

Town of Clarence  
One Town Place, Clarence, NY 14031  
**Planning Board Minutes**  
Wednesday, February 21, 2024

**Work Session 6:00 pm**

Status of SEQR Coordinated Reviews  
Review of Agenda Items  
Miscellaneous

**Agenda Items 7:00 pm**

Approval of Minutes

**Item 1**

Bevilacqua Development  
Commercial & Residential Single-Family

Requests Development Plan approval for Phase 1 of a Conceptually approved mixed-use project at 6625 Transit Road, SBL 43.05-2-1.11 & 43.05-2-1.12.

**Item 2**

Roll Store Roll, LLC.  
Industrial Business Park

Requests Conceptual review of the rehabilitation to an existing warehouse building and site, accommodating a proposed self-storage facility at 8575 Roll Road.

**Item 3**

Zachary Glassman  
Agricultural-Floodzone

Requests a Minor Subdivision of land to create three (3) new lots located at 7700 Salt Road, with frontage on Delaware Road.

**Item 4**

Katherine Smith  
Residential Single-Family

Requests a Minor Subdivision of land to create one (1) new lot located at 9771 Greiner Road.

**Item 5**

Brookfield Farms Equestrian Center  
Agricultural-Rural Residential

Requests a Minor Subdivision of land to create three (3) new lots located at 5315 Salt Road.

Vice Chairman Richard Bigler called the meeting to order at 7:00 p.m.

Councilman Shear led the Pledge of Allegiance.

Planning Board Members present:

Vice-Chair Richard Bigler  
Jason Geasling

2<sup>nd</sup> Vice-Chair Wendy Salvati  
Jason Lahti

Planning Board Members absent:

Chairman Robert Sackett

Gregory Todaro

Daniel Tytka

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:

Sue Freeman-Russo  
Robin Filippone  
Erwin Beckinghausen  
Steve Favale  
Rick Smith  
Sean Hopkins

John Russo  
Eleanor D.Pieri  
Barb Beckinghausen  
Penny Favale  
Kathy Smith  
Patrick Sheedy

Kevin M. Swanson  
David Gill  
Joseph Vittuhn  
Tommaso Briatico  
Ed Nesselbeck  
Katherine Smith

Gregg Filippone  
Robert Callan  
Patricia Vitthuhn  
Sandy Gaulocher  
Dan Michnik

Motion by Wendy Salvati, seconded by Jason Geasling, to **approve** the minutes of the meeting held on January 10, 2024, as written.

Jason Lahti            Aye            Jason Geasling            Aye            Wendy Salvati            Aye  
Richard Bigler            Aye

**MOTION CARRIED**

**Item 1**

Bevilacqua Development  
Commercial & Residential Single-Family

Requests Development Plan approval for Phase 1 of a Conceptually approved mixed-use project at 6625 Transit Road, SBL 43.05-2-1.11 & 43.05-2-1.12.

**DISCUSSION:**

Mr. Bleuer introduced this project at 6625 Transit Road (SBL 43.05-2-1.11 and SBL 43.05-2-1.12), located on the east side of Transit Road, north side of Miles Road.

It is an existing vacant 36-acre property located in the Commercial and Residential Single-Family zones and Erie County Sewer District # 5, with frontage on Transit Road and Miles Road.

The applicant is requesting Development Plan approval for Phase 1 of a Conceptually approved mixed-use project.

Phase 1 consists of the four commercial outparcels, and one 3-story mixed use building totaling 23,100 sq. ft. commercial space located on floor one, and 31 apartments on floors two and three.

This proposal was originally in front of the Town Board in July of 2021. In September of 2021, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA). In October of 2022, the Planning Board issued a Negative Declaration under SEQRA. In December of 2022, the Zoning Board of Appeals issued variances for the proposal. In February and March of 2023, the Planning Board issued Conceptual approvals for the overall project. In June of 2023, the Town Board held public hearings and issued a Special Exception Use Permit for multiple family housing and an Open Space Overlay for the residential subdivision. In October of 2023, the Landscape Review Committee approved a final landscape plan. Finally, in February of this year the Engineering Department determined that Phase 1 of the Development Plan meets all technical requirements.

