

The Work Session meeting of the Town Board of the Town of Clarence was held on Wednesday June 11, 2025 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 8:32 a.m.

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

Director of Community Development - Jonathan Bleuer

PUBLIC HEARINGS:

Christopher & Lorissa Naugle

The applicant is requesting a Special Exception Use Permit for the construction of a secondary living unit as an expansion to the existing residence located at 5024 Rockhaven Drive.

The Town Board referred the proposal to the Planning Board in November 2024. Since that time, the applicant has worked to address the comments of the Town, including a redesign of the project that meets all setback requirements. In April 2025, the Planning Board recommended issuance of a Special Exception Use Permit, subject to eight conditions.

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

Edge Development, LLC.

The applicant is requesting 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 applicant has determined that a first-floor residential unit is necessary within the mixed-use building for ADA compliance. After discussion with the Planning Office, the addition of a 600 sq ft first-floor residence is proposed, resulting in a loss of 600 sq ft of commercial space. To account for this, the applicant has proposed to add approximately 900 sq ft of outdoor commercial patio space on the north and east side of the mixed-use building. The applicant will be required to seek a variance for the additional residential unit from the Zoning Board of Appeals.

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

FORMAL AGENDA ITEMS:

Tickers Import Performance & CD Tinting

The applicant is requesting a public hearing to consider a Temporary Conditional Permit for an automotive repair and customization business located at 8925 Sheridan Drive, on the south side of Sheridan Drive, east of Shimerville Road.

The applicants have made commitments to the Town for proper business operation, landscaping, fencing, and property maintenance. The Planning Board has recommended issuance of a Temporary Conditional Permit, subject to eleven conditions.

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

Value Turf, LLC.

The applicant, John Leising, is requesting consideration of a Temporary Conditional Permit 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 in the Restricted Business and Residential Single-Family zones contains an existing residence, detached garage, and outbuilding. The new 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 of 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 further information to the Town Board.

It should be taken under consideration as to the appropriate location for the new building. The applicant has proposed it to be up toward the front of the site to ensure it remains in the restricted business zone. The back of the site is very wooded. It may suit the site better to not be right behind the residence. The applicant would prefer it in the back.

Councilman Shear asked why we are looking at it up front.

Jonathan said the applicant has proposed it to be in the higher intensive zone, which is the appropriate ask. But the reality of the situation is why compromise the residence when there is land in the back which is very much buffered off and already cleared.

Councilman Michnik asked who lives in the house up front.

Jonathan said it is rented.

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

Brett Baker

The applicant is requesting a public hearing to consider 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 in the Industrial Business Park zone contains 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.

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

WORK SESSION ITEMS:

Woodview Construction / Homeview Properties

The applicant is requesting consideration of an approximately 6,120 sq ft detached accessory structure for the storage of construction equipment and supplies located at 8955 Sheridan Drive, on the south side of Sheridan Drive, east of Shimerville Road.

The existing 0.6-acre parcel in the commercial zone, contains an existing principal structure used as professional office space.

The size of the structure and architectural style will be a challenge on this project.

Councilman Shear asked if there are any houses close by that would be bothered by heavy equipment backing out early in the morning.

Jonathan said not in the true sense of residence.

Councilman Michnik asked if any of that space will be able to be rented out.

Jonathan replied, unless conditioned.

Councilman Shear suggested to send it to the Planning Board to find out more details.

Supervisor Casilio said he thought the site drawing was weak, and questioned how many garage doors there will be, where all the blacktop is going, where the water is going, are toilets being installed, is septic needed.

Jonathan said he would contact the applicant for a proper site plan.

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

Greenleaf Landscape Services, LLC.

The applicant is requesting consideration of a Temporary Conditional Permit for a landscape business located at 10020 Main Street, on the north side of Main Street, east of Kraus Road.

The existing 3-acre parcel is in the Commercial and Residential Single-Family zones, containing a Hector's Hardware retail store.

The operation is proposed to consist of outside equipment and material storage.

The Town's Zoning Inspector witnessed the business operation occurring on the property, and contacted the property owner and tenant. The property owner and tenant met with the Planning Office, and submitted an application per comments received.

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

VisoneCo Site Development, LLC.

The applicant is requesting preliminary conceptual review of the rehabilitation of a barn into a mixed-use project located at 9300 Main Street, on the north side of Main Street, east of Thompson Road.

