

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday, August 20, 2025

Work Session 6:00 pm

Status of SEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:00 pm

Approval of Minutes

Chairman Robert Sackett called the meeting to order at 7:00 p.m.

Councilman Shear led the Pledge of Allegiance.

Planning Board Members present:

Chairman Robert Sackett

Gregory Todaro

2nd Vice-Chair Wendy Salvati

Vice-Chair Richard Bigler

Daniel Tytko

Jason Lahti

Planning Board Members absent:

Jason Geasling

Town Officials Present:

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:

Leonard Monty

Elliot Lasky

Bob Gentner

Sean Hopkins

Dennis Murphy

Peter Petersen

Thomas Curry

Patrick Sheedy

Terri Loudenslager

Muriel Gaynor

Black Gay

Joseph Mattina

Eric Jefferson

Tony Zinaty

John Leising

Colin Hayes

Motion by Gregory Todaro, seconded by Richard Bigler, to **approve** the minutes of the meeting held on May 7, 2025, as written

Daniel Tytko

Wendy Salvati

Aye

Abstain

Jason Lahti

Richard Bigler

Abstain

Aye

Gregory Todaro

Robert Sackett

Aye

Aye

MOTION CARRIED

Motion by Gregory Todaro, seconded by Richard Bigler, to **approve** the minutes of the meeting held on July 16, 2025, as written.

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

MOTION CARRIED

Item 1

Harris Hill Development, LLC.
Commercial & Restricted Business

Requests amended Concept Plan approval 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 this project at 8450 Sheridan Drive, located on the north side of Sheridan Drive, west side of Harris Hill Road. It is an existing 14.8-acres previously disturbed vacant parcel located in the Commercial and Restricted Business zones.

The applicant is requesting amended Concept Plan action 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 sq. ft. 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 a total of 85 residential units and 24,195 sq. ft. of commercial space.

This property currently holds Development Plan approval for a mixed-use project containing 80 residential units and 24,800 sq. ft. of commercial space. In February of this year, the Town Board referred this amended proposal to the Planning Board. In April, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA). Since that time, the applicant has addressed comments received, and planted the required vegetative buffer on the west side of the parcel. Finally, the applicant has satisfied the interim and preliminary grading and drainage review of the Town Engineering Department. Such interim drainage improvements are to be completed by the applicant no later than November 15th, in an effort to prevent water runoff to adjacent properties.

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 contain a third-floor element. To consider this proposal, a variance will be required by the Zoning Board of Appeals.

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

Sean Hopkins with the law firm Hopkins, Sorgi, McCarthy was present on behalf of the applicant as well as Ken Zollitsch with Greenman Pedersen Inc., and representatives from Windsor Ridge Partners Allen Radacchio, Elliot Lasky, Pete Petersen, and Eric Jefferson.

Noting that this project has been through several reviews over the past 9 years, Mr. Hopkins explained that they are back in front of the Planning Board with the most current reiteration.

Focusing on what is different now versus what has previously been approved, Mr. Hopkins explained that previously there were 8 two-story mixed-use buildings along the Sheridan Drive frontage, the amended plan has 3 three-story mixed-use buildings along Sheridan Drive.

Mr. Hopkins stated that one of the important aspects in terms of the modification compared to the originally approved site plan is that they have condensed everything. This has resulted in more permanent open space along the western boundary of the project site, it has reduced the amount of impervious surface which reduces the amount of stormwater runoff.

Mr. Hopkins stated that the 85 units they are proposing now versus the 80 units previously approved does comply with the allowed density in the zoning district.

Referring to the landscaping, Mr. Hopkins acknowledged that interim landscaping along the western boundary of the project site has been one of the biggest concerns. The Landscape Committee has reviewed a landscape plan for that portion of the project, and the landscaping has been installed.

Mr. Hopkins stated that Chris Barmosz with Silvestri Architects is the architect for the project. They have spent a substantial amount of time with the Planning Board, Planning Board Executive Committee, and the Planning Department working on the style and appearance of the proposed buildings.

Mr. Hopkins reviewed the State Environmental Quality Review that was conducted, touching on the highlights including agency comments that they have responded to. They have also confirmed that they have adequate downstream sewer capacity.

