

Action: _____ By: _____ On: _____ Fee: _____ Paid: _____



note the parcel lines displayed are approximate

Proposed 1,974 sq.ft. detached accessory structure (garage).

9320 Clarence Center Road

The maximum allowable square footage for a detached accessory structure is 720 sq.ft.



A 1,254 sq.ft. variance is requested.

Town Use Only

Date: 11/22/24

Received By: S. LEISING

APPLICANT REQUEST:

Project Address: 9320 CLARENCE CENTER RD. CLARKSON CONTON NY

SBL #:

Action Desired: REMOVE EXISTING GARAGE & REPLACE WITH NEW LARGER UPDATED BUILDING.

Reason: THE EXISTING BUILDING IS TOTALLY INADEQUATE FOR STORAGE IN TODAY'S TIMES. IF YOU HAVE A VEHICLE PARKED INSIDE IT IS VERY DIFFICULT TO STORE A LAWN MOWER. ADDING ON TO THE EXISTING BUILDING DOES NOT MAKE SENSE DUE TO ITS AGE. WE LOVE THE 100 YR OLD FARMHOUSE AND THE BUILDING WE PROPOSE WOULD ADD CHARACTER & VALUE TO THE HOME, AND I AM SURE IT WOULD BE AN ASSET TO CLARKING COUNTRY.

APPLICANT INFO

Name / Business: EDWARD BOBOWICZ

E-Mail:

Phone #:

Address:

Town:

SIGNATURE

Request for Action shall be filled out completely in the spaces provided. The complete Request for Action shall be submitted to the Office of Planning and Zoning along with all necessary plans, maps, and supporting documentation. By signing below I certify that I have the authority to submit this Request for Action, and further certify its contents to be true and correct.

Signed:

PROJECT SPONSOR INFO (If Different Than Applicant)

Name / Business:

E-Mail:

Phone #:

Address:


Town:

State:

Zip:

CORRESPONDENCE

Please indicate the preferred entity that shall receive the appropriate correspondence and billing associated with this Request for Action.
Please select only one.

	Applicant
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Project Sponsor

Town Use Only:

Action: _____ By: _____ On: _____ Fee: _____ Paid: _____

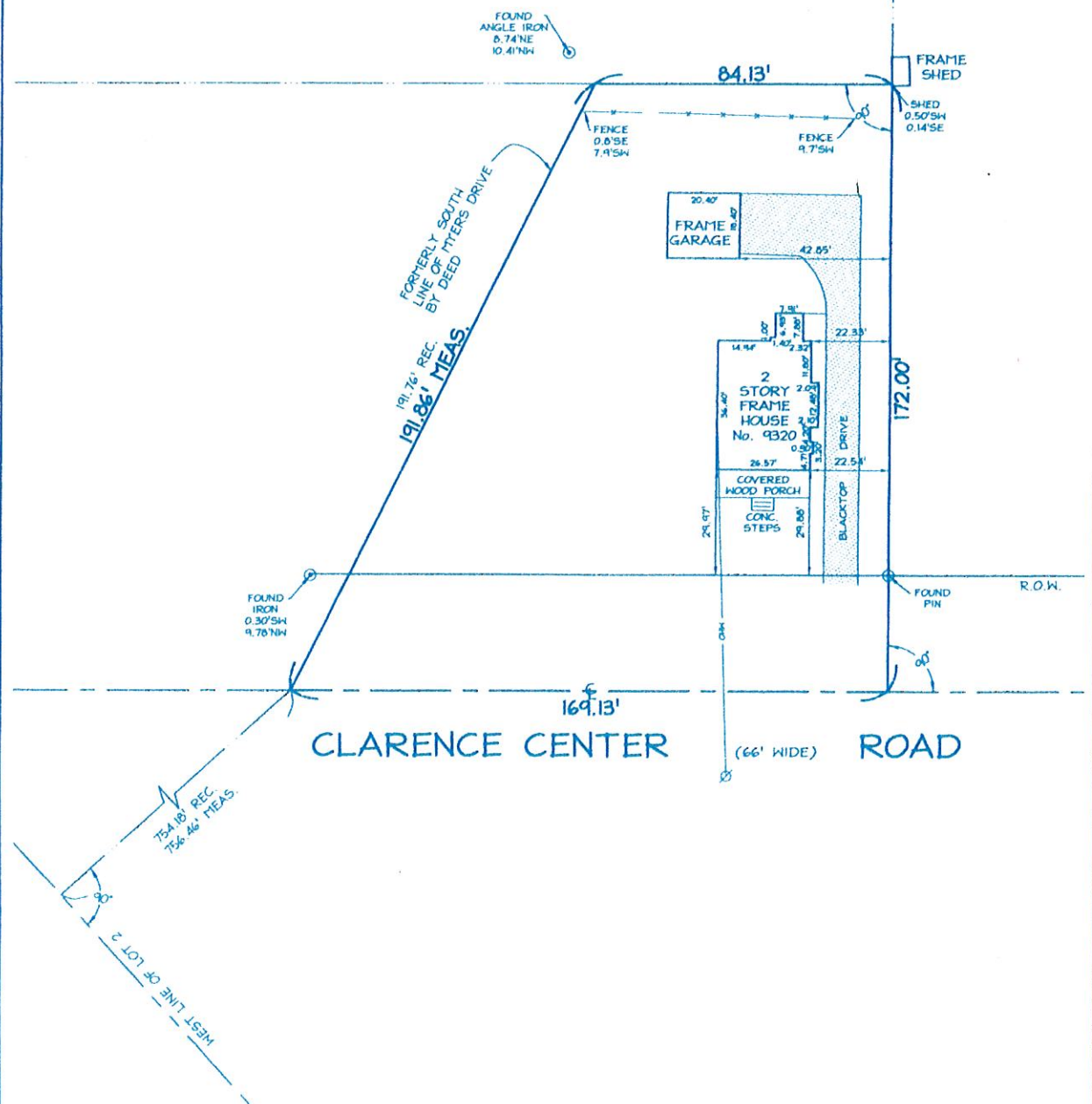
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Action: _____ By: _____ On: _____ Fee: _____ Paid: _____



509 Main Street, P.O. Box 516, East Aurora, NY 14052
p (716) 655-1058 f (716) 655-1964 www.nussclarke.com



BOUNDARY SURVEY
9320 CLARENCE CENTER ROAD
Part of Lot 2, Section 11, Township 12, Range 6
Holland Land Company's Survey
Town of Clarence
County of Erie, State of New York
Date of Survey: 7/29/2020

Thorton A. Kenyon

Scale: 1" = 30' Project No.: 2023-0372

2-11-2025
ZBA

OLD BUSINESS

Appeal No. 4 – From the December 10, 2024

Meeting
Edward Bobowicz
Traditional Neighborhood District

Applicant requests a variance of 1,651 sq. ft. to allow a 2,371 sq. ft. detached accessory structure (garage) located at 9320 Clarence Center Road.

Town Code Reference:
§229-66
Note: This request supersedes the December 2024 variance request, which was tabled.

DISCUSSION:

Gale Bobowicz, and Steve Andres were available to represent this project. Mr. Andres helped with the drawings for the proposed structure and Mr. Metz owns the property behind the applicant. Mr. Bobowicz is unable to attend tonight.

Mr. Andres stated that Mr. Bobowicz has a car collection and that is the reason for the size of the building. There is a 2-car garage that will be used for their every day cars, a workshop area to work on the cars is located behind the 2-car garage, then the 12 ft. high proposed structure will be for the car collection. The second floor is proposed for the purpose of storage.

Noting that the address listed for their residence is a Tonawanda Creek Road address, Mr. Drinkard asked Mrs. Bobowicz if they rent out this Clarence Center Road property.

Mrs. Bobowicz stated that their daughter lives at this property on Clarence Center Road.

Mr. Drinkard explained that at the previous meeting, the applicant agreed to table the request in order to work on some things that the Board suggested they would like to see. Some of these suggestions include the size of the structure at that time was big for a traditional neighborhood. The Zoning Board believed it was a nice-looking structure, but they wanted to see the proposed structure smaller in size.

Mr. Drinkard stated that with this resubmission, they have requested an even bigger structure.

Mrs. Bobowicz stated that they did not have all of the dimensions at the previous meeting, they did not realize that they needed them.

Mr. Drinkard noted that when the Bobowicz's requested to table their request at the last meeting, they stated that they would return with elevations that indicated what the inside of the proposed structure was going to look like.

Mr. Drinkard stated that previously, Mr. Bobowicz had stated that there was no electric power planned for the proposed structure but the new plans show a workshop is planned.

Mrs. Bobowicz explained that the plan is for a workshop table, not a full-blown mechanic area.

Mr. Drinkard noted that the applicant has indicated that a turn-around may be installed at a later point in time, but there is currently room for 3-4 vehicles.

Mr. Andres stated that 2 vehicles are for everyday use, then the additional space would be for the collector cars.

Mr. Dale stated that asking for a variance that is larger than the primary residence seems to be a little absurd.

Mrs. Bobowicz asked if that is not allowed.

Mr. Dale stated that the variance is becoming extremely large. It was large when they were here previously, and it has gotten bigger.

Mr. Krey referred to the drawings that the applicant submitted, labeled for the record as Exhibit A – Front and Right Side, if that is the view that would be seen walking up the driveway.

Mr. Andres stated that the “front” is facing Clarence Center Road.

Mr. Krey stated that it is the street view.

Mr. Andres responded yes. The driveway side is the east side.

Mr. Krey asked if there will be garage doors on both sides of the building.

Mr. Andres responded yes. The east side would be the ones they would use for the daily garage, and the front elevation would be the collector side with the taller roof section.

Chairman Mills asked if the daughter that is currently living in the house plans to continue to live there.

Mrs. Bobowicz responded no. She will be moving out.

Chairman Mills asked Mrs. Bobowicz if they were residing there at one point.

Mrs. Bobowicz responded yes. That is what they plan to do.

Chairman Mills stated that the aesthetics of the proposed garage are nicely done, the concern is the size of it. As Mr. Dale pointed out, in proportion to the principal residence, this proposed accessory structure is larger.

Chairman Mills added that this is a large variance, and while design helps to mitigate the size, there is still concern as to the size. Chairman Mills asked Mrs. Bobowicz if they can accomplish their objective with any less size.

Mr. Andres stated that it is possible.

Mrs. Bobowicz responded yes. They will if they have to.

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Mr. Andres stated that they could squeeze it down, he could attempt to ascertain exactly which vehicles will go in to the collector's side. He could make the staircase a little smaller and reduce the size of the main side from 22 ft. to 21 ft.

Chairman Mills explained that as a Zoning Board they are tasked with looking at several statutory factors, one of which is the character of the neighborhood. They need to look at different conditions such as house size, lot size, environmental conditions, and this is a large

structure. There has not been any evidence presented of any similar structures in the area, so there is concern based on the size.

Chairman Mills explained that one option is to not have the Board vote again and come back with another proposal, or they can vote on this proposal.

Mr. McNamara stated that he also has problems with the size of the proposed structure, the applicant returned with a proposed structure that is more than 20% larger than the originally proposed structure. It is a very nice-looking structure, but an accessory structure that is larger than the principal structure is not good.

Mr. McNamara asked what will be on the second floor, because it is big enough to be a small apartment.

Mrs. Bobowicz stated that it would be storage for car parts, nobody will be living up there.

Mr. Andres noted that it is his understanding that they have existing storage for car parts now that would fill up that space.

Neighbor Notifications are on file, no written comments were received.

Regarding Public Participation, the following resident spoke:

1. Roger Metz of 9245 Clarence Center Road:

- has a pole barn and another barn located at 9270 Clarence Center Road
- his barn is a large structure
- feels that the proposed garage would compliment the whole area, thinks it would be ideal to have it in their neighborhood

Chairman Mills asked Mr. Metz how big his parcel is.

Mr. Metz responded approximately 2 acres.

Public Participation was closed for this item.

Chairman Mills asked Mr. Metz if his property are two separate parcels.

Mr. Metz responded yes, his son owns the farmhouse that goes with the barn.

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Mr. Krey agreed that the structure appears to be aesthetically pleasing, and asked if it needs to be that high. He understands the desire to have the shop for storage, but would they rather have the storage on the first floor.

Mrs. Bobowicz stated that her husband liked the design of the proposed structure.

Mr. Krey noted that if there is any way to lower the height of the proposed structure but still accomplish the same goals, that would be preferred. Dropping the height would also lower the square footage.

Mr. Andres stated that they can drop the roof pitch down.

Mr. Krey stated that the overall size of the proposed structure is a concern.

Mr. Andres explained that these were preliminary plans and as the applicant prices the project, it will probably decrease.

Mrs. Bobowicz requested to table this variance request.

Chairman Mills reiterated that the design of the proposed structure is great, but that the size is an issue.

Mr. Bleuer stated that in regard to the height of the proposed structure, the Planning Office did not calculate the second level square footage in the request therefore it would not reduce the size as listed in the variance. The height is compliant for the zone.

Mr. Krey then agreed and noted that the height is not the issue, rather the footprint.

ACTION:

Motion by Ryan Mills, seconded by Steven Dale to **table** Appeal No. 4 under Old Business.

ON THE QUESTION:

Mr. Drinkard stated that in the previous meeting, one of the renderings that the applicant submitted for the final footprint shows the planned landscaping to buffer the view is too big for a Traditional Neighborhood District.

Mr. Drinkard stated that they need a landscaping sketch when they resubmit their variance request.

Mr. Krey added that they would like to see similar structures in the area identified with a re-submittal. It would also speak to the character of the neighborhood.

Gerald Drinkard	Aye	Richard McNamara	Aye	Ryan Mills	Aye
Patrick Krey	Aye	Steven Dale	Aye		

MOTION CARRIED

ZBA 12-10-2024

Appeal No. 4

Edward Bobowicz
Traditional Neighborhood

Applicant requests a variance of 1,212 sq. ft. to allow a
1,932 sq. ft. detached accessory structure (garage)
located at 9320 Clarence Center Road.

Town Code Reference:
§229-66

DISCUSSION:

Mr. Bobowicz was present to represent his request, stating that he would like to erect a building on a property that he owns. It will definitely not be a pole barn; the property does not warrant a pole barn. Mr. Bobowicz stated that what he is proposing is what he likes to call a “carriage garage”, anything they do will enhance the 100-year-old farmhouse currently on the property.

Mr. Bobowicz stated that he does not have final drawings because he does not know the allowed size yet.

Mr. Drinkard started out by saying that Mr. Bobowicz’s house is lovely, then asked if the current garage will be removed.

Mr. Bobowicz responded yes.

Mr. Drinkard stated that the proposed garage is bigger, and will be located behind the footprint of the where the current garage is located.

Mr. Bobowicz responded yes.

Mr. Drinkard added that it almost goes to the border of Mr. Bobowicz’s property.

Mr. Bobowicz stated that is where he is thinking, but he did not measure it, and this is the only lot in the area that drops off right behind. The properties to the west and the east all have a slope, his property goes back. His survey shows a small building on his neighbor’s property, that is where his property extends to.

Mr. Drinkard stated that the back corner is staked, it would almost be to the fall-off, Mr. Bobowicz is aware of that and is prepared to do what it takes.

Mr. Bobowicz responded yes.

Referring to the prints that Mr. Bobowicz provided, Mr. Drinkard stated that it will look like a nice building.

Mr. McNamara asked what the siding and roofing will be.

Mr. Bobowicz said that they will probably be a combination of materials, though he is unsure of what, they will match the house. They have been updating the house since they moved in 4 years ago. There is no final decision yet, but it will match closely to the house.

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Chairman Mills noted that Mr. Bobowicz provided two photographs, marked Exhibit A and Exhibit B, both are architecturally well-designed.

Chairman Mills added that Mr. Bobowicz does not have any architectural plans, and asked if the proposed building will be stick-built.

Mr. Bobowicz responded yes.

Chairman Mills asked if they made it a condition, would Mr. Bobowicz agree to that.

Mr. Bobowicz responded yes.

Chairman Mills asked Mr. Bobowicz if he plans to operate a business out of the proposed structure.

Mr. Bobowicz responded no, and he would agree to that condition also.

Chairman Mills asked Mr. Bobowicz if he could do any less square footage.

Mr. Bobowicz stated that he has learned that in a 30 ft. building you can only fit one classic car, but in a 40 ft. building you can put two in, end-to-end. He needs to store his equipment and classic cars in the proposed garage.

Chairman Mills asked if the second floor is intended for storage, and is there any living space planned.

Mr. Bobowicz responded yes; for storage, there will not be any living space.

Chairman Mills asked if there will be electrical run to the proposed structure.

Mr. Bobowicz responded no, but there will probably be water.

Mr. Krey asked how big Mr. Bobowicz's house is.

Mr. Bobowicz responded that it is 1,400 sq. ft.

Mr. Krey noted that the proposed garage will be bigger than the existing house.

Mr. Bobowicz responded yes; a lot of the old farmhouses were smaller than the barns.

Mr. Krey noted that Mr. Bobowicz is in a Traditional Neighborhood District (TND) and not a Rural area where it is more common to see a larger structure. Mr. Krey asked if they have considered connecting the proposed garage with a breezeway.

Mr. Bobowicz responded no.

Mr. Krey asked if there is a reason why not.

Mr. Bobowicz stated that probably because his plan is to eventually put in a second driveway on the west side of the house, with a u-shaped turnaround between the garage and the house. Right now, if you pull in, you have to back out of the driveway and that is tough to do on Clarence Center Road.

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Mr. Bengart stated that the driveway would be up to Erie County, it is not an absolute that a second driveway would be allowed.

Mr. Krey asked Mr. Bleuer if the proposed garage was attached via a breezeway, would this variance for an accessory structure still be needed.

Mr. Bleuer stated that he can look in to that, he is not as familiar with the TND code in regard to attached accessory structures.

Mr. Krey stated that he feels the proposed structure is very large for the area and the home.

Mr. Bobowicz stated that they have the property to put the proposed garage on, and asked if there is a limit to the square footage allowed on a piece of property.

Mr. Bleuer stated that for the Traditional Neighborhood District (TND) the code reads that any residential accessory structure must not exceed 720 sq. ft. whether attached or detached. It is his opinion that a variance would be needed for any structure over 720 sq. ft.

Neighbor Notifications are on file, no comments were received.

In regard to Public Participation, no one spoke.

Mr. Drinkard commented that an important aspect is the character of the neighborhood, he travels Clarence Center Road often. The area where Mr. Bobowicz's house is has an array of houses and businesses. Mr. Bobowicz being willing to put money in to a new garage, and taking a look at their house, it has balance to it. It would not look out of character for the neighborhood, and would probably add character to the neighborhood.

Chairman Mills noted that it is a larger variance request, and he does wish that they had more information to ease some of the apprehension amongst some of the Board members.

Mr. Bobowicz asked what information they would need.

Chairman Mills stated that often in a situation such as this, they will have architectural drawings, elevations, floor plans, and detailed materials where they can see that it will be an aesthetically beautiful structure. So that despite the larger variance request, they are able to see that a beautiful structure that will enhance the character of the neighborhood is being proposed.

Chairman Mills stated that although a couple of photos were submitted, they do not know what the proposed garage will look like.

Chairman Mills explained that tabling this request is an option, and Mr. Bobowicz returns with architectural drawings. Realizing that some money will need to be spent on the architectural end without a definite approval, it gives the Board more information and data to possibly grant the larger variance request.

Mr. Bobowicz asked if an architectural drawing means a complete drawing of what they are proposing. He had a basic photo drawn up because they did not want to spend the money on something they are not

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sure they will be able to do. Mr. Bobowicz agreed with Mr. Drinkard that it would be an addition to the neighborhood and the house.

Chairman Mills stated that it would not need to be all architectural and construction drawings, but a clearer game plan in terms of floor plan, and elevation which was labeled Exhibit C, D and E.

Mr. Bengart clarified with Mr. Bobowicz that Chairman Mills explained that he has the opportunity if he so chooses to not have the Board vote tonight because if this request gets denied, they need to come back with an entirely different plan.

If Mr. Bobowicz requests to have this request tabled, the Board can vote to do that and there would not be a vote tonight, depending on the outcome. Mr. Bengart stated that the option is Mr. Bobowicz's.

Mr. Bobowicz asked if he would be obligated to have the structure built exactly as the plans show that he submits, or is there room for moving things around. Would he be 100% obligated to build it like the drawings that he submits?

Chairman Mills responded no; unless the Board imposes specific conditions that Mr. Bobowicz agrees to. They are looking for architectural detail.

Mr. Bobowicz requested the Board table his request.

Chairman Mills explained that Mr. Bobowicz is not obligated to do any of the suggestions that the Board may have. Just because he returns does not necessarily mean it will be approved or denied automatically.

Chairman Mills stated that he would like to see more architectural detail specifically related to the floor plan and the elevations. Material details will help mitigate the size of the proposed structure.

Mr. Krey reiterated what Chairman Mills stated, he would like to see some renderings of what is planned. He is aware that sometimes when dealing with architects they give options, he suggested looking in to doing something that conforms to the code or is a different size variance.

Mr. McNamara stated he would like to see elevations of the front and both sides.

Mr. Drinkard stated that all is said is terrific, but he would like to see some additional landscaping to mute the eyeball to looking at the side of the building would be advantageous.

Mr. Bobowicz explained that landscaping is something they have done their entire lives, and continued to explain the need for the larger size request.

Mr. Bleuer explained to Mr. Bobowicz that it is very important that the proposed building is designed as it would be built, because the Board will have an opportunity to approve the exact drawing. That is what will go to the Building Department. If Mr. Bobowicz goes to the Building Department with a variety of changes like roof pitch and details, they will send it back to the Zoning Board. It is very important to design it appropriately now.

ACTION:

3BA 12-10-2024

Motion by Ryan Mills, seconded by Patrick Krey to **table** Appeal No. 4 as written

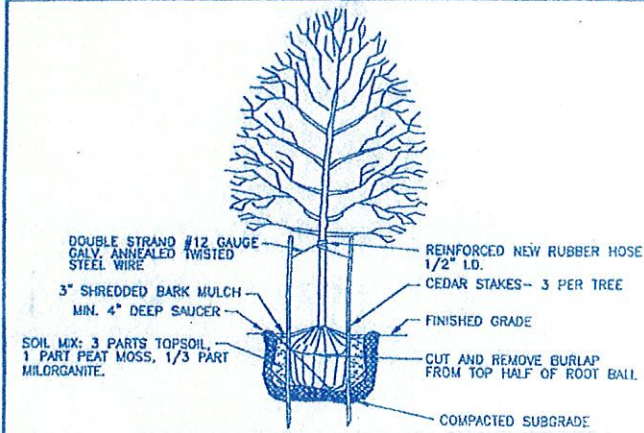
ON THE QUESTION:

Chairman Mills confirmed with Mr. Bobowicz that he has heard what each Board member would like to see. He is not obligated to bring or do anything that they suggest, but it would be helpful. If Mr. Bobowicz is able to submit the supporting documents in time, potentially he could be on the agenda for next month.

Gerald Drinkard	Aye	Richard McNamara	Aye	Ryan Mills	Aye
Patrick Krey	Aye				

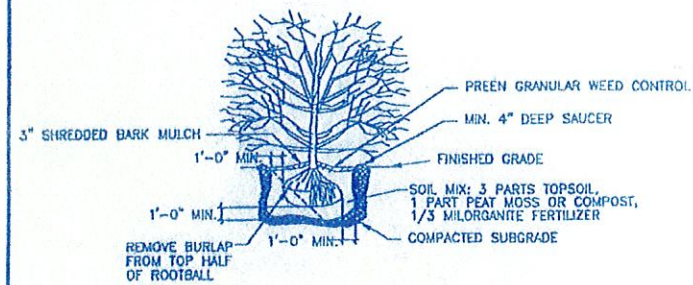
MOTION CARRIED

ED BOBOWICZ
9320 CLARENCE CT.



