

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday June 18, 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
2nd Vice-Chair Wendy Salvati
Jason Lahti

Vice-Chair Richard Bigler
Jason Geasling
Daniel Tytko

Planning Board Members absent: Gregory Todaro

Town Officials Present:

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

Other Interested Parties Present:

Joseph Giovenco
Patrick Johnson
Carl Montante
Tina Sass
Michele Panzer

Susan Shieberl
Sean Hopkins
Donna Bentkowski
Carle Kosmerl
Baron Kuehlewind

David Stutz
Ryan Weisz
Ann Quesada
Laura Meli

Briane Frantary
Kevin Kirk
Robert Sass
Dave Meli

Motion by Richard Bigler, seconded by Wendy Salvati, to **approve** the minutes of meeting held on May 21, 2025, as written

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

MOTION CARRIED

Item 1

Uniland Development Lifestyle Center District	Requests Conceptual Master Plan approval of a proposed redevelopment of the existing Eastern Hills Mall to a town center mixed-use development at 4475-4545 Transit Road.
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DISCUSSION:

Mr. Bleuer introduced this project at 4545-4475 Transit Road, located on the east side of Transit Rd, south side of Sheridan Dr, north of Main St. it is an existing mall within the Lifestyle Center District on approximately 106-acres.

The applicant is requesting Conceptual Master Plan approval of the proposed redevelopment of the existing Eastern Hills Mall to a town center mixed-use development. The project is expected to occur over a 20-year period and at full buildout, contain approximately 1.3 million sq. ft. commercial space, and 1,435 residential units.

From 2014 through 2016, Clarence researched and developed strategies to encourage the redevelopment of current and former “big-box” multi-tenant commercial sites and “grey-fields” into well-designed, mixed-use lifestyle and town centers. The Town recognized that revitalizing the struggling Eastern Hills Mall would create significant economic development opportunities in the form of new jobs, housing, commercial development, and enhance the quality of life for the community. The adopted policy came in 2016 upon the adoption of Clarence 2030, the Town’s Comprehensive Plan.

From 2015 through 2018, Clarence developed a new Zoning District classification known as the Lifestyle Center District, which was adopted as law in the spring of 2018. The district was established to permit and promote upscale community scale, open air streetscape & main street style mixed commercial and residential centers.

Later in 2018, Clarence legally rezoned the properties associated with the Eastern Hills Mall to Lifestyle Center District to facilitate such development.

Also in 2018, Uniland partnered with mall ownership Mountain Development Corporation to explore the possibility of a redevelopment of the Eastern Hills Mall.

In 2021, Uniland submitted a comprehensive master plan application to Clarence to allow for the redevelopment of the Eastern Hills Mall.

In July of 2021, the Town Board referred the original proposal to the Planning Board. In September of 2021, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA). In March of 2023, the Planning Board re-initiated a coordinated review under the SEQRA for this updated proposal. Since that time, the applicant has addressed comments received.

Finally, in January of this year the Town Board adopted a resolution of support for the proposal and recognized the positive regional impact of such project.

Attorney Sean Hopkins with the law firm Hopkins Sorgi McCarthy, and Kevin Kirk, Carl Montante Jr., and Ryan Weisz with Uniland Development were present to represent this proposed project.

Mr. Hopkins began his presentation with the current status of this proposed project, stating that this Conceptual Master Plan approval is the first and most important step in terms of the environmental review.

Mr. Hopkins further reviewed the criteria for Conceptual Master Plan approval.

Noting that an amended application was submitted in October, 2024, Mr. Hopkins explained that this submission also contained very extensive documentation and professionally prepared reports.

Mr. Hopkins explained that once step 1 of this process is complete, they will be returning for step 2 with individual components on the site for Development Plan and Architectural Plan approval. This is where it will be shown specifically where each component of the plan will be located, and how the greenspace, landscaping and lighting will work. This step will also provide fully engineered plans that will need to be reviewed and approved by the Engineering Department.

