

The Work Session meeting of the Town Board of the Town of Clarence was held on Wednesday February 26, 2025 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 8:30 a.m.

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

Director of Community Development - Jonathan Bleuer
FORMAL AGENDA ITEMS:

Stephen Development / Dimar Manufacturing Corporation

The applicant is requesting preliminary conceptual review of a proposed light manufacturing facility, of approximately 33,125 sq ft, with associated facilities located on the southwest side of Research Parkway, Phase 1 subplot 5 of the previously approved Research Parkway Industrial Business Park.

The lot doesn't exist until the final plat is approved for phase 1 of Research Parkway extension.

The applicants have spent a lot of time on architectural style.

Supervisor Casilio said he is concerned for the applicants that they will be able to get the road done in a timely manner, and asked if the drawings would be looked at before the road is done.

Jonathan said we can review this.

Town Engineer Timothy Lavocat added that we would not issue final development approval until there is a lot and a final plat in place.

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

Natale Builders – Clarence Center Open Space Design Subdivision

The applicant is requesting amended conceptual review of a 34-lot open space design subdivision, with access to Clarence Center Road and Kamner Drive, located on the south side of Clarence Center Road, east of Herr Road.

This was formerly proposed by Dominick Piestrak through the Spaulding Green entity. The Spaulding Green partnership has a contract in place to sell to Natale, if Natale gets all the necessary approvals.

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 because National Fuel will not allow the trail to cross their pipeline.

Supervisor Casilio commented that he is not excited about the private drive.

Councilman Shear agreed.

Supervisor Casilio added he wants to make sure the bike trail is not the Town's problem.

Jonathan clarified that this is against our code without the private drive.

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 located 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. There are some lot line adjustments proposed. Those would be lands that they are proposing to deed over to adjacent property owners, both to the north and to the west.

Supervisor Casilio asked if we are doing anything about the bike trail to Kraus Road.

Jonathan said that is a great question and needs to be studied. Right now, we have an easement allowing the trail to go to Kraus Road but it would be the Town's responsibility. There would be a recreation component required for any major subdivision. It is something we could look to collaborate on. We want to see that trail get to the Middle School.

Councilman Shear asked if it will be considered part of Spaulding Green, or just access from.

Jonathan said from an ownership perspective, it will not have anything to do with Spaulding Green. But there is a connection to Spaulding Green.

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 side of Harris Hill Road.

This is reducing the infrastructure associated with the project that was previously development plan approved and construction has commenced. The project consists of three mixed-use buildings, seven residential townhouse buildings, four residential apartment buildings and two garage buildings. The corner of Harris Hill Road and Sheridan Drive is remaining vacant, as is the west portion of the property. The applicant has expressed willingness to deed restrict the northern corner.

A landscape plan has been submitted for buffering the existing homes on Glenwood Drive which is subject to Landscape Committee review and approval. It is different than what was previously approved, which could be installed today but the applicants have been unwilling to do that.

Supervisor Casilio said as discussed in the Executive Planning Board meeting, he is not confident that the developer will follow through with the things he has to, considering this has been dormant for three years. The property was clear cut wall to wall. The residents on Glenwood Drive have been subjected to traffic noise and headlights from Sheridan Drive all this time. He said he will recommend the project be sent to Landscape Review. Upon Landscape Review the project should come back in front of the Town Board. Possibly a performance bond should be put forth and/or get the landscaping done before anything else moves forward.

Supervisor Casilio also expressed concern regarding the west side of the property and that no three-story buildings be allowed there. He wants the neighbors protected.

Councilman Shear added he is not in favor of berms in the landscaping because no one maintains them and questioned how wet it is there.

Supervisor Casilio said the neighbors complained that their yards were wet.

Town Engineer Timothy Lavocat said everything drains to the north here. They were supposed to put mitigating measures in after the land was cleared, but that was never done.

Councilman Michnik commented that we have all these things in place, nothing is being done, and also questioned why would we consider moving this forward until everything we need is completed.

Supervisor Casilio replied, make sure you voice your concerns too.

Councilman Shear also agreed.

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

WORK SESSION ITEMS:

Zang Ventures, Inc.

The applicant is requesting preliminary conceptual review of a proposed 9,000 sq ft warehouse addition to the rear of the existing building located at 6204 Goodrich Road, on the southwest corner of Goodrich Road and Pine Breeze Lane.

The existing 2.1-acre parcel contains an existing business operation in the Commercial zone. The space is proposed to be used for complimentary business operations such as warehousing, athletic training, and sales.

The applicant is requesting a side yard setback variance for the proposed addition, which will be subject to review and approval by the Zoning Board of Appeals. They are cognizant of the neighbors and want to make sure they are well buffered.

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

NOCO Forestry

The applicant is requesting a public hearing to consider a Temporary Conditional Permit (TCP) to legally operate the existing business operation located at 9220 County Road, on the north side of County Road, east of Heise Road.

The 12.25-acre parcel contains an unapproved erosion control manufacturing business, formerly known as DC Supply.

The Planning office witnessed the business operation occurring on the property, and informed the operator that a TCP was required to operate. Since that time, the business has been taken over by NOCO Forestry, who is now acting as the applicant.

This request was referred from the Town Board to the Planning Board in November of 2021. In July of 2022, the Planning Board recommended issuance of a TCP, subject to thirteen conditions. Since that time, the applicant has received approval from the Engineering Department for a Stormwater Pollution Prevent Plan (SWPPP), and approval from the Landscape Review Committee for a landscaped plan.

Supervisor Casilio asked what is being done with the ditch.

Jonathan said it remains and is not being moved.

Town Engineer Timothy Lavocat added it is a jurisdictional ditch.

