

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, December 4, 2013, at Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David Hartzell called the meeting to order at 6:00 P.M. 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 Attorney Lawrence Meckler, Town Engineer Timothy Lavocat, Senior Building Inspector David Metzger, Confidential Secretary to the Supervisor Karen Jurek, Director of Administration and Finance Pamela CuvIELLO and Planning Board Chairman Robert Sackett.

### **Director of Community Development – James Callahan**

#### *Public Hearings:*

Tim Horton's Restaurant 9220 Main Street

A Public Hearing is scheduled for 7:45PM to consider the request by Tim Horton's for a Temporary Conditional Permit for outside dining at existing restaurant located on the northeast corner of Main Street and Thompson Road in the Commercial Zone. Per the Zoning Law, the Town Board may consider the use with a Temporary Conditional Permit. The proposed area is located within the front yard setback and adjacent to drive-thru lane to accommodate approximately 5 tables and 20 chairs.

#### *Formal Agenda items:*

Mike Basil 10780 Miland Road

Applicant is proposing a fireworks display for December 22, 2013 at his residential property located on the north side of Miland Road, east of Salt Road in the Agriculture Rural Residential Zone. Per the NYS Law, the Town Board has authority to issue fireworks display permits. All necessary paperwork has been filed.

Joel Castlevetere 4840 Goodrich Road

Applicant is seeking approval to create an additional residential building lot off the existing dead end at Hunting Valley Road South. The proposed site is located on the west side of Goodrich Road, north of Main Street as an extension of Hunting Valley Road South. Mechanisms available to create a lot as proposed include extension of Hunting Valley Road South to provide adequate public road frontage or Open Development Area with access from Hunting Valley Road South. Both options involve Town Board review. Applicant would like to begin construction ASAP.

Director of Community Development James Callahan stated that Hunting Valley Road South could be extended with a cul-de-sac to create public road frontage to accommodate the split, the applicant could split the other frontage off Goodrich Road. Another alternative would be to create a one-lot Open Development.

Councilman Kolber stated that currently it is an illegal dead end. Trucks get stuck there constantly; he would like to see a cul-de-sac at the end of the street. Director of Community Development James Callahan stated that there are several alternatives to create the lot and suggested referral to the Planning Board to come up with a recommended solution.

Town Engineer Lavocat met with Mr. Castlevetere. He indicated that he is not willing to install a cul-de-sac however; he will work with the town by providing an easement for an adequate turn around.

James Callahan further stated that there was an approval for a subdivision and a Negative Declaration issued on this property several years ago. The environmental reviews are complete.

#### Cimato Enterprises/Northwood's Open Space Design Development

Acceptance of the Final Findings Statement will allow the applicant to proceed with Concept Plan review for the project. The proposed Open Space Design Subdivision is currently under Environmental Review. The project has been tabled pending development of acceptable language related to the sewer capacity section of the Findings Statement. Applicant has agreed with language as originally developed and is proposing to dedicate the Heise-Brookhaven Trunk Sewer as a part of the Final Findings acceptance. Project design is subject to final approval by the Town Board upon recommendation from the Planning Board. The Town Board is Lead Agency as the agency with the broadest review and approval authority associated with the project. A final concept review and approval will be required on the project design. A final number of lots will need to be developed as well as required design features.

#### Cimato Enterprises/Waterford Village LLC

Applicant is proposing to amend the PURD to identify a gazebo within Renaldo Circle as opposed to the previously approved clubhouse. The previously approved PURD included a clubhouse and tennis court within the Renaldo Circle area to be owned and operated by the Homeowners Association. As the subdivision is located within a Planned Unit Residential Development (PURD), any amendments must be approved by the Town Board as the final approval authority. The Town Board was in favor of getting input from the Homeowners Association representative regarding the proposed change.

