

Town of Clarence  
One Town Place, Clarence, NY 14031  
**Planning Board Minutes**  
Wednesday, March 18, 2026

**Work Session 6:30 pm**

Status of SEQR Coordinated Reviews  
Review of Agenda Items  
Miscellaneous

**Agenda Items 7:00 pm**

Approval of Minutes

Vice-Chairman Richard Bigler called the meeting to order at 7:00 p.m.

Councilman Shear led the Pledge of Allegiance.

Planning Board Members present:

Vice-Chair Richard Bigler	2 <sup>nd</sup> Vice-Chair Wendy Salvati
Gregory Todaro	Jason Geasling
Keith Lukowski	

Planning Board Members absent:

Robert Sackett	Jason Lahti	Daniel Tytko
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Town Officials Present

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

Other Interested Parties Present:

Jim Borkman	Brianne Zhang	Mark Zografos	Jacob Metzger
Pat Sheedy	Joey Trippi	Joe Bowden	

Motion by Wendy Salvati, seconded by Jason Geasling, to **approve** the minutes of meeting held on January 28, 2026, as written.

Keith Lukowski	Aye	Jason Geasling	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye		

MOTION CARRIED

Motion by Wendy Salvati, seconded by Jason Geasling, to **approve** the minutes of meeting held on February 18, 2026, as written.

Keith Lukowski	Aye	Jason Geasling	Aye	Gregory Todaro	Abstain
Wendy Salvati	Aye	Richard Bigler	Aye		

MOTION CARRIED

**Item 1 – Sign Variance**

Italian Marble & Granite, Inc.  
Industrial Business Park

Requests a Variance to allow an LED sign to emit multi-colors on a lit background at 8526 Roll Road.

**DISCUSSION:**

Mr. Bleuer introduced this project at 8526 Roll Road, located on the north side of Roll Road, east of Harris Hill Road.

It is an existing 3.2-acre property in the Industrial Business Park zone, containing a retail, light manufacturing, and warehousing operation.

The applicant is requesting a Variance to allow an LED sign to emit multi-colors on a lit background. The LED panel is proposed to be compliant in size, at 10 sq. ft.

The Planning Board has authority to act upon signage variance requests. In an effort to reduce light pollution, LED signs not located on Transit Road are required to emit a single monochromatic color on a black, unlit background.

Present to represent the applicant was Attorney Jeffrey Palumbo with the law firm Block Longo, as well as the applicant and owner of Italian Marble & Granite, Inc. Mark Zografos.

Mr. Palumbo began with citing the intent and purpose of the Town of Clarence Sign Ordinance, stating that in terms of the legislative intent as set forth in the ordinance, it is to promote and protect public health, welfare and safety of the community. It speaks on protecting property values, restricting visual blight, and enhancing the appearance of the community.

Mr. Palumbo noted that the standard for considering an area variance is the benefit to the applicant by granting the variance versus the potential detriment of the health, safety and welfare of the neighborhood.

In regard to the intention and the protection of property value, Mr. Palumbo stated that he does not think there is any claim that by making this proposed sign a 2-color LED sign rather than a 1-color LED sign, that it will have any detrimental value to any properties. This is an industrial business park, which is what makes this unique, as they are not requesting a sign in the middle of a residential area.

Mr. Palumbo referred to the other businesses in the area and the lighting, noting that the addition of this proposed sign would not be any worse than what is on the surrounding buildings and properties currently.

Mr. Palumbo noted that the Italian Marble building has soft lights on the building, compared to the bright lights that are on the adjacent property. He added that there are plenty of lights up and down that area of Roll Road in the industrial zone.

Mr. Palumbo stated that when talking about protecting property values, adding an allowed LED sign where the only part not allowed is the color, there is no impact on property values.

With regard to restricting visual blight, Mr. Palumbo stated that the sign will be there one way or another, the only question is, what color will it be. He does not feel that adding one color will cause visual blight.

Mr. Palumbo stated that in regard to enhancing the appearance of the community, he feels that it does enhance the appearance of the community. It is a beautiful sign, it is not inexpensive, it will be controlled by the town's ordinance in terms of the messaging. As indicated in their application, they stated that they would turn it off at 11:00 p.m. or earlier if it was the desire of the town.

In terms of the purpose and ordinance as set forth in the ordinance, Mr. Palumbo stated that they are certainly not violating any of the purposes.

Mr. Palumbo explained that LED signs that are not located on Transit Road are only allowed to have the single monotone color, and they are proposing a multiple color sign.

Mr. Palumbo stated that the question then becomes what is the benefit to the applicant, why are they requesting this variance.

The benefit to the applicant is multi-fold, Mr. Palumbo explained. To begin with, it is to increase the store visibility; to let people know what is going on. This proposed sign will sometimes advertise new materials that have come in that people would not otherwise know about without the color.

