

note the parcel lines displayed are approximate

8750 Main Street & SBL 70.20-4-3.12.



Proposed 52,185 sq.ft. multiple family housing building located within the Traditional Neighborhood and Residential Single-Family zones.

The maximum allowable square footage for a structure in the Traditional Neighborhood zone is 30,000 sq.ft.

EXHIBIT 1

EXHIBIT 1

JUSTIFICATION FOR REQUESTED AREA VARIANCE PURSUANT TO THE BALANCING TEST AND FIVE CRITERIA CONTAINED IN NYS TOWN LAW SECTION 267-b(3)(b)

I. Justification for Requested Area Variance for the Proposed Multifamily Building:

NYS Town Law §267-b(3)(b) sets forth a statutorily mandated balancing test to be considered by a Zoning Board of Appeals (“ZBA”) in connection with its review of a request for area variances. The statutorily mandated balancing test requires a zoning board of appeals to balance the benefits that will be realized if the requested area variance is granted against the resulting detriments to the health, safety and welfare of the community.

The granting of the requested area variance to allow the proposed three-story multifamily building to consist of 52,185 sq. ft. versus the 30,000 sq. ft. permitted in the TND zoning district will result in substantial benefits to the Applicant by allowing it to proceed with the proposed project pursuant to the current layout that reflects input received during the lengthy review process. A color copy of the Concept Plan depicting the project layout is provided at **Exhibit “2”** and color renderings of the proposed three-story multifamily building are provided at **Exhibit “3”**. An Elevation and Floor Plan for the proposed multifamily building as prepared by Sutton Architecture PLLC dated February 6, 2026 is provided at **Exhibit “4”**. The granting of the requested area variance will not result in any detriments to the health, safety and welfare of the community.

It is important to mention that although the project consists of a single building, the front façade has been deliberately designed to include middle segment that is setback from the front portion of remainder of the building such the building will have the appearance of two buildings except when viewing the building from directly in front of it. The building also includes diverse high quality materials and both horizontal and vertical articulation.

The Planning Board has conducted a coordinated environmental review of the project pursuant to the State Environmental Quality Review Act (“SEQRA”) that concluded with its issuance of a Negative Declaration on February 18, 2026. A copy of the Negative Declaration issued by the Planning Board is provided at **Exhibit “5”**.

The project is consistent with the Clarence 2030 – Town of Clarence Comprehensive Plan which is the Town’s adopted Comprehensive Plan. The Comprehensive Plan review process began in December 2014 and was adopted by the Town Board in December of 2016 and included numerous opportunities for public input and participation. Map 8 (“Future Land Use Map”) of Clarence 2030 designates the Project Site as appropriate for Hamlet Neighborhood; specifically, the Project Site falls within the boundaries of the Harris Hill Hamlet Neighborhood. The Harris Hill Hamlet Neighborhood is generally characterized by a mix of land uses, providing public and community uses as well as commercial establishments in close proximity to residential neighborhoods. As part of Comprehensive Plan, the Town has placed an increasing emphasis on providing pedestrian connectivity throughout these areas, as well as building and site design requirements in order to achieve a higher standard of development.

In applying the statutorily mandated balancing test set forth above, NYS Town Law §267-b(3)(b) requires a ZBA to consider five criteria as described below:

- 1. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the requested area variance?**

The granting of the requested area variance by the Zoning Board of Appeals will not create an undesirable change in the character of the neighborhood or a detriment to nearby properties.

The proposed three-story building has been deliberately located along the northern portion of the

Project Site and will feature high quality architectural materials as demonstrated by the color renderings of the proposed three-story building provided at Exhibit "3". The granting of the requested area variance will also allow the Applicant create a vibrant streetscape in front of the building which will create a highly livable environment for the residents.

2. Whether the benefit sought by the applicant can be achieved by some other method, feasible for the applicant to pursue, other than an area variance?

It would not be possible for the Applicant to receive the benefits it will receive if the requested area variance are granted without seeking the requested relief from the Zoning Board of Appeals. There are not any feasible alternatives to the requested area variance that would eliminate the need for the requested relief while simultaneously allowing the Applicant to receive the benefits it will receive if the two requested area variance is granted. If the middle segment of the building that does not contain residential units that consists of the vestibule and an elevator was removed, the Applicant would be required to install an elevator in each building along with two separate primary entrances.

3. Whether the requested area variance is substantial?

The reason the magnitude of the area variance being requested is relevant is that, generally, the larger the difference the more likely it is that a negative effect would be generated. See Matter of Human Development Services of Port Chester v. Zoning Board of Appeals of the Village of Port Chester, 110 A.D.2d 135, aff'd, 67 N.Y.2d 702. However, in any particular case, the facts may demonstrate that while a variance may seem noteworthy on paper, no negative effect would be produced and, accordingly, the sought-after variance should be granted. For example, in Matter of Frank v. Scheyer, 227 A.D.2d 558, 642 N.Y.S.2d 956 (2d Dept. 1996), the parcel was 19,983 square feet. However, the zoning code required a minimum lot size of one acre or 43,560 square feet. The

variance at issue was more than 54%. Nevertheless, based on the facts presented, no harm would befall the community and the Court directed the zoning board of appeals to grant the application. The Court took similar action in Matter of Shaughessy v. Roth, 204 A.D.2d 333, 611 N.Y.S.2d 281 (2d Dept. 1994), in which the premises contained 50 feet of frontage and 5,000 square feet of area. The zoning code required 80 feet of frontage and a minimum lot size of 10,000 square feet. Accordingly, the application concerned a 50% reduction in lot area coupled with a second area variance seeking a 62.5% reduction from the required frontage. Nevertheless, based on the facts in the record, the Court directed the respondents to issue the variances. Additionally, in Matter of Sasso v. Osgood, 86 N.Y.2d 374 (1995), the applicant sought area variances for a 60% reduction in lot area and a 50% reduction in lot width. Based on all of the facts presented, the Court of Appeals, the State's highest court, overturned the holding of the appellate court and directed that the requested area variances be granted.

Merely because a requested area variance may seem noteworthy on paper does not mean that any "harm" would be generated on the surrounding community, and it is "harm" that is balanced against the interest of the applicant according to the Town Law §267-b(3) test. The granting of the requested area variance for the proposed multifamily building with a size of more than 30,000 sq. ft. will not result in any "harm" on the surrounding community. Instead, the granting of the requested area variance will be beneficial to the surrounding community by accommodating a creative project layout that features an upscale multifamily building on the northern portion of the Project Site.

4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

The granting of the requested area variance will not have any adverse effects or impacts on physical or environmental conditions in the neighborhood. The Planning Board has completed a coordinated environmental review of the proposed project pursuant to the State Environmental Quality Review Act ("SEQRA") that resulted in its issuance of a Negative Declaration by a unanimous vote on February 18, 2026. A copy of the negative declaration issued by the Planning Board pursuant to SEQRA is attached as **Exhibit "5"**. A color copy of the PowerPoint presentation given during the public hearing held by the Planning Board during its meeting on February 18 2028 is attached as **Exhibit "6"**. The Planning Board identified and thoroughly evaluated the identified potential environmental impacts in connection with its environmental review of the proposed project. It is also important to mention that the project will require Development Plan Approval from the Planning Board, which will ensure compliance with all applicable technical standards including stormwater management, lighting, etc.

5. Whether the alleged difficulty was self-created?

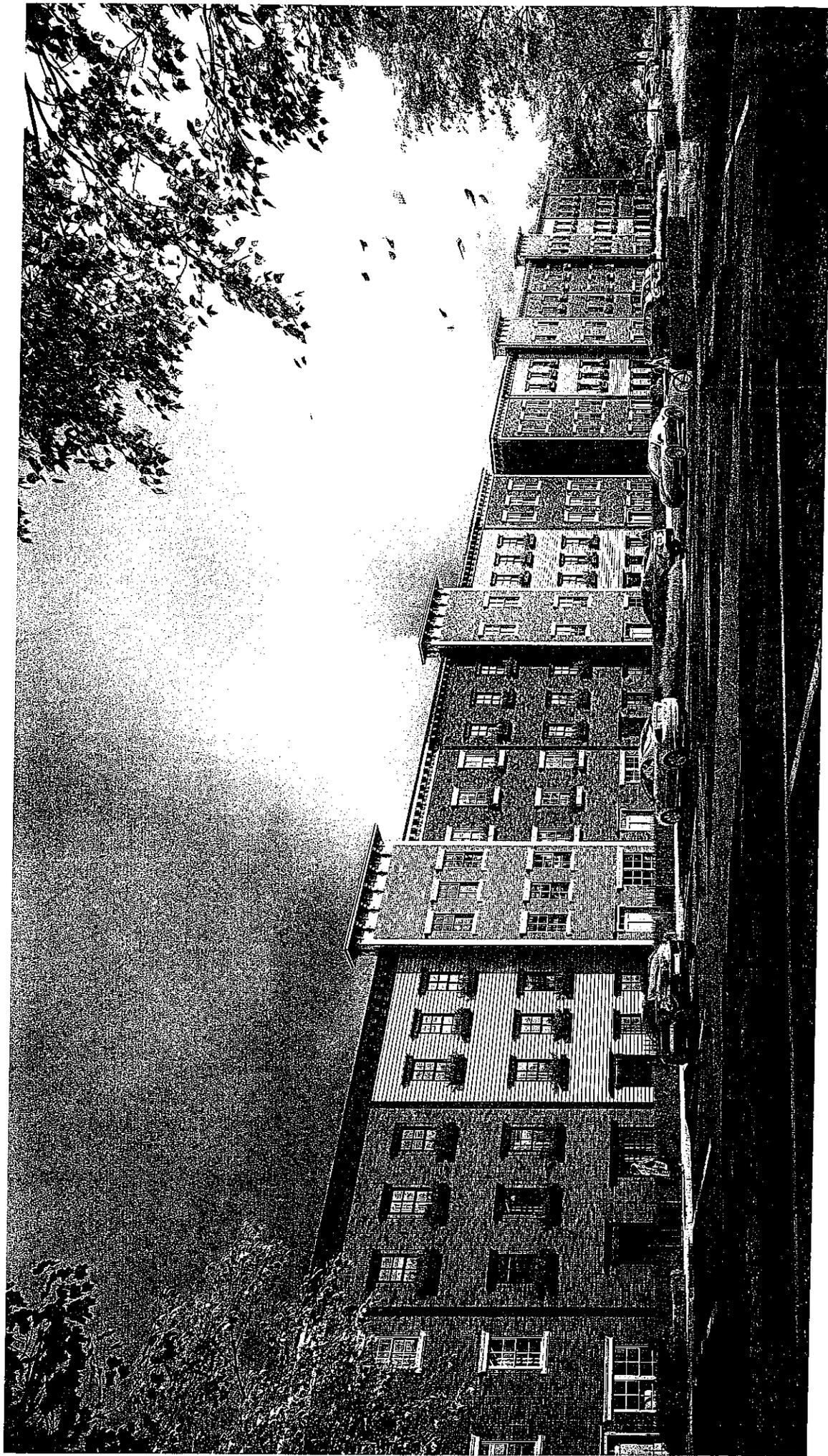
Town Law Section 267-b(3)(b) expressly states that the issue of whether an alleged difficulty is self-created cannot be utilized as the sole criteria in determining whether to grant a requested area variance. It is the position of the Applicant that while the alleged difficulty can be viewed as being self-created since the Applicant is aware the zoning classification of the Project Site and the relevant standards contained in the Zoning Code, the overall balancing test and the other four statutory criterion provides strong justification for the granting of the requested area variance.

II. Conclusion:

The Applicant requests that the Zoning Board of Appeals grant the requested area variance being sought for the proposed multifamily building. The granting of the requested area variance is justified since the benefits that will be received by Applicant if the requested area variance is granted clearly outweighs any resulting detriments per the statutorily mandated balancing test and five criteria.

