

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, June 22, 2016 at Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 6:00 PM. Members of the Town Board present were Councilmember's Peter DiCostanzo, Robert Geiger, Christopher Greene and J. Paul Shear. Other Town Officials present were Director of Community Development James Callahan, Junior Planner Jonathan Bleuer, Assistant to the Supervisor Karen Jurek, Town Attorney Lawrence Meckler, Town Engineer Tim Lavocat, Senior Building Inspector David Metzger, Director of Administration and Finance Pamela CuvIELlo and Planning Board Chairman Robert Sackett.

Director of Community Development – James Callahan

Public Hearing:

The Town Board will consider a temporary moratorium on automotive uses along the Main Street corridor between Westwood Road and Davison Road to include both the Traditional Neighborhood Zone and the Commercial Zone. With a Comprehensive Plan in development and a Main Street Corridor Study underway, it is felt that certain automotive uses may not be in character or consistent with these long range planning efforts.

With the Auto Auction to the east of the Town and intensive automotive use along the Transit Road corridor, automotive uses have been encroaching into the Main Street corridor. The Town is working on long range planning efforts to set goals as to character and use along the Main Street corridor for the long term health and sustainability of the community and numerous additional automotive uses may not be compatible with such goals. This temporary moratorium will allow the Town to complete long range planning efforts and make any necessary Zoning Law amendments towards achieving the identified goals.

The Main Street corridor is currently divided into two different zoning classifications. The Harris Hill Traditional Neighborhood District (TND) runs from Westwood Road to Shimerville Road and the Clarence Hollow TND runs from Winding Lane to Davison Road. The area between these TND's is Commercial. The long range planning efforts are analyzing the corridor and the best long term uses to sustain community character. The Town Board has authority to adopt moratoriums as local laws.

Formal Agenda items:

Gerties Restaurant – 6010 Goodrich Road

Applicant is proposing to have live music as a part of outside dining activities. The proposed site is located on the west side of Goodrich Road, north of Clarence Center Road at existing restaurant with existing outside dining located in the Clarence Center Traditional Neighborhood District. Per the Zoning Law, the Town Board may consider outside dining and activities via a Temporary Conditional Permit. Hours of outside activities and noise limitations should be addressed.

Roll Road Subdivision – Sean Hopkins

Applicant is proposing to develop a 40+/- lot open space design subdivision. The proposed site is located on the north side of Roll Road, west of Martha's Vineyard Subdivision on existing vacant land located in the Residential Single Family Zone within Clarence Sewer District #2. Per the Zoning Law, the Town Board has final approval authority for Open Space Design Developments. Referral to the Planning Board will initiate formal review of the project. Town Engineer Lavocat stated that this project is within Clarence Sewer District #2. He has met with the applicants, they are aware of some potential issues in Sewer District #2. One of the first things they will look at is the

downstream capacity or lack thereof and the process with NYS DEC and the Health Department.

The Hollow Bistro & Brew 10641 Main Street

Applicant is proposing to amend the conditions of the previous approval by providing a different detail for the retaining wall along the east property line of the project. The proposal will modify the original wall from wood to steel-retaining and cutting the steel pilings and introducing intermittent stone sections and a wood "railing" along the east side as a cap. As the Town Board established and approve the conditions associated with the original project, any amendment will require Town Board authorization.

Clarence Hollow Association

Applicant is seeking a permit for a fireworks display on July 4, 2016 for their annual Hollowfest Fair at the Main Town Park. Per Local and State Law, the Town Board has authority to issue fireworks display permits. All required permit application materials including Fire Chief approvals are in order.

Brookfield Country Club – 5120 Shimerville Road

Applicant requests a Fireworks Display Permit for July 4th and July 9, 2016 to be held at existing County Club located in the Residential Single Family Zone. Per Local and State Law, the Town Board has authority to issue fireworks display permits. All required permit application materials including Fire Chief approvals are in order.

