

The Work Session meeting of the Town Board of the Town of Clarence was held on Wednesday July 9, 2025 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 8:34 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:

Tickers Import Performance & CD Tinting

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

The applicant is requesting a Temporary Conditional Permit for an automotive repair business.

Brett Baker

Located at 8615 Roll Rd. South side of Roll Road, east of Harris Hill Road. This is 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 Temporary Conditional Permit to operate an automotive sales operation. The intention is to rent an office with the main building, and have access to three parking spots within a fenced rear parking lot. He has agreed he will not display vehicles for sale.

FORMAL AGENDA ITEMS:

Pro-Cut Property services, LLC.

Located at 8325 Transit Road. East side of Transit Road, south of Tonawanda Creek Road.

This is an existing 2-acre parcel in the Restricted Business zone, containing a pre-existing single-family residence and detached accessory structure.

The applicant is requesting consideration of a Temporary Conditional Permit for the operation of a landscape business. The operation is proposed to consist of outside equipment and material storage to the rear of the existing residence, and within the detached accessory structure. He will be here requesting referral to the Planning Board where we can investigate the property, the use and develop conditions that work if the applicant is willing to work with us.

WORK SESSION ITEMS:

Kiril Lazarov

Located at 4846 Ledge Lane. West side of Ledge Lane, north of Sheridan Drive.

This is an existing .55-acre parcel in the Residential Single-Family zone, containing a single-family residence.

The applicant is requesting a Special Exception Use Permit for a secondary living unit. The secondary living unit is a standalone space, attached to the main house by a carport breezeway.

The Code Enforcement Officer witnessed construction activity occurring without any permit, issued a court appearance ticket, and the applicant is currently in the court system.

Discussion of possible removal of the structure was had by board members. The applicant should be getting necessary permits and do what is needed to make it right. The board talks of waiting to see what happens in court.

TOWN BOARD REPORTS:

Supervisor Patrick Casilio

- Thanking Robert Altieri and everyone for their efforts with the fireworks in the park. It was a great event and residents had a great time. Some work on the food next year will be needed. Everything was sold out.
- Electric dirt bikes going 50mph plus down the bike paths harassing pedestrians.

- The Clarence Bee printed incorrect information without fact checking and let us know they did so. Not sure how the Bee will handle the correction. Attorney Meckler says maybe we send an article to the Bee explaining the details of the situation.
- Several motions moving people around.
- New copier for court.

Councilman Peter DiCostanzo

- Added Motion to change Local Law regarding bicycles & motor assisted bicycles and scooters.
- Motion for Mary Morris to move to Town Assessor position.
- Real Property Appraiser position replacement is in the works.

Councilman J. Paul Shear

- Motion to add a new member to the Planning Board for 3 years.

Councilman Daniel Michnik

- Motions for new Youth Bureau members.

Councilman Robert Altieri

- No Motions.
- Next year's Fireworks in the Park scheduled for June 29th or 30th.

Town Engineer Timothy Lavocat

- Today we will be awarding the Folgelsonger project. That will be under construction the rest of the year.
- Senior Center garage will be framed this week.
- Senior Center sign & canopy complete. Patrick Casilio says a light or light will be installed for the winter.
- Will be meeting with a contractor in next couple for the Veterans Memorial and get that started.

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo, to adjourn the work session at 9:37 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.

Janel A. Farolino
2nd Deputy Town Clerk

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo, to adjourn the Executive Session at 10:00 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, July 9, 2025 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 10:08 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 June 25, 2025.

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

Motion by Supervisor Casilio, seconded by councilman DiCostanzo upon the recommendation of Town Clerk Karen Hawes, Janel Farolino is appointed as Deputy Town Clerk and Deputy Registrar of Vital Statistics effective July 14, 2025 at the budgeted rate of \$32.9958 per hour.

On the question, this appointment is due to the retirement of the 1st Deputy Clerk Gayle Brace, she will be missed.

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

Motion by Supervisor Casilio, seconded by Councilman Shear upon the recommendation of Town Clerk Karen Hawes, Suzanne Wiepert is appointed as 2nd Deputy Town Clerk and Sub-Registrar of Vital Statistics effective July 14, 2025 at the budgeted rate of \$27.9807 per hour.

On the question, Suzanne Wiepert has commitments made prior to this appointment and will be taking days off unpaid.

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

Motion by Supervisor Casilio, seconded by Councilman Michnik upon the recommendation of Superintendent of Highways James A. Dussing, a motion to appoint Emily Wendt-Schultz to the open full-time Laborer Step 1 position, to be paid at the union rate of \$28.1262 per hour as per the Town of Clarence Blue Collar Unit #6771, with a start date of Thursday July 10, 2025.