Regarding the State Environmental Quality Review Act (SEQRA) process, Mr. Hopkins noted that the Planning Department and the Planning Board have satisfied an extensively detailed environmental review.

Addressing the existing site conditions of the site of the mall today, Mr. Hopkins noted that in terms of square footage, impervious surface, and the lack of landscaping, this is the baseline for the analysis. Starting with these existing site conditions and looking ahead to where it will end up in regards to environmental impacts, there will be dramatic improvements.

Mr. Hopkins briefly reviewed the environmental impacts which included impacts on land, surface water, aesthetic resources, transportation and impacts on noise, odor, and light. Of importance to note, there are no wetlands on the site, but complying with much more stringent stormwater management system requirements will be a primary focus.

Mr. Hopkins stated that a benefit to the Lifestyle District is that it provides a flexibility as it progresses, and establishes a framework for the review of individual developments or components of this mixed-use project.

The primary challenge for this proposed project thus far has been the sanitary sewer component of the plans, as Mr. Hopkins stated. Full redevelopment of this site is contingent on projects that are outside of their control. This includes completion of The Peanut Line which is the sanitary sewer line in the Town of Amherst, and Sanitary Sewer District No. 5 Transit Road Sewer Improvement Project. These have both progressed to a point where there is a solution; but more work to be done.

Mr. Hopkins added that as of today, based on the historical sanitary sewer demand of the Eastern Hills Mall, they have 100,000 gallons of sanitary sewer capacity. While they could proceed with this capacity, they choose to not take that risk. Ultimately, they need to know that they will have the sanitary sewer capacity to build out this proposed project in its entirety.

Mr. Hopkins reviewed the status of the Peanut Line project and also the Transit Road Sanitary Sewer upgrade project.

There are some funding hurdles that will need to be addressed, but by having both SEQRA approval as well as Concept approval, Mr. Hopkins stated that will hopefully help with respect to the Peanut Line and Transit Road Sanitary Sewer upgrade as well.

Mr. Hopkins explained how this project is dependent on the other projects, noting that it is a technical issue, which he then reviewed. Pointing out that the other projects need to proceed even if the redevelopment of the Eastern Hills Mall does not, and also that there is no common ownership among the projects. The approval of any or all of these projects does not commit the governmental agencies to then commit to each other. Simply speaking, if this project receives the approvals tonight, it does not automatically commit the Peanut Line or Transit Road Sanitary Sewer upgrade project to occur. They will be subject to separate, independent and comprehensive coordinated environmental reviews.

Mr. Hopkins added that there are no adverse impacts on ground water or flooding. They do acknowledge that because they will be disturbing more than one-acre of land, a stormwater management system will need to be installed.

The New York State Department of Environmental Conservation (New York State DEC) was involved in the Coordinate Review and have not identified any protected wildlife or wildlife resources, Mr. Hopkins explained.

Mr. Hopkins noted that landscape plans will be required as they proceed, which will need to be reviewed and approved by the Landscape Review Committee. The site will develop from a basically completely impervious area, to a site with an abundance of greenery.

There will be no impact on aesthetic resources, Mr. Hopkins explained. He stated that there are no historic aesthetic resources on the site currently.

Mr. Hopkins stated that in regards to any impacts on historic and archaeological resources, a no impact letter was issued by New York State Office of Parks, Recreation and Historic Preservation.

In regards to an impact on transportation, Mr. Hopkins stated that other than sanitary sewer, this is the other largest environmental impact. At the point in time when the Eastern Hills Mall was fully occupied and a busy site, it generated a substantial amount of traffic. A traffic study has been updated twice during this lengthy review process, with 10 intersections within the study area focused on. They have determined that during the three phases of proposed development, the roadways as they exist today can handle the potential impacts during the a.m. and p.m. peak hours.

Mr. Hopkins continued to review the transportation impacts, including correspondence with the Department of Transportation related to their review of the environmental impacts. The correspondence stated that an agreement will be required to be reached for benchmark Traffic Impact Studies (TIS) when agreed upon benchmarks will be met when accumulative trip generation increases to 500 combined in and out trips in the peak hour. It also states that the Department of Transportation has the right to request additional studies if concerns arise based on increased volumes, queuing, or safety concerns along the linear sections of the intersections.

