

The Work Session meeting of the Town Board of the Town of Clarence was held on Wednesday July 24, 2024 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 8:34 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.

Director of Community Development - Jonathan Bleuer

PUBLIC HEARINGS:

Rob's Topico Pizza

The applicant is requesting a Temporary Conditional Permit for outside dining located at 10250 Main Street, on the northeast corner of Main Street and Strickler Road.

Since the last meeting, some planters have been added to the site.

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

FORMAL AGENDA ITEMS:

Town Code Amendment

Set a Public Hearing to consider a Local Law amending the Town of Clarence Zoning Code Chapter 229, expressly prohibiting Crematoriums in the Town of Clarence.

The purpose and intent of this Local Law is to amend Chapter 229 (Zoning) to make certain clarifying amendments and updates related to development provisions within enumerated zoning districts. Specifically, the Town Board has determined that crematoriums constitute public nuisances and their operation can have negative impacts on air quality, including emissions of particulate matter and noxious odors.

The Town Board commenced a Coordinated Review under the State Environmental Quality Review Act and sought Lead Agency status in June of this year. Thus far no involved agency comments have been received.

The Town Board may set a Public Hearing to consider adopting this Local Law.

Regan Landscape

The applicant is requesting consideration of a Temporary Conditional Permit (TCP) for outside storage to operate an existing landscape business located at 8490 Wolcott Road, on the north side of Wolcott Road, east of Westphalinger Road.

The existing unapproved +/- 10.75-acre property contains a detached accessory structure located in the Agricultural-Flood Zone.

The applicant seeks to convert the existing detached accessory structure into a principal structure for the business office.

The lot previously existed as a 1-acre vacant lot, and increased in size after an unapproved lot line adjustment with the adjacent lot at 8500 Wolcott Road, containing Woodstream Nurseries. The Town Board referred the proposal to the Planning Board in February. Since that time the applicant has worked to address comments received, including defining access easements, outlining material / vehicle storage areas, and drive lanes.

The Planning Board has recommended issuance of this TCP with a series of 14 conditions.

The Landscape Review Committee has approved a Final Landscape Plan.

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

WORK SESSION ITEMS:

Harmoni Towers

The applicant is requesting Site Plan approval by the Planning Board, and Permit authorization by the Town Board for the construction of a 150' tall telecommunication monopole tower in the Industrial Business Park zone located on Shisler Road (SBL 72.00-2-16), on the west side of Shisler Road, south side of the Clarence West Shore Line Recreational Trail.

This is proposed to be approximately 210' off the rear lot line of 4610 Shisler Road. The tower will support an AT&T antenna array, with the ability to support up to three additional carriers in the future.

Councilman DiCostanzo asked if 150' is allowed.

Jonathan said yes. It is allowed in the Industrial zone.

Supervisor Casilio asked about a fall zone.

Jonathan said it meets the fall zone requirements.

Councilman Altieri asked if it has to be 150’.

Jonathan said the Planning Board will ask that question. The applicants will have to provide maps showing the coverage at different heights.

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

Diogi Daycare

The applicant, as proposed tenant, is requesting consideration of a new dog care facility and a Temporary Conditional Permit for overnight boarding to be located at 8345 Lapp Road, on the south side of Lapp Road, east of Transit Road.

The dog care facility is proposed to include grooming, daycare, overnight boarding, retail sales, and play areas; all to be located to the rear of the property, in the southern portion of the rearmost outbuilding.

The Town Board previously approved this applicant’s dog care facility on Transit Road. That Transit Road location is no longer an option. This new request is on an existing 4-acre parcel located in the Traditional Neighborhood District, containing an existing single-family residence and multiple accessory structures. In March 2024, the Zoning Board of Appeals approved a lot line adjustment allowing the single-family residence to be split from the property.

The applicant is pursuing a Temporary Conditional Permit for overnight dog boarding operations because that is not a permitted use in the Traditional Neighborhood District.

