

The Work Session meeting of the Town Board of the Town of Clarence was held on Wednesday October 23, 2024 at the Clarence Town Hall, One Town Place, Clarence, New York.

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

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

Director of Community Development - Jonathan Bleuer

**PUBLIC HEARINGS:**

**Annual Excavation Permit Renewals**

Consider the annual renewal of the following excavation permits:

1. New Enterprise/Buffalo Crushed Stone, 8615 Wehrle Drive.
2. Lakeside Sod, 6660 Goodrich Road.
3. Michael Development, 10001 Wehrle Drive.
4. 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.

The Town Board has the authority to consider these requests after holding a Public Hearing.

**FORMAL AGENDA ITEMS:**

**Scott Irish-Bronkie**

The applicant is requesting consideration of a demolition approval for the vacant structure built prior to 1950 located at 10594 Main Street, on the north side of Main Street, west of Bank Street.

We have taken the necessary time under SEQRA requirements to study this. A draft of Part 2 and 3 Environmental Assessment Form has been given to the Town Board, taking into account all the information received up to this point. This has been under review since September 2020.

Councilman DiCostanzo asked if the house was ever listed for sale under the MLS.

Councilman Shear said it was suggested the applicant put a for sale sign up.

Councilman Altieri said it has been suggested that the timbers be saved.

Jonathan added that in the SEQRA, it is identified that under the applicant's discretion, should he choose to save any of the architectural elements during the demolition process the Town would have no involvement in that.

Jonathan said to simplify this, the Town Board really has two options: to designate it as a historic landmark or allow the demolition. Everything else is at the discretion of the applicant.

Supervisor Casilio added, or table it.

Conversation continued regarding the condition of the building.

Councilman DiCostanzo read an email received: As the oldest town in Erie County, it is alarming that the Clarence Town Board has not adhered to the procedures mandated by its Historic Preservation Law. Including issuing notices, holding a public hearing and seeking comments from interested agencies.

Councilman Shear said all of which has been done.

Jonathan said if you were to designate this as a historic landmark, setting a public hearing would be required. That is not the path we are on. We have followed the process of the demolition of a historic structure to a T.

Councilman Altieri said two members of the Historic Preservation Committee were asked what they would do with the structure if it was not demolished. They had no answer.

Supervisor Casilio said this is a double edge sword. We want to protect our historical structures in town, but we don't want to see urban blight or people getting hurt on the property.

Councilman Shear said this structure is not consistent with Vision Main Street.

Councilman DiCostanzo said he would like to see an honest effort put in to attempt to sell the property.

Councilman Shear said we can: table this, talk about it, put it on MLS. Nothing is going to change. Nothing about this works.

Town Attorney Lawrence Meckler added we have never designated a property against a property owner's will.

Supervisor Casilio said if someone makes a motion to tear it down and we get a second, we are five board members and can individually vote either way.

**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.

This is an existing 90-acre property. 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.

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 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 7,000 sq ft of commercial space and 22 apartments.

This proposal was previously on the Town Board work session agenda of September 25, 2024. Due to comments received, the applicant reduced the residential density by 2 units, while increasing the total amount of commercial space. The applicant has verified that the proposed mixed-use building will meet the underlying zoning maximum building height limit of 45 ft.

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 16 residential units. To consider this proposal, variances will be required by the Zoning Board of Appeals.

Councilman DiCostanzo asked how do you get a variance for twenty units when only sixteen are allowed.

Jonathan said the number sixteen is an arbitrary number back from when the NYS DEC had a very strong opinion regarding septic. That mindset has changed. It has unfortunately encouraged people to slice up properties, which we are not in favor of, so that number has to change. We don't want fragmented properties.

Councilman DiCostanzo asked don't we also have a number of units per acre.

Jonathan said yes. Four for septic, eight for sewer. There are also transfer and mixed-use incentives offered.

Councilman Michnik said he not in favor of the three-story buildings.