Councilman Shear said he is concerned with the noise that will be created by the saws and chippers.

Jonathan said the operation is substantially reducing. They are no longer accepting the materials that use to be accepted.

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

John & Laurel DiBrog

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 10407 Clarence Center Road, on the south side of Clarence Center Road, east of Strickler Road.

The addition is proposed to be approximately 783 sq ft and fully to the rear of the home. The existing residence is on a 4.8-acre parcel in the Agricultural-Rural Residential zone.

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

Joshua Horton & Peyton Barlow

The applicant is requesting a Special Exemption Use Permit for the construction of a secondary living unit within the existing home located at 8395 Transit Road, on the east side of Transit Road, south of Tonawanda Creek Road.

The existing residence is on a 0.7-acre parcel in the Major Arterial zone. No exterior addition to the home is proposed. The applicant is in the process of purchasing the property, and currently the space proposed to be a secondary living unit is unfinished.

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

Deer Valley Estates

The applicant is requesting final plat approval of a previously approved 28-lot major subdivision in the Residential Single-Family zone on approximately 18-acres located on the east side of Goodrich Road, north of Keller Road, and west of Deerview Court.

This consists of 28 residential sublots, and the road dedication of approximately 1,800 linear feet of Deer Valley Drive.

Councilman Shear commented that this includes sidewalks down to Countryside Court.

Town Engineer Timothy Lavocat explained that we are working through an issue on the sidewalks. The applicant is ready and willing to install the sidewalks. Erie County has stepped in to put a hold on that, because of the storm drainage system that is under or near the sidewalks. We are working with Erie County to see if we can come up with a reasonable resolution to the requirement that is in the County right-of-way. For now, we are requiring a performance bond for a period of one year from the applicant for the installation of those sidewalks.

Per the Zoning Law, the Town Board has final approval authority to approve a final plat. The Engineering Department is in the process of ensuring that the applicant has met the technical and Town requirements necessary to consider this action.

Director of Community Development Jonathan Bleuer announced he and Junior Planner Andrew Schaefer will be giving a State of Development presentation tomorrow morning at 8:30 a.m. in the Town Hall auditorium. The event is being hosted by the Clarence Chamber of Commerce.

TOWN BOARD REPORTS:
Supervisor Patrick Casilio

- Will be closing the Town Board meeting in honor of Stephen Cislo, former Town Engineer.
- Is doing a short presentation tomorrow with Town of Amherst Supervisor Brian Kulpa along with various other presenters at the Buffalo History Museum.
- Has a meeting on Friday with State of New York Commissioners regarding a sewer line on Transit Road.
- The three new School Resource Officer (SRO) vehicles are in service.
- Has been approached by the Clarence School District for a fourth SRO.
- Monday March 3, 2025 is the first day for pavilion reservations.
- We have finalized Parks on the Master Plan.

Councilman Peter DiCostanzo

- No report.

Councilman J. Paul Shear

- No report.

Councilman Daniel Michnik

- Attended the Association of Towns conference in New York City. It was excellent. There was a lot of training and good information. Would like to attend next year.
- Joe McGreevey is doing an Archaeology of Clarence presentation at the Clarence Town Park Clubhouse on Main Street on March 11, 2025. Doors open at 6:30 p.m. Presentation starts at 7 p.m. The event is presented by the Clarence Historical Society.

Councilman Robert Altieri

- Attended the Association of Towns conference in New York City. The meetings and training were fantastic. Spending time with officials from other towns, comparing what they do in their towns, was very helpful. It was a great experience.
- Had the first kick-off meeting for Fireworks in the Park. The event will be on June 30, 2025 with July 1 scheduled as a rain date.
- There is a meeting with Uniland Development today regarding the Clarence Lion's playground.

Motion by Supervisor Casilio, seconded by Councilman Shear to adjourn the work session at 9:45 a.m. and enter into Executive Session pursuant to §105(1) f of the Open Meetings Law to discuss employment history. 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 10:15 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 26, 2025 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 10:19 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 February 12, 2025.

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

Supervisor Casilio mentioned that next Monday March 3, 2025 is the first day to rent pavilions in the Clarence Town Parks for the 2025 season. The Town Clerks office will open that day at 8:30 a.m. The reason we do not take applications on line is we need to verify proof of residency in the Town of Clarence. We also don't allow residence to rent more than one pavilion that day and tie them up making it unfair to all residents. I and some of the other Councilmembers will be in early to allow people into the building to hand out numbers at a first come first serve basis. Folgelsonger Park on Greiner Road is not ready at this time so we will not be taking applications to reserve it. Once we have an open date, we will get that communicated through social media, our website and the Clarence Bee or feel free to contact the Town Clerks Office as well. Additionally, we have added Parker Commons on Academy Street for rent.

Motion by Councilman DiCostanzo, seconded by Councilman Shear to approve the request for Town Clerk, Karen Hawes, to attend the New York State Town Clerks Association (NYSTCA) Annual Town Clerks Conference to be held in Syracuse, New York at the Syracuse Marriott, Downtown Syracuse, from April 27th, 2025 through April 30th, 2025, with all reasonable and necessary expenses paid by the Town per the Town's Travel Policy.

On the question, this is a budgeted item.

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

Councilman Shear commented that March 8, 2025 will be a headlight walk at the Clarence Nature Center for the children from 5:00 p.m. to 7:00 p.m. with food and plenty of activities to participate in, I highly recommend attending.

Councilman Michnik commented that March 11, 2025 Joe McGreevy from the Town Historical Association will be doing a presentation at the Clubhouse at the Main Street Park on archaeological findings in the Town at 7:00 p.m. I had an opportunity to go to New York City with Councilman Altieri from the Association of Towns. It was a great event that had a lot of information on what's going on throughout the State of New York. We attended classes and seminars and brought back a lot of information to share, thank you to the board for the opportunity.

