

The Work Session meeting of the Town Board of the Town of Clarence was held on Wednesday September 11, 2024 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 8:35 a.m.

Members of the Town Board present were Councilmembers Robert Altieri, 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.

Absent: Councilman Michnik.

Director of Community Development - Jonathan Bleuer

PUBLIC HEARINGS:

Jaqueline Winterhalter

The applicant is requesting a Special Exception Use Permit for the construction of a secondary living unit as an expansion to the existing residence located at 5312 Coyote Court, on the northeast corner of Via del Sole and Coyote Court in the Loch Lea subdivision.

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

FORMAL AGENDA 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 structure is proposed to be 3-stories and approximately 45' tall at the highest point of the roof ridgeline. The applicant has spent considerable time updating elevations to a pitched roof with other architectural changes and slightly reduced the size of the building. The applicant is looking for a referral to the Planning Board to start a coordinated review through the State Environmental Quality Review Act (SEQRA).

Councilman DiCostanzo asked if the closest structure is 250 feet away.

Jonathan said that is estimated. The building was reduced in size a bit, but there are significant setbacks from the building to any residential lot.

Supervisor Casilio would like to see what the line of site is from the rear window on the building.

Supervisor Casilio also mentioned that he received a complaint from a commercial business that there is too much traffic on Main Street.

Councilman Shear said his biggest concern with a boutique hotel/restaurant, and the amenities that go along with it, is what are they going to do about septic.

Jonathan said the applicant was asked to reach out to the Erie County Health Department for preliminary conversation, which has been done.

Councilman Shear said he likes the project and thinks a boutique hotel in Clarence is a fine idea, if we can make it work.

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

The existing 8.5-acre property is located in a split zone. Commercial is up front and Single-Family Residential in the rear. The property contains numerous commercial structures.

Supervisor Casilio asked if this is ready to be referred to the Planning Board.

Jonathan said yes, a professional drawing has been submitted.

Supervisor Casilio is concerned items for sale will be displayed along Main Street.

Jonathan agreed. The applicant has a non-compliant track record.

Councilman Shear asked if we have any information on the landscaping business.

Jonathan said we have very little information.

Councilman DiCostanzo asked if there was any discussion on signage.

Jonathan said no.

Councilman Shear asked if all the old signage is down.

Jonathan said yes. Any business that is not operating there, does not have a sign. A referral to the Planning Board would allow for a thorough review of this proposal

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.

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.

Supervisor Casilio asked if this will have to go to the Zoning Board of Appeals.

Jonathan said he would expect that. There is a tradeoff. In order to get a more traditional design pitched roof, the building will be higher. It is proposed to be forty-five feet. The maximum height in a Traditional Neighborhood District is forty feet.

Jonathan added that we don't expect the NYS Department of Transportation will allow two curb cuts.

Supervisor Casilio questioned what the fire company might want.

Jonathan said all those details will be worked out under the SEQRA review process.

Councilman DiCostanzo questioned the amount of greenspace along Main Street.

Jonathan said the plans don't show any greenspace in the public right of way.

Supervisor Casilio questioned the large amount of parking in the rear.

Jonathan said he expects this to meet our Town Code for parking for commercial space.

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

Scott Irish-Bronkie

The applicant is requesting consideration of a demolition approval for a structure built prior to 1950 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.

Per our code this requires SEQRA review. What is on the agenda today is for the Town Board to consider the Town as lead agent under SEQRA. The Historic Commission has reviewed this extensively with the applicant over a series of years. They have determined that the structure is historically significant and as such, they have requested the Town Board designate the property as a landmark. The applicant has provided a lot of documentation to the Town showing their attempts and analysis of the structure as to why it should be demolished. They are facing some building code violations, resulting in court appearances.

Supervisor Casilio recognized Thomas Steffan, member of the Historic Preservation Commission.

Mr. Steffan gave a presentation on why the structure located at 10594 Main Street should not be demolished and given historic landmark status. He stated that the historic preservation code provides a parallel track to the SEQRA process, where the applicant can still get a demolition if it is too expensive to stabilize it and make repairs. The historic preservation code has a hardship provision. If the structure is designated, the next step would be to hold a hardship hearing where evidence would be presented on the cost of rehabilitation. If the applicant shows that the cost is prohibitive, the demolition permit would have to be issued.

