

The Work Session meeting of the Town Board of the Town of Clarence was held on Wednesday September 25, 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.

Director of Community Development - Jonathan Bleuer

**PUBLIC HEARINGS:**

**Jens Richter**

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

It has been determined the house was constructed in such a way that would easily accommodate a duplex or a two-family living situation, as such, requires consideration of approval for a secondary living unit. This would deed restrict the property and allow us to enforce it to only be used as a single-family living unit. The Planning Office has received many emails and inquiries from the neighborhood, who are completely opposed to just about everything the applicant has done here.

Supervisor Casilio asked if it is three hundred feet or less off Sheridan Drive.

Jonathan said yes.

Supervisor Casilio asked if it is commercial or residential.

Jonathan said it is Residential Single Family.

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

**FORMAL AGENDA 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 have been collected and are on-file in the Planning Office.

Discussion followed regarding dust and mud on the road from Buffalo Crushed Stone.

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

**WORK SESSION ITEMS:**

**Shaun Pierce**

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 8191 Clarence Lane North, on the southeast corner of Clarence Lane North and Gott Creek Trail.

The existing residence is on a 0.44-acre parcel in the Residential Single-Family zone. The proposed secondary living unit addition is required to have a 12.5' side yard setback, however the proposal seeks a 5' side yard setback. Should the Town Board wish to consider this request, the applicant will be required to seek a 7.5' variance from the Zoning Board of Appeals. The applicant previously received a variance from the Zoning Board of Appeals in 2000 to construct a detached accessory structure within the Gott Creek Trail front yard setback.

Discussion continued regarding size, placement and fire code of the addition.

Supervisor Casilio asked if the project should be moved forward if it doesn't work.

Jonathan suggested to let the applicant come in two weeks to hear from him. The Town Board can decide at that time whether or not the project should be sent to the Planning Board for further review.

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

**Tim Krantz**

The applicant is requesting preliminary conceptual review of a proposed 8-lot major subdivision, Sunset Meadows, located at 8960 Lapp Road on the north side of Lapp Road, west of Heise Road.

The existing 90-acre property is located in the Agricultural Rural-Residential zone and Agricultural-Floodzone, containing C.J. Krantz Organics; a topsoil, mulch, compost, and stone operation.

One private vehicular access point to Lapp Road is proposed. The smallest proposed lot is 2.79-acres, while the largest lot is 47.11-acres. The existing business operation is proposed to remain on a 4.22-acre exception parcel.

Councilman Shear asked if this project meets code.

Jonathan said it appears that it does, but is subject to a deep review.

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

### **Edge Development, LLC.**

The applicant is requesting preliminary conceptual review of a proposed mixed-use project containing multiple-family housing and commercial space located at 9105 Sheridan Drive, on the south side of Sheridan Drive, west of Main Street.

The existing 2.8-acre vacant property is located in the Commercial zone.

The project consists of approximately 5,250 sq ft of commercial space and twenty-four apartments. One 3-story mixed-use building fronting Sheridan Drive would contain 5,250 sq ft of commercial and two apartments on the first floor, and a total of ten apartments on floors 2-3. Three 2-story residential townhome buildings are proposed to the rear, each containing four units.

Per Town Code, multiple-family projects in the Commercial zone are limited to a maximum of 2-stories, and projects without access to a public sanitary sewer are limited to sixteen residential units. The project also exceeds the allowable density for the size parcel. To consider this proposal, variances will be required by the Zoning Board of Appeals.

Supervisor Casilio asked how much it is over the allowable height.

Jonathan said he does not have a dimension of total height.

Supervisor Casilio addressed the applicant, Bill Burke, saying we have to treat everyone fairly and we have had similar developments to this that needed to make changes in order to make the project more compliant. A good starting point would be to get a list of how many variances are needed. If this didn't require any variances, it looks like a good project.

Councilman Michnik added he does not like all the apartments.

Jonathan said he will work with the applicant over the next couple weeks to try to get the project closer to compliance and fully detailed out.

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

### **TOWN BOARD REPORTS:**

#### **Supervisor Patrick Casilio**

- Clarence Center's Fallfest was an amazing event. More tables and light towers are needed. The Parks Department is willing to get involved.
- Has numerous motions.
- 2025 budget will be submitted on Monday September 30, 2025. The fire companies are at the two percent level.
- The floor in the bathroom at the pool has been professionally finished. The walls have been painted and new partitions installed. The front step of the Clubhouse was also finished in the same manner. The patio project at the Clubhouse is also moving along. The windows on the back porch of the Clubhouse should be looked at.

