

The Work Session meeting of the Town Board of the Town of Clarence was held on Wednesday February 12, 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, 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

FORMAL AGENDA ITEMS:

Custom Controllerzz

The applicant is requesting preliminary conceptual review of a proposed office / warehouse facility located in the restricted business zone at 8003 Transit Road, on the east side of Transit Road, north of Wolcott Road.

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.

This will require significant engineering review due to the location of the site.

Councilman Shear asked if this is in wetlands.

Jonathan said significant.

Town Engineer Timothy Lavocat said it is in the density floodway.

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 with access to Keller Road 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 to be used by an elder parent.

A referral to the Planning Board would allow for a thorough review of this proposal, but there has been conversation if this even warrants going to the Planning Board. The other option is just to set a public hearing.

Councilman Shear expressed his opinion, that he doesn't think it is necessary to send it to the Planning Board.

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 property is approximately 58-acres in the Residential Single-Family zone consisting of 31 residential sublots. The road dedication is approximately 2,200 linear feet of Kandefer's Trail and 1,040 linear feet of Shardale Drive.

Councilman Shear asked if all the paving is done.

Town Engineer Timothy Lavocat said yes, and we have received assuredly for the street trees.

Councilman Shear asked if they will be planting the trees.

Mr. Lavocat said they will be planting them. We have a bond in place so if they don't, we have the funds in place for us to plant them. It is however, their responsibility to plant the trees.

Supervisor Casilio asked what is being done about street lights.

Mr. Lavocat said the street lights are a condition of the final plat, to be installed within one year, with a bond in place.

Councilman Michnik asked if we have control as to the type of trees that are planted.

Mr. Lavocat said yes, there is an approved landscape plan.

Jonathan added it is species specific.

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

WORK SESSION ITEMS:**Stephen Development / Dimar Manufacturing Corporation**

The applicant is requesting preliminary conceptual review of a proposed light manufacturing facility located on a 3.6-acre parcel on the southwest side of Research Parkway, Phase 1 subplot 5 of the previously approved Research Parkway Industrial Business Park (SBL 83.00-3-31).

The proposal is for approximately a 33,125 sq ft structure, with associated facilities. Two curb cuts are proposed to Research Parkway, and cross access is planned to the recently constructed Dimar Facility immediately adjacent to the southeast. The new facility will be used for distribution, warehousing, and light manufacturing, and act as an expansion of the established business.

Phase 1 of the Research Parkway Industrial Business Park was approved by the Planning Board in September of 2024, and is still in the construction phase.

The area of road that this is on has not been approved yet, it is still under construction. By the time it takes to review this proposal, the road should be ready to accept this.

Mr. Lavocat added most importantly the final plat because we don't have a legal lot here yet.

Councilman Shear confirmed we can't and shouldn't approve this until the road is in.

Jonathan said that is correct, but with the SEQRA process we shouldn't run into that issue. If we do, we will just hold it.

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

Natale Builders

The applicant is requesting an amended conceptual review of a 34-lot open space design subdivision on the south side of Clarence Center Road, east of Herr Road (SBL 58.00-3-15.11).

The existing vacant parcel contains approximately 22 associated acres in the Residential Single-Family zone and Clarence Sewer District # 2.

The proposal includes access to Clarence Center Road and Kamner Drive. Of the approximately 22 associated acres, approximately 11.74 acres are proposed to be preserved as permanent open space, and protected by a conservation easement. The main roads are proposed to be public, with a secondary private drive to accommodate additional emergency response access to a cul-de-sac containing more than 12 sublots. A publicly accessible recreational trail from Rosecroft Drive to Clarence Center Road is planned, with the route yet-to-be determined.

After a Public Hearing held in September of 2022, the Town Board issued an Open Space Overlay for the property. At that time, the approved concept plan contained 40 lots, and featured a mixture of public roads, private roads, and alleys. Since then, the project sponsor has changed.

Councilman Shear asked if they own the property where they want to put the emergency road.

Jonathan said yes, they do.

Supervisor Casilio said he is not excited about this project.

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

Leonard Deni

The applicant is requesting preliminary conceptual review of a 4-lot minor subdivision on Kraus Road, and an 8-lot major subdivision as an extension of Meadowglen Drive. This is on the west side of Kraus Road, east side of Meadowglen Drive stub, north of Greiner Road.