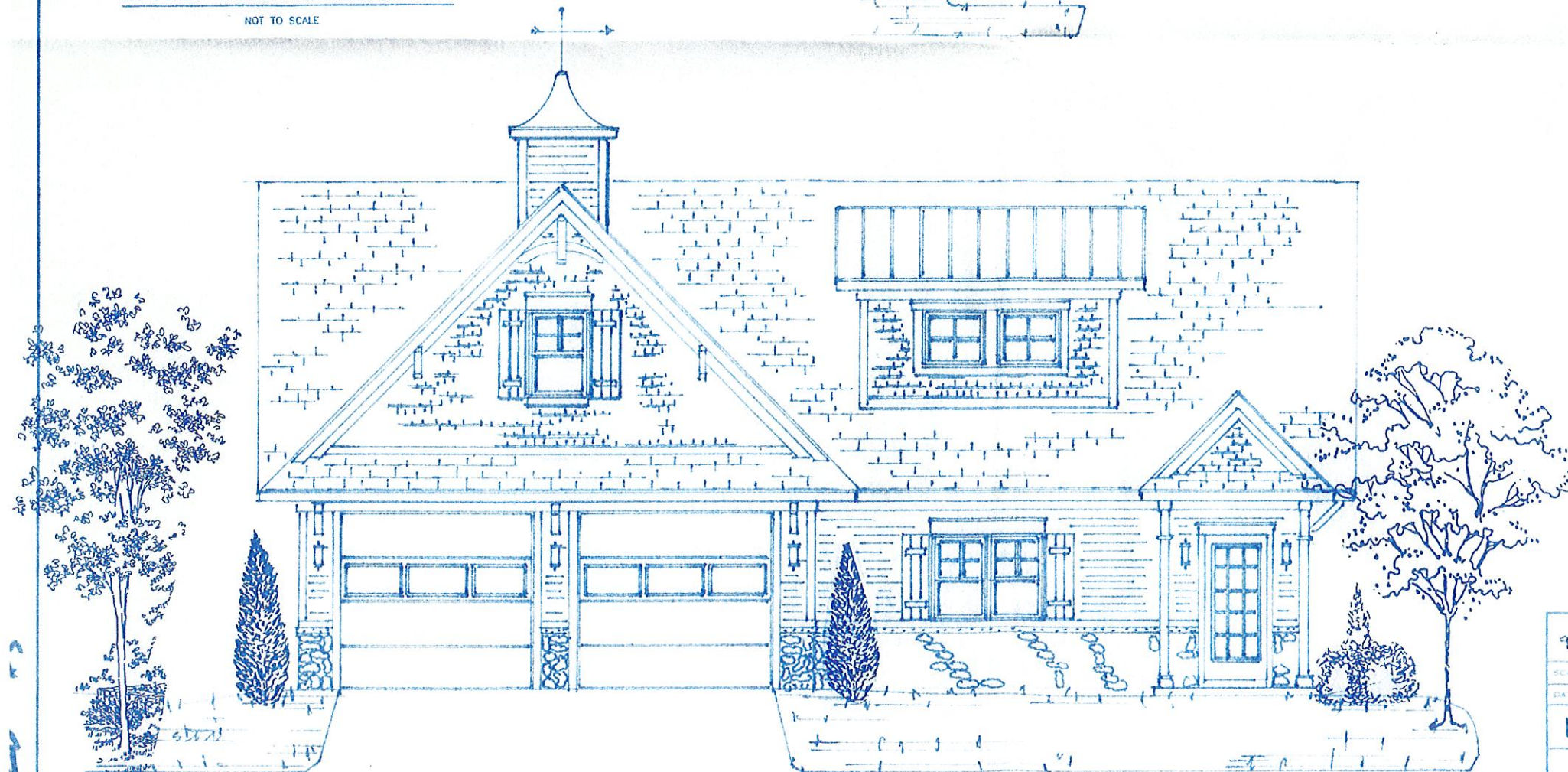
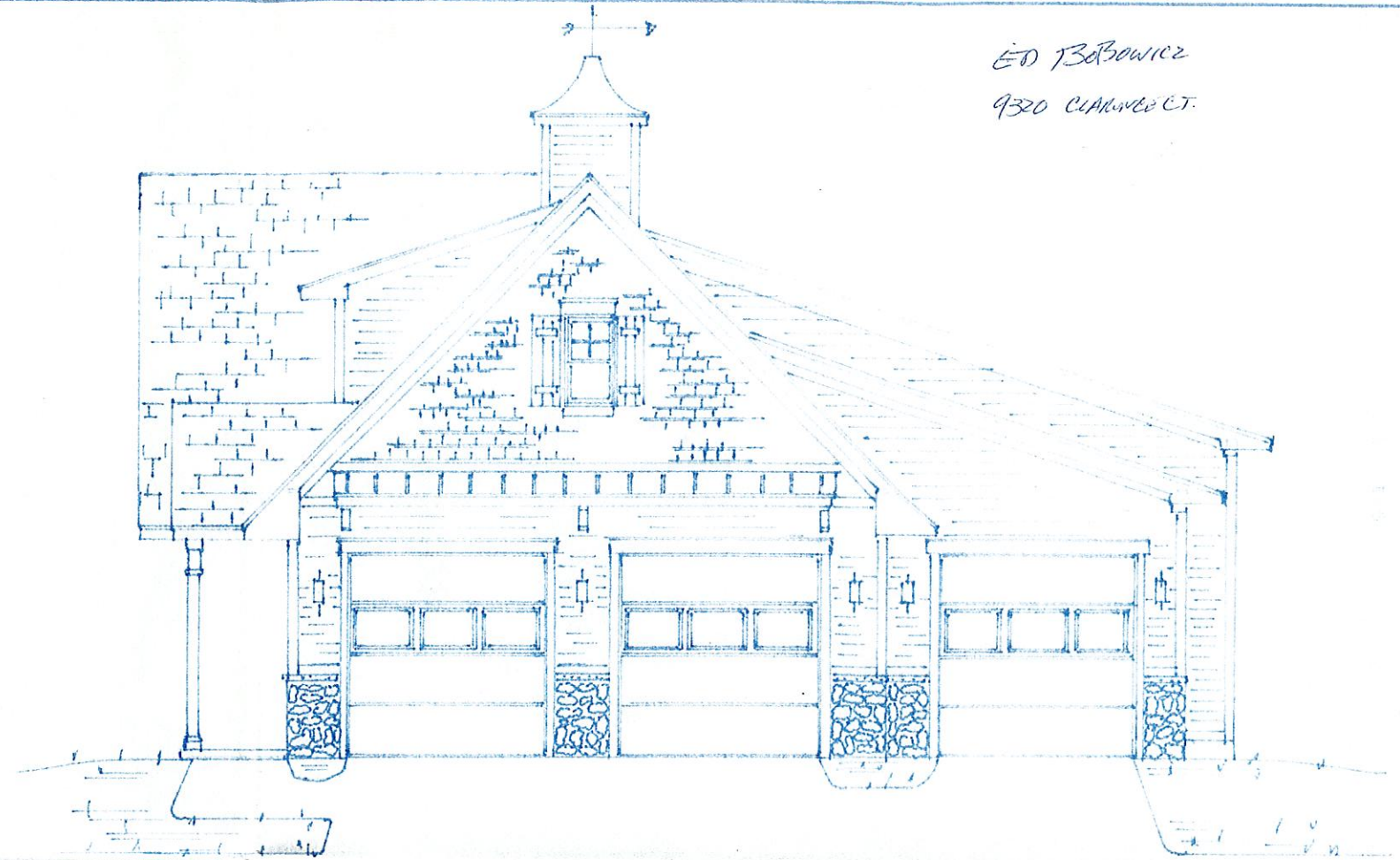
TREE PLANTING DETAIL

NOT TO SCALE



SHRUB PLANTING DETAIL

NOT TO SCALE



RECEIVED

MAR 20 2025

ZONING OFFICE

9320 CLARENCE CENTER RD

SCALE: 1/4"=1'-0"

DATE: 3.14.25

APPROVED BY:

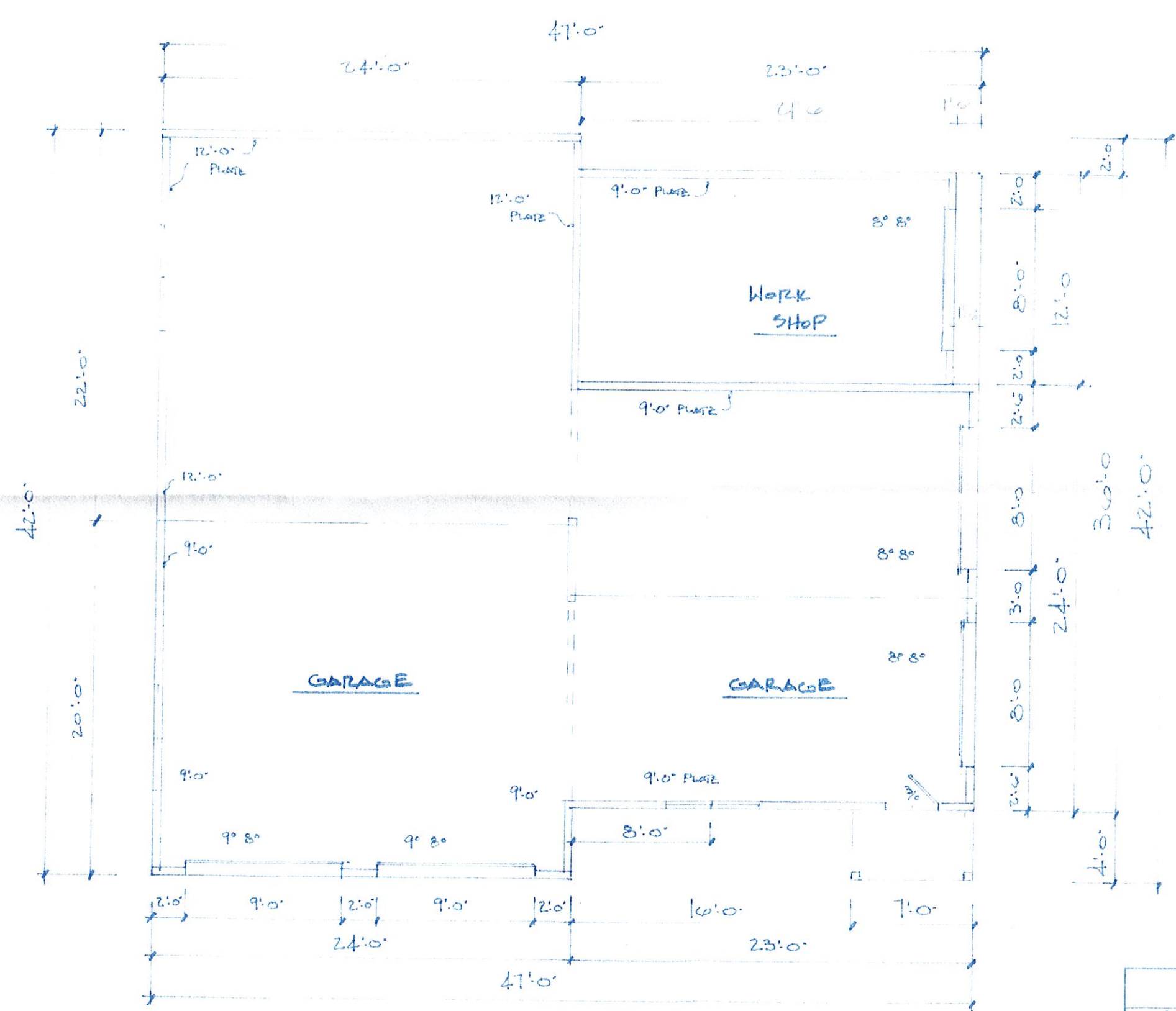
DRAWN BY: ANDRE

REVISED:

ELEVATIONS

DRAWING NUMBER

A-1



FLOOR PLAN

SCALE 1/4"=1'-0"

RECEIVED
MAR 20 2025
ZONING OFFICE

SCALE: 1/4"=1'-0"	APPROVED BY:	1818	DRAWN BY: ANDRE
DATE: 3-14-25			REVISED:
FLOOR PLAN			DRAWING NUMBER
			A-3

ED 2025

[illegible]

March 21, 2025

Jonathan Bleuer, Director of Community Development
Town of Clarence Planning & Zoning Department
1 Town Place
Clarence, NY 14031

RECEIVED

MAR 21 2025

Re: Area Variance Request; Updated Submission
Sheridan Drive Mixed-Use Redevelopment
9105 Sheridan Drive [SBL No. 71.13-2-3]
Applicant/Project Sponsor: Edge Development LLC

ZONING OFFICE

Dear Jonathan:

This letter and attached project documentation is being submitted on behalf of Edge Development LLC (the "Applicant") in connection with the two pending requested area variances being sought for the proposed mixed-use redevelopment consisting of 7,000 sq. ft. of commercial space and 22 multiple-family dwellings (the "Project") to be located on a 2.83 acre parcel [SBL No. 71.13-2-3] located at of 9105 Sheridan Drive (the "Project Site"). The layout of the Project is depicted on the Site Plan Concept [Drawing C-100 – Dated 02/17/2025] (the "Site Plan") prepared by Christopher Wood, P.E. of Carmina Wood Design attached as **Exhibit "A"**.

The following summary has been prepared in response to questions and comments received from members of the Zoning Board of Appeals during the public hearing held on Tuesday, March 11th.

I. Discharge for the On-Site Stormwater Management System:

During the public hearing held on March 11th, ZBA Member Drinkard inquired about stormwater discharge from the on-site stormwater management system.¹ In connection with the Project review process, Anthony Pandolfe, P.E., of Carmina Wood Design, the project engineering firm, prepared a Preliminary Stormwater Plan and a Preliminary Drainage Plan [Drawings C-200 & C-300 – Dated 01/24/25] (the "Drainage Plan"). A reduced-size copy of the Drainage Plan is attached hereto as **Exhibit "C"**. The Drainage Plan depicts two stormwater management areas located on the northwest portion and the eastern portion of the Project Site. The stormwater collected from the Project Site will be conveyed to these two stormwater management areas for stormwater treatment and will then be conveyed into on-site drainage wells. The stormwater runoff that is conveyed into the stormwater management area will not be discharged off-site.

¹ It is important to mention that the Planning Board has previously completed a coordinated environmental review of the Project pursuant to the State Environmental Quality Review Act ("SEQRA"). On January 29, 2025, the Planning Board adopted a resolution by a unanimous vote for the purpose of issuing a Negative Declaration based on its determination that the Project will not result in any potentially significant adverse environmental impacts. A copy of the Negative Declaration issued by the Planning Board is attached as **Exhibit "B"**.

On March 18, 2025, Christopher Wood, P.E., of Carmina Wood Design prepared a letter summarizing the design methodology and standards for the on-site stormwater management system. A copy of this letter is attached as **Exhibit "D"**. The stormwater management system for the Project Site will adhere to the stringent stormwater quality and quantity standards of the New York State Department of Conservation ("NYSDEC"). The stormwater management system design will be subject to review by the NYSDEC and the Town's Engineering Department during the Development Plan review process, which will confirm that the system shall comply with the applicable stringent standards.

II. On-Site Wastewater Treatment System:

During the public hearing held on March 11th, ZBA Member Dale inquired about the nature of the proposed on-site wastewater treatment system with specific interest towards the capacity, design review, and the life expectancy of a typical on-site wastewater treatment system. In the letter from Carmina Wood Design, dated March 18th, attached as **Exhibit "D"**, Christopher Wood, P.E., provided a summary of the stringent design criteria and review process as required by the New York State Department of Environmental Conservation ("NYSDEC") and the Erie County Department of Health ("ECDOH") for the on-site wastewater treatment system. The letter also addresses the on-site wastewater system lifespan, maintenance best practices, and the reserve septic field as required by the ECDOH.

During the coordinated environmental review of the Project conducted pursuant to SEQRA, the NYSDEC issued a comment letter to the Town of Clarence dated December 3, 2024 addressing the potential environmental impacts of the Project. A copy of the letter issued by the NYSDEC is attached as **Exhibit "E"**. In the letter the NYSDEC stated that the Project would require a State Pollutant Discharge Elimination System Permit ("SPDES") in accordance with the New York State Environmental Conservation Law.

According to Christopher Wood, P.E., the life expectancy of an on-site wastewater treatment system depends on a series of variables. The Project Engineer has taken these variables into account in the design of the project layout including the proposed septic fields. The septic fields are placed strategically in a location on the Project Site that will avoid water infiltration, will not feature landscaping vegetation, and will be routinely mowed and maintained to enhance the evaporation component of the septic field. The Landscaping Plan [Drawing L-100 – Dated 09/16/24] (the "Landscape Plan"), prepared by Carmina Wood Design illustrates the avoidance of any tree or shrub placement within or near the proposed septic field. A reduced-size copy of the Landscape Plan is attached hereto as **Exhibit "F"**. This will protect the septic field from invasion of vegetative root systems that would potentially compromise the system's integrity.

It is the Project Engineer's opinion that with the proper maintenance, the proposed sand filter septic system should last a minimum of thirty (30) years, with the potential to last for much longer. It is important to note that an on-site wastewater treatment system designed for sixteen (16) units that would be permitted in accordance with Section 229-126 D. (1) (b.) of the Town of Clarence Zoning Code would not be expected to last substantially longer than the proposed on-site wastewater treatment system designed for twenty-two (22) units.

The Applicant does not anticipate installing garbage disposals in the kitchens of the multiple family dwellings, which should improve the performance and longevity of the septic system. In addition, the Applicant will perform routine pumping of the septic tank and cleaning of the septic tank outlet baffle in accordance with the recommended 1 to 3 year frequency.

III. Financial Feasibility Analysis of the Project:

During the public hearing held on March 11th, ZBA Chairman Mills requested additional information pertaining to the financial review of the Project. The Applicant prepared additional financial projections for the Project under three different scenarios, to include the Project as proposed, the Project limited to 16 residential units, and the Project limited to 2-story construction. The results are summarized in the tables included in **Exhibit "G"** and further explained below.

Comparison of Rents to Comparable Properties:

The underlying financial projections are based on rents that are consistent or above average for comparable properties in the Clarence market. The Applicant reviewed published rents for the Willow Square of Clarence project located at 9500 Main Street and the Waterford Townhomes located at 8976 Roll Road in Clarence Center and this information is included in a table in **Exhibit "G"** along with unit size, layout and rent per square foot calculations for the relative units published.

The table comparison reveals that the Project anticipates yielding rents higher than the competitive set by overall rental rate and by rent per square foot with the only exception represented by a 700 square foot one-bedroom townhouse with an attached garage in the Waterford Townhomes community. When comparing rent per square foot, the Project projections averages approximately \$1.95 per square foot. Willow Square at Clarence ranges from \$1.67 per square foot to \$1.85 per square foot. The Waterford Townhomes range from \$1.53 per square foot to \$1.63 per square foot when eliminating the above mentioned outlier one-bedroom townhouse. The projected rent per square foot for the Project are between 5.4% and 27.5% higher than the competitive set. It is important to mention that the rent per square foot currently being charged for the Waterford Townhomes and Willow Square at Clarence projects are less than project rent per square foot for the Project which are attributable to the dramatic increase in construction costs that have occurred since these projects were constructed.

The commercial space for the Willow Square of Clarence and Main Center of Clarence are not published. Therefore, the projected commercial space rental rates for the Project are difficult to compare to the competitive set.

Scenario 1: Project Financial Projections as Proposed:

The Project financial projections in Scenario 1 illustrate the projected budget and operating statements for the Project as proposed assuming the granting of the requested area variances by the Zoning Board of Appeals. The Project is projected to yield a modest net cash flow of approximately \$25,000 per year with the projected budget and operating statements. The

Applicant is in the process of preparing an application to the Clarence Industrial Development Agency to seek tax incentives to strengthen the Project's financial viability and to maximize the likelihood of obtaining necessary bank financing.

Scenario 2: Project Financial Projections with 16 Residential Units:

Scenario 2 represents financial projections for a scenario in which the Applicant pursued a project that included sixteen (16) residential units and 7,000 square feet of commercial space in a single building constructed on the commercial component of the Project Site in order to utilize the Transfer Incentives outlined in Section 229-126 D. (6.) (a.) of the Zoning Code. It is the Applicant's understanding that this design would constitute an as-of-right development from a Zoning Code perspective, subject to the granting of a Special Exception Use Permit by the Town Board for Multiple-Family Dwelling use.

The financial analysis illustrated in **Exhibit "G"** demonstrates that a project utilizing this layout and design would not be financially viable. It is important to note that the layout of the proposed residential units in this scenario would be limited to one-bedroom and two-bedroom units within the standalone mixed-use building. Larger two-bedroom and three-bedroom townhomes with attached garages as proposed for the proposed townhome buildings could not be built with this alternative development scenario. The three (3) 4-unit townhome buildings proposed in the Project effectively serve to subsidize the Project, ensuring its financial viability. Mixed-use buildings as proposed in the Project and similar comparable projects are rarely financially viable without an additional exclusively residential building component.

Scenario 3: Project Financial Projections Limited to 2-Story Construction:

In response to Chairman Mills' request, the Applicant included analysis of a project layout that would be limited to two-story construction. For purposes of evaluating the financial viability of such a project, the Applicant maintained the same unit mix, retail space, and rental rates. The only variation would be represented by the building height of the mixed-use building being limited to two-stories and including more residential units on the first floor and second floor of the mixed-use building. The result is a projected increase of approximately 12.5% on the mixed-use building, resulting in additional construction costs of approximately \$385,000, or approximately 5.4% of the overall project cost.

The increase in cost would require an increase in the amount of bank financing and an increase in the equity requirement. Under this scenario, the projection reveals an annual cash flow of \$105, representing a nearly 0% return on equity investment, rendering the Project not economically viable.

In addition to the cost savings of 3-story construction, the design of the proposed 3-story mixed-use building, prepared by David Sutton, R.A. of Sutton Architecture is thoughtful and creative and is consistent with the intent of the Business Center Design Criteria as outlined in the Town of

Clarence Comprehensive Plan.² The character and architectural elements are preferable to an alternative 2-story mixed-use building.

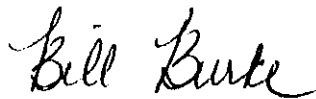
IV. Conclusion:

The Applicant requests that the Zoning Board of Appeals grant the two requested area variances being sought in connection with the Project during its meeting to be held on Tuesday, April 8th. The granting of the two requested area variances is justified since the benefits that will be received by the Applicant if the requested area variances are granted clearly outweighs any resulting detriments per the statutorily mandated balancing test and the five criteria as outlined in the Request for Action and supporting documentation dated February 21, 2025 and the PowerPoint presentation given to the Zoning Board of Appeals during the public held on March 11, 2025.

If there are any questions regarding the requested area variances or the proposed mixed-use project, please feel free to contact Sean Hopkins, Esq. at 716.510-4338 or via e-mail at shopkins@hsmlegal.com or me at 716.225-6117 or via e-mail at bill@goedgeco.com.

Sincerely,

EDGE DEVELOPMENT LLC



Bill Burke
T. (716) 225-6117
E. bill@goedgeco.com

Enc.

cc: Ryan Mills, Chairman
Gerald Drinkard, Zoning Board of Appeals
Patrick Krey, Zoning Board of Appeals
Steven Dale, Zoning Board of Appeals
Richard McNamara, Zoning Board of Appeals
Andrew Schaefer, Junior Planner
Sean Hopkins, Esq., Hopkins, Sorgi, & McCarthy PLLC
Christopher Wood, P.E., Carmina Wood Design

² Source: Steinmetz Planning Group, "Clarence 2030: Town of Clarence Comprehensive Plan, December 14, 2016, page 52, [clarence_2030_plan_adopted.pdf](#).

Exhibit A

*Site Plan Concept [Drawing C-100 – Dated 02/17/25], prepared by
Christopher Wood, P.E. of Carmina Wood Design*

NO.	REVISION	DATE
1	Initial Design	10/1/14
2	Revised Design	10/15/14
3	Final Design	11/1/14

NO.	REVISION	DATE
1	Initial Design	10/1/14
2	Revised Design	10/15/14
3	Final Design	11/1/14

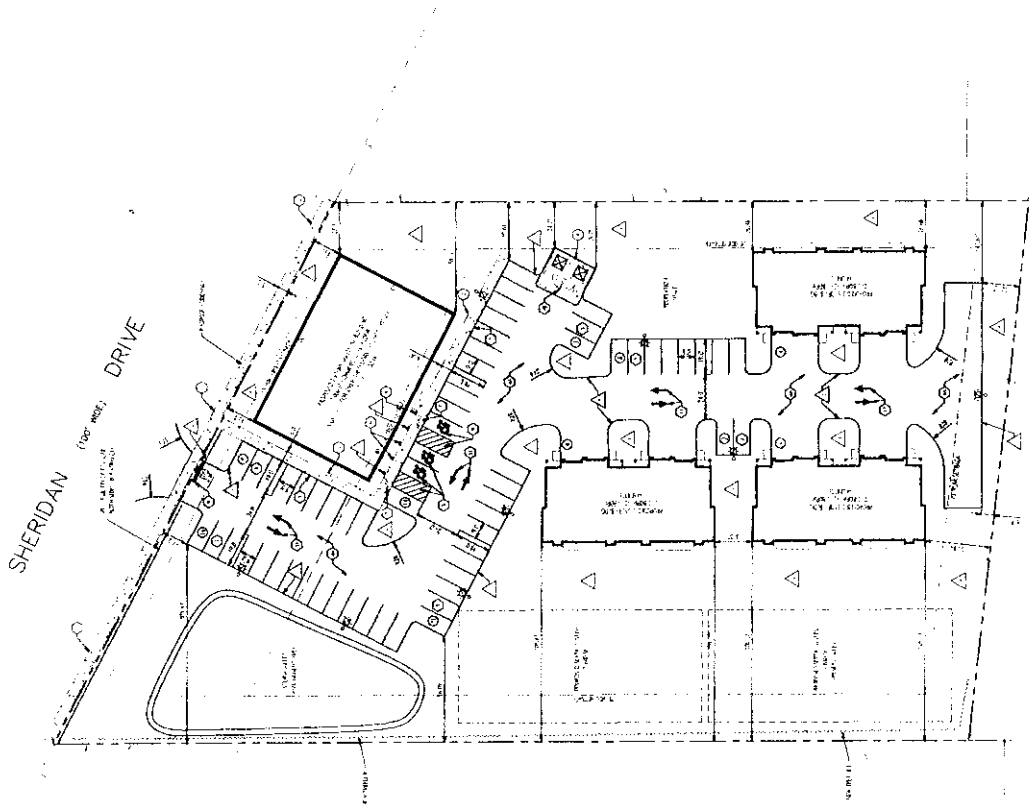
- NOTES**
1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL DISTANCES ARE MEASURED FROM THE CORNER OF THE LOT.
 3. ALL DISTANCES ARE MEASURED FROM THE CORNER OF THE LOT.
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- LEGEND**
- 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
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 - 10. ALL DISTANCES ARE MEASURED FROM THE CORNER OF THE LOT.