Mr. Hopkins explained that none of the involved agencies expressed any concerns that this project would result in any potentially significant adverse environmental impacts.

Referring to the New York State Office of Parks, Recreation, and Historic Preservation, Mr. Hopkins stated that the project site does not contain any protected archaeological, cultural, or historic resources.

Mr. Hopkins referred to a Jurisdictional Determination by the United States Army Corp of Engineers (USACE) confirming that the only wetland area consisting of 0.59 acres of an isolated, intrastate and non-navigable water. This means it is not subject to federal jurisdiction, and they subsequently have filled that area.

Regarding the interim drainage solution, Mr. Zollitsch gave an overview of what is being proposed, which they have confirmed in writing that it will be completed by November 15, 2025.

Mr. Zollitsch stated that they became aware after the last meeting that several of the residents to the north expressed concerns about the drainage flowing from this property north to their backyards. Working with the Town of Clarence Engineering Department, they developed a plan that essentially cuts off the drainage and directs it to the existing storm sewer system.

Mr. Zollitsch explained that there is a cut-off swale located by the west end, then along the property line just south of the project's property line there are two swales that will deflect any of the drainage, that will flow towards the center of the site, go over check-dams to make sure any sediment is collected. From there it will go to a pipe that is located at the other end of the property line. They are extending the pipe to a 24" line which is where the drainage will go. From there it will proceed to the existing stormwater system that flows through the north of the subdivision, up to the existing pond and then outlets to the road ditches, after it is treated and runs through the out fall control structures, so that they are not causing any further flooding.

As a reminder to the Board, Mr. Zollitsch stated that the storm line that is already up to their property line, during the original design of the subdivision map it was sized correctly for the entire development. What they are putting in today will not exceed any type of capacity as it was well sized for what they are doing.

Explaining the remaining review process, Mr. Hopkins stated that if everything goes as planned, their goal is to start construction in the Spring of 2026.

Mr. Lahti stated that one of the comments from the Erie County Department of Public Works (ECDPW) was a request for a revised traffic study for turns from the left heading north on Harris Hill. Mr. Lahti personally has no concerns about that, but he does suggest the applicant has a discussion with the EC DPW regarding this request, since they will be the ones issuing the permit.

Regarding the buffering on the north side of the property, Mr. Lahti stated that we will always want more buffering. There is some drainage in the plan for the north side, but he believes if it possible to improve the buffering, then that should be considered. Anything to help make a better environment for the neighbors.

Mr. Lahti explained that his other concern refers to Vision Sheridan that the Town Board adopted. Some of the points include providing pedestrian connections from the street to the main entrance of the buildings and provide pedestrian amenities such as outdoor seating, limiting the number of parking aisles within the front yard setback, and providing and planting trees and landscaping to promote pedestrian comfort.

Mr. Lahti stated that when he looks at the plan, and knowing that the goal of Vision Sheridan is to improve how Sheridan Drive looks, the visual appearance of Sheridan Drive. Part of that is reducing the parking aisles and when he looks at this plan, he sees that the largest portion of the parking is right on Sheridan Drive.

Additionally, in terms of planting trees there will be parking aisles in the front yard setback, then planting trees and landscaping should be considered, Mr. Lahti noted.

Mr. Hopkins returned to respond to Mr. Lahti's comments, beginning with the ECDPW traffic study. They discussed that with their traffic engineer David Kruse at Passero Associates, and basically the reason why he did not project any vehicles heading north on Harris Hill in to the driveway on Harris Hill, is because it is more circuitous to get in to the site than taking the left-hand turn at the intersection. They are aware they will need a permit from the ECDPW.

Mr. Hopkins explained that they will be providing a full landscape plan as part of the next step of Development Plan approval. The Landscape Plan will need to go to the Landscape Committee for review and approval. The original landscaping plan had extensive landscaping along Sheridan Drive and then submit additional plans in the back along the buffer area.

Mr. Hopkins stated that it is also important to keep in mind the history of the entire overall site, the original subdivision deliberately included the 45' buffer, they have remained consistent with that from the beginning. Anyone who purchased homes in that area had the plan available to them. They will enhance it with landscaping on the site, but he does not see a need to increase the width of the buffer which has been established and in place for well over a decade.