EXHIBIT 2

EXHIBIT 3



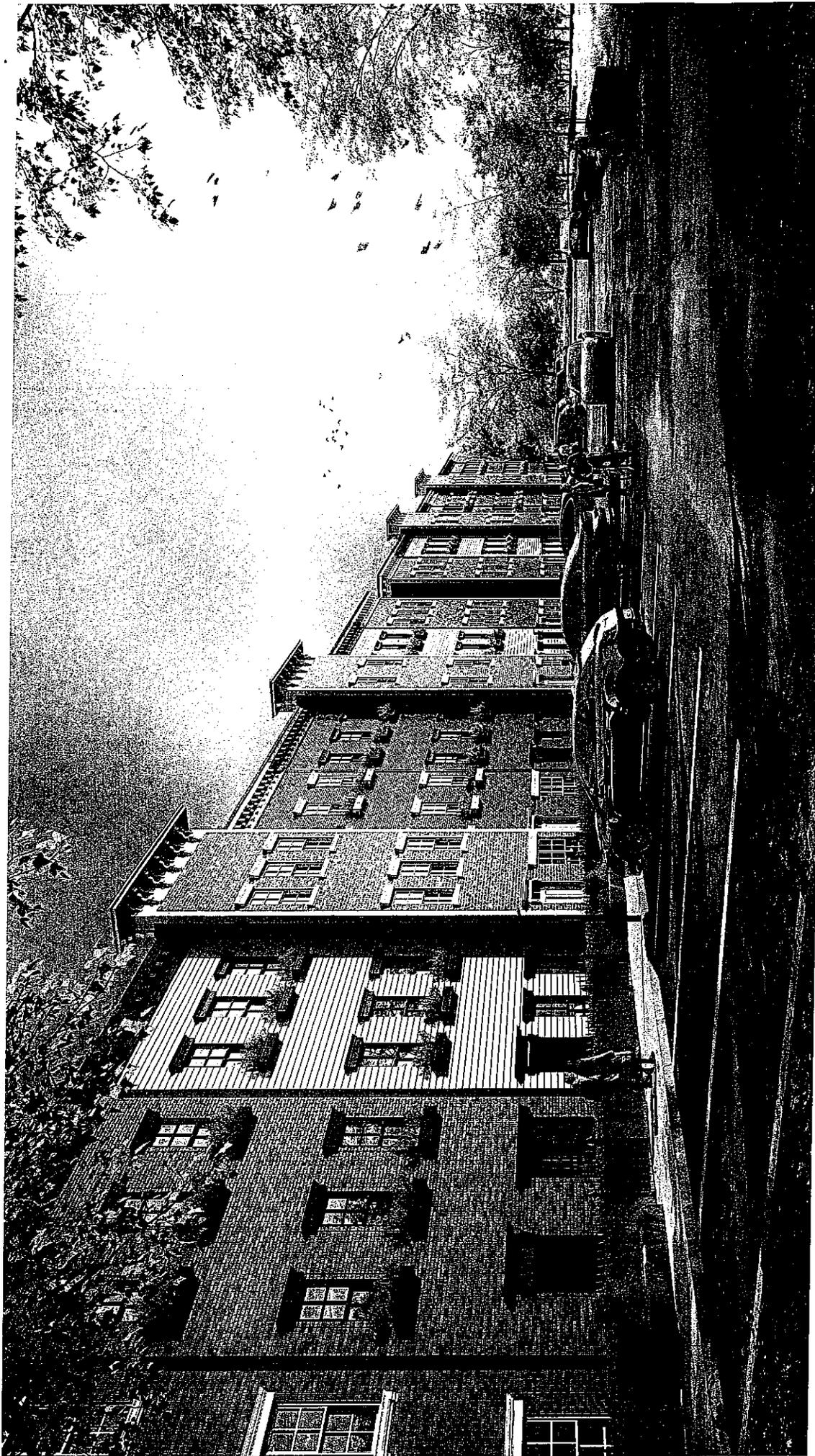
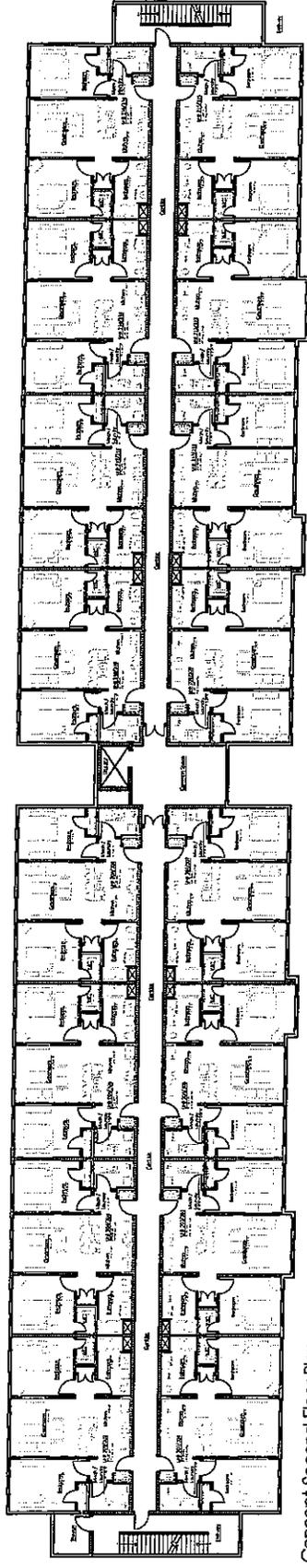
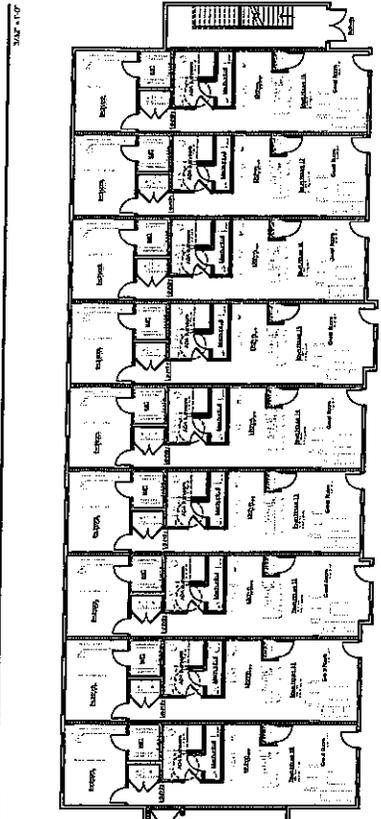


EXHIBIT 4



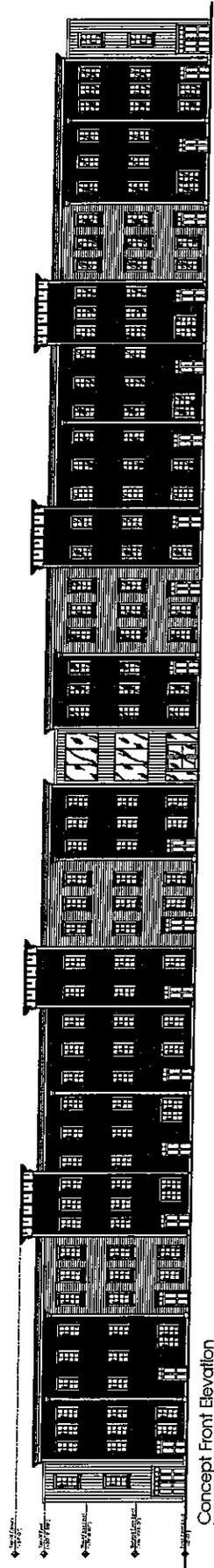
Concept Second Floor Plan

17,275 Square Feet Per Floor



Concept First Floor Plan

17,295 Square Feet Per Floor



Concept Front Elevation

92,185 Total Building Square Footage

**Samuels Apartments 50 Unit
Multi-Family Concept Plans & Elevation**

8750 Main Street
Town Of Clarence, NY
2/9/2026



EXHIBIT 6

**State Environmental Quality Review
Negative Declaration
Notice of Determination of Non-Significance**

Date: February 18, 2026

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Clarence Planning Board, acting as the designated Lead Agency in connection with the coordinated environmental review of the action, has determined that the proposed action described below will not have any potentially significant adverse impacts on the environment and as such a Draft Environmental Impact Statement will NOT be prepared.

Project Name: 8750 Main Street – Multifamily Residential Development

Project Number: TOC09172025A

Location of Project: 8750 Main Street - SBL: 70.20-4-3.11 & 0 Main Street – SBL: 70.20-4-3.12
North side of Main Street | East of Harris Hill Road

Lead Agency: Town of Clarence Planning Board

SEQRA Classification: The Proposed Project is a Type I Action. The Town conducted a coordinated environmental review and none of the involved agencies expressed any objection to the Planning Board acting as the designated lead agency.

Description of Action: Existing 9.6-acre property in the Traditional Neighborhood District and Residential-Single-Family zone, containing a banquet facility and multiple-family housing units. A 50-unit multiple family housing project is proposed 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.

The Planning Board has thoroughly evaluated the Part 1 of the Environmental Assessment Form, the completed Parts 2 and 3 of the Environmental Assessment Forms, submitted plans, documents, reports, and letters, as well as all supporting documentation and meeting minutes associated with the coordinated environmental review of the action pursuant to SEQRA.

Compared to the criteria listed in Section 617.7 of the SEQR Regulations, the Planning Board, acting as the designated lead agency, has determined that all identified areas of environmental concern have been identified and thoroughly evaluated, and that the proposed action will not have any potentially significant adverse impacts on the environment. The Planning Board's reasoned elaboration in support of its determination that the proposed project will not result in any potentially significant adverse environmental impacts is provided below.

Executive Summary:

The "Project Site" is located on the north side of Main Street, is east of Harris Hill Road, and consists of 8750 Main Street - SBL: 70.20-4-3.11 & 0 Main Street - SBL: 70.20-4-3.12. The Project Site consists of +/- 9.6 acres of land and is zoned as Traditional Neighborhood ("TND") and Residential Single-Family ("R-SF") pursuant to the Town of Clarence Zoning Map. The Project Site currently contains a banquet facility along with multiple-family housing known as "Samuel's Grande Manor."

The Planning Board previously conducted a coordinated environmental review for the development of a portion of the Project Site for multiple-family housing that concluded with the issuance of a Negative Declaration on December 1, 2021. The Planning Board hereby affirms the Negative Declaration with amendment, first issued on December 1, 2021 for the same land use as depicted on the current project plans.

The Project involves the construction of a 50-unit multiple family housing building to the rear of the existing Samuel's Grande Manor facility. One 3-story structure is proposed along with detached garage buildings. A portion of the project has been designed within the Residential Single-Family zone, which would require rezoning consideration. No modifications are proposed to the existing Samuel's Grande Manor building as a result of this Project. After a thorough coordinated environmental review, it has been determined that the Project will not result in any potentially significant adverse impact to the environment. The Project is in keeping with the recommended land use, design guidelines, and site layout standards for the underlying zoning classification. *Clarence 2030 - Town of Clarence Comprehensive Plan*, encourages context sensitive mixed-use development along the commercial corridors of the Town of Clarence such as Main Street.

Compared to the criteria listed in Section 617.7 of the SEQRA Regulations, the Planning Board, acting in its capacity as the Lead Agency, has determined that the identified areas of environmental concern have been adequately addressed, and that the Project will not have any potentially significant adverse impacts on the environment. The reasoned elaboration of the Planning Board in support of its affirmation of the Negative Declaration with amendment, first issued pursuant to SEQRA on December 1, 2021 is provided below.

1. Impact on Land:

The Project involves ground disturbance to vacant land on the Project Site. The depth to water table is greater than three (3) feet on the Project Site. The Project does not involve construction on slopes of 15% or greater. Bedrock is within five (5) feet of the existing ground surface on certain portions of the Project Site. If blasting is necessary for infrastructure installation it shall be subject to compliance with all Federal, State and Local Laws and regulations. In addition, seismographs shall be deployed to monitor all blasts. Vibration and air blast over-pressure shall stay within the United States Bureau of Mines criteria. An audible warning system will be implemented to secure the blast area. Prior to any blasting, a Blast Plan in compliance with all Federal, State, and Local Laws and regulations shall be formulated by the blasting company on behalf of the Project Sponsor. The Project will not involve the excavation and removal of more than 1,000 tons of natural material. Since the Project will result in disturbance of more than one acre of land, a Stormwater Pollution Prevention Plan ("SWPPP") prepared by a licensed engineering firm will be required and the SWPPP will need to be reviewed and approved by the Town Engineering Department prior to site disturbance. The requirement for the SWPPP is outlined per the letter dated December 1, 2025 from Joseph Lancellotti of the Town of Clarence

Engineering Department, and per the letter dated October 17, 2025 from Lisa M. Czechowicz of the New York State Department of Environmental Conservation (“NYSDEC”).

The Project will result in physical disturbance and vegetation removal; however, this potential impact is not significant since construction activities will need to comply with required applicable erosion and sediment control measures. Such erosion and sediment control measures will be specified in the engineered plans to be prepared by a licensed engineering firm as well as the required SWPPP. The erosion control measures will be reviewed by the Town Engineering Department during the Development Plan Application review process. The Project Site is not located within a designated Coastal Erosion hazard area.

