

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday, October 15, 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
Daniel Tytko

Vice-Chair Richard Bigler
Jason Lahti

Planning Board Members absent:

Gregory Todaro

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:

David Stutz

Jeff Tamaro

Paula Kuehlewind

Item 1

Leonard Deni
Agricultural-Rural Residential

Requests a Minor Subdivision of land to create one (1) new good lot of record at 0 Kraus Road, SBL 58.00-4-19.121.

DISCUSSION:

Mr. Bleuer introduced this project on Kraus Road, SBL 58.00-4-19.121. Located on the west side of Kraus Road, north of Greiner Road.

It is an existing vacant parcel containing approximately 65-acres located in the Agricultural-Rural Residential zone and Clarence Sewer District # 4.

The applicant is requesting a Minor Subdivision of land to create one (1) new good lot of record. The newly created lot would contain approximately 4.5 acres, with approximately 275' of public road frontage. The remaining parent parcel would retain the remaining 59.5 acres and 1,530' of public road frontage.

The applicant previously proposed a 4-lot Minor Subdivision on Kraus Road, and an 8-lot Major Subdivision as an extension of Meadowglen Drive, but formally withdrew that proposal.

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

Ken Zollitsch with the engineering firm Greenman Pedersen, Inc. was present on behalf of property owner Leonard Deni. Mr. Zollitsch reviewed the previous request, adding that while Mr. Deni is pursuing his options, trying to decide what to do with the remainder of the property, he has decided that this property is set in stone for him.

Mr. Zollitsch stated that this is a straight-forward, code conforming lot split.

Mr. Tytka asked what the plan is for the lot.

Mr. Zollitsch responded that the plan is to split it and see about selling it.

Mr. Tytka asked if there are any plans to clear the lot, because there is a creek that runs through the back.

Mr. Zollitsch explained that because Mr. Deni is looking to sell the property, he has no plans to do any work on it.

Mr. Tytka confirmed that there are currently no plans for the larger lot.

Mr. Zollitsch responded that there are no formal plans in front of the town, they are working behind the scenes to understand the constraints of the property and what any potential options might be.

With no one wishing to speak, public participation was closed for this item.

ACTION:

Motion by Daniel Tytka, 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 Form as prepared and to **issue a Negative Declaration** on the proposed Deni Minor Subdivision at 0 Kraus Road, SBL 58.00-4-19.121. This Unlisted Action involves a lot split to create one (1) new lot in the Agricultural-Rural Residential zone. After thorough

review of the submitted plan and Environmental Assessment Forms, it is determined that the proposed action will not have a significant negative impact on the environment.

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

MOTION CARRIED

Motion by Daniel Tytko, seconded by Richard Bigler, to **approve the Deni Minor Subdivision** at 0 Kraus Road, SBL 58.00-4-19.121, per the submitted surveys received in the Planning Office on September 23rd, 2025, subject to the following conditions:

1. Subject to Town Highway Department approval for access to the newly created lot.
2. Subject to Town Engineering and Erie County Division of Sewerage Management review and approval, and additional regulatory agencies, as required, for connection to the sanitary sewer system within Clarence Sewer District 4.
3. Review and approval by the Town Building and Engineering Departments for any future construction on the property.
4. Should any drainage easements be required by the Town to address on-site drainage issues on the property, appropriate easements shall be submitted by the applicant and reviewed and approved by the Town Engineering, Highway and Legal Departments. If required, applicant shall file same in the Erie County Clerk's office and provide a stamped "FILED" copy to the Town Attorney's Office after recording and prior to any Building permit(s) being issued by the Town Building Department.
5. Subject to Open Space, Recreation, and any other applicable fees as required by Town Code.

Mr. Zollitsch questioned condition no. 2 regarding sewer management, and to clarify and confirm that while this property is located within Clarence Sewer District No. 4 and have the potential to tie in to the sanitary sewer, that if this were to be developed as a Single Family-Residential house on the property, they would be able to get a septic system. They are not required to tie in to the sanitary sewers.

Mr. Bleuer explained that being in the district, they are required to consider sewer tie-in with the Town Engineer. If it is deemed not feasible, the Town Engineer could direct them to proceed to Erie County for a septic permit.

Mr. Zollitsch noted that the nearest sewer line is 1,000-1,5000 ft. away and usually they are not required to tie-in unless they are approximately 100-200 ft. from the property. As long as it is not a requirement and can be assessed with the Town Engineer, he has no problem with that condition.

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

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

MOTION CARRIED

Item 2

AJ's Tree Service

Industrial Business Park and
Agricultural-Rural Residential

Requests Concept Plan approval 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, SBL 44.00-3-6.

