

The Work Session meeting of the Town Board of the Town of Clarence was held on Wednesday October 22, 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 Attorney Lawrence Meckler, Town Engineer Timothy Lavocat and Superintendent of Highways James Dussing.

Director of Community Development - Jonathan Bleuer

PUBLIC HEARINGS:

Annual Excavation Permit Renewals:

Proposal: Consider the annual renewal of the following excavation permits:

- A. New Enterprise/Buffalo Crushed Stone, 8615 Wehrle Drive
- B. Lakeside Sod, 6660 Goodrich Road
- C. Michael Development, 10001 Wehrle Drive
- D. Michael Development, 10051 Wehrle Drive

The Town Board has the authority to consider these requests after holding a Public Hearing.

FORMAL AGENDA ITEMS:

Harris Hill Development, LLC.

This property is located at 8450 Sheridan Drive on the north side of Sheridan and the west side of Harris Hill Road. It's an existing 14.8-acre parcel located in the Commercial and Restricted business zones.

The applicant is requesting a Public Hearing to consider a Special Exception Use Permit for a Conceptually approved mixed-use project containing multiple-family housing and commercial space. The project consists of the following:

- 3 mixed-use buildings, each containing 8,065sqft. commercial and 11 to 15 apartments.
- 7 residential townhouse buildings, each containing 4 units.
- 5 residential apartment buildings, each containing 4 units.
- 3 garage buildings, ranging from 8 to 10 bays each.

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

Dynabrade, Inc.

This property is located at 8989 Sheridan Drive and is west of Main Street. It is an existing 15.7-acre property in the Commercial zone.

The applicant is requesting a preliminary Conceptual review of an addition to the rear of the facility. It would include new loading bays.

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

Love Your Dog Inc.

Located at 8625 Transit Road, this is an existing 1.30 parcel in the Major Arterial zone. It contains a principal structure and associated facilities.

The applicant is requesting renewal of a Temporary Conditional Permit (TCP) for a pet care facility, including grooming, daycare, overnight boarding, and nature/play area. The applicant has been responsive and active.

The Town Board has the authority to consider this request.

Buffalo AutoSpa

This existing 0.60-acre parcel is located at 8870 Sheridan Drive. It is in the Restricted Business zone and contains a converted gas station and service station.

The applicant is requesting renewal of a Temporary Conditional Permit (TCP) for an automotive detailing operation. The applicant is willing to work with everyone to get to where he needs to be.

The Town Board has the authority to consider this request.

R.E. McNamara, Inc.

This property is located at 8220 Clarence Center Road. It is an existing 23-acre property containing a single-family residence and detached accessory structure in the Residential Single-Family zone.

The applicant is requesting a Fill Permit for the purpose of residential filling and grading for lawn and vegetation. An estimated 3,000-4,000 cubic yard of fill are planned to be placed upon approximately 1.4-acres within the front yard setback area of the home. This will create more privacy.

The Town Board has the authority to consider this request.

WORK SESSION ITEMS:

R & D Contracting

This is an extension of Boncrest West. It's a public road and they have constructed a code compliant cul-de-sac.

They are looking for dedication of that. It will not increase the number of lots, but actually decrease the total number of lots. This wouldn't require a final Platt since the lots were already existing. They are just modifying the lot lines.

This would require formal acceptance and dedication.

TOWN BOARD REPORTS:

Supervisor Patrick Casilio

- There are power lines down at the Nature Center. They will be meeting with a contractor to get a plan to have them repaired next week. James Dussing will provide a generator until repairs are complete if needed. The Town owns the poles so we are responsible for their replacement.
- The State Troopers are handling a pretty scary incident regarding a break in on Fox Trace. It is on video and quite disturbing. We are trying to get the details on it.
- We have a consultant working on the Town Code, items that may be included:
 - Overnight parking on the street.
 - Storage tents/carport on front of properties.
 - How many trailers should be allowed on properties?
 - Weight limits on commercial vehicles.
 - Allowance of chickens per acreage.
 - Sunset laws on most items.
 - Barking dogs, which we will look to Animal Control for direction.
- Working on an article regarding power bills.
- Motion to opt out of electric mandate on new homes.
- Folgelsonger looks amazing, all the weeds were cut down etc.
- Thanks to James Dussing and the Parks department for the Senior Center work.
- Going Places van would like a punch pad for access. They have 10 drivers who would need access. We have the busiest service in Erie County.
- Meal on Wheels has over 200 volunteers.