The Planning Board has the authority to consider the Development Plan for phase 1 of this project.

The applicant has requested that Final Architectural consideration take place at a future date, once building elevations are finalized. No building construction may occur, or Building Permits issued, prior to Final Architectural approval by the Planning Board.

Representing the applicant were Sean Hopkins with the law offices of Hopkins Sorgi & McCarthy PLLC, and Project Engineer Patrick Sheedy with Carmina Wood Design.

Noting that this project has been subject to a very lengthy and extensive review, Mr. Hopkins reviewed and highlighted Phase 1 points, specifically pointing out that there are no access roads or connections to Miles Road in Phase 1.

After a lengthy Coordinated Review, Mr. Hopkins noted that the State Environmental Quality Review Act (SEQRA) is complete.

Mr. Hopkins further review the history of the project thus far, specifically noting that the Town of Amherst Engineer issued a downstream sanitary sewer approval limited to 111,838 gallons per day. This is the sole reason behind the phasing of the project, as they are hoping to receive additional approvals for sanitary sewer usage in the near future.

Mr. Hopkins explained that the Army Corp of Engineers has issued a wetland permit with extensive conditions, and they will be performing on-site wetland mitigation per the terms of that permit.

Per the Department of Transportation (DOT), Mr. Hopkins stated that there will be a new signal at the driveway on Transit Road however, it can not be installed until the applicant meets the warrants. The warrants will not be met within Phase 1; therefore, the Traffic Study will need to be updated. Once all of the warrants are met, the traffic signal will be installed at the cost of the applicant.

Mr. Hopkins continued to review the components of Phase 1, noting that all of the technical standards need to be met with each phase.

Noting the mirrored mixed-use building planned for the rear of the site, Mr. Hopkins stated that they do not have sewer capacity for that building. The hope is that additional sewer capacity will be available so that the mixed-use buildings can be built at the same time.

Mr. Hopkins stated that they will be doing some clearing, and then planting new landscaping.

In regards to architectural approval, they are not requesting that at this meeting because they are aware of the extensive site work, and they would like to do both mixed-use buildings at the same time. Because of this, they will need to return to ask for development plan approval with each phase. Once the clearing is complete, while they will not be building buildings without the architectural approval, they will be completing many other improvements to get the property ready to build

Jason Lahti asked how far they intend to take the development plan approval to prepare.

Mr. Sheedy stated that considering the amount of fill that is needed to develop along Transit Road, the timeline is approximately 8 months just to get the site physically ready to build on.

Mr. Sheedy added that they will construct the internal roadways and install the stormwater management and infrastructure including the pond in the back. As far as other utilities, the 4 commercial outbuildings have their own individual water and sewer connections located along Transit Road. The mixed-use building and subsequent phases, there will be an internal private water and sewer main. A portion of this would be constructed in Phase 1, but as far as construction goes the paths would either be stone or topsoil and seeded for marketability reasons, they would not be left bare and muddy. Per DEC regulations, they need to be stabilized.

Mr. Lahti noted that after the Phase 1 the site will be filled and brought up to grade, and there will essentially be driveways, connecting roads, and underground infrastructure.

Mr. Lahti asked where the construction entrance will be.

Mr. Hopkins stated that the construction entrance will be on Transit Road, and reiterated that absolutely no access for Phase 1 on Miles Road will be permitted.

Referring to an area in the plans that is designated as a temporary stockpile, Mr. Lahti asked what will be in the stockpile.

Mr. Sheedy explained that stockpiling could be a number of things including stone, topsoil, and select fill for construction purposes. They are temporary in nature and depending on what the stockpile contains, there are certain rules and regulations on stabilization methods.

Mr. Lahti asked where the water will be draining in regards to the creek and the stormwater management area.

Mr. Sheedy explained that the stormwater for the 4 commercial outparcels will be captured and collected then taken under Transit Road through an underground stormwater detention system. The mixed-use building and subsequent phasing relative to the back pond, which is designed to be a wet

pond and will hold water at all times, it will treat the water per DEC regulations, then slowly run off back in to the creek, via an on-site ditch.

