

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday, April 19, 2023

Work Session 6:30 pm

Status of SEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:00 pm

Approval of Minutes

Item 1

PB Investors, LLC.
Major Arterial, Commercial,
Restricted Business

Requests Concept Plan Approval of a proposed mixed-use project, containing commercial space and multiple-family housing at 5695 & 5731 Transit Road.

Item 2

Harbor Holmes, LLC.
Traditional Neighborhood District

Requests a Change-In-Use from residential to commercial at 9490 Clarence Center Road.

Item 3

Clarence United Methodist Church
Residential Single-Family

Requests Minor Subdivision of land Approval to create one (1) new lot located at 10205 Greiner Road.

Chairman Robert Sackett called the meeting to order at 7:02 p.m.

Councilman Shear led the Pledge of Allegiance.

Planning Board Members present:

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

Vice-Chair Richard Bigler
Gregory Todaro
Patrick Johnson

Town Officials Present:

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

Other Interested Parties Present:

Michael Rockwell	Amy Rockwell	Paul Wheeler	Jim Blum
John Suckow	Lisa Cirillo	Chris Polus	Bradford Banks
Doug Olson	Lori White	Carrie Classer	Sandy Gaulocher

Motion by Gregory Todaro, seconded by Richard Bigler to **approve** the minutes of the meeting held on March 15, 2023, as written.

Jason Lahti	Aye	Patrick Johnson	Abstain	Jason Geasling	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Abstain				

MOTION CARRIED

Chairman Sackett reviewed the meeting protocol.

Item 1

PB Investors, LLC.
Major Arterial, Commercial,
Restricted Business

Requests Concept Plan Approval of a proposed mixed-use project, containing commercial space and multiple-family housing at 5695 & 5731 Transit Road.

DISCUSSION:

Mr. Bleuer introduced the project, located at 5695 & 5731 Transit Road. South side of Transit Road, north of Roll Road.

They are existing vacant parcels containing approximately 10-acres in the Major Arterial, Commercial and Restricted Business zones.

The applicant is requesting Conceptual consideration of a proposed mixed-use project containing commercial space and multiple-family housing. The layout of the proposal consists of the following:

- One 3-story mixed use building containing approximately 22,810 sq. ft. of commercial space on the 1st floor, and 60 total apartments on the 1st through 3rd floors
- Six 4-unit multi-family buildings containing a total of 24 apartments
- Several detached garage structures, each containing numerous garage bays
- Associated facility parking, pool area, pool house, dog park, etc

This proposal was referred from the Town Board in August of 2021. In October of 2021, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act (“SEQRA”). In February of 2023, the Planning Board issued a Negative Declaration under SEQRA. Finally, in March of 2023, the Zoning Board of Appeals issued variances for the proposal, now allowing for conceptual review.

Sean Hopkins with the law firm Hopkins Sorgi McCarthy on behalf of the applicant PB Investors LLC as well as project engineer Patrick Sheedy with Carmina Wood Designs were present.

Mr. Hopkins touched on some additional highlights of the project, noting that in its developed state, 5.43 acres of the total 9.33-acre site will remain permanent open space. This includes the back portion of the site, and preservation of a larger area of the existing woods that are on the northeast portion of the project site.

Mr. Hopkins explained that based on input from neighboring residents as well as Board members, they have relocated the dog park to a central area away from adjacent neighbors.

This project has been reviewed extensively by this Board, the Zoning Board of Appeals, and has been presented to the Town Board as well. If the Concept Plan is approved at this meeting, there is still extensive work to be done before moving on to the next step in the review process.

Reiterating that the New York State Department of Transportation (NYS DOT) has exclusive authority over Transit Road, Mr. Hopkins reviewed the requests that the DOT has made regarding the curb cut that is shared with the adjoining property owner at 5731 Transit Rd.

Mr. Hopkins explained that they have added a sidewalk along the east side of the existing Lake Shore Savings Bank driveway. They are also installing a sidewalk along the frontage on Highland Farms Drive, added two pedestrian connections, and extended the sidewalk along the perimeter of the mixed-use building.