Mr. Palumbo added that another purpose of the proposed sign is to attract new customers. And to enhance the brand and recognition of Italian Marble and Granite, Inc.

In terms of variance standards, Mr. Palumbo reiterated that the key to the whole variance is the benefit to the applicant versus the detriment to the health, safety, and welfare to the neighborhood. Mr. Palumbo stated that it is their belief that there is no detriment to the health, safety, and welfare of the neighborhood. The property is located in an industrial park with lights on every property. He can not be convinced that it is an addition to light pollution with the addition of color to the sign, considering all the lighting that is around it.

Mr. Palumbo continued, addressing whether the applicant can achieve this benefit by some method feasible for the applicant to pursue. Focusing on the keyword 'feasible', Mr. Palumbo asked if there are any feasible alternatives. In regard to feasible, he noted that common sense must be applied to the particular facts. While there may be alternatives, they must be feasible and must achieve legitimate goals.

Therefore, Mr. Palumbo noted that the question is, does the sign that is permitted achieve the goal. They do not believe that it does, which is why they are requesting a colored sign.

Regarding the third factor and whether the variance is substantial, Mr. Palumbo stated that in this case there is no mathematical formula that would be applied. The question is to what degree of impact will it have on the surrounding area. Mr. Palumbo does not believe there will be an impact to the industrial area surrounding this business, and the fact that they are willing to turn the sign off at a reasonable hour means that it will only be on 5-6 hours a day.

Next, is whether there will be a physical impact on the environmental conditions of the neighborhood. Mr. Palumbo stated that clearly this will not have any environmental impact on the conditions of the neighborhood.

Mr. Palumbo noted that the next criteria is whether or not the difficulty is self-created; in this case you can conclude that it is self-created because the applicant is requesting that the board vary the ordinance. The fact that it is self-created does not automatically defeat the variance request.

Mr. Palumbo referred to their application and referred to precedents that have been set with multi-color LED signs along Transit Road that were approved prior to the change in the ordinance. The fact of the matter is that there are other LED signs that are not on Transit Road that are multi-color.

In regard to whether a precedent will be set if this variance is granted; Mr. Palumbo stated that there is no such thing as precedent because every single case is decided on its own specific set of facts. That is how you consider it. You can not deny one request because you are worried about the next one that comes up. You have to take this case on its facts which is that the benefit outweighs the detriment because there is no detriment. There is a benefit to the applicant in having the sign and achieving all of the goals that he hopes to achieve by having the sign outweighs any potential detriment.

Mr. Todaro acknowledged all of Mr. Palumbo's points regarding the proposed LED sign, adding that what also needs to be considered is what the Planning Board needs to do in regard to Town Code. The code is very solid in what it states, and a few of the points that Mr. Palumbo made do not apply such as the lighting on the edifices that are in the area. If the building to the east is inappropriately lit and louder in the area than it should be, that is a code enforcement issue and has no bearing on the decision of the sign request.

Mr. Todaro noted that Mr. Palumbo is not viewing this request from a standpoint of benefit but rather asking because they do not have the benefit of doing something that they need to do to get relief.

Mr. Todaro asked what is gained from a multi-color sign that cannot be gained from a monochrome sign.

Mr. Palumbo stated that the visibility and effectiveness is much greater with a multi-color sign than it is for a single-color sign. Multi-color signs are more effective in terms of attracting customers, and advertising with certain displays.

Mr. Todaro stated that he would need to see proof of that, he is unsure that is the case.

Mr. Palumbo asked why anyone would want a multi-colored sign if that was not the case.

Mr. Todaro stated that there are many businesses that have monochrome signs that do not come to the Zoning Board asking for relief.

Mr. Palumbo responded that is the prerogative of those businesses. They are asking for the relief because they believe the benefit will outweigh the detriment.

Mr. Todaro asked if every single variance was granted, then there would be no reason for the code.

Mr. Palumbo reiterated that the code is the code which also allows for variances.

Discussion ensued.

Mrs. Salvati asked if there is a sign there currently.

Mr. Palumbo stated that there is a sign on the building, but no other signage.

Mrs. Salvati noted that Mr. Palumbo stated nobody knows that the business is on Roll Road, one of the reasons may be that there is no sign unless you look at the building as you are driving by. Simply having a sign will let people know that the business is there.

Mrs. Salvati added that an LED sign whether it is color or not, will be able to visually show people for a 30-second holding time, what it is that is being sold.

Mrs. Salvati asked if the intent of having the color LED sign is to show pictures of products.

Mr. Palumbo responded yes. Not all of the time, but occasionally when there are new products those will be advertised on the sign.

Mrs. Salvati reiterated that she feels having any sign will be beneficial; people do not realize that they are there because they do not have a sign.

