

Town of Clarence
One Town Place, Clarence, NY 14031
Planning Board Minutes
Wednesday, May 6, 2026

Work Session 6:30 pm

Status of SEQR Coordinated Reviews
Review of Agenda Items
Miscellaneous

Agenda Items 7:00 pm

Approval of Minutes

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

Councilman Shear led the Pledge of Allegiance.

Planning Board Members present:

Chairman Robert Sackett
Gregory Todaro
Daniel Tytko

Vice-Chair Richard Bigler
Jason Geasling
Keith Lukowski

Planning Board Members absent:

Wendy Salvati

Jason Lahti

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:

Andrea Minor	Ty Thomposn	Sean Hopkins	Kevin Curry	
Phil Nanula	Ken Zollitsch	Bobby Corrao	Breanna Kromer	Binhu Li
Allison MacKenzie	Jeanette Fiess	Annette Hesselbeck	Alex Saboda	
Debbie Saboda				

Motion by Gregory Todaro, seconded by Richard Bigler, to **approve** the minutes of meeting held on March 18, 2026, as written.

Keith Lukowski	Aye	Daniel Tytka	Abstain	Jason Geasling	Aye
Gregory Todaro	Aye	Richard Bigler	Aye	Robert Sackett	Abstain

MOTION CARRIED

Motion by Gregory Todaro, seconded by Richard Bigler, to **approve** the minutes of meeting held on April 1, 2026, as written.

Keith Lukowski	Aye	Daniel Tytka	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED

Motion by Gregory Todaro, seconded by Richard Bigler, to **approve** the minutes of meeting held on April 15, 2026, as written.

Keith Lukowski	Aye	Daniel Tytka	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Richard Bigler	Aye	Robert Sackett	Abstain

MOTION CARRIED

Item 1

North Nova, LLC.
Traditional Neighborhood District

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

DISCUSSION:

Mr. Bleuer introduced this project at 9515 Clarence Center Road. South side of Clarence Center Road, located east of Goodrich Road.

It is an existing 0.63-acre property containing a vacant building, formerly home to Goodrich Printing, located in the Clarence Center Traditional Neighborhood District, has some rear land in the Residential Single-Family zones, and located within Clarence Sewer District No 2.

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

The 1st floor restaurant is proposed to be primarily a take-out establishment, and the 2nd floor residential is proposed to be used primarily by restaurant staff.

In September of 2025, the Planning Board issued Concept Plan approval subject to 13 conditions. In November of 2025, the Town Building Department determined that the proposed Change-In-Use is feasible subject to appropriate building permits being issued. In December of 2025, the Landscape Review Committee approved a final landscape plan. Most recently in April, the Engineering Department determined that the Development Plan meets all technical requirements. Part of the engineering review includes outside agency comment and permit, which have been met.

The Planning Board has the authority to act on this request. An approval would constitute the final Board action prior to construction.

Present to represent this request is project engineer Ken Zollitsch with Greenman Pedersen, Inc., and owner/applicant Ben Li.

Mr. Zollitsch noted that in his opinion, it has been a lengthy review process for such a small project, adding that the proposed site is approximately 460' deep, and they are only working within the first 200' of this proposed project. The back portion of the building is remaining as is, and the front portion of the building is being rehabilitated into a take-out restaurant.

Mr. Zollitsch noted that as part of the site rehab, they will be installing a number of parking spaces in the rear of the site, primarily for employees as well as the tenants that will reside in the two apartments on the 2nd floor of the proposed building.

The first floor of the building will be for the restaurant portion of the site, Mr. Zollitsch added that there will be limited to no seating because it is only a take-out restaurant. They have additional parking spaces out front, and have worked with the Department of Public Works on a new and accepted proposed driveway.

Mr. Zollitsch explained that the Erie County Health Department has gone through their review and signed off on the proposed plan, as well as the Town of Clarence Engineer after his thorough review and comments.

Mr. Todaro agreed with Mr. Zollitsch that this proposed project has been reviewed pretty thoroughly.

Mr. Todaro asked what the anticipated hours of operation are for the proposed restaurant.

Mr. Li stated that typically they are open 11am-9pm, with one day off, which is typically Monday or Tuesday.

Mr. Todaro confirmed that it will be takeout only, and there is no sit-in dining.

Mr. Li and Mr. Zollitsch confirmed yes, it is takeout only, there is no sit-in dining.

Mr. Todaro asked Mr. Li what he expects in regard to traffic during peak dinner times.

Mr. Li explained that they do not have that much to offer as far as dinner foods, so he does not expect that much traffic.

Mr. Todaro asked Mr. Li how many employees he anticipates working on a shift.

Mr. Li responded typically around 3 employees at a time.

Mr. Todaro asked where Mr. Li anticipates the employees will park during their shift.

Mr. Li stated in the parking area in the back of the site.

Referring to today's technology and the different delivery services that exist, Mr. Todaro asked how Mr. Li anticipates handling those services for the restaurant.