Mr. Lahti referred to the orange fencing that will be on-site to delineate the boundaries of the wetlands, to keep them protected during construction. How will that correspond to the overall disturbance for Phase 1?

Mr. Sheedy stated that with the limits of the phasing plan, the wetland areas along the north and south ends will be maintained throughout the duration of construction.

Mr. Lahti asked about the traffic light on Transit Road that will be installed at a later date, and asked for information regarding the timing of that light.

Mr. Hopkins explained that the timing will be based on the warrants, and as traffic is built-out, they will need to update the traffic counts, done by the traffic engineering firm Passero and Associates. That will be submitted to the DOT and once they are satisfied that enough of the warrants have been met, the signal will be installed.

Mrs. Salvati wanted to confirm that although what is being shown tonight is the landscape plan in its entirety, all of that is not what will happen if approval for Phase 1 is granted tonight. Landscaping will corollate with Phase 1.

In regards to Public Participation, the following residents spoke:

1. Steve Dale of 4309 Cameron Drive:
  - Asked what the plan is to keep Transit Road clear of mud and dirt
2. Penny Favale of 8115 Miles Road:
  - has been opposed to this project since the beginning
  - scale is too large and not keeping with the neighborhood around it
  - currently too many vacant mixed-use buildings in town, how will they avoid having vacant store fronts
  - this project neighbors too many single-family homes
  - happy to see dark-sky lighting is planned
  - what guarantees are there to assure that the vacancies won't be a burden on the neighborhood or the Town
3. Joseph Vitthuhn of 8260 Clarehurst:
  - how will the residents of Poplar Hill Estates access Transit Road via the newly proposed road that runs through the development
  - the previous response he was given is bogus, there is no access for the residents of Poplar Hill to use that proposed road
  - with the proposed traffic light, Miles Road will not have access to Transit Road, there is too much traffic
  - there has been a brush clearing machine on the site a number of times already, leaving a mess of mud behind
  - when the housing development phase of the project begins, how will the construction vehicles access the site

- at the very least he wants the Planning Board and Town Board to petition the State of New York to install a “Do Not Block Side Road” sign installed at the corner of Transit Road and Miles Road

4. Robert Callum of 8075 Miles Road:

- totally against this project
- likes the open area for nature’s sake
- concerns with how Miles Road has been choked off and difficult to access Transit Road from Miles Road
- the proposed traffic signal will gridlock Miles Road
- reviewed his concerns with the traffic studies that have been done thus far
- there are already too many empty store fronts, there’s no difference with this development

Public Participation for this portion of the project was closed.

Mr. Sheedy returned to address the questions and concerns of the residents, stating that any construction project over 1 acre in size the SWPPP regulations must be followed, controlled by the DEC. One of these regulations is to keep the roads clear of mud and dirt, the contractor would be legally bound to follow the regulations.

Referring to the concerns with equipment already on site and leaving mud in the road, Mr. Sheedy stated that it was most likely for the geotechnical boring that took place on site. He will check with the applicant to discuss the dirt left in the road and why it was not cleaned up.

Mr. Sheedy addressed the empty storefront concerns, adding that Bevilacqua Development has a great reputation and relationship with many local and national commercial businesses that he works with. His various other developments throughout the town are doing very well.

Mrs. Salvati asked if the outparcels will remain undeveloped until the applicant has retained a tenant to occupy the buildings, this way buildings are not built and then sit empty waiting for a tenant to occupy them.

Mr. Sheedy responded yes.

Mr. Sheedy stated that the Poplar Hill access to Transit Road will be able to access the site and drive through to the light. He understands that it is not a straight shot through the site, but there is nothing stopping a resident from accessing it.

Vice-Chair Bigler noted the timeline for accessing Transit Rd. from Miles Road. explaining that thorough and extensive traffic studies have been conducted. Vice-Chair Bigler asked Mr. Sheedy to briefly review it one more time.

Mr. Sheedy explained that any and all options for the location of a traffic light were studied, both the Deer Creek Lane and the Miles Road locations were analyzed. The DOT decided to place the traffic signal at Deer Creek Lane intersection. Based on input from the DOT, the traffic signal will improve traffic on Transit Road. They are not dismissing the concerns of the neighbors, but from their perspective they have done everything they can do to assist with the traffic around this development. Vice-Chair Bigler followed up on the concerns regarding construction traffic.

