

The Work Session meeting of the Town Board of the Town of Clarence was held on Wednesday March 12, 2025 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 8:35 a.m.

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

Absent Town Board members were Daniel Michnik and Robert Altieri.

Director of Community Development - Jonathan Bleuer

PUBLIC HEARINGS:

Kelkenberg Homes

Located at the southeast corner of Keller Road and Salt Road, SBL 45.00-2-51.13. This is 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 700sq ft. living unit as part of a new residence construction with access to Keller Road.

FORMAL AGENDA ITEMS:

Leonard Deni

Located at the West side of Kraus Road, east side of Meadowglen Drive stub, north of Greiner Road. SBL 58.00-4-19.121. This is 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.

Jonathan Bleuer states he has worked with them and they have developed a plan for the trail. Right now, the trail crosses over the gas line and heads north to Meadowglen and there is an opportunity design for it to head south along the pond, around the pond there is a current open space access which would tie into an existing storm water management access. This could be a dual-purpose trail. We already have 20-30 ft. easement at Kraus. Mr. Deni has agreed to provide an easement along the entire frontage of Kraus. This would give us options to get over to the Middle School. He is also willing to considered payment in lieu of rec fees.

Zang Ventures, Inc.

Located at 6204 Goodrich Road. Southwest corner of Goodrich Road and Pine Breeze Lane. This is a 2.1-acre parcel containing an existing business operation in the Commercial zone.

The applicant is requesting preliminary Conceptual review of a proposed 9,000sq.ft. warehouse addition to the rear of the existing building, with associated facilities. The space is proposed to be used for complimentary business operations such as warehousing, athletic training, and sales.

Jonathan Bleuer sates the applicant will be present at the meeting this morning to request referral to the Planning Board. It will be an intense review and we are interested to hear from the nearby neighbors. We understand the applicant has built up a lot of good will in the community. They are a good neighbor and have really cleaned the site up from what it was. That being said we want to make sure appropriate buffering remains. There is a variance element as we look at it now. They want to maintain the existing angle of the building and the back of the property tapers in. They are very close to the lot line. There is nothing on the other side, but another commercial property. Paul Shear asked if there was a retention pond there. Jonathan said he didn't think so. Paul asks if it will be all metal. Jonathan says yes. Also states he saw the building last week and it is very nice.

NOCO Forestry

Located at 9220 County Road. North side of County Road, east of Heise Road. This is a 12.25-acre parcel containing an unapproved erosion control manufacturing business, formerly known as DC Supply.

The applicant is requesting a Public Hearing to consider a Temporary Conditional Permit (TCP) to legally operate the existing business operation.

Jonathan Bleuer says they have a SWPPP in place, have a landscape plan in place and they will be here this morning requesting that you set a Public Hearing for a Temporary Conditional Permit for the operation. Which is an outside operation. Their operation will be less than what was there in the past. They will clean it up substantially and pull everything off the front of the building to the road. There will be substantial landscaping, certain regrading elements associated with the SWPPP. This is everything we've asked for its just taken a year longer than we hoped. Paul Shear asked if it was the NOCO Energy people and what will they be storing. Jonathan replies yes and said it could be the unchipped wood. Paul asked about the dust. Timothy Lavocat said that will be an element of there Stormwater Permit for control of dust or elimination of it. Paul Shear asks if it backs up to homes. Jonathan said yes, it's been considered and the Planning Board has already developed a series of conditions and referred it to you to set a Public Hearing. If we want to add anything we can look at that.

John & Laurel DiBrog

Located at 10407 Clarence Center Road. South side of Clarence Center Road, east of Strickler Road. This is an Existing residence on a 4.8-acre parcel in the Agricultural-Rural Residential zone.

The applicant is requesting a Special Exception Use Permit for the construction of a secondary living unit as an expansion to the existing residence. The addition is proposed to be approximately 783sq. ft. and to the rear of the home as an expansion of an existing bedroom.

Jonathan Bleuer said they will want to set a Public Hearing.

Joshua Horton & Peyton Barlow

Located at 8395 Transit Road. East side of Transit Road, south of Tonawanda Creek Road. This is an Existing residence on a 0.7-acre parcel in the Major Arterial zone.

The applicant is requesting a Special Exemption Use Permit for the construction of a secondary living unit within the existing home. 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.

Jonathan said you can also set a Public Hearing for this.