Work Session items for consideration July 13, 2016:

Annual renewal of Temporary Conditional Permits

A handout was distributed listing all Temporary Conditional Permit renewals. There are nine automotive uses, four outside dining, two display/storage, eight landscaping and two misc. A letter was sent to all the applicants asking if they are interested in renewing their Temporary Conditional Permit. They will respond whether or not they wish to continue within the next couple of weeks. Mr. Callahan is anticipating to hear from everyone before the next Town Board meeting at which time a Public Hearing date could be set to consider their request. Mr. Callahan further asked the Town Board if there was any applicant the Board would like to be present at the Public Hearing to let him know and he will notify them directly to attend the next Town Board meeting. Supervisor Casilio stated that some of the automotive uses have ignored the conditions associated with their permits. Councilman Shear had concerns regarding the Amish sheds on Main Street, they have not complied with the conditions of their Temporary Conditional Permit. It was noted that all applicants that Mr. Callahan highlighted will be required to attend the Public Hearing.

Supervisor Patrick Casilio

- NY State & Local Retirement System Regulations RS2418 – Standard Work Day Resolution for all town employee titles
- Resolution establishing number of hours for standard work day for retirement purposes per New York State & Local Retirement System Regulations 315.4 for elected and appointed positions
- Award Special Inspection Services for Police and Court Project
- Consider Unpaid Leave of Absence for Karen Smith
- Approve adjustment in the cost for purchase of 2016 Freightliner Plow Truck

- Lift the suspension of the installation of Commemorative Benches on the Bike Path and reinstate the program
- Approve increase of cost of Commemorative Benches

Supervisor Casilio has received numerous inquiries concerning the construction of the Police and Courts Facility Building. He is working on getting a sign constructed to inform the public. There have been several articles in the Clarence Bee and Buffalo News along with information about the new building on the Towns website. All the topsoil from the construction site is being stockpiled for future use throughout the town.

Fifty people signed up for the Pickle Ball Program, initially the Recreation Department set the program up for sixteen applicants. Recreation Director Clifford Trapper suggested dedicating a specific court for Pickle Ball and not a shared court with tennis. It was suggested that one of the lower courts at Town Place Park be used for Pickle Ball, the two top courts are more desirable for tennis.

The Erie County Sheriff's Department is sponsoring a Yellow Dot Program and asked that the stickers be made available at Town Hall. It is a free program designed to help first responders provide life-saving medical attention after a car crash or other emergency. A Yellow Dot in the driver's-side rear window of your vehicle will alert first responders that vital medical information is stored in the glove compartment. Supervisor Casilio stated that he did not know how it would be administered and suggested waiting until the Police and Court Facilities building was constructed and let the Erie County Sheriff's Department distribute the stickers.

Supervisor Casilio met with a phone vendor who had previously been trying to set up a meeting since last October. He was trying to save the town money on our current phone system however, thanks to Supervisor Casilio assistant Karen Jurek, the phone vendor said we have the most cost efficient system and the phones we have now are very good phones.

The Buffalo News reported that there was a change in the state law regarding zombie homes that will make it easier to track down the banks and those responsible for the homes. Currently the town has twenty-nine zombie homes on record. Supervisor Casilio receives calls daily. He has concerns regarding one of the homes that has a swimming pool and he suggested changing our law regarding the length of grass (10" or more). Besides the zombie homes there are several other occupied homes that are in need of property maintenance as well. The situation is being monitored. Town Engineer Lavocat will report back to the Board on a monthly basis. A list of zombie homes will be distributed to the Board so if anyone receives a complaint they will know where these homes are in the process.

Town Engineer Lavocat stated that the Town has one part-time property maintenance officer working 19 hours per week that handles the calls and complaints regarding zombie homes. This is a heavy workload and every single case is different.

Councilman Peter DiCostanzo

- Appoint Lifeguards PT-Seasonal
- Approve Pam Cuvillo to attend GFOA Western Region summer seminar
- Appoint Recreation Attendant PT-Seasonal Recreation Department

Councilman DiCostanzo attended a Main Street Steering Committee meeting. Several committee members were not in attendance but the discussion was very good and they covered a lot of ground.

Councilman Robert Geiger

- Renewal of service agreement with Tim Warner Cable Business Class for telephone service
- The 31st Annual Senior Center meeting is scheduled for June 23, 2016 at 1:15PM at the Senior Center

The Yellow Dot Program was discussed at the Senior Center. Supervisor Casilio suggested that the Senior Center distribute the Yellow Dots. Further discussion will take place on this matter.

