

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday, September 17, 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 Geasling

Vice-Chair Richard Bigler
Gregory Todaro
Daniel Tytko

Planning Board Members absent: Jason Lahti

Town Officials Present:

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

Other Interested Parties Present:

Terry Reilly	Sally Reilly	Betty Wetzler	Marsha Doherty
Ed Johnson	Brianne Fawley	Jason Burford	Andrea Minor
Michael Fiess	Jeanette Fiess	Brian Panzer	Neil Bopp
Ron Hirtreiter	Jim Wostowicz	Kevin Johnson	David Daigler
Binhu Li	William Appenheimer	Scott Williams	Sean Hopkins

Motion by Gregory Todaro, seconded by Richard Bigler, to **approve** the minutes of meeting held on August 20, 2025, as written

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

MOTION CARRIED

Item 1

North Nova, LLC.
Traditional Neighborhood District

Requests Concept Plan approval of a proposed Change-In-Use to allow a mixed-use project containing 1st floor restaurant and 2nd floor residential at 9515 Clarence Center Road.

DISCUSSION:

Mr. Bleuer introduced this project at 9515 Clarence Center Road, located south side of Clarence Center Road, east of Goodrich Road. It is an existing 0.63-acre property in the Traditional Neighborhood District and Residential Single-Family zone, containing a vacant building formerly home to Goodrich Printing.

The applicant is requesting Concept Plan approval of a proposed Change-In-Use to allow a mixed-use project containing 1st floor restaurant and 2nd floor residential wholly within the Traditional Neighborhood District. Site access and parking modifications are proposed, including the addition of a rear parking lot with access to the east of the building.

The Planning Board has the authority to act on this request. This is the first step of a two-step process.

Jason Burford with Greenman Pedersen Inc. was present on behalf of the applicant. Mr. Burford added that as far as the existing parking and the parking proposed in the front for customers; there has been some concern about people backing out on to Clarence Center Road. They have provided Erie County and the Town of Clarence with a sketch of how the traffic will actually work. There will not be any need to back out on to Clarence Center Road; that would be an unsafe condition. Mr. Burford stated that there is also parking to the rear of the building for the tenants and employees, keeping their vehicles off of the street.

Mr. Burford stated that the driveway on the east side is approved by code, it is a 10' wide two-way driveway. It will be posted and gated with a chain to make sure that there is no customer or other traffic that enters that driveway.

Regarding concerns with ventilation and smells, Mr. Burford stated that they have provided to the Town and the Building Department a sketch of the current and new technology. The ventilation will not be located on the side of the building, but rather through the 2nd story roof; providing vertical exhaust. The only mechanical coming in from the side is the intake air.

Mr. Burford addressed garbage, tote, and dumpster concerns explaining that because there will not be accessibility for a large dumpster, they have proposed using totes – larger than residential totes. These will be located in an enclosed and screened area with a concrete pad and will be taken out for pick up when scheduled.

Noting that the containment of grease was another concern, Mr. Burford stated that the grease containment system will be located inside the building. The Town of Clarence Building Department will do a thorough review of this system, the ventilation system and the proposed second story residential area of this proposed project.

Mr. Burford added that traffic is always a concern within a small community, but with no drive-thru included in this proposed project, this is a small volume operation. They do not anticipate the traffic to increase severely from what currently runs down Clarence Center Road.

Mr. Todaro acknowledged correspondence that has been received, all of which is in the project file in the Planning Office.

Summing up the concerns as addressed in the correspondence, Mr. Todaro stated that the majority include: traffic, residential character, health risks, grease traps and waste on the property, ventilation and smells, premature construction, delivery and frequency times, buffers between the properties, street parking, dumpster location, potential traffic from food delivery services and adherence of traffic speeds, historic nature and character within the 4 corners of Clarence Center, lighting and loitering around the property.

Mr. Todaro added that the letters that are received are part of the record within the Planning Department, the board members do read through each one, and they recognize the importance of the concerns.

Referring to concerns of the smells that are expected to emanate from a restaurant such as the one proposed, Mr. Todaro asked Mr. Burford to describe the air scrubbers and how they work with the chimney aspects.

Mr. Burford noted that per the diagram, there are ventilation hoods over the 1st floor cooking area that cover the entire area. They ventilate out of the 2nd floor, nowhere on the sides of the building, it is a vertical discharge. There will be an air intake on the side wall, the system is very calculated and will be thoroughly reviewed by the Building Department.

Mr. Burford stated that the applicant has taken a lot of consideration in to ventilation, as restaurants generally discharge smells. There will not be a 100% guarantee to not have any smells coming from the building. They are trying to use the most current technology and in excess of what is necessary for the volume of what could potentially be occurring on the site.

Mr. Todaro stated that he is pleased to hear that the plans are to not have any excess odors. As he travels through the four corners of Clarence Center, he does not currently smell any food.

Mr. Todaro asked Mr. Burford to describe the parking in the rear of the site, and the number of employees that may be working at the proposed business.

Mr. Burford explained that the residential unit on the 2nd floor of the building is a single, 3-bedroom unit. Part of the plans of the owner is that the residents of the unit may also be employees of the proposed restaurant.

Mr. Burford stated that he believes there will be 2-3 employees in the building at one time, plus the owner Mr. Li as he will be on premises occasionally as well. There will be no need for on-street parking for any employees or customers tied to the business.

Mr. Todaro asked if there will be any signage stopping customers from parking in the rear parking area.

Mr. Burford responded yes; there will be a sign as well as a cable across the driveway removable by the employees or tenants.

Mr. Todaro asked if they plan to have any lighting in the rear of the building.

Mr. Burford stated that they plan to light as shown on their site plan; some wall pack lighting for security purposes.

Mr. Todaro asked about buffers, starting with the rear buffer and how much vegetation they plan to remove, as well as the vegetation that hangs over to the Zion Church property to the east.

Mr. Burford explained that when Mr. Li first obtained the property, representatives of Zion asked if they could remove some of the brush that had fallen on to their property. He allowed them to clear and knock down or cut back what they needed to. They will make sure that any material impeding on the parking lot can be cleaned up, and they have no plan to go beyond clearing where the proposed parking lot ends.