Currently, the Project is anticipated to occur in one (1) phase and the construction of the Project is anticipated to occur for a period of one year. Construction activities in furtherance of the Project will be intermittent and represent a temporary and unavoidable adverse impact that is not potentially significant. During construction, the Project will need to comply with the applicable stringent standards for stormwater quality and storm quantity management as well as applicable standards for required infrastructure improvements. This will be verified by the Town Engineering Department in connection with the Development Plan Application review process.

On December 1, 2025, the Town Engineering Department issued a memorandum confirming the completed review of the Preliminary Grading and Drainage Plans dated November 24, 2025. The memorandum stated the reviewed plans provide sufficient information for purposes of the Concept Plan review process and listed four (4) comments to be addressed during the Development Plan review of the Project.

2. Impact on Geological Features:

There are no unique or unusual land forms on the Project Site. Any proposals for deep excavations are subject to a hydrogeologic/geotechnical evaluation report as required by the Town of Clarence Engineering Department. Such report shall include, but not be limited to, analysis of the deep soils, soil stability, proximity to existing structures, basin constructability, groundwater, dewatering operations, and ability to hold water.

3. Impact on Surface Water:

The Project Site currently consists of an existing banquet facility and associated facilities. In a letter dated October 17, 2025 from Lisa M. Czechowicz of the NYSDEC, Comment No. 1 stated that NYSDEC’s amended Article 24, Freshwater Wetlands Jurisdiction and Classification regulations (6 NYCRR Part 664) went into effect on January 1, 2025 and that portions of New York State regulated freshwater wetlands and their adjacent areas may be located in the project area. The relevant portion of the regulations is set forth in 6 NYCRR §664.1(d) and states as follows:

“Where a property owner has commenced, or plans to commence a project on a parcel that did not require a freshwater wetlands permit prior to January 1, 2025, and has a Final Environmental Impact Statement for the project which has been accepted by a lead agency pursuant to Part 617 of this Title prior to January 1, 2025, has received a negative declaration for a Type I or Unlisted actions pursuant to Part 617 of this Title for the project prior to January 1, 2025, or has received written site plan approval from a local government for the project prior to January 1, 2025, this Part shall not be applicable to such parcel until July 1, 2028 for projects determined to be Major projects.”

The Planning Board is affirming the Negative Declaration with amendment, first issued on December 1, 2021 for the development of the Project Site for multiple-family dwellings.

Wetlands Investigation Co. prepared a Wetland Delineation Report dated October & November 2025. The report concluded that there are no Federal or State jurisdictional wetlands present on the Project Site. The U.S. Army Corps of Engineers (“USACE”) previously issued a Jurisdictional Determination (LRB-201800808) in February of 2021.

The management of stormwater from impervious surfaces on the Project Site will require the installation of a stormwater management system. The stormwater management system will be designed by a licensed engineering firm to collect, discharge and improve the quality of surface water. The stormwater management system will be required to comply with the applicable stringent stormwater quality and quantity standards of the NYSDEC and the applicable drainage standards of the Town of Clarence.

4. Impact on Groundwater:

There will be minimal additional ground water introduced as a result of the Project. A portion of the post developed site stormwater will be collected, managed and disbursed on-site for eventual percolation into the groundwater system, through stormwater detention areas, as designed and permitted to meet Federal, State and Local standards.

The Project will connect to existing water services and will require review and approval by the Erie County Water Authority (“ECWA”). The Project Sponsor identified that there will be a need for new water services requiring anticipated water usage/demand per day of approximately 9,570 gallons. In a letter dated October 9, 2025 from Mark S. Carney of the ECWA, it was stated that the anticipated development of the Project will require ECWA review for any new service or modifications to the existing water service. The comment from the ECWA will be addressed during the Development Plan Application review process.

The Project includes treated wastewater discharge to groundwater in the form of an on-site sanitary system. In a letter dated October 17, 2025 from Lisa M. Czechowicz of the NYSDEC, it was stated that a State Pollutant Discharge Elimination System (“SPDES”) Permit is required for a facility whose treated sanitary wastewater discharge to groundwater is greater than 1,000 gallons per day. A licensed engineering firm will design the sewage management system for the Project Site and said design shall be reviewed and approved by the Erie County Department of Health (“ECDPH”) and the NYSDEC during the Development Plan Application review process.

5. Impact on Flooding:

The Project Site does not fall within a 100-year floodplain, nor is it located within a designated floodway. The Project will require modification of existing drainage patterns. Any future Development Plan submittal shall include an Engineer’s Report and full grading and drainage plans and details prepared by a licensed engineering firm for review by the Town prior to Development Plan Approval. In addition, the Project will include the implementation of NYSDEC compliant stormwater management practices.

6. Impacts on Air:

The Project does not involve a State regulated air emission source.

7. Impact on Plants and Animals:

The Project will result in the clearing of existing vegetation on the Project Site. There was

no documented presence of protected, threatened or endangered species on the Project Site as confirmed by lead agency concurrence letter issued by the NYSDEC dated October 17, 2025. A landscape plan prepared by a registered landscape architect will need to be reviewed and approved by the Town Landscape Review Committee for the purpose of introducing native and beneficial vegetation to the Project Site.

8. Impact on Agricultural Resources:

The Project Site does not contain agricultural resources and is not located in a County Agricultural District. Additionally, there are no agricultural fields currently on the Project Site and a majority of the undeveloped portions of the Project Site are naturally occurring vegetations and mowed lawns. As such, the Project will not result in any adverse impacts to agricultural resources.

9. Impact on Aesthetic Resources:

The Project Site is located on Main Street, which is a New York State Highway. The Project involves the construction of a multiple family housing building behind the existing banquet facility, which is not in sharp contrast to the nearby land use patterns. Surrounding land use patterns include numerous commercial uses, residential homes, community facilities, and schools. Furthermore, the Project is consistent with *Clarence 2030 – Town of Clarence Comprehensive Plan*. There are no officially designated Federal, State, or Local scenic or aesthetic resources within 5 miles of the Project Site that would be significantly impacted by the Project. Additionally, the Project would not eliminate or significantly screen an officially designated scenic view.

10. Impact on Historic and Archeological Resources:

The Project Site is located in, or is adjacent to, an area designated as sensitive by the New York State Historic Preservation Office (“SHPO”) archeological site inventory. Per the memorandum dated September 05, 2018 issued by the SHPO, it is the SHPO’s opinion that the Project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places. Additionally, a No Impact Determination letter was issued by Daniel MacKay of SHPO on September 24, 2025. The aforementioned letter from SHPO determined that no historic properties, including archeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by the Project; therefore, no further archeological investigations are warranted.

11. Impact on Open Space and Recreation:

The Project that consists of privately owned property will not result in a loss of recreational opportunities or a reduction of protected open space. As part of the Project there will be a requirement to include a recreational component, as approved by the Town of Clarence, for the use of the residents.

12. Impact on Critical Environmental Areas:

The Project Site is not located within or adjacent to a designated Critical Environmental Area.

13. Impact on Transportation:

After a thorough review by involved and interested agencies, including but not limited to

the New York State Department of Transportation (“NYSDOT”), Clarence Fire Review, and Clarence Highway Department, it has been determined that the Project will not have a significant adverse impact on the existing transportation system.

The primary access point for the Project is Main Street, and the Project Sponsor will be required to obtain all appropriate permits from NYSDOT for any curb cut modifications. On October 15, 2025 Thomas Nieswiadomy of the NYSDOT issued an email stating that the NYSDOT requests additional information through the SEQRA process in order to provide comments on the Project’s potential impact to the State Highway System. The Project Sponsor provided the requested information to the NYSDOT on December 24, 2025. After thorough review of the submitted documents, Kevin Hebert of the NYSDOT issued an email on January 2, 2026 stating that the NYSDOT does not have any additional comments on the Project at this time.

14. Impact on Energy:

The Project will cause an increase in the use of energy compared with the Project Site’s current state; however, the overall use of power will not exceed the amount of power currently available at the site. The Project shall be designed to meet energy compliance standards through the installation of energy efficient facilities and features having minimal impact on the environment. As part of the Development Plan review process, the Project Sponsor shall coordinate with the appropriate utilities to obtain all appropriate permits as required.

15. Impact on Noise, Odor, and Light:

The potential impacts from noise, odors, and lighting will be addressed through the installation of new landscaping to reduce noise impacts, the installation of enclosed dumpsters / tote garbage facilities to reduce odors, and the installation of dark-sky compliant shielded lighting to avoid off-site light pollution. In addition, the general impact to noise, odor and light will be consistent with existing surrounding commercial and residential land uses. There will be a temporary and unavoidable impact to noise, odor and lighting during construction; however, this is not a potentially significant adverse environmental impact.

16. Impact on Human Health:

The Project Site does not include a known source of regulated hazardous materials detrimental to human health. If regulated hazardous materials exceeding the applicable NYSDEC thresholds are unexpectedly encountered during the construction of the Project, clean-up activities compliant with Federal, State and Local standards will be completed prior to construction on the relevant portions of the Project Site.

17. Consistency with Community Plans:

Clarence 2030 – Town of Clarence Comprehensive Plan (“Clarence 2030”) is the Town’s adopted Comprehensive Plan. *Clarence 2030* review process began in December 2014 and was adopted by the Town Board in December of 2016 and included numerous opportunities for public input and participation. Map 8 (“Future Land Use Map”) of *Clarence 2030* designates the Project Site as appropriate for Hamlet Neighborhood; specifically, the Project Site falls within the boundaries of the Harris Hill Hamlet Neighborhood. The Harris Hill Hamlet Neighborhood is generally characterized by a mix of land uses, providing public and community uses as well as commercial establishments in close proximity to residential neighborhoods. As part of *Clarence 2030*, the Town has placed an increasing emphasis on providing pedestrian connectivity

throughout these areas, as well as building and site design requirements in order to achieve a higher standard of development.

The Project requires a rezoning of the northern portion of the Project Site from Residential Single-Family to Traditional Neighborhood (“TND”). Should the rezoning to TND be granted by the Town Board, it has been determined that this rezoning does not represent a potentially significant adverse environmental impact. The rezoning is keeping with the Future Land Use Map of *Clarence 2030*, and the Project is keeping with the desired complementary mixed-use design of this section of Main Street.

Vision: Main Street was adopted by the Town Board in April of 2017. The goals of *Vision: Main Street* are to identify a unified approach to improve the physical and visual appeal of Main Street, recognize and build upon the unique character areas contained within the corridor, and bridge the broad initiatives and policies in *Clarence 2030* with focused efforts for Main Street. The plan developed a range of design guidelines specifically for the Harris Hill section of Main Street. The key design guidelines for the Harris Hill area include:

- Two to three story buildings are encouraged, though one to two are more common. Where more than two stories are proposed, higher stories can be stepped back from the front building edge.
- Provide prominent facades along Main Street.
- Larger groups of buildings should be arranged in a campus-like setting.
- The building should include articulation of lower and upper stories and a street presence that is inviting to pedestrians and cyclists as well as motorists.
- Utilize high-quality building materials and the addition of architectural details.
- Roofs are to be pitched. Parapet walls can be used to give the appearance of a flat roof, provided architectural details and facade articulation are incorporated.

The Project is consistent with the recommended land use, design guidelines and site layout guidance for the relevant portion of the Town along Main Street. The Project will require one (1) variance from the Zoning Board of Appeals. The variance would be for the overall size of the multiple family housing building. Should the area variance for the overall size of the multiple family housing building be granted by the Zoning Board of Appeals, it has been determined that this area variance does not represent a potentially significant adverse environmental impact. Although the building is larger than the allowable code, the building is designed in such a way to give the appearance of two separate buildings that would meet the maximum overall size requirement. Additionally, the building is significantly set back from Main Street and is intending to keep with the desired character as outlined in the Town’s guiding documents. If the Zoning Board of Appeals does not grant the area variance for the overall size of the building, the Project Sponsor will be required to adjust the design of the multiple family housing building to comply with the relevant size standard.

The Project will require a Special Exception Use Permit (“SEUP”) from the Town Board for the Multiple-Family component. A density calculation for the number of multifamily units to be provided was prepared pursuant to Section 229-126E of the Zoning Code, and is as follows:

- Per section 229-126(E)(1) of the zoning code: The maximum residential density of the multiple-family development shall be limited to eight units per acre.
 - Traditional Neighborhood land area (*if rezoned*) = 9.42 acres
 - 9.42 acres x 8 allowed units = 75 units allowed
 - 56 units are proposed with 6 of the 56 already existing on the Project Site.

- Per section 229-126(E)(2) of the zoning code: A minimum of 25% of the total floor space shall be committed to commercial uses.
 - Total proposed and existing floor space = 97,185 sq. ft.
 - Total proposed and existing residential space = 62,185 sq. ft. (64%)
 - Total existing commercial space = 35,000 sq. ft. (36%)

Should the Special Exception Use Permit be granted by the Town Board, it has been determined that this action does not represent a potentially significant adverse environmental impact. The density and square footage of the Project is keeping with the allowable provisions set by the Town's Zoning Code.