Supervisor Casilio stated that Doug, Sandy and Sarah Larkin always fill the Clubhouse when there are historical presentations with 60 – 90 people, they do a great job.

Councilman Michnik added to stop by the Historical Museum, they are open the second and fourth Sunday of the month and the first Saturday of the month.

Councilman Altieri mentioned that the Clarence Lions are working hard on the all-inclusive play ground that will be located near the Townview Pavilion on Goodrich Road. We are starting to solicit for funding of that and we are hoping to break ground on in 2026. Saturday March 8, 2025 is the International Day at the Eastern Hills Mall. This is the second year they will be holding the event as last year it was well attended. Fireworks in the Park Committee has met with a date of Monday June 30, 2025 with a rain date of Tuesday July 1, 2025. Due to the issue with rain last year we choose to do a rain date right away.

Councilman Shear added that at the International Event at the Mall is an excellent event with ethnic foods and tons of different things you should attend.

Motion by Councilman DiCostanzo, seconded by Councilman Altieri to approve the request for a Special Event for the #838 American Legion Post Memorial Day Parade to be held on May 26, 2025, beginning at 10:30 a.m. and ending at approximately 1:30 p.m. subject to meeting all conditions of the Special Event Permit, the Memorandum of Agreement requirements, and any Building Department and Emergency Management conditions.

On the question, the parade is on Main Street and will begin at Gunnville Road with the fire companies and balance of participants will join in at Kraus Road and end at the Clarence Town Park at 10405 Main Street and requires closure on Main Street at approximately 10:45 a.m. to 12:15 p.m. The ceremony will be at the Veterans Memorial. In the event of inclement weather, the parade will be cancelled and the memorial ceremony will be held in the Town Park Clubhouse at 11:00 a.m. All the appropriate agencies will be notified.

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

Motion by Councilman Altieri, seconded by Councilman Shear to approve the request of the applicant, the Clarence Chamber of Commerce, for a Special Event Permit for the “Taste of Clarence” to be held on Monday, August 4, 2025 from 12:00 p.m. to 8:00 p.m. at the Clarence Town Park, 10405 Main Street, subject to meeting all conditions of Special Event Permit, the Memorandum of Agreement requirements, any Building Department and Emergency Management conditions, a list of all of the vendors and submitting the required insurance certificate(s) naming the Town as an additional insured to be reviewed and approved by the Town Attorney’s Office.

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

Karen Hawes, Town Clerk, mentioned again that Monday March 3, 2025 will be the first day to rent pavilions in the Town of Clarence for the season. The Supervisor or other board members may arrive early to allow you to wait in the building. The Town Clerks Office will open at 8:00 a.m. that day only to take reservations. One reservation per applicant only that day but additional can be rented the following day to be fair to all. New applications are on line, you will see Parker Commons on the application indicating this is the correct one. As always, we will do our best to get everyone taken care of as soon as we can.

Stephen Development / Dimar Manufacturing Corporation, represented by Noel Dill. SBL 83.00-3-31. Southwest side of Research Parkway, Phase 1 subplot 5 of the previously approved at Research Parkway Industrial Business Park. 3.6-acre parcel zoned Industrial Business Park, yet to be Final Plat approved. The applicant is requesting preliminary Conceptual review of a proposed light manufacturing facility, of approximately 33,125 sqft, 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. A referral to the Planning Board would allow for a thorough review of this proposal.

Dave Sutton of Sutton Architects was present adding that we understand this is the first step of many for this project approval. Our focus is on site plans as well as architectural features and have spent a lot of time with the Planning Department putting together what we feel is a good packet. Most importantly this is a facility for a very successful business within the Town of Clarence that wants to stay in the town so this is a critical element to do so. We are here this morning to start the process to provide this information to the Planning Board.

Supervisor Casilio stated he asked Jonathan Bleuer in the work session that you do have to wait for the road before you can start building the building.

Dave Sutton stated we are well aware of that and wanted to get a jump start on the project while we are waiting for the street.

Councilman Shear asked if they are looking to have this built and operational this year.

Dave Sutton replied that we would like at the first of next year to take possession of this building with a February anticipation and understand this is pretty aggressive. The road is a critical part of this project that can slow us down for sure. We feel we can run parallel with the time frames of approvals to get this in on a timely fashion.

Noel Dill of Stephan Development stated that Phase I of the road which is approximately 170 ft. and anticipate to have that in as soon as the black top plants open. We understand that we can't get a building permit on the building until the road is in and understand there is a process to that. Both items will take some time so we anticipate that the road will be done once we can build if we can start the process simultaneously.

Supervisor Casilio asked if there will be street lights.

Tim Lavocat, Town Engineer, stated yes eventually as it will be a subdivision and is a condition in final plat.

Motion by Councilman Shear, seconded by Councilman DiCostanzo to refer the request of the applicant Stephen Development / Dimar Manufacturing, Research Parkway SBL 83.00-3-31 to Planning Board for preliminary conceptual review of a proposed light manufacturing facility, located within Phase 1 subplot 5 of the previously approved Industrial Business Park, in the Industrial Business Park zone.

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

Natale Builders – Clarence Center Open Space Design Subdivision, Ken Zollitsch representing. SBL 58.00-3-15.11. South side of Clarence Center Road, east of Herr Road. Existing vacant parcel containing approximately 22 associated acres in the Residential Single-Family zone and Clarence Sewer District # 2. The applicant is requesting amended Conceptual review of a 34-lot Open Space Design subdivision, with 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. The 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. A referral to the Planning Board would allow for a thorough review of this proposal.

