

Town of Clarence  
One Town Place, Clarence, NY 14031  
**Planning Board Minutes**  
Wednesday, April 3, 2024

**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**

Visone Co. Site Development, LLC.  
Residential Single-Family

Requests Conceptual review of a mixed-use project containing multiple-family housing and commercial space in the form of live/work units at 4880 Ransom Road.

**Item 2**

West Herr Automotive Group  
Commercial

Requests Development Plan approval for the proposed demolition of the existing Budget Inn Motel and construction of an automotive storage lot at 8255 Main Street.

**Item 3**

Chris Lavocat  
Agricultural-Rural Residential

Requests a Minor Subdivision of land to create one (1) new lot located at 6510 Salt Road.

**Item 4**

DIOGI Daycare  
Traditional Neighborhood District

Requests a recommendation of a Temporary Conditional Permit to operate a dog care facility, including overnight boarding and outdoor areas at 6995 Transit Road.

**Item 5**

Joseph Beaser  
Agricultural-Floodzone

Requests a recommendation of a Temporary Conditional Permit to conduct business storage and staging out of existing accessory structures at 8255 Goodrich Road, on the southeast corner of Goodrich Road and Brauer Road.

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

Councilman Shear led the Pledge of Allegiance.

Planning Board Members present:

Chairman Robert Sackett  
2<sup>nd</sup> Vice-Chair Wendy Salvati  
Daniel Tytka

Vice-Chair Richard Bigler  
Gregory Todaro

Planning Board Members absent: Jason Geasling Jason Lahti

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:

Vince Olivieri	James Tarantino	Bob Lenz	Chris Lavocat
Meredith Lavocat	David Brown	Carol Minnick	Terry Sinica
Stephanie Singh	Tony Bonaventura	Lisa Bonaventura	Jim Murka
Barbara Suess	Dan Michnick	Carolyn McMahon	Emily Miller
Michael Schimenti	Peter Kruszynski	Robert Dickinson	Tom Sinica
Brianne Frawley	Arthur Francis	Paul Toms	Karen McMahon
Sean Hopkins	Dan Carroa	Chad Miller	Jeff Ferger
Al Hopkins			

Motion by Gregory Todaro, seconded by Wendy Salvati, to **approve** the minutes of the meeting held on March 6, 2024 as written.

Daniel Tytka	Aye	Gregory Todaro	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sackett	Abstain		

MOTION CARRIED

**Item 1**

Visone Co. Site Development, LLC.  
Residential Single-Family

Requests Conceptual review of a mixed-use project containing multiple-family housing and commercial space in the form of live/work units at 4880 Ransom Road.

**DISCUSSION:**

Mr. Bleuer introduced this project at 4880 Ransom Road, located on the west side of Ransom Road, south of Main Street. It is an existing 3.16-acre vacant parcel located in the Residential Single-Family zone.

The applicant is requesting conceptual review of the rezoning of the property to Traditional Neighborhood District to accommodate a mixed-use project containing 23 multiple family housing units and 11,434 sq. ft. of commercial space, in the form of live/work units.

During the annual Master Plan review in 2014, the Town Board referred this property to the Planning Board for review. Since that time, the applicant has given this parcel consideration, meeting with various Town departments and committees to understand the constraints and requirements of the area, resulting in this new proposal for the site.

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

Brianne Frawley with Visone Development, and Al Hopkins with Metzger Civil Engineering were present to represent this request.

Ms. Frawley stated that they are proposing to rezone to Traditional Neighborhood District (TND) in addition to 18 live/work units, and 5 traditional townhomes. This property is currently zoned Residential Single-Family.

Ms. Frawley explained that the live-work mixed-use townhomes are approximately 2,000 sq. ft. each, and would include approximately 635 sq. ft. of commercial space on the first floor, providing a separate and distinct area from the living space. Each area would have a store front as well as an ADA bathroom.

Ms. Frawley added that the 5 traditional townhome units will be approximately 1,800 sq. ft. each.

The development will be well integrated in to the surrounding area, Ms. Frawley stated that with the proximity to Main Street the connectivity will integrate the site.

Ms. Frawley added that many of the properties abutting this proposed site are zoned TND.

Additionally, Ms. Frawley stated that while staying within the Town's requirement for parking, the proposed development will have ample parking, harmonizing with the commercial use of the proposed site.

Ms. Frawley added that the proposed development fits in with the Vision Main Street plan, which shows potential townhomes on the site.

Mr. Hopkins recapped the site, as well as the proposed plans for the site, stating that the maximum density allowed by code for the site is 24 units, they are proposing 23 units.

Referring to the Town Code requirement of at least 25% commercial space, they have met that requirement.

Mr. Hopkins stated that they meet all of the town's building setback requirements.

