

Town of Clarence  
One Town Place, Clarence, NY 14031  
Planning Board Minutes  
Wednesday, March 5, 2025

**Work Session 6:00 pm**

Status of SEQR Coordinated Reviews  
Review of Agenda Items  
Miscellaneous

**Agenda Items 7:00 pm**

Approval of Minutes

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

Councilman Paul Shear led the Pledge of Allegiance.

Planning Board Members present:

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

Vice-Chair Richard Bigler  
Jason Geasling  
Daniel Tytko

Planning Board Members absent: Gregory Todaro

Town Officials Present:

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

Other Interested Parties Present:

Darlene Clancy	Kim Burquest	Jimmy Brock	Patrick Bittar
Randy Schaefer	Joey Tripi	Fred Wroblewski	Christine Wroblewski
Daniel Pszarek	Jana Witsil	Brant Riges	Daniel Michnk
Marisa Samson	John Samson	Judy Jaskier	Deborah Seelbaugh
Diane McMunn	Terri Martindale	Richard Zulewski	Tom Kicior
Deb Kicior	Sue Hearn	Andrea Winney	Annette Wargo
Lewis Wargo Jr.	Paul Stephen II	Amy Engler	Joanne Hubbard
Bruse Wisbet	Christin Barnes	Tammy Kamman	Charles Brennan
Jason Utzig	Antonina Lomeo-Olsen		

Motion by Richard Bigler, seconded by 2<sup>nd</sup> Vice-Chair Wendy Salvati to **approve** the meeting minutes held on January 29, 2025, as written.

Daniel Tytko	Aye	Jason Lahti	Abstain
Jason Geasling	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sackett	Aye

#### MOTION CARRIED

Motion by Vice-Chair Richard Bigler, seconded by 2<sup>nd</sup> Vice-Chair Wendy Salvati, to **approve** the meeting minutes held on February 5, 2025, as written.

Daniel Tytko	Aye	Jason Lahti	Aye
Jason Geasling	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sackett	Aye

#### MOTION CARRIED

##### **Item 1**

Harmoni Towers / PI Tower Development,  
LLC.  
Industrial Business Park

Requests an Open Development Area and Site  
Plan approval to accommodate a proposed  
150' tall telecommunication tower at 0 Shisler  
Road, SBL 72.00-2-16.

#### **DISCUSSION:**

Mr. Bleuer introduced the Harmoni Towers project for Shisler Road, SBL 72.00-2-16 located on the west side of Shisler Road, south side of the Clarence West Shore Line Recreational Trail. It is an existing 76.6-acre vacant parcel located in the Residential Single-Family and Industrial Business Park zones.

The applicant is requesting Site Plan approval to construct a 150' tall telecommunication monopole tower wholly located in the Industrial Business Park zone, approximately 210' off the rear lot line of 4610 Shisler Road. The tower will support a Verizon antenna array, with the ability to support additional carriers in the future, and the potential for emergency services utilization through future proposed improvements to the facility.

The applicant requests approval to subdivide the parent parcel into two new lots. Sublot 1 would be a frontage lot subject to the zoning standards of the Residential Single-Family zone, and Sublot 2 would be an Open Development Area lot subject to the zoning standards of the Open Development Area code and the Industrial Business Park zone.

The Town Board referred to the proposal to the Planning Board in August of 2024. In October of 2024, the Planning Board initiated a coordinated review under the State Environmental Quality

Review Act (SEQRA). Since that time, the applicant has worked to address comments received from involved and interested agencies during the coordinated review.

The Planning Board has the authority to consider an action under SEQRA, Site Plan, Subdivision of Land, and recommendation of Permit approval to the Town Board.

Daniel Pszarak joined by Brant Riggs, and Michael Wilson with Harmoni Towers were present to represent the applicant.

They wanted to resolve some of the outstanding issues to see if they can get the board recommendation to the Town Board.

Mr. Geasling asked if the generators run a test cycle regularly and how often?

Mr. Pszarak answered yes, they do run test cycles weekly.

Mr. Bigler also wanted to address the generator issues and wanted to make sure they were purchasing the quietest ones.

Mr. Pszarak agreed that they are going to have the generator with the suppression device to make it even quieter.

Ms. Salvati asked if the generators would use diesel fuel or propane as a fuel source.

Mr. Pszarak answered that they will use diesel fuel.

Ms. Salvati asked if diesel fuel would be stored on the site.

Mr. Pszarak answered that they are self-contained.

Mr. Wilson mentioned that the diesel fuel is contained within the generator, making them a self-contained unit.

Mrs. Salvati asked if anyone would occasionally come to refill them.

Mr. Wilson answered yes.

Mrs. Salvati wanted to clarify that there are not going to be large storage tanks on the site.

Mr. Wilson responded no.

Regarding Public Participation, the following residents spoke:

1. Diane McMunn of 4557 Leytonstone Road.:

- Ms. McMunn stated she has had Verizon since the eighties.
- Dangerous, dropped calls, missed messages.

- Feels the unreliable reception is dangerous and has experienced personal loss of reception, missed messages, dropped calls, missed and phone calls
- In support of the project.

2. Bonnie Tarbell of 4590 Shisler Road.:

- She said this is her second time speaking and that she lives within 500 feet of the proposed project and represents 90% of the residents on Shisler Rd. and wants to ensure that the petition filed previously for Shisler Rd. residents will remain on record.
- Future unknown health effects that may come along with this project
- Aesthetics
- Questioned what improvement the residents are getting in the Hollow based on a previous meeting where two graphic maps were displayed.
- Questioned the property values because of the tower being directly in sight and so close to their homes.
- Objects to project.
- Would like to ensure the petition objecting to the project that was previously signed and submitted remain on record for the Shisler Rd residents.

Chairman Robert Sackett, for the record, wanted to clarify what she said about being within 500 feet of the tower.

Ms. Tarbell referenced the neighbor notification letter that she received and that the letter stated she was being given the notice because they were within 500 feet of the project.

