacking-up from the drive-thru in to the easement
 4. Joanne Gullett of 5444 Village Station Circle:
 - asked to see the relation of the proposed greenspace area to Village Station Circle
 - what will abut up to Village Station Circle
 5. Gayle Kroetsch of 5546 Via Marina Dr.
 - concerned with the quality of her life if she has 81 new residents behind her property
 - concerns with the back half of the property rezoned and the possibility of other buildings built on the property adjacent to her property
 - concerned with the value of her property decreasing with the proposed rezoning

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

Mr. Sutton returned to address the concerns, starting with the concern regarding the property to the south in relation to Village Station Circle, they are establishing a setback for that. They plan to provide substantial landscaping that they feel is an enhancement for the property to the south.

The required setback is 25 ft., Mr. Sutton explained that they are working on a balance between developing the property properly while also respecting the neighbors. They are balancing the distance, which is a bit further back than the 25 ft. required, and a substantial amount of landscaping for visual privacy.

Regarding the 4.1 acres to the east, Mr. Sutton stated that they are prepared to enter in to an agreement with some deed restrictions. This would be an important effort to prove to the neighbors that it will not be developed at any point in time. The plan is to offer that as a greenspace permanent open space area which means they agree that they will not develop it in the future. This should provide some sense of assurance that there is not a phase 2 or another development which would impose on those properties.

Mr. Sutton stated that he will take the information and concerns that he has heard tonight back to the developer, including the clean-up that is needed in the back of the property and owner of the property.

Mr. Sutton explained that if a berm is installed, much of the current vegetation is eliminated. While a good idea in theory, replacing a substantial area with a berm would have a negative effect on the greenspace and open area. After the area is cleaned up, if it is still necessary then they will consider adding some supplemental landscaping.

In regards to the drive-thru, Mr. Sutton pointed out on the diagram that they have included the required number of parking spaces to be stacked for a drive-thru. The orientation of the drive-thru is the pick-up window is located on the north side of the proposed structure, with the cars wrapping entirely around

the building. More than double the amount of required stackable cars would need to be present in order to have any type of impediment to a cross-border easement.

Mr. Sutton stated that he will take the concerns to the civil engineer to make sure that they are addressing that concern properly. He is confident that the Planning Board Executive Committee eliminated any potential issues with the drive-thru backing up.

Chairman Sackett explained to Mr. Sutton that when other projects have been presented with substantial resident comment, the developer will typically have a community meeting to address concerns. Meeting with residents and explaining to them with relative to their property and how they will be buffered.

Chairman Sackett noted that many of the concerns heard tonight have involved landscaping, which will be addressed in the Landscape Committee meeting. It is a public meeting that meets on the second Tuesday of the month.

Regarding the land in the back, Chairman Sackett acknowledged that he believes the residents want assurance that there will be no developing by this applicant or any other in the future. That will be a task for the Town of Clarence Legal Department.

Relative to density, Chairman Sackett noted that the proposed project is within code, and that is why the back portion must be considered part of this proposed project.

Chairman Sackett stated that Mr. Sutton has heard some of the concerns from the residents that attended tonight's meeting and hopes that the developer will consider a community meeting.

Mr. Sutton agreed, stating that they usually get very good input that they do not consider during the design process. He will work with the Planning Office for a list of neighboring properties for a public design input meeting.

Chairman Sackett stated that any transactions that take place during a public design input meeting that an applicant may conduct is non-binding. The information needs to come back to a Planning or Town Board meeting to be on the record.

ACTION:

Motion by Jason Geasling, seconded by Richard Bigler, that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies on the 5445 Transit Road LLC proposed expansion and redevelopment of an existing commercial plaza at 5445 Transit Road. This Type 1 action involves the rezoning of the property from Major Arterial and Residential Single-Family to Commercial, construction of ~~84~~ 109 multiple family housing units, and the addition of 13,250 sq. ft. of commercial space and a drive through facility.

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

R&D Contracting Inc
Residential Single-Family

Requests Conceptual review of a proposed 2-lot residential Open Development Area with private drive access to Sheridan Hill Drive, east of 8627 Sheridan Hill Drive, SBL 70.15-3-19.11.