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

TOWN BOARD REPORTS:

Supervisor Patrick Casilio

- Has a few motions.
- Received a request to allow horses in Town parks.
- Received a request for use of the Nature Center for the filming of a movie from October 2 -21, 2024.
- In regard to the sidewalk grant the Town has received for Clarence Center, he would like to visit the Town of East Aurora to see what they have done there. East Aurora is similar to Clarence Center in regards to the community, houses and setbacks.

Councilman Peter DiCostanzo

- Brought up discussion regarding School Resource Officers.
- Has two added motions.
- Brought up discussion regarding dog parks.

Councilman J. Paul Shear

- No report.

Councilman Daniel Michnik

- Summerfest, run by the Clarence Youth Bureau, was a great success.
- Spoke to an individual yesterday at the Senior Center regarding getting a price for the cost of putting up a canopy where the Meals on Wheels meals are distributed.

Councilman Robert Altieri

- Taste of Clarence is scheduled for Monday August 5, 2024 at the Main Street Park.
- Brought up discussion regarding the pond at the Main Street Park.

With there being no further business, Supervisor Casilio adjourned the meeting at 9:43 a.m.

Gayle M. Brace
Deputy Town Clerk

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, July 24, 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 July 10, 2024.

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

Supervisor Casilio stated that he received an email from a resident who is looking to have horses in our Town Parks for riding purposes. I have discussed this with the Town Board and this will be a special assignment with former Councilman Bob Geiger, to look at the open spaces that we have to possibly designate areas.

Motion by Supervisor Casilio, seconded by Councilman Altieri the Town contracted with DV Brown Associates of Tonawanda, NY, to replace the Stage 1 Air Conditioning System Compressor at the Clarence Library due to an exigent circumstance of compressor failure affecting performance of the air conditioning system. The Town Board hereby approves payment to DV Brown Associates of Tonawanda, NY, in the total amount of \$25,273.00 upon completion of the compressor replacement.

On the question, to be paid from ARPA funding under Project 138.

Supervisor Casilio added this drain is about 25 to 30 years old.

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

Motion by Supervisor Casilio, seconded by Councilman Shear to approve the request of Town Justice, Michael Powers, for Mary Kelley, Court Clerk, to attend the New York State Association Magistrate Court Clerk 44nd Annual Conference for 2024 in Niagara Falls, New York from September 29, 2024 to and including October 3, 2024, with all reasonable and necessary expenses be paid for by the Town.

On the question, the Registration Fee of \$100.00, travel expense to and from the Conference and lodging package will be funded from the Justice Court Budget. The hotel package includes a 3-night hotel stay and all meals at the rate \$907.00 for single occupancy.

Councilman DiCostanzo commented he's not sure why anyone wouldn't want to sleep in their own bed, but if it's in the budget, ok.

Supervisor Casilio stated that if they did that is also an option, they could have access to a Town vehicle to use or get reimbursed for mileage.

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 Supervisor's Office, Peter Becker is appointed to the position of Security Officer Part Time-Parks effective August 7, 2024 at the budgeted rate of pay \$18.1125, 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 Shear to post the position of Supervising Code Enforcement Officer / Department Head in the Building Department.

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

Motion by Supervisor Casilio, seconded by Councilman Shear to create a third position of Special Patrol Officer -RPT to the Town's Inventory.

On the question, this is being done for Civil Service purposes and the position is competitive for the school system.

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

Motion by Councilman DiCostanzo, seconded by Councilman Altieri to authorize the Supervisor to enter into and sign the Meridian IT Renewal Maintenance Agreement for a period of one year commencing October 1, 2024 to September 30, 2025 at a cost not to exceed \$7,254.00.

On the question, this agreement is for the maintenance of the phone equipment and voicemail system for all of the Town Buildings.