They are proposing 81 parking spaces, exceeding the town's minimum requirement of 58 spaces. Mr. Hopkins noted that water is available along Ransom Road, as well as sanitary sewers. They will meet the Town Engineering requirements, and work with them on a Stormwater Management System as well as the Department of Environmental Conservation (DEC) stormwater regulations.

Mr. Hopkins explained that they will be required by Town Code to not allow any of their water from the site flow on to any neighboring properties.

Mr. Hopkins stated that the landscaping for the proposed site will be designed by a professional landscape artist, and subject to rigorous review by the town's Landscape Review Committee.

Mrs. Salvati reiterated that the purpose of tonight's meeting is to initiate a coordinated review for the State Environmental Quality Review Act (SEQRA).

Mrs. Salvati noted that she reviewed the Environmental Assessment Form (EAF) that was submitted, stating that some of the information appears to be outdated and needs to be corrected, beginning with the project description, that states the action will include the demolition of an existing residential single-family home. That structure has already been removed and is no longer part of the project's action.

Pointing out that the project's action also includes a request for rezoning from Single-Family Residential to Traditional Neighborhood District, Mrs. Salvati noted that information is not included in the project description, and needs to be added.

Mrs. Salvati pointed out that the site plan for the proposed project will also be reviewed by the Clarence Hollow Community Character Protection Board. While they do not issue an official approval, they do have review authority and are able to issue comments for the Planning Board.

Referring to Item B-C of the EAF, Mrs. Salvati noted that the form states the total acreage from the continuous property is owner-controlled by the applicant or project sponsor. The total acreage was increased to 3.6, leading Mrs. Salvati to believe that they are still including the property that extended to Main Street. It is her understanding that the applicant no longer owns that portion of the property.

Ms. Frawley confirmed that it is no longer a part of this project. Mrs. Salvati advised her that it should be corrected on the Environmental Assessment Form.

Mrs. Salvati stated that according to a statement on page 6, there are existing sewer lines that will service the proposed project.

Mr. Hopkins responded yes; the sewer line is part of Sewer District #9.

Mrs. Salvati noted that one of the questions on the EAF is whether the proposed project minimizes impervious surfaces, which the applicant responded "no" to. Mrs. Salvati noted that they will discuss that in more detail at another time, but wanted the applicant to be aware.

Regarding the traffic around the proposed site, Mrs. Salvati noted that when asked if there will be a substantial increase in the traffic pattern she would say yes, as there is currently no traffic in that area therefore anything additional will be more than what is there currently.

Mrs. Salvati asked if there has been or will there be any form of traffic analysis.

Mr. Hopkins responded that it is subjective, and that because the proposed units are “live/work” units, the people that utilize them will not be coming to and from work each day, which will cut down on the traffic around the site.

Mrs. Salvati noted that the parking areas will be discussed more at a later date, as needed.

Mr. Bleuer noted that while you can say that whether there will be an increase in traffic is subjective, the question itself is not subjective, as it is tied to thresholds and state standards. There will be coordination with both the New York State Department of Transportation (NYS DOT) and the Erie County Department of Public Works during the coordinated review.

Mrs. Salvati noted that in the section asking for hours of operation, the applicant filled everything out; Monday-Friday, weekends, holidays, 7:00 a.m. – 6:00 p.m. and asked if that is the true intent.

Mr. Hopkins responded that with the nice weather coming, he does not want to limit any construction work, which is why they filled in all the responses.

Ms. Frawley stated that they would be willing to look that over again and make adjustments.

Mrs. Salvati questioned the response on page 8 of the EAF, in regards to using pesticides, herbicides and insecticides during construction. With landscaping proposed, Mrs. Salvati pointed out that contractors will typically use some kind of chemicals, so she encourages the applicant to answer “yes” to that section.

Mr. Hopkins explained why they left that section blank.

In regards to solid waste, Mrs. Salvati noted that the applicant responded that individual recycling practices will be encouraged. Mrs. Salvati added that per the Town Code, it is mandated, therefore it should be noted on the assessment form.

Mrs. Salvati noted that according to the site plan, it is clear that the plan is to clear-cut the site, cutting down any existing vegetation. Mrs. Salvati asked the applicant if they would add some information to the site plan data table showing that the requirement for open space will be met, and how.

Mrs. Salvati reiterated that there will be a coordinated review, and the environmental assessment form as well as the site plan will be included in the information that is disseminated to the involved and interested agencies for their review.

Chairman Sackett noted that Mr. Hopkins had been nodding his head in agreement with each of Mrs. Salvati’s amendments, confirming that the changes will be made to the Environmental Assessment Form and resubmitted prior to being sent out for review.

Mr. Hopkins responded yes; he has made notes of all of the amendments to be made.

