

The Work Session meeting of the Town Board of the Town of Clarence was held on Wednesday April 23, 2025 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 8:00 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 Jr. Planner Andrew Schaefer, Town Engineer Timothy Lavocat, Town Attorney Lawrence Meckler and Director of Administration & Finance Kimberly Ignatowski.

Lumsden & McCormick, Mary Young

2024 Audit Report was presented and discussed. Details of the presentation can be viewed in the Audit Report.

Motion by Supervisor Casilio, seconded by Councilman Michnik to adjourn the work session at 8:14 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.

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo, to adjourn the Executive Session at 8:35 a.m. Upon roll call – Ayes: All; Noes: None. Motion carried. No action taken.

Supervisor Patrick Casilio called the Work Session back to order at 8:41 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 Jr. Planner Andrew Schaefer, Town Engineer Timothy Lavocat, Town Attorney Lawrence Meckler.

Also present: Planning Board Chair Robert Sackett.

Jr. Planner - Andrew Schaefer

PUBLIC HEARINGS:

Dynabrade, Inc.

The applicant is requesting Special Exception Use Permits for a conceptually approved 90,000 sq ft manufacturing and office building at 9035 Sheridan Drive along with associated site improvements; as a campus addition to the existing business operation at 8989 Sheridan Drive. This is on the south side of Sheridan Drive, west of Main Street.

The Planning Board has issued a negative declaration under SEQRA, concept plan and conceptual architectural approvals, and a recommendation to the Town Board for issuance of the Special Exception Use Permits.

Councilman Shear asked if it has been resolved whether they are going to landscape along the street or leave it natural.

Planning Board Chair Robert Sackett said it has been referred to the Landscape Committee.

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

Buffalo AutoSpa

The applicant is requesting a Temporary Conditional Permit for an existing unpermitted automotive detailing operation located at 8870 Sheridan Drive, on the northeast corner of Sheridan Drive and Shimerville Road.

Proposed modifications to the site include, but are not limited to, the reduction of one of the two curb cuts to Sheridan Drive, replacement of pavement with greenspace around the existing freestanding sign frame, addition of a stone base to the canopy columns, replacement and striping of parking areas, and the installation of landscaping and dumpster enclosure.

The applicant has a commitment letter from the property owner, a site plan from a registered engineer and recommendations from the Planning Board.

Supervisor Casilio questioned the proposed issuance of the Temporary Conditional Permit for one year, and if one of the conditions could be an action line with wording such as: if we don't see any action within three or six months.

Councilman Shear agreed and said he has no confidence that things will get done, and questioned if any of things that need to get completed are being paid for by the property owner.

Mr. Sackett said, from the Planning Board's understanding, no.

Town Attorney Lawrence Meckler said the Town Board has the ability to shorten the time frame on any of these permits.

Andrew Schaefer requested that specific actionable items are given, so there is a frame of reference.

Mr. Meckler suggested a general statement should be given.

Councilman Shear asked, should we do that or should we specify time for any of the particular conditions.

Mr. Meckler said the Town Board has no obligation to issue a Temporary Conditional Permit. Just put a general statement in and if the Town Board isn't satisfied the permit could be pulled after the specified amount of time given.

Councilman Michnik asked if this could be tabled for further review and what do we want accomplished in that time frame.

Councilman Shear said he wants something accomplished and moving forward in six months.

Councilman Michnik said he thinks it's too open. We need to tell the applicant what the Town is looking for in those six months.

Supervisor Casilio added there is nothing remarkable on the list that can't be done in six months.

Councilman DiCostanzo asked, in defense of the small business owner, what is considered not remarkable.

Supervisor Casilio said he has already been operating there for over a year. Let the applicant come back and say he can't afford it or get it done in six months.

Councilman Shear said we will give him six months and if there is no significant improvement, we will bring him back and pull the permit.

Mr. Sackett requested, in support of the Planning Board and Planning Office, please don't pick and choose among the conditions listed that one is more important than the other.

Supervisor Casilio asked Andrew Schaefer, are you implying with the curb cut, that DOT approval is needed and they could be dragging their feet on it.

Andrew Schaefer replied yes.

Supervisor Casilio added, so that would be reasonable on that part, but that wouldn't stop him from putting binder down.

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

2025 Temporary Conditional Permit Renewals

The Planning Office has developed a renewal list with forty potential renewals for 2025. Appropriate applications and fees have been collected.

All existing Temporary Conditional Permits are subject to renewal upon the conclusion of the previously approved term. Each permit may be considered for renewal with a maximum term up to five years.

Four of the applicants have been asked to attend the Town Board meeting this morning because there were questions or concerns:

Lemon Auto Detail, 8145 Sheridan Drive.

DC Landscaping, 7615 Goodrich Road.

Discussion continued regarding the applicant's intentions. Town Engineer Timothy Lavocat added the Engineering Department issued a Floodplain Development Permit for filling years ago, which has recently been stopped because those permits are technically only valid for one year.

Concept Concrete Construction, 8846 Goodrich Road.

Discussion continued regarding conditions imposed and neighbor complaints. Love Your Dog, 8625 Transit Road.

Discussion continued regarding the fact that the applicant still has a number of outstanding items from the original Planning Board conditions of approval and the Landscape Committee.

Mr. Lavocat asked if Erie County has commented regarding the curb cut. It is in the County right of way and needs a permit.

Andrew Schaefer said he would look into it.

The Town Board has the authority to consider these requests after holding a public hearing.

FORMAL AGENDA ITEMS:

Maria & Nick Tiberia

The applicant is requesting a public hearing to consider a Special Exception Use Permit for the construction of a secondary living unit within the existing home's basement located at 5659 Creekwood Court, on the east side of Creekwood Court.

The existing residence is in the Creekwood Meadows subdivision on a 0.2-acre parcel in the Residential Single-Family zone. No exterior addition is proposed. The use of the space would be for seasonal cooking and extended family visits.

A referral to the Planning Board would allow for a thorough review of this proposal. Alternatively, the Town Board has the authority to consider this request after setting and holding a public hearing.

WORK SESSION ITEMS:

Value Turf, LLC.

The applicant, John Leising, is requesting consideration of a Temporary Conditional Permit (TCP) for the construction of an additional outbuilding for commercial business storage, located at 8337 Sheridan Drive, on the south side of Sheridan Drive, east of Helenwood Drive.

The existing 1.7-acre parcel contains an existing residence, detached garage, and outbuilding. The outbuilding is proposed to be a 2,400 sq ft pole barn, to store lawn mowers and golf carts.

Supervisor Casilio expressed his concern for the neighborhood to the rear if this business is working on equipment and then will the equipment show up out in front on Sheridan Drive for sale. Hasn't this been determined it is not an allowable use.

Andrew Schaefer said yes, that is why they are requesting the TCP which would allow for some form of operation. It is fully at the purview of the Town to see if this should even be considered.

Supervisor Casilio asked how this project fits with Vision Sheridan Drive.

Andrew Schaefer responded, it doesn't. Especially sales up front.

Mr. Meckler suggested to get more information from the applicant, as to what operations they are doing now, before putting it onto a future agenda. If we don't give them the permit, will they continue to operate.

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

TOWN BOARD REPORTS:

Supervisor Patrick Casilio

- Has numerous motions.
- Asked if we are on schedule for June 1, 2025 for the parking lot.
Mr. Meckler said the search and surveys have been provided. There is one issue that has not been resolved yet, but we still have the ability to close. We are in good shape and should have title by June 1, 2025.
Supervisor Casilio added, the Hollow Association is asking for displays out front but we should hold off on that until we own the property.

Councilman Peter DiCostanzo

- Has five motions.
- There is a 5k scheduled for Saturday May 3, 2025 which will go into a Cinco de Mayo celebration in the Hollow.
- There was a spirited discussion at the last IDA meeting regarding solar and incentives for solar.
Solar discussion continued.

Councilman J. Paul Shear

- Six hundred trees are being planted at the Highway Department on Saturday April 26, 2025. Stakes and sleeves are needed for those trees and a second sleeve is needed for the trees that were planted initially. Would like to make a motion at the Town Board meeting this morning to buy stakes and sleeves in the amount of \$720.00 plus freight.
- The Planning Office is conducting a survey asking our residents, both on Town and County roads, if they would like a tree. Two Hundred Forty yes responses have been received. Forty percent of those requests are on Town roads. We won't be doing County roads because we don't have an agreement.