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

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

WHEREAS, the Town Board desires to continue the process of acquiring the funds to complete the Town of Clarence's Zoning Code Update Phase 2 and 3,

WHEREAS, the Town Board desires to provide this type of facility to residents at the lowest possible cost to the Town and Town taxpayers, and

WHEREAS, the Town Board desires to apply for financial assistance from the Department of State's Smart Growth Community Planning and Zoning Grant Program, and

WHEREAS, the Town Board commits to providing the required local matching funds to ensure the timely implementation of the proposed project.

NOW THEREFORE, BE IT

RESOLVED, that the Town Board authorizes and submits an application for the Department of State's Smart Growth Community Planning and Zoning Grant Program funds for the Zoning Code Update Phase 2 and 3 in the amount not to exceed \$100,000.00. The total project cost is \$117,475.00, and the Town will match the project with at least \$17,475.00 of Town funds to ensure the project's completion, and be it further

RESOLVED, that the Town Board authorizes the Supervisor to sign all documents and agreements related to the Department of State's Smart Growth Community Planning and Zoning Grant Program application, and be it further

RESOLVED, that Patrick Casilio, as Supervisor of the Town of Clarence, is hereby authorized and directed to file an application to the Department of State's Smart Growth Community Planning and Zoning Grant Program, in a total project amount of \$117,475.00 and upon the approval of said request to enter into and execute a project agreement with the Department of State's Smart Growth Community Planning and Zoning Grant Program for such financial assistance to the Town of Clarence for the proposed Zoning Code Update Phase 2 and 3.

On the question, Councilman DiCostanzo stated he hopes that no one objects in the greater Western New York Community trying to get a grant.

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

Councilman DiCostanzo stated that he received the monthly permit report, which stated the Town of Clarence residential single family homes for June 2024 were at eight, with a yearly total of 34 which is just over five per month.

Councilman Michnik thanked the Youth Bureau for the Summerfest they held this past weekend was a fabulous turn out where everyone enjoyed themselves and they are looking forward to Winterfest. My daughters' nephews were up from Pittsburgh and they slept all the way home they were so tired.

Councilman Altieri stated that the Taste of Clarence is coming up Monday August 5, 2024 organized by the Clarence Chamber of Commerce. This year, newly added there will be a Clarence Idol competition. It will be another great event that we are hoping for good weather.

Councilman DiCostanzo mentioned that last evening after a meeting he drove past the Goodrich Road Town Park where all 12 pickle ball courts were filled with four people and people waiting to play. A baseball game was additionally going on as well as people playing basketball as well.

Supervisor Casilio added that this is stunning to see where in the morning a senior level of participants plays and, in the evening, the younger population comes in. This is always nice to see.

Motion by Councilman Shear, seconded by Councilman Altieri to approve the request of the applicant, Bobbi Sedor, for a Special Event Permit for a “Block Party” to be held Sunday, July, 28, 2024 from 2:00 p.m. to 8:00 p.m., as per the submitted map, subject to meeting all conditions of the Special Event Permit, Memorandum of Agreement, the Building Department Operating Permit (food trucks to be inspected) 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.

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

Motion by Councilman Michnik, seconded by Councilman Shear that the Clarence Town Board hereby approves the request of the applicant, the Clarence Center volunteer Fire Company Benevolent Association, Inc., for a Special Event Permit for the Annual Labor Day Fair and Parade and for a Fireworks Display Permit subject to all the conditions of the Special Event Permit, the Special Events Memorandum of Agreement, the Town of Clarence Operating Permit requirements, and the Public Display of Fireworks Permit being met, including all required insurance certificates and proof of insurance having been submitted to the appropriate departments.

On the question, the annual event will begin on Friday, August 30, 2024 and run through and including Monday, September 2, 2024. The Special Event Permit and Public Display of Fireworks requirements have all been met.