Timothy P. German of the Erie County Department of Environment and Planning ("ECDEP") provided a comment letter dated September 24, 2025 stating that ECDEP has no recommendations and that the action has been reviewed and determined to be of local concern.

18. Consistency with Community Character:

Main Street is a State Highway made up of a mixture of land uses on either side, including commercial and mixed-use. The Project will not be in sharp contrast to existing community character. The Project is compliant with the Town's allowable uses for the underlying zoning classification and vision per the adopted Comprehensive Plan.

The Project is subject to the guidelines and restrictions set forth by the Town Zoning Code for Traditional Neighborhood, *Clarence 2030*, and *Vision: Main Street*. The Project is consistent with the stringent standards for the Traditional Neighborhood zoning classification, which includes minimum setbacks from property lines, lot coverage, and the site and architectural design standards. As part of the conceptual review of the Project, overall design guidelines for the Project were prepared to ensure consistency and unified design for the Harris Hill Hamlet. The layout of the Project fulfills a transitional land-use pattern, whereby the higher intensity commercial component is oriented along Main Street while the residential uses are orientated to the north of the Project Site, which is adjacent to the existing residential neighborhoods. This transitional land use pattern achieves compatibility between existing and proposed land uses. While the existing architectural scale and character of the area varies, the Project does not reflect a moderate to large impact due to the Project being consistent with the underlying zoning classifications and community's design guidelines.

As part of the coordinated review for this Project, Harris Hill Volunteer Fire Company and the Clarence Central School District were listed as involved / interested agencies. A copy of the full application was provided to all listed agencies as part of the coordinated review under SEQRA, and all agencies were provided an opportunity to comment on the Project.

Conclusion: A complete and thorough review of the proposed action was completed by the Planning Board, the Town's Department of Planning & Zoning, the Town's Engineering Department as well as involved agencies.

The Planning Board formally affirms with amendment on February 18, 2026, a Negative Declaration, first issued on December 1, 2021, for the proposed action.

All documentation is on file at the Town of Clarence Planning and Zoning Department, One Town Place, Clarence, New York 14031. These records may be examined by the public between the

hours of 8:00 a.m. and 4:30 p.m. Monday through Friday. Written comments may be submitted to the Director of Community Development.


Jonathan Bleuer, Director of Community
Development, Department of Planning and Zoning

For further information contact:

Jonathan Bleuer, Director of Community Development
Office of Planning and Zoning
One Town Place
Clarence, NY 14031
Tel: 716.741.8933
E-mail: jbleuer@clarence.ny.us

EXHIBIT 5



Clarence N.Y. – Planning Board Meeting

Formal Agenda – February 18, 2026



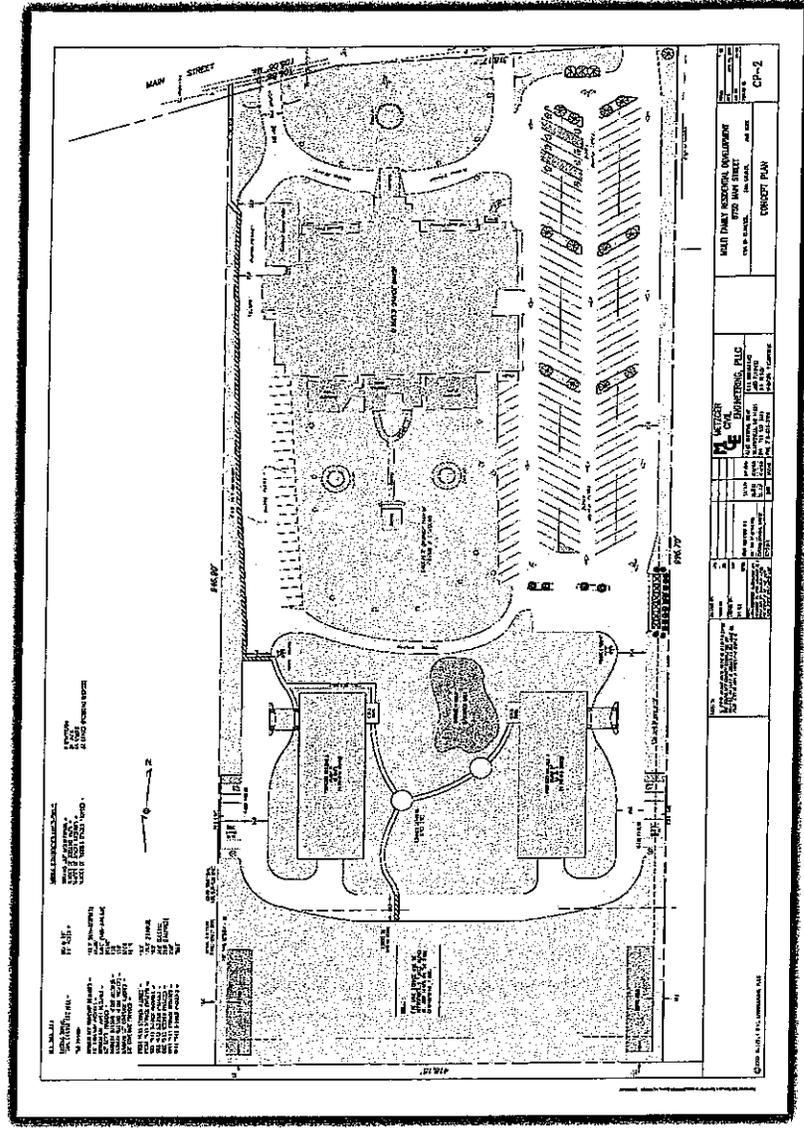
8750 Main Street Associates, LLC.

Proposal: Requests Concept Plan approval of a multiple-family housing project to the rear of the Samuel's Grande Manor property.

Location: 8750 Main Street

Zoning: TND & R-SF

- Previously approved Site Plan from 2021
- Two buildings consisting of 24 units
- Negative Declaration and Concept Plan Approval from the Planning Board on December 1, 2021





Clarence N.Y. – Planning Board Meeting

Formal Agenda – February 18, 2026



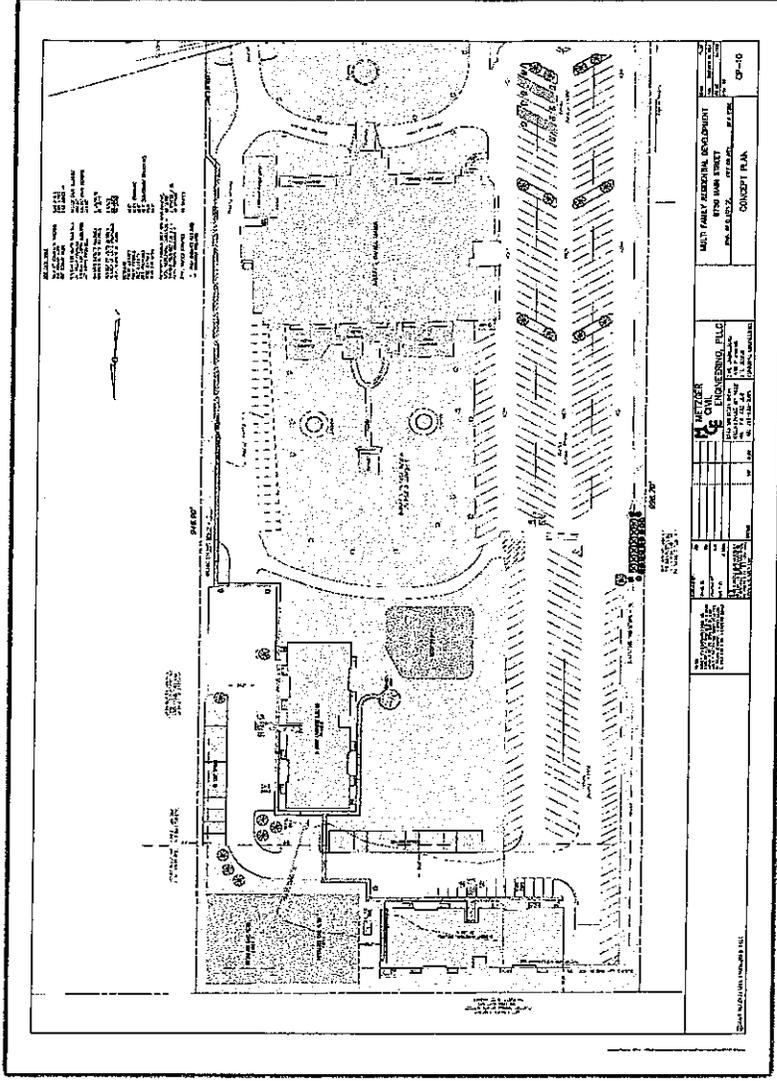
8750 Main Street Associates, LLC.

Proposal: Requests Concept Plan approval of a multiple-family housing project to the rear of the Samuel's Grande Manor property.

Location: 8750 Main Street

Zoning: TND & R-SF

- Initial Project Submission made on February 5, 2025
- Concept Plan dated December 30, 2024
- A 27-unit building and a 24-unit building consisting of apartments
- 24 detached garages





Clarence N.Y. – Planning Board Meeting

Formal Agenda – February 18, 2026



8750 Main Street Associates, LLC.

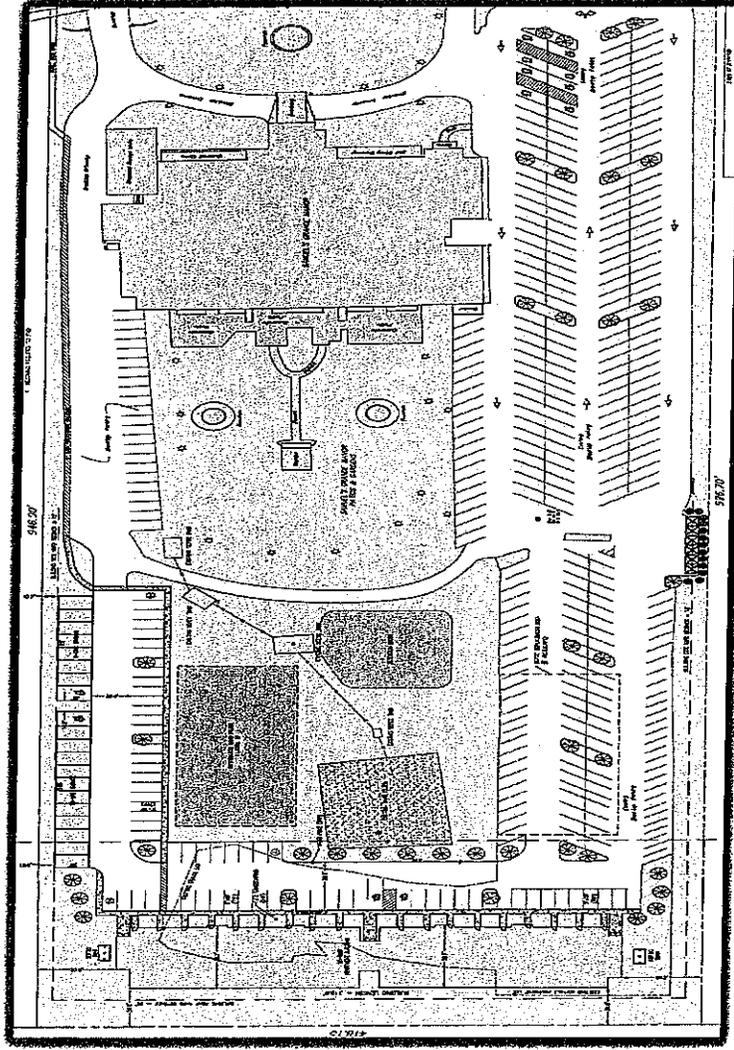
Proposal: Requests Concept Plan approval of a multiple-family housing project to the rear of the Samuel's Grande Manor property.

Location: 8750 Main Street

Zoning: TND & R-SF

• Current Site Plan:

- The proposed project consists of a three-story building consisting of 50 units for lease as well as all related site improvements including 2 accessory detached garage buildings with a total of 20 garage spaces; access aisles and parking spaces; sidewalks; landscaping; lighting; private utilities including water, gas, electric, telecommunications; an on-site wastewater treatment and disposal system; and an on-site storm water management system
- Building consists of 52,185 sq. ft.





Clarence N.Y. – Planning Board Meeting

Formal Agenda – February 18, 2026



8750 Main Street Associates, LLC.

Proposal: Requests Concept Plan approval of a multiple-family housing project to the rear of the Samuel's Grande Manor property.