Ken Zollitsch with the Engineering firm GPI was present to answer questions stating that this project has been in front of the Town for over ten years now. We received a concept review approval for a 40-lot subdivision that included private ally ways that were unique. Since that time the applicant has changed and the property is contracted with Natale Builders. What was originally proposed wouldn't necessarily work under their program. What we are looking at now is a reduction of lots going down to 34 and increasing the lot size which is much more of a traditional suburban style. Additionally, the alley ways have been removed and the homes will be on a public right-of-way. Open space will remain the same at 50% preservation and are looking for your approval today to continue with the new plans.

Supervisor Casilio asked about the 50% preservation, is that part of Spalding Green or is that a standalone.

Ken Zollitsch stated this is a separate standalone, the boundaries shown are all encompassing of that 50% green space.

Supervisor Casilio asked what does that mean public access from the surrounding community.

Ken Zollitsch stated we anticipate on working with the town on that and having some of that a public trail going through this property that is understood. Spalding green is selling this property on the condition that the trail goes through. There will be no restriction as it relates to any type of public trail in terms of public access with the space itself. I don't think there has been any thought or consideration of that at this time and would think it would be under HOA control and ownership, as proposed. Certainly, we are right at the beginning stages though.

Supervisor Casilio stated that with the fire road I'm certain they will want heavy landscaping near the development and the existing homes. Both parties would appreciate this and also have no access to the public of the fire road. For the landscaping we don't want large rocks that get overgrown grass around them that doesn't get taken care of. Also keep in mind that you would have to plow it in the winter time. I think it is too much of a stretch to get a relief on that but the ZBA can do whatever they want.

Jonathan Bleuer stated a variance to the subdivision goes through you the Town Board, something that would be looked at and considered, that would take a thorough review.

Supervisor Casilio additionally stated that the bike path is going to be their problem to figure out. I have talked to them and am hoping it can go to the West side of the property. In

regards to the variances on fire roads with a minimum of 20 feet, if it could double as a bike path and fire road coming into the utility easement you might be spending less money, just a thought.

Ken Zollitsch stated that our challenge with the trail being on the West side is the actual crossing of the National Fuel property.

Supervisor Casilio reiterated that this will be your problem not ours, we were heavily involved last time and will not be again. This is something that you will have to figure out. If the Town Board has a problem with the fire lane and the project has to become smaller as well with less houses.

Councilman Shear stated that historically we have had a very difficult time, as you know, getting the bike path through Spalding Green. I don't want to encounter the same problem here, we talk about it, we agree and then it takes ten years for it to happen.

Ken Zollitsch replied that he understands.

Supervisor Casilio stated that we figured out what the problem was with the last one and got it done with in week. I am just reiterating that this is your project and your approvals and we do not want to be involved. There will also have to be a bike path to Clarence Center Road.

Ken Zollitsch stated yes, each section will be of its own and any issues and barriers that we need to overcome. We know where the Town stands in terms of what you are looking for and intern know what we will have to do.

Supervisor Casilio asked about the sewer lines.

Tim Lavocat stated that this is sewer district number two, this is not the Heise Brookhaven, that is no longer in existence. Clarence Sewer District number two will follow the normal progression of health department, downstream capacity, DEC review and approval for the flows that come from any development. This would go to the peanut line.

Ken Zollitsch stated that they are aware of the downstream concerns at this time.

Councilman DiCostanzo asked if this moved forward when would it be with the Planning Board.

Jonathan Bleuer stated we don't have a date yet but it would be scheduled within a month.

Councilman DiCostanzo stated when they have that meeting it would be in the evening where they will hash things out in greater detail than the Town Board meeting.

Jonathan Bleuer added yes there is a neighbor notification list that we go by to mail notifications to property owners with is a certain radius. Residents that have been asked to be placed on that list would also be included from the prior development since this is very similar. Additionally, we post all of our agendas on the Towns website, notices to the Clarence Bee as well as posted here within the Town Hall. The Planning and Zoning office is open during normal business hours to answer any questions anyone may have. This will be a very lengthy process and the neighborhood is aware of that from the last subdivision and this is a mirror image of that.

Motion by Councilman DiCostanzo, seconded by Councilman Shear to refer the request of the applicant Natale Builders, Inc., SBL 58.00-3-15.11, south side of Clarence Center Road, east of Herr Road, to the Planning Board for amended conceptual review of a proposed 34-lot Open Space Design Subdivision in the Residential Single-Family zone.

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

Leonard Deni West side of Kraus Road, east side of Meadowglen Drive stub, north of Greiner Road. An existing vacant and previously disturbed parcel containing approximately 65-acres in the Agricultural-Rural Residential zone and Clarence Sewer District # 4. 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. 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. A referral to the Planning Board would allow for a thorough review of this proposal.

Ken Zollitsch was present to represent the project stating that they are looking at a couple different portions of this overall property. At what would be the Northeast corner is a parcel that would be extended to the Kraus property to the North being a lot line adjustment. This would provide a frontage access to the road. The remaining property would be divided up into two projects one being a four-lot minor subdivision, lots would be large and on septic systems. Size ranges from 5 acres to 20 acres and would be stand alone on Kraus Road. The other portion of this is a major subdivision that is an extension of Meadowglen Drive from Spaulding Green. This one does meet the town code of having the maximum of twelve lots on the cul-de-sac that we had to consider the existing lots that are custom built. We have eight proposed lots as well as potential lot line adjustments for those owners at the end of Meadowglen Drive. This will be proposed as an Open Space overlay so we are looking at 50% of the property open conservation

lands. We are here at the conceptual stage looking for a referral to the Planning Board to get this process started as we know there will be a number of SEQR related items that we will have to address before this goes too far and get the conversation going.