In regards to Public Participation, the following residents spoke:

1. Dan Carroll of 4885 Ransom Rd:

- would like to have a traffic study conducted after the Ransom Road bridge is back open to full travel
- concerns regarding the quality of asphalt, and the displacement of water from the site
- does the contractor have any successful history with a project of this size and type
- the mess from the demo was all over the street, you cannot access the site and any deliveries will completely block Ransom Road. There is no effective way to pull in the driveway with any sizeable vehicle
- the bridge needs to be addressed
- there is no chance a firetruck would be able to access the site
- the homes and businesses in the TND all have walkability to Main Street, not to Ransom Road
- there is no sidewalk on Ransom Road for pedestrians to access Main Street
- concerned about garbage from the proposed development reaching the bike path

Chairman Sackett urged residents to send comments and concerns to the Planning Office where they will be added to the project file and become part of the record. When coordinating with interested and involved agencies, these concerns and comments will be addressed.

2. Robert Lenz of 10531 Main Street:

- similar projects including across from Clarence High School that have longstanding vacancies
- we do not need another large complex in the small village
- the buildings proposed are too large for the small area and the neighborhood
- some of the proposed buildings would basically in the backyards of residents on Ransom Road
- there is minimal frontage on Ransom Road
- numerous commercial properties available on Main Street where this proposed project could be located
- this is an interesting plan, but not for the proposed site

3. Jeff Ferger from 4870 Sawmill Road:

- agrees with previous comments and concerns that have been voiced tonight
- large concern with traffic for that area
- concerned with water and the potential for flooding
- that amount of space being built in such a compact area, it seems too large
- greenspace and the bike path area are of concern, specifically erosion, pollution and trespassing
- stated that the bridge would need to be considerably widened to accommodate construction and emergency vehicles, as well as others of similar size
- there are no sidewalks connecting Ransom Road to Main Street
- abundant collection of water in the area due to the bottom of the swale
- main concern is the amount of congestion that would come in and out of the area
- unsure something that large is able to be accommodated by the sewer system

4. Emily Miller of 4884 Ransom Road

- direct neighbors to the proposed development

- they have a semi-private backyard, and this proposal will bring 23 units basically in to their backyard
  - concerns with how they will fit construction vehicles on the site, the driveway is too narrow. When they demolished the house that was there, they could not fit the dump truck in.
  - concerns with how the construction vehicles and construction will be so close to her yard and driveway
  - concerned for their small children with all of the additional traffic this will bring and, in their backyard, also. They would not have bought this house had they known what was planned
  - concerns for the added traffic that the proposed project will add on Ransom Road
  - the creek that they play in and enjoy will be polluted
5. Chad Miller of 4884 Ransom Road
- environmental concerns for the creek on the property, runoff on to their property
  - would like to see the applicant shore up the back side of the creek in order to be a good neighbor without destroying the habitat
  - believes the northern portion with the apron encroaches on their property
6. Vince Olivieri of 10560 Stoneway
- he and his wife walk across Ransom Road each day, it is already not safe and this makes it feel worse
  - there are no sidewalks
  - they moved to the area and their house for the area, bridge, and bike path
7. Anthony Boneventuri Jr. of 10550 Stoneway
- primary concern that the project is too large for the residential single-family area
  - unsure by the map what the proposal includes about the diversion of Ransom Creek
  - traffic concerns
  - ask that the current zoning is respected and the property left as-is
8. Arthur Francis of 4850 Sawmill Road
- noted that there are only 36 proposed parking spaces, where will the other spaces go
9. Carroll Minnick of 4220 Ransom Road
- agrees with all previously stated concerns
  - familiar with the land, a friend that lived there told her that there were artifacts on the proposed property
  - questioned the annotation about the distance of the proposed project from the Tillman Nature Preserve
10. Tom Seneca of 4790 Ransom Road
- will the proposed entrance be expanded to a two-lane entrance and if so, how that be done considering it extends over Ransom Creek
  - since it is a live-work development, will that be set as a limitation for occupancy
  - will there at some point be an entrance on to Main Street with the increased traffic on Ransom Road and in close proximity to the Main Street intersection

11. Barbara Seuss of 4875 East Avenue:

- reminded the Board that the residents in attendance expressing opinions represent lots of neighbors that were not able to come to the meeting
- traffic and growth have increased in Clarence
- the proposed project is not in fitting with the character of their neighborhood, there are other areas where it would be more appropriate

Public Participation was closed at this time for this meeting.

Ms. Frawley and Mr. Hopkins returned to address concerns and questions, beginning with the walkability and sidewalks. Mr. Hopkins stated that the point of sidewalks is to make it walkable. They do not have access to Main Street, and if they did, the NYS DOT would tell them that they need to go to Ransom Road as part of their access management program.

