

This Regular Meeting of the Brant Town Board was held on Tuesday March 11, 2025 at the Brant Town Hall, located at 1272 Brant North Collins Rd, Brant, New York at 7:00 PM.

Present were:

Mark DeCarlo	Supervisor
Donna Marien	Councilwoman
Linda Giancarlo	Councilwoman
Tish Brady	Councilwoman
Barbara Daniel	Recording Secretary

Absent was:

Michael Muffoletto	Councilman
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ALSO, PRESENT AND LEGIBLY SIGNED IN WERE:

Debra Ritz	Resident
Brian Rott	Resident
Janice Ross	Planning Board member
Mark Slawek	Police Chief
Chad Kaczmarek	Resident
Lynda Ostrowski	Resident
Jay Vacco	Special Use Permit applicant
Debbie Asboth	Resident
David Asboth Resident	Resident
Benjamin Asboth Resident	Resident
Diane Czyz	Resident
Kristen Podkulski	Deputy Town Clerk
Thomas Bowman	Special Use Permit applicant
Joanne Kaczmarek	Resident
Paul & Kris Schlegel	Resident

Jeneen Hill	Code Enforcement Officer
Tyler Hill	Code Enforcement Officer
Scott Gangloff	Resident
James George	Resident

The meeting opened at 7:00 PM with the Pledge of Allegiance to the Flag

MINUTES of the February 11, 2025 Regular Town Board meeting. Councilwoman Brady motioned to approve the minutes of February 11 meeting, seconded by Councilwoman Marien. 4 ayes, 0 nays. **MOTION CARRIED.**

SUPERVISOR'S FINANCIAL REPORT: Councilwoman Giancarlo motioned to approve the Supervisor's financial report; Councilwoman Marien seconded the motion. 4 ayes, 0 nays. **MOTION CARRIED.**

TOWN CLERK/TAX COLLECTOR'S JANUARY 2025 FINANCIAL REPORT: Supervisor DeCarlo motioned to approve the report, seconded by Councilwoman Brady. 4 ayes, 0 nays. **MOTION CARRIED.**

COURT CLERK'S JANUARY 2025 FINANCIAL REPORTS FOR KACZMAREK & GIER REGULAR AND BAIL ACCOUNTS: Councilwoman Giancarlo motioned to approve both Bail and Regular Financial accounts for Justice Kaczmarek's & Justice Gier for January 2025 and was seconded by Councilwoman Marien. 4 ayes, 0 nays. **MOTION CARRIED.**

POLICE REPORT FOR FEBRUARY 2025: Chief Slawek presented the January police report. He requested the Town Board appoint Calphon Derosers as part-time police officer who is also a current police officer in the city of Buffalo. Mr. Derosers will not be required to undergo a background check or psychological review because he is already a current police officer. He advised the Town Board that Patrolman Tyler recently resigned. Supervisor DeCarlo motioned to accept the report as read, seconded by Councilwoman Brady. 4 ayes, 0 nays. **MOTION CARRIED.**

Following discussion, Supervisor DeCarlo motioned to approve the appointment of Calphon Derosers as part time patrolman at an hourly rate of \$30.80/hour. He will also be subject to an eighteen-month probationary period. Councilwoman Marien seconded the motion. A roll call vote was taken: Supervisor DeCarlo-aye, Councilwoman Marien-aye, Councilwoman Giancarlo-aye, Councilwoman Brady-aye. 4 ayes, 0 nays. **MOTION CARRIED.**

Supervisor DeCarlo then motioned to accept the resignation of Officer Tyler Candler per the letter presented by Chief Slawek. Councilwoman Marien seconded the motion. 4 ayes, 0 nays. **MOTION CARRIED.**

HIGHWAY REPORT February 2025: TABLED

TOWN CLERK'S REPORT TO THE BOARD: The Town Clerk presented her February Activity report. Supervisor DeCarlo motioned to approve the report as read, seconded by Councilwoman Marien. 4 ayes, 0 nays. **MOTION CARRIED.**

PLANNING BOARD MINUTES: Planning Board postponed the March meeting to April 1st. Therefore no report for March was presented.