Finally, in terms of Vision Sheridan, Mr. Hopkins stated that they will be providing landscaping along Sheridan Drive, and they are showing a pedestrian connection from Sheridan Drive where there are sidewalks to the mixed-use buildings along the frontage.

Regarding the parking and Vision Sheridan, Mr. Hopkins feels that the planning objective is to avoid one giant parking lot, typical of what you would see along Transit Road. If you look at the building placement, and how the parking is interspersed between the buildings, Mr. Hopkins feels the objective has been accomplished.

Mr. Hopkins noted that they absolutely have to have some parking along Sheridan Drive, in the absence of that there is no chance they would have any success leasing the retail space. Having one row of parking versus two rows, the width of the pavement is only decreasing by approximately 19'.

Mr. Hopkins explained that they have spent a lot of time designing the site and the buildings, and they feel that in the end, this project is consistent with the planning objectives. As they hopefully progress through the review and approval process, they will provide more details in terms of landscaping, lighting, and all of the other details.

Regarding stormwater abatement, Mr. Todaro asked Mr. Zollitsch if when this project goes through all of the agencies for the coordinated review, do they look downstream for that capacity as well.

Mr. Zollitsch explained that in regard to storm sewer, there is not necessarily an outside agency that will review any stormwater design. The Town of Clarence Engineering Department will, on behalf of the NYS DEC. The DEC will provide the SWPPP documents, and meeting the NYS stormwater regulations. This is implemented through the town of Clarence and the Engineering Department are ultimately in charge of reviewing and assuring that they are in conformance with not only the Town of Clarence guidelines, but New York State guidelines as well.

Mr. Hopkins stated that the Engineering Department knows that system better than anyone else.

Noting that September is a rainy season, Chairman Sackett stated that the applicant has made a commitment to put the stormwater at the northern border on or before November 15, 2025. Do they anticipate it being installed in a timely manner with the rainy season.

Mr. Zollitsch responded, stating that given the scope of what they are dealing with, they are not talking about issues of running in to road construction, they are basically only excavating. He does believe it is quite reasonable to be able to excavate this during the rainier months of September or October.

Chairman Sackett pointed out that while Mr. Hopkins would like to do the concept in a timely manner, he would personally like to get the drainage completed in a timely manner.

In regard to Public Participation, the following residents spoke:

1. Tom Curry of 8473 William Smith Way:
 - drainage remains the biggest concern for them, all the water runs down in to their driveway or their backyard
 - when they start construction, are they doing the buildings first and then the drainage, or the drainage and then the buildings
 - how will they do this project this time when they were unable to do it last time due to finances
 - are they receiving IDA tax relief for this proposed project – he does not feel that it qualifies
2. Tony Zinaty of 8463 William Smith Way:
 - previously addressed his concerns with drainage, still has drainage concerns
 - encourages the Planning Board to not approve this project if the retainer ponds are not built first
 - there are many issues, how can this project be allowed to go forward without the drainage ponds installed first so that there is not a river coming in to their yards
 - they have spent a lot of money building their homes, they understood there was going to be a development behind them but there was supposed to be a 50 ft. buffer, not a 45 ft.
 - when the land was cleared, a lot of the brush disappeared and he can see right through to Sheridan Drive from his backyard even when it is green
 - the water running down from the site is flooding his basement because of lack of concern on the developer's side
 - the bush called Privet can be planted along the area that they have destroyed so much, it would grow in a hurry and provide a buffer
3. Muriel Gaynor of 8453 William Smith Way:
 - does not have any bushes, lives next to an easement and has a clear view of her sister when she leaves her appointment on Sheridan Drive
 - does the word buffer imply open land of 45 ft. or does it imply something in that land that creates a barrier of some sort
 - they did not know that for 2 years they would have a beautiful view of the field
 - they will miss the deer; they doubt they will be grazing in middle of the development
 - her hope is that if the project gets built, at the end of the construction they are made whole in the fact that they can say they have a buffer
4. Terri Loudenslager of 4825 Glenwood Drive:

- loves the landscaping, design, aesthetic, looks great
- asked why can they not have less units that are larger and of higher value

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

Mr. Zollitsch and Mr. Hopkins returned to address the questions and concerns of the residents.