There was a discussion regarding use of the Senior Center Van by the Arboretum Committee. Some minor details have to be worked out.

A private individual would like to donate \$3,000 to the town to purchase new padded chairs for the Clubhouse. Parks Crew Chief James Burkard is out of town, Councilman Geiger will discuss this with him further when he returns.

Councilman Christopher Greene

- Appoint Youth Activities Leader PT-Seasonal for Youth Bureau
- Clarence Youth Board – Student Appointments

Councilman J. Paul Shear

- Appointment Richard E. McNamara as a member of the Zoning Board of Appeals
- Appoint Emily Kraft to the Historic Preservation Commission

Supervisor Casilio along with Town Board members received a letter from the Historical Society. Supervisor Casilio will respond to the letter. Town Engineer Lavocat is in the process of getting an updated estimate on the roof for the museum.

Motion by Supervisor Casilio, seconded by Councilman Shear to enter into Executive Session pursuant to § 105(1) F of the Open Meetings Law to discuss the employment history of a particular person and § 105(1) H the proposed acquisition of real property. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 6:49 PM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Casilio, seconded by Councilman Geiger to adjourn the Executive Session at 7:05 PM. Upon roll call – Ayes: All; Noes: None. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, June 22, 2016 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 7:08 p.m. Pledge to the flag was led by Councilman Christopher Greene, followed by a prayer also given by Councilman Geiger.

Members of the Town Board present were Councilmembers J. Paul Shear, Christopher Greene, Robert Geiger, Peter DiCostanzo and Supervisor Casilio. Other Town officials present were Director of Community Development James Callahan, Town Attorney Lawrence Meckler and Town Engineer Timothy Lavocat.

Motion by Councilman Shear, seconded by Councilman Greene to accept the minutes of the work session and regular meetings held June 8, 2016. On the question, Councilman Greene said on page 178, it should be added in the conversation with Mr. Helbringer that the memory care units are 350 sq. ft. and the assisted living units are 500 sq. ft. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

BE IT RESOLVED, that the Town of Clarence, location code 30148, hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local employees' Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body, as per the table listing work days attached hereto and made part of the minutes. (See attachment)

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

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

WHEREAS, the New York State and Local Retirement System requires that the Town of Clarence establish by Resolution the number of hours which constitute a standard work day for retirement reporting purposes for all elected and appointed positions,

NOW THEREFORE BE IT

RESOLVED, that the Town of Clarence hereby establishes the standard work days for elected and appointed officials as per the attached table and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body. (See attachment)

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

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

RESOLVED, to award the Special Inspections Services for the Police and Court Project to Barron & Associates, P.C. of Clarence, New York per the established rates in the proposal dated May 13, 2016; and be it further

RESOLVED, that the Supervisor is authorized to sign and enter into an agreement with Barron & Associates, P.C. upon review and approval of the Town Attorney.

On the question, Supervisor Casilio said Special Inspections are required by the Building Code of New York State. To be paid from Capital Project 1502 – Police and Court Project.

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

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo to grant an unpaid leave of absence to Karen Smith from her position as Senior Clerk Typist in the Engineering Department from July 9, 2016 to and including July 13, 2016. The Town will not provide and/or pay for Karen Smith's health, vision and dental insurance and/or any other employee benefits during this period.

On the question, Supervisor Casilio said the granting of this request is due to extreme, extenuating circumstances for Ms. Smith and is subject to the provisions of Article 24 – sections 1 through 6 of the Town of Clarence White Collar Unit Contract. Any future requests by Ms. Smith or other persons in the future will be taken on a case-by-case basis at the discretion of the Town Board. The Town Board is not creating a precedence setting policy by granting this request.

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

Motion by Supervisor Casilio, seconded by Councilman Shear to approve payment of the final invoice for the purchase of the 2016 Freightliner Plow Truck for the Highway Department that was approved on February 24, 2016 adjusting the cost to include a change in the Headlamp at an additional cost of \$350.70 for a total due of \$97,432.40. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Casilio, seconded by Councilman Geiger to lift the suspension on the installation of the Commemorative Benches on the Bike Path in the Town of Clarence and reinstate the program effective immediately. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo to approve an increase in the cost to purchase a Commemorative Bench to \$1,200.00 effective immediately.