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

Rob’s Topico Pizza 10250 Main Street. Northeast corner of Main Street and Strickler Road. An existing +/- 1-acre parcel in the Clarence Hollow Traditional Neighborhood District containing an existing restaurant. The applicant is requesting a Public Hearing to consider a Temporary Conditional Permit (TCP) for outside dining. The outdoor dining area is proposed to exist within the covered sidewalk area to the west end of the building, containing bench style seating and protected by landscape boulders, with the addition of an ice cream order and delivery window. Hours of operation would not exceed 10:00pm. The Town Board referred this proposal to the Planning Board in April. Since that time, the applicant has modified the proposal per comments received. Such modifications include the reduction of outside dining area to meet ADA requirements, addition of landscape boulders, and the relocation of the ice cream order and delivery window to the west side of the building. The Planning Board recommended issuance of this TCP with a series of 11 conditions on June 19th. Most recently, the applicant has installed landscaping around the freestanding sign and building. The Town Board has the authority to consider this request after holding a Public Hearing.

Rob Schofield, owner of Rob’s Topico Pizza was present to answer any questions.

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

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

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 24, 2024, to consider the request of the applicant, Rob’s Topico Pizza, for a Temporary Conditional Permit to allow for outside dining at 10250 Main Street in the Hollow Traditional Neighborhood District the 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. Applicant meeting any additional requirements of the Town of Clarence Engineering, Building, and Fire reviews, and any associated conditions, prior to any permits being obtained and/or construction on the property.
3. Any future proposed site or structure modifications subject to Town review.
4. Paved areas to be striped and maintained in perpetuity per approved plan. No parking of vehicles outside the designated parking areas.
5. Landscape boulders shall be installed per the approved plan, and no greater than 5’ apart, prior to the opening of the outside dining area.

6. Applicant shall landscape around the freestanding sign within the first year, and prior to consideration of permit renewal, subject to Planning Department review and approval.
7. Applicant shall screen dumpster area with code compliant dumpster enclosure within the first year, and prior to consideration of permit renewal. Dumpster enclosure to remain closed when not in use, and serviced in conformance with Town Code.
8. Apart from any approved events, outside music shall be limited to piped-in speaker or live acoustic music, and shall not exceed typical volume of the surrounding area.
9. All existing utilized site lighting shall be dark sky compliant and shielded to prevent spillage onto adjoining properties, and shall be turned off no later than one hour after business hours except for necessary security lighting.
10. Any new outside dining lighting shall be limited to decorative type lighting, or lighting that is dark sky compliant and not shedding beyond the property lines.
11. Subject to any applicable fees as required by Town Code.

On the question Councilman Shear asked the applicant if he Heard, understands and accepts the conditions of the motion.

Rob Schofield replied, yes, I do.

Councilman DiCostanzo asked what kind of ice cream will be served.

Rob Schofield stated soft serve and hard scoop.

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

Town Code Amendment, Town-wide, to set a Public Hearing to consider a Local Law amending the Town of Clarence Zoning Code Chapter 229, expressly prohibiting Crematoriums in the Town of Clarence. The purpose and intent of this Local Law is to amend Chapter 229 (Zoning) to make certain clarifying amendments and updates related to development provisions within enumerated zoning districts. Specifically, the Town Board has determined that crematoriums constitute public nuisances and their operation can have negative impacts on air quality, including emissions of particulate matter and noxious odors. As a result, the Town Board determined that crematoriums should be prohibited in all zoning districts in the Town. This Local Law is intended to effectuate the crematorium prohibition. The Town Board commenced a Coordinated Review under the State Environmental Quality Review Act (SEQRA) and sought Lead Agency status in June of this year. Thus far no involved agency comments have been received. The Town Board may set a Public Hearing to consider adopting this Local Law. Prior to adoption, an action must be taken under SEQRA.

Motion by Councilman Michnik, seconded by Councilman DiCostanzo to set a public hearing for Wednesday, August 14, 2024 at 9:45 a.m. to consider a Local Law amending the Code of the Town of Clarence, Chapter 229 - Zoning Code, Expressly Prohibiting Crematoriums in the Town of Clarence the Town of Clarence.

On the question, a copy of the proposed local law will be available in the Office of the Town Clerk.