Supervisor Casilio first and foremost thanked Mr. Steffan for his service to the Historic Preservation Commission. He appreciates the way Mr. Steffan looks at all the projects and the work he does, but totally disagrees on this. The structure of the building is already gone.

Mr. Steffan said the interior planks and roof are from Asa Ransom.

Supervisor Casilio said the mission is to look at just the exterior of the building, not the interior.

Mr. Steffan said all he is asking for is time to run this hearing.

Town Attorney Lawrence Meckler said the process and request for time sounds reasonable, but we have never had a circumstance with an unwilling property owner that was forced to go through the process. Telling a property owner that they have to go through a process with a body, in order to do something with their property, has never been done. We have never forced a property owner into a hearing.

Mr. Steffan stated, then you are not enforcing your code.

Councilman DiCostanzo said we are talking about two different codes: building code and historic code.

Supervisor Casilio asked if we should hold off for two weeks. He would like to double check the parameters.

Jonathan commented that the Town Board should declare lead agent status. Declaring lead agent status is not making a determination, but then it is a minimum thirty-day analysis.

Councilman DiCostanzo asked Mr. Steffan to clarify how much time he was asking for. Mr. Steffan said sixty days maximum.

Mr. Meckler said he is concerned with the Town being tied into the hardship hearing and the decision that is made there.

Councilman DiCostanzo asked Mr. Steffan if the Historic Preservation Commission gets what they want, what does he see this turning into.

Mr. Steffan said he doesn't need to do that now. The process just needs to go one step at a time, to recognize the structure for what it is.

Councilman Shear added that once we go down that road, we can't stop.

Jonathan said that is why it is so important to have willing participants in the historic preservation program. One of the challenges here is, if landmarked, landmark status only protects the publicly visible exterior. So, you can still have an unwilling property owner that could go in without any board review and do anything they want to the inside.

Mr. Steffan disagreed and said they would have to get a certificate of appropriateness from the Historic Preservation Commission.

Jonathan said no, not for anything inside.

Jonathan added from a time perspective, if the Town declares lead agent, no action can be taken for a minimum of 30 days where anything can be additionally submitted for the file for review. The problem is that the applicant submitted his original application for demolition in September 2020 and is currently dealing with the Clarence Town Court saying there has to be action taken.

Supervisor Casilio thanked Mr. Steffan again for his time and said he would reread the law.

Dynabrade, Inc.

The applicant is requesting preliminary conceptual review of a proposed 90,000 sq ft light manufacturing and office building located at 8989 and 9035 Sheridan Drive in the Commercial zone on the south side of Sheridan Drive, west of Main Street.

This would be in addition to the existing business operation at 8989 Sheridan Drive.

Supervisor Casilio asked if they have elevations.

Jonathan said yes.

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

WORK SESSION ITEMS:

Annual Excavation Permit Renewals

To Consider the annual renewal of the following excavation permits:

- A. New Enterprise/Buffalo Crushed Stone, 8615 Wehrle Drive.
- B. Lakeside Sod, 6660 Goodrich Road.
- C. Michael Development, 10001 Wehrle Drive.
- D. Michael Development, 10051 Wehrle Drive.

All required paperwork, including up-to-date tax bills, NYSDEC permits, bonding, and necessary fees are being collected by the Planning Office, and will be on file prior to the public hearing.

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

TOWN BOARD REPORTS:

Supervisor Patrick Casilio

- Brought up discussion regarding daycare in private houses.
- We have agreed to work in relationship with the Clarence School District to take on a third School Resource Officer (SRO). The school has interviewed three people. All three were qualified for the position. The one chosen is highly qualified but does not live in Clarence.

Mr. Meckler commented that since it is the School District's hire, the residency requirement can be waived. Otherwise, it would be telling the School District that they couldn't hire someone that has been selected through the interview process.

- Highway Superintendent James Dussing has complained about the two SRO vehicles that were purchased secondhand from a fire company. Three used vehicles have been found to replace them.

Town Engineer Timothy Lavocat said there are three motions: one for the Clarence Library boiler, one for the Clarence Senior Center garage addition and one for CJ Brown to begin working on replacement of two new units at the Police & Court building. The old units would be taken down to the old Highway Building to utilize in the future in the Recreation Building.

