

The Work Session meeting of the Town Board of the Town of Clarence was held on Wednesday May 28, 2025 at the Clarence Town Hall, One Town Place, Clarence, New York.

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

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

Director of Community Development - Jonathan Bleuer

There was discussion at the last Work Session meeting regarding the process for secondary living units. The Planning Department had proposed a new process due to the increased number of secondary living units being requested, that wasn't well received. Based on the general concern regarding the administrative typing of these units, it was sensed that the Town Board wants to initially see all of the requests. The proposal has been modified so that rather than initially breaking them up into types, everything will initially be brought to the Town Board in a Work Session. At that Work Session the Town Board would determine the direction of each request. The request could be set for a public hearing, sent to the Planning Board or if the request is so minor it could just proceed through the Planning Department to work with the Legal Department for the deed restriction. The Town Board would have full control of every request to choose what should be done. This process would reduce the time line by, in some cases, over a month.

Town Attorney Lawrence Meckler suggested when the request comes before the Town Board at the Work Session, the Planning Department should recommend which one of the three paths should be taken and then let the Town Board ratify that recommendation. This way the Town Board has a frame of reference as to which direction the Planning Department thinks it should go.

Jonathan agreed and said they would have a recommended motion.

Supervisor Casilio asked if the Planning Department sends it directly to the Building Department for a building permit.

Jonathan said yes, after it receives the deed restriction.

Supervisor Casilio added, our main concern is that it doesn't look like or become a duplex.

Councilman DiCostanzo asked if it goes to the Planning Board, is there still a public hearing.

Jonathan said, with the Planning Board every item is a quasi-public hearing.

Supervisor Casilio asked if we need a formal motion to change this procedure.

Jonathan said no, we are just looking for a consensus.

Councilman Shear replied, he thinks there is a consensus.

FORMAL AGENDA ITEMS:

Kelton Enterprises, LLC.

The applicant is requesting a referral to the Planning Board to consider a Change-In Use approval for a proposed Tim Horton's restaurant as a rehabilitation of the former bank with drive-through located at 8503 Main Street, on the southeast corner of Main Street and Harris Hill Road.

Currently there is no proposal to change the public right of ways. The applicant is willing to make right of way improvements should the controlling entities allow it.

Councilman Shear asked in order to get a raised sidewalk on Harris Hill Road, do we have to go through the County.

Jonathan replied yes, we do.

Councilman Shear asked if push back is expected.

Jonathan said yes. At this point we have to make the assumption there will be no changes to the public right of ways unless we are successful in our negotiations.

Supervisor Casilio added, after the fact we can always take that on as a project.

Councilman Shear said as long as the County lets us.

Supervisor Casilio added he doesn't think we should get in between Tim Horton's and the County, because they could be fighting for years. We could make it a condition through the Planning Board.

Councilman Shear explained, his thought was Benderson is steering this for the applicant and historically they have been willing to compromise. It might be an opportunity to get it now. It is the one thing in terms of safety that makes all the sense in the world.

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

Mitchell Rivera

The applicant is requesting consideration of a Special Exception Use Permit for the construction of a secondary living unit as a conversion of an existing detached accessory structure behind the primary residence located at 10377 Clarence Center Road, on the south side of Clarence Center Road, east of Strickler Road.

The existing residence driveway would be extended to the rear yard structure that is proposed to be converted into a two-bedroom one-bathroom unit for the applicant's parents. There are no exterior changes proposed.

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.

Severyn Development, Inc.

The applicant, on behalf of the Seufert's, is requesting a Special Exception Use Permit for an attached secondary living unit as part of a new residence construction with access to Kenfield Road, located at 7178 Kenfield Road, on the northwest corner of Kenfield Road and Lapp Road.

Within the approximate 6,000 sq ft home, the secondary living unit is proposed to be approximately 1,280 sq ft.

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.

AJ's Tree Service

The applicant is requesting preliminary conceptual review of an industrial tree service operation located at 9865 County Road, on the south side of County Road, west of Strickler Road.

The proposal includes an 8,876 sq ft sales, service, and office building to be accessed by two vehicular access points, customer parking, and equipment sales lot. A business inventory storage lot is proposed to the rear of the building, with an access drive to the rear of the site. The rear of the site is proposed to contain an outdoor wood processing yard, fenced outdoor rental storage, storage and service buildings, and a future wood production facility.

We are curious as to what will become of their Martin Road property.

Councilman Shear said he is interested in what they anticipate selling.

Councilman DiCostanzo asked if they leave Martin Road, does the use leave with them.

Jonathan said yes, it is a Temporary Conditional Permit tied to them.

Councilman Shear commented it will also be interesting to know what their time line is.

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

8750 Main Street Associates, LLC.

The applicant is requesting preliminary conceptual review of a fifty-one-unit multiple family housing project to the rear of the existing Samuel's Grande Manor facility located at 8750 Main Street, on the north side of Main Street, west of Overlook Drive.

