

The Work Session meeting of the Town Board of the Town of Clarence was held on Wednesday August 28, 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.

Samantha Bonano – Equestrian Discussion

Samantha introduced herself and said the others present are all part of the horse community. They are advocating for horse access on town property, specifically at the Clarence Nature Center and on Clarence bike paths. The idea is to integrate horses into the community. There is a historical significance of equestrian activities in Clarence. She understands concerns regarding liability and manure. Showed an example of a Self-Issuing Equestrian Permit. Explained there is a huge economic impact on the community. The request is strictly for riding on the grass or dirt areas, not on asphalt. There are environmental benefits of horse manure. Regarding liability, there is the Recreational Use Statute in New York State that affords landowners immunity from liability based on a failure to keep premises safe for entry and use by others for specific recreational activities. Lastly, explained measures of implementation of integration of horses on town property including: marking designated riding areas, manure management, public awareness campaigns and self-issuing permits.

Supervisor Casilio thanked Samantha for her presentation and stated that sometimes horses and people don't get along.

Councilman Shear said he, Councilman Altieri and Samantha met previously at Beeman Creek Park. Stated that the area is four hundred untouched acres, is available for horseback riding and asked Samantha what is the problem with utilizing that area.

Samantha said that is a really nice offer, but this is about integration and kids being able to meet up. Many people do not have trailers. There are many barns on the bike paths or near the Nature Center, so riders can ride directly from the barns to meet up together. Samantha addressed Supervisor Casilio's concern saying that statistically trail riding is safer than other bike path activities. Eighty-four percent of injuries come from riders falling off horses.

Supervisor Casilio wanted to clarify from a previous conversation, that horses have never been allowed on the bike paths and there was damage to a bridge at the Nature Center, from what we can see, from a horse. Is sorry some people can't afford trailers, but doesn't feel it is our job as a municipality to take on that responsibility.

Councilman Altieri asked how do riders get their horses to the Nature Center.

Samantha said they might have to be trailered or come up the bike path that goes through Spaulding Green.

Councilman Michnik said his concerns are: lack of availability of space to park the trailers, some horses are lovable but some are just feisty, and how do we know if the all horses are compliant with items needed.

Samantha questioned the concern of safety regarding horses vs dogs and explained part of the Self Issuing Permit includes that the horse has all its shots.

Supervisor Casilio responded that's why dogs are not allowed in the parks and there is also concern with high-speed bicyclists and horses on the bike paths.

Supervisor Casilio recognized Dr. Greg Daniel in attendance.

Dr. Daniel asked what the probability of doing a couple of pilots in certain areas, to get a sense of how this could work.

Supervisor Casilio said Samantha gave a good presentation. Possibly she could meet with our conservation committee to see if they could put something together, but that's why the four hundred acres of Beeman Creek Park has been suggested.

Supervisor Casilio recognized resident Paul Dabrowski in attendance.

Mr. Dabrowski suggested that the yellow signs depicting a horse and buggy should be put up on Clarence roads. He believes those signs create a "sense of peace" and that people slow down to see the horses. This issue is a much bigger picture than liability.

Director of Community Development - Jonathan Bleuer

FORMAL AGENDA ITEMS:

Stately Builders

The applicant is requesting a referral to the Planning Board for consideration of a

detached warehouse structure in the Industrial Business Park zone located at 9780 County Road, on the north side of County Road, east of Goodrich Road.

The warehouse is approximately 5,760 sq ft, and proposed to be located behind the existing business. There are no proposed water or sanitary connections.

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

Jens Richter

The applicant is requesting a public hearing to consider a Special Exception Use Permit for a secondary living unit that was constructed as part of a residence construction located at 4775 Boncrest East, on the northeast corner of Boncrest and Boncrest East.

The residence was constructed with two kitchens. The Building Department has determined that the residence contains a secondary living unit and requires the consideration of a Special Exception Use Permit. That process requires a deed restriction so it can never be rented as a two-unit structure.

Councilman Shear asked if a Certificate of Occupancy has been issued.