Mr. Sheedy stated that they will access from Transit Road for as long as possible, most likely from the southern entrance. As the private road for the subdivision is built, some traffic will need to be done on Miles, but the vast majority will be from Transit Road.

Regarding the suggestion for a “Do Not Block Side Road” sign at Miles Road and Transit Road, Mr. Sheedy noted that it is out of their jurisdiction, it would need to go through the NYS DOT.

Mr. Bleuer reiterated everything that was said, as well as said in past meetings. The Town of Clarence did request that the NYS DOT consider a traffic signal on Miles Road that was declined by the DOT. It was their preference to have it placed at the Deer Creek Lane intersection, they did not accept that Miles Road meets the warrants required for a traffic signal. The Town of Clarence also asked the NYS DOT to consider a ‘right turn only’ sign on Miles Road, and also for improvements on Transit Road potentially removing the hashing on the right-hand lane. They are studying these requests and have shown a willingness to work with the Town to keep considering them, but at this point, nothing has changed. The Town of Clarence will continue to advocate for improvements to that corridor.

Regarding the density and scale of the project, Mr. Sheedy added that the amount of residential and commercial units proposed were within the limits of the town code, no variances were needed for the density of the site.

Mr. Lahti explained that he has sat across the street from the Transit Road and Miles Road intersection to view the traffic patterns. The Planning Board and Town Board has to put some weight in the research and decisions of the professional engineers that perform traffic studies as well as the DOT input. There are legal ramifications if the Planning Board declines a proposed project based on their feelings or opinions. The Board must consider all factors and evidence that is presented to them, making a decision based on that.

#### **ACTION:**

Motion by Jason Lahti, seconded by Wendy Salvati to **approve** the Bevilacqua Mixed-Use **Phase 1 Development Plan**, located at 6625 Transit Road, per the submitted drawing by Carmina Wood Design, dated June 2023, with a final revision date of January 2024, with the following conditions:

1. Applicant meeting the requirements of the Town of Clarence Engineering Development Plan Review Letter dated February 6<sup>th</sup>, 2024.
2. Applicant meeting the requirements of the Town of Clarence Building Department fire code compliance review, and associated conditions.
3. Applicant meeting the requirements of the Town of Clarence Engineering Department, and any associated conditions, prior to any permits being obtained for disturbance of the property.
4. Subject to New York State Department of Transportation approval for the two proposed driveway connections to Transit Road including the proposed installation of a traffic signal at the northerly driveway connection, and in a future phase, Town of Clarence Highway Department approval for access to Miles Road.
5. 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.
6. Applicant meeting the requirements of the Landscape Committee Approval on October 10<sup>th</sup>, 2023, and associated conditions, including but not limited to, the management of all

landscaping in perpetuity and replacement, in-kind, should there be any deterioration, or death, or disease to plantings; and the maintenance of all fencing, and replacement in kind, should there be any deterioration or damage.

7. 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.
8. All site lighting shall be dark sky compliant and shielded to prevent spillage onto adjoining properties. All freestanding lighting shall be installed per the approved photometric lighting plan, and no freestanding lighting shall be elevated above 20' and no lighting shall be elevated above the roof lines. All non-residential lighting shall be turned off no later than one hour after business hours except for necessary security lighting.
9. Project site to be developed in conformance with the approved phasing plan. Future phases shall be subject to Development Plan review by the Town.
10. Project site shall be cleared in conformance with the phased clearing plan, including limits of disturbance, and material stockpile locations.
11. No construction vehicles shall access property from Miles Road in connection with construction activities for all phases of development.
12. No issuance of Building Permits prior to Final Architectural consideration by the Planning Board. Final building elevations shall be submitted to include the labelling of material types and colors. All final building elevations shall be consistent with the approved design guidelines.
13. Any exterior building mechanicals shall be identified, detailed, and shielded on any future final building elevations.
14. Site and any future buildings shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as approved.
15. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
16. For any future commercial uses, no outside display or storage of any kind on the property, including but not limited to goods, materials, or other items.
17. Any future proposed commercial outside operations shall be subject to a Temporary Conditional Permit as reviewed and approved by the Town of Clarence.
18. 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.
19. Subject to Open Space, Recreation, and any other applicable fees as required by Town Code.