#### **Councilman Peter DiCostanzo**

- Has several motions.
- Thanked Town Engineer Timothy Lavocat for the progress of work being done on the pavilion at Fogelsonger Park.

#### **Councilman J. Paul Shear**

- Letters were mailed out regarding trees. Fifty responses were received, requesting a total of seventy-eight trees. If one tree is considered for each of the fifty residents, the total cost would be \$27,659.56. That makes us \$13,000.00 short.

Supervisor Casilio asked if the plantings will be done with a contractor.

Councilman Shear said yes.

Supervisor Casilio said the \$13000.00 will be taken care of.

Councilman DiCostanzo asked if anyone replied not to receive a tree.

Councilman Shear said yes. Some turned it down because they didn't like the choices.

Supervisor Casilio said he received a letter and replied not to receive a tree and asked who the contractor is.

Councilman Shear replied Lavocat's.

Supervisor Casilio asked if that is with a one-year guarantee that the tree lives.

Councilman Shear said yes.

- The Planning Department attended the National American Planning Association Conference this year and came away with quite a bit of useful information. They are requesting to attend again next year.

Supervisor Casilio said of course, for further education.

Councilman Daniel Michnik

- Brothers of Mercy is doing their Trunk or Treat event on October 5, 2024 from 2 - 3:30 p.m. at 4520 Ransom Road.
- The Clarence Historical Society is having a "Custer & the Indians" presentation on October 8, 2024 from 6:30 – 8 p.m. at the Town Park Clubhouse.
- Thanked Parks Superintendent Jason Holden and the Parks Department for all the work they have done around the Historical Museum.
- The Youth Bureau is having Halloween in the Park on October 12, 2024 from 5:30 – 8 p.m. at the Main Street Town Park. The local Fire Companies will be there for Trunk or Treat.

Councilman Robert Altieri

- The Clarence Library is happy with the air conditioning unit and boiler that were installed.
- The Erie County Sheriff Department has been contacted regarding trouble that has been happening in the Harris Hill neighborhood.
- The Lion's Club had a table at Clarence Center's Fallfest introducing information regarding the playground they want to have built.

Town Engineer Timothy Lavocat reported the fencing is being taken down surrounding the Pocket Park pavilion in Clarence Center.

Motion by Supervisor Casilio, seconded by Councilman Shear, to adjourn the work session at 9:41 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. Motion carried.

Gayle M. Brace  
Deputy Town Clerk

Motion by Supervisor Casilio, seconded by Councilman Shear, to adjourn the Executive Session at 9:51 a.m. Upon roll call – Ayes: All; Noes: None. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, September 25, 2024 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 9:56 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 Shear to approve the minutes of the Work Session and Town Board Meetings for September 11, 2024.

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

Motion by Supervisor Casilio, seconded by Councilman Altieri that upon the recommendation of the Superintendent of Highways, to appoint the following to the open position of Laborer in the Highway Department at Step 1 of the Blue-Collar Union Contract at the hourly rate of \$27.0369 per hour, effective on October 15, 2024 subject to receipt if all pre-employment paperwork and pre-employment requirements being met.

1. Tylor McCaulley
2. Alex Sweeney

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

Motion by Supervisor Casilio, seconded by Councilman Michnik to authorize New York State Electric and Gas to activate one (1) LED cobrahead streetlight on existing NYSEG pole 323-1 on Railroad Street per the layout dated September 17, 2024 and upon the complete installation in accordance with all current New York State Electric and Gas details and specifications. The standard, fixture, connection and mount to be owned and maintained by New York State Electric and Gas under the terms and conditions of the Service Class 3 street lighting agreement between New York State Electric and Gas and the Town of Clarence.

On the question, Supervisor Casilio stated that this is on the edge of the Municipal Law down at the Highway Garage.

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

Motion by Supervisor Casilio, seconded by Councilman Altieri to award the decommissioning of the ground mount solar panel system at the former Highway Department site to Solar by CIR of Grand Island New York in the amount of \$10,500.00 per the approve the scope and fee proposal dated August 06, 2024.

On the question, Solar by CIR was the lowest responsive proposal received, to be paid from Capital Project 123 – Pocket Park. Supervisor Casilio stated that those panels have been deemed as not working for years and we were unsure of the voltage. It was close to \$20,000.00 to get them up and running.

Timothy Lavocat stated that is correct and the campus is changing and what those panels had been powering has been demolished as part of our project.