Councilman Shear added three-stories saves a lot of ground. Spreading that out might give you double or triple that footprint.

Jonathan said the Town needs commercial development for long term economic sustainability. The only way these projects are penciling out with our extremely limited density, is these three-story structures, to still get the yield of commercial that the Town desperately wants.

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

**Natale Builders**

The applicant is requesting a Special Exemption Use Permit for a walk-out basement kitchen / secondary living unit as part of a new residence construction located at 9800 Longleaf Trail, on the north side of Longleaf Trail, in phase 7A of the Spaulding Green subdivision.

The proposal is for personal use and guest entertainment.

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

**Christopher & Lorissa Naugle**

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 5024 Rockhaven Drive, on the north side of Rockhaven Drive, in the Spaulding Lake subdivision.

The addition is proposed to create additional garage space, an in-law apartment, and backyard entertainment area.

The proposed secondary living unit addition is proposed to have a 5 ft side yard setback. Should the Town Board wish to consider this request, the applicant will be required to seek a variance from the Zoning Board of Appeals.

In this neighborhood everything needs to go through the HOA. There is an architectural review board. We could approve it and the HOA could deny it.

Councilman Shear asked if the HOA has to approve it before we look at it.

Jonathan said no. Their desire is the Town takes an action first.

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

#### WORK SESSION ITEMS:

##### **R&D Contracting Inc.**

The applicant is requesting preliminary conceptual review of a proposed 2-lot residential Open Development Area on approximately 6.11-acres located on the south side of Sheridan Hill Drive to the current terminus of Boncrest West.

The 2-lot proposal, with a single private drive access to Sheridan Hill Drive, encompasses an area previously planned for 8 sublots. The existing public t-stub terminus of Boncrest West is proposed to be converted into a code compliant cul-de-sac circle, with lot line revisions allowing for 2 residential sublots, encompassing an area previously proposed to contain 4 residential sublots, 2 of which were approved.

If approved, this would result in the area containing 16 residential sublots, down from the original 24 planned, and 14 approved.

In the past, the Boncrest West subdivision extension was originally planned for 24 residential sublots, with a u-shaped public road configuration to Sheridan Hill Drive. The westerly portion of the u-shaped road was constructed, and a total of 14 sublots were approved. The eastern portion of the u-shaped road was never constructed, and 10 of the planned sublots were never approved. They were unable to get the secondary access out to Sheridan Hill Drive because they own fifty feet and our requirement is sixty feet width for a public road.

Councilman DiCostanzo asked if the access road from Sheridan Hill Drive is being worked out with the neighbors.

Jonathan said the one neighbor has an easement to come out to that existing stub.

Councilman DiCostanzo asked if neither the original proposal or this new open development proposal meet road width compliance.

Jonathan explained the proposed two lot development meets compliance because thirty-six feet width is required for an open development.

Supervisor Casilio said our Highway Department would plow the first cul-de-sac.

Jonathan said yes, the circle would be public but the open development private.

Town Engineer Timothy Lavocat added it is essentially designed as a private drive. It is not built to Town standards, has to meet fire code, it is also not a residential driveway either.

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

#### TOWN BOARD REPORTS:

##### Supervisor Patrick Casilio

- The fire companies are coming before us today for their contracts. There was some slight pushback on a few items.
- Brought up discussion regarding movement of employees within the Parks Department.
- Has a motion today to reimburse the Clarence Hollow Association for flags and flag poles. Has received an email from the Clarence Hollow Association requesting to be reimbursed for a tent and a band. We do not give cash to organizations.
- For the record, none of the Town Councilmen are liaisons to Town service organizations. If they attend, it is strictly as a citizen not as a liaison.

##### Councilman Peter DiCostanzo

- Has one added motion regarding opposition to wind turbines in Lake Erie.
- There were five residential single family building permits issued in September 2024. A total of forty-seven for the year so far, through the end of September.

##### Councilman J. Paul Shear

- Has one motion.