The existing vacant and previously disturbed parcel contains approximately 65-acres in the Agricultural-Rural Residential zone and Clarence Sewer District # 4.

The Kraus Road lots range in size from 5 acres to 20 acres, while the Meadowglen extension lots range in size from 0.7 acres to 1.2 acres.

Councilman Shear asked if the sewer taps would be through Spaulding Green.

Mr. Lavocat said it is not an issue of taps anymore. The issue is the standard process of downstream capacity.

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

Harris Hill Development, LLC

The applicant is requesting amended conceptual review of a mixed-use project containing multiple-family housing and commercial space located at 8450 Sheridan Drive, on the north side of Sheridan Drive, west of Harris Hill Road.

The existing 14.8-acre vacant parcel is located in the Commercial and Restricted Business zones. The project consists of; three mixed-use buildings, each containing 5,700 sq ft of commercial and thirteen apartments; seven residential townhouse buildings, each ranging from

two to four units; four residential apartment buildings, each containing four units; two garage buildings with ten and twelve bays respectively. This results in a total of eighty residential units and 17,100 sq ft of commercial space.

This property currently holds development plan approval for a mixed-use project containing 80 residential units and 24,800 sq ft of commercial space.

Per Town Code, multiple-family projects in the Commercial and Restricted Business zones are limited to a maximum of 2-stories. Each of the three mixed-use buildings contain a third-floor element. To consider this proposal, variances will be required by the Zoning Board of Appeals.

Supervisor Casilio asked if the property to the west is being deed restricted at all.

Jonathan replied he believes the applicant would be willing to condition that it could never be used for three story buildings.

Supervisor Casilio expressed concern that neighbors have been exposed to the elements because landscaping has not been put in.

Jonathan replied the Town considers that site an active construction zone, so there could be mitigating effects and that may be a commitment to get the landscaping in sooner than later. Certainly, before there is any sort of full review or approval process.

Supervisor Casilio asked where we are at with sidewalks.

Jonathan said a portion of the sidewalks on Harris Hill Road are part of the Harris Hill Commons residential component. This proposal will complete the sidewalks on Harris Hill Road up to Sheridan Drive, and then also on Sheridan Drive.

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

TOWN BOARD REPORTS:

Supervisor Patrick Casilio

- Has several motions.
- Highway Superintendent has a handle on our salt supply.

Councilman Peter DiCostanzo

- Has several motions.
- The Parks Department is working on the ice at Meadowlakes Park.

Councilman J. Paul Shear

- Has one motion.

Discussion came up regarding the Clarence Center sidewalk project.

Councilman Daniel Michnik

- Has one motion, but there is a change that Dawn Kinney will be attending the conference instead of Jessica Wruck.

Councilman Robert Altieri

- The Clarence Lion's Club are still working on plans for the playground.
- The Clarence Conservation Committee is working with Highway Superintendent James Dussing on planting 500 trees near the Highway Department.
- Five complaints have been received regarding bricks at the Clarence Library wearing out.

Motion by Supervisor Casilio, seconded by Councilman Shear to adjourn the work session at 9:35 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 Shear, to adjourn the Executive Session at 10:12 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, February 12, 2025 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 Robert Altieri, Daniel Michnik, Paul Shear, Peter DiCostanzo and Supervisor Patrick Casilio. Other Town officials present were Director of Community Development Jonathan Bleuer, Town Attorney Lawrence Meckler and Town Engineer Timothy Lavocat.

Motion by Councilman DiCostanzo, seconded by Councilman Michnik to approve the minutes of the Work Session and Town Board Meetings of January 22, 2025.

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

Supervisor Casilio recognized that 16 years ago in this day that an aircraft crashed in Clarence Center and 51 people lost their lives. This country hasn't had an accident like that until two weeks ago. Please those people and their family on your mind especially today.

Supervisor Casilio also stated that he will be moving around the agenda due to time restraints.

