

Town of Clarence  
One Town Place, Clarence, NY 14031  
**Planning Board Minutes**  
Wednesday April 30, 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  
2<sup>nd</sup> Vice-Chair Wendy Salvati

Vice-Chair Richard Bigler  
Daniel Tytko  
Jason Geasling

Planning Board Members absent:

Jason Lahti

Town Officials Present:

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

Other Interested Parties Present:

Louie Peracciny	Carol Peracciny	Kathleen Trigilio	Tom Trigilio
Patrick Walsh	Gina Walsh	Dennis Kempner	Jeff Loudenslager
Terry Loudenslager	Dennis Murphy	James Boglioli	Sean Hopkins
Ken Zollitsch	Phil Sciglino	Gail Pettis-Clato	Guy Capodagli
Andrew Griffin	Tony Zinaty	Tom Curry	

Motion by Richard Bigler, seconded by Wendy Salvati, to **approve** the minutes of the meeting held on April 16, 2025, as written

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

MOTION CARRIED

### **Item 1**

Harris Hill Development, LLC.  
Commercial & Restricted Business

Requests amended Conceptual review of a proposed mixed-use project containing multiple-family housing and commercial space at 8450 Sheridan Drive, SBL 70.11-5-1.

### **DISCUSSION:**

Mr. Bleuer introduced the project at 8450 Sheridan Drive, on the north side of Sheridan Drive, on the west side of Harris Hill Road.

This is an existing 14.8-acre previously disturbed vacant parcel located in the Commercial and Restricted Business zones.

The applicant is requesting an amended Conceptual review of a mixed-use project containing multiple-family housing and commercial space. The project consists of the following:

- 3 mixed-use buildings, each containing 8,065 sqft commercial and 11 to 15 apartments.
- 7 residential townhouse buildings, each containing 4 units.
- 5 residential apartment buildings, each containing 4 units.
- 3 garage buildings, each with 8 to 10 bays.

This results in 85 residential units and 24,195 sqft of commercial space.

This property currently holds Development Plan approval for a mixed-use project containing 80 residential units and 24,800 sqft of commercial space.

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

Note: Per Town Code, multiple-family projects in the Commercial and Restricted Business zones are limited to a maximum of 2 stories. Each of the three mixed-use buildings contains a third-floor element. To consider this proposal, variances will be required by the Zoning Board of Appeals.

Finally, he noted that the Town has required landscaping to be installed “as soon as weather permits, no later than June 30” as a buffer for the westerly neighbors and reclamation for the clearing that occurred as the prior project commenced.

The Planning Board is watching, the Town Board is watching, the Planning and Engineering Departments are watching, and your clients should expect no further board meetings, no actions, nor discussions regarding this matter until that planting is installed, which in my estimation, could have already begun.

Sean Hopkins and Ken Zollitsch were present to represent the project.

Mr. Hopkins said they began this project in 2015, obtained development plan approval, started clearing, and then stopped. He wanted to put it on record that this happened because the project became economically not feasible through no fault of the applicant or the Town.

As a result, they have spent a great deal of time working on a reformulated layout. Mr. Hopkins reviewed the slides at the meeting showing the old plans vs. the new plans.

He explained the slides of the current plans and said they reflect some updates from requests taken from the Planning Board Executive meeting held on March 24, 2025. He said the concern that was raised at that point was reduced to what was previously approved for first-floor commercial space along Sheridan Drive. The original approval was approximately 24,000 sq. ft. and had been reduced to 17,000 sq.ft, but added a newly updated submission to bring the plan back to the 24,000 sq.ft. There are now 3 mixed-use buildings along Sheridan Drive, with the middle building being 3 stories and the end buildings being three/two stories. The initial quantity of multi-family units was 80, which has now increased to 84 85 multi-family units.

Mr. Hopkins explained the slides at the meeting.

Mr. Hopkins stated that they also added a walking trail on the northeast side of the plan and a 45-foot buffer area on both the north and the west corners.

Mr. Hopkins wanted it on record that although they are using all the multi-family residential density per the allocations from the zoning code, there could be a future building in the green area of the slide shown. However, at this time, there are no plans formulated for an additional building. However, they said that when it does, they understand it would be subject to a separate review process.

Mr. Hopkins continued to explain the slides at the meeting.

