Town of Clarence

One Town Place, Clarence, NY 14031

Planning Board Minutes

Wednesday, September 16, 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	Vice-Chair Richard Bigler
2nd Vice-Chair Wendy Salvati	Gregory Todaro
Jason Geasling	Daniel Tytka
Keith Lukowski	

Town Officials Present

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

Other Interested Parties Present:

Jennifer Krack	Jennifer Marquart	Jeremy Keith	Kevin Gallagher
Tom Reynolds	Sharlene Brogowski	Connie Ferrerra	Dean Heller
Colleen Perkins	Holly Kuziomko	Frank Carpenter	Rhonda Carpenter
Thomas Dunning	David Clark	Anthony Pandolfe	Jennifer Whitmarsh
Connie Masci			

Motion by Wendy Salvati, seconded by Gregory Todaro, to **approve** the minutes of meeting held on July 1, 2026, as written.

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

MOTION CARRIED

Motion by Wendy Salvati, seconded by Gregory Todaro, to **approve** the minutes of meeting held on July 15, 2026, as written.

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

MOTION CARRIED

Item 1

9740 Lapp Road, LLC. *Agricultural Rural Residential*	Requests Conceptual review of a proposed 4-lot single-family residential Open Development Area subdivision at 9740 Lapp Road.

DISCUSSION:

Mr. Bleuer introduced this project at 9740 Lapp Road, located on the north side of Lapp Road, east of Goodrich Road.

An existing 57-acre vacant parcel within the Agricultural Rural Residential zone, it was previously approved to allow the creation of three frontage lots, with the remaining parent parcel being one good lot of record.

The applicant is requesting preliminary Conceptual review of a 4-lot Open Development Area, and a Lot Line Adjustment associated with 9780 Lapp Road. In total, this would result in 4 sub-five-acre frontage lots on Lapp Road, 2 of which have homes that are either under construction, or going through the process. 4 five-plus-acre Open Development Area lots on a single private drive accessing Lapp Road, and the transfer of backland from 9740 Lapp Road to 9780 Lapp Road. There was a minor subdivision approved by the Planning Board in 2022 associated with the existing frontage lots.

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

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

Present to represent this request were Tom Reynolds with the engineering firm Nussbaumer & Clarke, and applicant Kevin Gallagher with 9740 Lapp Road, LLC.

Mr. Reynolds stated that the wetlands on the site were verified and delineated by the Army Corp of Engineers. From a drainage perspective, they will be containing everything on-site and draining to the wetland areas.

Mr. Lukowski asked what the back lot would be used for.

Mr. Reynolds responded that it will be kept as permanent open recreational space.

Mr. Bleuer stated that the Town of Clarence has received numerous letters and a petition, all of which have been placed in the project file as part of the public record, shared with the Planning Board as well as the applicant for part of their review and consideration. Any additional letters received; we will follow the exact same process.

Mr. Geasling asked what the purpose is of merging with 9780 Lapp Road.

Mr. Gallagher responded that it is basically just for ownership because he owns that as well, and for the recreational area and greenspace.

Mr. Geasling asked Mr. Gallagher what he means by recreational.

Mr. Gallagher stated it is just basically enjoying the outdoors. They hunt there, he takes his grandkids back there, and it will keep some greenspace for the town.

Mr. Geasling asked if Mr. Gallagher owns the property adjacent to that, behind 9780 Lapp Road. The 30' strip is the only access to that land.

Mr. Gallagher responded no; they do not which is why they would keep the 30' buffer for the east side.

Mr. Geasling stated that the wetland completely crosses the 30' strip, which legally should not be driven through.

Mr. Gallagher responded that is correct, but you can walk through it.

Mr. Reynolds noted that aside from the wetlands, there is also some flood plain back there, making it very difficult to develop.

Referring to the 2 lots that are proposed to be created at the frontage to Lapp Road, Mrs. Salvati asked if those driveways will go to the private driveway that would be constructed, or will they access Lapp Road.

Mr. Reynolds stated that the plan is for those 4 lots to access on Lapp Road. It is their understanding that per Town Code for a shared driveway, only 4 lots maximum can use that.

Mrs. Salvati stated that for sublot 2 which has the small wetland area on it, the intent would be to place the house away from that, staying away from the buffer area.

Chairman Sackett added that as Mr. Bleuer mentioned, a petition and a letter were received, all board members have those. If there are additional concerns or questions, your participation is welcome. There is a written record, and no need to say things twice.