Mr. Palumbo stated that he does not disagree with Mrs. Salvati in that any sign is better than no sign.

In terms of having a color LED sign, Mrs. Salvati explained that in her opinion, this is about community character. Every time someone comes before this board requesting an LED sign and have been turned away, it is based on community character. There is another LED sign in that general vicinity that seems to be working fine for that business.

Mrs. Salvati acknowledged that when Mr. Palumbo talked about feasibility and environmental conditions, community character is an environmental condition.

In regard to precedent, Mrs. Salvati explained that it is important to the Board. The fear is that they have previously denied other LED signs for various reasons, based on the facts and however they may apply to that request. The concern is that if they approve this request, then the businesses in the area will also want multi-colored LED signs. They do not want to open up the door to endless requests for LED signs.

Mr. Palumbo asked how this sign request would impact community character.

Mr. Todaro stated that his concern is that it would end up resembling Las Vegas in Harris Hill.

Discussion continued.

Mr. Todaro explained that he is looking at it from the aspect of relief. The applicant has something they can not do because of the code that does not allow the business to operate the way that it should. A mono-chromatic sign could allow the business to operate and the business to function.

Mr. Geasling pointed out that there are residential homes nearby at the southwest corner of Harris Hill and Roll Road. They may be an industrial business park, but they are directly abutting a residential area.

Mark Zografos, President of Italian Marble and Granite noted that they have been in this location for over 20 years. They are looking to have the ability to let people know that they are not strictly a wholesale or manufacturing facility, but that they also cater to the general public. This proposed sign would allow them to visually show people that they are open to the general public as well.

Mr. Zografos stated that the advancement of technology over the years has grown substantially, and the monochromatic LED signs that people may have once been content with, have been replaced with the multi-color signs.

Mr. Zografos stated that they would like to turn the sign on at approximately 8:00a.m., and would be willing to work with the town to establish a time to turn it off, possibly 9:00 or 10:00 p.m.

Mrs. Salvati stated that she feels that can still be accomplished with a monochromatic LED sign. What is being debated is whether or not the proposed sign should have color.

Mr. Zografos explained that they need the color so that they can visually show and put on the sign new inventory that comes in. Black and white or a red print sign does not visually entice people. It is a waste of money to use a monochromatic LED sign rather than an LED sign with color.

Discussion continued.

Mr. Geasling stated that he struggles with a 2' by 5' LED sign, and how someone would see the detail and nuance of a picture as they drive by.

Mr. Zografos stated that the sign company representative brought over an example of the high-end resolution screen when they met, and showed them the depth of the detail that can be seen from 20' to 50' away. If you are standing right in front of it, it just looks like a big blur but at the proper distance such as driving by, the visibility, clarity, and detail that it gives resembles a television.

Mrs. Salvati stated that people are simply driving by, and not stopping, pulling over to watch the sign for 30 seconds.

Mr. Zografos noted that the traffic jam that occurs at the corner, he gets cars backed up past his driveway which gives people the time to look at the sign. They have done an analysis on this at one point, and found that often people are parked for 10-15 seconds at a time.

Mrs. Salvati noted that they can still advertise to the people that are sitting there, without using color.

Mr. Zografos stated that the color feature would allow them to show photos of products in stock, or products soon to come. The more they can perk the interests with the sign, the more likely they are to return to the business.

In regard to Public Participation, the following resident spoke:

1. Jim Borkman of 10186 Pineledge Drive S.:
  - concerned with the brightness of the proposed sign
  - feels it would be a distraction for driving

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

Addressing Mr. Palumbo, Mr. Bigler reiterated that as stated, this problem is self-created. There are more points to consider other than the detriment to the community, and directly at an angle across the street, there is a residential community.

Mr. Bigler added that this is our current code, and according to everything that Mr. Palumbo and Mr. Zografos just said, everything they want to achieve with the exception of showing a colored piece of slab of granite can be accomplished with a code-compliant sign.

Mr. Palumbo stated that a code-compliant sign does not meet the intent of what they are trying to achieve. He understands that the code states one color only, but that is not what they want. It is not what will give the applicant the desired effect. A one-color sign does not allow them to do exactly what he wants to do.

Noting that it all comes down to detriment, Mr. Palumbo added that he has admitted it is self-created, but it is only one of the five factors, and according to Mr. Palumbo the other four factors are in the applicant's favor.

Mr. Bigler stated that he disagrees with that, and it is Mr. Palumbo's opinion. He feels that people might say that the proposed sign is a detriment to the community.

Mr. Palumbo stated that nobody is saying that it is a detriment to the community.

Discussion continued.

Mrs. Salvati stated that she has heard what Mr. Palumbo and Mr. Zografos have explained, yet she feels that a sign minus the color aspect, will do a lot of what they are trying to accomplish.