Mr. Li explained that the commission is too high for the delivery services, so they do not plan to participate with them.

Mr. Todaro asked if there will be dedicated areas for the delivery vehicles to park.

Mr. Zollitsch noted that since Mr. Li does not plan to participate with the delivery services, that will not be necessary. For patrons picking up their orders, the spaces out front should be adequate to accommodate those, and they anticipate quick turnaround.

Moving on to odor and food, Mr. Todaro asked about air handling, particularly any technologies that can help to reduce the odors outside. What is the final decision on technology, and how the odors will be controlled.

Mr. Li explained that the venting now goes through the roof, a change from having it vent from the side of the building.

Mr. Todaro stated that the other part of the concern was the noise decibels and asked if that has been reviewed as far as control.

Mr. Zollitsch stated that he knows the units have been specified, but he does not have the exact decibels or range. He believes it is information that was provided through the development plan review, but does not have the information in front of him.

Mr. Todaro noted that the biggest concern with the venting was from the neighbor located to the west, so making sure it has been addressed with the neighbor from a sound standpoint.

In regard to rodent and pest control, Mr. Todaro asked the applicant to explain how pests, rodents, and any food debris will be controlled.

Mr. Zollitsch explained that there is a pad out back for two covered totes, they will also be screened. The area will be kept clean and orderly, especially with people living on-site. All garbage and refuse will be placed in the totes and will be picked up weekly, or additionally as needed.

Mr. Todaro stated that one of the things that will be conditioned is that the dumpsters remain closed and secured at all times.

Mr. Todaro asked how often the waste will be picked up, both the grease and the garbage.

Mr. Li noted that typically, garbage pick-up is weekly, but he believes that it can be arranged to have an extra pickup if necessary.

Mr. Zollitsch explained that the grease trap is located in the middle of the driveway on the east side of the building, with easy access for cleaning. This would be based on need, but typically this is done every two months.

Mr. Todaro advised Mr. Li to coordinate the delivery of food and the pickup of garbage times so that they are not picked up at times that will not cause a disturbance with the neighbors.

Regarding the residential portion of the proposed project, Mr. Todaro asked if there are any concerns with the restaurant operations being located below the apartments as far as noise levels and / or odors.

Mr. Zollitsch responded, stating that he does not believe there will be any issues. Part of the intent is to have some of the employees of the restaurant reside in the apartments above. As far as smells, it is a contained system below the apartment in the restaurant, the do not anticipate any concerns as far as that is concerned. With regard to the noise, it is what it is. It is a restaurant, so it will not be completely quiet inside the walls, but at the same time, it is not a bowling alley.

Mr. Todaro asked what the proposed construction working hours will be, and how long do they anticipate it will take to get the restaurant operating.

Mr. Zollitsch stated that construction hours will be the standard normal business hours, the same as what is expected from any construction site; Monday through Friday from approximately 7:00-8:00a.m. in the morning to approximately 6:00 p.m., with an occasional Saturday as needed.

Mr. Li stated that it should take approximately 6 months to rehabilitate the building.

Mr. Todaro asked how snow removal will work on the property.

Mr. Zollitsch stated that it will be done through private contract, clearing the driveway and parking lot, and clearing the sidewalk. They acknowledge that they would keep the snowplows out of the Erie County Right of Way.

Mr. Todaro noted that the applicant should be mindful of any loitering around the front of the building, or any part of the building. This needs to be controlled by the business to assure that it is not happening.

In regard to Public Participation, the following residents spoke:

1. Andrea Minor of 9500 Clarence Center Road:

- stated that she has heard that Zion Lutheran Church previously explored purchasing the property, but due to possible health concerns due to the previous business in the building, chose not to proceed
- concerned that if the environmental concerns were enough to prevent a church from proceeding, how can it be changed in to a food service establishment

- requested that the results of any lead chemical testing conducted on this property be made available for public review prior to any approvals
 - stated that a restaurant by its nature introduces direct public considerations for staff, customers, and the surrounding community
 - requested the board not approve this change in use until comprehensive environmental testing results are provided and reviewed
2. Breanna Kromer on behalf of Terry and Sandra Reilly of 9505 Clarence Center Road:
- took issue with the comment that the applicant made stating this was a “small project”, stating that it is a “life changing project to members of this community”
 - applicant stated they will not use food services, is that a condition that will be applied to any approvals
 - concerns with customers of the restaurant parking in front of this property, and the safety of customers backing out on to Clarence Center Road
 - referred to a previous meeting and meeting minutes where it was noted that the applicant and his representative stated that the driving habits of other drivers are not in their control
 - regarding the comments that the applicant is hoping a majority of their patrons are walkers rather than drivers, this is a suburban area, not NYC, people are not going to be walking to their establishment
 - no response has been given for the question about the noise levels, and how loud it will be from 11am to 9pm for 6 days a week, directly facing her family’s home
 - any construction done to this point has all been at night
 - concerns with the fence that butts out in to the driveway, which she understands is their property as well, and there is shared space but it makes it practically impossible for a vehicle to pull in and out of one of their garage bays
 - understands that the applicant has multiple means to support their request, but she asks that the board considers the practicalities here. This is something that a family, and many families are now facing; living next door to a fast-food restaurant in the small town of Clarence Center where there is a very strong pride in the community as a whole
3. Annette Hasselbeck of 6011 Railroad Street
- her family has lived in her home since 1892, she personally has lived there for 63 years with the exception of when she served in the US Navy
 - it is a small community, her street is a 2-way street, and since the increase in business in the downtown metro Clarence Center area, people have been parking on both sides of Railroad Street, just to get to the 4 corners
 - concerns with the parking, and that parking may overflow illegally in to the parking lot of Zion Lutheran Church next door
 - concerned with the different daycares and other activities that are held at the church next door