Mr. Zollitsch started with the drainage concerns, reiterating the interim drainage plan and what it will do. In relation to construction sequencing and cutting the drainage off, the interim swales are located where the permanent features are going to be. The sediment basins will be in the same exact spot also, so that by the time development starts, the drainage will already be in place. This is typically done before any type of actual construction or roadwork is started.

Mr. Zollitsch continued to explain the interim drainage plan that will be in place by November 15, 2025.

Chairman Sackett asked if this means that the interim drainage is the first piece of construction that will take place on the site.

Mr. Zollitsch stated that yes; they will already be in place due to the interim plan, then as they begin site construction.

Mr. Hopkins stated in the end, they end up with a stormwater management system a 100-year storm.

In terms of the landscaping, Mr. Hopkins explained that they had a landscaping plan that showed the landscaping on the rear of the site. Prior to the next meeting, they will update the landscape plan and submit it so that any resident that wants to see it will have the opportunity to.

Mr. Hopkins stated that the 45' buffer at the back of the subdivision is exactly the same as it has always been. The declaration of restrictions that was recorded at the Erie County Clerk's Office in pursuant to the Open Space Design requirements lists it as greenspace and that an effort would be made to preserve as much vegetation as possible.

Mr. Hopkins noted that once the proposed project is complete, the neighbors that have at times a direct view of Sheridan Drive will no longer have that. Not only because of the landscaping, but because of the buildings.

Referring to the question as to why this project is now financially feasible when it was not originally, Mr. Hopkins explained that they have reduced the amount of impervious surface, the number of multi-family units have increased by 5, and most importantly the commercial buildings have increased from 3 to 8, which in terms of construction and materials, is more cost effective per square foot.

Mr. Hopkins stated that the IDA (Industrial Development Agency) has already approved this project, and the IDA assistance is essential. The project does qualify pursuant to the Industrial Development Agency Act adopted by the NYS Legislature, qualifying as a commercial project.

Chairman Sackett noted that looking at buildings and looking at landscaping are two different things. Reminding Mr. Hopkins that they do not have an approved Landscape Plan, Chairman Sackett encouraged the applicant to address the concerns heard tonight in a landscape plan.

Furthermore, Chairman Sackett encourages the Landscape Committee and the Planning Office to make the meeting available to any resident that would like to attend.

Mr. Hopkins stated that they will make an effort to get the landscape plan in as soon as possible.

Mr. Lahti noted that there are 2 or 3 houses that do not have much in the way of a buffer, and suggested to Mr. Hopkins that they pay particular attention to those houses when they are developing the landscape plan.

ACTION:

Motion by Jason Lahti, seconded by Gregory Todaro, that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Environmental Assessment Forms as prepared and to **issue a Negative Declaration** on the proposed Harris Hill Development, LLC. amended proposal at 8450 Sheridan Drive, in the Commercial and Restricted Business zones. This Type I Action involves the construction of 85 multiple-family residential units and approximately 24,195 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	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED

Motion by Jason Lahti, seconded by Gregory Todaro to **deny** the Harris Hill Development, LLC. Concept Plan per the submitted drawing by GPI dated April 2025.

ON THE QUESTION:

Mr. Lahti stated that while the proposed mixed-use buildings do not exceed the maximum height threshold of the Commercial and Restricted Business zones, multiple-family housing buildings are limited to two-stories and this proposal calls for three-stories. 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.

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

MOTION CARRIED

Item 2

Value Turf, LLC.

Restricted Business & Residential Single-Family

Requests a Recommendation of a Temporary Conditional Permit for the addition of a detached accessory structure for business storage and operation at 8337 Sheridan Drive.

DISCUSSION:

Mr. Bleuer introduced this project at 8337 Sheridan Drive, located on the south side of Sheridan Drive, east of Helenwood Drive.

An existing 1.7-acre parcel in the Restricted Business and Residential Single-Family zones, it contains an existing residence, detached garage, and outbuilding.

The applicant, John Leising, is requesting a Recommendation of an implement sales and service Temporary Conditional Permit, including the addition of an existing detached accessory structure. The addition is proposed to be approximately 2,400 sq. ft. and located on the south side of the existing detached accessory structure, used for business storage and operation.

