

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday April 20, 2016

Work Session 6:30 pm
Status of TEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:30 pm

Approval of Minutes

Item 1

Natale Builders/Creekwood Meadows OSDS
Residential Single Family

Requests amended Concept Approval for a previously approved Open Space Design Development.

Item 2

Bristol Village
Planned Unit Residential Development

Requests an amendment to the Planned Unit Residential Development to allow for additions to the existing facility at 8455 Clarence Center Road.

Item 3

Braunscheidel LGS Property Services
Industrial Business Park

Requests Concept Plan Review of a proposed new structure at 9610 County Road.

Item 4

Enterprise Automotive
Traditional Neighborhood District

Requests a recommendation for a Building Permit and Architectural Approval for additions/rehabilitation to the existing structure at 6755 Transit Road.

Chairman Robert Sackett called the meeting to order at 7:30 p.m.

Councilman Chris Greene led the pledge to the flag.

Planning Board Members present:

Chairman Robert Sackett
2nd Vice-Chairperson Wendy Salvati
Steven Dale

1st Vice-Chairman Richard Bigler
Gregory Todaro
Jeffrey Buckley

Planning Board Members absent: Timothy Pazda

Town Officials Present:

Director of Community Development James Callahan
 Assistant Director of Community Development Planner Jonathan Bleuer
 Councilman Paul Shear
 Councilman Chris Greene
 Deputy Town Attorney Steven Bengart

Other Interested Parties Present:

Paul Winzenried	Lori Winzenried	Stephen Langdon
Bill Szabo	John Krystek	Rich Clay
Cindie Clay	Kevin Sexton	Gail Sexton
R. Blaggan		

Motion by Gregory Todaro, seconded by Steve Dale, to **approve** the minutes of the meeting held on April 6, 2016, as written.

Jeffrey Buckley	Abstain	Steve Dale	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sacket	Aye

MOTION CARRIED.

Chairman Sackett explained the procedure for the meeting noting that Jim Callahan will introduce each project. The applicant will have the chance to add comments. The Board will ask the applicant additional questions. People from the audience are invited to speak on the project. The Board will take the cumulative questions/comments and either the Board or Mr. Callahan will address them. The applicant will be asked to address further comments if necessary. The Board will then take action on the project.

Item 1

Natale Builders/Creekwood Meadows OSDS Residential Single Family	Requests amended Concept Approval for a previously approved Open Space Design Development.
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DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the north side of Roll Road, west of Newhouse Road. It is existing vacant property located within Erie County Sewer District #5. The Town Board will have final approval authority on this concept.

Ken Zollitsch, of Greenman Pedersen, is present on behalf of Natale Builders. Mr. Zollitsch explained that the project was approved under a different owner. Natale became involved and took over the project. To meet their product and their needs they re-examined the site and introduced a new concept. They decreased the lot size, the proposal is now at 30 as opposed to 26. They are still utilizing the Open Space Development Overlay. They have increased the total amount of open space, part of this is due to the increase in the size of the wetlands on site since the original delineation was done years prior to this. They are at 13.1 acres which is well over the 50% required. The lots will be located on a private drive

feeding off of Roll Road. There will be a private water line which will be serviced by a public sewer from Erie County. The applicant has come to an agreement with Erie County regarding the sewer and the service as well as some additional items that need to be done in order to service the project, this includes per lot charges to Erie County as well as the extension of the sanitary sewer line along Roll Road to the three (3) neighboring properties to the west. They are providing emergency access to the cul-de-sac located to the north, which is a result of discussions with the Town and East Amherst Fire Department. Because there is a single feed off Roll Road, for safety concerns they provided this access in case of emergencies blocking the main road, they will have a paved gated access drive. It will only be used by emergency vehicles. While they are limited this access to emergency vehicles only, they want to keep it open for pedestrian access. Mr. Zollitsch said they plan on putting in a walking path throughout the development which will be subject to approval by the reviewing agencies.