In regard to Public Participation, the following residents spoke:

1. Sharlene Brogowski of 9785 Lapp Road:
    - consider the people of Lapp Road

- does not want more traffic added to a road that is already in poor condition
- sublots will add many more cars
- concerns with safety
- many dog walkers on Lapp Road
- mothers with children told her they do not walk on Lapp Road
- does not want Lapp Road to become Amherst
- 102 residents of Lapp Road say "no" to subdivisions

2. Frank Carpenter of 9160 Lapp Road:
   - speed limit is 45 mph and is not obeyed
   - has called state police and sheriff's department
   - has filled in the ditch in front of his house to keep people from going off-road and in to the ditch
   - does not believe what they say about not building on wetlands because at his previous house someone was permitted to build large estates on wetlands
   - puts up with noise in the summer and play their radio and party until the end of the day because they can
   - no noise ordinance or property ordinance in this town, people can do what they want
   - last thing he wants is another subdivision to destroy the tranquility

3. Dean Heller of 9360 Lapp Road:
   - problem with this project is that it is zoned Agricultural, and you guys sold a farm on Heise Road that is adjacent to Lapp Road for $550,000 which is valued way more than that because you want to be a farming community
   - now you want to bring in subdivisions

4. Thomas Dunning, not a Clarence resident, friend of the Brogowski's:
   - explained the concept of country living and how it will be changed
   - sublot living degrades the standard of living
   - because Lapp Road is on city water there will be issues with the water table
   - huge terrain changes
   - is a bus driver in training, this traffic will cause a huge problem and the speed limit

5. David Clark of 9881 Lapp Road:
   - will there be building behind the back two lots
   - has an environmental impact study been completed
   - concerns with precedent this will set

6. Holly Kuziomko of 9737 Lapp Road:
   - lives across the street for the past 7 years
   - loves Clarence, the animals, the trees, the quiet
   - concerns with the electricity, it has not been updated and they lose their power often
   - more houses built will strain electric
   - concerns with drainage and flooding
   - roads are not good
   - lots of animals in the area

7. Connie Masci of 8804 Lapp Road:
   - has lived there almost 30 years
   - there are no pathways to walk along the street safely
   - has seen accidents happen
   - with the septic tanks and everything else, will there be sewers or bike trails
   - speeding along the street is excessive
   - does not want Clarence to change and be like the City of Buffalo

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

Mr. Reynolds and Mr. Gallagher returned to address the questions and concerns.

Chairman Sackett asked Mr. Bleuer how this area is zoned.

Mr. Bleuer stated that this property and the area is zoned Agricultural Rural-Residential, allowing for both agricultural operations and residential single-family uses.

Regarding traffic concerns, Mr. Reynolds stated that they would work with the Erie County Highway Department and address any comments that they have.

Mr. Reynolds stated that in regard to the septic, they will be working with the Erie County Department of Health for the designing and approval of the septic systems. There is public water available on Lapp Road, so the homes would be serviced with public water.

In regard to electricity, Mr. Reynolds noted that they will work with the power company for servicing these homes, seeing what upgrades would be needed in their system. These discussions have not happened yet.

Mr. Reynolds stated that there is flood plain that is mapped, these proposed homes would not be built within the flood plain. Runoff from the proposed development would be designed in accordance with state and local regulations. They would be detaining water to assure that peak discharge rates would be held back. The goal would be to send their runoff from this proposed project in to the wetland area, not to the road or to adjacent properties.

Chairman Sackett asked if there are any plans for a recreational component to this development.

Mr. Reynolds responded that besides the rear parcel being maintained as open space, there are none at this time.

Chairman Sackett explained that what is being voted on tonight is Coordinated Review. The proposed project and all comments will be sent out to involved and interested agencies for their input. We will hear back from the agencies in writing, and then will attempt to balance the rights of the property owner with the zoning and character of the community.

Chairman Sackett added that the infrastructure of a project has a lot to do with the involved agencies.

Mr. Bleuer reiterated the role of the Planning Board, which is to begin environmental studies. In regard to the question that was raised as to whether there has been an environmental study, no there has not, that is the purpose for this meeting. That process is a minimum of 30 days for all involved and interested agencies and departments to comment based on their regulatory review and control.

