

Town of Clarence  
One Town Place, Clarence, NY 14031  
**Planning Board Minutes**  
Wednesday May 21, 2025

**Work Session 6:30 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  
2<sup>nd</sup> Vice-Chair Wendy Salvati  
Daniel Tytko

Vice-Chair Richard Bigler  
Jason Geasling

Planning Board Members absent:

Gregory Todaro

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:

Chris Tucker  
Erica Manson  
Kevin Lee  
Charlie Greene

Colton Depke  
Eric Sobczynski  
Rebecca Pattern  
Mark B. Lozinak

Paul Hufnagel  
Francis McGreevy  
Michael Metzger  
Dan Michnik

Cheryl Hufnagel  
Susan Lee  
Chris Greene  
Stephen Hodges

Motion by Richard Bigler, seconded by Wendy Salvati, to **approve** the minutes of meeting held on April 30, 2025, as written.

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

MOTION CARRIED

<p><b><u>Item 1</u></b>  Natale Builders, Inc.  Residential Single-Family</p>	<p>Requests amended Conceptual review of a proposed 34-lot Open Space Design Subdivision on Clarence Center Road, SBL 58.00-3-15.11.</p>
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## DISCUSSION:

Mr. Bleuer introduced this project, SBL 58.00-3-15.11, located on the south side of Clarence Center Road, east of Herr Road. An existing vacant parcel containing approximately 23.4 associated acres in the Residential Single-Family zone and Clarence Sewer District # 2.

The applicant is requesting amended Conceptual review of a 34-lot Open Space Design subdivision, which represents a 6-lot reduction with a prior review and approval. The proposal would access Clarence Center Road and Kamner Drive.

Of the approximately 23.4 associated acres, approximately 11.72 acres are proposed to be preserved as permanent open space, and protected by a conservation easement.

All roads are proposed to be public, and all lots are proposed to access the public road frontage. The publicly accessible recreational trail from Rosecroft Drive to Clarence Center Road is planned, with the route yet-to-be determined.

After a Public Hearing held in September of 2022, the Town Board issued an Open Space Overlay for the property. At that time, the approved Concept plan contained 40 lots, and featured a mixture of public roads, private roads, and alleys many of which were rear-loaded to rear alleys. Since then, the project sponsor has changed. The Town Board referred this proposal to the Planning Board in February of this year. This proposal was tabled by the Planning Board on May 7th and rescheduled for this meeting to allow time to correct a Town error in the neighbor notification process.

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

Representing the applicant from the engineering firm Greenman Pedersen, Inc. was Ken Zollitsch. Mr. Zollitsch added that while this project did previously receive concept approvals a number of years ago, the sites extended much further back than 2022.

Mr. Zollitsch added that there have been countless discussions with this board since the conception of this proposed project since as far back as 2017, with many iterations since then. Although they did already have an approved concept plan that they could have gone to engineering with, as they progressed through the review process under the new contract, a more traditional suburban development came to fruition. This included public road frontage with garages fronting that, the rear

alleys were eliminated as well as the parking in the back, both of which were previously on the plan. There are no longer any perimeter drives that would affect anyone on the outside, but is now backyards abutting adjacent owners.

Due to the changes, some of the lot sizes are now larger than what was on the original plan, with a minimum lot size of 68 ft., and wider on the court at 74 ft. wide.

Mr. Zollitsch reviewed the footprint reduction, noting that based on the density calculation they are allowed to put in more lots. They know what lot size they want, and recognize what works for them.

Mr. Bigler restated that many iterations of this project have come before this Board, with this being the most current concept being presented. All that is being requested tonight is to start the process over again with this newly revised concept, and a State Environmental Quality Review Act (SEQRA) being sent out to all involved and interested agencies.

Regarding greenspace shown in the middle, Mrs. Salvati asked how that will be treated and what will it look like.

Mr. Zollitsch stated that while there have been some discussions on ideas for the area, he does not know if there has been a clear decision made at this point. There will be a Homeowners Association that will need to maintain stormwater ponds, and he suspects they will also be responsible for maintaining the central greenspace as well. This will be discussed and refined as the proposed project moves forward.