Councilman Michnik asked if the residents have their choice of tree species.

Councilman Shear said no. The type of tree will be dictated by where the tree is being planted, whether it is under wires and what size tree will fit in the location. Also, thirty seven percent of trees in the Town right of way are maple trees. We were told not to add

any more maple trees because if there was a problem, like the Dutch Elm disease, it could potentially wipe out more than thirty seven percent of our trees.

Councilman Daniel Michnik

- Has one motion.
- The Easter Egg Hunt was very successful. Three hundred children were there with their parents and/or grandparents.
- Jack Loewer resigned from the Youth Board, having served ten years on the board. There are three adult seats open and three student seats will be open in the fall. The Youth Volunteer Recognition Ceremony is Friday April 25, 2025 from 5:30 – 7:30 p.m. There are four students being recognized with over one hundred volunteer hours each.
- There was conversation at the last Historical meeting regarding the Gerber building.

Councilman Robert Altieri

- Has two motions regarding the Lion's Club all-inclusive playground.
- The Clarence Historical Preservation Committee is hosting Value of Preservation on Tuesday April 29, 2025 at the Clarence Town Park Clubhouse at 6:30 p.m. Andrew Schaefer added it is a check in with current property owners that are historically designated and also for anyone who is interested.
- Will be at the Nature Center this Friday evening getting ready for the Arbor Day events on Saturday April 26, 2025 sponsored by the Conservation Advisory Council.

Supervisor Casilio brought up discussion regarding Fogelsonger Park and Glenwood Pavilion.

Supervisor Casilio reported he attended a soccer field striping machine demonstration. The machine works via satellite. They set up the machine in the parking lot and program it to go stripe a soccer field. It will go to the corner of the soccer field within 2-3 centimeters and stripe the entire field in twenty-three minutes. It would be a lease deal. The Parks Department is seriously looking at it. It takes two of our employees two hours to stripe a field. It will also do ball diamonds dead on off home plate. It does not do chalk, only paint.

Motion by Supervisor Casilio, seconded by Councilman Shear to adjourn the work session at 9:48 a.m. Upon roll call – Ayes: All; Noes: None. Motion carried.

Gayle M. Brace
Deputy Town Clerk

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, April 23, 2025 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 10:00 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 Junior Planner Andrew Schaefer, Town Attorney Lawrence Meckler and Town Engineer Timothy Lavocat.

Motion by Councilman DiCostanzo, seconded by Councilman Michnik to approve the Work Session and Town Board meeting minutes of April 9, 2025.

Councilman DiCostanzo thanked the Town Clerk as one section was five pages long.

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

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo after requesting proposals from four (4) qualified contractors, the Clarence Town Board awards the proposal for Lead Paint Removal and Abatement at the future recreation building located at 6185 Goodrich Road to Stohl Remediation of Orchard Park, New York they being the lowest responsive proposal received in the amount of \$8,900.00 per the fee and scope proposal dated April 8, 2025.

On the question, to be paid from Capital Project 123.

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

Motion by Supervisor Casilio, Seconded by Councilman Shear for the following:

WHEREAS, the New York State and Local Retirement System requires that the Town of Clarence establish by Resolution the number of hours which constitute a standard work day for retirement reporting purposes for all elected and appointed officials.

NOW THEREFORE BE IT

RESOLVED, that the Town of Clarence hereby establishes the standard work day for elected and appointed officials as per the attached table and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body, as per the table listing work days attached hereto and made a part of the minutes.

*See attached

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

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo for the following:

BE IT RESOLVED, that the Town of Clarence, location code 30148, hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local employees' Retirement System based on the time keeping system or the

record of activities maintained and submitted by these members to the clerk of this body, as per the attached table listing work days attached hereto and made part of the minutes:

*See attached

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

Motion by Supervisor Casilio, seconded by Councilman Altieri that upon the recommendation of Superintendent of Highways, to appoint Michael Heh to the open full-time position of Laborer in the Highway Department, effective April 28, 2025 at the union rate of \$28.1262 per hour at entry level, as per the Blue-Collar Unit #6771 contract regulations.

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

Motion by Supervisor Casilio, seconded by Councilman Michnik that upon the recommendation of Superintendent of Highways James A. Dussing, stating he would be returning to the position after doing a great job for us last year, would like to appoint Tyler Ryan to the position of Part-Time Seasonal Laborer in the Highway Department, effective May 19th, 2025 at the union rate of \$16.6304 per hour.

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

Motion by Supervisor Casilio, seconded by Councilman Altieri to consider motion to create two (2) additional Security Officer Part-Time Seasonal positions for the Parks Security Department, effective immediately.

On the question, this is to add to our current inventory.

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

Motion by Supervisor Casilio, seconded by Councilman Michnik to request to re-appoint the following current Part-Time Security Officers to the position of Seasonal Part-Time Security Officers for the Parks Security Department, for the purpose of working extended hours for Parks Security Department through the summer months at their current rate of pay. The effective date is May 1, 2025 and through September 30, 2025:

Nicole Heh
Kurt Krause

Joseph Indelicato
Vincent Akiki

William O'Donnell
Rita Savage

On the question, the above-mentioned employees will return to the position of Regular Part-Time Security Officer status October 1, 2025.

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

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo for the following bond resolution:

BOND RESOLUTION OF THE TOWN OF CLARENCE, NEW YORK, ADOPTED APRIL 23, 2025, AUTHORIZING THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$1,700,000 TO FINANCE THE CONSTRUCTION OF IMPROVEMENTS TO FOGELSONGER PARK, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,700,000 AND APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE

THE TOWN BOARD OF THE TOWN OF CLARENCE, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarence, in the County of Erie, New York (herein called the "Town"), is hereby authorized to issue bonds in a principal amount not to exceed \$1,700,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance the construction of improvements to Fogelsonger Park.

Section 2. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,700,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in a principal amount not to exceed \$1,700,000 to finance said appropriation, the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 19(c) of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in the official newspaper of the Town, having a general circulation within said Town, and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form appearing in Exhibit A hereto.

Section 8. The Town Clerk is hereby authorized and directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the official newspaper of the Town, having a general circulation within said Town, together with a Notice in substantially the form as provided by Section 81.00 of the Law.

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

Motion by Supervisor Casilio, seconded by Councilman Shear for the following bond resolution:

BOND RESOLUTION OF THE TOWN OF CLARENCE, NEW YORK, ADOPTED APRIL 23, 2025, AUTHORIZING THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$4,400,000 TO FINANCE THE ACQUISITION OF HIGHWAY EQUIPMENT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$4,400,000 AND APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE

THE TOWN BOARD OF THE TOWN OF CLARENCE, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarence, in the County of Erie, New York (herein called the “Town”), is hereby authorized to issue bonds in a principal amount not to exceed \$4,400,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), to finance the acquisition of highway equipment.

Section 2. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,400,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in a principal amount not to exceed \$4,400,000 to finance said appropriation, the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after

the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in the official newspaper of the Town, having a general circulation within said Town, and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form appearing in Exhibit A hereto.

Section 8. The Town Clerk is hereby authorized and directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the official newspaper of the Town, having a general circulation within said Town, together with a Notice in substantially the form as provided by Section 81.00 of the Law.

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

Motion by Supervisor Casilio, seconded by Councilman Michnik for the following bond resolution:

BOND RESOLUTION OF THE TOWN OF CLARENCE, NEW YORK, ADOPTED APRIL 23, 2025, AUTHORIZING THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$697,000 TO FINANCE THE ACQUISITION OF PARKS EQUIPMENT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$697,000 AND APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE

THE TOWN BOARD OF THE TOWN OF CLARENCE, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarence, in the County of Erie, New York (herein called the "Town"), is hereby authorized to issue bonds in a principal amount not to exceed \$697,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance the acquisition of parks equipment.

Section 2. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$697,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in a principal amount not to exceed \$697,000 to finance said appropriation, the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of

the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in the official newspaper of the Town, having a general circulation within said Town, and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form appearing in Exhibit A hereto.

