

Town of Clarence  
One Town Place, Clarence, NY 14031  
**Planning Board Minutes**  
Wednesday May 7, 2025

**Work Session 6:00 pm**

Status of SEQR Coordinated Reviews  
Review of Agenda Items  
Miscellaneous

**Agenda Items 7:00 pm**

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

Vice-Chair Richard Bigler  
Daniel Tytko

Planning Board Members absent:

Wendy Salvati

Jason Lahti

Jason Geasling

Town Officials Present:

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

Other Interested Parties Present:

There are no minutes to approve from the last meeting

**Item 1**

Natale Builders, Inc.  
Residential Single-Family

Requests amended Conceptual review of a proposed 34-lot Open Space Design Subdivision on Clarence Center Road, SBL 58.00-3-15.11.

**DISCUSSION:**

Mr. Bleuer requested that the Planning Board table the request for Item Number 1. In preparation for the meeting and after a thorough review it was determined that not all the nearby neighbors were notified. Particularly neighbors adjacent to the northern portion of the property. This was discussed with the applicant and while it is no fault of their own, they have agreed that this should be tabled and will revisit the proposal at the next available Planning Board agenda and properly and thoroughly notify all adjacent neighbors. However, a representative of the applicant was available in case the residents that have been notified were in attendance for any questions.

Ken Zollitsch was present to represent the project.

Mr. Zollitsch added to Mr. Bleuer's comments that they have worked with the Town Board on some requested revisions to the proposed site and look forward to discussing this more at the next available meeting.

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 Mr. Bigler seconded by Mr. Todaro to **Table** the request of the applicant, Natale Builders, Inc.

Mr. Zollitsch had no comment.

**ON THE QUESTION:**

This item has been tabled to allow time for corrected neighbor notification, and will be placed on the next available Planning Board agenda to begin an amended Conceptual review.

Mr. Bleuer wanted to thank the applicant and the Planning Board for their understanding.

Daniel Tytko	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	Robert Sackett	Aye

**MOTION CARRIED**

**Item 2**

Custom Controllerzz  
Restricted Business

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

**DISCUSSION:**

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

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

The applicant is requesting Concept approval 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 for office and assembly and 1,933 sqft for merchandise warehousing.

The Town Board referred this proposal to the Planning Board in February of this year. In March, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA). Since that time, the applicant has modified the proposal per the comments received. Finally, in April, the Landscape Review Committee approved a final Landscape plan.

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

The applicant Collin Hayes, along with Pat Sheedy and Joe Dorobiala with Carmina Wood Designs, were present to represent the project.

Pat Sheedy contributed to Mr. Bleuer's comments and stated that they have proposed 16 parking spaces and obtained preliminary grading and drainage approval from the Engineering Department. Additionally, they have received approval from both the Landscaping Review Committee and the Erie County Health Department for the septic system on site.

Mr. Todaro inquired about the layout of the dumpsters on site and why there is a need for two dumpsters.

Mr. Hayes explained that one dumpster is for recycling and the other for garbage.

Mr. Todaro asked about the 24X16 patio on the north side and if it is an open area or if it will be fenced in.

Mr. Dorobiala mentioned that it would be an open area.

Mr. Todaro asked about the connected walkway to the west and south of the building

Mr. Sheedy said they were pedestrian entrances to the building.

Mr. Todaro inquired about the lighting for the project.

Mr. Sheedy stated that they are proposing two site lights, indicated their location on the screen, and mentioned there will be additional lights on the building near the loading doors.

Mr. Dorobiala mentioned that the building will also feature architectural lighting and indicated its location on the screen.

Mr. Todaro inquired whether all the lighting is adequately shielded and complies with dark sky standards and asked how tall the parking lot lights would be.

Mr. Dorobiala agreed that all the lighting would be shielded and dark sky compliant, and the parking lot lights would be 15 feet.

Mr. Todaro asked them to explain the business.

Mr. Hayes announced that the company will offer customization services for Xbox and PlayStation controllers. They plan to have their assembly area, where the technicians will customize and assemble the products. There will also be an open office for marketing and customer service. They will also have a storage area for dry storage.

Mr. Todaro asked approximately how many employees they plan to have.

Mr. Hayes said they have 6 employees currently.

Mr. Todaro inquired if they anticipate customer visits for business.

Mr. Hayes answered yes.

Mr. Todaro asked if they market globally.

Mr. Hayes answered yes.

Mr. Todaro inquired about the location of the mechanics on the property.

Mr. Dorobiala mentioned they will be at the back of the property.

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 Gregor Todaro, seconded Daniele Tytko 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 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. After a thorough review of the submitted plans, documents,

meeting minutes, reports, letters, and Environmental Assessment Forms, it is determined that the proposed actions will not have a significant negative impact on the environment.

### ON THE QUESTION:

Daniel Tytka	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	Robert Sackett	Aye

### MOTION CARRIED

Motion by Gregor Todaro, seconded Daniele Tytka to **approve** the Custom Controllerzz **Concept Plan**, located at 8003 Transit Road, per the submitted plan by Carmina Wood Design, dated December 18<sup>th</sup>, 2024, with a final revision date of February 4<sup>th</sup>, 2025, and to **approve** the **Conceptual Architectural** drawings by Carmina Wood Design, dated February 4<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 the Town Building and Engineering Departments' approval before any permits are obtained for site work activity.
5. Subject of New York State Department of Transportation approval of the proposed access point to Transit Road.
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. Applicant meeting the requirements of the Landscape Committee Approval on April 16<sup>th</sup>, 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.
8. Submittal 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 shall be elevated above 15 feet, and all lighting shall 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 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.
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 and any other applicable fees as required by the Town Code.