NOT TO SCALE
FOR INFORMATION ONLY
NOT FOR CONSTRUCTION

NO.	REVISION	DATE
1	Initial Design	10/1/14
2	Revised Design	10/15/14
3	Final Design	11/1/14

NOT TO SCALE
FOR INFORMATION ONLY
NOT FOR CONSTRUCTION



Site Plan
Scale 1" = 10'

Exhibit B

Negative Declaration issued by the Planning Board dated January 29, 2025 in accordance with the State Environmental Quality Review Act ("SEQRA")

**State Environmental Quality Review
Negative Declaration
Notice of Determination of Non-Significance**

Date: January 29, 2025

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Clarence Planning Board, acting as the designated Lead Agency in connection with the coordinated environmental review of the action, has determined that the proposed action described below will not have any potentially significant adverse impacts on the environment and as such a Draft Environmental Impact Statement will NOT be prepared.

Project Name: Sheridan Drive Mixed-Use Redevelopment

Project Number: TOC1113C2024

Location of Project: 9105 Sheridan Drive - SBL: 71.13-2-3
South side of Sheridan Drive | West of Main Street

Lead Agency: Town of Clarence Planning Board

SEQRA Classification: The proposed project is a Type I Action. The Town conducted a coordinated environmental review and none of the involved agencies expressed any objection to the Planning Board acting as the designated lead agency.

Description of Action: The applicant is proposing a mixed-use project containing multiple-family housing and commercial space. One 3-story mixed-use building fronting Sheridan Drive containing 7,000 sqft of commercial on the first floor, and 10 total apartments on floors 2-3. Three 2-story residential townhome buildings to the rear, each containing 4 units. Variances are requested for the proposed third story of the mixed-use building, and for the overall residential unit count for the project.

The Planning Board has thoroughly evaluated the Part 1 of the Environmental Assessment Form, the completed Parts 2 and 3 of the Environmental Assessment Forms, submitted plans, documents, reports, and letters, as well as all supporting documentation and meeting minutes associated with the coordinated environmental review of the action pursuant to SEQRA.

Compared to the criteria listed in Section 617.7 of the SEQR Regulations, the Planning Board, acting as the designated lead agency, has determined that all identified areas of environmental concern have been identified and thoroughly evaluated, and that the proposed action will not have any potentially significant adverse impacts on the environment. The Planning Board's reasoned elaboration in support of its determination that the proposed project will not result in any potentially significant adverse environmental impacts is provided below.

1. Impact on Land:

The "Project Site" is located at 9105 Sheridan Drive (SBL: 71.13-2-3) and consists of +/- 2.8 acres of vacant land, which previously contained a restaurant. The Project Site is zoned as Commercial ("C") pursuant to the Town of Clarence Zoning Map. The "Proposed Project" involves the construction of a mixed-use project containing commercial space, multi-family residential buildings, and associated facilities. The Proposed Project would contain one 3-story mixed-use building with 7,000 sq.ft. of commercial on the first floor and 10 total apartments on floors 2 through 3, and three 2-story residential townhome buildings to the rear of the site with 4 units in each building.

The depth to water table is greater than three feet on the Project Site. The Proposed Project does not involve construction on slopes of 15% or greater. The bedrock on the Project Site is not within 5 feet of the existing ground surface. The Proposed Project will not involve the excavation and removal of more than 1,000 tons of natural material. Since the Proposed Project will result in disturbance of more than one acre of land, a Stormwater Pollution Prevention Plan ("SWPPP") prepared by a licensed engineering firm will be required and the SWPPP will need to be reviewed and approved by the Town Engineering Department prior to site disturbance. The proposed action will result in physical disturbance and vegetation removal; however, this potential impact represents a small impact since construction activities will need to comply with required applicable erosion and sediment control measures. Such erosion and sediment control measures will be specified in the engineered plans to be prepared by a licensed engineering firm as well as the required Stormwater Pollution Prevention Plan ("SWPPP"). The proposed erosion control measures will be reviewed by the Town Engineering Department during the Development Plan Application review process. The Project Site is not located within a designated Coastal Erosion hazard area.

Construction of the Proposed Project is anticipated to occur in one (1) phase and the construction of the Proposed Project is anticipated to occur for a period of more than one year. However, construction activities in furtherance of the Proposed Project will be intermittent and represent a temporary and unavoidable adverse impact that is not potentially significant. During the construction phases, the Proposed Project will need to comply with the applicable stringent standards for stormwater quality and storm quantity management as well as applicable standards for required infrastructure improvements. This will be verified by the Town Engineering Department in connection with the Development Plan Application review process.

2. Impact Geological Features:

There are no unique or unusual land forms on the Project Site.

3. Impact on Surface Water:

The Project Site currently consists of vacant land containing vegetation with no surface water bodies. The management of stormwater from impervious surfaces on the Project Site will require the installation of a stormwater management system. The stormwater management system will be designed by a licensed engineering firm to collect, discharge and improve the quality of surface water. The stormwater management system will be required to comply with the applicable stringent stormwater quality and quantity standards of the New York State Department of Environmental Conservation ("NYSDEC") and the applicable drainage standards of the Town of Clarence.

There are no regulated freshwater wetlands subject to the jurisdiction of the NYSDEC on

the Project Site. In a letter dated September 20, 2024 from Scott J. Livingstone of Earth Dimensions, Inc., it was stated that no wetlands were present on the Project Site after a preliminary wetland investigation at the Project Site on September 20, 2024.

In a letter dated December 3, 2024 from Lisa M. Czechowicz of the NYSDEC, it was stated that the National Wetlands Inventory map indicates the potential for federally-regulated wetlands within the Project Site and the U.S. Army Corp of Engineers ("USACE") may require the Project Sponsor to obtain a 401 Water Quality Certification from the NYSDEC.

In a subsequent letter dated January 6, 2025 from Scott J. Livingstone, it was stated that the conditions of the Project Site indicate that the Project Site was historically developed and disturbed. Additionally, the letter also stated that the National Wetlands Inventory ("NWI") map does indicate the possible presence of a wetland along the western property boundary; however, field observations confirmed that no wetland was present in this location. Due to the absence of federally-regulated wetlands within the Project Site, it is the opinion of the Project Sponsor's professional wetland expert that the Proposed Project may move forward without the need for a Section 404 permit from the USACE. The wetland investigation letter prepared by Project Sponsor's professional wetland expert provides evidence confirming the Proposed Project will not result in any potentially significant adverse wetland impacts.

4. Impact on Groundwater:

There will be minimal additional ground water introduced as a result of the Proposed Project. A portion of the post developed site stormwater will be collected, managed and disbursed on-site for eventual percolation into the groundwater system, through stormwater detention areas, as designed and permitted to meet Federal, State and Local standards.

The Proposed Project will connect to existing water services and will require review and approval by the Erie County Water Authority ("ECWA"). The Project Sponsor identified that there will be a need for new water services requiring anticipated water usage/demand per day of approximately 7,400 gallons. In a letter dated November 22, 2024 from Mark S. Carney of the ECWA, it was stated that the anticipated development of the Proposed Project's water supplies and/or connections must be approved by the ECWA prior to construction of the Proposed Project. The comment from the ECWA will be addressed during the Development Plan Application review process.

The Proposed Project includes treated wastewater discharge to groundwater in the form of an on-site sanitary system. In a letter dated December 3, 2024 from Lisa M. Czechowicz of the NYSDEC, it was stated that a State Pollutant Discharge Elimination System Permit, and additional permits and/or plan approvals from the NYSDEC and/or Erie County Health Department ("ECHD"), are required for the Proposed Project. The on-site sanitary system shall be designed and permitted to function per ECHD and NYSDEC standards.

5. Impact on Flooding:

The Project Site does not fall within a 100-year floodplain nor a 500-year floodplain. The Project Site is not located within a designated floodway. The Proposed Project will require modification of existing drainage patterns. Any future Development Plan submittal shall be prepared by a licensed engineering firm and shall include an Engineer's Report and full grading and drainage plans with details. The aforementioned Development Plan submittal will be subject to review by the Town prior to Development Plan Approval. In addition, the Proposed Project will include the implementation of NYSDEC compliant stormwater management practices.

6. Impacts on Air:

This proposed mixed use project does not involve a State regulated air emission source.

7. Impact on Plants and Animals:

Although the Project Site was historically developed and disturbed, the Proposed Project will result in the clearing of exiting vegetation on the Project Site. There was no documented presence of protected, threatened or endangered species on the Project Site as confirmed by lead agency concurrence letter issued by the NYSDEC dated December 3, 2024. A Landscape Plan prepared by a Registered Landscape Architect will need to be reviewed and approved by the Town Landscape Review Committee for the purpose of introducing native and beneficial vegetation to the Project Site.

8. Impact on Agricultural Resources:

The Project Site does not contain agricultural resources and is not located in a County Agricultural District. Additionally, there are no agricultural fields currently on the Project Site and a majority of the Project Site is naturally occurring vegetation and mowed fields.

9. Impact on Aesthetic Resources:

The Project Site is located on Sheridan Drive, which is a New York State Highway. The proposed mixed-use project is not in sharp contrast to the nearby land use patterns. Surrounding land use patterns include numerous commercial uses, residential homes, and manufactured housing. Furthermore, the proposed mixed-use project is consistent with the Town's Comprehensive Plan, Clarence 2030.

10. Impact on Historic and Archeological Resources:

The Project Site is located in, or is adjacent to, an area designated as sensitive by the New York State Historic Preservation Office ("SHPO") archeological site inventory. A No Impact Determination letter was issued by Daniel MacKay of the New York State Office of Parks, Recreation and Historic Preservation on November 22, 2024. SHPO determined that no historic properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by the Proposed Project; therefore, no further archaeological investigations are warranted.

11. Impact on Open Space and Recreation:

The Proposed Project that consists of privately owned property will not result in a loss of recreational opportunities or a reduction of protected open space. As part of the Proposed Project there will be a requirement to include a recreational component, as approved by the Town of Clarence, for the use of the residents. The Proposed Project currently includes the addition of a 5' wide sidewalk that runs the length of the Project Site's frontage along Sheridan Drive.

12. Impact on Critical Environmental Areas:

The Project Site is not located within or adjacent to a designated Critical Environmental Area.

13. Impact on Transportation:

After a thorough review by involved and interested agencies, including but not limited to

the New York State Department of Transportation ("NYSDOT"), Clarence Fire Review, and Clarence Highway Department, it has been determined that the Proposed Project will not have a significant adverse impact on the existing transportation system.

On December 27, 2024 Alyssa Schoenfeldt of the NYSDOT issued an e-mail communication stating that the Proposed Project does not appear to have a significant traffic impact on the State Highway System. Additionally, the letter stated that the proposed driveway should be constructed in accordance with the NYSDOT Highway Design Manual and AASHTO guidance and aligned with a driveway across the roadway. Finally, the letter stated that a NYSDOT Highway Work Permit will be required for work located within the State Highway Right-of-Way.

The primary access point for the Proposed Project is Sheridan Drive. The Proposed Project will result in the modification and reduction of the existing curb cut. The reconfiguration of the curb cut will result in a NYSDOT compliant vehicular ingress and egress. The Project Sponsor will be required to obtain all appropriate permits from NYSDOT for any proposed curb cut modifications.

14. Impact on Energy:

The Proposed Project will cause an increase in the use of energy. The Proposed Project shall be designed to meet energy compliance standards through the installation of energy efficient facilities and features resulting in minimal impact on the environment.

15. Impact on Noise, Odor, and Light:

The potential impacts from noise, odors, and lighting will be addressed through the installation of new landscaping to reduce noise impacts, the installation of enclosed dumpsters / tote garbage facilities to reduce odors, and the installation of dark-sky compliant shielded lighting to avoid off-site light pollution. In addition, the general impact to noise, odor and light will be consistent with existing surrounding commercial and residential land uses. There will be a temporary and unavoidable impact to noise, odor and lighting during construction; however, this is not a potentially significant adverse environmental impact.

16. Impact on Human Health:

The Project Site does not include a known source of regulated hazardous materials detrimental to human health. If regulated hazardous materials exceeding the applicable NYSDEC thresholds are unexpectedly encountered during the construction of the mixed-use project, clean-up activities compliant with Federal, State and Local standards will be completed prior to construction on the relevant portions of the Project Site.

17. Consistency with Community Plans:

Clarence 2030, the Town's adopted Comprehensive Plan, encourages the development of mixed-use projects. The Proposed Project is consistent with the recommended land use, design guidelines and site layout guidance for the relevant portion of the Town along Sheridan Drive. Map 8 of the Comprehensive Plan ("Future Land Use Map") designates the Project Site as appropriate for Business Center. The Business Center use is described on Pages 51-52 of the Comprehensive Plan. Business Center areas are generally characterized by a wider range of commercial activity within the community, and large-scale buildings and parking areas. These areas are located along travel routes with high daily traffic volume. Over the past two decades,

the Town has placed an increasing emphasis on providing pedestrian connectivity, as well as building and site design requirements throughout these areas, in order to achieve a higher standard of development. The Proposed Project will create a pedestrian friendly environment with connectivity between the project components.

The Proposed Project will require two (2) variances from the Zoning Board of Appeals. The first area variance would be for a third story associated with the mixed-use building. The second area variance would be to increase the multiple-family housing density by 12 residential units.

Should the area variance for the number of stories for the mixed-use building be granted by the Zoning Board of Appeals, it has been determined that this area variance does not represent a potentially significant adverse environmental impact. Two-story mixed-use buildings are permitted pursuant to the Town's Multifamily Law, and the Commercial zoning classification also allows a building height of up to forty-five feet. The Project Sponsor has indicated that the proposed three-story building would be under forty-five feet.

If the Zoning Board of Appeals does not grant the area variance for the number of stories, the Project Sponsor will be required to adjust the design of the proposed mixed-use building to comply with the relevant two-story height standard.

A density calculation for the number of multifamily units to be provided was prepared pursuant to the Section 229-1126D(1)(c) of the Zoning Code, and is as follows:

- Commercial (C) land area = 2.8 acres
 - Allowed per section 229-126 (D)(1)(c) of the zoning code: 50% of the property shall be committed to a commercial use.
 - $2.8 \text{ acres} / 2 = 1.4 \text{ acres}$ of required commercial use area
- Within the commercial component per section 229-126(D)(5)(a) of the zoning code:
 - Within the minimum 50% of the development committed to commercial uses, mixed use designs may be allowed with a density of 4 units per acre.
 - $1.4 \text{ acres} \times 4 \text{ units per acre} = 5.6$ allowed units in commercial component
 - Proposed units within the commercial component = 10 units (5 allowed)
- Within the residential component per section 229-126(D)(1)(b) of the zoning code:
 - Maximum density for multi-family developments without sanitary sewer shall be 4 units per acre with a maximum total number of 16 units (22 proposed).
 - $1.4 \text{ acres} \times 4 \text{ units per acre} = 5.6$ allowed units in residential component
 - Proposed units within the residential component = 12 units (5 allowed)
- The Project Sponsor is proposing a total of 22 units within the Proposed Project. A 12-unit variance will be required from the Zoning Board of Appeals.

Should the area variance to increase the multiple-family housing density by 12 residential units be granted by the Zoning Board of Appeals, it has been determined that this area variance does not represent a potentially significant adverse environmental impact. The Proposed Project remains in character with the long-term vision for Sheridan Drive, and the Project Sponsor shall obtain all appropriate permits from the appropriate regulatory agencies that ensure the density desired for the Proposed Project is achievable.

If the Zoning Board of Appeals does not grant the area variance for the housing density, the Project Sponsor will be required to adjust the design of the Proposed Project to comply with the relevant unit restrictions contained in the Town's Multifamily Law.

18. Consistency with Community Character:

Sheridan Drive is a State Highway made up of numerous existing land uses on both sides, including commercial uses, residential homes, and manufactured housing. The mixed-use project will not be in sharp contrast to existing community character. The Proposed Project will result in a more compliant community character per the Town's allowable uses in the zone and vision per the adopted Comprehensive Plan. The layout of the Proposed Project focuses the density closer to Sheridan while progressively scaling down the land use intensity further away from the primary right-of-way. The Proposed Project shows a mixture of high-quality materials for the proposed buildings.

Conclusion: A complete and thorough review of the proposed action was completed by the Planning Board, the Town's Department of Planning & Zoning, the Town's Engineering Department as well as involved agencies.

The Planning Board formally issues a Negative Declaration on the proposed action as of January 29, 2025.

All documentation is on file at the Town of Clarence Planning and Zoning Department, One Town Place, Clarence, New York 14031. These records may be examined by the public between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday. Written comments may be submitted to the Director of Community Development.



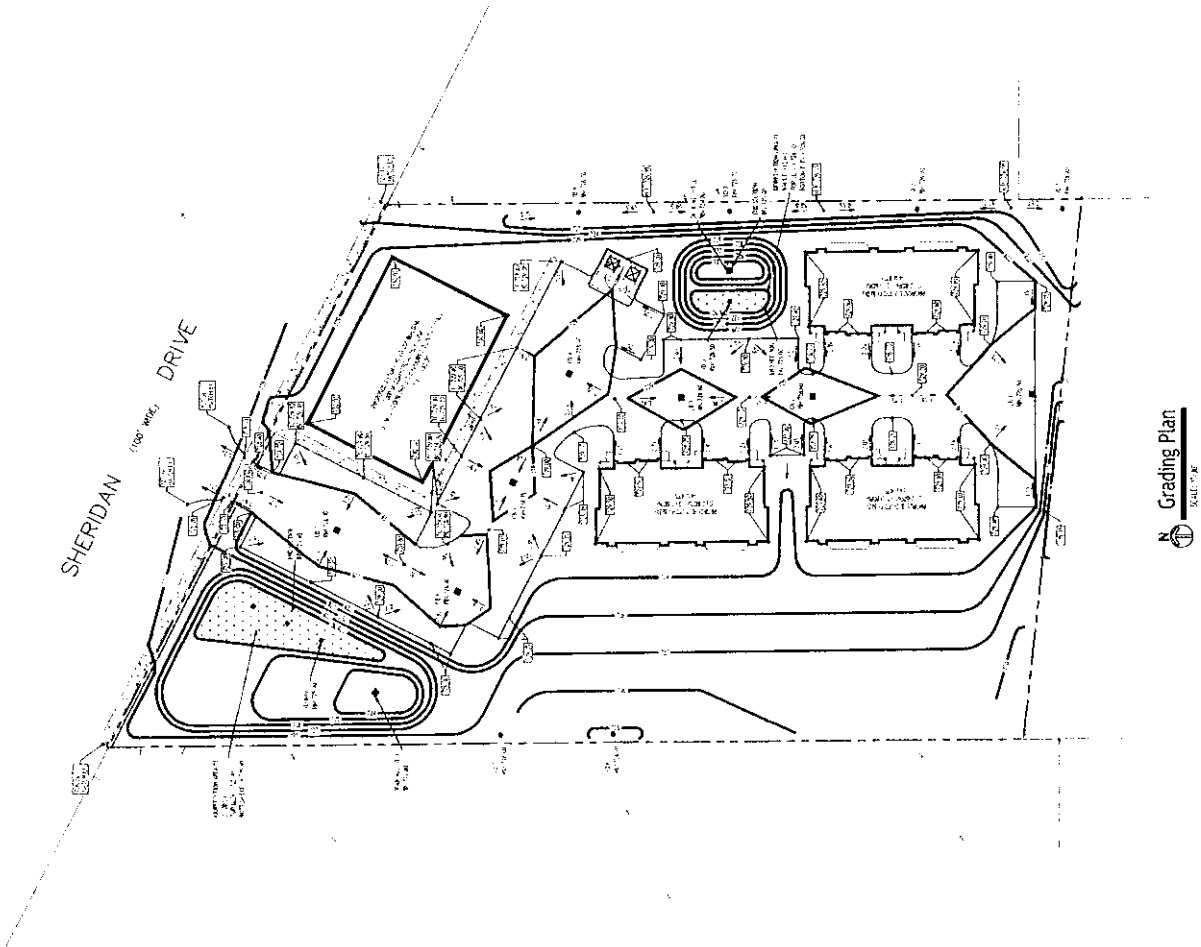
Jonathan Bleuer, Director of Community
Development, Department of Planning and Zoning

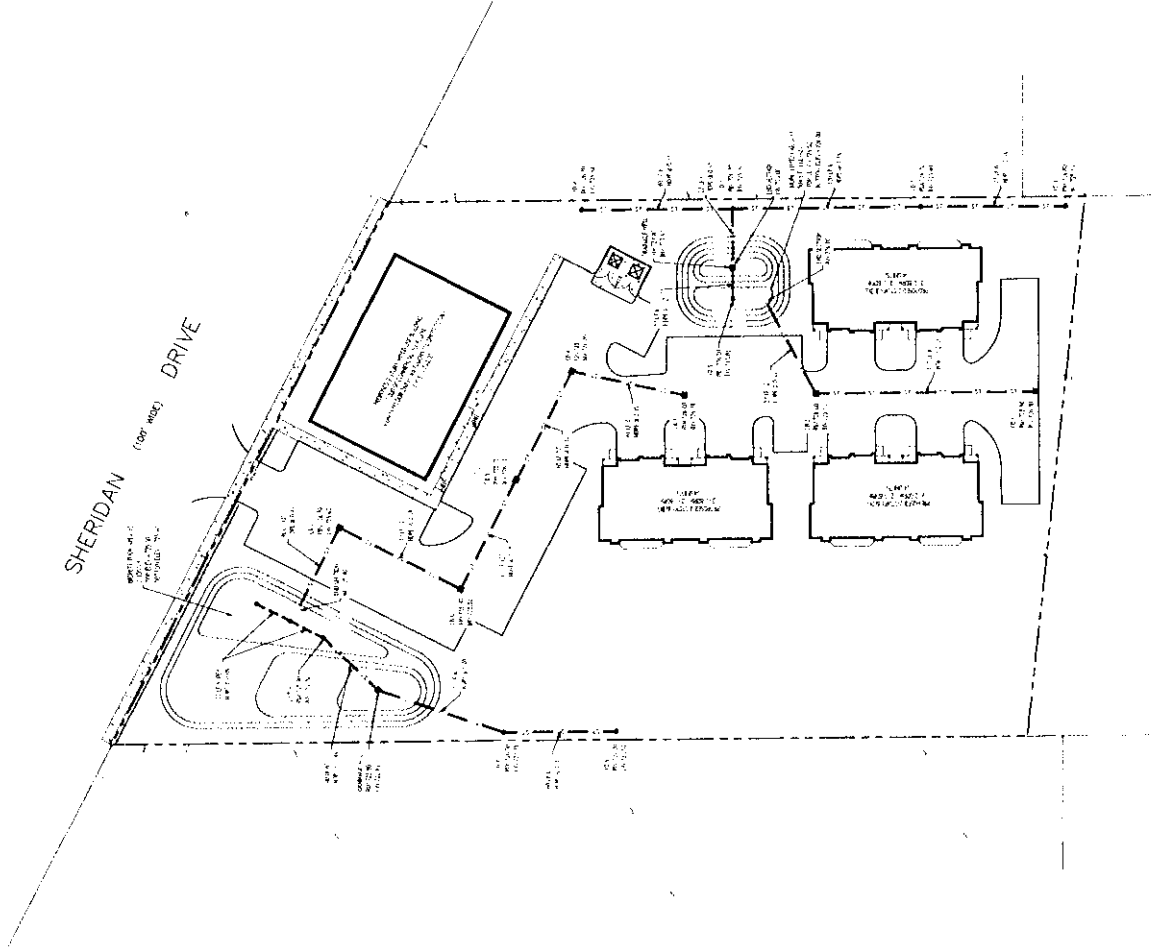
For further information contact:

Jonathan Bleuer, Director of Community Development
Office of Planning and Zoning
One Town Place
Clarence, NY 14031
Tel: 716.741.8933
E-mail: jbleuer@clarence.ny.us

Exhibit C

*Drainage and Grading Plan [Drawing C-200 & C-300 -- Dated
01/24/25], prepared by Anthony Pandolfe, P.E. of Carmina Wood
Design*





PROPOSED SYMBOLS

Symbol	Description
(Symbol)	Proposed Catch Basin
(Symbol)	Proposed Manhole
(Symbol)	Proposed Stormwater Pipe
(Symbol)	Proposed Stormwater Valve
(Symbol)	Proposed Stormwater Inlet
(Symbol)	Proposed Stormwater Outlet
(Symbol)	Proposed Stormwater Structure
(Symbol)	Proposed Stormwater Pond
(Symbol)	Proposed Stormwater Detention Basin
(Symbol)	Proposed Stormwater Treatment Facility

ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS ARE GIVEN TO THE CENTERLINE OF THE PIPE OR STRUCTURE UNLESS NOTED OTHERWISE. THE LOCATION OF THE STRUCTURES IS APPROXIMATE. THE EXACT LOCATION OF THE STRUCTURES WILL BE DETERMINED BY THE FIELD SURVEYOR. THE EXACT LOCATION OF THE STRUCTURES WILL BE DETERMINED BY THE FIELD SURVEYOR.