Section 8. The Town Clerk is hereby authorized and directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the official newspaper of the Town, having a general circulation within said Town, together with a Notice in substantially the form as provided by Section 81.00 of the Law.

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

Motion by Supervisor Casilio seconded by Councilman Altieri for the following bond resolution:

BOND RESOLUTION OF THE TOWN OF CLARENCE, NEW YORK, ADOPTED APRIL 23, 2025, AUTHORIZING THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$900,000 TO FINANCE THE TOWN'S SHARE OF THE COST OF CONSTRUCTION OF SIDEWALKS ALONG SHERIDAN DRIVE; STATING THE ESTIMATED MAXIMUM COST OF THE PROJECT IS \$4,310,035, INCLUDING THE PORTION TO BE PAID BY THE STATE OF NEW YORK; AND APPROPRIATING \$900,000 FOR THE TOWN'S SHARE OF THE COST

THE TOWN BOARD OF THE TOWN OF CLARENCE, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarence, in the County of Erie, New York (herein called the "Town"), is hereby authorized to issue bonds in a principal amount not to exceed \$900,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance the Town's share of the cost of construction of sidewalks along Sheridan Drive.

Section 2. The estimated maximum cost of the project, including preliminary costs and costs incidental thereto and the financing thereof, is \$4,310,035, including the portion to be paid

by the State of New York, and \$900,000 is hereby appropriated for the Town's share of the cost. The plan of financing includes the issuance of \$900,000 bonds to pay the Town's share of such cost, and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable. The balance of the cost of the project shall be paid by the State of New York.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 24 of the Law, is ten (10) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to

publish or cause to be published, in full, in the official newspaper of the Town, having a general circulation within said Town, and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form appearing in Exhibit A hereto.

Section 8. The Town Clerk is hereby authorized and directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the official newspaper of the Town, having a general circulation within said Town, together with a Notice in substantially the form as provided by Section 81.00 of the Law.

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

Motion by Supervisor Casilio, seconded by Councilman Michnik for the following bond resolution:

BOND RESOLUTION OF THE TOWN OF CLARENCE, NEW YORK, ADOPTED APRIL 23, 2025, AUTHORIZING THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$750,000 TO FINANCE THE ACQUISITION OF A NEW GRINDER FOR THE TOWN'S GRINDING FACILITY, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$750,000 AND APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE

THE TOWN BOARD OF THE TOWN OF CLARENCE, IN THE COUNTY OF ERIE, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Clarence, in the County of Erie, New York (herein called the "Town"), is hereby authorized to issue bonds in a principal amount not to exceed \$750,000 pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance the acquisition of a new grinder for the Town's grinding facility.

Section 2. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$750,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in a principal amount not to exceed \$750,000 to finance said appropriation, the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 28 of the Law, is fifteen (15) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by

general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in the official newspaper of the Town, having a general circulation within said Town, and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form appearing in Exhibit A hereto.

Section 8. The Town Clerk is hereby authorized and directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the official newspaper of the Town, having a general circulation within said Town, together with a Notice in substantially the form as provided by Section 81.00 of the Law.

On the question, Supervisor Casilio stated that this grinder is really a mulcher for our recycling program that we have matching funds coming from the state.

Kim Ignatowski, Director of Administration and Finance, stated more than half of the cost.

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

Motion by Councilman DiCostanzo, seconded by Councilman Altieri to accept the quote of April 4, 2025 from Jeffrey Recreation, Inc. for a quantity of nine (9), 46” square tables and a quantity of two (2) 46” ADA tables from the Sourcewell Contract# 010521-LTS. We are purchasing with the lowest bid for eleven (11) tables at an amount not to exceed \$14,263.00. We will be using funds from the Parks Other Equipment budget line 001.7110.0279.

On the question, Councilman DiCostanzo stated that these are tables that will go on the patio at the Clubhouse. We probably would have gone with nicer tables but we had to have tables where the seating was attached for security purposes.

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

Motion by Councilman DiCostanzo, seconded by Councilman Michnik that upon the recommendation of the Parks Superintendent, to appoint the following four (4) employees to the position of Laborer PT-Seasonal for the Parks Department at the hourly budgeted rate of \$16.6304 hour effective on their respective start dates below, subject to receipt of all pre-employment paperwork and pre-employment requirements being met:

Ryan Ameis	Start Date: May 19, 2025
Noah Holden	Start Date: May 12, 2025
Nicholas Kerwin	Start Date: May 27, 2025
Sean Rhode	Start Date: June 4, 2025

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

Motion by Councilman DiCostanzo, seconded by Councilman Altieri to appoint Twenty-Three (23) Part-Time Seasonal Town Pool Employees for the 2025 Season – Recreation Department as follows:

Lifeguard Part-Time Seasonal (Senior) at Hourly Pay Rate of \$21.3423

Miranda Edmondson – Start Date: May 23, 2025

Lifeguard Part-Time Seasonal (Head) at Hourly Pay Rate \$19.9565 - Start Date of June 2, 2025:

Andre Biddlecom	Jason Dorigo	Megan Pecenco
-----------------	--------------	---------------

Lifeguard Part-Time Seasonal at Hourly Pay Rate \$19.1804 - Start Date of June 2, 2025:

Lucy Arroyo	Naoimh, Brady	Meaghan Bray
Ethan Brewer	Samantha Engler	Keegan Floss
Ella Harrison	Jackson Korn	Carter Leach
Austin Parlato	Ashley Podgorski	Kyle Priset
Mitchell Sayers	Eva Wolfley	Gianna Zinno

Clerk Part-Time Seasonal at Hourly Pay Rate of \$18.0717 – Start Date of June 10, 2025

Grant Edmondson	Reid Edmondson	Trevor Galas
Alyssa Loudenslager		

On the question Councilman DiCostanzo stated we fill a lot of lifeguard spots. Chris Durr who runs the pool schedule knows our hours he has to fill and needs to have the availability of staff to do so. As well as following the lifeguard regulations.

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

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

Recreation Attendant Part-Time Seasonal at Hourly Pay Rate \$16.6304 – Start Date of June 16, 2025:

Jacob Clinard	Peter Colafranceschi	Jonathan Fleming,
Jayden Geasling	Allison Glaude	Emily Glaude
Natalie Holden	Isabella LiCausi	Marissa Spear
Sydney Spear	Matthew Tenbrink	Sean Tenbrink
Travis Unocic	Zachary Walline	

Kelly Rusin to be appointed to Recreation Specialist Part-Time Seasonal at an Hourly Pay Rate of \$20.7200 with a Start Date of June 16, 2025.

On the question, Councilman DiCostanzo stated that these are the individual who help run our sporting events, recreational events, craft events or anything the town provides.

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

Motion by Councilman DiCostanzo, seconded by Councilman Shear to accept the 2024 Audited Financial Statements as submitted by Lumsden & McCormick, Auditor for the Town of Clarence.

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

Councilman DiCostanzo mentioned the Clarence Hollow Association is having a Robert Lenz Memorial 5K run on May 3, 2025 with a Cinco de Mayo celebration after. Additionally Happy Birthday to Town Attorney on April 20th and welcome Andrew Schaefer, Junior Planner, sitting in for Jonathan Bleuer today.

Councilman Shear stated that this Saturday April 26, 2025 we will be planting 600 sapling trees at the highway department and with that I have the following motion.

Motion by Councilman Shear, seconded by Councilman DiCostanzo to purchase 750 stakes and 300 tree tubes to support and protect the newly planted sapling trees.

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

Supervisor Casilio stated Councilman Shear has diligently been working on the tree program and have conducted a survey, how is that going.

Councilman Shear responded that we have conducted a survey of residents living on both Town and County roads with 240 positive returns. 40 percent of the roads are Town Roads that we will be concentrating on and be planting this fall.

Motion by Councilman Michnik, seconded by Councilman Altieri to correct title for Amy Noon, who was appointed to the Animal Control Department at the April 9, 2025 Town Board Meeting. The correct title is Dog Control Officer Regular Part-Time (RPT) as opposed to Dog Control Officer Part-Time.