ZONING BOARD: No ZBA meeting held in February.

RECREATION DIRECTOR'S REPORT: No report presented

TOWN HISTORIAN REPORT: TABLED

FIRE DEPT: No Report presented.

BRANT SENIOR'S REPORT: The Senior's report for Wednesday March 4th was presented by Councilwoman Brady. Supervisor DeCarlo motioned to approve the report as read, seconded by Councilwoman Brady. 4 ayes, 0 nays. **MOTION CARRIED.**

CODE ENFORCEMENT OFFICER'S REPORT: Supervisor DeCarlo presented the February Code Enforcement Officer's report. Supervisor DeCarlo motioned to approve the report as read, seconded by Councilwoman Brady. 4 ayes, 0 nays. **MOTION CARRIED.**

Presentation of reports finished at 7:12 pm. Supervisor DeCarlo then moved to New Business.

NEW BUSINESS:

Prior to reading the resolution, Councilwoman Brady explained a recent meeting she attended in regard to the below resolution and the recent Corrections Officer strike:

REVISED HALT ACT RESOLUTION

WHEREAS, The Association of Erie County Governments is requesting a home rule resolution, calling on the NYS Legislature to REPEAL the New York State HALT Act.

WHEREAS, while the New York State HALT Act may have been written with good intentions, its application has created a hazardous and unlawful environment which jeopardizes both staff and incarcerated individuals alike; and

WHEREAS, Corrections Officers work in facilities to maintain good working order to keep incarcerated individuals, staff and the community safe by communicating well, remaining disciplined all while handling dangerous situations inside the facility; and

WHEREAS, working in correctional facilities takes a physical and mental toll on Corrections Officers and their families, especially while being mandated to work shifts 24 hours or more at one time; and

WHEREAS, with implementation of the New York State HALT Act, Corrections Officers are not permitted to utilize SHU for long term disciplinary, and have no recourse for violence toward other incarcerated individuals or staff, causing the rate of violent assaults to nearly double.

THEREFORE, BE IT RESOLVED; THE Association of Erie County Government is demanding the full repeal of the New York State HALT Act until it can be researched and revised with input from Correctional staff.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Honorable Governor Kathy Hochul, Honorable Speaker of the Assembly Carl E. Heastie, Honorable Senate Majority Leader Andrea Stewart-Cousins, Honorable Republican Senate Minority Leader Robert G. Ort, Honorable Majority Leader of the Assembly Crystal D. Peoples-Stokes, Honorable Minority Leader of the Assembly William A. Barclay, and the Western New York Delegation and Erie County Executive Mark Poloncarz and the Erie County Legislature.

Councilwoman Brady motioned to adopt the resolution as presented, and was seconded by Supervisor DeCarlo. A roll call vote was taken:

Councilwoman Brady	Aye		
Supervisor DeCarlo	Aye		
Councilwoman Giancarlo	Aye		
Councilwoman Marien	Aye	4 ayes, 0 nays.	RESOLUTION

ADOPTED

Councilwoman Brady then presented the next resolution regarding the purchase of Road Salt to be considered by the Town Board:

WHEREAS, the Buy American Salt Act (S9441) went into effect in the fall of 2024, requiring New York State governments to procure salt exclusively from American-sourced salt mines, and

WHEREAS, due to this legislation, Erie County was forced to reject the low salt bid submitted by Compass Minerals, as their material was sourced in Ontario, Canada, with the winning bid awarded to American Rock Salt in Livingston County, which subsequently secured both Erie County and New York State salt supply contracts, and

WHEREAS, at the time of the award, the Town Highway Superintendents Association of Erie County raised concerns about the potential negative effects of relying on a single supplier for salt, anticipating the lack of competition could lead to price increases and the risk of supply shortages, and

WHEREAS, the expressed concerns have come to fruition within less than one year, as there is currently a significant salt supply shortage, and