Supervisor Casilio mentioned again the expansion of the open space, who's property is the open space and who's is the HOA.

Ken Zollitsch stated that this is going to be separate from Spaulding Green, this is not going to be the same company with a new HOA being separate from the existing one present today.

Supervisor Casilio questioned that he did not realize that they were also doing a four-lot minor sub division. With that we should look at the possibility of extending that bike trail. I also realize that the owner might change their mind before they even get this little cul-de-sac approved. I would like to make that a condition to have the path extend over Kraus Road. So, you are starting a new HOA for the eight lots.

Ken Zollitsch stated that HOA are generally necessary these days for storm water. Additionally with the open space we see a new one being created separate from the old one.

Councilman Shear confirmed that all the lots were septic.

Ken Zollitsch stated yes, they are given the size of these lots that is the plan as of right now.

Councilman Shear mentioned that this would be up to the purchaser to do this so I am assuming they will have an opportunity to do that if they have funds available.

Ken Zollitsch replied yes if they are so inclined to do so, certainly sewer lines could be discussed. May I ask for clarification on the bike trail comment. Is this just a 30 ft easement that we would be providing?

Supervisor Casilio stated no I would like it black topped all the way across to Kraus Road and then you come back and say if you can or can't do it.

Ken Zollitsch stated that this is something new.

Supervisor Casilio stated isn't this in the drawing you have or is that another easement for something else.

Jonathan Bleuer stated that is an easement for a pipe of some kind.

Ken Zollitsch just to clarify on the south side that is an easement for the pipe line.

Supervisor Casilio suggested tabling this for now so we can get organized on this and talk in two weeks, is that fair enough for you.

Ken Zollitsch stated we would love the referral but if we need to talk about it for a couple weeks for a trail requirement on the property, I would be willing to do that.

Jonathan Bleuer stated that there is a recreational component required for a major subdivision on this so regardless the Planning Board would have to look at recreation component. It sounds like we need more time to discuss the logistics of what that is.

Ken Zollitsch said he just wants to clarify because south of this property is the designer homes property that has lot frontages on Kraus Road as well. On that property is where we gave the Town an easement starting from Spaulding Green development.

Supervisor Casilio stated maybe that is where I am confused as I knew that there was something there. I knew it was there 16 or 17 years ago, I didn't make that up.

Ken Zollitsch stated that there is an easement that has already been already provided to the Town but that is not on the property under consideration today.

Supervisor Casilio stated you are offering a major development with houses and major money flying around and I don't want to see the Town responsible for connecting the dots. I want some sort of conversation one way or another about it. This is on someone else's property so that would be a tough thing to work on.

Jonathan Bleuer stated I don't know if we want to negotiate here.

Supervisor Casilio stated no we don't that's why I think we should table this item for now and meet on it. It's too big of an option and I don't want it to end up like another development from 17 years ago. I am only one person, if the board wants to do something different, they can speak on behalf of themselves.

Jonathan Bleuer said it was reasonable to request that the applicant to put a trail in for the depth of their own property. Then it would be the town responsibility to negotiate with Spaulding Green to connect the dots to that trail.

Ken Zollitsch stated that ultimately, we are at the referral stage right now and have a lot of time between now and just the concept approval of this development. Certainly, we will continue this conversation with the town as we progress through that process. Additionally have the owner present.

Councilman DiCostanzo asked to clarify what we are looking at is not the same as the blue outlined property that was shown.

Jonathan Bleuer stated that it is the same.

Councilman DiCostanzo stated that then the property does touch where the bike path would go, yes or no?

Ken Zollitsch said it is adjacent to the bike path.

Councilman Michnik stated I think we should just table this for now.

Motion by Councilman Michnik, seconded by Councilman DiCostanzo to table item number 12.

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

Harris Hill Development, LLC., Sean Hopkins as Council, Ken Zollitsch as representative, at 8450 Sheridan Drive. North side of Sheridan Drive, west side of Harris Hill Road. An existing 14.8-acre vacant parcel located in the Commercial and Restricted Business zones. The applicant is requesting amended Conceptual review of a mixed-use project containing multiple-family housing and commercial space. The project consists of the following: 3 mixed-use buildings, each containing 5,700 sqft of commercial and 13 apartments. 7 residential townhouse buildings, each ranging from 2 to 4 units. 4 residential apartment buildings, each containing 4 units. 2 garage buildings with 10 and 12 bays respectively. This results in a total of 80 residential units and 17,100 sqft of commercial space. This property currently holds Development Plan approval for a mixed-use project containing 80 residential units and 24,800 sqft 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. A referral to the Planning Board would allow for a thorough review of this proposal.