Mr. Todaro stated that will be a balancing act, because the Board wants a visual buffer, but also do not want to see 8ft. to 10ft. of vegetation hanging over the adjacent property. That will need to be determined when the proposed project goes to the Landscape Committee.

Referring to the west side of the property and the fence between the two properties, Mr. Todaro asked Mr. Burford to describe how the change with the fence will occur.

Mr. Burford explained that the fence is not proposed to go on the property line, as initially proposed. Mr. Li realized that it would impede Mr. Reilly's accessibility, so they pushed the fence back to the east and have removed the fence that was proposed from the rear of the building extending to the front of the building. They have replaced that with a substantial 5' - 6' hedge to act as a buffer. The fence then goes to the property line, around Mr. Reilly's garage, then stops partway down. They anticipate keeping any vegetation that is there.

Mr. Todaro asked about the plans for the front of the building, and the proposed buffer of greenery that is shown on the plans.

Mr. Burford stated that the buffer of greenery was primarily at the recommendation of the Executive Planning Board, because of the utility pole that is located there. In order to get some protection around the pole by installing greenspace around the utility pole, which they have cleared with Erie County, the greenspace will provide some protection as well as a green buffer between the neighbor.

Referring to the building itself, Mr. Todaro noted that he has visited the location and knows that it has sat dormant for some time. It has begun to degrade, and asked Mr. Burford to touch on the aesthetics and elevations, how the look and feel of the building will be updated.

Mr. Todaro asked Mr. Bleuer if this building will go through the TND Overlay review.

Mr. Bleuer responded yes; part of the Development Plan review will be elevations.

Mr. Todaro noted that the look and feel, and historic nature within this community is important, and asked Mr. Burford what the plan is for the building.

Speaking on the plans that he has seen, as he is not the architect, Mr. Burford explained that the building profile will remain as is, with improvements made to the exterior. Mr. Burford stated it will be painted, the windows at the front will remain, the windows on the side may be removed because they do not want the neighbor to have to see inside the kitchen or have to see all of the equipment.

In regard to the second-floor residential units, Mr. Burford stated that the bathrooms that are there will stay, and there are two windows on the east side. He does not anticipate any major change to the elevation other than improving the façade that we see now. As far as he knows, there are no structural changes planned at this point.

Mr. Burford also noted that they will be adding wheelchair accessibility to the front entrance, which currently does not exist.

Mr. Todaro asked about the waste and refuse in the back, Mr. Todaro asked if totes will be enough for the amount of waste that will be created by this proposed business.

Mr. Burford responded yes; and an important thing to remember is that this proposed business is take-out only, with no in-store dining. A good portion of what would add to the typical on-site waste is going home with the customer off-site.

Mr. Burford stated that Mr. Li has another restaurant in Amherst, and based on his experience the totes that they are proposing will be sufficient. They are not your typical residential totes; they are more substantial and should be more than enough to keep it all contained.

Mr. Todaro asked about planned deliveries in regard to frequency and times.

Mr. Burford explained that the floor plan of the building shows a significant amount of storage, and this is just an assumption since he is not involved in the operations, but for the consumables there will perhaps be a delivery approximately once a month. Any weekly deliveries for food will be accessing the east driveway and go to the rear of the building. They will be smaller box trucks, not large trucks. That is why they have fenced that side off, because there is no need for Mr. Reilly to see that.

Mr. Todaro asked for some information regarding the internal makeup of the restaurant, such as in-house seating or anything of that nature.

Mr. Burford stated that the floor plan shows a seating area, but that is for customers that show up for their order, or wait for their order to be completed. It is not for in-store dining.

Mr. Burford pointed out the service counter and cashier area which is enclosed and has swinging doors for access. The refrigeration area will be behind the counter as well. There will also be a couple of bathrooms, as required by code. There is also a significant amount of storage in the single-story space.

Mr. Burford explained that the wall with the ventilation is located on the west side of the building, reiterating that it all goes vertically through the second story.

Mr. Todaro asked what the plan is for snow removal on this property. The prior use was very limited, and this will most likely have more visitation.

Mr. Burford stated that they plan to use the little bit of greenspace if it is not a substantial snow fall. They also have the option of blocking and clearing out a couple of parking spaces in the back of the property for snow storage. If needed, there will be snow being removed from the site.

Regarding loitering in front of or around the store, Mr. Todaro noted that he would like to make sure that does not happen. It is a valid use, but also having a church on one side and a residence on the other, as well as the community itself, loitering is not something they want to see happen.

Mrs. Salvati asked about the air handling system, and if it will have any filtration capabilities.

Mr. Burford responded yes; for airborne grease particles there is filtration for that, and a reservoir that will get cleaned and maintained regularly.

Mrs. Salvati asked if there will be any type of signage proposed for the façade.

Mr. Burford stated that he understands that to be an entirely different process.

Mrs. Salvati stated that if and when they reach development review and elevations are submitted, they will get in to the signage.

Referring to reports that there has been clean-up activity occurring inside the building, Chairman Sackett asked what has been done and what has been cleaned up thus far.

Ben Li, owner of the property stated that when they took ownership of the property the water was leaking and there was water everywhere. They fixed that so that it was functional.

Mr. Li stated that the Building Department did come and look at what had been done, and they did not do much more after that.

Mr. Todaro requested of Mr. Li that as he proceeds through this process, the Board would appreciate it if he has not already done so, he makes contact with the Health Department to determine what they require. Specifically due to the prior use with lead filings and ink, they should be in touch with the Health Department.

Mr. Burford stated that they are willing to do whatever additional testing is required.

Chairman Sackett asked if they have had any contact with the Health Department.

Mr. Burford stated that he has not.

Mr. Li responded not yet; but he plans to.