The existing 5.2-acre parcel in the Commercial zone, contains a dwelling complex and detached accessory structure (barn) to the rear of the property.

The proposed barn rehabilitation would contain approximately 1,358 sq ft of commercial space on the first floor and two multiple family housing units on the second floor. Along with this proposal the applicant is looking to move the driveway to fully locate it on the existing property because currently it is over the property line. A parking lot area would be created.

Councilman Michnik asked what is being done with the front buildings.

Jonathan said he believes they are apartments for rent.

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

Director of Community Development Jonathan Bleuer updated the Town Board on two additional items:

A Temporary Conditional Permit for outside dining, that has been on file for many years, at Gertie's Restaurant is being modified to allow for table and chairs on the front patio that has historically existed. As it turns out, there have been no approvals for placement of the tables and chairs. There was a State permitting issue where they need documentation from the Town. We have worked with the Building Department and fire inspector to ensure compliance.

The Eastern Hills Mall is on the Planning Board agenda for Wednesday June 18, 2025. This will be to consider a SEQR (State Environmental Quality Review) action. This is something we have been working on for eleven years, but ultimately the SEQR process has been going on for four years.

TOWN BOARD REPORTS:

Supervisor Patrick Casilio

- Brought up discussion regarding the problem of grass being put in Town roads.
- Have been working with law enforcement regarding motorized vehicles. For the record, at Hamburg Honda they put cables on the dirt bikes at night because their windows are being broken to steal the bikes. The dirt bikes without headlights, that are not street legal, are the ones being stolen to run on the roads.

Councilman Peter DiCostanzo

- The Town pool opens on Sunday June 15, 2025.

Councilman J. Paul Shear

- No report.

Councilman Daniel Michnik

- It is the Country's 250th anniversary next year. Will we be looking at any type of celebration in the Town of Clarence to tie into the Country being 250 years old.

Supervisor Casilio commented that we have typically focused on the Town's anniversaries, but suggested Councilman Michnik could look into it.

- Hillcrest Cemetery is starting to look pretty bad with some of the stones falling over.

Supervisor Casilio said fixing stones is not part of our requirements per New York State, but suggested Councilman Michnik could research it. The cost of resetting a stone could be substantial.

Town Attorney Lawrence Meckler said generally the responsibility is grass and shrub cutting and once you start taking the responsibility for the stones you kind of own it and will be expected to continue that.

Councilman Robert Altieri

- There is one meeting left before the Fireworks at the Park event on June 30, 2025. There has been a lot of hard work put into this event. The Town doesn't make any profit on it, hopefully it will be a successful event for all the non-profit organizations involved.

Town Engineer Timothy Lavocat reported: A preconstruction meeting for the Veteran's Memorial improvements was held June 10, 2025. We are waiting on a schedule from the contractor, but they have to be done by October 2025.

In regard to the Senior Center: the garage project is starting this week, the canopy project is being installed on June 20, 2025, and the sign is currently being worked on.

Cameras at the Pocket Park are complete. Cameras and security system at Fogelsonger Park are ongoing and should be complete in the next week or so.

Bid openings scheduled: structural repairs to the former highway garage on June 19, 2025 and Fogelsonger Park on June 26, 2025.

With there being no further business, Supervisor Casilio adjourned the meeting at 9:28 a.m.

Gayle M. Brace
Deputy Town Clerk

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, June 11, 2025 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 10:05 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 28, 2025.

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

Motion by Supervisor Casilio, seconded by Councilman Altieri at the request of the Town Engineer, the Town Board approves an unpaid internship in the Engineering Department for Jacob Putnam, a Clarence High School student, for the period of July 7, 2025 through July 18th, 2025.

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

Motion by Supervisor Casilio, seconded by Councilman Shear at the request of the Town Engineer, the Town Board appoints Mark Nealen to the position of Code Enforcement Officer PT for the Building Department effective Monday June 30, 2025 at the budgeted rate of pay of \$29.8700 per hour, subject to receipt of all pre-employment paperwork and pre-employment requirements being met.

On the question, this appointment is to fill the immediate need resulting from the retirement of the Plumbing Inspector in the Building Department.

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

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo at the request of the Town Engineer, the Town Board appoints Chris Merkle to the Plumbing Board effective immediately.