In regard to Public Participation, the following residents spoke:

1. Eric Sobczynski of 5891 Kamner Drive:

- concerns with pedestrian safety, as Kamner Drive has a large amount of community walking on it and no sidewalks
- requests a set of safeguards be development for pedestrians if the road is connected to Kamner
- this proposed development will add an extensive amount of traffic
- would love to see sidewalks installed, or a restriction to limit motor vehicles to the road connection
- concerns with flooding
- would like to discuss the sewer study with the Town Engineer to gain a better understanding

2. Erica Manson of 5916 Kamner Drive:

- this proposed project will directly affect her living area
- it is not a better plan for the residents of Kamner Drive or Creekview Drive because of the traffic
- hopes that the Board is doing their due diligence with reviewing the proposed project

3. Susan Lee of 5901 Kamner Drive:

- wondering what the greenspace will be with the revised proposed project and if there is the possibility of an agreement to widen the greenspace, in order to preserve the tradition of Clarence Center
- concerns with the wildlife

- concerns with the Gypsum Mine located on the property and potential blasting, and requests a geographical Hydro-Engineer reviews the mines
4. Kathleen Marinola of 5922 Kamner Drive:
    - would like Natale Builders to review and reconsider this proposed plan so that it does not connect to Kamner Drive
  5. Kevin Lee of 5901 Kamner Drive:
    - concerns with the distance between the property lines and proposed houses
    - requested a print out of the proposed plan
    - asked if it is a proposed retention or detention pond shown on the plan, and how it will affect their water pressure
    - asked if there will be a bike path
  6. Mark Lozinak of 5930 Creekview Drive:
    - his house is lined up to Kamner Drive, his concern is with the traffic on Clarence Center Road and what adding more from another subdivision will do to the neighborhood
    - concerned with the proposed open space buffer and all of the existing trees if the area is leveled and grass is planted
    - happy with the reduced density and would like to see it even lower
    - concerned with the birds and endangered Woodpeckers in the neighborhood. These are endangered, but not protected

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

Chairman Sackett reviewed the approval process, noting that this coordinated review will be sent out to all involved and interested parties with the comments that are received from the public.

Mr. Zollitsch returned to address questions and concerns, noting that there will be sidewalks within the proposed development. The Town of Clarence requires sidewalks in any new development.

Regarding concerns with traffic connecting to Kamner Drive, Mr. Zollitsch stated that they have reviewed several options. Ultimately, it has been the position largely of the Town in an effort to have full access including emergency access, to allow full access to that connection.

Mr. Zollitsch noted that the Kamner Drive area is serviced by one curb cut and one entrance off of Clarence Center Road. If there was only the once access off of Clarence Center Road, they would not meet fire code for emergency access.

Regarding traffic concerns, Mr. Zollitsch stated that a previous traffic study was conducted when there were 40 lots proposed, therefore with only 34 lots proposed, the impacts would be reduced rather than increased.

Mr. Zollitsch explained that as part of the process, Erie County Department of Public Works and Erie County Planning will receive the proposed project for review. Clarence Center Road is a County Road; therefore, it will be thoroughly reviewed.

Regarding stormwater concerns, Mr. Zollitsch explained that it has not been engineered yet, but he would expect to have some type of wet pond back there that would hold water. These developments can not shed water on to other properties, and they cannot free-flow in to the creek and back. A controlled system that takes the stormwater runoff and directs it to the stormwater facilities which holds and detains the water for a certain period so that the after-construction development rate-of-runoff does not exceed the current rate-of-runoff. The Engineering Department thoroughly reviews any type of engineering calculations, looking for any inconsistencies or errors to assure the plan is correct before approval and moving forward with construction.

Mr. Zollitsch stated that the sanitary sewer process is similar, a previous downstream sewer analysis was prepared. It will need to be reviewed and potentially updated. Mr. Zollitsch does not believe that water pressure will be reduced.

Acknowledging that the buffer has been reduced since the original plan, Mr. Zollitsch explained that the buffer was larger on the first proposed plan because they had the sole drive to service 30 lots in the backyards as well as parking and garages. There was a lot of concern at that time over headlights due to vehicles traveling to and from homes.