- there are always children riding their bikes in and around the church parking lot, out on to the sidewalks and she has concerns about the vehicles and traffic that will be around there
- continued to express traffic concerns
- concerns with the age and condition of the drywall in the building, and potential health concerns they could cause

4. Jeanette Fiess of 9520 Clarence Center Road:

- agrees with all of the concerns already stated, especially environmental and traffic flow
- still concerned with potential odors wafting downwind to her house
- does not think that 2 garbage totes are enough for a fast-food restaurant
- concerns with snow removal and where the snow will go when clearing the parking lot
- requests a later construction start in the day, feels that construction beginning at 7:00-8:00a.m. is very early, especially with children home for the summer

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

Mr. Zollitsch and Mr. Li returned to the podium to address the questions. Mr. Zollitsch started, addressing the comments regarding the general building and environmental concerns. Noting that because this is a restaurant, they have to work with the Erie County Health Department, and all of the required reviews and approvals. Because he is the site engineer, he cannot speak to specifics in terms of the interior of the building, but be assured that Erie County Health Department will be involved. Everything that will be installed will be new, and not part of the original structure.

Noting that traffic is a big concern, Mr. Zollitsch stated that the spots in the front will provide enough room for vehicles to back up without backing up in to Clarence Center Road, and then make the turn. They cannot stop people from parking on public roads, he understands that there are residents in this area. He also understands that Clarence Center would be nothing if they did not have the businesses that they have in Clarence Center. It would be a standard residential development, without any activity. What he sees here is a building that is being used, that will add to the vitality of Clarence Center. This proposed project is not intended to be a destination, but rather a pass-through location.

In terms of the fence and the adjacent neighbor of the fence, Mr. Zollitsch stated that the fence is located wholly on their property, they have even left 4 ft. of the existing asphalt drive on their property, for the neighbor. There is no requirement for them to do that, they are merely trying to be a good neighbor by providing the additional driveway space. It is Mr. Zollitsch's understanding that there are no easement agreements between the property owners prior to their purchase, as well as Mr. Li's purchase of the property. While there have been discussions, nothing has ever been put in place.

Mr. Li explained that he had proposed removing part of the fence, so that the neighbor could utilize their whole driveway. He wanted to keep that rear part of the fence to separate those two areas between the neighbor's driveway and the rear parking lot.

Mr. Todaro noted that Mr. Zollitsch did not address the asbestos concerns, something he feels is a big concern.

Mr. Zollitsch explained that he cannot speak directly to that or any specific studies that GPI has been involved with. Mr. Zollitsch apologized, this is not his project, he is filling in for his coworker. Chairman Sackett asked Mr. Zollitsch to speak on the process going forward after it leaves this Board, and the involvement of the Erie County Health Department.

Mr. Zollitsch stated that as it relates to any specific building features, it is not necessarily the purview of the Planning Board, though he understands that they need to fully assess a project. He is not trying to discount any concerns, but once it leaves this stage of the review, they move on to the Town of Clarence Building Department, who have their own concerns and address their own issues in terms of the buildout of the interior of the space. They also have to contend with Erie County Health Department, because it is a restaurant. Those agencies will review any plans and whether they are acceptable. While the site and use portions will be addressed by this Planning Board, the interior outfit and retrofit of the building would require additional oversight.

Mr. Li added that the Erie County Health Department has already stopped by the building to inspect things like water supply and sanitary sewer. He will continue to work with the County for any necessary permits.

Mr. Zollitsch stated that in terms of water and sanitary services, and verifying that the water was acceptable, they have addressed those concerns by providing the grease trap and upgrading the sanitary on-site.

Mr. Bleuer explained that as part of the development plan review, we require correspondence from both the Clarence Building Department, as well as Erie County Health Department. Both department and agencies have requirements that must be met by the applicant. The applicant will be required to meet New York State Building Code through the Building Department, and then state and county regulations in terms of Erie County Health Department. We are not the jurisdictional controlling body regarding these environmental matters. However, before a Certificate of Occupancy is issued for the building, we will require that those certificates are in place.