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

Regan Landscape at 8490 Wolcott Road, the North side of Wolcott Road, east of Westphalinger Road. An existing unapproved +/- 10.75-acre property containing a detached accessory structure located in the Agricultural-Floodzone. The applicant is requesting consideration of a Temporary Conditional Permit (TCP) for outside storage to operate an existing landscape business, Regan Landscape. The applicant seeks to convert the existing detached accessory structure into a principal structure for the business office. The lot previously existed as a 1-acre vacant lot, and increased in size after an unapproved lot line adjustment with the adjacent lot at 8500 Wolcott Road, containing Woodstream Nurseries. The Town Board referred the proposal to the Planning Board in February. Since that time the applicant has worked to address comments received, including defining access easements, outlining material / vehicle storage areas, and drive lanes. The Planning Board recommended issuance of this TCP with a series of 14 conditions on June 19th. On July 9th, the Landscape Review Committee approved a Final Landscape Plan. The Town Board has the authority to consider this request after setting and holding a Public Hearing. The Planning Office is unable to process the retroactive Lot Line Adjustment application until the accessory structure is approved to be converted into a principal structure.

Kevin Regan, owner of Regan Landscape and Robert Galluci, engineer were available to answer questions.

Supervisor Casilio asked if they will be plowing snow, what the hours are and if they do, they cannot store snow on the site.

Kevin Regan replies yes, we do and we will not be storing any snow on site.

Motion by Councilman Shear, seconded by Councilman Michnik to set a Public Hearing for August 14, 2024 at 9:50 a.m. to consider the request of the applicant, Regan Landscape, for a Temporary Conditional Permit for Outside Storage to operate a Landscaping and property Maintenance Business at 8490 Wolcott Road in the Agricultural-Floodzone.

Supervisor Casilio asked about the building that appeared on the site.

Jonathan Bleuer stated that as soon as a Temporary Conditional Permit is granted by the Town Board, the applicant will receive from the Building Department the necessary permitting to convert the accessory structure that is on site to a principal structure for office space. The Planning Office will retroactively approve the lot line adjustment that had previously taken place without approval.

Supervisor Casilio stated you didn't think we paid attention did you.

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: Clarence Youth Bureau October 7, 2024; Legion Hall: Kathleen Zaprowski September 7, 2024.

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

Motion by Councilman DiCostanzo, seconded by Councilman Shear to approve the bill pay of July 18, 2024 as follows: General Funds \$383,446.75; Highway Funds \$179,141.37; Fire Protection Districts \$52,615.47; Drainage Funds \$3,250.00; Lighting Funds 661.47; Capital Funds \$ 320,926.29 for a total bill pay of \$940,041.35.

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

Supervisor Casilio mentioned that the group meeting with the Clarence School District will be Monday August 19, 2024 at 5:00 p.m., more details to come.

Councilman DiCostanzo mentioned that today we had a public hearing and no one is here stating because our meeting is in the morning. We just set two public hearing today for Wednesday August 14, 2024 so anyone who reads the minutes or are on YouTube, all five of us on the Town Board do have email addresses as well as Jonathan Bleuer in the Planning and Zoning Office. Anyone who wants to reach us on any issue can reach us this way and we do read them all. Believe me when the Tim Hortons was proposed at Main and Harris Hill our emails were buzzing. Please email us and if you want, we will read your comments on your behalf at the public meeting.

Supervisor Casilio added that the Planning Board meets at night with only a few in attendance. This is like a huge public hearing where you can come and your comments/concerns are heard.

Councilman Michnik asked how many we had in attendance on YouTube.

YouTube total was three attendants.

Supervisor Casilio closed the meeting with no further business at 10:23 a.m. in memory of Ray Skaine, long time association with the Town of Clarence most recently with the Zoning Board of Appeals, ZBA. Ray has served on many boards for the Town and helping with the Town's government. He would receive phone calls during the park concerts when people were playing basketball and approach them using his size to his advantage suggesting that they shouldn't play as people were trying to listen to the concert. He will be missed.

Karen Hawes
Town Clerk