

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, May 28, 2014 at Clarence Town Hall, One Town Place, Clarence, New York.

Deputy Supervisor Lawrence Meckler called the meeting to order at 6:00 P.M. Supervisor Hartzell was absent. Members of the Town Board present were Councilmember's Bernard Kolber, Patrick Casilio, Peter DiCostanzo and Robert Geiger. Other Town Officials present were Director of Community Development James Callahan, Junior Planner Jonathan Bleuer, Town Engineer Timothy Lavocat, Senior Building Inspector David Metzger, Planning Board members Wendy Weber-Salvati and Paul Shear, Confidential Secretary to the Supervisor Karen Jurek, Director of Administration and Finance Pamela Cuvillo and Deputy Town Attorney Steven Bengart.

Director of Community Development James Callahan

Public Hearings:

A public hearing is scheduled for 7:45 PM to consider the acquisition of vacant property located on the north side of Clarence Center Road, west of Kraus Road, south of Keller Road and east of Herr Road within the Residential Single Family and Agriculture Rural Residential Zone and partially within Clarence Sewer District #2. Applicant is proposing to sell the land under the Town Green Print Program and as Town Recreation Land. The Town Board has final approval authority for real property acquisition and for funding such acquisitions. A purchase agreement has been agreed upon in principal, the Town Board must authorize the final purchase agreement.

A public hearing is scheduled for 7:50PM to consider the formation of an Open Space Design Overlay for the proposed Northwood's Subdivision located on the north side of Greiner Road, south side of Roll Road between Shimerville and Thompson Roads. The applicant is proposing to develop a 150+/- lot Open Space Design Subdivision on existing vacant land consisting of 118+/- acres located in the Residential Single Family Zone. Per the Zoning Law, the Town Board has final approval authority to create an Open Space Design Overlay Zone. Details as to Recreational Trails, sidewalks, setbacks and drainage access have been recommended by the Planning Board.

James Callahan said that the resolution states that maintenance of sidewalks is the responsibility of the established Homeowners Association. Planning Board member Paul Shear said that side walk maintenance does not include snow removal. Councilman Casilio is not in favor of sidewalks on one side of the road.

Formal agenda items:

Essex Homes of WNY – Essex Greens at Waterford

Applicant is seeking Final Plat approval for Phase I of the Greens identifying 34+/- patio home lots on private roads. The proposed site is located on the north side of Roll Road, west of Dana Marie Parkway within the previously approved patio home section of the Waterford PURD. Final plat and map cover filing is the final stage of public review by the Town Board. The Town Engineer will need to ensure that the final as-built construction meets town specifications. The Town Engineer has forwarded an acceptance of the construction with conditions.

Simon Yu 10647 Main Street

Applicant is proposing to construct a new commercial structure at existing vacant land (recently demolished structure) located on the south side of Main Street between Ransom Road and Sawmill Road in the Clarence Hollow TND and Overlay District. Per the Zoning Law, the Town Board has final approval for new construction within the TND. Referral to the Planning Board will initiate a formal review of the project.

Day in the Park 10405 Main Street

Applicant is requesting a Fireworks Display Permit for the annual Day in the Park event. All required bonds, insurance, fees and Fire Chief approvals are on file.

Metzger Civil Engineering/Ralph Lorigo 5731 Transit Road

Applicant requests site clearing, filling and grading permit as it related to mitigation in advance of his proposed mixed use development project.

James Callahan reminded the Town Board of the Agriculture Farmland Protection Committee meeting Thursday, May 29th at 4PM.

Deputy Supervisor Lawrence Meckler

Deputy Supervisor Meckler has two Attorney-Client items to discuss in Executive Session as well as the proposed acquisition of real property and pending litigation.

Councilman Bernard Kolber

- Proclamation declaring June 8, 2014 as Cherie Ansuini Day in the Town of Clarence
- Authorize and direct Supervisor Hartzell to accept funds from the NYS Office of Parks, Recreation and Historic Preservation in an amount not to exceed \$500,000.