Mr. Hopkins noted that one of the questions that has come up lately is whether there is a need to have a driveway connection on to Highland Farms Drive. Mr. Hopkins explained that when the Lake Shore Savings Bank received site plan approval from the Planning Board many years ago, one of the conditions was a requirement that there be cross-access between 5751 Transit Road and the project site.

Mr. Hopkins noted that the NYS DOT stated that the driveway connection on to Highland Farms is essential to the proposed project to allow access to the signalized intersection.

Regarding greenspace and setbacks, Mr. Hopkins pointed out that pursuant to the Town of Clarence zoning code a 45 ft. permanent open space buffer along the eastern edge of the project site is required. They have exceeded this requirement with their proposals.

Mr. Hopkins stated that the Zoning Board of Appeals (ZBA) asked to see a plan without variances, to get an idea of what it would look like. Ultimately, the ZBA did grant two area variances; one to allow the mixed-use building along Transit Road to be 3-stories rather than 2, and the other was a density variance for 9 units. Without the area variances, they would have had to make the 3-story mixed use building a 2-story, and put some of the units to the back in the residential area. Though it would have resulted in the reduction of density, it would have been an increase in the amount of impervious surface and a dramatic reduction in the setbacks along the rear portion of the site.

The requested down zoning of approximately 500 ft. of the frontage of this site from Major Arterial to Commercial is consistent with the adopted Comprehensive Plan. Additionally, they are taking a more intensive zoning classification of Major Arterial and down zoning it to Commercial in connection with the mixed-use portion of the project.

Mr. Hopkins reviewed the Town of Clarence Comprehensive Plan, noting that this project meets the requirements.

Mr. Hopkins noted that the Town of Clarence Engineering Department has completed a review of the preliminary Grading and Drainage plans prepared by Carmina Wood Design, deeming it sufficient for Concept Plan review.

Mr. Hopkins explained that they are aware there are some existing possible off-site constraints that require additional analysis, with discussions ongoing.

Regarding sanitary sewer capacity which comes from the Town of Amherst, Mr. Hopkins noted that the Town of Amherst Engineer issued a letter stating that sanitary sewer capacity for approximately 74,000 gallons of sanitary sewer flow would be provided.

Mr. Hopkins reviewed the sanitary sewer and phasing plans.

Mr. Hopkins reiterated that there will be absolutely no construction access on Highland Farms Drive.

Noting that the Planning Board has received a letter from the Traffic Safety Committee, Mr. Geasling explained that their initial concerns have been incorporated in to the proposed project plans. Mr. Geasling asked if the applicant has given any consideration to a striped crosswalk from the existing sidewalk on the north side of the bank to the proposed sidewalk.

Mr. Hopkins responded that they will take that in to consideration. They would need permission from the owner of the Lake Shore Saving's Bank property. Mr. Hopkins noted that if it is acceptable to the owners of the bank, they will indeed do that.

Mr. Geasling touched on the many concerns raised by residents regarding traffic coming in and out of the Highland Farms access road, as well as recent correspondence from a resident on Field Brook Road who is in favor of the proposed developed, but has two concerns. One of them is the side access from Highland Farms Drive and the heavy flow of traffic and pedestrian traffic during school hours. The resident also requested additional berms along Highland Farms Drive and Field Brook Drive once the existing woods are cleared out and cleaned up.

Mr. Hopkins explained that as they proceed through the review and reach Development Plan review stage, they will also work with the Landscape Committee to put together a Landscape Plan that will be prepared by a licensed Landscape Architect.

Chairman Sackett addressed the Highland Farms access road, noting that it has a slight bend in order to have a perpendicular intersection with Highland Farms Road. Concerns have been raised due to the sightlines from the ends for the cars exiting to the drive-thru area of the bank. Chairman Sackett asked if any consideration has been given to this.

Mr. Hopkins responded, noting that the existing Lake Shore Savings Bank driveway curves slightly in to Highland Farms Drive. The road needs to come in at a 90-degree angle to Highland Farms, which is why there needs to be a slight curve in the driveway.

Regarding customers exiting the drive-thru area, Mr. Hopkins explained that he expects they will put in the appropriate signage for that area. These details will be provided along with the Development Plan application when that time comes.

