

The Work Session meeting of the Town Board of the Town of Clarence was held on Wednesday July 10, 2024 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 8:30 a.m.

Members of the Town Board present were Councilmembers Robert Altieri, Daniel Michnik, J. Paul Shear, Peter DiCostanzo, and Supervisor Patrick Casilio. Other Town officials present were Director of Community Development Jonathan Bleuer, Town Engineer Timothy Lavocat and Town Attorney Lawrence Meckler.

Also present: Erie County Sheriff Sergeant Joe Reeves.

Supervisor Casilio introduced Sergeant Joe Reeves, who is with the Community Engagement Group. This is a group that the Erie County Sheriff is starting up. They held an event a couple weeks ago in the Harris Hill Gardens area. Approximately thirty-eight residents gathered together on a resident's front lawn. Our Town buildings will be available for future meetings if needed. In town's that have their own police departments, the Supervisors receive daily reports. All Supervisor Casilio asks, from law enforcement that is active in our town, if something major happens in our town he is made aware of it.

Sergeant Joe Reeves thanked the Town Board for having him at the meeting and wanted to introduce what this new unit, the Community Engagement Group, is going to be. He currently is in charge of two Deputies. There will be three more assigned to the unit in the coming months, once staffing permits. The premise of this unit is to have a direct connection with the community. We want the people we serve to be comfortable saying that the Sheriff's Department is their police department. We are working on a more modernized tip process. Hopefully the residents will help by telling us where we should be focusing. We also work with the Erie County Crime Analysis Center. They do statistical reports to show where there has been an increase in a specific type of crime in a specific area. Our unit will also be freer to handle quality of life issues and neighborhood issues without being redirected to other issues. We would like to be aware of any community events, such as the Taste of Clarence, so we can have a presence there. This is a county wide initiative, so getting the word out in the first six months is important. The plan is, once we have a full crew, there will be one Deputy assigned to each of the five districts we serve. Clarence, Akron, Alden and Newstead make up district #2. We would like to hold a monthly meeting and invite any residents that would like to attend. This will give the residents the opportunity to speak directly with us. Communication between residents and law enforcement is the biggest issue right now. Eventually all the Deputies, including himself, will have cell phones designated to this and will hand out cards with contact info so residents will have direct access to us through email and text messages. There will also be an app for phones.

Director of Community Development - Jonathan Bleuer

PUBLIC HEARINGS:

KD Associate Buffalo, Inc. (KD Landscaping)

The applicant is requesting a Temporary Conditional Permit (TCP) for outside storage to operate a landscaping, snowplowing, and property maintenance business in the Industrial Business Park zone located at 9950 County Road, on the north side of County Road, west of Strickler Road.

The Planning Board has recommended issuance of this TCP with a series of 13 conditions. These conditions control site operations that would be considered a nuisance to nearby residents. The Landscape Review Committee has approved a Final Landscape Plan. Nearby residents have been concerned with this project. We believe any conditions placed by the Town Board will allow us to enforce this property.

Supervisor Casilio said this is the applicant's property and as a tax payer should have the right to go to his property.

Jonathan added we take any complaints seriously. We believe these conditions will create a balance of rights in the industrial zone and protect the rights of our residents. We have controls in place to control the most intensive operations to the rear of the site.

The Town Board has the authority to consider this request after holding a Public Hearing.

FORMAL AGENDA ITEMS:

Natale Development

The applicant is requesting preliminary conceptual review of a proposed mixed-use project containing multiple-family housing and commercial space in the commercial zone located at 8080 & 8112 Wehrle Drive, on the north side of Wehrle Drive, east of Transit Road.

These parcels make up approximately 14.5-acres of vacant land in the Commercial zone, and within Erie County Sewer District # 5. The proposal includes 134 residential units and 58,759 sq. ft. of commercial space throughout six 3-story buildings.

This property holds Development Plan approval for a 5-lot commercial business park, issued in 2020. The approval prohibits residential development on-site. Should the applicant proceed with this proposal, the prior Development Plan approval shall be rescinded by the Town.

The project is compliant from a density perspective. Per Town code, multiple-family housing proposals are limited to 2-stories, regardless of building height. The proposed third-story of each building will require variance consideration from the Zoning Board of Appeals.

Councilman DiCostanzo asked if the connection to the north is proposed or can we make it a condition.

Jonathan said we can work through the process to establish it. It is not legally established at this point.

Councilman Michnik asked what it connects into.