Deer Valley Estates

Located at the east side of Goodrich Road, north of Keller Road, and west side of Deerview Court. SBL 44.11-3-14. This is a previously approved 28-lot Major Subdivision in the Residential Single-Family zone on approximately 18-acres.

The applicant is requesting Final Plat approval, consisting of all 28 residential sublots, and the road dedication of approximately 1,800 linear feet of Deer Valley Drive.

Jonathan Bleuer said this would be a product of Ryan Homes. Paul Shear asks about the sidewalks. Timothy Lavocat states he is meeting with the County tomorrow to attempt to get this resolved. James Dussing adds, the problem is the sidewalks need to end at another sidewalk.

R.E. McNamara Inc

Located at 6175 Sorellina Layne. East side of Sorellina Layne, south of Keller Road. This is an existing 5-acre residential building lot in a previously approved Open Development Area with private drive, in the Agricultural-Rural Residential zone.

The applicant is requesting approval to construct a pond of approximately 0.5-acres for recreational purposes, adjacent to a planned residential home.

Timothy Lavocat states it will have to comply with our local law.

WORK SESSION ITEMS:

2025 Temporary Conditional Permit Renewals

We have 42 renewals. It's a big year and Steve Leising is still chasing some of these individuals down. There are a couple to focus on that we have questions or concerns have been raised.

The first one is Lemon Auto. This is located on Sheridan Dr. by the Buck & Doe area. They have way exceeded the number of 20 allowable vehicles again. We spent a lot of time on site with them and they continue to violate their conditions. We will recommend to you to require the individuals to come to a Public Hearing.

DC Landscaping & Design moved from Harris Hill to Goodrich Rd. He is talking about putting a building on the Goodrich property. We would like to schedule a meeting with him.

Concept Concrete Construction with Matt Newman way up on Goodrich Rd. Matt has been very workable with the town, but has a neighbor who is in complete opposition to

everything he does. He doesn't currently have any violations on it. The neighbor will likely be at the Public Hearing. Jonathan said they have been there numerous times and he's always been gracious even showing them his hour log for employees. He is always willing to comply.

Sheilds on Main St. is currently operating illegally and waiting for the ownership issue to sort out., but he's not on this list because he doesn't have a TCP.

Love Your Dog hasn't complied with any of their conditions. No landscaping or site improvements after she requested an amended landscape. The Landscape Committee didn't really want to deal with it. She hasn't reduced pavement, met the landscape conditions or certain building requirements. She is still operating significantly.

Tickers Import Performance & CD Tinting

Located at 8925 Sheridan Drive. South side of Sheridan Drive, east side of Shimerville Road. This is an existing 2-acre parcel in the Restricted Business zone, containing one principal and one accessory structure formerly used by Miranda Auto.

Jonathan said Mike the business owner is now deceased. He didn't own the property so the property owner has rented it out to 2 automotive individuals that have started operating. Zoning Inspector Steve Leising has told them that is illegal without a TCP. They did come right into the office to meet with us and talked about their use and intentions for the property. The site was messy to say the least and they have intentions of really cleaning it up and running a clean indoor business primarily. They have been very responsive, of course it's not allowable on our Sheridan Drive corridor, but it is a relic of the past. They are interested in bringing the site up over time. That being said, they're new business owners and this is everything to them.

Town Supervisor Patrick Casilio mentioned they cannot put a driveway out on Shimerville. We need to protect the neighbors as much as possible. He asks if landscaping is need. Jonathan replies they are in the back and have some landscaping out front and they do want to do more. He thinks they can send a referral to the Planning Board so we fully understand their business and get a set of conditions.

TOWN BOARD REPORTS:

Supervisor Patrick Casilio

- No Motions
- Advanced Auto is closing some stores.
- Fogelsonger Pavilion is great with the round tables and chairs.
- Analog sound system at the sounds great. Will work with Jason on this.
- Thanked James Dussing for renovation work with Jason at the rec building. Looks great.

Councilman Peter DiCostanzo

- Motion for Parks guys to go to Seminar.
- Motion for a promotion in Parks Dept.
- Day of Sharing at mall was a good event with presentations and food.
- Head lamp hike on Saturday was not well attended at all. Scruggs showed up with hotdogs for everyone for free.
- Motion added for composting in our town.

Councilman J. Paul Shear

- Motion on behalf of Dan Michnik.
- Received email from farmer on Cedar Rd. requesting permission to allow sheep to graze on town property. Let Conservation group monitor that. Identify property that could be used.