Mr. Zollitsch feels that the 30 ft. buffer is very reasonable considering these are now backyards, there are no vehicles traveling back there, it is a private space for the residents abutting the private space of the adjoining residents.

The Open Space buffer is not going to be cleared, there is no intention or gain to be had by clear-cutting the entire site. Mr. Zollitsch also stated that the buffers will be marked, and if the proposed project progresses in to the engineering stage, they will place orange construction fencing at the buffer limit to make sure that there are no disturbances during construction.

Mr. Zollitsch reiterated that they would not clear any more of the site than what they would need to develop the project.

Regarding the trail that runs from the end of Rosecroft Drive heading north to Clarence Center, Mr. Zollitsch stated that it is part of this project. The Town of Clarence has made it a requirement that when this project potentially receives any type of final development plan approval, the trail would be joined with it, and they would not be able to receive any type of dedication on the public roads until the trail is installed.

Mr. Zollitsch added that although previous iterations had the trail located on the west side, it will remain on the east side of the National Fuel line. There is no potential for them to get any type of trail crossing at their property.

Mr. Bleuer stated that this proposed plan is available on the Town of Clarence website, copies are also available in the Planning and Zoning Office.

Mr. Bleuer added that anyone who would like to speak with Town Engineer Tim Lavocat, he is available during normal office hours.

Mr. Bigler noted that in regards to the spacing, 30 ft. is the narrowest part, and asked Mr. Zollitsch if he would address the other lots that are larger.

Mr. Zollitsch explained that lots 25-29 are narrower, then the lots closer to the cul-de-sac are closer to 75 ft.

Mr. Zollitsch continued to review the various proposed lot sizes.

Mr. Bigler noted that the 70 ft. is from lot line to lot line, not from the house. Therefore, there will be an entire backyard before reaching the next house.

Discussions continued regarding the distances between potential lots and houses.

**ACTION:**

Motion by Richard Bigler, seconded by Daniel Tytka 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 the Natale Builders, Inc. project at Clarence Center Road, SBL 58.00-3-15.11. This Type I action involves the construction of a 34-lot Open Space Design Subdivision in the Residential Single-Family zone.

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

**MOTION CARRIED**

<b><u>Item 2</u></b> Stephen Development / Dimar Manufacturing Industrial Business Park	Requests Concept Plan approval of a proposed light manufacturing and warehouse facility, located on Research Parkway, within phase 1 subplot 5 of the previously approved industrial business park.
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**DISCUSSION:**

Mr. Bleuer introduced this project, SBL 83.00-3-31, located on the southwest side of Research Parkway. This is Phase 1 subplot 5 of the previously approved Research Parkway Industrial Business Park, now known as the Clarence Solar Industrial Park.

3.6-acre parcel zoned Industrial Business Park, yet to be Final Plat approved.

The applicant is requesting Concept Plan approval of a proposed light manufacturing and warehouse facility, of approximately 33,125 sq. ft., with associated facilities. Two curb cuts are proposed to Research Parkway, and cross access is planned to the recently constructed Dimar Facility immediately adjacent to the southeast. The new facility will act as an expansion of the established business.

Phase 1 of the Research Parkway Industrial Business Park was approved by the Planning Board in September of 2024, and is still in the construction phase. The Town Board referred this request to the Planning Board in February. In March, the Planning Board initiated a coordinated review under the

State Environmental Quality Review Act (SEQRA). Since that time, the applicant has addressed comments received.

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

Noel Dill with Stephen Development, Dave Sutton with Sutton Architecture and Michael Metzger with Metzger Engineering were present to represent this project.

Mr. Dill stated that they are hopeful to begin construction by the end of the month, and have the map cover recorded. This will be the first new building for Phase 1 of the Clarence Solar Research Park.

Mr. Geasling explained that he does not have anything to add, his concerns have all been addressed through previous meetings.