DISCUSSION:

Mr. Schaefer introduced this project, SBL 70.15-3-19.11, located on the south Side of Sheridan Hill Drive to the current terminus of Boncrest West. Existing vacant land of approximately 14-acres located in the Residential Single-Family zone.

The Boncrest West subdivision extension was originally planned for 24 residential sublots, with a u-shaped public road configuration to Sheridan Hill Drive. The westerly portion of the u-shaped road was constructed, and a total of 14 sublots were approved. The eastern portion of the u-shaped road was never constructed, and 10 of the planned sublots were never approved.

The applicant is requesting Conceptual review of a proposed 2-lot residential Open Development Area on approximately 6.11-acres, with a single private drive access to Sheridan Hill Drive. The 2-lot proposal encompasses an area previously planned for 8 sublots.

Finally, the existing public t-stub terminus of Boncrest West is proposed to be converted into a code compliant cul-de-sac circle, with lot line revisions allowing for 2 residential sublots, encompassing an area previously proposed to contain 4 residential sublots, 2 of which were approved.

If approved, this would result in the area containing 16 residential sublots, down from the original 24 planned, and 14 approved.

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

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

Mr. Zollitsch explained that R&D Contracting currently owns the remaining undeveloped portion that is located on Boncrest Drive, south of Sheridan Hill Drive. The applicant is looking to create a 2-lot open development area to the north.

Regarding the south end of the site, that does not involve any board action, it will be an administrative review of lot splits and mergers. Boncrest Drive ends in an existing sub-standard turnaround, they are looking to create a cul-de-sac that conforms to the town code, is curbed and finishes off the road.

Mr. Zollitsch reviewed the cul-de-sac, stating that in speaking with the Town of Clarence Highway Superintendent, they are in agreement that a cul-de-sac would be ideal. This would make it easier for their vehicles to turn-around easier.

Mr. Zollitsch explained that they are proposing a 28 ft. wide private driveway to service the two lots on the approximately 6.1 acres. Each of the lots will be approximately 2.8 acres. They are unable to put in a public road due to not having adequate space based on the Town's requirement.

Mr. Tytka noted that it appears there is an established driveway already being used, asking if the developer has spoken with the neighbor to determine how that will work.

Mr. Zollitsch stated that the developer has not spoken with the neighbors yet, they want to do some research first. They have the abstract of title which recognizes the driveway as an easement with the original owners. Mr. Zollitsch stated that they are currently having the lawyers review the papers to identify if there is any additional language associated with the easement and how it would relate to what they are proposing tonight. The developer would like to have an understanding of where they stand legally, before approaching the neighbor.

Mr. Tytka asked who would maintain the proposed private road.

Mr. Zollitsch responded that there will be some type of Homeowner's Association (HOA) for the two lots that would have a maintenance agreement associated with it. Each lot owner would pay in to the HOA for maintaining the private drive.

Referring to some clearing that will need to be done, Mr. Tytka asked what the plan is to protect the neighbor's properties while clearing the property.

Mr. Zollitsch explained that any clearing that needs to be done will be kept as minimal as possible, they would work with the Landscape Review Committee for the addition of landscaping and buffering. They do plan to work with the neighbors in terms of what they might like to see added for some buffering.

Mr. Tytka confirmed that the developer plans to turn the end of Boncrest Drive West in to a cul-de-sac.

Mr. Zollitsch responded yes; it will be a town standard cul-de-sac.

Mrs. Salvati noted that the first home to the north on the east side of Boncrest Drive West has gone off of their property. At one point they had owned a lot of it, but now that a new private lot would be established, some type of remedy would be needed so that the homeowner understands that the areas that they are encroaching on this property cannot stay there.

Mr. Zollitsch agreed, noting that it will be a matter of finding the original property owners and getting the areas staked out according to a survey.

Mr. Zollitsch stated that with the proposed lots being 2.8 acres, and although he is unsure as to the specifics on any homes that will go in there, they will be custom homes. He added that most of the area will remain wooded at least around the edges to create a buffer.

Mrs. Salvati stated that the Board will be looking for clearing limits to be established should the applicant progress to the next phase.