Chairman Sackett also wanted to make mention of her universal concern and that the board is unable to address the concern of health issues. The Federal Government has told them that projects get FCC approval, and they take care of that, and that the board is not to be concerned of that in terms of their action. This is beyond the board. He just wanted to be sure that Ms. Tarbell understood that they cannot consider that as part of the project because other people may have the same concerns, she mentioned that others may have the same concern, and she said that there are other neighbors.

Ms. Tarvell acknowledged Chairman Sackett's information by stating yes and wants to make sure that the petition is part of this and that they stand together united against this project.

3. Kim Burquest of 23 Budd.:

- She has lived in Clarence for 31 years and have always had Verizon.
- Dropped calls as she works from home.
- In support of the project.

4. Clayton Ertly of 5675 Chatham Lane.:

- Stated he has been a resident of Clarence for 52-56 years.
- As a volunteer fireman, he can remember several incidents of the scattered clarity of the calls not being as good as it should be and creating false responses and risks.

- As a retired real estate broker, he has reviewed the project from a commercial perspective and noted that conducting business is impractical with poor cellular service.
- Currently holding the position of Vice Chairman of the Clarence Industrial Development Agency as he mentioned future enticement to commercial development and noted that poor cell service will immediately deter anyone from going into that location.
- In support of the project.

Mr. Geasling acknowledged Mr. Ertel's covering of the business interests and asked him about residential property values and the negative or positive impact.

Mr. Ertel responded, stating it is a negative if you do not have control of good service. He was referring to trying and entice new commercial development in that area because there is a large parcel that can be developed and the significance of that being developed can add to the tax base and keep everyone's taxes lower. He also wanted to remind all residents who were present that the taxes in Clarence have decreased recently to the credit of the people on the Town Board.

Mrs. Sacket questioned if in his experience, has the existence of a cell tower impacted residential sales?

Mr. Ertel stated that only very close, unobstructed views affect property value, and current views in Town are not an issue.

5. Bruce Nisbet of 4450 Shisler Rd.:

- He said he is in favor of good cell service, but he does have a few concerns and noted that a 150 Foot Tower is equal to the average 14-story building. He is Concerned about height and the impact.
- Questioned if the tower could be lower than the projected 150 feet or if the Town has any regulations about the height of the structure. He assumed that cell reception could be improved with something less than 150 feet in the air.
- He is assuming at the top of it there will be a flashing light that will be flashing all day and night.
- He also questioned if there are residential lots built into this project and if so, is there going to be second road access.

6. Christina Barnes of 4595 Shisler Rd.:

- She had addressed the board before regarding the tower project and wanted to reiterate that she feels with the amount of space on the lot that the pole can be located further away from their homes. She stated she has beautiful cell service and uses AT&T and her mom has Verizon and never had any issues on her property.
- Concerned about the potential for home values to decrease.
- She is very certain there is going to be some sort of Humming emanating from the tower and or generators that she will be able to hear from her home.
- Not in support of the project.

7. Tammy Kamden of 4610 Shisler Rd.:

- She has lived in her home since 1998 and uses Verizon as her cell service and has a business in her home and does not have any problems getting through to her customers nor do her customers have any issues getting through to her. She submitted a picture and wanted to ask a question.

Deputy Town Attorney Steven Bengart responded that she could provide information to the board. However, they do not answer questions. They can ask the applicant to answer the questions.

- Ms. Kamden agreed to this. She pointed out that the picture that she provided was a picture of her backyard and pointed out where the proposed tower is going to clearly affect her home as it is going to be in the open.
- She acknowledged that the board cannot discuss the medical but is concerned about the effect it will have on her property value.
- She also inquired about the parcel to the right of her pool as she was present at the October meeting, and she did not see this at the meeting in October. She wanted to make it clear that this is right next to their property line. Please clarify if this area will be designated for homes, driveways, or other uses. She would like to understand what this is.
- Concerned about the Humming, buzzing sounds that it will make.
- Concerned about the Mechanical operation as it can have fires as she said she has clients in the field. She mentions that birds will fly into the towers and the sound magnifies.
- Questions why it cannot be put back further and why is going down the Bike Path and turning left into the yards of the Shisler Rd. residents.
- Stated that this is affecting 20 residential homes.
- She mentions of a parcel to the right of the bike path and Ice parking lot and said that would be a perfect spot or behind the Parks Dept, or baseball fields with tons of space available. Also mentioned plenty of areas in the hollow and that you can not get any better than that for cell phone service. These other areas mentioned will not be behind residential homes.
- Not in support of the project.

8. Ricahrd Zulewski of 9829 Kingsthorre Terrace.:

He has lived in Clarence for 20 years and is President of the Rock Oak Homes Association. He stated that Rock Oak is a 55-plus community with over 550 homes and over 1200 residents.

- Concerned about medical emergencies, fire, police
- Made mention of an incident involving Sue & Jerry Cross of Rock Oak who were not able to be present-they had a medical emergency and were not able to dial 911. They had to drive out of the complex until they were finally able to get reception.
- Made mention that a lot of residents use Telemed for Dr. appointments now and are concerned that the call is going to be dropped.
- Has a large dead zone and it is not a luxury but a necessity.

- In support of the project.

9. Judy Jaskier of 15 Rockland:

- She has lived in a park since 2022.
- Signals are terrible; she goes outside to talk but still loses calls.
- Due to the population increase in Clarence, it was suggested that this justifies the construction of a new tower.
- In support of the project.

10. Joanne Hubbard of 46 Xavier Rd.:

- She has resided in the park for six and a half years.
- Never had good service since moving in.
- Has been through 2 different carriers and 3 phones and had dropped calls
- Must go outside of Rock Oak to make calls.
- In support of the project.

11. Amy Engler of 11328 Main ST.:

- She is a mother of three children in 3 different schools. She is also an Executive Director at the Clarence Chamber of Commerce.
- Cannot get Verizon cell service from the high school to the other side of the Hollow on East Hill.
- Dropped calls
- When working an event at the Main Street Town Park she is concerned with being unable to get a hold of her volunteers, emergency services, and 911.
- In support of the project.

