

The Work Session meeting of the Town Board of the Town of Clarence was held on Wednesday January 22, 2025 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 8:33 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.

Councilman Michnik was absent and listened via cell phone.

Director of Community Development - Jonathan Bleuer

PUBLIC HEARINGS:

Kevin & Sara Cook

The applicant is requesting a Special Exemption Use Permit for the construction of a secondary living unit within the existing home's basement located at 8969 Willyoungs Overlook on the southwest corner of Willyoungs Overlook and Harolds Harvest, in the Northwoods subdivision.

No exterior addition to the home is proposed, and the secondary living unit is planned to be utilized by the applicant's parents.

The applicants are accepting of any deed restrictions the Town Board will require.

Councilman Shear said he doesn't see any problems. Supervisor Casilio agreed.

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

Our Lady of Peace Church

The applicant is requesting Local Historic Landmark designation of the property located at 10946-10984 Main Street on the northwest corner of Main Street & Davison Road.

The existing parcel is in the Hollow Traditional Neighborhood District and contains a church campus featuring numerous buildings and facilities.

After a thorough review by the Clarence Historic Preservation Commission, they have recommended designation.

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

FORMAL AGENDA ITEMS:

DB Tower Solutions, LLC.

The applicant is requesting a Special Exemption Use Permit for the construction of a secondary living unit within an existing detached accessory structure located at 7360 Goodrich Road on the west side of Goodrich Road, north of Lapp Road.

The existing 10.5-acre parcel is in the Agricultural-Rural Residential zone, containing a residence and multiple detached accessory structures.

The existing garage is proposed to contain a bathroom, work space, and garage on the first floor. A game room, kitchenette, guest room, and bathroom on the second floor.

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

Benderson Development Company, LLC.

The applicant is requesting preliminary conceptual review of a proposed 13,500 sq ft retail grocery store located at 5017 Transit Road on the east side of Transit Road, north of Sheridan Drive.

The existing 1.3-acre parcel is located in the Major Arterial zone, containing an existing commercial structure and associated parking. The structure formerly contained an Applebee's Restaurant. In 2022, the site was proposed to contain a quick service restaurant and drive-through facility, which was never approved due to unsolved traffic pattern / flow issues.

The building is proposed to have a 10' side yard setback which would require a variance from the Zoning Board of Appeals. This was strategically planned to allow for bigger sidewalks around the building and to maximize the amount of parking.

Three access points are being proposed, all of which would be through the existing Eastgate Plaza. The access points are being reconfigured to ensure traffic flow is appropriate for the plaza.

Councilman Shear asked if the existing building is being demolished.

Jonathan said yes.

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

WORK SESSION ITEMS:**R.E. McNamara Inc.**

The applicant is requesting approval to construct a pond of approximately 0.5-acres for recreational purposes, adjacent to a planned residential home located at 6175 Sorellina Layne, on the east side of Sorellina Layne, south of Keller Road.

The existing 5-acre residential building lot is in a previously approved Open Development Area with private drive, in the Agricultural-Rural Residential zone.

The Town Board has the authority to consider this request after review and approval from the Engineering Department.

Custom Controllerzz

The applicant is requesting preliminary Conceptual Review of a proposed office / warehouse facility located at 8003 Transit Road on the east side of Transit Road, north of Wolcott Road wholly located in the Restricted Business zone.

The existing 12-acre vacant parcel is located in the Restricted Business zone and Agricultural Floodzone. They have done some wetland analysis of the site. Grading and drainage still needs to be addressed.

The proposed structure is approximately 6,144 sq ft, with 3,456 sq ft planned for office and assembly, and 2,688 sq ft planned for warehousing of merchandise.

Discussion continued regarding exterior building materials.

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

Kelkenberg Homes

The applicant, on behalf of Robert Fenstermaker, is requesting a Special Exemption Use Permit for an attached secondary living unit as part of a new residence construction located on the southeast corner of Keller Road and Salt Road, SBL 45.00-2-51.13.

The existing 10.7-acre vacant parcel is located in the Agricultural-Rural Residential zone. The secondary living unit is proposed to contain approximately 700 sq ft of living space, and 311 sq ft attached garage space, all used by an elder parent.

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

Woodland Hills

The applicant is requesting final plat approval of phase 1 of a previously approved 77 lot Major Subdivision located on the south side of Greiner Road, east of Harris Hill Road. SBL 70.11-4-3.111.