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

Motion by Supervisor Casilio, seconded by Councilman Shear the approval to enter into a Lease Agreement with President of Anchor Farms, Inc. Keith Dawydko to continue to farm the Town of Clarence owned property located at Keller, Kraus and Herr Roads for Agricultural purposes, and to authorize Supervisor to sign the agreement. The Lease is to commence June 15, 2025 with a one-year term to expire June 14, 2026.

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

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo to approve motion to create a fourth Special Patrol Officer RPT title to the Town of Clarence Civil Service inventory. This is being done for Civil Service purposes. The position is competitive.

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

Motion by Councilman DiCostanzo, seconded by Councilman Altieri to authorize the Town of Clarence Supervisor to execute the Easement Agreement between the Town of Clarence and the Western New York District of the Wesleyan Church property located 8445 Greiner Road for pedestrian access from the Wesleyan Church Property to Fogelsonger Park.

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

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

WHEREAS, the historic qualities of the Harriet Tubman Underground Railroad New York Scenic Byway, as described in the corridor management plan, and the surrounding areas have been appreciated and celebrated for over a century by the residents of New York State, as well as tourists, historians, artists, authors, and other visitors to the region; and it is this unique combination of the journeys of Harriet Tubman and those Freedom Seekers who traveled on the Underground Railroad that create the special sense of place that is vital in telling the New York

story of the human desire for freedom and the historic sites they utilized during their journey to emancipation; and

WHEREAS, the Steering Committee of the Harriet Tubman Underground Railroad New York Scenic Byway, composed of representatives of 22 municipalities along the proposed scenic byway route, committed to working cooperatively to protect and promote the historic, scenic, recreational, and economic well-being of the 544-mile Corridor throughout the state and agreed to pursue the nomination of the Harriet Tubman Underground Railroad New York Scenic Byway; and

WHEREAS, under the leadership of the Harriet Tubman Underground Railroad New York Scenic Byway Steering Committee, each of the 22 counties contributed to the development of this corridor management plan by encouraging public participation, confirming the vision and goals, and leading individual meetings of the Collaborative; and

WHEREAS, the Steering Committee of the Harriet Tubman Underground Railroad New York Scenic Byway, consisting of relatives of Harriet Tubman, descendants of Freedom Seekers, Harriet Tubman and/or Underground Railroad historians, representatives from state and federal agencies, has strengthened the historic integrity, representation, and the principles of the corridor management plan; and

WHEREAS, in the process of developing this corridor management plan, the Harriet Tubman Underground Railroad New York Scenic Byway Steering Committee has strengthened the bonds of inter-municipal cooperation, and the involved entities envision further benefit through scenic byway designation including sustained collaborative progress, increased funding opportunities for recommendations identified in the plan, enhanced partnerships with agencies responsible for the stewardship of resources along and adjacent to the byway route, and an improved visitor experience that interprets and promotes the corridor's intrinsic qualities and resources; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Clarence supports the designation of the Harriet Tubman Underground Railroad New York Scenic Byway which includes programs for stewardship and enhancement of the historic scenic byway and guidance to manage future activities along its corridor; and

BE IT FURTHER RESOLVED, that the Town of Clarence will work in partnership with the other municipalities along the Harriet Tubman Underground Railroad New York Scenic Byway and local and regional stakeholders in order to support future Byway programs, economic development, marketing, and collaborate with these interested entities to explore opportunities for cooperation to realize the Scenic Byway goals.

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

Motion by Councilman DiCostanzo, seconded by Councilman Michnik at the request of the Parks Department Superintendent Jason Holden, he recommends the hiring of the following two (2) individuals for Laborer Part-Time Seasonal at the budgeted rate of \$16.6304 per hour, subject to receipt of all pre-employment paperwork and requirements being met:

David Jellinick – Start Date June 12, 2025

Maeve Callahan – Start Date June 17, 2025

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

Motion by Councilman DiCostanzo, seconded by Councilman Altieri to authorize the purchase of a Ventrac Tough cut mower deck with a hydraulic flip kit at a cost of \$5,200.80 under NYS GML103 “piggyback” Master contract Massachusetts FAC116. This is an attachment that allows us to cut and maintain the trails for the Parks Department.

On the question, to be funded from the other equipment account 001-7110-0279-0000-0000.

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

Motion by Councilman DiCostanzo, seconded by Councilman Altieri at the request of the Parks Department Superintendent, he recommends the hiring of Noah Freeburg for Laborer Part-Time at the budgeted rate of \$16.6304 per hour, with a start date of June 16, 2025, subject to all pre-employment paperwork and requirements being met.