Drainage Plan
SCALE: 1" = 40'

Exhibit D

*Letter dated March 18, 2025 prepared by Christopher Wood, P.E. of
Carmina Wood Design summarizing the design methodology and
process for the on-site wastewater treatment system and stormwater
management area*

CARMINA WOOD

DESIGN

March 18, 2025

Jonathan Bleuer, Director of Community Development
Town of Clarence
1 Town Place
Clarence, NY 14031

Re: Proposed Mixed-Use Redevelopment project - 9105 Sheridan Drive
Zoning Board of Appeals
Applicant/Project Sponsor: Edge Development LLC

Dear Mr. Bleuer and Members of the Zoning Board of Appeals:

This letter has been prepared on behalf of Edge Development LLC (the "Project Sponsor") for the purpose of providing the Zoning Board of Appeals with a summary of: (1) The proposed on-site wastewater management system; and (2) The manner by which runoff from impervious surfaces on the Project Site will be properly handled. Both of these topics were discussed during the public hearing held by the Zoning Board of Appeals on March 11, 2025. Part A of this letter discusses the on-site wastewater treatment system and Part B discusses the on-site stormwater management system.

A. On-Site Wastewater Treatment System:

I. Introduction:

The Project Site is not located in either an Erie County nor a Town of Clarence sanitary sewer district and therefore will need to be serviced by an on-site private wastewater treatment system complying with the stringent standards set forth by the New York State Department of Environmental Conservation ("NYSDEC") and the Erie County Department of Health ("ECDOH"). The on-site wastewater treatment system will likely be a bottomless sand filter septic system, a commonly used septic design that is routinely installed throughout the Town of Clarence in connection with both residential and commercial projects. The bottomless sand filter system utilizes the presence of shallow rock to allow the treated effluent to discharge to the voids in the bedrock. In addition, a "reserve area" will be provided to allocate an area to install a replacement system in the unlikely scenario that replacement is required.

II. Design Calculations and Review by the Erie County Department of Health ("ECDOH") and the New York State Department of Environmental Conservation ("NYSDEC"):

The proposed commercial on-site wastewater treatment system will be subject to review and approval by both the New York State Department of Environmental Conservation ("NYSDEC") and the Erie County Department of Health ("ECDOH") prior to installation of the system to verify adherence to the stringent standards set forth by both agencies. Wastewater system capacity is determined by Daily Flow Rate calculations determined by the number of residential bedrooms, type of system, and proposed commercial use of the buildings serviced by the wastewater system.

The Project Sponsor will be required to submit State Pollutant Discharge Elimination System

("SPDES") Permit in accordance with the NYSDEC Environmental Conservation Law under the purview of the NYSDEC given that the flowrate will be greater than 1,000 gpd. Via the SPDES permit application review process, the NYSDEC evaluates the proposed on-site treatment system for its potential impact to public health, public enjoyment of resources, protection and propagation of fish and wildlife and industrial development in the state.

The Project Sponsor will be required to submit an "Application for a Construction Permit for an Onsite Wastewater Treatment System" along with an Engineer's Report, design plans, topographic data, and a site location map to the ECDOH for a comprehensive review of the proposed wastewater system design. Upon completion of construction of the wastewater system, ECDOH requires a "Certificate of Construction Compliance" prepared by the design professional to verify adherence to the approved design standards and includes an as-built drawing and sand material tickets. Upon satisfactory review of the Certificate of Construction Compliance, the ECDOH issues a Completed Works Approval authorizing placement of the septic system into service.

III. On-Site Wastewater System Lifespan Duration & Maintenance:

The anticipated life of a sand filter septic system is dependent upon several variables, most notably the soils in which the system is constructed, the ability of the bedrock to accept the treated effluent, the use of the building serviced by the system, and maintenance of the system. Additional variables include vegetation in and around the septic field, potential water infiltration, the presence of garbage disposals in kitchens serviced by the system and the potential grease generation by commercial users. In the case of this project, the commercial spaces will be limited to users such as a coffee shop or office space which eliminates the grease generation tributary to the system. Life span is expected to exceed thirty (30) years, but can extend far beyond, depending on the health of the system. The life span expectation of an on-site wastewater treatment system would not be substantively different for a project with a proposed sixteen (16) residential units that would be expressly permitted per strict compliance with Section 229-126 D. (1) (b) of the Town of Clarence Zoning Code as compared to the proposed mixed-use project consisting of twenty-two (22) residential units.

The Project Site benefits from extensive green space and proposed septic fields placed in strategic locations free from trees, shrubs and other vegetation that will be located on a portion of the site that is free from water infiltration. The septic field will be covered with topsoil and grass with regular landscaping maintenance performed on the field to encourage optimal evaporation from the system. The Landscaping Plan prepared by our firm has deliberately been prepared to avoid vegetation in and around the septic field to minimize the likelihood of roots from nearby vegetation interfering with the septic field.

Recommended maintenance protocols suggest pumping the septic holding tank every 1-3 years, along with cleaning of the septic tank outlet baffle.

IV. Reserve Septic Field:

The layout of the proposed mixed-use project has been designed by our firm to include a designated reserve area. This reserve area will only be utilized in a scenario in which the installed septic field fails and requires replacement. If the installed septic system is properly maintained, the reserve

septic system should not be utilized for at least 30 years and will serve as well maintained open space.

V. Conclusion:

As described above, the on-site wastewater treatment system will comply with the applicable stringent technical standards of both the NYSDEC and the ECDOH.

It is in our professional opinion that the proposed mixed-use project will be adequately served by a properly designed on-site wastewater treatment system that, with proper maintenance, will perform adequately for a timeframe in excess of thirty years.

B. Stormwater Management System:

As a result of the need to install an on-site stormwater management complying with the applicable stringent stormwater quality and quantity standards of the New York State Department of Environmental Conservation ("NYSDEC"), the proposed mixed-use project will not result in any potentially significant adverse stormwater impacts.

In connection with the Town of Clarence's evaluation of potential stormwater runoff impacts, it is important to mention that the Engineer's Report & Storm Water Pollution Prevention Plan ("SWPPP") to be prepared by our firm will provide calculations that confirm that the storm water management system to be constructed as part of the mixed-use project will comply with the applicable stringent stormwater quality and quantity standards of the NYSDEC, SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-25-001 and the Town of Clarence. The fully engineered plans, Engineer's Report and SWPPP will need to be reviewed and approved by the Town's Engineering Department in connection with the future Development Plan Application review process prior to the commencement of any on-site construction activities in furtherance of the mixed-use project.

The following sections of this letter provide a summary of the manner by which runoff from the impervious surfaces within the project will be handled.

I. Storm Water Design Narrative:

A storm water collection system is proposed to collect runoff from the site including the access aisles, greenspaces, parking spaces and the proposed multifamily & mixed-use buildings. This system will consist of catch basins & yard drains placed on the Project Site to collect runoff from the respective tributary areas. The proposed inlets will be connected by a series of storm pipes which will convey the runoff to the storm water management areas. The storm water management area will be designed in accordance with the New York State Department of Environmental Conservation ("NYSDEC") Stormwater Management Design Manual. These areas will provide both water quality and water quantity storage components.

The stormwater management areas on the Project Site will discharge into drainage wells on the Project Site and will not result in any runoff being conveyed onto nearby properties. Runoff from impervious services will be conveyed to the storm water management area and ultimately discharge to the drainage wells on site.

II. Detention System:

The proposed storm water management area will consist of a bioretention area followed by a dry detention basin which will provide runoff reduction, volume attenuation and water quality treatment. The Concept Plan for the proposed mixed-use project prepared by our firm shows two storm water management areas located in the northwest portion of the site and in the eastern portion of the site. These storm water management areas will be designed based on the applicable stringent standards including handling of a 100 yr. storm event to ensure they provide adequate stormwater quantity capacity.

The NYSDEC Stormwater Management Design Manual requires five (5) different criteria be considered when designing a storm water management system. Those criteria are Water Quality, Runoff Reduction Volume, Channel Protection, Overbank Flooding and Extreme Storm Protection. Below is a summary of each item and how it will be incorporated into the proposed mixed-use project.

Water Quality:

The NYSDEC requires water quality treatment prior to discharge. The goal of the design will be to achieve 100% of the water quality volume requirement by applying a practice recognized in the design manual, a Standard SMP with Runoff Reduction capacity. Standard SMP's include bioretention which will be incorporated into this project.

Runoff Reduction Volume:

As stated above, the goal is for the total water quality volume for the site to be reduced by the implementation of a Standard SMP used to achieve the Water quality requirement. The design methodology will be based on the NYSDEC Stormwater Management Design Manual five-step process for Stormwater Management Planning as outlined in Chapter 3.

This project will incorporate several Runoff Reduction techniques such as:

- Preservation of natural resources;
- Bioretention; and
- Tree Planting

Channel Protection:

The NYSDEC requires that extended detention be provided for the proposed 1-year storm event. The storage volume will be accommodated in the proposed storm water management area and the outlet will be restricted in accordance with NYSDEC criteria.

Overbank Flooding:

The NYSDEC requires that the 10-year proposed storm event be attenuated with detention and that the outlet be restricted to the 10-year existing storm event. The storage volume will be accommodated in the proposed storm water management area and the outlet will be restricted in accordance with NYSDEC criteria.

Extreme Storm Protection:

The NYSDEC requires that the 100-year proposed storm event be attenuated with detention and that the outlet be restricted to the 100-year existing storm event. The storage volume will be accommodated in the proposed storm water management area and the outlet will be restricted in accordance with NYSDEC criteria.

Design Criteria:

Storm pipes: 10-year storm event

Detention: Designed to contain the 1-year, 10-year, 25-year, 50-year and the 100-year 24-hour design storms for the post-development peak rates of runoff, while restricting the outflow rate equal to the 1-year, 10-year, 25-year, 50-year and the 100-year 24-hour design storms for the pre-development peak rates of runoff respectively.

In accordance with Town of Clarence and NYSDEC requirements a Notice of Intent and SWPPP will be prepared for the proposed project due to the total disturbance of greater than one (1) acre.

As demonstrated by the above overview, the proposed mixed-use development will include storm water management improvements per the applicable stringent standards of both the Town of Clarence and the NYSDEC. This will ensure that the project will not result in any potentially significant drainage or flooding impacts.

III. Conclusion:

As outlined in detail above, the installation of an on-site stormwater management system complying with the applicable stringent stormwater quality and quantity standards as described above will ensure the proposed mixed-use project will not result in any potentially significant adverse drainage impacts.

The fully engineered plans, Engineer's Report and SWPPP will need to be reviewed by the Engineering Department, and relevant involved agencies to confirm compliance with the applicable stormwater quality and quantity standards of the NYSDEC.

Please contact me at 716-550-3342 with any questions regarding this letter or the proposed multifamily project.

Sincerely,

Carmina Wood Design

A handwritten signature in black ink, appearing to read 'R. Christopher Wood'. The signature is fluid and cursive, with a large initial 'R' and a stylized 'W'.

R. Christopher Wood, P.E.

cc: Members of the Zoning Board of Appeals
Timothy Lavocat, P.E., Town Engineer
Bill Burke, Edge Development LLC
Sean Hopkins, Esq.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 9

700 Delaware Avenue, Buffalo, NY 14209

P: (716) 851-7165 | F: (716) 851-7168

www.dec.ny.gov

December 3, 2024

Jonathan Bleuer
Town of Clarence Planning & Zoning Department
1 Town Place
Clarence, New York 14031

Dear Jonathan Bleuer:

**SEQR Lead Agency Coordination
Mixed Use Redevelopment
9105 Sheridan Drive
Town of Clarence, Erie County**

This is to acknowledge receipt of your November 18, 2024 notice which requested State Environmental Quality Review Act (SEQR) Lead Agency status for the above-noted project. The Department concurs that the Town of Clarence should act as SEQR Lead Agency, since the environmental impacts of the proposal are primarily of local significance. However, please be advised of the following:

1. Since project activities will involve land disturbance of 1 acre or more, the project sponsor, owner or operator is required to obtain a State Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activity (GP-0-20-001). This General Permit requires the project sponsor, owner or operator to control stormwater runoff according to a Stormwater Pollution Prevention Plan (SWPPP), which is to be prepared prior to filing a Notice of Intent (NOI) and prior to commencement of the project. More information on General Permit GP-0-20-001, as well as information on how to electronically submit the eNOI form, is available on the NYSDEC's website at www.dec.ny.gov/chemical/43133.html. Information on permitting requirements and preparation of a necessary Stormwater Pollution Prevention Plan (SWPPP) is available on the NYSDEC's website at www.dec.ny.gov/chemical/8468.html.

The Town of Clarence is designated as an MS4 community. The project sponsor, owner or operator of a construction activity that is subject to the requirements of regulated, traditional land use control MS4 shall have their SWPPP reviewed and accepted by the MS4 community. The "MS4 SWPPP Acceptance" form must be signed by the principal executive officer or ranking elected official from the MS4 community, or by a duly authorized representative of that person, and submitted along with the eNOI to receive NYSDEC approval before construction commences.



Department of
Environmental
Conservation

2. Since an on-site treatment facility is proposed, in accordance with the New York State Environmental Conservation Law, a State Pollutant Discharge Elimination System (SPDES) Permit is required for a facility whose treated wastewater discharge to groundwater is greater than 1,000 gallons per day, and for all discharges to surface water. Depending upon the volume of the proposed discharge, permits and/or plan approvals may be required from this Department and/or the Erie County Health Department, 503 Kensington Avenue, Buffalo, New York 14214, telephone: 716/961-6800. The SPDES application and information is available on our website at:
<http://www.dec.ny.gov/permits/6054.html>.
3. The National Wetlands Inventory map indicate the potential for federally-regulated wetlands within the proposed project site. The project sponsor should consult with the U.S. Army Corps of Engineers to determine if that agency has regulatory jurisdiction or requires approval from that agency. If federal wetlands are involved, the Corps may require the project sponsor to obtain 401 Water Quality Certification (WQC) from NYSDEC.

If you have any questions or wish to discuss any of the above items, please feel free to contact Lisa Connors of my staff or me at 716/851-7165.

Sincerely,



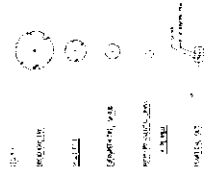
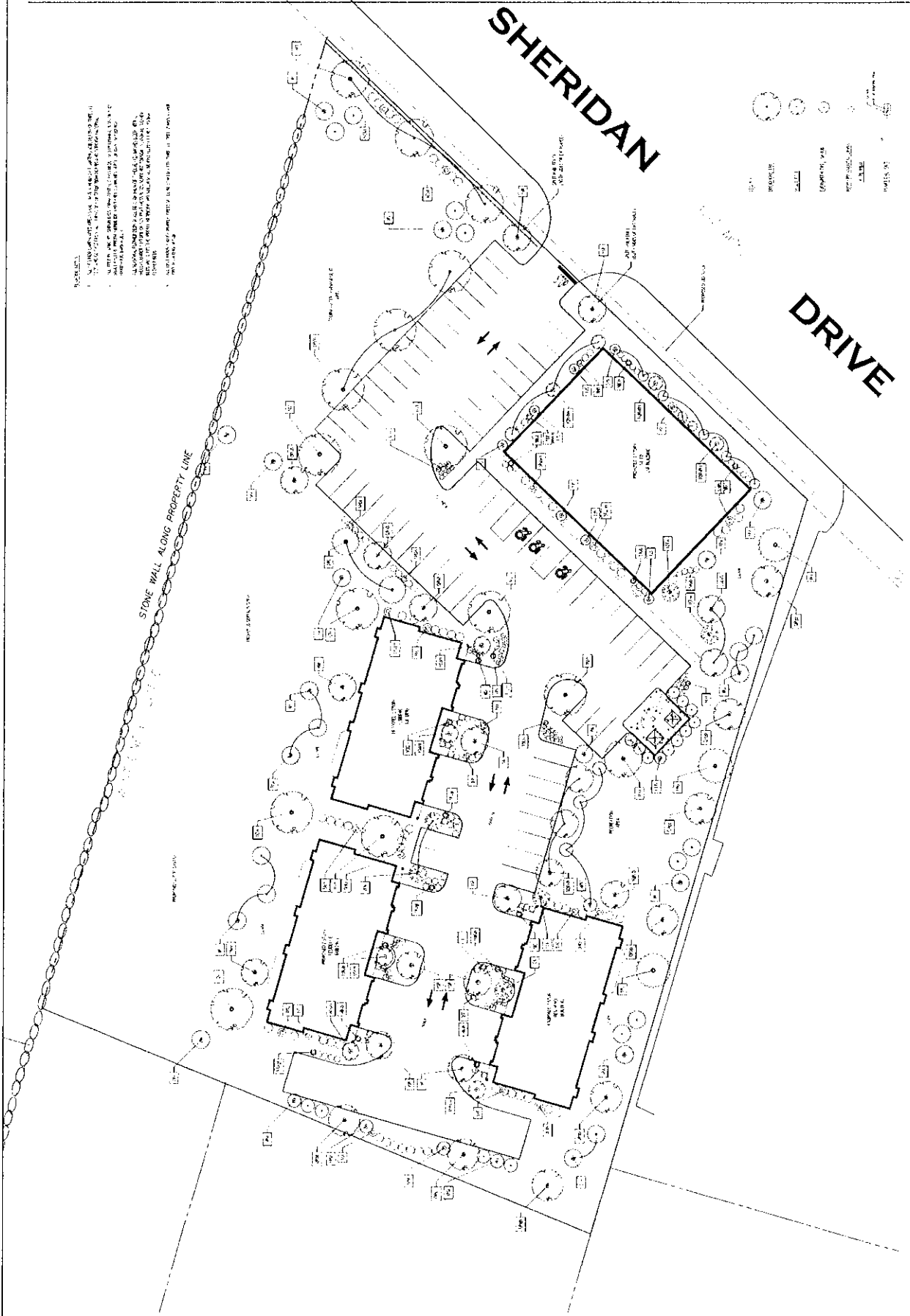
Lisa M. Czechowicz
Regional Permit Administrator

LMC/lmc

Exhibit F

*Landscape Plan [Drawing L-100 – Dated 09/16/24], prepared by
Christopher Wood, P.E. of Carmina Wood Design*

- NOTES:**
1. ALL PLANTINGS SHALL BE INSTALLED BY THE LANDSCAPER.
 2. ALL PLANTINGS SHALL BE INSTALLED BY THE LANDSCAPER.
 3. ALL PLANTINGS SHALL BE INSTALLED BY THE LANDSCAPER.
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 8. ALL PLANTINGS SHALL BE INSTALLED BY THE LANDSCAPER.
 9. ALL PLANTINGS SHALL BE INSTALLED BY THE LANDSCAPER.
 10. ALL PLANTINGS SHALL BE INSTALLED BY THE LANDSCAPER.



1/8" = 1'-0" (Horizontal)
1/8" = 1'-0" (Vertical)

N
Landscape Plan
SCALE: 1/8" = 1'-0"

Exhibit G

*Financial Analysis prepared by the Applicant evaluating multiple
design and density scenarios*

Financial Analysis of the Project

Comparison of rental rates projected at the Project as compared to comparable properties in the neighborhood

Projected Rent Roll - 9105 Sheridan

Residential Units

Unit Type	Layout	SF / Unit	Monthly Rent	Monthly Rent/SF
Type 1	2BR TH	1,540	\$2,795	\$1.81
Type 2	3BR TH	1,540	\$2,995	\$1.94
Type 3	1BR APT	900	\$1,895	\$2.11
Type 4	2BR APT	1,150	\$2,295	\$2.00
Total			\$9,980	

Commercial Units

Unit Type	SF / Unit	Monthly Rent	Annual Rent/SF
Retail Space 1	2,000	\$3,795	\$22.77
Retail Space 2	2,000	\$3,795	\$22.77
Retail Space 3	3,000	\$5,295	\$21.18
Total		\$12,885	

Comparable Property Rental Rates

Willow Square of Clarence - 9500 Main Street, Clarence, NY

Unit Type	Layout	SF/Unit	Monthly Rent	Monthly Rent/SF
Type 1	2 BR TH	945	\$1,750	\$1.85
Type 2	2 BR Apt	1,040	\$1,875	\$1.80
Type 3	2 BR Apt	1,120	\$1,875	\$1.67

Waterford Townhomes - 8976 Roll Road, Clarence Center, NY 14032

Unit Type	Layout	SF/Unit	Monthly Rent	Monthly Rent/SF
Type 1	1 BR TH w/Gar.	700	\$1,745	\$2.49
Type 2	2 BR TH w/Gar.	1,350	\$2,195	\$1.63
Type 3	2 BR TH w/Gar.	1,500	\$2,295	\$1.53
Type 4	3 BR TH w/Gar.	1,500	\$2,445	\$1.63

Financial Analysis of the Project

Scenario 2: Project Financials for a 16-unit project utilizing Transfer Incentive in accordance with Section 229-126 D. (6.) (a.)