### **ON THE QUESTION:**

Mrs. Salvati reiterated that this approval tonight is only for Phase 1 of this project, with no other developing or actions occurring anywhere else on the site except for within the delineated boundaries shown on the plans for Phase 1.

Mrs. Salvati continued, stating that the applicant will need to come back to the Planning Board for architectural approval when they are ready to construct any of the buildings. They will need approval for any of the buildings located on the outparcels along Transit Road as well as the larger mixed-use



residential building. They will need to return and proceed through this process again for each additional phase of this project.

Mrs. Salvati also explained that whether the Planning Board personally likes projects or not, they must abide by the zoning laws. This project meets those laws, and the Planning Board has worked with the applicant extensively over the past two years to assure that this project is the best that it can be.

Mr. Lahti pointed out that a developer is not the only one that is able to submit a traffic study. Individuals or anyone that feels a traffic study is not correct can seek the help of engineering and conduct a traffic study themselves. Opposing evidence must also be considered.

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

Jason Lahti	Aye	Jason Geasling	Aye	Wendy Salvati	Aye
Richard Bigler	Aye				

**MOTION CARRIED**

**Item 2**

Roll Store Roll, LLC.  
Industrial Business Park

Requests Conceptual review of the rehabilitation to an existing warehouse building and site, accommodating a proposed self-storage facility at 8575 Roll Road.

**DISCUSSION:**

Mr. Bleuer introduced this project at 8575 Roll Road, located on the south side of Roll Road, east of Harris Hill Road.

It is an existing 4.5-acre parcel located in the Industrial Business Park zone, containing an existing telecommunication tower, and a warehouse structure currently being used for an automotive operation.

The applicant is requesting preliminary conceptual review of the rehabilitation to an existing warehouse building and site, accommodating a proposed self-storage facility. Seven self-storage buildings are proposed as new construction, and the existing warehouse is proposed to be rehabilitated for additional indoor storage. Additional improvements to site parking and stormwater management are also proposed.

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

Project Engineer Patrick Sheedy with Carmina Wood Design was present to represent this project, adding that they did have thoroughly addressed the comments previously received by the Planning Board Executive Committee.

Mr. Geasling asked if there are any proposed building materials yet.

Mr. Sheedy stated that at this time, they do not have any specific products selected, they will look in to that as part of the concept review.

Referring to the plans shown on the screen, Mr. Geasling asked for clarification of the elevations.

Mr. Sheedy explained the elevations, what will be removed and the new façade on an existing section.

Referring to the stack on top of the building, Mrs. Salvati asked what they are, and if they are staying.

Mr. Sheedy responded that they appear to be exhaust stacks, he is unsure if they are remaining.

The interior of the building rehab is still under review as they are working out what will be done inside. They will get that information as the process proceeds.

Vice-Chair Bigler pointed out that the Coordinate Review is just beginning, therefore there is time to get the information for these questions.

Mr. Geasling noted that as part of the development of the elevations and buildings, the applicant needs to be sure that the percentage of metal panels used for the storage buildings is within town code.

Mr. Geasling asked if any consideration has been given to the redevelopment of the existing building and future mechanicals, whether they will be necessary and where they will be placed.

Mr. Sheedy stated that at this time, he is not aware of any. His guess is that this building will be redeveloped as a climate-controlled storage facility, therefore there will be some mechanicals associated with the project. Given the mechanicals existing on the site, they would have some opportunity for some ground-mounted mechanicals on the west side of the building, and they would be screened appropriately. The same applies to any mechanicals mounted on the roof or building.

Mr. Geasling asked if the access road to the cell tower site will remain as is.

Mr. Sheedy confirmed yes.

Mr. Geasling asked if any other changes will be made to the driveway aside from putting in a cut-off from this proposal.

Mr. Sheedy responded yes; there is currently a connection point that will be cut-off, creating one clean access point off of Roll Road. The parking along the front of the building would have its own individual curb cut, with the other curb cut having gated access to the storage facility in the rear.