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

Motion by Councilman DiCostanzo, seconded by Councilman Michnik at the request of the Highway Department Superintendent, he recommends the hiring of Emily Wendt-Schultz for Laborer Part-Time Seasonal at the budgeted rate of \$16.6304 per hour, with a start date of June 12, 2025, subject to all pre-employment paperwork and requirements being met.

On the Question, Emily Wendt-Schultz previously worked in the Animal Control Department who gave a wonderful recommendation on her behalf for Highway Department.

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

Councilman DiCostanzo announced the Clarence Town Pool will be opening this Sunday June 15, 2025. Happy Father's Day to all the father's out there.

Motion by Councilman Shear, seconded by Councilman Michnik Pursuant to Article 8 of the Environmental Conservation Law, to accept the Part 1 Environmental Assessment Form as prepared and to seek Lead Agency status and initiate a coordinated review among involved and interested agencies on the planned Peanut Line Parallel Interceptor Sewer Project at SBL 42.04-1-1. The purpose of this Unlisted Action is to provide additional sanitary sewer capacity for future commercial development and surcharge relief in the Dodge Road Interceptor sewer. The project includes construction of approximately 3,750 feet of 24-inch diameter PVC gravity sewer. The proposed infrastructure is anticipated to be primarily within existing Right of Ways, with a crossing of a NYSDOT roadway, Transit Road.

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

Councilman Michnik mentioned the approval of the new Clarence Senior Center sign and the canopy will be up for the evening program later in the month at this location.

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

WHEREAS, the Town Board desires to pursue funding opportunities to support the development of the Lions Club All-Inclusive Playground Project; and

WHEREAS, the Town Board is committed to providing recreational facilities that are accessible to all residents while minimizing the financial burden on taxpayers; and

WHEREAS, the Town Board intends to apply for financial assistance through the Environmental Protection Fund (EPF) Grants Program for Parks, Preservation and Heritage administered by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP), via the Consolidated Funding Application (CFA); and

WHEREAS, the EPF program provides grant funding for up to fifty percent (50%) of eligible project costs, with a maximum award of \$675,000.00 and a required minimum fifty percent (50%) local match; and

WHEREAS, the Town of Clarence intends to request the maximum grant award of \$675,000.00 and is prepared to provide a minimum of \$1,325,000.00 in matching funds to exceed the fifty percent (50%) local match requirement, ensuring full completion of the project.

NOW, THEREFORE, BE IT RESOLVED, that Patrick Casilio, as Town Supervisor of the Town of Clarence, is hereby authorized and directed to accept grant funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 NYCRR (Sections 439.1–443.4), which implements the Environmental Protection Fund (EPF) Act of 1993 (Title 9 of Article 54 of the Environmental Conservation Law), in an amount not to exceed \$675,000.00 for the Lions Club All-Inclusive Playground Project; and

BE IT FURTHER RESOLVED, that upon approval of the grant application, the Town shall make available a minimum of \$2,000,000.00 in total project funding, with the understanding that \$675,000.00 will be reimbursed through the EPF grant, thereby exceeding the minimum match requirements and ensuring successful project completion; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor to sign all documents and agreements related to the EPF grant application and implementation.

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

Councilman Altieri mentioned the Fireworks in the Park Monday June 30, 2025 with a rain date of Tuesday July 1, 2025. Thank you to all the people who are making this happen which is a lot of our local groups and organizations to raise money. Thank you to Emily from the Clarence Bee for putting our articles in the paper for us as well as Kevin for all the social media notifications.

Councilman DiCostanzo added that it is important to note that all the groups are local non-profit groups to make money for their groups.

Motion by Councilman DiCostanzo, seconded by Councilman Altieri to rescind the Special Event Approval for Yoga in The Park hosted by YTLA Studio from the May 28, 2025 Town Board Meeting.

On the question, Town Property shall not be used for Commercial Enterprise.

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

Motion by Councilman Michnik, seconded by Councilman Altieri to approve the request of the applicant, St. Mary's Church/Joanne Brown, for a Special Event Permit for the "St. Mary's 5-K Chowder Run/3-K Walk" to be held on Friday July 18, 2025 through Sunday July 20, 2025, with the Chowder Chase from approximately 7:00 p.m. to 8:00 p.m. along the route on the submitted map, subject to meeting all conditions of the Special Event Permit, Memorandum of Agreement and the receipt of the required Certificate of Insurance naming the Town of Clarence as an additional insured from the applicant.

