

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday, April 16, 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 Shear led the Pledge of Allegiance.

Planning Board Members present:

Chairman Robert Sackett
Gregory Todaro
2nd Vice-Chair Wendy Salvati

Vice-Chair Richard Bigler
Daniel Tytko
Jason Lahti

Planning Board Members absent:

Jason Geasling

Town Officials Present:

Junior Planner Andrew Schaefer
Councilman Paul Shear
Councilman Bob Altieri
Deputy Town Attorney David Donohue

Other Interested Parties Present:

Scott Marchant, Esq
Doug Corella, Esq
Stan Barnas

Tom Brem
Stewart Clark
Pat Dolan

Joanne Brem
Doug Currllz
Richard LaFountain

Motion by Richard Bigler, seconded by Daniel Tytko, to **approve** the minutes of the meeting held on March 5, 2025, as written

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

MOTION CARRIED

Motion by Ricard Bigler, seconded by Gregory Todaro, to **approve** the minutes of the meeting held on March 19, 2025, as written

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

MOTION CARRIED**Item 1**

Zang Ventures, Inc.
Commercial

Request Conceptual review of a proposed building addition to accommodate warehousing and complementary commercial uses at 6204 Goodrich Road.

DISCUSSION:

Mr. Schaefer introduced this project, 6204 Goodrich Road—southwest corner of Goodrich Road and Pine Breeze Lane.

The existing 2.1-acre parcel contains an existing business operation in the commercial zone.

The applicant is requesting a preliminary Conceptual review of a proposed 9,000 sqft warehouse addition to the rear of the existing building, with associated facilities. The space is proposed to be used for complementary business operations such as existing warehousing, athletic training, sales, and other complementary uses.

The Town Board referred the proposal to the Planning Board in March. The initiation of a coordinated review under the State Environmental Quality Review Act (“SEQRA”) will allow for involved agencies and interested parties to comment.

Note: The applicant is requesting a side yard setback Variance for the proposed addition, which will be subject to review and approval by the Zoning Board of Appeals.

Deputy Town Attorney David Donohue recused himself from the Discussion.

Patrick Sheedy of Carmina Wood Design was present to represent the project.

Mr. Sheedy wanted to add to Mr. Schaefer’s introduction of the project that they are adding 15 parking spaces on site to the additional parking spaces that are currently there.

Mr. Lahti inquired about the accuracy of the information provided in EAF part 1, which indicated that no permit approval or funding from any government agency was required.

Mr. Sheedy indicated that he did not anticipate requiring approval from external agencies, as all necessary procedures would be managed through the Town of Clarence.

Chairman Sackett asked Mr. Sheedy if there was a septic system.

Pat Sheedy responded that there is an existing septic system.

Chairman Sackett asked Mr. Sheedy if the Erie County Health Department needs to approve the septic system for the new building and its increased capacity.

Mr. Sheedy responded that they probably would.

Mr. Sackett repeated that there will be a need for another agency.

Mr. Sheedy said yes, and we can add this to the list.

Mr. Lahti asked Mr. Sheedy about their need for the requested variance, as the Town's recommended setback is 25 feet, and the project is showing the setback at 5 feet and 2 inches to the property line. Although it is not the Town's purview to approve or disapprove, the Town likes to stay consistent and consult the applicants of the requested setback of 25 feet.

Mr. Sheedy responded to Mr. Lahti's question and explained the need for the variance. The addition is going to face the southern façade of the building and subject to the existing angle of the property line to the south is where the variance is coming into play. They have to keep the angle of the building to the angle of the property line and it creates a pinch point there. They cannot meet the 25-foot setback. He also stated that the existing building is only 15 feet setback.

Mr. Lahti said they are starting a coordinated review but have not approved anything yet, and future plans must address lighting, buffers, maintenance, and impacts on nearby residential properties.

Chairman Sackett asked what the buffer would be, as currently, there is a substantial buffer of trees to the west.

Mr. Sheedy stated that their objective is to preserve as much of the existing vegetation as possible, and they are mandated by code to maintain a 45-foot greenbelt between the proposed site and the neighboring residents. He further stated that the approximate width would be within a 25-foot range of what could be preserved and what would be disturbed for construction. They would propose additional landscaping to re-establish that buffer.

Chairman Sackett wanted clarification on how he would obtain the required 45-foot buffer.