Mr. Palumbo stated that if it was on Transit Road that would be ok, but that anywhere else it is not. The colored LED sign is needed more in locations not on Transit Road.

Discussion continued, with all opinions being repeated.

Mr. Palumbo stated that there is such a minimum amount of light that will be shed from the proposed LED sign. There is no evidence to show that multi-color LED signs are so bright, or create a dangerous situation.

Mrs. Salvati stated that she does not totally agree with Mr. Palumbo; she feels that many LED signs are a distraction, and are too bright – which is why many have the ability to be turned down at night.

Mr. Bigler reiterated that it is his opinion that the applicant can achieve his goals by different means other than a colored LED sign.

Mr. Palumbo reiterated his previous statements.

Mr. Bleuer explained the current code and why it was put in place. Through many years of code updates and comprehensive planning, the one thing that was heard from the residents of the community overwhelmingly is the frustration with LED signs in town. Predominantly they have heard from residents that they should outright ban LED signs in town. But being a town of more than just residents, we are a town of businesses, and have attempted to strike compromise in our code. One of the things that they asked when constantly receiving frustrated calls regarding LED signs, was always the brightness of the sign. In the analysis of LED signs throughout town, it became very clear that the more lighting that exists on a sign as the direct representation of how many of the diodes are firing. In an attempt to reduce the number of diodes that are firing at any one time, Transit Road is an exception because it is the only road in town that does not currently allow any single-family residential homes other than pre-existing homes. They worked with the Clarence Chamber of Commerce on this code, because they had a lot of constituents that were frustrated with the opinions of the residents. That is ultimately the result of this code that was adopted in 2018.

Mrs. Salvati stated that one of the main reasons for the concern regarding this sign, is that it will be a distraction. Vehicles driving by and focusing on the sign and not focusing on driving or other vehicles around them. That is why the LED messages need to be constant and cannot move, as well as other regulations for LED signs.

#### **ACTION:**

Motion by Gregory Todaro, seconded by Wendy Salvati, to **Deny** the request of the applicant, Italian Marble & Granite, Inc., for an LED sign emitting multi-colors on a lit background at 8526 Roll Road.

#### **ON THE QUESTION:**

Mr. Todaro explained that in making its determination, the Planning Board takes into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood community by such action. In making its determination, the Board also considers:

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 area variance;  
**If approved, this sign would be the only LED multi-color sign on a lit background in the Industrial zone of Roll Road, resulting in an undesirable change to the character of the corridor, with the possibility of light pollution by such operation.**
2. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance;  
**The applicant may pursue the same size LED sign as currently proposed, but projecting a single-color message on an unlit background to achieve advertisement opportunity.**
3. Whether the requested area variance is substantial;

**The visual impacts of an LED multi-color sign on a lit background compared to that of a single-color message on a black unlit background is substantial.**

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

**The codified intent of the signage regulation is to reduce light pollution, and such a variance would represent a visible and undesired impact to the Industrial zone of Roll Road.**

- 5. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the variance.

**While the difficulty is self-created, this is not the only factor that the Board has considered in its action.**

Keith Lukowski      Aye      Jason Geasling      Aye      Gregory Todaro      Aye  
Wendy Salvati      Aye      Richard Bigler      Aye

MOTION CARRIED

**Item 2**

Rick Switala  
Industrial Business Park

Requests Development Plan approval for Phase 1 of a Conceptually approved 5-building, industrial/utility storage project at 9717 County Road.

**DISCUSSION:**

Mr. Bleuer introduced this project at 9717 County Road, located on the south side of County Road, east of Goodrich Road. It is an existing 4.3-acre vacant parcel located in the Industrial Business Park zone.

The applicant is requesting Development Plan approval for Phase 1 of a Conceptually approved 5-building, 25,000 sq. ft., industrial/utility storage project. Phase 1 contains a structure comprised of 5,000 sq. ft. of warehouse space and 800 sq. ft. of office space.

The Town Board referred this request to the Planning Board in August of 2024. In March of 2025, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA). In October of 2025, the Planning Board issued a Negative Declaration under SEQRA, and Concept Plan approval subject to 18 conditions. In November of 2025, the Landscape Review Committee approved a final landscape plan. Most recently in March of this year, the Engineering Department determined that the Phase 1 Development Plan meets all technical requirements.

The Planning Board has the authority to consider this Development Plan. An approval would constitute the final Board action prior to construction of Phase 1.

Present to represent this project are Project Engineer Pat Sheedy with Carmina Wood Design, and Project Architect Joey Trippi with Blammel Architects.

Mrs. Salvati thanked the applicant and representatives for adding the details and addressing the concerns that the Planning Board had at the last meeting.

Mrs. Salvati asked if there is any intention to put signage out at the road and if so, the request need to go before the Sign Review Committee for review and approval.