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 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.

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

Motion by Councilman Altieri, seconded by Councilman Shear to approve the request of the applicant, Brothers of Mercy, for a Special Event Permit for the "Brothers of Mercy - Octoberfest and 5-K Run/Walk" to be held at 4520 Ransom Road on Friday, September 12, 2025 from 5:30 p.m. to 10:00 p.m., subject to meeting all conditions of the Special Event Permit, Memorandum of Agreement and the receipt of the required Certificate of Insurance naming the Town of Clarence as an additional insured from the applicant.

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 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.

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

Motion by Councilman DiCostanzo, seconded by Councilman Michnik to approve the request of the applicant, Kathryn Greene, on behalf of Town of Clarence Baseball Association, for a Special Event Permit for the "11U Red Devils Baseball Chicken BBQ Drive-Thru Fundraiser" to be held on Friday, June 20, 2025, from 3:00 p.m. to 10:00 p.m., at Meadowlakes Park, subject to meeting all conditions of the Special Event Permit, the Memorandum of Agreement requirements including submitting the required insurance certificate(s) naming the Town as an additional insured to be reviewed and approved by the Town Attorney's Office.

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

Motion by Councilman DiCostanzo, seconded by Councilman Altieri to approve the following Special Event request, Flex Yoga Summer Solstice Outdoor Yoga Event Saturday June 21, 2025, in the Town Park on Main Street by the small pavilion.

On the question, there will be no charge to attend this Yoga event. A Certificate of Insurance that meets all of the requirements has been submitted and is on file.

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

Christopher & Lorissa Naugle, Robert Curtis, architect, at 5024 Rockhaven Drive, North side of Rockhaven Drive, in the Spaulding Lake subdivision. An existing residence on a 0.59-acre parcel in the Planned Unit Residential Development zone. The applicant is requesting a Special Exception Use Permit for the construction of a secondary living unit as an expansion to the existing residence. The addition is proposed to create additional garage space, an in-law apartment, and backyard entertainment area. The Town Board referred the proposal to the Planning Board in November of 2024. Since that time, the applicant has worked to address the comments of the Town, including a redesign of the project that meets all setback requirements. In April of this year, the Planning Board recommended issuance of a Special Exception Use Permit for this secondary living unit, subject to eight conditions. Town Board has the authority to consider this request after holding a Public Hearing.

Robert Curtis, architect, was present on behalf of the applicants.

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 Shear for the following:

RESOLVED, that after a public hearing duly held on Wednesday, June 11, 2025, and after all interested parties having been heard, the Clarence Town Board approves the request of the applicants, Christopher and Lorissa Naugle, for a Special Exception Use Permit to allow for the construction of an attached secondary living unit as part of the existing home at 5024 Rockhaven Drive in the Planned Unit Residential Development zone and subject to the following conditions:

1. All conditions as required in the Zoning Law must be met.
2. Unit must be secondary to the principal dwelling and not converted to a rental unit.
3. Occupancy shall be limited to family members, paid employees or temporary guest(s).
4. Occupancy shall be restricted to 2 persons to occupy the unit.
4. A Deed restriction shall be placed into the deed for the property restricting its use so as not to allow for the two-family dwelling to be utilized or converted into a rental unit and such deed restriction language is to be submitted and approved by the Town Attorney prior to the filing the deed.
5. An Agreement shall be entered into between applicants (and others if applicable) and the Town of Clarence, which agreement shall require that the applicant (and others if applicable) to prepare and record a Deed Restriction incorporating the conditions as spelled out in this resolution which shall be placed into their Deed. The Agreement and deed restrictions shall continue in perpetuity. A copy of the Agreement is required to be filed as an attachment to the Deed. A copy of the Agreement is to be submitted to the Town Attorney prior to the filing of the Deed for approval.
6. Proof of filing of the approved deed and attachment is required and must be submitted to the Town Attorney's office before a Certificate of Occupancy can be issued to the applicant.

7. The property owners, or any future property owners, shall provide certification to the Town Planning & Zoning office on an annual basis that the unit is being used in conformance with the conditions of approval. Failure to submit the annual certification may result in the termination of the Special Exception Use Permit, resulting in a Zoning Violation subject to enforcement and penalties as outlined within Town Code Zoning Law Chapter 229-160 and 161 or any changes made to the Code of the Town of Clarence in the future.