Councilman Peter DiCostanzo

- Motion regarding Labor Agreement.
- Motion to approve Assessor training.

Councilman J. Paul Shear

- Motion to add an alternate to the Planning Board.
- Motion to accept Peanut Line interceptors.

Councilman Daniel Michnik

- No Motions.

- Saturday night Youth Bureau party was a success that raised some money for the Food Bank.

Councilman Robert Altieri

- The Planning meeting, he attended in Rochester went well last week. It was great training.
- Lion's Club is trying to raise money for a new playground. The committee is looking to do this in phases. They are trying to get the project moving. Patrick Casilio says he would rather the Lion's Club bring a package to show the board rather than hold monthly/multiple meetings. Jonathan Bleuer notes that you cannot start any work whatsoever if you are waiting for any grants for funding. If you do, you can no longer **seek any awards. Lawrence Meckler agrees and they should just wait and see what** happens with a grant.

Town Engineer Timothy Lavocat

In Clarence Center for the sidewalk project the surveyors are going to be starting in November.

The Sheridan Drive sidewalk project there was a meeting and it will be going out to bid sometime in March. There will be a public outreach piece which will be online.

Motion by Supervisor Casilio, seconded by Councilman Shear, to adjourn the work session at 9:50 a.m. and enter into Executive Session pursuant to §105(1) f of the Open Meetings Law to discuss employment history.

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

Janel A. Farolino
Deputy Town Clerk

Motion by Supervisor Casilio, seconded by Councilman Shear, to adjourn the Executive Session at 10:05 a.m.

Upon roll call – Ayes: All; Noes: None. Absent: None. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, October 22, 2025 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 10:10 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 October 8, 2025.

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

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo to set a public hearing for Wednesday, November 5, 2025 at 10:15 a.m. to consider the Preliminary Budget and Special Districts Assessment Roll for the Town of Clarence for the year 2026.

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

Motion by Supervisor Casilio, seconded by Councilman Shear to authorize New York State Electric and Gas (NYSEG) to activate six (6) LED streetlights within Spaulding Green Subdivision, Phase 7B on Longleaf Trail per the layout dated July 31, 2025 and upon the complete installation in accordance with all current New York State Electric and Gas and Town of Clarence details and specifications. Streetlights and associated infrastructure are to be owned and maintained by the Town of Clarence and power is to be supplied by NYSEG under the terms and conditions of NYSEG Service Class 4 agreement with the Town of Clarence.

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

Motion by Supervisor Casilio, seconded by Councilman Shear to authorize New York State Electric and Gas to activate five (5) LED streetlights within Spaulding Green Subdivision, Phase 8 on Spaulding Green Parkway per the layout dated September 26, 2025 and upon the complete installation in accordance with all current New York State Electric and Gas and Town of Clarence details and specifications. Streetlights and associated infrastructure are to be owned and maintained by the Town of Clarence and power is to be supplied by NYSEG under the terms and conditions of NYSEG Service Class 4 agreement with the Town of Clarence.

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

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

RESOLVED, that the Clarence Town Board hereby adopts the agreement between the Town of Clarence and the Civil Service Employees Association, Inc., Local 1000 AFSCME, AFL-CIO, Town of Clarence Blue Collar Unit of Local 815 for the period of January 1, 2026 to December 31, 2029 and authorizes the Supervisor to execute same.

On the question, Councilman DiCostanzo thanked everyone that was involved with the agreement, there were a lot of meetings and I think everyone left a little disappointed which is the usual in these meetings.

Supervisor Casilio thanked the Town Attorney for coming to a quick negotiation for the next four years.

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

Motion by Councilman DiCostanzo, seconded by Councilman Michnik to approve the request for Town of Clarence Assessor Mary Morris and Assessor Office Employee Trina Boller to attend the Agricultural Exemption Processing virtual training course sponsored by the New York State Assessors Association on Monday October 22, 2025 9:00 a.m. to 4:00 p.m., at a cost of \$120.00 per person.

Second request to approve the request for Town of Clarence Assessor Mary Morris to attend the Ethics for the Assessor virtual training course, which is required for Assessor Certification and sponsored by the New York State Assessors Association on Friday December 12, 2025, 9:00 a.m. to 4:00 p.m., at a cost of \$120.00.

On the question, the total cost for the courses is \$360.00 and the funds are available within the 2025 Assessors Budget.

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

Councilman DiCostanzo congratulated Genevieve's bakery who specializes in cheesecake, they have open, as well as expanded there location just south of Clarence Center Road. There was a ribbon cutting this past Saturday, congratulations to them on their new space. Additionally great job by the Clarence Chamber of Commerce for putting this all together.