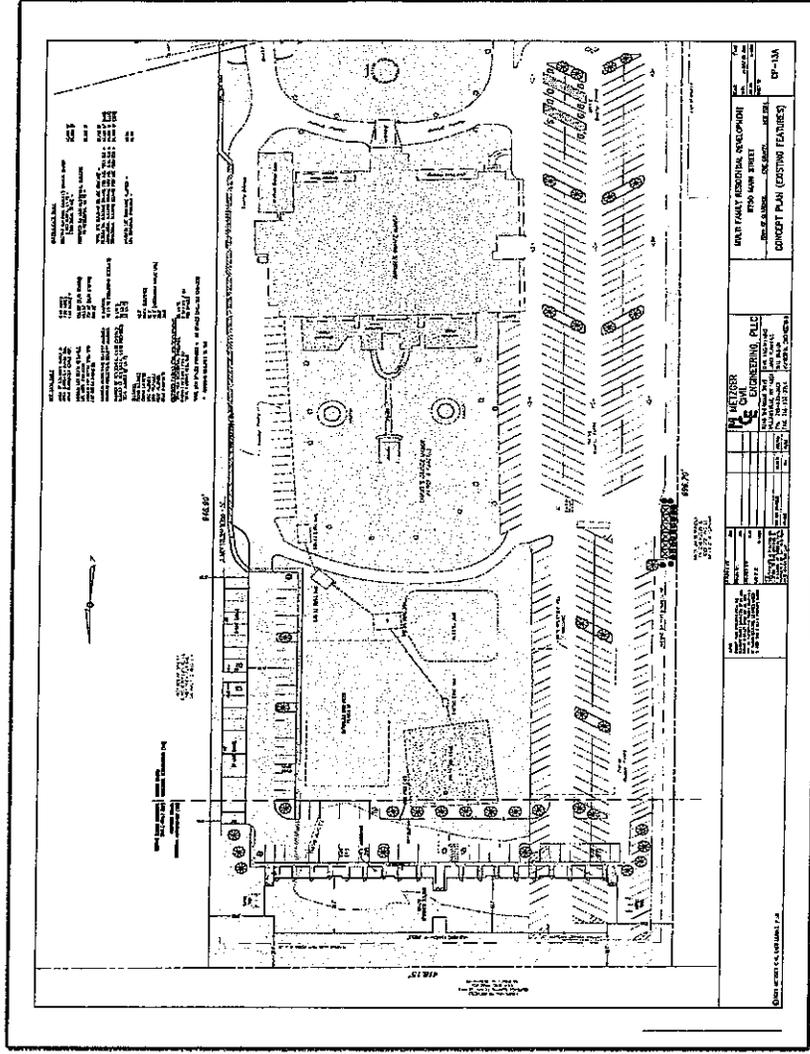
Location: 8750 Main Street

Zoning: TND & R-SF

Existing Conditions Plan dated

September 8, 2025

- Prepared at the request of the PBX and Engineering Department





Clarence N.Y. – Planning Board Meeting

Formal Agenda – February 18, 2026

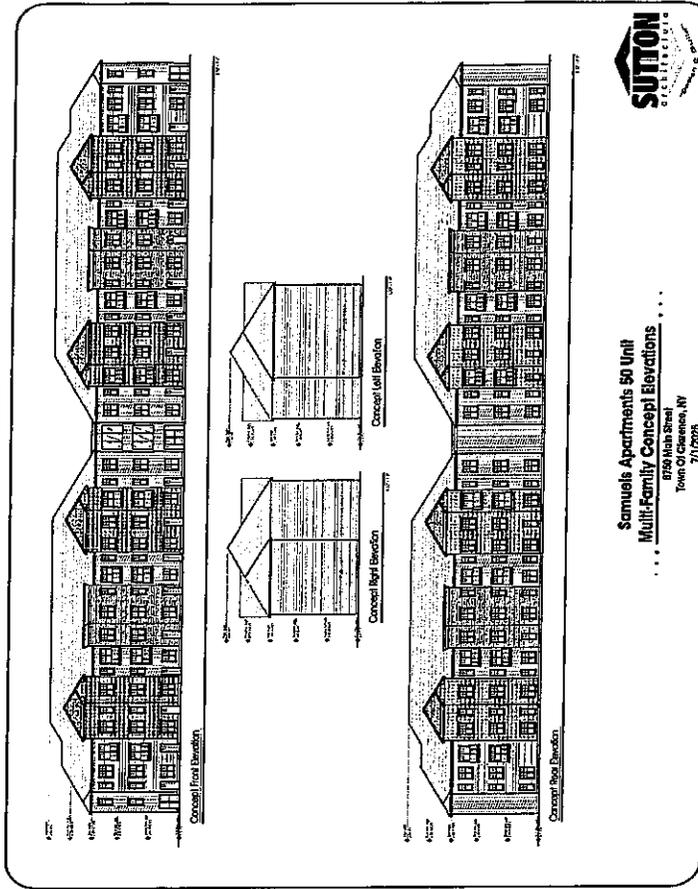


8750 Main Street Associates, LLC.

Proposal: Requests Concept Plan approval of a multiple-family housing project to the rear of the Samuel's Grande Manor property.

Location: 8750 Main Street

Zoning: TND & R-SF



Samuels Apartments 50 Unit
Multi-Family Concept Elevations
8750 Main Street
Tonawanda, NY
7/1/2025



Clarence N.Y. – Planning Board Meeting

Formal Agenda – February 18, 2026



8750 Main Street Associates, LLC.

Proposal: Requests Concept Plan approval of a multiple-family housing project to the rear of the Samuel's Grande Manor property.

Location: 8750 Main Street

Zoning: TND & R-SF

- Rezoning of Northern Portion of the Project Site from R-SF to TND
- The northernmost 172 ft. of the Project Site is zoned R-SF
- The Project Sponsor is seeking to amend the zoning classification of the northern portion of the Project Site from TND to R-SF. Section 229-57 of the Zoning Code states that the purpose of the TND zoning district is to require the usage of traditional neighborhood design criteria within the boundaries of the district in order to implement the principals of the Town's adopted Comprehensive Plan.
- The TND district is intended to achieve the following:
 - A. Provide incentives to encourage the adaptive reuse of existing structures.
 - B. Allow and encourage a mixture of uses and mixed-use structures.
 - C. Accomplish and continue a sense of community.





Clarence N.Y. – Planning Board Meeting

Formal Agenda – February 18, 2026



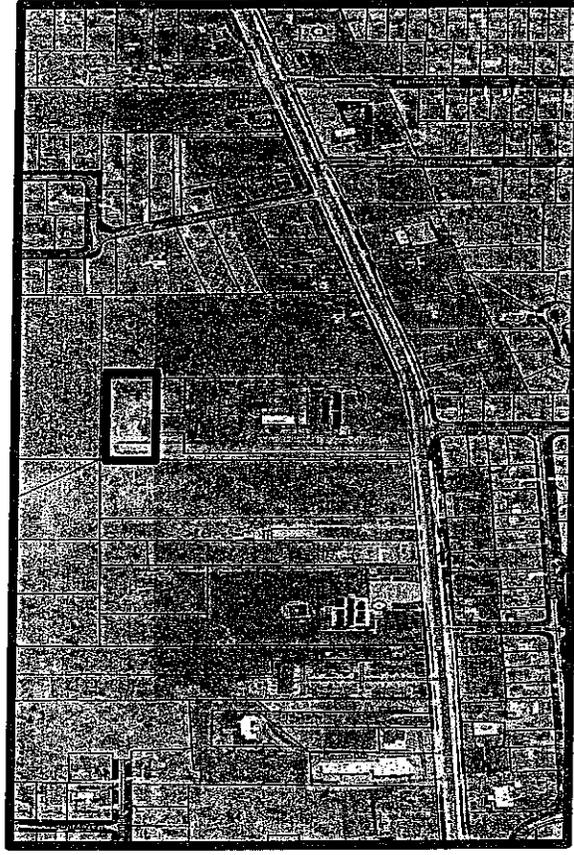
8750 Main Street Associates, LLC.

Proposal: Requests Concept Plan approval of a multiple-family housing project to the rear of the Samuel's Grande Manor property.

Location: 8750 Main Street

Zoning: TND & R-SF

- D. Provide a walkable, pedestrian-friendly environment.
- E. Respect and preserve unique natural features within the district.
- F. Provide design regulations that encourage compatible building arrangements, bulk, form, character and landscaping to establish a livable, harmonious and diverse environment.
- G. Discourage the demolition of existing structures that possess significant historic or other essential elements that contribute to the character of the district.
- H. Create a small-town, historic-style business district that limits large scale out-of-character commercial developments.
- The proposed project will accomplish the goals for projects in the TND zoning district.





Clarence N.Y. – Planning Board Meeting

Formal Agenda – February 18, 2026



8750 Main Street Associates, LLC.

Proposal: Requests Concept Plan approval of a multiple-family housing project to the rear of the Samuel's Grande Manor property.

Location: 8750 Main Street

Zoning: TND & R-SF

- Amended Part I of Full EAF September 10, 2025
- The project is a Type I Action pursuant to the Town's list of Type I actions contained in Section 91-6A of the Clarence Town Code since it involves 10 units or greater not to be connected (at the commencement of habitation) to existing community or public water and sewage systems
- Coordinated environmental review and no involved agencies objected to the Planning Board being the lead agency
- SEORA Substantive Requirements:
 - 1. Identify the potential environmental impacts,
 - 2. Hard Look at the identified impacts, and
 - 3. Issue SEORA determination supported by a reasoned elaboration

Amended Part I of the Full Environmental Assessment Form
 Project Sponsor: 8750 Main Street Associates LLC
 Part I – Project and Siting
 Instructions for Completing Part I

Part I is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, and are subject to public review, and may be subject to further verification.

Complete Part I based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information uses past cases, or is to be developed in the future. If you are unable to provide an answer to the question, please indicate that you are unable to provide an answer to the question. Section D requires the name and signature of the applicant or project sponsor to verify that the information provided is true and correct.

A. Project and Applicant/Sponsor Information:

Name of Action or Project:	Multi-Family Residential Development
Project Location (describe, and attach a general location map):	8750 Main Street, Town of Clarence, One County
Brief Description of Proposed Action (include purpose or need):	The proposed project consists of the development of the project site as a three-story building consisting of 20 units with related site improvements including a parking lot, a walkway, and a driveway. The project is located on a vacant lot adjacent to the existing 8750 Main Street. A storm water management system shall be designed to serve the project. The project has been designed to meet or exceed applicable codes and standards. The project is located on a vacant lot adjacent to the existing 8750 Main Street.
Name of Applicant/Sponsor:	8750 Main Street Associates LLC c/o Merger One Engineering PLLC on behalf of ESNAIL
Address:	8750 Main Street, One County, NY 14221
City/Town/Village:	Clarence, NY
Project Contact (if not same as sponsor, give name and title):	ESNAIL, Joseph
State:	NY
Zip Code:	14221
State:	NY
Zip Code:	14221
State:	NY
Zip Code:	14221



Clarence N.Y. – Planning Board Meeting

Formal Agenda – February 18, 2026



8750 Main Street Associates, LLC.

Proposal: Requests Concept Plan approval of a multiple-family housing project to the rear of the Samuel's Grande Manor property.

Location: 8750 Main Street

Zoning: TND & R-SF

- We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law).
- Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.



KATHY HOCHUL
Governor

September 24, 2025
Michael Metzger
PE
Metzger Civil Engineering PLLC
8245 Sheridan Drive
Williamsville, NY 14221

Re: DEC
Samuel's Grand Manor; construction of 2 - 20 unit apartment buildings located on the north portion of the property
Lot 1.00, Sheet, Clarence, Erie County, NY
18P00864

Dear Michael Metzger:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP) regarding the proposed construction with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project.

Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above. If you have any questions, please contact Sydney Snyder at the following email address:

Sydney.Snyder@parks.ny.gov
Sincerely,

R. Daniel Mackay
Deputy Commissioner for Historic Preservation
Division for Historic Preservation

New York State Office of Parks, Recreation and Historic Preservation
6191 Route 90, Albany, New York 12243
607.255.6263 • <http://parks.ny.gov>



Clarence N.Y. – Planning Board Meeting

Formal Agenda – February 18, 2026



8750 Main Street Associates, LLC.

Proposal: Requests Concept Plan approval of a multiple-family housing project to the rear of the Samuel’s Grande Manor property.

Location: 8750 Main Street

Zoning: TND & R-SF

- Review by NYS Department of Transportation (“NYSDOT”)
- E-mail from Kevin Hebert of NYDOT dated January 2, 2026
- Based on the information previously provided the NYSDOT does not have any addition comments on the site at this time.
- If any work is to be performed in the NYSDOT ROW a highway work permit will be required at that time.