In regards to Public Participation, the following residents spoke:

1. Carrie Classer of 5728 Field Brook Drive:

- likes the overall design of the project
- there is an agreement in place with the property owners on the south side of the proposed project to add a tree line in order to mitigate the views
- would like to see berming or additional tree lines added behind where the proposed garages and other homes are, in order to mitigate the view from the existing houses on that side of the proposed project as well. This would be all the way along Highland Farms Drive then on to Field Brook Drive
- explained that the Lake Shore Savings Bank parking lot is full of vehicles transporting students to and from Transit Middle school during peak school times. The Highland Farms access road will increase the traffic in that area substantially

2. Doug Olsen of 5692 Field Brook Drive:

- reviewed his past comments regarding the access road
- zoning for the bank parcel has changed over the past approximately 20 years, with the original zoning not allowing for the amount of traffic that it sees now
- believes the access road is a mistake and an accident waiting to happen

3. Lori White of 4480 Patricia Drive:

- looking for clarification on some points
- is the access road on to Highland Farms right turn only
- take in to consideration the extenuating circumstances when considering the sightlines for the access road
- with the parking units and the garage in the first phase, there are 58 parking units for the residents of the high-rise apartments that will be exiting on to Highland Farms Road
- encouraged the applicant to do what they can to complete this proposed project in one phase

4. Paul Wheeler of 5647 Kippen Drive:

- is the Landscape Committee something that residents have input on

5. Chris Polz of Wehrle Drive:

- fire concerns due to the lack of volunteers in the surrounding areas. Requests the Town of Clarence to look in this overlooked issue
- occupancy of the mixed-use component of the proposed development
- does the condo tax apply to the project
- unused retail and office space is an eyesore

Public Participation was closed for this project in this meeting.

Mr. Hopkins returned to address the questions and concerns.

When developing a landscape plan they will focus on evergreens, and they will do their best to provide year-round screening.

Regarding the Landscape Committee, the applicant will retain the services of a licensed Landscape Architect who is familiar with the Town Code. This architect will prepare a landscape plan that will be presented to the Landscape Committee for review and approval. Due to productive discussions with the neighbors with this proposed project, they will be happy to present the landscape plan to the neighbors that have been involved with the project since its conception.

Mr. Hopkins acknowledges that when Lake Shore Savings Bank received Site Plan approval many years ago, although he is unsure what was envisioned for the adjacent site, he believes the property was zoned Major Arterial, which is the most intensive zone. He understands the concerns with access on to Highland Drive and the problems during peak school times associated with the school across Transit Road.

Mr. Hopkins reviewed the school traffic and how it has changed over the years.

Mr. Hopkins reiterated that the access road on to Highland Farms is part of the Department of Transportation's approval for this project.

Regarding fire access and the number of firefighters in the Town, Mr. Hopkins noted that it is a problem in many communities, not just within the Town of Clarence. Mr. Sheedy is well versed with the New York State Fire Code.

There is no condo tax break associated with this proposed project, all of the units are for lease, Mr. Hopkins explained.

Touching on empty commercial space, Mr. Hopkins stated that although a legitimate concern throughout communities across Western New York, the applicant has been successful filling his properties with office tenants as well as restaurants. The applicant is not dependent on the spaces being filled with retail tenants.

Mr. Hopkins explained that the Highland Farms Drive access road is not right-turn only.

Motion by Jason Geasling, seconded by Richard Bigler to **approve** the PB Investors Mixed-Use **Concept Plan**, located at 5695 & 5731 Transit Road, per the submitted drawing by Carmina Wood Design, dated March 29th, 2023, and to **approve** the **Conceptual Architectural** drawings, dated September 23rd, 2021, all with the following conditions being met:

1. Applicant meeting the requirements of the Town of Clarence Engineering preliminary grading and drainage review, and associated conditions.
2. Applicant meeting the requirements of the Town of Clarence Building Department preliminary fire code compliance review, and associated conditions.
3. Subject to the issuance of a Special Exception Use Permit by the Clarence Town Board for the development of multiple family housing.
4. Subject to Development Plan review by the Town, including a technical review of the final Development Plan by the Town Engineering Department.
5. Subject to Town Building and Engineering Department approval prior to any permits being obtained for the construction on the property.
6. Subject to New York State Department of Transportation approval for the proposed access to Transit Road.