On the question, Emily will be transitioning from her current Highway Department Seasonal position.

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

Motion by Supervisor Casilio, seconded by Councilman Altieri upon the recommendation of Superintendent of Highways James A. Dussing, a motion to appoint the following three (3) current Highway Department Laborers to the three (3) open full-time promotional Highway Department Maintenance Step 1 positions, to be paid at the union rate of \$30.5448 per hour as per the Town of Clarence Blue Collar Unit #6771 contract regulations, with a start date of Thursday July 10, 2025:

Brock Delgato Tylor McCaulley Alex Sweeney

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

Motion by Supervisor Casilio, seconded by Councilman Shear to reject the bid received on June 19, 2025 for the Former Highway Garage Structural Repairs as the bid exceeds the budget.

On the question, the Town will re-evaluate the project for future consideration.

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

Motion by Supervisor Casilio, seconded by Councilman Altieri after holding an open competitive bid and per William Schutt Associates, P.C. recommendation letter dated July 02, 2025, the Clarence Town Board awards the Fogelsonger Park Improvements Project Bid to Northeast Diversification, Inc. of Lancaster, New York for a bid of \$1,334,400.00 as they were the lowest responsible bidder. And be it further resolved that the Supervisor is authorized to sign and enter into an agreement with Northeast Diversification, Inc. upon review and approval of the Town Attorney.

Further, The Town Board authorizes the Town Engineer to approve individual Change Orders to the Fogelsonger Park Improvements Project Construction Contract for amounts not to exceed \$50,000.00.

On the question, this project is to be funded by Capital Project No. 157.

Timothy Lavocat stated that we are making improvements to the remainder of the park with two pickle ball courts, two tennis courts, basketball courts, public parking by Greiner Road, public parking off of Glenwood, pedestrian access to Greiner Road and the Church property next door. We are looking at a completion date of December 1, 2025 and there will be light at the courts and in the parking lots.

Supervisor Casilio stated that nobody used to be in that park and just with the pavilion open the park has become very popular. The additional improvements will benefit many residents and the tree that we did remove is because of the improvements.

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

Supervisor Casilio commented on the problem we are having with motorized vehicles, both electric and gas, on the bike paths. Sadly, law enforcement, who is here today, needs a tool to help them when they are confronting this issue when called out. We are cleaning up our local law on the bike trails to help with this whether if someone is using gas or electric, they have the opportunity to impound the vehicle. This law will give them the right to act on these types of calls. Technology has made these vehicles more affordable and able to adjust to add speed to them, this really is a safety issue for all. We will also reserve the right that if we need to make future changes, we will be able to do that as well. Additionally, this will be for any property owned by The Town of Clarence as I watched an electric dirt bike in the Main Street Park during the fireworks display a few weeks ago.

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

The Town Board of the Town of Clarence is scheduling a public hearing at the Clarence Town Hall, One Town Place, Clarence, New York for Wednesday, August 13, 2025 at 10:15 a.m. at to consider the adoption of local law number 1 to amend Chapter 143 of the Town Code as follows:

Section 143-1. Q is amended to read:

- (a) Bicycles: to ride a bicycle other than on established roadways and parking area.
- (b) Motor assisted bicycles and scooters, including any electrical bicycle as defined under New York State Vehicle and Traffic Law s.102-c: to be ridden or operated in violation of New York State or Local Laws.

Section 143-2 is amended as follows:

- (a) Violation of any of the foregoing rules and regulations shall constitute an offense and a person guilty of such offense shall be punishable by a fine not exceeding \$250.00 or by imprisonment not exceeding 15 days or by both such fine and imprisonment.
- (b) Enforcement officers authorized under this chapter who observe a motor-driven vehicle or motor assisted bicycle or scooter as defined herein being operated in violation of New York state or the Local Laws that creates a risk of harm to persons or property may remove or may arrange the removal of motor-driven vehicle or motor assisted bicycle or scooter to a garage, pound, or other place of safety where it shall remain impounded subject to the provisions of this section. The agent impounding the motor-driven vehicle or motor assisted bicycle or scooter shall promptly notify the owner and the local authority that the motor-driven vehicle or motor assisted bicycle or scooter has been impounded.

A motor-driven vehicle or motor assisted bicycle or scooter so impounded shall be in the custody of the local authority and shall not be released unless:

- i. The person who redeems it has furnished satisfactory evidence of ownership; and
- ii. Payment has been made for the reasonable costs of removal and storage of the motor-driven vehicle or motor assisted bicycle or scooter. Payment prior to release of the motor-driven vehicle or motor assisted bicycle or scooter shall be not required where

the impounded motor-driven vehicle was stolen or rented or leased pursuant to a written agreement for 30 days or less except for costs of removal and storage of the vehicle to any entity rendering such service.