Councilman Peter DiCostanzo

- No Report

Councilman J. Paul Shear

- Reported on the progress of tree planting in the Harris Hill area. At this point looking at planting 42 trees, averaging approximately five hundred fifty dollars per tree. Currently have roughly fifteen thousand dollars available. Will be requesting the additional funds.

Councilman Robert Altieri

- The Clarence Lion's Club is working on a medical closet. They accept donations of medical supplies such as walkers, wheelchairs and crutches and then supply those items to those in need for free.
- The Historic Preservation Committee has requested a meeting with the town board to receive a presentation regarding making the Clarence Hollow a Historical District. The meeting will take place on October 9, 2024.

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo, to adjourn the work session at 9:42 a.m. and enter into Executive Session pursuant to §105(1) h of the Open Meetings Law to discuss real property. Upon roll call – Ayes: All; Noes: None; Absent: Councilman Michnik. Motion carried.

Gayle M. Brace
Deputy Town Clerk

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo, to adjourn the Executive Session at 9:50 a.m. Upon roll call – Ayes: All; Noes: None; Absent: Councilman Michnik. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, September 11, 2024 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 9:57 a.m.

Supervisor Casilio asked for a moment of silence for the people who lost their lives September 11th.

Members of the Town Board present were Councilmembers Bob Altieri, 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. Councilman Daniel Michnik was absent.

Motion by Councilman DiCostanzo, seconded by Councilman Shear to approve the minutes of the Work Session and Town Board Meetings for August 28, 2024.

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

Supervisor Casilio stated that they will be moving the agenda items a little bit because they had to review some land purchase items which made the meeting start late. Due to time restrictions of the applicant, we will start with agenda item 14.

Scott Irish-Bronkie 10594 Main Street. North side Main Street, west of Bank Street. Existing 0.27-acre property located in the Hollow Traditional Neighborhood District, containing a vacant structure built prior to 1950. The applicant is requesting consideration of a Demolition approval for the structure. The applicant originally applied for demolition of the structure in September of 2020. In April of 2021, the Historic Preservation Commission presented initial research of the property/structure, and requested that the applicant consider putting a hold, or withdrawing the request for demolition to allow for further research and investigation. Thereafter, the applicant withdrew his application for demolition. Concurrently, the applicant has faced Building Code violations for the structure. These violations have led to Justice Court review, spurring the applicant to seek additional mitigating measures. The applicant has submitted a structural analysis, asbestos reporting/abatement records, and other related documentation. In June of 2023, the Historic Preservation Commission formally recommended Local Landmark Designation of the property/structure to the Town Board. At that time, the Town Board declined to pursue such designation. In June of this year, the applicant re-applied for demolition of the structure. In August, 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 Town Board has authority to act on this request, after a review and action through the State Environmental Quality Review Act (SEQRA).

Scott Irish-Bronkie was present to answer any questions and stated that he was born and raised in Clarence, runs a business here and am now raising my family in Clarence. I live in the hollow and am also the treasurer of the Hollow Association being actively involved in the community. I am a Real Estate developer and originally, I started in the Adirondacks area and up until this project I thought that was the most difficult place to develop land in. I am not asking to knock down a building here and put a high-rise in the hollow I am looking to get rid of something that is not working with business momentum providing in the Clarence Hollow. A little back ground, I bought the building in 2020, did the demo permit in September of 2020 to knock down this building. There is a portion of land on the backside on the creek where I wanted to build a 2-3 unit that looked like a single-family colonial style. I went through the demo process, got the asbestosis study done, asbestosis abatement removal, the air quality study done after that which was about \$20,000.00. I then went through Historic Preservation however through COVID they would not meet and waited until April of 2021 via zoom where I was asked to register the building, getting a 10% tax credit, or repair it making it another museum. At the end of the meeting, they said if I move forward with the demo, they would challenge that where I then spoke to Jonathan Bleuer to see what that process looked like. At that time with what I had going on I withdrew the demo permit and then explored further options possible mixed use, that type of thing. Basically, anything can be fixed for a cost. The structural issue is that there is 3 feet of standing water in the basement with a crumbling stone foundation. Even with part of the demo being to shut off all utilities to the building there was still water, I had the water pumped