WHEREAS, this shortage poses serious challenges to our ability to maintain proper service levels and ensure the safety of residents across Erie County, and all respective towns,

THEREFORE, BE IT RESOLVED, that the Town of Brant strongly urges the State Legislature to amend the Buy American Salt Act to a Buy North American Salt Act. This amendment would allow us to source materials from a broader range of vendors, including Canadian suppliers, ensuring a stable and adequate supply of salt to keep our roads safe during winter months.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Honorable Governor Kathy Hochul, Honorable Speaker of the Assembly Carl E. Heastie, Honorable Senate Majority Leader Andrea Stewart-Cousins, Honorable Republican Senate Minority Leader Robert G. Ort, Honorable Majority Leader of the Assembly Crystal D. Peoples-Stokes, Honorable Minority Leader of the Assembly William A. Barclay, and the Western New York Delegation and Erie County Executive Mark Poloncarz and the Erie County Legislature.

Councilwoman Brady then motioned to adopt the resolution as read, and was seconded by Supervisor DeCarlo. A roll call vote was taken:

Councilwoman Brady	Aye
Supervisor DeCarlo	Aye
Councilwoman Giancarlo	Aye

Councilwoman Marien
ADOPTED

Aye 4 ayes, 0 nays.

RESOLUTION

ESTIMATE FOR MEMORIAL PARK LANDSCAPING: Supervisor DeCarlo presented an estimate for the landscaping of the Memorial Park to prepare for the Memorial Day event. The quote was in the amount of \$1,960.00 for Mulching, Trimming & fertilizing as was below the amount requiring quotes. Councilwoman Giancarlo asked if we sought other estimates. Supervisor DeCarlo noted that this person who did the installation approached us with an estimate. Councilwoman Giancarlo asked if this is going to be for the season. Supervisor DeCarlo answered it is just for the spring clean up. But he added that the estimator also offered bi-weekly maintenance for a nominal fee. No vote took place. The Board will discuss further after the Public Hearings set for tonight.

Meetings & Correspondence:

- The 1st March sales tax remittance is in. The current transfer rate is 8.21 % less than the corresponding 2024 amount. Year-to-date transfers are running .65 % below last year at this time.

REPORTS OF COMMITTEES:

Councilwoman Marien announced the **Easter Egg hunt** will be held on Saturday April 19th at 2:00 PM.

Kristen Podkulski announced the dates for the 2025 Brant Summer Festival to be held Friday and Saturday June 20th and 21st. She stated that the committee is seeking donations. She confirmed there will be fireworks. She also stated that Lake Shore Storm softball organization will be holding games throughout the festival and will be selling Chicken barbeque dinners. The list of events is listed on local Facebook pages.

RETURN TO NEW BUSINESS:

RATIFICATION TO ENTER LEASE AGREEMENT FOR SPACE AT 1007 BRANT FARNHAM RD TO PARK TOWN EQUIPMENT: Supervisor DeCarlo motioned to approve a lease for parking Town Park equipment at 1007 Brant Farnham Rd for a cost of one thousand dollars annually, plus a one-time set up fee of one thousand dollars. Councilwoman Brady seconded the motion. A roll call vote was taken: Supervisor DeCarlo-aye, Councilwoman Brady-aye, Councilwoman Giancarlo-nay, Councilwoman Marien-nay. 2 aye, 2 nays. MOTION DENIED.

PUBLIC HEARINGS SCHEDULED FOR 7:30 PM, 7:45 PM & 8:00 PM

At 7:30 pm, Supervisor DeCarlo motioned to open the public hearing for joint application for Special Use Permit from Thomas Bowman and Duncan Motors for 10623 Southwestern Blvd and was seconded by Councilwoman Marien. 4 ayes, 0 nays. MOTION CARRIED.

The Town Clerk read the Legal Notice for the 7:30 pm Hearing:

The Town of Brant Town Board will conduct three public hearings on Tuesday March 11, 2025 at the Brant Town Hall, 1272 Brant North Collins Rd, Brant, New York.