Mr. Hopkins noted that what this means is that when the thresholds of 500 new trips during a peak period is crossed, that will trigger the need for an updated TIS. The primary focus of improvements will be signal timing, pedestrian improvements, AV accessibility, and lighting improvements, which are all positive improvements.

Mr. Hopkins reviewed a comment letter in the file from Erie County Department of Environmental Planning that states that the Town of Clarence and the developer should work with the Niagara Frontier Transportation Authority (NFTA) to integrate transit access in to the site plan through identification of transit stops. The correspondence states that roadways should be designed for sufficient turning radii, and considerations to facilitate bus movement throughout the site. While the site is currently accessible and has current bus routes, Mr. Hopkins noted that as the proposed project proceeds, they will be coordinating with the Department of Transportation and the NFTA to make this site pedestrian and public transportation friendly.

In terms of potential impacts on noise, odor and light, Mr. Hopkins stated that there will be some impacts on these, as construction generates noise impacts. Some of these are regulated by ordinances and set hours of operation. The lighting standards currently on the site will be replaced by dark sky compliant lighting, once again resulting in an improvement to the existing conditions.

Mr. Hopkins further reviewed the slide presentation and proposed project, noting that in terms of every environmental impact, it is a dramatic improvement across the board.

In terms of residential housing, Mr. Hopkins stated that there will be more than 1,400 units which will include units for sale, units for lease and more. New York State (NYS) encourages additional housing, and Mr. Hopkins believes that this will fill the goal as established by NYS.

Mr. Geasling asked Mr. Hopkins for clarification on question #14 on the Environmental Assessment Form in relation to the Sheridan Drive signalized intersection.

Discussion continued as to the intersections; the Sheridan Drive ramp is not a signalized intersection.

Mr. Geasling noted that as stated, it is an approximately 20-year full buildout for the proposed project, and asked Mr. Hopkins when Phase 1 would start, assuming all necessary approvals are granted.

Mr. Hopkins reiterated that two of the primary things that need to occur are outside of their control – the parallel sanitary sewer line, and the sanitary sewer project on Transit Road. Assuming those move forward within the next couple of years, then this proposed project would be in a position to receive Development Plan approval. At that time, they would be able to begin the proposed project, subject to market conditions and supply and demand.

Mr. Hopkins explained that tonight's potential approvals is big step for the applicant because there have been people from all over the country expressing interest, and wanting additional information. One of the recurring questions that is asked is what is the status of the review and approvals. An approval of the SEQRA and Conceptual Master Plan would potentially act as a catalyst for additional inquiries.

Mr. Geasling noted that essentially nothing will move forward with this project until the two sanitary sewer projects are complete.

Mr. Hopkins stated that in theory, they could proceed with the project that allows them to generate up to 100,000 gallons of sanitary sewer per day. Also, if by some chance those projects do not occur, he feels that it is very likely that there will be other solutions, yet to be identified.

Mr. Geasling asked if there is a ballpark number of what sewer capacity would need to be for full buildout of Phase One.

Mr. Hopkins stated that it is included with their report, he believes it to be approximately 1.2 million gallons per day at full buildout.

Mr. Geasling asked how much 100,000 gallons of sanitary sewer flow would cover.

Mr. Hopkins stated that it would most likely cover a decent amount of commercial space, but none of the mixed-use component that makes this proposed project what it is.

Mr. Geasling added that access to the Benderson / Walmart Plaza from this proposed site would be very advantageous for everyone involved.

Mr. Hopkins responded that the topic has been discussed extensively with the Department of Transportation (Department of Transportation), and one of the comments received within correspondence from the Department of Transportation states that “an access road to Benderson Development on the north side of Sheridan Drive should be investigated. This is not a requirement for the project to advance, though this condition may alleviate traffic on Transit Road as this is a larger retail center and area”. Mr. Hopkins added that this would be a good improvement to be made.