#### Gabe's Collision 5817 Transit Road

Proposed collision shop approved via State Supreme Court action. The proposed site is located on the east side of Transit Road, north of Highland Farms Drive on existing vacant land located in the Commercial Zone. An action under SEQRA will be required prior to final Development Plan approval by the Planning Board. The Town Board is identified as Lead Agency under SEQRA. A Part 2/3 Environmental Assessment Form has been prepared to support a Negative Declaration on the project (EAF submitted under separate cover).

#### Buffalo Exterminating - 7841 Transit Road

Applicant is seeking approval to operate his exterminating business at 7841 Transit Road. Application includes the development of a front yard parking area to park Buffalo Exterminating vehicles. The proposed site is located on the east side of Transit Road, north of Wolcott Road at existing commercial property consisting of office and warehouse building located within the Restricted Business Zone. The proposed use will involve outside parking of vehicles, the Town Board may consider the development and location of a proposed parking lot. ***(Applicant is removed from agenda; they found an alternative site to locate their business).***

#### ***Work Session items for consideration December 18, 2013***

##### Domenic Piestrak – Spaulding Greens Open Space Design Subdivision

The applicant is proposing to amend the previously approved concept plan by including recently acquired sewer taps to increase the total number of lots and maintain the overall green space to meet Town Code. The proposed site is located on the east side of Goodrich Road, north of Greiner Road at existing open space design development identifying 380+/- lots with a previously approved concept plan approval on the overall project. Per the Zoning Law, the Town Board has final approval authority to approve/amend Open Space Design Developments. An action under SEQRA will be

required to amend the concept, identifying sewer taps, green space and lot configuration. Referral to the Planning Board would initiate a formal review of the proposal.

Attorney Stephen Schop representing Domenic Piestrak was present to discuss the proposed concept plan amendment for Spaulding Greens. Based upon discussion at the November 20, 2013 Town Board meeting Mr. Schop felt the need to clear up some confusion and clarify the proposed amendments.

The application that was submitted should have been presented as an update for the construction phase to reflect current conditions and a request to reconfigure Phase 10 based upon the need to bring electrical power up Spaulding Greens Parkway. The reason for rephrasing of the construction activities is to reflect the need for electrical power. When Mr. Schop was presenting this plan at the last meeting, some of the issues that are very important to the town and to its residents became clear to him and he was not aware of them until that meeting. He did not have the minutes from 2008 approving this project and has since read them and is ready to present the amendments in a more coherent manor.

Phase 6 and Phase 11 is part of the Concept Plan amendment and is slated to be completed by 2014. Once they have gone through the process and satisfied the concerns that have been raised, Mr. Schop stated that they would like to start with the construction of Spaulding Greens Parkway and bring in electrical power. They would have to build on both sides of the Parkway (4-lane road). With the cost of construction, it would be impossible to put the road in and not build on both sides. Being cognizant of the concerns of the residents of Green Valley, they created a buffer zone of approximately 225 feet that would be left without access to Green Valley Drive. They want to keep it that way not only for the residents of Green Valley but also so no construction vehicles utilize that road for access. The connection to Green Valley will be the very last piece of the development to go in. If at some point the Town took the position that they needed that roadway connected for safety reasons they would put in the road at the towns direction at that time.

Councilman Kolber stated that the phasing of this project was clearly delineated on the maps that were part and parcel of the approved project. The phasing has the entire area in question as being Phase 10. The other issue is Phase 9, the developer agreed that the subdivision would not exceed 380 units; this would be taking it over the 380 units. Mr. Schop stated that they have taken units that are part of lands that they own and moved them to the area in question in compliance with current density. They are not adding 14 lots; it is still the same 380 lots. They are moving the fourteen units from exception parcel nine. The exception parcel was part of the original project along with another parcel. Those lands are owned by Spaulding Greens but will not be built on under the current approval. If there is an interest in building on those lands at a later date, the applicant will have to go through the entire process again for those lands.

Town Engineer Lavocat stated that Spaulding Greens has ownership of 402 taps. Spaulding Greens is approved for 380 taps in this development and cannot exceed that number. Attorney Stephen Schop stated that they are not asking for any more lots.