The proposal consists of 31 residential sublots, and the road dedication of approximately 2,200 linear feet of Kandefers Trail and 1,040 linear feet of Shardale Drive.

The Engineering Department is in the process of ensuring that the applicant has met the technical and Town requirements necessary to consider this action.

Supervisor Casilio asked if any part of the road is the Town's.

Jonathan said no.

Supervisor Casilio asked if any of the street lights are up.

Town Engineer Timothy Lavocat said no, we get a bond on the street lights and they are installed within a year.

Supervisor Casilio asked what is being done about trees.

Jonathan said there is a fully approved landscape plan. Street trees will be required.

Supervisor Casilio asked how do we make sure the trees are put in.

Jonathan said no further final plats should be approved until the trees are in for the first plat.

Mr. Lavocat mentioned that the Town Board has the option of requiring a bond, to ensure any outstanding items be completed.

Councilman Shear asked if the species of trees should be specified.

Jonathan replied that is covered in the landscape plan.

Jonathan added that the developer of the Northwoods Subdivision made a payment in lieu of planting trees. We learned the amount the Town received, did not cover the cost to plant trees at all. Since we have been planting street trees, we now have a much more accurate amount if we were to ask for a bond.

Per the Zoning Law, the Town Board has final approval authority to approve a Final Plat.

TOWN BOARD REPORTS:

Supervisor Patrick Casilio

- Has several ministerial motions for end of year transfers.

- Winterfest is this Saturday January 25, 2025.

Councilman Peter DiCostanzo

- Has two motions.
- The auditors from Drescher & Malecki LLP are at Town Hall for the Clarence IDA.
- Lumsden McCormick CPA will be here soon doing the Town audit.
- Thank you to Sue Powers for giving the Town many years of service on the Ethics Committee. She is stepping down and Lisa Casey is filling her position.
- Thank you to Jason, Mike and the Parks Department for getting the ice rink going at the Meadowlakes Park.

Supervisor Casilio added he would like to create an ice rink at the newly created Pocket Park on Goodrich Road next year, so residents can skate under lights.

- There were only 61 residential single family building permits issued in 2024. Within the last 20 years, we have reached over 200 permits issued in a year. So for the people that think we are building out the entire town, the numbers do not show that. Years ago, there use to be up to 70 – 80 houses for sale in town at a time. Now there are probably less than 20 for sale and they sell immediately. We need more housing opportunities for people.

Councilman J. Paul Shear

- Has just one motion.

Councilman Robert Altieri

- Will be handling Councilman Michnik motions in his absence.
- There is an issue at the Clarence Library with the bricks people purchased years ago for a fundraiser. The engraving has deteriorated so the names are illegible.
- The Spoons Hotel is being discussed by the Historic Preservation Committee.
- Winterfest is on Saturday January 25, 2025 at 11 a.m. at the Clubhouse on Main Street.
- There is a headlamp hike at the Nature Center on Saturday January 25, 2025 from 5 – 7 p.m.

Motion by Supervisor Casilio, seconded by Councilman Shear to adjourn the work session at 9:17 a.m. and enter into Executive Session pursuant to §105(1) f & h of the Open Meetings Law to discuss employment history and the acquisition of 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 Shear, to adjourn the Executive Session at 10:05 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, January 22, 2025 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 10:09 a.m.

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

Motion by Councilman DiCostanzo, seconded by Councilman Shear to approve the Organizational minutes of January 8, 2025.

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

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

WHEREAS, in 2014, the Town began researching and developing strategies to encourage the redevelopment of current and former “big-box” multi-tenant commercial sites and “grey-fields” into well-designed, mixed-use lifestyle and town centers. The Town recognized that revitalizing such sites would create significant economic development opportunities in the form of new jobs, housing, commercial development, and enhance the quality of life for the community. The adopted policy came in 2016 upon the adoption of Clarence 2030, the Town’s Comprehensive Plan, and

WHEREAS, from 2015 through 2018, the Town developed a new Zoning District classification, known as the Lifestyle Center District, which was adopted as law in the spring of 2018, and

WHEREAS, in late 2018, the Town legally rezoned the properties associated with the Eastern Hills Mall to Lifestyle Center District to facilitate such development, and

WHEREAS, in 2018, Uniland Development Company partnered with mall ownership Mountain Development Corporation to explore the possibility of a redevelopment of the Eastern Hill Mall per the guidance of Clarence 2030, and standards found within the Lifestyle Center District Zoning Code, and