DISCUSSION:

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

The applicant is requesting Concept Plan approval 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 an 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, and future fenced outdoor rental storage, storage and service buildings, and wood production facility.

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

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

David Stutz with Labella Associates, and property owner Jeff Tamaro were present to represent this project.

Mr. Stutz stated that they received their final approval today from Erie County Water Authority, which he forwarded to the Planning Office for the project file.

Mr. Lahti asked if they will be seeking a zoning change on the back portion of the property as previously mentioned.

Mr. Tamaro stated that the outdoor space is their immediate need, so they will be content for now with the Temporary Conditional Permit (TCP).

Regarding previous resident comments, Mr. Lahti noted that noise and dust are of the main concerns, and asked Mr. Tamaro how he plans to mitigate these concerns.

Mr. Tamaro responded that the closest neighbor is over 1,000 ft. away, that is how he plans to mitigate the noise and dust.

Mr. Lahti asked about the wetlands that are on the site, noting that Mr. Tamaro will update the Planning Office on the status of the permitting process.

Mr. Stutz stated that currently everything has been submitted to both the Army Corp of Engineers and the Department of Environmental Conservation. A disturbance plan has been submitted; they have developed a mitigation plan. The other disturbance will be for the buffer which shows that they will be providing pine trees, evergreen trees every 30 ft. around the perimeter. The evergreen trees primarily make up for the DEC buffer mitigation.

Regarding the wetland mitigation, Mr. Stutz explained that will happen on the north side of the creek where the main development will be mitigated off-site with Ducks Unlimited. Other than that, they will leave everything else primarily untouched.

Mr. Stutz explained additional work they are doing for additional approvals.

Mr. Lahti stated that for the Concept stage of the review process, the applicant has done a good job developing a plan.

Mrs. Salvati asked if the DEC is amenable to the applicant planting pine trees.

Mr. Stutz stated that the DEC requires pine trees every 30 ft. along the perimeter of the buffer.

Mrs. Salvati asked if they will be on a berm.

Mr. Stutz responded no; they are being planted wherever there is buffer disturbance they have to maintain the buffer along the area of where they will be. For example, along the pond area, the pine trees will be outside the pond area, along the perimeter of the wetlands. In regard to where the driveways are, they will be right along the edge of the existing buffer.

Mrs. Salvati clarified that they are not actually in the wetlands.

Mr. Stutz stated no, they are not in the wetlands but in the disturbed area. There will also be wetland markers at every point where it will be.

With no one wishing to speak, Public Participation was closed for this item 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 Form as prepared and to **issue a Negative Declaration** on the proposed 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. 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 Tytko	Aye	Jason Lahti	Aye	Wendy Salvati	Aye
Richard Bigler	Aye	Robert Sackett	Aye		

MOTION CARRIED

Motion by Jason Lahti, seconded by Wendy Salvati, to **approve** the AJ's Tree Service **Concept Plan**, located at 9865 County Road, per the submitted plans by LaBella, dated August 18th, 2025, and to **approve** the **Conceptual Architectural** drawings by LaBella, dated October 8th 2025, all subject to the following conditions being met:

1. Applicant meeting the grading and drainage standards and requirements of the Town Engineer.
2. Applicant meeting the fire code standards and requirements of the Town Fire Inspector.
3. Subject to Development Plan review by the Town, including a technical review of the final Development Plan by the Town Engineering Department.
4. Subject to Town of Clarence Building and Engineering Departments approval prior to any permits being obtained for site work activity.
5. Subject to Erie County Department of Public Works approval for the proposed access points to County 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. Landscape Committee approval of a final landscape plan, prior to Development Plan approval, including any fencing, planting, and dumpster fencing where applicable. In addition, a maintenance plan shall be submitted as part of the landscape plan to ensure landscaping remains in perpetuity and is maintained and replaced in-kind should there be any deterioration, death, or disease. Any fencing shall also be maintained, and replaced in kind should there be any damage or deterioration.
8. Dumpster enclosures shall remain closed at all times when not in use. Garbage service shall occur in conformance with Town Code. No garbage or debris shall accumulate outside of the dumpsters.
9. Review of a photometric lighting plan prior to Development Plan approval. All site lighting shall comply with the Town Code, be dark sky compliant and shielded to prevent spillage onto adjoining properties. No building lighting shall extend above the roofline and no freestanding lighting shall be elevated above 15'. All lighting shall be turned off no later than one hour after business hours except for any necessary security lighting. Any and all security lighting shall be depicted on the lighting plan.
10. 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. Additionally, building features should be considered, such as windows, cupulas, and other architectural features. Building materials to be used shall be of industry standard high quality for durability and appearance.
11. 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.
12. Site curbing plan shall be submitted as part of Development Plan review.
13. Buildings and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as approved.
14. Parking areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.