Councilman Patrick Casilio

- Authorize the Supervisor to sign the KVS Information Systems, Inc. Agreement for the purchase of the Springbrook V7 Payroll Software
- Motion in support of the preparation and submittal of the grant application to the NYS DOT Alternatives Program for the installation of sidewalks along Clarence Center Road from Herr Road to Memorial Park
- Councilman Casilio will announce the resignation of Tony Haas from Town Security

Councilman Peter DiCostanzo

- Remove Adam Terragnoli, Kevin Layer and Mariss Mogavero from the position of Lifeguard PT-Seasonal. They have decided to accept employment elsewhere
- Appoint several Lifeguard PT Seasonal effective June 1, 2014
- Correct the rate of pay for Elizabeth Kreppel from \$10.28 per hour to \$11.18 per hour
- Appoint Jeffrey Buckley to the Ethics Board effective May 29, 2014
- Change effective date of appointment for John Ptak, Laborer PT/Seasonal employee in the Parks Department from June 9th to May 27, 2014
- Appoint several applicants to the position of Recreation Attendant PT Seasonal for the Recreation Department for Summer 2014 effective June 21, 2014

Three appointees have not submitted their Annual Disclosure form. If not submitted by June 11th, a motion will be made to remove them from their respective committees.

Councilman Robert Geiger

- Authorize the Supervisor to sign the 2014 Youth Agreement between the County of Erie through the EC Department of Social Services and the Town of Clarence and to sign the EC Request for Proposal (RFP) for the 2015 Youth Development Programming Grant

Currently there are no specific agenda items for the June 4, 2014 morning Work Session. Unless something is brought up before Friday, the morning Work Session will be cancelled.

Motion by Councilman Kolber, seconded by Councilman Casilio to enter into Executive Session pursuant to § 105 (1)D discussion regarding pending litigation, §105(1)F the employment history of a particular person, 105(1)H the proposed acquisition of real property and several Attorney-Client items. James Callahan and Tim Lavocat were asked to remain in the meeting. Upon roll call – Ayes: Councilman Geiger, Councilman DiCostanzo, Councilman Casilio and Councilman Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

There being no further business, the Work Session adjourned at 6:15PM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Councilman Casilio, seconded by Councilman Kolber to adjourn the Executive Session at 7:25PM. Upon roll call – Ayes: Councilman Geiger, Councilman DiCostanzo, Councilman Casilio and Councilman Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, May 28, 2014 at the Clarence Town Hall, One Town Place, Clarence, New York.

Deputy Supervisor Lawrence Meckler called the meeting to order at 7:30 p.m. Pledge to the flag was led by Councilman Bernard Kolber, followed by a prayer read by Councilman Geiger.

Members of the Town Board present were Council Members Robert Geiger, Peter DiCostanzo, Patrick Casilio, Bernard Kolber and Deputy Supervisor Meckler. Supervisor David Hartzell, Jr. was absent. Other Town officials present were Director of Community Development James Callahan, Deputy Town Attorney Steven Bengart, and Town Engineer Timothy Lavocat.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo to accept the minutes of the work session and regular meetings held May 14, 2014. Upon roll call – Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Councilman Kolber said he has a proclamation to present to Cherie Ansuni, Principal of Nativity of the Blessed Virgin Mary School who is retiring after 40 years of service. We have declared ***June 8, 2014 as “CHERIE ANSUINI DAY” in the TOWN OF CLARENCE.***

Motion by Councilman Kolber, seconded by Councilman Casilio to adopt the following resolution:

Be it Resolved, that David C. Hartzell, Jr., as Supervisor of the Town of Clarence, is hereby authorized and directed to accept funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993, in an amount not to exceed \$500,000.00 and enter into and execute a project agreement with the State for such financial assistance to the Town of Clarence for the Clarence Historical Museum Roof Rehabilitation Project and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property; and be it further

Resolved, in accordance with the requirements for application for funding from the New York State Office of Parks, Recreation and Historic Preservation, that the Town of Clarence hereby reaffirms the Master Plan, “Town of Clarence New York Master Plan 2015”, adopted in 2001 including any and all amendments to date, as the official land use planning document of the Town of Clarence.

Upon roll call - Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Councilman Kolber said he has been working with our Highway Superintendent and Legal Department regarding Conner Road. It has been pitched as a .8 mile road to nowhere. However, it serves as part of a north/south connection from Wehrle Drive to County Road. The County seems to have taken the approach that they are not going to do anything until we accept ownership of the road. He personally does not want to do that. The County has \$500,000 in their budget this year to do maintenance work. Our Highway Superintendent has price quotes to mill and resurface that road that are well within that amount. We are pressing the County to handle their responsibility.

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize the Supervisor to sign the KVS Information Systems, Inc. Agreement for the purchase of the Springbrook V7 Payroll Software for an amount not to exceed \$23,361.00, subject to review and approval by the Town Attorney’s Office.