Two three-story structures are proposed, containing twenty-four and twenty-seven units. Three detached garage buildings are proposed, each containing between eight and twelve bays. A portion of the project has been designed within the Residential Single-Family zone, which would require rezoning consideration.

A concern here is how many units are on septic.

Councilman Michnik asked who is part of this project.

Jonathan said to his understanding, primarily McNamara.

Supervisor Casilio said he is not in favor of flat top roofs.

Councilman DiCostanzo asked if it will make a difference that they are so far off the road that no one will be able to see them. Or are we more concerned with what is on our main thoroughfare.

Jonathan added we have been concerned with the overall height number. We have been scared of that number. Two to three stories are controversial. Supervisor Casilio has really been

the one to shake us all up to pay attention to the style and not just the number, and that has worked.

Discussion continued regarding flat top and pitched roofs.

Councilman Altieri looked for clarification where the septic is located.

Town Engineer Timothy Lavocat said the septic will require a DEC permit.

Councilman Shear asked if the septic field shown is big enough for fifty-one units.

Mr. Lavocat said there a lot of factors that will go into it, such as what kind of system and what kind of soils are there. We know there is rock there. It will ultimately be reviewed by the DEC. An individual permit will be issued for something this size.

Councilman Altieri asked, how far back is the next property behind it.

Jonathan said it backs up to the Clarence Central School property.

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

Brookfield Country Club

The applicant is requesting approval of a Fireworks Display Permit for Thursday July 3, 2025, with a rain date of Sunday July 6, 2025, located at 5120 Shimerville Road, on the south side of Greiner Road, west of Shimerville Road.

Skylighters of New York is the licensed operator for this event. Insurance, licensing, bonding and fire chief approval paperwork are on file in the Planning Office.

The Town Board has authority to approve this request.

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 in the Restricted Business zone located at 8337 Sheridan Drive, on the south side of Sheridan Drive, east of Helenwood Drive.

The existing 1.7-acre parcel is in the Restricted Business and Residential Single-Family zones, containing an existing residence, detached garage, and outbuilding. The outbuilding is proposed to be a 2,400 sq ft pole barn, and used to store lawn mowers and golf carts.

This item was on the Town Board work session agenda April 15, 2025. At that time, the item was not advanced to a formal agenda due to concerns relating to the proposed business and site activity. On May 7, 2025, representatives of the Planning Office met on-site with the applicant to better understand the existing and proposed business and site activity for the purpose of providing an update to the Town Board. Photos of the site were taken.

Councilman DiCostanzo asked if the applicant owns the property.

Jonathan said yes.

Councilman Shear responded, but he doesn't live there.

Jonathan said correct, he does not live there.

The on-site photos taken were shown to the Town Board and discussed.

Jonathan explained lawn equipment is stored in the building. The applicant sells large lawn equipment to country clubs and golf courses. He doesn't stock equipment. He orders from a factory and ships to the company. He does buy old equipment, fixes and sells it. That is where he would have equipment on site, but does not want any of that outside. The equipment is way to expensive to be outside. There isn't enough room in his current building and the reason why he is proposing construction of the additional building. The Town Board has no obligation to consider this. It is not an allowable use in this zone. It is only permissible through a TCP. The applicant wanted to supply more information to hopefully alleviate any concerns regarding sale or storage of equipment outside.

Councilman Michnik asked if the applicant is currently operating from that site.

Jonathan said yes and has no permits for that operation.

Councilman Michnik asked if we are going to let that continue.

Jonathan said that is the Town Board's choice. You can shut him down or it can be considered through the TCP.

Supervisor Casilio said the applicant use to display illegally on Main Street and doesn't want to see items displayed on Sheridan Drive.

Jonathan said the applicant does have a past history but has zero desire to display anything outside and has talked about how his business model has changed over the years.

Councilman Shear said he doesn't see a problem with moving it forward.

Jonathan voiced his opinion, if the opportunity arises we should get conditions on paper. The Town Board could say nothing at all, issue a violation and the back building is for personal use only.

Councilman Shear added, do we want to shut him down and if not, then figure out a way to go forward.

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

Brett Baker

The applicant is requesting consideration of a Temporary Conditional Permit to operate an automotive dealership located at 8615 Roll Road, on the south side of Roll Road, east of Harris Hill Road.

The existing 2.4-acre property is in the Industrial Business Park zone containing a previously approved industrial project containing retail, office, light manufacturing, warehousing, and other complimentary uses.

The applicant intends to rent an office within the main building, and have access to three parking spots within the fenced rear parking lot, to occasionally contain registered and dealer plated vehicles. The display of vehicles for sale is not proposed.

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.

Edge Development, LLC.

The applicant is requesting a minor modification of a project to consider a Special Exception Use Permit for a conceptually approved mixed-use project containing multiple-family housing and commercial space, located at 9105 Sheridan Drive, on the south side of Sheridan Drive, west of Main Street.

The project is currently scheduled for a public hearing on June 11, 2025 at 10:20 a.m.