out and 12 hours later it was back. Now the next step was getting the DEC and Army Core of Engineers involved with the culvert under Main Street. The cost started to become not feasible to me so I pushed the project to the back burner. I was then told that if the building was registered as a historic property, then a tax credit would be available so I submitted that and again until today there has been no response from the state's historic preservation. Then I started to get code violations from the Clarence Building Department who said I need to fix the issues and the historic preservation saying don't touch the building until there is a determination. I went to court every month, then every two month and now back to every month explaining this issue to the courts where they keep arraigining the case until we have more information which has been for the last year. The Historic Preservation has declared this as a positive declaration. I have explained to them that at this point I will sell the property for what I purchased it at five years ago for \$85,000.00 and disclose what I have gone through this far. I also suggested moving the building as a whole as they have done in the past and I would be on board with doing at their expense.

Supervisor Casilio thanked Mr. Irish-Bronkie for the information for the record. I think I am pretty familiar with historic law but I am going to take the time to refresh myself knowing a very famous person did live in that house. This building was lost thirty years ago, the outside of the building needs to be historically correct which it is not. I believe the Town Board will want to move forward with SEQRA review and will be spending more time with the commission to review it. Three owners before you possible this was destroyed as a historic marker for the hollow.

Councilman Shear stated that the SEQRA process is approximately 30 days, which gives us the opportunity to look at it, review it and understand in more detail some of the Town Codes that affect this to get to some kind or resolution as quickly as we can.

Motion by Councilman Shear, seconded by Councilman DiCostanzo that Pursuant to Article 8 of the Environmental Conservation Law, to accept the Part 1 Environmental Assessment Form as submitted and to seek Lead Agency status and commence a coordinated review among involved parties on the proposed demolition by Scott Irish-Bronkie of a structure constructed prior to 1950 at 10594 Main Street in the Hollow Traditional Neighborhood District.

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

Motion by Supervisor Casilio, seconded by Councilman Altieri to appoint Jill A Pezzino to the position of Special Patrol Officer-RPT at the rate of \$46.7687 hourly (equivalent to \$55,000.00 annually) per the AGREEMENT BETWEEN THE CLARENCE CENTRAL SCHOOL DISTRICT AND THE TOWN OF CLARENCE FOR THE PROVISION OF SPECIAL PATROL OFFICER SERVICES, as of September 11, 2024, subject to receipt of all pre-employment paperwork and pre-employment requirements being met. The Special Patrol Officer may carry or possess the approved firearm while on duty with a license issued pursuant to the penal law.

On the question the Town Board previously authorized the Supervisor to enter into and sign an Agreement with the Clarence Central School District for a Special Patrol Officer.

Supervisor Casilio commended the school for funding the now third officer to the district making it safer for our kids and grandkids to go to.

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

Motion by Supervisor Casilio, seconded by Councilman Shear to approve a salary increase for two Special Patrol Officers-RPT, Michael Ballow and Dave Dzierba, at the request of the Clarence Central School District, to \$57,000.00 annually (equivalent to \$48.4694 hourly), effective Payroll Period #19, August 31, 2024.

On the question, The Town Board previously authorized the Supervisor to enter into and sign an AGREEMENT BETWEEN THE CLARENCE CENTRAL SCHOOL DISTRICT AND THE TOWN OF CLARENCE FOR THE PROVISION OF SPECIAL PATROL OFFICER for these two Special Patrol Officers at an annual compensation rate of \$55,000.00.

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

Motion by Supervisor Casilio, seconded by Councilman Altieri the Town contracted with DV Brown Associates of Tonawanda NY to replace the heating system boiler at the Clarence Library due to an exigent circumstance of boiler failure affecting performance of the heating system. The Town Board hereby approves payment to DV Brown Associates of Tonawanda, NY in the total amount of \$71,264.00 upon completion of the boiler replacement.

On The Question, 50% To be paid from ARPA funding under Project 138. 50% to be paid from General fund.

Timothy Lavocat added this was included in the grant application that was just submitted by the Clarence Library. The system is the original which is 25 years old and the pumps will be replaced as well.

Councilman Altieri thanked Time Lavocat for all of his work on this the library board is very happy.

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

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo to approve the scope and fee proposal from Architecture Unlimited, LLC dated February 11, 2024 for design and construction documents and bid phase services associated with the Senior Center Garage Addition project in the amount of \$12,500.00.