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

Councilman Michnik mentioned the Easter Egg Hunt this past Saturday with 300 kids participating and 350 parents and grandparents watching as well. This was a great turn out by the Youth Bureau, thank you to all of them and the time they put into this event. Additionally, Jack Lower, one of the adult members has resigned after ten years, thank you to him for all of his time and efforts with the Youth Bureau Program, it is greatly appreciated. With that being said we have three adult member spots open with the program; applications can be found online. We also have three youth positions open as well to be filled with applications on line as well. This Friday April 25, 2025 we have a thank you event for the volunteers with four students who volunteered over 100 hours and 84 total volunteers.

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

WHEREAS, the Town Board desires to pursue funding opportunities for the Lions Club All Inclusive Playground Project, and

WHEREAS, the Town Board desires to provide this type of facility to residents at the lowest possible cost to the Town and Town taxpayers, and

WHEREAS, the Town Board desires to apply for financial assistance from the NYS Office of Parks, Recreation & Historic Preservation Environmental Bond Act Municipal Parks and Recreation Grant Program through the CFA (Consolidated Funding Application), and

WHEREAS, the Environmental Bond Act Municipal Parks and Recreation Grant Program provides grant funding for up to ninety percent (90%) of the total eligible project costs, with a minimum ten percent (10%) local match requirement, and

WHEREAS, the Town Board is requesting the maximum grant award amount of \$1,000,000 and is prepared to provide a minimum of \$1,000,000 in matching funds, thereby exceeding the ten percent (10%) local match requirement, in order to ensure the full completion of the proposed project.

NOW, THEREFORE BE IT

RESOLVED, that Patrick Casilio, as Town Supervisor of the Town of Clarence, is hereby authorized and directed to accept funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of the Clean Water, Clean Air, and Green Jobs Environmental Bond Act of 2022, in an amount not to exceed \$1,000,000 (toward the total project cost of \$2,000,000), and enter into and execute a project

agreement with the State for such financial assistance for the Lions Club All Inclusive Playground Project and,

RESOLVED, that upon approval of the application for financial assistance, the Town shall make available at least \$1,000,000 in matching funds to satisfy and exceed the minimum requirements of the funding program and to ensure the full completion of the project, and be it further

RESOLVED, that the Town Board authorizes the Town Supervisor to sign all documents and agreements related to the New York State Office of Parks, Recreation and Historic Preservation: Environmental Bond Act Municipal Parks and Recreation Grant Program application.

On the question Councilman DiCostanzo asked it states up to two million dollars, I didn't think we were looking at a playground that would be that expensive.

Councilman Altieri stated it could be up to \$2 million dollars depending on the surface area of the playground. Right now, it is between \$1.6 and \$2 million dollars.

Supervisor Casilio stated that we are thinking at least \$250,000 in ground improvements.

Councilman Michnik added that we don't know what the cost of the equipment will be once it's ready.

Councilman Altieri stated that the grand for this is due this week that is why we are doing this now. The playground, so everyone is aware, will be on Goodrich Road next to the Town Hall.

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

Motion by Councilman Altieri, seconded by Councilman Shear that Pursuant to Article 8 of the Environmental Conservation Law, to accept the Part 1 Short Environmental Assessment Form as prepared and to seek Lead Agency status and initiate a coordinated review among involved and interested agencies on the planned Clarence Lions Club All Inclusive Playground at Town Place Park, SBL 58.14-1-8. This Unlisted Action involves the installation of playground and associated facilities.

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

Councilman Altieri thanked, Scott Howell, for attending today who is doing the financing for the playground. As Councilman Shear mentioned, the Conservation group along with Dr. Osman Farooq from Amherst is planting 600 trees Saturday April 26, 2025 at 10:00 a.m. at the Town Highway Department.

Councilman Shear stated this ends up being a family event and quite the event for all to enjoy. Dr. Osman Farooq along with his wife have put this together and done this for us the last couple of years. They run an excellent program so we do everything we can to accommodate them.

Councilman Altieri added they are from Amherst and planted tree there but they were them mowed down by the caretakers. Dr. Farooq then decided to work with the Town of Clarence and things have been going well since. On another note, Tuesday April 29, 2025 between 6:30 p.m. and 8:30 p.m. the Clarence Historic Preservation Commission will be hosting a preservation meeting at the Town Park Clubhouse for any one is interested in registering their house.

Motion by Councilman Michnik, seconded by Councilman Altieri to approve the request of the applicant, Clarence Hollow Association, for a Special Event Permit for the “Bob Lenz Memorial 5K Walk / Run” to be held on Saturday, May 3, 2025 from approximately 4:00 p.m. to 6:00 p.m. along the route on the submitted map, subject to meeting all conditions of the Special Event Permit, Memorandum of Agreement, and Building Department and Emergency Management conditions, as well as any other Town requirements, in addition to, and the receipt of, the required Certificate of Insurance naming the Town of Clarence as an additional insured to be reviewed and approved by the Town of Clarence Attorney’s Office.

On the question, the Route for the event is as per the submitted map. All the appropriate agencies will be notified including the Clarence Highway & Parks Department. The applicant will obtain any permits they may need from Erie County and New York State for use of their highways, if applicable. Street closures shall only be temporary while the race is crossing the roadway. Event staff shall be at all crossing to safely direct traffic. The Certificate of Liability Insurance has been submitted and does include Host Liquor Liability Coverage, as the Applicant will be the sole vendor serving alcohol. Bring your own bottle or self-service will not be permitted.

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

Supervisor Casilio stated that the Erie County Sheriff’s Department will be hosting a question-and-answer session tomorrow, Thursday April 24, 2025 at 7:00 p.m. at the Clarence Town Hall for the residents. They are encouraging anyone who wants to discuss the continued ongoing of criminal mischief in your neighborhood.

Dynabrade, Inc., Jason Utzig of C&S, Marc Velocci of Silvestri, at 9035 Sheridan Drive. South side of Sheridan Drive, west of Main Street. An existing 21.75-acre properties containing a light manufacturing and office facility located in the Commercial zone. The applicant is requesting Special Exception Use Permits for a Conceptually approved 90,000 sqft manufacturing and office building at 9035 Sheridan Drive along with associated site improvements; as a campus addition to the existing business operation at 8989 Sheridan Drive. In September of 2024, the Town Board referred the proposal to the Planning Board. In October of 2024, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA). In March of this year the Planning Board issued a Negative Declaration under SEQRA, Concept Plan and Conceptual Architectural approvals, and a recommendation of Special Exception Use Permits issuance to the Town Board. The Town Board has the authority to consider this request after setting and holding a Public Hearing.

Jason Utzig of C&S, Colin Brogan from Dynabrade and Marc Velocci of Silvestri were present to answer any questions.

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

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

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

Resolved, that after a public hearing held at the duly convened Town Board meeting on Wednesday, April 23, 2025, and after all interested parties having been heard, the Clarence Town Board, hereby, the request of the applicant Dynabrade, for Special Exception Use Permits for a Conceptually approved 90,000 square foot light manufacturing and office building in the Commercial zone, subject to the following conditions:

1. All fifteen conditions of the Planning Board Concept Plan Approval on March 5th, 2025.

Councilman Shear reiterated to the applicant that they heard, understood and accepted all the conditions at the Planning Board meeting, is that correct.

Jason Utzig replied that is correct.

Councilman DiCostanzo asked what the time line was at this point.

Jason Utzig stated that after we receive, we get all the approvals needed and outside agencies we will get started.

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

Buffalo AutoSpa, Nash Kraft, Tenant, Pat Sheedy, Engineer, Jeff Palumbo or Matt Dubois Council. Northeast corner of Sheridan Drive and Shimerville Road at 8870 Sheridan Drive. An existing 0.60-acre parcel located in the Commercial zone, containing a former gas and service station. The applicant is requesting a Public Hearing to consider a Temporary Conditional Permit for an existing unpermitted automotive detailing operation. Proposed modifications to the site include, but are not limited to, the reduction of one of the two curb cuts to Sheridan Drive, replacement of pavement with greenspace around the existing freestanding sign frame, addition of a stone base to the canopy columns, replacement and striping of parking areas, and the installation of landscaping and dumpster enclosure. On June 26, 2023, the applicant was advised that his operation was unpermitted and illegal, and no signage would be permitted and installed until the use was reviewed and approved by the Town. From August 24, 2023 to March 7, 2025, the Town attempted to work with the landlord, applicant, and their representatives in order to place this item on an agenda. On March 7, the applicant submitted owner authorization for property improvements and permit/approval applications. On March 19, the Planning Board recommended issuance of a Temporary Conditional Permit, subject to fourteen conditions. Finally on April 8, the Landscape Review Committee approved a landscape plan submitted by the applicant.