Regarding the landscape plan, Mr. Hopkins stated they wanted to get some of the landscaping in on the western portion of the site and understood the condition of the Landscaping must be in no later than June 30<sup>th</sup>. He reassured the board that his client has retained the services of a landscaping company, and the goal as of April 30<sup>th</sup> is to have it done by Memorial Day if the weather cooperates.

Mr. Hopkins continued to explain the slides at the meeting.

Regarding the materials, he said that the plans will be updated as part of the review process and asked for approval to accept the Part 1 Environmental Assessment form as the board did 5 years ago, with some minor changes.

Mrs. Salvati referred to the slides and addressed the area of the lower left-hand side and asked if something would be considered to be added in the future would it tie in access with the existing driveway.

Mr. Hopkins stated that DOT would never allow another curb cut.

Mrs. Salvati asked if the slide shown is the same plan that is going to be used in the current plan.

Mr. Zollitsch said no, what is being referred to is a 45-foot buffer strip, and it is intended to be left natural. In the future, they will complete a new Landscape plan. Right now, the emphasis is on the western property line.

Mrs. Salvati reiterated the dates of the installation of the landscaping to be done by June 30<sup>th</sup>.

Mr. Hopkins and Mr. Zollitsch said they have the landscaper scheduled to get it done by Memorial Day, weather permitting.

Mrs. Salvati wanted them to understand that they were requesting this because of the economic conditions that have arisen. She also wanted to be sure they understood they must go back to the Town Board to get a special use permit because of the multifamily and three-story units. She also noted that they plan to do this in three phases and will start at the western edge. She asked if they would leave the balance of the site undisturbed as they are working on the 1<sup>st</sup> phase.

Mr. Zollitsch said there will only be portions where the utilities are, and that they may have to run through the other phases to service phase 1.

Mrs. Salvati asked if they would do each phase individually and would not start phase one until phase one is done.

Mr. Hopkins said they could potentially overlap.

Regarding parking, Mrs. Salvati inquired about their calculations; by code, it should be 332 parking spaces, and they are slightly below, but she does not feel this is going to have an impact because there is so much commercial space, and the Board has some flexibility.

Mr. Hopkins noted that the project includes garages, which are not always used for parking but are part of the plan.

Mrs. Salvati informed them that the Board will expect high-quality materials and limited use of vinyl material as the project progresses.

Regarding Public Participation, the following residents spoke:

Gail Pettis-Clato of 8459 Sheridan Drive

- Inquired about where the sewer is coming from and if it is coming up from Greiner.
- She would like to know if the Townhomes in the back are going to be for sale or if they are going to be for rent.

Thomas Curry of 8473 William Smith Way

- Concerning drainage, he stated there is a 45-foot area where the trees separate the properties on William Smith Way and the proposed project, and you can see that the area is loaded with

water. He is concerned that with the development going on, it is going to add to the existing drainage problem.

- He inquired if the developers were going to follow through with completing the project this time because, as mentioned previously, the project was stopped, and he is concerned that with all the increases in material cost, labor, etc., are they going to get halfway through and stop again?

Tony Zinaty of 8463 William Smith Way

- Concerned about the developers, because of his experience, they previously promised to plant 20 pine trees, and they only added 10 trees and said the residents were lucky to get the 10. He is concerned about how they do business.
- Since the clearing of the property, he said his backyard is a swamp. He mentioned that he called the Town plumber, who came out and stated he would have to get some drainage work done on his property. He said he never had the issue until they started clearing.
- He inquired about how deep and how large the retention ponds will be, as it may help.

Chairman Sacket wanted to comment that if the builder promises the residents something, he wanted them to be aware that it is not binding but if the Planning Board requires it, it will be binding and gave some examples. He said it is important to bring your questions and concerns to the Board and thanks everyone for that.

Andrew Griffin of 4865 Glenwood Drive

- He is concerned that he has a significant amount of flooding in his yard and has promised to do some sort of mitigation in the area.
- He identified a proposal to plant vegetation and subsequently conferred with the builders, who assured him of the installation of a cedar fence inset that was not finalized.
- Also concerned about the traffic pattern as there have already been numerous numbers of accidents.

Patrick Walsh 8413 William Smith Way

- He is also concerned with drainage and asked if the existing buffer is going to remain in place
- Because of the drainage, he and his neighbor had to have a contractor come in and spend \$4,000.00 to try and help, as they never had those issues before this project started. They also added a 2-inch sump pump in the basement.
- He just wanted to be sure they have sufficient drainage plans.