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 Geasling, 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 Forms as prepared and to **issue a Negative Declaration** on the proposed Stephen Development / Dimar Manufacturing light manufacturing and warehouse facility project at Research Parkway, within phase 1 subplot 5. This Unlisted action involves the construction of an approximately 33,000 square foot building and associated facilities in the Industrial Business Park zone. After thorough review of the submitted plans, documents, meeting minutes, reports, letters, and Environmental Assessment Forms, it is determined that the proposed action will not have a significant negative impact on the environment.

Daniel Tytka	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 Stephen Development / Dimar Manufacturing **Concept Plan**, located at Research Parkway, within phase 1 subplot 5, per the submitted plan by Metzger Civil Engineering, dated January 15<sup>th</sup>, 2025, with a final revision date of April 29<sup>th</sup>, 2025, and to **approve** the **Conceptual Architectural** drawings by Sutton / Kulback's, dated December 2024, all subject to the following conditions being met:

1. Subject to Town Board Final Plat approval of Clarence Solar Industrial Park, Phase 1.
2. Applicant meeting the grading and drainage standards and requirements of the Town Engineer.
3. Applicant meeting the fire code standards and requirements of the Town Fire Inspector.
4. Subject to Development Plan review by the Town, including a technical review of the final Development Plan by the Town Engineering Department.
5. Subject to Town Building and Engineering Departments approval prior to any permits being obtained for site work activity.

6. Subject to Town Highway Department approval for the proposed access points to Research Parkway.
7. Subject to Erie County Health Department and New York State Department of Environmental Conservation approval, if required, for the proposed on-site sanitary facilities.
8. Landscape Committee approval of a final landscape plan, prior to Development Plan approval, including any planting and dumpster 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.
9. Dumpster enclosure(s) shall remain closed at all times when not in use. Dumpster service shall occur in conformance with Town Code. No garbage or debris shall accumulate outside of the dumpsters.
10. Submittal of a photometric lighting plan prior to Development Plan approval. All site lighting shall comply with the Town Code, be dark sky compliant and shielded to prevent spillage onto adjoining properties. No building lighting shall extend above the roofline and no freestanding lighting shall be elevated above 15' and all lighting shall be turned off no later than one hour after business hours except for necessary security lighting. Any and all security lighting shall be depicted on the lighting plan.
11. Final building elevations to be submitted as part of the Development Plan review, including the labelling 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.
12. Any exterior building mechanicals shall be identified, detailed, and shielded on any future Development Plan submittals.
13. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as approved.
14. 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.
15. No idling, loading, unloading, or parking of commercial vehicles in the public right-of-way.
16. No outside display or storage of materials, goods, or other business-related products of any kind on the property, including but not limited to: materials, equipment, pallets, and storage containers.
17. Any permanent signage subject to review and approval by the Sign Review Committee, and any temporary signage subject to review and approval by the Office of Planning and Zoning.
18. Subject to Open Space and any other applicable fees as required by Town Code.

Mr. Metzger asked for clarification on condition number 14, stating that they typically only curb at the entrances to the building face, not the entire site.

Chairman Sackett stated that all parking is to be curbed.

Mr. Bleuer stated that the parking lot is to be curbed.

Mr. Dill asked if they want the curbing on the pond side, building side, or both.



Chairman Sackett reiterated the parking lot.

Mr. Geasling stated that it is both.

Mr. Metzger explained that the way their stormwater system works with the bio retention area, the curbing would interfere with it on the pond side.

Discussion continued.

Chairman Sackett stated that during development plan process, the engineer may suggest something different. This Board will then consider that during development plan approval process.

Mr. Dill has heard, understands, and agrees to these conditions.

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

MOTION CARRIED.

<b>Item 3</b> Tickers Import Performance & CD Tinting Restricted Business	Requests a recommendation to the Town Board of a Temporary Conditional Permit for an automotive repair and customization facility at 8925 Sheridan Drive.
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**DISCUSSION:**

Mr. Bleuer introduced this project at 8925 Sheridan Drive, located on the south side of Sheridan Drive, east side of Shimerville Road. An existing 2-acre parcel in the Restricted Business zone, containing one principal and one accessory structure formerly used by Miranda Auto.

The applicant is requesting a recommendation to the Town Board of a Temporary Conditional Permit for an automotive repair and customization business. The business specializes in import vehicle performance solutions and automotive restyling.