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

Motion by Supervisor Casilio, seconded by Councilman Michnik to authorize payment in the amount of \$970.00 to the Town of Amherst for Flood Gauge Metering of Tonawanda Creek Road at Rapids Road as part of the joint funding agreement with the Town of Amherst.

On the question, the flood gauge at Rapids is monitored remotely in real time by the Town of Clarence to determine flood levels in northern Clarence during flooding events, to be paid from the Joint Drainage Facility Account.

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

Motion by Supervisor Casilio, seconded by Councilman Shear to set Public Hearings to be held on October 23, 2024 to consider entering into contracts with the fire companies for fire protection in the Town of Clarence for the year 2025 as follows:

9:45 am	Clarence Center Volunteer Fire Company, Inc. for an amount not to exceed (one year Contract for year 2025)	\$952,646.00
9:50 am	East Amherst Fire Department, Inc. for an amount not to exceed (one year Contract for year 2025)	\$315,752.00
9:55 am	Harris Hill Volunteer Fire Company for an amount not to exceed (one year Contract for year 2025)	\$865,837.00
10:00 am	Rapids Volunteer Fire Company for an amount not to exceed (one year Contract for year 2025)	\$49,407.00
10:05 am	Swormville Fire Company, Inc. for an amount not to exceed (one year Contract for year 2025)	\$ 264,676.00

Supervisor Casilio stated that the start time of the Town Board meeting may be changing but that won't affect the times of the public hearings.

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

Motion by Supervisor Casilio, seconded by Councilman Shear that upon the recommendation of the Superintendent of highways, Andrew Hint be appointed the position of Maintenance Worker-Promotional in the Highway Department at Step 1 of the Blue-Collar Union Contract as the hourly rate of \$29.6551 per hour, effective September 28, 2024.

On the question, this is a promotional appointment from his current position of Laborer in the Highway Department. Superintendent of Highways said that Andrew has proven that he has the skills, ability and dedication to be moved to the next level.

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

Supervisor Casilio stated that the representative for the windmills was present and called her to the front to speak.

Pattie Meckes of CAWTILE, Citizens Against Wind Turbines in Lake Erie, was present stating that since she was here last on May 22, 2024 many more municipalities have signed resolutions to ban wind turbines. Twenty-seven counties have passed resolutions in the surrounding areas. Chautauqua County has twenty-two counties with resolutions and many others that have this on their agendas. Many of the towns' residents are opposed to the wind turbines in the lake for various reasons, proud boat owners and fisherman. Eleven million people get drinking water from Lake Erie as well as contaminating the fish we eat. Since I last address the Town Board, the Nantucket disaster made national news that was a catastrophe July 25, 2024. What if this happened here in Lake Erie and not cleaned up. Additionally, I am working with our County Legislatures who are also opposed to the wind turbines. Wind power is not the answer to a permanent need putting the burden on the tax payers. CAWTILE continues to be proactive is looking to the future to preserve and protect Lake Erie, educate our community and ask that you pass a resolution to help us with that. Protecting Lake Erie is worth the fight and the right thing to do.

Supervisor Casilio thanks Ms. Meckes for coming today, we will continue to monitor this and see what is in the future so keep in touch with us.

Motion by Councilman DiCostanzo, second by Councilman Altieri to accept the quote of September 10, 2024 from Grosso Door & Hardware for the replacement of partitions in the Pool Locker Rooms with High Density Polymer and stainless-steel grab bars for Handicap toilet compartments at an amount not to exceed \$8,938.00

On the question, this will be paid through the Improvements budget line 1.7180.0265.  
Upon roll call – Ayes: All; Noes: None; Absent: None: Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Michnik to approve a leave of absence for Clifford Trapper of the Recreation Department, beginning Saturday October 19<sup>th</sup>, 2024 through Tuesday November 12<sup>th</sup>, 2024, and returning to work Wednesday November 13<sup>th</sup>, 2024

On the question, this is for retirement purposes, he will be transferring his NYS Retirement to the NYS Teachers retirement and cannot work during the transfer application period. Clifford will stop being reported to our NYS Retirement System effective October 18, 2024.

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

Motion by Councilman DiCostanzo, seconded by Councilman Shear to accept the quote of September 18, 2024 from Altec Industries, Sales Quote 1632295 for the purchase of an Altec AT37G Articulating Telescopic Aerial Bucket Truck at an amount not to exceed \$196,706.00

On the question, this will be paid utilizing ARPA Funds Project #145, once received the prior bucket truck P-598 will be sold at auction, this quote is also on Sourcewell.