Sean Hopkins was present on behalf of the applicant, Harris Hill LLC, with Elliot Lasky, Alan Randaccio, Pete Peterson, Eric Jefferson and Ken Zollitsch of GPI Engineering. As most of you are aware we have spent a great deal of time on this mixed-use project which began in 2016. Unfortunately, with the changes in the economy it turned out that the project wasn't economically feasible, not a problem with the town. However, at that point in time it was that late in the game there had been some clearing on the site. Since that time, we have been going back to the drawing board, thanks to Jonathan Bleuer and his staff, working with the Planning Department to come with something to still achieve the vision and more economically feasible. What we have done is go back to the drawing board to come up with a project similar in scope with the density and uses those results in less infrastructure and more permanent open space, mainly on the western portion of the site. What we are now showing on this nearly 15-acre site that has RB Commercial Zoning is three mixed use buildings along Sheridan Drive each of which would be 5,700 sqft for first floor commercial space and thirteen apartments. On the back portion of the site an additional 41 units which are phased as Townhomes and four-unit buildings. We have added a little walking trail, surplus parking, over on the western part of the site with input from the Planning Department we have dedicated some permanent open space, provided a 40 ft buffer along the northwest portion of the site. We have some remaining property along the Sheridan Drive frontage dedicated to commercial use but there are no pending or committed use for that and would be subject to a separate use project. We are also showing reciprocal access to the parcel to the east including a drive way out to Harris Hill Road with two access points onto Sheridan Drive. This is based on a very lengthy review process with the New York State Department of Transportation. We have also taken the original elevation plan for these larger mixed-use buildings that were originally developed. The goal after working with the Planning Department and the project team would to add what I would call vertical, horizontal different materials to avoid what some may look at as a monolithically building. We think that we have accomplished that goal, it is tough to see but there is a lot of first floor transparency along Sheridan along the sides. We have decorative balconies with upscale materials, residential style roofs with architectural shingles, all details which will be reviewed by the Planning Board. This is a type one action, reviewing the Environmental Quality Review Act of your local law. Previously the Planning board did issue a Negative Declaration for the project again with the same intensity without the permanent open space. All we are simply asking you to consider this morning is to review the referral to the Planning Board that will begin the intensive review process which will then come to our goal to finally bring this project to fruition which is well overdue. Based on a commitment that you Supervisor Casilio asked, this will be completed in three phases for the particular reason for commitment of completion. We do have some

additional homework to do but given the intensity of the review process we are hoping for approval. Additionally, we will get impute from the residents and meet with them.

Supervisor Casilio stated to be clear, you could do this all at once if you wanted to, we are not holding you back from doing that. We have a law on mixed use that says that may never happen.

Sean Hopkins stated your concern was that the multi family and the mixed use never happened and we acknowledge that.

Supervisor Casilio asked about the height restriction.

Sean Hopkins stated that they will comply with the height restriction. Clarence's code has a little nuance that allows three story buildings as long as they are commercial.

Supervisor Casilio stated that it is a good-looking building. I am concerned of the developed space to the west of the property whether it's a cut back or an easement or something. I wouldn't want to see a three-story building right up against a house and how to restrict that knowing that right after this gets approved you can come in and say you are ready to develop the other.

Sean Hopkins replied fare enough. The north western portion of the site where we proposed a walking trail actually shows permanent wood space actually says deed restricted area. So that will remain undeveloped. Out along the frontage in theory we could fit an additional commercial building which could be up to a three-story building. We have no plans what so ever at this time and be willing to work with the Planning Board and the Town Board as we go through the process. I just ever seeing a three-story building there on that relatively small site. We will also continue down that 45ft buffer and if need be, discuss and incremental increase in that.

Councilman Michnik voiced his concern you have basically stripped this property over the last three years. Things were cut down and left all over the place until someone eventually made a complaint and then you cleaned it up. My concern is there was supposed to be a buffer put in on the west side of the property and as of today there is nothing there. I am totally against moving this forward because nothing has been completed. I still feel that we need to take care of that in good faith to move this project forward. Again, it looks terrible they way it is currently sitting. This is just me and my one vote but I am not in favor of this moving forward until that is completed.

Sean Hopkins stated we are aware of that issue, not a problem with the Town but we had a potential partner, a site contractor, who started doing the clearing and got a head of themselves. Then they pulled out of the deal, again not a problem of the towns. We have discussed a landscaping plan on the western boarder of the site and will commit to a deadline to have that landscaping installed. We obviously can't do that in February but if you would give us time and refer this to the Planning Board, we will provide you with a firm written date of confirmation of when that will occur. Along Sheridan Drive there is dense vegetation that I think our preference would be to stay and provide pretty intensive landscaping including six species of trees and shrubs. We are aware of that concern and agree to have a time frame for that to be done.

Supervisor Casilio reiterated; you understand you have done this in the past so we are concerned about that. If there was a clear-cut edge to edge, we wouldn't be having this discussion you would be going right to the Planning Board. We are not confident that things won't be followed through in a timely manner considering when this was clear cut. When did you clear cut the property?

Elliot Lasky stated I wouldn't call that clear cutting, we had a site plan that was approved, we had a partner that went ahead and did things with the Engineering Department and had full intension of going forward with the project. There is and was a landscape plan that was prepared specifically for the previously approved project. A lot of that plan had to do with the elevation of the roads which came very close to the property line. A lot of it was created to block any headlight intrusions against neighbors and there was a significant difference in grade. We have an entirely different plan right now that has a much larger green space and the neighbors will be happy with less density. We have approved this landscape plan which we are prepared to put in this season but we need to know we have an approval. Landscaping generally by the way goes in at the end of the project never at the beginning.

Supervisor Casilio stated not this time and you didn't answer my question, Elliot. When did you cut this site down? Just answer the question.

Elliot Lasky stated if I remember correctly, it was September of 2023. We have cleaned up the site, we grated it and if you look at half the area it's all dead trees, it wasn't a beautiful park that people were looking at over there. Now you have at least more green area and green buffer. Mr. Casilio, I know you are pressing two years stating it looks bad, I don't think it looks that bad. We work in good faith, I am sorry that our partner walked away on us but we have

invested money and work diligently with the Planning Board with very good representation. Three previous plans that none of us were happy with, I think this is a beautiful project much nicer than what was being proposed with building in the back that are exactly the same that you previously approved.

Supervisor Casilio agreed that he thinks the project is much better as well. I don't have confidence in a timely manner of getting this done.

Elliot Lasky replied we couldn't do the landscaping until now and it's a different landscaping plan, we are committed to doing it. You not having confidence I am taking as an insult. I am 52 years in this business and I have never once not completed a project. This is not true and I am standing up here to say it's not true. We are prepared to do the landscaping this summer once the Planning Board approves it.