Councilman Kolber stated that there are issues regarding the phasing of the southeast portion of the development. The neighbors were adamant about that. In reading those minutes, Mr. Schop noted that Mr. Piestrak stated that he would see what the market warrants rather than phasing. If the market changes he would like to be able to redesign the subdivision.

One of the conditions of Spaulding Greens approval was that “the final phase of the full build out of the subdivision shall be the phase connecting to Green Valley Drive—including the actual road construction and including pedestrian access from Green Valley Drive to the Spaulding Greens Subdivision and the Recreation Trail. Subdivision maps to indicate this as final phase and so labeled on the maps, which the filing of shall be subject to Town Attorney approval.” Councilman Kolber stated that the applicant is trying to make the final phase only a small portion that does not actually include anything. Mr. Schop stated that it includes a single lot. Facts and circumstances that were anticipated in 2008 have changed. It is not that the applicant is coming before the board because the area is question is more marketable to sell; he is coming before the board because they cannot get power into the subdivision unless they go this route.

The developer is looking to have the subdivision complete by 2018. Councilman Casilio stated that if Phase 10 was the last phase to be built, it would be built in 2018 and not 2014. Mr. Schop stated that cost is not always the foremost thought; the Board is trying to do what is right for the community however the proposed 4-lane parkway is an extremely expensive road. In order to justify the cost to put the roadway in, the developer has to be able to build on both sides of it. The developer did not know they would need the electrical power. They will not be bothering Green Valley or will they allow any construction vehicles or traffic access to or through Green Valley until the completion of activities or if the Town comes to the conclusion that it needs the hook up for safety reasons.

Councilman Kolber was of the opinion that the developer did not have to build the road in order to install the power lines. Mr. Schop stated that he was told differently by NYSEG. Mr. Schop stated that the original approval for this project was five years ago and this is an unanticipated change that argues for a change in the phasing and that is why he is before the Board.

The two exception areas are not part of the 380, those areas will remain green until such time they are approved for building. The development of these two areas is dependent on sewer capacity.

Director of Community Development James Callahan stated that the applicant has already amended the Concept Plan twice before, this would be the third and largest amendment.

Brothers of Mercy 4520 Ransom Road

Applicant is requesting a Special Exception Use Permit for a multi-family senior housing development at 4520 Random Road.

### **Supervisor David Hartzell**

Approve a Special Event request for the Dr. Judy’s Benefit Walk for Cancer to be held May 31, 2014 from 10AM – 1:00PM.

Supervisor Hartzell received an application requesting the house located at 10375 Main Street be given Historic Designation. Supervisor Hartzell stated that with the costs involved, Historic Designation may be considered sometime in the future. Councilman Casilio suggested waiting on the designation. “You can do whatever you want on the inside with a historic designation but the outside would have to remain the same - siding, windows.”

Councilman DiCostanzo stated that he looked at the estimates and the cost is up to \$169,000 - \$227,000 without doing much work at all on the house.

**Councilman Bernard Kolber**

- Authorize Supervisor Hartzell to enter into an agreement with Flynn Battaglia Architects, PC for the Reconnaissance Level Survey of Barns and Agricultural Structures Project for an amount not to exceed \$8,700.

The Historic Preservation Commission rescinded their Negative Declaration recommendation on the Bartlett house and has recommended a Positive Declaration for the historical nature on the original part of the structure.

The Library has agreed to the Memorandum of Understanding for the County to take over all the libraries. There is a document listing all the donated items that are being turned over to the town. Town Engineer Lavocat will check to see what was included in the original construction of the library.

The Library is installing cameras on the interior and has inquired as to whether or not the town would be interested in exterior cameras. Karen Jurek stated that because of the cost, they will have to obtain three quotes.

**Councilman Patrick Casilio**

- Approve Change Order No. 1 to the Library Parking Expansion Project.
- Approve final Change Order No. 1 for the Clarence Library Repairs Project.
- Authorize Supervisor Hartzell to sign the Fireworks Exhibition Agreement with Young Explosives Corporation for the fireworks display at Day in the Park to be held June 28, 2014.