##### Councilman Daniel Michnik

- The Youth Bureau Trunk n Treat event was a great event and very well attended. They raised money for the food bank. There were some issues with lighting that will be addressed.
- The new signage, benches and lighting at the Historical Museum looks great.

##### Councilman Robert Altieri

- The Lion's Club has requested the Town put up a sign where the playground is going to be built.

- There is a headlamp walk at the Nature Center this Saturday night October 26, 2024.  
There is a request to do a supervised firepit in the parking lot.

Motion by Supervisor Casilio, seconded by Councilman Altieri to adjourn the work session at 9:50 a.m. and enter into Executive Session pursuant to §105(1) h of the Open Meetings Law to discuss the acquisition of real property. Upon roll call – Ayes: All; Noes: None. Motion carried.

Gayle M. Brace  
Deputy Town Clerk

Motion by Supervisor Casilio, seconded by Councilman Altieri, to adjourn the Executive Session at 10:00 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, October 23, 2024 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 10:16 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 Supervisor Casilio, seconded by Councilman Michnik to authorize the salary adjustment for Jason Holden, Superintendent of Parks to \$94,000.00 annually effective today, October 23, 2024.

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

Motion by Supervisor Casilio, seconded by Councilman Michnik that upon the recommendation of the Parks Superintendent Jason Holden, to approve the appointment of Michael Pfentner to the position of General Crew chief-FT in the Parks Department at the annual rate of \$90,000.00 (equivalent to \$42.9390 per hour), effective today, October 23, 2024.

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

Public hearing for the consideration of the contract of the Fire Protection for 2025 with the Clarence Center Volunteer Fire Company, Inc.

Dan Loudenslager was present on behalf of the fire company.

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

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

Motion by Supervisor Casilio, seconded by Councilman Shear to adopt the following resolution:

RESOLVED, that after a public hearing duly held on October 23, 2024, and after all interested parties having been heard, the Clarence Town Board agrees to enter into a contract with the Clarence Center Volunteer Fire Company, Inc. for fire protection for the year 2025 for an amount not to exceed \$952,646.00.

On the question this amount does not include the LOSAP or the cancer insurance that is provided as well. Thank you for your service.

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

Public hearing for the consideration of the contract of the Fire Protection for 2025 with the East Amherst Fire Department, Inc.

Greg Skibitsky was present on behalf of the company.

Councilman DiCostanzo mentioned that East Amherst has a small portion of Clarence so the dollar amount is lower.

Supervisor Casilio thanks them for their service.

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

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

Motion by Supervisor Casilio, seconded by Councilman Altieri to adopt the following resolution:

RESOLVED, that after a public hearing duly held on October 23, 2024, and after all interested parties having been heard, the Clarence Town Board agrees to enter into a contract with the East Amherst Fire Department, Inc. for fire protection for the year 2025 for an amount not to exceed \$315,752.00.

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

Public hearing for the consideration of the contract of the Fire Protection for 2025 with the Swormville Fire Company, Inc.

Robert Linde was present on behalf of the company, he stated the volume of calls is rising yet the funds are still the same. We asked for 3% but agreed to the 2% increase and would like in the future to reconsider the 3% as times have changed and keep changing. After what we went through with our building then the company going out of business, we got a call letting us know this so thank you Pat Casilio for that.

Councilman DiCostanzo mentioned that this company is also just a portion of Clarence as to why the dollar amount is lower.

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

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

Motion by Supervisor Casilio, seconded by Councilman Michnik to adopt the following resolution:

RESOLVED, that after a public hearing duly held on October 23, 2024, and after all interested parties having been heard, the Clarence Town Board agrees to enter into a contract with the Swormville Fire Company, Inc. for fire protection for the year 2025 for an amount not to exceed \$264,676.00.

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

Public hearing for the consideration of the contract of the Fire Protection for 2025 with the Rapids Volunteer Fire Company, Inc.

Councilman DiCostanzo stated that Rapids is a very small portion of Clarence.