Motion by Councilman Shear, seconded by Councilman Altieri to appoint Keith Lukowski to the Town of Clarence Planning Board as Alternate position effective immediately to fill an opening, with a term to expire on December 31st, 2025.

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

Motion by Councilman Shear, seconded by Councilman DiCostanzo pursuant to Article 8 of the Environmental Conservation Law, to accept the Part 1 Environmental Assessment Form and approve the Part 2 & 3 Environmental Assessment Form as prepared and to issue a Negative Declaration 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 pollution abatement of existing unsewered areas, removal of package treatment plants, 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 Rights of Way, with a crossing of a NYSDOT roadway, Transit Road. After thorough review of the plans, Environmental Assessment Forms, and comments from involved and interested parties, it is determined that the proposed action will not have a significant negative impact on the environment.

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

Councilman Michnik mentioned the Youth Bureau's Halloween Party this past Saturday night, there was a great turn out. Thank you to the fire departments, Clarence Center, Newstead and Harris Hill for attending. They raised \$350 for the Clarence Food Bank, thank you to all who supported us.

Councilman Altieri mentioned at the Nature Center this Saturday, October 25, 2025 from 5:00 p.m. – 7:00 p.m. there will be a headlight hike. Thank you to Supervisor Casilio, Councilman Shear and a number of other people, we had a disruption with a fallen down tree on a power line and with everyone's help to make sure this get fixed to be able to have the event. There were about 300 kids that came out last years so we are hoping for the same or more this year.

Supervisor Casilio spoke about the New York State mandates on energy that are taking effect January 1, 2026 with the big one happening in 2030 which is now only four years away. The State of New York does not have enough power, the grid system is not big enough to upgrade to changes. We are all already paying hundreds of dollars more monthly, with the mandates that NYS is putting this on us, this will affect everyone. Additionally, they have shut down two power plants, only 10% of our power comes from Niagara Falls, most of it goes to New York City. The upgrades will be down south New York but we are again all going to be paying for it. Monthly power bills will be \$800 or more so your property taxes will look like nothing. I am proposing the following resolution that gives us the option to opt out of the requirement that all new homes be required to be heated by electricity. The fear is too that if your furnace fails you will be forced to turn over to electricity. What is strange is there is nothing cleaner or more efficient than natural gas.

Motion by Supervisor Casilio, seconded by Councilman Altieri for a resolution as follows:

A resolution in support of New York state senate bill S.8481 and New York state assembly bill A.8996, which authorizes local governments to opt out of mandates and benchmarks arising under the climate leadership and community protection act and associated universal electrification requirements by filing a resolution with the department of environmental conservation;

WHEREAS, New York State Senate Bill S.8481 and New York State Assembly Bill A.8996 would authorize local governments to opt out of mandates and benchmarks established

under the Climate Leadership and Community Protection Act (CLCPA), including universal electrification requirements, by filing a resolution with the Department of Environmental Conservation; and

WHEREAS, Across New York State, communities are facing steep increases in utility costs and housing construction expenses due to electrification mandates. These include restrictive building codes that prohibit natural gas, vehicle sales quotas that eliminate traditional models, and infrastructure benchmarks for EV charging that are often impractical and financially burdensome; and

WHEREAS, local governments must retain the capacity to make energy, infrastructure, and development decisions suited to local conditions, fiscal realities, and public health and safety concerns; and

WHEREAS, New York State Senate Bill S.8481 and New York State Assembly Bill A.8996 affirms the principle of home rule by allowing local governments to make energy decisions that reflect the unique needs of their residents and businesses; now therefore,

BE IT RESOLVED, that the Town of Clarence Town Board hereby supports New York State Senate Bill S.8481 and New York State Assembly Bill A.8996 recognizing that these bills provide an appropriate mechanism for local governments to opt out of mandates under the CLCPA and related universal electrification requirements by submitting a formal resolution to the Department of Environmental Conservation; and be it

FURTHER RESOLVED, That the Town Clerk to this Board shall forward copies of this resolution to Governor Kathy Hochul, New York State Senator Patrick M. Gallivan, and New York State Assemblyman Paul A. Bologna, and all others deemed necessary and proper.

On the question, the biggest expense to us will be the upgrade of the power lines for the CLCPA most of the power is from suppliers in our homes, most homes build in the 50's will have total upgrades, many electric appliances didn't exist then making the total upgrade cost us all money.