7. Subject to Erie County Division of Sewerage Management review and approval, and additional regulatory agencies, as required, for connection to the sanitary sewer system within Erie County Sewer District #5.
8. Landscape Committee approval of a final landscape plan prior to Development Plan approval, including dumpster locations and screening, and planting details where applicable. In addition, a maintenance plan shall be submitted as part of the landscape plan to ensure landscaping remain in perpetuity, and is replaced in kind should there be any deterioration or death or disease to plantings.
9. Applicant agreeing to grant and prepare any easements determined to be necessary by the Town of Clarence Engineering Department, based on technical review of a fully engineered Development plan set. Said Easements shall be submitted by the applicant and approved by the Town Engineering, Highway and Legal Departments prior to Final Plat approval by the Town Board. 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.
10. Dumpster enclosures shall remain closed at all times when not in use. Dumpster service shall occur in conformance with Town Code. No garbage or debris shall accumulate outside of the dumpsters or totes.
11. Review of a lighting plan prior to Development Plan approval. All site lighting shall be dark sky compliant and shielded to prevent spillage onto adjoining properties. No lighting shall be elevated above the roof lines and all non-residential lighting shall be turned off no later than one hour after business hours except for necessary security lighting.
12. Project site to be developed in substantial conformance with the submitted phasing plan.
13. No construction vehicles shall access property from Highland Farms Drive in connection with construction activities for all phases of development.
14. Final building elevations to be submitted as part of the Development Plan review, including the labelling of material types and colors. Building materials to be used shall be of industry standard high quality for durability and appearance.
15. Any exterior building mechanicals shall be identified, detailed, and shielded on any future Development Plan submittals.
16. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as approved.
17. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
18. For commercial uses, no outside display or storage of any kind on the property, including but not limited to goods, materials, or other items.
19. Any future proposed commercial outside operations shall be subject to a Temporary Conditional Permit as reviewed and approved by the Town of Clarence.
20. 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.
21. Subject to Open Space, Recreation, and any other applicable fees as required by Town Code.

The applicant has heard, understands, and agrees to the conditions listed.

ON THE QUESTION:

This proposal has previously received a Negative Declaration under the State Environmental Quality Review Act by the Planning Board on February 1st, 2023. Additionally, this proposal has received area variances from the Zoning Board of Appeals on March 14th, 2023.

Jason Lahti	Aye	Patrick Johnson	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED

Motion by Jason Geasling, seconded by Richard Bigler to **recommend** to the Town Board approval of a Special Exception Use Permit for the PB Investors multiple family housing as per the approved concept plan and associated conditions.

Jason Lahti	Aye	Patrick Johnson	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED

Motion by Jason Geasling, seconded by Richard Bigler to **recommend** to the Town Board rezoning of the Major Arterial zone to Commercial zone, acting as a down zone per the recommendation of the Town’s future land use map, associated with 5695 and 5731 Transit Road.

Jason Lahti	Aye	Patrick Johnson	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED

Item 2

Harbor Holmes, LLC.
Traditional Neighborhood District

Requests a Change-In-Use from residential to commercial at 9490 Clarence Center Road.

DISCUSSION:

Mr. Bleuer introduced this project 9490 Clarence Center Road, located at the northwest corner of Clarence Center Road and Railroad Street.

An existing 0.35-acre parcel located in the Clarence Center Traditional Neighborhood District, containing a principal structure.

The applicant is requesting consideration of a Change-In-Use for the rehabilitation of the existing principal structure and site from residential to professional office. No architectural changes are currently proposed.

This residential structure was previously owned by the adjacent bank. In August of 2021, the property received a variance from the Zoning Board of Appeals to amend the property lines, which allowed for

the sale of the residential structure and associated parcel. Thereafter, the bank received Planning Board approval to modify their parking and access to ensure that no bank facilities existed on the parcel to be sold.

The Planning Board has the authority to consider final action on this request.

Daniel Westerling with Harbor Holmes LLC was present to represent this request, they have addressed the concerns previously brought forth by the Planning Board Executive Committee.

Mr. Johnson asked what the intent for the building is in regards to tenants.

Mr. Westerling responded that it will be a law office, with hours expected to be 9:00 am to 5:00 pm.