Mr. Zollitsch confirmed that there are no sidewalks planned for the neighborhood. Chairman Sackett noted that in a previous conversation the applicant has not been averse to posting no parking on one side of the street as a safety issue. Mr. Zollitsch said that is correct.

Chairman Sackett asked why the walking path doesn't go around the conceptual retention pond. Mr. Zollitsch said that since the project is at conceptual stage they just wanted to indicate that they agreeing to provide a walking path in the open space. They will agree to loop it back on itself so it does not dead end. They are not sure if they want to go around the pond or further east with the path. Mr. Zollitsch concurred that the applicant is willing to support the concept of the path around the pond provided that the agencies involved will allow them to do so.

Chairman Sackett asked what the measurement is for the distance between the road and the neighboring driveway to the west. Mr. Zollitsch said it is 128'. He went on to explain that they tried to line up the entrance with the street to the south to avoid any conflicts. They put the road further to the west as to not impact the wetlands, on this overall development they are impacting less than a half-acre of wetlands.

Chairman Sackett asked if the applicant would be opposed to landscaping along the road in the non-wetland area to avoid the headlights of vehicles exiting the development from casting light on the neighbor's property to the west. Mr. Zollitsch said there is a 30' buffer and the applicant is willing to supplement with plantings.

Chairman Sackett asked if there will be some type of lighting at the entrance of Roll and the subdivision. Mr. Zollitsch said yes they agree to some type of lighting at the intersection.

Chairman Sackett said the Highway Superintendent noted that there is a street light near the access going out to Fieldbrook Drive. Mr. Zollitsch said they would move that if needed.

Mrs. Salvati asked for clarification on the 30' buffer. Mr. Zollitsch said there is approximately 30' between the private drive and the neighboring property line. There is some vegetation there now but they will supplement that area with more plantings. They will work with the Landscape Committee. There will be some utilities running through that area as well. Mrs. Salvati suggested planting species of trees that are going to survive.

Mr. Dale asked if the applicant anticipates having curbs, and if so will they be raised curbs or gutter curbs. Mr. Zollitsch said they are still examining this, if there is a curb it would be a gutter curb.

Mrs. Salvati voiced her concern regarding the wetlands specifically on the western side and asked how the applicant will address potential encroachment or impacts to the wetland. This would have to be done by including language in the Homeowners Association covenants that would be reviewed by the Town Attorney's office. Mr. Zollitsch said the property lines shown will be exactly what the property owners have, everything outside of that will be common area controlled by the Homeowners Association as well as the lawn maintenance and the snowplow maintenance. This helps to reduce the risk of encroachments.

Paul Winzenried, of 8270 Roll Road, said this project will impact him more than anyone in this room. He voiced his concern regarding the increase in traffic, the noise, and the headlights. There is 300' of frontage on the lot, the road is being packed in 20' off his property line, there is no reason it can't be moved away from the south entrance. In trying to maintain his privacy he would like to see some type of berm with trees between his property and theirs. Chairman Sackett said it looks like the house is at the same depth from the road and is equal to the area of wetlands at the project site. If it is not wetland it can be landscaped more heavily because of lack of DEC control. Mr. Winzenried said his property is going to decrease in value. He also voiced his concern with drainage noting that his property towards the north is wet to begin with, he wonders if this project will increase that. Chairman Sackett explained that because over one (1) acre of land has been disturbed, the applicant needs to obtain a Stormwater Permit in order to get to the Development Plan stage. The applicant has to guarantee that no water will drain onto adjacent land. Mr. Winzenried asked if the sewer extension is going to come across the three (3) properties to the west. Chairman Sackett confirmed that the applicant said they would go three (3) lots to the west with the sewer extension. Mr. Winzenried asked if there will be a cost to the property owners for that sewer extension. Vehicles have ended up spinning out and on his front lawn when coming from Oakdale, he sees this proposal as a potential hazard.