Mr. Sheedy clarified Chairman Sackett's question and said there would be 25 feet of existing vegetation, and the 45-foot requirement would be a combination of the existing and the new proposed landscaping and open grass area.

Chairman Sackett asked if the variance that they are seeking is part of the side yard setback.

Mr. Sheedy said they are requesting a variance for the south side of the property.

In regard to Public Participation, the following residents spoke:

Thomas Brown of 944 3D Heritage Path:

- He would like to know what the primary activity is going to be.
- Because the project referenced warehousing, he would like to know if they have an estimate of the traffic coming in and out.
- He also wanted clarification on what they mean by accommodating warehousing and complementary commercial uses.
- He inquired whether materials would be placed on pallets and not involve the dumping of products, dump trucks, or tailgates.

Pat Dolan of 9421 Douglas Fir:

- His biggest concern is the buffer and the impact that it is going to have on his yard from his previous experiences with other neighboring properties that have cleared land.
- He is also concerned about how close the proposed pond will be.

Chairman Sackett requested Mr. Sheedy back to the podium.

Chairman Sackett asked Mr. Sheedy to talk a little more about the primary activity, complimentary uses, lighting, and the pond, and who would regulate that.

Mr. Sheedy stated that the primary use of the building will continue to be by the Zangs' current business, as they own and operate an electrical equipment and distribution company. An additional use of the building is for soccer training. The intention for the proposed project is for the athletic facility, as they have gained a lot of interest in sports. He is unsure of the Truck traffic and would have to confirm with the client. He also explained they will be submitting the landscape plan to the Landscape Committee and will do their best to keep the existing vegetation. The pond located on the northern side of the proposed parking area will be designed as a dry pond to collect stormwater runoff from the new parking lot addition. This will be captured and then routed to a catch basin on Pine Breeze Lane. The dry pond will be about 2 feet deep, and there will be a planted buffer along the property line between the pond and the roadway, along with the existing vegetation.

Chairman Sackett said he was vague on the activity and asked if he would be more specific about the types of activity, the hours of activity, and note truck traffic versus pedestrian and car traffic during the coordinated review. He is also asking for a letter addressing the intent for lighting and the buffer zone.

Mr. Sheedy agreed to include the information requested.

ACTION:

Motion by Jason Lahti, seconded by Gregory Todaro, 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 Zang Ventures project at 6204 Goodrich Road. This Unlisted action involves a building addition to accommodate existing warehousing and complementary uses in the Commercial zone.

Daniel Tytko	Aye	Jason Lahti	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED

Item 2

Leonard Deni
Agricultural-Rural Residential

Requests Conceptual review of a 4-lot Minor Subdivision on Kraus Road, and an 8-lot Major Subdivision as an extension of Meadowglen Drive, all at SBL 58.00-4-19.121.

WITHDRAWN BY APPLICANT

Item 3

Christopher & Lorissa Naugle
Residential Single-Family

Requests a Recommendation to the Town Board of a Special Exception Use Permit for the construction of an attached secondary living unit at 5024 Rockhaven Drive.

DISCUSSION:

Mr. Schaefer introduced this project, 5024 Rockhaven Drive. North side of Rockhaven Drive, in the Spaulding Lake subdivision.

Existing residence on a 0.59-acre parcel in the Planned Unit Residential Development zone.

The applicant is requesting a Special Exception Use Permit for the construction of a secondary living unit as an expansion to the existing residence. The addition is proposed to create additional garage space, an in-law apartment, and a backyard entertainment area.

The Town Board referred the proposal to the Planning Board in November 2024. Since that time, the applicant has worked to address the comments of the Planning Board Executive Committee.

The Planning Board is a recommending body to the Town Board.

Christopher Naugle and Robert Curtis of RAC Engineering PC were present to represent the project.

Mr. Tytko asked the applicant what the need was for the proposed project.

Mr. Naugle said the need is to have an in-law apartment for their aging parents, and they want to make sure they have space for them. It will also serve as a pool house.

Mr. Tytko asked what type of material would be used and if it would match the existing home.

Mr. Curtis answered that they will be matching the home.

Mr. Tytko requested confirmation that he has no plans to rent the proposed in-law apartment now or in the future.

Mr. Naugle answered no, their parents will be living rent-free.

Mr. Tykta said deed restrictions will apply now and in the future.

Chairman Sackett asked Mr. Naugle if he understood that he would be required to deed restrict his land and not be able to rent it out.

Mr. Naugle answered yes, he understands.