On the question, Supervisor Casilio said applications are available in the Town Clerk's Office. The Highway Superintendent will give final approval for placement along the bike path system.

Supervisor Casilio added that Friends of Clarence are also still selling trees in the Arboretum. Applications are available in the Town Clerk's Office. Requests for any other type of memorial request or location will be handled on a case by case basis.

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

Supervisor Casilio reported that they reviewed the “zombie” homes in the Town of Clarence at the earlier work session. There are 29 of them. We have a system of tracking them and also homes in disrepair. We receive calls all the time and we are able to see what our departments are doing to address them. The State Law was recently passed and now waiting for the Governor to sign it to make it easier to track the owners of the properties. Many are with banks and this will help to make them more responsible.

Supervisor Casilio said we have received many calls about what is going on next store. The new State Police barracks and court building construction has begun. The State Police need to move by next year when their current lease runs out. The Erie County Sheriff's will relocate to the new building also.

Motion by Councilman DiCostanzo, seconded by Councilman Greene to appoint the following to the position of Lifeguard PT-Seasonal at the budgeted rate of \$10.59/hr. effective June 23, 2016 subject to receipt of all pre-employment paperwork and pre-employment requirements being met: Nicole LaVere and Christina Weber. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to approve the request of Pam CuvIELLO, Director of Administration and Finance, to attend the New York State GFOA Western Region Summer Seminar at Terry Hills Golf Club in Batavia New York on July 14, 2016 for an amount not to exceed \$75.00 for the cost of the Seminar with all reasonable and necessary expenses to be paid by the Town.

On the question, Councilman DiCostanzo said the seminar runs from 8:00 a.m. to 11:30 p.m. and the fee includes lunch from 11:30 a.m. to 12:30 p.m. There are funds in the Accounting Budget to cover the cost of the seminar. There is golf in the afternoon paid by the participant.

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

Motion by Councilman DiCostanzo, seconded by Councilman Shear to appoint Madeline Hanford to the position of Recreation Attendant PT-Seasonal at \$9.00/hr. effective June 27, 2016 subject to receipt of all pre-employment paperwork and pre-employment requirements being met. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo said he knows he sounds like a broken record, but again in the Bee Police Blotter a person on Tonawanda Creek Road had three unlocked cars entered with things stolen.

Motion by Councilman Geiger, seconded by Councilman Shear to renew and authorize the Supervisor to sign the Service Agreement and Service Order with Time Warner Cable Business Class for telephone and internet services in accordance with their proposal for a term of 36 months

subject to the review and approval of the contract by the Town Attorney. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Geiger announced the following:

- Senior Center 31st Annual Meeting will be held tomorrow at 1:15 p.m.
- Saturday is Day In The Park including Bark in the Park and fireworks
- HollowFest will be held July 2, 3 & 4, 2016
- Concert Association had a fundraiser last weekend
- Clarence Center Fire Company had a christening ceremony for their new truck

Motion by Councilman Greene, seconded by Councilman DiCostanzo to appoint Philip Nanula to the position of Youth Activities Leader PT – Seasonal at the budgeted rate of \$9.78/hr. effective June 23, 2016, subject to receipt of all pre-employment paperwork and pre-employment requirements being met. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Greene, seconded by Councilman Geiger that upon the recommendation of the Clarence Youth Board, the following are appointed as student members of the Clarence Youth Board for a one-year term beginning July 1, 2016 and ending June 30, 2016: Maggie Anderson, Lara Knopf, Ryan McGuire, Emma Switzer and Benjamin Wesolowski. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Greene said he agrees with Councilman DiCostanzo on the importance of locking your vehicles.

He also congratulated the Supervisor's daughter Chris for completing her year as president of the Rotary Club of Clarence.

Motion by Councilman Shear, seconded by Councilman Greene to appoint Richard E. McNamara as a member of the Zoning Board of Appeals (ZBA) effective June 23, 2016 with term to expire on December 31, 2016.

On the question, Councilman Shear said this appointment is being made to fill the opening due to the resignation of Gregory Thrun. This appointment will leave an opening for an Alternate Member to the Zoning Board of Appeals.

Supervisor Casilio said he is being moved up as he has been serving as the alternate.