Michael Wesolowski, of 5583 Fieldbrook Drive, said he is not against business but he is suspicious because the applicant approached his neighbor a month ago to buy some of their property so they could have an emergency exit. They balked at the price for whatever reason. The house adjacent to that went up for sale and Natale Builders is in the process of buying that property now. He went on to say that when anyone buys a house on cul-de-sac it is assumed that it is a private street. He has an 11 year old son and many neighbors in the area. He is concerned that once the project is built, five years down the road they will want to make it wider and the cul-de-sac turns into a thoroughfare. He would like a guarantee that this is an emergency road only. He likes the idea of pedestrian traffic.

Mr. Zollitsch said they will make sure it stays a private drive with restricted access. It will not turn into a public right-of-way, the Town cannot take ownership as it will be too narrow. Lots 10 and 11 will be on either side of the access. They are providing a 30' total access area to the site, which is far too small for a public right-of-way. The intention is to have gates or some type of barrier that is removable or a lift gate that will restrict everyday vehicular traffic. The Fire Department's preference is for asphalt to be used for the emergency drive. The applicant will provide indications that the access is gated and for emergency use only. The width of the access was dictated by the Fire Code, the applicant will review that code and decrease the width if they can.

Chairman Sackett asked for details on the sewer costs for the neighbors to the west of the project suite. Mr. Zollitsch explained that the agreement with Erie County Sewer District #5 and Natale Builders is to provide sanitary sewer through those next three (3) lots to the west, and that is the installation of the main along the right-of-way. Erie County will be providing the type and the materials for the extension, Natale will provide the cost to install it. However, the service connections will not be installed to the individual homes, that is not part of the agreement. They will provide the sewer in front of the homes

to those three (3) properties so they can access public sewers but they will not be providing the individual taps that will service each property. The ground will be returned to its original condition once the sewer is installed. It will be incumbent upon each of the homeowners of those three lots to work with the County in terms of getting the actual service connection. Chairman Sackett asked if the homeowner will be obliged to connect to the sewer or can they opt out. Mr. Callahan said the homeowner would have to work with Erie County Sewer District #5 to determine that.

Chairman Sackett asked the applicant why the road can't go further to the east. Mr. Zollitsch said since the original plan, in which the road was further to the east, the Federal Jurisdictional Wetland in that area has grown significantly encompassing the entire 300' of frontage and extends further back along the eastern side. In order to minimize site disturbance they had to shift the entrance to the west. Mr. Zollitsch said he can still move the road over 30'-40' in terms of the Corp, however his concern then is that there will be two (2) odd intersections that are only 30' apart creating potential traffic conflicts. They tried to line it up as best as they could to make a four-way intersection. They will take the suggestion to move it 20' but they feel the proposed location is in the ideal place from a traffic safety standpoint. It is clarified that the road to the south is a Town road. Chairman Sackett noted that in terms of egress and ingress it usually works out better if the roads are lined up, for traffic safety.

Chairman Sackett asked if the applicant is willing to berm the area to the west to the extent that is compatible with the wetlands. Mr. Zollitsch said he cannot answer that this evening but he will look into. He pointed out that there are no longer any lots that abut that neighbor's property line, and goes on to say that there is already a natural existing buffer on all sides of that property due to the wetlands. He will look into supplementing the buffer but he does not want to impact any drainage. By Law, the applicant cannot discharge any of their storm water onto adjoining properties. Mr. Zollitsch said everything will have a rear yard drainage system that will pick up drainage from the lawns and the roofs and bring it to the storm water ponds.

ACTION:

Motion by Wendy Salvati, seconded by Richard Bigler, pursuant to Article 8 of the Environmental Conservation Law to **recommend** a Negative Declaration on the proposed April 13, 2016 Creekwood Meadows Amended Concept Plan. This Unlisted Action involves a redesign of the previously approved Open Space Design Subdivision to accommodate 30 lots. After thorough review of the submitted site plan and Short Environmental Assessment Form it is determined that the proposed action will not have a significant negative impact upon the environment.