Chairman Sackett noted that they can put sidewalks in the right-of-way.

Mr. Hopkins responded that the overall vision for the Hollow is a walkable community, that is the hope of the future tenants of this proposed project, is that they will walk to Main Street.

Mrs. Salvati explained that the point of the concerns and comments is the safety issues walking on Ransom Road with no sidewalk. The applicant is creating a walkable community, with no safe way to walk on Ransom Road.

Mr. Hopkins stated while he agrees, that is not his client's concern, it is a Town of Clarence issue, there should be sidewalks.

Chairman Sackett responded to Mr. Hopkins, stating that it is definitely his and his client's concern if they are creating the situation. If they have not considered sidewalks to Main Street, they should address it at a future meeting.

Chairman Sackett explained that with traffic being a main concern, that is something we will learn more about from Erie County, since Ransom Road is a county road. They will find out whether a traffic study will be required.

Chairman Sackett asked Mr. Hopkins how many feet the proposed development is from Main Street, and whether it is within 500 ft.

Mr. Hopkins was unsure of the distance, but he and Ms. Frawley both agreed they believe it is within 500 ft. from Main Street.

Chairman Sackett stated that the New York State Department of Transportation (NYS DOT) will also have input, due to the proximity to Main Street. This means that there are several agencies that will comment and provide input on the walkability factor.

Chairman Sackett added that whichever agency guards Ransom Creek will also have plenty of input. Chairman Sackett also reviewed with Mr. Hopkins the neighbor's concerns of the proposed project to the bike path, and to neighboring properties.



Hearing the concerns and questions of the neighbors and residents will help when presenting the proposed project to the involved and interested agencies, as well as the Town Board, specifically with the rezoning portion.

Chairman Sackett stated that when they return with all of the input from the coordinated review, they will take a very hard look at the proposed site.

Mrs. Salvati reviewed additional question that were asked by the neighbors, including where all the parking spaces are.

Mr. Hopkins responded that they are inside, along the rear of the driveway each live/work unit will have a two-car garage.

Ms. Frawley added that the five traditional townhomes will each have one-car garages.

In regards to the encroachment in to neighboring properties, Chairman Sackett stated that during the coordinated review, he would like the applicant to have conversations with the neighbors, so that they can show that they are in agreement and in harmony with the neighbors.

Following up on the question regarding secondary access, Mrs. Salvati asked if there was a proposal for an ingress or egress for emergency vehicles to the site.

Mr. Hopkins responded no; they do not have the opportunity.

Chairman Sackett reiterated that this is why we coordinate with the fire departments.

Mrs. Salvati noted that the applicant does not show Ransom Creek on the concept plan, and it should be shown. She would like to know how the proposed storm drainage will interact with the creek.

Mrs. Salvati would like to see this revised before the Environmental Assessment Form is distributed to the agencies for review.

Regarding the Tillman Nature Preserve, Mrs. Salvati asked that they list it on the EAF, as it is a state wildlife management area.

**ACTION:**

Motion by Wendy Salvati, seconded by Richard Bigler that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as amended per the Planning Board comments and discussion and to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies on the proposed Visone Mixed Use project at 4880 Ransom Road in the Residential Single-Family zone. This Type I Action involves the rezoning of the property to Traditional Neighborhood District, and construction of 23 multiple-family residential units and approximately 11,434 sq. ft. of commercial space, in the form of live/work units.

Daniel Tytka	Aye	Gregory Todaro	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sackett	Aye		

MOTION CARRIED

**Item 2**

West Herr Automotive Group  
Commercial

Requests Development Plan approval for the proposed demolition of the existing Budget Inn Motel and construction of an automotive storage lot at 8255 Main Street.

**DISCUSSION:**

Mr. Bleuer introduced this project at 8255 Main Street, located on the south side of Main Street, west of Susan Drive.

It is an existing 1-acre parcel located in the Commercial zone, containing a Budget Inn Motel.

The applicant is requesting Development Plan approval for the proposed demolition of the existing motel and construction of an automotive storage lot at 8255 Main Street, adjacent to the BMW dealership.

The Town Board referred this proposal to the Planning Board at their June 2023 meeting. The Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA) in August of 2023. In October of 2023, the Planning Board issued a Negative Declaration under SEQRA, approved the Concept Plan, and recommended Rezoning and issuance of a Special Exception Use Permit. In December of 2023, the Town Board Rezoned the property from Traditional Neighborhood District to Commercial, and issued a Special Exception Use Permit for the automotive use, all with a series of 14 conditions. In February of this year, the Landscape Review Committee approved a final landscape plan. Finally On March 25th, the Engineering Department determined that the development plan met their technical requirements.