On the question, Councilman Casilio said the funds for the Software are budgeted for in the 2014 computer account.

Upon roll call - Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to adopt the following resolution:

Whereas, the Town Board of the Town of Clarence expresses its support for the preparation and submittal of the grant application to the New York State Department of Transportation (NYSDOT) Transportation Alternatives Program (TAP) Grant Program for the following project:

Installation of sidewalks along Clarence Center Road from Herr Road to Memorial Park; and

Whereas, upon notice of funding, to authorize the Supervisor to enter into a formal agreement with the New York State Department of Transportation for reimbursement of project costs; and

Whereas, these improvements will create a safer environment for pedestrians of all ages and abilities, will remove barriers to walking, will improve safety for students who walk or bike to school, and will encourage walking and biking as healthier alternatives to motorized transportation by creating a contiguous route to serve trips that could otherwise be made by motorized vehicles.

Now, therefore, be it

Resolved, that the Town of Clarence also expresses its commitment to provide a combination of cash and in-kind services to equal at least 20 percent of the total project costs in order to meet the non-federal share requirements of this grant program, to streamline the project, and to ensure its completion in a timely manner for the benefit of the traveling public. In addition, the Town of Clarence is willing to accept responsibility for the project development in accordance with Federal requirements.

Upon roll call - Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Councilman Casilio announced that Erie County is hosting a Hazardous Waste Drop-off Day on June 14th at Erie Community College South Campus in Orchard Park from 9am to 2pm.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to remove Adam Terragnoli, Kevin Layer, and Marissa Mogavero from the position of Lifeguard PT-Seasonal for 2014 as they have decided not to accept employment with the Town for 2014 to take internship positions required for their college curriculum or accept positions elsewhere. On the question, Councilman DiCostanzo said this happens quite often. The kids find other jobs. Upon roll call - Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to appoint the following to the position of Lifeguard PT Seasonal subject to receipt of all pre-employment paperwork and pre-employment requirements being met effective June 1, 2014 at the rate of \$10.28/hr.: Kaitlyn Alcazaren; Rachel Bengart; Amanda Collins; Tanner Geiger; Lauren Moore; Marissa Saenger; Sunita Singh; Jeffrey Terragnoli; and Maddy Tryjankowski. Upon roll call - Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to correct the rate of pay for Elizabeth Kreppel from \$10.28 per hour to \$11.18 per hour. Upon roll call - Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to appoint Jeffrey Buckley to the Ethics Board effective May 29, 2014 with a term to expire on December 31, 2014.

On the question, Councilman DiCostanzo said this appointment is being made to fill one opening due to the resignation of Elaine Rowley.

Upon roll call - Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to appoint the following applicants to the position of Recreation Attendant PT Seasonal for the Recreation Department for Summer 2014 at the rate of \$8.11 per hour effective June 21, 2014 and subject to receipt of all pre-employment paperwork and pre-employment requirements being met: Anneliese Bienko; Brock Delgato; Luke Hoffman; Daniel Huben; Paul Martucci; Adam Moran; Kelly Quinn; and Vincent Taverna. Upon roll call - Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman Geiger, seconded by Councilman Casilio to authorize the Supervisor to sign the 2014 Youth Agreement between the County of Erie, through the Erie County Department of Social Services, and the Town of Clarence and to sign the Erie County Request For Proposal (RFP) for the 2015 Youth Development Programming Grant.

On the question, Councilman Geiger said the Youth Development Programming Grant paperwork will continue to be submitted to the State but Erie County will determine the amount that will be awarded. This is a reimbursable program.

Upon roll call - Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Councilman Geiger thanked everyone who attended the Chivetta's Chicken Barbeque put on by the Clarence Hollow Association following the Memorial Day Ceremony.

Councilman Geiger said he is presenting a proclamation to Main Mobility on Main Street to celebrate their 30th Anniversary and dedicate *May 29th as Main Mobility Day in the Town of Clarence.*

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to change the effective date of appointment for John Ptak, Laborer Part Time/Seasonal Employee in the Parks Department, from the June 9, 2014 to May 27, 2014 at the rate of \$8.61 per hour. Upon roll call - Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

A Public Hearing was held to consider the purchase of approximately 170 +/- acres of vacant land located between Kraus Road and Herr Road at a price not to exceed \$2,500,000. James Callahan said the property is generally located north of Clarence Center Road, west of Kraus Road, south of Keller Road and east of Herr Road consisting of vacant land in the Agricultural Rural Residential and Residential Single Family Zoning classifications and partially within Clarence Sewer District No. 2. The Town is considering acquiring the property for recreation, as well as, the maintenance of agricultural uses. Kathleen McCormick of the WNY Land Conservancy is present to further detail the description of the property.