WHEREAS, in 2021, Uniland Development Company submitted a comprehensive master plan application to the Town of Clarence to allow for the redevelopment of the Eastern Hills Mall into a mixed-use town center development, occurring over a 20-year period and at full buildout, containing 1,222,750 sqft of commercial space and 1,435 residential units, and

WHEREAS, such a project would result in over 100-acres of greyfield redevelopment resulting in the creation of construction and permanent jobs, reduction of blight, physical infrastructure upgrades, regional impact economic development opportunities, and new industry attraction, and

WHEREAS, in 2024, The County of Erie commissioned a sewer feasibility study that estimated the cost to support redevelopment of the Eastern Hills Mall as well as future development in the Erie County Sewer District # 5 to be approximately \$25 million,

NOW, THEREFORE BE IT

RESOLVED, that upon the request of Uniland Development Company as evidence of support, the Clarence Town Board hereby recognizes the positive regional impact and supports the efforts of all Public and Private entities in their efforts and pursuits towards the feasibility and successful implementation of the redevelopment of the Eastern Hills Mall into a town center mixed-use development.

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

Motion by Supervisor Casilio, seconded by Councilman Altieri to approve Alicia Baker as Clerk Part Time in the Assessor's Office at the hourly rate of \$18.0717, effective February 3, 2025, upon completion of all pre-employment paperwork and requirements.

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

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo to post the position of Code Enforcement Officer Full Time in the Building Department as Step 1 of the White-Collar Union Contract.

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

Motion by Supervisor Casilio, seconded by Councilman Shear on the recommendation of James A. Dussing, Superintendent of Highways, to appoint Matthew Moore to the open Highway Department Laborer Full Time position, to be paid at the union rate of \$28.1262 per hour, pending the necessary background and employment checks as per the Town of Clarence Blue Collar Unit #6771 contract, effective.

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

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

\$6,000.00 from account #001.7140.0102- Personal Services Part Time to account #001.7020.0102 - Personal Services Part Time

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

Motion by Councilman DiCostanzo, seconded by Councilman Shear to encumber funds from the 2024 Highway Fund Budget as follows:

\$2,570.25 from account 001.7110.4170 (Auto Parts & Accessories) for Purchase Order No. 130450 - Guthrie Heli-Arc, Inc.

\$2,130.00 from account 001.7110.0279 (Equipment) for Purchase Order No. 130430- Francis Smith & Sons, Inc.

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

Motion by Councilman DiCostanzo, seconded by Councilman Shear to create the position of Municipal Administrative Assistant-Legal Provisional effective immediately.

On the question, this is being done for Erie County Civil Service purposes.

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

Motion by Councilman DiCostanzo, seconded by Councilman Altieri to appoint Jennifer D'Andrea Municipal Administrative Assistant - Legal Provisional, effective immediately at her current rate of pay in the Legal Department.

On the question, provisional appointment until such time Erie County Civil Service Municipal Administrative Assistant-Legal exam is given and Jennifer D'Andrea passes.

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

Motion by Councilman DiCostanzo, seconded by Councilman Shear to approve the request of Town Justice, Honorable Michael B. Powers, for Mary Kelley, Court Clerk, to attend the New York State Magistrates Association Court Clerks Inc. to attend training on Friday January 24, 2025.

On the question, there will be no travel expenses to attend as this is being reimbursed by the New York State Magistrates Association Court Clerks Inc.

Supervisor Casilio added she can also utilize a Town car if she wishes.

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

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

\$40,000.00 from account #002.5110.4160- Gas and Oil to account #002.5130.278- Equipment

\$60,000.00 from account #002.5142.4150- Chemicals to account #002.5130.278- Equipment

\$7,275.00 from account #002.5142.100- Personal Services to account #002.5130.278- Equipment

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

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

\$2,767.73 from account #002.5142.100- Personal Services to account #002.5110.105- Max Sick

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

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

\$15,000.00 from account #002.9010.800- Benefits NYS Retirement to account #002.9050.800- Benefits NYS Unemployment

\$9,201.00 from account #002.9010.800- Benefits NYS Retirement to account #002.9050.800- Bond Interest

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

Councilman DiCostanzo mentioned that at Meadowlakes Park the ice skating is still good. I spoke to the Parks Superintendent, Jason Holden, who is renting a light tower to have at the park to skate at night. Additionally, for the 2024 year we had a total of 61 Residential Single-Family building permits, this number is actually low compared to the years where the town had had over 200.