Woodland Hills, Jeff Palumbo – Council, Ken Zollitsch of GPI – Representative. SBL 70.11-4-3.111. South side of Greiner Road, east side of Harris Hill Road. Previously approved 77-lot major subdivision in the Residential Single-Family zone on approximately 58-acres. The applicant is requesting final plat Approval of phase 1, consisting 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. Per the Zoning Law, the Town Board has final approval authority to approve a Final Plat.

Jeff Palumbo along with Anthony and Fred Cimato were present requesting the final Plat approval where all issues have been addressed. We would be happy to answer any questions you have.

Motion by Councilman Shear, seconded by Councilman DiCostanzo that the Town Board hereby approves the request of the applicant, Woodland Hills Subdivision, for Final Plat Approval for Phase 1 of a previously approved Major Subdivision, SBL 70.11-4-3.111, south side of Greiner Road, east side of Harris Hill Road, consisting of 31 sublots and the road dedication of approximately 2,200 linear feet of Kandefers Trail and 1,040 linear feet of Shardale Drive, in the Residential Single-Family zone, subject to the following conditions:

1. All conditions and approvals by the Town Engineer
2. All conditions and approvals by the Highway Superintendent
3. All conditions of past approvals and Boards associated with the Woodland Hills Subdivision.
4. All documentation for the road dedications and easements shall be submitted to the Town Attorney's Office for review and approval prior to filing with the Erie County Clerk's Office.
5. No building permits shall be issued until the road deeds and easements, as required, are filed in the Erie County Clerk's Office and proof of same is submitted to the Town Attorney's Office.
6. Subject to Open Space, Recreation, and any other applicable fees, as required.

Councilman Shear asked the applicant have you heard, understand and accept the conditions.

Jeff Palumbo replied yes.

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

Motion by Supervisor Casilio, seconded by Councilman Michnik upon the recommendation of the Superintendent of Highways, to accept the bid from Attica Package Company, Inc., 45 Windsor Street, Attica, NY 14011-0295, for the purchase and removal of 5,437.33 cubic yards of leaf compost at the cost of \$2.67 per cubic yard, for a total amount of \$14,517.67.

On the question, Councilman DiCostanzo added that they are paying us to remove the leaf compost.

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

Motion by Supervisor Casilio, seconded by Councilman Shear to approve Karen Smith as Clerk Part Time in the Engineering Department at the hourly rate of \$29.00, effective March 3, 2025, upon completion of all pre-employment paperwork and requirements.

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

Motion by Supervisor Casilio, seconded by Councilman Michnik to approve the designation of Brenda Young to the Erie County Environment Management Council as a member of the Town of Clarence Solid Waste Recycling Committee, for a 2-year term to expire on May 31, 2027.

On the question, Brenda has been on this committee for many years and brings us information from the county on waste removal.

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

Motion by Supervisor Casilio, seconded by Councilman Altieri to set a bid date of Thursday March 13, 2025 at 10:00 a.m. for the Engineering Building Exterior Improvements Project.

On the question, bid documents will be available at the Offices of Donald Gallo Consulting Engineer starting February 19, 2025 per the published Notice to Bidders.

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

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo to set a bid date of Thursday March 20, 2025 at 10:00 a.m. for the Highway Department Fuel Canopy Replacement Project.

On the question, bid documents will be available starting February 19, 2025 per the published Notice to Bidders.

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

Motion by Supervisor Casilio, Seconded by Councilman Michnik to set a bid date of Thursday March 13, 2025 at 10:30 a.m. for the Police and Court HVAC Rooftop Unit Replacements.

On the question, bid documents will be available starting February 19, 2025 per the published Notice to Bidders.

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

Motion by Supervisor Casilio, seconded by Councilman Altieri to revise the fee schedule for the use of the following two (2) Town of Clarence Town Park facilities effective immediately:

Town Place Park, 5400 Goodrich Road:
Townview Pavilion (Capacity – 150) Fee- \$250.00
Previous Fee was \$200.00

Fogelsonger Park, 8355 Greiner Road:
Glenwood Pavilion (Capacity – 90) Fee- \$150.00
Previous Capacity was 50 and Fee was \$75.00

On the question, Town Engineer, Timothy Lavocat, stated weather dependent we are hoping for July to be able to rent the pavilion so stay tuned.