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

Karen Hawes, Town Clerk stated that School Taxes were due October 15, 2025, any taxes not paid will have fees and the current fee is due October 31, 2025 and will continue to increase after that. Appropriate post mark dates through the post office should be walked in and requested for accuracy. Please call the office if you have any questions.

Timothy Lavocat, Town Engineer, stated that in the Clarence Center area there will be surveyors out for approximately the next three months. This is the first step in the sidewalk project and I wanted to make the public aware of this.

Supervisor Casilio stated that we have five public hearings for the different Fire Company's with in the Town of Clarence presenting each one separately for the 2026 budget. Starting with the Clarence Center Fire Company not to exceed \$971,699.00.

Lawrence Meckler stated this is for the operating costs for the companies, additionally the Town of Clarence covers LOSAP, workers compensation and health insurance costs.

There was no representative was present for Clarence Center.

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 to adopt the following resolution:

RESOLVED, that after a public hearing duly held on October 22, 2025 at 10:15 a.m., and after all interested parties having been heard, the Clarence Town Board agrees to enter into a contract with the Clarence Center Volunteer Fire Company, Inc. for fire protection for the year 2026 for an amount not to exceed \$971,699.00.

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

Ken Rusin, President and Greg Skibitsky Treasurer were both present on behalf of the East Amherst Fire Department.

Ken Rusin stated that they are happy to serve the resident in Clarence for EMS and Fire safety again this year. However, we are a little disappointed that the Town Board no longer sits down with us to discuss their involvement and additional services they are able to provide the community. Additionally, what our needs are and were denied a meeting.

Supervisor Casilio stated that he does not remember ever telling anyone that they would not be allowed a sit down with him. I would be more than happy to set up a meeting with you and the board and we can always make a contract adjustment if needed. Yes, we were firm on the 2% as that is what I am held to but would never say no if there was a dire need and go over the financials.

Ken Rusin reiterated that they would just appreciate a sit-down meeting like they use to have to discuss the budget.

Greg Skibitsky stated that their financials were all turned in, I would like to thank you as we do appreciate the support. He stated that the budget work sessions are very helpful to us, we have two very large projects that will need to be addressed this year. The sessions give us the opportunity for the Town Board to know what we are doing, how we operate and our needs. We would like you to consider these meeting in the future. We are not displeased just want an opportunity to talk.

Supervisor Casilio stated that in his column in the bee I spoke to your department and the service you provided with the incident on the I-90 with the bus. You are the only company in Amherst with an ambulance, agencies are not able to keep up as we are totally running out of ambulances. This is a great service that you offer to your people.

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 to adopt the following resolution:

RESOLVED, that after a public hearing duly held on October 22, 2025 at 10:20 a.m. and after all interested parties having been heard, the Clarence Town Board agrees to enter into a contract with the East Amherst Fire Department, Inc. for fire protection for the year 2026 for an amount not to exceed \$322,067.00.

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

Steve Pollard was present representing the Harris Hill Fire Company.

Supervisor Casilio thanked them for their service.

Councilman DiCostanzo stated that this fire company like Clarence Center is 100% in the Town of Clarence.

Motion by Councilman DiCostanzo, seconded by Councilman Shear to close the Public Hearing.

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

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

RESOLVED, that after a public hearing duly held on October 22, 2025 at 10:25 a.m. and after all interested parties having been heard, the Clarence Town Board agrees to enter into a contract with the Harris Hill Volunteer Fire Company, Inc. for fire protection for the year 2026 for an amount not to exceed \$883,154.00.

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

There was no representative was present for the Rapids Fire Company.

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

RESOLVED, that after a public hearing duly held on October 22, 2025 at 10:30 a.m. and after all interested parties having been heard, the Clarence Town Board agrees to enter into a contract with the Rapids Volunteer Fire Company, Inc. for fire protection for the year 2026 for an amount not to exceed \$50,395.00.

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

Robert Linde was present representing the Swormville Fire Company, he stated that he liked the idea that East Amherst presented going back to having sit down in person budget meetings. We stuck to the 2% and for years we took zero but everything is going up. We do meet with the Town of Amherst as well and in 2024 and 2025 we received 3%.

Supervisor Casilio stated that my tax cap was 2% as well which I am held to. Sometimes we do spend more and that goes to employees, salaries and insurance.

Robert Linde stated that when we are called out to a call, we are one of your employees.