Dennis Murphy of 4801 Glenwood Dr.

- Expressing interest in the area closest to his property, he is inquiring about what can be developed there.

Carol Peracciny of 8393 William Smith Way

- She wanted it on record that every house that faces the project has drainage issues.

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

Chairman Sacket asked the applicant back to the podium and asked them to address some of the concerns of the audience.

Mr. Zollitsch said he cannot say what is happening now with the runoff of the residents' homes. However, when the project is developed there will be two long liner bio retention areas with one on the north side of the developed area that are intended to take in drainage from the site and direct it into the runoff reduction that will be designed to take in the water and direct it into an existing drainage pipe that is located at the north side of the property line and that drainage pipe conveys the drainage to the north through the Harris Hills Commons Subdivision to a pond located in there. That pond was originally sized to take the site they are proposing. When the development does get installed, it will cut off the runoff that is currently going toward the lots and divert it into the controlled pipe system and route it through to the appropriate pond that ultimately outlets to the ditch where it goes today. This should resolve residents' concerns about the additional runoff affecting their property.

Mrs. Salvati asked if it would be possible to construct the other Bio retention basin that is proposed in phase two could be constructed at the same time as phase one. She suggested building a second retention pond to manage runoff to the north of the property and mitigate site drainage.

Mr. Zollitsch said they can certainly look at adjusting the infrastructure phasing to install them upfront. He cannot confirm the second one because it requires a specific medium to be installed, and sand and debris can obstruct the construction site. They may excavate the area and omit the filter material, utilizing it either as a cut-off swale or considering it as a temporary ditch. They will look at how they can address the phasing before so that they can reduce the amount of runoff that is flowing to the north.

Mrs. Salvati said that it is very important that a solution is part of phase 1 to try and address the existing drainage situation that was created once that site was cleared.

Mr. Bigler noted that while we addressed the northern issue, he questioned if it would prevent water runoff to Glenwood residents.

Mr. Zollitsch stated they are still conceptual and not fully engineered, but worth exploring. There is no provision that they have set out right now to eliminate stormwater from flowing to the west. Generally, water may flow downhill, but not always west. The swales within the 45-foot buffer strip can guide it into their controlled system.

Mr. Bigler said he understands that they do not necessarily have to improve existing conditions, but when you start developing and get the water directed properly, that may help the flow there.

Mr. Zollitsch said that installing roadways, receivers, and storm pipes would immediately reduce surface runoff to the neighbors.

Mr. Bigler said he knows it is early, and the Engineering Department will be reviewing this. He just wanted to put it on record.

Regarding the sanitary sewer, Mr. Hopkins said the site is in a sanitary sewer district and explained the history. He addressed Mr. Murphy's comment about being directly adjacent to the Sheridan Dr. frontage, he wanted to reiterate that he is now seeing a 250-foot buffer to the edge of the driveway. However, they can not guarantee at this time that nothing will ever be built there. They must always keep the 45-foot buffer strip. A proposal for an office building or commercial development may be

evaluated for suitability at that location in the future. Nothing is proposed at this time. In the meantime, there will be landscaping, and that area will be grass.

Mr. Hopkins explained that his clients have owned the land for more than 3 decades and have a substantial investment to date. They think this is feasible, but no one can guarantee that. However, their goal is to complete the project, and it will not be a favorable outcome if they start the project and do not finish it. They will need to get financing from a lender. The units will be leased. None of the units is available for purchase.

Chairman Sacket asked Mr. Hopkins to clarify that all the apartments will be leased and not for sale.

Mr. Hopkins said yes, they are all for lease and no sales.

Mr. Hopkins commented on the traffic as well and said a traffic study was prepared and updated twice subsequently. They are only increasing teg residential units by 5 compared to what was previously approved. The project will go out to DOT for comments. He also explained that two curb cuts on Sheridan were already approved, as well as a driveway on Harris Hill.

Mr. Zollitsch addressed the question of the existing buffer and said it will remain in place and not be touched except for the utilities that may have to go through it. He also addressed Mr. Zinaty's comment regarding 10 out of the 20 pine trees that were not installed. Mr. Zollitsch stated that pine trees should not be planted now because a water line will soon require their removal. They will eventually be planted as they do provide screening for the gap.