Timothy Lavocat says Town Hall roof repair by the entrance way will be started by April 1st. It will be posted under State Asbestos Law. It's very minor but will be posted 10 days prior to work.

Also, there will be 2 bid openings on 3/13/25. One for Engineering & Building Department building improvements on the outside. The other is for the Police & Court building rooftop units. Then a week from Thursday there is one for a fuel canopy bid opening. It will be replaced and insurance is covering it.

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo to adjourn the work session at 9:46 a.m. and enter into Executive Session pursuant to §105(1) f/h of the Open

Meetings Law to discuss the medical, financial, or employment history of a particular person and the acquisition of real property. Upon roll call – Ayes: All; Noes: None. Motion carried.

Janel A. Farolino
2nd Deputy Town Clerk

Motion by Supervisor Casilio, seconded by Councilman Shear, to adjourn the Executive Session at 10:20 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, March 12, 2025 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 10:25 a.m.

Members of the Town Board present were Councilmembers 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.

Absent: Councilmen Robert Altieri and Daniel Michnik.

Supervisor Casilio apologized for starting the meeting so late and asked Town Attorney Lawrence Meckler if there were enough present to pass motions today.

Mr. Meckler said yes, we do have a quorum.

Motion by Councilman DiCostanzo, seconded by Councilman Shear to approve the Work Session and Town Board meeting minutes of February 26, 2025.

Upon roll call – Ayes: All; Noes: None; Absent: Councilmen Altieri and Michnik;
Motion carried.

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo to authorize New York State Electric and Gas to activate three (3) LED streetlights within Legacy Woods Subdivision, Phase 1 on Red Hawk Trail per the layout dated February 24, 2025 and upon the complete installation in accordance with all current New York State Electric and Gas and Town of Clarence details and specifications. Streetlights and associated infrastructure are to be owned and maintained by the Town of Clarence and power is to be supplied by NYSEG under the terms and conditions of NYSEG Service Class 4 agreement with the Town of Clarence.

Upon roll call – Ayes: All; Noes: None; Absent: Councilmen Altieri and Michnik;
Motion carried.

Motion by Supervisor Casilio, seconded by Councilman Shear to authorize New York State Electric and Gas to activate eight (8) LED streetlights within Woodland Hills Subdivision, Phase 1 on Kandefer's Trail per the layout dated February 25, 2025 and upon the complete installation in accordance with all current New York State Electric and Gas and Town of Clarence details and specifications. Streetlights and associated infrastructure are to be owned and maintained by the Town of Clarence and power is to be supplied by NYSEG under the terms and conditions of NYSEG Service Class 4 agreement with the Town of Clarence.

Upon roll call – Ayes: All; Noes: None; Absent: Councilmen Altieri and Michnik;
Motion carried.

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo upon recommendation of Town Engineer Timothy Lavocat to appoint Nicholas Cole to the position of Code Enforcement Officer FT in the Building Department effective March 24, 2025 at Step 1 of the White-Collar Contract, subject to receipt of all pre-employment paperwork and pre-employment requirements being met.

On the question, Mr. Cole is being hired from the current civil service list to fill a vacant Code Enforcement Officer position in the Building Department.

Upon roll call – Ayes: All; Noes: None; Absent: Councilmen Altieri and Michnik;
Motion carried.

Motion by Supervisor Casilio, seconded by Councilman Shear to approve the request of Town Justice Michael Powers, for Court Clerk Mary Kelley to attend the Erie County Magistrates and Court Clerk Training meeting on Saturday March 8, 2025 at Amherst Town Court, located at 400 John James Audubon Parkway.

On the question, the request includes wage compensation and mileage reimbursement.

Upon roll call – Ayes: All; Noes: None; Absent: Councilmen Altieri and Michnik;
Motion carried.

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo to adopt a Municipal Cooperation Resolution:

WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o (Section 119-o) empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, boards of cooperative educational services, counties, cities, towns and villages, and districts] to enter into, amend, cancel, and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers, and duties on a cooperative or contract basis;

WHEREAS the Town of Clarence wishes to invest portions of its available investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of August 1, 2023;

WHEREAS the Town of Clarence wishes to satisfy the safety and liquidity needs of their funds;

NOW, THEREFORE, BE IT

RESOLVED, that Kimberly Ignatowski, Director of Administration and Finance of the Town of Clarence is hereby authorized to participate in the NYCLASS program under the terms of the NYCLASS Municipal Cooperation Agreement Amended and Restated as of August 1, 2023.