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 Altieri to adopt the following resolution:

RESOLVED, that after a public hearing duly held on October 22, 2025 at 10:35 a.m. and after all interested parties having been heard, the Clarence Town Board agrees to enter into a contract with the Swormville Fire Company, Inc. for fire protection for the year 2026 for an amount not to exceed \$269,970.00.

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

Annual Excavation Permit Renewals to Consider the annual renewal of the following excavation permits:

- A. New Enterprise/Buffalo Crushed Stone, 8615 Wehrle Drive
- B. Lakeside Sod, 6660 Goodrich Road
- C. Michael Development, 10001 Wehrle Drive
- D. Michael Development, 10051 Wehrle Drive

The Town Board has the authority to consider these requests after holding a Public Hearing. All required paperwork, including up-to-date tax bills, NYSDEC permits, bonding, and necessary fees have been collected by the Planning Office. There is a representative present for New Enterprises/Buffalo Crushed Stone, we do on occasion receive complaints and continue to monitor the operation to make sure it is compliant with the Town of Clarence. Lakeside Sod has had complaints as well where we have been on site as well and is to the Town of Clarence's regulations.

Brandon Mikolin and Greg Bailey were present on behalf of New Enterprises/Buffalo Crushed Stone.

Supervisor Casilio stated that they are very fast at responding when we get any complaints, even when materials end up at the intersections outside of your facility. We do have a general concern about dust that you work on a lot. I have noticed dusty trucks at Wehrle and Harris Hill rolling off of their trucks as they drive down the road. I am mentioning this as facilities have spray baths that they have to go through before they leave a facility. Is that common or don't they do that anymore.

Brandon Mikolin stated that the truck wash is facility dependent and not all of them have them.

Supervisor Casilio additionally added that as I mention every year, if the trucks had direct access to the thruway, that would be great. When there are late night projects, I know trucks have back access to the thruway and it would be nice if that could be all the time.

Jonathan Bleuer stated that the one concern that we do continue to hear is the operation occurring in Lancaster, the southeast corner of the property. We would just ask that you are considering wind direction for the dust concerns in that area.

Brandon Mikolin stated that they monitor the weather with every blast through real time and weather apps, additionally we have a weather sock which is the best way to monitor the weather conditions. Occasionally we do cancel blasts due to the weather if needed.

Supervisor Casilio asked if they are doing anything different as the blasts do seem to be improved.

Brandon Mikolin stated that they are still doing the same size blasts however the process has improved with the blasting personnel.

With no representatives present from the other businesses, one resident was present to speak.

Jeff Luchterland was present commenting on the activity happening on the property with topsoil now there as well as trees being taken down. Additionally, motorcycles, dirt bikes and four wheelers are riding around back there, not sure if this is the operation or friends/family. I would just like to speak to someone about who is back there and what is happening.

Jonathan Bleuer stated that he can address some of the questions you have, and thank you for coming this morning. It is unfortunate that these homes do exist in the industrial zone, variances were granted to build those homes there. There were active mining permits in those zones for decades and those were purchases when the property was sold. Very little activity occurred for many years, Michael Development got certain jobs and they started pulling materials out and that is when you noticed the activity. We do have the plans on file and can give you contacts at the company for you to speak with them directly. The operation on site is compliant with us, as for the recreational vehicles back there, that is not something that the Town would have any control over, it is industrial, privately owned land.

Supervisor Casilio asked if the top soil was being trucked in.

Jeff Luchterhand stated no, they cut down 40 acres of trees west of the lake.

Jonathan Bleuer stated that there is a substantial amount of product to be removed from there that was dormant for many, many years. They have the right to do this with the DEC mining permit with the material primarily sand and gravel.

Jeff Luchterhand stated he is concerned for the lake as well as there is minimal land between them. The DEC saying they are on top of it, I am questioning their activity on it.

Supervisor Casilio stated that they have had Town of Clarence employees there when the DEC is present and if we get a complaint, we will go out there and see what's going on.

Jonathan Bleuer welcomed the resident to come to the Planning and Zoning Office to view all the documents and answer any additional questions.