In Regard to Public Participation, the following residents spoke:

1. Mary Bellanti of 8637 Sheridan Hill Drive:
 - the circle area that is shown on the plans will take away quite a bit of the wooded area that is currently behind their houses. Wants to understand what the impact would have on elevation, her backyard, they already have issues with flooding.
2. Paula Melson of 8627 Sheridan Hill Drive:
 - this proposal has a very large impact on her home, she is located to the west side of the driveway, they have used and maintained that property for almost 20 years

Chairman Sackett pointed out that the driveway Mrs. Melson is referring to is not on her land.

Mrs. Melson stated that she knows that.

Mrs. Melson continued:

- the neighborhood has been established for a long time, and there are several layers of their neighborhood
- approximately 400 ft. from their home or within 3 houses they are talking about putting in another outlet
- they already have a tremendous amount of water in the back of their yards, and it is all septic and their septic is starting to decline so she is concerned with digging too much near it
- concerned about the value and privacy of their home and wooded area in the back
- questioned the specs and road width as presented

Chairman Sackett stated that a private driveway is proposed.

Mrs. Melson continued:

- concerns with how the proposed private driveway would be shared
- concerns with existing holes for electric and pipes as shown on her survey
- wildlife would be infringed on
- who would be taking care of the land
- school is directly behind them, concerns with the children and bus routes

3. Jessica Pappadakis of 8657 Sheridan Hill Drive:
 - the peacefulness of the neighborhood and their property was one of the main draws when they moved in
 - concerns with trees and wildlife being affected
 - concerns with extra traffic on the street
4. Scott Siebert of 4590 Boncrest Drive:
 - concerned about home values, the wooded area is a nice part of it. Moved in 6 months ago and the wooded area was a big reason why
 - may not have purchased this house if he knew this was planned
 - will be able to see the proposed house from his backyard and will see the school with the trees removed
 - there will be a higher noise level with the trees removed

- unsure why the urgency to build at this location when there are still several open lots around the edge of the neighborhood
 - feels it is over-building for the amount of space provided
5. Karl Wende of 4565 Boncrest Drive West:
- proposed homes are out of character for the neighborhood and would be a distraction
 - concerns with drainage
6. Michael Stoffman of 4490 Boncrest Drive West:
- why is the developer focusing on extending and constructing a cul-de-sac at the end of Boncrest Drive West

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

Mr. Zollitsch returned to address the concerns, beginning with the concerns with drainage. Any new developments that occur follow the Town and State Stormwater Management requirements that require them to capture any drainage that is created from new, impervious surfaces and release it at a slower rate. They cannot discharge on to adjoining properties so they will need to something with the drainage, and as they proceed through the process, they will have drainage plans developed for these lots. The drainage plans will be thoroughly reviewed by the town engineer to ensure they will not affect any adjoining property owners.

In terms of the development itself, Mr. Zollitsch stated that they feel what they are proposing here is very much in character with what is there today. Some of the homes on Boncrest Drive West were built by the same builder that may be building these proposed homes.

Mr. Zollitsch stated that this proposal is a change to a project that was previously approved with substantially more lots and really does cram in a lot of homes. Ultimately there were 12-14 undeveloped lots in this neighborhood that they are reducing to approximately 5-6, so they are reducing the impact.

Mr. Zollitsch stated that they are not looking to strip and clear these lots, they understand the advantage of having trees and the privacy they provide to adjacent neighbors as well as the future homeowners. They will most likely clear what will be needed for a house, septic system and a yard.

In regard to the private drive, Mr. Zollitsch stated that it is proposed for 20 ft. so that there will be two-way access, this needs to be reviewed and approved as far as fire code and emergency access for the new cul-de-sac. He cannot guarantee that the proposed driveway will remain at 20 ft. as planned, but it will not be any wider than 26 ft., which is the standard for a fire access driveway.

Mr. Zollitsch stated that there is 50 ft. of property on Sheridan Hill Drive that is owned by R. & D. Contracting. It will not all be paved; they are looking at the 20 +/- ft. that would service the two proposed lots.

Regarding traffic concerns, Mr. Zollitsch stated that with only two new homes, that will not produce a lot of additional traffic and it is a reduction from what was previously approved.

Mr. Zollitsch stated that they feel this is a better proposal from what was originally approved, and certainly better than the u-loop road running through there so that the traffic comes from two homes instead of the potential of 8-10 homes.