From: Kevin Hebert (DOT)
 To: Susan Hopkins
 Sent: Tuesday, December 30, 2025 5:25 PM
 Subject: 8750 Main Street - Town of Clarence - 10239.2

Sean,

Thank you for reaching out and I apologise in the delayed response. Based on the information previously provided the NYSDOT does not have any addition comments on the site at this time. If any work is to be performed in the NYSDOT ROW a highway work permit will be required at that time. Please be advised that if this happens the new Permittrack program will be required for submittal.

Kevin Hebert, P.E.
 Assistant Chief of Permitting
 Acting Regional Traffic Signal Operations Engineer
 New York State Department of Transportation
 100 South Washington Street
 Albany, NY 12242
 (518) 547-5236 | kevin.hebert@dot.ny.gov
www.dot.ny.gov

From: Susan Hopkins, shopkins@thetrial.com
 Sent: Tuesday, December 30, 2025 5:25 PM
 To: Hebert, Kevin P (DOT) <Kevin.Hebert@dot.ny.gov>; Irmali, Haris (DOT) <irmali@dot.ny.gov>
 Cc: meteng@ROADRUNNER.com; Patricia Melhamara <patrik@melhamara.com>
 Subject: Melhamara Project - 8750 Main Street - Town of Clarence - 10239.2

Kevin:

It would be greatly appreciated if you would provide us with an update at your convenience. I can be reached at 510-4338 or via e-mail.

Thanks and hope all is well with you.



Clarence N.Y. – Planning Board Meeting

Formal Agenda – February 18, 2026



8750 Main Street Associates, LLC.

Proposal: Requests Concept Plan approval of a multiple-family housing project to the rear of the Samuel's Grande Manor property.

Location: 8750 Main Street

Zoning: TND & R-SF

- The U.S. Army Corps of Engineers previously issued a Jurisdictional Determination (LRB-201800808) in February of 2021
- Wetland Map dated December 31, 2025
- The Project Sponsor is requesting an exemption from the newly established NYS wetland regulations (effective January 1, 2025)
- The relevant portion of the regulations is set forth in 6 NYCRR §664.1(d) and states as follows:
- “Where a property owner has commenced, or plans to commence a project on a parcel that did not require a freshwater wetlands permit prior to January 1, 2025, and has a Final Environmental Impact Statement for the project which has been accepted by a lead agency pursuant to Part 617 of this Title prior to January 1, 2025, has received a negative declaration for a Type I or Unlisted actions pursuant to Part 617 of this Title for the project prior to January 1, 2025, or has received written site plan approval from a local government for the project prior to January 1, 2025, this Part shall not be applicable to such parcel until July 1, 2028
- The current project layout remains multifamily units based on an updated layout that reflects input received





Clarence N.Y. – Planning Board Meeting

Formal Agenda – February 18, 2026



8750 Main Street Associates, LLC.

Proposal: Requests Concept Plan approval of a multiple-family housing project to the rear of the Samuel's Grande Manor property.

Location: 8750 Main Street

Zoning: TND & R-SF

- Engineering Department has approved the preliminary grading and drainage plans
- The Project will result in physical disturbance and vegetation removal; however, this potential impact is not significant since construction activities will need to comply with required applicable erosion and sediment control measures. Such erosion and sediment control measures will be specified in the engineered plans to be prepared by a licensed engineering firm as well as the required SWPPP. The erosion control measures will be reviewed by the Town Engineering Department during the Development Plan Application review process. The Project Site is not located within a designated Coastal Erosion hazard area.
- The Project will need to comply with the applicable stringent standards for stormwater quality and storm quantity management as well as applicable standards for required infrastructure improvements. This will be verified by the Town Engineering Department in connection with the Development Plan Application review process.
- Special Exception Use Permit required from the Town Board
- Project requires Landscape Review Committee Approval
- Project requires Development Plan Approval



Clarence N.Y. – Planning Board Meeting

Formal Agenda – February 18, 2026



8750 Main Street Associates, LLC.

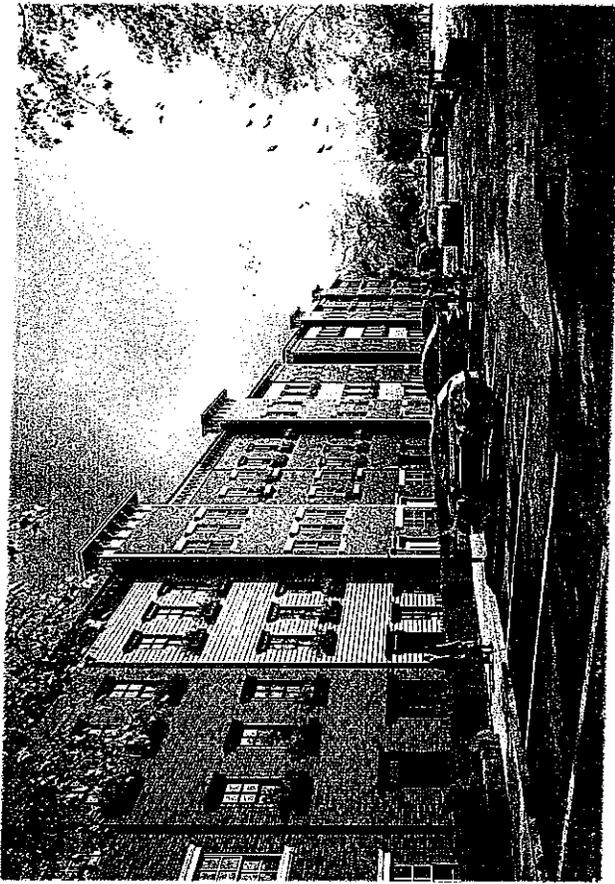
Proposal: Requests Concept Plan approval of a multiple-family housing project to the rear of the Samuel's Grande Manor property.

Location: 8750 Main Street

Zoning: TND & R-SF

• Consistency with Community Plans:

- Clarence 2030 – Town of Clarence Comprehensive Plan (“Clarence 2030”) is the Town’s adopted Comprehensive Plan. Clarence 2030 review process began in December 2014 and was adopted by the Town Board in December of 2016 and included numerous opportunities for public input and participation.
- Map 8 (“Future Land Use Map”) of Clarence 2030 designates the Project Site as appropriate for Hamlet Neighborhood; specifically, the Project Site falls within the boundaries of the Harris Hill Hamlet Neighborhood.
- The Harris Hill Hamlet Neighborhood is generally characterized by a mix of land uses, providing public and community uses as well as commercial establishments in close proximity to residential neighborhoods.
- As part of Clarence 2030, the Town has placed an increasing emphasis on providing pedestrian connectivity throughout these areas, as well as building and site design requirements in order to achieve a higher standard of development.



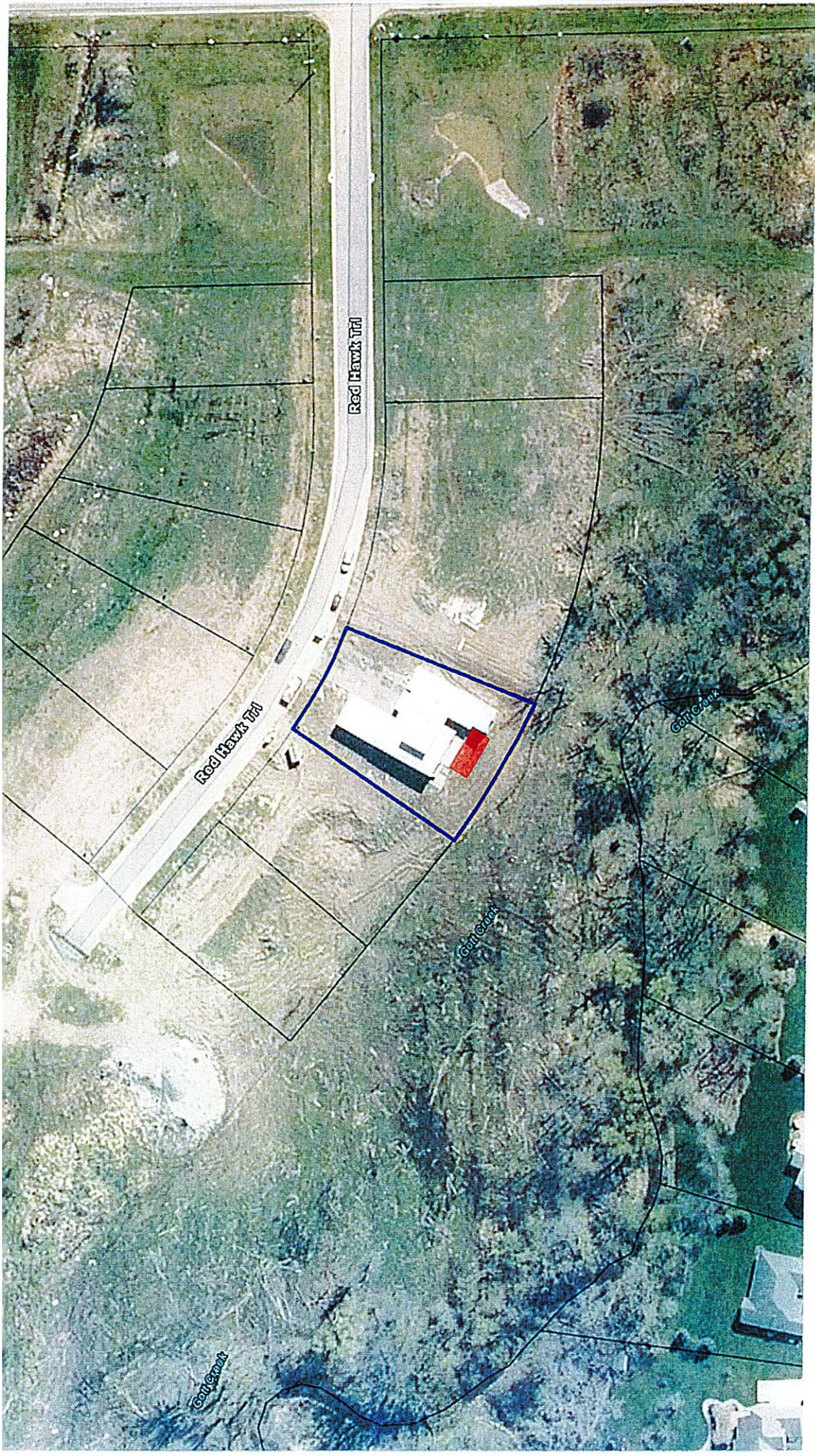


8750 Main Street Associates, LLC.

Proposal: Requests Concept Plan approval of a multiple-family housing project to the rear of the Samuel's Grande Manor property.

Location: 8750 Main Street
Zoning: TND & R-SF

- Requesting Issuance of a Negative Declaration pursuant to SEQRA
- Project Sponsor will be seeking an area variance since proposed multiple-family housing building exceeds the maximum allowable square footage in the Traditional Neighborhood District.



note the parcel lines displayed are approximate

Proposed swimming pool with 0' setback to the proposed principal structure.