Mr. Johnson asked what the plans are for the current landscaping.

Mr. Westerling responded that they will keep some of the hedging along Railroad Street to assist with blocking off some access to the parking lot that they are adding. He currently does not have plans to take down any trees, but will if it is required.

Regarding a general maintenance plan, Mr. Johnson asked if it will be sub-contracted by the tenant, or if the applicant will take care of this.

Mr. Westerling responded that he will do the sub-contracting.

Mr. Johnson asked what is required to make the property ADA (Americans with Disabilities Act) compliant.

Mr. Westerling responded that they will need to add access ramps and is currently working with architects to add a ramp to the back entrance door that also needs to be ADA compliant. They will also work with the architect on some minor interior work that needs to be done.

Mr. Johnson asked what the garbage removal plan is.

Mr. Westerling responded that they plan to use totes.

Mr. Johnson asked if there are any external building modifications that Mr. Westerling plans to do.

Other than the ADA ramp, Mr. Westerling responded that there are not any other external modifications to be done.

Mr. Johnson asked if there is any additional lighting planned for the property or the building itself.

Mr. Westerling responded that this was an issue also addressed with the Planning Board Executive Committee. They requested that he address the lighting on the rear ADA ramp that they are installing to assure that any lighting installed is dark-sky compliant. There will not be any other lighting added on the property.

Mrs. Salvati asked if there is any signage proposed at this time.

Mr. Westerling responded no there is not.

Mr. Bigler thanked Mr. Westerling for keeping the building as it is. It is a well love and historic building in town.

In regards to Public Participation, the following residents spoke:

1. Michael Rockwell of 6015 Goodrich Road:

- this is one of the oldest homes in the Town of Clarence.
- have these plans gone through the Clarence Historic Preservation Board
- is the owner aware of requirements and restrictions for the owners of historic homes in Clarence Center
- reviewed the history of the home
- concerned with the parking lot
- previously a fence was proposed around the property. This has not been done yet, and he will probably need to eventually request a variance for a 6ft. fence in order to mitigate the view of the bank and parking lot

2. Amy DiBalo Rockwell of 6015 Goodrich Road:

- grew up in the house
- reviewed the history of the house and town
- concern with views of proposed parking lot

Public Participation for this project was closed.

Mr. Bleuer noted that this is not a locally designated landmark although it is within the Clarence Center Overlay Protection zone, and had been referred to the Clarence Center Community Character Protection Board for review. They were also concerned about any exterior building modifications, and have been satisfied with the proposal as it exists and have accepted it without further comment.

Mr. Bleuer stated to the applicant that the Town of Clarence Historic Commission would be very interested in this building for local historic designation. If interested, please reach out to the Planning Office for guidance.

Mr. Westerling addressed the historic concerns, noting that the only exterior change they plan to make is to add the parking lot, they will not be removing any trees. They have the house and have kept all of the colors the same.

Regarding the barn that is located on the property, Mrs. Salvati asked the applicant if he would consider planting some shrubs along the west side of the proposed parking lot to provide a vegetative screening.

Discussion continued regarding the landscaping to be installed.

Motion by Patrick Johnson, seconded by Gregory Todaro to approve **the Harbor Holmes Change-In-Use**, from residential to commercial professional office, located at 9490 Clarence Center Road, per the submitted plan set by GPI dated February 2023, with the following conditions being met:

1. Applicant meeting the requirements of the Town of Clarence Engineering and Building Departments, and any associated conditions.
2. No exterior building modifications apart from any necessary access features as required by code.
3. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as originally approved.
4. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
5. All site lighting shall be dark sky compliant and shielded to prevent spillage onto adjoining properties. No lighting shall be elevated above the roof lines and all lighting shall be turned off no later than one hour after business hours except for necessary security lighting.
6. Any future proposed dumpster or garbage tote system shall require Town review and Approval, including but not limited to screening, service and closure in conformance with Town Code.
7. No outside display or storage of any kind on the property, including but not limited to goods, materials, or other items associated with the commercial use(s).
8. Any future proposed 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.
9. Subject to Open Space, and any other applicable fees as required by Town Code.
10. Add landscaping on the west side of the proposed parking lot to provide a vegetative screen to be approved by the Planning Office.