Mrs. Salvati noted that with 100,000 gallons of sanitary sewer flow would be enough to cover the mixed-use portion of phase one.

Mr. Hopkins stated that in theory, all or most of phase one could proceed without the additional sanitary sewer flow, but taking on that risk is not advisable.

Mr. Lahti asked why the current tenants of the Eastern Hills Mall have been asked to vacate, and if that is related to the development of the proposed project.

Mr. Kirk explained that part of the SEQRA process is to begin consolidating and reduce the number of tenants to start moving in the right direction. It is not beneficial to keep adding tenants at this point, because of the end goal of this proposed project.

Mr. Hopkins added that taking on new, or renewing existing leases is not beneficial or a good plan in the end.

Mrs. Salvati noted that Raymour and Flanigan has a long-term lease, and asked if there are any other tenants that also have a long-term lease.

Mr. Kirk stated that both Raymour and Flanigan as well as JC Penney have long-term leases. They keep communications open with both of them and keep them in touch with everything that is happening.

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 Richard Bigler 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 Uniland Development proposal at 4475-4545 Transit Road, in the Lifestyle Center District. This Type I Action involves the redevelopment of the Eastern Hills Mall into a Town Center mixed-use development, and upon final buildout, shall contain up to 1,435 residential units and 1,342,750 square feet of commercial space. After 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:

Mrs. Salvati thanked the project team and the Planning Department for all of the efforts that have gone in to this project so far. She feels that this is a very good project, and bringing this site back to life is very good for the community and the Town of Clarence.

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

MOTION CARRIED

Motion by Jason Geasling, seconded by Richard Bigler, to **approve** the Uniland Development **Conceptual Master Plan**, as it has been found to be consistent with the planning objectives and standards contained within the Lifestyle Center Local Law, for this project located at 4475-4545 Transit Road, per the submitted plan by BCT Design Group, dated March 17th, 2021, with a final revision date of October 28th, 2024, subject to the following conditions being met:

1. Subject to Development Plan and Architectural submittals by the applicant, and review by the Town and additional regulatory agencies as required.
2. Applicant meeting the Engineering Department standards and requirements of the Town Engineer.
3. Applicant meeting the Building Department standards and requirements of the Senior Code Enforcement Officer.
4. Applicant meeting the Fire standards and requirements of the Town Fire Safety Code Enforcement Officer.
5. Applicant meeting the requirements of the New York State Department of Transportation for access to Transit Road and Sheridan Drive.
6. Applicant meeting the requirements of the Erie County Division of Sewerage Management, and additional regulatory agencies as required, for connection to the sanitary sewer system within Erie County Sewer District #5.

Sean Hopkins stated that he has heard, understands, and agrees to these conditions. Mr. Hopkins reiterated that access to Sheridan Drive requires other parties participating.

ON THE QUESTION:

Adopted by the Town Board in 2018, the Lifestyle Center District Local Law was established to permit and promote upscale community scale, open air streetscape & main street style mixed commercial and residential centers. The Development Plan and Architectural submittal requirements are outlined in the Lifestyle Center District Local Law – Review Process, and exist to facilitate clear and efficient design, review, and action.

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

MOTION CARRIED

Item 2

VisoneCo Site Development, LLC.
Traditional Neighborhood District and
Residential Single-Family

Requests Concept Plan approval of a proposed mixed-use project containing multiple-family housing and commercial space at 8560-8574 Main Street.

DISCUSSION:

Mr. Bleuer introduced this project at 8560-8574 Main Street, located on the north side Main Street, east of Harris Hill Road.

Six existing parcels totaling approximately 7- acres, located in the Traditional Neighborhood District and Residential Single-Family zones.

The applicant is requesting Concept Plan approval of a proposed mixed-use project containing multiple-family housing and commercial space. Three new structures are proposed; two three-story mixed-use structures along Main Street, and one townhome structure at the middle of the site. Two existing structures are to remain, the rear apartment building and the rear portion of the western plaza building.