Mr. Sheedy noted that the current curb cut along Roll Rd. covers the entire frontage of the building, approximately 70 ft. long that they are reducing to the typical 24 ft.

In regards to Public Participation, no one spoke.

**ACTION:**

Motion by Jason Geasling, seconded by Wendy Salvati that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and to seek

Lead Agency status and **commence a coordinated review** among involved and interested agencies on the proposed self-storage facility project at 8575 Roll Road in the Industrial Business Park zone. This Unlisted Action involves the rehabilitation and expansion of a former warehouse building and site to be converted into a self-storage facility.

Jason Lahti                    Aye                    Jason Geasling                    Aye                    Wendy Salvati                    Aye  
Richard Bigler                    Aye

**MOTION CARRIED**

**Item 3**

Zachary Glassman  
Agricultural-Floodzone

Requests a Minor Subdivision of land to create three (3) new lots located at 7700 Salt Road, with frontage on Delaware Road.

**Withdrawn by the applicant.**

**Item 4**

Katherine Smith  
Residential Single-Family

Requests a Minor Subdivision of land to create one (1) new lot located at 9771 Greiner Road.

**DISCUSSION:**

Mr. Bleuer introduced this project at 9771 Greiner Road, on the south side of Greiner Road, located west of Hollingson Road.

It is an existing 3-acre property zoned Residential Single-Family, containing an existing single-family residence.

The applicant is requesting a Minor Subdivision of land to create one (1) new building lot on the western portion of the property. The newly created lot would be approximately 1.21-acres with 125’ of frontage on Greiner Road. The remaining parent parcel would become approximately 1.74-acres, with 175’ of frontage on Greiner Road, and contain the existing residence.

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

Ms. Smith was present to represent her request.

Vice-Chair Bigler noted that this request has been reviewed by the Planning Board Executive Committee prior to tonight’s meeting, and is a standard subdivision of land.

In regards to Public Participation, no one spoke.

**ACTION:**

Motion by Richard Bigler, seconded by Wendy Salvati 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 Smith Minor Subdivision at 9771 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                    Jason Geasling                    Aye                    Wendy Salvati                    Aye  
Richard Bigler                    Aye

**MOTION CARRIED**

Motion by Richard Bigler, seconded by Wendy Salvati to **approve the Smith Minor Subdivision** at 9771 Greiner Road as per the submitted sketch received in the Planning Office on December 19<sup>th</sup>, 2023, with the following conditions being met:

1. Subject to Erie County Department of Public Works approval for access to Greiner 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 properties, appropriate easements shall be submitted by the applicant and approved by the Town Engineering, Highway and Legal Departments. If any drainage easements are 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.

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

Jason Lahti                    Aye                    Jason Geasling                    Aye                    Wendy Salvati                    Aye  
Richard Bigler                    Aye

**MOTION CARRIED.**

**Item 5**

Brookfield Farms Equestrian Center  
Agricultural-Rural Residential

Requests a Minor Subdivision of land to create three (3) new lots located at 5315 Salt Road.

**DISCUSSION:**

Mr. Bleuer introduced this project at 5315 Salt Road, located on the east side of Salt Road, north of Main Street.

It is an existing 42-acre property zoned Agricultural-Rural Residential, containing an existing horse-riding academy, boarding facility, and single-family residence.

The applicant is requesting a Minor Subdivision of land to create three (3) new building lots. The newly created lots would each be approximately 1.33-acres, each with 175-250' of frontage on Salt Road. The remaining parent parcel would become approximately 38.6-acres, with 800' of frontage on Salt Road, and contain the existing equestrian center and residence.

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

This Minor Subdivision proposal constitutes the maximum allowable number of lot splits under a Minor Subdivision review. If approved, any future proposed lot splits associated with the properties shall be subject to a Major Subdivision review.

Project Architect Tomaso Briatico was present to represent this project, stating that they took great care in choosing the new lot lines, so as to have minimal change to the character of the area, as well as minimal effect to the current pastures on site.

Mrs. Salvati noted that this is a standard subdivision of land, the lots that are being proposed meet code, and there are no issues with the Environmental Assessment Form.

Mr. Briatico stated that their goal was to make a standard request with no issues that would involve variances or any other problems.