Regarding the question addressing the town as to whether this would be a precedent setting incident, Mr. Bleuer stated that every project is both unique, and must be reviewed in a unique way. An Open Development Law has been in place in the Town of Clarence since 2005, every project goes through this rigorous review, some get approved and some do not. In our research of other communities, Clarence has one of the more restrictive subdivision regulations, where if you do propose a major subdivision, you need a 5-acre lot size minimum.

Mrs. Salvati asked Mr. Bleuer if any other Open Development Areas (ODA) have been constructed on Lapp Road.

Mr. Bleuer responded yes; he can think of one directly.

In regard to the comments involving Lapp Road and its condition and the speed of the road, Mr. Donohue pointed out that the Town of Clarence does not own, regulate, or maintain that road. It is a county road, so the speed limit, condition, width of the road are all issues that are better addressed to the county and by the county. The Town of Clarence does not have any authority over Lapp Road.

Chairman Sackett noted that the Town of Clarence will address Erie County Department of Public Works through the Coordinated Review.

Regarding whether any homes will be built on the rear of the lot, or if there is any intention to build any homes there, Mr. Gallagher responded no; absolutely not.

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 to seek Lead Agency status and **commence a coordinated review** among involved and interested agencies on the proposed 9740 Lapp Road, LLC. project at 9740 Lapp Road, in the Agricultural Rural Residential zone. This Unlisted Action involves construction of a 4-lot single-family Open Development Area residential subdivision.

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

MOTION CARRIED

Item 2

7 Brew	Requests Concept Plan approval of a proposed drive-thru
Major Arterial	coffee stand at 4301 Transit Road, Transitown Plaza.

DISCUSSION:

Mr. Bleuer introduced this project at 4301 Transit Road, located on the east side of Transit Road, south of Main Street.

An existing 23.5-acre parcel in the Major Arterial zone, containing the existing Transitown commercial plaza.

The applicant is requesting Concept Plan approval of a proposed drive-through coffee stand. The project consists of an approximately 510 sq. ft. building with a dual-lane drive-through, adjacent 281 sq. ft. cooler, and associated facilities.

This item was first on the Town Board agenda in May of this year, and was tabled to allow the applicant time to consider and respond to comments heard. With new information provided, the Town Board referred the proposal to the Planning Board in June. In July, the Planning Board denied the Concept Plan to allow the applicant the ability to petition the Zoning Board of Appeals (ZBA). In January of this year, the ZBA issued variances for the reduced size and front yard setback of the principal structure, and reduced drive-through window distance to the right-of-way. Most recently the applicant has addressed additional comments received, including the commitment of additional greenspace along Transit Road, the change from blue to white building lighting, and the addition of an architectural wall in place of the structure's upper railing system.

The Planning Board has the authority to act on this request, and is the recommending body to the Town Board of a Special Exception Use Permit for the proposed drive-through facility.

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.

Present to represent this project are Anthony Pandolfe with Carmina Wood Design, and Jennifer Krack with OLIO Development Group.

Ms. Krack explained that they have taken all of the feedback they have been heard in to consideration, and have adjusted the front landscaping area to maximize the amount of greenspace in front of the project. They included a landscape plan that shows the planful and thoughtful landscaping not only along the Transit Road border, but also around the building in front and around the trash enclosure as well.

Mr. Pandolfe added that the percentage of greenspace that they have added just for this outparcel is almost 27% which is well above code.

Mr. Todaro acknowledged the landscape plan, noting that it will be a big feature as they proceed to the Landscape Committee, because of the prominent location within the town.

Regarding the Zoning Board of Appeals meeting that this proposed project was seen for, Mr. Todaro asked for confirmation that this updated plan adapts all of the changes that the Zoning Board of Appeals (ZBA) specified.

Ms. Krack explained that the changes made to the plan are more collectively based on what they heard from the Town Board and Planning Board. The ZBA did not have much to do or comments regarding the site plan in general, beyond the variances that they were requesting.

Mr. Todaro asked how it will be controlled when traffic becomes of a larger volume, how it is changed from the day-to-day traffic control.

Noting that she is not a part of the traffic control division of the franchise, Ms. Krack stated that they did put together a traffic control plan. There are people on-site on the outside of the building taking orders constantly throughout the day so traffic is very visible. As it starts to approach a backup zone, the higher volume plan will be implemented immediately by the on-site employees.

Ms. Krack added that she has heard from the operations team that they are aware of certain days where the potential for increased traffic could be higher than others. They will proactively enact that plan.

Mr. Todaro stated that the plan will need to be submitted to the town with a letter.

Ms. Krack confirmed that a further written narrative above and beyond the visual plan is requested.