On The Question, to be paid from project 140 and is reimbursable under the recently awarded Community Development Block Grant from Erie County.

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

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo to approve the scope and fee proposal from CJ Brown Energy & Engineering, PC dated August 22, 2024 for design and construction document phase services associated with the replacement of two (2) rooftop HVAC units at the Public Safety Building in the amount of \$10,500.00.

On The Question, to be paid from Engineering Department Professional Services Budget.

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

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo to approve the purchase of three (3) Ford Explorer vehicles not to exceed the purchase prices listed below. The purchase of the vehicles will be funded through the ARPA Funds.

1 – 2022 Ford Explorer VIN# 1FMSK8DH1NGA26358 for an amount not to exceed \$29,612.93.

1 – 2022 Ford Explorer VIN# 1FMSK8DH6NGB12409 for an amount not to exceed \$31,038.93

1 – 2021 Ford Explorer VIN# 1FMSK8DH3MGA69226 for an amount not to exceed \$28,811.93

On the question, the current two (2) Tahoe Vehicles utilized by the School Resource Officers will be auctioned once the newer vehicles are received and equipped.

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

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

Resolved, the Clarence Town Board hereby approves the purchase by the Town of Clarence of a portion of the real property located at 9365 Clarence Center Road, Town of Clarence, Erie County, New York consisting of approximately 6.10 +/- acres for an amount not to exceed \$120,000 plus any closing costs and disbursements subject to the terms and conditions of the conditional contract and to the Town's receipt of an acceptable environmental site assessment, if required by the Town.

On the question, Councilman DiCostanzo stated that this is a piece of open land right in the middle of Clarence Center surrounded by Clarence Center Road, Thompson Road and the Clarence Center Fire Company. We thought this was good for us to buy and not be developed. Thank you to Jonathan Bleuer and our legal department for putting this together for us.

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

Councilman DiCostanzo stated that for July we had four single family residential home building permits which brings our yearly total to 38 as of the end of July 2024. All of us attended a ribbon cutting for Dimar on Research Parkway with the first new building they put in, it is fantastic. The building looks great and spent a ton of money so congratulations to the owners and designers of the company. The IDA was included in this as well bringing manufacturing jobs to the town as well.

Councilman Shear stated a total of 230 new jobs between the two buildings.

Councilman DiCostanzo attended the Brother's of Mercy Octoberfest event, this is a great event if you have never attended with excellent food. We are also building a patio on the

back of the Town Clubhouse, the parks department is doing that themselves, we have such skilled workers that I am looking forward to.

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

Resolved, the Clarence Town Board hereby approves the purchase by the Town of Clarence of a portion of the real property located at 0 Martin Road, SBL 30.00-4-72.1, Town of Clarence, Erie County, New York consisting of approximately 67.90 +/- acres for an amount not to exceed \$451,600 plus any closing costs and disbursements subject to the terms and conditions of the conditional contract and to the Town's receipt of an acceptable environmental site assessment, if required by the Town.

On the question Councilman Shear thanked Jonathan Bleuer and our legal department again getting this great piece of property. A great many years ago I was picking sour cherries from this property. It is a long-time farmed area in town and one we would like to keep that way.

Supervisor Casilio asked how many acres have we now moved from becoming houses.

Jonathan Bleuer stated we are now approaching 1800 acres which shows the for those saying this is factually untrue that the green print program is no longer active, this shows that it is very much active. The Town Planning Office, Legal and you the Town Board have spent a lot of time reviewing these properties with a lot of work that goes into a simple motion like that. The Smith farm is another great example of farm land that will be preserved in perpetuity.

Councilman DiCostanzo added that this was added to the agenda today and we don't care about it ahead of time because we are doing them behind the scenes so that someone else doesn't come in and offer more money.

Supervisor Casilio stated we believe that is the direction everyone is headed so I am happy to get this one out of the system.

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

Councilman Shear stated that this fall we will be planting free trees up in the Harris Hill area where we have received favorable responses from individuals looking for trees. If you have received a letter the opportunity will go until the 13th of the month where we will then move forward. Meet in the Center will be on September 21, 2024 from 5:00 p.m. – 9:00 p.m. if you have not been you should certainly come. Games food, food trucks, bands, tours at the fire company and last year the kids were able to use the jaws of life. Come see what Clarence Center is all about.

