



**SPR2021-05** (continued)

from SHPO requested a Phase 1A/1B study be completed for only the areas to the north and south. The two areas only account for thirty percent of the project site; the remaining seventy percent has approval for renovations. In the north area approximately 1' into the existing grade will be disturbed; the south end of the site will be the varsity outfield, approximately 1' into the grade will be disturbed and the entire area raised; the future tennis court will be raised by 2' – 3'; the westerly area soil will be removed to increase the volume of the 100-year flood plain. SHPO would like shovel studies done every 50' on center to search for artifacts and wherever a foundation may be poured (i.e., scoreboard and dugout).

Mr. Vaillancourt stated Tetratrec is scheduled to start the work on June 21<sup>st</sup> assuming testing has been confirmed with SHPO. Canisius would like contingent approval with the Town Engineer and wetlands delineation being completed, knowing the SEQR documentation with SHPO is not on file.

Matt Carver, Vice President of Finance at Canisius High School stated Canisius High School would like site plan approval based on the progress made to date. A scope of work proposal from Tetratrec has been forwarded to SHPO. There is a verbal agreement with Tetratrec and SHPO regarding shovel testing.

Mr. Vaillancourt stated Canisius would like to get the project to bid so they may use the fields in the spring.

Motion by Clifford, seconded by Bebak, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Motion by Bebak, seconded by Sailer, to grant site plan approval for property located at 2885 Clinton Street for construction of an athletic complex with all related site improvements conditioned upon the following: satisfactory results and approval from SHPO.

On the question, Mr. McCabe questioned if there should be a negative SEQR declaration. Code Enforcement Officer Jeffrey Schieber stated because the applicant is lacking approval from the Office of Historics, Parks and Preservations, the Planning Board is limited to produce a declaration pursuant to SEQR. The intent is to agree what is on paper works and allows the Planning Board to agree with the applicant that the site plan is satisfactory. When SHPO determinations are made, the applicant would return before for the Planning Board for a declaration pursuant to SEQR. Mr. McCabe questioned if a building permit could be obtained. Mr. Schieber stated there would be no disturbance of the area until a declaration pursuant to SEQR was determined.

Chairman Rathmann stated it is his understanding with SEQR that a conditional negative declaration may not be issued on an unlisted action; this is a Type 1 action according to SEQR guidelines.

Ayes: All

Noes: None

Motion Carried

**SUBDIVISION REQUEST**

A request from Nexgen Development II, LLC for a forty-four (44) lot, single-family home subdivision extending from John Alex Drive to Reserve Road.

Motion by Clifford, seconded by Frick, to open the public hearing.

Ayes: All

Noes: None

Motion Carried



**SUBDIVISION REQUEST** (continued)

Peter Sorgi of Hopkins Sorgi and McCarthy, LLC and Anthony Pandolfi, project engineer from Carmina Wood Morris presented on behalf of the applicant. Mr. Sorgi stated previously they were in front of the Planning Board for pre application review. Engineer drawings have been submitted and include a 44-lot, single-family home subdivision and is consistent with other subdivisions in the area. A secondary access is included through a planned sub street and the parcel is properly zoned.

This is an unlisted action through SEQR; a letter from the Army Corp of Engineers has been issued stating there are no wetlands on the site. A SHPO letter has been provided stating there is no impact regarding cultural resources. Mr. Pandolfi has been working through plan logistics with the Town Engineer.

Mr. Frick questioned the capacity of the utilities servicing the site, both drainage of sanitary and water. Mr. Pandolfi stated part of the town's requirement is to limit post development storm water runoff and the detention is being planned accordingly with the Town Engineer. A downstream sanitary sewer capacity analysis has been submitted to the Town Engineer and the NYSDEC for review and approval. The water line has been submitted to Erie County Water Authority who had some minor technical comments, nothing regarding the capacity.

Chairman Rathmann questioned if a letter has been received from the Town Engineer with his comments. Mr. Pandolfi stated a letter has been received and is being addressed.

Chairman Rathmann referred to the Environmental Assessment Form and stated it appears to be an extension of John Alex Drive and no indication of units. Mr. Sorgi stated this is a separate project with a different owner.

Chairman Rathmann stated the Environmental Assessment Form states there are no wetlands; a wetland survey shows approximately half of the site is wetlands. There are about 8 1/3 acres of wetlands on site. Mr. Sorgi stated the project follows the current standards; the Army Corp of Engineers has confirmed there are not wetlands/waters under federal jurisdiction on this property. The project follows DEC and Army Corp of Engineer standards. Mr. Pandolfi stated the project does not disturb any jurisdictionally or federally regulated wetlands.