5754 Red Hawk Trail

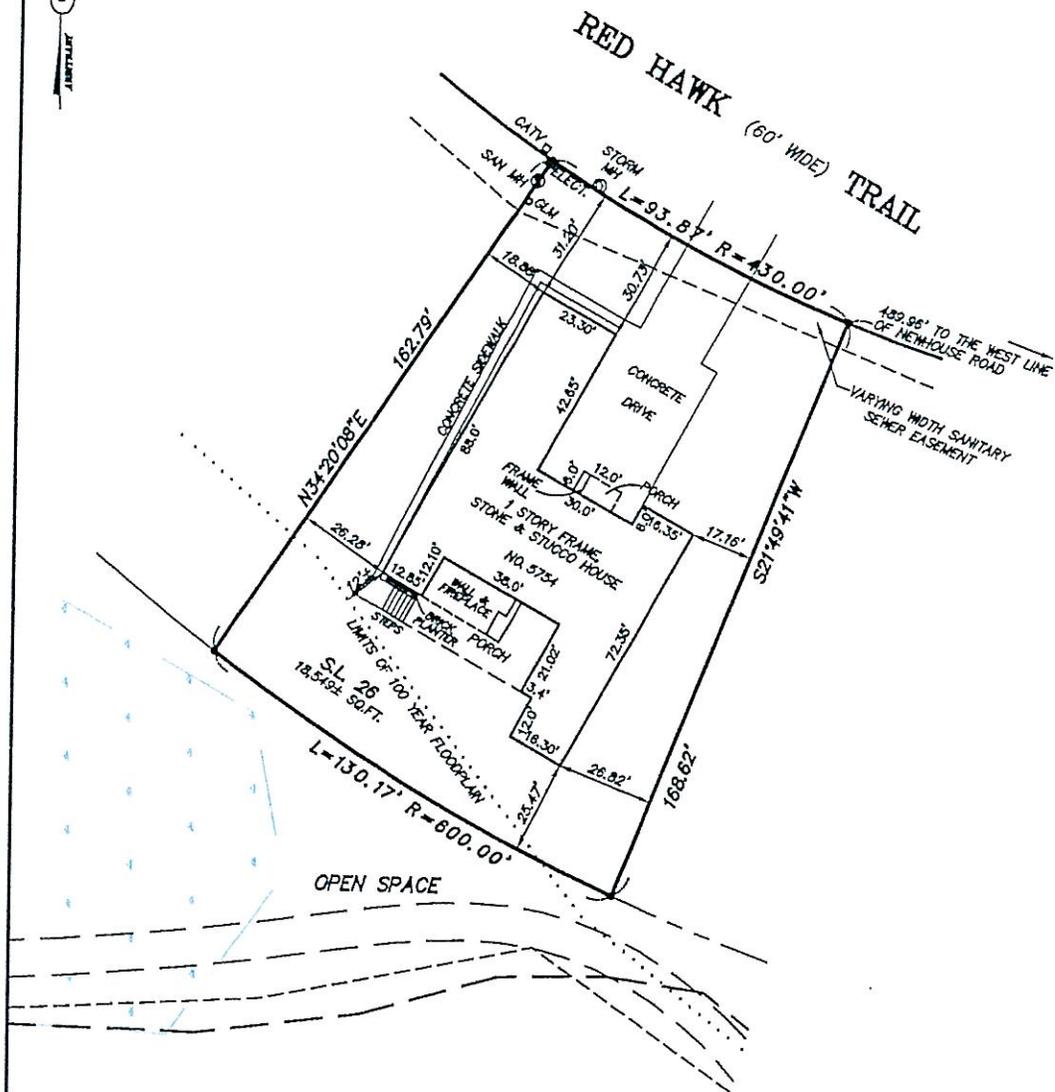


The minimum setback for a pool to the principal structure is 10'.

A 10' variance is requested.

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7209 PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

• SET OR EX. 5/8" REBAR



SURVEY OF
 SUB LOT 26, MAP COVER 3833
LEGACY WOODS SUBDIVISION, PHASE 1
 PART OF LOT 3, SECTION 15, TOWNSHIP 12, RANGE 6
 HOLLAND LAND COMPANY'S SURVEY
 TOWN OF CLARENCE, ERIE COUNTY, NEW YORK

DATE	REVISION/TYPE
4/24/25	RESURVEY
10/19/23	HOUSE LOCATION
4/6/22	FOUNDATION LOCATION

GPI

GPI ENGINEERING, LANDSCAPE ARCHITECTURE & SURVEYING, LLP

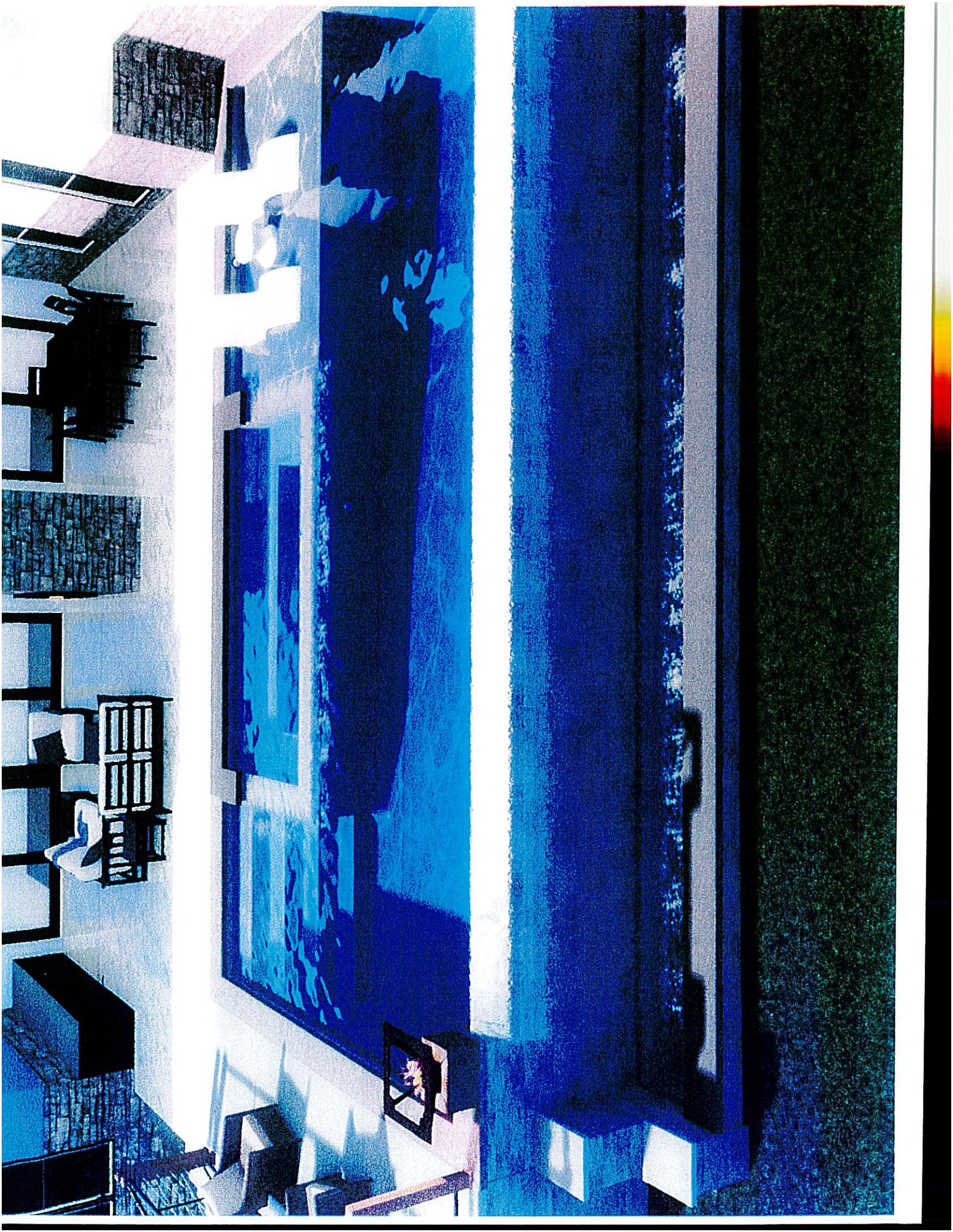
ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE

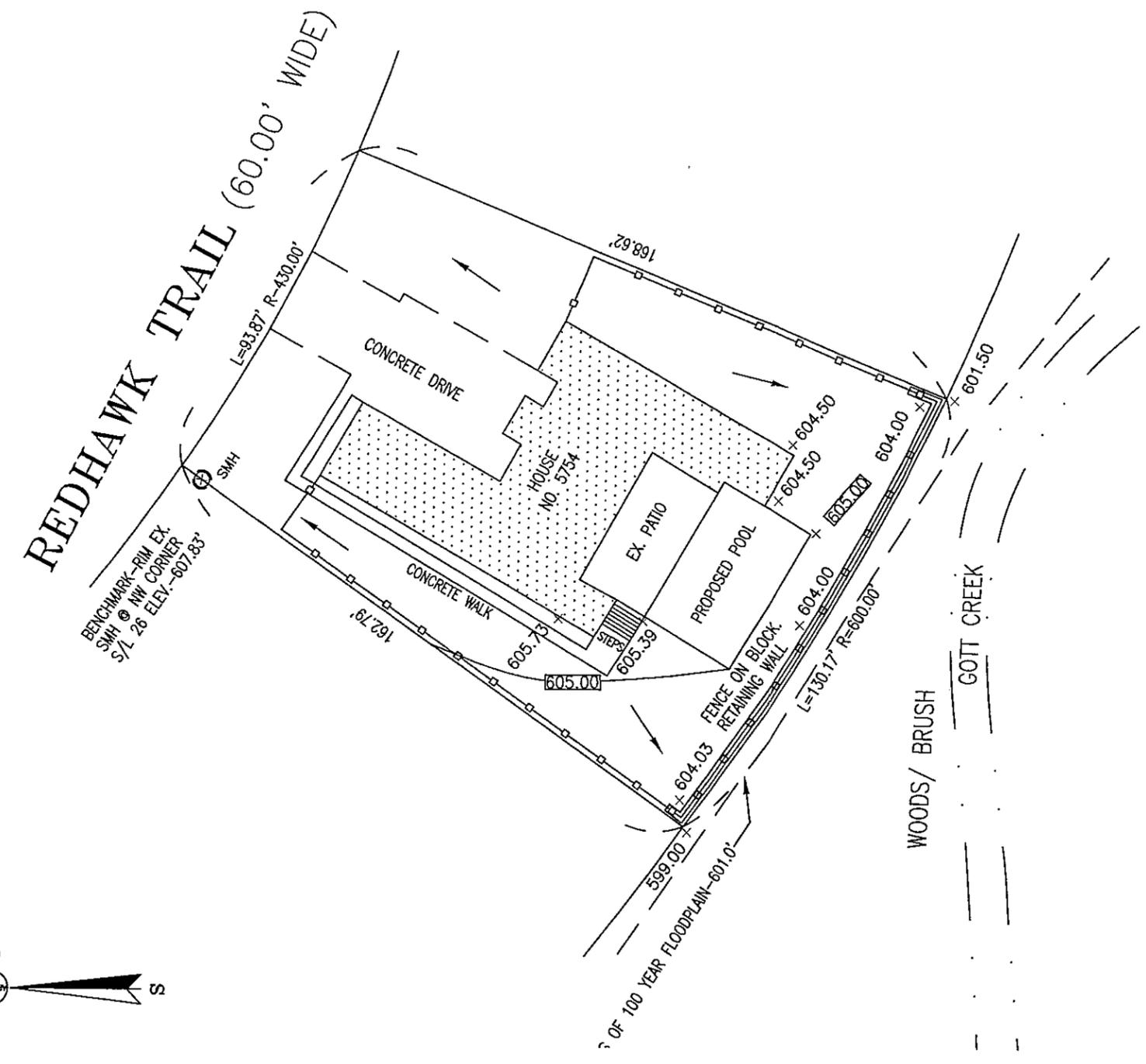
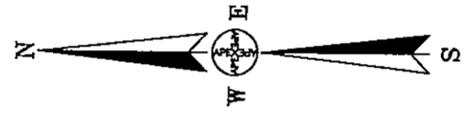
4950 GENESEE STREET, SUITE 100
 BUFFALO, NEW YORK 14225

(716) 633-4844 FAX 633-4940

Job No. 8909-26 Date: SEPTEMBER 22, 2021
 Scale: 1" = 40' TAX No.





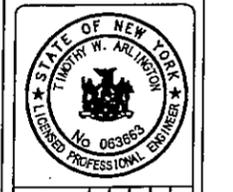


- LEGEND:**
- ⊕ HYD. — HYDRANT
 - ⊙ P.P. — UTILITY POLE
 - — RECEIVER/CATCH BASIN/D.I
 - M.H. — MANHOLE
 - ⊗ W.V. — WATER VALVE
 - ST — STORM SEWER LINE
 - SA — SANITARY SEWER LINE
 - W — WATER LINE
 - G — GAS LINE
 - OE — OVERHEAD ELECTRIC WIRES
 - UE — UNDERGROUND ELECTRIC
 - - - 500 — EXISTING CONTOUR
 - - - 500 — PROPOSED CONTOUR
 - + 490.77 — EXIST. SPOT ELEVATION
 - [PVT 000.00] — PROP. SPOT ELEVATION
 - ////// — SELECT FILL (NO.2 R.O.C.)
 - — PROP. WALL-PAK LIGHT
 - T.B.R. — TO BE REMOVED

REVISIONS	DATE	DESCRIPTION

PROJECT TITLE: SITE GRADING PLAN FOR PROPOSED POOL
 CLIENT: GREG MULVEY
 5754 REDHAWK TRAIL
 CLARENCE NY 14032
 DRAWING TITLE: GRADING PLAN

APEX CONSULTING
 SURVEY & ENGINEERING SERVICES, P.C.
 SURVEYING • ENGINEERING • LANDSCAPE ARCHITECTURE
 102 EAST AVENUE, LOCKPORT, NEW YORK 14094
 Phone: (716) 439-0188 FAX: (716) 439-0189



ANY UNAUTHORIZED ALTERATION OR ADDITION OF THIS DRAWING / DOCUMENT IS A VIOLATION OF SECTION 7209 PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW

DATE: 12/10/23
 SCALE: 1"=20'
 PROJECT NO.: 25-055
 DRAWN BY: KSB
 CHECKED BY: TWA

GD1



Request for Action

Town of Clarence | Office of Planning & Zoning
(716)741-8933 | 1 Town Place, Clarence, NY 14031

Town Use Only

Date: February 18, 2026

Received By: Planning & Zoning Office

APPLICANT REQUEST:

Project Address: 5861 Monaghan Lane

SBL #: 58.05-4-10

Action Desired:

Applicant requests a variance of 7' to allow for a principal structure addition to be 3' from an existing swimming pool located at 5861 Monaghan Lane in the Planned Unit Residential Development zone.