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

Motion by Councilman Shear, seconded by Councilman DiCostanzo to appoint Emily Kraft to the Historic Preservation Commission effective immediately to fill an opening with a term to expire December 31, 2019. On the question, Councilman Shear said Ms. Kraft has impeccable credentials. Upon roll call – Ayes: All; Noes: None. Motion carried.

Department Reports

James Callahan said they will be holding an open house on the Comprehensive Plan 2030 at the Day in the Park event. They were going to set up in the Clubhouse, but are now going to be outside. They invite people to stop by and comment on what they see as goals for the future of our community.

Supervisor Casilio said some towns have not reviewed their codes, one since 1955. We are planning ahead for the next 13 years. This is separate from the comprehensive Main Street study that is also being done.

Supervisor Casilio said there may be residents here to speak on the item for the Bistro and he will allow for comment after they make the presentation.

A Public Hearing was held to consider adopting a Local Law "Imposing a Temporary Town Wide Moratorium, for a period not to exceed eight months, on the Installation and Possession of Freestanding or Ground Mounted Solar Panels and Solar Farm Installations in the Town of Clarence". James Callahan said as the Town develops Comprehensive Plan 2030 and with the IDA's Main Street Corridor Study underway, it is felt that certain automotive uses and storage may not be in character or consistent with this corridor. This will give the Town the opportunity to complete the planning exercises. The corridor begins at Westwood Road where the Traditional Neighborhood District begins in that area. There is also commercial zoning and then the Hollow Traditional Neighborhood District to Davison Road.

Speaking to the subject:

Mike Schiavone, attorney representing Great Lakes Motor Corp. dba/Mercedes Benz of Buffalo was present. They are asking the Board to reconsider a moratorium because they believe the Town already has a stringent law for automotive uses anywhere in the town. His client filed an application on May 11th to put up an automotive use on a piece of vacant property at 9074 Main Street. The application was given preliminary consideration and some modifications have been submitted. It is unclear at this point if the moratorium would include their application.

Mr. Schiavone said he believes the moratorium will only cause a chilling effect on Main Street. He added that the Town has plenty of protection with the existing laws.

Town Attorney Lawrence Meckler said an application submitted prior to the moratorium, should it be set, would not be subject to the moratorium.

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

Motion by Councilman Shear, seconded by Councilman DiCostanzo to approve the following resolution:

RESOLVED, that after a public hearing duly held on June 22, 2016 to consider an amendment to the Code of the Town of Clarence and after all interested parties having been heard, the Clarence Town Board adopts Local Law No. 4 of the year 2016 Titled - “Imposing a Temporary Moratorium on all future proposed Automotive Uses on Main Street and all associated cross streets, from Westwood Road to Davison Road, within the Commercial and Traditional Neighborhood Districts. This local law shall become effective upon filing with the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule.

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

Gerties Restaurant requests an amendment to an existing Temporary Conditional Permit to allow outdoor live music at 6010 Goodrich Road. James Callahan said the location is the southwest corner of Goodrich and Clarence Center Roads. It is an existing restaurant in the Traditional Neighborhood District. The current Temporary Conditional Permit restricts outdoor live entertainment.

Gary Held said they would like to have music one night a week out on the front patio or the side courtyard. He thinks it would be great for the community to have outdoor music like they have in Williamsville. They have a great turnout for Oktoberfest every year.

Councilman Shear said the Coffee Company already has approval for outdoor music. We do not want to have a battle of the bands going on.

Mr. Held said they are thinking about Wednesday nights. The Coffee Company has music Tuesday and Wednesday. They would like light music and possibly Blues once a month. He wants to do it in conjunction with them. He will never have hard rock music at the restaurant. He talked to the landlord and he would consider expanding the patio in the back to set up the music. It is not a bar, they have a fine dining restaurant. They do not want to change their atmosphere. He has contacted the Coffee Company to see if they can coordinate a night to both have music. The restaurant does well on Fridays and Saturdays and they are looking to bring people in during the week. Mr. Held said he thinks it would be great for everyone.

Councilman Shear said he thinks it is a good idea, he just does not want to have complaints later that the bands are trying to outdo each other.

Supervisor Casilio said each place has a different client base. They are different types of restaurants.