The first public hearing will be held at 7:30 pm to consider the joint special use permit application of Thomas Bowman and Duncan Motors to operate a used car dealership at 10623 Southwestern Blvd within the Town of Brant, New York. All parties will be given the opportunity to be heard during the public hearing.

By Order of the Brant Town Board

Dated February 11, 2025

Barbara J Daniel

Brant Town Clerk

Discussion:

Thomas Bowman and Chris Delprince, owner of Duncan Motors approached the front of the room. Mr. Delprince explained that they have no intention of changing the way the dealer lot has been operated in by the previous Special Use permit holder. The cars will be parked the same as the previous operator parked them. Supervisor DeCarlo requested confirmation that the dealership will be doing no vehicle repairs onsite. Mr. Delprince stated that he will not and that it is Thomas Bowman who has the repair shop. Attorney Trask stated that the same space occupied by the previous permit holder used is the location to be occupied by Duncan Motors. No further discussion occurred.

At 7:34 pm, Supervisor DeCarlo motioned to close the public hearing, seconded by Councilwoman Marien. 4 ayes, 0 nays. MOTION CARRIED.

At this time, Supervisor DeCarlo read aloud the Special Use Permit conditions to be followed by Thomas Bowman and Duncan Motors during the life of the Special Use Permit.

Bowman/Duncan Motors:

Approve the SUP subject to the following conditions:

1. Surrender of John Snyder's SUP and termination of his operations at the site.
2. Proof of Duncan's authority to operate the sales of used motor vehicles from NYS...This must be kept up-to-date with the Brant Code Enforcement Officer (CEO).
3. No expansion of currently approved sales lot area without prior approval of an amended SUP.
4. Fire access lanes between car rows must always be open and accessible for emergency vehicles.
5. Vehicles on site must be set-back far enough from Southwestern Blvd. so as to not interfere with line-of-sight of traffic entering or exiting the site.
6. SUP only permits on-site motor vehicles sales...servicing, maintenance or repairs of motor vehicles is strictly prohibited.
7. SUP is jointly issued to the current site Owner (Thomas Bowman) and the Operator (Duncan Motors). Any changes in lot ownership of the entity operating the sales business requires approval of an application for an amendment to the SUP.
8. SUP is subject to annual renewal.

Upon reading the conditions to be followed by Thomas Bowman and Duncan Motors, Supervisor DeCarlo motioned to approve the Special Use Permit of Thomas Bowman and Duncan Motors. Councilwoman Brady seconded the motion. A roll call vote was taken: Supervisor DeCarlo-aye, Councilwoman Brady-aye, Councilwoman Giancarlo-aye, Councilwoman Marien-aye. 4 ayes, 0 nays. MOTION CARRIED.

There were several minutes before the second public hearing begins (7:45 pm). The Supervisor addressed the following items:

DECLARING POLICE CAR #70 AS SURPLUS: Supervisor DeCarlo motioned to declare the Police Vehicle #70 as surplus to allow the Supervisor and Police Chief to list it on Auctions International. Councilwoman Marien seconded the motion. A roll call vote was taken: Supervisor DeCarlo-aye, Councilwoman Marien-aye, Councilwoman Giancarlo-aye, Councilwoman Brady-aye. 4 ayes, 0 nays. **MOTION CARRIED.**

Supervisor DeCarlo read Abstract 3 of 2025:

ABSTRACT 3 of 2025

*Prepaid and unpaid as of 3/11/25 Total Claims **\$80,563.47**

Gen Fund Town wide Vouchers Totaling: **\$49,029.67**

Gen Fund – Part Town Voucher Totaling: **\$16,464.62**

Highway T.W. Vouchers Totaling: **\$11,944.92**

Highway P.T. Vouchers Totaling: **\$ -**

Street Lighting: Voucher Totaling: **\$3,124.26**

Brant Water Dist 1 (SS2&SW): – Totaling **\$ -**

PAYROLL Abstract 3 (2 pay periods):