Mr. Trippi stated that he does not believe the owner is intending to put up any signage.

Regarding the restroom area in the office portion of the structure, Mrs. Salvati noted that the Planning Board asks and it was discussed that the vent piping is to match and blend in with the building. Otherwise, it detracts from all of the efforts put in to make the building look nice.

Mrs. Salvati noted that the landscape plan that was approved in November, 2025 included a number of items, such as the landscaping at the front of the property that is intended to screen the hot box.

Mrs. Salvati stated that there is fencing that surrounds the property, with a gate. She asked for some information regarding the gate, if and when it will be open.

Mr. Trippi stated that he assumes the gate will be open during the day, specifically during business hours.

Regarding the lighting plan, Mrs. Salvati noted that there are 2 pole lights in the back parking area as well as 6 wall packs on the building, one lighting standard along the driveway, then a small light at the front of the building. Mrs. Salvati added that all the lighting needs to be dark sky compliant, shielded from glares, and no spill off of the site.

Mrs. Salvati added that there is also a Department of Environmental Conservation (DEC) condition regarding clearing that states nothing can be done on the site between November 1<sup>st</sup> and March 31<sup>st</sup> due to habitat protection.

Mr. Sheedy stated that they are aware of that.

Mrs. Salvati asked if they are amenable to have the lighting turned off with the exception of security lighting over the doorway, one hour after the close of business.

Mr. Sheedy responded yes; that is the intention.

Mr. Bigler noted that the gate needs to be solid even when it is open, it can not be a chain-link or mesh that is able to be seen through.

Mr. Sheedy stated that they understand that.

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

**ACTION:**

Motion by Wendy Salvati, seconded by Gregory Todaro, to **approve** the Rick Switala **Development Plan**, located at 9717 County Road, per the submitted plan by Carmina Wood Design, dated October 29<sup>th</sup>, 2025, with a final revision date of March 5<sup>th</sup>, 2026, and to **approve** the **Final Architectural**

drawings by Bammel Architects, dated March 6<sup>th</sup>, 2026, all subject to the following conditions being met:

1. Applicant meeting the requirements of the Town of Clarence Building Department fire code compliance review, and associated conditions.
2. Applicant meeting any additional requirements of the Town of Clarence Engineering and Building Departments, and any associated conditions, prior to any permits being obtained for construction on the property.
3. Subject to Erie County Department of Public Works approval for the proposed access point to County Road.
4. Subject to Erie County Health Department and New York State Department of Environmental Conservation approval, if required, for the proposed on-site sanitary facilities.
5. Future phases of this project shall require Planning Board Development Plan review.
6. Applicant meeting the requirements of the Landscape Committee Approval on November 18<sup>th</sup>, 2025, and associated conditions, including but not limited to, the management of all landscaping in perpetuity and replacement, in-kind, should there be any deterioration, or death, or disease to plantings; and the maintenance of all fencing, and replacement in kind, should there be any deterioration or damage.
7. Any exposed mechanicals shall be shielded from view by approved screening and/or landscaping, and any roof vents shall be painted to match the roof color.
8. Dumpster or tote enclosures shall remain closed at all times when not in use. Garbage service shall occur in conformance with Town Code. No garbage or debris shall accumulate outside of the dumpsters or totes.
9. All site lighting shall comply with the Town Code, be dark sky compliant and shielded to prevent glare and 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 apart from any security lighting as called out on the approved site lighting plan.
10. Buildings to be constructed per the labeled materials and rendered colors, and building materials to be used shall be of industry standard high quality for durability and appearance.
11. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as approved.
12. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
13. Other than licensed vehicles, 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 equipment, goods, materials, and debris.
14. Each proposed business operation or operator shall be subject to review and approval by the Town.
15. 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.
16. Subject to Open Space, and any other applicable fees as required by Town Code.

Mr. Trippi and Mr. Sheedy stated that they have heard, understand, and agree to the conditions.

**ON THE QUESTION:**

Mr. Bleuer noted that because this approval is for Rick Switala’s business to be located here, he asked Mr. Trippi the name of the business, and what the business is.

Mr. Trippi stated that it is Switala’s Storage Units. Mr. Switala owns a construction company, but that is not the company that will be utilizing this project; it is just Switala Storage Units.

Mr. Bleuer asked if Switala Storage Units will be the business operating this building, and will this building be leased.

Mr. Trippi stated no; this building will not be leased. This building will be for Rick Switala’s business use.

Mr. Bleuer asked what Mr. Switala’s business use is.

Mr. Trippi stated that he believes it is just roofing.

Mr. Bleuer asked what the name of Mr. Switala’s business is.

Mr. Trippi stated it is Switala Construction.