**Councilman Peter DiCostanzo**

A Planning Board meeting is scheduled for Wednesday, December 11<sup>th</sup> to discuss the Master Plan and the Sign Law.

**Councilman Robert Geiger**

- Authorize Supervisor Hartzell to sign the 2014 Erie County Van Contract for the Going Places Van.

The construction to the entrance way at the Senior Center will begin on Monday.

Councilman Geiger has one Attorney-Client item to discuss regarding a property issue.

There being no further business, the Work Session adjourned at 7:00 PM.

Darcy A. Snyder  
Deputy Town Clerk

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, December 4, 2013 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David Hartzell, Jr. called the meeting to order at 7:30 p.m. Pledge to the flag was led by Councilman Peter DiCostanzo. A prayer was read by Councilman Robert Geiger.

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

Motion by Councilman Kolber, seconded by Councilman Casilio to accept the minutes of the work session and regular meetings held November 20, 2013. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Geiger to grant a Special Event request for the “Dr. Judy’s Benefit Walk for Cancer” to be held May 31, 2014 from 10:00 a.m. until 1:00 p.m. subject to receipt, review and approval of the appropriate certificate of insurance.

On the question, Supervisor Hartzell said the route is outlined on the submitted map beginning at 6343 Transit Road and continue for approximately 2 miles on the bike path and will end back at 6343 Transit Road.

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

Supervisor Hartzell thanked Councilman Geiger and Councilman Kolber for taking the time to go over to look at the old building in the Hollow. They spent a lot of time on this and he appreciates the effort put in on this historic structure.

Motion by Councilman Kolber, seconded by Councilman Casilio to authorize Supervisor David Hartzell to enter into and sign an agreement with Flynn Battaglia Architects, PC for the Reconnaissance Level Survey of Barns and Agricultural Structures Project for an amount not to exceed \$8,700.00 as per the terms and conditions of the contract, subject to review and approval by the Town Attorney’s Office.

On the question, Councilman Kolber said this project will be partially funded from a New York State Office of Parks, Recreation and Historic Preservation Grant. They are looking at historic structures that go beyond just houses that date back to the 1800’s.

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

Councilman Kolber said they looked at the house in the Hollow, which is pre-1860. It is a masonry structure with Italianate architectural design. The Historic Preservation Commission issued a negative declaration on the proposed demolition. They did not think there was enough worth saving. After looking at it, he found it to be in much better shape than it was portrayed. They have been working with the owners to see how it could be incorporated into their project. The Commission has since voted to rescind the negative declaration.

Councilman Kolber said the library is moving forward with a memorandum of understanding with the County Library to take over all of the libraries. They would not own the building or some of the items in the building. There will most likely be a public referendum next November for the residents to vote on whether the County Library should take over all of the libraries so they could become their own taxing entity. If they did not go along with this, our library could be cut out of the library system.

Supervisor Hartzell welcomed Jim Rash, the economic development officer for the Clarence IDA; Robert Sackett, Planning Board Chairman; Carol Conwall, Chamber of Commerce; and David Metzger, Senior Building Inspector.

Motion by Councilman Casilio, seconded by Councilman Kolber to approve Change Order No.1 to the Library Parking Expansion Project contract between the Town of Clarence and Louis Del Prince & Sons, Inc. in the add amount of \$2,200.00.

On the question, Councilman Casilio said this change order is for additional materials for the parking lot project.

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

Motion by Councilman Casilio, seconded by Councilman Kolber to approve Final Change Order No.1 for the Clarence Library Repairs Project in the total add amount of \$11,311.30 as follows:

Contract 5A - General Construction ADD amount of \$9,579.50

Contract 5B – Insulation ADD amount of \$2,357.30

Contract 9A – Interior Gypsum DEDUCT amount of \$1,235.50

Contract 15A – Mechanical ADD amount of \$610.00

On the question, Councilman Casilio said all construction contracts have been completed and are closed out. To be funded from Capital Project 31.