Councilman Altieri added that the Lions are going to have a playground booth at the Meet in the Center event to talk about the all-inclusive playground that we are working on. The lions have also started what we call a medical closet of paraphernalia of medical equipment that people have and might not need any more like wheelchairs, crutches, walkers etc. It will be like a library of these materials that will be kept at the Clubhouse on Main Street that you can donate and if you need them get them free of charge. Lastly after the meeting I will be heading out to the Honor Flight golf outing at Diamond Hawk Golf Course in Cheektowaga.

Jaqueline Winterhalter (Mike Tucker, Sharp General Contracting Inc.) at 5312 Coyote Court. The northeast corner of Via del Sole and Coyote Court in the Loch Lea subdivision. An existing residence on a 0.48-acre parcel in the Planned Unit Residential Development zone. The applicant is requesting a Special Exception Use Permit for the construction of a secondary living unit as an expansion to the existing residence. The Town Board referred this proposal to the Planning Board in March. Since that time, the applicant has made modifications to the proposal based on comments being received. Modifications include the removal of a secondary front door, addition of windows and brickwork, and an increase to the roof ridgeline height where the addition meets the existing residence. In July, the Planning Board recommended approval of this request, subject to a series of nine conditions. The Town Board has the authority to consider this request after holding a Public Hearing.

Jaqueline Winterhalter was available for questions with Mike Tucker of Sharp General Contracting Inc.

Councilman Shear stated you did an excellent job on the second revision, thank you so much.

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

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

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

RESOLVED, that after a public hearing duly held on Wednesday, September 11, 2024, and after all interested parties having been heard, the Clarence Town Board approves the request of the applicants, Jacqueline Winterhalter, for a Special Exception Use Permit to allow for the construction of a secondary living unit as part of a residence addition located at 5312 Coyote Court subject to the following conditions:

1. All conditions as required in the Zoning Law must be met.
2. Unit must be secondary to the principal dwelling and not converted to a rental unit.
3. Occupancy shall be limited to family members, paid employees or temporary guest(s).
4. Occupancy shall be restricted to 2 persons to occupy the unit.
5. A Deed restriction shall be placed into the deed for the property restricting its use so as not to allow for the two-family dwelling to be utilized or converted into a rental unit and such deed restriction language is to be submitted and approved by the Town Attorney prior to the filing the deed.
6. An Agreement shall be entered into between applicants (and others if applicable) and the Town of Clarence, which agreement shall require that the applicant (and others if applicable) to prepare and record a Deed Restriction incorporating the conditions as spelled out in this resolution which shall be placed into their Deed. The Agreement and deed restrictions shall continue in perpetuity. A copy of the Agreement is required to be filed as an attachment to the Deed. A copy of the Agreement is to be submitted to the Town Attorney prior to the filing of the Deed for approval.
7. Proof of filing of the approved deed and attachment is required and must be submitted to the Town Attorney's office before a Certificate of Occupancy can be issued to the applicant.
8. The property owner, or any future property owner, shall provide certification to the Town Planning & Zoning office and the Building Department on an annual basis that the unit is being used in conformance with the conditions of approval. Failure to submit the annual certification may result in the termination of the Special Exception Use Permit, resulting in a Zoning Violation subject to enforcement and penalties as outlined within Town Code Zoning Law Chapter 229-160 and 161 or any changes made to the Code of the Town of Clarence in the future.

On the question, the specific language for the deed restrictions and the Agreement may be obtained from the Town Attorney's office.

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

Lucas James of 9485 Main Street, SBL 71.15-2-2.1. South side of Main Street, west side of Gunnville Road, north side of North Melinda Drive. An existing 9.5-acre vacant parcel in the Commercial and Residential Single-Family zones. The applicant is requesting preliminary Conceptual review of a proposed 26 to 34 room boutique hotel and restaurant, called the Skyline Hotel & Restaurant. The structure is proposed to be 3-stories and approximately 45' tall at the highest point of the roof ridgeline. This proposal was first on the Town Board work session agenda of April 24th, and subsequently on the work session agendas of June 26th and July 10th. Over this period of time, the applicant has modified the 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 on-site 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. A referral to the Planning Board would allow for a thorough review of this proposal.