Regarding maintenance and maintenance agreements with the adjoining owner that is currently on this property for their driveway, Mr. Zollitsch stated that it is his understanding that it will be a requirement as they move forward. They are open to discussions with that neighbor.

Mr. Zollitsch reiterated that it is early on in the process, and they will take all comments received to work on the development of the project.

Chairman Sackett added that as this process proceeds, they will be working on stormwater management and getting the Town engineer’s approval. The Town of Clarence is very interested in stormwater drainage.

Relative to landscaping, Chairman Sackett asked Mr. Zollitsch to outline limits of disturbance, that is important. Regarding the neighbors to the east and west, they have different concerns, but Chairman Sackett encouraged Mr. Zollitsch to work with those neighbors and share the landscape plan with them so that each other’s needs are understood and agreed on.

Chairman Sackett reiterated to the residents that by sharing their concerns, they are part of the record.

Mrs. Salvati asked why Boncrest Drive West is proposed to be changed to a cul-de-sac.

Mr. Zollitsch explained that in working with the Town’s Highway Department before the proposed project was brought to any boards for review, they discussed a number of various options. Ultimately it was decided that the most satisfactory for the Highway Department would be to change it to a cul-de-sac so that vehicles do not need to back up.

Chairman Sackett reiterated that with new developments, cul-de-sacs are preferred.

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 proposed R&D Contracting Open Development Area at SBL 70.15-3-19.11 in the Residential Single-Family zone. This Unlisted Action involves the proposed construction of a 2-lot residential Open Development Area with private drive access to Sheridan Hill Drive.

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

Clarence Motor and Sport
Industrial Business Park

Requests Concept Plan approval of an automotive self-storage facility at the Southwest corner of Goodrich Road and County Road, SBL 44.00-1-51.2.

DISCUSSION:

Mr. Schaefer introduced this project, SBL 44.00-1-51.2, located on the southwest corner of Goodrich Road and County Road. A previously approved and split 10.6-acre vacant parcel located in the Industrial Business Park zone.

The applicants, Leonard and Julie Higgins, are requesting Conceptual Plan approval of an automotive self-storage facility. The project includes 9 single-story buildings, comprising of 56 individual units, to be utilized for storage of vehicles. Two access points are proposed: one to Goodrich Road and one to County Road. The buildings are proposed to be constructed with a mixture of wood, brick, metal, and Hardie board siding.

The Town Board referred this proposal to the Planning Board in January of 2023. The Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA) in August of 2023. 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.

Representing the applicant were Michael Metzger with Metzger Civil Engineering, Attorney Jeffrey Palumbo with Block Longo, Dave Sutton with Sutton Architecture, and Julie and Leonard Higgins.

Mr. Metzger reviewed the project, noting that each high-end automotive storage unit would be 24 ft. by 48 ft., a place for the vehicle owners to store and spend time with their vehicles.

Mr. Metzger explained that there is a portion of the site that will be used for another use in the future, that has yet to be determined. What they are proposing tonight is located at the back of the property, will be completely enclosed with a privacy fence and two gated access points.

Mr. Metzger noted that they have received a letter from the New York State Office of Parks and Historic Preservation clearing the site from an archaeological standpoint. They also have acceptance Erie County Health Department preliminary for the septic system.

Mr. Metzger added that a habitat assessment study has been done due to concerns that there were a couple of species habituating and / or breeding in the area. This was presented to the Department of Environmental Conservation (DEC) who have since provided a response letter signing off that they have found no concerns or potential habitat.

Mr. Metzger continued to review the project and approvals up to now.

Mr. Lahti asked if this proposed project is intended to be built in phases.

Mr. Metzger stated that it will most likely be built in phases, depending on the market. This is a very unique use, the applicants have received a lot of early interest, but it will depend on how much interest there ends up being.

Mr. Lahti asked, with building in phases, will both access drives be built at the same time, or will one be built before the other.

Mr. Metzger responded that the desire would be to build both access drives at the same time, but it will depend on how big the phase is, and how much money is able to be spent on it at that time.

Chairman Sackett stated that a phased plan will be needed once this project reaches development review with more specificity, we cannot go the way the wind blows.

Mr. Lahti asked what the intended materials are for the proposed buildings.

Mr. Sutton explained that they plan to use all high-end materials including brick water table, natural wood-look for the doors and timbers as well as a vertical board and batten siding that would be a Smart or Hardie board siding, and a shingled roof.