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

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

Motion by Supervisor Casilio, seconded by Councilman Michnik to adopt the following resolution:

RESOLVED, that after a public hearing duly held on October 23, 2024 and after all interested parties having been heard, the Clarence Town Board agrees to enter into a contract with the Rapids Volunteer Fire Company, Inc. for fire protection for the year 2025 for an amount not to exceed \$49,407.00.

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

Public hearing for the consideration of the contract of the Fire Protection for 2025 with the Harris Hill Volunteer Fire Company, Inc.

Steve Scalzo and Steve Polard were present on behalf of the fire company.

Supervisor Casilio stated that their call are up as well and they continue to save lives in our community.

Steve Scalzo stated that they were able to utilize equipment that saved a person's life as well as the fast response of bystanders who started CPR on the patient who later walked out of the ER.

Councilman Michnik stated that his wife received CPR training just a month prior courtesy of the Clarence Lion's Club.

Supervisor Casilio stated yes, the faster you start CPR the better people's chances are. I also wanted to thank you for the fire trucks at the Harris Hill School, my grandson was very excited seeing them. Thank you for your service.

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

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

Motion by Supervisor Casilio, seconded by Councilman Michnik to adopt the following resolution:

RESOLVED, that after a public hearing duly held on October 23, 2024, and after all interested parties having been heard, the Clarence Town Board agrees to enter into a contract with the Harris Hill Volunteer Fire Company, Inc. for fire protection for the year 2025 for an amount not to exceed \$865,837.00.

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

Supervisor Casilio stated that Harris Hill wanted to speak about snow removal with the Highway Department. I don't know if we will be able to do this at the scale we did last time, some part were good other parts needed work but this is the time of year to get together soon to discuss.

Steve Scalzo mentioned that the fire company has also come up with a plan on their end to have the snow removal as well.

Councilman Altieri asked if they still collect old flags.

Steve Scalzo stated yes once a year from Memorial Day to Forth of July with a ceremony to follow.

Motion by Supervisor Casilio, seconded by Councilman Altieri to set public hearing for Wednesday, November 6, 2024 at 10:20 a.m. to consider the Preliminary Budget and Special Districts Assessment Roll for the Town of Clarence for the year 2025.

Councilman DiCostanzo added meetings in November are the 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays rather than the typical 2<sup>nd</sup> and 4<sup>th</sup>.

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

Motion by Supervisor Casilio, seconded by Councilman Michnik to authorize a reimbursement payment in the amount of \$2,617.59 to the Clarence Hollow Association for the purchase of flags and flag poles.

On the question, reimbursement amount of \$2,617.59 will be paid from budget line 1.1010.4790.

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

Councilman DiCostanzo stated he has a motion for an organization called CAWTILE who has been at our meeting several times. We do support them however the motion they have has been summed up by our attorney's as follows.

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

WHEREAS, the Town Board of the Town of Clarence have determined that it would not be a benefit to their residents to place wind turbines and wind facility in Lake Erie.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Clarence opposes at this time any efforts to introduce offshore wind turbines and wind facility in the waters of Lake Erie.

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

Councilman DiCostanzo stated that for the month of September there were five residential single family building permits making the yearly total of 47 permits total.

Motion by Councilman Shear, seconded by Councilman Altieri to correct the motion of September 11, 2024:

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 \$541,600 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, the Town Board made a motion to purchase this property at the September 11, 2024 meeting, but the stated purchase price was made in error. This motion reflects the accurate and agreed upon purchase price.

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

Councilman Shear stated that next Thursday, October 31, 2024 is Halloween 5:00 p.m. to 8:00 p.m., all be careful. Also Mr. Server on Fairlane will have his Halloween display for the last time by request of his granddaughter and it is impressive if you have time to see it. After this year he will have all of his displays for sale.

Councilman Michnik added it is a nice event for the community.