General Town Wide Payroll [1/26/25-2/22/25](#) – Totaling **\$62,765.12**

General Part Town Payroll 1/26/25-2/22/25 Totaling: **\$1,609.09**

Highway Payroll TW 1/26/25-2/22/25 Totaling: **\$ 16,057.23**

Highway Payroll PT 1/26/25-2/22/25 Totaling: **\$ -**

Supervisor DeCarlo motioned to approve Abstract 3 of 2025. He was seconded by Councilwomen Brady. A roll-call vote was taken: Supervisor DeCarlo-aye, Councilwomen Brady-aye, Councilwoman Giancarlo-aye, Councilwoman Marien-aye. 4 ayes, 0 nays. **MOTION CARRIED.**

DISCUSSIONS:

Councilwoman Marien asked if the Town is saving anything on the Streetlighting since installing the LED lights. Supervisor DeCarlo responded that we did experience a savings but since the cost of the electric has gone up, we are actually lower than we would have been without the LED's.

eWASTE DISCUSSION: Councilwoman Marien also announced that beginning next month (April) the eWaste drop off will be open again. Supervisor DeCarlo then suggested adding to the ewaste drop off service by implementing one day per year where the Town comes by each residence and picks up any ewaste items that have been put by the road for pick up. He mentioned that it is hard for some residents to haul in a 65" tv and this would help those residents. Councilwoman Marien then reminded the Supervisor to contact the County regarding the Town of Brant hosting another Hazardous Waste drop off day.

LANDSCAPE QUESTION: Councilwoman Giancarlo spoke further regarding the landscape estimate discussed earlier in the meeting. She asked if it covered both the memorial park and the new planting in front of the Town Hall. Supervisor DeCarlo stated he has a separate estimate for that. Councilwoman Giancarlo responded that maybe this estimate can cover both locations.

Resident Janice Ross asked if the Town has a grounds keeper to do this maintenance to the grounds. Supervisor DeCarlo stated this type of work requires procedures not normally done by a Town employee.

SECOND PUBLIC HEARING 7:45 PM:

At 7:45 pm, Supervisor DeCarlo motioned to open the second public hearing for Jay Vacco and Jay Vacco Enterprises, LLC. He asked the Town Clerk to read the Legal notice:

A public hearing will be held at 7:45 pm to consider the Special Use Permit application of Jay Vacco and Jay Vacco Enterprises, LLC to operate a junk and salvage yard 1132 Brant Farnham Rd. within the Town of Brant.

All interested parties will be given an opportunity to be heard during the public hearing.

By order of the Brant Town Board

Dated February 11, 2025

Barbara J Daniel

Brant Town Clerk

Discussion:

Mr. Vacco approached the bench to address the Town Board. He stated he will operate the business like it has always been run. He explained a summary of the way his operation will run. He explained that customers will come in with their scrap items and he will hold the items until he has achieved an entire load for shipping. He stated that when large items come in, he will cut it down to a manageable size with a Torch or a sheer. Councilwoman Giancarlo asked if they will be crushing metal. He stated yes, but usually that is light metal like appliances. Town Attorney Trask then advised Mr. Vacco that storage or processing of fluids such as oil, gas, etc cannot be done on that property. Any engines brought in must already be drained off site in a legal manner. He then suggested he make that known to his customers. He added that "shredder" is not permitted. The equipment permitted include excavators, skids and loaders to move material around. All materials are required to remain below the existing wall height and must not be visible from outside.

Public Comment:

Joanne Kaczmarek: Spoke of three concerns she had based on her past experience with Weitsman:

1. People were pulling in front of her house and dumping gasoline and oil. Her home is next door to the junkyard.
2. They continued making loud noises outside of business hours.
3. Their Spotlights were pointing towards her house all night long.

Benjamin Asboth: Lives across the street from the junkyard and doesn't want to deal with the lights, noise, dust.