Mr. Todaro asked about the noise component with the air handlers, noting that it has not been addressed by the applicant. He would like some more clarity as to what the noise levels will be.

Mr. Zollitsch stated that he does not have specifics on the fan, which would really be the only thing that would produce noise on the exterior of the building. They would be more than happy to find and provide some specifications on the noise level of the fans and filtration units.

Mr. Bleuer interjected, noting that they have that information that was provided by the applicant in the way of a letter from the applicant's architect Frank D. Militello, giving the full specifications of the

venting and fan unit. It will be permitted by the Building Department, Mr. Bleuer does not have the technical knowledge to speak on this, but shared this with the applicant for their review. This information is in the project file.

Chairman Sackett clarified with Mr. Bleuer that once this project leaves the Planning Board, this will be the purview of the Building Department.

Mr. Bleuer stated for the installation, yes, that would be at the purview of the Building Department. In terms of the quality of the unit, that is at the purview of the Erie County Health Department. He believes that if there are thresholds or levels to the quality of the unit being installed, this board could require that the highest quality unit is installed.

Mr. Bigler added that the question here is dB rating, which was an issue with a previous project and concerns of the neighbors. They made sure that they had the highest quality possible, to ensure that the humming and dB was at a minimum by today's standards.

Mr. Zollitsch acknowledged the information that Mr. Bleuer provided for him with the specifications, adding that there is no dB rating included in the information. He would need to verify that with the architect. This information does clearly show more than acceptable air flow rates, dispersal, are well within acceptable range from nearby buildings.

Chairman Sackett asked the applicant how many garbage totes he will have.

Mr. Zollitsch responded that there are 2 identified on the plan.

Chairman Sackett confirmed that they feel that will be sufficient for a week's worth of garbage.

Mr. Zollitsch explained that Mr. Li operates another restaurant that is not in Clarence, but given his current experience with his other facility, he feels confident with 2 totes as planned.

Chairman Sackett asked if they are 95-gallon totes.

Mr. Li responded that they are 3-yards each.

Regarding snow removal, Chairman Sackett asked Mr. Li if he is prepared to haul snow away if it becomes excessive for the site.

Mr. Li explained that he will move the snow to the back of the property if needed.

Mr. Zollitsch noted the reserved area up front that is designated for snow storage. On the plans it is approximately 8 ½ ft. by 20 ft. which is where typical snow will be placed. For larger snow events, they will look at alternative means of moving what is there potentially to the rear of the site if needed,

or off-site as necessary. They want to maintain and control the snow so that it is not impacting site lines, visibility, or parking areas.

Mr. Bigler asked about the fence that is on the applicant's property, asking for clarification on the applicant's statement about moving the fence. Mr. Bigler acknowledged the additional 4' of property that the applicant has basically given the neighbor to access his driveway. Mr. Bigler referred to the section of the fence after the front part, and if the applicant is interested in moving that fence.

Mr. Zollitsch explained that originally it was extending further to Clarence Center Road, it was up against the building, and that part of the fence was removed. The remaining fence is basically located along the paved area.

Noting that he understands it is his property, Mr. Bigler asked Mr. Li if he would be willing to move the fence more towards the east, further on to his property.

Mr. Li acknowledged they could do that, to make the fence run in a straight line. He would like to make Mr. Reilly happy with that.

ACTION:

Motion by Gregory Todaro, seconded by Richard Bigler to issue **Development Plan Approval** of the **Change-In-Use** to allow a mixed-use project containing 1st floor restaurant and 2nd floor residential at 9515 Clarence Center Road per the submitted plan set by GPI, dated August 2025, with a final revision date of February 6th, 2026, and the submitted elevations by Mileto Architectural Associate, received in the Planning Office on May 4th, 2026; all with the following conditions being met:

1. Applicant meeting the requirements of the Town Building Department fire code compliance review, and associated conditions.
2. Applicant meeting any additional requirements of the Town Engineering and Building Departments, and any associated conditions, prior to any permits being obtained for construction on the property.
3. Subject to Erie County Department of Public Works approval for right-of-way modifications.
4. Subject to Erie County Department of Health approval for the foodservice facility.
5. Applicant meeting the requirements of the Town Landscape Committee Approval on December 9th, 2025, and associated conditions, including but not limited to, the management of all landscaping in perpetuity and replacement, in-kind, should there be any deterioration, or death, or disease to plantings; and the maintenance of all fencing, and replacement in kind, should there be any deterioration or damage.
6. Dumpster or tote enclosure shall remain closed at all times when not in use. Garbage service shall occur in conformance with Town Code. No garbage or debris shall accumulate outside of the dumpsters or totes.
7. All site lighting shall comply with the Town Code, be dark sky compliant and shielded to prevent spillage onto adjoining properties. No building lighting shall extend above the roofline and no freestanding lighting shall be elevated above 15'. All lighting shall be turned off no later than one hour after business hours apart from any identified security lighting.