Mr. Todaro asked if there are any plans for lighting, as he is concerned about how it will affect his neighbor to the right of him, as the proposed project is closer to the property line.

Mr. Curtis answered that there is only lighting on the pool side.

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 Dan Tykta, seconded Richard Bigler to **recommend issuance of a Special Exception Use Permit to the Town Board** for an attached secondary living unit at 5024 Rockhaven Drive per the submitted plan by RAC Engineering, dated December 23rd, 2024, subject to the following conditions:

1. Subject to permits and conditions of the Town Building Department.
2. Secondary Living Unit shall be secondary to the principal dwelling and not converted to a rental unit.
3. Occupancy shall be limited to family members, paid employees, temporary guests, or the principal homeowner.
4. A Deed Restriction shall be placed into the deed for the property, restricting its use and occupancy to limit same to family members, paid employees, temporary guests, or principal homeowner so as not to allow the unit to be utilized or converted into a rental unit. The Deed Restriction language shall be submitted to and approved by the Town Attorney's Office prior to filing of the Deed in the Erie County Clerk's office.
5. An Agreement shall, simultaneously, be entered into between the property owner/Applicant and the Town of Clarence. This Agreement shall require that the property owner/Applicant prepare and record the Deed Restriction incorporating the conditions of approval and requiring those restrictions be placed into the property deed. Both the Agreement and Deed Restriction shall continue in perpetuity. A copy of the Agreement shall be filed as an attachment to the Deed to be filed in the Erie County Clerk's office. All required documentation shall be submitted to and approved by the Town Attorney's Office prior to filing.
6. The property Owner/Applicant shall provide proof of filing of both the Deed and Agreement by providing stamped "FILED" copies to the Town Attorney's Office prior to the issuance of a Certificate of Occupancy by the Building Department.
7. The property owner, or any future property owner, shall provide certification to the Town on an annual basis that the unit is being used in conformance with the conditions of approval. Failure to submit the annual certification may result in the termination of the Special Exception Use Permit, and may result in a Zoning Violation subject to enforcement and penalties as outlined within Town Code Zoning Law Chapter 229-160 and 161 or any changes made to the Code of the Town of Clarence in the future.

8. Subject to any applicable fees as required by the Town Code.

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

ON THE QUESTION:

Upon approval by the Town Board, the applicant should contact the Town Attorney's Office for guidance on necessary legal requirements.

Daniel Tytko	Aye	Jason Lahti	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED.

Item 4

Dan Korpanty
Agricultural-Rural Residential

Request a Minor Subdivision of land to create one (1) new lot at 6275 Salt Road.

DISCUSSION:

Mr. Schaefer introduced this project, 6275 Salt Road. East side Salt Road, south of Keller Road.

Existing 4.96-acre parcel located in the Agricultural Rural Residential zone, containing a principal residence and outbuilding.

The applicant is requesting a Minor Subdivision of land to create one (1) new building lot, with frontage along Salt Road. The newly created lot would contain approximately 1.33 acres, with 190' of frontage. The remaining parent parcel would retain the residence on approximately 3.63 acres with 158' of frontage.

The applicant previously applied for a variance for a proposal that had the newly proposed building lot under the minimum zoning standards for the Agricultural Rural Residential zone. Prior to the March 2025 Zoning Board of Appeals meeting, the applicant withdrew the non-conforming application.

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

Dan Korpanty and his legal counsel, Scott Marchant Esq, were present to represent the project.

Mr. Lahti asked what the need was to split the lot.

Mr. Korpanty answered that he plans on selling the property.

Mr. Lahti asked if it was for a residential development.

Mr. Korpanty answered that it is correct.

Mr. Lahti said that this is a conforming law that meets the standards of the Towns, and no further questions.

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 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 submitted and **approve** the Part 2 & 3 Environmental Assessment Form as prepared and to **issue a Negative Declaration** on the proposed Korpanty Minor Subdivision at 6275 Salt Road. This Unlisted Action involves a lot split to create one (1) lot in the Agricultural-Rural Residential zone. After a thorough review of the submitted plan and Environmental Assessment Forms, it is determined that the proposed action will not have a significant negative impact on the environment.