David Asboth: Lives down the street from the junkyard. Asked why Brant would want a scrap year. When these people are dropping off their scrap, they do not engage in any other Town commerce. He continued they will go buy their cigarettes and dope on the reservation and go home.

Debbie Asboth: She likes all the conditions put on the application but asked how it will be enforced. She questioned the Board stating that the yard will not be run the same as Weitsman, yet in his introduction, he stated that things will be run the way they always have. She stated she hopes it is not approved tonight.

Scott Gangloff of Hardpan Road: Asked what the hours of operation will be? Nights, weekends? Will the crusher be run on weekends? Sundays? Past 6:00 pm at night? Supervisor DeCarlo replied that the conditions of the permit list the approved hours. He then reminded those present that the current owner has a current Special Use Permit in place right now. The current applicant is a much smaller operation. Mr. Gangloff asked if the permit would need renewal every year. He then questioned the size of the crusher he will be using. Mr. Vacco replied that he will be using the excavator to flatten material. He will not have a crusher. Supervisor DeCarlo answered the hours are 7 am to 6 pm Monday through Friday. On those days, the equipment won't be operated any earlier than 8 am and no later than 5 pm. Attorney Trask advised that Saturday hours will be from 7 am to 4 pm with equipment use to no earlier than 8 am and no later than 4 pm. He continued that the equipment operator will be required to use best efforts to minimize noise and vibrations on Saturdays. Sunday operations are not permitted. He added that the previous operator had larger pieces of equipment that are not being permitted now and there were limited hours on Sunday. Mr. Gangloff addressed one more concern. He stated concern that some of the scrap being brought in may have been stolen, and asked why the Town want that.

Joanne Kaczmarek: Asked who she should contact with problems associated with the spotlights since it happens at night. Attorney Trask replied that if she gets no cooperation from the operator of the facility, she should call the Code Enforcement Officer. He then quoted the condition that covers the lights: *Yard lights will be operated and directed in such a manner to cause no impact on neighboring residential properties*". He added that if contacting Mr. Vacco doesn't solve the problem, then she can contact the Code Officer.

Scott Gangloff: Asked if the yard was going to be expanded in size. Trask stated no. All activity shall remain inside the wall. The only activity allowed outside the wall would be landscaping to improve esthetics.

Paul Schlegel: Asked if the backup alarms will remain. He stated the sound travels quite a way and he doesn't want to hear constant beeping. Mr. Vacco stated he will look into that. He also added that he doesn't need lights on all night long.

Joanne Kaczmarek: Continued to express concern over people dumping oil on her property. Attorney Trask stated that it would be a police or DEC issue.

Supervisor DeCarlo asked If anyone else had comments or concerns. No one spoke. He then motioned to close the public hearing at 8:00 pm. Councilwoman Brady seconded the motion. 4 ayes, 0 nays. MOTION CARRIED.

Supervisor DeCarlo then read the list of conditions that Jay Vacco and Jay Vacco Enterprises, LLC must follow.

Vacco/Vacco Enterprises:

Approval of this SUP will be subject to the following conditions:

1. The hours of operation are limited to the following:
 - 7am to 6pm Monday thru Friday. On these days equipment will operate no earlier than 8am and no later than 5pm.
 - Saturday operation will be from 7am to 4 pm and equipment will operate no earlier than 8am and no later than 4pm. Operator will use its best efforts to minimize noise and equipment operations on Saturdays.
 - No Sunday operations.
2. All equipment and material on-site is to be stored, stacked or piled below the height of the block wall so it is not visible at ground level outside of the facility block walls.
3. No tractor trailers will be inbound after 4 pm; but trucks already at the facility being loaded may be loaded and allowed to exit the facility before closing. Hardpan Road will not be used by trucks entering or exiting the facility and all trucks coming to or leaving the facility will be directed to use Route 249 when routing to or from Route 20.
4. The yard lights will be operated and directed in such a manner as to cause no impact on neighboring residential properties.