On the question, the specific language for the deed restrictions and the Agreement may be obtained from the Town Attorney's office.

Councilman Shear asked the representative if he has heard, understands and accepts the conditions.

Robert Curtis replied on behalf of the applicants, yes.

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

Edge Development, LLC., Sean Hopkins, Bill Burke, Pat Sheedy representing, at 9105 Sheridan Drive. South side of Sheridan Drive, west of Main Street. An existing 2.8-acre vacant property located in the Commercial zone. The applicant is requesting a Special Exception Use Permit for a Conceptually approved mixed-use project containing multiple-family housing and commercial space. The project consists of approximately 7,000 (6,400 now proposed) sqft of commercial space and 22 (23 now proposed) apartments, as follows:

One 3-story mixed-use building fronting Sheridan Drive containing 7,000 (6,400 now proposed) sqft of commercial on the first floor, and 10 (11 now proposed) total apartments.

Three 2-story residential townhome buildings to the rear, each containing 4 units.

The Town Board referred this proposal to the Planning Board in October of 2024. In November of 2024, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA). In January of this year, the Planning Board issued a Negative Declaration under SEQRA. In April the Zoning Board of Appeals issued variances for the total number of multiple-family housing units and the third story of the mixed-use building, and the Planning Board issued Concept Plan approval, subject to fifteen conditions. The applicant has determined that a 1st floor residential unit is necessary within the mixed-use building for ADA compliance purposes. After consideration and discussion with the Planning Office, the applicant is proposing to add a 600 sqft 1st floor residence, resulting in a loss of 600 sqft of commercial space. To account for this, the applicant has proposed to add an approximately 900 sqft 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. The applicant will be required to seek a variance for the additional residential unit from the Zoning Board of Appeals. Town Board has the authority to consider this request after holding a Public Hearing.

Sean Hopkins was present to answer any questions, as well as Bill Burke. Sean stated that there has only been one modification since they were last here which was adding the small first story studio unit for handicap accessible to be in compliance with federal standards. This will be 600 sq. ft. of the first floor of the building, we met with the planning and zoning department to see if we had any alternatives. Those were to simply adding that space on the second floor which we didn't want to do, adding an elevator which would have cost \$230,000.00 and required us to redesign the project. Adding a bump out to the first floor so we could still preserve the amount of first floor commercial square footage simply doesn't look good. A lot of our time has been spent on the architecture and appearance of this building and want to preserve it the way it is. We also considered adding a unit to the townhome building but that would not be in compliance with the federal standards. So, with this modification you won't even know it is there, similar buildings are on Transit Road with this scenarin. Additionally, we have added 900 sq. ft of outdoor seating with the hopes of this attracting a restaurant tenant. We have spent a great deal of time over the course of the past year on this project and if you grant this the next step will be to submit fully engineered plans, seek development plans from the Planning Board and hopefully be in a position, sooner than later, to finish the review process and then construction.

Councilman Shear stated that this is an excellent project and you were well prepared.

Supervisor Casilio stated that you have set the bar high for Sheridan Road.

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 Shear, seconded by Councilman Altieri for the following:

Resolved, that after a public hearing held at the duly convened Town Board meeting on Wednesday, June 11, 2025, and after all interested parties having been heard, the Clarence Town Board hereby approves the request of the applicant, Edge Development, LLC., for a Special Exception Use Permit for multiple family housing within a Conceptually approved mixed-use project at 9105 Sheridan Drive in the Commercial zone, and subject to the following conditions:

1. All fifteen conditions of the Planning Board Concept Plan Approval on May 14, 2025. Subject to the issuance of variance from the Zoning Board of Appeals for the additional multiple family housing unit added to the 1st floor of the mixed-use building.

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

Tickers Import Performance & CD Tinting, Chris Tucker of Tickers, Colton Depke of CD Tinting at 8925 Sheridan Drive. The south side of Sheridan Drive, east side of Shimerville Road. An existing 2-acre parcel in the Restricted Business zone, containing one principal and one accessory structure formerly used by Miranda Auto. The applicant is requesting a Public Hearing to consider a Temporary Conditional Permit for an automotive repair and customization business. The business specializes in import vehicle performance solutions and automotive restyling. The Town's Zoning Inspector witnessed the business operation occurring on the property, and contacted the property owner and tenant. The tenant met with the Planning Office, and submitted an application per comments received. The Town Board referred this request to the Planning Board in March. Since that time, the applicant has made commitments to the Town for proper business operation, landscaping, fencing, and property maintenance. In May the Planning Board recommended issuance of a Temporary Conditional Permit, subject to eleven conditions. Town Board has the authority to consider this request after setting and holding a Public Hearing.