8. Kitchen exhaust system shall be designed and operated per the assurance letter submitted by the applicant, dated September 9th, 2025, and shall be of the highest industrial standard quality for sound, performance, and air quality.
9. Building to be rehabilitated per the labeled materials and colors, and building materials to be used shall be of industry standard high quality for durability and appearance.
10. Building and site shall be rehabilitated, and maintained as approved in perpetuity, and any building and site deficiencies shall be repaired or replaced as approved.
11. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas on-site.
12. No outside display or storage of any kind on the property, including but not limited to goods, materials, or other items.
13. Any permanent signage will be subject to review and approval by the Sign Review Committee, and any temporary signage subject to review and approval by the Office of Planning and Zoning.
14. Subject to Open Space, Recreation, and any other applicable fees as required by Town Code.

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

ON THE QUESTION:

After discussion regarding the location of the proposed fence on the west side of the property, the applicant agreed that to the best of their ability, they will work with the adjacent neighbor to align the fence.

Keith Lukowski	Aye	Daniel Tytka	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED

Item 2

Daniel Thompson
Residential Single-Family

Requests a Minor Subdivision of land to create two
(2) new lots at 6120 Herr Road.

DISCUSSION:

Mr. Bleuer introduced this project at 6120 Herr Road. This property is located on the west side of Herr Road, east side of Fairlane Drive, north of Hilton Road, south of the Peanut Line Recreational Trail.

An existing 5.35-acre property containing two duplexes and detached accessory structures, all located in the Clarence Center Residential Single-Family zone, and located within Clarence Sewer District No 2.

The applicant is requesting a Minor Subdivision of land to create two (2) new lots of record. The layout of the newly created lots are as follows:

- Herr Road Parcel: Contains one of the existing duplexes (6130 Herr Road) and consists of approximately 0.89-acres with 150’ of road frontage along Herr Road. This is a compliant lot.
- Fairlane Drive Parcel: Vacant, proposed to be a buildable lot, and consists of approximately 0.46-acres with 102’ of road frontage along Fairlane Drive, and would not be a compliant lot.
- Parent Parcel: Retain the remaining duplex (6120 Herr Road) and detached accessory structures on approximately 4.0-acres with 198’ of frontage along Herr Road.

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

The Fairlane Drive Parcel does not meet the minimum road frontage for the Residential Single-Family zone. The applicant is requesting a variance for the proposed Fairlane Drive Parcel, which will be subject to review and approval by the Zoning Board of Appeals.

Present to represent his father, the applicant, was Ty Thompson. Mr. Thompson adding that what they are requesting with 6120 Herr Road, be separated from 6130 Herr Road. The size of 6130 Herr Road would be about equal and proportionate to the neighbor at 6140 Herr Road which is an almost identical structure. They are not looking to add anything new, but to divide it from the connected property. Is already a separate mailing address and residence.

Mr. Lukowski acknowledged that all of his questions have already been answered, he is ready to move forward with this request.

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

ACTION:

Motion by Keith Lukowski, seconded by Daniel Tytko, that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Environmental Assessment Form as prepared and to **issue a Negative Declaration** on the proposed Daniel Thompson Minor Subdivision at 6120 Herr Road. This Unlisted Action involves a lot split to create two (2) lots in the Residential Single-Family zone. After thorough review of the submitted plan and Environmental Assessment Forms, it is determined that the proposed action will not have a significant negative impact on the environment.

Keith Lukowski	Aye	Daniel Tytko	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED

Motion by Keith Lukowski, seconded by Daniel Tytko, to **approve** the Daniel Thompson **Herr Road Lot** element of the **Minor Subdivision** at 6120 Herr Road, per the submitted application received in the Planning Office on April 2nd, 2026, subject to the following condition:

1. Payment of applicable fees as required by Town Code.

Keith Lukowski	Aye	Daniel Tytko	Aye	Jason Geasling	Aye
----------------	-----	--------------	-----	----------------	-----

Gregory Todaro Aye Richard Bigler Aye Robert Sackett Aye

MOTION CARRIED

Motion by Keith Lukowski, seconded by Daniel Tytka, to **deny** the Daniel Thompson **Fairlane Drive Lot** element of the **Minor Subdivision** at 6120 Herr Road, per the submitted application received in the Planning Office on April 2nd, 2026.

Keith Lukowski Aye Daniel Tytka Aye Jason Geasling Aye
Gregory Todaro Aye Richard Bigler Aye Robert Sackett Aye

MOTION CARRIED

ON THE QUESTION:

The required minimum frontage for a new parcel in the Residential Single-Family zone is 125'. The applicant may choose to seek an area variance from the Zoning Board of Appeals to consider this request.

Keith Lukowski Aye Daniel Tytka Aye Jason Geasling Aye
Gregory Todaro Aye Richard Bigler Aye Robert Sackett Aye

MOTION CARRIED

Item 3

Essex Homes of WNY, Inc.
Residential Single-Family

Requests a Minor Subdivision of land to create three (3) new lots at 9445 Roll Road.