Mrs. Salvati asked why the design of the northern lot is designed as a polygon and not a straight line.

Mr. Briatico explained that there is an existing pasture, and they did not want to interfere with it, or be intrusive. This design has minimal impact to the site.

In regards to Public Participation, the following resident spoke:

1. Gregg Fillipone of 5250 Salt Road:
  - how will the properties be accessed off of Salt Road
2. David Gill of 5350 Salt Road:
  - what are the plans for the parcels, will they be building lots with homes, single family or multi-family
  - will they be single or multi-level
  - concerns with water line access and previous repairs to the water lines
  - concerns with additional stress placed on existing water line
  - concerns with electric being run to the properties
  - concerns with light pollution, currently when it is dark they can see the sky
  - any future two-story homes will obscure the sunrise that he and his family enjoy regularly

Public Participation for this item is closed.

Mr. Briatico responded to the questions and concerns, noting that the Salt Road access will be the access point to the three parcels of land, with each parcel having its own driveway from Salt Road.

Mr. Briatico explained that he has not yet designed any homes yet, but the lots will be sold for residential development.

Vice-Chair Bigler explained that tonight’s meeting is only to split the lot, they are not addressing what will be on the lots.

Mr. Bleuer stated that the zone would not allow for multiple family dwellings on the parcels, single family residences would be the only permitted house type. Both single- and two-level dwellings would be permitted.

Regarding utilities, Mr. Briatico noted that the water and electric lines are located on the west side of the road, and would need to be run underneath the road. Mr. Briatico is strongly in favor of underground electric service.

Regarding lighting and view concerns, those are not items that will be considered tonight.

Mr. Bleuer reiterated that the pervue of tonight’s meeting and the only authority of the Planning Board is the lot split. They do not have the ability to control some of the items and concerns that have been discussed.

Mr. Bleuer added that for the benefit of the audience; should a future owner want to develop the parcels, it would be subject to a Building and Engineering review. They do look in to all of the technicalities that will be enforced or controlled by the Town of Clarence, but town code will need to be met, as well respective agency’s codes.

Mr. Briatico noted that when they design houses there are multiple requirements that need to be met by multiple agencies.

**ACTION:**

Motion by Wendy Salvati, seconded by Jason Geasling 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 Brookfield Farms Equestrian Center Minor Subdivision at 5315 Salt Road. This Unlisted Action involves a lot split to create Three (3) additional lots in the Agricultural-Rural Residential zoning district. 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	Jason Geasling	Aye	Wendy Salvati	Aye
Richard Bigler	Aye				

**MOTION CARRIED.**

Motion by Wendy Salvati, seconded by Jason Geasling to **approve the Brookfield Farms Equestrian Center Minor Subdivision** at 5315 Salt Road as per the submitted site plan by Tommaso Briatico Architects, dated May 2024, with the following conditions being met:

1. Subject to Erie County Department of Public Works approval for access to Salt Road.

2. Review and approval by the Erie County Health Department for any future on-site sanitary facilities for the newly created lots.
3. Review and approval by the Town Building and Engineering Departments for any future construction on the newly created lots.
4. Should any drainage easements be required by the Town to address on-site drainage issues on the properties, appropriate easements shall be submitted by the applicant and approved by the Town Engineering, Highway and Legal Departments. If any drainage easements are 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.

The applicant has heard, understands, and agrees to these conditions.

**ON THE QUESTION:**

Mrs. Salvati noted that the three building lots are located in the vicinity of a chicken farm, therefore are subject to potential adverse impacts that may arise from such operations.

Mr. Bigler noted that Clarence is a Right to Farm Community.

Mrs. Salvati added that this Minor Subdivision Approval constitutes as the maximum allowable number of lot splits under a Minor Subdivision review. Any future proposed lot splits associated with the properties shall be subject to a Major Subdivision review.

Jason Lahti	Aye	Jason Geasling	Aye	Wendy Salvati	Aye
Richard Bigler	Aye				

MOTION CARRIED.

Meeting **adjourned** at 8:21 p.m. with a motion by Wendy Salvati.

MOTION CARRIED

Amy Major  
Senior Clerk Typist