Mrs. Salvati inquired about whether the proposed plans included a berm and how water management was addressed. She also wanted to clarify that Mr. Murphy currently has a 250-foot buffer. She wanted to clarify that he is guaranteed a minimum of 45 feet.

Mr. Zollitsch and Mr. Hopkins agreed.

Mr. Bleuer also wanted to add that the Town Board has discussed the restrictions for that, such as no outside dining if it was ever a proposed use facing west, limiting the height of the structure, and there may be further restrictions for whatever eventually will be proposed on that western frontage.

Mrs. Salvati also asked them to address Mr. Griffin's comment about a cedar fence.

Mr. Hopkins said that was the first he had ever heard of that, but they can follow up on that.

Mr. Zollitsch also stated that none of the plans ever indicated a fence.

Mr. Geasling asked what the plan was for the residential garbage, as he sees plans for dumpsters behind the mixed-use buildings.

Mr. Hopkins said they plan to have individual totes with a private contractor.

Chairman Saket thanked the neighbors for coming out and expressing their concerns, which will be addressed by the Board and appropriate Town officials. He stated that if anyone is interested in landscaping, they should address this with the landscaping committee, which meets on the second

Tuesday of each month. He recommended contacting the Planning Office to check the Landscape Committee schedule and see if it is coming up for approval.

Mr. Hopkins acknowledged that at the meeting it was the first time they have heard from the adjoining residents on William Smith Way relative to drainage. As the meeting proceeded, he spoke to Mr. Zollitsch about the extents of what is occurring today and having them wait till phase two or three, they will assure the Board and the Residents that they will take a look at that now.

Mrs. Salvati said she agrees that it is very important and if you can not come up with a solution beforehand when the Board gets into Concept Plan approval, they will have to have something that can be presented to show them how the drainage will be addressed.

Mr. Bleuer also commented that this issue was made aware of and that the Planning and Engineering Departments had a discussion with certain residents and the applicant was aware of the issues.

Mr. Hopkins said that Mr. Zollitsch and himself were not made aware of this.

### ACTION:

Motion by Wendy Salvati, seconded by Mr. Bigler that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies on Harris Hill Development, LLC. project at 8450 Sheridan Drive, SBL 70.11-5-1. This Type I action involves the construction of a mixed-use project containing multiple-family housing and commercial space in the Commercial and Restricted Business zones.

### ON THE QUESTION:

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

### MOTION CARRIED

#### Item 2

Edge Development, LLC.  
Commercial

Requests Concept Plan approval of a proposed mixed-use project containing multiple-family housing and commercial space at 9105 Sheridan Drive.

### DISCUSSION:

Mr. Bleuer introduced the project located at 9105 Sheridan Drive. South side of Sheridan Drive, west of Main Street.

It is an existing 2.8-acre vacant property located in the Commercial zone.

The applicant is requesting Concept Plan approval of a proposed mixed-use project containing multiple-family housing and commercial space. The project consists of approximately 7,000 sqft of commercial space and 22 apartments, as follows:

- 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.

The Town Board referred to this proposal to the Planning Board in October 2024. Due to comments received, the applicant has modified the proposal. Modifications consist of reducing residential density by two units, increasing the total amount of commercial space, and increasing the front yard setback of the mixed-use building. In November of 2024, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA). In January of 2025, the Planning Board issued a Negative Declaration under SEQRA. Earlier this month, the Zoning Board of Appeals issued variances for the total number of multiple-family housing units and the third story of the mixed-use building.

The Planning Board has the authority to act on this request.

Sean Hopkins, Bill Burke, and Pat Sheedy were present for this project.

Mr. Hopkins discussed the slides that were presented at the meeting and the history of the meeting dates. They are asking the Board to grant a Concept Plan for this meeting.

Mr. Geasling asked them when they planned to start the project.

Mr. Hopkins answered that they would like to start this year if approved.

Regarding lighting, Mr. Geasling asked if they had any idea of the height of the lights that are going to be proposed.

Mr. Hopkins stated that they see no need for anything taller than 15 feet. Residential lighting will be installed at the back, with some architectural lights included in the elevation plans, which are low-level and dark-compliant.

Mr. Geasling asked where the mechanicals will be located on the property.