Project Budget		
Land & Hard Costs	Costs	% of Total
Land & Hard Costs	\$5,279,142	87.7%
Total Land & Hard Costs	\$5,279,142	87.7%
Soft Costs	Costs	% of Total
Soft Costs	\$742,433	12.3%
Total Hard Costs	\$742,433	12.3%
Total Project Costs	\$6,021,575	100.0%

Projected Rent Roll		
Residential Units	Monthly Rent	Units
1BR Apartment	\$1,895	8
2BR Apartment	\$2,195	8
Total		16
Commercial Units	Monthly Rent	Units
Retail Space 1	\$3,495	1
Retail Space 2	\$3,495	1
Retail Space 3	\$4,995	1
Total		3

Projected Operating Budget	
Income	
Residential Income	\$392,640
Commercial Income	\$143,820
Residential Vacancy	(\$20,132)
Commercial Vacancy	(\$35,955)
Effective Gross Income	\$480,373
Expenses	(\$178,219)
Debt Service	(\$368,375)
Net Cash Flow	(\$66,221)

Financial Analysis of the Project

Scenario 1: Project Financials as proposed with granting of requested Area Variances

Project Budget

Land & Hard Costs	Costs	% of Total
Land & Hard Costs	\$6,213,099	87.4%
Total Land & Hard Costs	\$6,213,099	87.4%
Soft Costs	Costs	% of Total
Soft Costs	\$892,865	12.6%
Total Hard Costs	\$892,865	12.6%
Total Project Costs	\$7,105,964	100.0%

Projected Rent Roll

Residential Units	Monthly Rent	Units
2BR Townhouse	\$2,595	6
3BR Townhouse	\$2,895	6
1BR Apartment	\$1,895	4
2BR Apartment	\$2,195	6
Total		22
Commercial Units	Monthly Rent	Units
Retail Space 1	\$3,495	1
Retail Space 2	\$3,495	1
Retail Space 3	\$4,995	1
Total		3

Projected Operating Budet

Income	
Residential Income	\$644,280
Commercial Income	\$143,820
Residential Vacancy	(\$32,759)
Commercial Vacancy	(\$35,955)
Effective Gross Income	\$719,386
Expenses	(\$228,114)
Debt Service	(\$466,609)
Net Cash Flow	\$24,663

Financial Analysis of the Project

Scenario 3: Project Financials for a 22-unit project limited to 2-story construction

Project Budget

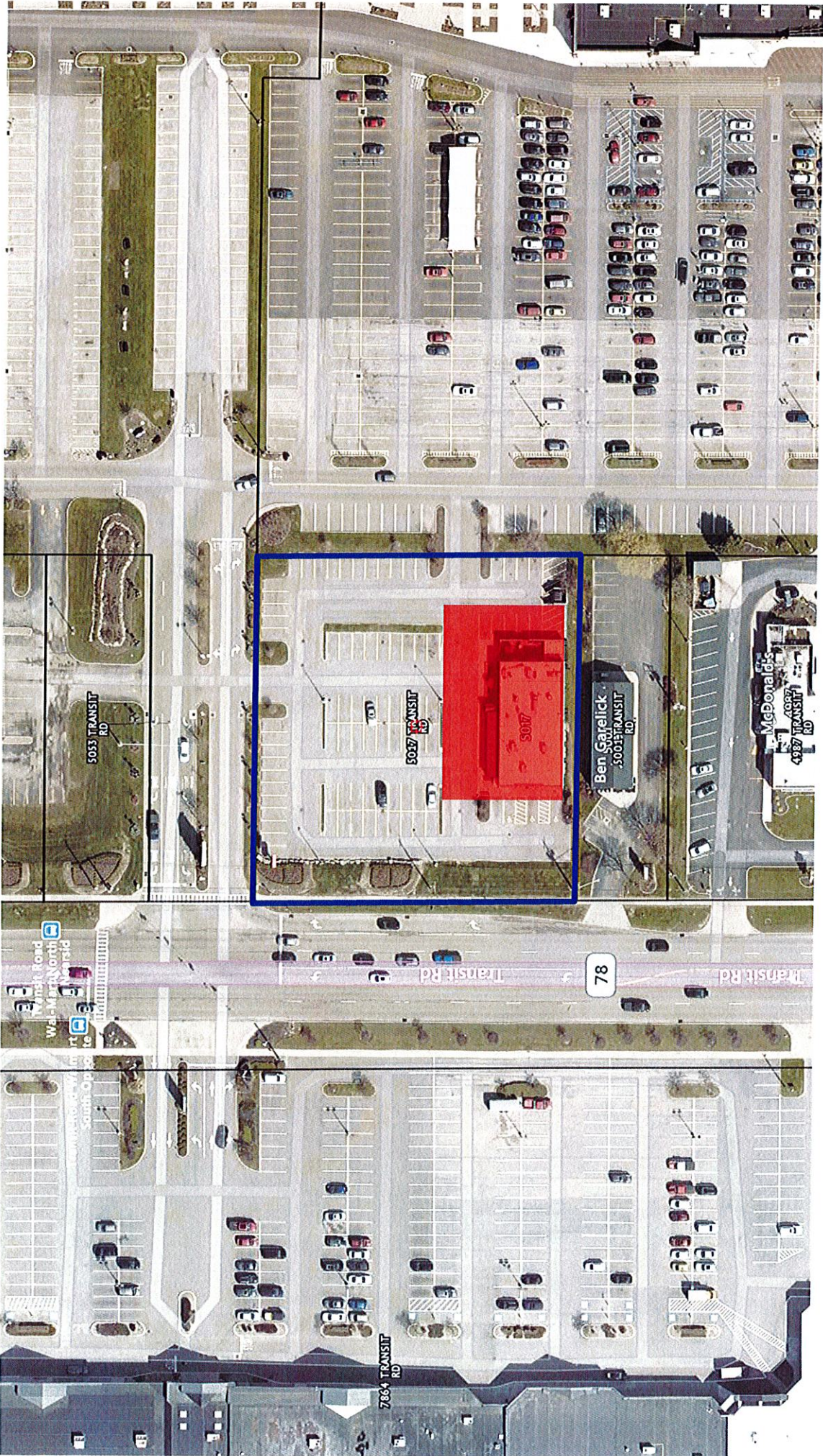
Land & Hard Costs	Costs	% of Total
Land & Hard Costs	\$6,602,732	88.1%
Total Land & Hard Costs	\$6,602,732	88.1%
Soft Costs	Costs	% of Total
Soft Costs	\$889,113	11.9%
Total Hard Costs	\$889,113	11.9%
Total Project Costs	\$7,491,845	100.0%

Projected Rent Roll

Residential Units	Monthly Rent	Units
2BR Townhouse	\$2,595	6
3BR Townhouse	\$2,895	6
1BR Apartment	\$1,895	4
2BR Apartment	\$2,195	6
Total		22
Commercial Units	Monthly Rent	Units
Retail Space 1	\$3,495	1
Retail Space 2	\$3,495	1
Retail Space 3	\$4,995	1
Total		3

Projected Operating Budget

Income	
Residential Income	\$644,280
Commercial Income	\$143,820
Residential Vacancy	(\$32,759)
Commercial Vacancy	(\$35,955)
Effective Gross Income	\$719,386
Expenses	(\$228,114)
Debt Service	(\$491,167)
Net Cash Flow	\$105



5017 Transit Road

Proposed 10' principal structure side yard setback.
The minimum side yard setback for a principal structure is 25'.
A 15' variance is requested.



note the parcel lines displayed are approximate

January 24, 2025

VIA HAND DELIVERY

Chairperson and Members of the Zoning Board of Appeals
Town of Clarence
One Town Place
Clarence, New York 14031

Attn: Jonathan C. Bleuer, Director of Community Development

**Re: Proposed 13,500 SF Retail Building (BDP# 2085)
 Eastgate Shopping Center, 5017 Transit Road
 Application for Side Yard Setback Variance**

Dear Chairman and Members of the Zoning Board of Appeals:

In connection with the above-referenced matter, enclosed please find the application materials in connection seeking to reduce the side yard setback from 25’ to 10’ for a proposed 13,500 s.f, retail building to be located at the Eastgate Shopping Center (the “Subject Property”).

The Existing Property

As the Zoning Board Board is aware, the Subject Property is a former Applebee’s restaurant that is currently vacant and acts as an outparcel to the Eastgate Plaza. An aerials photograph of the Subject Property is attached as **Exhibit A**. Eastgate Plaza is a large shopping center located on Transit Road and includes tenants such as BJ’s Wholesale Club, Dicks Sporting Goods, LA Fitness, PetSmart, Michaels and Wal-Mart. The property maintains two main entrances on Transit Road, with one being along the plaza’s main entrance drive off of Transit Road and the second being off the plaza’s main north/south internal access drive. As demonstrated by the survey of the Subject Property, attached as **Exhibit B**, the existing Applebee’s restaurant is set 10.34’ from the southern property line.

The Proposed Project

Benderson is proposing a new 13,500 s.f. retail building on the former Applebee’s parcel. The proposed building will be located on the south side of the main, signalized access for Eastgate Plaza and north of the existing Garelick Jewelers property. The proposed building will match the setback of 10’ from the southern property line. The tenant requires 98 parking spaces which are provided on the property.

The existing full access driveway on the main entrance drive will be converted to a right-in and the existing break within the entrance drives center island will be closed. In addition, two full access drives will be added onto the north/south plaza drive to allow for loading of the retail building and access to the main parking field. The front entrance will be located at the northwest corner of the building and will provide a covered canopy on both the north and west sides with flush curbing to allow for easy access to the parking field with shopping carts. In addition, pedestrian access will be provided to the east providing convenient access to the large parking field to the east.

of frontage and 5,000 square feet of area. The code, however, required 80 feet of frontage and 10,000 square feet of area. Accordingly, the application concerned a 50% reduction in lot area coupled with a second variance seeking a 62.5% reduction in frontage. Nevertheless, based on the facts in the record, the Court directed the respondents to issue those variances. Additionally, in Matter of Sasso v. Osgood, 86 N.Y.2d 374 (1995), concerned a 60% reduction in lot area and a 50% reduction in lot width. Based on all facts presented, the Court of Appeals overturned the Fourth Department and directed that those variances be approved.

Simply because a variance may seem noteworthy on paper does not mean that any “harm” would be generated on the surrounding community, and it is “harm” that is balanced against the interest of the applicant according to the Town Law § 267-b(3) test. When one looks at the current matter, the variance relief is not substantial, especially considering the proposed setback matches the existing setback.

4. The Variance Will Not Have an Adverse Effect or Impact on the Physical or Environmental Conditions in the Neighborhood.

There will not be any adverse physical or environmental effect by granting the requested variance relief.

5. A Self-Created Hardship Does Not Require Denial.

Town Law § 267b(3) explicitly states that self-created hardship is not by itself a sufficient basis to deny an area variance application. The Court was directly confronted with this issue in Matter of Easy Home Program v. Trotta, 276 A.D.2d 553 (2d Dept. 2000) when it held that even though the hardship was self-created and even though the variance was substantial, where there was no evidence demonstrating the variance would have an undesirable effect on the character of the community, a variance application must be approved. See, also, Jackson v. Kirkpatrick, 125 A.D.2d 471 (2d Dept. 1986); De Sena v. Zoning Board of Appeals, 45 N.Y.2d 105 (1978); Goshen Shopping Center v. Zoning Board of Appeals, 112 A.D.2d 140 (2d Dept. 1985). In the present case, there is no evidence that the variance would have any negative effect on the neighborhood.

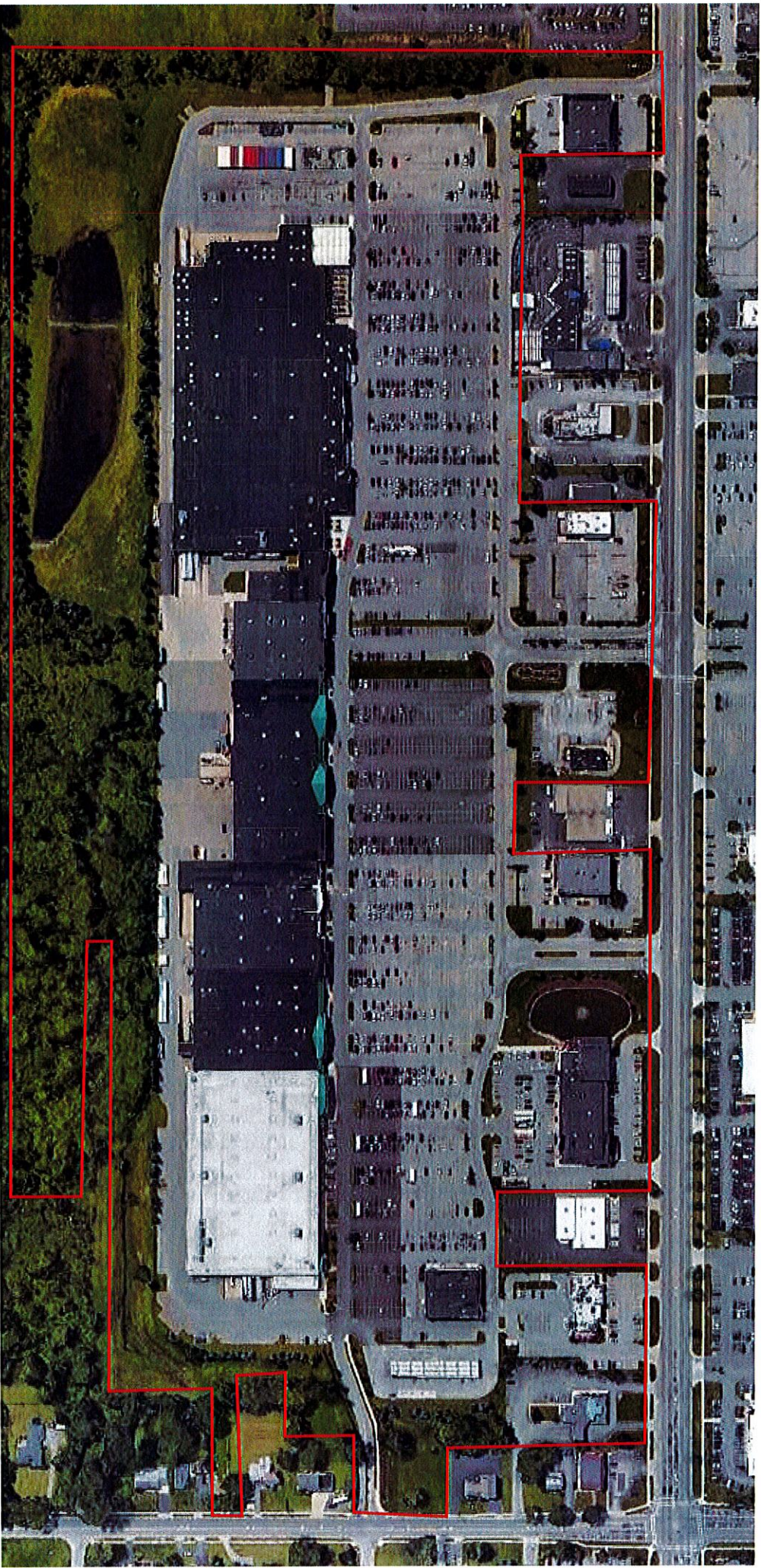
Conclusion

In conclusion, the approval of the requested variance relief will not result in any detriment to the surrounding community. Based on the application of the Town Law balancing test, we respectfully request that the Zoning Board approve the application. Should you have any questions, please do not hesitate to contact me by phone at (716) 878-9626 or by e-mail at JamesBoglioli@Benderson.com.

Thank you,
BENDERSON DEVELOPMENT COMPANY, LLC

James A. Boglioli

James A. Boglioli, Esq.
Director, Right to Build – Northeast US



Short Environmental Assessment Form
Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: Proposed Grocery Store			
Project Location (describe, and attach a location map): 5017 Transit Road, Town of Clarence, Erie County			
Brief Description of Proposed Action: The proposed action is as follows: 1) the redevelopment of a former Applebee's restaurant into a new 13,500 +/- SF Retail Building with a new parking lot, drainage, utilities, landscaping and site lighting improvements along with access modifications to the existing plaza drives 2) an area variance request to allow for a reduction in the allowable side yard setback from the code required 25 feet to the proposed 10 feet			
Name of Applicant or Sponsor: Benderson Development Company, LLC		Telephone: 716-878-9626 E-Mail: jamesboglioli@benderson.com	
Address: 570 Delaware Ave			
City/PO: Buffalo		State: NY	Zip Code: 14202
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval: NYSDEC - Stormwater Permit; Erie County Sewer District - Sewer Approval; ECWA - Backflow Approval; Clarence - Building Permit		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3. a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		1.3 acres 1.3 acres 71.83 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action: <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland			

**State Environmental Quality Review
Negative Declaration
Notice of Determination of Non-Significance**

Date: March 19, 2025

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Clarence Planning Board, acting as the designated Lead Agency in connection with the coordinated environmental review of the action, has determined that the proposed action described below will not have any potentially significant adverse impacts on the environment and as such a Draft Environmental Impact Statement will NOT be prepared.

Project Name: 5017 Transit Road – Retail Grocery Store

Project Number: TOC02052025

Location of Project: 5017 Transit Road - SBL: 70.05-2-10.1
East side of Transit Rd. | North of Sheridan Dr. | South of Greiner Rd.

Lead Agency: Town of Clarence Planning Board

SEQRA Classification: The proposed project is an Unlisted Action. The Town conducted a coordinated environmental review and none of the involved agencies expressed any objection to the Planning Board acting as the designated lead agency.

Description of Action: A proposed 13,500 sqft retail grocery store (Trader Joe's) with associated facilities. Three (3) access points are proposed for the site, all of which would be through the existing Eastgate Plaza. The building would feature a variety of materials including brick, stone, and hardiboard siding. A variance is requested for the principal structure side yard setback. The existing principal structure is proposed for demolition.

The Planning Board has thoroughly evaluated the Part 1 of the Environmental Assessment Form, the completed Parts 2 and 3 of the Environmental Assessment Forms, submitted plans, documents, reports, and letters, as well as all supporting documentation and meeting minutes associated with the coordinated environmental review of the action pursuant to SEQRA.

Compared to the criteria listed in Section 617.7 of the SEQR Regulations, the Planning Board, acting as the designated lead agency, has determined that all identified areas of environmental concern have been identified and thoroughly evaluated, and that the proposed action will not have any potentially significant adverse impacts on the environment. The Planning Board's reasoned elaboration in support of its determination that the proposed project will not result in any potentially significant adverse environmental impacts is provided below.

The "Project Site" is located at 5017 Transit Road (SBL: 70.05-2-10.1), consists of +/- 1.3 acres of land, and is zoned as Major Arterial ("MA") pursuant to the Town of Clarence Zoning Map. The "Proposed Project" involves the demolition of the previous restaurant on the Project Site and the construction of a 13,500 sq.ft. retail grocery store (Trader Joe's) with associated facilities.

After a thorough review with involved and interested agencies, it has been determined that the Proposed Project will not have any potentially significant adverse impacts to the environment. Pursuant to §229-92 of the Town of Clarence Zoning Code, retail sales activities are a permitted use in the underlying zoning classification. The Proposed Project is not in sharp contrast to nearby land use patterns, which include commercial plazas and retail buildings. Clarence 2030, the Town's Comprehensive Plan, encourages the development and adaptive reuse of commercial land in the Town of Clarence. The variety of building materials for the Proposed Project, which include brick, stone, and hardiboard siding, are keeping with the recommended design standards for the Town's Comprehensive Plan. The Proposed Project is in keeping with the recommended land use, design guidelines, and site layout for the area.

Since the Proposed Project will result in disturbance of more than one acre of land, a Stormwater Pollution Prevention Plan ("SWPPP") prepared by a licensed engineering firm will be required and the SWPPP will need to be reviewed and approved by the Town Engineering Department prior to site disturbance. The Proposed Project will result in physical disturbance and vegetation removal; however, this potential impact represents a small impact since construction activities will need to comply with required applicable erosion and sediment control measures. Such erosion and sediment control measures will be specified in the engineered plans to be prepared by a licensed engineering firm as well as the required SWPPP. The proposed erosion control measures will be reviewed by the Town Engineering Department during the Development Plan Application review process.

The Project Site disturbance is considered minimal due to the absence of documented environmentally sensitive features that otherwise could be negatively impacted. The Project Site is not located within or adjacent to a Critical Environmental Area ("CEA") and does not include a known source of regulated hazardous materials detrimental to human health or environmental resources. The Project Site is not adjacent to regulated wetland, and the Proposed Project would not physically alter or encroach into any wetland. Additionally, the Project Site is not located within the 100-year flood plan. Per the letter from Lisa M. Czechowicz of the New York State Department of Environmental Conservation ("NYSDEC") dated February 18, 2025, the Project Site was noted to be located in an archaeologically sensitive area based on information obtained through the Cultural Resource Information System ("CRIS"); however, the NYSDEC EAF Mapping Tool indicated that the Project Site is not located in an archaeologically sensitive area. The NYSDEC letter dated February 18, 2025 stated that the archaeological concern should be evaluated during the SEQRA process unless it can be verified by appropriate documentation that the Project Site had been previously significantly disturbed. The Project Site previously contained a vacant restaurant building with associated facilities as part of an overall commercial plaza. There is no documented presence of protected, threatened or endangered species on the Project Site.

In a letter dated February 12, 2025, Mark S. Carney of the Erie County Water Authority ("ECWA") stated that any and all new water service must be approved by the ECWA. The Project Sponsor shall obtain all appropriate permits and approvals from the ECWA for connection to existing water supply. The Project Site is located within Erie County Sewer District No. 5. Review and approval of any sanitary sewers installed is required by the Erie County Department of Sewerage Management, and said sanitary sewer system design shall be in accordance with Ten

States Standards and Erie County Sewer District Rules and Regulations and Design Requirements.

In an email correspondence dated March 7, 2025, Alyssa Schoenfeldt of the New York State Department of Transportation (“NYSDOT”) stated the following:

- NYSDOT concurs with the Town of Clarence for it to act as the Lead Agency.
- Consideration should be given to removing the northern most access point (from Trader Joe’s to the internal access road). The driveway is located close to the functional area of the intersection and can negatively impact traffic operations. This should improve internal circulation and increase the efficiency of vehicles entering and exiting the plaza from Transit Road.
- A Traffic Impact Study (TIS) is required based upon the size and scope of the proposed project.
- A NYSDOT Highway Work Permit will be required for work located within the State Highway Right-of-Way.

Per the submitted site plans, EAF documents, and supporting documents from the Project Sponsor, curb cut modification to Transit Road are not part of the Proposed Project and curb cut modification permits are not required from the New York State Department of Transportation (“NYSDOT”). After review of the site plan and investigation of the existing traffic patterns within the plaza, the Town of Clarence Planning Board requested that the Project Sponsor consider designing the Project Site access point to the plaza entrance as a two-way for ingress and egress. The two-way access to the plaza entrance would allow for additional queuing, ingress, and egress options for the Project Site. Using the NYS SEQRA EAF Workbook as a guiding document, the Proposed Project will not result in a significant increase in traffic. The Project Site previously contained a former restaurant and is located within an existing commercial plaza. In an email correspondence dated February 13, 2025 from Daniel J. Ulatowski of the Town of Amherst Planning Department (“TOAPD”), it was requested that the Project Sponsor provide an accessible pedestrian route to the public sidewalk along Transit Road. In order to accommodate the pedestrian traffic accessing the Project Site, the Project Sponsor proposed a pedestrian crosswalk from the existing parking area of the plaza to the Project Site. The Project Sponsor will work with the NYSDOT for future pedestrian accesses from the Project Site to the sidewalk along Transit Road.

The Proposed Project will use a similar amount of energy compared to the previous user on the Project Site; however, the overall use of power will not exceed the amount of power currently available at the site. As part of the Site Plan review, all proposed lighting shall be dark sky compliant and shielded to ensure no light pollution or spillage will occur off site. The Proposed Project will require the creation of a landscape plan, and said landscape plan will require review and approval by the Town of Clarence Landscape Review Committee.

Conclusion: A complete and thorough review of the proposed action was completed by the Planning Board, the Town’s Department of Planning & Zoning, the Town’s Engineering Department as well as involved agencies.

The Planning Board formally issues a Negative Declaration on the proposed action as of:
March 19, 2025.

All documentation is on file at the Town of Clarence Planning and Zoning Department, One Town Place, Clarence, New York 14031. These records may be examined by the public between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday. Written comments may be submitted to the Director of Community Development.

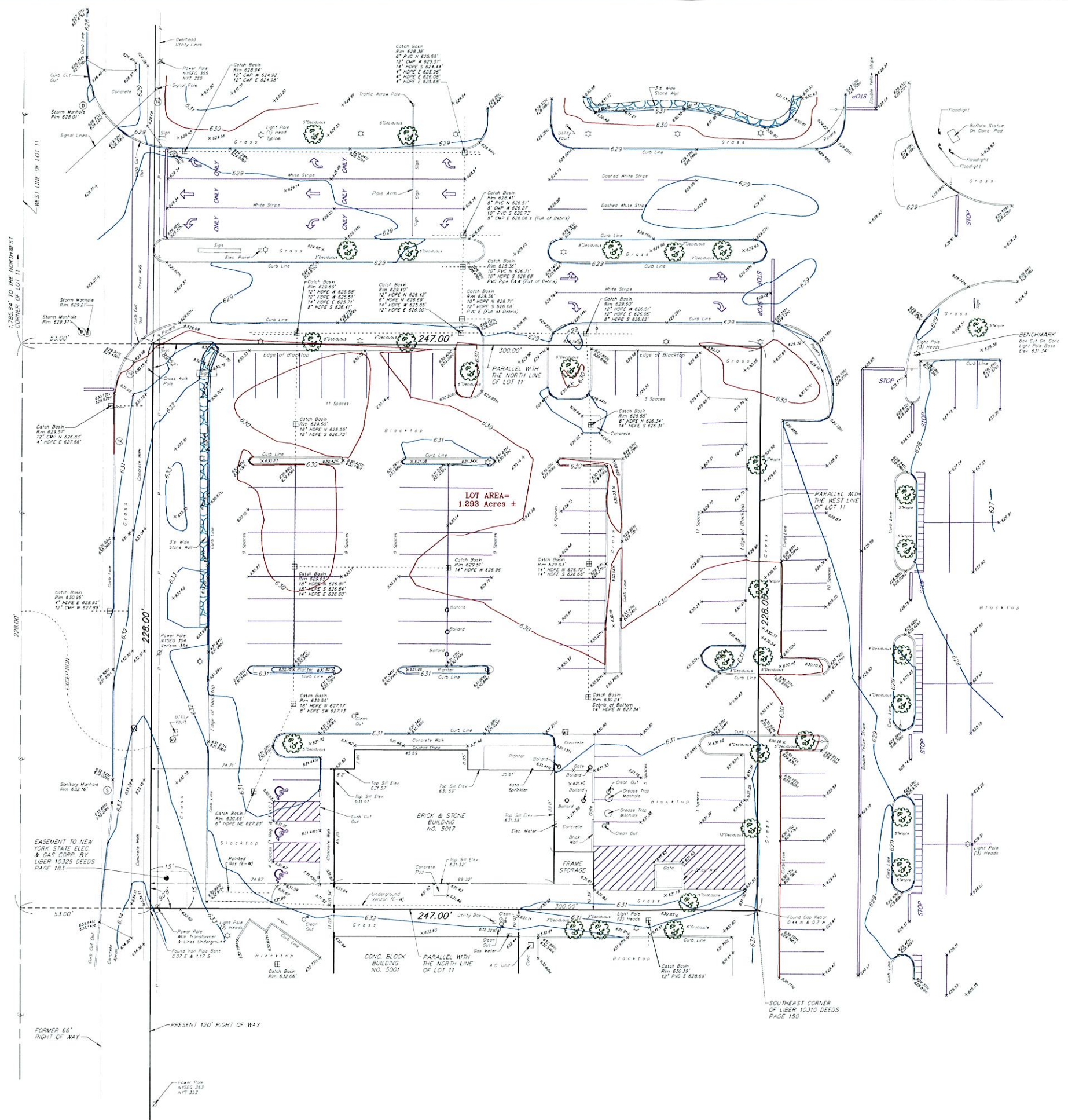


Jonathan Bleuer, Director of Community
Development, Department of Planning and Zoning

For further information contact:

Jonathan Bleuer, Director of Community Development
Office of Planning and Zoning
One Town Place
Clarence, NY 14031
Tel: 716.741.8933
E-mail: jbleuer@clarence.ny.us

TRANSIT ROAD (120' WIDE) (STATE HIGHWAY 86)



LEGEND

- | | |
|---------------------------|---------------------|
| Ø UTILITY / SERVICE POLE | R.O.W. RIGHT OF WAY |
| WATER LINE VALVE | CONC. CONCRETE |
| FIRE HYDRANT | INVERT |
| D.I. (DROP INLET - STORM) | M.H. MANHOLE |
| MANHOLE (STORM) | — GAS LINE |
| MANHOLE (ELECTRIC) | — WATER LINE |
| MANHOLE (TELEPHONE) | — TELEPHONE LINE |
| MANHOLE (SANITARY) | — ELECTRIC LINE |
| MANHOLE (TELEPHONE) | — CABLE LINES |
| GASLINE MARKER | D. DEED |
| GAS LINE VALVE | M. MEASURED |
| LIGHT STANDARD | L. LIBER |
| SIGN | P. PAGE |
| H.C. HANDICAP | |

UTILITIES

The underground utilities shown have been located from field survey information & existing drawings. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated although they are located as accurately as possible from the information available. This surveyor has not physically located the underground utilities.