Kathleen McCormick said from the Land Conservancy's point of view this is very important land partially due to the large amount of frontage. It is also very valuable agricultural land as it has only been farmed in its history. It is less than a mile from another protected farm. The soils are the highest rated soils by the USDA. Currently, there are 151 acres being farmed for corn, hay, soy, winter wheat and a small vegetable and garlic patch.

Ms. McCormick said there are Federal wetlands on the property, which is an important habitat. There is a large drainage ditch through the property. Forested wetlands have among the highest number of different types of species. There are hedgerows along the edges that are also good habitats for birds.

Ms. McCormick said this farm has ranked the highest of the farms that have been preserved so far. Agriculture has been identified as one of the economic drivers in Erie County. It is valuable from a recreational point of view. The recreational bike path passes through it with beautiful views. The silo still standing on the property has historic value as it is an old style with tile siding.

Councilman Kolber said the range of ranking is from 0 to 100.

Ms. McCormick said the highest we have had is 85. The high development pressures of the location rank it high. The natural resource ranking was low because of the lack of habitat because it is farmland. The forested wetland and drainage ditch are valuable for the entire Town because they help control the quantity and quality of the water flow.

Councilman Kolber said when we take over property for the greenprint program, it must remain in its current state. If it is farmland, it stays as farmland. This is one of the last large pieces of land.

Deputy Town Attorney Bengart said the owners of the property propose to donate five acres of land for the purpose of recreation, which they would like to see used for football.

Councilman Kolber said there is a portion that may be designated for recreation, with the majority to remain agricultural.

Councilman Geiger asked if the five acres was in addition to this proposal. Mr. Bengart said it is.

Councilman Casilio said this is the essence of the greenprint program. This will be 175 acres in "downtown" Clarence Center that will remain as it is. He does not think it gets any better than that as far as the program goes.

Michael Powers said he would like to thank the Board and the residents of this Town. None of this could have been done without that support. The greenprint came about as a public referendum so the people could vote because it is their money. It was passed by 70% of the voters and everyone has stuck with it. He also thanked Mr. Cimato for the donation of the land for football or other recreation. Some of the land will not be purchased with greenprint money because of the proximity to Memorial Park and the possibility of using the infrastructure to help with recreational needs.

Speaking to the subject:

Bill Arnold said the silo is practically in his backyard. He understands that the property would remain as is, but wonders if it could be cleaned up. There is a barn that is falling down, an open well and a few pitfalls that could be cleaned up.

Mr. Bengart said that with every purchase the Town does several studies. One being a base study that lays out how the property currently exists. An archeological study and environmental study are done that will address those things.

Mr. Arnold said now that the Town could be taking it over, he wanted to bring out these safety concerns.

Sherry Frost, executive director and Mike Neelon, president of the Clarence Soccer Club were present. Mr. Neelon said he would like the Town to consider setting aside some of this land for an indoor training facility or an outdoor artificial turf facility for multi-use sport purposes. The advantage of this is the proximity to the current location of the soccer center in Memorial Park.

Mr. Neelon said they are constantly evaluating the needs of the 1500 – 2000 members. They have issues with scheduling when the weather is bad. It would benefit many sports and allow them to extend seasons in the spring and fall.

Councilman Kolber said they have talked about a training center at the current location.

Mr. Neelon said they have looked at several options.

Sherry Frost said it was deemed by the Town not to be feasible at the soccer center. A final decision was never made.

Councilman Geiger said he thought it had to do with financing.

Sherry Frost submitted a letter stating their thoughts for consideration.

Felice Petruzzo said he lives on Conner Road and he is concerned about safety because Conner Road is a disaster. The ditches are so deep that they look like a river. School buses carrying children go down there every day. He suggests that instead of buying land, the Town should fix the road before something bad happens. Half of his land is flooded. We have so many parks in Clarence already. We should fix the road first and the rest goes after. Mr. Petruzzo said please, please do something about Conner Road. The Town of Clarence has to step in and do something before kids get killed.

Councilman Casilio said greenprint money cannot be used to fix roads.