Jonathan said yes.

Town Engineer Timothy Lavocat added that a Building Permit was issued with this space as a recreation room. Through the process of building, a kitchen was added for a family member that is out of town a lot. Building Code does not prohibit multiple kitchens. The space was found advertised online to be rented.

Councilman Michnik asked how do we control this.

Jonathan said if he lists it again, we will issue a violation.

Town Attorney Lawrence Meckler said we are in a better position if we continue with the deed restriction.

Supervisor Casilio clarified we are not approving a Secondary Living Unit. We are requiring a deed restriction that it is a single-family home.

Jonathan added there is also an annual certification process done through the Planning Office.

Councilman DiCostanzo asked if it is currently a single-family home.

Jonathan said yes

Councilman DiCostanzo asked why would we give him a permit for a secondary living unit.

Jonathan explained we are deed restricting the fact that it has been identified to able to be rented as two units. It has been built in such a way that it is rentable as two units and therefore we are deed restricting it to ensure that it continues to be used as a single-family unit.

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

Rick Switala

The applicant is requesting preliminary conceptual review of a proposed 5-building, 25,000 sq ft, utility storage project in the Industrial Business Park zone located at 9717 County Road, on the south side of County Road, east of Goodrich Road.

Each building is 50' x 100', arranged linearly on the site with a single access, and the building closest to County Road contains an 800 sq ft office area.

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

WORK SESSION ITEMS:

Lucas James

The applicant is requesting preliminary conceptual review of a proposed 26 to 34 room boutique hotel and restaurant located at 9485 Main Street, on the south side of Main Street, west of Gunnville Road, north of North Melinda Drive.

The applicant has modified the original proposal per comments received. Modifications include; moving the building closer to Main Street to comply with the required front yard setback, discussion with Erie County Health Department regarding future requirements associated with the proposed onsite sanitary system, reducing the building square footage to better fit the character of the area, adding a pitched roof design that still meets the maximum height requirement of the underlying zone, and ensuring that proposed building materials are of high quality such as stone, stucco, glass and extruded aluminum wood finishes.

Councilman Shear said he likes the project and thinks it is something Clarence could use. There are questions of design and fit.

Councilman Altieri added there are septic questions.

Supervisor Casilio agreed, said the angle of the building on the property might need to be changed, thinks the project is ready for referral to the Planning Board and would like to see pictures of what the view will be for residents to the rear.

Jonathan said that would be a viewshed analysis.

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

Amish Villa

The applicant is requesting consideration of a Temporary Conditional Permit (TCP) for outside storage and display to operate a furniture and structure retail sales operation, and consideration of a TCP to operate a landscape business located at 9992 Main Street, on the north side of Main Street, east of Kraus Road.

This is an existing 8.5-acre property located in the Commercial and Single-Family Residential zones, containing numerous commercial structures.

Amish Villa previously operated at 8570 Main Street, through the issuance of a TCP granted by the Town Board in May 2017. In April 2023, that TCP was not renewed by the Town due to non-compliance. Since that time, the applicant has gained control of 9992 Main Street and relocated the business to this location, along with an additional landscape business. Up to this point, all site activity by the applicant has been conducted prior to application being made to the Planning Office.

Supervisor Casilio said this a nice layout with the displays in the back. We do have a problem with littering items for sale up front along Main Street.

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

Joseph Beaser

The applicant is requesting a modification to the existing Temporary Conditional Permit (TCP) previously approved to conduct business storage and staging out of rehabilitated accessory structures located at 8255 Goodrich Road, on the southeast corner of Goodrich Road and Brauer Road.

The existing 37-acre lot is in the Agricultural-Floodzone, containing a pond and multiple detached accessory structures. A condition of the existing TCP is that nothing happens outside those structures apart from behind the first two structures and the applicant's personal use of the corner.

The applicant now has a rental in the third and fourth buildings and looking to store their trucks and trailers fronting Brauer Road to the north of the northernmost accessory structure.

Councilman Shear asked how many buildings are on the site.