12. Noel Dill of Stephen Development:

- He represents Rock Oak and noted that several individuals reside in the Main Street apartments, extending from Goodrich to the liquor store.
- Life safety issues for his residents.
- Dropped calls 3 or 4 times during a conversation.
- When speaking to his residents many times he has dropped calls 3 or 4 times during a conversation and the phone will be in an SOS mode going down Gunville Rd.
- Does not have clear calls.
- Cellular service is essential for business purposes, personal safety, and maintaining communication with family members.
- He stated the project is correctly situated in the industrial business park zone, unlike the area north of the bike path by Ice. The height of the tower is the height that is permitted by law, he hopes for the benefit of the Rock Oak Residents in particular who have suffered the most that this is an opportunity to provide them with the service that they need and hopes that the board will see fit to approve this project.
- In support of the project.

13. Deb Kicior of 4553 Leytonstone Ave.:

- She lives in Rock Oak and expresses the same concerns as everyone else.
- Questions on how long will the tower take to be installed.
- She can only use her phone in two rooms of her home.
- Asked to possibly appease the residents along Shisler Rd. by moving the tower away from them
- She also wanted to share the concerns of her neighbor who was not present as she was ill, and that she can only use her phone if she goes to the front door.
- In support of the project.

14. Charles Brennan of 4610 Shisler Rd:

- He noted he lived right behind the star on the map. He has Verizon cellular service and used Verizon for his landline and has never had any issues. He and his girlfriend also exercise through the park daily and have never had an issue with his cellular service.
- Questioning Harmony because at the last meeting in October Verizon was not part of that meeting and he said the Rock Oak residents are having issues with their Verizon cellular service. He questioned if Verizon was going to be part of the project.
- Questions on how long it will take before the service will be better.
- Questions why is it that no one on Shisler has issues with cellular service by AT&T and Verizon but the tower is going up in their back yard and said the issue is within Rock Oak and they have asked for the project to be moved further back on to Stephen's property and they will still get the benefits and be closer to Rock Oak where all the problems are.
- Not in support of the project.

15. Debbie Seelbaugh of 10 Oak Ln.

- limited areas where she can use her phone inside her home.
- In support of the project.

16. Christine Wroblewski of 4480 Shisler Rd.:

- They are not objecting to or disputing the problems that the Rock Oak residents are having. However, they are not content with having the tower in their backyard when there are all kinds of empty properties in Clarence and question why it has to go into the backyards of the residents of Shisler.

17. Marisa Sampson of 4600 Shisler Rd.:

- Ms. Sampson would like to reiterate what her neighbors are stating about the cellular service and do not have any problems.
- There should be more consideration for the impact that it will have on the people who live on Shisler Rd, as they are established in the neighborhood, and the way the cost-benefit of the placement there versus if there are issues in the Hollow and questioned why other locations



were not prioritized over the disruption that is going to happen in the community. Where she lives from the project.

- Ms. Sampson also wanted to note the petition on record and pointed out that there were addresses at Rock Oak that were not in favor of the project and asked the board to take note of the addresses that are on the petition was not signed by only residents of Shisler Rd.
- Requested board to explore a location change given all the vacant land so that the project can be closer to commercial property that will benefit the commerce in the area.
- Not in support of the project.

18. Andrea Winny of 10614 Main St.:

- Ms. Winny is a resident of Clarence but has also been the branch manager at M&T Bank in Hollow for 10 years.
- Ms. Winny places her phone on the window sill at work because of consistently poor cellular service.
- Customers cannot sign into their web banking.
- Several of her staff members are experiencing issues with their cellular service, despite having different service providers.
- Limited areas where she can use her phone inside her home.
- M&T Bank has provided all possible support, including boosters, at the branch but it does not work very well.
- Ms. Winny gave examples of what she has experienced as a result of not having good cellular service. In support of the project.

19. Fred Wroblewski of 4480 Shisler Rd.:

- Mr. Wroblewski agrees that Clarence Hollow needs a cell tower but not in the back of people's yards. He mentioned it could be placed anywhere else and pointed out that we have so much open land.

20. Tom Kicior of 4553 Leytonstone.:

- Mr. Kicior is questioning why this area was picked to install the tower.

Chairman Sacket requested Mr. Pszanak and Mr. Wilson back to the podium

Chairman Sacket stated there were several questions heard from residents about the location of the tower were raised. He had also stated that during a prior meeting, Harmoni Towers consulted with an RF Engineer who was not in attendance at this meeting. Chairman Sacket asked if Mr. Pszanak could discuss how the location was determined for coverage gaps and inquired if anyone could speak about this matter.

Mr. Pszanak spoke with a Verizon RF engineer who confirmed that signal strength and service quality would improve at Main Town Park and the Hollow Farmers Market. He did note that they have heard from residents on Shisler that there is good cell service but pointed out there are other gaps. Those areas were identified with Verizon, and this location does need to be near things to connected to the

current infrastructure and part of the network, and it cannot just be located anywhere. Mr. Pszanak also requested to be able to provide a map from their engineer from Verizon.

Mr. Wilson mentioned that the map on the left side of the screen shows a coverage gap. They chose a location to cover this gap as much as possible, focusing on the search area, including the Hollow and Town Park and stated this was centrally located to fill the gap. He said this is why this location was chosen. Additionally, Mr. Wilson stated the tower complies with the town code, remains within setbacks, and adheres to regulations.

Mr. Wilson confirms there will be no flashing lights on the tower, and it has FAA approval.

The project will take 30 days to construct and will take 60 days to go online and begin providing coverage.

Mr. Pszanak stated the providers Verizon and T-Mobile that will be receiving the additional coverage provided by the tower.

Chairman Sackett clarified what he was saying by reiterating the timeline for construction is 30 days following approval, with an additional 60 days required to establish cell service.

Mr. Wilson stated it typically takes 60 days after the fiber is delivered to the site.

Chairman Sackett asked for confirmation if there were going to be lights on the tower.

Mr. Wilson agreed that there would be no lights on the tower.