The Planning Board has the authority to consider this Development Plan. An approval would constitute the final Board action prior to demolition and construction.

Sean Hopkins with the law firm Sorgi Hopkins & McCarthy was present on behalf of the applicant, as well as Scott Bieler and Jim Mulka both with West Herr Automotive Group.

Mr. Hopkins noted that the first step in the process will be to demolish the Budget Inn currently on the site. In regards to the timing of demolition, an asbestos survey was recently completed, and they are awaiting the results. If there is asbestos, it will be remediated in accordance with applicable standards.

They are hoping to finalize and begin demolition in early May, and are hopeful that the demo process will take approximately 1-2 weeks. From there they will move to development of the site, which they anticipate will take approximately 3 months.

Mr. Hopkins noted that in terms of proximity to the apartments and single-family homes, West Herr takes those considerations very seriously. They are very diligent in watching their site contractors, including cameras to watch 24/7.

Mr. Hopkins reviewed the plans, noting that the first step with developing the site will be installing the stormwater management system.

Regarding the lighting, Mr. Hopkins noted that the light standards as measured from the base or the pavement to the top are 15 ft., and dark sky compliant as requested by the Planning Board.

Mr. Hopkins explained that existing landscaping off-site from this project was addressed at the first meeting. Mr. Mulka immediately worked with the neighbors, to address and corrected that issue.

Mr. Hopkins noted that they are adding extensive greenspace to the property along the back (south) side of the property, as well as Main Street.

Mr. Hopkins noted that there is an existing fence that is located on the southern portion of the site, that will stay in place.

Mr. Hopkins reviewed the previously mentioned pedestrian connection as well as the curb cut and installation of sidewalks so that there is a continuous ADA compliant sidewalk across the entire frontage of the site, traveling west to Transit Rd.

Regarding the current sidewalk, Mr. Tytka asked if it will be accessible during construction.

Mr. Mulka responded that the sidewalk will be temporarily blocked during construction.

Mrs. Salvati asked out of curiosity, how old are the existing buildings that will be demolished.

Mr. Hopkins responded that they are unsure of the exact age, but they believe them to be approximately 50-70 years old.

Mr. Todaro asked if during the demolition, how will they control debris on Main Street.

Mr. Hopkins responded that West Herr takes great care and caution in their projects including demolitions, and he can assure the board that there will be minimal concern for this.

In regards to Public Participation, no one spoke.

#### **ACTION:**

Motion by Daniel Tytka, seconded by Gregory Todaro to **approve** the West Herr Automotive Group automotive storage lot **Development Plan**, located at 8255 Main Street, per the submitted plan by Nussbaumer & Clarke, dated March 1<sup>st</sup>, 2024, with the following conditions being met:

1. Applicant meeting the requirements of the Town of Clarence Engineering Development Plan Review Letter dated March 25<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. Applicant meeting the requirements of the final Landscape Committee Approval on February 12th, 2024, 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 decorative stone wall, and replacement in kind, should there be any deterioration or damage.
5. All site lighting shall be dark sky compliant and shielded to prevent spillage onto adjoining properties. No lighting shall be elevated above 15’ and all lighting shall be turned off no later than one hour after BMW dealership business hours except for necessary security lighting. Any proposed overnight security lighting shall be identified on a lighting plan for Town review and approval, to include brightness level of lighting.
6. Site shall be maintained as approved, in perpetuity, and any site deficiencies shall be repaired or replaced as approved.
7. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
8. No vehicle display, storage, or sales outside of the designated parking spaces. No outdoor vehicles shall be displayed with open hoods, doors, or trunks, and no outdoor vehicles shall contain banners, flags, balloons, or ribbons.
9. Apart from vehicles, no outside storage of any kind on the property, including but not limited to goods, materials, parts, tires, and debris.
10. 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.
11. Subject to Open Space, and any other applicable fees as required by Town Code.

**ON THE QUESTION:**

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

Daniel Tytka	Aye	Gregory Todaro	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sackett	Aye		

**MOTION CARRIED**

**Item 3**

Chris Lavocat Agricultural-Rural Residential	Requests a Minor Subdivision of land to create one (1) new lot located at 6510 Salt Road.
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**DISCUSSION:**

Mr. Bleuer introduced this project at 6510 Salt Road, located at the East and West side of Salt Road, and south side of Croop Road.

It is an existing 77.1-acre property zoned Agricultural-Rural Residential containing farmland and an existing homestead.

The applicant is requesting a Minor Subdivision of land to create one (1) new building lot. The homestead would retain approximately 320’ of frontage on the west side of Salt Road, and 1.4-acres.

The remaining land on the west side of Salt Road and south side of Croop Road would become the new buildable lot, containing approximately 62.45-acres.