Jeffrey Buckley	Aye	Steve Dale	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sacket	Aye

MOTION CARRIED.

Motion by Wendy Salvati, seconded by Gregory Todaro, to **recommend** approval of the amended Concept Plan for the Creekwood Meadows Open Space Design Subdivision as per the submitted Concept Plan from Greenman-Pedersen Inc. dated April 13, 2016 and received April 13, 2016 in the Planning and Zoning Office, with the following conditions:

1. The entire Gott Creek Corridor, including trees and existing vegetation is to be preserved and left in its natural state.

2. A recreational trail shall be established on the property as permitted by the reviewing agencies.
3. The private road shall be built to standards acceptable to the Town Engineering Office.
4. A Homeowners Association Agreement shall be established, with review and approval by the Town Attorney's Office, to properly maintain the private infrastructure and all open space within the project limits and include provisions for the protection of identified wetland areas.
5. A minimum of 50% Open Space must be maintained as a part of the overall project in perpetuity.
6. The building setbacks shall be 25' minimum front yard and 6' minimum side yard setbacks.
7. A gate or barrier system, acceptable to the Fire Chief and Highway Superintendent shall be placed at the northern and southern ends of the emergency access road to limit access to Fieldbrook Drive for emergency vehicles only.
8. Public sewer availability shall be provided to three (3) existing residences along Roll Road as per the agreement with Erie County Sewer District #5 and all disturbed areas along Roll Road shall be properly re-established.
9. Landscape Committee approval will be required for any introduced landscaping on the project including plantings along the entrance road and proposed street trees.
10. Parking shall be posted as prohibited on one side of the project road, preferably the side where fire hydrants will be located.
11. All site lighting will be dark sky compliant including lighting that is installed at the site entranceway.
- (12. The project emergency access road shall be restricted to use by all non-emergency vehicles.) *this condition is subsequently removed from the motion.
12. The applicant will explore moving the entrance road as far east as possible, in consultation with Erie County Public Works and the Town Highway Superintendent, to protect the adjoining neighbor.

ON THE QUESTION:

Chairman Sackett said there is a gate required at the north entrance of the fire lane, there also needs to be a gate at the south entrance. Mrs. Salvati and Mr. Todaro both agree that this is an acceptable change to the motion.

Deputy Town Attorney Steve Bengart pointed out that the restriction in #12 “by all non-emergency vehicles” would include restricted use by pedestrians. After further discussion on condition #12, it is agreed to remove it from the motion, Mrs. Salvati and Mr. Todaro both agree to its removal*.

Mr. Zollitsch understood and agreed to all the conditions.

Mr. Bigler asked for clarification regarding the discussion on the location of the recreational trail not going all the way around the pond. Mr. Zollitsch said if the preference is for the trail to go around the pond, he does not see that as an issue. He feels it is better to loop the trail back on itself as opposed to making it go around a certain feature. The language in condition #2 is amended to read as indicated above. Mrs. Salvati and Mr. Todaro both agree that this is an acceptable change to the motion.

Mr. Callahan suggested adding condition #12 regarding moving the entrance road to the east. Mrs. Salvati and Mr. Todaro both agree that this is an acceptable addition to the motion. Mr. Zollitsch agreed and understood this addition.

Jeffrey Buckley	Aye	Steve Dale	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sacket	Aye

MOTION CARRIED.

Item 2

Bristol Village
Planned Unit Residential Development

Requests an amendment to the Planned Unit Residential Development to allow for additions to the existing facility at 8455 Clarence Center Road.

DISCUSSION:

Jim Callahan provided the background on the project noting that it is located on the south side of Clarence Center Road east of Newhouse Road. It is an existing long term care facility located in a Planned Unit Residential Development (PURD). The applicant is requesting an amendment to the PURD to allow for some additions to the assisted living and memory care units. The Town Board will have final approval authority to amend the PURD.