Lucas James was available for questions.

Councilman DiCostanzo asked if any variances were needed for this project or setbacks.

Jonathan Bleuer stated that is correct.

Supervisor Casilio stated that we are getting closer to our vision Main Street with the new buildings.

Motion by Councilman Shear, seconded by Councilman DiCostanzo to refer the request of the applicant, Lucas James, for preliminary Conceptual review to the Planning Board to consider a proposed Skyline Hotel and Restaurant at 9485 Main Street, in the Commercial zone.

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

Amish Villa (Nassr Taher, Lydon Architects & Mike Shields, Amish Villa) at 9992 Main Street. North side Main Street, east side of Kraus Road. An existing 8.5-acre property located in the Commercial and Single-Family Residential zones, containing numerous commercial structures. The applicant is requesting consideration of a Temporary Conditional Permit for outside storage and display to operate a furniture and structure retail sales operation, and consideration of a Temporary Conditional Permit to operate a landscape business. Amish Villa previously operated at 8570 Main Street, through the issuance of a Temporary Conditional Permit (TCP) granted by the Town Board in May of 2017. In April of 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 element. Up to this point, all site activity by the applicant has been conducted prior to application being made to the Clarence Planning Office. A referral to the Planning Board would allow for a thorough review of this proposal.

Michael Shields, owner, was available for questions, I am looking to be better as I had a problem before, I am expanding to do display.

Nassr Taher of Lydon Architects was present.

Supervisor Casilio stated that we are definitely concerned from your previous location on how things were displayed outside. In the preliminary proposal you have the sheds in the back is a great starting point for you. The board is always afraid of all of a sudden, items being for sale at the road, I am hoping that when you are all done with this process, we can all be in agreement.

Michael Shields stated understood.

Councilman DiCostanzo added that before you do anything you need to call the Planning Board office, it's a simple process.

Motion by Councilman DiCostanzo, seconded by Councilman Shear to refer the request of the applicant, Amish Villa at 9992 Main Street, to the Planning Board for consideration of a Temporary Conditional Permit for outside storage and display to operate a furniture and structure retail sales operation, and consideration of a Temporary Conditional Permit to operate a landscape business, in the Commercial and Residential-Single Family zones.

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

Visone Co. Site Development, LLC. (Jake Metzger, Metzger Civil Engineering & Brianne Frawley and Tom Celik of Visone Co.) at 8560-8574 Main Street. North side Main Street, east of Harris Hill Road. Six existing parcels totaling approximately 7- acres, located in the Traditional Neighborhood District and Residential Single-Family zones. The applicant is requesting preliminary Conceptual review of a proposed mixed-use project containing multiple-family housing and commercial space. 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 sqft of commercial space, 8,801 sqft newly proposed. This proposal was previously on the Town Board work session agenda 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. A referral to the Planning Board would allow for a thorough review of this proposal.

Jake Metzger, Metzger Civil Engineering & Brianne Frawley and Tom Celik of Visone Co were all available for questions.

Supervisor Casilio asked if the existing amounts of apartments come into play for the amount of green space or is it just the new ones.

Jonathan Bleuer stated no we look at the full build out including what exists.

Councilman DiCostanzo asked if there were eight apartments in the building in the back.

Jake Metzger stated there are six existing units.

Brianne Frawley stated there are two in the one building and six in the back building.

Supervisor Casilio stated that this is just a motion to send this to the Planning Board, which is a vast improvement to the property. The whole down town Harris Hill area will benefit from this with the retail space you are bringing to the area. Many people were very upset when Paula's moved out.

Councilman DiCostanzo commented that they will need a few variances.

Jonathan Bleuer stated yes, they will which they will have to analyze that closely. Yes, there is a third story component above the multi-family housing. The addition of the gable pitched roof has added height to the structures so we definitely have to analyze those things. Whatever variances are required would be after a potential SEQRA determination by the Planning Board.

Councilman Altieri asked when the rear building would be demolished.

Jake Metzger stated after this project is complete, right now we have tenants living in that unit so that building will stay.

Councilman Shear asked if you are planning to build this in stages. Earlier we theoretically were led to believe it would be one stage.

Brianne Frawley stated that this building is not part of the project, that building will remain. It could be done in stages but that is not our intent at this time. Demo could be a different stage but the intent again is one stage.