Mr. Bleuer stated that beyond that of Mr. Switala’s business, any future users or uses would need to be subject to Town of Clarence approval.

Mr. Trippi responded yes.

Keith Lukowski	Aye	Jason Geasling	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye		

**MOTION CARRIED**

**Item 3**

L Visone Development, LLC.  
Commercial

Requests Concept Plan approval of a 6-unit commercial structure to the rear of the property at 10151 Main Street.

**DISCUSSION:**

Mr. Bleuer introduced this project at 10151 Main Street, located on the south side of Main Street, west of Shisler Road. It is an existing 2-acre property containing existing commercial buildings and associated facilities in the Commercial zone.

The applicant is requesting Concept Plan approval of a 6-unit commercial structure to the rear of property. The structure is proposed to be approximately 8,400 sq. ft., constructed of metal siding and metal roof, with a front façade stone knee wall, entry awnings, and glass entries.

The application states that the tenants would be small commercial ventures with examples listed such as, but not limited to; IT, real estate, wedding planner, photography studio, cosmetic supply, and film production studio.

This proposal was first on a Town Board work session agenda in March of 2025. At that time, it was not advanced to a formal agenda due to concerns regarding the proposed 7.5' setbacks, and the architectural style and subsequent use of the building. The applicant then submitted an updated site plan with 10' setbacks, and updated architectural elevations with greater material variety and detail. This updated proposal was then placed on a Town Board formal agenda, and referred to the Planning Board in February of this year.

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

Note: The applicant is requesting side yard and rear yard setback Variances. If the applicant chooses to make an appeal to the Zoning Board and is successful, this proposal must return to the Planning Board for Concept Plan review.

Present to represent the applicant were Jacob Metzger with Metzger Civil Engineering, and Brianne Zhang with Visone Site Development.

Mr. Metzger noted that they have been working on this project for almost a year, there have been modifications from the original plans. Additional suggested modifications will follow as the proposed project progresses through the review process.

Mr. Geasling acknowledged the stone knee-wall that was added, but stated that the metal still seems excessive. He understands that they are still early on in the process, but wanted to note that.

Mr. Geasling inquired about the garage doors that are shown on the plans, and the need for them.

Mr. Metzger stated that they provide a better opportunity, more of a catch-all for any kind of potential use. They do not want to exclude any business that may need a garage door for access to and from their space, and want each unit to be similar in use.

Ms. Zhang added that a lot of businesses that have reached out to them that are interested in a space of this size really like the garage door feature, because it allows them to bring in and out large pieces of material. A lot of the uses that are permitted in the commercial district include such things as service shops, antique shops, things such as that. One of the businesses that reached out to them is a stained-glass manufacturer and repair shop. They want to be able to bring the windows in and out, which a garage door would allow them to do.

Mr. Bigler asked if one of the lessees leave their garage door open while doing their business and making a substantial amount of noise that resonated on to Main Street, have they given any thought as to how they will handle that and limit it.

Ms. Zhang stated that they are willing to limit the hours that the garage doors are allowed to be open.

Referring to the two variances that this proposed project will need, Mrs. Salvati asked if the plan is to downsize the structure if those variances are not granted.

Mr. Metzger stated that they would no other option than to downsize unless it is decided to not be economically feasible to continue without the variances.

Mrs. Salvati stated that in her opinion, the building is too large and would be better if it conformed to size.

Mrs. Salvati asked if the existing septic system will be expanded, as the plan indicates each unit will have its own restroom facilities.

Mr. Metzger responded yes; each unit will have a single restroom and there is an existing on-site septic system so they will expand that septic system in accordance with the health department’s review and approval.

In regard to Public Participation, the following resident spoke:

1. Jim Borkman of 10151 Pineledge Drive S.:
  - looking for clarity as to where the property is located, and does it abut his property at 10151 Pineledge Dr. S.
  - if it does abut to his property, he would like to know what the setback is from the property line to the building

After further review, it was determined that Mr. Borkman’s property is across the street from this proposed project, with no adjacent property lines.

Mr. Borkman stated that he does not have any concerns.

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

**ACTION:**

Motion by Jason Geasling, seconded by Gregory Todaro, that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Environmental Assessment Forms as prepared and to **issue a Negative Declaration** on the proposed L Visone Development, LLC. project at 10151 Main Street. This Unlisted Action involves the proposed construction of an approximately 8,400 sq. ft. commercial structure in the Commercial zone. After thorough review of the submitted plans, documents, meeting minutes, and Environmental Assessment Forms, it is determined that the proposed action will not have a significant negative impact on the environment.

Keith Lukowski	Aye	Jason Geasling	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye		

**MOTION CARRIED**

Motion by Jason Geasling, seconded by Gregory Todaro, to **deny** the L Visone Development, LLC. Concept Plan per the submitted drawing by Metzger Civil Engineering dated July 31<sup>st</sup>, 2024., with a final revision date of July 28<sup>th</sup>, 2025.