Jonathan said four. Two large ones and two small.

Councilman Shear asked if the applicant has planted the trees he agreed to plant.

Jonathan said no.

Councilman Michnik asked if it should still be sent to the Planning Board to be denied.

Supervisor Casilio said maybe we need more information or the applicant should come to a Work Session, but does not like what is being requested.

Councilman Shear agreed he does not like it, but thinks the applicant should be heard.

Councilman Michnik agreed with Councilman Shear.

The Town Board has the authority to consider this request.

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 located at 8560-8574 Main Street, on the north side of Main Street, east of Harris Hill Road.

This consists of six existing parcels totaling approximately 7-acres, located in the Traditional Neighborhood District and Residential Single-Family zones.

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.

This proposal was previously on the Town Board work session agendas of April 10th and July 10th. Due to comments received, the applicant and project architect met with the Planning Department and modified the architectural style of the proposed mixed-use buildings. The proposed buildings now feature gable pitched roofs, and a mixture of building materials and façade elements. Additionally, the existing site has received maintenance; including the removal of signage associated with previously closed businesses, lawn and vegetation control, and the

reduction of duplicative real estate signage at the plaza.

Councilman Shear said he wants trees planted along the front.

Councilman Altieri expressed concern on how many apartments are proposed, the number of cars and the close proximity this project is to the corner of Main Street and Harris Hill Road.

Jonathan said the unit count is to code.

Councilman DiCostanzo asked if the third story is allowed.

Jonathan said it is not allowed under a multi-family use.

Supervisor Casilio said there is a commercial element. There is way too much blacktop. Should we put a condition on for only two-stories and let the Zoning Board of Appeals look at it.

Jonathan recommended it should be referred to the Planning Board to review the maximum potential buildout and go from there.

Councilman Michnik expressed his concern that apartments are getting out of control.

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

Scott Irish-Bronki

The applicant is requesting consideration of a demolition approval for the structure located at 10594 Main Street, on the north side of Main Street, west of Bank Street.

The existing 0.27-acre property is located in the Hollow Traditional Neighborhood District and contains a vacant structure built prior to 1950.

The applicant originally applied for demolition of the structure in September 2020. In April 2021, the Historic Preservation Commission presented initial research of the property/structure, and requested the applicant consider putting a hold on, or withdrawing the request for demolition to allow further research. The applicant did withdraw his application for demolition. Since then, the applicant has faced Building Code violations. These violations have led to Justice Court review. The applicant has submitted a structural analysis and asbestos reporting/abatement records. In June 2023, the Historic Preservation Commission formally recommended Local Landmark Designation to the Town Board. The Town Board declined to pursue such designation. In June 2024, the applicant re-applied for demolition of the structure. In August 2024, the Historic Preservation Commission re-recommended Local Landmark Designation to the Town Board, and also recommended a Positive Declaration to the Town Board due to the historical significance of the structure.

The applicant has expressed if anyone wants the house, they are welcome to it. He is willing to give it away where it sits or moved. He does not have interest in the land in front of the creek.

Councilman Michnik asked what the applicant's plan is after he gets rid of the house.

Jonathan said, just grass lawn.

Supervisor Casilio said he read the Historic Preservation Commission's presentation. He understands their enthusiasm, but it was very weak. Their job is to look at the outside of the building and there was nothing referenced on the outside of the building because nothing on the outside of the building is original.

Councilman Altieri asked if just the stone basement could be saved.

Councilman Shear said no, it fills with water.

The Town Board has authority to act on this request, after a review and action through the State Environmental Quality Review Act (SEQRA).

Supervisor Casilio reported he is done with the budget. The town tax rate is being lowered. The Town and highway tax are both under the tax cap.

Town Attorney Lawrence Meckler added the Town has had a great year. Last year we put two million aside from the reserve fund to balance the budget and we won't need any of it to balance. Numbers were kept down, sales tax was higher, mortgage tax wasn't as low as we anticipated and revenues increased.

Supervisor Casilio added we run a very lean town, our people work very hard and we don't have a police department.