Chairman Sackett also questioned if this was a two-lot development. It was shown on the screen that there was a blue lot, and a yellow lot. Chairman Sackett asked for confirmation of what the plans were for the yellow lot.

Mr. Bleuer offered to address the topic of the subdivision and that the parcel is approximately 77 acres and the applicant is under contract to put the cell tower on the blue parcel. To do that, the town needs to recognize that there is a lot where the tower could go and would cut off the remaining back land from the frontage whereby the subdivision is a requirement of the Town and the yellow lot on screen would become a vacant residential lot just as it currently exists. The applicant or the owner could propose something to be put on it. As it stands currently it would be considered a frontage lot, so there will be no subdivision in the sense of a subdivision road with multiple homes. It is because the property is getting cut in half and we have to allocate the lots.

Chairman Sackett questioned the distance of the tower and the houses on Shisler. Mr. Wilson pointed to the map on the screen.

Mr. Geasling pointed out the distance on screen of 210 feet and 440 feet which is 650 feet from the rear property line.

Mr. Wilson said it is about 1000 feet.

Chairman Sackett brought up the noise and asked what noise the generator would make and asked for a description of the noise.

Mr. Wilson is unable to answer that question accurately.

Mr. Bigler brought up that there were questions asked about the humming noise coming from the tower and equipment and not just the generator.

Mr. Wilson said there should not be any buzzing noise coming from the tower. However, the generator will probably kick on once per month and sound like a lawn mower.

Chairman Sackett asked again if the only noise that should be heard is from the generators.

Mr. Wilson agreed the only noise should be from the generator.

Mr. Geasling questioned whether Verizon was the initial carrier.

Mr. Wilson said they were in negotiations with all the carriers but in the end, Verizon and T-Mobile agreed to go on the tower. AT&T will not be using this tower at present.

Mrs. Salvati mentioned that the confusion arises because all the plans still indicate AT&T and have not been updated. She stated that since last fall if anyone looked at the plans, they would see AT&T listed.

Mr. Wilson said the plans were outdated.

Mrs. Salvati referenced other sites, including The Hollow and Hamlet.

Mr. Wilson said that they did not look at any locations in the Hollow and this location covered more of the search areas of the coverage gap than anything in the lower elevation.

Mrs. Salvati asked if the height of the tower had to be 150 feet.

Mr. Wilson said it was his understanding to achieve the coverage objective and to give coverage as shown on the maps on the screen it has to be 150 feet. As we know from previous meetings, there is interest from the Fire department and Public Safety to co-locate on this site. They stated that they would need to be higher than 150 feet if they were going to use this site.

Mrs. Salvati stated that if it goes higher than 150 feet it would be beyond what the code allows and that is another approval.

Mr. Wilson agreed that he would have to come back.

Mr. Lathi asked if what the coverage would be if the tower was moved 100, 200 feet, or 500 feet to the slightly southwest. He said the residents are inquiring to push as far as they can to the west and questioned as to whether they mapped it out on the property. What he heard from the residents is that they don't mind the project, but would like to put it far away as possible from the houses.

Mr. Wilson stated that they reviewed various property locations and chose the best one that is close to the road, reducing the cost of bringing fiber to the property while avoiding any areas unsuitable for building.

Chairman Sacket asked if there were other issues like wetlands.

Mr. Wilson answered yes, the other issues were due to the wetlands.

### ACTION:

Motion by Jason Geasling, second by Daniel Tytka that under Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Environmental Assessment Form as prepared and to **issue a Negative Declaration** on the Harmoni Towers & PI Tower Development, LLC. telecommunication tower at Shisler Road SBL 72.00-2-16. This Unlisted Action involves the proposed subdivision of land, and construction of a 150' tall telecommunication tower and associated facilities, with access to Shisler Road, located in the Industrial Business Park and Residential Single-Family zones. After thoroughly reviewing the submitted plans, documents, meeting minutes, reports, letters, and Environmental Assessment Forms, it is determined that the proposed action will not significantly impact the environment.

Daniel Tytka	Aye	Jason Lahti	Aye	Jason Geasling	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

### MOTION CARRIED

Motion by Jason Geasling, second by Daniel Tytka to **approve** the Harmoni Towers & PI Tower Development, LLC. **Subdivision** of land at Shisler Road SBL 72.00-2-16, according to the survey submitted by Nussbaumer & Clarke, Inc., dated September 18<sup>th</sup>, 2024, subject to the following conditions:

1. Sublot 2, located in the Industrial Business Park zone and location of the telecommunication tower, is hereby considered an Open Development Area lot, and subject to the standards of Town Code Chapter 193, Article 5. Such lot shall not contain residential construction.
2. Sublot 1, located in the Residential Single-Family zone, is hereby considered a frontage lot. Future proposed residential construction must comply with the standards of the underlying zone.

Mr. Wilson and Mr. Pysanka heard, understood, and agreed to all conditions.

Daniel Tytka	Aye	Jason Lahti	Aye	Jason Geasling	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

### MOTION CARRIED

Motion by Jason Geasling, second by Daniel Tytka to **approve** the Harmoni Towers & PI Tower Development, LLC. telecommunication tower **Site Plan**, located at Shisler Road SBL 72.00-2-16, per the submitted drawing by Costich Engineering, with a final revision date of February 18<sup>th</sup>, 2025, with the following conditions being met:

1. Subject to the Permit issuance by the Clarence Town Board.

2. Applicant meeting any additional requirements of the Town of Clarence Engineering and Building Departments, and any associated conditions, prior to any permits being obtained for construction on the property.
3. Subject of Erie County Department of Public Works approval for access to Shisler Road.
4. The applicant shall submit to the Town Planning and Attorney's Offices a cross-access agreement for the telecommunication tower access. Once approved by the Town, applicant shall file same in the Erie County Clerk's office and provide a stamped "FILED" copy to the Town Planning and Attorney's Offices after recording.
5. Should any drainage easements be required by the Town to address on-site drainage issues on the property, appropriate easements should be submitted by the applicant and approved by the Town Engineering, Highway and Legal Departments. If required, applicant shall file same in the Erie County Clerk's office and provide a stamped "FILED" copy to the Town Attorney's Office after recording. If such easements are required, no Building or other permits shall be issued until the approved and filed additional easement has been received and accepted by the Town Attorney's Office.
6. Subject to an agreement by the applicant, in writing, to remove the telecommunication facility if such facility becomes technically obsolete or ceases to be used for its originally intended purpose. A demolition bond for the purposes of removing the telecommunication facility shall remain in force for the life of the tower in an amount approved by the Town Board but not less than \$50,000, and per the removal estimate provided by Costich Engineering, dated May 22, 2024.
7. Per the assurance letter of the applicant, dated February 5<sup>th</sup>, 2025, all on-site generators shall be sound attenuated with appropriate noise suppression devices, and subject to review and approval by the Clarence Building Department.
8. Per the approved site plan set, the applicant shall continue to collaborate with fire and emergency response providers regarding any public safety and emergency response communication needs.
9. The site shall be inspected, at a minimum of once every two years, by a licensed professional engineer and a copy of the inspection report shall be submitted to the Town Engineer. Any work or repair of the tower shall comply with all applicable code requirements, and a permit shall be obtained from the Town to conduct such work.
10. Landscape Committee approval of a final landscape plan prior to Building Permit issuance, including fencing and gate details, and planting details where applicable. In addition, a maintenance plan shall be submitted as part of the landscape plan to ensure landscaping remain in perpetuity and is replaced in kind should there be any deterioration or death or disease to plantings.
11. All site lighting shall be dark sky compliant and shielded to prevent spillage onto adjoining properties apart from any beacon lighting if required.
12. Subject to Open Space and any other applicable fees as required by Town Code.

Mr. Wilson and Mr. Pysanka heard, understood, and agreed to all conditions.

Daniel Tytka	Aye	Jason Lahti	Aye	Jason Geasling	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

**MOTION CARRIED**

Motion by Jason Geasling, seconded by Daniel Tytko, to **recommend** to the Town Board **Permit** approval for the Harmoni Towers & PI Tower Development, LLC. telecommunication tower as per the approved Subdivision and Site Plan, and subject to all associated conditions.

Daniel Tytko	Aye	Jason Lahti	Aye	Jason Geasling	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

**MOTION CARRIED****Item 2**

Bryan & Randy Schaefer  
Agricultural-Rural Residential

Requests Concept Plan approval of a proposed  
12-lot residential Major Subdivision at 5774 Salt  
Road.

**DISCUSSION:**

Mr. Bleuer introduced 5774 Salt Road. West side of Salt Road, south of Clarence Center Road.

The existing 112-acre property is located in the Agricultural-Rural Residential zone, containing a vacant single-family residence, detached garage, and agricultural support structures.

The applicant is requesting Concept Plan approval for a proposed 12-lot major subdivision. One vehicular access point is proposed on Salt Road. Four of the lots are approximately 2.15 acres in size, and the remaining eight lots are 5 acres or greater. The newly created road is proposed to be private. The project would include the protection of approximately 29.3 acres of open space, including the preservation of approximately 23.44 acres of active farmland.

The existing vacant single-family residence, detached garage, and agricultural support structures were approved for demolition through a separate action under SEQRA by the Planning Board on January 29, 2025.

In April 2024, the Town Board forwarded the comprehensive proposal to the Planning Board for their review. In May of 2024, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA). Since that time, the applicant has worked to address comments received from involved and interested agencies.

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

Randy Schaefer and Project Engineer Patricia Bittar with William Schutt Associates were present to represent

Ms. Bittar stated the changes that were made were summarized by Mr. Bleuer, and lots were reduced from 18 to 12. With the reduction of the lots, there is only a single access point on Salt Road. They show the road as being private and 1500 feet in length from Salt to the termination point in the cul-de-sac. They have sized the retention pond since the previous submittal, and that was preliminary, and the design was submitted for engineering review. As for the preserved open space, they do have a buffer from the properties to the North of at least 130 feet that will be preserved, and the existing tree line will be untouched as well. Since the wetlands jurisdiction laws have changed as of January 1<sup>st</sup>, there is now a 600-foot buffer along the wetlands. The only proposed impact to wetlands on the site is within the buffer areas themselves, and there is no proposed impact to the wetland area. They have been working with the owner of Labella to get a joint application for a permit for that buffer impact that was submitted two weeks ago and is currently under review from DEC.

Mr. Tyka mentioned his concern about the retention pond being on the border of the property. He wants to be sure that it is properly drained.

Ms. Bittar said that with the analysis they have done, the existing pond will remain untouched because it is regulated wetlands. They propose a separate structure for Salt Rd, reducing site runoff by 30-40% across required storm events.

Mr. Tyka also asked if they were willing to work with the Landscape Committee to meet the true requirements.

Mr. Schaefer answered yes.

Mr. Tyka wanted to remind them that the farmland open space is protected by the conservation easement and the easement must be monumented at the lot.

Ms. Bittar stated that it is required by the Town.

Mr. Tyka asked if they will create a HOA to maintain the pond and road.

Mr. Schaefer answered yes.

Mr. Tyka wanted to ensure the tree line to the North that buffers near the neighboring properties will remain untouched.

Ms. Bittar stated it will stay in its natural state as it is protected farmland and will remain and there is no impact to that tree line.

Mr. Tyka asked if they will be clear cutting the lots in full

Ms. Bittar responded that they would like to put the infrastructure in and only clear what is required for the infrastructure. Then each individual property owner will decide the layout of their home and exactly where they would place their home on the land. They would not be purposely clear cutting anything.

Mr. Geasling asked if the only proposed impact to the wetland buffer is grading.

Ms. Bittar said they would be excavating slightly out within the buffer to create the pond itself and additional grading around it.

Regarding Public Participation, the following residents spoke:

Mr. Wargo of 5754 Salt Rd. : He would like to know what is being done with the gray parcel that is shown on the map as it is adjacent to his property and will have an impact on his property. He also inquired what is being done with the narrow strip of land to the west.