In regard to Public Participation, the following residents spoke:

1. Andrea Minor of 9500 Clarence Center Road:

- reiterated concerns that have been discussed including traffic, safety, historical preservation, and environmental impacts
 - changing the use of this location in to a fast-food carry-out restaurant, which would be within blocks of a church, preschool and elementary school
 - by nature, fast-food restaurants encourage quick in-and-out business meaning patrons and delivery drivers will be pulling in and out rapidly
 - delivery services rely on speed to maximize deliveries which increases the likelihood of hurried and potentially unsafe driving behaviors
 - who will be responsible for enforcing nobody backing out on to Clarence Center Road
 - concerned with contamination on the premises due to previous use and has spoken directly with a representative from the Erie County Health Department
 - requested the Board table this request
2. Terrance Reilly of 9505 Clarence Center Road:
- the turnaround radius does not work, cars will back out on to Clarence Center Road
 - the greenspace they are creating between his driveway and theirs is not sufficient
 - had agreements with previous owners
 - construction has been started on the property without the proper permitting
 - concerns with demolition in a building holding lead and asbestos
 - questioned why the intake exhaust fans are on the side of the property facing his house
 - feels that this is the wrong location for this establishment and the impact it will have on the community
3. Jeanette Fiess of 9520 Clarence Center Road:
- this restaurant does not seem to be a good fit for the neighborhood
 - very concerned about potential odors

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

Mr. Burford returned to address the concerns, starting with traffic and safety, specifically drivers backing out on to Clarence Center Road. Erie County has accepted what they have submitted showing how they plan to accomplish it, and with the actual distances. Mr. Burford stated that Erie County had no issue with the plan once they saw how the applicant plans to accomplish that.

As far as concerns about delivery drivers being fast in and out, Mr. Burford stated that they cannot control how people drive down Clarence Center Road, or anywhere else. They are hopeful that a number of customers coming to the restaurant will be walkers. They plan to post notices in the restaurant reminding customers to obey the traffic laws and drive cautiously.

Regarding concerns with potential smells coming from the proposed restaurant, Mr. Burford stated that nobody can guarantee there will not be smells coming from any restaurant. They believe that they have done the best that they can to limit the excess of smells coming from the proposed restaurant.

Mr. Burford stated that it is the intake that is located in the west side parking area and delivery area. They do not know how loud it will be, this is all new equipment so they assume that the ratings will be reviewed again extensively by the Building Department.

Regarding potential snow storage in the front in the potential greenspace, Mr. Burford stated that they could take back another 4' and use that for additional snow storage but they are trying to be a good neighbor and provide a wider driveway and provide a buffer.

Mr. Burford stated that they believe they have enough space for the garbage totes, and if that needs to be expanded once operations begin, they can do that.

Mr. Burford acknowledged that they are not looking to make things difficult. They are looking to meet required codes for the TND, and to accommodate as many of the concerns that they can control as they are able to.

Chairman Sackett asked Mr. Burford if they will make a commitment to contact Jeffrey Kowalski with the Department of Health and investigate the validity of the concerns.

Mr. Burford responded that they have no problem contacting Mr. Kowalski.

Mr. Li stated that they can have the snowplow contractor push all of the snow to the back area, that is not a problem.

Chairman Sackett advised Mr. Li to be observant of the driveway.

Mr. Todaro asked about the concerns regarding the sound of the intake. It should be noted that there should be a way to suppress the sound. Making sure it is to code, but also some other form of suppression even if it is a change in the location of the intake, so that it is not on the west wall.

Mr. Geasling asked if the air intake would be a problem in the proposed location with the hedge that is also proposed.

Mr. Burford stated that the air intake is proposed to be in the short area of the wall.

Mr. Geasling noted that it is the south wall.

Mr. Burford added that there will be a hedge and a 6' high fence that runs along the building, starting at the building.

Chairman Sackett asked if the gas meter located at the east driveway is intended to be relocated to the west side.

Mr. Burford responded yes; as shown on the plans.

Mrs. Salvati asked about the area where the totes are proposed to be located, assuring that the totes will be enclosed with a fence and a gate that will remain closed at all times except when they are being removed.

Mr. Burford responded yes; and they attempted to locate them as far away as possible from both neighbors.

Mrs. Salvati asked what the height of the proposed fence is.

Mr. Burford stated that it will be a 6' stockade fence much like what is seen around a dumpster.

Mrs. Salvati stated that she does not like to see dumpsters extend higher than the fencing.

Mr. Burford stated that since they are proposing totes, they will be below the top of the fence line.

ACTION:

Motion by Gregory Todaro, seconded by Richard Bigler to issue **Concept Plan Approval** of the **Change-In-Use** to allow a mixed-use project containing 1st floor restaurant and 2nd floor residential at 9515 Clarence Center Road per the submitted plan by GPI, dated August 2025, with the following conditions being met:

1. Subject to Development Plan review by the Town Planning Board, including a technical review of the final Development Plan set by the Town Engineering Department, and a technical review by the Building Department and Fire Inspector of the complete Building Permit application including a stamped building plan set.
2. Subject to Town of Clarence Engineering review and approval, and additional regulatory agencies, as required, for connection to the sanitary sewer system.
3. Subject to Erie County Department of Public Works approval for right-of-way modifications.
4. Subject to Erie County Department of Health approval for the foodservice facility.
5. Landscape Committee approval of a final landscape plan, prior to Development Plan approval, including any planting and dumpster or tote fencing. In addition, a maintenance plan shall be submitted as part of the landscape plan to ensure landscaping and fencing remain in perpetuity, and are maintained or replaced in kind should there be any deterioration, or death and disease to plantings.
6. Dumpster or tote enclosure 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 or totes.
7. 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 residential and necessary security lighting. Any and all security lighting shall be depicted on the lighting plan.
8. Kitchen exhaust system shall be designed and operated per the assurance letter submitted by the applicant, dated September 9th, 2025.
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 on-site.
11. No outside display or storage of any kind on the property, including but not limited to goods, materials, or other items.
12. 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.
13. Subject to Open Space, and any other applicable fees as required by Town Code.

ON THE QUESTION:

This change-in-use proposal has been deemed a Type 2 action by the Town of Clarence, and therefore requires no further environmental review nor action under the State Environmental Quality Review Act.

Mr. Todaro stated that the applicant should contact the Erie County Department of Health regarding the rules and the prior use of this facility, to make sure that it complies throughout the development process.