Councilman Michnik mention the Trunk-or-Treat held by the Youth Bureau a couple weeks ago. Great event with fun had by all, thank you to the fire companies, state police, sheriffs and everyone in the community that help make it a great event. I also want to mention the Museum that is open the second and fourth Sunday of the month from 1:00 p.m. – 3:00 p.m., come take a look what they have as you will be amazed. I would like to thank the Parks Department for the new signs and benches they installed for us, they look great. The access to the parking lot is also cleaned up with the access widened and cleaned up.

Councilman Altieri mentioned that there will be a headlamp walk at the Nature Center this Saturday the 26<sup>th</sup> of October from 5:30 p.m. – 7:30 p.m. with a bonfire in the parking lot, last year this event was very well attended. Thank you to Tim Lavocat for his work at the library as well as Jason Holden and the Parks Department for the sidewalk clean up and cutting in a new walk way. Additionally, Jamie Dussing and the Highway crew for the work that they are doing at the Nature Center in preparation for the walk this week. Head lamps and batteries are provided as well as snacks.

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

Town Board has the authority to consider these requests after 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. Attendance was not required so there are no representatives here today.

Supervisor Casilio stated we had an issue that was cleared up right away with one business and anytime there is an issue with Buffalo Crush Stone they respond and address the situation.

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

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

Motion by Councilman Shear, seconded by Councilman Altieri to issue a one-year permit for excavation to the following applicants as all required bonds, tax receipts, NYSDEC Permits, estimated removal amounts and associated fees are in order:

- 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

On the question, this is an annual renewal permit and all applications 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.

Scott Irish-Bronki at 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. 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. In September the Town Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA), allowing for the appropriate time to take a hard look at the comments of the Historic Preservation Commission, contents of the project file, and consideration of the Town's relevant portions of Local Law. The Planning Office presented relevant portions of Local Law and past local precedent for consideration of the Town Board at the work session of October 9th. 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.

Supervisor Casilio stated that he read through the SEQRA report, part two and three, it's a very detailed report with a lot of information. Have we avoided any steps on this process for this project.

Jonathan Bleuer stated no, we have followed every step of this to the letter of the law.

Councilman Shear stated that he noticed a for sale sign in the widow of the property, have you gotten any calls from anyone who would like to purchase the building.

Scott Irish-Bronkie stated yes, he received about five calls however after he explains everything about the property and what he has been through they never call back to follow through.

Supervisor Casilio asked if he knew what the inquiries wanted to do with the building, fix it or tear it down.

Scott Irish-Bronkie stated that it was mixed but he did not get any specifics to what they wanted to do with the property. Four inquiries were from the area and one from Akron. Had I put the sign at the street or had more exposure, I would have the same result once I disclosed everything I legally have to on the building.

Supervisor Casilio stated that in his opinion the history of the building is gone and it has been an eye sore for some time. To be very clear, for historical, the outside of the building has to be kept which it has not.

Councilman DiCostanzo asked if anything inside was worth saving or could be saved to possible have for the museum.

Scott Irish-Bronkie stated yes that could happen.

Councilman Shear asked if he would be willing to let the appropriate people in to see what was of interest and savable in the inside.

Scott Irish-Bronkie stated yes, he would do that as long as they are appropriately insured as well.

Supervisor Casilio stated that even if the river rock was saved and maybe a rock wall was made with it to match the hollow.

Councilman Michnik asked what the applicants plan was once everything was done to do with the property, you aren't turning it into a parking lot correct.

Scott Irish-Bronkie stated no, I don't have anything that is concrete right now. I have thrown some ideas around with my team but nothing is set. One thought was a memorial pet park but again just an idea right now.