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

Motion by Councilman DiCostanzo, seconded by Councilman Altieri to correct the title in the body of the motion from June 25, 2025 for eight (8) employees. The correct title is Recreation Attendants Part-Time Seasonal, versus Lifeguard Part-Time Seasonal.

On the question, Councilman DiCostanzo stated we are just correcting the wording only not the people.

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

Motion by Councilman DiCostanzo, seconded by Councilman Altieri to approve the appointment of current Town employee Mary Morris as Town of Clarence Assessor, effective July 14, 2025 at a salary to be determined before the next Town Board meeting.

On the question, Mary Morris is very qualified and is being appointed as Town Assessor as the current Assessor, Al Weber, is retiring.

Supervisor Casilio stated that Mary Morris is very qualified for this position that isn't easy.

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

Motion by Councilman Shear, seconded by Councilman Altieri to appoint Waaris Hundal to the Clarence Planning Board Alternate position effective immediately to fill an opening, with a term to expire on December 31, 2025.

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

Supervisor Casilio stated that we are very lucky at the applications coming in to volunteer their time to be on several boards throughout the town, doctorates, PHD and well-educated applicants.

Motion by Councilman Michnik, seconded by Councilman Altieri to appoint the five (5) following individuals to the Youth Board:

The appointment of the following to fill the three (3) vacant student seats:

Rowan Wilkins Emmilyn Pygon Owen Zdrojewski

Student terms run from July 1, 2025 – June 30, 2026:

The appointment of the following to fill the two (2) vacant adult seats:

Paul Murdie (for Gary Server's seat) Kate Duffy (for Jack Loewer's seat)

The adult terms will be determined by the prior member's term they are replacing.

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

Motion by Councilman Altieri, seconded by Councilman Michnik to approve the change in the location from the March 12, 2025 motion request of the applicant, Sam and Alicia Baker, for a Special Event Permit for a series of small concerts requested to be held in Clarence Center at 6200 & 6204 Goodrich Road on Wednesday evenings from 6:00 p.m. to 9:00 p.m. on June 25, July 16 and August 20, 2025.

The new location for July 16 and August 20, 2025 will be at the Clarence Center Station Pavilion at 6185 Goodrich Road. The times remain the same.

On the question, this change in location has been requested in the event of rain there is cover under the pavilion.

Supervisor Casilio stated that is right across the street from where the event was originally being held. This location has a cover so if there is a light rain the band will not be electrocuted.

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

Councilman Altieri thanked everyone again for their help with the Fireworks in the Park Event. All the social media blasts, the newspaper articles when we had a rain date. The Park was filled and the event was a huge success with all the help from everyone involved. We already

have dates for next year and a heads up that it is the 250th Anniversary so it will be a crazy year not to pick dates like the 3rd and 4th of July. Thank you for all of your support.

Supervisor Casilio stated that it was a great event that the entire board was there supporting and filled in when cooks didn't show up or in places where any assistance was needed. All the organizations involved sold out and made out very well. The fireworks display was amazing and thank your to Chris Greene for the funding of that.

Tickers Import Performance & CD Tinting, Chris Tucker, Tickers, Colton Depke, CD Tinting at 8925 Sheridan Drive. South side of Sheridan Drive, east side of Shimerville Road. 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 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 holding a Public Hearing.

Chris Tucker, Tickers and Colton Depke, CD Tinting were present to answer any questions.

Supervisor Casilio stated that you have both done a great job cleaning the site up and hope you are a great asset to this road.

Councilman Shear stated that you have done an excellent job.

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 held at the duly convened Town Board meeting on Wednesday, July 9, 2025, and after all interested parties having been heard, the Clarence Town Board, hereby, approves the request of the applicant Tickers Import Performance & CD Tinting, for a Temporary Conditional Permit for an automotive repair and customization operation located at 8925 Sheridan Drive in the Restricted Business Zone, subject to the following conditions:

1. Initial permit shall be for a term no greater than one year.
2. Applicant meeting any requirements of the Town of Clarence Engineering, Building, and Fire Inspector, and any associated conditions, prior to any permits being obtained and/or construction on the property.
3. Per the commitment letter of the applicant, dated April 28, 2025, the applicant shall install landscaping, dumpster enclosure, and fencing within the first year of permit issuance, and prior to consideration of permit renewal. Applicant shall apply for and receive an authorization from the Town Planning Office prior to installation.
4. Per the commitment letter of the applicant, dated April 28, 2025, structures and site shall be maintained, in perpetuity, and any deficiencies shall be repaired or replaced in kind.
5. No building lighting shall extend above the roof ridgeline and no freestanding lighting shall be elevated above 15'. All lighting shall be turned off no later than one hour after business hours except for necessary security lighting, and all lighting shall comply with Town Code, be dark sky compliant and shielded to prevent spillage onto adjoining properties.
6. No automotive repair or customization shall occur outside of the structures. During times when the business produces sounds in excess of the ambient sound level of the surrounding neighborhood, bay doors shall remain closed.
7. Access and parking areas to be filled, leveled, striped, and maintained in perpetuity. No parking of vehicles outside the designated parking areas. All placement of vehicles shall be in conformance with the submitted sketch and business plan, received in the Planning Office on March 3, 2025.

8. No unapproved outside storage or display of any kind on the property, including, but not limited to unlicensed vehicles, goods, materials, and debris.
9. Beyond that of automotive repair and customization, no additional future business operations or operators without proper application made by the applicant and review and approval by the Town.
10. Any permanent signage will be subject to review and approval by the Sign Review Committee, and any temporary signage subject to review and approval by the Office of Planning and Zoning.
11. Subject to Open Space, and any other applicable fees as required by Town Code.

Councilman Shear asked the applicants if they have heard, understand and accept the conditions.

Chris Tucker and Colton Depke replied yes.

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

Brett Baker at 8615 Roll Road. South side of Roll Road, east of Harris Hill Road. 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 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 holding a Public Hearing.

Brett Baker was present to answer any questions.

Supervisor Casilio stated that you know that we do not encourage display of cars in the Town of Clarence. This is a special circumstance that maybe you can do some things behind a fence. We do know that you need the ability to display cars to get your license.

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

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

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

Resolved, that after a public hearing held at the duly convened Town Board meeting on Wednesday, July 9, 2025, and after all interested parties having been heard, the Clarence Town Board, hereby, approves the request of the applicant Brett Baker for a Temporary Conditional Permit for an automotive sales operation located 8615 Roll Road in the Restricted Business Zone, subject to the following conditions:

1. Initial permit shall be for a term no greater than one year.
2. No outside display of vehicles for sale.
3. No outside storage of unlicensed vehicles.
4. No outside storage of vehicle parts, tools, debris, tires or other automotive related items.
5. Any future proposed site or building modifications subject to Town review.
6. Paved areas to be striped and maintained in perpetuity. No parking of vehicles outside the designated paved parking area.
7. All existing conditions of approval for the site and property remain active and in full force.

All existing conditions of approval for the site and property remain active and in full force.

Councilman Shear asked the applicant if he has heard, understand and agree to the conditions.

Brett Baker stated yes.

Supervisor Casilio stated that this is a one-year permit so if you break any conditions, you risk the chance of losing the permit.

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

Pro-Cut Property Services, LLC., Andrew Yaeger, Business Owner at 8325 Transit Road. East side of Transit Road, south of Tonawanda Creek Road. An existing 2-acre parcel in the Restricted Business zone, containing a pre-existing single-family residence and detached accessory structure. The applicant is requesting consideration of a Temporary Conditional Permit for the operation of a landscape business. The operation is proposed to consist of outside equipment and material storage to the rear of the existing residence. The Town's Zoning Inspector witnessed the business operation occurring on the property, and contacted the property owner and tenant. The tenant and a representative of the property owner 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.

Andrew Yaeger of Pro-Cut Property Services, LLC. was present for questions.

Councilman Shear asked what does Pro-Cut do?

Andrew Yaeger stated they are a lawn, landscaping and snow plow company.

Councilman Shear asked if it is residential or commercial.

Andrew Yaeger stated a mixture of both.

Supervisor Casilio stated that the owner has done good job on cleaning it up. You have facilities for your employees to use for a restroom.

Andrew Yaeger stated yes, we have restrooms for employees.

Motion by Councilman Michnik, seconded by Councilman DiCostanzo to refer the request of the applicant, Pro-Cut Property Services, LLC to Planning Board for consideration of a Temporary Conditional Permit for the operation of a landscape business to the rear of the property, at 8325 Transit Road in the Restricted Business zone.

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

Motion by Councilman DiCostanzo, seconded by Councilman Shear to approve the following applications as follows: Legion Hall Josh Sweeny October 18, 2025 and Nature Center Great Fall Council, BSA Day Camp July 21 – July 25, 2025.

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

With no additional business, Supervisor Casilio closed the meeting at 10:43 a.m.

Karen Hawes
Town Clerk