Chairman Rathmann requested clarification of E2, item H, of the Environmental Assessment Form. Town Attorney Tina Hawthorne stated the form only requires information on the regulated wetlands. Mr. Pandolfi stated the regulated wetlands are adjoining the site, no regulated wetlands are on site. There is no regulation to follow regarding non-jurisdictional wetlands. Mr. Sorgi noted, there is no discharge off site without a permit, and they are not applying for this permit. Ms. Hawthorne referred to the Environmental Assessment Form and stated because this section has been checked off, it does not mean something has been listed below, only water bodies that are regulated wetlands are to be listed.

Chairman Rathmann questioned archaeological sites and questioned if SHPO has provided correspondence. Code Enforcement Officer Jeffrey Schieber replied SHPO provided a letter in the previous year's submittal stating no archaeological resources have been identified.

Chairman Rathmann questioned if the DEC has provided correspondence on the wetland delineation. Mr. Schieber stated the DEC provided a letter and all concerns were followed through on.

Chairman Rathmann stated a tree survey must be done along with a landscape plan. Each unit will require two trees with a 2 1/2" caliber. The tree survey should show how many trees are being removed and saved. A tree removal permit must be filed.









**SPR2021-08** (continued)

Mr. McCabe questioned if the structure would be built off-site and delivered. Mr. Suffoletto stated this is correct, the structure is built off site.

Mr. McCabe questioned what type of utilities will be needed. Mr. Suffoletto stated there will be an electric line coming from the sign, and the remaining utilities will be self-contained in the building.

Mr. Clifford questioned the location. Mr. Suffoletto stated the structure will be between the sign and just before the exit.

Mr. Schieber stated the parking and square footage of the building has been quantified to Town Code. The Town Clerk is in receipt of correspondence from the ECDPW stating there is no issue with the project.

Mr. Suffoletto stated there will be two drive-thru lanes, and no indoor patronage. The café is drive-thru is only for drinks and prepackaged food that will not be made on location. Similar cafés are popular around the county.

Mr. Sailer questioned if illuminated menus will be outside and/or speakers. Mr. Suffoletto stated there will be illuminated menus and a microphone for ordering speed. Mr. Sailer requested more detail on the site plan.

Mr. Schieber stated Mr. Suffoletto did obtain signatures from neighboring properties as part of the variance process.

Mr. Nalewajek questioned the length of the holding area for stacking of patrons. Mr. Suffoletto stated there is room for approximately 5- 6 cars in both directions to not interfere with the passageways.

Mr. Sailer questioned if the holding area will be stripped or have curbing. Mr. Suffoletto stated the area will be stripped.

Mr. Clifford questioned if tenants of the building were also notified. Mr. Schieber stated there is a letter on file from the owner of the property granting approval; the Zoning Board only requires the signatures of property owners.

Chairman Rathmann expressed concerns of the drive-thru, the parking lot area and suggested moving the location closer to the sign. Mr. Frick stated an 8' drive-thru lane seemed narrow. Mr. Suffoletto stated no engineering has been done. Mr. Schieber stated the 8' dimension came from planning the size of the building and the desire to not restripe the entire parking lot.

Mr. Clifford commented on two drive-thru lanes and two speakers and questioned if there could be just one. Mr. Suffoletto replied he would like two drive-thru lanes for speed and efficiency.

Chairman Rathmann questioned if there is a stacking requirement. Mr. Schieber stated there should be five stacking spots for each order window and the plan appears to work.

Chairman Rathmann questioned the location of the structure and suggested somewhere with more room and requested clarification on the plantings, speakers, and other designs.

**SPR2021-08** (continued)

Ms. Bebak stated for site plan approval, there should be a specific plan for what is being done now, not down the road. The request would be for approval on a 9' x 18' building, in the shown location, with two drive-thru access points, landscaping and the aesthetics shown. Mr. Suffoletto stated this is correct.

Chairman Rathmann questioned if the building will be anchored. Mr. Schieber stated this would be part of the building permit application.

Mr. McCabe questioned if approved, when would the business be open. Mr. Suffoletto hoped for a fall opening.

Mr. Frick stated there needs to be assurance that this a more permanent structure on the site.

Mr. Nalewajek questioned how many parking spaces have been removed. Mr. Schieber replied 20 spots will be removed leaving 252 parking spots; Town Code requires 245.

Mr. Clifford stated this a great idea, and the Planning Board is willing to work with the applicant.

Motion by Clifford, seconded by Frick, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Motion by Clifford, seconded by Bebak, to table site plan approval for property located at 220 Center Road for construction of free-standing drive-up café until the July meeting.

Ayes: All

Noes: None

Motion Carried

**ADJOURNMENT**

Motion by Clifford, seconded by Frick, to adjourn the meeting at 8:45 P.M.

Ayes: All

Noes: None

Motion Carried

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**AMY M. KOBLER  
TOWN CLERK/PLANNING BOARD SECRETARY**