Pat Sheedy, Collin Hayes, and Joe Dorobiala have heard, understand, and agree to the conditions.

### ON THE QUESTION:

Daniel Tytko	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED

### Item 3

Capretto Management, LLC.  
Industrial Business Park

Request Concept approval of a proposed 5,100 square foot warehouse for personal use on James Ryan Parkway, SBL 44.00-1-55.

### DISCUSSION:

Mr. Bleuer introduced the project located at James Ryan Parkway, SBL 44.00-1-55, proposed subplot 8. East side of James Ryan Parkway, south of County Road.

Proposed subplot 8 is currently vacant and will contain 1.94 acres within the previously approved Cimato Industrial Business Park, in the Industrial Business Park zone.

The applicant is requesting approval of the Subdivision of land to create one lot, and Concept approval of a proposed warehouse for personal use. The warehouse is proposed to be approximately 5,100 sqft, and feature a variety of composite and metal materials selected for durability and design. A single access is proposed to James Ryan Parkway.

The Town Board referred this proposal to the Planning Board in December of 2024. In January of this year, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA). Since that time, the applicant has modified the proposal with the comments received.

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

Jeff Palumbo, David Capretto, and Chris Wood were present to represent the project.

Mr. Palumbo stated that they were present to discuss the concept plan for the project and believe they have addressed all previous requests, including compliance with the zirconia regulations set forth by the DEC. They are seeking approval for the concept plan. He added that they have removed the dumpsters from the site plan. He mentioned that they might consider widening the building in the future.

Mr. Capretto mentioned that they are considering an extension of 10 feet in width to accommodate the storage of a truck with an attached trailer, as parking outside will not be used.

Mr. Tytka inquired about the outdoor parking areas and said if you are not using them, would they be open to land banking them.

Mr. Capretto agreed.

Mr. Tyka inquired about whether there were any supplemental lighting options beyond the garage lights.

Mr. Wood mentioned they would be working on a lighting plan, with a particular focus on the garage lighting.

Mr. Tytka asked if there were any mechanics associated with the project.

Mr. Wood expects there will be an air conditioner on the ground.

Mr. Tytka asked if a sprinkler system would be installed.

Mr. Wood said no.

Mr. Bigler inquired about their plans for the trash if there are no dumpsters available on site.

Mr. Capretto said he will have a garbage can and then just take it home with him.

Mr. Todaro asked if there would be a security system.

Mr. Capretto answered yes.

Mr. Bigler inquired about the timeline for expanding the project by 10 feet. Could Mr. Bleuer explain the process?

Mr. Bleuer advised that any extension should be done before the development plan review, as the Board can change the concept during the development planning stage.

Mr. Bigler wanted to clarify that it would be more convenient to make any changes now.

Mr. Bleuer said it would be in their best interest to do that before the development plan.

Mr. Capretto agreed they will make any changes before the development plan.

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 Daniele Tytko, 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 Forms as prepared and to **issue a Negative Declaration** on the Capretto warehouse project on James Ryan Parkway, SBL 44.00-1-55. This Unlisted action involves the subdivision of land and the construction of an approximately 5,100 sqft warehouse for personal use and associated facilities in the Industrial Business Park zone. After a thorough review of the submitted plans, documents, meeting minutes, reports, letters, and Environmental Assessment Forms, it is determined that the proposed actions will not have a significant negative impact on the environment.

### **ON THE QUESTION:**

Daniel Tytko	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED.

Motion by Daniele Tytko, seconded by Gregory Todaro, to **approve** the Capretto Management, LLC. **Subdivision** of land on James Ryan Parkway, SBL 44.00-1-55, as per the submitted Site Layout Plan by WM Schutt Associates, dated February 25<sup>th</sup>, 2016, for the creation of subplot 8 in the Cimato Family Business Park.

### **ON THE QUESTION:**

Daniel Tytko	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED

Motion by Daniele Tytko, seconded by Gregory Todaro, to **approve** the Capretto Management, LLC. **Concept Plan**, located on James Ryan Parkway, SBL 44.00-1-55, per the submitted plan by Carmina Wood Design, dated November 5<sup>th</sup>, 2024, and to **approve** the **Conceptual Architectural** drawings received in the Planning Office on November 12<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 the Town Building and Engineering Departments' approval before any permits are obtained for site work activity.



5. Subject to Town Highway Department approval for the proposed access to James Ryan Parkway.
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/tote 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 or disease to plantings.
8. Submittal 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 shall be elevated above 15 feet, and all lighting shall 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 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 and any other applicable fees as required by the Town Code.

Jeff Palumbo, David Capretto, and Chris Wood have heard, understand, and agree to the conditions.

### ON THE QUESTION:

Mr. Todaro stated that building expansions must be in the development plan approval.

Daniel Tytka	Aye	Gregory Todaro	Aye
Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED.

Meeting **adjourned** at 7:26p.m. with a motion by Gregory Todaro

Suzanne Wiepert  
Part Time Clerk Typist