Thomas Steffan of the Historical Preservation Commission Committee was present as a committee member. We do believe that every part of the code has been complied with and I would like to read from section 69.9-1C on demolition stating this is an ordinary demolition and that with properties 50 years or older go through the Town Board for final decision with a thorough environmental analysis including coordinator review under SEQRA at a minimum. If any historic significance exists for the structure proposed for demolition. This is our own code with a serious responsibility to some of us who volunteer and others who are official representatives. Usually, an environmental impact is involved but I am not asking for that. Looking at the documentation provided from Mr. Bronkie the structure is not unsound and is not unstable. The second part is to find if the structure has historical significance through the community with five elements to that code which our report states it meets four of the five levels. This was where the blacksmiths were housed and typically, they are not names know as they are not very popular laborers. While the structure doesn't look it we know the style just not who built it. We feel that this property meets

the criteria and why we have recommended that to the board. A letter was sent to the board on October 2, 2024 with prominent names mentioned in the letter through the historic preservation to have this property designated. The next step would be to meet with the owner to see why it can be marketed to purchasers. It has not been shown while the board is deciding and I have interested architects and non for profits interested in the property to purchase it. I am asking maybe for 60 days of contingency to follow through with the property effectively through the demolition process. Instead of going through the cost of demolition when we have people willing to purchase the property and save you that cost then having an empty lot in the hollow.

Supervisor Casilio asked you are asking us to designate the property historic.

Thomas Steffan stated yes, we never approach people and ask them if we can designate their properties, we may send a letter but our policy is to not do that. Starting three years ago to now we have not attempted to force a designation, we have moved on to other things. We are hoping it has been made aware that the interest is there as to why we are on the defensive. We just can't allow it to go without proper debating.

Councilman DiCostanzo stated that this is more like four years first being brought to us in September of 2020. You are asking for more rope and stating there are interested parties, but it's been four years.

Thomas Steffan stated that they probably our fault for not reaching out to him, we didn't know about it for the last three years, there was no sign on it and that is not our protocol to reach out. This is the reason nothing has been done but we can work with him if you can just give us a condition. Under the code we have three options then to move forward. Has this property really been marketed if it's only been on the market for the last month.

Supervisor Casilio asked if they have potential buyers for the price he is asking right now.

Thomas Steffan stated that they have members on the board who have reached out to contacts that would be of interest to have us walk through the property to find solutions.

Councilman Shear stated that does not answer the question, the question is do you have someone ready and willing to buy the property.

Thomas Steffan stated no.

Councilman Shear stated this gentleman goes to court every month and has for a significant amount of time. I know you have sent letters to property owners in the hollow, have you ever sent one to him.

Thomas Steffan stated no.

Supervisor Casilio you mentioned Asa Ransom owned everything in the hollow but this was just a blacksmiths house, the shop was across the street an up the hill, I think. My problem with continuing this is I thought your job was to view the outside to be historically correct and the inside is their business.

Jonathan Bluer replied as a commission they have the ability to research properties that have a wide range of commissions and it could include the interior with the willingness of the property owner. If designated as a local land mark then the commission would only have authority of the exterior features viable to the public. Designation could certainly be taken into account of the features but then control of the site would be limited to the outside. The SEQRA process looks at many things that the town has an almost 30-page document on. The SEQRA looks as impact on actions and there are 18 categories of impact and one of them is historic nature and the process is to see if any mitigating measures of any adverse impacts. There are many processes in place to document this one of them being historic documentation for properties that are too far gone with preservation of the interior of the property. Then insurances and all the safety measures will come into play as well.

Lawrence Meckler, Town Attorney, stated that the two motions in front of you are letters to the law and will cover all addressed items.

Jonathan Bleuer stated I think it is important to understand the boards responsibility here. Originally, I had asked the applicant to withdraw the application and not seek action by you the Town Board because that put you in a very difficult spot. You become very challenged to act, you have a very narrow course of action. The real opportunity does rest in the Historic Preservation Commission, who did everything in their power with the applicant to not see it here to the board. The give and take now come in play with the applicant and the committee. This board is not awarded those same privileges through SEQRA so I feel very strongly that you are with sound legal standing with your SEQRA action if you should so move through today.

Supervisor Casilio stated that my concern always with this ongoing forever that would be someone getting hurt inside that building then wonder why we didn't take the action sooner. I don't want the public to get hurt on this building.