Town Clerk, Karen Hawes, stated no reservations will be taken until we have a confirmed open date. The first day to rent the other pavilions will be March 3, 2025.

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

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo to approve the new pavilion rental for the use of the following Town of Clarence Park:

Parker Park and Pavilion at 4905 Academy Street, Clarence,

Capacity of 50

Pavilion rental fee of \$50.00

Effective immediately February 12, 2025

On the question, this is just if people want to reserve it people can still go to the park there but if someone has a slip stating they are renting it they will need to leave.

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

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

WHEREAS, the Town of Clarence Highway Department calls for the purchase of the following item for the Town's recycling area, which is a fully registered DEC facility in New York for processing leaf compost and wood mulch:

Morbark 6400XT Wood Hog for processing wood materials and improving efficiency at the recycling site. \$1,367,050; and

WHEREAS, the NYSDEC currently has funding available for the purchase of such equipment; and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board authorizes the submission to the DEC Municipal Waste Reduction and Recycling Program to request funding for the purchase of a Morbark 6400XT Wood Hog for the total project amount of \$1,367,050; and be it further

RESOLVED, that the Town Board acknowledges that it is responsible for at least 50% of the above total project cost (\$683,525); and be it further

RESOLVED, that Patrick Casilio, as Supervisor of the Town of Clarence, is hereby authorized and directed to file an application for funding from the DEC Municipal Waste Reduction and Recycling Program to purchase the Morbark 6400XT Wood Hog.

On the question, Councilman DiCostanzo stated this could be a long process so we wanted to get started on it now.

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

Motion by Councilman DiCostanzo, seconded by Councilman Shear to authorize the purchase of a Kubota U27 Mini excavator with 12- and 24-inch trenching buckets and thumb kit for the Parks Department to aid with the maintenance and replacement of street lights and drainage projects.

On the question, to be funded with the trade in of (1) Case 75c tractor, P-164, and (1) Woods brush hog, P-299. The remainder of the purchase \$ 17,690.40 will be funded through the street light budget 001-5182-4383

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

Motion by Councilman DiCostanzo, seconded by Councilman Shear to authorize Supervisor Patrick Casilio to sign the ESI Employee Assistance Program (EAP) Renewal Agreement for the period of February 1, 2025 through January 31, 2026 subject to review and approval by the Town Attorney.

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

Motion by Councilman DiCostanzo, seconded by Councilman Michnik to approve position from Seasonal Part Time to Regular Part Time for Kelly Rusin, Recreation Specialist, at the rate of \$20.72 per hour, starting February 19, 2025.

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

Councilman DiCostanzo stated that he wanted to thank the Parks Department as they are doing their best to keep the ice at Meadowlakes Park stable but with snow, freezing temperatures then thawing it's tough to keep ice going outside. If the gates are open though the ice is open.

Supervisor Casilio added that hopefully we can add ice to the recreation center next year.

Motion by Councilman Shear, seconded by Councilman Altieri to approve the request of Jonathan Bleuer and Andrew Schaefer to attend the 2025 National American Planning Association (APA) Conference to be held in Denver, Colorado from March 29th, 2025 through April 1st, 2025 with all reasonable and necessary costs covered by the Town.

On the question, the cost of the conference is a budgeted item.

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

Motion by Councilman Michnik, seconded by Councilman Altieri to approve Dawn Kinney, Program Leader of the Clarence Youth Bureau, to attend the NFRPS (Niagara Frontier Recreation and Parks Society) Conference in Amherst, New York at the Northwest Amherst Community Center on February 28, 2025.

On the question, the cost is \$40.00, of which \$15.00 can be applied to the 2025 NFRPS membership and includes a hot lunch. The cost will be paid from the 2025 Youth Bureau budget.

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

Councilman Altieri mentioned that the Conservation Committee is working on the next tree planting on April 29th which is Arbor Day. 500 trees will be planted and the committee is looking for any volunteers that would like to get involved. Additionally, the Lions Club is working very hard on the new inclusive play ground interviewing contractors at this point.

Supervisor Casilio asked how the headlamp event went.

Councilman Shear stated it was a well-attended event despite the cold weather.

Attendants received free hot chocolate, doughnuts, hot dogs and coffee. We will be holding another event March 8, 2025.