Mr. Burke said they plan to be on the ground level, and Sutton architects are working on the concept plans and will come up with creative ways to screen them. and as for the townhomes in the back, the condenser units will be located to the rear of the building. At this time, they are working on finer details.

Mr. Geasling also inquired about the building materials that they plan to use.

Mr. Burke mentioned that they are still working on the material list and are considering a high-end composite material that resembles hardiboard and requires no maintenance.

Mrs. Salvati asked them to consider the ventilation pipes and make them more aesthetically pleasing to the eye. She referred to the project across from the high school and all the pipes that are on the roof.

Mr. Burke agreed and said they will do their best to match the material or move the pipes toward the rear of the building.

Mrs. Salvati asked how tall the projected building is.

Mr. Burke said they will not exceed the 45-foot-tall limits.

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

### **ACTION:**

Motion by Jason Geasling, seconded by Gregory Todaro, to **approve** the Edge Development, LLC. **Concept Plan**, located at 9105 Sheridan Drive, per the submitted plan by Carmina Wood Design, dated October 10<sup>th</sup>, 2024, and to **approve** the **Conceptual Architectural** drawings by Sutton Architects, received in the Planning Office on September 18<sup>th</sup>, 2024, 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 being 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, prior to 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 photometric 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 freestanding 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 or residential lighting. All 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 labelling of material types and colors. 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. 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, Recreation, and any other applicable fees as required by the Town Code.

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

### **ON THE QUESTION:**

This proposal has previously received a Negative Declaration from the Planning Board, and variances from the Zoning Board of Appeals for a total number of multiple-family housing units and a 3rd story of the mixed-use building.

Mr. Bleuer also stated that condition No. 8 should state no lighting beyond an hour after business hours. He said it should state any necessary security or residential lighting.

Mr. Geasling approved of the change in condition no. 8. Mr. Todaro seconded.

Mr. Bigler noted the plans show decorative lights that are high and over 15 feet and how to address it.

Mr. Bleuer said the resolution should be changed to no freestanding lighting should be more than 15 feet.

Mr. Geasling approved of the additional changes in condition no 8. Mr. Todaro seconded

Mrs. Salvati also wanted to continue to comment on the lighting and asked if the architect could come up with something different.

Chairman Sacket asked if the plan is showing patios where the lights are being addressed.

Mr. Burke said they are not patios, they are Juliet openings, but they can be walked on, and nothing can be stored on them. He explained that they are looking for some uniform lighting so that the night looks presentable and will come up with a solution for some sort of timers that will be acceptable to the board, but something that will also look attractive.

Mr. Geasling said it would look awkward if residents could control them.

Mrs. Salvati inquired about the absence of these items on the second floor, seeking clarification on their necessity and the reasons for not installing them there. She stated she is not sure they are needed at all.

Mr. Hopkins stated that they will review the preliminary rendering of the plan.

Chairman Sackett stated they will review that at the development plan.

Chairman Sackett stated that they had amended twice

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

MOTION CARRIED

Motion by Jason Geasling, seconded Gregory Todaro to **recommend** to the Town Board approval of **Special Exception Use Permit** for the Edge Development project at 9105 Sheridan Drive for multiple-family housing units as per the approved Concept Plan and associated conditions.

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

MOTION CARRIED

### **Item 3**

Benderson Development  
Major Arterial

Request Concept Plan and Development Plan approvals for a proposed Trader Joe's retail grocery store at 5017 Transit Road.

### **DISCUSSION:**

Mr. Bleuer introduced the project at 5017 Transit Road. East side of Transit Road, north of Sheridan Drive.

This is an existing 1.3-acre parcel located in the Major Arterial zone, formerly containing a commercial structure and associated parking, once home to an Applebee's Restaurant. In 2022, the site was proposed to contain a quick service restaurant and drive-through, which was ultimately never approved due to unresolved traffic pattern/flow issues.

The applicant is requesting Conceptual and Development approvals for a proposed 13,500 sq.ft. retail grocery store, known as 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.

The Town Board referred the proposal to the Planning Board in January 2025. In February of 2025, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA). In March, the Planning Board issued a Negative Declaration under SEQRA, and the Landscape Review Committee approved a final landscape plan. Earlier this month, the Zoning Board of Appeals issued a variance for the side yard setback of the proposed building.

Reason for Board Action: The Planning Board has the authority to act on this request. If approved, this would be the last Board action before permitting and construction.