Note: Underground utility information has been ordered from the respective utility companies. As the information is received, this map will be amended to reflect said information.

National Fuel Attn: Ed Kulpa (716) 857-7967	Time Warner Cable Attn: Chris Smith (800) 262-8600	Verizon Attn: Mark Granschow (716) 840-8656
Erie County Water Dept. Attn: Steve Denzler (716) 685-8289	N.Y.S. Electric & Gas Attn: Sam Cappaglia (716) 651-5256	National Grid Attn: Pay Schulte (315) 428-6315

ELEVATION DATUM

ELEVATIONS ON THIS MAP WERE DETERMINED UTILIZING GPS DATUM: NAD83 (2011) STONEX S200 GPS UNIT (CONUS 12S GEOID) NAVD 88 VERTICAL DATUM.

INSTRUMENTS UTILIZED IN DETERMINING LOCATION OF BOUNDARY LINES: Leica 1187 Deeds Page 7052 & 7053 of Book of Deeds (Property #315)	
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED IN SAID ABSTRACT	
NOTE: PROPERTY CORNER MONUMENTS WERE NOT PLACED AS PART OF THIS SURVEY	
THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE CURRENT STANDARDS FOR LAND SURVEYING SET BY THE ERIE COUNTY ASSOCIATION OF PROFESSIONAL SURVEYORS, INC.	COPYRIGHT 2024 BY: TRUE NORTH LAND SURVEYING, PLLC 150 AERO DRIVE BUFFALO, NEW YORK 14225 (716) 631-5140 ~ Truenorthpllc@aol.com
BOUNDARY & TOPOGRAPHIC SURVEY PART OF LOT 11, SECTION 14, TOWNSHIP 12, RANGE 6, OF THE Holland Land Company's SURVEY - Erie COUNTY, N.Y. SURVEY OF: 5017 Transit Road, Town of Clarence	AVENUE: SURVEY DATE: 10-17-24 DRAWING DATE: 10-27-24 SCALE: 1" = 20' "ALL RIGHTS RESERVED" THIS MAP VOID UNLESS EMBOSSSED WITH NEW YORK STATE LICENSED LAND SURVEYOR'S SEAL - VIOLATION OF ANY ITEM ON THIS MAP IS A VIOLATION OF THE LAW EXCEPT AS PROVIDED IN SECTION 1709, PART 3, OF THE NEW YORK STATE ELEVATION LAW SBL No. 70.05-2-10.1

Town Use Only

Date: March 17, 2025

Received By: Planning & Zoning Office

APPLICANT REQUEST:

Project Address: 4183 Connection Drive

SBL #: 82.08-1-32

Action Desired:

Applicant requests a variance of 2.2% to allow a 15.2% lot coverage located at 4183 Connection Drive in the Residential Single-Family zone.

Reason:

Town Code Reference:
§229-56

APPLICANT INFO

Name / Business: MDKP Holdings LLC

E-Mail:

Phone #:

Address:

Town: _____ State: _____ Zip: _____

PROJECT SPONSOR INFO (If Different Than Applicant)

Name / Business: Gregory & Geoffrey Bostard

E-Mail:

Phone #:

Address:

Town: _____ State: _____ Zip: _____

CORRESPONDENCE

Please indicate the preferred entity that shall receive the appropriate correspondence and billing associated with this Request for Action. Please select only one.



Applicant

Project Sponsor

SIGNATURE

Request for Action shall be filled out completely in the spaces provided. The complete Request for Action shall be submitted to the Office of Planning and Zoning along with all necessary plans, maps, and supporting documentation. By signing below I certify that I have the authority to submit this Request for Action, and further certify its contents to be true and correct.

Signed: Signature On File

Town Use Only:

Action: _____ By: _____ On: _____ Fee: _____ Paid: _____

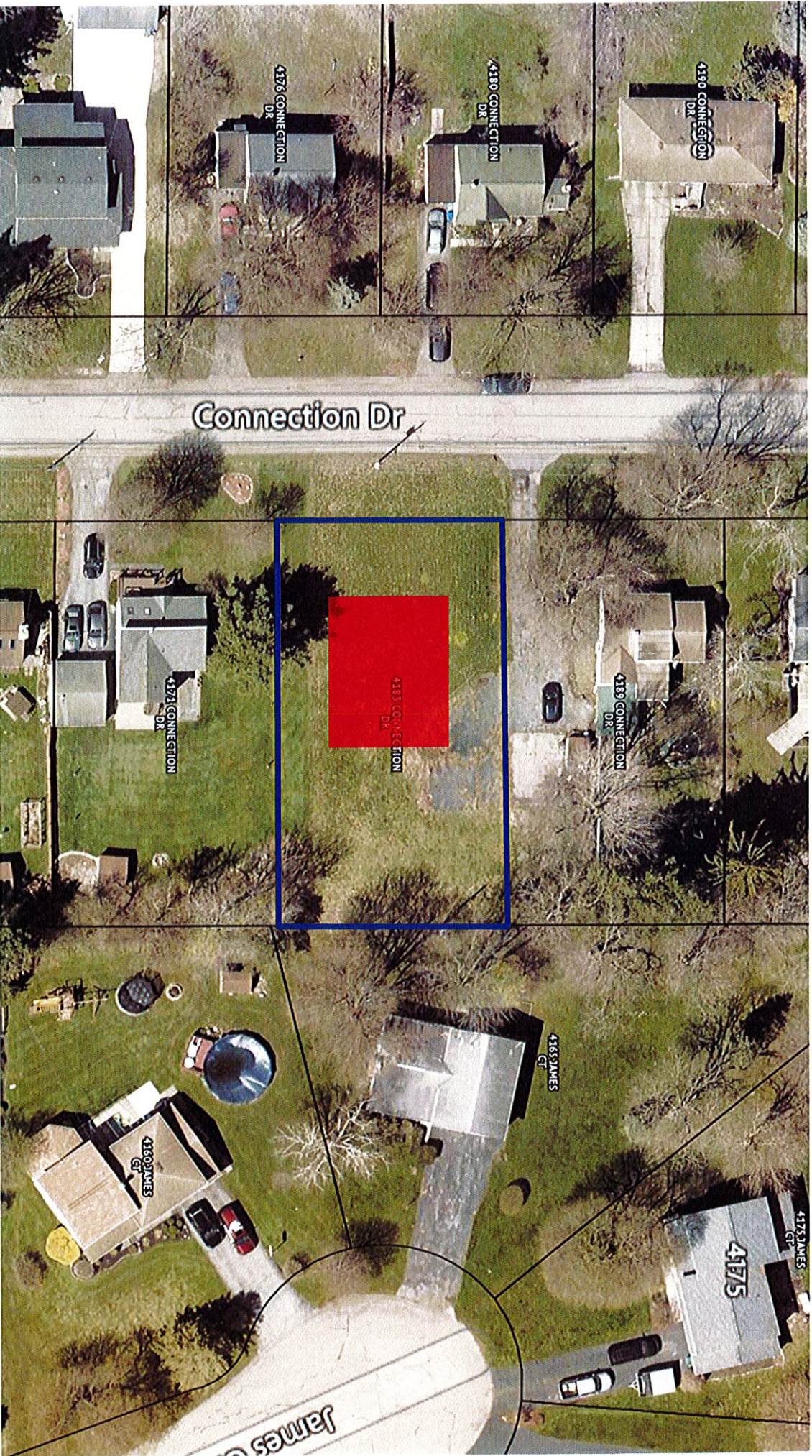
Action: _____ By: _____ On: _____ Fee: _____ Paid: _____

Action: _____ By: _____ On: _____ Fee: _____ Paid: _____

Action: _____ By: _____ On: _____ Fee: _____ Paid: _____

Action: _____ By: _____ On: _____ Fee: _____ Paid: _____

Action: _____ By: _____ On: _____ Fee: _____ Paid: _____



4183 Connection Drive

Proposed one and a half ("Split Level") house covering 15.2% of the lot.
The maximum allowable lot coverage for a single-story structure is 18%, and the maximum allowable lot coverage for a two-story structure is 13%.

A 2.2% variance is requested.

note the parcel lines displayed are approximate



Erie County Department of Health
Division of Environmental Health Services
503 Kensington Ave
Buffalo, New York 14214
phone: (716) 961-6800; fax: (716) 961-6880

February 10, 2025

David Harty, PE
8675 Main Street
Williamsville, NY 14221

RE: OWTS – Sand Filter System Permit
Connection Drive (Bostard)
Town of Clarence
SBL # 82.08-1-32
HS# AVEO-DDDLMW

Dear Engineer:

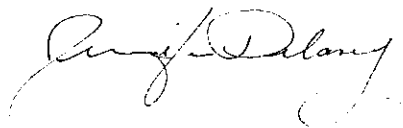
Enclosed please find the construction permit and one approved set of plans in reference to the above project, which was approved by this Department on February 07, 2025.

This approval is subject to the following conditions:

1. That the project will conform with Part 75-A (Wastewater Treatment Standards) of the New York State Sanitary Code for flows less than 1000 GPD and any other applicable standards of the Commissioner of Health.
2. That the construction must also comply with any local building requirements or regulations. The owner is responsible for acquiring any easements, right-of-ways or access needed.
3. That the professional engineer supervising construction shall provide written certification to the Erie County Department of Health that the facilities were constructed in accordance with the approved plans. The "Onsite Wastewater Treatment System Construction Compliance by Design Professionals" shall be completed, signed by a professional engineer, and submitted to this office with an as-built drawing or contractor sketch of the system that includes the location of the system with dimensions and offsets to permanent structures, and the sand receipts or percolation test results of fill systems within 30 days of construction completion. This form is available on our website at www.erie.gov/health.
4. That the existing soil cannot be disturbed or removed except for that done during normal construction activities for the onsite wastewater treatment system.
5. That the construction of the onsite wastewater treatment system be completed in three years from the approval date.
6. That the system is designed for 330 gallons per day, 3 bedroom residential facility. Any additions or changes from this design may require that additional system capacity be approved and installed.
7. Please note, all future correspondence regarding this project, including the completed works approval, will be sent via email. If an email address was not provided on the application, please contact this Department at 961-6800.

Please contact me if you should have any questions at 716-961-6800.

Sincerely,



Jennifer Delaney, PE
Associate Public Health Engineer

Cc: File
Gregory Bostard (MDKP Holdings LLC)
Town of Clarence

Erie County Department of Health
Division of Environmental Health Services
503 Kensington Ave
Buffalo, New York 14214
phone: (716) 961-6800; fax: (716) 961-6880

February 10, 2025

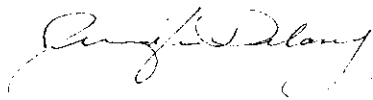
Gregory Bostard (MDKP Holdings LLC)
320 Windsor Lane
East Aurora, NY 14052

RE: Connection Drive (Bostard)
Town of Clarence
SBL # 82.08-1-32
HS# AVEO-DDDLMW

PERMIT FOR CONSTRUCTION/ALTERATION OF AN ONSITE WASTEWATER TREATMENT
SYSTEM TO SERVE A THREE (3) BEDROOM RESIDENCE WITH A MAXIMUM DAILY FLOW
RATE OF 330 GALLONS PER DAY

The system is approved for construction with the understanding that whenever required by the Erie County Department of Health, additional or more adequate capacity for collection, disposal or treatment of sewage shall be installed and put into operation.

THIS CERTIFICATE EXPIRES ON FEBRUARY 07, 2028

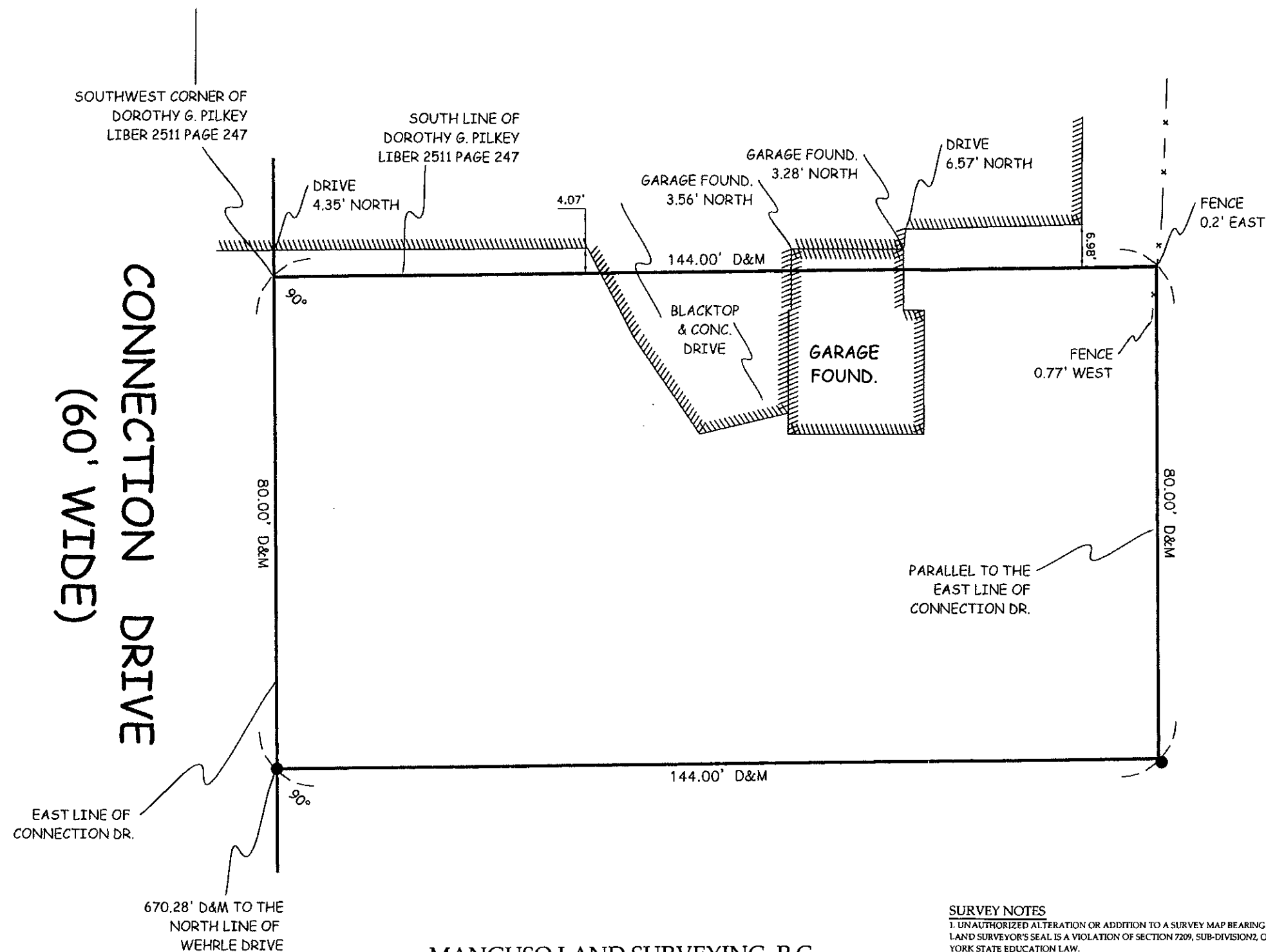


Jennifer Delaney, PE
Associate Public Health Engineer

Cc: File
David Harty, PE
Town of Clarence

These standard symbols will be found in the drawing.

- EXITSTING IRON PIPE
- SET IRON PIPE
- ◇ UTILITY POLE
- BOUNDARY
- CENTERLINE OF ROAD
- FENCE
- \\\\ DRIVE
- OVERHEAD UTILITY LINE



SUCCESSOR TO THE RECORDS OF
WILLIAM C. BUCKLAND L.S.
NORMAN B. JOHNSON L.S.
WILSON M. HUNTER L.S.

SURVEY NOTES

- SURVEY NOTES
1. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 7, OF THE NEW YORK STATE EDUCATION LAW.
 2. REPRODUCTION OR COPYING OF THIS DOCUMENT MAY BE A VIOLATION OF COPYRIGHT LAW UNLESS PERMISSION OF THE AUTHOR AND/OR COPYRIGHT HOLDER IS OBTAINED
 3. ONLY BOUNDARY SURVEY MAPS WITH THE SURVEYOR'S EMBOSSED SEAL ARE GENUINE TRUE AND CORRECT COPIES OF THE SURVEYOR'S ORIGINAL WORK AND OPINION.
 4. A COPY OF THIS DOCUMENT WITHOUT A PROPER APPLICATION OF THE SURVEYOR'S EMBOSSED SEAL SHOULD BE ASSUMED TO BE AN UNAUTHORIZED COPY.
 5. ONLY TITLE SURVEYS BEARING THE MAKERS EMBOSSED SEAL SHOULD BE RELIED UPON SINCE OTHER THAN EMBOSSED SEAL COPIES MAY CONTAIN UNAUTHORIZED AND UNDETECTABLE MODIFICATIONS, DELETIONS, ADDITIONS AND CHANGES.
 6. THE LOCATION OF UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS ARE NOT ALWAYS KNOWN AND OFTEN MUST BE ESTIMATED. IF ANY UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS EXIST OR ARE SHOWN, THE IMPROVEMENTS OR ENCROACHMENTS ARE NOT COVERED BY THIS CERTIFICATE.
 7. SURVEY PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY FACTS THAT MAY ARISE THEREFROM.
 8. NO STAKES SET AS PER CONTRACT.
 9. THIS SURVEY NOT VALID WITH AFFIDAVIT OF NO CHANGE.
 10. THIS SURVEY NOT VALID FOR SUBSEQUENT OWNERS, MORTGAGORS OR TITLE INSURERS UNLESS THIS SURVEY HAS BEEN RESURVEYED BY THIS SURVEYOR.

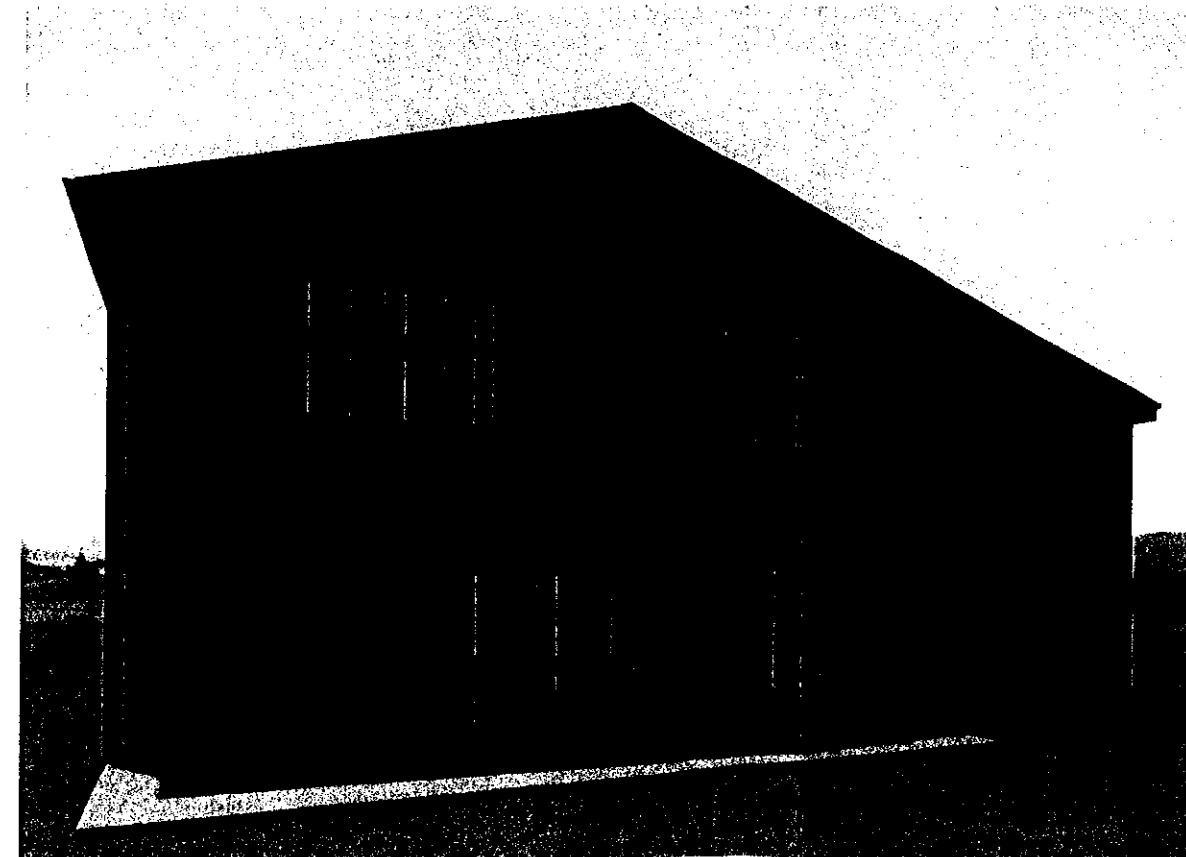
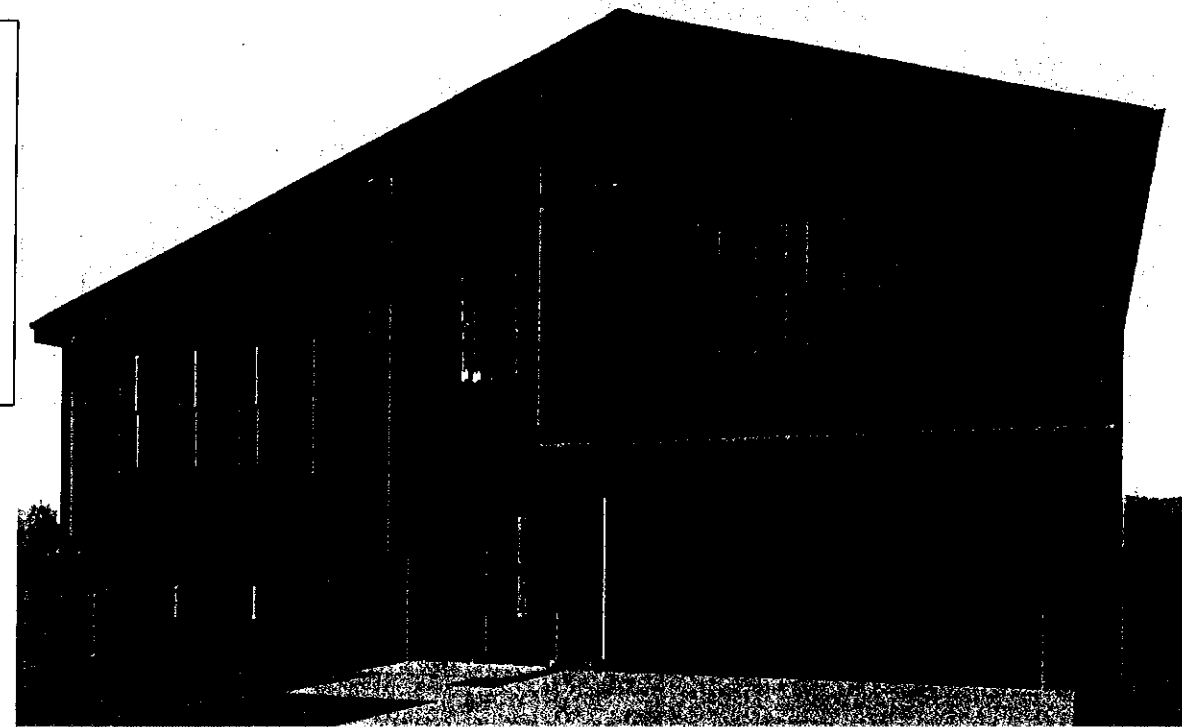
<i>DRAWN BAB</i>	<i>DATE 11/08/23</i>	PART OF LOT 1, S13, T12, R6 TOWN OF CLARENCE COUNTY OF ERIE STATE OF NEW YORK
<i>APPROVED TAS</i>	<i>DATE 11/08/23</i>	
<i>SCALE 1" = 20'</i>	<i>SHEET</i>	<i>PROJECT NO. 20230863</i>

Site plan of the proposed building. The building is situated within a larger rectangular area defined by dashed lines. The overall dimensions of this area are 80.0' D. & M. (top and bottom) and 144.0' D. & M. (left and right). The building itself is a rectangular structure with a central vertical section. The setbacks are indicated as follows: 45' REQ'D SETBACK on the top and bottom edges, and 12.5' REQ'D SETBACK on the left and right edges. The building's dimensions are 18.87' (left side), 16.97' (right side), and 12.5' (bottom side). A north arrow is located in the upper left corner, pointing towards the top of the page.