Councilman DiCostanzo stated that if we are moving forward with this I am in favor of not making demolition tomorrow and giving them a little more time.

Scott Irish-Bronkie stated that he did reach out to one of the mentioned historical parties a year ago with pictures and documents and have had no movement at all since.

Councilman Michnik asked the applicant if we delay this demolition would he actively try selling the property.

Scott Irish-Bronkie said he will move a sign out to the street but as far as targeting active marketing investing more money into the property, I will not do that.

Lawrence Meckler stated that if the board chooses to give a certain day extension on this for the demolition this will not come back to the board again unless there was something else the applicant is bringing back to the board.

Supervisor Casilio stated that if the committee states they have a potential buyer and they can make that happen in the time frame great but if not, this is not coming back to the board.

Lawrence Meckler clarified that whatever the stipulation is that just prevents the demolition from happening in that time frame. The applicant doesn't have to discuss anything with the board during that time and whatever he decides after that is up to him.

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

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

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

Pursuant to Article 8 of the Environmental Conservation Law, to accept the Part 1 Environmental Assessment Form as submitted and approve the Part 2 & 3 Environmental Assessment Forms as prepared, the Clarence Town Board issues a Negative Declaration on the Scott Irish-Bronkie proposed demolition of 10594 Main Street, a structure constructed prior to 1950, in the Hollow Traditional Neighborhood District. After thorough review of the submitted proposal, documents, meeting minutes, reports, letters, Town Code, and Environmental Assessment Forms, it is determined that the proposed action will not have a significant negative impact on the environment.

On the question Councilman Shear stated that we have heard a lot today, this went through SEQRA, I did in fact review part one, two and three as they were submitted. I also read the 22-page inspection report submitted by your engineer and it may be structurally solid but then it goes very lengthy into why its not viably in my estimation. Everyone can form their own opinion as the documents are available if you choose so. Additionally, vision Main Street would not include that piece of property the way it exists as it does not go with the vision.

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

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

Resolved, the Clarence Town Board hereby authorizes the request of the applicant, Scott Irish-Bronkie, for the demolition of a principal structure constructed prior to 1950, and located at 10594 Main Street in the Clarence Hollow Traditional Neighborhood District, subject to the following conditions:

1. Subject to the issuance of a Demolition Permit by the Clarence Building Department, and any associated conditions.
2. Subject to any requirements of the Town Board's State Environmental Quality Review Negative Declaration determination, including but not limited to the photographic and historical documentation of the structure to be demolished.
3. Demolition will not commence for 30 day from today October 23, 2024.

On the question, the applicant should contact the Planning Office to receive and review the requirements of this approval.

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

Scott Irish-Bronkie stated yes.

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

Tim Krantz at 8960 Lapp Road. North side of Lapp Road, west of Heise Road. An existing 90-acre property located in the Agricultural Rural-Residential zone and Agricultural-Floodzone, containing C.J. Krantz Organics; a topsoil, mulch, compost, and stone operation. The applicant is requesting preliminary Conceptual review of a proposed 8-lot major subdivision, Sunset Meadows. 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. A referral to the Planning Board would allow for a thorough review of this proposal.

Tim Krantz was present for any questions.

Councilman Shear asked that the topsoil business doesn't generate problems for the people who want to build houses there.

Tim Krantz stated that the plan is to cease operation in that location in two to three years.

Motion by Councilman Michnik, seconded by Councilman DiCostanzo to refer the request of the applicant, Tim Krantz, to the Planning Board for preliminary conceptual review for Proposed 8-Lot Major Subdivision, Sunset Meadows at 8960 Lapp Road in the Agricultural-Rural Residential zone and Agricultural-Floodzone.