Mrs. Salvati reiterated that this is the first step in a two-step process. The Planning Board needs more information, the applicant will need to return for Development Plan approval. Before that is able to happen, the conditions must occur.

Mr. Todaro added that this proposed project has to go through the Traditional Neighborhood District (TND) overlay review.

Daniel Tytka	Aye	Jason Geasling	Aye	Gregory Todaro	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.

There are six existing parcels totaling approximately 7- acres, located in the Traditional Neighborhood District and Residential Single-Family zone.

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). During this time, the applicant addressed comments received, and removed the proposed drive-through facility. In June of this year, the Planning Board issued a Negative Declaration under SEQRA and denial of the Concept plan due to the overall height of the mixed-use buildings. In August, the Zoning Board of Appeals issued variances of 5'8" for the overall height of the mixed-use buildings. The Planning Board has authority to act on this request.

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

Michael Metzger with Metzger Civil Engineering and Brianne Frawley with VisoneCo were present to represent the applicant.

Mr. Metzger noted that while in review, there were some items that the Board requested the applicant looks at, which includes showing the location of the existing septic systems. Mr. Metzger reviewed these septic systems, noting that the one located back behind the existing apartment building will remain in the current location. The other two will be coming out of service, and they will build a brand-new state-of-the-art system in the back of the property.

Mr. Metzger stated that they were also asked to look in to adding more greenspace on the west side of the property. They have added more between what is currently the existing building and Nativity church and school. They also show on the plan in a site data table the impervious surface showing how much impervious surface is there currently and how much will be there after development.

Lastly, Mr. Metzger explained a parking comparison showing how much parking is there currently, what the code requirement is, and the amount of parking that they are proposing.

Mr. Metzger stated that they are confident they have a redevelopment project that will make a drastic improvement to the property that is there now.

Mr. Tytko asked about the greenspace and impervious surface along the west side, asking if there is a way that can all be greenspace, as they are well above what is required for parking.

Mr. Metzger stated that the area is immediately adjacent to the parking area for Nativity school, and they will need some parking on that side of the building. They have quite a bit between the two buildings on the east side, and in order to properly serve the commercial space, they also need to have some in this area as proposed.

Mr. Tytko noted that there is an abundance of impervious surface, and while Mr. Metzger states that the parking is for the commercial aspect of the proposed development, Mr. Tytko noted that they are 40 parking spaces over code.

Mr. Metzger responded, stating that they have taken a close look at the parking, and with this being Traditional Neighborhood Design, the non-residential portions of the requirement is 1 parking space per 1,000 sq. ft. Mr. Metzger continued to list the parking spaces allotted for each zoning district.

Mr. Metzger added that this area is not conducive to on-street parking. They have concerns that they do not have enough parking, and feel strongly that they cannot make adjustments to the number of parking spaces.

Referring to the new septic system and retention pond in the rear of the site, Mr. Tytka asked how much of the greenspace will be clear-cut. He knows it is currently heavy brush, and with the neighbors to the back, the Board would like to see as much of a buffer as possible.

Mr. Metzger stated that the area proposed for the septic system and bio-retention pond are an odd shape due to working with the existing contours on site, they came up with the shapes as proposed. Anything to the north of the pond although developable space, they do not have the need to utilize that area, therefore they plan to keep it untouched. The closest point of the pond to the back property line is over 80 ft. and the furthest point along the west side is over 150 ft., all area that they do not need to make any adjustments to as far as vegetation is concerned.

Mr. Tytka noted that it appears they are adding a rock wall along Main Street as well as additional greenspace. He believes this will be a vast improvement over what is there now.

Mrs. Salvati asked if when they calculated the parking, did they factor in shared parking.

Mr. Metzger responded, stating that if the Board takes a look at what it would be had it been zoned commercial, there is a vast difference. They are so far away from what it would be, that they are comfortable with the numbers.

Mrs. Salvati agreed that this proposal is an improvement to the site, and in the right location for development of this kind.

Mr. Todaro asked if the stormwater management area will be a wet pond.

Mr. Metzger stated that it will be a dry pond. The bioretention area provides the water quality or green infrastructure component to the state requirements.

Mrs. Salvati asked if they are planning any kind of signage along the street, or will it only be on the façade of the buildings.

Mr. Frawley stated that they have not given a lot of consideration to signage yet at this point. There are places on the buildings to place signage, but nothing more at this point.

Mrs. Salvati asked if there has been any thought given to providing e-charging stations.

Mrs. Frawley explained that they have been installing EV charging stations in all of their multi-family developments, they do plan to consider it for this project as well. They are unsure as to the quantity at this point, so they have not included them on the plans yet.

Mrs. Salvati stated that when development review is reached, perhaps they can show where they would go.

Chairman Sackett asked if the row of parking that has greenspace on both sides behind the apartments services the apartments.

Mr. Metzger responded yes; it has been there for a significant amount of time.

Chairman Sackett stated that he understands; but due to the amount of impervious surface, this area could be a better design. When the time comes for development approval, if it changes, there would be no objection.

In regard to Public Participation, no one spoke.

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

ACTION:

Motion by Daniel Tytko, seconded by Gregory Todaro to **approve** the VisoneCo Site Development, LLC. **Concept Plan**, located at 8560-8574 Main Street, per the submitted plan by Metzger Civil Engineering, dated December 7th, 2023, with a final revision date of September 15th, 2025, and to **approve** the **Conceptual Architectural** drawings by Silvestri Architects, dated May 30th 2024, all subject to the following conditions being met:

1. Applicant meeting the grading and drainage standards and requirements of the Town of Clarence Engineer.
2. Applicant meeting the fire code standards and requirements of the Town of Clarence Fire Inspector.
3. Subject to Development Plan review by the Town, including a technical review of the final Development Plan by the Town Engineering Department.
4. Subject to Town Building and Engineering Departments approval prior to any permits being obtained for site work activity.
5. Subject to New York State Department of Transportation approval for the proposed access points to Main Street.
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 stone wall, planting, and dumpster or tote fencing where applicable. In addition, a maintenance plan shall be submitted as part of the landscape plan to ensure landscaping and fencing remain in perpetuity, and are maintained or replaced in kind should there be any deterioration, or death and disease to plantings.
8. 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 residential and necessary security lighting. Any and all security lighting shall be depicted on the lighting plan.