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

Motion by Councilman DiCostanzo, seconded by Councilman Michnik to accept the quote of August 30, 2024 from Grassland Equipment, Quote # Ventract4520N, for the purchase of a 4520 Ventrac Tractor with a three-point hitch, MU720 mower and a ET202 Turbine Blower for an amount not to exceed \$44,765.60

On the question, this will be paid from ARPA Funds project #143 for our Parks Department, this quote is on NYS Contract PC69682 and this will replace P-439 and P-368 which will be removed from inventory and utilized for parts only.

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

Motion by Councilman DiCostanzo, seconded by Councilman Shear to approve the following transfer of funds in the 2024 Pool Department Budget:

\$8,938.00 from account #001.7180.0101.0000 – Personal Services Part Time to account #001.7180.0265.0000 - Improvements.

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

Motion by Councilman DiCostanzo, seconded by Councilman Altieri to accept the quote of August 20, 2024 from Coro Medical LLC, Sales Quote QUO093929 for the purchase of (6) ZOLL AED Plus Semi-Auto AEDS with adult pads, pediatric pads and wall cabinet at an amount not to exceed \$9,090.00

On the question, this will be paid utilizing ARPA Funds Project #144, these will be placed at various Town locations, this quote is also on Sourcewell.

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

Councilman DiCostanzo thanked Timothy Lavocat and the contractor for Folgelsonger Park shelter, if you are driving down Greiner Road look to the south to see the new building and updated bathroom. At the Main Street Park behind the Clubhouse, you can see the new patio going in, thank you to the Park's Department and the skilled workers that work for us to do this update. Residential single-family permits, we had four for the month of August which brings us to a yearly total so far of 42 new homes. Lastly thank you to all who were involved with Fallfest this past weekend, it was a great event as always.

Supervisor Casilio mention while on this subject, Greiner Road sidewalk project is completed and we have lots of negative comments on social media about them. When we retrofit existing streets, we follow the lay of the land, like we did on Main Street for miles. There are some questions of the slopes being ADA compliant if our Engineer, Timothy Lavocat could speak to them.

Timothy Lavocat stated that that is correct, everything is compliant with ADA and New York State standards and the project will be closed out within the next two weeks. The next projects will be on Sheridan Drive and then in Clarence Center.

Councilman DiCostanzo stated that now when he drives down Greiner Road, he sees people walking all the time where he never use to or maybe not on this route, which is good to see.

Supervisor Casilio stated that we are following Greiner Road and if we wanted to keep it level, we would be dealing with sheer walls in front of some of these yards.

Timothy Lavocat added that it is difficult to retrofit already existing areas with sidewalks. You have a lot of obstacles with underground, aboveground utility poles and fire hydrants. There are slopes that you have to deal with because we cannot enter onto private

property where we are limited. We believe we achieved the goal with that project with pedestrian safety with a lot of people using it.

Councilman Shear mention Fallfest in Clarence Center, it was packed. We have already talked about a couple more lights and tables for the great evening get together where the weather was perfect. Additionally, we have looked at planting trees on the right-of-way this year in the Harris Hill area and have had 50 responses from the letters mailed out and will be doing more next year as well in more locations. Lastly, the Family Support Center will be having a headlight walk on October 21, 2024 at the Nature Center with Halloween theme.

Councilman Michnik mentioned that on October 5, 2024, Brother's of Mercy will be having a Trunk-or-Treat. October 8, 2024 the Historical Society will have a speaker at the Town Clubhouse on Main Street on the Indians with a 7:00 p.m. start time. Additionally, the Historical Society Museum has new signage and features that if you have the chance, you should go and check out the improvements and is open every other Sunday from 1:00 p.m. – 3:00 p.m. October 12, 2024, the Clarence Youth Bureau is having a Trunk-or-Treat at the Main Street Park 5:30 p.m. – 8:00 p.m.

Councilman Altieri thanked Timothy Lavocat for the completed work at the library, the air conditioning system and boiler are appreciated. At the Fallfest, the Lions group was there with information on the all-inclusive playground and we had kids drawing things that they would like to see at the new playground. This and the entire Fallfest was a great event and congratulations to all on the successful night.

Motion by Councilman Shear, seconded by Councilman DiCostanzo to approve the following Special Event Request:

Celebrating a 500+ mile walk beginning in New York City and ending in Sunset Park and at the commemorative bench for Deborah Curtis' son, Brock, bringing awareness to mental health and suicide prevention. The event is open to family, friends and all members of the community and a group photo will be taken at the commemorative bench. The event will take place Saturday, October 19<sup>th</sup>, 2024, 2:00 p.m. – 6:00 p.m. the Sunset Park, 4085 Harris Hill Road.