Jonathan said there are many options such as the JoAnn Fabric Plaza, Home Depot Plaza or Burlington.

Discussion continued regarding the Wehrle Drive exit.

A referral to the Planning Board would allow for a thorough review of this proposal.

WORK SESSION ITEMS:

Visone Co. Site Development, LLC.

The applicant is requesting preliminary conceptual review of a proposed mixed-use project containing multiple-family housing and commercial space in the Traditional Neighborhood District located at 8560-8574 Main Street, on the north side Main Street, east of Harris Hill Road.

This proposal was previously on the Town Board work session agenda on April 10, 2024. Since that time, the applicant and project architect met with the Planning Department. The architectural style of the proposed mixed-use buildings has been modified to be much more traditional per comments received.

There are six existing parcels totaling approximately 7 acres. Three new structures are proposed; two three-story mixed-use structures along Main Street, and one townhome structure at the middle of the site. Two existing structures are to remain, the rear apartment building and the rear portion of the western plaza building. This would result in a total of 49 apartments, 41 newly proposed; and a total of 20,611 sq ft of commercial space, 8,801 sq ft newly proposed.

Councilman DiCostanzo asked if this project will require a variance through the Zoning Board of Appeals.

Jonathan said yes, the building height has increased with the change to a pitched roof.

A referral to the Planning Board would allow for a thorough review of this proposal.

Lucas James

The applicant is requesting preliminary conceptual review of a proposed 34-room boutique hotel and restaurant in the commercial zone located at 9485 Main Street, on the south side of Main Street, west of Gunnville Road, north of North Melinda Drive.

Most recently, this proposal was on the Town Board work session agenda on June 26, 2024. At that time a secondary building design was shown from the applicant, with a gable pitched roof.

At this point, this project will remain on the Work Session agenda. The Planning Office has reached out to the applicant recommending that he and his architect come in to the Planning Office to discuss details.

Councilman Shear asked if this project is real.

Jonathan said we have a proposal.

Supervisor Casilio said this project will be very controversial.

Councilman Shear said he likes the project. Clarence could use a boutique hotel.

Supervisor Casilio agreed, but thinks the residents will not like the third story window looking out over a residential neighborhood.

A referral to the Planning Board would allow for a thorough review of this proposal.

TOWN BOARD REPORTS:

Supervisor Patrick Casilio

- We had a horse problem on Thompson Road which has been addressed. Per Town Code, horses are not allowed on Town property.

Councilman Peter DiCostanzo

- Received a referral from the Town Attorney's office regarding a resident wanting to discuss dog parks. Met with the resident, who supplied a seventy-six-page PDF on dog parks. Told the resident he will explore the idea, but he is only one member of the Town Board and has the feeling the Town Board does not want to get into the dog park business.

Supervisor Casilio said he wants to know how much it would cost.

Councilman DiCostanzo said, the resident said he would chip in on the project.

Supervisor Casilio said we are so behind in updating our playground equipment.

Councilman J. Paul Shear

- No report.

Councilman Daniel Michnik

- No report.

Councilman Robert Altieri

- The Historic Preservation Committee is discussing a historic district in the hollow.
- The Greenprint meeting was rescheduled to tomorrow morning at 8:30 a.m.

With there being no further business, Supervisor Casilio adjourned the meeting at 9:44 a.m.

Gayle M. Brace
Deputy Town Clerk

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, July 10, 2024 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 9:51 a.m.

Members of the Town Board present were Councilmembers Bob Altieri, Daniel Michnik, Paul Shear, Peter DiCostanzo and Supervisor Patrick Casilio. Other Town officials present were Director of Community Development Jonathan Bleuer, Town Attorney Lawrence Meckler and Town Engineer Timothy Lavocat.

Motion by Councilman DiCostanzo, seconded by Councilman Michnik to approve the minutes of the Work Session and Town Board Meetings for June 26, 2024.

Upon roll call – Ayes: All; Noes: None; Absent: None: Motion carried.

Motion by Supervisor Casilio, seconded by Councilman Michnik that upon the recommendation of the Highway Superintendent, to approve the request of Brock Delgato, Laborer Full-Time in the Highway Department, appointed on May 22, 2024, for an unpaid leave of absence from July 29, 2024 through and including August 2, 2024. During this period, Mr. Delgato will not earn or accrue any seniority or benefits and the Town will not pay for Mr. Delgato's insurance and/or any other employee benefits.