9. Final building elevations to be submitted as part of the Development Plan review, including the labelling of material types and colors with the addition of detailing and material variety for any monotonous or blank wall areas. Building materials to be used shall be of industry standard high quality for durability and appearance.
10. Any exterior building mechanicals shall be identified, detailed, and shielded from view on any future Development Plan submittals.
11. Site curbing plan shall be submitted as part of Development Plan review.
12. Applicant shall propose an on-site recreational component during Development Plan review to meet the requirements of Clarence Town Code. Such recreational component may include pedestrian paths and amenities such as benches and bike racks.
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. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
15. No outside storage or display of any kind on the property unless same shall have been pre-approved by the Town, including, but not limited to vehicles, goods, materials, and debris.
16. 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.
17. Subject to Open Space, Recreation, and any other applicable fees as required by Town Code.

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

ON THE QUESTION:

This proposal has previously received a Negative Declaration from the Planning Board, and Variances from the Zoning Board of Appeals for the total height of mixed-use buildings.

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

MOTION CARRIED

Motion by Daniel Tytka, seconded by Gregory Todaro to **recommend** to the Town Board, **Rezoning** of the rear portion of 8560-8574 Main Street from Residential Single Family to Traditional Neighborhood District.

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

MOTION CARRIED

Motion by Daniel Tytka, seconded by Gregory Todaro to **recommend** to the Town Board approval of **Special Exception Use Permits** and **Architectural Style** for the VisoneCo Site Development project at 8560-8574 Main Street, containing multiple-family housing units and commercial space within buildings containing over 10,000 sq. ft., as per the approved Concept Plan and associated conditions.

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

MOTION CARRIED

Item 3

8750 Main Street Associates, LLC.
Traditional Neighborhood District and
Residential Single-Family

Requests Conceptual review of a multiple-family housing project to the rear of the Samuel's Grande Manor property at 8750 Main Street and SBL 70.20-4-3.12.

DISCUSSION:

Mr. Bleuer introduced this project at 8750 Main Street, located on the north side of Main Street, west of Overlook Drive. It is an existing 9.6-acre property in the Traditional Neighborhood District and Residential-Single-Family zone, containing a banquet facility and multiple-family housing units.

The applicant is requesting Conceptual review of a 50-unit multiple family housing project to the rear of the existing Samuel's Grande Manor facility. One 3-story structure is proposed. Two detached garage buildings are proposed, containing 8 and 12 bays.

A portion of the project has been designed within the Residential Single-Family zone, which would require rezoning consideration.

In 2021, the property owner Charles Pezzino proposed a 40-unit project. After a thorough Town review and project modification, a 24-unit project was Conceptually approved. In 2023, the property owner deemed the project cost prohibitive, and proposed a 20-unit project. During the Town's thorough review, the applicant ceased to pursue that project. Since then, the property owner has entered into an agreement with the current project sponsor who is now proposing 50 units.

The Town Board referred the proposal to the Planning Board in May of this year. At that time, the proposal contained two 3-story multi-family buildings containing 51 residential units. Since that time, the applicant has addressed comments received and modified the proposal to mimic a brownstone community set along a private tree-lined street corridor.

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

Present to represent the applicant was Sean Hopkins with the law firm Hopkins Sorgi & McCarthy PLLC as well as Richard McNamara the project sponsor, project engineer Michael Metzger with Metzger Civil Engineering, and David Sutton, the project architect with Sutton Architecture LLC

Mr. Hopkins explained that none of the previous reiterations of this proposed project did not involve or include this project sponsor or project theme.

Mr. Hopkins reviewed the proposed project as it currently stands, with one larger 3-story, multi-family building with a flat roof on the northern portion of the project site. Mr. Hopkins noted that Mr. Sutton

and his team have designed this building to mimic two separate buildings, with a brownstone appearance.

Mr. Hopkins continued to review the proposed project, noting that they have attempted to have it look like a streetscape behind an existing streetscape, as the location of this proposed project is 900 ft. back from Main Street.

Mr. Hopkins stated that they feel this is a dramatic improvement from what they originally proposed, and they have submitted some updates to the Planning Department which included an amended Part 1 of the Environmental Assessment Form.

Mr. Hopkins noted that additional landscaped islands have been added both in the proposed parking lot and the existing parking lot.

The rear portion of the property where this proposed project would be located is approximately 7' to 8' lower than on Main Street and is currently haphazardly paved. They plan to install decorative lighting, and create a sense of community back from Main Street.

While they are asking for a slight modification to the TND zoning to extend to the north, Mr. Hopkins noted that the overall site, they think that they do hit the objectives and intent of the TND. What will result is a mixture of uses.

Mr. Hopkins also feels that this proposed project will attract different demographics, as opposed to a typical mixed-use in the suburbs. For instance, young professionals and seniors that may want to live on the first floor and have the ability to walk right out whenever they want. It may also be attractive to empty nesters who already reside in the Town of Clarence, but no longer want to maintain a large single-family home.

Mr. Sutton explained that they plan to use high quality materials with brick and a wood look smart siding giving both a vertical and horizontal variety. Features such as window boxes and highlighting front doors along the brownstone type atmosphere will be proposed.

Noting that the Planning Board has mixed feelings about flat roofs versus pitched, Mr. Sutton stated that the style that they are presenting is welcoming to a flat roof. It creates the style and image that they are attempting to create while also allowing them to provide for a logical place for the mechanicals to go. As per the site plan, there are no mechanicals on or around the building that are required to be screened as they are all proposed to be located on the center of the roof. They will not be visible from any point on the site.

Mr. Geasling asked if they are proposing real brick, or brick panel.

Mr. Sutton explained that at this point in time, the exact finishes have not yet been determined, but it will be a real brick whether it is a 4' brick, or brick veneer. The brick will be genuine.