Mr. Sutton reiterated that the materials presented and discussed tonight will be of a high-end material and quality.

Mr. Geasling asked if there would be similar materials in the rear of the building.

Mr. Sutton responded yes.

Referring to the photos, Mr. Lahti asked if they are man-doors shown on the back of the building.

Mr. Sutton responded yes; they are dual-purpose for fire code as well as an opportunity to enjoy a small area of greenspace in the rear. It will give the feeling of a condo-like building for long-term, high-end renters and vehicles.

Mr. Sutton stated that for now they are leaving that area as grass and greenspace, but there may be an opportunity in the future to put in a small pad or something similar.

Mr. Lahti asked if there will be any lighting associated with the man-doors.

Mr. Sutton responded yes; they will provide information for the wall sconce fixture that they intend to use. It is a low-level light for security purposes to illuminate the doors. Mr. Sutton will update the plans to show where and what the lights will entail.

Mr. Sutton stated that the area in the back has been discussed and currently is planned to be a small concrete pad, but may actually be something else, they have not gotten to that plan yet.

Referring to the floor plan, Mr. Lahti asked if the units are intended to be empty inside as depicted.

Mr. Sutton stated that the units that are going to be long term rented and will be offered as a shell with capabilities and access to plumbing so that a bathroom can be installed. They will be able to be built out any way that each specific tenant would like. They are leaving maximum flexibility to allow for a

high potential of development with the intention that each one will most likely have a bathroom and some type of sink.

Mr. Lahti noted that the septic will be sized accordingly for the application of a toilet fixture in each unit.

Mr. Lahti asked if there is any intent to have a dumpster or waste disposal or will each individual tenant need to take care of their own trash.

Mr. Metzger responded that they will most likely have a location for one dumpster, but that will be planned with the development stage. It could be at the far back between a couple buildings, or perhaps at the site entrance off of County Road, with a landscaped enclosure around it.

Mr. Lahti asked if there are plans for mechanicals for the building.

Mr. Sutton explained that they are proposing radiant-floor heat for the units which require a small boiler system for each one of the bays. There are currently no plans for any kind of air conditioning, the boiler unit would be located within the bay, there would be venting associated with it. No outside mechanicals are proposed for this project.

Mr. Lahti noted that whatever venting should match the materials of the proposed building.

Mr. Sutton stated that they have encouraged the builder to locate the venting on the back side of the pitched roof and to color-match the roof color selection.

Mr. Lahti noted that the site data table does not include any information on parking spaces or the number of parking spaces for the use. This needs to be included in future submissions.

Mr. Metzger stated that given the nature of the use itself, in theory someone will be driving up, getting in to their car that is in storage, leaving then coming back. The parking spaces depicted on the plans are intended to be guest parking spaces for other guests that are invited to visit the site.

Mr. Metzger explained that the dashed lines on the plan depict the fire lanes that will be paved in front of the building. There will be space for at least two spots in front of each unit, there is plenty of parking.

Mr. Lahti noted that they would like to see details of that on the plan.

Referring to the exception parcel on the site plan, Mr. Lahti asked if there is a plan for that yet. Part of the septic system extends in to the exception parcel, and asked if it will be included in that exception parcel.

Mr. Metzger stated that the applicants have no current plans for the exception parcel, it will be used for something in the future. They show the limits of where the septic system would be, and the Health Department requires that a replacement area is shown, should the initial system fail. Depending on what happens with the exception parcel, their anticipation is that it could be a shared expansion or replacement area which is why it is shown that way.

Mr. Lahti added that anything planned for the exception area needs to come back with an additional submission.

Mr. Metzger confirmed yes.

Chairman Sackett stated that he would like to see the exception area well defined. Is the replacement area part of the development, or part of the exception area – which then makes it not an exception area.

Mr. Metzger confirmed that Chairman Sackett is referring to the replacement area.

Chairman Sackett stated that what is being excepted when he looks at the diagram is ambiguous, in his opinion.

Mr. Metzger stated that if it makes it easier to understand, they can define the replacement area to be totally outside of the exception area.

Chairman Sackett responded yes; that is what needs to be done.