This item was initially on the Town Board work session agenda in April of this year. In June, the Town Board referred this amended proposal to the Planning Board. Since that time, the applicant has modified the proposal per comments received. Modifications include removing the proposed additional outbuilding in favor of expanding the existing outbuilding, and designating an area for vehicle and trailer parking, all while preserving the existing vegetative buffer to the south.

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

The applicant John Leising was present to represent his project.

Mr. Tytka asked what type of business is being conducted out of the structure.

Mr. Leising stated that he buys and sells golf course equipment.

Mr. Tytka asked if the need for the expansion is due to growth of the business.

Mr. Leising stated that he does not want to leave the equipment outside, the structure would be used for cold storage.

Mr. Tytka asked if the proposed structure would bring additional traffic to the site.

Mr. Leising responded no.

Mr. Tytka explained that because the location is in a residential area, he wants to be sure that there is no additional traffic to potentially disrupt the neighbors or neighborhood.

Mr. Tytka asked if the materials will match the existing building.

Mr. Leising responded yes.

Mr. Tytko asked if there will be any additional exterior lighting on the building, specifically on the back.

Mr. Leising responded that it is lit pretty well now, but he might add some lighting.

Mr. Tytko stated that any new lighting needs to be dark-sky compliant.

Mr. Leising acknowledged this, stating yes.

Mr. Tytko asked if there will be any other business storage on the property, or outside the building.

Mr. Leising responded only trucks and trailers; those have been included on the site plan that he submitted.

Referring to Mr. Leising's storage of personal items, Mr. Tytko asked if he would shield it better and line it up with the building to mitigate the view.

Mr. Leising responded yes.

Mr. Tytko asked what the typical hours of operation are.

Mr. Leising stated 7:00 a.m. to 3:00 p.m., no evening hours.

Mr. Tytko asked Mr. Leising if he has any intentions to display any items on Sheridan Drive.

Mr. Leising responded no.

Mr. Todaro clarified the lighting, making sure that Mr. Leising understands that any light packs that are on the building need to be shielded and dark-sky compliant, with no spillage of lighting on to adjoining properties. No open bright, open light packs.

Mr. Leising confirmed that would not be a problem.

Regarding the lighting, Mrs. Salvati added that any existing lighting also needs to be shielded and dark-sky compliant.

Mr. Leising responded yes.

Chairman Sacket asked if Mr. Leising plans to have light pole standards, or lighting beyond the building.

Mr. Leising responded no; only lighting on the building.

Mr. Lahti asked for clarification on the number of personal items that are on the property; business trailers, personal cars, personal trailers, or personal boats.

Mr. Leising responded 2 personal trailers, 2 business trucks, 2 business trailers and possibly 2 boats.

In regard to Public Participation, no one spoke.

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

ACTION:

Motion by Daniel Tytka, seconded by Richard Bigler to **recommend** issuance of an implement sales and service **Temporary Conditional Permit** to the Town Board for Value Turf, LLC., located at 8337 Sheridan Drive, per the submitted site plan by Joy Kuebler Landscape Architect PC, dated July 30th, 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 for the detached accessory structure addition.
3. All structures and site shall be maintained, in perpetuity, and any deficiencies shall be repaired or replaced in kind.
4. No exterior business lighting shall be freestanding, or elevated above the roof ridgeline. Any building lighting shall be turned off no later than one hour after business hours except for any necessary security lighting. All lighting shall comply with Town Code, be dark sky compliant and shielded to prevent spillage onto adjoining properties.
5. No business activity or outside storage to occur on the property outside of the area called out on the approved plan. Outside storage in this area to be limited to personal and business items as listed in the assurance letter from the applicant, dated August 15th, 2025, and shall not contain business inventory for sale.
6. No business display, or display of items for sale on the property.
7. Access and parking areas to be maintained to prevent excessive dust to adjacent properties.
8. Existing vegetative buffer to the south shall not be disturbed without review and approval by the Town.
9. Beyond that of implement sales and service within the detached accessory structure, 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.

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

ON THE QUESTION:

Mrs. Salvati requested clarification from Mr. Bleuer regarding condition number 4 where it states “all lighting shall comply with Town Code”, and confirmed that would include the existing lighting on the existing building.

Mr. Bleuer responded yes; all business lighting.