Mr. Geasling noted that one of the elevations appears that there is more of a relief with the horizontal articulation, and he wants to be sure it will not resemble an institution. He does like the height variation, the front bumping in and out, and the materials.

Mr. Sutton stated that they have tried to include some juts in and out on the building, but are also limited on the footprint of the proposed building due to the restrictions on the site itself. They are using a choice in differing materials, enhancing the shadow lines associated with the juts.

Mr. Sutton continued to explain the details of the juts, adding that they are attempting to use an array of architectural features in order to deal with the limitations that are provided on the site.

One of the restrictions is the rear yard setback, Mr. Sutton explained that they were motivated to find as much buffer as possible if there is an allotment for priority shift, it may allow for more encroachment on the rear yard setback it may allow them to add more bump outs and depth to the front façade.

Referring to the detached garages, Mr. Geasling asked who will have access to those.

Mr. Hopkins stated that the detached garages will be optional for the residential tenants. They are tenant use only, if you do not live there, you cannot lease a garage.

Mr. Geasling asked about the parking spaces located at the front of the site, noting that there is not a ton of greenspace between them.

Mr. Hopkins stated that they can review the number of landscaped islands at the front of the building and consider adding more if needed.

Acknowledging that it is early in the review process and not seeing it noted on the plans, Mr. Geasling asked what the anticipated garbage service will be.

Mr. Metzger pointed out where the dumpster is proposed.

Mr. Hopkins added that it will be fully screened and enclosed.

Mr. Geasling noted that it is rather far away for some of the residents.

Mr. Hopkins stated that they will review the placement.

Chairman Sackett asked what the current setback is on the north side of the property, which is the back side of the proposed building.

Mr. Hopkins explained that they were at 50' which was reduced to 35' during a previous Planning Board Executive meeting.

Chairman Sackett noted that the code is 25', and asked Mr. Hopkins to consult with the Planning Office on the code.

During additional discussion it was confirmed that the setback for the north side is 25'.

Mrs. Salvati stated that if given the choice between Plan A or Plan B, she would choose Plan A. While she is not opposed to something being developed at the back of this site, she has concerns with the proposed project.

Mrs. Salvati continued, noting that the intent of the Traditional Neighborhood Design zoning district which indicates that encouraging and allowing mixed uses and mixed-use structures needs to be done, and this proposed project is solely an apartment building.

Mrs. Salvati also stated that a sense of community needs to be encouraged and accomplished, and she does not feel this proposed project is accomplishing that. Providing a walkable, pedestrian friendly environment is necessary, therefore the sidewalk to Main Street is sufficient.

Creating a small-town, historic style business district is also a concern, as this has not been included. The TND district is typically for the hamlets, and she does not see that this project is fully meeting the intent of that zoning. She does not see how this proposed project connects the multi-functional Samuel's Grand Manor.

Mrs. Salvati commented on this proposed project and how she feels it relates to Vision Main Street.

In regard to Public Participation no one spoke.

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

Mrs. Salvati added that she does not feel a 3-story building is keeping with the character or community of the area. She would like the applicant to consider reducing it all down to 2-stories, or a mix of 2 and 3-story buildings.

Mr. Bigler stated that Mrs. Salvati speaks for herself, not the whole Board.

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 to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies on the 8750 Main Street, LLC. project at 8750 Main Street and SBL 70.20-4-3.12, in the Traditional Neighborhood District and Residential Single-Family zones. This Type I action involves the rezoning of property to Traditional Neighborhood District and the construction of 50 multiple-family residential units.

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

MOTION CARRIED.

Item 4

NY Clarence I, LLC., NY Roll Road III, LLC.,
Epic Storage Solutions, LLC.
Industrial Business Park

Requests Conceptual review of a solar, self-storage, and commercial/warehouse project at 8550 Roll Road and SBL's 1.11-4-14.1 & 43.19-3-1.1.

DISCUSSION:

Mr. Bleuer introduced this project at 8550 Roll Road, and SBL's 1.11-4-14.1 & 43.19-3-1.1, located on the north side of Roll Road, east of Harris Hill Road.

The existing properties comprised of approximately 93.4 acres and located in the Industrial Business Park zone. The Roll Road frontage contains a self-storage facility currently under construction and nearing completion.

The applicants, commonly known as Bullrock Corp., Solar Liberty, and Natale Builders, are requesting Conceptual review of a solar photovoltaic system, and phase 2 of a self-storage facility to include commercial/warehouse space, all accessed from Roll Road through the existing self-storage facility.

The project consists of a 10.45-megawatt direct current (MWdc) solar facility, a 215-unit self-storage facility, and 11,450 sq. ft. of flexible commercial/warehouse space. Should the flexible commercial/warehouse space be successful, an alternate plan shows the removal of 73-units of self-storage and the addition of another 11,450 sq. ft. of flexible commercial/warehouse space.

The Town Board referred the proposal to the Planning Board in August of this year.

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

Ken Zollitsch with the engineering firm Greenman Pedersen Inc. (GPI) as well as a number of representatives were present to represent this project.

Mr. Zollitsch reviewed the project, noting that this project is a continuation of the Roll Road storage site as well as a solar field located in the back. What they are seeking tonight is to begin the review process, the coordinated review so that they can obtain comments from involved and interested agencies. This will assist them in understanding what impacts this proposed project may have so that they can respond and address them accordingly.

Reiterating Mr. Bleuer's introduction, Mr. Zollitsch noted that the facility they are looking at is located behind the Roll Road storage facility that is nearly complete. This is located on the north side of Gott Creek, as the previous development ended at the southern side of Gott Creek.

Mr. Zollitsch continued to explain the proposed project and how it will break down.

Mr. Zollitsch stated that any of the utilities for this site would be extended from Roll Road. They have accounted for this expansion with their original design where their water line ends just shy of the creek, as well as other utilities that they anticipate doing this extension early on.

Mr. Zollitsch explained that when the original Roll Road storage facility was first introduced to the board, there was talk of what could be done with the back part of the very deep site.

Mr. Todaro asked about the number of trees and vegetation that will need to be removed and the buffer area along the north, east, and west boundaries.

