

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday, February 5, 2025

Work Session 6:30 pm

Status of SEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:00 pm

Approval of Minutes

Chairman Robert Sackett called the meeting to order at 7:00 p.m.

Councilman Shear led the Pledge of Allegiance.

Planning Board Members present:

Chairman Robert Sackett
2nd Vice-Chair Wendy Salvati
Jason Geasling
Daniel Tytko

Vice-Chair Richard Bigler
Gregory Todaro
Jason Lahti

Town Officials Present:

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

Other Interested Parties Present:

James Boglioli Ari Goldberg Michael Metzger Matthew Hudi

Item 1

Benderson Development Requests Conceptual review of a proposed
Major Arterial Trader Joe’s grocery store at 5017 Transit Road.

DISCUSSION:

Mr. Bleuer introduced this project at 5017 Transit Road. East side of Transit Road, located north of Sheridan Drive.

It is an existing 1.3-acre parcel located in the Major Arterial zone, containing an existing commercial structure and associated parking, formerly home to an Applebee's Restaurant. In 2022, the site was proposed to contain a quick service restaurant and drive-through, which was ultimately never approved due to unsolved traffic pattern / flow issues.

The applicant is requesting preliminary Conceptual review of a proposed 13,500 sq. ft. retail grocery store, known as Trader Joe's, with associated facilities. Three (3) access points are proposed for the site, all of which would be through the existing Eastgate Plaza. The existing building is proposed to be demolished, and the new building would feature a variety of materials including brick, stone, and Hardie board siding.

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

The retail building is proposed to have a 10' side yard setback. Should that remain unchanged, the applicant will be required to seek a variance from the ZBA.

Attorney James Boglioli with Benderson Development was present to represent this proposed project.

Mr. Boglioli stated that they are proposing to demolish the entire existing building. The site currently maintains a full access driveway as the main driveway that cuts through to access the signal or to the restaurant to the north. There is also a curb cut to the east of the property that accesses the traffic pattern and parking lot of the plaza to the east.

Mr. Boglioli stated that they are proposing large sidewalk areas on both the north side and the west side of the building. Parking lots around the building consist of parking along Transit Road, the main access drive, along the back, and a row in the middle of the parking lot on the north side. There are 98 parking spaces on the site, with a pedestrian connection to the large parking lot that services the plaza to the east of this site.

Referring to the slides Mr. Boglioli noted that they have reconfigured the main access mid intersection for this area by closing the through way. This will benefit traffic all along that area and not just for Trader Joe's. After careful consideration they have made the access road to the north a right-in only. They did not add a right-out because the theory is to drive directly in, and distribute amongst the parking lots and not have to go through the main and busier intersections in the shopping center. So rather than taking people back out and towards the intersection, they can go out using the exit on the back / east side of the property, and head to Greiner or Transit. Mr. Boglioli added that they have made a number of traffic improvements with the site.

Mr. Boglioli explained the truck access and then following the truck route through the shopping center that the other trucks follow.

Regarding the landscaping, Mr. Boglioli stated that they are proposing significant improvements to the site, adding greenspace and trees, landscaping on the northwest corner of the site, and doubled the two landscape beds along Transit Road to four landscape beds. They are proposing all new landscaping to blend in with the existing landscaping in the shopping center. They are proposing the addition of two islands in the middle of the parking lot with trees, and re-working other landscaping beds that are currently on the site.

Mr. Todaro noted that the proposed materials will be similar to several other buildings on the site.

Mr. Boglioli explained that the proposed structure will consist of brick, Hardie board, EIFS trim, there is an overhang, and the proposed building resembles the Neat restaurant building without the wood. This proposed building is 4-sided, with the elements carrying all the way around.

Regarding the 10 ft. setback on the south side, Mr. Todaro confirmed with Mr. Boglioli that they will be seeking a variance.

Mr. Boglioli responded yes; they will be looking to match the existing condition, keeping it consistent with what is there currently. The building is set 10 ft. off of the side yard and they would like to set the proposed building 10 ft. off of the side yard. Because the setback is 25 ft., if they set that building at 25 ft. it comes 15 ft. in to the middle of the proposed parking lot and then the proposed parking will not work.

Mr. Todaro asked Mr. Boglioli where they plan to place the mechanicals.

Mr. Boglioli stated that that they will be on the rooftop, and they are proposing parapets that will conceal the mechanicals.

Referring to the elevations, Mr. Todaro noted that there is no other lighting aside from the standards that are placed in the parking lot.

Mr. Boglioli responded yes.

Mr. Todaro noted that those will need to be detailed.

Mr. Boglioli responded yes.

Mr. Todaro asked what the demolition time is for the current building.

Mr. Boglioli stated that they are applying for the permit and if this process goes forward, they will continue with the demolishing application process.