On the question, this is something we do annually and just want it read into the record.

Upon roll call – Ayes: All; Noes: None; Absent: Councilmen Altieri and Michnik;
Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Shear upon the recommendation of Parks Superintendent, to authorize the following Parks Department employees to attend the Pool Operation Certification School in Rochester, New York on March 20 and 21, 2025 from 8:30 a.m. to 5:00 p.m. at a cost of \$380.00 each for a total of \$760.00, with the use of a town vehicle: Kevin Kolek and Jeremy Gasiewicz.

On the question, the cost of the training will be funded from the 2025 Parks Department budget.

Upon roll call – Ayes: All; Noes: None; Absent: Councilmen Altieri and Michnik;
Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Shear upon the recommendation of the Parks Superintendent, the following promotional appointment to be made in the Parks Department: Adam Bullers to the position of Maintenance Worker Step 1 at the budgeted rate of pay \$30.5448 per hour according to the Blue-Collar Contract effective March 17, 2025 in the Town of Clarence Parks Department.

Upon roll call – Ayes: All; Noes: None; Absent: Councilmen Altieri and Michnik;
Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Shear to approve the request of Assessor Albert Weber, for employee Trina Boller to attend the Veterans Tax Exemption course hosted by The Institute of Assessing Officers that will be online and attended in the Assessor's Office Friday March 21, 2025, 9:00am to 4:00pm.

On the question, this is now required and will count towards six (6) re-certification credits of the Continuing Education requirement for an Assessor. The cost of the course is \$110.00.

Upon roll call – Ayes: All; Noes: None; Absent: Councilmen Altieri and Michnik;
Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Shear to authorize Supervisor Casilio to sign the 2025 Intermunicipal Agreement between the Town of Clarence and the Town of Lancaster for composting at the Town of Clarence Highway Department. Agreement commencing from the date signed and expiring on December 31, 2025.

On the question, we work in cooperation with the Town of Lancaster. They bring us leaves for composting and we make a little money on that.

Upon roll call – Ayes: All; Noes: None; Absent: Councilmen Altieri and Michnik;
Motion carried.

Councilman DiCostanzo congratulated the Clarence Community Foundation, and believes the Family Support Center helped out too, for their International Day of Sharing at the Eastern Hills Mall, next to Sto-Lat. It was a really good event. You could learn about other cultures and sample different international foods. It was very well attended.

Happy birthday to Clarence. The Town turned 217 years old yesterday, the oldest town in Erie County.

Motion by Councilman Shear, seconded by Councilman DiCostanzo to authorize hiring of David Donahue as Deputy Town Attorney effective April 1, 2025 at a salary of \$40,000.

On the question, we are not adding a new Town attorney. Attorney Steven Bengart is actually changing towns and will be leaving us after 20 years or so of service. He will be missed. David Donahue is a former Town attorney and has been doing work for us on property matters and this will be a natural fit for him to take on more responsibilities for the Town.

Upon roll call – Ayes: All; Noes: None; Absent: Councilmen Altieri and Michnik;
Motion carried.

Motion by Councilman Shear, seconded by Councilman DiCostanzo to approve the request of Jerin Becker, ACO, and for Emily Wendt-Schultz to attend the 2025 Webster Dog Control Educational Seminar, presented by Webster Animal Control and New York State Department of Agriculture and Markets in Webster, NY on Wednesday, May 14th, 2025 and Thursday May 15th, 2025 with the use of a town vehicle.

On the question, the cost of the course is \$160/person if registered prior to April 1, 2025 (\$180/person if registered after April 1, 2025) and includes light breakfast, snacks and lunch on both days. The funds are available in the Animal Control budget account 001.3510.0475-SPCA.

Upon roll call – Ayes: All; Noes: None; Absent: Councilmen Altieri and Michnik;
Motion carried.

Supervisor Casilio added he hopes Sto-Lat, in the former Sears store at Eastern Hills Mall, continues to be more successful. They do a great job at hosting special events there. Also, as part of the Historical Society speaker series, our Town historian spoke last night at the Clubhouse on archaeology in the Town. Ninety people attended. The Historical Society does a great job putting on presentations, so it's expected the three remaining speaker series this year should also be well attended.