Mr. James Boglioli was present to represent the project.

Mr. Boglioli stated that he has been to the town several times and will not go through the entire project. He said they are proposing a 13,500 sq.ft. Trader Joe's where the former Applebee's. They have listened to the advice of the board and updated some of the plans. Access from the main drive has been turned off. Island to full access instead of a right swing in only which is what it was. He said they closed the cross-access thoroughway to make it safer, and it will run concurrently across to Moe's. They are adding two curb cuts for truck loading and stripping. They also added pedestrian access to the back and a landscaped island to protect the pedestrians. They are also proposing lined sidewalks and plan to add Landscaping to be consistent with what the plaza already has in place. All the lights on transit have been reduced to 15 feet. The two taller lights in the center were already there.

Mr. Todaro asked if there was anything more that could be done to slow down traffic at the crosswalk.

Mr. Boglioli said they can put up pedestrian crossing signs in each direction.

Regarding the lighting, Mr. Todaro sought confirmation that two 25-foot lights would be installed in the middle and four 15-foot lights along Transit Road.

Mr. Boglioli confirmed what Mr. Todaro asked.

Mr. Todaro wanted to be sure that the trucks would not be using the Greiner Road. Entrance to the North of the property.

Mr. Boglioli said there will be no change to the trucking routes.

Mr. Todaro asked him to predict the dates for the construction.

Mr. Boglioli said if they get approval this evening and get all the permits in place, they can start in two weeks and anticipate being open in December.

Mr. Todaro asked if there was going to be any lighting on the side facing Ben Garelick Jewelers.

Mr. Boglioli stated that no door or security lighting is facing that side of the building.

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

## **ACTION:**

Motion by Gregory Todaro, seconded Daniel Tytko to **approve** the Benderson Development Trader Joe's **Concept and Development Plan**, located at 5017 Transit Road, per the submitted plan by Pinewoods Engineering, dated December 16<sup>th</sup>, 2024, with a final revision date of March 3<sup>rd</sup>, 2025, and to **approve** the **Final Architectural** drawings by Benderson Development, dated December 2<sup>nd</sup>, 2024, all subject to the following conditions being met:

1. Applicant meeting the requirements of the Town of Clarence Engineering Development Plan Review Letter, dated April 14<sup>th</sup>, 2025.

2. Applicant meeting the requirements of the Town of Clarence Building Department fire code compliance review, and any associated conditions.
3. 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.
4. Subject to Erie County Division of Sewerage Management review and approval and additional regulatory agencies, as required, for connection to the sanitary sewer system within Erie County Sewer District #5.
5. Applicant meeting the requirements of the Landscape Committee Approval on March 11th, 2025, and associated conditions, including but not limited to, the management of all landscaping in perpetuity and replacement, in-kind, should there be any deterioration, or death, or disease to plantings; and the maintenance of all fencing, and replacement in kind, should there be any deterioration or damage.
6. All site lighting shall be dark sky compliant and shielded to prevent spillage onto adjoining properties. Apart from the four central 25' pole lights as shown on the approved plan, no lighting should be elevated above 15' and all lighting shall be turned off no later than one hour after business hours except for necessary security lighting. LED fixture heads shall not exceed the specified lumens as per the assurance letter submitted by the applicant, dated April 24, 2025.
7. Buildings to be constructed per the labeled and approved materials and colors and building materials to be used shall be of industry standard high quality for durability and appearance.
8. Any ground-exposed mechanicals shall be shielded from view by approved landscaping, and any roof mechanicals shall not be visible from public rights-of-way.
9. Per the assurance letter of the applicant dated April 28<sup>th</sup>, 2025, the cart corral areas adjacent to the building shall be buffered from view by large architectural building pillars and adjacent potted plants as depicted on the architectural render received in the Planning Office on January 24<sup>th</sup>, 2025.
10. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as approved.
11. 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.
12. 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.
13. Installation of pedestrian crosswalk signage at the easterly crosswalk to the plaza parking lot.
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.

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

**ON THE QUESTION:**

This proposal has previously received a Negative Declaration from the Planning Board and a variance from the Zoning Board of Appeals for a side yard setback.

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

**MOTION CARRIED**

Meeting **adjourned** at 8:27 p.m. with a motion by Chairman Sackett

Suzanne Wiepert  
Part Time Clerk Typist