The land on the east side of Salt Road, would contain approximately 25’ of frontage, and 13.25-acres. This portion of land would be subject to a frontage variance by the Zoning Board of Appeals to be considered a good lot of record, scheduled for the April 9, 2024 Zoning Board of Appeals meeting.

In 2016, the Planning Board approved a Minor Subdivision to create the lot now known as 6505 Salt Road.

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

A Minor Subdivision and Zoning Board Approval would constitute 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.

Chris Lavocat was present, adding that they would like to build a house on Croop Road next to the wooded area. At this time, they have no additional development planned for the property.

Mr. Tytka noted that it appears Mr. Lavocat would like to build a house in a secluded area.

Mr. Lavocat responded yes; they would like to preserve some land around them. He will be keeping most of what is currently farmed as is, and the wooded area will also remain the same.

Mr. Tytka asked Mr. Lavocat if he has any future plans to do anything additional besides the house.

Mr. Lavocat responded no; not at this time.

In Regards to Public Participation, no one spoke.

**ACTION:**

Motion by Daniel Tytka, seconded by Richard Bigler that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Environmental Assessment Form as prepared and to **issue a Negative Declaration** on the proposed Lavocat Minor Subdivision at 6510 Salt Road. This Unlisted Action involves a lot split to create one (1) additional lot in the Agricultural-Rural Residential zone, and the potential Zoning Board of Appeals action associated with the vacant portion of land remaining on the east side of Salt Road. After thorough review of the submitted plans and Environmental Assessment Forms, it is determined that the proposed actions will not have a significant negative impact on the environment.

Daniel Tytka	Aye	Gregory Todaro	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sackett	Aye		

MOTION CARRIED

Motion by Daniel Tytka, seconded by Richard Bigler to **approve the Lavocat Minor Subdivision** at 6510 Salt Road as per the submitted sketch plan received in the Planning Office on March 6, 2024, with the following conditions being met:

1. Subject to Town of Clarence Highway Department approval for access to Croop Road, and/or Erie County Department of Public Works approval for access to Salt Road.
2. Subject to the issuance of an Area Variance by the Zoning Board of Appeals for the frontage associated with the vacant portion of land remaining on the east side of Salt Road.
3. Review and approval by the Erie County Health Department for any future on-site sanitary facilities for the property.
4. Review and approval by the Town Building and Engineering Departments for any future construction on the property.
5. Should any drainage easements be required by the Town to address on-site drainage issues on the property, appropriate easements shall be submitted by the applicant and approved by the Town Engineering, Highway and Legal Departments. If required, applicant shall file same in the Erie County Clerk’s office and provide a stamped “FILED” copy to the Town Attorney’s office after recording. If such easements are required, no Building or other permits shall be issued until the approved and filed additional easement has been provided to the Town Attorney.
6. Subject to Open Space, Recreation, and any other applicable fees as required by Town Code.

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

**ON THE QUESTION:**

Mr. Tytka stated that the Zoning Board of Appeals will be considering the variance request for the land on the east side of Salt Road at their upcoming meeting scheduled for April 9<sup>th</sup>.

Should the variance be granted, 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.

Daniel Tytka	Aye	Gregory Todaro	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sackett	Aye		

**MOTION CARRIED**

**Item 4**

DIOGI Daycare  
Traditional Neighborhood District

Requests a recommendation of a Temporary Conditional Permit to operate a dog care facility, including overnight boarding and outdoor areas at 6995 Transit Road.

**DISCUSSION:**

Mr. Bleuer introduced this project at 6995 Transit Road located on the east side of Transit Road, north of Stahley Road.

It is an existing 2.3-acre parcel located in the Traditional Neighborhood District, containing the “Olde County Barn” used as a commercial plaza. The site formerly contained a pre-existing non-conforming overnight dog boarding operation.

The applicant is requesting a recommendation to the Town Board of a Temporary Conditional Permit for a new dog care facility, including grooming, daycare, overnight boarding, retail sales, and play areas. The former dog tenant spaces are proposed to be rehabilitated.

The Planning Board is a recommending body for this proposal.

Owner James Tarantino was present to represent this request. Mr. Tarantino explained that he and his sister would like to open a dog care center that is safe, supervised, transparent facility that offers dog day care and training.

Mr. Tarantino stated that the hours of operation would be Monday – Friday from 7:00 a.m. – 6:00 p.m. with indoor training in the evenings and on the weekends, and Saturdays ideally from 7:00 a.m. to 4:00 p.m. They would also offer a limited retail section consisting mainly of leashes, collars, dog treats and toys.

Mr. Tarantino explained that either he or his sister will be present on-site at all times, and continued to give some of his background, and what he hopes for this proposed project.