Motion by Councilman Shear, seconded by Councilman DiCostanzo to approve the request of the applicants, Sam and Alicia Baker, for a Special Event Permit for a series of small concerts to be held in Clarence Center at 6200 & 6204 Goodrich Road on Wednesday evenings from 6:00 p.m. to 9:00 p.m. on June 25; July 16; and August 20, 2025 with food trucks, subject to meeting all conditions of the Special Event Permit and the Memorandum of Agreement requirements, including 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: Councilmen Altieri and Michnik;
Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Shear to approve the request of the applicant, Clarence Rotary Club, for a Special Event Permit for the pickleball tournament to be held on Friday June 20, Saturday June 21, and Sunday June 22, 2025 from 7:00 a.m. to 9:00 p.m., at Town Place Park on Goodrich Road, subject to meeting all conditions of the Special Event Permit, the Memorandum of Agreement requirements including submitting the required insurance certificate(s) naming the Town as an additional insured to be reviewed and approved by the Town Attorney's Office.

On the question, all food trucks for this event must be licensed in accordance with Chapter 147 of the Town of Clarence Town Code and be properly insured.

Councilman DiCostanzo added, all members of the Town Board present today are members of the Clarence Rotary Club, but it is different people within the organization that are organizing this event.

Supervisor Casilio commented, the three Board members present also don't play pickleball.

Upon roll call – Ayes: All; Noes: None; Absent: Councilmen Altieri and Michnik;
Motion carried.

Director of Community Development, Jonathan Bleuer added, for the concert event in Clarence Center, it takes place across the street from the Barber Shop.

Supervisor Casilio responded, hopefully our municipal parking lot will come in handy for them to use. Their event last year was very successful. Anything we can do to have activity like that in the Center is very important to us.

Kelkenberg Homes. 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 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 sq ft of living space, and 311 sq ft attached garage space, all to be used by an elder parent. The Town Board has the authority to consider this request after holding this public hearing.

Charlie Kelkenberg, Kelkenberg Home and homeowner Vicki Fenstermaker were present to answer any questions.

Mr. Kelkenberg said the proposal is for a secondary living unit for Vicki's mother.

Councilman Shear commented this is pretty straight forward and certainly conforms to what we like to see with regard to secondary living units.

Supervisor Casilio said this is a public hearing, are there any comments from the public.

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

Upon roll call – Ayes: All; Noes: None; Absent: Councilmen Altieri and Michnik;
Motion carried.

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

Resolved, that the Clarence Town Board, after a public hearing duly held on March 12, 2025, and after all interested parties having being heard, grants a Special Exception Use Permit to the applicant, Kelkenberg Homes, a secondary living unit as part of a new home construction at SBL 45.00-2-51.13, southeast corner of Keller Road and Salt Road in the Agriculture-Rural Residential zone subject to the following conditions:

1. All conditions as required in the Zoning Law must be met.
2. Unit must be secondary to the principal dwelling and not converted to a rental unit.
3. Occupancy shall be limited to family members, paid employees or temporary guest.
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 and 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 all the conditions were heard, understood and accepted.

Charlie Kelkenberg and Vicki Fenstermaker both replied yes.

Upon roll call – Ayes: All; Noes: None; Absent: Councilmen Altieri and Michnik;
Motion carried.

Leonard Deni. SBL 58.00-4-19.121. West side of Kraus Road, east side of Meadowglen Drive stub, north of Greiner Road. The existing vacant parcel contains 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. This item was tabled at the Town Board meeting of February 26th to consider recreational trail extension opportunities. Since that time, the applicant has submitted an exhibit showing the potential for trail extension from the Spaulding Green Recreational Trail to Kraus Road. A referral to the Planning Board would allow for a thorough review of this proposal.

Ken Zollitsch from GPI, representing the applicant, was present to answer any questions.

Mr. Zollitsch explained, where the Kraus Road subdivision is, as Mr. Bleuer stated, we were last in front of the Board a couple weeks ago just to discuss the subdivision and we were looking for a referral to the Planning Board. At that time there was some discussion and clarification needed regarding the trail continuation and what could be provided with this development. We worked up a quick exhibit in conjunction with the Planning Office to show, not necessarily Mr. Deni's responsibilities are for this project, but the opportunities that are available through the Spaulding lands to extend the existing trail from Spaulding Green out to Kraus Road as well as acknowledge that as part of this development we would certainly be open and willing to provide a thirty foot wide access easement to the Town of Clarence along Kraus Road on our property and just to confirm the existing access easement that was granted to the Town of Clarence for a path extension is on Spaulding Green Designer Home property immediately south of Mr. Deni's property here.