The applicant has determined that a first-floor residential unit is necessary within the mixed-use building for ADA compliance purposes. After significant consideration and discussion with the Planning Department, the applicant is proposing to add a 600 sq ft first-floor residence, resulting in a loss of 600 sq ft of commercial space. To account for this, the applicant has proposed to add an approximate 900 sq ft outdoor commercial patio space on the north and east side of the mixed-use building, which would accommodate the potential for outside dining of a future commercial tenant. Should the Town Board wish to consider this modification, the applicant will be required to seek a variance for the additional residential unit from the Zoning Board of Appeals.

The project now consists of approximately 6,400 sq ft of commercial space and twenty-three apartments, as follows: One three-story mixed-use building fronting Sheridan Drive containing 6,400 sq ft of commercial on the first floor, and eleven total apartments; and three two-story residential townhome buildings to the rear, each containing four units.

Town Engineer Timothy Lavocat asked if they are putting in an elevator for the third floor.

Jonathan said no. This project does not pencil out or move forward with an elevator.

Mr. Lavocat suggested the architect for the project contact the Building Department before the public hearing to make sure everyone is on the same page.

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

TOWN BOARD REPORTS:

Supervisor Patrick Casilio

- Asked Mr. Lavocat to speak regarding Fogelsonger Park.

Mr. Lavocat explained there is a request for a bid date on June 26, 2025 for the Fogelsonger Park Improvements Project. Improvements include two pickleball courts, two tennis courts, a basketball court, parking at Glenwood Road and out by Greiner Road, and pedestrian accessibility from Glenwood Road to Greiner Road and also over to the church property as well. This should be substantially completed by the time snow flies this year.

Supervisor Casilio added we are also looking at the possibility of moving a Robert Leathers playground over there by our Parks Department, which would be at a very low cost.

Mr. Lavocat thanked the Highway Department for paving the parking lot and helping at the pavilion.

- It was a very emotional day at the Town Park after the Memorial Day Parade. Eighteen names were added to the Veterans Memorial Wall. Thanked Mr. Lavocat for his help with the fountain at the Veterans Memorial.
- Attended a dedication at Our Lady of Peace Church to install historical markers. The

history there is remarkable.

- We have taken over the property in the Clarence Hollow. The no parking signs have been removed. The Parks Department has been asked to clean up the landscaping. The Highway Department is planning blacktop improvements. The rear of the property should be being brought up to level. Hopefully bathrooms will eventually be installed.

Town Attorney Lawrence Meckler added we have not closed on the property yet, but we have an agreement that we have total control over the property and can use it for any purpose prior to the closing.

- With Mr. Lavocat's help we are doing some camera upgrades.
- Met with law enforcement last week to work on a new local law.
- There is a motion this morning to purchase a School Resource Officer (SRO) car, even though we don't have an SRO employee. The school budget passed with an additional SRO position. We are working on adding an additional special patrol officer title to our inventory. Hopefully we will have a vehicle ready by September for a new SRO hire.

Councilman Peter DiCostanzo

- Has two motions and one added motion.

Councilman J. Paul Shear

- Noticed a County Road business with six pieces of equipment and five cars outside, that has not been issued its Certificate of Occupancy yet. No one was outside which means they are using the building.

Councilman Daniel Michnik

- Summerfest is scheduled for July 19, 2025.
- The Historical Museum is open the second and fourth Sunday each month.

Councilman Robert Altieri

- Fireworks in the Park is scheduled for Monday June 30, 2025, with a rain date of Tuesday July 1, 2025. Clarence Rotary has run the event the last two years. The Town is running it this year.

Town Engineer Timothy Lavocat reported the canopy at the Senior Center is coming June 18, 2025. Excavating and stone work for the sign at the Senior Center may be starting this week.

Discussion continued regarding traffic flow in the parking lot at the Senior Center.

Supervisor Casilio added, Rural Transit runs 2,800 trips a year with 14 volunteers. We are the biggest operation out of all of Erie County.

Motion by Supervisor Casilio, seconded by Councilman Shear, to adjourn the work session at 9:40 a.m. and enter into Executive Session pursuant to §105(1) h of the Open Meetings Law to discuss the acquisition of real property. Upon roll call – Ayes: All; Noes: None. Motion carried.

Gayle M. Brace
Deputy Town Clerk

Motion by Supervisor Casilio, seconded by Councilman Shear, to adjourn the Executive Session at 10:09 a.m. Upon roll call – Ayes: All; Noes: None. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, May 28, 2025 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 10:15 a.m.

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

Motion by Councilman DiCostanzo, seconded by Councilman Michnik to approve the Work Session and Town Board meeting minutes of May 14, 2025.

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

Motion by Supervisor Casilio, seconded by Councilman Altieri to approve the purchase of a 2022 Ford Explorer VIN#1FMSK8DH9NGA94245 from West Herr for a total amount not to exceed \$33,492.93 as they are the lowest price and paperwork subject to the approval of the Town Attorney.

On the question, this will be used for the additional SRO that will be added to the Clarence School District for the 2025-2026 school year and will be paid out of 001.5132.0280 Fleet Vehicle Equipment Replacement.