**ON THE QUESTION:**

The proposed commercial structure is proposed with 10’ side yard and 10.3’ rear yard setbacks. Code requires 25’ side yard and rear yard setbacks. If the applicant chooses to seek area variances from the Zoning Board of Appeals and is successful, this proposal must return to the Planning Board for Concept Plan review.

Keith Lukowski      Aye      Jason Geasling      Aye      Gregory Todaro      Aye  
Wendy Salvati      Aye      Richard Bigler      Aye

**MOTION CARRIED**

**Item 4**

Pacific Pools  
Major Arterial

Requests Site Plan and Architectural approvals for the construction of a detached accessory structure located at 8511 & 8533 Transit Road.

**DISCUSSION:**

Mr. Bleuer introduced this project at 8511 & 8533 Transit Road, located on the east side of Transit Road, south of Tonawanda Creek Road.

8533 Transit Road is a 2.6-acre parcel containing an existing pool sales and installation company. 8511 Transit Road is a 0.5-acre parcel containing an existing residence and spillover pool company operations. Both parcels are located in the Major Arterial zone.

The applicant is requesting Site Plan and Architectural approvals for the construction of a detached accessory structure. The structure is proposed to be a 7,000 sq. ft. metal pole barn, used for personal and business storage.

In 2022, the applicant first proposed a detached accessory structure. Since that time, the applicant has addressed comments received, and committed to control and beautify outside storage and display.

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

President of Pacific Pools Joe Bowden was present to represent his request.

He would like to move a majority of the trucks and equipment that is currently on the site inside the proposed structure.

Mr. Lukowski asked if there is any lighting planned for the building.

Mr. Bowden stated that he would anticipate lights at the man door, otherwise no; they are not trying to light the yard up.

Mr. Lukowski asked Mr. Bowden if he plans to install landscaping and work on beautification of the property.

Mr. Bowden stated that a lot of this proposed structure has to do with cleaning up the yard. If you view the property from the nearby intersection, it is a mess. His initial building was for him to store his equipment in and clear the backyard. It did not work out as intended, which is why they have proposed this structure.

Mr. Bowden noted that a lot of the materials that they use come in by the truckload, are stacked, and end up looking terrible. The plan is that it will all be completely blocked from view with the proposed structure. He has upgraded his trucks and equipment, and does not want them sitting outside. The plan is to store them all inside the structure.

Referring to the pictures that have been shown, Mr. Bigler noted that some of the items appear to be more south than the property line.

Mr. Bowden stated that he is leasing the land from the adjacent property owner. They ran some fabric and stone in order to off-load some materials.

Mr. Bowden stated that he recently purchased a piece of property nearby in Amherst, and plans to move all of the fiberglass pools to that location, which will clear up a good amount of cluster.

Mrs. Salvati asked if the use of the adjacent property is temporary.

Mr. Bowden responded that he will need to go through the process with the Town of Amherst for the other piece of property, as well as Wetland Mitigation but as soon as that is all completed, yes.

Mr. Bowden explained that he believes the shipping containers will be stored behind the proposed building in a row at the property line. All of the trucks that are out will be parked inside the proposed structure.

Mr. Bowden noted that during Covid, they stockpiled their inventory. All of that should decrease, the amount that is stored outside will be a fraction of what is there currently. The yard will be much neater.

Mr. Bowden added that they have a contract with a landscaper to do the landscaping once it is dry enough.

Mrs. Salvati added that it will improve the view from Transit Road.

Mr. Donohue informed Mr. Bowden that his property is operating outside of the permitted uses because of the Grandfather Clause. It appears that the storage of materials on the neighboring property would require Town Board or Planning Board approval to operate as a storage property. Right now, it is a non-conforming use of the property. From a Town Attorney's perspective, the building permit needs to be conditioned to no longer have a non-conforming use on the property.

Mr. Donohue asked Mr. Bowden if there is something he can tell the Board about how he plans to correct that.

Mr. Bowden noted that the new property will alleviate the need to store anything on the adjacent property, but that is not something that will be happening immediately. It will take some time.

Mr. Donohue stated that Mr. Bowden could get a Temporary Conditional Permit (TCP).

Mr. Bowden asked if that is something he can do and not the adjacent land owner.

Mr. Bleuer responded yes; as an applicant he can apply for a TCP for outside storage on a new parcel that has not had prior approvals of grandfathered use. He would need owner authorization, just a letter of owner authorization.

Mr. Donohue asked if there is a written lease agreement.

Mr. Bowden responded no, just verbal.

Mr. Donohue stated there will be something in writing.

Mr. Bleuer stated that he will come to the Planning Office for this.

Discussion continued.