Mr. Shaefer explained the gray area on the map that Mr. Wargo was referring to is the pond that is there now. It will not change, there is no clear cutting, no grading. Referring to the map it is above and into the field where that will be graded to have a retention pond that would eventually drain through a controlled grate into the other. He said there is really no impact on trees, clearing, etc. Other than what the Town does to maintain the ditches.

Ms. Bittar added that the area that goes behind the properties along Salt Rd. is 100 foot in width and, with the retention pond, will be maintained as open space and will be covered under the HOA

Ms. Salvati wanted to clarify what was being shown on the screen and specified the blue area is the existing pond and what is above it is the proposed pond.

Ms. Bittar agreed to the location of the proposed pond.

#### **ACTION:**

Motion by Jason Geasling, second by Richard Bigler under Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Environmental Assessment Form as prepared and to **issue a Negative Declaration** on the proposed Schaefer major subdivision at 5774 Salt Road in the Agricultural-Rural Residential zone. This Type I Action involves the development of a 12-lot residential subdivision and associated facilities. After reviewing the proposal and related documents, it is concluded that the proposed action will not significantly impact the environment.

Daniel Tytka	Aye	Jason Lahti	Aye	Jason Geasling	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

#### **MOTION CARRIED**

Motion by Jason Geasling, seconded by Wendy Salvati, to **approve** the Schaefer 12-lot Major Subdivision **Concept Plan** at 5774 Salt Road, as per the submitted concept plan by WM Schutt Associates dated April 2024, with a final issue date of January 14<sup>th</sup>, 2025, with the following conditions being met:

1. Applicant meeting the requirements of the Town of Clarence Engineering preliminary grading and drainage review and associated conditions.
2. Applicant meeting the requirements of the Town of Clarence Building Department preliminary fire code compliance review and associated conditions.
3. Subject to Development Plan review by the Town, including a technical review of the final Development Plan by the Town Engineering Department.



4. Review and approval by the Erie County Department of Public Works for access to Salt Road from the newly created private drive.
5. Review and approval by the Erie County Health Department of on-site sanitary facilities for the sublots.
6. Landscape Committee approval of a final landscape plan before Development Plan approval, to include a minimum of two street trees per lot. Street trees to be a minimum of 2.5" caliper, double staked, and species to be chosen from the Town's recommended street tree list, planted and maintained per the Town's Tree Management Plan. In addition, a maintenance plan shall be submitted as part of the landscape plan to ensure landscaping remains in perpetuity and is maintained or replaced in kind should there be any death or disease to plantings.
7. All lots shall be developed per the lot data table placed within the development plan set, including but not limited to basement type, lot grading type, and setbacks.
8. Areas designated as "Active Farmland Open Space" shall have appropriate drainage patterns suitable for continued agricultural operations, and such drainage patterns shall be shown within the development plan set to be approved.
9. Limits of clearing and disturbance shall be shown within the development plan set. Areas designated as "Active Farmland Open Space" and conservation areas shall be controlled by a Conservation Easement and permanently monumented via a marker at the perimeter of all adjacent exterior lot lines. These markers must be approved by the Planning Office before installation by the applicant and maintained permanently by the Homeowner's Association.
10. The applicant must prepare a Conservation Easement for all "Active Farmland Open Space" and conservation areas and submit it for review by the Planning Office and Town Attorney's Office. The said Conservation Easement shall be submitted by the applicant for review and approval by the Legal Department. After review and approval, the applicant shall file the same in the Erie County Clerk's office and provide a "Stamped Filed" copy to the Town Attorney's office after recording and before Final Plat approval by the Town Board.
11. A Homeowner's Association shall be created by the applicant, and a copy of the bylaws, rules, and regulations shall be prepared and submitted to the Planning Office and Town Attorney's Office for review and approval, before Final Plat approval by the Town Board, and before submission to the Attorney General's office to verify that the Home Owners Association Bylaws Rules and Regulations require the protection of all Conservation Easement areas and that the HOA Board has the obligation and authority to enforce the Protection of the Conservation Easement area.
12. The applicant must provide any additional easements as required by the Town of Clarence Engineering Department, following a technical review of the approved development plan set. Said Easements shall be submitted by the applicant for review and approved by the Town Engineering, Highway, and Legal Departments. After approval, the applicant shall file the same in the Erie County Clerk's office and provide a "Stamped Filed" copy to the Town Attorney's office after recording and before Final Plat approval by the Town Board.
13. Any subdivision signage shall be subject to review and approval by the Sign Review Committee.
14. Subject to Open Space, Recreation, and any other applicable fees as required by the Town Code.

Mr. Schaefer and Ms. Bittar heard, understood, and agreed to all conditions.

**On the Question:**

Should the applicant wish to propose an alternative form of ownership and/or control associated with the Active Farmland Open Space, a proposal shall be made to the Town during the Development Plan review stage.

Daniel Tytka	Aye	Jason Lahti	Aye	Jason Geasling	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

**MOTION CARRIED****Item 3**

Dynabrade, Inc.  
Commercial

Requests Concept Plan approval of a proposed 90,000 square foot light manufacturing and office building at 9035 Sheridan Drive.

**DISCUSSION:**

Mr. Bleuer introduced 8989 & 9035 Sheridan Drive. South side of Sheridan Drive, west of Main Street.

The existing 21.75-acre property contains a light manufacturing and office facility located in the Commercial zone.

The applicant is requesting Concept Plan approval of a proposed 90,000 sq.ft. manufacturing and office building at 9035 Sheridan Drive, along with associated site improvements as a campus addition to the existing business operation at 8989 Sheridan Drive.

In September of 2024, the Town Board referred the proposal to the Planning Board. In October of 2024, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA). Since that time, the applicant has worked to address comments received from involved and interested agencies.

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

This proposal will require Special Exception Use Permit consideration from the Town Board.

Mr. Jason Utzig of C&S Engineers and Mark Velocci with Silvestri Architects were present to represent this proposed project.