DISCUSSION:

Mr. Bleuer introduced this project at 9445 Roll Road, located at the southwest corner of Roll Road and Goodrich Road, with frontage along Town Place.

An existing 5.50-acre property with a residential structure located in the Residential Single-Family zone, it is located within Clarence Sewer District No. 2.

The applicant is requesting a Minor Subdivision of land to create three (3) new lots of record. The layout of the newly created lots are as follows:

- Parcel 1: Vacant 1.00-acres with 133' of road frontage along Town Place.
- Parcel 2: Vacant 1.80-acres with 167' of road frontage along Town Place.
- Parcel 3: Vacant 2.30-acres with 479' of road frontage along Town Place, and 255' of road frontage along Roll Road.
- Parent Parcel: Retain the existing residential structure (9445 Roll Road) on approximately 0.50-acres with 130' of frontage along Roll Road.

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

Note: There was a prior Minor Subdivision approval granted by the Planning Board in October of 2022 for 9445 Roll Road, that was never facilitated by the applicant. If this request is approved, that prior approval from 2022 will become null and void.

Present to represent this project with the law firm Hopkins Sorgi McCarthy is Attorney Sean Hopkins, as well as Kevin Curry with Essex Homes.

Mr. Hopkins noted that in terms of environmental impacts, they are very minor. They did submit an environmental assessment form; they do believe it is appropriate for the board to consider issuing a Negative Declaration.

Mr. Hopkins pointed out that there are no jurisdictional wetlands subject to either the Army Corp of Engineers, or the Department of Environmental Conservation (DEC) on this site. There is a potentially jurisdictional stream which helped to dictate the proposed layout.

Mr. Hopkins explained that this proposed project has been presented to the Planning Board Executive Committee (PBX) several times, they have been through several design iterations, and they believe that their current design addresses their initial concerns, as well as input from the Erie County Department of Public Works.

In terms of access and shared maintenance, Mr. Hopkins noted that both he and Mr. Curry were present for the work session prior to this meeting. He added that because they have the one-way segment of Town Place, they had no choice but to have lots 2 and 3 share a driveway. The easement is for the benefit of Lot 3 only, and they will work with the Town’s Attorney Office in terms of the specific language to be included in the easement agreement.

Mr. Hopkins stated that the proposed project does otherwise comply with the requirements for the zoning district portion of the zoning code.

A traffic impact analysis was prepared by Passero Associates on June 20, 2025. The table showing peak hour trip generation shows that because there are only 3 lots, it will generate very little traffic during both weekday a.m. and p.m. peak hours.

Finally, Mr. Hopkins explained that based on the history of this project, and the need to have the shared driveway on the segment of Town Place that is not one-way only, they feel that it is quite clear, and asks the Board to consider issuing a Negative Declaration, and approving the Minor Subdivision.

Referring two other comments that came up during the work session, Mr. Hopkins stated that in terms of drainage, this does not result in an impervious surface requiring a stormwater management area. However, each lot will require submission of drainage plans for review by the Building Department. Secondly, at the request of the Engineering Department, they have depicted the likelihood location of septic that will require from the Health Department.

Mr. Tytko referred to the proposed drive with the easement, as the applicant will be utilizing the driveway against traffic, will there be any vegetation put in place to buffer the lights at nighttime.

Mr. Hopkins stated that since Essex Homes is the home builder and the developer, he respectfully requests that they be allowed to review that to see whether it is really needed. Explaining that if you purchase Lot #2 or #3, you clearly know from the day you enter the contract that you have the shared driveway. If that is not attractive to a potential customer, they will probably not purchase the property.

In terms of the main segment of the driveway of Lot #2, Mr. Hopkins stated that in all likelihood, Lot #3 would maintain that area, as it would benefit them the most. The shared portion as it proceeds out to Town Place, will be figured out as the project proceeds. They will keep it as simple as possible.

Mr. Tytka explained that his concern is more that someone coming toward the vehicles coming down Town Place would see headlights coming right at them.

Mr. Hopkins stated that he does not believe it is necessary, but if it is something the Board would like them to take a look at, they certainly will.

Mr. Tytka responded yes; they would appreciate that.

Referring to discussion during the work session, Mr. Tytka asked if there is a way to establish that there will be no parking by Lot #2 on that drive, even though it is their property.

Mr. Hopkins responded yes; they can. Meaning the owner of Lot 2 can not park vehicles on the shared portion of the driveway.

Mr. Donohue stated that if this is approved, he will put something on the question that they will address that with the Town Attorney.

Mr. Hopkins responded ok.

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

ACTION:

Motion by Daniel Tytka, 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 Form as prepared and to **issue a Negative Declaration** on the proposed Essex Homes of WNY, Inc. Minor Subdivision at 9445 Roll Road, fronting Town Place. This Unlisted Action involves a lot split to create three (3) lots in the Residential Single-Family zone. After thorough review of the submitted plans, documents, reports, letters, and Environmental Assessment Forms, it is determined that the proposed action will not have a significant negative impact on the environment.