1,753 S.F./11,520 S.F.= 15.2% LOT COVERAGE

1 **CONCEPT SITE PLAN**
A1 **SCALE: 1/16" = 1'-0"**

CONCEPT SITE PLAN GENERAL NOTES:
CONCEPT SITE PLAN DRAWN REFERRING A SURVEY PROVIDED BY MANGUSO LAND SURVEYING, P.C. SURVEYED ON NOV. 8th 2023. CONTRACTOR SHALL VERIFY ALL SITE CONDITIONS ARE CONSISTENT WITH THESE PLANS BEFORE THE START OF WORK. NOTE SLOPE GRADE AWAY FROM FOUNDATION WALLS A MIN. OF 6" WITHIN 10'-0" CONSULT WITH SURVEYOR AND ARCHITECT WITH ANY DISCREPANCY.



Special Information:

All Federal, State, and Local Government Employees, Police Officers, etc., who are concerned with the security of their communities, are urged to participate in our program by completing the form below.

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

TELEPHONE _____

DATE _____

SIGNATURE _____

MAIL TO: NATIONAL ASSOCIATION OF POLICE OFFICERS AND MEMBERS, P.O. BOX 980, BOSTON, MASSACHUSETTS 02117-0980

ALL INFORMATION WILL BE KEPT CONFIDENTIAL AND NOT FORWARDED TO ANY OTHER AGENCY OR INDIVIDUAL WITHOUT YOUR WRITTEN CONSENT.

NOTE: THIS FORM IS NOT VALID UNLESS IT IS ACCOMPANIED BY THE SIGNATURE OF THE PARTICIPANT.


FOR MORE INFORMATION, CONTACT: NATIONAL ASSOCIATION OF POLICE OFFICERS AND MEMBERS, P.O. BOX 980, BOSTON, MASSACHUSETTS 02117-0980

1-800-368-2746

© 1990 NATIONAL ASSOCIATION OF POLICE OFFICERS AND MEMBERS

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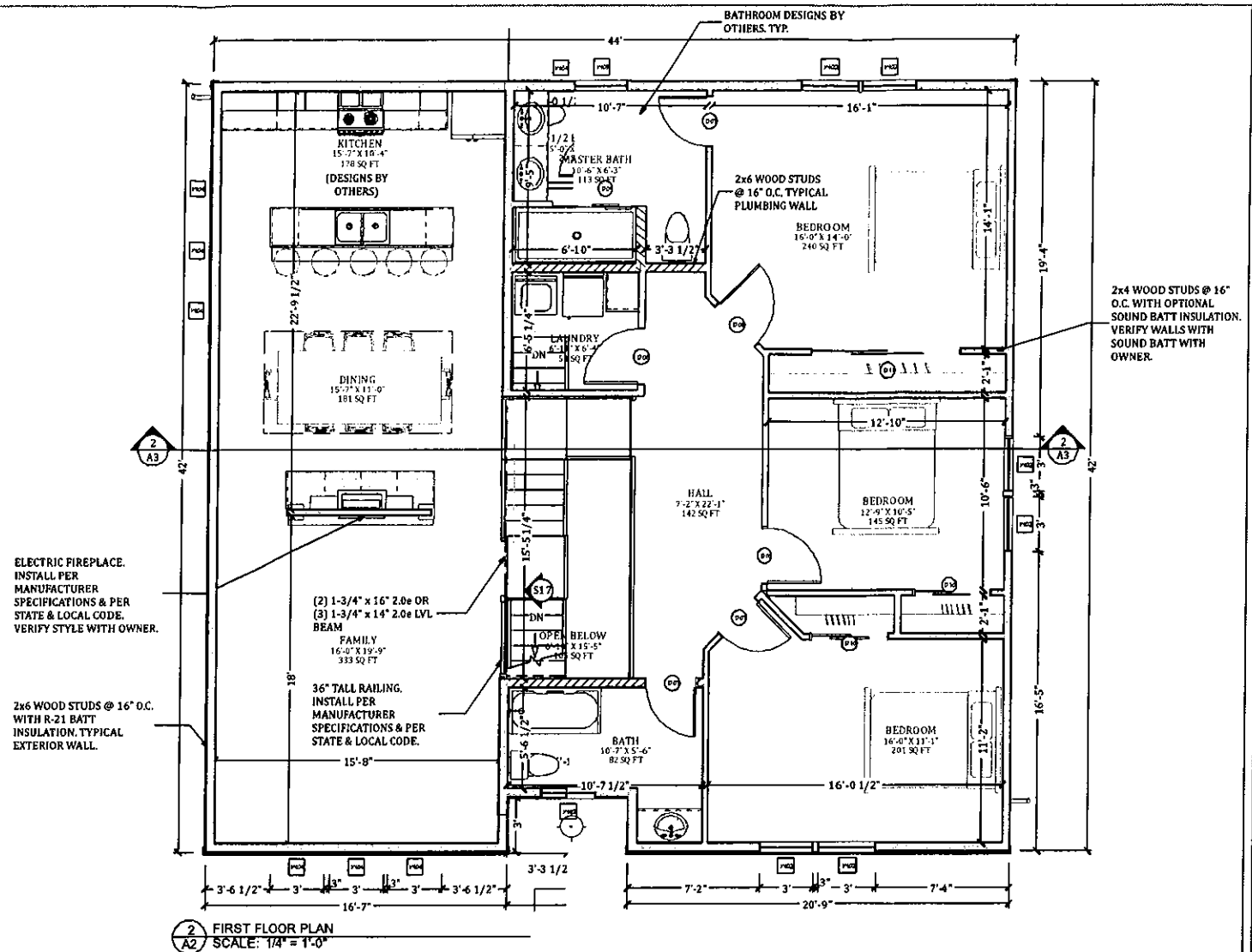
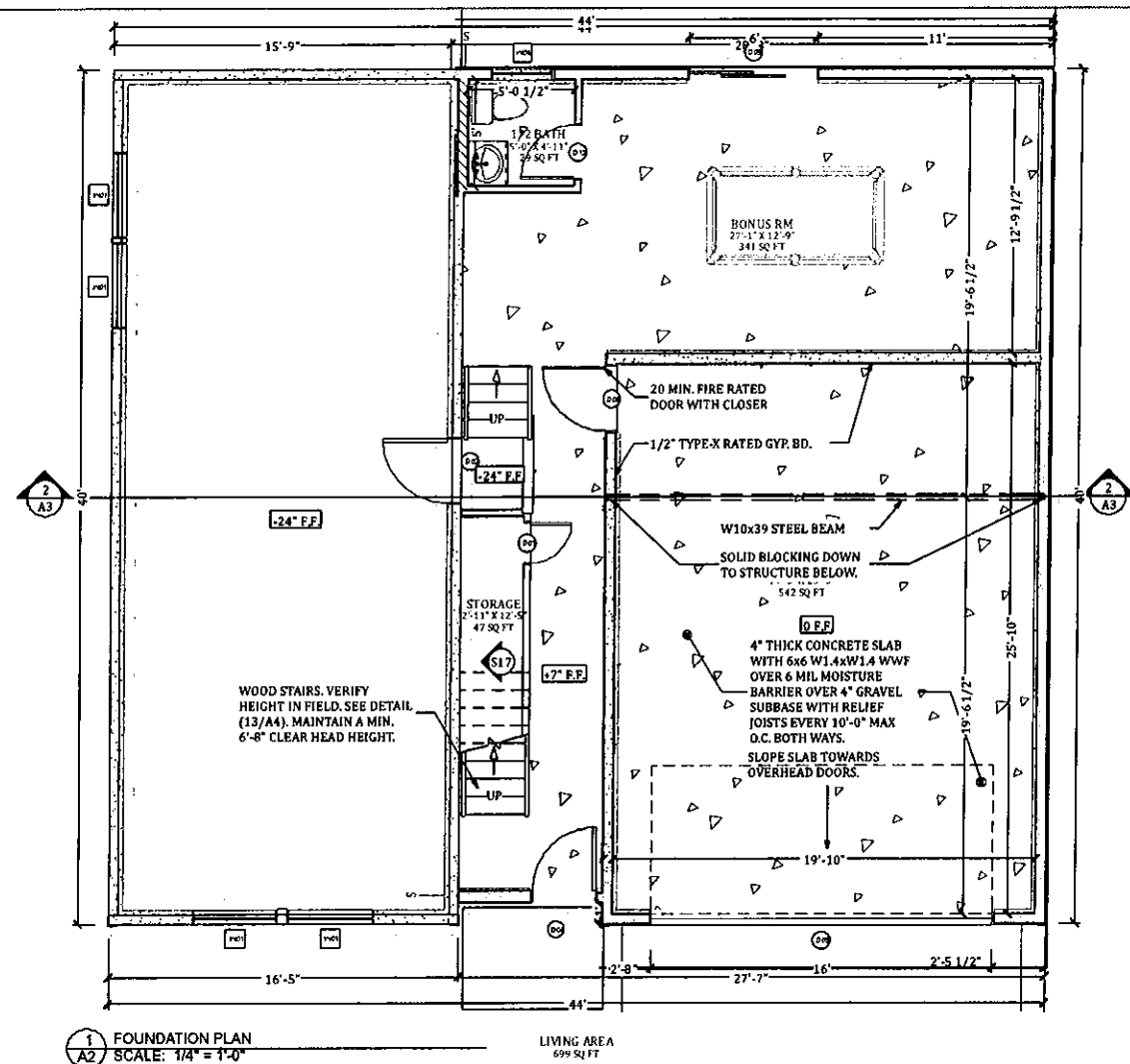
BOSTARD HOUSE	ADDRESS: CONNECTION DRIVE CLARENCE, NY
---------------	---

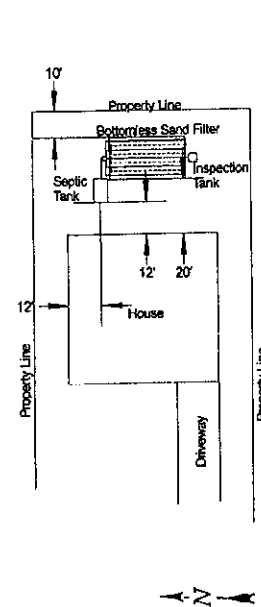
DRAWN BY:	CHECKED BY:	
	CDN JDF	

VARIANCE

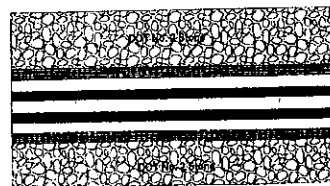
DRAWING TITLE
FITTANTE
ARCHITECTURE P.C.
ARCHITECTS FOR YOU
"COMMERCIAL • RESIDENTIAL • NO FEES/RETAINERS"
PO BOX 3084
NIAGARA FALLS, NY 14304
E-mail: mk@Fittantearchitecture.com
Phone: (716) 622-8737

A1	
SHEET NO.	
ADMISSION DATE:	3/13/2025
REF NO.	25-001-R

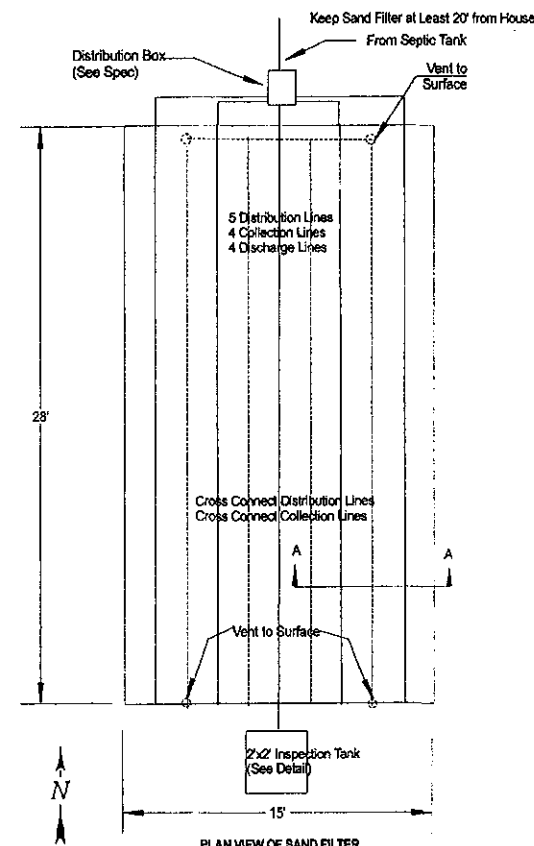
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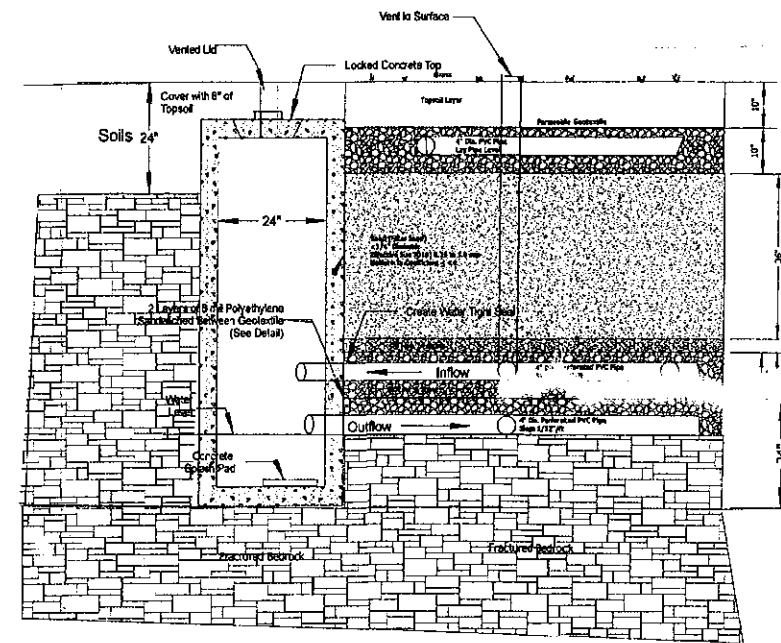
GENERAL SITE PLAN
(Scale 1"=30')



Detail of Protective Barrier Layer
(Not to Scale)



PLAN VIEW OF SAND FILTER
(Scale 1"=4')



Observation Manhole Detail
(Scale 1"=18")

DESIGN INFORMATION AND NOTES

- Design for an 3 Bedroom house.
- Design flow 110/bedroom = 330 gpd.
- Conform with all requirements of the County Health Dept., NYS Dept. of Health and Building Codes.
- Design hydraulic application rate for filter of 0.80 gpd/ft².

CONSTRUCTION SPECIFICATIONS

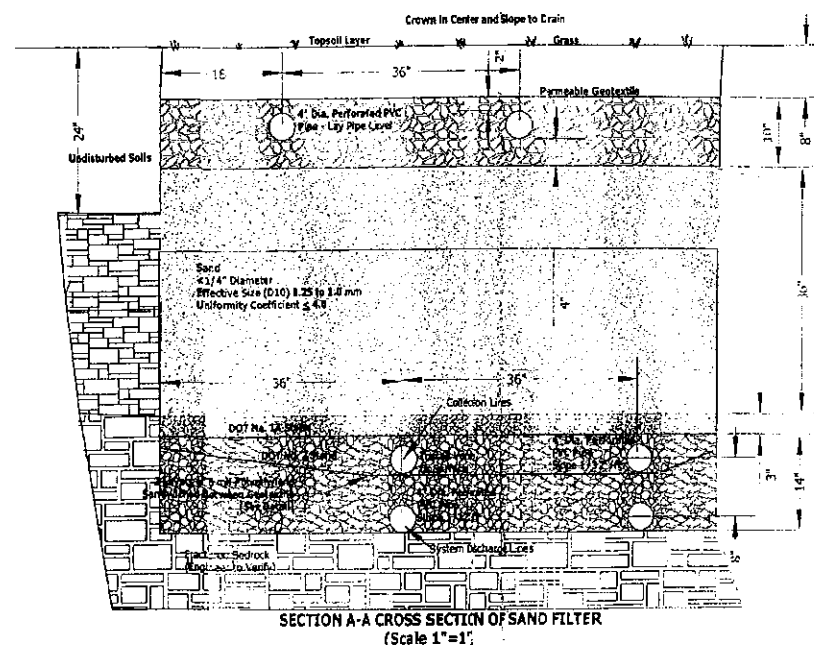
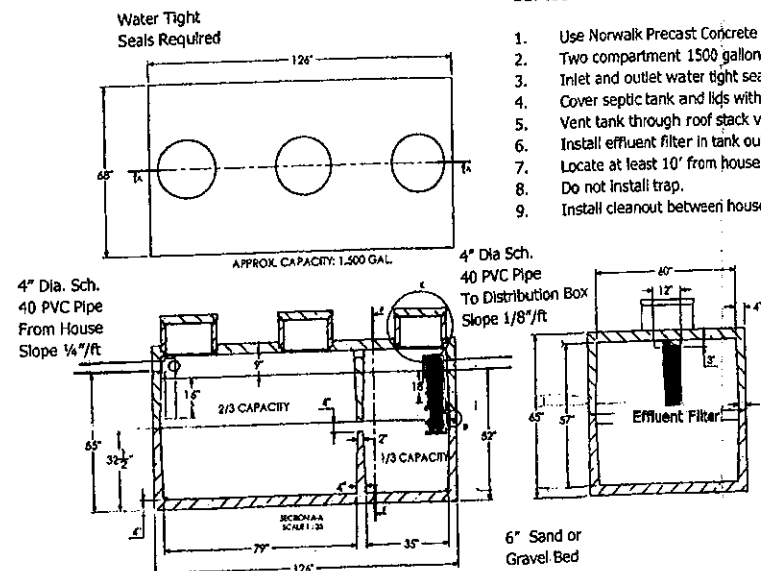
- Notify Engineer five days prior to the beginning of construction (716) 432-0479.
- Contact Utility Locating Service (1-800-962-7962) prior to excavation.
- All precast concrete to be 4000 psi at 28 days.
- All tanks to have 6" of sand or crushed stone beneath base or bedrock.
- Water tight seals required on all connections. Tanks and boxes to be water tight.
- Overlay geotextile seams a minimum of 1 foot.
- Topsoil over septic tank (6" min., 12" max.).
- All changes in direction of pipe use 45 degree angles to prevent clogging and facilitate cleaning.
- Pipe from house to septic tank and from septic tank to distribution box is to be Schedule 40 PVC pipe.
- All trees within 20' of any portion of the system shall be removed.
- portions at least 10' from property lines and 10' from house.
- Protect all excavations and tanks from unauthorized or unsafe entry.
- Vent septic tank through roof vent.
- Contractor to remove bedrock as needed to install septic tank and sand filter.
- The presence of fracture bedrock is critical to the success of the septic system. The Engineer will visually inspect and test bottom of the sand filter for fractures prior to the addition of the stone. If not fractured adequately, a pump and absorption bed will be installed.

DISTRIBUTION BOX (Sand Filter)

- Install 6 Outlet Distribution Box.
- Install Kistner Model D8-6 or equal.
- Place 12" of crushed stone beneath base.
- Properly install speed levelers to ensure equal flow to each line.

SEPTIC TANK DETAIL

- Use Norwalk Precast Concrete Tank or approved equal
- Two compartment 1500 gallon tank.
- Inlet and outlet water tight seals required.
- Cover septic tank and lids with 8" of topsoil.
- Vent tank through roof stack vent.
- Install effluent filter in tank outlet.
- Locate at least 10' from house
- Do not install trap.
- Install cleanout between house and tank.



SECTION A-A CROSS SECTION OF SAND FILTER
(Scale 1"=1')

HYDRAULIC PROFILE	
Outlet Pipe Invert	100.00'
Inlet to Septic Tank	99.00'
Outlet from Septic Tank	99.25'
Inlet to Distribution Box	99.00'
Outlet from Distribution Box	98.83'
Bottom of Sand Filter	95.74'
Bottom of Discharge Lines	95.07'
Contractor to verify all slopes, grades, elevations, distances, property lines and separation distances prior to beginning work.	

ERIE COUNTY DEPARTMENT OF HEALTH
Division of Environmental Health Services
Buffalo, New York February 10, 2025

This is to certify that this plan for installation of a 1500 Gallon Sand Filter System to serve a three (3) bedroom house located at Connection Drive, Town of Clarence in Erie County was approved on February 07, 2025 by P. H. Engineer Approval is contingent upon compliance with the approval conditions and all applicable State, County and Local regulations.

Permit # AVEO-DDDLMW
Jennifer Delaney, PE

APPROVED



Warning: It is a violation of New York Education Law Section 7209.2 for any person unless he is acting under the direction of a licensed professional engineer to prepare or cause to be prepared any drawing or specification for the design of a building or structure.

WASTE DISPOSAL SYSTEM FOR
NEW HOUSE

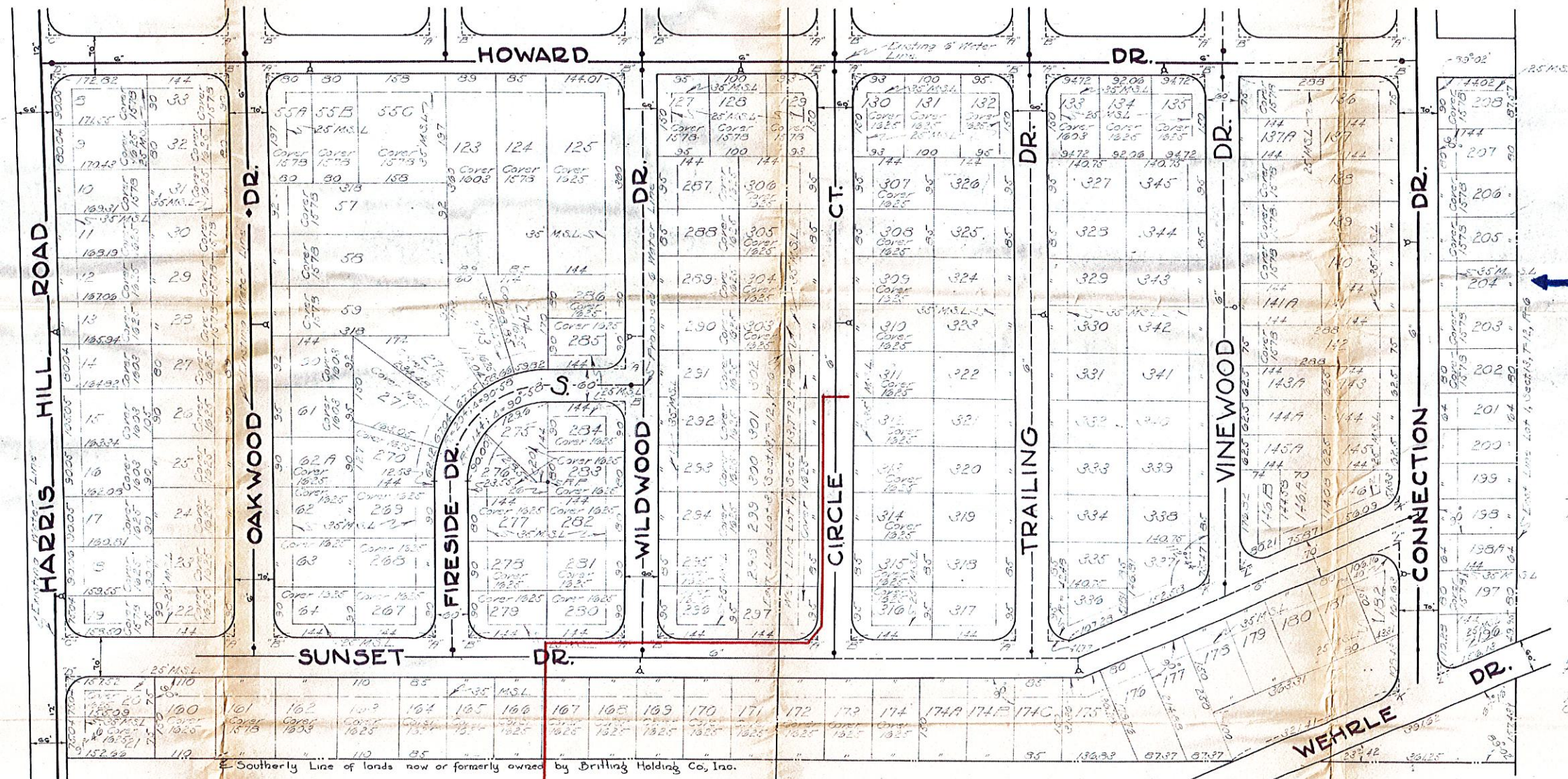
4183 CORNELL

CLARENCE, ERIE COUNTY

Scale: As Noted	Date: January 23, 2025	Drawing No. 1
Revised:	Approved by: David M. Hart, P.E.	