This would result in a total of 49 apartments, 41 newly proposed; and a total of 20,611 sq. ft. of commercial space, 8,801 sq. ft. newly proposed.

Finally, the applicant is requesting that the rear of the property be rezoned to Traditional Neighborhood District from the current Residential Single-Family zone to accommodate this proposal.

This proposal was initially on Town Board work session agendas in April and July of 2024. Due to comments received, the applicant and project architect met with the Planning Department and modified the architectural style of the proposed mixed-use buildings. The proposed buildings now feature gable pitched roofs, and a mixture of building materials and façade elements. In September of 2024, the Town Board referred the proposal to the Planning Board. In October of 2024, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA). Since that time, the applicant has modified the proposal and 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).

Note: The proposal will require a height variance from the Zoning Board of Appeals, as the proposed mixed-use buildings are over the allowable 40' tall maximum height after the introduction of the pitched roof design per the recommendation of the Town Board.

Additionally, the proposal will require Special Exception Use Permits for multiple-family housing and structures containing over 10,000 sq. ft., after Public Hearings set and held by the Town Board.

Michael Metzger with Metzger Civil Engineering and Brianne Frawley with VisoneCo Site Development were present to represent this project.

Mr. Metzger added that since the SEQRA process was initiated, the comments received from involved and interested parties were addressed and provided to the Town. They were received from the NYS Department of Environmental Conservation, NYS Department of Transportation, Erie County Department of Environment Planning, State Office of Parks and Historic Preservation, Erie County Water Authority, and a comment from a nearby neighbor.

Mr. Metzger noted that based upon input from the Town Board, the Planning Board, and the Planning Board Executive Committee, they have made some changes to the project. The biggest change to the project is the peaked roof, which is why they now need a height variance.

Mr. Metzger explained that another major change to the proposed project is the drive-thru that was originally planned on the eastern-most building on the front of the site has been removed.

They have also added interior greenspace, which Mr. Metzger noted is to the point of exceeding the requirements based on the code.

Mr. Metzger noted that one of the comments received from Erie County Department of Environmental Planning discussed the Erie-Niagara framework for regional growth. Because of the TND zoning district and the fact that they are located within the Harris Hill Hamlet, they feel that this project is very consistent with that document as well as the Town of Clarence Comprehensive Plan.

Mr. Lahti acknowledged a letter received in the Planning Office from nearby resident on Merrihurst Drive, Joan Ollendorf. She stated her concern of people being able to see in to her backyard due to the height of the proposed buildings. This correspondence has been placed in to the project file.

Mr. Lahti added that some of the design elements and community character things such as a stone wall are things that are encouraged along Main Street. There is some ambiguity in the code regarding parking in the TND and if it would be allowed in front of a building. Mr. Lahti noted that something he would find desirable would be to have additional greenspace along Main Street.

Mr. Lahti noted that this is a project with a lot of asphalt, with greenspace being added to the site. Mr. Lahti thanked the development team for bringing this project to Town.

Mr. Bigler stated that for the benefit of the residents at the meeting tonight, explain what buildings are staying and which are being removed. He feels this proposed project is a significant improvement for the site.

Mr. Metzger reviewed the slides and the buildings that will remain and which will be replaced.

Mrs. Salvati added that she believes this is a good project, the right area to do it, and there are things they will review once they potentially get to the next step in the review process.

Related to the correspondence received from the nearby resident, Mr. Geasling asked if they have any idea of the height of the mature trees that will remain on the site.

Mr. Metzger pointed out the area that will have the septic system and the stormwater management facility, both located in areas that are currently treed. The trees closest to the north property line will most likely be preserved, but two of the smaller clumps of trees will need to be removed. The trees adjacent to the current apartment building will not be removed.

Mr. Geasling asked if Mr. Metzger has an approximate height of the trees on the property to the north property line.

Mr. Metzger guessed that they are approximately 20-30 ft. high, and pointed out that the 3-story component of the proposed development is to the front of the site, with ample distance between that and the property line to the north.