Mr. Zollitsch stated that the wetlands are located along the northern portion of the site, so there will be no disturbance along the northern side of the site.

William Appenheimer with Solar Liberty stated that anything that is near a wetland will stay a minimum of 50 ft. away from. This is per the new Department of Environmental Conservation (DEC) regulations that came out in January of this year. Anything as far as property lines he is not able to give exact setbacks but their engineers always work within the code, so nothing will encroach past what the code allows.

In regard to on-site storage, Mr. Todaro asked what is planned for parts. Preferably he does not want to see semi-trailers parked on the property with replacement panels and wiring.

Mr. Appenheimer responded absolutely not; for the actual construction of the project, semi-trailers will be typically no more than 3 for the day. This is a small portion of the phase, and typically takes approximately a month.

Mr. Todaro asked how equipment is monitored, and once expired, how is it handled and stored.

Mr. Appenheimer explained that you can determine a panel is expired by the output of the system itself. Generally, these modules have an approximately 35-year design life, so it is not something that is expected to happen often.

Mr. Appenheimer continued to explain the process of locating the weakened panel once it appears that production has dropped.

Mr. Todaro asked if the panels are static, or if they move with the sun.

Mr. Appenheimer stated that as designed, these would move with the sun.

Mr. Todaro asked if the motors that move the panels are loud.

Mr. Appenheimer responded no; this is not the type of movement that will be heard off-site.

Noting that this proposed location is within the flight path of the airport, Mr. Todaro asked if they will cause any issues for the planes.

Mr. Appenheimer stated no; it is standard procedure for them, typically what the FAA wants to see is 4 different coordinates from the different corners of the site so that they can be evaluated individually.

In regard to the storage component of the site, Mr. Todaro asked what the look and feel of the new expansion will be. Will it be consistent with the current development?

Mr. Zollitsch responded that in terms of the outdoor storage, they will most likely be the same types of buildings. The 2-story conditioned building to the front of the site will be the most attractive looking, to help screen the rest of the site. There will be similar theming throughout the site with similar styles and materials.

Mr. Todaro confirmed with Mr. Bleuer that any type of use and business within the site will need to go through separate approvals.

Mr. Bleuer responded yes; each use and user would have to be reviewed to assure that they are fit for the zoning.

Mr. Todaro asked about the landscaping in regard to the entire site.

Mr. Zollitsch responded, stating that the solar site will have some landscaping and will work with the Town and the Landscape Committee. As far as the storage area, they will look to add some supplemental trees and landscaping to dress it up. It is his understanding that with the majority of the solar fields a lot of it is field with no trees that could potentially block the solar panels.

Wendy asked if there will be any mowing in the future and the area around the solar arrays will be allowed to be natural.

Mr. Appenheimer responded, stating that as much as possible they allow it to stay natural. The leading edge of the panels is just under 3', so they want the field and grass to stay just below that. They will come in occasionally to mow.

Mrs. Salvati asked if they will use sheep to cut the grass.

Mr. Appenheimer responded no; not as of now.

Mrs. Salvati addressed some comments she had with the Environmental Assessment Form (EAF). They are asking the Board to begin SEQR tonight, and in order for that to happen, an updated EAF is needed.

Mrs. Salvati noted that on page 3 the applicant indicated that a total of 6.7 acres would be disturbed. She does not think they were including the backlands.

Mr. Appenheimer stated that he spoke with their environmental engineers about that and that disturbance number means specific things. The DEC's definition of a disturbance is for construction activities such as clearing, or grading, or something similar. It is important to note that once the posts are in, there are no pieces of equipment that are driving in between the rows.

Mr. Appenheimer noted that there will be a weekly advocate making sure that the disturbance numbers stay what they are.

Mrs. Salvati asked if physically disturbed means that they are digging in to the land.

Mr. Appenheimer responded yes; they have very specific requirements for what meets the disturbance of land.

Mrs. Salvati stated that the other issue she has is at the bottom of page 9 – their numbers need to add up in those columns.

Mr. Appenheimer stated that he checked with their environmental engineers on this as well; they have 3 different options that whichever the Board wants to see, they can do. The discrepancy between column 1 and column 2 is the area that is going to be the solar array. None of the other rows delineate a space so generally speaking when they submit an EAF those two columns never match up because by virtue of the project itself, you are installing a solar array so the acreage is going to change.

That being said, Mr. Appenheimer noted that if the Board wants them to adjust those columns, they have a couple of different options that he reviewed.

Mrs. Salvati continued to discuss the EAF.

In regard to Public Participation, the following residents spoke:

1. Ron Hirtreiter of 8601 Clarence Center Road:
 - these are the only woods left in Clarence Center where there is wildlife, and they want to put a solar farm in
 - it is detrimental to all the animals in the area and from what they understand, humans also
 - they have been told that access to this property will be through the old Peanut Line
 - if this gets approved, why can they not come in from Roll Road instead of Clarence Center Road
 - this is not a good project for the area with the residents that are still there
2. Brian Madison representing his in-laws who reside at 8561 Clarence Center Road:
 - assessment just raised \$150,000
 - solar farm in backyard
 - concerns with the old Gypsum Mines
3. Jim Diblasi of 8520 Roll Road:
 - they will not be entering from the Peanut Line; they will be entering from the Gypsum Mine off of Roll Road
 - due to changes in Wetland law due to New York State taking it over, he is limited in what he can do with his property
 - loves the animals on his property

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

Chairman Sackett explained that part of a Coordinated Review is getting the questions and concerns addressed.

Mr. Zollitsch returned to address the resident's concerns, beginning with the access road, there is no entrance off of Clarence Center Road. All access for this project will come from Roll Road.

In regard to buffering for those residents on Clarence Center, with the DEC wetland located on the north end they are at least 1,000 ft. away with the first solar panel through brush, woods, it will be deep and nothing will be seen. They will not be disturbing the wetland; he is sure it will be deed restricted.

In terms of the Gypsum Mines, Mr. Zollitsch stated that in general in this area, they have yet to come across issue during any of the projects on Roll Road. If there were concerns, this proposed project would almost be ideal because there are no significant foundations or weight going in.