Mr. Todaro responded yes; they would like a letter of commitment that describes how that action happens.

Mr. Todaro asked what guarantees that the queue will never extend on to Transit Road.

Ms. Krack stated that with the extent of available parking as well as the ability to contain standard traffic within the parcel, there is the ability on the site to be able to flow and adjust traffic as needed. Not only for the 7 Brew lot, but if needed the overflow to reach the outer parking areas of the overall plaza.

Additionally, Ms. Krack noted that as more 7 Brews open, the demand becomes less in the area. This is one of 7 or 8 planned for the next 6-8 months. As those open, the demand on each individual site is reduced.

Mr. Todaro stated that at the previous meeting, it was mentioned that a lot of the employees are dropped off and do not drive themselves there. There are 20 parking spaces and 9 employee parking spaces. Is that sufficient for the employees that will be there.

Ms. Krack stated that she does wok in operations, this falls under the jurisdiction of Operations Manager who made that statement. It is a trend that they have been hearing from them.

Referring to the 5 parking spaces that are designated for their use only, Mrs. Salvati asked what will happen if those fill up, will the employees just park wherever they can find space.

Ms. Krack responded that they are working with the property owner to have those agreements.

Ms. Krack clarified that it is 6 parking spaces, this includes an ADA space.

Referring to the area where the overflow is proposed, Mrs. Salvati asked if they are leasing it, or is it on this site.

Ms. Krack responded that they have an agreement to use it as needed.

Mrs. Salvati asked what would happen if TJ Maxx has a huge sale on a Saturday at 10:00 a.m. during 7 Brew's peak hours and people park there. Would this mess up their overflow scheme.

Ms. Krack responded that with the opening hours for 7 Brew, the ability to set the overflow scheme up happens before the other businesses in the plaza open.

Mr. Pandolfe reiterated that as mentioned earlier, 7 Brew has an idea of when the busier days will be based on when they run promotions.

Mrs. Salvati thanked 7 Brew for responding to the requests of the Town Board and Planning Board, especially the expanded greenspace.

In regards to Public Participation, the following resident spoke:

1. Jennifer Whitmarsh with Snappy Dry Cleaning:
    - asked for confirmation on the spaces that are being worked on with the property landlord for 7 Brew to potentially acquire
    - concerns with traffic because there are no stop signs or any other directional signs in the plaza

Chairman Sackett stated that is why they have asked for a letter of commitment; they would like a narrative for the traffic plan.

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

Regarding the parking spaces, Ms. Krack explained that the spaces are identified as spaces farther back and away from the other buildings in the plaza. They would not consider any spaces directly adjacent to an existing business.

Chairman Sackett stated that they can assume the landlord will not commit spaces that he has already committed to other tenants.

Ms. Krack agreed.

Chairman Sackett asked if in the grace of being a good neighbor with Snappy Dry Cleaners, would 7 Brew be willing to share their contract with them once they have it.

Ms. Krack stated that she would need to go back to the franchise and the landlord on that, she does not believe she can answer on their behalf.

Chairman Sackett noted that they always ask neighbors to be collaborative, and with Snappy Dry Cleaning voicing their concerns regarding the reserved parking spaces, if that information can be shared with them, it would be appreciated.

Ms. Krack explained that their intention is to 100% be a good neighbor, not affect the business negatively, and to bring them more business as well.

Mrs. Salvati agreed that there is not traffic control in the plaza. Other plazas in the area have clear markings as to how traffic is to circulate around the plaza, that is not seen in this parking lot. Mrs. Salvati asked if there will be other directional signs on the 7 Brew parcel making it clear how to move around their site, and the overflow area.

Ms. Krack responded, stating that in regard to their site, they will absolutely have directional signage, not just painted directions on the lanes themselves. There is curbing to the east of their site to prevent vehicles from maneuvering in or out. The intention of the overflow parking is not to be a permanent set up, so it utilizes cones, stand-up banners, and personnel to direct people.

Mrs. Salvati stated that once the overflow area is put in to action and all of the apparatus and people are brought out, it is clear what directions vehicles should travel.

Mr. Bigler stated that other than the applicant's designated property, that there will need to be improved markings and signage on the overall property owner's entrances and exits. The roads and areas around the applicant's parcel are supposed to be a main road, but there are no markings to identify anything. Mr. Bigler asked the applicant if they plan to improve any of the surrounding area traffic flow for when their customers come to visit them, or is the owner going to do it.