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

MOTION CARRIED

Item 3

Mattina Development, LLC.
Industrial Business Park

Requests Development Plan approval of a Conceptually approved commercial plaza at the southeast corner of County Road & James Ryan Parkway, SBL 44.00-1-55.

DISCUSSION:

Mr. Bleuer introduced this project at 6729 James Ryan Parkway, located at the southeast corner of County Road and James Ryan Parkway. It is an existing 2.14-acre subplot within the previously approved Cimato Industrial Business Park, located in the Industrial Business Park zone.

The applicant is requesting Development Plan & Final Architectural approvals for a Conceptually approved commercial plaza. The plaza structure is proposed to be approximately 11,000 sq. ft., with two vehicular access points to James Ryan Parkway.

The Town Board referred this proposal to the Planning Board in October of 2022. The Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA) in January of 2023. In July of 2024, the Planning Board issued a Negative Declaration under SEQRA, Subdivision approval for three sublots within the previously approved business park, and denial of the Concept plan due to proposed parking within the front yard setback. In September of 2024, the Zoning Board of Appeals issued a variance for the proposed parking within the front yard setback. In October of 2024, the Planning Board issued Concept Plan approval, subject to 16 conditions. In January of this year, the Landscape Review Committee approved a final landscape plan. In August, the Engineering Department determined that the development plan meets all technical requirements.

The Planning Board has the authority to consider this Development Plan. An approval would constitute the final Board action prior to construction.

Project Engineer Pat Sheedy with Carmina Wood Design, and Joseph Mattina with Mattina Development were present to represent this project.

Mr. Todaro recognized the abundance of work the applicant has done with the Planning Board Executive Committee to bring this proposed project to this point, and appreciates the changes that have come to this Board.

Mr. Todaro asked about the materials used for this proposed project, confirming a brick veneer around the facades of each building.

Mr. Sheedy responded yes.

Mr. Todaro continued, adding an LP Smart Siding will be used, on top of the brick will be a pre-cast stone water table. On the suffix and roof elements including the cupolas will be metal roofing, and wood shaped replica shingles will be on the main roof.

Mr. Sheedy stated that is correct.

Regarding the potential for any future development to the south, Mr. Todaro stated that vehicle and pedestrian cross-access shall be granted by the owner.

Mr. Sheedy responded yes.

Mr. Todaro confirmed that all exposed mechanicals on the ground need to be shielded from view.

Mr. Sheedy responded yes.

Regarding the approved uses within this zoning area, Mr. Todaro asked Mr. Mattina if he has an idea on the types of businesses that will be located in this plaza.

Mr. Mattina responded, stating that his intention is to have family owned and run businesses; grocery stores, barber shops, nail salons, yoga studios, coffee shop.

Mr. Todaro stated that any uses for potential businesses in the plaza must be submitted, reviewed and verified for allowance through the Planning Office to meet code.

Mr. Todaro confirmed there will be no lighting standards on the property greater than 15 ft.

Mr. Sheedy responded yes.

Regarding the uses, Mr. Donohue stated that there is a long list of potential uses in an industrial zone, but that has been limited by how the property was built and the number of parking spaces. While there are multiple potential uses, they are not necessarily appropriate for the development.

Chairman Sackett reiterated they need to be reviewed by the Planning Office. This is a commercial development in an industrial zone. The potential businesses that Mr. Mattina has mentioned would be very good.

In regard to Public Participation, no one spoke.

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

Mrs. Salvati noted in regard to the lighting plan, the wall packs on the rear of the building and soffit lighting along the front of the building will be what stays on all night.

Mr. Sheedy responded yes; those are for security purposes.

ACTION:

Motion by Gregory Todaro, seconded by Daniel Tytka to **approve** the Mattina Development, LLC. **Development Plan**, located at 6729 James Ryan Parkway, per the submitted drawing by Carmina Wood Design dated October, 2024, with a final revision date of March 2025, and to **approve** the **Final Architectural** drawings by Sutton Architecture, dated July 17th, 2025, all subject to the following conditions being met:

1. Applicant meeting the requirements of the Town of Clarence Building Department fire code compliance review, and associated conditions.