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

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

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

WHEREAS, the Clarence Town Board set a public hearing for October 22, 2025, at 10:40 a.m. to provide an opportunity for public input to the citizens of the Town to consider annual renewal of excavation permits for the following:

- a. New Enterprise/Buffalo Crushed Stone, 8615 Wehrle Drive
- b. Lakeside Sod, 6660 Goodrich Road
- c. Michael Development, 10001 Wehrle Drive
- d. Michael Development, 10051 Wehrle Drive

NOW, THEREFORE BE IT,

RESOLVED, that a meeting of the Clarence Town Board duly convened on Wednesday October 22, 2025, a public hearing was held, and after all interested parties having been heard, the Clarence Town Board hereby authorizes the annual renewal of the Excavation Permits for the following:

- a. New Enterprise/Buffalo Crushed Stone, 8615 Wehrle Drive
- b. Lakeside Sod, 6660 Goodrich Road
- c. Michael Development, 10001 Wehrle Drive
- d. Michael Development, 10051 Wehrle Drive

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

Harris Hill Development, LLC. at 8450 Sheridan Drive. North side of Sheridan Drive, west side of Harris Hill Road. An existing 14.8-acre previously disturbed vacant parcel located in the Commercial and Restricted Business zones. The applicant is requesting a Public Hearing to consider a Special Exception Use Permit for a Conceptually approved mixed-use project containing multiple-family housing and commercial space. The project consists of the following:

- 3 mixed-use buildings, each containing 8,065 sqft commercial and 11 to 15 apartments.
- 7 residential townhouse buildings, each containing 4 units.
- 5 residential apartment buildings, each containing 4 units.
- 3 garage buildings, each with 8 to 10 bays.

This results in a total of 85 residential units and 24,195 sqft of commercial space.

This property previously held Development Plan approval for a mixed-use project containing 80 residential units and 24,800 sqft of commercial space, which become null and void since the amended Concept Plan approval was granted. In February of this year, the Town Board referred this amended proposal to the Planning Board. In April, the Planning Board initiated a coordinated review under the State Environmental Quality Review Act (SEQRA). Since that time, the applicant has addressed comments received, planted the required vegetative buffer on the west side of the parcel, and constructed interim drainage improvements on the property. In August, the Planning Board issued a Negative Declaration under SEQRA and denial of the Concept Plan due to the 3rd story element of the mixed-use buildings. In September, the Zoning Board of Appeals issued variances for the 3rd story element of the mixed-use buildings. Also in September, the Planning Board issued Concept Plan approval subject to 25 conditions, and recommendation of a Special Exception Use Permit. The Town Board has the authority to consider this request after setting and holding a Public Hearing.

Sean Hopkins was present to represent the applicant as well as Ken Zollitsch of GPI and many members of the planning team. Several things have occurred since this project has been brought to the board. We have received a negative declaration from the Planning Board as well as a minor density variance from the Zoning Board of Appeals. We have spent a great deal of time in terms of the overall layout of the project site and the architect of the buildings. I will point out several things, earlier in the year there was landscaping concerns and this landscaping was installed at the satisfaction of the adjacent property owner. Secondly the previous clearing there were concerns of the drainage, Ken is working with the Engineering Department, came up with a solution and has been implemented. Both concerns raised by this board has been addressed. In terms of the scope of the overall project, 85 residential units including those three mixed use buildings along Sheridan Drive and a total of 24,195 sqft. When we presented this earlier, the commercial square footage was about 17,000 sqft., concerns came up about the reduction of the size so we increased it back to almost what was already approved. With all of this being said we do think we are finally in a position that after we hold a public hearing, we can approve the Special Exception Permit for the family housing and commercial space. Additionally, we are showing three separate phases starting from the west and proceeding to the east. A traffic study has been submitted for the entrance to Harris Hill Road.

Jonathan Bleuer noted to clarify that this is compliant from a residential density perspective. It did receive a variance from the third story component.

Sean Hopkins apologized and stated that the variance received was not for density, in your zoning code currently you allowed three-story buildings but they have to be entirely commercial. What we are showing is mixed use buildings along Sheridan and needed that minor variance.

Supervisor Casilio clarified the phases, you are doing phase one not two or three at this time.

Sean Hopkins stated that the goal at this time would be phase one.

Supervisor Casilio asked if they need to maintain a circle for the fire company with access of one lane in and one out.

Ken Zollitsch stated right now we had planned on turn arounds for the time being for phase one, certainly we are not at the developing stage we are working on the redesign of this site. We will take into account any Fire Chiefs comments.

Supervisor Casilio stated that phase two and three you are staying out of, it is grass now and will remain that way however will mitigate the water at the back of the property.

Ken Zollitsch stated that there has been discussion and something that they will be looking at in terms of the storm drainage. Our sanitary sewer and water lines are coming up from the development to the north in phase two. There will be utility work at minimum for future stages and don't anticipate disturbances over there.