Motion by Councilman Geiger, seconded by Councilman Shear to approve the request of the applicant, Gerties Restaurant, for an amendment to the existing Temporary Conditional Permit to allow outdoor live music as part of the outside dining activities subject to the following conditions:

1. All conditions of the existing Temporary Conditional Permit.
2. Hours of live entertainment limited from 9:00 a.m. to 10:00 p.m.

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

Sean Hopkins/Roll Road Subdivision requests Preliminary Concept Review of a proposed Open Space Design Subdivision on the north side of Roll Road, west of Martha’s Vineyard. James

Callahan said this is an existing vacant property in the Single Family Residential Zone and within Clarence Sewer District No. 2.

Peter Sorgi said he is here representing their client Camp-Roll LLC. He is really looking for a referral to the Planning Board to begin the process. There are 40 clustered lots with 51% of the site to remain greenspace. This will be a Town Type I Action. Once they get to the concept review, they will reach out to the neighbors for input. He believes the homes will probably be one story with walkout basements.

Town Engineer Tim Lavocat said the site is within Sewer District No. 2 which will require them to do the analysis for capacity. We are not at that point yet. We have to wait for wet weather and high ground water to do testing. It will probably be in the fall sometime. It is at the applicant's expense.

Supervisor Casilio asked if a homeowners association is going to be formed.

Mr. Sorgi said they will have a homeowners association to maintain all the common areas. It will be a public road extension.

Motion by Councilman Shear, seconded by Councilman Greene to refer the request of the applicant, Camp-Roll LLC, for Preliminary Concept Review of a proposed Open Space Design Subdivision on the north side of Roll Road, west of Marth's Vineyard, to the Planning Board for formal review. Upon roll call – Ayes: All; Noes: None. Motion carried.

Clarence Hollow Bistro requests a Site Plan Amendment to allow for a redesigned retaining wall at 10641 Main Street. James Callahan said the location is the south side of Main Street, east of Ransom Road consisting of an existing restaurant in the Clarence Hollow Traditional Neighborhood District. The applicant is here to present a modification to the previously approved wood retaining wall in the parking lot.

Carolyn Pagliano from Sutton Architecture said they would like to amend the timber wall with the guardrail. It was discussed that it was not structurally sound for that location, so the piles were installed. The piles are jagged and the owner would like to beautify parking area. They suggested a stone wall feature about every three bays for wire mesh filled with stone and every second bay would have ivy growing. It is a tough spot to have much greenery. The opposite side of the property is a higher grade and they would like to allow for the guardrail height of 42 inches off the property.

Supervisor Casilio said he stated before that he would allow public comment. He has a concern that there is about an eight foot drop from the property to the east if someone hopped over the fence. The intent of the original motion was to have a 42 inch protection per the code. People have to be aware about what is on the other side. He also is concerned that skateboarders would try to skate on top of the wall.

Ms. Pagliano said the rail would be about 4 inches wide for safety purposes. The fence is up to the property line.

Councilman Shear said there is a 1 – 1 ½ foot drop along the west side of the parking lot. There is no barrier or a way for anyone to know. He believes they both need to be reviewed. Councilman DiCostanzo said the wall is higher than it was planned.

Ms. Pagliano said it was originally to be eight feet along the entire length. It now steps up to eight feet in the rear.

Supervisor Casilio said there is stone on the hill in the back.

Ms. Pagliano said the owner is working with the Town to put plantings back there.

Supervisor Casilio said it looks very presentable from Main Street.

Speaking to the subject:

Roy Olsen said we had a compromise worked out and he and the other neighbors are appreciative of the landscaping. He believes that to say the original design was structurally unsound is misleading. They were stamped plans by a licensed engineer. You can see his house perfectly from Main Street. He does not see how a steel wall meets the aesthetics and character of the Hollow. It was stated at the April 22, 2015 Planning Board meeting that the wall would be made of timber for a more natural look in the Hollow. What has changed? Now it is a contemporary urban look with rusted steel.

Mr. Olsen said his house was built by Asa Ransom 200 years ago and Mr. Ransom talks to him. They did not know about steel pilings back then. He thinks they intended to build this wall the whole time. He encourages the Board to reject this proposal and the Bistro should build the wall as originally designed. The retaining wall on the east and landscaping on the south lot line should be completed by August 1st as called for in the temporary certificate of occupancy. Mr. Olsen said his counsel is with him tonight and he is welcome to speak on his behalf.