Matt Dubois, Council and Nash Kraft, Tenant, were present for questions.

Paul Shear asked, when you came to us a year ago to get a new permit to operate, you were given a number of conditions. I asked you if you understood and accepted them, you did and unfortunately, you have done virtually nothing in the last year. I for one am not ready to give you a Temporary Conditional Permit for a year, my recommendation is that we do it for six months and at the end of that we will see some headway or we will revisit the permit. I don't want to see you go but you have an obligation that you agreed to and we are asking you to perform which you have chosen not to.

Councilman DiCostanzo stated that we take the way properties look very seriously in our town and when we get these it is our time to make sure this is acceptable.

Councilman Michnik asked if there is a reason why you didn't fulfil any of these commitments.

Nash Kraft stated I don't know if you may have me confused with someone else but I have submitted all of my applications and have been working with you guys as quickly as possible.

Councilman Shear stated we don't have you confused you agreed to certain things and you have done a little here and a little there but not really making any headway.

Supervisor Casilio asked if Matt Dubois was council for the applicant.

Matt Dubois stated yes, I am.

Supervisor Casilio stated that some of the confusion could be from the lot owner who made commitments as well and never came through a couple years ago.

Nash Kraft stated that may be true but I didn't agree to anything until we just started working together.

Supervisor Casilio stated that good thing today you are here to personally guarantee it or you will no longer have a business in Clarence.

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

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

Supervisor Casilio stated that we will be looking for a different time frame which I don't think is unreasonable and will expect some action on that property. I'm sorry you are bearing some of the stuff from the old business however you are the one operation out of this location now.

Matt Dubois stated that since we have been involved, and relatively new to this process, I would like to note there has been rapid progress since we have been involved with professional plans to have this location look a lot nicer and taking this seriously.

Supervisor Casilio stated the plans are a great step forward, thank you for putting the investment in him as things were being written on napkins almost and not followed through. The Town Board is going to make sure this is followed through with. The time table while short, I think will show that action is moving forward on it. There will be a motion with a date that this action will need to be completed and if it's not you will not be moving forward.

Councilman Shear stated I agree that this is moving forward, that's what you and we have agreed to. I don't need to see everything completed in six months but I will need to see activity.

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

Resolved, that after a public hearing held at the duly convened Town Board meeting on Wednesday, April 23, 2025, and after all interested parties having been heard, the Clarence Town Board, hereby, approves the request of the applicant Buffalo AutoSpa, for a Temporary Conditional Permit for an automotive detailing operation located 8870 Sheridan Drive in the Restricted Business Zone, subject to the following conditions:

1. Initial permit shall be for a term no greater than six months.
2. Applicant meeting any additional requirements of the Town of Clarence Engineering, Building, and Fire Inspector, and any associated conditions, prior to any permits being obtained and/or construction on the property.

3. Subject to New York State Department of Transportation approval for the westerly Sheridan Drive curb cut removal and site right-of-way reclamation from pavement to greenspace per the approved plan.
4. Per the assurance letter of the applicant, dated January 8th, 2025, the existing canopy shall be improved with building matching stacked stone base and new black paint.
5. Per the assurance letter of the applicant, dated December 2nd, 2024, the existing canopy will be used to temporarily park completed customer vehicles only.
6. Applicant meeting the requirements of the Landscape Committee Approval on April 8th, 2025, and associated conditions, including but not limited to, the management of all landscaping in perpetuity and replacement, in-kind, should there be any deterioration, or death, or disease to plantings; and the maintenance of all fencing, and replacement in kind, should there be any deterioration or damage.
7. Structures and site shall be maintained, in perpetuity, and any deficiencies shall be repaired or replaced in kind.
8. No building lighting shall extend above the roof ridgeline and no freestanding lighting shall be elevated above 15'. All lighting shall be turned off no later than one hour after business hours except for necessary security lighting, and all lighting shall comply with Town Code, be dark sky compliant and shielded to prevent spillage onto adjoining properties.
9. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated parking areas.
10. No unapproved outside storage or display of any kind on the property, including, but not limited to unlicensed vehicles, goods, materials, and debris.
11. Beyond that of automotive detailing, no additional future business operations or operators without proper application made by the applicant and review and approval by the Town.
12. Applicant shall fulfill all of the site, structure, and landscaping requirements within the first year of permit issuance, and prior to consideration of permit renewal.
13. Any permanent signage will be subject to review and approval by the Sign Review Committee, and any temporary signage subject to review and approval by the Office of Planning and Zoning.
14. Subject to Open Space, and any other applicable fees as required by Town Code.

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

Nash Kraft stated yes.

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

2025 Temporary Conditional Permit Renewals. All existing Temporary Conditional Permits are subject to renewal upon the conclusion of the previously approved term. Each Permit may be considered for renewal with a maximum term up to 5 years. The Planning Office has developed a renewal list with 40 potential renewals for 2025. Appropriate applications and fees have been collected. The Town Board has the authority to consider these requests after holding a Public Hearing. Per past work session discussion and at the request of the Town Board, there are several applicants present:

- Joseph Giarratano of Lemon Auto Detailing, 8145 Sheridan Drive
- Dave Christopher of DC Landscaping, 7615 Goodrich Road
- Matt Neuman of Concept Concrete Construction, 8846 Goodrich Road
- Janice Jabcuga of Love Your Dog, 8625 Transit Road

Joseph Giarratano of Lemon Auto Detailing, was present to answer any questions.

Councilman Shear stated that we have looked at this and spoken with Steven Leising, Code Enforcement Officer, you are limited to twenty cars on the property and you have seemed to have far exceed that on a lot of occasions. We are concerned and it looks like a junk yard so the question is what are you going to do about it?

Joseph Giarratano replied I will have to hire people to get them out quicker. It is a small business that I am getting by but I need it for my income, hiring people is expensive but I will have to do a better job at getting them out quicker.

Councilman Shear stated that he is familiar with the business and it is a good model but that is what our problem is.

Supervisor Casilio stated that we talked about a fence that maybe could solve some of your problem and have neighbors that are close to you, particularly to the east.

Andrew Shafer stated that there were initial discussions of staying at twenty cars with a six-month condition to see if it can be maintained. There were also conversations between potential fencing along the property line, adjusting the number of vehicles and is at the discretion of the board.

Councilman Michnik asked if the applicant sells cars out of his business.

Joseph Giarratano stated that he does not. We get cars in from small dealerships, we detail them and get them back to the dealers. Sometimes the cars sit a little bit longer depending on the priority as there are different auctions every day of the week so sometimes the same car will be there every day but they are supposed to be in and out.

Supervisor Casilio stated it seems that the dealerships leave cars behind for you to house until they need them which doesn't get you any money.

Joseph Giarratano stated I feel like I am between a rock and a hard place as I don't want to lose business but I will have to manage that better.

Councilman Michnik stated that twenty cars is a lot and it just looks terrible.

Councilman Shear stated again you might want to consider a fence, if its behind a fence they can't count the cars.

Supervisor Casilio stated I understand fences aren't cheap and I'd like to give you a permit for five years but we are not in a position to do that with the way things are now. You don't have to fence in the entire property just in an area or just limit your space to twenty cars.

Councilman Altieri stated it sounds like they are using you for storage.

Joseph Giarratano stated he would like to look into putting up a fence as well as keeping the cars down putting pressure on the dealerships I work with.

Dave Christopher of DC Landscaping was present to answer any questions.

Supervisor Casilio stated that this has been a five-year project for you.

Dave Christopher stated longer than that. Is this pertaining to my Temporary Conditional Permit, if so, what is the question.