Supervisor Casilio stated that the complaints were their customers that came forward with the complaints about the water which you seem to have under control.

Zen Zollitsch stated that there was an intent and expectation that we were going to have a drainage plan and did prepare one which was approved by the Engineering Department. All that work has been completed, seeded and being inspected for stabilization. We do believe that this should help significantly over the winter.

Supervisor Casilio asked the Town Engineer if he was in agreement with what Ken was saying.

Timothy Lavocat, replied yes.

Sean Hopkins added that they made the residents aware of this as well.

Councilman Michnik asked if this was going to be a 20-year project.

Sean Hopkins replied phase one they would like completed next year. We would hope that the complete project could be done as soon as possible however we do still need approvals which are out of our hands, less that 15 years we are hopeful for.

Motion by Councilman Shear, seconded by Councilman Altieri to set a Public Hearing for November 19, 2025 at 10:15 a.m., to consider the request of the applicant, Harris Hill Development, LLC at 8450 Sheridan Drive, of a Special Exception Use Permit for a mixed-use project containing multiple family housing and commercial space in the Commercial and Restricted Business zones.

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

Dynabrade, Inc. at 8989 Sheridan Drive. South side of Sheridan Drive, west of Main Street. An existing 15.7-acre property containing a light manufacturing and office facility located in the Commercial zone. The applicant is requesting preliminary Conceptual review of an approximately 40,000 sqft light manufacturing and office addition to the rear of the existing facility. The addition would be constructed with CMU block, and also contain new loading bays. In 2024, the applicant proposed a 90,000 sqft light manufacturing and office building on the adjacent parcel, 9035 Sheridan Drive. In June of this year, the applicant formally withdrew that application, citing budgetary and timing issues concerning their Tonawanda subsidiary's lease/buy building agreement. A referral to the Planning Board would allow for a thorough review of this proposal.

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

Supervisor Casilio stated sorry you couldn't do your original project, but I am glad you were able to come up with something agreeable to move forward. The plan is to have sidewalks along Sheridan as well for your employees to utilize.

Motion by Councilman Altieri, seconded by Councilman Shear to refer the request of the applicant, Dynabrade, Inc., to the Planning Board, for Conceptual review of an approximately 40,000 sqft light manufacturing and office addition to the rear of the existing facility at 8989 Sheridan Drive in the Commercial zone.

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

Love Your Dog, Inc. at 8625 Transit Road. Southeast corner of Transit Road and Tonawanda Creek Road. An existing 1.30-acre parcel located on the Major Arterial zone, containing a principal structure and associated facilities. The applicant is requesting renewal of a Temporary Conditional Permit (TCP) for a pet care facility, including grooming, daycare, overnight boarding, and nature/play area. In April of this year, the Town Board granted a 6-month extension of the TCP due to non-compliance of conditions of approval. During this 6-month period, the applicant was to comply with conditions of approval, and bring the site and operation into conformance. The applicant has communicated with the Planning Office while

making site improvements such as curb cut reduction and landscape installation. The Town Board has the authority to consider this request.

Janice Jabcuga, owner, was present to answer any questions.

Supervisor Casilio stated that Councilman Shear has been following this process thoroughly and come up with the recommendations. Thank you for the upgrades you have completed to your property, it looks great. You run a very successful business which is important for the community to have.

Councilman Shear thanked the applicant for the time she has spent with the Town of Clarence with the necessary improvements needed to the sight and are very pleased with. There are still some open items on your check list if you will, but we would like to give you another 6-month permit to align you with all the other Temporary Conditional Permits to not be out of phase.

Jonathan Bleuer stated that there are some remaining Building Department items and accessory structures. We gave these to you originally and the Building Department has withheld on doing anything until this permit is extended. They will be wrapping things up with you to then you don't have to come back individually rather as a whole with all the permits once a year.

Timothy Lavocat stated that he will discuss with the building department the items and we will reach out to you.

Motion by Councilman Shear, seconded by Councilman Altieri to approve the request of the applicant, Love Your Dog, Inc., for the renewal of a Temporary Conditional Permit at 8625 Transit Road, for a pet care facility, including grooming, daycare, overnight boarding, and nature/play area in the Major Arterial zone.

1. Permit shall be for a term no greater than 6-months, and to be considered for renewal with all other 2026 permit renewals.
2. Applicant meeting the conditions of the Planning Board Site Plan approval on February 15th, 2023, and Temporary Conditional Permit issued by the Town Board after a duly held Public Hearing on April 12th, 2023.