Mr. Todaro thanked Mr. Tarantino for his comments, and welcomed him to Clarence.

Mr. Todaro asked for some information on the outside of the site, noting that it appears that the larger dogs and small dogs will be in separate areas.

Mr. Tarantino responded that there were two existing fences on the site, and from his understanding, the former tenant erected the fences, then upon leaving, she took them down. The framework is still up around the proposed small-dog area where he plans to have the fencing and gate added to that area. As for the stockade fence around the large dog area in the rear, the posts are still there, so that needs to be filled in and completed.

Mr. Tarantino noted that there is parking in both the rear and front of the property, and almost all of their business will be picking up and dropping off.

Mr. Tarantino added that this location is set significantly back from Transit Road.

The wood stockade fence will be a solid fence, Mr. Tarantino stated that they will turn the fence backwards so that the dogs are not able to climb the fence on the climbable side. Because the fence is in the back, cosmetically it will not affect any neighbors.

Mr. Todaro asked Mr. Tarantino if he plans to plant grass in the dog areas.

Mr. Tarantino responded no; they both have peat gravel in them, which he will re-fill.

Regarding the dog waste, Mr. Tarantino explained that it will be picked up immediately, and disposed of in metal barrels that are lined. The bags in the barrels will be emptied in to the dumpsters located at the back corner of the property, and will be picked up one to two times a week.

Mr. Todaro asked Mr. Tarantino if he plans to enclose the dumpster with fencing.

Mr. Tarantino stated that he was informed by a building inspector that if the dumpster is located towards the front of the property, it needs to be enclosed, but if it's located in the rear, it does not.

Mr. Todaro stated that if Mr. Tarantino has the ability to enclose the dumpster, he would prefer that, as well as keeping the dumpster closed at all times.

Mr. Todaro asked Mr. Tarantino how he plans to secure and light the facility at night.

Mr. Tarantino responded that there is lighting throughout the parking lot. He is not sure if there are lights located on the back of the building, but he will check on that. He added that the dogs will not be outside at night.

Mr. Tarantino explained that they plan to build 14 kennels, and if the time comes that he has multiple dogs on site at the same time, they will not be taken out in a large group at night, but rather one or two at a time.

Mr. Tarantino stated that they would like to eventually rehab the 3<sup>rd</sup> building.

Mr. Todaro asked about the notation on the plans that indicate old kennels to be gutted for possible future expansion.

Mr. Tarantino noted that is the third building that he had referred to. Currently, they are very small spaces that are in poor condition, which he would totally demolish and build new.

Mr. Todaro explained that if Mr. Tarantino ever expanded his business in to those back buildings of the third building, he would need to return to the Town Board.

Mr. Tarantino responded yes, he is aware that if approved with this proposed project, it will be for the 14 kennels and the "chicken coop" then an additional process should he ever decide to add more kennels.

Mr. Bengart explained that Town Code would not allow for the supports of the proposed fence to be facing outward, they must be facing inward. Other arrangements will need to be made to secure the climbable side so that the dogs to not climb it.

In regards to Public Participation, no one spoke.

Mr. Bleuer noted that the Planning Office received one inquiry, asking if the size of the kennel dictates the size of the dog.

Mr. Tarantino explained that as per his contractor, the kennels will have an opening of 3' by 7' which will accommodate any size dog. There will be one kennel that will be larger than the others.



Mr. Tarantino explained what he has learned about the boarding of dogs.

**ACTION:**

Motion by Gregory Todaro, seconded by Wendy Salvati to **recommend issuance of a Temporary Conditional Permit to the Town Board** for DIOGI Daycare, located at 6995 Transit Road, per the plan received in the Planning Office on March 21<sup>st</sup>, 2024, subject to the following conditions being met:

1. Initial permit shall be for a term no greater than one year.
2. Any future proposed site or structure modifications subject to Town review.
3. Structures and site under DIOGI Daycare control shall be maintained, in perpetuity, and any deficiencies shall be repaired or replaced in kind.
4. No more than fourteen (14) kennels shall be operated.
5. No dogs shall be left outside unattended, nor allowed outside of fenced areas.
6. Business shall be operated in such a way that regular recurring noises are not disturbing or unreasonably loud and do not cause injury, detriment, or nuisance to any person of ordinary sensitivities.
7. Any DIOGI Daycare utilized dumpsters or garbage totes shall be enclosed with a Town standard privacy fence, and the enclosure shall remain closed at all times when not in standard privacy fence. The enclosure shall remain closed at all times when not in use. Dumpster and tote service shall occur in conformance with Town Code. No garbage or debris shall accumulate outside of the dumpsters and totes.
8. All DIOGI Daycare site lighting shall be dark sky compliant and shielded to prevent spillage onto adjoining properties. No lighting shall be elevated above the roof ridge lines and all lighting shall be turned off no later than one hour after business hours except for necessary security lighting.
9. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
10. Any future permanent signage will be subject to review and approval by the Sign Review Committee, and any temporary signage subject to review and approval by the Office of Planning and Zoning.