Mr. Todaro asked what the proposed project plan is from beginning to end.

Mr. Boglioli expressed that they would like to begin construction in April, and have the store open before the holiday season of this year.

Circling back to the lighting standards, Mr. Todaro asked Mr. Boglioli about the height of the lighting standards, adding that the Planning Board would like to limit them to 12 ft.

Mr. Boglioli explained that it is difficult in parking lots such as this one proposed, because they do not have room to spread the light standards out. Their plan is to have the main lighting area be consistent with the shopping center right behind this proposed project.

Mr. Todaro asked what height the lighting standards in the shopping center are.

Mr. Boglioli responded that he believes they are at 20 ft., but he will confirm.

Mrs. Salvati asked if they would consider 15 ft. lighting standards.

Mr. Boglioli stated that he will take a look at it. The issue is where they would be able to put additional light standards because they do not have many islands to put them in on this property, and they do not want large dark areas. As the light height drops, the spread drops down which causes dark areas. Mr. Boglioli said that he will discuss with the developer if they can drop the standards to 15 ft., and avoid the dark areas.

Mr. Geasling asked about the entrance driveway and how the ring road gets busy. His concern is exiting vehicles that want to go north will not be able to get out of the proposed driveway.

Mr. Geasling suggested making the northern driveway an in-and-out with the ability to re-enter the plaza by making a left on to the ring road.

Mr. Boglioli stated that he has no issue with that, and they did originally consider that option. The proposed driveway could pull people away from the main driveway, which would clear that area up quicker. If the Board's preference is to have an in-and-out, he can do that but his goal was to draw traffic away from the main intersection.

Mr. Boglioli stated that they did run the options past their traffic consultant, who did not have a preference. His feeling is to spread traffic through the shopping center and not centralized at the one intersection.

Mr. Geasling noted that theoretically that sounds like it would work, but realistically how it operates and he sees how the northbound ring road gets stuck at that intersection because the left turn gets backed up.

Referring to the pedestrian crosswalk landing area, Mr. Salvati noted that pedestrian safety needs to be factored in to the traffic discussion as well. Mrs. Salvati asked if there will be any sort of protections around the pedestrian landing area.

Mr. Boglioli stated that it is currently an open striped area, but they can add bollards to the area.

Discussion continued with thoughts on different ways to have pedestrian safety around the crosswalk area.

Mr. Boglioli said that he would look in to possibly curbing the area, which would make snow less of an issue.

Chairman Sackett stated that he agrees with Mr. Geasling's observation that if there is not a good reason to limit access, to think about going both ways with the in-and-out.

Regarding 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 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 Benderson Development Trader Joe’s Retail Grocery Store project at 5017 Transit Road. This Unlisted action involves the demolition of an existing vacant restaurant and the construction of an approximately 13,500 sq. ft. retail grocery store and associated facilities, in the Major Arterial zone.

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

9775 Main LLC.
Commercial

Requests a Minor Subdivision of land to create one (1) new lot at 9775 Main Street.

DISCUSSION:

Mr. Bleuer introduced this project at 9775 Main Street, located on the south side of Main Street, east of Gunnville Road.

An existing 6.69-acre property containing a vacant principal structure and multiple outbuildings, formerly containing a business known as Glamour Pools, all in the Commercial zone.

The applicant is requesting a Minor Subdivision of land to create one (1) new building lot, with frontage on Main Street. The newly created lot would contain approximately 5.22-acres, with 297’ of frontage. The remaining parent parcel would retain the main principal and accessory structures on approximately 1.47-acres, with 182.5’ of frontage.

The applicant has provided an assurance letter that the existing shed and remains of a building on the newly created lot will be demolished and removed within six months of approval.

The applicant has also agreed to submit a drainage and grading plan to the Engineering Department for review and approval prior to filing of the Minor Subdivision in the Erie County Clerk’s office.

Should any future lot line modifications be proposed, they will be subject to review and approval by the Planning Office.

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

Ari Goldberg with the law firm Barclay Damon and Michael Metzger with Metzger Engineering were present to represent this request.

Mr. Goldberg noted that this is a simple Minor Subdivision request of the existing parcel. This project has previously been to the Planning Board Executive Committee where there was a lot of consideration about squaring off the lot to make it a more regular shape. Mr. Goldberg stated that after consideration, the applicant is not willing to make that adjustment. Visone Development is an experienced developer in the area and do understand the ramifications of an irregular shaped lot.

Mr. Goldberg added that the proposed split does give the applicant the most access on to Main Street, and the most flexibility with adding more curb cuts in the future should that happen.

Referring to the minor encroachment from 9829 Main Street on to the property, Mr. Goldberg explained that a condition on any approval would be to provide cross-access easement or similar real estate instrument that demonstrates that the encroachment is sufficient.