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

Supervisor Casilio stated that there is a long process of getting a car ready so we are doing this ahead of time. In the near future we will be posting for an additional SRO officer in the Town of Clarence at the Clarence Central School District.

Motion by Supervisor Casilio, seconded by Councilman Shear to set a bid date of Thursday June 26, 2025 at 10:00AM for the Fogelsonger Parks Improvement Project.

On the question, bid documents will be available on the Avalon Document Services Buffalo online plan room starting May 29, 2025 per the published Notice to Bidders.

Timothy Lavocat stated this is overall improvements that include basketball courts, tennis courts, pickleball courts and parking.

Supervisor Casilio stated the pickleball courts are being played on in the late evening hours on Goodrich Road.

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

Motion by Supervisor Casilio, seconded by Councilman Michnik to approve the request of Town Justice, Michael Powers, for Mary Kelley, Court Clerk, to attend the New York State Association Magistrate Court Clerk, NYSAMCC, Annual Conference in Albany, New York from September 28, 2025 through October 1, 2025.

On the question, all reasonable expenses including registration, lodging, meals and travel to and from the Town to be paid by the Town. Additionally, the use of a Town vehicle as well.

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

Supervisor Casilio stated that he went through a very emotional Memorial Day with the addition of eighteen people being added to the wall. Currently there are over 600 veterans on the wall with the great program between the Clarence Legion 838 and the Clarence Rotary Club. The additions this year were very appreciative of the recognition and ceremony we put on for them and their family and friends. One of the members who is no longer with us had all of his buddies from around the county came on their motorcycles to honor him. I appreciate both of these organizations for everything that they have done for our veterans.

Motion by Councilman DiCostanzo, seconded by Councilman Altieri upon recommendation of Parks Superintendent Jason Holden, to appoint Jacob Morgado to the open Parks Department Part-Time Seasonal Laborer position effective June 1, 2025 to be paid at the rate of \$16.6304 per hour pending pre-employment requirements and background check.

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

Motion by Councilman DiCostanzo, seconded by Councilman Michnik to declare the below list of thirteen (13) vehicles as surplus equipment no longer needed for Town purposes and to be removed from the Town's inventory. Vehicles are to be sold at Auction by Auctions International.

1. 2008 FORD F-250 W/Plow (P636 / P19) VIN# 1FTSF21Y28ED80481
2. 1967 (P-7) Farmall Cub Tractor
3. 2001 Smithco Super Rake (P-501) Model# 17-001-B
4. 1989 Smithco Super Rake (P-238) Model# 17-001
5. 1998 Kromer Athletic Field Maintainer (P416) Model# B100H
6. 1989 Trusco Striper – Push (P-203) Model# 110
7. 1993 Trueline Striper – Push (P-268) Model# 320
8. 1993 INTERNATIONAL MERRY TILLER (P-353) Model# IT51C
9. HANDMOWER-SOUTHLAND (P-420) Model# 90902
10. TORO SNOWTHROWER (P-404) Mode# 38180
11. TORO 22" VARIABLE SPEED HAND MOWER (P-374) Model# 20019
12. BANTAM SODCUTTER (P-191) Model 8HP
13. Meyer Plow Lot

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

Motion by Councilman DiCostanzo, seconded by Councilman Shear to appoint Julia Arroyo Clerk Part-Time Seasonal for the pool hut at Hourly Pay Rate \$17.7400 with a start date of June 2, 2025.

On the question, June 15, 2025 is the pool open date.

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

Councilman DiCostanzo thanked everyone who came out to the Memorial Day Parade where the route seemed to be packed and then stayed for the memorial service.

Councilman Shear stated that once again this year they would be planting street trees around town in the fall.

Motion by Councilman Michnik, seconded by Councilman DiCostanzo upon the recommendation of the Youth Bureau Executive Director, to appoint the following two individuals to the position of Youth Activities Leader Part-Time Seasonal at the budgeted rate of \$17.1847 per hour effective June 2, 2025, subject to receipt of all pre-employment paperwork and pre-employment requirements being met:

1. Gabrielle Burkhardt
2. Emma Muchow

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

Councilman Michnik mentioned Summerfest being July 19, 2025 at the Main Street Town Park from 4:00 p.m. – 9:00 p.m. through the Clarence Youth Bureau. Additionally, a reminder that the Historical Building is open the 2nd and 4th Sunday of each month from 1:00 p.m. – 3:00 p.m. The campus has been updated through the Parks Department as well as the Highway Departments so thank you to all of them.

Councilman Altieri stated that the Fireworks in the Park will be on Monday, June 30, 2025 with a rain date of Tuesday, July 1, 2025 at the Main Street Town Park from 4:00 p.m. until dusk.

Motion by Councilman Shear, seconded by Councilman Altieri to approve the following Special Event Request for Yoga Classes by YATL Studio from 10:00 a.m. – 1:00 p.m. beginning July 12, 2025 to August 24, 2025 at the Main Town Park, as pursuant to the dates submitted on the Special Event Permit Application.