2. 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.
3. Subject to Highway Department approval for the proposed access to James Ryan Parkway.
4. Vehicular and pedestrian cross access shall be granted by the property owner, for any future proposed development to the south, if required by the Town.
5. Per the existing Clarence Sewer District 2 out-of-district agreement, and subject to Town of Clarence Engineering review and approval, and additional regulatory agencies, as required, for connection to the sanitary sewer system.
6. Applicant meeting the requirements of the Landscape Committee Approval on January 2nd, 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. Additionally, building mechanical fence screening shown on the approved development plan shall be subject to these standards and conditions of Landscape Committee approval.
7. Any ground exposed mechanicals shall be shielded from view by approved screening and/or landscaping, and any roof vents shall be painted to match the roof color.
8. Dumpster enclosure 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.
9. 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'. All lighting shall be turned off no later than one hour after business hours except for security lighting as called out on the approved site lighting plan.
10. Buildings to be constructed per the labelled materials and rendered colors, and building materials to be used shall be of industry standard high quality for durability and appearance.
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 contain curbing and/or bumper stops as shown on the approved development plan.
13. No unapproved outside storage or display of any kind on the property, including, but not limited to goods, materials, and debris.
14. 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.
15. All uses shall comply to the allowable uses listed in the Town Code. The applicant shall submit proposed uses to the Planning Office for verification of allowances prior to occupancy.
16. Subject to Open Space, and any other applicable fees as required by Town Code.

Mr. Sheedy and Mr. Mattina have heard, understand, and agree to these conditions.

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

MOTION CARRIED.

Item 4

Custom Controllerzz
Restricted Business

Requests Development Plan approval of a
Conceptually approved office and warehouse
building at 8003 Transit Road.

DISCUSSION:

Mr. Bleuer introduced this project at 8003 Transit Road, located on the east side of Transit Road, north of Wolcott Road, it is an existing 12-acre vacant parcel located in the Restricted Business zone and Agricultural-Floodzone.

The applicant is requesting Development Plan and Final Architectural approvals for a Conceptually approved office / warehouse facility wholly located in the Restricted Business zone. The structure is approximately 4,802 sq. ft.

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). In April, the Landscape Review Committee approved a final landscape plan. In May, the Planning Board issued a Negative Declaration under SEQRA, and Concept Plan approval, subject to 15 conditions. In August, the Engineering Department determined that the development plan meets all technical requirements.

The Planning Board has the authority to consider this Development Plan. An approval would constitute the final Board action prior to construction.

Project Engineer Pat Sheedy with Carmina Wood Design, and Collin Hayes with Custom Controllerzz were present to represent this request.

Mr. Todaro recognized this project as being one of the neatest and favorite to come before the Planning Board. It is in the right location, and he appreciates the design of the building.

Mr. Todaro thanked Mr. Hayes for bringing this business to Clarence.

Mr. Todaro confirmed that the lighting on the building is dark-sky compliant, any exposed mechanicals on the ground need to be shielded, and the signage for this business needs to be approved through the Sign Review Committee.

Mr. Sheedy responded yes to all of the above.

In regard to Public Participation, no one spoke.

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

ACTION:

Motion by Gregory Todaro, seconded by Wendy Salvati, to **approve** the Custom Controllerzz **Development Plan**, located at 8003 Transit Road, per the submitted plan by Carmina Wood Design, dated May, 2025, with a final revision date of August, 2025, and to **approve** the **Final Architectural** drawings by Carmina Wood Design, dated February 24th, 2025, all subject to the following conditions being met:

1. Applicant meeting the requirements of the Town of Clarence Building Department fire code compliance review, and associated conditions.
2. 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.
3. Subject to New York State Department of Transportation approval for the proposed access point to Transit Road.
4. Subject to Erie County Health Department and New York State Department of Environmental Conservation approval, if required, for the proposed on-site sanitary facilities.
5. Applicant meeting the requirements of the Landscape Committee Approval on April 16th, 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. Dumpster enclosure 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.
7. 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'. All lighting shall be turned off no later than one hour after business hours except for any necessary security building lighting.
8. Buildings to be constructed per the labelled materials and rendered colors, and building materials to be used shall be of industry standard high quality for durability and appearance.
9. Any ground exposed mechanicals shall be shielded from view by approved screening and landscaping, and any roof vents shall be painted to match the roof color.
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 contain curbing and/or bumper stops as shown on the approved development plan.
12. No unapproved outside storage or display of any kind on the property, including, but not limited to goods, materials, and debris.
13. 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.
14. Subject to Open Space, and any other applicable fees as required by Town Code.