Keith Lukowski	Aye	Daniel Tytka	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED

Motion by Daniel Tytka, seconded by Gregory Todaro, to **approve** the Essex Homes of WNY, Inc. **Minor Subdivision** at 9445 Roll Road, fronting Town Place, per the submitted plan by Carmina Wood Design, dated April 6th 2026, subject to the following conditions:

1. Subject to Town Highway Department approval for access to the newly created lots. Lots shall not contain vehicular access to the one-way portion of Town Place, and each lot shall contain a vehicular turnaround area.
2. Subject to Town Engineering Department review and approval of a utility plan for water service prior to any building permit issuance by the Building Department.
3. Review and approval by the Town Building and Engineering Departments for any future construction on the properties.
4. Review and approval by the Erie County Health Department for any future on-site sanitary facilities for the properties.
5. Should any drainage easements be required by the Town to address on-site drainage issues on the properties, appropriate easements shall be submitted by the applicant and reviewed and approved by the Town Engineering, Highway and Legal Departments. If required, applicant shall file same in the Erie County Clerk’s office and provide a stamped “filed” copy to the Town Attorney’s Office after recording and prior to any Building permit issuance by the Clarence Building Department.
6. Any necessary Cross Access and Shared maintenance agreements shall be submitted by the applicant for review and approved by the Town Legal Department. After approval, applicant shall file same in the Erie County Clerk’s office and provide a stamped “filed” copy to the Town Attorney’s Office after recording and prior to building permit issuance by the Building Department.
7. Subject to Open Space, Recreation, and any other applicable fees as required by Town Code.

The applicants have heard, understand, and agree to the conditions.

ON THE QUESTION:

Mr. Donohue referenced condition No. 6, stating that the applicant will focus on the stretch of driveway in front of Lot 2 that services Lot 3, focusing on the issue of parking along that stretch, as well as who is responsible for the maintenance of that section of driveway.

Mr. Hopkins stated that they agree with that also.

Keith Lukowski	Aye	Daniel Tytko	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED

Item 4

Natale Development
Commercial

Requests Concept Plan approval of a mixed-use project containing multiple-family housing and commercial space at 8080 & 8112 Wehrle Drive.

DISCUSSION:

Mr. Bleuer introduced this project at 8080 & 8112 Wehrle Drive, located on the north side of Wehrle Drive, east of Transit Road.

It is an existing 14.5-acre vacant property in the Commercial zone, and located within Erie County Sewer District No. 5.

The applicant is requesting Conceptual Plan approval of a mixed-use project containing multiple-family housing and commercial space. A total of 134 residential units and 58,759 sq.ft. of commercial space are proposed, throughout six 3-story buildings.

The Town Board referred this proposal to the Planning Board in July of 2024. Also in July of 2024, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act (“SEQRA”). Since that time, the applicant has addressed comments received.

The Planning Board has the authority to consider a SEQRA action. Per the existing Town law, in this existing property, 2-stories are the maximum allowed, therefore the third-story element would be subject to the purview of the Zoning Board of Appeals. If approved, the applicant would return to the Planning Board for Concept Plan review.

Present to represent this project are Ken Zollitsch from Greenman Pedersen, Inc. and Bob Corrao with Natale Development.

Mr. Zollitsch noted that they understand they will not be able to get concept approval tonight due to the 3-story mixed-use buildings, they will proceed to the Zoning Board of Appeals for a variance once they receive the denial from the Planning Board.

In regard to the SEQRA review and approval, they have worked closely with all of the involved and interested agencies, including New York State Historic Preservation Office (SHPO) who have signed off on the proposed project. The wetland situation has been assessed, there are next to no wetlands on the site with the exception of one small wetland identified that has not changed over time.

Mr. Zollitsch explained that this area of town is largely in rock, which provides for good drainage, and things tend to flow in to the ground. They have worked closely with Erie County Department of Public Works (DPW) regarding their two proposed entrances on to Wehrle Drive, New York State Department of Transportation (DOT) is not involved in this one. Erie County DPW has provided some suggestions different than what they had requested. One is for the proposed eastern driveway originally a right-in, right-out only, which if they were going to have access both ways, the DPW wanted them to extend and continue a turn lane on to Wehrle Drive which would have been a few hundred feet of expansion, and work on their property, which would have been significant. Mr. Zollitsch stated that they agreed that at this time they would have a right-in, right-out only, and instead have the majority of traffic on the western drive. This is a little closer to the Wehrle Dr. and Transit Rd. intersection, but far enough back where it is not impacted by any type of queues or delays from that intersection.

Referring to the western most driveway, Mr. Geasling noted that nothing is shown on the site, it is difficult to understand where that is in relation to where Wehrle starts to widen out in relation to the other major driveways.