Mr. Goldberg recognized that the applicant needs to work through the drainage issue with the Town Engineer. They did consider shifting the rear setback over to the west more, but they would then need to go in front of the Zoning Board of Appeals because the shed in the back is set back 15 ft. as designed.

Mr. Goldberg acknowledged that there were some difficult decisions made to arrive at this lot line, but they are comfortable working with the Town Engineer to make sure that he feels comfortable with the proposed drainage.

Mr. Tytka asked what the need is for the proposed split.

Mr. Goldberg explained that it helps with marketability and redevelopment of the remainder of the site. Currently most of the development has shifted to the west side, and this proposed split will increase the potential for increased development to the east.

Mr. Tytka asked if the parcel to the west is under contract to be sold.

Mr. Goldberg stated that he can not attest to any of the on-goings with that parcel.

Mr. Tytka asked if there are any drainage plans currently, or is the development of drainage plans contingent on tonight's approval.

Mr. Metzger stated that there are currently no plans for the property, nor have they developed any grading and drainage plans. He is 100% confident that whatever might be proposed in the future will work out without any issues.

Mr. Tytka confirmed that the applicant will work with the adjacent property owner for cross-access.

Mr. Tytka asked what will be done with the accessory buildings that are currently on the lot lines.

Mr. Goldberg explained that the shed that is to the immediate west of the westerly lot will be removed. They have agreed to remove it within 6 months of the Planning Board's approval. The remains of an existing building in the rear will also be removed within the same time frame.

Mr. Goldberg stated that if the Planning Board chooses to make that a condition of approval, the conditions will be accepted.

Regarding Public Participation, no one spoke.

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

Mr. Bleuer clarified that the Town Engineer does not have any interest in whatever may occur with the proposed new lot at this time, but specifically will want proof that the westerly lot will not drain on to the newly created lot.

Mr. Metzger stated that he will work with the Town Engineer on that.

Mr. Goldberg asked what the required setback is for the driveway in to the newly proposed parcel, and what happens if the Town Engineer discovers that it is determined they need to adjust the lot line.

Mr. Bleuer explained that the Planning Office has the ability to move lot lines through a Lot Line Adjustment application. If there are lot-line adjustments required through the Engineering Department, and if they are compliant with the zoning code, they would be able to do that administratively. The application and the standards can be found on the Town of Clarence website.

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 Form as prepared and to **issue a Negative Declaration** on the proposed 9775 Main LLC. Minor Subdivision at 9775 Main Street. This Unlisted Action involves a lot split to create one (1) lot in the Commercial zone. After thorough review of the submitted plans, 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	Nay	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED.

Motion by Daniel Tytka, seconded by Gregory Todaro to **approve the 9775 Main LLC. Minor Subdivision** at 9775 Main Street, per the submitted survey by KHEOPS Surveying, dated January 26th, 2023, subject to the following conditions:

1. Applicant shall demolish and remove from the property, the “SHED” and “REMAINS OF THE BLDG” as shown on the survey, within six months of this approval, and per the assurance letter submitted by the applicant to the Town on January 27th, 2025.
2. Applicant shall submit a drainage and grading plan to the Town Engineering Department for review and approval prior to filing the Minor Subdivision of land in the Erie County Clerk’s office.
3. Applicant shall submit a final survey to the Town Planning Office for review and approval prior to filing the Minor Subdivision of Land in the Erie County Clerk’s office.

4. Applicant shall submit to the Town Planning and Attorney's Offices, a cross-access agreement for parking associated with 9829 Main Street, currently shown on the survey encroaching into the newly created lot. Once approved by the Town, applicant shall file same in the Erie County Clerk's office and provide a stamped "FILED" copy to the Town Planning and Attorney's Offices after recording.
5. Review and approval by the New York State Department of Transportation for access to Main Street.
6. Review and approval by the Erie County Health Department for on-site sanitary facilities for the property.
7. Review and approval by the Town Building and Engineering Departments for any future construction on the property.
8. Should any drainage easements be required by the Town to address on-site drainage issues on the property, appropriate easements shall be submitted by the applicant and approved by the Town Engineering, Highway and Legal Departments. If required, applicant shall file same in the Erie County Clerk's office and provide a stamped "FILED" copy to the Town Attorney's Office after recording. If such easements are required, no Building or other permits shall be issued until the approved and filed additional easement has been received and accepted by the Town Attorney's Office.
9. Any permanent signage shall be subject to review and approval by the Sign Review Committee, and any temporary signage subject to review and approval by the Office of Planning and Zoning.
10. Open Space, Recreation, and any other applicable fees as required by Town Code.

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

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

MOTION CARRIED.

Meeting **adjourned** at 7:28 p.m. with a motion by Gregory Todaro.

Amy Major
Senior Clerk Typist