Mrs. Salvati asked if the the current 2-story structure located to the back of the existing structure to the west will remain 2-story or become a 3-story if allowed.

Mr. Metzger responded that it will remain 2-story, they are not proposing any changes to that portion of the building.

Discussions continued.

Mr. Lahti pointed out that the church that sits to the west of the proposed site is higher than 45 ft.

Mr. Metzger also pointed out that just across the street from this site there is a 3-story building.

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 Forms as prepared and to **issue a Negative Declaration** on the proposed VisoneCo Site Development proposal at 8560-8574 Main Street, in the Traditional Neighborhood District and Residential Single-Family zone. This Type I Action involves the rezoning of the rear of the property to Traditional Neighborhood District, and construction of 41 multiple-family

residential units and approximately 8,801 sq. ft. of commercial space. After 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.

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

MOTION CARRIED

Motion by Jason Lahti, seconded by Daniel Tytka, to deny the VisoneCo Site Development Concept Plan per the submitted drawing by Metzger Civil Engineering dated December 7th, 2023, with a final revision date of November 27th, 2024.

ON THE QUESTION:

At the direction of the Town, the applicant has proposed a gable roof design in place of a flat roof for the mixed-use buildings, resulting in a ridgeline height which exceeds Town Code. If the applicant chooses to make an appeal to the Zoning Board and is successful, this proposal must return to the Planning Board for Concept Plan review.

Chairman Sackett added that landscaping has been reviewed sufficiently, and when this proposed project returns, he would like to see the existing pavement versus proposed pavement, and the existing sewer / septic system versus proposed.

Mr. Metzger stated that they can do that.

Mr. Bigler noted that when it gets to the point of development, the applicant will be asked to fence in the trees to prevent any errors. If the trees are able to be saved, to save them.

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

MOTION CARRIED

Item 3

AJ's Tree Service
Industrial Business Park and
Agricultural-Rural Residential

Requests Conceptual review of a tree service operation, equipment sales, service, outdoor display and storage, outdoor wood processing yard, outdoor rental storage, and material production at 9865 County Road.

DISCUSSION:

Mr. Bleuer introduced this project at 9865 County Road, located on the south side of County Road, west of Strickler Road. It is an existing 47-acre vacant parcel in the Industrial and Agricultural-Rural Residential zones.

The applicant is requesting preliminary Conceptual review of an industrial tree service operation, including equipment sales, service, outdoor display and storage, outdoor wood processing yard, outdoor rental storage, and material production.

An 8,876 sq. ft. sales, service, and office building is proposed at County Road, which is accompanied by two vehicular access points, customer parking, and equipment sales lot. A business inventory storage lot is proposed to the rear of the building, with an access drive to the rear of the site. The rear of the site is proposed to contain an outdoor wood processing yard, fenced outdoor rental storage, storage and service buildings, and a future wood production facility.

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

David Stutz with Libella Associates was present to represent this proposed project, adding that the Concept Plan towards the County Road project also has two outdoor display areas designed to be more aesthetic than just randomly put out there.

Mr. Stutz stated that they are hoping to have more of an aesthetic appeal to the display area so that it draws attention to the business and allows them to put new equipment out there, drawing in business and creating sales.

Mr. Stutz explained that the area along the east side of the building is for the equipment storage area for their sales. That will be screened off by berm and landscaping to slightly camouflage what is there. Without the display up front it would be difficult for them to make any sales.

The rear of the site is accessible by a driveway that crosses over Beeman Creek tributary bridge, Mr. Stutz explained. This will be the lumberyard, landscape materials, storage area, mulch composting and wood chipping.

Mr. Stutz noted that the other area with the two buildings and outdoor storage are considered future projects, and not part of the initial phase of this proposed project.

Noting that the rear of the site is zoned Agricultural Residential, Mr. Stutz stated that they are requesting a re-zone of that to allow for some future work to begin in that area.