Councilman DiCostanzo asked Mr. Bleuer if there is a recreational component required for this.

Mr. Bleuer responded, yes there is.

Supervisor Casilio added a lot of this stuff was projected twenty years ago that this direction might be happening and we just wanted clarification on a trail system that we are trying to get to Kraus Road and a trail system that eventually we hope to get to the Middle School.

Councilman Shear commented that we are very pleased for the opportunity to extend that.

Motion by Councilman Shear, seconded by Councilman DiCostanzo to refer the request of the applicant Leonard Deni, SBL 58.00-4-19.121 to Planning Board for preliminary conceptual review of a 4-lot Minor Subdivision on Kraus Road, and an 8-lot Major Subdivision as an extension of Meadowglen Drive, all in the Agricultural-Rural Residential zone.

Upon roll call – Ayes: All; Noes: None; Absent: Councilmen Altieri and Michnik;
Motion carried.

Zang Ventures, Inc. 6204 Goodrich Road. Southwest corner of Goodrich Road and Pine Breeze Lane. This is a 2.1-acre parcel containing an existing business operation in the Commercial zone. The applicant is requesting preliminary conceptual review of a proposed 9,000 sq ft warehouse addition to the rear of the existing building, with associated facilities. The space is proposed to be used for complimentary business operations such as warehousing, athletic training, and sales. A referral to the Planning Board would allow for a thorough review of this proposal. 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.

Michael Zang was present to answer any questions.

Mr. Zang explained the plan would be to add a 9,000 sq ft addition onto the current space which is approximately 10,000 sq ft. The goal would be to make this congruent with the current

building from a setting stand point so it would be right in line and the same width of the current building and running from the east part of the building over west into the back acre of our property. The purpose of this is twofold. Currently our family business is stationed in the rear 4,000 sq ft of the current building. Our operations are such that we are in need of more space, primarily for inventory but also for some personnel. The plan would be to acquire a portion of that new space, approximately 3,000 sq ft. The remaining 6,000 sq ft would be dedicated to local business, similar to what is renting the front portion of our building. Currently we have a sports trainer who does small volume work.

Supervisor Casilio said the only thing he is concerned about with these types of set ups is all of a sudden we have outside parking for lawnmowers, trailers and things like that. That will be something that is discussed at the Planning Board level. I'm not saying it is impossible, but if that is something you need it would have to be fenced off with a privacy fence.

Mr. Zang said there is a forty-five-foot green space built around this space on the north and west side to protect the neighbors and with our family business residing there, the aesthetics are significant to us and we would be against anything being stored in that space. To that point, when the building was acquired in 2018, we also acquired the tenant that was there. That tenant was storing quite a bit in that parking lot, which was an eyesore. Our first step was to clean all that up and that has been our standard since we have been there.

Supervisor Casilio commented, since your ownership the site has improved. You have done a lot of work cleaning it up and making it better.

Councilman Shear agreed. You have done a nice job on that piece of property. When this goes to the Planning Board, they will have a discussion with you on the amount of metal proposed on the building. Just so you know that discussion is coming.

Motion by Councilman Shear, seconded by Councilman DiCostanzo to refer the request of the applicant Zang Ventures, Inc. at 6204 Goodrich Road, to the Planning Board for preliminary conceptual review of a proposed building addition to accommodate warehousing and complimentary commercial uses, in the Commercial zone.

Upon roll call – Ayes: All; Noes: None; Absent: Councilmen Altieri and Michnik;
Motion carried.

NOCO Forestry. 9220 County Road. North side of County Road, east of Heise Road. This is a 12.25-acre parcel containing an unapproved erosion control manufacturing business, formerly known as DC Supply. The applicant is requesting a public hearing to consider a Temporary Conditional Permit (TCP) to legally operate the existing business operation. 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. The Town Board has the authority to consider this request after setting and holding a public hearing.

Brian Murphy, NOCO Forestry and Jack Williams, Barton & Loguidice were present to answer any questions.