Councilman Kolber said it is a County road and our Highway Superintendent is trying to negotiate with the County. They have money set aside for that road and they will not use it.

Deputy Supervisor Meckler said Conner Road is a priority for the Town Board and we are trying to work with the County and make it a priority for the County. His comments are heard and it is an absolute priority.

Linda Costanzo asked if all the property is being farmed and if the Town takes it over, is it still going to be farmed.

Councilman Kolber said it would be leased to the farmers to continue their farming. They would pay the Town.

Ms. Costanzo asked if they cut down on the farming and allow the soccer center to use some of it; while also bringing in some forest growth into it.

Councilman Kolber said we have to look at what will be purchased with greenprint money and what will be purchased for recreation. The portion purchased with greenprint funding locks it into the program. Councilman Kolber said he wonders if the areas identified as shrub remains and goes through its natural succession. If so, it will develop on its own over time.

Ms. Costanzo said it is a small section of it and she thinks it is important to bring it back.

Councilman Kolber said there are very specific guidelines for greenprint funding.

Mr. Bengart said a conservation easement would be placed on the land to protect it forever. The terms of the conservation easement could cover natural growth. You would not necessarily plant trees, just allow it to grow out naturally.

Linda Costanzo said it should be made clear. It seems that only a few benefit if most of it is agricultural. She is a conservationist and she would like to see at least a third of it left to turn back to its natural state.

Kathleen McCormick said we could dedicate part of it to become natural. You can put in provisions to have it mowed every few years or allow the natural succession to occur. There may be areas that this would be appropriate. Once the baseline is done, we will know the property better and then make the determinations.

Carol Conwall said she thinks it is a great idea. As Historic Preservation Month comes to an end, she proposes to the Town Board to stimulate thought on what is it going to take to protect the remaining historic Riegle farm from distinction. She submitted a letter to the Recreation Advisory Committee regarding this. Now we have this historic silo on this property. She is just putting it out there for thought.

Loretta Schabel asked where the five acres being donated is located. James Callahan said the southern end of the property near Memorial Park.

Shawn Daoust said he owns a lot on Kraus Road and this property drains on to his property. He expects to build on that site and would like to know if there will be any drainage work done. It goes across his land over to Keller.

Town Engineer Timothy Lavocat said that area has a history of flooding and that is probably the lowest lot on that road. It is the low lying area and that is where the water goes.

With no one else speaking to the subject, motion was made by Councilman Kolber, seconded by Councilman Kolber to close the Public Hearing. Upon roll call - Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to adopt the following resolution:

Be it Resolved that after a public hearing duly held on May 28, 2014, and after all interested parties having been heard, the Clarence Town Board approves the purchase by the Town of Clarence of approximately 170 +/- acres of vacant land located on the west side of Kraus Road, east side of Herr Road between Clarence Center Road and Keller Road, SBL No. 44.00-4-3, SBL No. 44.00-4-4 and SBL No. 44.00-4-20.11 in the Town of Clarence, Erie County, NY at a purchase price not to exceed \$2,500,000.00 plus any closing costs and disbursements, for open space/recreation purposes. Funds to be allocated from the open space bond resolution, General Fund and/or Recreation Fees and to authorize the Supervisor to sign a contract for the purchase of said real property subject to review and approval by the Town Attorney's office.

On the question, Councilman Kolber said it is a lot of money, but the people voted in favor of the greenprint program to preserve the open land that identifies our town.

Councilman Casilio said the supervisor is not here tonight, but he believes that he is in favor of this purchase. He will encourage him to comment when he does return.

Upon roll call - Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Deputy Supervisor Meckler thanked everyone who worked so hard on this purchase for the Town.

Councilman Casilio thanked the Board for standing behind the Recreation Committee and doing what the voters voted for.

A Public Hearing was held to consider the formation of an Open Space Design Overlay for the proposed Northwoods Subdivision located on the north side of Greiner Road, east of Shimerville Road and an extension of Clarence Sewer District No. 6 to the boundaries of the overlay. James Callahan said the property is located north of Greiner Road, east of Shimerville Road, west of Thompson Road and south of Roll Road consisting of vacant land in the Residential Single Family Zone. Determination under SEQR has been finalized and the Planning Board forwarded a recommendation.

Jeff Palumbo, attorney, Fred Cimato, applicant and the engineer from Passero Associates were present. Every possible environmental impact has been looked at. They ask for approval of the design as submitted and consider extension of the sewer district as requested.