Chris Tucker and Colton Depke were present to answer any questions.

Supervisor Casilio stated that we are trying to revamp the public hearings.

Jonathan Bleuer stated we are looking into it.

Motion by Councilman Michnik, seconded by councilman Altieri to set a public hearing for Wednesday July 9, 2025 at 10:15 a.m. to consider the request of the applicant, Tickers Import Performance & CD Tinting., for a Temporary Conditional Permit for an automotive repair and customization facility, at 8925 Sheridan Drive in the Restricted Business zone.

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

Value Turf, LLC., John Leising, owner at 8337 Sheridan Drive. South side of Sheridan Drive, east of Helenwood Drive. An existing 1.7-acre parcel in the Restricted Business and Residential Single-Family zones, containing an existing residence, detached garage, and outbuilding. The applicant, John Leising, is requesting a consideration of a Temporary Conditional Permit for the construction of an additional outbuilding for commercial business storage in the Restricted Business zone. The outbuilding is proposed to be a 2,400 sqft pole barn, and used to store lawn mowers and golf carts. This item was on the Town Board work session agenda of April 15th. 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 7th, 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 further information to the Town Board. A referral to the Planning Board would allow for a thorough review of this proposal.

John Leising was present to answer any questions.

Supervisor Casilio stated that the fear is you will start selling equipment on Sheridan Drive. This is a temporary permit so if that happens then the permit will be pulled. This building is right up against a neighborhood so residents may be questioning equipment being run into the night after a certain time. Would we be sending out notifications once this gets to a certain level.

Jonathan Bleuer stated yes residents within 500 feet will be notified.

Motion by Councilman Altieri, seconded by Councilman Shear to refer the request of the applicant, Value Turf, LLC., to Planning Board for consideration of a Temporary Conditional Permit for the construction of a detached accessory structure for business storage, at 8337 Sheridan Drive in the Restricted Business and Residential Single-Family zones.

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

Brett Baker of 8615 Roll Road. South side of Roll Road, east of Harris Hill Road. An existing 2.4-acre property in the Industrial Business Park zone containing a previously approved industrial project containing retail, office, light manufacturing, warehousing, and other complimentary uses. The applicant is requesting a Public Hearing to consider a Temporary Conditional Permit to operate an automotive dealership. 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. The Town Board has the authority to consider this request after setting and holding a Public Hearing.

Brett Baker was present to answer any questions.

Supervisor Casilio stated that the fear is that cars would be for sale right on Roll Road.

Brett Baker stated that nothing would be visible from the road.

Supervisor Casilio stated that we understand the conditions of your license from the DMV but still trying to keep this internal so you can get your licensing. Is this retail or wholesale business.

Brett Baker stated wholesale.

Councilman Michnik asked how will the applicant be selling vehicles, through the internet or people coming onto the property.

Brett Baker stated through the internet.

Councilman Michnik stated you realize you only have space for four vehicles.

Brett Baker replies yes, this will mostly be inside not outside.

Motion by Councilman Shear, seconded by Councilman Michnik to set a public hearing for Wednesday, July 9, 2025 at 10:20 a.m. to consider the request of the applicant, Brett Baker, for a Temporary Conditional Permit for an automotive sales operation, at 8615 Roll Road in the Industrial Business Park zone.

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: Clubhouse: Clarence Concert Association July 6, 2025; Rotary Club of Clarence August 8, 2025 and Paul Gross/Niagara Frontier Building Officials September 10, 2025.

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

Motion by Councilman DiCostanzo, seconded by Councilman Michnik to approve the Bill Pay of June 5, 2025 as follows: General Funds \$492,766.81; Highway Funds \$118,013.77; Fire Protection Districts \$2,629.39; Sewer Funds \$292.88 and Capital Funds \$111,122.46 for a total bill pay pf \$724,825.31.

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

Councilman DiCostanzo stated that Saturday morning the farmers market in the Clarence Hollow is now open as well as the bike rides.

With no additional business, Supervisor Casilio closed the meeting at 10:46 a.m.

Karen Hawes
Town Clerk