Mr. Zollitsch stated that they are west of the Hobby Lobby / Regal Theater entrance. The intent when they were looking at this site, and where the driveway would be best placed, they wanted to get as far away from the major intersection as they could. As you proceed further to the west, there are more lanes, including a right turning lane, and it really expands out. They have tried to keep it as simple as

they could in front of their immediate site. There is enough room for a left-turn lane going in to their site. There is a gore area, which is basically like the hatch portion.

Mr. Geasling noted that it is already widened out a bit, which Mr. Zollitsch agreed with, adding that there will be enough room, they will be working on this project and as it proceeds through review and approvals, they will detail and revise the striping along Wehrle Drive.

Mr. Geasling asked about the sub-road in the rear of the site.

Mr. Zollitsch explained that over the past year and a half, they have worked with the town on connecting this property with the other commercial properties that are along Transit Road extending all the way to Main Street. One of the requests was to see what we could do to potentially tie in to the Home Depot parking lot. With that, we have tried to design a layout with a private drive so that there is a clear access. Referring to the site plan, Mr. Zollitsch pointed out a dedicated driveway that runs all the way out to Wehrle Drive without having any parking spaces abutting it. At the Town's suggestion, they will attempt to at least discuss with adjacent property owners about potential connections. They will continue to work on that site connection whether it is now, or in the future, and are more than happy to provide their end of it.

Mr. Geasling asked about pedestrian cross-access to Coventry Green, noting that there is nothing on the plans showing this.

Mr. Zollitsch noted that that was discussed at the Planning Board Executive meeting, they will reach out to see if there is any interest from Coventry Green to see if they have any interest in having something like that in place to provide some sidewalks. They would then need to update their concept plan through the development stage.

Mr. Geasling asked about the northern building, noting that there does not appear to be a connection to the courtyard.

Mr. Zollitsch noted that whether it was an oversight or not, it is certainly something they can add. Mr. Geasling referred to the 45' buffer to the rear of the surrounding neighbors, and asked what the intent there is.

Mr. Zollitsch stated that the intent right now is to leave that area as is, if they are able to. Once they get in to the survey and understanding how the grading works, they may need to add some drains so that they are not flowing on to adjacent properties. The intent right now is to leave that 45' buffer as is, with additional supplemental landscaping as needed, to provide better screening.

Mr. Geasling noted that this is a relatively large project, and asked if there will be phasing.

Mr. Zollitsch responded definitely, he is unsure of specific phasing but this would certainly not be attempted all in one shot.

Mr. Corrao explained that the plan is to do the Wehrle Drive building first, as they have a very strong interest in putting the proposed park in as fast as possible, they anticipate that being a big draw. After that, possibly the first 2 buildings in the northern cluster of buildings.

Discussion continued regarding the phasing for the development.

Regarding mechanicals, Mr. Geasling stated that he assumes they will be on the building, screened with the facades.

Mr. Zollitsch responded yes; of course.

Chairman Sackett stated that NYS DOT made a comment with the SEQRA review, suggesting that they align one of the driveways, possibly the westerly one, with the driveways across Wehrle Dr. Chairman Sackett asked the applicant if they are aware that they made the comment, and if they would consider that.

Mr. Zollitsch stated that they did see the comment, and gave it some consideration. There are a number of driveways on the other side of Wehrle Drive, they are not necessarily lined up with the main one, they are lined up rather closely to one of the driveways across Wehrle Dr. The intent has been to keep the driveway away from the intersection and the confusion of the widening lanes.

Chairman Sackett stated that it would be nice if they could indicate on the diagram what they do line up with when they return to concept review.

Chairman Sackett stated that it was noted in the PBX meeting that they would like a pitched roof rather than a flat roof, for the roofline of the Wehrle Drive building. That can be addressed in Concept review.

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

ACTION:

Motion by Jason Geasling, seconded by Richard Bigler, that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Environmental Assessment Forms as prepared and to **issue a Negative Declaration** on the proposed Natale Development project at 8080 & 8112 Wehrle Drive. This Type I Action involves the construction of a mixed-use development, containing commercial space and multiple family housing in the Commercial zone and Erie County Sewer District # 5. 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	Daniel Tytka	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED

Motion by Jason Geasling, seconded by Richard Bigler, to **deny** the Natale Development **Concept Plan** per the submitted plan by GPI, dated March 2024.

Keith Lukowski	Aye	Daniel Tytka	Aye	Jason Geasling	Aye
Gregory Todaro	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED

ON THE QUESTION:

The proposed multiple-family housing buildings contain a third story, which is currently prohibited in the Commercial zone. If the applicant chooses to seek an area variance from the Zoning Board of Appeals and is successful, this proposal must return to the Planning Board for Concept Plan review.

Meeting **adjourned** at 8:28 p.m. with a motion by Gregory Todaro.

MOTION CARRIED

Amy Major
Senior Clerk Typist