Councilman Casilio asked if they were in agreement with the sidewalk change.

Mr. Palumbo said they said all along that they did not feel they were appropriate. They have no objection if they are removed. The bike paths would remain as is.

Councilman Casilio said now we have a commitment on the bike path that was not in place before. He had a problem with sidewalks on only one side of the road.

Councilman Kolber said it is late in the game, but it has been brought up by a couple different parties about trying to relocate lots in order to retain the view shed to the historical property next to it. He is not sure if it can be done or not. He is talking about the lots off of Greiner.

Jeff Palumbo said there has been much debate over this. There really is no other good place to put these lots. They eliminated the lots within 200 ft. of Greiner Road to maintain the vista. They have done everything that was asked and he hates to make a design change at this late date.

Speaking to the subject:

Ismet Hallac said he would like to see the open space remain as open space.

James Callahan said this is the plan and what is shown is what it will be. No more lots can go there.

The open space will be owned by the homeowners association. Mr. Cimato said he has no problem labeling it as such.

Councilman Casilio said about 50% of the site will remain open space.

Thomas Steffan, member of the Historic Preservation Commission said they want to make sure that the vista of the Lapp Farm is kept open. It is a very historic farm with one of the oldest barns constructed in Erie County. It is clearly a structure that could become a national landmark, but you have to be able to see it. His concern is with lots 150 and 151.

Councilman Kolber suggested moving them to another location. Mr. Palumbo said it is too close to the crossover the creek. They are not blocking anything. They have done their best to preserve the vistas.

Linda Costanzo has a concern for her neighborhood on Brookfield Lane trying to get out onto Greiner Road.

James Callahan said the entrance is directly across from Brookfield Lane. This went through an environmental impact study and it was determined that there was no level of service being impacted. The other exits include Country Club Drive to Shimerville Road and Roll Road.

Tom Fini said he wrote a letter to the Planning Board last year regarding the creek. After a hard rain, it does flood a portion of his property. His concern is all the houses and pavement going in will add to that problem.

Town Engineer Timothy Lavocat said the State standards require analyzing a 100 year storm. The drainage is constructed to be able to handle the large event on the site so it does not impact the receiving streams.

Darren Doell said he opposes the 20 ft. wide easement for a recreational trail. They feel that once the Town acquires the easement over the sewer line, it opens up for a trail all along. They feel it would be extremely intrusive to them. It would be within 15 ft. of his home. Last April they were told that the bike path along the sewer line was a dead issue. He asked that some consideration be made to them.

Deputy Supervisor Meckler said it was discussed extensively at the Planning Board meetings. There are no immediate plans with respect to that easement. The sewer will eventually be turned over to the Town.

Councilman Kolber said when you are planning for the future you want to have options.

Wendy Salvati said she endorses the thought to move lots 150 and 151 elsewhere in the subdivision. Preserving community character is about preserving sense of place and people's sense of identity. When things start to change around people, they react to that change. When they see views get lost and things disappear, they react to that with a sense of loss. She believes that the preservation of historic buildings and landscapes are important to the character of the community. We can grow without losing things that are important. She encourages the Board to preserve the views to the farm.

There was further discussion of the possibility of moving the lots.

Jeff Palumbo said he does not think they are degrading any views. This plan is the recommendation from the Planning Board.

Tim Pazda said the Planning Board was not allowed to talk about those five houses when it went back. They could only discuss bike paths and recreation trails. It is not too late to change anything, because the concept plan has not been approved yet. The vista is preserved for those on Greiner, but what about Country Club. They deserve a vista as well. Those two houses block the view of the farm. It is up to the developer to redesign it, not the Town Board.

Mike Lex said it is very troubling to have a cross-intersection so close to the Shimerville and Greiner intersection. He believes it will cause problems and change the character of Brookfield Lane. He is concerned about the flooding that happens now will increase during heavy rains. He also agrees with the historical significance of the barn and would not like to see that view changed.

Carol Cornwall said it has been mentioned that once the houses are built, people will not want to see the barn in their backyard. She thinks the Town needs to put a value on our heritage. She asked if the Town can purchase the farmstead from Mr. Hallac so that it remains protected forever. What do we need to do to protect this from houses butting up to this farm?

Mr. Hallac said people are welcome to come and look at the barn to see what it is all about. He believes this project should go back to the drawing board and try to save something that is important to this town. He has tried to keep it the way it is. We should protect something that has been here for over 200 years.