15. Access, parking, and yard areas to be maintained to prevent excessive dust to adjacent properties.
16. No future business operations or operators without proper application made by the applicant and with review and approval by the Town.
17. Any proposed outside operations, including storage and display, shall be subject to a Temporary Conditional Permit as reviewed and approved by the Town.
18. 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.
19. Subject to Open Space, and any other applicable fees as required by Town Code.

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

ON THE QUESTION:

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

MOTION CARRIED

Motion by Jason Lahti, seconded by Wendy Salvati, to **recommend** to the Town Board issuance of **Temporary Conditional Permit** for the AJ's Tree Service project at 9865 County Road, as per the approved Concept Plan and associated conditions, and after a technical review of applicant supplied outdoor operation detail during the Development Plan review phase.

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

MOTION CARRIED

Item 3

Capretto Management, LLC.
Industrial Business Park

Requests Development Plan approval of a warehouse for personal use at 6699 James Ryan Parkway, SBL 44.00-1-55.

DISCUSSION:

Mr. Bleuer introduced this project at 6699 James Ryan Parkway, located on the east side of James Ryan Parkway, south of County Road.

It is a previously approved vacant subplot containing 1.94-acres within the Cimato Industrial Business Park, located in the Industrial Business Park zone.

The applicant is requesting Development Plan approval of a Conceptually approved warehouse for personal use. The warehouse is approximately 5,100 sq. ft., and features 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). In May, the Planning Board issued a Negative Declaration under SEQRA, Subdivision approval to create the subplot, and Concept Plan approval subject to 14 conditions. In July, the Landscape Review Committee approved a final landscape plan. In September, the Engineering Department determined that the development plan meets all technical requirements.

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

Present to represent this project from Carmina Wood Design is Project Engineer Anthony Pandolfe, who added that they have received county approvals for both the Water Authority and Sewer Management.

Mr. Tytko asked if there will be any sanitary facilities on site.

Mr. Pandolfe responded yes; they are connecting to sanitary sewer along James Ryan Parkway.

Mr. Tytko asked if there will be any mechanicals on the outside of the building.

Mr. Pandolfe responded no.

Mr. Tytko asked if the vents that will be placed through the roof can match the roof the best that they can, that would be appreciated.

Mr. Pandolfe responded yes.

Regarding lighting, Mr. Tytko confirmed that it will be dark sky compliant, and asked if the lighting will be on daily.

Mr. Pandolfe responded yes, it will be dark sky compliant, and they really only have building-mounted lighting, because the building is for the applicant's personal use. There is no pole lighting, and he believes that the lights will only be on when the applicant will be on premises and utilizing the building.

Mr. Tytko asked if there will be a dumpster.

Mr. Pandolfe responded no; the minimal waste will be taken care of by the applicant.

With no one wishing to be heard,

ACTION:

Motion by Daniel Tytko, seconded by Richard Bigler, to **approve** the Capretto Management, LLC. **Development Plan**, located at 6699 James Ryan Parkway, per the submitted plan by Carmina Wood Design, dated June 2025, and to **approve** the **Final Architectural** drawings received in the Planning Office on November 12th, 2024, all subject to the following conditions being met:

1. Applicant meeting the requirements of the Town Building Department fire code compliance review, and associated conditions.
2. Applicant meeting any additional requirements of the Town Engineering and Building Departments, and any associated conditions, prior to any permits being obtained for construction on the property.
3. Subject to Town Highway Dpt. approval for the proposed access to James Ryan Parkway.
4. Per the existing Clarence Sewer District 2 out-of-district agreement, and subject to Town Engineering review and approval, and additional regulatory agencies, as required, for connection to the sanitary sewer system.
5. Applicant meeting the requirements of the Landscape Committee Approval on July 8th, 2025, and associated conditions, including but not limited to, the management of all landscaping in perpetuity and its maintenance and replacement in-kind should there be any deterioration, death, or disease.
6. 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.
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 security lighting as called out on the approved site lighting plan.
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. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as approved.
10. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
11. No unapproved outside storage or display of any kind on the property, including, but not limited to goods, materials, and debris.
12. No future business operations or operators without proper application made by the applicant and with review and approval by the Town.
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. Pandolfe has heard, understands, and agrees to these conditions.

ON THE QUESTION:

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

MOTION CARRIED.

Meeting **adjourned** at 7:34 p.m. with a motion by Wendy Salvati.

Amy Major
Senior Clerk Typist