Councilman Kolber said considering the scope of what had to be done, he complimented the Town Engineer on a 10% contingency and only 2.2% modifications were required. This project was well done. He has not heard of any problems since.

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

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize Supervisor David Hartzell to sign the Fireworks Exhibition Agreement with Young Explosives Corporation for the fireworks display at the Day in the Park even to be held on Saturday, June 28, 2014 in the Clarence Town Park. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Casilio said the Town Board had a meeting earlier today with the Day in the Park Committee and the Clarence Hollow Association. He believes that it was determined that the events are far enough apart this year and next year that he does not feel the Board can say anything about the direction either group is going in at this time.

Supervisor Hartzell said he agrees. It would be shortsighted to support one group over the other. Both groups have paid their fees and have a right to use the park. Hopefully both groups will have great events and make some money to help out their members. They are both charity organizations and we wish them the best.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to appoint Chelsea Venditti to the position of Youth Activities Leader PT for the Youth Bureau at the budgeted rate of \$9.79/hr. effective December 9, 2013. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

Resolved, that David C. Hartzell, Jr., as Supervisor of the Town of Clarence is hereby authorized and directed to file an application for funds in the form of a Grant from the Urban and Community Forestry Program in an amount not to exceed \$40,000.00, and upon approval of said request to enter into and execute a project agreement with the New York State Department of Environmental Conservation for such financial assistance to the Town of Clarence for the Town of Clarence Tree Inventory Project.

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

Motion by Councilman Geiger, seconded by Councilman Casilio to authorize Supervisor David Hartzell to sign the 2014 Erie County Van Contract for the Going Place Van. The contract term is from January 1, 2014 through December 31, 2014 subject to review and approval by the Town Attorney's Office. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Geiger announced that the repair work on the Senior Center entrance will begin on Monday. Hopefully it will be completed by the end of the year. He thanked Jim Callahan, Jonathan Bleuer and Tim Lavocat for their work in obtaining the grant to do this project.

Councilman Geiger said in regard to the house in the Hollow, we really appreciate the landowners for giving consideration on this historical site.

A Public Hearing was held to consider the request by Tim Horton's for a Temporary Conditional Permit for outside dining at 9220 Main Street. James Callahan said the location is the northeast corner of Main Street and Thompson Road consisting of the existing restaurant in the Commercial Zone.

Dan Blamowski said they are looking to put in an outdoor patio as part of the renovation to the existing restaurant. It would be located in the greenspace in front of the building. They are proposing 4-5 tables with four seats at each table. The patio would be enclosed with a four-foot railing. The access would be from the current sidewalk.

James Callahan said they would still meet the 25% greenspace requirement.

Councilman Kolber asked if they would consider enhancing the landscaping.

Mr. Blamowski said they have no issues with enhancing the landscaping.

Councilman Kolber said it is not bad the way it is, but it could be enhanced.

Mr. Blamowski said they would have portable awnings.

Councilman Geiger asked that they be secure, so they do not blow away.

With no one else speaking to the subject, motion was made by Councilman Casilio, seconded by Councilman Kolber to close the Public Hearing. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

RESOLVED, that after a public hearing duly held on December 4, 2013 and after all interested parties being heard, the Clarence Town Board grants a Temporary Conditional Permit to the applicant, Tim Horton's Restaurant, for outside dining at the existing restaurant located at 9220 Main Street subject to the following conditions:

1. The Temporary Conditional Permit is granted for one year.
2. Hours of operation: Sunday through Saturday 6:00 a.m. to 11:00 p.m.
3. Outdoor seating not to exceed not to exceed 5 tables and 20 seats.
4. No live entertainment permitted.
5. Landscape improvements as discussed.

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

Mike Basil requests a Fireworks Display Permit for December 22, 2013 at 10780 Miland Road. James Callahan said all of the necessary paperwork and fee is in order.

Motion by Councilman Geiger, seconded by Councilman Kolber to grant the request of the applicant, Mike Basil, for a Fireworks Display Permit for the property located at 10780 Miland Road for December 22, 2013.