Michael Helbringer, president of Bristol Village, is present. He explained that they are looking to expand the facility, the number of units within the facility including some new structures and some additions to the existing structures and some renovations to the existing structures.

Mr. Todaro asked if the facility is currently sprinklered. Mr. Helbringer said it is fully sprinklered, the additions will also be fully sprinklered.

Mrs. Salvati asked about the road going all the way around the property. Mr. Helbringer said they would like a continuous path all the way around. Even if the Town did not require them to have a road, the Department of Health may, he will know this at a future date. He anticipates needing the road for fire safety and it is a benefit to the residents to go all the way around the facility.

Mr. Todaro referred to the two areas that loop around that are being enclosed, he asked how fire safety works for the units within that facility, where there are inside units. Mr. Helbringer referred to the rendering and said the green area is accessible from inside and out.

Chairman Sackett asked if the applicant is willing, as part of an agreement with the Town, to allow access along those roadways for a recreational trail should it need to go through that property. Mr. Helbringer said yes.

Steve Langdon is present and explained that he lives on a lot to the northwest of the project site, Mr. Szabo is present as well and lives next to Mr. Langdon. Mr. Langdon said the applicant has been a great neighbor, they take care of the property beautifully. He asked how this proposal will affect his property value. He also asked if the current County sewer and water lines can support more usage. He referenced the road going around the property and asked how well it will be lit. Mr. Szabo's yard is illuminated from the parking to the north. There is a light at the border line that lights up both backyards. He understands there is a need for lighting for safety but if there is a way to illuminate the lot but not illuminate the backside. He asked for the same thing on the road, just illuminate the road but don't illuminate the property behind it.

Mr. Helbringer said there is a pole barn on the property that he would like to landscape as much as possible for aesthetic reasons. He would like to put a buffer in so you would see the landscaping and nothing beyond it.

Mr. Helbringer referred to the road and said the intention is to not use the road at night for anything other than emergency access, so there would be a minimal amount of lighting on the road as required by the Town. They will aim the light so it only illuminates the road and does not impede further than that. Any lighting will be shielded. The applicant would like to minimize the lighting as well. Mrs. Salvati said if lighting is installed on the road it can be the small human-scale properly shielded lighting.

Chairman Sackett asked if the applicant has done an inquiry as far as utilities for the site. Mr. Helbringer said the process has started but he cannot say if everything will be adequate, however he believes everything they are tying into will be adequate. This will be addressed at the Development Plan stage.

With regards to surrounding property values, Mr. Callahan said he does not know of any impact on property. It is an existing facility and will be maintained in a similar fashion. There is no guarantee but it should not have a significant impact on property values. Chairman Sackett's observation is that this is a plus for the neighborhood. Mr. Helbringer owns the property to the east so he also hopes this project will not impact surrounding property values.

Mrs. Salvati asked if the applicant would consider putting shielding on existing lights to control the light that currently spills off the property. Mr. Helbringer said he is willing to talk with the neighbors to see what the issue is and if there is anything they can do about it.

Mr. Dale noted that the applicant said the new road going in is not intended for regular vehicular traffic, he then asked if the applicant planned on posting it that way to identify that people shouldn't be travelling on it. Mr. Helbringer said probably not, the only traffic on the road would be the people from the property or from the Vinecroft development using it as a cut-thru, otherwise there is no rationale for anyone else to use it. There would be no reason to post it because people aren't driving on the property without having a purpose on the property, there would be no reason for them to drive on it.

ACTION:

Motion by Wendy Salvati, seconded by Jeffrey Buckley, pursuant to Article 8 of the Environmental Conservation Law, to **recommend** a Negative Declaration of the proposed Bristol Village Additions and Planned Unit Residential development (PURD) Amendments. This Unlisted Action involves an expansion of the existing assisted living and memory care facility located at 8455 Clarence Center Road. After thorough review of the submitted site plan and Environmental Assessment Form it is determined that the proposed action will not have a significant negative impact upon the environment.