Mr. Bowden stated that there is currently more on the site than what the photo shows.

Mr. Bleuer explained that the Temporary Conditional Permit process takes approximately 2-3 months because of the Public Hearing element, because the Town Board has a notice policy.

Mr. Bleuer stated that if a TCP is required to attain a building permit for the structure, he will not be able to get the building permit until a TCP is in place. This is all assuming the Town Board considers it.

Mrs. Salvati noted to Mr. Bowden that the 2-3 months may allow him the time to get his other property moving forward and prepped.

Mr. Bowden stated that as soon as he is able to move, he is going to but he does not want to mislead the Board that it is going to be within the next couple of months. He has never done any wetlands mitigation.

Mr. Bigler asked how this impacts Mr. Bowden's request tonight, in order to move him forward.

Mr. Donohue asked Mr. Bowden when he planned to begin building the proposed structure.

Mr. Bowden responded that he would like too as soon as he can.

Mr. Bleuer explained that this point came up in the Work Session, and the Planning Board's hands are tied for tonight as far as allowance for expanded operation in to the adjacent property. They could act on the request as proposed tonight, conditioned as such, and then the applicant would have to work with the Town in order to either comply with that condition, or seek a Temporary Conditional Permit to make it allowable. The applicant does not need to make his decision tonight.

Discussion continued regarding the action for tonight's request.

Mr. Bleuer explained to Mr. Bowden that during the work session before this meeting, the Board saw the issue with the expanded operations on to the adjacent property. They then crafted a potential condition stating that a building permit cannot be obtained until activity on the southern site is ceased. That is all the Board is capable of doing tonight. Mr. Bleuer explained that Mr. Bowden does not need to take the condition in place, but instead seek to rectify it by going to the Town Board and requesting a Temporary Conditional Permit.

In short, Mr. Bleuer stated that the applicant could potentially receive the approval for the pole barn, subject to clearing everything off the adjacent southern site, or receiving proper approval to keep it there. This would alleviate Mr. Bowden from returning to the Planning Board with the same request.

Mr. Bowden stated that he has 26 pools that are expected to arrive within the next few weeks that are to be placed in the spot in question. If he does not use that, and finds a different place to store them is that acceptable.

Mr. Bigler stated that if Mr. Bowden moves stuff out, and wherever he plans to place it, is a non-issue for the Planning Board.

Mr. Bowden asked if he finds a place for all of the materials, he can move forward.

Mr. Bigler responded yes.

Mr. Donohue stated that he would be able to move forward tonight, with the condition.

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

**ACTION:**

Pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Environmental Assessment Forms as prepared and to **issue a Negative Declaration** on the proposed Pacific Pools detached accessory structure project located 8511 & 8533 Transit Road. This Unlisted Action involves the construction of an approximately 7,000 sq. ft. detached accessory structure. After thorough review of the submitted plans, documents, meeting minutes, and Environmental Assessment Forms, it is determined that the proposed action will not have a significant negative impact on the environment.

Keith Lukowski	Aye	Jason Geasling	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye		

**MOTION CARRIED**

To issue **Site Plan and Architectural Approvals** for the Pacific Pools detached accessory structure located at 8511 & 8533 Transit Road per the submitted sketch plan and architectural drawings submitted by the applicant and received in the Planning Office on March 5<sup>th</sup>, 2026, and March 18<sup>th</sup>, 2026, 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. Applicant meeting the minimum zoning code accessory structure side and rear setbacks of 10’.
5. 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.

6. Pool display area shall be operated and maintained per the submitted sketch plan submitted by the applicant, and all approved landscaping shall be planted within 6 months of this approval, and maintained in perpetuity and replaced, in-kind, should there be any deterioration, or death, or disease to plantings. Any proposed modification to the plant species shall be subject to review and approval of the Planning Office.
7. Other than the pool display area, no outside storage or display shall occur in front of the detached accessory structure to Transit Road. Also, within this area, all parking locations to be striped, and maintained in perpetuity, and no parking shall occur outside of these striped spots.
8. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as approved.
9. No additional future business operations or operators without proper application made by the applicant and review and approval by the Town.
10. 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.
11. Subject to Open Space, and any other applicable fees as required by Town Code.
12. No building permit shall be issued for the accessory structure until applicant vacates the property at 8485 Transit Road. No outside storage or business operation is to occur. Upon the applicant vacating the property, a site inspection shall occur by the Town official to confirm compliance prior to issuance of the building permit. Alternately, the applicant may seek a Temporary Conditional Permit from the Town Board.

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

Keith Lukowski	Aye	Jason Geasling	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye		

MOTION CARRIED

Meeting **adjourned** at 8:34 p.m. with a motion by Wendy Salvati.

MOTION CARRIED

Amy Major  
Senior Clerk Typist