Supervisor Casilio stated, yes and we would like to see you go away completely because there was supposed to be house there and there still isn't a house there. We want you to abandon

using the site there completely. Unless you have something different stating you will have a house built in a month or two.

Andrew Schafer stated there was an initial discussion of relocating the business to a different area. The purpose of this was to get the intentions clear from the applicant where they are looking to operate, what Temporary Conditionals Permits they are looking to continue with and perhaps talk about the ones you are looking to do in the future.

Dave Christopher stated that the TCP that he has at this property was based for me to run a business out of there. I wasn't able to put up a shop initially prior to building a house so I need somewhere to operate out of. A property with no facility, building, walls, water or electric to run my landscaping company doesn't work. I have rented a property to run my landscaping operation out of since I moved out of Harris Hill where I had my business at that point in time. I didn't know that I needed to let you know where I was actually located and I have been operating out of Transit Road where I was renting up until now. The reason I believe this was brought up was I was looking to switch where we have been primarily running our business on Transit Road. Goodrich Road is used for my outdoor storage for pallets of stone and trees that I need for my jobs. I replant trees and plants from jobs on a berm to reuse them in the future. This is used for my business but not my primary location. I do come and go with my work trucks for many reasons as well as working on the property. I am looking to be over on County Road where I believe I need to get a new TCP for that site. I don't understand why I need a TCP for the property that I own and don't have any problems at.

Supervisor Casilio asked if he promised us five or ten years ago that you were putting your business at this location.

Dave Christopher stated that there was no time frame ever given.

Supervisor Casilio stated what you are currently doing is not an allowable use, you need to stop what you are doing immediately. Tell us how long it will take you to get out of there. Do you have a fill permit? Is thirty days enough time for you to get out of there?

Dave Christopher asked so I can't keep my pallets of stone there on my 40-acre property?

Supervisor Casilio said I don't know but we are also getting complaints as you have an open field that you are operating your business out of there. You don't have a formal entrance and you are dragging dirt and mud out onto the road on wet days.

Dave Christopher stated I have been out cleaning the street on both sides and have been putting down stone this past week and recycled black top on the whole driveway and still working on the fill permit. Actually, filling the area that I had approved.

Supervisor Casilio stated I am trying to help you as much as I can but a fill permit doesn't allow you to run an operation out of it. Or leaving abandoned trucks.

Dave Christopher stated the truck can't be seen by anyone and it will be incorporated in the landscaping. Pretty weird as you have to drive 500 feet back on my property to see it and it was there when I purchased the property. Trees and bushes have been planted all around as well.

Andrew Schafer stated that any outside storage, commercial operation, landscaping equipment or materials needs the TCP. With the agricultural flood zone, it does allow for accidental operations and residential but in terms of the bulk storage it does require the temporary permit.

Lawrence Meckler stated that what might make sense here is to continue this for six months and then come back with your plan on how you will move to County Road and what you will do with what you are storing because it isn't a legitimate use.

Dave Christopher stated that makes sense.

Supervisor Casilio stated that makes sense, you have to have a plan B because, I am going to continue what I am doing because I'm doing filling doesn't work. What he is suggesting is that you will have to have permanent structures, building drawing and everything else.

Dave Christopher said he is all for that and has already met with a handful of people to discuss how we were going to set up over there. I highly doubt that you want me to put my pallets of stone outside at the property on County Road where that's much more visible to anyone driving by.

Supervisor Casilio stated on this property, where you go is none of our business, we are meeting here today because 7615 Goodrich Road, that is the problem. If you move to County Road that's not allowed to happen there either unless it is going to be fenced in or something.

Dave Christopher stated, that's what I'm saying, why are we discussing relocating stone on pallets on a 40 acres property that is 600 feet from the road absolutely not visible from the road.

Supervisor Casilio stated again we are not talking about County Road that is a whole other day if it comes to that. Don't make it more complicated, it is out of code, it is that simple.

Dave Christopher asked what is not compliant.

Supervisor Casilio stated everything you just described.

Andrew Schafer stated that he has a TCP with a condition of approval and if there are bulk materials on site, one of the conditions from 2013 TCP was no storage of bulk materials on the site.

Dave Christopher asked then I can't have anything on the property period.

Andrew Schafer stated its different from the original TCP approved, if it's an approved modification it could be considered.

Lawrence Meckler stated the condition from 2013 is based on a home built there which there is not. So, if you want to you can revise it but you have to have specifics.

Dave Christopher stated that he was just told he had to have a new fill permit reactivated. So, after 13 years of paying each time with no issues since day one with no one saying anything had to change.

Timothy Lavocat stated the fill permit that is being referred to from 2014 is pertaining to a house and those permits are valid for one year. That is why we have recently discussed with you that you can no longer go on filling endlessly in a flood zone under that permit. That's why we stopped you and you did submit a new application which has not been approved.

Dave Christopher stated that application was literally the exact same thing. No changes just a new signature and date.

Timothy Lavocat stated but there is no house, that is my point, the application you are referring to in for the DEC.

Supervisor Casilio stated we were promised a house/building/shop and nothing is there.

Dave Christopher said no.

Lawrence Meckler suggested again to table this for six months to come back with a plan.

Supervisor Casilio stated you are making us look like the bad guys. You or someone promised a structure which you haven't followed through to date on. I don't have the motion in front of me, which I will get but they usually there is a time frame on them, that's how it goes.

Dave Christopher said it has been 13 years and now all of a sudden, it's an issue. I have been doing what I can every second I can.

Supervisor Casilio asked if he has plans for the house and if they have been turned in to the building department.

Timothy Lavocat stated no nothing has been submitted.

Councilman Michnik stated that it is 2025 and since 2013 there has been a big miss, this does not fall on the Town Board it falls on you of what you have promised to do. You need to take a hard look at you and if you keep talking, you are making it worse.

Dave Christopher stated I have been working diligently and am still doing it. I was told to wait until we had the meeting which we had so I continued.

Timothy Lavocat said he did not sign or give him a letter so that is not true. You were told until this meeting today.

Lawrence Meckler stated that we are giving you the opportunity to come up with a time frame so take the time we are giving you.

Matthew Neuman of Concept Concrete Construction was present to answer any question.

Supervisor Casilio stated I think this may be too restrictive but this is a public hearing.

Councilman Shear stated I concur, we understand, but please explain to me if this is wrong. You have an individual who comes in and services and repairs your equipment in the evening, is that correct.

Matthew Neuman stated that as sometimes the equipment isn't getting back to the shop until late afternoon. We have to then fix it on the fly to have it ready to go in the morning.

Councilman Shear stated so you don't have anyone working at night.

Matthew Neuman stated yes, I do have someone who works part time when it is necessary, he will come in after hours. In the last two months we have been trying to transition out of this and get it done during the day.

Councilman Shear stated that's part of the problem, item 13 states you are done at 5:00 p.m. If that is not the case, we need to understand what has to happen later on so we may need to modify that.

Matthew Neuman stated we originally applied for this permit I though we all understood that with snowplowing this was not a 7:00 a.m. – 5:00 p.m. operation. Anything after hours that is conducted would be minimal, that's the nature of the business.

Supervisor Casilio stated that our concern at the time was stock piling the snow.

Jill Nowicki, a resident, was present stating there is no acoustical barriers between the barns and the doors that face directly to our property. We respectfully object to the TCP specifically to the condition that you noted. What does occasional mean, once a month twice a week, the term is vague, undefined and being stretched to accommodate regular second shift mechanical work. This is sometimes three to four nights during the week in the summer, that's not occasional that habitual. If a night time diesel repair shop in a residential neighborhood applied for a permit I would think you would like to leave. They produce heavy diesel material, repeated back up alarms on a various equipment this is not normal residential use of a property. These are not passenger vehicles pulling into a driveway they industrial machines creating a persistence nuisance beyond what a homeowner should have to deal with. Is a payload loader operating until 11:00 p.m. truly keeping with the spirit of this agreement. Would you want to live next to that? I was initially told by planning that after hour noise must comply with section 229-14. This has been repeatedly violated during the busy season. I was also told that only the Town Board could say if the operations were impacting neighbors not us the neighbors themselves who deal with it. This moving target is raising some serious questions of fairness. I can tell as he came up here you were friendly with him, you should be friendly with us as well. It seems like shifting rules for an operation that has more resources than I. The towns own Board of

Assessment review unanimously agreed reducing our houses assessment value by \$48,000 caused by this operation which is a 14% loss. This just isn't a quality-of-life issue its a direct financial impact on the properties while he is making money, we are losing money. I urge you to reconsider this permit in the best interest of the neighborhood.