On the question, Councilman Geiger said all the appropriate paperwork, fees, insurance and fire chief approvals are on file in the Planning and Zoning Office.

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

Joel Castlevetere requests a one-lot Open Development Area to create one new residential building lot at 4840 Goodrich Road. James Callahan said the property is located on the west side of Goodrich Road and the end of Hunting Valley Road South consisting of vacant property in the Residential Single Family Zone. In order to create a new building lot, a road extension or open development area must be approved.

Pat Rine is a contractor for the applicant who is seeking a new building lot. The proposed area has 65 ft. of frontage on Hunting Valley rather than the 125 required. They do not see it as an issue because Mr. Castlevetere owns all of the property and only has plans for another home on the Goodrich Road side.

They met with the Town Engineer, Town Attorney, Highway Superintendent and Building Inspector. It was noted that the Town could use a turnaround on the Hunting Valley side. They accepted a proposed sketch from the Town that they incorporate it into the building permit application for a "T" that was deemed sufficient for a turnaround for a bus. Mr. Castlevetere is willing to turn this over to the Town as an easement. The property is for his family's use and do not see a need for a cul-de-sac, which would be an additional cost for the

Town. They believe this would be the best solution for both parties. The Town Attorney said he would draw up the easement papers.

Councilman Kolber said trucks that come down there now have to back up the whole length of the street. We have to see if this is a benefit for the Town. If he does this, he is going to have every car in the world driving up his driveway.

Mr. Rine said they offered a larger piece of land to the Town, but after the discussion with the people who know best, that was not necessary and they felt the “T” would work the best.

Councilman Casilio said the Town is not in the road construction business.

Mr. Rine said the road ends at his property.

Town Attorney Lawrence Meckler said there are two totally separate issues here. The approval for the one-lot open development is one thing. Apart from that, they had the meeting to look for a safe turnaround for the buses. The lot is not dependent on whether or not we get the easement. He does not see where the road is relevant here.

Councilman Kolber said originally that road was designed to go through to Goodrich Road.

Mr. Rine said the fact that the prior developer did not do that should not fall on them. They are simply asking for the 65 ft. frontage. They would like to come in from Hunting Valley. It dead ends to Mr. Castlevetere’s property.

James Callahan said to clarify this; we do not have a legal lot here right now. The alternatives are to extend the road so that you have 125 ft. of legal road frontage or a one-lot open development to allow the driveway to extend off of the public road.

Councilman Casilio said he is concerned for them that the traffic will go right up their driveway.

Councilman Kolber said they are constantly coming up his driveway. In regard to the meeting that was held, he made a specific request of them and wanted to know where it went.

Mr. Rine said they discussed how a bus could turn around. They said they were willing to do whatever had to be done for that to be possible within reason.

Town Engineer Tim Lavocat said that was brought in as an option and Mr. Castlevetere said he was concerned with a cul-de-sac that cars would congregate and it would take up a lot more room. The Highway Superintendent was involved in the conversation and the goal was to make the existing turnaround better.

Councilman Kolber said the turnaround is there now. He believes it would be better to go around than make a “T” turn.

Mr. Rine said they would be willing to revisit it. He does not think anything will stop people from coming up their driveway.

Councilman Kolber said he thinks a cul-de-sac would be the best solution.

Mr. Rine said Mr. Castlevetere has had 47 cars in one day pulling in his driveway on Goodrich. They have been trying to work this out for four months and they want to move forward. He owns all of the property and a cul-de-sac would not benefit them. They are not unreasonable and are willing to work this out.

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

BE IT RESOLVED, that the Clarence Town Board, grants the request of the applicant, Joel Castlevetere, for Development Approval for a 1-lot Open Development Area located on the west side of Goodrich Road, north of Main Street at 4840 Goodrich Road, subject to the following conditions:

1. Open Space and Recreation Fees.
2. “T” driveway as specified by the Town Engineer and Town Highway Superintendent.

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

Cimato Enterprises requests adoption of the Final Findings Statement, as recommended by the Planning Board, for Northwoods Open Space Design Development. James Callahan said the location is the north side of Greiner Road between Shimerville Road and Thompson Road consisting of vacant land in the Residential Single Family Zone. This is the final stage of the environmental review.