Mrs. Salvati agreed with Chairman Sackett, noting that looking at prior plans, previously it was shown in the northwest corner, perpendicular to where it is currently shown. It has been shown in several areas, but she would also like to see it removed from the exception area.

Referring to the fence that is proposed to go around the property, Mr. Todaro asked Mr. Metzger to describe the fence.

Mr. Metzger stated that the fence will not be around the entire property, just the area that they are developing with this proposed project. It will be a solid - privacy fence more than likely wood, that will encompass the buildings. The fence will be 6' high and have gates located at each access road.

Mr. Todaro stated that the backside of the proposed building should be broken up with perhaps faux barn doors or different architecture. It currently looks like a big wall of barn and does not look attractive from certain views traveling down County Road or Goodrich Road.

Mrs. Salvati stated that she agrees with Mr. Todaro, referring to a different project nearby that originally resembled this project in the same way Mr. Todaro is referring. The Board did not accept it, consistently pushed back and asked them to make improvements.

Mr. Todaro added that the rear view of these proposed buildings will be all symmetrical and large, they need to be broken up in some way.

Chairman Sackett stated that final architectural approval is at the development stage, this is advisory at this point.

Discussion continued regarding the back wall.

Mr. Sutton explained that the plans showing the back walls do not show a true picture of what it will look like. They can add some additional landscaping, and the proposed fencing will also add to the view of the back area. They will consider adding some dormers also, and all of these suggestions combined may adequately take care of the view of the back of the buildings.

Mr. Todaro stated that the two directions to focus on are eastbound on County Road and northbound on Goodrich Road.

Discussion continued.

Mr. Todaro stated that this corner is the gateway from the north in to town, an important corner.

Mr. Geasling asked about the sides of the building, where the floor plan appears to have some exterior accessible space, some bump-outs on the end units.

Mr. Sutton stated that they are the mechanicals for the entire building. The bump-outs are an enhancement of the corner units that give a premium quality to the corner units.

Mr. Lahti asked about the wetlands on the site, confirming that they will not be disturbed.

Mr. Metzger confirmed that is correct, stating that the only wetlands are down in the corner where the Erie County drainage ditch cuts across the property at the intersection of Goodrich Road and County Road.

Regarding Public Participation, no one spoke.

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

Mrs. Salvati asked if there will be any lighting standards or other site lighting that will be included as part of this proposed development.

Mr. Metzger stated that the applicant’s intent is to have the lighting solely on the buildings, but if there is a code requirement that indicates lighting is needed along the access paths, it would be low-level lighting for demarcation purposes.

Regarding fencing, Chairman Sackett noted that the Landscape Committee will be looking for detail.

ACTION:

Motion by Jason Lahti, seconded by Richard Bigler that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Environmental Assessment Forms as prepared and to **issue a Negative Declaration** on the proposed Clarence Motor and Sport project at the southwest corner of Goodrich Road and County Road in the Industrial Business Park zone. This Unlisted action involves the construction of an automotive self-storage facility, and associated facilities. 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 Richard Bigler, to **approve** the Clarence Motor and Sport **Concept Plan**, located at the southwest corner of Goodrich Road and County Road, SBL 44.00-1-51.2, per the submitted plan by Metzger Civil Engineering, dated February 28th, 2022, with a final revision date of November 22nd, 2024, and to **approve** the **Conceptual Architectural** drawings by Sutton Architecture, dated February 4th, 2022, 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 Erie County Department of Public Works approval for the proposed access points to Goodrich Road and County Road.
6. Subject to Erie County Health Department and New York State Department of Environmental Conservation approval, if required, for the proposed on-site sanitary facilities.
7. Landscape Committee approval of a final landscape plan, prior to Development Plan approval, including any planting, dumpster or tote enclosure fencing, and stone wall 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.
8. Review of a lighting plan prior to Development Plan approval. All site lighting shall comply with the 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. Any and all security lighting shall be depicted on the lighting plan.
9. 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 or blank wall areas. Building materials to be used shall be of industry standard high quality for durability and appearance.
10. Any exterior building mechanicals shall be identified, detailed, and shielded on any future Development Plan submittals.
11. Interior building details and floor plans to be submitted as part of the Development Plan review, with sufficient business plan detail provided to the Town so as to understand and control the nature and range of potential site activity.
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 if required by code.
14. No unapproved outside storage or display of any kind on the property, including, but not limited to vehicles, goods, materials, and debris.