Supervisor Casilio added that at his State of the Town on average a new home construction cost is \$1.1 million for about 3500 square feet.

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 Short Environmental Assessment Form and approve the Part 2 & 3 Short Environmental Assessment Form as prepared and to issue a Negative Declaration on the planned Fogelsonger Park improvements at 8355 Greiner Road. This Unlisted Action involves the installation of pedestrian paths, sports court facilities, playground enhancements, parking, and associated utilities and infrastructure. After thorough review of the plans, Environmental Assessment Forms, and comments from involved and interested parties, it is determined that the proposed action will not have a significant negative impact on the environment.

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

Motion by Councilman Shear, seconded by Councilman Altieri to declare a quantity of twenty (20) older and outdated shelter cots (flat foldable) from the Emergency Services Shelter Trailer, as surplus. The intention is to donate them to the Harris Hill Fire Company for repair and possible reuse.

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

Motion Councilman Shear, seconded by Councilman Altieri to set a bid date for Tuesday, February 11, 2025 at 10:00 a.m. in the Office of the Town Clerk to accept sealed bids for the removal of Leaf Compost from the Town recycling area on Sheridan Drive. There will be only one (1) bid price submitted per cubic yard loaded and hauled offsite by the successful bidder within 60 days from the time of the bid and supply any necessary insurance

certification. The volume of material consists of the Leaf Compost pile totaling 5,437.33 cubic yards.

On the question, bid packages will be available in the Office of the Town Clerk and the Highway Department. All sealed bids must be accompanied with a bid bond of \$100.00.

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

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

WHEREAS, the construction of Harolds Harvest, Country Club Drive, Cannon Drive, Dorothy Circle, and Briannas Nook have been completed and the roads have been accepted for maintenance by the Town of Clarence and are currently open to vehicular traffic for the public.

NOW, THEREFORE, BE IT

RESOLVED, that 825+/- linear feet of Harolds Harvest (Northwoods), 225+/- linear feet of Country Club Drive (Northwoods), 479+/- linear feet of Cannon Drive (Cannon Woods), 2047+/- linear feet of Dorothy Circle (Cannon Woods), and 306+/- linear feet of Briannas Nook (Northwoods) shall be included on the Town of Clarence's Inventory of Streets.

RESOLVED, that the New York State Department of Transportation (NYSDOT) is requested to include 825+/- linear feet of Harolds Harvest (Northwoods), 225+/- linear feet of Country Club Drive (Northwoods), 479+/- linear feet of Cannon Drive (Cannon Woods), 2047+/- linear feet of Dorothy Circle (Cannon Woods), and 306+/- linear feet of Briannas Nook (Northwoods) on the Town of Clarence's Inventory of Streets.

To authorize the Supervisor to sign the renewal Agreement between Stark Tech (formerly U & S Services) and the Town of Clarence for preventative maintenance for software maintenance and control for the HVAC system at the Clarence Town Hall and the Clarence Library for a two (2) year term beginning January 1, 2025 and ending December 31, 2026, at the cost of \$7,210.00 per year, subject to review and approval by the Town Attorney.

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

Motion by Councilman DiCostanzo, seconded by Councilman Altieri to authorize the Supervisor to sign the renewal Agreement between Stark Tech (formerly U & S Services) and the Town of Clarence for preventative maintenance for software maintenance and control for the HVAC system at the Clarence Town Hall and the Clarence Library for a two (2) year term beginning January 1, 2025 and ending December 31, 2026, at the cost of \$7,210.00 per year, subject to review and approval by the Town Attorney.

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

Motion by Councilman Shear, seconded by Councilman DiCostanzo to authorize the Town Engineer to execute maintenance and service contracts for the following Town Buildings:

Engineering and Building Department
Police and Court Building
Library
Town Hall

All maintenance and service contracts are to be procured per the Town of Clarence Procurement Policy and with the concurrence of the Town Attorney.

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

Motion by Councilman Shear, seconded by Councilman DiCostanzo to encumber funds from the 2024 General Fund Budget as follows:

\$9,990.00 from Signs & Signals (1.3310.4120) for the purchase of Speed Alert Message Sign for PO 130479 ordered December 31, 2024 from All Traffic Solutions Inc.