5. All operations are to be conducted within the area enclosed by the block wall, fence and gate, as shown on the "as built" site plan dated "7/2016" with no operations conducted in the area running along Hardpan Road and Brant Farnham Road shown on the site plan as "Topsoil and Seeded Areas." Nothing is to be displayed outside of the concrete barriers/walls and gate.
6. The only equipment currently permitted on-site to process scrap will be loaders, excavators and skids to move dumpsters and scrap on-site. Operator must obtain additional approval from Town Board in the form of an amendment to the SUP before introducing other equipment that may negatively impact the neighboring properties, including, but not limited to, scrap or metal crushers or shredders.
7. Applicant/operator will not modify existing site and/or improvements located thereon without first submitting proposed changes to the Town of Brant for approval once the impact of the proposed changes or modifications upon the neighboring residential properties has been assessed and considered. All such changes or modifications shall be presumed to be changes to the allowable use under this special use permit.
8. Applicant will maintain grounds by mowing and trimming every two (2) weeks, weather permitting, during the Spring, Summer and Fall seasons. Traffic views from Hardpan Road turning onto Route 249 to be kept unobstructed.
9. No processing or handling of petroleum or other hazardous materials or products on-site.
10. PRIOR TO ISSUING VACCO SUP:
 - a.) Weitsman must unconditionally surrender its current SUP
 - b.) The SUP must be issued jointly to the new Owner and Operator of the facility with
satisfactory proof of same provided to the Town Code Enforcement Office and
Town
Attorney.
11. SUP is subject to annual renewal.

Councilwoman Giancarlo noted that the permit will require annual renewal and she felt there was no harm in approving it. Supervisor DeCarlo noted that an active Special Use Permit is currently on the property now, and he felt this permit would be more restrictive and better for the neighborhood. She advises the neighbors to let the Board know if they are having a problem that isn't able to be resolved.

At this time, Supervisor DeCarlo motioned to approve the Special Use permit subject to the conditions presented. Councilwoman Brady seconded the motion. A roll call vote was taken: Supervisor DeCarlo -aye, Councilwoman Marien-aye, Councilwoman Giancarlo-aye, Councilwoman Brady-aye. 4 ayes, 0 nays. MOTION CARRIED.

THIRD PUBLIC HEARING 8:00 PM:

At 8:09 pm Supervisor DeCarlo motioned to open the next public hearing. Councilwoman Marien seconded the motion. 4 ayes, 0 nays. MOTION CARRIED.

The Town Clerk read the portion of Legal Notice pertaining to the Michael Donlin Special Use Permit application:

"A public hearing will be held at 8:00 pm to consider the Special Use Permit application of Michael Donlin to construct and operate a breeding kennel at 165 Lotus Point Rd within the Town of Brant. All interested parties will be given an opportunity to be heard during the public hearing.

By order of the Brant Town Board

Dated February 11, 2025

Barbara J Daniel

Brant Town Clerk

Attorney Mike Caffery and applicant Mike Donlin approached the bench to discuss the application. Mr. Caffery explained that he attended a recent Planning Board meeting regarding the Donlin application and knows there are two parts to his application. He explained that the applicant was explained that he will need to apply for a permit to house more than three dogs for a kennel. He then acknowledged the second part of the application which will require Donlin to apply for a variance to operate the kennel. This will require an application to the Zoning Board of Appeals. Town Attorney Trask then asked the applicant to describe his project and explain who is Lotus Point puppies.

Donlin explained that he has a small indoor breeding kennel (with exercise areas outside). He now owns 26 small breed dogs. He added that he created the name Lotus Point Puppies about a year and a half ago. Supervisor DeCarlo asked if he was breeding and selling from that location. He

noted that he has an Ag & Markets license and is currently in good standing. Mr. Caffery interjected that he is representing Mr. Donlin in court right now and stated the prosecutor is awaiting the outcome of the application. The Board asked what the violations were. It was noted that he was charged with "Operating without a permit". Donlin was asked where the dogs are now. He responded that they are still with him but there are no sales being conducted. Attorney Caffery then passed a letter from Donlin's veterinarian regarding his opinion of the breeder and his visit to the kennel.