Councilman Michnik reiterated that when they the applicant cleared the property you had an agreement with someone to take care of the property. It still hasn't been done and I am not comfortable with this going forward.

Elliot Lasky replied, once again we a permit to clear and landscaping was not going in until completion of the first phase of construction because of the grade changes. The implication of what was cleared is just not correct. We have been available for two years to talk to the town and no one has called us in. There are a lot of accusations.

Supervisor Casilio stated that is why we want to get this all cleared up so there are no more questions.

Elliot Lasky stated he acts in good faith, he has lost quite a bit of money and has a new project.

Supervisor Casilio stated that was your choice to move forward and I have had partners walk away, it's not fun.

Elliot Lasky said there wasn't a lot of guidance from the Planning Department not accepting previous proposals.

Supervisor Casilio stated they asked after the buffers were cut through the landscaping and you went and knocked on people's doors doing different of what was approved. You must have known we wanted landscaping done as you went around knocking on people's doors.

Elliot Lasky stated he knocked on doors and learned from Mr. Lavocat that they needed a permit procedure to do any landscaping and we had no right to make a side deal and put-up trees which we were prepared to do two years ago. We are following procedures and moving as quickly as we can and working in good faith.

Timothy Lavocat stated that your conversation with my office back then after the site was cleared was that you would move forward and install the landscaping per the previous plan. You promised that to our office on more than one occasion. You promised it would be in my Memorial Day of 2024 which has come and gone and now we are here almost a year later so that is the frustration.

Elliot Lasky replied that landscape was another project and would be wasting money.

Timothy Lavocat replied but you promised us.

Supervisor Casilio stated that he could end this right now but wanted this for the record and hear your side.

Sean Hopkins stated that all I would simply ask is a referral and as part of that referral you want us to report back with a precise and specific date on which the landscaping would be installed, we would be in favor of that.

Councilman Shear stated he doesn't have a problem sending this to the Planning Board, I would just question or not whether we want it to come out of the Planning Board before the Westerleaf landscaping was complete.

Supervisor Casilio stated I think the motion in front of us now is to send this to the Landscape Committee to work on a buffer and come back to us agreeing on a buffer and date of completion. We wait until landscaping is in before the project goes to the Planning Board or you provide a performance bond or a check/deposit until the last phase is done. That is a decision you and the partners can make. I have no interest in sending this whole project to the Planning Board on a when if the landscaping is going to get done. What was the break that we gave them to get started on this project?

Timothy Lavocat stated they had full development plan approval on the project. They lost a contractor and wanted to proceed prior to official issuance of a private improvement permit. The private improvement permit requires a contractor on it.

Supervisor Casilio stated we cleared the site with not knowing maybe what the numbers were and not having a contractor and I know exactly what that is like. It's the landscaping and always has been the landscaping and it could have been taken care of last summer and it wasn't and now here we are today.

Sean Hopkins suggested tabling this for two weeks to have further discussion on these concerns raised about landscaping but, in the meantime, this is unconventional, refer the project to the Landscape Review Committee so it can hopefully start expedited review of the landscape plan. We do need this reviewed before the landscape committee to install the landscaping. We will come back to you in two weeks with a proposal while the concerns have been made and the timing and scope of that landscaping and then ask for a permit.

Supervisor Casilio stated you have a right to come back any time, we have a motion right now to send to Landscape Committee and if you get it done in two weeks or three months, come up with a plan. I really don't want to have this conversation about landscaping anymore because it has been promised for two years and it hasn't happened.

Sean Hopkins asked again all I ask is this project is tabled for two weeks and come back with a much more concrete plan.

Supervisor Casilio stated I'm not trying to sucker punch you but if you were at the work session, we could have discussed it then.

Laurence Meckler, Town Attorney, suggested to allow Mr. Hopkins to comment on the motion and then you can propose something at that time. You can just read it out first.

Supervisor read the proposed motion as follows, to refer the request of the applicant Harris Hill Development, LLC, 8450 Sheridan Drive, to the Landscape Review Committee for review of the amended landscape buffer plan. Such landscaping shall be approved by the Town and installed by the applicant pursuant and agreed prior to the Planning Board review of the amended concept plan for a mixed-use project containing multiple-family housing and commercial space in the Commercial and Restricted Business zones.

Sean Hopkins asked to just end it at the referral to the landscape review committee just for today.

Jonathan Bleuer clarified what this motion would do, it would send the project to Landscape Review Committee. The applicant would then have to receive an approval and install the landscaping and then proceed directly to the Planning Board to start the SEQUR process. This would not come back to the Town Board. If you are seeking some other thing than the planting of landscaping, I think that is the issue of the Town Board and getting into what it would cost the applicant, what it would cost the Town to install, bonding in place. We are saying go plant the landscaping get it approved, plant it and then start the review and not even worry about coming back to the Town Board until you are at Special Exception Use.

Sean Hopkins stated so then we wouldn't have to come back, yes, I am fine with that.

Supervisor Casilio asked how we would know if it was in a form of a bond.

Jonathan Bleuer stated we wouldn't need a bond.

Supervisor Casilio stated he is saying it would have to be completed to move on.

Sean Hopkins simply asked that it would have to be done before we start the project. Again, otherwise we are going to lose this entire year again, financing circumstances, to me that makes no sense. What does make sense, and I agree, if we establish a concrete negotiable dead line for the installation of that landscaping. I'm just not in a position right here right now to make that deadline.

Supervisor Casilio stated I know that and I am trying to be fair to everyone involved here and protect the people who have been unprotected for almost three years now.