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

Motion by Councilman Shear, seconded by Councilman DiCostanzo to encumber funds from the 2024 General Fund Budget as follows:

\$5,170.88 from Signs & Signals (1.3310.4120) for the purchase of water filled barricade system and traffic drums for PO 130451 ordered December 20, 2024 from Eberl Iron Works.

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

Motion by Councilman Shear, seconded by Councilman DiCostanzo to encumber funds from the 2024 General Fund Budget as follows:

\$41,000.00 from Master Plan Expenses (1.8010.4730) for Planning and Zoning Code Updates Phase 2 & 3 with PO 130517 from contact date October 23, 2024 from CPL Architects.

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

Motion by Councilman Altieri, seconded by Councilman DiCostanzo that upon the recommendation of Dog Control Officer, Jerome Schuler, Emily Wendt-Schultz is appointed from the position of Dog Control Officer PT to the position of Dog Control Officer PT Seasonal, remaining at her current rate of pay effective immediately.

On the Question, this allows Emily to work up to 40 hours a week for 5 months per Erie County Civil Service Regulations.

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

Motion by Councilman Altieri, seconded by Councilman Shear to approve Dawn Kinney, Youth Bureau Executive Director, to attend the Western Region Youth Court Association Summit in Hamburg, New York on Monday January 27th- Tuesday January 28th, 2025.

On the question, there is no cost for this event. All costs are covered by the Western Region Youth Court Association.

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

Motion by Councilman Altieri, seconded by Councilman Shear to approve Jessica Wrok, Program Leader of the Clarence Youth Bureau, to attend the State Association of Youth Bureaus Annual Youth Leadership Forum in Albany, New York on February 3-4, 2025. Jessica will chaperone four (4) Clarence High School Students who are all members of the Clarence Youth Board and Volunteer Program. They will have the opportunity to meet our State Legislators, Senator Patrick Gallivan and Assemblyman Paul Bologna to advocate for youth bureaus and share their experiences as members of Clarence Youth Board.

On the question, there is no cost for this event. All costs are covered by the State Association of Youth Bureaus. Jessica will submit receipts for any food expense not covered by the State Association.

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

Motion by Councilman Altieri, seconded by Councilman Shear to approve and authorize execution of a 10' wide permanent watermain easement to the Erie County Water Authority as part of Erie County Water Authority watermain replacement project WSA-018. Said easement is to be located on the west side of Goodrich Road south of Greiner Road on Town of Clarence property identified as SBL No. 58.18-4-16.111 (property located on the south west corner of Greiner and Goodrich Roads). Said easement to be subject to final review and approval of the Town Attorney.

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

Motion by Councilman Altieri, seconded by Councilman DiCostanzo after requesting proposals from three (3) qualified contractors, the Clarence Town Board awards the proposal for Demolition of Unsafe Structure at 6311 Goodrich Road, Clarence Center, New York to United Precision Construction Services, LLC of Depew, New York, they being the lowest responsive proposal received in the amount of \$28,500.00.

Supervisor Casilio asked, Timothy Lavocat, Town Engineer if there was any asbestosis or is the structure being taken down hot.

Timothy Lavocat stated it will be taken down hot because it is an unsafe structure and the state allows us to do that. This will also include the back filling, planting and seeding the lot which is then owned by the bank.

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

Motion by Councilman Altieri, seconded by Councilman Shear to approve the purchase of, for the Highway Department, a 2024 Bomag 1.5 Ton Roller BW120SL-5 from the Sourcewell Contract #060122-BAI at a cost of \$46,386.00.

On the question, this is to be paid with Highway account #2.5130.0278.

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

Motion by Councilman Altieri, seconded by Councilman DiCostanzo to approve the following transfer of funds in the 2024 Legal Budget:

\$16,000.00 from account #001.1420.100- Personal Services to account #001.1420-4711- Legal & Professional Fees

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

Motion by Councilman Altieri, seconded by councilman DiCostanzo to approve the following transfer of funds in the 2024 Budget:

\$45,000.00 from account #001.9010.0800- Benefits to account #001.1620.4501- Maintenance of Library

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

Motion by Councilman Altieri, seconded by Councilman DiCostanzo to approve the following transfer of funds in the 2024 General Fund Budget:

\$60,000.00 from account #001.7110.100- Personal Services to account #001.1420.4711- Legal & Professional Fees

\$26,212.00 from account #001.7110.100- Personal Services to account #001.3120.102 - Personal Services Part Time

\$47,179.00 from account #001.7110.100- Personal Services to account #001.5182.4382 - Street Lighting

\$40,000.00 from account#001.7110.100- Personal Services to account #001.5132.4380 Light, Heat, Power & Water

\$3,990.00 from account #001.7110.100- Personal Services to account #001.5132.4500- Repair & Maintenance on Bldgs.

