

Town of Clarence  
One Town Place, Clarence, NY 14031  
**Planning Board Minutes**  
Wednesday, June 3, 2026

**Work Session 6:30 pm**

Status of SEQR Coordinated Reviews  
Review of Agenda Items  
Miscellaneous

**Agenda Items 7:00 pm**

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  
2<sup>nd</sup> Vice-Chair Wendy Salvati  
Daniel Tytko

Vice-Chair Richard Bigler  
Gregory Todaro  
Keith Lukowski

Planning Board Members absent:

Jason Geasling

Jason Lahti

Town Officials Present

Director of Community Development Jonathan Bleuer  
Senior Planner Andrew Schaefer  
Councilman Paul Shear  
Councilman Bob Altieri

Other Interested Parties Present:

Kris Beyer Jones  
David Augustin

Justin Lattierre

Sarah North

James Boglioli

**Item 1**

Peter Jackson Trust  
Agricultural Rural Residential

Requests a Minor Subdivision of land to create one (1)  
new lot at 7039 Salt Road.

**DISCUSSION: (*transcription in progress*)**

Mr. Bleuer introduced this project at 7039 Salt Road, located at the northeast corner of Salt Road and Miland Road.

An existing 192-acre parcel containing an existing residence and multiple agricultural support structures, all located in the Agricultural Rural Residential zone. The trust also holds the adjacent 87-acre parcel as well.

The applicant is requesting a Minor Subdivision of land to create one (1) new lot of record. The newly created vacant lot would contain approximately 157.9-acres, will remain vacant with no improvements or structures on it. With 378’ of road frontage along the north side of Salt Road and 1,352’ of road frontage along the south side of Salt Road. The remaining parent parcel would retain the residence and the agricultural support structures on approximately 19.8-acres,

Finally, a Lot Line Adjustment is being proposed to convey approximately 150’ of the northern portion of 7039 Salt Road, into the adjacent parcel known as 10575 Miland Road.

The Planning Board has the authority to act on this request, after an action through the State Environmental Quality Review Act (SEQRA). The Lot Line Adjustment portion is subject to administrative review by the Planning Office.

Note: Should the Planning Board act on this request, the applicant will require a variance from the Zoning Board of Appeals due to the location of the existing pond setbacks to the newly create lot lines. The pond would be required to have 100’ setbacks on all property lines, the proposed split would bring the pond within the 100’ requirement.

Present to represent the project is Kris Beyer Jones.

**ACTION:**

Motion by Keith Lukowski, seconded by Richard Bigler, that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Environmental Assessment Form as prepared and to **issue a Negative Declaration** on the proposed Peter Jackson Trust Minor Subdivision at 7039 Salt Road. This Unlisted Action involves a lot split to create one (1) lot in the Agricultural-Rural Residential zone. After thorough review of the submitted documents 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	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

**MOTION CARRIED**

Motion by Keith Lukowski, seconded by Richard Bigler, to **approve** the Peter Jackson Trust **Minor Subdivision** at 7039 Salt Road, per the submitted application received in the Planning Office on May 20<sup>th</sup>, 2026, subject to the following conditions:

1. Subject to the issuance of a Variance by the Zoning Board of Appeals for the existing pond setbacks to the newly created lot lines.
2. Subject to Erie County Department of Public Works approval for access to the newly created lot.

3. Review and approval by the Town for any proposed construction or regulated activity on the property.
4. Should any drainage easements be required by the Town to address on-site drainage issues on the property, appropriate easements shall be submitted by the applicant and reviewed and approved by the Town Engineering, Highway and Legal Departments. If required, applicant shall file same in the Erie County Clerk’s office and provide a stamped “FILED” copy to the Town Attorney’s Office after recording and prior to any Building permit(s) being issued by the Clarence Building Department.
5. Subject to Open Space, Recreation, and any other applicable fees as required by Town Code.

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

Keith Lukowski	Aye	Daniel Tytka	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED

**Item 2**

Walmart Major Arterial	Requests Site Plan and Architectural approvals for a building addition and site modification at 5033 Transit Road, in the Eastgate Plaza.
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**DISCUSSION: (*transcription in progress*)**

Mr. Bleuer introduced this project at 5033 Transit Road, located on the east side of Transit Road, south of Greiner Road.

An existing 26.5-acre property containing a Walmart store and associated facilities, located within the Eastgate plaza.

The applicant is requesting Site Plan and Architectural approvals for a building addition and site modifications to the existing Walmart. An approximately 5,818 sqft addition is proposed to the south of the existing building, and would be constructed of materials consistent with the existing building. Finally, the entire building is proposed to be repainted.