15. Any future proposals on-site or within the exception areas as depicted on the approved plan shall be subject to a thorough review under the State Environmental Quality Act.
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.

Mr. Metzger requested clarification on condition numbers 11 and 13.

Mr. Lahti stated that condition No. 11 refers to potential kitchenettes, bathrooms and similar details that are added.

Mr. Higgins requested further clarification.

Mrs. Salvati stated that a better understanding of the intended purpose or intended use of the spaces.

Discussion continued.

Mr. Metzger stated something that shows the interior including the intended use.

Mrs. Salvati responded yes; and some units may have a bathroom, a kitchenette or other amenities.

Mr. Sutton stated that they can update the plans to indicate where the bathroom and kitchenette might go. Although it will not be part of the building plans, they can show a representation on how they might visualize the tenant using the space.

Mrs. Salvati explained that the importance of having that is so that there is an understanding of what is intended, and the use does not go outside of that realm. To make sure that these spaces are not being used as small businesses. The Town wants to have some kind of control of what exactly they are approving, and that nobody is living there in these units with their car.

Mr. Metzger identified condition number 13 and the mention of curbing and requested clarification.

Chairman Sackett stated that would fall under the Landscape Committee purview, it should be detailed for that committee.

Mrs. Salvati noted that the condition states that all parking areas shall be curbed except for any pedestrian access ramps. On the plan where the 4 visitor parking areas are identified, they will need to have curbing.

Mr. Metzger stated that he does not think they are the point where they can say that is what their intent is. That would add a lot of cost to the project.

Chairman Sackett stated that they are saying they would like to protect the shrubbery and the grass, both of which are adjacent to the areas. Also, for snow plowing, they would like to help maintain the integrity of the areas for the life of the project.

Mr. Metzger reiterated that they cannot commit to putting curbing in those areas, he does not believe it is a code requirement. In a Commercial zone there is the requirement that entrances be curbed up to the front face of the building, but this is the Industrial zone.

Mr. Bigler noted that there may potentially be two parking spots in front of each bay, those cannot be curbed. He agrees that it should be curbed by the town code, but the rest is up to the applicant and what he wants to do to protect his building.

Discussion continued regarding the verbiage for condition for number 13.

Mr. Bigler added that if there are going to be a couple of parking spots in front of each bay, they should be shown on the plans.

Mr. Metzger heard, understands and agrees to the conditions as amended.

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

Transitown Plaza Associates LLC
Major Arterial

Requests Architectural approval of a façade rehabilitation for the Main Street elevation of Transitown Plaza, at 4301 Transit Road.

DISCUSSION:

Mr. Schaefer introduced this project at 4301 Transit Road, located on the south side of Main Street, east side of Transit Road.

Existing 23.5-acre property located in the Major Arterial zone, containing an existing commercial plaza and associated facilities.

The applicant is requesting Final Architectural approval of a façade rehabilitation for the Main Street elevation of Transitown Plaza. The façade is proposed to feature a mixture of materials, including brick, dryvit, azek, and composite siding.

A portion of the existing façade has fallen off the building, prompting the comprehensive rehabilitation of the entire Main Street elevation. Based on comments received, the applicant has added height to the proposed façade in an effort to hide the existing rooftop mechanicals, and proposed to plant eight (8) street trees along Main Street.

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

Dave Sutton with Sutton Architecture was present to represent the applicant for this request, reiterating that this project does not add any square footage or modify the footprint of the building. They are strictly enhancing the façade that has fallen off of the building. The Main Street portion of the plaza is being refreshed and updated.

Mr. Sutton explained that the mechanicals on the building are currently not screened, therefore they are taking this opportunity to screen them. Mr. Sutton cautioned the Board that they are at their maximum

height and to go up any high would start getting in to drifting concerns and structural integrity, fortifying the building and would put this proposed project out of budget.

Mr. Sutton noted that there have been a number of phased enhancements around the perimeter, with this phase being one of the final and perhaps most important, as it has the Main Street exposure. A series of high-quality materials, enhancing a more coordinated sign opportunity to bring the plaza up to date and refreshed.