Jeffrey Buckley	Aye	Steve Dale	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sacket	Aye

MOTION CARRIED.

Motion by Wendy Salvati, seconded by Gregory Todaro, to **recommend** to the Clarence Town Board approval of an amendment to the existing Planned Unit Residential Development Zone to allow for an expansion of the Bristol Village Facility as per the submitted Concept Plan received in the Planning and Zoning Office on April 8, 2016, with the following conditions:

1. Subject to a maximum density of 56 units on the existing property.
2. Subject to Landscape Committee review and approval of an amended landscape plan prior to Development Plan approval.
3. Subject to an easement as reviewed by the Town Attorney’s Office to provide for a recreational trail through the property for a future connection between Clarence Center Road and Newhouse Road.
4. Subject to Open Space and Recreation Fees on future building permits.
5. All new site lighting shall be dark sky compliant.

ON THE QUESTION:

Mr. Helbringer understood and agreed with the conditions.

Jeffrey Buckley	Aye	Steve Dale	Abstain
Gregory Todaro	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sacket	Aye

MOTION CARRIED.

Item 3

Braunscheidel LGS Property Services
Industrial Business Park

Requests Concept Plan Review of a proposed new
structure at 9610 County Road.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located on the north side of County Road, east of Goodrich Road. It is existing vacant land. The applicant is proposing to construct a new structure to house an existing landscape company. The Town Board will have final authority to approve the use.

Mr. Bigler recused himself from participating in this project and left the dais.

Brian Braunscheidel is present. Chairman Sackett asked what the distance is between the row of trees and Martin Road. Mr. Braunscheidel does not know. The depth of the lot is 770'. It is determined that a fair estimate between the trees and Martin Road is 400'. Chairman Sackett asked if there is intent to create a visual buffer, perhaps doubling the trees. Mr. Braunscheidel said yes, he will do more than what is shown there. Chairman Sackett noted that parking is not allowed in the first 80' for visibility reasons, he asked if the applicant would be opposed to putting some buffering between the street and the parking to the east of the property. Mr. Braunscheidel is not opposed to that at all, he plans on doing a lot of landscaping.

Mrs. Salvati asked if there will be any materials stored outside. Mr. Braunscheidel said there may be some stone out at certain times of the year (May-Sept), this will be confined to one area. He plans on having a container to hold the stone, it won't just be dumped in the parking lot. It will go in the area to the east or off towards the property line. Typically the mulch is delivered directly to the work site. There may be some mulch left over but it is not a lot. Mrs. Salvati asked what the distance is between the applicant's driveway on the west side and the driveway on the next property. Mr. Braunscheidel said between 125'-130'.

Richard Voelker lives at 9601 Martin Road which abuts the applicant's property on the west side. Mr. Voelker said for years F & B Construction, Mr. Bonito, was supposed to be working on a berm but he has been dragging his feet about it. He suggested Mr. Braunscheidel and Mr. Bonito work together to make one complete berm across the back of both properties at the property lines, this would be good for all the residents on the street. Mr. Voelker said when F & B Construction was before the board in the past Mr. Weiss suggested a u-shaped berm. He would like to see the berm high enough and maybe with tree plantings so they won't have to see the equipment and trucks, he knows this is up to the Landscape Committee. They are also dealing with Bonito's truck trailers back there. Mr. Voelker asked if the applicant will have a topsoil spreader or a mulch grinder. He said that people who live on the other end of Martin Road can't keep their windows open when Krantz runs their topsoil spreader. He and his neighbors are concerned a similar situation may take place here. He also asked what the hours of operation will be and the details for lighting. The dump trucks are constantly banging their tailgates, Mr. Voelker asked if this noise can be buffered out. A high berm would be a good buffer for noise.