Sean Hopkins said that why I am saying if your preference is to work this out with you upfront, make the referral to landscape review committee so we can start that and come back for a more specific proposal of us timing insurances that would be installed and all parties would have a chance then to review it.

Lawrence Meckler presented a proposed resolution to refer the request of the applicant Harris Hill Development, LLC, 8450 Sheridan Drive, to the Landscape Review Committee for review of the amended landscape buffer plan. Such landscaping shall be approved by the Town and installed by the applicant pursuant and agreed upon deadline prior to the Planning Board.

Supervisor Casilio pointed out your saying approve and we are saying review that's the concern.

Lawrence Meckler stated that as long as there is an agreed upon deadline when the landscape committee has agreed to then the Planning Board can review. Once there is an approved deadline as to when the landscape has to be in then the Planning Board can continue to review the project. If the landscaping isn't in by that deadline, then the planning ceases.

Councilman Michnik asked what about the maintenance, once this is complete in order for it to survive. I want to make sure everyone understands that.

Lawrence Meckler stated that is a condition that they would have to agree to.

Jonathan Bleuer stated that is standard of every review.

Sean Hopkins stated I think we hopefully are all in agreement.

Lawrence Meckler stated essentially, we are adding five works to the motion. Until this is agreed upon the item will not be discussed.

Supervisor Casilio stated the part that is showing on the west side of the property is a very good start and we would like to see that go all the way through to Sheridan Drive. We know that the home owners said they don't care what goes there and ensure that. The Supervisor addressed Elliot Lasky that if he spoke the project would be tabled right now. Go ahead say that you met with that resident on Easter Sunday and he didn't want anything.

Elliot Lasky stated that I just want to make it clear that we never cleared that area we left that natural from day one.

Supervisor Casilio thank him and stated we will make a recommendation to landscape committee and if they something different it is what it is, I am just saying what the feeling of the board is. You're not going to clear it now but you could clear it for the project you are doing in two years from now. It is contingent on this and realize you have to bring utilities in and how do we do that making it all contingent.

Motion by Supervisor Casilio, read by Town Attorney Lawrence Meckler, seconded by Councilman Shear to refer the request of the applicant Harris Hill Development, LLC, 8450 Sheridan Drive, to the Landscape Review Committee for review of the amended landscape buffer plan. Such landscaping shall be approved by the Town and installed by the applicant pursuant to and agreed upon deadline prior to the Planning Board review of the amended concept plan for a mixed-use project containing multiple-family housing and commercial space in the Commercial and Restricted Business zones.

On the question the following condition:

1. The Landscaping looks at the landscaping all the way to Sheridan Drive on the west side property line.
2. The Landscaping at the North end has to be reviewed.

Supervisor Casilio asked if we are confident that the undeveloped property on the west side of the property, that that is under control if you are saying this is not coming back to us.

Jonathan Bleuer stated it will come back to you the Town Board for the Special Exception Use Permit and yes, we have confidence that we can control that land through a condition, deed restrictions or legal agreement.

Supervisor Casilio stated there is a Town that has a five-story building right next to a residential home, we are trying to avoid that. I am also not saying that a three-story building is not impossible on that property far east. Because this is a good project and a good-looking building, we are probably going to change our code.

Sean Hopkins stated he was hundred percent confident that they can work out that topic.

Supervisor Casilio that's a compliment on the building and additionally asked about the sidewalks along Sheridan Drive, is it this project or something else coming along.

Jonathan Bleuer stated that this project will be required to construct a sidewalk along the entire property bound on Sheridan and Harris Hill. Harris Hill north was a discussion with a prior conceptually approved extension of a sub-division. Different but these entire bounds of this property will have sidewalks. North from there is another project. There is a gap but we have a conceptual approved plan to connect that gap.

Councilman Shear asked when is the next Landscape Committee meeting where they will have an opportunity to attend.

Jonathan Bleuer stated March 11, 2025 and spring time is a good time to plant. For direction to the Landscape Review Committee, I would like clarify the two conditions. I understood closer on the Glenwood side closer to Sheridan. Then you said North, you are specifically talking about the buffer between the gap.

Supervisor Casilio stated specifically the gap where the guy said there were one or two trees planted. I know eventually it will be blocked by buildings; I am just showing I have concern.

Jonathan Bleuer stated that would require a modification.

Supervisor Casilio asked all parties if they were set to continue.

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

Motion by Councilman DiCostanzo, seconded by Councilman Michnik to approve the applications as follows: Legion Hall: Nicole Heh – April 6, 2025, Christine Herberger – April 11, 2025, Ken Loewer – March 2, 2025, Miriam Kagan – March 7, 2025, Michelle Krzywicki –

March 14, 2025, Maria Bassig – March 21, 2025, Michelle Braunschidle – March 29, 2025, Clarence Republican Committee – Multiple dates for monthly meetings. Clubhouse: Clarence Swim Boosters – March 18, 2025, Clarence Republican Committee – March 30, 2025, Clarence Log Cabin Quilters Show– April 8 – 13, 2025. Nature Center: Girl Scout Troup 30936 – March 14, 2025, Clarence Lions – June 10, 2025.

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

Motion by Councilman DiCostanzo, seconded by Councilman Michnik to approve the bill pay of February 13, 2025 as follows: General Funds \$177,963.37; Highway Funds \$125,459.27; Fire Protection Districts \$9,299.50; Drainage Funds \$112,527.00; Lighting Funds \$1,333.12; Capital Funds \$193,026.73 for a total bill pay of \$619,608.96.

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

With no additional business, Supervisor Casilio adjourned the meeting in honor of Steven Cislo, Town Engineer in the 80's and early 90's who has passed away and did a lot of good for the Town at 11:37 a.m.

Karen Hawes
Town Clerk