Mr. Stutz noted that as far as special permits, while he knows they are required by the Town of Clarence, he is hoping they can work around that. They are working under a special permit on Martin Road and would like to avoid any type of yearly permitting. If there's a way to work around that, they would like to do that.

Mr. Tytko asked how much of the wetlands they anticipate having to disturb.

Mr. Stutz responded that the entire parcel has 25.72 acres of wetlands which was originally Department of Environmental Conservation (DEC). They had a delineation done last year by the DEC and they took jurisdiction over everything on the south side of the creek. The north side of the creek is designated Army Corp of Engineers. They are waiting on the determination from the Army Corp of Engineers, they were out earlier this year to do a delineation. Mr. Stutz added that they do have an

approval from the DEC to proceed with the disturbance of only under an acre for the DEC and 1.2 acres for the Army Corp of Engineers.

Noting that there are many facets to this proposed plan, Mr. Tytka asked if the proposed storage facility will have 24-hour access.

Mr. Stutz stated that the storage facility is for future plans, not with this current phase. Phase one will be the front half of the project, the driveway, and the entire stone lot in the back.

Mr. Tytka noted that there appears to be a lot of material in a pile in the back, and asked how it will be managed.

Steve Essler with AJs Tree Service explained that they will be bringing in logs and wood chips and organizing that for potential buyers. They will be categorizing the logs to grind up for compost and things of that nature. They are not experts on this yet, but hope to learn with the expansion of their business on to an industrial site.

Mr. Tytka asked what type of equipment sales they plan to have.

Mr. Essler stated that they plan on smaller agricultural and smaller industrial type of tractors, possibly mowers and mini-excavators.

Mr. Tytka noted that while they are early in the process right now, they will discuss the front portion of the proposed site and outdoor displays.

Mrs. Salvati asked about proposed site lighting particularly in the back portion of the site, and if there is any lighting proposed back there.

Mr. Stutz stated that there is no proposed lighting right now, but they may want to have emergency or security lighting in the back. There will be lighting on the building above the overhead doors as per code. They do not expect to be open in the evening; it is a daytime operation business.

Mr. Stutz added that if they do the buildings and the outdoor storage with public access, then they would do lighting at that time.

Mrs. Salvati stated that any lighting that is installed is to be dark-sky compliant. That is something the Board will look closely at as they get in to further reviews of this project.

Mrs. Salvati asked if the applicant has given any thought to security gating along the access road in the back.

Mr. Stutz responded no; it is a private development, not accessible to the public at all.

Mrs. Salvati added that since they may be storing equipment and items in the back, it may behoove them to put up a security gate.

Mr. Essler added that it is a good idea, and at the time that it becomes necessary to secure the area, that is something that would happen.

In relation to Mr. Tytka's question regarding the storage of materials, Mr. Lahti asked about composted materials and potential smells wafting on to the neighbor's properties.

Mr. Stutz referred to an aerial map, noting that the closest residence is over 1,000 ft. away, with a bus garage located to the west and a construction company, then vacant land to the east. To the south there are two residences, surrounded by natural woods and wetlands, over 1,000 ft. away.

Mrs. Salvati asked if the display areas along County Road will have lights.

Mr. Stutz stated that they have not discussed any lighting yet. They do know they will have wall packs on the rear of the building for each overhead door, and entry lights at the main entrance on the west side of the building. There is no lighting proposed along the front or the east side of the building.

Referring to the neighbors to the south, Mr. Geasling stated that some consideration should be made as far as vehicle lights going to the back of the property and screening of the operations back there.

Mr. Stutz noted that there is existing screening now with the existing wetlands, vegetation and trees right along the boundary. They are not disturbing anything along the boundary.