Motion made by Supervisor Casilio, seconded by Councilman Shear to go into attorney client at 9:35 a.m. All in favor – Ayes: All; Noes: None. Motion carried.

Gayle M. Brace
Deputy Town Clerk

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, August 28, 2024 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 9:53 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 August 14, 2024.

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

Supervisor Casilio made the following announcement:

As a reminder, the month of September 2024 has been designated by the Erie County Legislature as the Annual 30-day Period during which landowners may submit requests to include predominantly viable agricultural land into any existing certified agricultural district in accordance with Section 303-b of the New York State Agricultural and Markets Law. A public hearing on the submitted applications will be scheduled to consider all requests and the date will be announced. The Erie County Department of Environment and Planning will accept applications from September 1 through September 30, 2024. Any questions on the process can be directed to Sarah Gatti, Principal Planner, with the Erie County Dept. of Environment and Planning at (716) 858-6014 Email: agriculture@erie.gov. Information and applications are also available from the Office of the Clarence Town Clerk and the Assessor's Office and on the Erie County Dept. of Environment and Planning website www.erie.gov/agenrollment.

Supervisor Casilio asked Jonathan Bleuer if anything comes up in the Town of Clarence, we will be notified correct.

Jonathan Bleuer stated yes, we will.

Supervisor Casilio asked during that September period or after?

Jonathan Bleuer stated shortly thereafter.

Supervisor Casilio asked if we have any say in that or does it automatically go downtown.

Jonathan Bleuer stated that we will have a comment period and we could attend the public hearing but ultimately it is up to the county.

Supervisor Casilio stated that we obviously encourage farms being farms but this is possible a Main Street piece of property becoming a farm and then all of a sudden start selling things out.

Jonathan Bleuer stated that the County has done a comprehensive adjustment of their agricultural districts in the last number of years. The program is far better and their intent is to really preserve prime agricultural land and better fits the towns interests.

Supervisor Casilio spoke to why they were running late today for the meeting as he allowed a group to come to the work session and speak. One is an individual that I am allowing to speak to the Town Board now instead of waiting as we have ongoing issues, so would Richard Forrestel please come to the podium.

Richard Forrestel, a Clarence resident, was present and stated he would be remised if he didn't thank the town for the Town Pool, I love it and I swam 61 times this summer.

Supervisor Casilio asked how much the season pass cost?

Richard Forrestel stated \$10.00, it was \$0.18 to swim each time, it's fantastic.

Councilman DiCostanzo commented that according to the Town records, Mr. Forrestel swam 58 times.

Richard Forrestel stated that three times he swam twice on the same day.

Mr. Forrestel stated that he moved into Clarence with his wife who is a veterinarian and has a practice in the Town of Clarence on Transit Road. We bought our house in 2003 and then in 2009 we bought the lot next door for a total of about five acres and I love it. What we have done is so cool, I am kind of a tree nut so I have an arboretum with over 300 species which is fun for me. I have lived here since 1998, raised my kids here, they went to school here and are now off to college, Clarence is a fantastic place to live, I love it here. There is a house to the North of me where a new family moved in a formed a home business of a dog kennel. I am an absolute

capitalist and firmly believe in that whole world but a business should be run in a commercial setting. There will be times when there are ten dogs and my son counted eleven once. You get to know your neighbors and their dogs but when it's new dogs all the time it is relentless. It seems grossly unfair to me that there is nothing that we the town can do. Jonathan you and I have communicated about this and you gave me the bureaucratic response which I get but that doesn't do a thing for me. This just seems unfair, I know none of you want a dog kennel next door. From my bedroom window to the fence, it is 145/150 feet. When the dogs aren't outside, they are inside on the back sunporch. My neighbors are fine people but somehow the town should be able to limit what we are dealing with. I know another neighbor has sent in correspondence and I don't want to speak for him but it was referenced as living next door to a zoo.