Barbara Kern, a resident, was present and stated that she is opposed to the renewal of a TCP for Concept Concrete Construction. I don't have the power, the influence or the lawyer to change the Town Board decisions but I expect the Town Board to support residents with complaints when board restrictions are not followed. Mr. Neuman and his workers have conducted business after hours. One example noise from machinery, back up beeping on vehicles with bright lights at 10:00 p.m. is unacceptable. Mr. Neuman has had two years to get his act together and maybe a year suspension would make him realize the town is serious. Verbal warnings of neighbor complaints have not made him strictly follow the agreed upon rules. Mr. Neuman's actions show disrespect for me, his neighbor's, the Town and his own integrity. Additionally, fences are not the answer to everything, it just destroys the vision of the neighborhood. The entrance fence reminds me of when I was a kid and went to the junk yard with my dad. Unacceptable and I would like your support.

Sean Nowicki, a resident was present asking about prior to the conditions was there not to be materials stored on site? He has a large berm at the corner of his property that we have clear view of that is extremely tall and causing flooding in my back yard. This is a residential neighborhood, always has been and is very unacceptable for us. We take the brunt of the lights and noise being right next to them and we have to contend with these issues.

Counselman DiCostanzo asked for clarification on when busy season was, summer or winter.

Jill Nowicki came back to the podium stated April until November I would say is the busiest. We are woken up at 7:00 a.m. due to the noise and are willing to compromise but he needs to give a little, just like we do. We finally feel like at 5:00 p.m. we can relax in our own home to open windows, nap or read and then the mechanic comes at 6:00 p.m. until 9:00 p.m. or 10:00 p.m. and it starts all over. It is like living next to a construction site but the construction is never finished. Our biggest complaint is the back up beeping, if we can get rid of that we would be that much more agreeable to everything else.

Supervisor Casilio clarified that the assessment on their home went down \$48,000?

Sean Nowicki stated correct.

Jill Nowicki stated it went down more as we made it through two rounds.

Supervisor Casilio stated that it is unreasonable to ask that the permit is not renewed, maybe the 5:00 p.m. stop time should change to 7:00 p.m. as you get very upset at 5:01 p.m.

Jill Nowicki stated for the record I have never complained about 5:01 p.m. I have complained about the noise after 9:00 p.m. As for the assessment the first round was done on comparable in the neighborhood, I am not counting that.

Supervisor Casilio stated that so it went down due to comparable not the business?

Jill Nowicki stated again I am not counting that in my calculations. The second meeting is done with the assessment board, they calculated the number and yes, it's great but no I am not happy for resale value. That may not be a big number to everyone here but this is our single biggest asset so we are very concerned.

Supervisor Casilio stated I think your house would go for way more than what you think it is worth.

Councilman Michnik stated, I don't know you Mr. Neuman from anybody and I was accused of knowing you. Up to this point we are not friends, right?

Matthew Neuman replied, we can be, but no we are not.

Councilman Altieri stated that when you first came up you said he comes occasionally and neighbors are stating it is all the time.

Matthew Neuman stated I pulled up my mechanics time card and the last time he worked after 5:00 p.m. was February 14, 2025. Jonathan and Steven from the planning department and in 2024, 27 times my mechanic stayed after 5:00 p.m.

Councilman DiCostanzo asked what is going on than at 9:00 and 10:00 p.m., are they dreaming it?

Matthew Neuman said if you give me a specific date, I can see but she seems to call every time he is there. I can promise you that he probable was not there at 11:00 p.m., maybe he was but they tend to call when they see his car. I can pull up my cameras.

Lawrence Meckler stated to save time, the issue is item number 13 so maybe we can just be more specific with that item. This way going forward they will know exactly.

Matthew Neuman stated we are trying to be respectful; February 14th was the last time he was there after 5:00 p.m. this year. There are times that thigs have to be fixed on the fly. I find it hard to believe with neighbors all around me I only have complaints from her mother on the other side of the street down a way.

Supervisor Casilio stated that there is a trucking business down a way on this street that may be getting the confusion that goes with that.

Councilman DiCostanzo asked about the comments of storage on site.

Matthew Neuman stated he doesn't know anything about that, we don't.

Councilman DiCostanzo asked about the flooding on the property that was mentioned.

Matthew Neuman stated I have a survey and there is a significant distance between it. If there is an issue of flooding this is the first time I am hearing about it so I will have to look into that.

Councilman Shear stated that when all said and done the real concern from your neighbors is after 5:00 p.m. and the condition is vague unfortunately.

Matthew Neuman stated it was intestinally left vague as I can't control when things break down. If there is a real issue you can call my cell phone, I am a very easy-going guy so I promise I will put a stop to it right away.

Andrew Schafer stated the property is Agricultural Flood Zone which is an allowable use it is not residential.

Lawrence Meckler stated that if you are practically working at later hours, we should address that and change it. Change it to 7:00 a.m. – 6:00 p.m. to the extent practically to avoid any activity on the site.

Supervisor Casilio stated the late hour dumping stone a few years back you stopped and held up to your end of the bargain. That working will be probably added to the permit, are you ok with that.

Matthew Neuman stated yes, I just don't want to subject myself to anything, they are very literal. Can we extend it to 9:00 p.m.?

Councilman DiCostanzo stated now you are getting greedy.

Supervisor Casilio stated the trucking company across from this is operating 24 hours a day.

Janice Jabcuga, of Love Your Dog was present to answer questions.

Supervisor Casilio stated you haven't complied with the Planning Boards request.

Councilman Shear stated you agreed, understood and accepted the 12 conditions of the TCP last time and you replied yes and have not complied. The first seven, excluding six are not the problem, the others are still open.

Janice Jabcuga stated I have done some of this stuff.

Councilman Shear stated you agreed to do it all.

Janice Jabcuga said can we take one thing at a time? I do have an enclosure around the dumpster. The permit for the carport, I was going today but it is too late now but I will be going for that. I was told by the builder that I didn't need any permit for anything inside the fence, so I will get one for that. The landscaping, call me naive if you would like, I have never dealt with having go through an architect for this and was quite a project for me. Not only was it reconstructing a building in Amherst for nine years having to do water proof material and special flooring not just picking colors. The landscaping no one asked me what type of plants I wanted, I looked at the plan, checked off on it and found out this is set in stone. Some of those plants were 30-foot trees that wouldn't have worked on the property so I wasn't happy with that and it was part of the change. The other factor was money, I didn't have \$15,000 to do this fancy landscaping and I can't compete with my neighbors.

Councilman Shear asked if she had come back to the Landscape committee with a secondary design?

Janice Jabcuga stated I found a landscaper that was in my budget and break it up for me to do this in two stages. That was too expensive so I didn't do that.

Councilman Shear stated I can understand that but you have to talk to us about it and change it and not do it anymore. You just can't do that; you agreed to the original conditions and didn't do them.

Janice Jabcuga stated I know, I didn't know that was set in stone and not able to be changed. I thought it was like a house and I didn't know that the town has control of what plants I put in.

Councilman Shear stated we didn't control it we looked at what you provided and said yes that will work.

Janice Jabcuga no one sat down with me and told me this.

Councilman Shear stated that isn't the towns responsibility.

Janice Jabcuga stated ok I know dogs, I don't know this, so call me naive. I have septic issues going on in my building that I have to take care of so if you want to put me out of business to put up fancy landscaping it's up to you. Additionally, roofing issues so it would be nice if you worked with me.

Councilman Shear stated we want to work with you but you have to come to us and not just say I'm not doing it.

Andrew Shafer stated for clarification that the applicant did attend another Landscape Committee meeting with this new plan which was not accepted and approved.

Councilman Shear stated so we don't have an agreement.

Janice Jabcuga why did we even do this if you gave me no instruction on how to move forward with no conclusion.

Supervisor Casilio stated it's more than landscaping, the curb cut isn't complete.