Jason Lahti	Aye	Patrick Johnson	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

ON THE QUESTION:

The applicant has heard, understands, and agrees to the conditions listed.

MOTION CARRIED

Item 3

Clarence United Methodist Church
Residential Single-Family

Requests Minor Subdivision of land Approval to create one (1) new lot located at 10205 Greiner Road.

DISCUSSION:

Mr. Bleuer introduced this project located at 10205 Greiner Road, on the southwest corner of Greiner Road and Strickler Road. An existing 17.1-acre property zoned Residential Single-Family, it contains an existing church, accessory structures, and associated facilities.

The applicant is requesting a Minor Subdivision of land to create one (1) new building lot at the southwest corner of Greiner Road and Strickler Road. The newly created lot would be approximately 1.15 acres with frontage along Greiner Road measuring approximately 225' and frontage along Strickler measuring approximately 223'.

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

John Suckow with the Clarence United Methodist Church was present to represent this project.

Mr. Lahti explained that in his review of the Short Environmental Assessment Form (EAF), he noticed that there are wetlands indicated on the property.

Mr. Suckow responded that he's unsure specifically where they are. It is a large property, and may not pertain to the area that they are seeking subdivision of.

Mr. Lahti asked what they plan to use the lot for.

Mr. Suckow responded that it will be a residential building lot.

Mr. Lahti asked if there are plans to split the property further.

Mr. Suckow responded he does not believe so. There is a septic system south of this proposed lot and the rear part of the property is not a developable area. They have a few trails that have been put in that they do not want to disturb.

Regarding the Short EAF Part 1, Mr. Schaefer noted that the question asks if the property is on or adjoining to wetlands. There are fairly significant wetlands on the parcel across Strickler Road that may have automatically populated the "yes" response. The applicant had proposed two additional lots, that unfortunately did not conform with lot standards for the Residential Single-Family zone. Any further proposed lot subdivision would require either a variance or remodification of those lots.

In regards to Public Participation, the following resident spoke:

1. Bradford Banks of 5170 Strickler Road:

- was told that there was a deed restriction on the property that stated it should remain natural through perpetuity
- unsure if the deed restriction exists
- has deed restrictions for his property and would believe there is one for this property
- wetlands are deed restricted
- concerned with encroachment on to the easement

Chairman Sackett noted that this request is merely for a subdivision of land and does not pertain to any building.

Mr. Suckow noted that he is not aware of a deed restriction.

Mr. Bengart explained that a deed restriction has nothing to do with the Town of Clarence, and would be between the seller and the buyer. The seller should caution themselves to not sell property that is deed restricted. It is no part of this action.

ACTION:

Motion by Jason Lahti, seconded by Wendy Salvati that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Short Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Short Environmental Assessment Form as prepared and to **issue a Negative Declaration** on the proposed Clarence United Methodist Church Minor Subdivision at 10205 Greiner Road. This Unlisted Action involves a lot split to create one (1) additional lot in the Residential Single-Family zone. After thorough review of the submitted plans and Environmental Assessment Forms it is determined that the proposed action will not have a significant negative impact on the environment.

Jason Lahti	Aye	Patrick Johnson	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED

Motion by Jason Lahti, seconded by Wendy Salvati to **approve the Clarence United Methodist Church Minor Subdivision** at 10205 Greiner Road as per the submitted survey dated April 3rd, 2023, with the following conditions being met:

1. Subject to Erie County Department of Public Works approval for access to Greiner Road and/or Strickler Road.
2. Review and approval by the Erie County Health Department for any future on-site sanitary facilities for the newly created lot.
3. Review and approval by the Town Building and Engineering Departments for any future construction on the newly created lot.
4. 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.
5. Subject to Open Space, Recreation, and any other applicable fees as required by Town Code.

ON THE QUESTION:

The applicant has heard, understands, and agrees to the conditions listed.

Jason Lahti	Aye	Patrick Johnson	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Wendy Salvati	Aye	Richard Bigler	Aye
Robert Sackett	Aye				

MOTION CARRIED

Meeting **adjourned** at 8:28 p.m. with a motion by Wendy Salvati.

MOTION CARRIED

Amy Major
Senior Clerk Typist