On the question, the Certificate of Insurance has been submitted.

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

Karen Hawes, Town Clerk, stated that she has received the warrant from Erie County to collect the School Tax Bills that are due October 15, 2024, with no penalties. Starting October 16, 2024, 7.5% fee is added for late payments that no one can waive as this is a tax law. All bills have been mailed and if you don't receive one call us, as you are obligated as a home owner to pay even if you don't receive the bill. Office hours are 8:30 a.m. – 4:30 p.m. Monday thru Friday for in person payments, online payments can be made on our website, you can mail your payment or we also have a night depository box on the brick wall next to the door that faces north. Mail payments with the appropriate postal marked date will count as on time. We do not suggest paying with your banks online service because when they mail in the payments the



envelopes are not appropriately post marked, meaning if they are received after October 15, 2024, they will incur late penalties. Please call our office at 716-741-8938 with any questions.

Jens Richter, represented by Jon & Alina Pierowicz, at 4775 Boncrest East. 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 Special Exception Use Permit for a secondary living unit that was constructed as part of the 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 holding a Public Hearing.

Jon Pierowicz was present on behalf of the applicant who was out of the Country.

Councilman DiCostanzo asked Jonathan Bleuer if just the second unit was not able to be rented.

Jonathan Bleuer stated that is correct it cannot be rented as two units, the unit as a whole property can be rented.

Councilman Michnik asked if the property was being rented right now and how long is the lease.

Jon Pierowicz stated yes but only by one single tenant with a one-year term that started possibly within the last two months, this I am not completely certain on.

Councilman Casilio stated that this is a way to lock in the property and manage the neighborhood.

Jonathan Bleuer stated yes this gives us more authority to enforce this regulation and certainly the deed restriction would pass on to any future subsequential owners.

Mary, a resident from the Sheridan Hill and Boncrest area was present speaking on behalf of herself and the neighbors. We are opposed to this being two separate rentals and want to keep this as a single resident neighborhood with no exemptions to anyone.

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

Jon Pierowicz stated that he is in understanding of the hearing and will pass that information along to the owner.

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

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

RESOLVED, that after a public hearing duly held on Wednesday, September 25, 2024, and after all interested parties having been heard, the Clarence Town Board approves the request of the applicant, Jens Richter, for a Special Exception Use Permit to allow for a secondary living unit as part of a residence located at 4775 Boncrest Drive East 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 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.
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.

Councilman Shear asked the representative if he has heard, understands and accepts the conditions.

Jon Pierowicz stated yes.

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

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

The Town Board has the authority to consider these requests after setting and holding a Public Hearing. All required paperwork, including up-to-date tax bills, NYSDEC permits, bonding, and necessary fees have been collected and are on-file in the Planning Office.

Motion by Councilman Michnik, seconded by Councilman DiCostanzo to set a public hearing for Wednesday, October 23, 2024, at 10:10 a.m. to consider the Annual Excavation Permit Renewals for the following:

- a. New Enterprise/Buffalo Crushed Stone, 8615 Wehrle Drive
- b. Lakeside Sod, 6660 Goodrich Road
- c. Michael Development, 10001 Wehrle Drive
- d. Michael Development, 100051 Wehrle Drive

On the Question, this is an annual renewal permit and all applicants must comply with conditions as established by NYSDEC and the Town of Clarence Excavation Law.

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

Motion by Councilman DiCostanzo, seconded by Councilman Shear for the following application; Clubhouse: Eastern Hills Wesleyan October 2, 2024, Clarence Republican Committee October 15, 2024, Clarence Central Schools Family Support Center October 21, 2024, Clarence Cross Country Boosters November 18, 2024, Girl Scouts December 7, 2024. Legion Hall: Jackie Bartels October 6, 2024, Bill Ess October 12, 2024, Nicole Blankenship October 20, 2024, Susan Duffy November 30, 2024.

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

Motion by Councilman DiCostanzo, seconded by Councilman Michnik to approve the bill pay for September 19, 2024 as follows: General Funds \$198,914.31; Highway Funds \$203,903.90; Drainage Funds \$7,343.08; Lighting Funds \$647.18; Sewer Funds \$200.00; Capital Funds \$148,292.27; and Aquatic Growth Funds \$1,775.00 for a total bill pay of \$561,075.74.

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

With no further business, Supervisor Casilio closed the meeting at 10:38 a.m.

Karen Hawes  
Town Clerk