Dave Horbinski said he spoke at the last meeting objecting to the recreational trail going along his property from this subdivision. The original easements for the Heise-Brookhaven sewer trunk were for the sewer and never intended to have a recreational trail put on it. He hopes the Town Board maintains that view in the future. It may not mean anything in 100 years, but it means a lot to those who live here now.

Don Schultz said the Town had the chance to buy that farm and the land years ago. They did not come up with the money and Mr. Hallac came along and bought it. He has done a good job preserving it. He admires him for doing that.

Councilman Kolber said he thought the Town tried to buy and the seller would not sell it to the Town. It was one of the first properties they tried to buy under the greenprint project. The developer purchased this property and had the agreement in place for the sewer taps as part of the Heise-Brookhaven Sewer Agreement. This was done prior to his being on the Town Board. We have to be fair to all people. Nobody wants to see more development, but it is a reality. We have to try to do it in the best possible way with the least impact.

Jeff Palumbo said the only thing that makes sense is to move the lots to the other side of the roadway from where they are.

Councilman Kolber said then you are getting closer to Greiner Road.

Councilman Casilio said you could also move the recreation trail to the other side where the houses were. We could pull these two lots and work it out at a later date.

Mr. Palumbo said they would like to get this approval tonight. They will continue to work with the Town on this but there are not a lot of options.

Mary Aldrich said there are four homes proposed going in her backyard on Shadyside Drive with this development. She is disgusted that the Board is allowing these many homes to be put in. She has 1½ acres of open area around her home in an estate type setting. She will be looking at a wall of homes. She did not think that this was what Clarence was supposed to be about. She is disappointed. The classes at the high school are overcrowded and she looks at that too.

Councilman Kolber said the developer has certain rights with ownership of property. It meets all of the zoning codes. It is an open space design which allows for a buffer around it, rather than have the lots consume the entire property. The buffer from the back of her lot is 100 ft. to 125 ft.

With no one else speaking to the subject, motion was made by Councilman Kolber, seconded by Councilman Geiger to close the Public Hearing. Upon roll call - Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to adopt the following resolution:

Be it Resolved, that after a public hearing duly held on May 28, 2014, and after all interested parties being heard, the Clarence Town Board approves the request of the applicant for the formation of an Open Space Design Overlay for the proposed Northwoods Subdivision located on the north side of Greiner Road, east of Shimerville Road and approves an extension of Clarence Sewer District No. 6 to the boundaries of the overlay subject to the following conditions:

1. As depicted in the Attached Exhibit A and further described as follows:
 - a. Applicant clears, boxes and stones the recreational trail from Roll Road, opposite Dana Marie Parkway, adjacent to and within the right of way of Road D from Roll Road along the east side and extending to the southern side of the Sun Oil Pipeline Easement. The required separation from the access road to be a minimum of ten (10) feet of grass area from the curb of Road D. Recreational trail standards to be 10' wide with 2' shoulders and the minimum depth of the stone base to be 6" as verified and approved by the Town Engineer.
 - b. Applicant clears, boxes and stones the recreational trail from Greiner Road, opposite Brookfield Lane, adjacent to and within the right of way of Road A from Greiner Road along the west side and extending north to Road B. The required separation from the access road to be a minimum of 10' wide with 2' shoulders and the minimum depth of the stone base to be 6" as verified and approved by the Town Engineer.
 - c. A 20' easement to be provided for construction of a future recreation trail along the north and west side of sublots 81 through 87 and sublots 135 through 145, connecting the Road A recreation trail with the Road D recreational trail (a striped street crossing with signage, as approved by the Highway Superintendent on the required Road D trail crossing).
 - d. A 20' easement to be provided for construction of a future recreation trail from Road D to the east property line of the project along or adjacent to the Heise-Brookhaven Trunk Sewer Line Easement.
 - e. Removal of Sidewalks shown in blue on the drawing.
 - f. Maintenance Roads within access easements for drainage facilities to be constructed by the developer and approved by the Town Engineer.
 - g. Home Owners Association Agreement to be provided to the Town Attorney's office for review and approval and once approved to be recorded in the Erie County Clerk's office with a filed copy to be provided to the Town Attorney.
2. Minimum side yard setback requirements to be 6.5' for all lots.
3. Applicant agrees to pay the Recreation Fees of \$68,000.00 in lieu of providing completed recreational amenities on the project.
4. Applicant agrees to resolve the layouts of lots 150 and 151 at a later date to be approved by the Town Board.