Mr. Utzig stated that they have complied with all outside agency reviews, including the DOT's request to initially deny a third curb cut. The DOT has now approved the third curb cut on the condition that the cross-access drive shown during the meeting is eliminated.

Mr. Tytka inquired about managing runoff without cross-access at the preliminary stage.

Mr. Utzig said the stormwater drainage would flow southwest into the existing detention basin shown at the meeting. We plan to capture the water on-site and then pipe it into that detention basin.

Mr. Tytka asked where the mechanicals would be placed.

Mr. Velocci answered that the mechanicals would be placed around the northeast side of the property, North of the loading docks.

Mr. Tytka asked if they are willing to work with a Landscape Committee to develop a plan for the life of the property.

Mr. Utzig confirmed their agreement with the proposal.

Mr. Tytka asked if they could provide a percentage of material for the project.

Mr. Velocci was prepared to discuss the percentages at the meeting.

Mr. Tytka offered to move forward with the meeting for now.

Mr. Tytka asked what the working hours would be for the construction and clearing.

Mr. Velocci responded that he assumed it would be 7:00 AM-3:30 pm but can confirm.

Mr. Tytka made it known that the Town works with the Fire Department to be sure this is up to code and a few things that need to be worked out going forward.

Regarding Public Participation, no one spoke.

With no one wishing to be heard, Public Participation was closed for this project at this time.

## **ACTION:**

Motion by Daniel Tytka, second by Richard Bigler pursuant under Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Environmental Assessment Forms as prepared and to **issue a Negative Declaration** on the proposed Dynabrade, Inc. light manufacturing project at 8989 & 9035 Sheridan Drive. This Unlisted Action involves the proposed construction of an approximately 90,000 sqft light manufacturing and office facility in the Commercial zone. After thoroughly reviewing the submitted plans, documents, meeting minutes, reports, letters, and Environmental Assessment Forms, it is determined that the proposed action will not significantly impact on the environment.

Daniel Tytka	Aye	Jason Lahti	Aye	Jason Geasling	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

## **MOTION CARRIED**

Motion by Daniel Tytka, second by Richard Bigler to **approve** the Dynabrade **Concept Plan**, located at 9035 Sheridan Drive, per the submitted plan by C&S Companies, dated August 5<sup>th</sup>, 2024, with a final

revision date of February 17<sup>th</sup>, 2025, and to **approve** the **Conceptual Architectural** drawings by Silvestri Architects, dated March 5<sup>th</sup>, 2025, all subject to the following conditions being met:

1. Applicant meeting the grading and drainage standards and requirements of the Town of Clarence Engineer.
2. Applicant meeting the fire code standards and requirements of the Town of Clarence Fire Inspector.
3. Subject to Development Plan review by the Town, including a technical review of the final Development Plan by the Town Engineering Department.
4. Subject to Town Building and Engineering Departments' approval before any permits are obtained for site work activity.
5. Subject to New York State Department of Transportation approval of the proposed access point to Sheridan Drive.
6. Subject to Erie County Health Department and New York State Department of Environmental Conservation approval, if required, for the proposed on-site sanitary facilities.
7. Landscape Committee approval of a final landscape plan, before Development Plan approval, including any planting and dumpster fencing, and frontage split rail fencing details where applicable. In addition, a maintenance plan shall be submitted as part of the landscape plan to ensure landscaping and fencing remain in perpetuity and are maintained or replaced in kind should there be any deterioration, or death and disease to plantings.
8. Review of a lighting plan before Development Plan approval. All site lighting shall comply with the Town Code, be dark sky compliant, and be shielded to prevent spillage onto adjoining properties. No lighting should be elevated above 15', and all lighting should be turned off no later than one hour after business hours except for necessary security lighting. Any security lighting shall be depicted on the lighting plan.
9. Final building elevations to be submitted as part of the Development Plan review, including the labeling of material types and colors, with the addition of detailing and material variety for any monotonous or blank wall areas. Building materials to be used shall be of industry-standard high quality for durability and appearance.
10. Any exterior building mechanicals shall be identified, detailed, and shielded on any future Development Plan submittals.
11. The building and site shall be maintained as approved in perpetuity, and any building and site deficiencies shall be repaired or replaced as approved.
12. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas, and all parking areas shall be curbed except for any pedestrian access ramp areas.
13. No outside storage or display of any kind on the property unless the same shall have been pre-approved by the Town, including, but not limited to, vehicles, goods, materials, and debris.
14. Any permanent signage is subject to review and approval by the Sign Review Committee, and any temporary signage is subject to review and approval by the Office of Planning and Zoning.
15. Subject to Open Space and any other applicable fees as required by the Town Code.

Mr. Utzig and Mr. Velocci heard, understood, and agreed to all 15 conditions.

Chairman Sacket noted that the board always encouraged cross-access. He suggests applying to the Town if it becomes an issue in the future.

Daniel Tytka	Aye	Jason Lahti	Aye	Jason Geasling	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

#### MOTION CARRIED

Motion by Daniel Tytka, second by Richard Bigler to **recommend** to the Town Board approval of **Special Exception Use Permits** for the Dynabrade 90,000 square foot light manufacturing project at 9035 Sheridan Drive as per the approved Concept Plan and associated conditions.

Daniel Tytka	Aye	Jason Lahti	Aye	Jason Geasling	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

#### MOTION CARRIED

#### **Item 4**

Custom Controllerzz  
Restricted Business

Requests Conceptual review of a proposed 4,800 square foot office and warehouse building at 8003 Transit Road.

#### **DISCUSSION:**

Mr. Bleuer introduced 8003 Transit Road. East side of Transit Road, north of Wolcott Road.

The existing 12-acre vacant parcel is located in the Restricted Business zone and Agricultural Flood zone.

The applicant is requesting a Conceptual Review of a proposed office/warehouse facility wholly located in the Restricted Business zone. The proposed structure is approximately 4,802 sqft, with 2,869 sqft planned for office and assembly, and 1,933 sqft planned for warehousing of merchandise.