Supervisor Casilio stated that he agrees with Mr. Forrestel, we have business' jumping through hoops even with landscaping codes and then someone in a residential neighborhood can have ten dogs with no restrictions. We are going to try and address this in our new code somehow as it really is a grey area when people are doing a side business. How many dogs are you allowed to own at one time?

Councilman DiCostanzo stated we have no limit.

Supervisor Casilio stated that when his dad built his second house in 1968 the neighbor put up a chain link fence and raised German Shepard dogs and started a kennel.

Councilman DiCostanzo stated that we have been in touch and I can't even fathom what you are going through. My neighbors across the street are nice people I believe rescue dogs and maybe at one time might have three dogs and even from inside the house it can be annoying when they are barking.

Supervisor Casilio thanked Mr. Forrestel for coming in today.

Motion by Councilman DiCostanzo, seconded by Councilman Shear to accept the quote of August 16, 2024 from STONHARD, quote No. 10375203, for the Clubhouse and Pool Flooring Project to refinish the main and side entrance of the Clubhouse, the Pools changing/restroom areas and main office at an amount not to exceed \$20,500.00.

On the question, this will be paid through ARPA Capital Project # 139. Councilman DiCostanzo stated that people ask many times why the pool closes so early due to the loss of the lifeguards going back to school and so we can do maintenance like this.

Supervisor Casilio stated that he believes we have to maintain six lifeguards. This project will have slip resistance epoxy coating as well, being similar to the way it was. We have been epoxy painting it every year so combining this project will last a very long time.

Councilman DiCostanzo also stated that the vendor is local as well.

Supervisor Casilio mentioned Chris Durr, Chip Trapper and Dawn Kinney for the wonderful job they do yearly managing all the events and the pool for the residents.

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

Motion by Councilman DiCostanzo, seconded by Councilman Michnik that the Town of Clarence authorizes the Clarence Town Court to apply for the JCAP grant in the 2024-2025 grant cycle up to \$30,000.

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

Councilman DiCostanzo mentioned the Labor Day Fair this weekend, Friday August 30, 2024 – Monday September 2, 2024 at the Clarence Center Volunteer Fire Hall which is the unofficial end of summer. Next Friday September 6, 2024 is Brother of Mercy's Octoberfest and 5k run/walk which is a fun event with excellent German food and a basket raffle. In addition, I have stats from the pool this season, the pool was open for about 70 days and Richard Forrestel was the biggest user of the pool again. The average day had 160 people in attendance with July 29, 2024 being the peek day. Lastly, we had a joint meeting with the Clarence Town Board and the Clarence School Board which is annually on the day of the school's board meeting. This is always good to get together with them and I know they look forward to Jonathan Bleuer's presentation of development in the district and are thankful for the continued cooperation.

Supervisor Casilio mention the Labor Day Parade on Monday will now be lining up in the Clarence Highway campus for the first time in history with the bathroom facilities being open for use. This is for a public safety issue as well. Thank you to James Dussing and Timothy Lavocat for all the hard work on that project.

Councilman Shear stated he looks forward to seeing everyone this long weekend at the fair.

Motion by Councilman Michnik, seconded by Councilman Altieri to correct the term for Michela Hacker appointed on August 14, 2024 as an adult member of the Youth Board to a term commencing immediately as of August 14, 2024 and ending December 31, 2025.

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

Councilman Michnik had a few items from the Youth Bureau meeting last night being the first one with the new group of participants. Halloween was scheduled to be towards the end of October for the Trunk or Treat but that has been moved up to October 12, 2024 with a mystery walk. September 10, 2024 in the historic museum at 7:00 p.m. a presentation on the 1900 society and culture of the Town of Clarence. Thank you to Doug Larkin and Sara Larkin for all the hard work and being open on certain Sundays to the public. Additionally, when they are open live music is provided at the Log Cabin. We are having the Main Street Train Station redone, trees being cleared with a park bench installed once concrete work can be completed. Some great things happening around town.

Councilman Altieri thanks Timothy Lavocat on the HVAC work that was completed at the Senior Center which made a lot of people there happy.