SOUTHERLY PART HARRIS HILL GARDENS

Part of Lots 1 & 3, Sect. 13; T.12; R.6
Town of Clarence, Erie County, N.Y.



Curve	Deflection	Radius	Chord	Tangent
A	90°58'	40.00'	57.04'	40.68'
B	89°02'	40.00'	56.09'	39.33'
C	88°14'	40.00'	55.69'	38.79'
D	91°46'	40.00'	57.45'	41.25'
E	86°01'	40.00'	54.67'	37.31'
F	93°55'	40.00'	58.50'	42.86'
G	93°55'	28.00'	40.96'	30.03'
H	86°01'	37.25'	44.00'	30.03'
J	60°54'	30.00'	30.11'	23.41'
K	67°16'	60.00'	66.61'	45.00'
L	112°44'	26.61'	44.31'	40.00'

Existing Water Mains & Sinks
Existing Fire Hydrants
Existing Main Line Values
Source of water - Western New
York Water Co. (Lake Erie)
Proposed Water lines

We hereby consent to the
filing of this Map.
Gerald A. Britting, Dec 22, 1940.
Britting Holding Co., Inc. by Geraldine
A. Britting, Vice Pres.

Filed in the Erie County Clerk's
office under Cover No. 1643

We hereby consent to the filing of
this proposed Map.
Gerald A. Britting, Nov 12, 1941.
Britting Holding Co., Inc. by
Geraldine A. Britting, Vice Pres.

FRETTS, TALLAMY & SENIOR
CONSULTING ENGINEERS & SURVEYORS
Oct 1941 Job No. 2717
SCALE - 1" = 100' 3/97

This Map Supersedes
Previous Maps filed under
Covers No. 1573, 1593 & 1625

M.S.L. indicates Minimum Setback
Line

Setback Lines
Minimum Setback line for Streets
on which lots front is 35'. On
corner lots minimum setback
from side street is 25'.

Lot frontages on curved corners
of Fireside Dr. South, and Chord
distances.

South boundary of Lot 275 is at
right angles to rear of lots facing
on West side of Wildwood Dr.

Southernly Line of lands now or formerly owned by Britting Holding Co., Inc.



Request for Action

Town of Clarence | Office of Planning & Zoning
(716)741-8933 | 1 Town Place, Clarence, NY 14031

Town Use Only

Date: March 21, 2025

Received By: Planning & Zoning Office

Project Address: 4380 Westwood Road

SBL #: 70.18-1-6.1

Action Desired:

Applicant requests a variance of 365 sq.ft. to allow a 1,325 sq.ft. attached accessory structure (garage) located at 4380 Westwood Road in the Residential Single-Family zone.

Reason:

Town Code Reference:
§229-55(D)

APPLICANT INFO

Name / Business: Vishala & Kumard Nepalli

E-Mail:

Phone #:

Address:

Town: _____ State: _____ Zip: _____

PROJECT SPONSOR INFO (If Different Than Applicant)

Name / Business:

E-Mail:

Phone #:

Address:

Town: _____ State: _____ Zip: _____

CORRESPONDENCE

Please indicate the preferred entity that shall receive the appropriate correspondence and billing associated with this Request for Action. Please select only one.

☒

Applicant

Project Sponsor	
-----------------	--

SIGNATURE

Request for Action shall be filled out completely in the spaces provided. The complete Request for Action shall be submitted to the Office of Planning and Zoning along with all necessary plans, maps, and supporting documentation. By signing below I certify that I have the authority to submit this Request for Action, and further certify its contents to be true and correct.

Signed: Signature On File

Action: _____ By: _____ On: _____ Fee: _____ Paid: _____

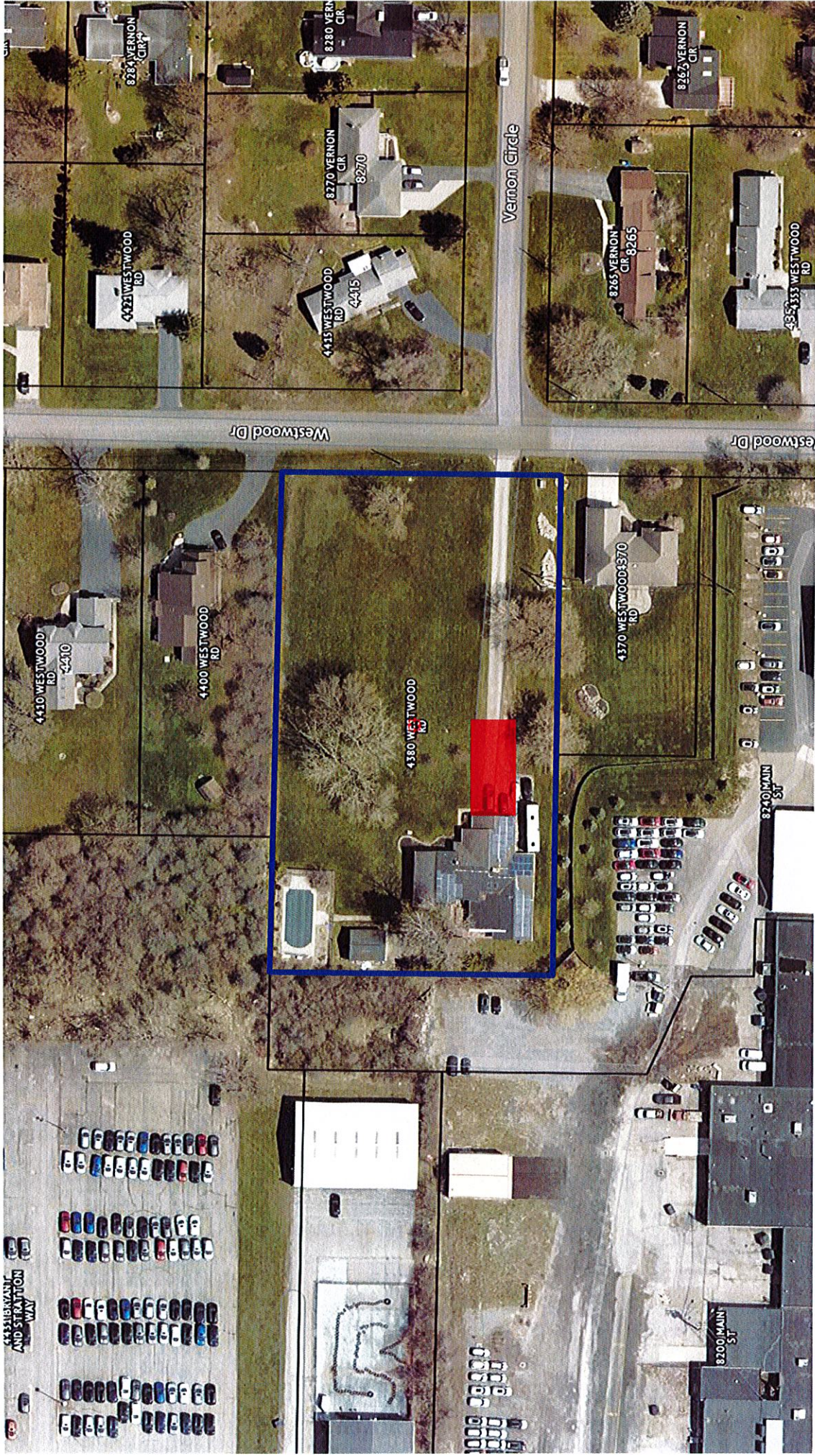
Action: _____ By: _____ On: _____ Fee: _____ Paid: _____

Action: _____ By: _____ On: _____ Fee: _____ Paid: _____

Action: _____ By: _____ On: _____ Fee: _____ Paid: _____

Action: _____ By: _____ On: _____ Fee: _____ Paid: _____

Action: _____ By: _____ On: _____ Fee: _____ Paid: _____



4380 Westwood Road

Proposed 1,325 sq.ft. attached accessory structure (garage).
The maximum allowable square footage for an attached accessory structure is 960 sq.ft.
A 365 sq.ft. variance is requested.



note the parcel lines displayed are approximate



Date:

Received By:

Project Address: 4380 WEST WOOD ROAD WILLIAMSVILLE NY 14221
SBL #: 70.18-1-6.1

Action Desired:

A VARIANCE OF 365 sq ft TO ALLOW A 1325 sq ft ATTACHED GARAGE WOULD BE REQUESTED.

Reason: THE EXISTING GARAGE WILL BE CONVERTED TO LIVING SPACE.
SEE ATTACHED PLANS. THE DRIVEWAY WILL BE REDONE/ADJUSTED
TO ALIGN WITH THE NEW GARAGE LOCATION.

APPLICANT INFO

Name / Business: VISHALA S KUMAR NEPPALLY

E-Mail:

Phone #:

Address:

Town: \

SIGNATURE

Request for Action shall be filled out completely in the spaces provided. The complete Request for Action shall be submitted to the Office of Planning and Zoning along with all necessary plans, maps, and supporting documentation. By signing below I certify that I have the authority to submit this Request for Action, and further certify its contents to be true and correct.

Signed:

CORRESPONDENCE

Please indicate the preferred entity that shall receive the appropriate correspondence and billing associated with this Request for Action. Please select only one.

Name / Business: W/A

E-Mail:

Phone #:

Address:

Town:

State:

Zip:

RECEIVED

ZONING OFFICE

X	Applicant	VISHALA NEPPALLI
	Project Sponsor	N/A

Town Use Only:

Action: _____ By: _____ On: _____ Fee: _____ Paid: _____

Action:	By:	On:	Fee:	Paid:
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Action:	By:	On:	Fee:	Paid:
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Action: _____ By: _____ On: _____ Fee: _____ Paid: _____

Action: _____ By: _____ On: _____ Fee: _____ Paid: _____

Action: _____ By: _____ On: _____ Fee: _____ Paid: _____

Feet	Inches
0.08	1 inch
0.17	2"
0.25	3"
0.33	4"
0.42	5"
0.50	6"
0.58	7"
0.67	8"
0.75	9"
0.83	10"
0.92	11"
1.00	12"



PREMISES SUBJECT TO FOLLOWING EASEMENTS:

NEW YORK STATE ELECTRIC & GAS

L 5363, P 350

NEW YORK STATE ELECTRIC & GAS
L 61.04, P 595

COUNTY OF ERIE, STATE OF NEW YORK

PART OF LOT 8 & 10, SECTION 13, TOWNSHIP 12, RANGE 6
OF THE HOLLAND LAND COMPANY'S SURVEY

MAP COVER:

SUBLOT(S):

REVISIONS:

DATE: SEPTEMBER 7, 2017	JOB NO
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JOB No.: 17-38386

NO COR. MON. SET



Successor to the records of Charles E. Denver, PLS

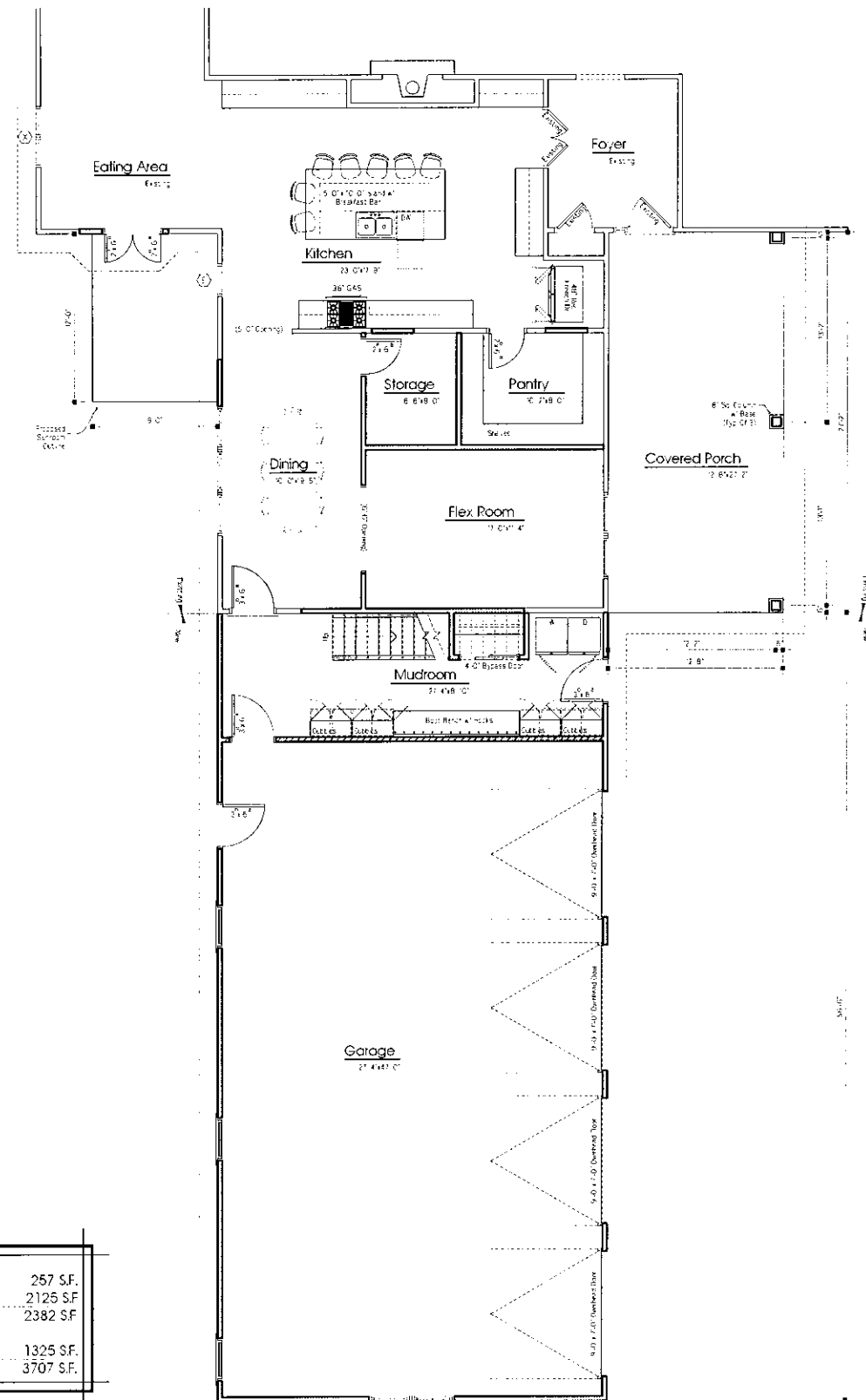
Architecture.
Engineering.
Surveying.



763 Main Street
Buffalo, New York 14203

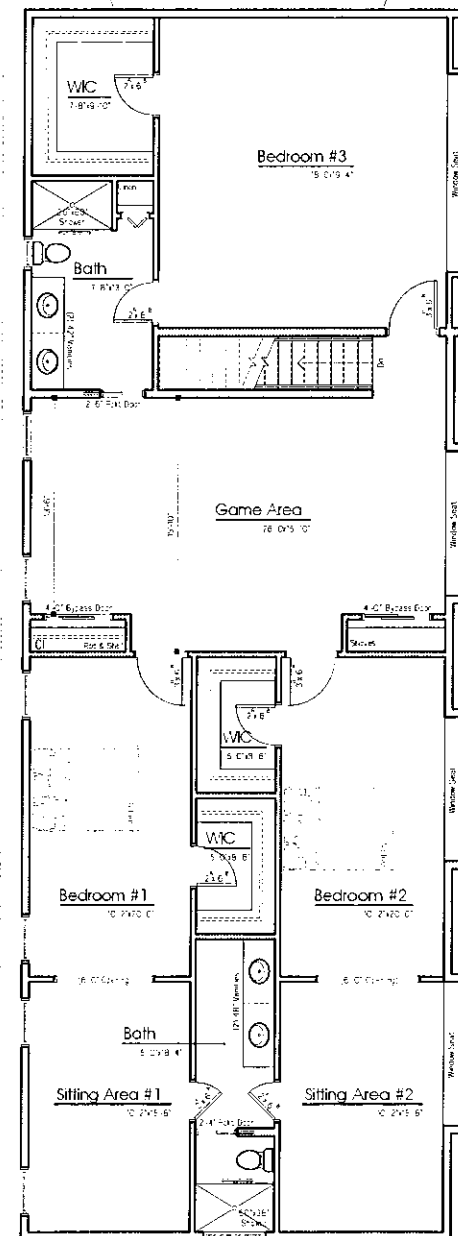
Unauthorized alteration or addition to any survey, drawing, design, specification, plan or report is a violation of Section 7209, Provision 2 of the New York State Education Law. Only copies from the original of this survey map marked with an original of the land surveyor's embossed seal and signature shall be considered to be valid true copies.

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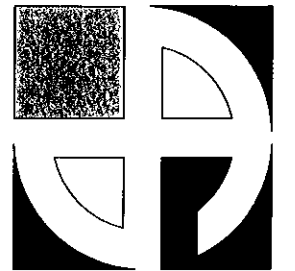


1 | FIRST FLOOR PLAN
3/16"=1'-0"

First Floor Addition Sq. Ft.	257 S.F.
Second Floor Addition Sq. Ft.	2125 S.F.
Total Heated Sq. Ft.	2382 S.F.
Garage Addition Sq. Ft.	1325 S.F.
Total Sq. Ft.	3707 S.F.



2 | SECOND FLOOR PLAN
3/16"=1'-0"



D E A N
ARCHITECTS

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PRELIMINARY
NOT FOR
CONSTRUCTION



8353 MAIN STREET
CLARENCE, NEW YORK 14221
PHONE: (716) 651-0381
FAX: (716) 651-0382

24-466

Project For:
Neppalli Residence

4360 Westways Rd.
Clarence, NY 14221

No.	Description	Date	By

DATE
03-18-2025

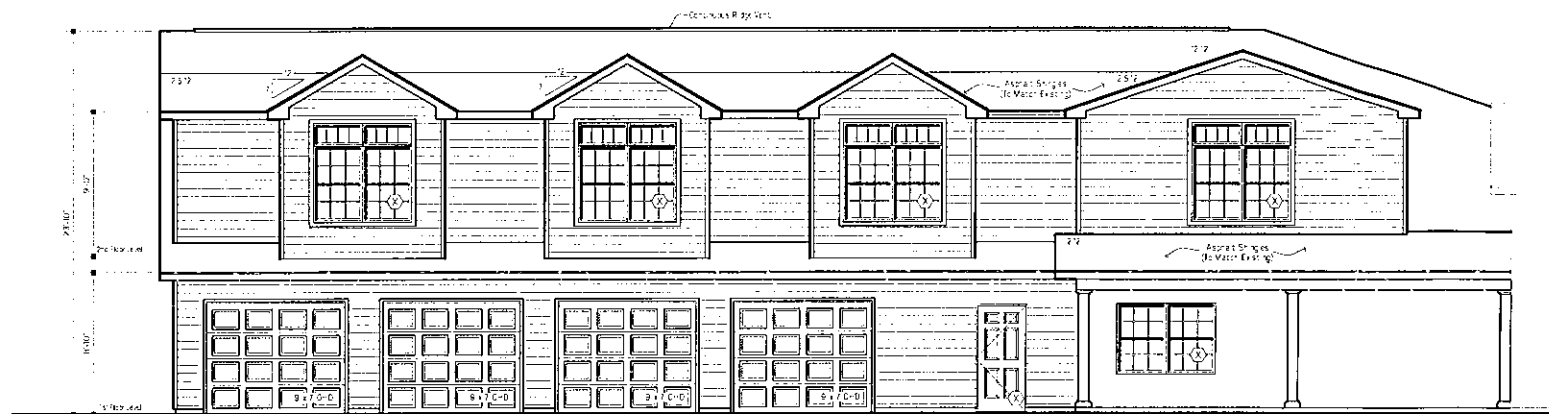
DRAWN BY
Y. Hiciano

CHECKED BY
M. Dean

SCALE
As Noted

PRELIMINARY 6
PLANS

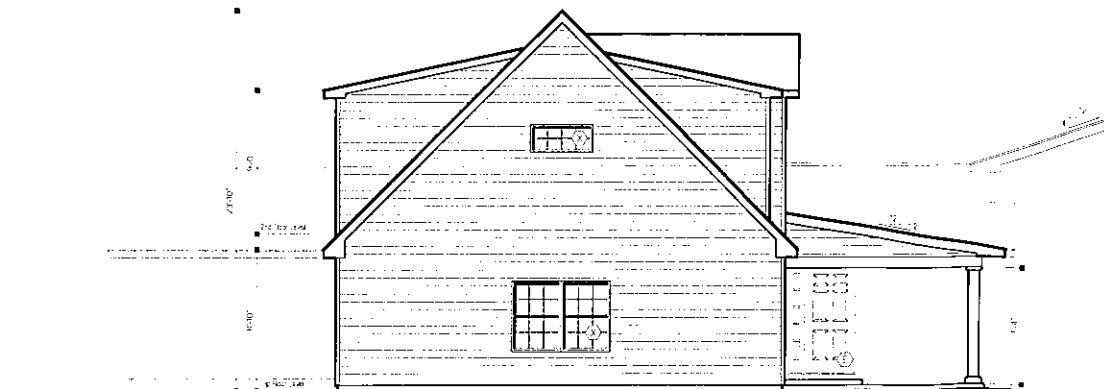
A1



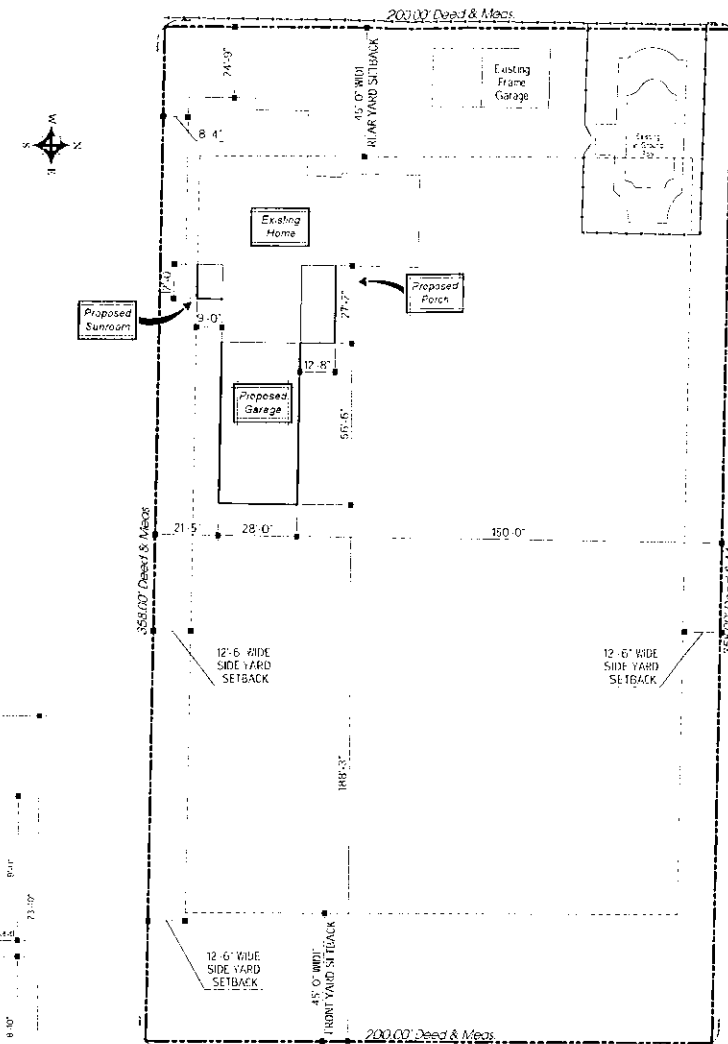
1 FRONT ELEVATION
3/16"=1'-0"



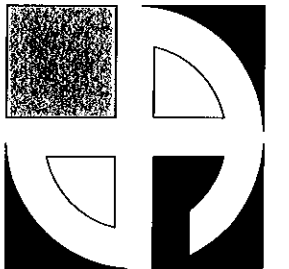
2 REAR ELEVATION
3/16"=1'-0"



3 LEFT ELEVATION
3/16"=1'-0"



4 SITE PLAN
1"=20'-0"



D·E·A·N
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FAX: (716) 651-0382

24-466

Project For:

Neppalli Residence

4360 Westwood Rd.
Clarence, NY 14221

No.	Description	Date	By

DATE
03-18-2025

DRAWN BY
Y. Hiciano

CHECKED BY
M. Dean

SCALE
As Noted

PRELIMINARY 6
ELEVATIONS

A2