Councilman Altieri added that town Organizations are brought in and run the event which is great.

Karen Hawes, Town Clerk, stated a reminder that Town and County Taxes are due February 18, 2025 with no penalties and if you have any questions, please contact our office. The office will be closed on Monday February 17, 2025 in observance of President's Day. Additionally, again as it was mentioned earlier, March 3, 2025 will be the first day to rent pavilions in the Town of Clarence, the 1st is a Saturday. Our office will open at 8:00 a.m. to take applications. The Supervisor may be in early that day to open the doors to allow waiting inside the building.

Supervisor Casilio stated that this can not be done online as we need proof of residency.

Custom Controllerzz, Colin Hayes – owner, Pat Sheedy of Carmina Wood – representing, at 8003 Transit Road. East side of Transit Road, north of Wolcott Road. An existing 12-acre vacant parcel located in the Restricted Business zone and Agricultural Floodzone. The applicant is requesting preliminary Conceptual Review of a proposed office / warehouse facility wholly located in the Restricted Business zone. The proposed structure is approximately 6,144 sqft, with 3,456 sqft planned for office and assembly, and 2,688 sqft planned for warehousing of merchandise. A referral to the Planning Board would allow for a thorough review of this proposal.

Pat Sheedy was present to answer any question and I want to update you that the building size has been reduced to 4800 sq. ft. for the owners needs of the facility.

Supervisor Casilio stated that there will be side discussions on the 30% or so of masonry.

Pat Sheedy stated they are proposing a mixture of stone along the side of the building with a lot more detail on that as the project progresses.

Motion by Councilman Shear, seconded by Councilman Michnik to refer the request of the applicant Custom Controllerzz to the Planning Board for preliminary conceptual review of a proposed office / warehouse facility at 8003 Transit Road in the Restricted Business zone.

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

Kelkenberg Homes, Robert Fenstermaker – future homeowner, at the Southeast corner of Keller Road and Salt Road, SBL 45.00-2-51.13. An existing 10.7-acre vacant parcel located in the Agricultural-Rural Residential zone. The applicant is requesting a Special Exemption Use Permit for an attached secondary living unit as part of a new residence construction with access to Keller Road. The secondary living unit is proposed to contain approximately 700 sqft of living space, and 311 sqft attached garage space, all used by an elder parent. A referral to the Planning Board would allow for a thorough review of this proposal.

Charlie Kelkenberg of Kelkenberg Homes was present on behalf of the applicant to answer any questions. This is just a secondary living unit for an elderly parent.

Motion by Councilman Shear, seconded by Councilman Altieri to set a public hearing date Wednesday March 12, 2025 at 10:15 a.m. to consider a Special Exception Use Permit for a secondary living unit with a new home construction at SBL#45.00-2-51.13, on the southeast corner of Keller Road and Salt Road in the Agricultural-Rural Residential zone.

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

Motion by Councilman DiCostanzo, seconded by Councilman Shear to approve the bill pay of January 30, 2025 as follows: General Funds: \$138,412.44; Highway Funds \$70,838.27; Water Funds \$922.00; Fire Protection District Funds: \$6,035.00; Sewer Funds: \$601.38; Capital Funds: \$15,035.39 and Agency Funds: \$18.87 for a total bill pay of \$231,863.35.

Councilman DiCostanzo mentioned that he and the Town Clerk are fans of Clarence high school wrestling and were in attendance at last Thursday's meet where AJ Didas had his 200th win. This is only the third time this has happened I believe at the high school. Both Karen and I have had sons who have wrestled and this is a huge deal and accomplishment, very impressive and will most likely go onto States.

Councilman Altieri mentioned flight 3407 which was mentioned earlier, and his wife and he lost four people at the time who they worked with or were involved with their church.

Supervisor Casilio added that he was at his dad's house where there was a fire and ended up going to the call where he was all night and you don't realize these people are local. Other planes were flying over us watching this happen which was scary until they closed the runway down.

Councilman Michnik added that the home owner Karen was a client at his wife's salon and how they all pulled together to get through this tragedy.

With no further business, Supervisor Casilio closed the meeting at 10:50 a.m.

Karen Hawes
Town Clerk