Stately Builders, represented by Dan LaPietra and Pat Sheedy of Carmina Wood Design, at 9780 County Road. North side of County Road, east of Goodrich Road. An existing construction company located on a 3-acre parcel in the Industrial Business Park zone. The applicant is requesting a referral to the Planning Board for consideration of a detached warehouse structure. The warehouse is approximately 5,760 sqft, and proposed to be located behind the existing business. There are no proposed water or sanitary connections. A referral to the Planning Board would allow for a thorough review and action of this proposal.

Dan LaPietra was representing the applicant and available for questions. An update that an application has been submitted for the variance for the fire hydrant.

Supervisor Casilio asked why you need a variance on a hydrant.

Dan LaPietra stated that currently there is an issue of access for fire protection that is a question of distance. The issue is the distance on the State route there, so instead of providing a hydrant which would be a significant cost to the project, we are proposing not introducing a hydrant and providing fire access.

Supervisor Casilio stated we really don't care what the state says so if you get that variance and the fire company can say your still not going to have it and wasting a lot of time and money with no project. I am being very clear so you can understand that. An option would be placing a public hydrant at your entrance for a cost to be within the code and being within distance which is the key. If it's not within the correct distance you are still going to have a problem and may not have a project. Make sure your owners understand that and this board and the fire companies will not let building fall out of public safety issues, one being fire. I just don't want anyone to think it will be ok because it won't be.

Dan LaPietra stated he will let the applicant know.

Motion by Councilman Michnik, seconded by Councilman Altieri to refer the request of the applicant, Stately Builders, for Site Plan review to the Planning Board to consider a proposed detached warehouse at 9780 County Road, in the Industrial Business Park zone.

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

Jens Richter at 4775 Boncrest East. The applicant was not available for this meeting but did state he will be available for a public hearing if granted. Northeast corner of Boncrest and Boncrest East. Recently constructed residence on a 0.44-acre parcel in the Residential Single-Family zone. The applicant is requesting a Public Hearing to consider a Special Exception Use Permit for a secondary living unit that was constructed as part of residence construction. The Building Department has determined that the residence contains a secondary living unit, and as such, requires the consideration of a Special Exception Use Permit. The Town Board has the authority to consider this request after setting and holding a Public Hearing.

Supervisor Casilio stated that the board discussed this in the work session, this is just to set a public hearing not to make a decision.

Motion by Councilman Shear, seconded by Councilman Altieri to set a public hearing for Wednesday September 25, 2024 at 9:45 a.m. to consider the request of the applicant, Jens Richter, for a Special Exception Use Permit to allow a secondary living unit that was constructed as part of the residence at 4775 Boncrest East in the Residential Single-Family zone.

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

Rick Switala, represented by Joey Tripi and Michael Lukaszewski of Bammel Architects, at 9717 County Road. South side of County Road, east of Goodrich Road. An existing, recently approved and created 4.3-acre vacant parcel located in the Industrial Business Park zone. The applicant is requesting preliminary conceptual review of a proposed 5-building, 25,000 sqft, utility storage project. Each building is 50' x 100', arraigned linearly on the site with a single access, and the building closest to County Road contains an 800 sqft office area. A referral to the Planning Board would allow for a thorough review of this proposal.

Joey Tripi and Michael Lukaszewski of Bammel Architects were present to request to get this to the Town Board. The project is still in concept in terms of design, we did not get to engineering yet but in terms of the layout get to you the direction that we are heading to. The lot is 4.3 acres and feel it is a good fit to have these storage buildings each being 5000 square feet. Leaving 47% of green space.

Joey Tripi added that each storage units has five bays and constructed over five different phases.

Michael Lukaszewski stated that once we get more direction, we will get what we need in terms of fire protection, drainage, storm water and lighting that we will get down the road.

Supervisor Casilio stated that on these things we don't like outside storage, lawnmower services that then have a bunch of stuff outside the units that don't fit in them or selling items at the street. Mattina's is a building you can look at that will not be the same as your project but similar so you understand what we are looking for to save you some time. The masonry as well of 40% on the buildings again just to help save you some time and try to match it up. Really discourage the examples I just gave and do not like that evolving later.