Chairman Sackett noted that Mr. Braunscheidel is not responsible for Mr. Bonito, that would be a separate action which is not in front of the board tonight. He asked the applicant if he is willing to put a berm at the rear of the property some 400' of the present development to shield noise, lighting and any use of the property that may occur in the future. Mr. Braunscheidel agreed to having a berm at the property line, that is exactly what he wants to do. He would do it for security reasons, so people won't

see his equipment when they are driving down Martin Road. Mr. Braunscheidel explained that half of the building will be cold storage, this will keep their equipment inside and out of the weather. Currently, he has a shop that is one-third the size of what is being proposed so there is some storage of equipment outside now. He plans on building a large enough structure to house all of his equipment. Hours of operation are typically 7:00am to 5:00pm, sometimes less in the winter and sometimes longer in the summer. They do not work after dark. The lighting on the back would be dark sky compliant with shielding so there would be no lights pointing towards any neighboring properties. He does not anticipate any noise such as banging of tailgates, that is not what they do. They will get deliveries from time to time but it is not cause a constant banging of tailgates. They do not have a log-splitter or a mulching machine. They have a small topsoil screener and other small equipment but none of it will create a dust bowl. The berm will be high enough so that Mr. Voelker could not see the applicants building from his property. Mr. Braunscheidel has the material for the berm in a pile on Roll Road ready to go.

Mr. Dale asked if the applicant plans on storing grass clippings on the property, Mr. Braunscheidel said no, they don't do much grass cutting anymore anyway.

With reference to the berm being moved to the back of the property, Mrs. Salvati asked if more parking will be added to the site plan because there will be more room behind the building with the berm being moved. Mr. Braunscheidel said the berm is actually taking away from the parking. He went on to explain that the paved area is not for parking it is for maneuvering the trucks on site.

ACTION:

Motion by Gregory Todaro, seconded by Steve Dale, to **issue** a Negative Declaration on the proposed Braunscheidel LGS Property Services new construction located at 9610 County Road. This Unlisted Action involves the development of a new commercial building in the Industrial Business Park Zone in conformance with local land use regulations. After thorough review of the submitted site plan and Short Environmental Assessment Form it is determined that the proposed action will not have a significant negative impact upon the environment.

Jeffrey Buckley	Aye	Steve Dale	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sacket	Aye

MOTION CARRIED.

Motion by Gregory Todaro, seconded by Steve Dale, to **grant** Concept Plan Approval on the proposed Braunscheidel LGS Property Services new building located at 9610 County Road as per the submitted site plan from Keith Marquis dated April 6, 2016 and received in the Planning and Zoning Office on April 8, 2016, with the following conditions:

1. Outside materials storage shall be enclosed and screened.
2. Landscape Committee review and approval of a submitted landscape plan prior to Development Plan approval.
3. Open Space and Recreation Fees.
4. All site lighting shall be dark sky compliant.

ON THE QUESTION:

Mr. Callahan clarified that the Town Board’s function would be for the use itself so site plan approval would be the domain of the Planning Board.

Mr. Braunscheidel understood and agreed to the conditions.

Mrs. Salvati said the applicant will come back to the Planning Board for Development Approval. She also wanted to confirm that the applicant will take the berm that is shown on the plan, add trees to it and move it to the northern property line. Mr. Braunscheidel said that is correct. He will make the berm tall enough and seed it so he won’t have to put trees on it; he noted that it doesn’t seem like the trees that are there are working out very well.

Jeffrey Buckley	Aye	Steve Dale	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye
Richard Bigler	Recuse	Robert Sacket	Aye

MOTION CARRIED.

Mr. Todaro asked if the Board reviewed enough of the architectural style of the project. Chairman Sackett said yes.

Motion by Gregory Todaro, seconded by Steve Dale to **recommend** to the Clarence Town Board, approval of the Use and Architectural Style of the proposed Braunscheidel LGS Property Services.

Jeffrey Buckley	Aye	Steve Dale	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye
Richard Bigler	Recuse	Robert Sacket	Aye

MOTION CARRIED.

Mr. Bigler returned to the dais.