In terms of materials, Mr. Sutton stated that a thin brick, Hardie board siding, and some dryvit to tie-in the existing façade.

Mr. Sutton stated that they have been in negotiations with the New York State Department of Transportation (DOT) and will be introducing 8 trees which are indicated on the partial site plan. They are in the process of developing a formal agreement to place the trees in the right-of-way.

Mr. Todaro noted that regarding the trees, the applicant will be working with the Landscape Committee with those. It sounds like permitting is forthcoming with the NYSDOT. If it does not happen, they will need to make other accommodations.

Mr. Todaro asked about the pagoda on the property and whether that will change at all to match the building.

Mr. Sutton stated that as of now it is not in their plans, understanding that they are putting a substantial amount in to the façade, and there is no revenue being generated by the kiosk. They are hoping that with the new façade, perhaps a new tenant will be interested in occupying the kiosk.

Mr. Todaro asked if there is any outside dining.

Mr. Sutton responded that he believes the pizzeria puts out a small table and chairs, but he understands that is considered outside dining and may require a permit. He has directed his client to suggest to the pizzeria that they cannot do any outside dining and if they want to, they need to go through the proper channels to have it approved by the Town.

Mr. Todaro asked what will happen with the current business operations during construction.

Mr. Sutton noted that it will be a challenge, as all of the tenants will be fully operational during construction. They respect the fact that any interruption to business would be detrimental to any of the businesses. They intend to work with the contractor to perhaps do construction in phases, or whatever they need them to do to protect the entrances of the building. Once inside they are 100% code compliant, safety is a priority.

Regarding building stabilization, Mr. Todaro noted that it appears the western portion of the building may not be stable.

Mr. Sutton noted that the western portion of the building has a substantial overhang, which they will be removing a large amount of, leaving approximately 20' - 25' of the overhang. They would like to make

the façade enhancement integral with the updates to the front of the building, wrapping the overhang around to the front. The portion that they felt was unsafe due to structural integrity will be removed.

Mr. Todaro added that this will be a big improvement on this corner of the plaza.

Mrs. Salvati asked about the signage for the new façade and if the previous signs were destroyed, or will the businesses use the same signage as what was there.

Mr. Sutton stated that it is their intent that any signage that is put up has a more unified look to it, but he is unable to answer that entirely. He may not be able to prevent some of the tenants from using their own color scheme and logo. The owner of the property is interested in having a more unified look there than what was there previously.

Chairman Sackett asked that any new signage comes to the Sign Review Committee, which they will take into consideration if it was previously approved signage. Administratively the Planning Office will determine if it needs to go to the full Sign Review Committee.

In regard to Public Participation, the following resident spoke:

1. Ned Gian, property owner and applicant:

- has always appreciated being told this plaza is the jewel of the intersection and entryway in to Clarence
- took the design of Mr. Sutton and think it will be great; they are happy to work with him

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

ACTION:

Motion by Gregory Todaro, seconded by Wendy Salvati, to issue **Final Architectural Approval** for the Transitown Plaza Main Street façade rehabilitation at 4301 Transit Road, per the submitted plan by Sutton Architecture, received in the Planning Office on November 22nd, 2024, with the following conditions being met:

1. Building façade to be constructed per the labelled and approved materials and colors. All building materials to be used shall be of industry standard high quality for durability and appearance.
2. Installation of eight (8) street trees within six (6) months of this approval, and per the submitted plan by Nussbaumer and Clarke, dated November 25, 2024. Trees shall remain and be maintained in perpetuity and shall be replaced in kind should there be any deterioration, disease or death.
3. Should the applicant not obtain a permit from the Department of Transportation for planting within six (6) months of this approval, or any subsequent replanting, of the street trees in the State right-of-way, applicant shall submit a plan within seven (7) months depicting required trees within newly proposed pervious surfaces to be located within the existing plaza parking lot, and subject to Landscape Committee review and approval. Such site work and planting shall occur within one (1) year of this approval.
4. Subject to Open Space, and any other applicable fees as required by Town Code.

5. All new signage to come for approval to the Planning Department and / or Sign Review Committee as determined by the Planning Department.

Mr. Sutton 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	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED.

Meeting **adjourned** at 9:10 p.m. with a motion by Wendy Salvati.

Amy Major
Senior Clerk Typist