Janice Jabcuga stated the curb cut is on the contract with that landscaper and the reason that wasn't done yet was because they split the bill for me to not pay the full bill upfront. It

hasn't gotten done yet because then I had to fix the pot holes that were just done and the landscaper is waiting for me to call him.

Supervisor Casilio stated long story short you have conditions that you have to meet, when do you think you can meet them?

Janice Jabcuga said I have a question how do you decide how much parking is efficient.

Supervisor Casilio stated it is in the Town Code.

Janice Jabcuga said I would like to know how much should be granted for that type of business. I was never told parking was not allowed in the front which leaves me five spaces for my customers.

Supervisor Casilio asked who parks in the back?

Janice Jabcuga stated that employees park there which fills it and I have 80 – 100 customers daily.

Supervisor Casilio asked why did you come to us a year ago and agree when not it is too much to be completed for you.

Janice Jabcuga stated I bought the building before I knew I had to take the parking out. For 27 years I was in the Olde Country Barn that had mold in it that I needed to get out of and I am sure you saw a fire was there.

Supervisor Casilio stated what we are saying is that we don't let cars back out onto a county road, it's a safety hazard.

Janice Jabcuga its hard to find a place for the type of business I do.

Supervisor Casilio stated so we are the bad guys again.

Janice Jabcuga stated no you aren't, what I'm saying is we are talking about landscaping here.

Councilman Shear stated we are talking about a lot more than landscaping here. There are a lot of things. Honestly, I would like to reduce the permit to six months and expect to see improvement when you come back.

Janice Jabcuga said improvement on what?

Councilman Shear said something, anything.

Andrew Shafer stated that she is out of compliance with six items.

Janice Jabcuga stated the dumpster is completed.

Supervisor Casilio stated we will give you six months permit; we will give you a letter and you can come back. We are giving you more time to complete a promise you gave us a year ago.

Lawrence Meckler stated that we are giving you a six-month extension on something you haven't completed. We will give you a letter and if you have a problem with any of those items contact the Planning and Zoning Department for clarification.

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

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

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

RESOLVED, that after a public hearing duly held on April 23, 2025 to consider the renewal of existing Temporary Conditional Permits, and after all interested parties having been heard, the Town Board approves the existing Temporary Conditional Permit uses for the set

terms as follows: Numbers 1- 3, 5-29 and 31-38 approved as listed. Number 4, to investigate a fence on the east side and limit the number of cars in his lot to twenty. Number 30, the permit will be for six months. Number 39, the permit is for one year with the hours of operations extended from 5:00 p.m. to 6:00 p.m. Number 40, permit is for six months, the Planning Department will provide a letter with the remaining conditions.

1. JSN Auto, 8400 County Road, Auto Sales, 1 Year
2. Autobahn Body Werks, 8200 Main St, Auto Service, 3 Years
3. Hoehman Auto, 8310 Goodrich Rd, Auto Service, 5 Years
4. Lemon Auto Detail, 8145 Sheridan Drive, Auto Detail, 1 Year and investigate a fence on the east side and limit the number of cars in his lot to twenty
5. Buffalo Car Care, 8214 Main Street, Auto Detail, 3 Years
6. Burgher & Grainy Auto Sales, 10939 Main St, Auto Sales, 3 Years
7. Epic Motor Cars, 9829 Main Street, Auto Sales, 1 Year
8. A. Vaillancourt, 10364 County Rd, Auto Repair, 3 Years
9. Stem Automotive, 10575 Main St, Auto Repair, 3 Years
10. Uniland/Mountain Development, 4545 Transit Rd, Auto Storage, 1 Year
11. Bocce Club Pizza, 6235 Goodrich Rd, Outside Dining, 5 Years
12. Gertie's, 6010 Goodrich Rd, Outside Dining, 3 Years
13. Cielito Lindo Taqueria, 4125 Transit Rd, Outside Dining, 3 Years
14. Bar-Bill North, 8326 Main St, Outside Dining, 3 Years
15. Sto-Lat Bar, 4475 Transit Rd, Outside Dining, 3 Years
16. The Humbert House, 10622 Main St, Outside Dining, 3 Years
17. Shaloby Loofer Brewing, 10737 Main St, Outside Dining, 3 Years
18. Bruster's Ice Cream, 5205 Transit Rd, Outside Dining, 1 Year
19. Starbucks, 9430 Main St, Outside Dining, 5 Years
20. Cam Services, 10165 Main St, Outside Display, 5 Years
21. Sturdi-Sheds, 4545 Transit Road, Outside Display, 1 Year
22. Grace Landscaping, 9200 Wehrle Dr Outside Storage, 3 Years
23. The Amish Peddler, 8630 Roll Rd, Outside Display, 1 Year
24. Calarco Landscaping, 8558 Stahley Rd, Landscaping, 5 Years
25. Beaver Landscaping, 5640 Davison Rd, Landscaping, 5 Years
26. Gallagher Landscape, 9780 Lapp Rd, Landscaping, 5 Years
27. Hewson Tree Service, 9000 Lapp Rd, Tree Trimming, 3 Years
28. GCR Landscaping, 5750 Shimerville Rd, Landscaping, 5 Years
29. Burghardt Landscaping, 8694 Lapp Rd, Landscaping, 5 Years
30. DC Landscaping, 7615 Goodrich Rd, Landscaping, 6 Months
31. K & A Landscaping, 8905 Sheridan Dr, Landscaping, 3 Years
32. R.E. Peters, 8055 Goodrich Rd, Landscaping, 5 Years
33. AJ's Tree Service, 9500 Martin Rd, Tree Cutting, 3 Years
34. All Season Outdoor, 9737 County Rd, Landscaping, 3 Years
35. Bison Nursery, 9000 Main St, Landscaping, 5 Years
36. Regan Landscape, 8490 Wolcott Rd, Landscaping, 1 Year
37. Papa's Popcorn, 6610 Goodrich Rd, Popcorn Stand, 3 Years
38. Clarence Hollow Assoc., 10717 Main St, Farmer's market, 5 Years

39. Concept Concrete Const., 8846 Goodrich Rd, Concrete Business, 3 Year with hours of operations extended from 5:00 p.m. to 6:00 p.m.
40. Love Your Dog, 8625 Transit Rd, Dog Grooming/Boarding, 6 Months and the Planning Department will provide a letter with the remaining conditions.

On the question, Supervisor Casilio for the record showed a picture of the house on Goodrich Road who asked for a petition twice to have the amount of the house assessment lowered.

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

Maria & Nick Tiberia of 5659 Creekwood Court, east side of Creekwood Court. An existing residence in the Creekwood Meadows subdivision on a 0.2-acre parcel in the Residential Single-Family zone. The applicant is requesting a Public Hearing to consider a Special Exception Use Permit for the construction of a secondary living unit within the existing home's basement. No exterior addition is proposed. The use of the space would be for seasonal cooking and extended family visits. The Town Board has the authority to consider this request after setting and holding a Public Hearing.

Maria Tiberia was present to answer any questions.

Supervisor Casilio apologized to the applicant for making her wait so long, I should have moved you before the permits to get you out of here.

Councilman DiCostanzo stated, we take how properties look very seriously in this town and this is our only time to make them right.

Motion by Councilman DiCostanzo, seconded by Councilman Altieri to set a public hearing for May 14, 2025 at 10:20 a.m. to consider the request of the applicants, Nick Tiberia and Maria Tiberia, of a Special Exception Use Permit for the construction of a secondary living unit within the existing home at 5659 Creekwood Court in the Residential Single-Family zone.

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: Clubhouse: May 4, 2025 Cub Scout Pack 568; Nature Center: July 10, August 14 & September 11, 2025 Conservation Advisory Group.

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

Motion by Councilman DiCostanzo, seconded by Councilman Shear to approve the bill pay for April 10, 2025 as follows: General Funds \$150,119.13; Highway Funds \$56,170.21; Drainage Funds \$7,834.00; Lighting Funds \$715.02; Capital Funds \$131,888.42; Agency Funds \$910.25 for a total bill pay of \$347,637.03.

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

With no additional business, Supervisor Casilio closed the meeting at 12:21 p.m.

Karen Hawes
Town Clerk