On the question, Mr. Delgato disclosed at the time of the interview process and prior to taking the full-time position as Laborer Full Time in the Highway Department, he would require this time off for pre-planned and paid for family vacation. Mr. Delgato is a new employee and has not accrued any paid time off and this is his only option. By granting this request, the Town Board is not creating precedence setting policy. Any request for an unpaid leave of absence will be reviewed on a case-by-case basis.

Upon roll call – Ayes: All; Noes: None; Absent: None: Motion carried.

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo that Michael Heh is appointed to the position of Cleaner/Laborer Full-Time for the Town Hall and the Building/Engineering Offices effective July 29, 2024 at Step One of the White-Collar Unit Contract at the rate of \$25.5282 per hour, subject to receipt of all pre-employment paperwork and pre-employment requirements being met.

Upon roll call – Ayes: All; Noes: None; Absent: None: Motion carried.

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo to create the position of Supervising Code Enforcement Officer in the Building Department.

On the question, this motion is being done for Civil Service purposes, trick word being Supervising rather than Senior.

Upon roll call – Ayes: All; Noes: None; Absent: None: Motion carried.

Supervisor Casilio commented on how amazed he was with the committee for the Fireworks in the Park and how they changed a major event due to weather in a matter of hours. The new date had perfect weather and the attendance was remarkable. By the start of the fireworks the entire park was full despite it not being a Saturday night. The hard part was the explosive company being able to have a rain date in their busy time of the year. Councilman Bob Altieri and Councilman Peter DiCostanzo held a huge part in coordinating all of this for the Town. Additional thanks to the grant we received from Chris Greene as well for the funding of the fireworks. So many people helping including Dawn Kinney, Dawn Snyder and many others, making the event seamless.

Councilman DiCostanzo spoke to the fireworks as well stating that people think it is much easier than it really is dealing with the fireworks companies. You have to get them there, they have to set up and then be fired off with a crew of six or seven people to have it all come together.

Supervisor Casilio added the music he coordinated during the event while the fireworks went off seemed to be a success. Typically, people complain about fireworks and length of time in between them but these didn't have that. The show was 18 minutes long and was enjoyed by many people.

Councilman DiCostanzo added a thank you to all that came out because everyone that helped was part of a non-for-profit group so any support that was given was really appreciated to the groups within the town.

Motion by Councilman DiCostanzo, seconded by Councilman Shear to declare the following camera equipment from the Town Pool as surplus:

1. Neovo Monitor - serial number D1C19002B0400550
2. Hikvision Digital Video recorder – serial number 402583024

On the question, this equipment is no longer working, cannot be repaired and the system has been replaced.

Upon roll call – Ayes: All; Noes: None; Absent: None: Motion carried.

Councilman Shear commented on the Pickleball Tournament that the Clarence Rotary Club put on was amazing.

Supervisor Casilio added they lost Saturday due to the rain but the other days were great. The Park Department came through for us plus the full time pickleball people were amazing.

Councilman Shear stated that was the first time he attended and he was impressed.

Supervisor Casilio agreed that it was a great event but was disappointed that some of our stars from the town didn't place due to the competition of this sport is now becoming.

Councilman DiCostanzo stated that even after the event was over and the awards were given out some of the winners stayed to play and watch more.

Councilman Michnik brought up the Summerfest coming up on July 20, 2024 at the Main Street Park by the Clarence Youth Bureau 4:00 p.m. – 8:00 p.m. This is a very successful event that we have along with the Winterfest they have.

Councilman Altieri added about the fireworks that this event was being planned six months prior and once you pick a date you just hope for good weather. The forecast showed rain with the radar looked very bad so at the pre meeting Thursday with ten participants who made a change like this in a matter of a couple hours. It was a great feeling to be part of something like this.

Motion by Councilman Michnik, seconded by Councilman Shear to approve the request of the applicant, Meet In the Center Merchants, Inc., for a Special Event Permit for the "Meet in the Center Community Street Festival" to be held Saturday, September 21, 2024 from 5:00 p.m. to 10 p.m., on a portion of Goodrich Road and a portion of Clarence Center as per the submitted map, subject to meeting all conditions of the Special Event Permit, Memorandum of Agreement, the Building Department Operating Permit and any other requirements of the Town of Clarence including receipt of the required Certificate of Insurance naming the Town of Clarence as an additional insured from the applicant and vendors.

On the question Supervisor Casilio went to the Pocket Park in Clarence Center and that looks like it will be completed by Labor Day.

Timothy Lavocat stated yes it will be completed.

Supervisor Casilio added that the Pocket Park will make this event a lot easier with the additional parking and bathrooms.