On the question, certificate of Insurance has been submitted and there is a charge of \$25.00 to participants for the classes.

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

Town Clerk, Karen Hawes, stated that Glenwood Pavilion at Fogelsonger Park on Greiner Road is now available as of May 30, 2025 at a cost of \$150.00. You can contact the Town Clerks office at 716-741-8938 to check for availability.

Supervisor Casilio added that the pavilion is a clone, on a smaller scale, to the Townview Pavilion at Town Place Park on Goodrich Road. Thank you to Town Engineer, Timothy Lavocat, for all of his hard work on this project. Additionally, we are looking at the overlay of the Sunset Park on Harris Hill and Wehrle with the work on the tennis and basketball courts starting today to be completed in a couple weeks.

Jonathan Bleuer added to Councilman Shears prior comment on Street Tree planting, due to the success of that program and the interest from Town residents we have collaborated an interest survey form that is online form. You can find that on the Town of Clarence's web page, under the Planning and Zoning Department. There are several hundred submittals so if you fill the form out you may not get one this year but we will do our best to accommodate you in future years.

Supervisor Casilio stated that we got beat up on social media about the selection of trees, does someone want to talk about the arborist and what we go through in selecting trees.

Jonathan Bleuer stated that the Town has a Tree Management Plan created by tree professionals through a grant with the DEC. We have a list of preferred street trees that are acceptable plantings for this region. Beyond that we additionally have a Town Arborist who will look at each individual site for the appropriate tree to be planted. Residents can't pick a tree but we do our best to say if you will get a small, medium or large tree. Our highway Department takes on maintaining these trees as they are in the Towns right-of-way.

Councilman Shear stated that both the Highway and Parks Departments have arranged for staff to go to trainings on pruning, trimming and maintain those trees.

Supervisor Casilio mentioned the recognition in the paper of planting of ten trees, how many has the Town of Clarence planted?

Councilman Shear stated 240 trees to date as well as 1600 sapling trees.

Kelton Enterprises, Sean Hopkins, Pat Sheedy, for 8503 Main Street. Southeast corner of Main Street and Harris Hill Road. An existing 0.6-acre parcel located in the Traditional Neighborhood District, containing a vacant former bank building and drive-through facility, with a total of three vehicular access points; two on Harris Hill Road and one on Main Street. The applicant is requesting a referral to the Planning Board to consider a Change-In-Use approval for a proposed Tim Horton's restaurant as a rehabilitation of the former bank with drive-through. No outside dining is proposed. The Town Board initially referred a Tim Horton's proposal on this site to the Planning Board with a series of conditions and considerations in February of 2024. At that time, the referral was for site plan review. In October of 2024, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA). From February of 2024 until March of 2025, the applicant made modifications to the proposal per comments received. Due to conflicting interests, it was determined that not all comments, conditions, and considerations could together be met. On March 28th, the applicant submitted a new application for consideration. A referral to the Planning Board would allow for a thorough review of this proposal.

Sean Hopkins and Pat Sheedy were present on behalf of the applicant, we started this project late 2023 and last left off with the Planning Board meeting last October 2024. As part of the environmental review, we did receive impute from both the NYS Department of Transportation for Main Street as well as the Erie County Department of Public Works for Harris Hill. Based on their review of a traffic impact study and additional studies the departments could not ultimately come to an agreement with the applicant. What I mean by that is on Main Street they wanted a right in and right out only and also the same thing on Harris Hill. The problem with this is if we implement both of those recommendations ultimately it would interfere with internal stacking, parking and the overall layout. Additionally, this would not be good for the surrounding neighborhoods in where it would mandate them to have cut through traffic which is an issue raised by the Planning Board. After months of dialogue, discussions and meetings we were forced to go back to the drawing board for a new plan that doesn't need any modifications to the Main Street or Harris Hill right-of-way. We also eliminated the previous closure of the contemplated closure of Nottingham Terrace connection to Main Street. As a result of those changes, number one we no longer need approval from either of those agencies and number two in connection with the State Environmental Quality Review Act we did submit an amended short environmental assessment form dated March 27, 2025. This project is clearly a type two action, meaning that because of that this project is categorically exempt from SEQER. The reason being that this site is properly zoned and consists of the redeveloping less than 4000 sq. ft. being approximately 2100 sq. ft., formally utilized as a bank. We are just asking to refer this project to

the Planning Board, we now have a layout that does not require any modifications with the right-of-way, we are hoping for leverage with dealing with both of the agencies. If Erie County of Public Works approves a left out onto Harris Hill, I think we will come up with a project layout that will work. If those agencies are unwilling to cooperate, we will move forward with the project as it is currently configured. We do have a detailed traffic impact study that demonstrates an increase in traffic it will not have any significant impacts in the vicinity or the nearby intersections. With this ministerial act to send this project to the Planning Board, they will vet this project very carefully that after working on this for 18 months we can move forward to fruition.