Jeff Palumbo, attorney from Damon and Morey was present with Fred Cimato, the petitioner. Mr. Palumbo said the completion of the SEQRA allows them to move forward with the remainder of the approval. There is plenty to do yet.

Motion by Councilman Casilio, seconded by Councilman Kolber that pursuant to Article 8 of the Environmental Conservation Law and upon the recommendation of the Planning Board, the Clarence Town Board adopts the Final Findings Statement as prepared and approved by the Town Planning Board for the proposed Northwoods Open Space Design Subdivision. Upon roll call – Ayes: All; Noes: None. Motion carried.

Cimato Enterprises/Waterford Village, LLC requests an Amendment to the Planned Unit Residential Development (PURD) to allow for the construction of a gazebo within Renaldo Circle. Jeff Palumbo and Fred Cimato were present. Mr. Palumbo announced that they were not aware that this was on the agenda tonight. This was originally approved as a gazebo and then later modified as a community center with a tennis court. They would like to go back to the gazebo that was originally planned. They believe that the homeowners association is in favor, but they do not have any proof of that.

Councilman Casilio said he would prefer to know that they were in favor of it before making any decisions.

Mr. Cimato said this came to light that it was never done, so they would like to get it done. They will get confirmation from the homeowners association.

Motion by Councilman Kolber, seconded by Councilman Casilio to table the request for an Amendment to the Planned Unit Residential Development (PURD) to allow for the construction of a gazebo within Renaldo Circle pending the approval from the homeowners association. Upon roll call – Ayes: All; Noes: None. Motion carried.

Gabe's Collision requests an Action under the State Environmental Quality Review Act (SEQRA) for 5817 Transit Road.

Jeff Palumbo, attorney from Damon and Morey said they are looking for the Board to issue a Negative Declaration to allow them to move forward with the Development Plan Approval.

Councilman Kolber said we are well aware of the court situation on this.

Motion by Supervisor Hartzell, seconded by Councilman Geiger that pursuant to Article 8 of the Environmental Conservation Law, to accept the Part 2 and Part 3 Environmental Assessment Form as prepared and issue a Negative Declaration on the proposed Gabe's Collision Special Exception Use Permit located at 5817 Transit Road. This Unlisted Action involves the construction of a new commercial building for use as a collision shop, automotive sales and rental facility. After thorough review of the submitted application and support materials, including coordinated review among involved agencies, it is determined that the proposed actions will not have a significant negative impact on the environment. Upon roll call – Ayes: All; Noes: None. Motion carried.

Buffalo Exterminating's request for a Change-In-Use and construction of parking lot in the side yard at 7841 Transit Road was removed from the agenda at the request of the applicant.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to approve the following: Clubhouse Applications - A. Clarence Soccer Club – Jan. 12, 2014; B. Cub Scout Pack 93 – April 5, 2014; Legion Hall Applications – A. Patricia Raquet – Feb. 22, 2014; B. Lisa Bonaventura – March 29, 2014; C. Jill Dougherty – Oct. 3, 2014; Nature Center Lodge – A. Security Dept. – Dec. 7, 2013. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio that after proper audit and review by the Town Board, the following bills of December 5, 2013 are approved for payment: General Fund - \$889,488.44; Highway Fund - \$362,108.63; Water District - \$586.00; Drainage District - \$393.32; Sewer Districts - \$71.21; Capital Fund - \$34,397.37; and Trust & Agency 203 - \$31,956.51 for a total amount of \$1,319,001.48. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, Supervisor Hartzell adjourned the meeting at 8:25 p.m. in honor of Art Lovell, a Clarence Center Fireman and former Town employee who frequently came to meetings. He gave a lot of time to the Town of Clarence and will be missed.

Nancy C. Metzger  
Town Clerk