Councilman Shear stated that the event has grown every year so the possibility to push it out to the next street.

Upon roll call – Ayes: All; Noes: None; Absent: None: Motion carried.

KD Associate Buffalo, Inc., KD Landscaping at 9950 County Road. North side of County Road, west of Strickler Road. An existing 4.1-acre parcel in the Industrial Business Park zone, containing principal / accessory structures, and shop yard areas, formerly home to J.F. Krantz Nursery Inc. The applicant is requesting a Temporary Conditional Permit (TCP) for outside storage to operate a landscaping, snowplowing, and property maintenance business in the Industrial Business Park zone. The Town Board referred this proposal to the Planning Board on October 11th, 2023. Since that time, the applicant has modified the proposal per comments received. Such modifications include a proposed planted berm to the rear of the site, aesthetic improvements to the front of the site, and site operation organization and designations. The Planning Board recommended issuance of this TCP with a series of 13 conditions on January 10th. On May 14th, the Landscape Review Committee approved a Final Landscape Plan. Finally,

the Planning Department worked with the applicant to determine acceptable and recommended hours of operation for certain business operations to the rear of the site. The Town Board has the authority to consider this request after holding a Public Hearing.

Han, KD Associate Buffalo, Inc., KD Landscaping owner was available for question.

Councilman Shear commented that this is an absolute improvement from what this property historically has been.

Supervisor Casilio stated that there have been improvements including trees.

Tina Sass a resident was present requesting to reduce any sound for example the chipping machine inside the building. If you add the wind it sounds like the construction equipment is in our backyard. Anything that anyone can think of to help reduce the sound would be appreciated.

Supervisor Casilio added that you will see that they have limited working hours as well so you won't be listening to that into the night.

Steven DiMatteo, a resident was present who lives diagonal from the property. I would like to thank Jonathan, the Town and everyone who has been involved. I am not one to go back I like to keep moving forward and this is an extreme improvement for what we have been dealing with for the last 20 years. Vision is not the issue anymore with the planted trees to help with the dust mitigation as well as all the help from the DEC has helped immensely. The noise that we are very sensitive to is an issue. I know it's their business and they have work to do but mid afternoon on the weekends and into the evenings. We have lived in this climate for a long time, we have a short time to be outside in Buffalo and when the equipment is running during the late afternoon into the evening it makes outside gatherings difficult. If there is anyway the noisy work can be done during the week during the day with any way to mitigate the sound would be very appreciated. I understand we can't control the weather either but that adds to the noise as well.

Supervisor Casilio stated that he received an email with a video that the DEC received with all the dust flying around. I want the applicant to understand he is not allowed to put dust on any part of your house and if there is, you video it and send it to the DEC. Once the DEC is involved then the business could be shut down for months. This is a new owner with a new operation that I am hoping he complies with.

Steven DiMatteo stated that in the past only two councilmen have visited our property but the trees are now fully grown so with everyone's help this has been great.

Supervisor Casilio stated that sadly about the backup equipment noise I don't think there is a variance on that. The operating hours are limited however they also do snow plowing where we can't control the weather.

Motion by Councilman DiCostanzo, seconded by Councilman Shear to close the public hearing.

Upon roll call – Ayes: All; Noes: None; Absent: None: Motion carried.

Supervisor Casilio brought the applicant back up and stated that clearly the dust control is a trip wire for us. Also stated that sadly, about the backup equipment noise I don't think there is a variance on that. The operating hours are limited however they also do snow plowing where we can't control the weather.

Motion by Councilman Shear, seconded by Councilman Michnik for the following:

RESOLVED, that after a public hearing held at the duly convened Town Board meeting on Wednesday, July 10, 2024, to consider the request of the applicant, KD Associates Buffalo, Inc., for a Temporary Conditional Permit to operate a landscaping, snowplowing, and property maintenance business, KD Landscaping in the Industrial Business Park Zone at 9950 County Road, and after all interested parties having been heard, the Clarence Town Board, hereby, approves the request of the applicant subject to the following conditions:

1. Initial permit shall be for a term no greater than one year.
2. Any future proposed site or structure modifications subject to Town review.
3. Parking along County Road frontage shall be paved and striped to delineate spaces.
4. Applicant meeting the requirements of the Landscape Committee Approval on May 14th, 2024, 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.