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

Buffalo AutoSpa at 8870 Sheridan Drive. Northeast corner of Sheridan Drive and Shimerville Road. An existing 0.60-acre parcel located in the Restricted Business zone, containing a converted gas and service station. The applicant is requesting renewal of a Temporary Conditional Permit (TCP) for an automotive detailing operation. In April of this year, the Town Board granted a TCP, with a term no greater than 6 months due to past unpermitted activity and operation. During this 6-month period, the applicant was to comply with conditions of approval, and bring the site and operation into conformance. The applicant has made site improvements such as curb cut removal and site pavement. To date, the applicant has yet to complete other required improvements such as landscaping and structure improvements. Finally, the applicant has installed unpermitted signage and the Planning Office is currently in the violation process for such action (signage removed on Friday, October 17th). The Town Board has the authority to consider this request.

Nash Kraft, owner, and Matthew Dubois of Block and Longo were present to answer any questions.

Supervisor Casilio stated that there has been vast improvements and the property looks great which I'm sure will help your business grow.

Councilman Shear stated that he agrees and we appreciate that your removed the advertising off of the window's in a timely manner. We do understand that you are still seeking to gain some approvals from the DOT, do you have any idea when that might happen.

Nash Kraft replied that he would hope that it would be soon as they applied back in August he believes. The tank has been removed so we are just waiting.

Councilman Shear stated that he is assuming that the landscaping won't take place until next year with the hopes of the DOT coming through.

Nash Kraft replied correct, the plan is for a curb topsoil and then black top.

Councilman Shear stated they are very please with what you have done.

Councilman Altieri asked about where the driveway was, will you be digging that out or are you just putting dirt in over the top.

Nash Kraft replied that will be excavated and new topsoil put down.

Councilman DiCostanzo stated that overall, sometimes it seems like the guys in our Planning Department are over the top in regards to what we ask for. This is our only shot to ask for this and I can't believe how other towns allow for properties to go unkept.

Motion by Councilman Shear, seconded by Councilman DiCostanzo to approve the request of the applicant, Buffalo AutoSpa, for the renewal of a Temporary Conditional Permit at 8870 Sheridan Drive, for an automotive detailing operation in the Restricted Business zone.

1. Permit shall be for a term no greater than 6-months, and to be considered for renewal with all other 2026 permit renewals.
2. Applicant meeting the conditions of the Temporary Conditional Permit issued by the Town Board after a duly held Public Hearing on April 23rd, 2025.

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

R.E. McNamara, Inc. at 8220 Clarence Center Road. North side of Clarence Center Road, west of Gott Creek Trail. An existing 23-acre property containing a single-family residence and detached accessory structure in the Residential Single-Family zone. The applicant is requesting a Fill Permit for the purpose of residential filling and grading for lawn and vegetation. An estimated 3,000-4,000 cubic yard of fill are planned to be placed upon approximately 1.4-acres within the front yard setback area of the home. In October, the Engineering Department determined that the engineered plan set and Stormwater Pollution Prevention Plan (SWPPP) meets all technical requirements. The Town Board has the authority to consider this request.

Rich McNamara, owner was present to answer any questions.

Supervisor Casilio stated that we have gone over this project thoroughly as we always do and this is not going to The Planning Board as you are just planting trees.

Motion by Councilman Michnik, seconded by Councilman DiCostanzo to approve the request of the applicant, R. E. McNamara, Inc., for the Fill Permit at 8220 Clarence Center Road, for the purpose of residential filling and grading for lawn and vegetation in the Residential Single-Family zone.

1. Applicant meeting any additional requirements of the Town of Clarence Engineering Department.
2. Subject to applicable fees, as required.

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

Motion by Councilman DiCostanzo, seconded by Councilman Michnik to approve the applications as follows: Clubhouse: Clarence Girls Varsity Swim November 17, 2025. Legion Hall: Angelina Losi November 16, 2025; Karen Jurek December 27, 2025; Marsha Brauer January 2, 2026 and Justine Irish January 3, 2026.

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

Motion by Councilman DiCostanzo, seconded by Councilman Altieri to approve the bill pay for October 9, 2025 as follows: General Funds \$334,729.42; Highway Funds \$110,510.03; Water Funds \$922.00; Drainage Funds \$713.12; Lighting Funds \$617.08 and Capital Funds \$156,028.38 for a total bill pay of \$603,526.03.

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

There being no further business, Supervisor Casilio closed the meeting at 11:34 a.m.

Karen Hawes
Town Clerk