Motion by Councilman Shear, seconded by Councilman DiCostanzo to set a public hearing for Wednesday, April 9, 2025 at 10:15 a.m. to consider a Temporary Conditional Permit for an erosion control manufacturing business, formerly known as DC Supply, located at 9220 County Road, in the Industrial Business Park zone.

On the question, this was well vented out at previous meetings of the Executive Planning Board. We feel that it is an improvement to the property and an improvement to other proposals that were suggested to that property also. There is a little concern about dust. There haven't been remarkable complaints about it. Just be aware this would be a Temporary Conditional Permit for one year. If we have dust complaints, it could be a problem.

Upon roll call – Ayes: All; Noes: None; Absent: Councilmen Altieri and Michnik;
Motion carried.

John & Laurel DiBrog. 10407 Clarence Center Road. South side of Clarence Center Road, east of Strickler Road. The existing residence is on a 4.8-acre parcel in the Agricultural-Rural

Residential zone. The applicant is requesting a Special Exception Use Permit for the construction of a secondary living unit as an expansion to the existing residence. The addition is proposed to be approximately 783 sq ft and to the rear of the home as an expansion of an existing bedroom. The Town Board has the authority to consider this request after setting and holding a public hearing.

Laurel and John DiBrog were present to answer any questions.

Laurel DiBrog explained as her husband's health has declined, their daughter has made the decision to move home. We would like to allow her to have her own space to assist in taking care of her father. We call it an in-law suite with a kitchen. She will have her own sink, refrigerator and stove.

Supervisor Casilio commented it is a reverse in-law suite. We are skipping part of the process for you, because you are not remarkably changing the building. We are just setting a public hearing and not sending you to the Planning Board.

Councilman Shear said we are comfortable with it in every respect.

Laurel DiBrog thanked the Board.

Motion by Councilman DiCostanzo, seconded by Councilman Shear to set a public hearing for Wednesday, April 9, 2025 at 10:20 a.m. to consider the request of the applicants, John & Laurel DiBrog, for a Special Exception Use Permit for the construction of an attached secondary living unit at 10407 Clarence Center Road in the Agricultural-Rural Residential zone.

Upon roll call – Ayes: All; Noes: None; Absent: Councilmen Altieri and Michnik;
Motion carried.

Joshua Horton & Peyton Barlow. 8395 Transit Road. 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. The applicant is requesting a Special Exemption Use Permit for the construction of a secondary living unit within the existing home. 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.

Joshua Horton was present to answer any questions.

Supervisor Casilio commented, especially because all of this is internal, we will go right to a public hearing for comments. We don't expect to hear anything remarkable due to the fact there are not a lot of people living near there. We did question why there is so much blacktop.

Mr. Horton responded, unfortunately he does not have a lot of information. He knows that the previous owner was planning on putting in an accounting firm, but doesn't know what the purpose of all the blacktop is.

Supervisor Casilio explained that the Town doesn't want this to be a duplex or to be used as a rental property.

Mr. Horton said he understands that.

Supervisor Casilio said there will be a condition specifying that it cannot become a duplex and is required to be renewed annually in letter form.

Mr. Horton said ok.

Councilman Shear said the interior has been looked at and it just has studded walls and asked will they remain as they are or are you going to reformat.

Mr. Horton said they will be reformatted. They will be demoing and moving a few walls because the space was previously planned as accounting offices and now it will be a residence.

Motion by Councilman Shear, seconded by Councilman DiCostanzo to set a public hearing for Wednesday, April 9, 2025 at 10:25 a.m. to consider the request of the applicants, Joshua Horton & Peyton Barlow, a Special Exception Use Permit for the construction of an attached secondary living unit within the existing home at 8395 Transit Road located in the Major Arterial zone.

Upon roll call – Ayes: All; Noes: None; Absent: Councilmen Altieri and Michnik;
Motion carried.

Deer Valley Estates. SBL 44.11-3-14. East side of Goodrich Road, north of Keller Road, and west side of Deerview Court. This is a previously approved 28-lot Major Subdivision in the Residential Single-Family zone on approximately 18-acres. The applicant is requesting final plat approval, consisting of all 28 residential sublots, and the road dedication of approximately 1,800 linear feet of Deer Valley Drive. Per the Zoning Law, the Town Board has final approval authority to approve a final plat.

Jeff Liffiton, Deer Valley Development Group was present to answer any questions.

Supervisor Casilio stated he realizes all the conditions that are stated here, and asked Town Engineer Timothy Lavocat how does this relate to the sidewalk or is that in these conditions.