5. Applicant shall install all required landscaping within the first year of permit issuance, and prior to consideration of permit renewal.
6. Structures and site shall be maintained, in perpetuity, and any deficiencies shall be repaired or replaced in kind.
7. No business operation, storage, refuse, or display in front of the front yard fence or behind the rear yard berm.
8. Any dumpsters or garbage totes shall be enclosed with a Town standard privacy fence, and the enclosure shall remain closed at all times when not in use. Dumpster and tote service shall occur in conformance with Town Code. No garbage or debris shall accumulate outside of the dumpsters and totes.
9. Drive lanes and yard to be kept in a maintained condition, that prevents excessive dust.
10. All site lighting shall 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.
11. Any temporary stockpile of job materials, such as wood and stone, shall be located in their respective locations as depicted on the approved plan. No dumping of grass clippings or off-site snow shall be permitted on the property.
12. No additional future business operations or operators unless reviewed and approved by the Town.
13. Any future 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. Operations associated with the rear stockpile areas shall be restricted to the hours of 9am-6pm, Monday through Saturday.

On the question, Councilman Shear asked the applicant if he heard, understands and accepts to the conditions.

Han stated yes.

Jonathan Bleuer noted this has been previously documented but important to state that the rear stock pile areas are not to be higher than the finished berms.

Supervisor Casilio asked for clarification on the grass clippings.

Jonathan Bleuer stated that this was restricted to not be allowed as we have received numerous complaints on this.

Upon roll call – Ayes: All; Noes: None; Absent: None: Motion carried.

Natale Development at 8080 & 8112 Wehrle Drive. North side of Wehrle Drive, east of Transit Road. An existing 14.5-acre vacant property in the Commercial zone, and within Erie County Sewer District # 5. The applicant is requesting preliminary conceptual review of a proposed mixed-use project containing multiple-family housing and commercial space. 134 residential units and 58,759 sqft of commercial space are proposed, throughout six 3-story buildings. This property holds Development Plan approval for a 5-lot commercial business park, issued in 2020. The approval prohibits residential development on-site. Should the applicant proceed with this proposal, the prior Development Plan approval shall be rescinded by the Town. A referral to the Planning Board would allow for a thorough review of this proposal. Per the Town code, multiple-family housing proposals are limited to 2-stories, regardless of building height. The proposed third-story of each building will require variance consideration from the Zoning Board of Appeals.

Robert Corrao from Natale Development was present to answer any questions.

Councilman DiCostanzo stated that the northern connection is very important and that it would have to go to the Zoning Board of Appeals for that third story.

Jonathan Bleuer stated that yes that is correct the height is in compliance with the underlining zoning however, the multi family law doesn't allow three story multi family buildings.

Councilman Shear added that the exit to the North will involve a number of different people and originations which is not necessarily an easy thing to accomplish.

Councilman Altieri agreed due to the amount of traffic in the area.

Supervisor Casilio added the residents and businesses would like it as well.

Robert Corrao stated that they are in favor of this exit as well and will do what they have to do.

Motion by Councilman Shear, seconded by Councilman DiCostanzo to refer the request of the applicant, Natale Development, for Preliminary Conceptual Review to the Planning Board to allow for a thorough review to consider a proposed Mixed-Use Project containing Multiple Family Housing and Commercial Space at 8080 Wehrle Drive in the Commercial Zone.

Upon roll call – Ayes: All; Noes: None; Absent: None: Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Michnik to approve the following applications as follows: Clubhouse: NFBOA – Building Department September 11, 2024. Legion Hall: Kelly Kane October 26, 2024; Heather Milone November 2, 2024. Nature Center Lodge: Clarence Rotary September 27, 2024.

Supervisor Casilio added that three members of the Town Board are Rotarian members.

Upon roll call – Ayes: All; Noes: None; Absent: None: Motion carried.

Supervisor Casilio closed the meeting in honor Arlington Budd Smith former Town Assistant Engineer as well as many various other positions. He was a member of the Clarence Center Volunteer Fire Company where he held many positions as well and was largely involved with the Labor Day parade. He will be sorely missed.

Scott Thomas was present and stated that his son and future daughter in law was in yesterday to get a marriage license. In doing so my son presented his authentic birth certificate with raised seal on it and was told it was too faded and I am looking at it now and can clearly see it is legible. There are some faded parts on it and he is just trying to get a marriage license not something of military importance. Just seeing through the chain of command if you can take a look at this and say yes this is ok.

Supervisor Casilio stated that this is just for the good off the Town so I will close the meeting and we can take a look into it.

Supervisor Casilio closed the meeting with no further business at 10:33 a.m.

Karen Hawes
Town Clerk