Councilman Shear stated we have looked at this, my feeling is that we should move it to the Planning Department with the understanding that the applicant is willing to consider some modification and changes to make things a bit better.

Supervisor Casilio stated that his interest, first and foremost, is seeing the sidewalk raised on Harris Hill Road which may be difficult to do getting the approval with Erie County.

Councilman DiCostanzo stated that the traffic makes that a right hand turning lane, so I want to see the raised sidewalk as well.

Sean Hopkins stated that this will require a permit from the Erie County Department of Public Works. However, if they were willing to let us move forward with an acceptable means of vehicular access on Harris Hill Road, we will certainly make that improvement.

Councilman Michnik asked how many employees will be employed at this location and how many parking spots will be available.

Sean Hopkins stated, Pat Sheedy approximated about 6-8 per shift. The zoning code requires 9 parking spaces and we are showing 16 so we are comfortable with that. In my experience any time I drive by any Tim Hortons parking lot, they are never full. Deliveries would be off hours and we would control when they occur.

Supervisor Casilio stated that this is not a public hearing but there was one resident who came to the meeting so I will allow you to come forward to speak.

Ben Plessinger was present stating he lives in the neighborhood walking by at least two to three times a week with my son when I take him to school. I have almost been hit multiple times so I don't care what any study says, it's wrong. There will be increases traffic and already is just from that intersection being as bad as it is. This is going into a neighborhood that has two sidewalks on one street and as far as I know lots of elderly and children out walking, riding bikes and playing. This is a very bad idea if it is going to add any traffic at all. You mention social media posts and there was just a post about the intersection with two turning lanes and bike lanes in a five-lane intersection where people are already driving badly. We had a car accident there, it's just a bad intersection.

Supervisor Casilio thanked the resident for coming in. I think it is important to let the public know, this is a preexisting building with a preexisting drive thru and preexisting entrance and exits. This situation should really go in front of the Planning Board to work out whatever detail they can work out. Considering the traffic, it is really up to the NYSDOT and Erie County to work that out.

Councilman Shear added they are allowed to come forward with a change in use, we have a code to follow, we have laws to follow and the applicants have right of use. If all the stars line up, we are not in a position to tell them no.

Ben Plessinger stated I understand that they just keep coming back until they can find a way seems disingenuous to help the community in any way.

Councilman DiCostanzo stated that we did get emails from residents and those emails will be part of the project file in the Planning Department.

Jonathan Bleuer stated that there is no set date for this project on the agenda and it probably won't be set for some time.

Sean Hopkins stated that he wanted to mention because some of the residents have been privy to the process today, there is absolutely no intent to be disingenuous here or force a project down anyone's throat. This layout does comply with the code and have worked very diligently an effort to work this out with both the DOT and Public Works and to date those efforts have not been successful to a layout that I believe is worse to the neighborhood. With that being said we will continue to try and would note that while there is some controversy and opposition to this project it complies with the code and this board with the elected officials are not the ones making the underling land use decision. The decision would ultimately be made by the Planning Board and well vetted as always with an alternative of the building being vacant.

Motion by Councilman Shear, seconded by Councilman DiCostanzo to refer the request of the applicant, Kelton Enterprises, Inc., to the Planning Board to consider a Change-In-Use approval for a Tim Horton's restaurant as a rehabilitation of the former bank with drive-through at 8503 Main Street in the Traditional Neighborhood District.

On the question Councilman Shear reiterated that again there are some things we would like to see changed and expect they would coincide with what you would like and move forward together to get this done.

Upon roll call – Ayes: Councilman Michnik voting yes just to move it on to the Planning Board so they can look at it, Councilman Shear, Councilman DiCostanzo and Supervisor Casilio; Noes: Councilman Altieri; Absent: None; Motion carried.

Mitchell Rivera of 10377 Clarence Center Road. South side of Clarence Center Road, east of Strickler Road. An existing 4.8-acre property in the Agricultural-Rural Residential zone containing a single-family home and detached accessory structure. The applicant is requesting consideration of a Special Exception Use Permit for the construction of a secondary living unit as a conversion of an existing detached accessory structure behind the primary residence. The existing residence driveway would be extended to the rear yard structure that is proposed to be converted into the 2-bedroom 1-bathroom unit for the applicant's parents. 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.

Mitchell Rivera, owner, was present to answer any questions.

Councilman Shear stated that they have reviewed the plans for the out building, which is a very nice facility inside and out. Our main concern which we will eventually ask you to commit to not ever renting that property with a yearly certification stating this.

Mitchell Rivera stated that he has no intension of doing that, I am only using this to house my parents.

Councilman Shear stated that is part of our concern because some people would agree and some don't like that agreement.

Mitchell Rivera stated understood.

Supervisor Casilio stated I don't see any problem with this request.

Motion by Councilman Altieri, seconded by Councilman Shear to set a public hearing for Wednesday, June 25, 2025 at 10:15 a.m. to consider the request of the applicant, Mitchell Rivera, for a Special Exception Use Permit for the construction of a detached secondary living unit in an existing detached accessory structure at 10377 Clarence Center Road in the Agricultural-Rural Residential zone.