Motion by Councilman Altieri, seconded by Councilman DiCostanzo to refer the request of the applicant, Visone Co. Site Development, LLC., at 8560-8574 Main Street, to the Planning Board for preliminary Conceptual review of a proposed mixed-use project containing multiple-family housing, and commercial space in the Traditional Neighborhood District.

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

Dynabrade, Inc. (Jason Utzig, C&S Companies) 8989 & 9035 Sheridan Drive. South side of Sheridan Drive, west of Main Street. An existing 21.75-acre property containing a light manufacturing and office facility located in the Commercial zone. The applicant is requesting preliminary Conceptual review of a proposed 90,000 sqft manufacturing and office building at 9035 Sheridan Drive along with associated site improvements; as a campus addition to the existing business operation at 8989 Sheridan Drive. A referral to the Planning Board would allow for a thorough review of this proposal.

Jason Utzig, C&S Companies, Mark Zelocci architect and Colin Brogan from Dynabrade were available for questions.

Jason Utzig added to what Jonathan stated that with this facility and 99 vehicles in the associated parking lot, two docks, two loading docks, trash compactor along with utility infrastructure which will include an expansion of the dry retention basin. Three storm water treatment devises, new septic system, water and fire protective systems, gas and electric, concrete sidewalks and site landscaping. The site is zoned correctly for the intended use so we are not seeking and variances so we ask that the Town Board makes this recommendation to the Planning Board.

Supervisor Casilio stated the main concern is the septic system which has to be approved by Erie County, are you comfortable to be able to handle that.

Jason Utzig replied yes that he has already had a preliminary conversation with the Health Department and it will be a sand filtered system on rock.

Supervisor Casilio also mentioned the sidewalks that will be placed on Sheridan Drive and asked what phase that is in right now.

Timothy Lavocat stated they are in design phase now with our consult and the DOT.

Supervisor Casilio mentioned what is nice about doubling the whole square footage, I don't know how many employees that will bring in for you but they will be able to walk up to the drug stores or Tim Hortons or wherever. We may be a head of you getting the sidewalks done to when the building goes in.

Jonathan Bleuer stated that if the sidewalks are not in at the time of this development, they would be required to put the sidewalks in on their property.

Tim Lavocat stated that the earliest we would start construction on this would be 2026, possible 2027 based on the DOT schedule.

Councilman DiCostanzo asked Dynabrade what lead to the need to add this addition on.

Colin Brogan stated that we have acquired two companies in the last three years. One in Tonawanda and one in Lockport New York. We thought it was necessary on our thought process to bring all of that under one Dynabrade campus for better operational efficiencies.

Councilman Shear asked if this is a metal building.

Jason Utzig stated yes.

Motion by Councilman Shear, seconded by Councilman DiCostanzo to refer the request of the applicant, Dynabrade, at 8989 & 9035 Sheridan Drive, to the Planning Board for preliminary Conceptual review of a proposed 90,000 square foot light manufacturing and office building in the Commercial zone.

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

Motion by Councilman DiCostanzo, seconded by Councilman Shear to approve the following reservations, Clubhouse: Girl Scout Troop 30936 October 3, 2024. Legion Hall: Janel Farolino October 13, 2024; Deborah Marfurt November 23, 2024. Nature Center: Clarence Youth Bureau September 20, 2024; Canisius University Army ROTC September 19 & 26, 2024, Keith Lukowski September 21-22, 2024 Movie and October 2-October 21, 2024 Movie; Clarence Central School District October 26, 2024; Girl Scout Troop 30936 Multiple 2024 & 2025 Dates.

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

Motion by Councilman DiCostanzo, seconded by Councilman Shear to approve the following bill pay for August 29, 2024 as follows: General Funds \$121,944.31; Highway Funds \$ 239,194.23; Water Funds \$846.00, Fire protection Districts \$3,938.53; Sewer Funds \$101.68 for a total bill pay of \$366,025.75.

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

Supervisor Casilio ended the meeting with no further business at 10:55 a.m. in honor of Anthony Amigone. He bought the funeral home in the Harris Hill area where I have buried both of my parents and many other loved ones. He made that funeral home what it is today and now the only funeral home in the Town of Clarence.

Karen Hawes
Town Clerk