Mr. Sheedy and Mr. Hayes have heard, understand, and agree to these conditions.

ON THE QUESTION:

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

MOTION CARRIED.

Item 5

Pro-Cut Property Services, LLC.
Restricted Business

Requests a Recommendation of a Temporary Conditional Permit for the operation of a landscape business to the rear of property at 8325 Transit Road.

DISCUSSION:

Mr. Bleuer introduced this project at 8325 Transit Road, located on the east side of Transit Road, south of Tonawanda Creek Road. It is an existing 2-acre parcel in the Restricted Business zone, containing a pre-existing single-family residence and detached accessory structure.

The applicant is requesting a Recommendation of a landscape operation Temporary Conditional Permit. The operation is proposed to consist of outside equipment and material storage to the rear of the existing residence, and within the detached accessory structure.

The Town's Zoning Inspector witnessed the business operation occurring on the property, and contacted the property owner and tenant. The tenant and a representative of the property owner met with the Planning Office, and submitted an application per comments received. The Town Board referred this proposal to the Planning Board in July of this year. Since that time, the applicant has addressed additional comments received.

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

The applicant Andrew Yaeger was present to represent his request.

Mr. Tytka asked what the business hours are.

Mr. Yaeger responded 7:00 a.m. to approximately 5:00 p.m.

Mr. Tytka asked if there are any after-hours.

Mr. Yaeger stated that the only time there would be after-hours would be in the winter if they are returning from snowplowing.

Mr. Tytka asked about the temporary storage of debris, and what that would entail in terms of time.

Mr. Yaeger stated that it is typically approximately a week. He does not want anything sitting around, going to waste or starting to smell. As far as debris, it is usually just dirt or topsoil from flower beds.

Noting that he is the tenant and not the owner, Mr. Tytka asked what upgrades to the building Mr. Yaeger plans to make.

Mr. Yaeger responded that he added a fence to help mitigate the view from the road, new garage doors to the building, a man-door to the building, added some exterior lights that are dark-sky compliant. They are in the phases of having the front paved and striped, they are waiting for the landlord to begin that.

Mr. Yaeger added that if approved, he would like to get his own utilities, right now they are attached to the house.

Mrs. Savlati referred to Mr. Yaeger's statement that occasionally in the winter he may have plows coming in after 5:00 p.m., and asked if there will be any snow stored on the site.

Mr. Yaeger responded no; they provide salting services. Aside from loading the salt and returning to the site once finished, there is limited activity in the winter.

In regard to Public Participation, no one spoke.

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

ACTION:

Motion by Daniel Tytka, seconded by Wendy Salvati to **recommend** issuance of a landscape operation **Temporary Conditional Permit to the Town Board** for Pro-Cut Property Services, LLC., located at 8325 Transit Road, per the plan received in the Planning Office on August 7th, 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.
3. Any future proposed site or structure modifications subject to Town review.
4. Detached accessory structure and site shall be maintained, in perpetuity, and any deficiencies shall be repaired or replaced in kind.
5. Dumpsters shall be enclosed with a Town standard privacy fence and door, and the enclosure 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.
6. Drive lanes and yard to be kept in a maintained condition, that prevents excessive dust.
7. No business operation, storage, refuse, or display in front of the dumpster enclosure.
8. All business site lighting shall be dark sky compliant and shielded to prevent spillage onto adjoining properties. No lighting shall be elevated above the roof ridge lines and all lighting shall be turned off no later than one hour after business hours except for any necessary building security lighting.
9. Any temporary stockpile of job materials, such as wood and stone, shall be located in their respective locations and contained within bin blocks as dimensioned and depicted on the approved plan. No dumping of grass clippings or off-site snow shall be permitted on the property.
10. No additional future business operations or operators unless reviewed and approved by the Town.

11. Any future 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.

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

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

Meeting **adjourned** at 8:19 p.m. with a motion by Wendy Salvati

MOTION CARRIED.

Amy Major
Senior Clerk Typist