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

Severyn Development, Inc., William Severyn, for 7178 Kenfield Road, northwest corner of Kenfield Road and Lapp Road. An existing 5-acre vacant corner parcel located in the Agricultural-Rural Residential zone, recently split from the overall 38.5-acre parent parcel after Minor Subdivision approval by the Planning Board. The applicant, on behalf of the Seufert's, is requesting a Special Exception Use Permit for an attached secondary living unit as part of a new residence construction with access to Kenfield Road. Within the approximately 6,000 sqft home, the secondary living unit is proposed to contain approximately 1,280 sqft. 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.

Phil Severyn, of Severyn Development, Inc., was present stating we have a couple who is planning to build a home with the additional living space for the husband's parents. The unit will be attached to the main house not free standing.

Supervisor Casilio stated that our concern is always that it could turn into a duplex but with the layout doesn't appear that way with the construction.

Motion by Councilman Michnik, seconded by Councilman Shear to set a public hearing for Wednesday June 25, 2025 at 10:20 a.m. to consider the request of the applicant, Severyn Development, Inc., for a Special Exception Use Permit for the construction of an attached secondary living unit as part of new home construction at 7178 Kenfield Road in the Agricultural-Rural Residential zone.

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

AJ's Tree Service, Dave Stutz, Engineer, Jeff and Steve of AJ's, for 9865 County Road. South side of County Road, west of Strickler Road. An existing 47-acre vacant parcel in the Industrial and Agricultural-Rural Residential zones. The applicant is requesting preliminary Conceptual review of an industrial tree service operation, including equipment sales, service, outdoor display and storage, outdoor wood processing yard, outdoor rental storage, and material production. An 8,876 sqft sales, service, and office building is proposed at County Road, accessed by two vehicular access points, customer parking, and equipment sales lot. A business inventory storage lot is proposed to the rear of the building, with an access drive to the rear of the site. The rear of the site is proposed to contain an outdoor wood processing yard, fenced outdoor rental storage, storage and service buildings, and a future wood production facility. A referral to the Planning Board would allow for a thorough review of this proposal.

Dave Stutz, project Engineer, and Jeff and Steve of AJ's Tree Service were present to answer any questions. Dave Stutz stated that there is a lot involved, on the property is also 25 acres of wetlands which is delineated to the Army Core of Engineers. We additionally have a buffer disturbance as well which will receiver DEC litigation. There is also a district line that cuts the parcel off and we are requesting a rezoning of that to allow for the various operations the company will be providing on this lot.

Supervisor Casilio stated this is preexisting, none preforming, displaying things out front. We control that fact that we don't allow vehicle sales from the property and do check on this.

Dave Stutz stated that he is proposing something a little more esthetic. The idea is to have two 20 x 40 concrete pads with rocks in front to be more esthetic, equipment on it with more landscaping around it.

Jeff Tomaro state that we will be selling new gear not old rusted equipment in an attractive setting not like a yard sale.

Supervisor Casilio stated that we just don't want to drop junk all over the place and then have a used equipment lot running up and down the street. What are you doing with the old site?

Jeff Tomaro stated that there is no future plan right now for the old site.

Supervisor Casilio stated we did a Special Exception Use to allow you to work out of there, what will happen then from here?

Jonathan Bleuer stated that once this is approved your Temporary Conditional Permit, for all intents and purposes be relocated meaning you wouldn't have the rights to operate out of the old site.

Jeff Tomaro stated that they wouldn't need to. We appreciate our time there, looking to stay in the Town of Clarence which is a really good fit. The front for equipment selling with the back being for the wood idea of the sawmill, mulch production and recycling of our product. The back area is also literally in the middle of the woods. Closest resident being about 1000 ft away on Keller Road.

Councilman Shear stated this is a pretty aggressive plan, how many years do you think it is going to take put it together as you are seeing it.

Jeff Tomaro stated that is a great question, I am not quite a year into it working through the initial hurdles of DEC and Army Core of Engineers. It has been 11 months so far and I am not a builder or developer to be able to estimate how much time it would be to complete it.

Dave Stutz stated that Phase I of the project, the front operations building, the parking lot with the crossing in and the driveway up to the back all under one permit. Phase II then would be the wood processing project in the back. No buildings, storage or fencing would be done until the future, down the road.

Councilman Shear stated you will need to move and bring some pretty heavy power to that back lot.

Dave Stutz stated that yes, in the far-right corner we will have to have a transformer with a hot box from the Erie County Water Authority. The power we need to get back there is about 1500 feet and we will run empty conduits through the wetland area.

Supervisor Casilio asked if there was power at the Street?

Dave Stutz stated yes, we would put in a culvert.

Timothy Lavocat stated the ditch along County Road is the jurisdiction of Erie County for those crossings.

Councilman Shear asked about Martin Road, historically your business has been taking down trees and firewood. Will either one of those operations continue here.

Dave Stutz stated yes, firewood production would be in the back and cease all operations on Martin Road.