ON THE QUESTION:

Daniel Tytko	Aye	Jason Lahti	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED

Motion by Jason Lahti, seconded by Wendy Salvati, to **approve the Korpanty Minor Subdivision** at 6275 Salt Road, per the submitted sketch received in the Planning Office on February 3rd, 2025, subject to the following conditions:

1. Subject to Erie County Department of Public Works approval for access to the newly created lot.
2. Review and approval by the Erie County Health Department for any future on-site sanitary facilities for the property.
3. Review and approval by the Town Building and Engineering Departments for any future construction on the property.
4. Should any drainage easements be required by the Town to address on-site drainage issues on the property, appropriate easements shall be submitted by the applicant and reviewed and approved by the Town Engineering, Highway, and Legal Departments. If required, 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 prior to any Building permit(s) being issued by the Clarence Building Department.
5. Subject to Open Space, Recreation, and any other applicable fees as required by Town Code.

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

ON THE QUESTION:

Daniel Tytko	Aye	Jason Lahti	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED.

Item 5

Joseph Lombardo
Agricultural-Floodzone

Requests a Minor Subdivision of land to create
one (1) new lot at 7980 Northfield Road

DISCUSSION:

Mr. Schaefer introduced this project, 7980 Northfield Road. West side of Northfield Road, north of Wolcott Road.

Existing 50.62-acre parcel located in the Agricultural Flood Zone, containing a principal residence, multiple accessory structures, and an agrarian riding center.

The applicant is requesting a Minor Subdivision of land to create one (1) new building lot, with frontage along Northfield Road. The newly created lot would contain approximately 2.97 acres, with 250' of frontage. The remaining parent parcel would retain the residence and associated facilities on approximately 47.65 acres with 562' of frontage.

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

Should the Planning Board act on this request, the applicant will require variances from the Zoning Board of Appeals for the existing pond setbacks to the newly created lot lines and the overall acreage of the newly created lot containing the existing pond.

Joseph Lombardo was present to represent the project.

Mr. Tytko asked the applicant to explain the reason for the split request and what his plans are.

Mr. Lombardo responded that he would like to build a 1500 Sq.ft. home for himself on the property.

Mr. Tytko explained that he will also have to apply to the Zoning Board of Appeals because of the proximity of the lot lines and acreage of the pond.

Mr. Lombardo understood.

Mr. Tytko said he would also have to create an easement and a cross-access agreement because he intends to use the existing driveway.

Mr. Lombardo said that it will not be a problem,

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 Jason Lahti, seconded by Gregory Todaro, Pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Environmental Assessment Form as prepared and to **issue a Negative Declaration** on the proposed Lombardo Minor Subdivision at 7980 Northfield Road. This Unlisted Action involves a lot split to create one (1) lot in the Agricultural-Flood zone. After a thorough review of the submitted plan and Environmental Assessment Forms, it is determined that the proposed action will not have a significant negative impact on the environment.

ON THE QUESTION:

Daniel Tytko	Aye	Jason Lahti	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED.

Motion by Jason Lahti, seconded by Gregory Todaro, to **approve the Lombardo Minor Subdivision** at 7980 Northfield Road, per the submitted sketch received in the Planning Office on March 11th, 2025, subject to the following conditions:

1. Review and approval by the Town Building and Engineering Departments for any future construction on the property.
2. Review and approval by the Erie County Health Department for any future on-site sanitary facilities for the property.
3. Subject to the issuance of variances by the Zoning Board of Appeals for the existing pond setbacks to the newly created lot lines, and the overall acreage of the lot containing the existing pond.
4. Subject to Clarence Highway Department approval for any new street access to the newly created lot.
5. Should the newly created lot utilize the existing driveway, an easement and cross-access agreement for ingress, egress, and maintenance shall be required. Such an easement and cross-access agreement are to be submitted by the applicant and reviewed and approved by the Town Attorney's Office prior to filing with the County Clerk's Office. 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 prior to any Building permit(s) being issued by the Clarence Building Department.
6. Should any drainage easements be required by the Town to address on-site drainage issues on the property, appropriate easements shall be submitted by the applicant and reviewed and approved by the Town Engineering, Highway, and Legal Departments. If required, 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 prior to any Building permit(s) being issued by the Clarence Building Department.
7. Subject to Open Space, Recreation, and any other applicable fees as required by Town Code.

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

ON THE QUESTION:

Deputy Town Attorney David Donohue emphasized that the deed must be clearly defined when creating the easement, and this information should be shared with the surveyors.

MOTION CARRIED.

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

Meeting **adjourned** at 7:37 p.m. with a motion by Gregory Todaro

Suzanne Wiepert
Part-Time Clerk Typist