Item 4

Enterprise Automotive
Traditional Neighborhood District

Requests a recommendation for a Building Permit and Architectural Approval for additions/rehabilitation to the existing structure at 6755 Transit Road.

DISCUSSION:

Mr. Callahan provided the background on the project noting that it is located at the southeast corner of Transit and County Roads. It is existing automotive use located in the Swormville Traditional Neighborhood District. The Town Board will have final authority to approve the architectural style.

Dave Sutton of Sutton Architecture is present along with Phillip Snyder of Enterprise Rent-A-Car. Mr. Sutton explained that the applicant is looking to add a 900 square foot addition at the rear of the property. As a result of the addition, it is on an existing grass area, they are not changing, altering or disrupting existing parking or existing landscaping. Everything from the site plan standpoint is staying as is. The

introduction of the 900 square foot building is simply a display bay; cars that are for sale will be brought in this bay. The applicant put forth a proposal and the Board asked the applicant to re-evaluate the design in order to stay with the architectural features and style of the Swormville Overlay District. The applicant has kept the style of the building in terms of the roof and the form and lifted it up 5', which allowed the applicant to introduce a sign panel and give the building more presence. The sign is currently on the roof, the applicant feels this sign panel provides more proportion and a better signage opportunity and presence on the corner. They are upgrading the materials and adding new material as well, this includes dry stacked stone approximately 3' from grade around the whole front of the façade. They are introducing a hardy panel system and the vinyl coated metal sign panel is also part of what they are proposing for the architectural features of the building.

Chairman Sackett referenced the current site plan and asked why the stacked stone wall is not extended around the County Road side of the building. Mr. Sutton said their intent is to focus on the front and possibly some of the side but they tried to find a logical place to stop and define when they would start the back of the building, they have not decided on this yet. They do not want to suggest that they are doing it around the whole building, they are only doing the front and a portion of the side. Chairman Sackett said the plan that exists now is not acceptable to him. He suggested adding the stone on the side of the building that faces County Road as well as the front. County Road is a major road into Clarence.

Chairman Sackett noted that if this was a new build in a TND, 40% green space would be required. He suggested the applicant go before the Landscape Committee for review. He would like to see some trees added. Mr. Sutton asked if the suggestion is for trees on the County Road side or on the Transit Road side. Chairman Sackett said the Board will welcome his proposal to the extent that it will not interfere with the business.

With regards to the stone wall, Mr. Sutton asked if the suggestion is to continue the stone on the front of existing building around to the County Road side of that building or is the suggestion to include the addition which is set back on the property. Chairman Sackett asked how visible the addition is from County Road. Mr. Sutton said they can put the stone on the existing portion and look for an opportunity to add landscaping to buffer the secondary piece, which is the new display bay. This would help to meet the greenspace requirement as well.

Mr. Bigler said he would like to see the stone extend around the building on the existing structure. He agreed with the landscaping around the secondary building.

The landscape plan must be stamped by a Landscape Architect or a nursery-man prior to submittal to the Landscape Committee for their review.

ACTION:

Motion by Wendy Salvati, seconded by Gregory Todaro, to **recommend** to the Clarence Town Board, Architectural Approval on the proposed Enterprise Automotive building addition and renovations as per the submitted elevations from Sutton Architects dated April 8, 2016, with the following conditions:

1. Stone veneer to wrap around the north elevation façade of the existing building with landscaping installed along the north side of the proposed addition.
2. Subject to review and approval by the Town Building and Engineering Department on required building permits for the additions/renovations.

3. Subject to review and approval by the Town Landscape Committee prior to building permit issuance.
4. Subject to Open Space and Receptions Fees.

ON THE QUESTION:

The applicant understood and agreed to the conditions.

Jeffrey Buckley	Aye	Steve Dale	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye
Richard Bigler	Recuse	Robert Sacket	Aye

MOTION CARRIED.

Meeting adjourned at 8:58 p.m.

Carolyn Delgato
Senior Clerk Typist