Motion by Councilman DiCostanzo, seconded by Councilman Michnik to refer the request by the applicant, AJ's Tree Service, for preliminary Conceptual review of an industrial tree service operation, including equipment sales, service, outdoor display and storage, outdoor wood processing yard, outdoor rental storage, and material production, at 9865 County Road in the Industrial Business Park and Agricultural-Rural Residential zones.

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

8750 Main Street Associates, LLC., Sean Hopkins, Mike Metzger, Patrick and Rich McNamara, for 8750 Main Street. North side of Main Street, west of Overlook Drive. An existing 9.6-acre property in the Traditional Neighborhood District and Residential-Single-Family zone, containing a banquet facility and multiple-family housing units. The applicant is requesting preliminary Conceptual review of a 51-unit multiple family housing project to the rear of the existing Samuel's Grande Manor facility. Two 3-story structures are proposed, containing 24 and 27 units. Three detached garage buildings are proposed, each containing between 8 and 12 bays. A portion of the project has been designed within the Residential Single-Family zone, which would require rezoning consideration. In 2021, the property owner Charles Pezzino proposed a 40-unit project. After a thorough Town review and project modification, a 24-unit project was Conceptually approved. In 2023, the property owner deemed the project cost prohibitive, and proposed a 20-unit project. During the Town's thorough review, the applicant ceased to pursue that project. Since then, the property owner has entered into an agreement with the current project sponsor who is now proposing 51 units. A referral to the Planning Board would allow for a thorough review of this proposal.

Sean Hopkins was present on behalf of the applicant, you just heard the history of this site and I wanted to note this is 8750 Main Street Associates, LLC. the applicants first attempt at redevelopment of the back of the site. We think that we have come up with a project that works, a total of 51 units in two buildings, one with 24 and one with 27 units. This site is a septic system with details to be worked out with the Erie County Health Department. The site has a surplus of parking and green space but will require rezoning of a small portion at the back of the site from residential single family to TND. From previous reviews, resident from Overlook had some concerns and as we move forward with the review process, we will meet with those neighbors to address any concerns that they have. A few weeks ago, there were comments of the appearance of the building to have more residential style sloped roofs which is something we will be looking at.

Councilman DiCostanzo mentioned the peaked roof comment.

Sean Hopkins asked if this board would have a preference on the roof?

Supervisor Casilio stated nothing is in the code right now, this board I think right now is in favor of the peaked roofs and the character of the Town of Clarence. Any projects with peaked roofs have moved along a lot faster. The applicant asked if they could go higher with a peaked roof on a three-story building, it did work on Sheridan Drive and may help you here. Additionally, you are 800 feet off the road so maybe that won't even make a difference either.

Sean Hopkins stated all of those things will be looked at as part of the plan.

Councilman Altieri brought up the septic system for all 51 units.

Supervisor Casilio stated that is none of our business that is Erie County Health Departments problem.

Motion by Councilman DiCostanzo, seconded by Councilman Michnik to refer the request of the applicant, 8750 Main Street associates, LLC, for preliminary Conceptual review of a multiple-family housing project to the rear of the Samuel's Grande Manor property at 8750 Main Street in the Traditional Neighborhood District and Residential Single-Family zones.

On the record, Supervisor Casilio stated that he owns the property next door, but there isn't going to be any heavy lifting on planning where it all of a sudden deviate from this.

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

Brookfield Country Club at 5120 Shimerville Road. South side of Greiner Road, west side of Shimerville Road. An existing 177-acre country club facility in the Community Facility zone. The applicant is requesting approval of a Fireworks Display Permit for Thursday, July 3rd, 2025, with a rain date of Sunday, July 6th, 2025. Skylighters of New York is the licensed operator for this event. Necessary insurance, licensing, bonding and Fire Chief Approval paperwork are on file in the Planning Office. The Town Board has authority to approve this request.

Motion by Councilman Michnik, seconded by Councilman Shear to approve the request of the applicant, Brookfield Country Club, for a Fireworks Display Permit for Thursday July 3rd, 2025 with a rain date of Sunday July 6th, 2025, at 5120 Shimerville Road.

On the question, approval for the Fireworks Display Permits is subject to receipt of all the appropriate paperwork, fees, insurance and fire chief approvals are on file in the Planning and Zoning office.

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

Motion by Councilman DiCostanzo, seconded by Councilman Shear to approve the applications as follows: Legion Hall: Clarence Running Booster's June 5, 2025 and Patricia Scott July 12, 2025.

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

Motion by Councilman DiCostanzo, seconded by Councilman Altieri to approve the bill pay of May 22, 2025 as follows: General Funds \$165,919.05, Highway Funds \$56,177.27, Water Funds \$922.00, Lighting Funds \$782.09, Sewer Funds \$136,833.17 and Capital Funds \$510,210.32 for a total bill pay of \$870,843.90.

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

With no further business, Supervisor Casilio closed the meeting at 11:12 a.m.

Karen Hawes
Town Clerk