Mr. Lavocat said it is one of the items we have a bond placed on.

Supervisor Casilio responded, so we have that covered.

Mr. Lavocat said yes, we have multiple bonds on this project.

Supervisor Casilio asked Mr. Liffiton if they are building the houses.

Mr. Liffiton said no, it will most likely be NVR Homes.

Supervisor Casilio asked what the size and price range will be.

Mr. Liffiton said between 2,500 to 3,000 sq ft. and anticipated price at \$700,000 and up.

Motion by Councilman DiCostanzo, seconded by Councilman Shear the Town Board hereby approves the request of the applicant, Deer Valley Estates, for final plat approval for of a previously approved Major Subdivision, SBL 44.11-3-14, east side of Goodrich Road, north of Keller Road, and west side of Deerview Court, consisting of 28 sublots and the road dedication of approximately 1,830 linear feet of Deer Valley 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 Deer Valley Estates.
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 the approval by the Town of the Excavation Permit submitted by the applicant, and payment by the applicant of any fees, as required, for the removal of topsoil from the property.
7. Subject to open space and any other applicable fees, as required.

Upon roll call – Ayes: All; Noes: None; Absent: Councilmen Altieri and Michnik;
Motion carried.

R.E. McNamara Inc. 6175 Sorellina Layne. 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 applicant is requesting approval to construct a pond of approximately 0.5-acres for recreational purposes, adjacent to a planned residential home. The Town Board has the authority to consider this request. The Engineering Department has reviewed this for compliance.

Rich McNamara was present to answer any questions.

Motion by Councilman Shear, seconded by Councilman DiCostanzo to approve the request of the applicant, R.E. McNamara, Inc., for an approximately 0.5-acre recreational pond located at 6175 Sorellina Layne, subject to the following conditions:

1. Applicant must comply with the provisions of the Town of Clarence Excavation Law.
2. Subject to conditions and standards as required by the Town of Clarence Engineering Department.
3. No excavated material to be removed from site without Town review, and associated fee paid as required by Town Code.
4. Should any drainage easements be required by the Town to address on-site drainage issues on the property, appropriate easements shall be submitted by the applicant and approved by the Town Engineering, Highway and Legal Departments. If required, applicant shall file same in the Erie County Clerk's office and provide a stamped filed copy to the Town Attorney's office after recording.

Upon roll call – Ayes: All; Noes: None; Absent: Councilmen Altieri and Michnik;
Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Shear to approve the following applications; Legion Hall: Kelcy Goleski - March 23, 2025, Town of Clarence CSEA - April 10, 2025, Miriam Kagan – April 18, 2025, Elizabeth Siderakis – April 19, 2025, Katie Kuhaneck – April 26, 2025, Lisa Saletta – April 27, 2025. Clubhouse: Clarence Chamber – April 4, 2025 & May 8, 2025, Youth Bureau Easter Egg Hunt – April 19, 2025, Clarence Republican Committee – May 8, 2025, Clarence Senior Center – May 21, 2025, Clarence Hollow Association – June 5, 2025. Nature Center: Northgate Christian Community – Multiple Dates, Clarence Recreation – July 14 – 18, 2025 & August 4 – 8, 2025.

Upon roll call – Ayes: All; Noes: None; Absent: Councilmen Altieri and Michnik;
Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Shear to approve the bill pay for February 27, 2025 as follows: General Funds \$339,759.27; Highway Funds \$246,129.64; Water Funds \$447,464.98; Central Alarm Funds \$19.70; Fire Protection Districts Funds \$2,929,558.20; Drainage Funds \$34.74; Sewer Funds \$579,991.27; Capital Funds \$10,417.16 for a total bill pay of \$4,553,374.96.

On the question, the number is so large because of the payment we make to our local fire companies to provide protection for the whole year. The payment is paid in March each year.

Upon roll call – Ayes: All; Noes: None; Absent: Councilmen Altieri and Michnik;
Motion carried.

With there being no further business, Supervisor Casilio adjourned the meeting at 11:14 a.m. in honor and memory of Alice Smith, wife of Bud Smith who worked in the Town of Clarence Engineering Department. Alice was with the Town of Clarence almost thirty years. She started out as a crossing guard and then clerical in the Water and Engineering Departments. She had a great life.

Gayle M. Brace
Deputy Town Clerk