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

**ACTION:**

Motion by Gregory Todaro, seconded by Wendy Salvati, that pursuant to Article 8 of the Environmental Conservation Law, to **accept** the Part 1 Environmental Assessment Form as submitted and **approve** the Part 2 & 3 Environmental Assessment Forms as prepared and to **issue a Negative Declaration** on the proposed Walmart building addition and site modification located 5033 Transit Road. This Unlisted Action involves a building addition of approximately 5,818 sq. ft. 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 Tytko	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

#### MOTION CARRIED

Motion by Gregory Todaro, seconded by Wendy Salvati, to issue **Site Plan** and **Architectural Approvals** for the Walmart building addition and site modifications located at 5033 Transit Road per the submitted plan set by Colliers, dated May 12<sup>th</sup>, 2026, with a final revision date of May 13<sup>th</sup>, 2026, all subject to the following conditions being met:

1. Applicant meeting the requirements of the Town Building Department fire code compliance, and associated conditions.
2. Applicant meeting the 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 Division of Sewerage Management review and approval and additional regulatory agencies, as required, for any proposed modifications to the sanitary sewer system within Erie County Sewer District #5.
4. Per the response letter of the applicant, dated May 13<sup>th</sup>, 2026, site landscaping to be installed per the approved Landscape Plan. Landscaping shall be installed prior to the issuance of a Certificate of Occupancy for the building addition. All site landscaping shall remain in perpetuity and shall be maintained or replaced in kind should there be any deterioration, or death and disease to plantings.
5. Per the response letter of the applicant, dated May 13<sup>th</sup>, 2026, the applicant shall provide a site lighting dimming schedule to the Town Planning Office for review and approval prior to the issuance of a Certificate of Occupancy for the building addition. All lighting shall be dark sky compliant, and designed to prevent spillage onto adjoining properties.
6. Addition to be constructed per the labeled materials, and such materials to be used shall be of industry standard high quality for durability and appearance. Both the addition and existing building shall be painted per the labeled colors.
7. All new mechanicals shall be shielded from view by approved parapet walls.
8. All dumpsters shall be shielded from public view to Town standard. Garbage service shall occur in conformance with Town Code. No garbage or debris shall accumulate outside of the dumpsters.
9. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as approved.
10. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
11. Seasonal outdoor sales shall only occur within the depicted area on the approved site plan. Beyond that of seasonal outdoor sales in this depicted area, no outdoor display or storage of any kind shall occur on the property unless same shall have been approved by the Town.
12. Any permanent signage subject to review and approval by the Sign Review Committee, and any temporary signage subject to review and approval by the Town Planning Office.
13. Subject to Open Space, and any other applicable fees as required by Town Code.

14. Installation of directional signage discouraging public traffic flow from traveling behind Walmart. Subject to Town review and approval prior to installation.

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

Keith Lukowski	Aye	Daniel Tytka	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED

**Item 3**

Benderson Development Co., LLC.  
Major Arterial

Requests Architectural approval of a façade rehabilitation for the existing commercial outparcel building at 5105 Transit Road, in the Eastgate Plaza.

**DISCUSSION: (*transcription in progress*)**

Mr. Bleuer introduced this project at 5105 Transit Road, located on the east side of Transit Road, south of Greiner Road.

It is an existing 21.1-acre property containing a portion of the Eastgate plaza, associated facilities, and a commercial outparcel building.

The applicant is requesting Architectural approval for a façade rehabilitation to the existing commercial outparcel building. The façade rehabilitation would involve the installation of E.I.F.S. (exterior insulation and finish system) on the tower element of the building, as well as the addition of new split-face block accents on the building columns.

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

**ACTION:**

Motion by Daniel Tytka, seconded by Gregory Todaro, to issue **Architectural Approval** for the Benderson Development façade rehabilitation of the existing commercial outparcel building at 5105 Transit Road, per the submitted plan by James Rumsey Architect, dated May 15<sup>th</sup>, 2026, with the following conditions being met:

1. Building façade to be constructed per the labelled and approved materials and colors. All building materials to be used shall be of industry standard high quality for durability and appearance.
2. Subject to Town Building Department review and approval prior to any construction.
3. No outside storage, display, or sales of any kind on the property unless same shall have been approved by the Town. All un-approved outside storage must be removed from the site within three (3) months of this approval, or a Notice of Violation will be issued by the Town Planning Office.

4. Any dumpsters shall be enclosed to Town standard, and 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.
5. Building and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as approved.
6. 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.
7. Subject to Open Space, and any other applicable fees as required by Town Code.

**ON THE QUESTION:**

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

Keith Lukowski	Aye	Daniel Tytko	Aye	Gregory Todaro	Aye
Wendy Salvati	Aye	Richard Bigler	Aye	Robert Sackett	Aye

MOTION CARRIED

Meeting **adjourned** at 7:45 p.m. with a motion by Wendy Salvati.

MOTION CARRIED

Amy Major  
Senior Clerk Typist