\$59.00 from account #001.8730.265- Improvements to account #001.8730.4380- Light, Heat, Power & Water

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

Motion by Councilman Altieri, seconded by councilman DiCostanzo to encumber funds from the 2024 Engineering Department budget as follows:

\$13,800 from account A1440-4340 - Professional Services for Purchase Order 130515 to Donald Gallo Consulting Engineer, P.C. dated September 27, 2024 for Engineering, Design and Bidding Services associated with the Engineering and Building Departments Exterior Improvements Project.

\$10,500 from account A1440-4340- Professional Services for Purchase Order 130516 to C.J. Brown Energy & Engineering, P.C. dated September 04, 2024 for Engineering and Design Services associated with the Police and Court HVAC Rooftop Unit Replacements Project.

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

Motion by Councilman Altieri, seconded by Councilman DiCostanzo to encumber funds from the 2024 Highway Fund Budget as follows:

\$158,275.00 from Equipment (2.5130.278) the purchase of 2025 Volvo L70H Loader with PO 130506 ordered November 20, 2024 from Alta Construction.

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

Councilman Altieri stated that the Clarence Youth Bureau is holding their Winterfest this weekend Saturday January 25, 2025 at the Clarence Main Street Park from 11:00 a.m. – 3:00 p.m. Then at the Nature Center on Sheridan Drive will be having a headlamp hike the same day between 5:00 p.m. – 7:00 p.m.

Karen Hawes, Town Clerk, stated that she received the warrant for the 2025 Town and County tax bills from Erie County. All bills will be mailed out as of this week and due February 18, 2025, the 15th falls on a Saturday and Monday is a holiday so you have a couple extra days. The office is open 8:30 a.m. to 4:30 p.m. Monday thru Friday for in person payments. There is a night deposit on the brick wall of the main entrance of the Town Hall that is opened each morning for after hour payments. Payments can be made online through the Town's website for a \$1.00 fee through your bank account or with your credit card with an additional 2.5% fee. We highly discourage payments through your banks bill pay online, the checks are mailed in envelopes that are metered with postage which is not accepted by law if received after the due date and fees will apply. Contact the clerk's office with any questions.

Kevin & Sara Cook at 8969 Willyoungs Overlook. Southwest corner of Willyoungs Overlook and Harolds Harvest, in the Northwoods subdivision. An existing 0.33-acre parcel in the Residential Single-Family zone, containing a single-family residence. The applicant is requesting a Special Exemption Use Permit for the construction of a secondary living unit within the existing home's basement. No exterior addition to the home is proposed, and the secondary living unit is planned to be utilized by the applicant's parents. The Town Board has the authority to consider this request after holding a Public Hearing.

Kevin Cook was present to answer any questions stating he is looking to build an in-law suit within our basement for my wife's parents.

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

Resolved, that the Clarence Town Board, after a public hearing duly held on January 22, 2025, and after all interested parties having being heard, grants a Special Exception Use Permit to the applicants, Kevin & Sara Cook, for the construction of a secondary living unit within the existing home located in the Residential Single-Family Zone located at 8969 Willyoungs Overlook 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.
4. Occupancy shall be restricted to 2 persons to occupy the unit.
5. Deed restriction to 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 applicants (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 is required and must be submitted to the Town Attorney's office before a Certificate of Occupancy can be issued to the applicants.
8. The property owners, or any future property owners, shall provide certification to the Town Planning & Zoning office 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 restriction may be obtained from the Town Attorney's office.

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

Kevin Cook replied he had one question about the certificate required each year.

Jonathan Bleuer stated that they make it as simple as they can for applicants and will reach out to you yearly through email with a form for you to complete and email back.

Supervisor Casilio added that the form is basically stating that you can't turn your home into an apartment complex or a duplex. You state if your parents are still hear or using it accordingly.

Kevin Cook replied that he heard, understands and accepts the conditions.