In regards to Public Participation, the following residents spoke:

1. Baron Kuehlewind of 9955 Martin Road:
 - concerns with sound and noise from material production
 - has landscapers behind them and the wood chipper was very loud
 - never had an issue with the applicant at their current site
2. Robert and Tina Sass of 9995 Martin Road:
 - concerns with noise mitigation, they have previously experienced the wood chipper noise which is extreme and invasive
 - have had years of un-mitigated noise from Krantz and K&D Landscaping very rude to make all of that noise outdoors, and until 8:30 at night the noise is pollution
 - in their experience, the Town of Clarence has not done must to mitigate this in the past
3. Robert Castelanni of 9854 Keller Road:
 - current construction company to the east has a wood chipper and it is very loud (Millhurst Construction)
 - concerned how far from the gas line the applicant's wood chipper would be located or closer to County Rd.
4. Stephen DiMatteo of 10015 Martin Road:
 - reiterating noise concern
 - dealt with noise from Krantz and now KD Landscaping
 - they get dominant prevailing winds and when they blow, the dirt and dust blows
 - concerned with material production and noises from the machinery

Mr. Essler returned to address the concerns of the residents, noting that they are involved with the residents, they are a part of their business so they are concerned for them. As a tree service they want the residents to be happy, it makes them a successful business. Part of the reason they are moving to this location is to be on an industrial site where they are able to do this type of work.

Mr. Essler added that they are willing to work within any restrictions that are applied, and to work with the residents.

Mr. Stutz added the permitted uses for an Industrial Zone property noting that landscaping and lumbering are an acceptable use.

Chairman Sackett stated that while he understands that, when there is a bordering residential area, they want to mitigate any disturbances that go beyond the site.

Mrs. Salvati noted that this property will need to be re-zoned for what the applicant is requesting to do, as it is currently zoned Agricultural.

Chairman Sackett stated that they will be looking for a mitigation plan and hours of operation when we get to concept review.

Mrs. Salvati asked Mr. Essler if they have any wood-chipping at their current site on Martin Road.

Mr. Essler responded no.

Mr. Bigler added that this Board has learned that there are various noise levels in a variety of equipment and different ways of mitigating the noise. He asked Mr. Essler if they would consider looking in to noise-reduction equipment or whatever is necessary.

Mr. Essler said certainly, they will look in to that. When you are pulverizing and beating up on the wood to break down in to small pieces, it requires a large engine that makes noise.

Mr. Bigler stated that in addition to hours of operation, noise reducing equipment would be appreciated to have as an option.

Mr. Essler stated that they would certainly be happy to look in to the options. The wood recycling in the back of the site is part of phase 2, which they have not started to plan extensively at this time. He understands that noise and dust travels, but this is as far in to inclusion as you can get in the industrial strip on County Road.

Mr. Bigler noted that they are significantly further away than some of the other landscaping companies in the area.

Mr. Essler added that because they are surrounded by wetlands that will never be disturbed, it acts as a nice sound buffer and a perfect location for this work in Clarence.

Mrs. Salvati asked what the intended hours of operation will be.

Mr. Essler responded that they will be daytime hours only, no evenings. They will work within the town's restrictions for noise. Currently they perform tree work beginning at 7:00 a.m. and finish when the tree is done. It is unpredictable and they occasionally return back to the site between 6:00 and 7:00 p.m. but that is not when they would be chipping wood.

Mr. Stutz assured the board that they are willing to work with the board to do whatever they need to do.

Mr. Bigler asked about heavy equipment with the backup beeps, and if they will have similar equipment operating at night.

Mr. Essler responded that he cannot speak as to how often it will happen, it is all determined by the market but they are willing to work with the Town as to how little or late they will be working.

Mrs. Salvati asked that they begin to think about noise reduction elements that can be utilized.

Mr. Geasling added or noise abatement and possible ways to screen or mitigate noise.

ACTION:

Motion by Daniel Tytko, 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 to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies on the AJ's Tree Service project at 9865 County Road. This Type I action involves the construction of a tree service operation, including equipment sales, service, outdoor display and storage, outdoor wood processing yard, outdoor rental storage, and material production in the Industrial Business Park and Agricultural-Rural Residential zones.

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

MOTION CARRIED

Meeting **adjourned** at 8:36 p.m. with a motion by Wendy Salvati.

Amy Major
Senior Clerk Typist