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

Daniel Tytka	Aye	Gregory Todaro	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sackett	Aye		

**MOTION CARRIED**

**Item 5**

Joseph Beaser  
Agricultural-Floodzone

Requests a recommendation of a Temporary Conditional Permit to conduct business storage and staging out of existing accessory structures at 8255 Goodrich Road, on the southeast corner of Goodrich Road and Brauer Road.

**DISCUSSION:**

Mr. Bleuer introduced his project at 8255 Goodrich Road, located on the southeast corner of Goodrich Road and Brauer Road.

An existing 37-acre lot in the Agricultural-Floodzone, it contains a pond and multiple detached accessory structures. The two primary accessory structures were historically in a state of un-use, disrepair and neglect, and the applicant structurally and cosmetically rehabilitated them.

The applicant is requesting a recommendation to the Town Board of a Temporary Conditional Permit to conduct business storage and staging out of the rehabilitated accessory structures, and behind the structures. The corner will be used for seasonal storage of personal items, a school bus turnaround, and governmental equipment yard during infrastructure work, as approved and authorized by the property owner.

The Planning Board is a recommending body for this proposal.

Mr. Beaser was present to represent his request.

Mr. Todaro noted that it has been cleaned up quite a bit in the last few years, and asked what types of materials and products would be stored in the buildings.

Mr. Beaser stated that there is horse equipment in building one, and in building two, someone is currently storing tools. Unless the tenants change, that is what is there currently, as well as his man-lift when it is not on a job site.

Mr. Beaser said eventually he might store a recreational vehicle in there if he ever got one, and may like to have a vehicle or two set out for sale, since it is in a good location.

Mr. Todaro stated that would be a completely different request.

Mr. Beaser responded that he was hoping to get a Special Exception Use Permit for that.

Mr. Todaro asked if there will be any planned lighting.

Mr. Beaser responded that there is no planned lighting. Each building has power, so if someone wants to turn the power on inside the building they can. There is lighting on one of the buildings that was previously installed and approved when the power was originally installed. There is no lighting planned.

Mr. Todaro asked if there is any landscaping planned for the site.

Mr. Beaser responded there is no landscaping, because he will not really be doing anything there, it is an open parking lot. Due to the floodplain, he cannot build berms or anything similar.

There will be less on the site than there is currently, Mr. Beaser explained.

Mr. Todaro touched on site lines in regards to neighbors. They do not want to see piles or materials or lumber laying out.

Mr. Beaser confirmed that will not happen anymore.

Mr. Todaro noted for the record that one email was received on April 2, 2024 from Chris Pohl in regards to not liking the visuals with this property.

Chairman Sackett noted that Clarence has a re-tree program, and asked Mr. Beaser if he would consider putting some trees along Goodrich Road, if it was allowed. This would contribute to the program.

Mr. Beaser responded yes, he would.

In regards to Public Participation, no one spoke.

**ACTION:**

Motion by Gregory Todaro, seconded by Daniel Tytka to **recommend issuance of a Temporary Conditional Permit to the Town Board** for Joseph Beaser, Brauer Enterprises Inc., located at 8255 Goodrich Road, per the plan received in the Planning Office on March 25<sup>th</sup>, 2024, subject to the following conditions being met:

1. Initial permit shall be for a term no greater than one year.
2. Any future proposed site or structure modifications subject to Town review.
3. Structures and site shall be maintained, in perpetuity, and any deficiencies shall be repaired or replaced in kind.
4. Yard area on the southeast corner of Goodrich Road and Brauer Road shall be for personal use only, and comply with all standards of Town Code.
5. Business storage and staging shall only occur in the existing accessory structures, or behind the structures substantially out of view from the public rights-of-way as depicted on the approved sketch plan.
6. No dumping of bulk materials, including but not limited to wood, stone, vegetation and soil.
7. Business storage and staging areas shall be operated in such a way that regular recurring noises are not disturbing or unreasonably loud and do not cause injury, detriment, or nuisance to any person of ordinary sensitivities.
8. All site lighting shall be dark sky compliant and shielded to prevent spillage onto adjoining properties. No lighting shall be elevated above the roof ridge lines and all lighting shall be turned off when site is not in use except for necessary security lighting.

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

Daniel Tytka	Aye	Gregory Todaro	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sackett	Aye		

MOTION CARRIED.

Meeting **adjourned** at 8:40 p.m. with a motion by Gregory Todaro.

Amy Major