Reason:

Town Code Reference: §196-3(C)

APPLICANT INFO

Name / Business: John & Larissa Kowalczyk

E-Mail: _____

Phone #: _____

Address: _____

Town: _____ State: _____ Zip: _____

ON FILE

CORRESPONDENCE

Please indicate the preferred entity that shall receive the appropriate correspondence and billing associated with this Request for Action. Please select only one.

<input checked="" type="checkbox"/>	Applicant
<input type="checkbox"/>	Project Sponsor

PROJECT SPONSOR INFO (if Different Than Applicant)

Name / Business: _____

E-Mail: _____

Phone #: _____

Address: _____

Town: _____ State: _____ Zip: _____

ON FILE

SIGNATURE

Request for Action shall be filled out completely in the spaces provided. The complete Request for Action shall be submitted to the Office of Planning and Zoning along with all necessary plans, maps, and supporting documentation. By signing below I certify that I have the authority to submit this Request for Action, and further certify its contents to be true and correct.

Signed: Signature On File

CONTACT INFO:

Town Use Only:

Action: _____ By: _____ On: _____ Fee: _____ Paid: _____

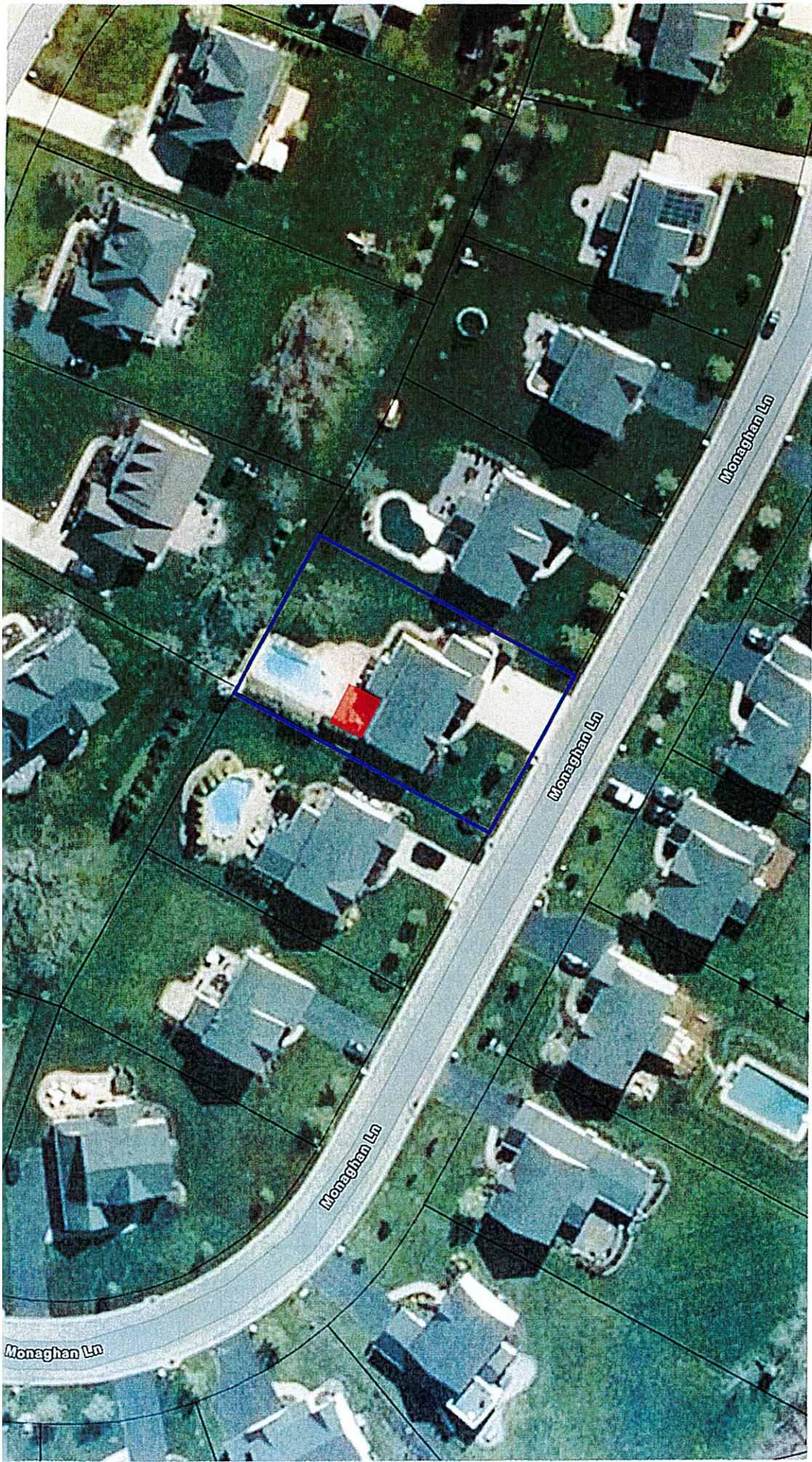
Action: _____ By: _____ On: _____ Fee: _____ Paid: _____

Action: _____ By: _____ On: _____ Fee: _____ Paid: _____

Action: _____ By: _____ On: _____ Fee: _____ Paid: _____

Action: _____ By: _____ On: _____ Fee: _____ Paid: _____

Action: _____ By: _____ On: _____ Fee: _____ Paid: _____



note the parcel lines displayed are approximate

Proposed addition to the principal structure that would be 3' from an existing swimming pool.



5861 Monaghan Lane

The minimum setback for a pool to the principal structure is 10'.

A 7' variance is requested.



Request for Action

Town of Clarence | Office of Planning & Zoning
(716)741-8933 | 1 Town Place, Clarence, NY 14031

Town Use Only

Date: 2/18/2020
Received By: [Signature]

APPLICANT REQUEST:

Project Address: 5861 Monaghan Ln, Clarence Center, NY 14032

SBL #: 58.05-4-10

Action Desired:

Requesting a 7' variance to 196-3(C) which requires "a pool shall be required to be ten (10) feet from the rear or side of a building"

Reason:

To allow construction of a roof structure to cover an existing patio between the house and pool. Roof structure would be 3' from hot tub and 9' from pool. A similar variance has been granted by the planning board on June 10, 2014 - although this project will not be enclosed.

CONTACT INFO:

APPLICANT INFO

Name / Business: John & Larissa Kowalczyk

E-Mail: _____

Phone: _____

Address: _____

To: _____

SIGNATURE

Request for Action shall be filled out completely in the spaces provided. The complete Request for Action shall be submitted to the Office of Planning and Zoning along with all necessary plans, maps, and supporting documentation. By signing below I certify that I have the authority to submit this Request for Action, and further certify its contents to be true and correct.

Signed: _____

PROJECT SPONSOR INFO (If Different Than Applicant)

Name / Business: _____

E-Mail: _____

Phone #: _____

Address: _____

Town: _____

State: _____

Zip: _____

CORRESPONDENCE

Please indicate the preferred entity that shall receive the appropriate correspondence and billing associated with this Request for Action. Please select only one.

<input checked="" type="checkbox"/>	Applicant
<input type="checkbox"/>	Project Sponsor

Town Use Only:

Action:	By:	On:	Fee:	Paid:
_____	_____	_____	_____	_____
Action:	By:	On:	Fee:	Paid:
_____	_____	_____	_____	_____
Action:	By:	On:	Fee:	Paid:
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_____	_____	_____	_____	_____
Action:	By:	On:	Fee:	Paid:
_____	_____	_____	_____	_____

PLOT PLAN TO BE APPROVED BY
THE LOCAL BUILDING DEPARTMENT
PRIOR TO COMMENCEMENT OF
EXCAVATION/CONSTRUCTION

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS
DOCUMENT IS A VIOLATION OF SECTION 7209 PROVISION 2
OF THE NEW YORK STATE EDUCATION LAW.

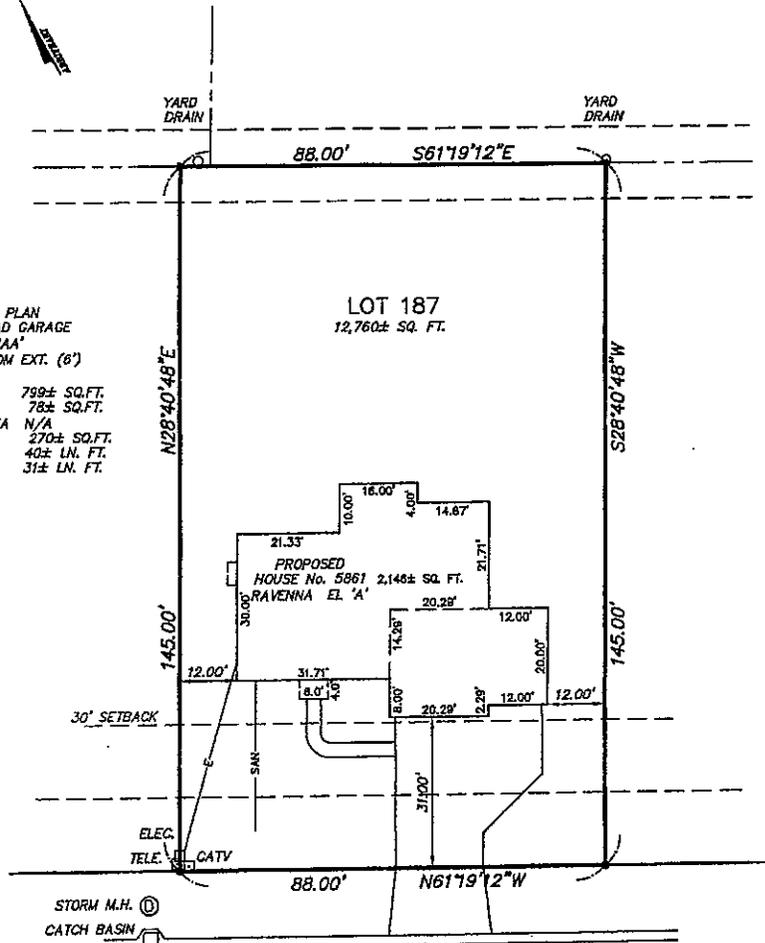
NOTE: THIS SURVEY WAS PREPARED WITHOUT THE
BENEFIT OF AN ABSTRACT OF TITLE.

● SET OR EX. 5/8" REBAR

OPTIONS LIST

RIGHT FRONT/PER PLAN
3 CAR FRONT LOAD GARAGE
MORNING ROOM 'MAA'
1st FLOOR BEDROOM EXT. (8')

DRIVE AREA 799± SQ.FT.
LEAD WALK AREA 78± SQ.FT.
PUBLIC WALK AREA N/A
APRON AREA 270± SQ.FT.
ELECTRIC LN. FT. 40± LN. FT.
SEWER LN. FT. 31± LN. FT.



Sides
APPROVED _____
Date: _____

PLOT PLAN
SUBLOT 187 COVER 3467
WATERFORD COMMONS PHASE 3 PART B
BEING PART OF LOT 3, SECTION 11, TOWNSHIP 12, RANGE 6
HOLLAND LAND SURVEY
TOWN OF CLARENCE, ERIE COUNTY, NEW YORK

DATE	REVISION/TYPE
4/2/12	REVISE PLOT PLAN - RAVENNA EL. A

GPI ENGINEERING & SURVEYING, LLP
FORMERLY PRATT & HUTH ASSOCIATES, LLP
ENGINEERING • SURVEYING • PLANNING
4850 GENESEE STREET, SUITE 163
BUFFALO, NEW YORK 14225
(716) 633-4844 FAX 633-4940

Job No. 2979-187 Date: AUGUST 18, 2011
Scale 1" = 30' Tax No.

Location of proposed roof structure to cover existing patio. Will be very similar in size and structure to neighbor's - houses are the same exterior model/layout