Discussion regarding the new laws in NYS which do not allow a person to sell dogs they personally have not produced. Mr. Donlin stated he breeds his own dog's and the puppies are from his dogs. His dogs are AKC and ACA. Councilwoman Marien asked when his next court date was. He responded April 23rd.

Attorney Trask advised the Board that the property has recently been put in Mr. Donlin's name. He then advised the applicant and his attorney that any time a special use permit is requested, the property owner and the operator of any facility that will operate under the Special Use Permit must be named on the application and the Special Use Permit.

PUBLIC COMMENT:

Robyn Pratt from Brant Angola Rd: She asked how many dogs are on his property right now. Donlin answered 26 adults and 13 puppies. She asked how many are licensed. Donlin replied they are all licensed. She asked if they are licensed under his name or Lotus Point Puppies. He responded they were originally his but he switched them to Lotus Point Puppies.

Robyn then continued to ask if the dogs were part of a business and asked if that was why he was cited. Donlin stated yes. She stated that she had 18 dogs and was unable to keep up with it unless her family helped her so she is questioning how he is able to keep up with 26 adults and 13 puppies. She asked if he has staff. She named a list of dog diseases that are hard to prevent when many dogs are together such as coccidia, giardia, parvo. She stated Donlin is a commercial breeder because he breeds more than 20 dogs for the purpose of income.

Councilwoman Giancarlo asked if he produces one breed of dog. Donlin stated he has different breeds. Robyn Pratt interjected that his website lists that Designer breeds which she stated no reputable breeder would ever breed. Donlin responded that designer dogs are in demand.

Debra Ritz, Planning Board Chairman: She advised the Town Board that the Special Use Permit being considered tonight is simply for the kennel. She continued that if Mr. Donlin is going to sell puppies, he will need a variance because that would be a commercial operation happening in a residential area. She continued that a special use permit will not allow him to run a commercial operation. Attorney Trask reiterated Ms. Ritz statement that the applicant will need a Use Variance to operate his business from his Rural Residential property. Trask also noted that an Area Variance would also be required because of inadequate setbacks.

Supervisor DeCarlo explained that this Special Use Permit should be tabled until Mr. Donlin applies for the dual variances. An Area Variance and a Use Variance would be necessary to be able to move on to consider the Special Use Permit.

At this time, no vote will be taken. Attorney Trask advised the differences between the Special Use application and the Variance applications which require notification of neighbors. If the applicant is approved on the variances, the Town Board will revisit his Special Use Permit application.

Supervisor DeCarlo motioned to close the public hearing at 8:27 pm, seconded by Councilwoman Marien. 4 ayes, 0 nays. MOTION CARRIED.

NEXT MEETING DATE: Supervisor DeCarlo announced the next regular Town Board meeting will be Tuesday April 8, 2025 at 7 PM.

Councilwoman Giancarlo announced the Town of Brant will be turning 186 years old on March 25, 2025.

PRIVILEGE OF THE FLOOR:

Janice Ross wanted to thank Officer Rick Lopez the Brant Police for noticing a package being outside while she was out of town. He moved the package to a secure, weatherproof area.

Pete Nelligan, representative of Lake Shore Storm Softball, wanted to advise the Town Board that they want to get the baseball field up and running for the season to use it as their home field. He also stated they will be playing during the Brant Summer Festival. Supervisor DeCarlo stated they already gave them the approval. He added that he just wants their insurance certificate. Pete then asked if the Town could provide some help in the project to get the field ready. Supervisor DeCarlo advised Pete to let him know when they wish to meet, and Mark will bring the Town's Building and Grounds person to the meeting. Pete would also like to have a food stand as a fund raiser.

At 8:30 PM Supervisor DeCarlo motioned to Adjourn the meeting, seconded by Councilwoman Brady. 4 Ayes, 0 Nays **Motion Carried.**

Respectfully submitted by,

Barbara J Daniel, Brant Town Clerk