The Town’s Zoning Inspector witnessed the business operation occurring on the property, and contacted the property owner and tenant. The tenant met with the Planning Office, and submitted an application per comments received. The Town Board referred this request to the Planning Board in March. Since that time, the applicant has made commitments to the Town for proper business operation, landscaping, fencing, and property maintenance.

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

Chris Tucker, owner of Tickers Import Performance and Colton Depke, owner of CD Tinting were present to represent their request.

Mr. Tucker stated that they have begun purchasing supplies to follow through with the tasks that they have agreed to.

Mr. Tytka asked what the hours of the business would be.

Mr. Tucker stated that the Import Performance portion would be from 10:00 a.m. – 6:00 p.m. and Mr. Depke explained that CD Tinting side would be somewhere between 7:00 a.m. – 5:00 p.m. Monday through Saturday.

Mr. Tytka stated that they would like to see the driveway improved, and striping in the back parking lot added.

Mr. Tucker explained that they have purchased the supplies to patch the driveway, and stripe the parking lot, and are waiting on the weather to cooperate.

Mr. Tytka added that the dumpster in the rear of the site needs to be shielded.

Mr. Tucker noted that they are also working on that.

Mr. Geasling asked if any new lighting will be added to the property.

Mr. Tucker stated that they plan to have some new security lighting in the rear where the parking spots are, as there is currently no lighting back there. Other than that, they do not have any plans for additional lighting.

Mr. Tytka explained that any new lighting needs to be dark sky compliant.

Mr. Tytka added that they would like to see the landscaping in the front of the site cleaned up and the air conditioner shielded as well.

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, seconded by Richard Bigler to **recommend** issuance of an automotive repair and customization **Temporary Conditional Permit** to the Town Board for Tickers Import Performance & CD Tinting, located at 8925 Sheridan Drive, per the submitted sketch received in the Planning Office on March 3<sup>rd</sup>, 2025, subject to the following conditions being met:

1. Initial permit shall be for a term no greater than one year.
2. Applicant meeting any requirements of the Town of Clarence Engineering, Building, and Fire Inspector, and any associated conditions, prior to any permits being obtained and/or construction on the property.
3. Per the commitment letter of the applicant, dated April 28<sup>th</sup>, 2025, the applicant shall install landscaping, dumpster enclosure, and fencing within the first year of permit issuance, and prior to consideration of permit renewal. Applicant shall apply for and receive an authorization from the Town Planning Office prior to installation.

4. Per the commitment letter of the applicant, dated April 28<sup>th</sup>, 2025, structures and site shall be maintained, in perpetuity, and any deficiencies shall be repaired or replaced in kind.
5. No building lighting shall extend above the roof ridgeline and no freestanding lighting shall be elevated above 15'. All lighting shall be turned off no later than one hour after business hours except for necessary security lighting, and all lighting shall comply with Town Code, be dark sky compliant and shielded to prevent spillage onto adjoining properties.
6. No automotive repair or customization shall occur outside of the structures. During times when the business produces sounds in excess of the ambient sound level of the surrounding neighborhood, bay doors shall remain closed.
7. Access and parking areas to be filled, leveled, striped, and maintained in perpetuity. No parking of vehicles outside the designated parking areas. All placement of vehicles shall be in conformance with the submitted sketch and business plan, received in the Planning Office on March 3<sup>rd</sup>, 2025.
8. No unapproved outside storage or display of any kind on the property, including, but not limited to unlicensed vehicles, goods, materials, and debris.
9. Beyond that of automotive repair and customization, no additional future business operations or operators without proper application made by the applicant and review and approval by the Town.
10. Any permanent signage will be subject to review and approval by the Sign Review Committee, and any temporary signage subject to review and approval by the Office of Planning and Zoning.
11. Subject to Open Space, and any other applicable fees as required by Town Code.

The applicants have heard, understand, and agree to the conditions.

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

MOTION CARRIED.

Meeting **adjourned** at 7:58 p.m. with a motion by Wendy Salvati.

Amy Major  
Senior Clerk Typist