The Town Board referred to this request to the Planning Board in February of 2025.

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

Mr. Pat Sheedy of Carmina Wood Design and Collin Hayes from Custom Controllerzz were present to represent the project.

Mr. Lahti- has no hesitation in proceeding with the proposed project and thanks them for growing their business in Clarence.

Mrs. Salvati asked if there were any objections to the deed restricting the wetlands behind their development for protection.

Mr. Sheedy responded that they likely would have objections, as they do not want to limit future development possibilities. However, since the site includes DEC-regulated wetlands, impacting them would be challenging and could deter future development. This would be their position on the question of the deed restriction.

Regarding Public Participation, no one spoke.

With no one wishing to be heard, Public Participation was closed for this project at this time.

**ACTION:**

Moton by Jason Lahti, seconded by Wendy Salvati that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as amended and to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies on the Custom Controllerzz office and warehouse project at 8003 Transit Road. This Unlisted action involves the construction of an approximately 4,800 square foot building and associated facilities in the Restricted Business zone.

Mr. Bleuer requested an updated EAF showing a reduction in the size of the building.

Chairman Sacked wanted to be sure that they understood that they had approved it with an updated part 1 and encouraged them to work with engineering.

Mr. Sheedy responded they understood and were prepared to get in as soon as possible.

Daniel Tytka	Aye	Jason Lahti	Aye	Jason Geasling	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

**MOTION CARRIED**

**Item 5**

Rick Switala  
Industrial Business Park

Requests Conceptual review of a proposed 5-building, 25,000 square foot, utility storage project at 9717 County Road.

**DISCUSSION:**

Mr. Bleuer introduced 9717 County Road. South side of County Road, east of Goodrich Road.

The existing 4.3-acre vacant parcel is located in the Industrial Business Park zone.

The applicant is requesting a Conceptual review of a proposed 5-building, 25,000 sqft, utility storage project. Each building is 50' x 100', arranged linearly on the site with a single access, and the building closest to County Road contains an 800-sqft office area.

The Town Board referred to this request to the Planning Board in August of 2024. Since that time, the applicant has been working to address the comments received.

The initiation of a coordinated review under the State Environmental Quality Review Act will allow for involved agencies and interested parties' comments.

Pat Sheedy of Carmina Wood design and Joey Trippi of Bammel Architects were present to represent the project.

Mr. Trippi stated that they replaced the exterior metal paneling with vinyl siding to improve the street view from the empty lot on the west side.

Mr. Lahti- referred to the EAF submitted and that it looks like the responses to numbers 10 and 11 were switched. Number 10 asks if the proposed action connects to an existing public-private water supply and the answer says NO. It should be YES. Number 11 confirms that the proposed action connects to an existing wastewater unit but should instead be a new septic system. Mr. Lahti requested confirmation that those items were reversed.

Mr. Sheedy agreed that they were reversed and will need to be re-done.

Mr. Lahti asked Mr. Trippi to speak about the phasing of the project

Mr. Trippi explained that each building will be developed in phases, starting with Phase One, which is the northernmost building. The first phase they would utilize the 20x40 office space.

Mr. Lahti asked if the disturbance would be limited to the first space.

Mr. Sheedy stated that any site disturbance would be confined to that phase.

Mr. Lahti mentioned that the plan includes parking spaces for trailers. He stated that the Town requires them to be shielded and requested that any future submissions must demonstrate outdoor containment.

Chairman Sacket asked if they understood what Mr. Lahti was referring to and that the plans would need to be provided at the concept level.

Both Mr. Sheedy and Mr. Trippii agreed.

Mrs., Salvati suggested that it would be useful to include the concept plan and provide a phasing plan detailing how the project will be divided into five phases. Each phase is likely to require their site plan review as we progress. She wanted to give a heads-up that the long-exposed wall of vinyl is not going to cut it and in the past meetings, this was discussed with the owner as it is an open wall on County Road, and each project they deal with out there, they want to be sure that each building has more appeal and what the pubic see from the roadway. They are also going to have to go in front of the Landscape Committee, and she said that they may have to step up the landscaping as a part of this.

Regarding Public Participation, the following residents spoke:

Ms. Antonina Lomeo-Olsen of Goodrich Road:

- supports the project but seeks clarification on drainage plans for the 27 acres of wetlands on her property, as she currently faces existing water issues.

Mr. Sheedy responded by stating that they had prepared a preliminary grading and drainage plan. All stormwater and runoff must be contained on-site. The plan proposes to achieve this on the eastern side of the site by utilizing the narrow strip shown on the map at the meeting. Between the pavement edge

and the property line. It will be a dry detention basin that will drain into the existing ditch on-site. That flows southwest into the existing conveyance system.

Chairman Sacket stated that the Town Engineer must approve all information.

Mr. Sheedy said they have submitted the information to the Town Engineer and are not sure if they have started their review.

Chairman Sacket inquired if they had approval yet.

Mr. Sheedy said no they do not.

Mr. Geasling had a question relating to the phasing and building of the ditch.

Mr. Sheedy said the pond will likely be divided into three or four sections to contain runoff from each phase. As they progress downward, they will expand accordingly.

Mr. Geasling asked to clarify as Mr. Sheedy mentioned earlier that it was conveying to the south.

Mr. Sheedy said it did and pointed to the map on the screen to show the ditch and explained how it will drain South.

Mr. Gisling also asked if the buildings will have tote service or dumpsters.

Mr. Sheedy said they are proposing dumpsters.

### **ACTION:**

Motion by Jason Lahti, seconded by Wendy Salvati pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as amended and to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies on the Switala utility storage project at 9717 County Road. This Unlisted action involves the construction of a 5-building, 25,000 square foot project and associated facilities in the Industrial Business Park zone.

Daniel Tytko	Aye	Jason Lahti	Aye	Jason Geasling	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

### **MOTION CARRIED**

The meeting **adjourned** at 8:46 p.m. with a motion by Chairman Robert Sacket.

Suzanne Wiepert  
Part Time Clerk