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

Our Lady of Peace Church (Father Walter Szczesny) at 10946-10984 Main Street. Northwest corner of Main Street & Davison Road. An existing 18.8-acre parcel in the Hollow Traditional Neighborhood District containing a church campus featuring numerous buildings and facilities. The applicant is requesting Local Historic Landmark designation of the property. After a thorough review by the Clarence Historic Preservation Commission, they have recommended designation. The property features the original Our Lady of Peace church, built in 1922, and still used today for meetings and early voting. Additionally, The Commission found that the church campus possesses unique historic value as part of the cultural and social history of the Town. The Town Board has the authority to consider this request after holding a Public Hearing.

Thomas Steffan, Clarence Historic Preservation Commission, was present to answer any questions. We have studied this property and are recommending that it is added to the list of designated historic landmarks in Clarence, this being the 30th. The campus address is 10946 – 10984 Main Street, has special character and historic interest as a Roman Catholic Church, Our Lady of Peace. There are two buildings on the property, the original church built in 1922 named the Uriel Hall. This is a very significant building in Eastern Clarence that served the community until 1964. The population grew and a need for a larger church and built an a-frame structure to accommodate the population. The hall is still used for public usage and was a voting poll place this past election. We are recommending this address for historic designation.

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

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

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

WHEREAS, the property located at 10946-10984 Main Street has been the subject of a thorough review by the Town's Historic Preservation Commission; and

WHEREAS, the church campus located on property at 10946-10984 Main Street has been found to possess unique historic value as part of the cultural and social history of the Town; and

WHEREAS, The Town of Clarence Historic Preservation Commission has unanimously forwarded a recommendation to officially designate the building located at 10946-10984 Main Street as an Historic Landmark within the Town of Clarence; and

WHEREAS, The Clarence Town Board has held a duly advertised public hearing on the proposed designation per the Town of Clarence Town Board Notification Policy.

NOW THEREFORE BE IT

RESOLVED, that the Clarence Town Board, approves the designation of 10946-10984 Main Street as a Local Historic Landmark per the Town of Clarence Historic Preservation Local Law; and be it further

RESOLVED that the affected Site be designated on the Official Zoning Map of the Town of Clarence filed for recording in the Office of the Erie County Clerk.

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

DB Tower Solutions, LLC. at 7360 Goodrich Road. West side of Goodrich Road, north of Lapp Road. An existing 10.5-acre parcel in the Agricultural-Rural Residential zone, containing a residence and multiple detached accessory structures. The applicant is requesting a Special Exemption Use Permit for the construction of a secondary living unit within an existing detached accessory structure (garage). The existing garage is proposed to contain a bathroom, work space, and the garage on the first floor, and a game room, a kitchenette, a guest room, and bathroom on the second floor. A referral to the Planning Board would allow for a thorough review of this proposal. Note: There is currently an active short-term residential rental permit on file for the principal residence on the property.

Brett Rawdin was present to answer any questions stating that this project was started three years ago for family members and coworkers to utilize.

Councilman Shear asked if the plan was to use this as a rental property.

Brett Rawdin stated no.

Supervisor Casilio asked if we had the use in writing to the board.

Jonathan Bleuer stated that we do not have a proposed use for the structure.

Brett Rawdin stated that it is owned by my family and kids, workers come into town from all over and instead of putting them up at a hotel they can utilize this space. We employ 25 people and there would be one to two at a time staying there when needed.

Supervisor Casilio stated that he would like more time to review the usage and table the motion.

Jonathan Bleuer stated that with the Boards direction he would be able to work with the applicant and get any additional information that is necessary for the review.

Supervisor Casilio asked if the business was being currently run from this building and if the commercial vehicles would stay there.

Brett Rawdin stated yes, the business is being run there but the commercial vehicles would not be staying.

Councilman DiCostanzo asked who was in the main house.

Brett Rawdin stated that it is an Airbnb.

Councilman Shear stated that the applicant has done an excellent job with the property.

Brett Rawdin stated that when he bought the property there were two meters on the house and it was two separate residences. I understand what the rules are and have waited a long time to finish this up and ask for this to be expedited.

Supervisor Casilio stated that we have had a lot of these projects come up on us and we would like to just take another look at this to double check. The next meeting will be February 12, 2025.