Be It Further Resolved, that Clarence Sewer District No. 6 be extended per the Map, Plan and Report dated March 2014 prepared by Passero Associates.

Upon roll call - Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Essex Homes of WNY requests Final Plat Approval for Phase I of Essex Greens at Waterford for 34+/- patio home lots on private roads within the Waterford Planned Unit Residential Development (PURD). James Callahan said the location is the north side of Roll Road and west of Dana Marie Parkway. This is the first phase of Essex Greens consisting of 34 patio home lots.

Sean Hopkins, attorney and Susan Ballard from Essex Homes were present. Mr. Hopkins said development plan approval was given last year and this is basically the same plan. He understands that there is a condition set by the Town Engineer and they are in agreement.

Motion by Councilman Kolber, seconded by Councilman Geiger to adopt the following resolution:

Be It Resolved, the Clarence Town Board grants the request of the applicant, Essex Homes of WNY, for Final Plat Approval for Phase I of Essex Greens at Waterford for 34 +/- patio home lots on private roads within the Waterford Planned Unit Residential Development (PURD), subject to the following conditions:

1. All conditions as approved by the Town Engineer.
2. The Top Course of Pavement is required to be installed on all paved surfaces prior to issuance of Private Improvement Permits for any subsequent phases.

Upon roll call - Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Simon Yu requests Concept Review of proposed addition to existing commercial structure at 10647 Main Street. James Callahan said the location is the south side of Main Street, west of Ransom Road consisting of commercial property in the Traditional Neighborhood District and within the Clarence Hollow Overlay. The applicant is proposing to redevelop the property following a recent demolition. Referral to the Planning Board will commence a formal review of the project.

Simon Yu said they would like to expand the current restaurant and expand the parking area.

Motion by Councilman Kolber, seconded by Councilman Casilio to refer the request for Concept Review of proposed addition to existing commercial structure at 10647 Main Street to the Planning Board for review. Upon roll call - Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio to approve the request for a Fireworks Display Permit to the Day in the Park Committee for the Annual "Day in the Park" Fire Works Display at 10405 Main Street on June 28, 2014.

On the question, Councilman Kolber said all the appropriate paperwork and fees have been received. Upon roll call - Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to approve the following: Clubhouse Applications: A. Hollows at Loch Lea – June 17, 2014; B. Clarence Concert Association - July 6 & 20, 2014; C. Clarence Women's Club – July 21, 2014; D. Erie County Board of Elections – Aug. 4 & 5, 2014; Legion Hall Applications: A. Jaclyn Washburn – June 29, 2014; B. Clarence Little League Football – July 26, 2014; C. Marie Cahlstadt – Nov. 29, 2014. Upon roll call - Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio that after proper audit and review by the Town Board, the following bills of May 22, 2014 are approved for payment: General Fund - \$358,347.78; Highway Fund - \$84,768.44; Water District - \$1,351.92; Central Alarm - \$253,971.93; Fire Protection Districts - \$8,630.29; Drainage District - \$1,270.28; Lighting Districts - \$809.85; Sewer Districts - \$200.00; Capital Fund - \$3,652.00; and Trust & Agency 203 - \$5,252.50 for a total amount of \$718,254.99. Upon roll call - Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

"For the Good of the Town"

Ray Skaine said he has seen six accidents, two of which were serious at Thompson and Greiner Roads. We have got to do something about that intersection. He has gone to the State

Police and to the Sheriff's Department and no one can give him the number of accidents that have occurred there last year. There has been one death. He asked the Town Board to please do what they can to get the County to do something.

Councilman Kolber said the plan would be for a traffic signal. They will not put in a four-way stop sign system. He will prepare a motion for the next meeting and talk to the Highway Superintendent to put on some pressure.

James Callahan said that as part of the Spaulding Greens environmental impact statement, the developer of Spaulding Greens is required to provide the mitigation for Thompson and Greiner. They have talked to the County traffic engineer about the timing of it and it is up to the developer of Spaulding Greens to put up that signal with the County determining the timeline. It is a matter of putting pressure on the County to get the developer to do it.

Councilman Kolber said Spaulding Greens is half built out and it is time. He will have the Highway Superintendent contact the County. He also will not approve any more phases of Spaulding Greens until we have an answer.

There being no further business, Deputy Supervisor Meckler adjourned the meeting at 9:32 p.m.

Nancy C. Metzger
Town Clerk