Mr. Pandolfe and Ms. Krack both responded that it is not part of their project, but that it is something that she can mention to the property owner.

Mr. Bigler stated that it will be greatly impacted by the applicant and all of the traffic that they are going to bring in to the plaza, therefore he believes that it should be considered.

Acknowledging that the applicant is well aware of when there will be spikes in traffic and their busier days, and that there is an overflow plan, what happens if there is an unanticipated plan and the traffic backs up to Transit Road. Mr. Geasling stated that he would like to see that addressed in the letter and traffic narrative as well.

Ms. Krack agreed.

Mr. Pandolfe stated that they can have business operations address that. He knows that with the more locations that open up, they have become really good at it. They do not anticipate needing this traffic plan very long, after a few months the demand gets spread out and the initial buzz dies down.

Mrs. Salvati added that as noted, there are other locations that are nearby, can they tell us where those might be.

Ms. Krack stated that she does not believe she is able to.

ACTION:

Motion by Gregory Todaro, seconded by Daniel Tytka, to **approve** the 7 Brew **Concept Plan**, located at 4301 Transit Road, per the submitted plan by Carmina Wood Design, dated June 23rd, 2026, with a final revision date of September 2nd, 2026, and to **approve** the **Conceptual Architectural** drawings by Adam Kreher, dated July 7th, 2026, and received in the Planning Office on August 25th, 2026, all subject to the following conditions being met:

1. Applicant meeting the grading and drainage standards and requirements of the Town of Clarence Engineer.
2. Applicant meeting the fire code standards and requirements of the Town of Clarence Fire Inspector.
3. Subject to Development Plan review by the Town, including a technical review of the final Development Plan by the Town Engineering Department.
4. Subject to Town Building and Engineering Departments approval prior to any permits being obtained for site work activity.
5. Subject to Erie County Division of Sewerage Management review and approval and additional regulatory agencies, as required, for connection to the sanitary sewer system within Erie County Sewer District #5.
6. Site curbing plan shall be submitted as part of Landscape and Development Plan review.
7. Landscape Committee approval of a final landscape plan, prior to Development Plan approval, including any plantings, street trees, fencing, and dumpster enclosure where applicable. In addition, a maintenance plan shall be submitted as part of the landscape plan to ensure landscaping and fencing remain in perpetuity, and are maintained or replaced in kind should there be any deterioration, or death and disease to plantings.
8. Any exterior building mechanicals shall be identified, detailed, and shielded from view by approved screening and/or landscaping, shown on any future Development Plan submittals for review by the Landscape Review Committee.
9. Dumpster 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.
10. Review of a photometric lighting plan prior to Development Plan approval. All site lighting shall comply with the Town Code, be dark sky compliant and shielded to prevent spillage onto adjoining properties. No building lighting shall be unshielded, extend above the rooflines, and emit non-white colors. All lighting shall be turned off no later than one hour after business hours except for any necessary security lighting. Any and all security lighting shall be depicted on the lighting plan.
11. Review of an exterior sound plan prior to Development Plan approval. No exterior speakers shall emit sound in excess of the ambient sound level off the property.
12. Review of a traffic management plan prior to Development Plan approval. No vehicles shall be allowed to queue onto Transit Road.
13. Final building elevations to be submitted as part of the Development Plan review, including the labelling of material types and colors. Building materials to be used shall be of industry standard high quality for durability and appearance.
14. Buildings and site shall be maintained as approved, in perpetuity, and any building and site deficiencies shall be repaired or replaced as approved.

15. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
16. 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.
17. Beyond that of 7 Brew, any additional proposed business operation or operators shall be subject to review and approval by the Town.
18. 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.
19. Subject to Open Space, and any other applicable fees as required by Town Code.

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

ON THE QUESTION:

This proposal has previously been deemed a Type 2 action by the Town, and therefore requires no further environmental review nor action under the State Environmental Quality Review Act. Additionally, this proposal has received Area Variances from the Zoning Board of Appeals for dimensional standards relief.

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

MOTION CARRIED

Motion by Gregory Todaro, seconded by Daniel Tytka, to **recommend** to the Town Board approval of **Special Exception Use Permit** for the 7 Brew project at 4301 Transit Road, containing a drive-through facility.

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

MOTION CARRIED

Meeting **adjourned** at 8:05 p.m. with a motion by Wendy Salvati.

MOTION CARRIED

Amy Major
Senior Clerk Typist