Councilman Shear asked I they are ten-foot doors.

Michael Lukaszewski stated, I believe so yes.

Councilman Shear asked if these are storage units or will there be business in there. As of right now we get a sense that these are 50-foot bays as well and are the walls movable.

Michael Lukaszewski stated that they are 12-foot-wide bays for storage with walls that are not movable, they are permanent.

Councilman Shear stated room for equipment to be parked in-between so we have a lot to look at.

Supervisor Casilio stated that the Planning Board is here and is getting our message. Jonathan, if they add floor drains and electrical does that get it away from a storage unit or not.

Jonathan Bleuer stated that we will have to get a better understanding of what the tendency is and of course any future approvals will be tied to that and use. Self-storage is allowable in the Industrial Zone as a use, of course it has to go through architectural and outside display and things of that nature. We can provide examples for this project.

Supervisor Casilio also added fences as well.

Motion by Councilman Shear, seconded by Councilman DiCostanzo to refer the request of the applicant, Rick Switala, for Concept Plan review to the Planning Board to consider a proposed Utility Storage project at 9717 County Road, in the Industrial Business Park 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; Clarence High School November 5, 2024. Legion Hall; Kelli Greico November 10, 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 August 15, 2024 as follows: General Funds \$188,716.63; Highway Funds \$84,648.13; Drainage Funds \$2,186.67; Lighting Funds \$677.06; Sewer Funds \$158.31; Capital Funds \$17,175.00; Aquatic Growth Funds \$700.00 for a total bill pay of \$294,261.80.

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

Renee Reade, a resident, was present and stated that she is here under the suggestion of the Zoning Board. Steven Leising has been very kind with us and addressing our issues with Hawthorn Suites Hotel for us. Because of the New York State requirement of having LED lighting in parking lots this has really affected our residential property. As a result of these requirements the hotel has shined these lights that I have pictures for you and how it intrudes on our privacy in our residential area. On the building that has the emergency doors and Erie County code has this huge white light.

Supervisor Casilio asked where the resident lived to see where she was in comparison to the hotel.

Renee Reade stated that she is in the ramp that is connected to the hotel.

Supervisor Casilio stated that that is a very nostalgic house to look at.

Renee Reade stated that we have a lot of full trees right now to help buffer the light but when the fall leaves drop the light will light up our back yard and into our bedrooms and that with 50-year-old grown trees. On the west side of the house, we have Dave and Adams light that shine onto the property and into the bedrooms. When we grew up, we had none of this development. We understand the new growth and requirements but is there a lighting height that can be looked at because you do not need light at that height at all. Surrounding neighbors will be in for a rude awakening if the Eastern Hills mall turns into anything. Steven was able to get them to adjust the lights a little which helped but they are still extremely bright since they had to switch to LED lighting. These are in the parking lot as well as on the building that we are dealing with. I am here today to get the ball rolling.

Jonathan Bleuer stated that he appreciates both Mrs. Reade and Mr. Forrestel attending the board meeting today and that both topics are on top of our lists for code updates, which we are working on updates right now. The discovery phase has just been completed and we suspect that it will have a much more robust code that will protect resident like the both of you.

Renee Reade asked if they would like the photographs that she took.

Jonathan Bleuer stated that this was not necessary unless she would like to give them, as they are very aware of the lighting around them.

Susan Reade was present on behalf of her brother who was unable to make it today. With regards to the lighting at Dave and Adams maybe a hood of some sort on top of the lights would help so the light wouldn't just shine out and more down. I flew in from Chicago where my main residence is but I still have the house here in Clarence where I enjoy the town. When flying in Buffalo looks great like a wonderful City but when you get to Transit Road it looks like an industrial parkway with the lights so bright. I don't think that's what Clarence wants to be known for.

Supervisor Casilio thanked the residents for attending and for their input.

Supervisor Casilio closed the meeting with no further business at 10:48 a.m.

Karen Hawes
Town Clerk