Motion by Supervisor Casilio, seconded by Councilman Shear to table the request of the applicant, DB Tower Solutions, LLC, to the Planning Board to consider a Special Exception Use Permit for the construction of a secondary living unit within an existing detached accessory structure located at 7360 Goodrich Road, in the Agricultural-Rural Residential Zone.

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

Benderson Development Company, LLC. (James Boglioli, Benderson Development) 5017 Transit Road. East side of Transit Road, north of Sheridan Drive. An existing 1.3-acre parcel located in the Major Arterial zone, containing an existing commercial structure and associated parking. The structure formerly contained an Applebee's Restaurant. In 2022, the site was proposed to contain a quick service restaurant and drive-through facility, which was ultimately never approved due to unsolved traffic pattern / flow issues. The applicant is requesting preliminary Conceptual review of a proposed 13,500 sqft retail grocery store with associated facilities. Three (3) access points are proposed for the site, all of which would be through the existing Eastgate Plaza. The building would feature a variety of materials including brick, stone, and hardboard siding. A referral to the Planning Board would allow for a thorough review of this proposal. Note: The proposed retail building is proposed to have a 10' 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.

Supervisor Casilio stated for the record that the Chick-fil-A that was proposed for this property was moving along within the Town of Clarence and the State DOT was the one who stopped the project with simple modifications.

Jonathan Bleuer stated that they were unwilling to make basic modifications to make traffic move better.

Supervisor Casilio stated that they were going to absorb the cost of two left hand turn lanes and the cost of a new light but the NYSDOT refused. Additionally, we have asked for a light at Third Avenue to help the Delta Sonic traffic and they refuse.

James Boglioli was present to represent Benderson Development. The restaurant that was last there has been closed for a while, our proposal is a 5,500 square foot Trader Joe's. There is only one other Trader Joe's in Amherst on Niagara Falls Boulevard. The current building would be knocked down but have the same setbacks as they currently have and it would be a 13,500. We would be making traffic improvements, parking in the front and side, close the unsafe cut through and use the drive way as only a right in not a right out. Additionally, another curd cut on the main access way for the trucks to come in. This is a good space for this popular retailer whose hours are from 8:00 a.m. to 9:00 p.m. not being open too early or late with architecture to stay consistent with the existing shopping center.

Supervisor Casilio stated this is not the Town of Clarence tax payers' money going out there, and wanted to state for the record what happened with Chick-Fil-A, you wanted it we wanted it but the DOT was giving us a hard time. You have now just made it public that the space will be for Trader Joe's so thank you and if you get through planning this will be a very successful add to the Town of Clarence.

James Boglioli stated that they are eager to start construction as early as spring with proper approvals.

Councilman Shear asked if the applicant anticipated any problems with the State DOT on this one.

James Boglioli stated that there was a restaurant prior and the last proposed restaurant which would have more traffic than the proposed retail store, so we don't anticipate any issues as we don't need approvals from them. Only the Town of Clarence needs to approve this project.

Supervisor Casilio added that the plaza has been making improvements to the space as well which is great.

Motion by Councilman Shear, seconded by Councilman Altieri to refer the request of the applicant Benderson Development Company, LLC, to the Planning Board for preliminary Conceptual review of a proposed retail grocery store at 5017 Transit Road in the Major Arterial zone.

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

Motion by Councilman DiCostanzo, seconded by Councilman Shear for the bill pay of January 9, 2025 as follows: General Funds \$428,861.20; Highway Funds \$84,578.78; Water Funds \$922.00; Drainage Funds \$6,427.78; Sewer Funds \$200.00 and Capital Funds \$122,175.88 for a total bill pay of \$643,165.64.

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

Motion by councilman DiCostanzo, seconded by Councilman Altieri for the bill pay of January 16, 2025 as follows: General Funds \$85,585.94; Highway Funds \$51,665.81; Lighting Funds \$688.45; and Capital Funds \$82,427.42 for a total bill pay of \$220,367.62.

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

Councilman DiCostanzo added that most of the board is lucky enough to be invited to the Fire Companies Installation dinners around this time of year. We have been to at least two so far. Last weekend was Clarence Fire District No.1 which technically we don't contract with as they have their own budget and voting. One of Supervisor Casilio's fire member, Ruth Rider-Work was installed as the first women fire chief in all of Erie County and this is a very big deal. Congratulations to her and her accomplishments.

With no further business, Supervisor Casilio, closed the meeting at 11:14 a.m.

Karen Hawes
Town Clerk