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

Edge Development, LLC., Bill Burke, at 9105 Sheridan Drive. South side of Sheridan Drive, west of Main Street. An existing 2.8-acre vacant property located in the Commercial zone. The applicant is requesting preliminary Conceptual review of a proposed mixed-use project containing multiple-family housing and commercial space. The project consists of approximately 7,000 sqft of commercial space and 22 apartments, as follows:

- One 3-story mixed-use building fronting Sheridan Drive containing 7,000 sqft of commercial on the first floor, and 10 total apartments on floors 2-3.
- Three 2-story residential townhome buildings to the rear, each containing 4 units.

This proposal was previously on the Town Board work session agenda of September 25th. Due to comments received, the applicant has reduced the residential density by 2 units, while increasing the total amount of commercial space. Finally, the applicant has verified that the proposed mixed-use building will meet the underlying zoning maximum building height limit of 45'. A referral to the Planning Board would allow for a thorough review of this proposal. 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 16 residential units. To consider this proposal, variances will be required by the Zoning Board of Appeals.

Sean Hopkins on behalf of the applicant with Bill Burke, Jonathan has summarized this perfectly. We are interested in proceeding with this project that will then come back to you the board for a Special Exception Use Permit. We have worked a great deal on the architect of this building that I believe would be a welcomed addition to Sheridan Drive. Currently this was owned by a previous board member as a storage facility so this has come a long way.

Councilman DiCostanzo stated that Jonathan deals with more of this than we do, where projects just don't pencil out. Is this the case as to why you are asking for additional units and height than allowed, so is this a project that just doesn't pencil out.

Sean Hopkins stated that we are asking for a third floor on Sheridan drive that has been a topic of discussion for a long time. In terms of the units, to make this financially work the additional units are needed for the reality of development 2020. The one thing you do get in return is a very nice building along Sheridan drive with the challenge of finding that balance.

Motion by Councilman Altieri, seconded by Councilman Michnik to refer the request of the applicant, Edge Development, LLC, to the Planning Board for preliminary conceptual review for Proposed mixed-use project containing multiple-family housing at 9105 Sheridan Drive in the Commercial Zone.

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

Natale Builders, Rob Kistner, at 9800 Longleaf Trail. North side of Longleaf Trail, in phase 7A of the Spaulding Green subdivision. An existing 0.34-acre parcel in the Residential Single-Family zone, with a residence soon to be constructed. The applicant is requesting a Special Exemption Use Permit for a walk-out basement kitchen / secondary living unit as part of the new residence construction, for personal use and guest entertainment. The Town Board has the authority to consider this request after setting and holding a Public Hearing.

Rob Kistner was available for any questions.

Motion by Councilman Shear, seconded by Councilman Altieri to set a public hearing for Wednesday, November 20, 2024 at 10:15 a.m. to consider the request of the applicant, Natale Builders, for a Special Exception Use Permit to allow a secondary living unit as part of a new home construction at 9800 Longleaf Trail in the Residential Single-Family zone.

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

Jonathan Bleuer stated that a representative has not been able to be reached pertaining to the next item, nor is anyone present for 5024 Rockhaven Drive, Christopher and Lorissa Naugle.

Motion by Councilman DiCostanzo, seconded by Councilman Shear to approve the applications as follows: Clubhouse: Clarence High School Swim Team November 11, 2024. Additional applications did come in but are not listed.

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 October 10, 2024 as follows: General Funds \$140,343.81; Highway Funds \$186,662.30; Drainage Funds \$2,524.40; Lighting Funds \$641.38; Sewer Funds \$136,633.17; Capital Funds \$84,298.14; and Agency Funds \$5,000.00 for a total bill pay of \$556,103.20.

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

Councilman DiCostanzo congratulated resident Linde Ruff on his second win in a row for the Sabers.

Supervisor Casilio stated that with no further business he would like to close the meeting in remembrance of Flora Leamer. We have definitely lost our number one citizen that Clarence has ever had and loved the Town more than anyone. There has never been someone who has photographed everything that was happening in the town like she did, she will truly be missed. If we could have a moment of silence for her. Meeting adjourned at 11:50 a.m.

Town Clerk  
Karen Hawes