Mr. Todaro asked for clarity on the wooded area, within 1,000 ft. in general what would be the disturbance in the trees and vegetation.

Mr. Zollitsch responded within 1,000 ft. there would be nothing. If it is helpful for the Board they can lay out their concept plan with an aerial underneath. It would help to clarify everyone to see the exact extent of what they are working with.

In regard to the EAF and updating the second column on page 9, Mr. Zollitsch stated that they will get that updated and supply it to Mr. Bleuer.

Mr. Bigler noted that this is the second solar project proposed to the Town currently, and asked if the applicant will be starting with the self-storage aspect of the project and then move northward as they progress, on to the solar aspect, or will it be done in conjunction.

Mr. Zollitsch responded most likely in conjunction. A portion of the self-storage will need to be installed to gain access to the bridge and get across to the northern portion of the site. He expects them to be done together, ongoing at the same time.

Mrs. Salvati stated that there was a plan submitted that shows what is beyond the match line.

Mr. Zollitsch responded yes; but it does not have the aerial behind it, which he would like to add.

Mrs. Salvati noted a previous solar project and the SEQR process that included a safety plan, maintenance & removal plan, and decommissioning plan. She suggests staying consistent and getting the same items for this proposed project.

ACTION:

Motion by Gregory Todaro, 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 NY Clarence I, LLC., NY Roll Road III, LLC., & Epic Storage Solutions, LLC. project at 8550 Roll Road and SBL's 1.11-4-14.1 & 43.19-3-1.1, in the Industrial Business Park zone. This Type I action involves the construction of an approximately 10.45 megawatt solar, self-storage, and commercial/warehouse project.

ON THE QUESTION:

Chairman Sackett confirmed that Mr. Todaro is accepting the EAF as submitted, not requiring an update.

Mr. Todaro responded yes.

Mr. Todaro stated that he would like to request the 3 plans that Mrs. Salvati stated to be submitted for this project.

Mr. Bleuer stated that those documents were submitted as part of the application, it is a very massive document, but they will be submitted as part of the SEQR review.

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

MOTION CARRIED.

Item 5

Transit Redi-Mix, Inc.
Industrial Business Park

Requests Site Plan and Architectural approvals for the construction of a detached accessory structure located at 9775 County Road.

DISCUSSION:

Mr. Bleuer introduced this project at 9775 County Road, located on the south side of County Road, at the stub of Killdeer Lane private drive. It is an existing 12-acre parcel zoned Industrial Business Park, containing an existing industrial business operation.

The applicant is requesting Site Plan and Architectural approvals for the construction of a detached accessory structure. The structure is proposed to be a 4,800 sq. ft. metal pole barn.

In 2021, the applicant constructed a 3,360 sq. ft. metal pole barn for personal use adjacent to this newly proposed structure. If approved, the existing and proposed structures would be utilized for both personal and business use.

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

Neil Bopp was present to represent this item.

Mr. Tytka asked what the need is for the additional building.

Mr. Bopp explained that he has 4 tractors and trailers that he would like to keep inside and out of the weather. A couple of the trailers do not get used as often, and he wants to keep them out of the weather.

Mr. Tytka asked if the materials for the proposed building will match the materials of the existing building.

Mr. Bopp responded yes, it will look just like the existing building, just a bit bigger.

Mr. Tytka asked if there will be any new exterior lighting.

Mr. Bopp stated that he will most likely add one outside light for security reasons.

Mr. Tytka noted that the light needs to be dark sky compliant.

Mr. Tytka asked if the easement going up the road will need to be updated.

Mr. Bopp responded no; it should be good.

Mr. Todaro noted for building lighting if Mr. Bopp plans to install a pack light above the man-door, when they say shielded, it needs to be shielded not only from the sky, but also from adjoining properties.

In regard to Public Participation, no one spoke.

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

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 **approve** the Part 2 & 3 Environmental Assessment Forms as prepared and to **issue a Negative Declaration** on the Transit Redi-Mix project located 9775 County Road. This Unlisted Action involves the construction of a detached accessory structure. After thorough review of the submitted plans, documents, 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 Geasling	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED.

Motion by Daniel Tytko, seconded by Wendy Salvati to issue **Site Plan and Architectural Approvals** for the Transit Redi-Mix detached accessory structure located at 9775 County Road per the submitted sketch plan and architectural drawings submitted by the applicant and received in the Planning Office on August 8th, 2025, all subject to the following conditions being met:

1. Subject to Town Building and Engineering Departments review and approvals, as required, prior to any permits being obtained for construction on the property.
2. Applicant meeting the fire code standards and requirements of the Town of Clarence Fire Inspector.
3. Subject to Erie County Health Department and New York State Department of Environmental Conservation approval, if required, on any additions or modifications to the on-site sanitary facilities.
4. All site lighting shall comply with Town Code, 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 necessary security lighting.
5. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as approved.
6. No additional future business operations or operators without proper application made by the applicant and review and approval by the Town.
7. Any future proposed 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.
8. Drive lanes and yards to be kept in maintained condition that prevents excessive dust.
9. Subject to Open Space, and any other applicable fees as required by Town Code.

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

ON THE QUESTION:

Mr. Todaro noted that one of the constraints on the proposal is to knock down dust on the property, adding that the Planning Board is simply asking that Mr. Bopp reduce the dust so that it does not affect neighbors.

Mr. Bopp stated that they do take precautions to keep it knocked down by using Calcium during the summer.

Mrs. Salvati asked if the existing building has a light on it.

Mr. Bopp responded yes.

Mrs. Salvati asked Mr. Bopp if he would be putting similar or the same lights on the new building.

Mr. Bopp stated that he has not thought about it that much yet, but believes he will put a similar light on it for safety reasons at night.

Mrs. Salvati asked whatever shielding is put on the new lighting is also installed on the existing light, so as to remain consistent with the dark-sky compliance.

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

MOTION CARRIED

Meeting **adjourned** at 9:12 p.m. with a motion by Gregory Todaro.

Amy Major
Senior Clerk Typist