Jeff Ferger said he has lived on Sawmill Road for 20 years and this is an eyesore for all the people in that neighborhood. The look of this is unacceptable. There is nothing happening on the south side. The Town is putting shrubbery in on the taxpayers.

Supervisor Casilio said the Town is working on Town property along the trail system. The Town does not do work on private property.

Mr. Ferger said he knows the property is owned by the Town, but he would like to know who is funding that. He asked if this work was planned or just being done to keep everyone quiet. Supervisor Casilio said he could keep going, but we are not going to do that. He added that he was disappointed that the Cornerstone blacktopped all the way up to the bike trail with nothing to stop cars from going onto it. One of the improvements was to do landscaping to keep cars off the bike trail system.

Mr. Ferger said the property between the Bistro and the Cornerstone was funded by the owner of Cornerstone.

Councilman DiCostanzo said he would like to know what the other side of the wall is going to look like.

Supervisor Casilio said if we send it to the Planning Board they can look at that. He questions about bringing the piling down to ground level and going back to the original design.

Councilman Shear said the Planning Board had discussed some demarcation so you did not go over. It is his opinion that there has been concern about the east, south and west side of the parking lot. He believes that because we are deviating from the original plan, we should send it to the Planning Board.

Motion by Councilman Shear, seconded by Councilman Geiger to refer the request by the Clarence Hollow Bistro for a Site Plan Amendment to redesign the retaining walls on the east, south and west at 10641 Main Street as per the submitted details from Sutton Architecture to the Planning Board for review. On the question, James Callahan asked if the Board would like this brought back to this body. The Town Board made the original approval as the Town Board has final architectural approval in the Traditional Neighborhood District. Supervisor Casilio said it should be a recommendation from the Planning Board as we have done in the past. Upon roll call – Ayes: All; Noes: None. Motion carried.

Clarence Hollow Association requests a Fireworks Display Permit for July 4, 2016 at 10405 Main Street. James Callahan said all paperwork, fees and approvals are in order. Supervisor Casilio said he feels we can move forward on this without the applicant as we have not received any complaints.

Motion by Councilman Geiger, seconded by Councilman Greene to approve the request of the applicant, Clarence Hollow Association, for a Fireworks Display Permit for July 4, 2016 at 10405 Main Street.

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.

Brookfield Country Club requests Fireworks Display Permits for July 4 & July 9, 2016 at 5120 Shimerville Road. James Callahan said all paperwork, fees and approvals are in order for both dates.

Kristina Bennett from Brookfield Country Club was present.

Motion by Councilman DiCostanzo, seconded by Councilman Greene to approve the request of the applicant, Brookfield Country Club, for Fireworks Display Permits for July 4 and 9, 2016, at 5120 Shimerville Road.

On the question, Councilman DiCostanzo 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.

Motion by Councilman DiCostanzo, seconded by Councilman Greene to approve the following: Clubhouse Applications - A. Planning Board – June 25, 2016; B. Board of Elections – Aug. 1 & 2, 2016; C. Friends of Ed Rath - Oct. 5, 2016; D. Clarence Log Cabin Quilters – 2017 Monthly Meetings; April 18 – 23, 2017; E. Clarence Arts & Crafts Society – 2017 Monthly Meetings; Nov. 3 – 5, 2017; Legion Hall Applications - A. Clarence Bulldogs Cheerleading - June 30, 2016; B. Dan Michnik – Aug. 31, 2016; C. Clarence Log Cabin Quilters – 2017 Monthly

Meetings; and D. Clarence Republican Committee – 2017 Monthly Meetings. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger that after proper audit and review by the Town Board, the following bills of June 16, 2016 are approved for payment: General Fund - \$108,486.03; Highway Fund - \$220,820.52; Drainage District - \$7,283.78; Lighting Districts - \$570.52; Sewer Districts - \$25.92; Capital Fund - \$299,951.01; and Trust and Agency 203 - \$10,915.50 for a total amount of \$648,053.28. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

Councilman DiCostanzo said he has mentioned that the Town Pool is open, but the letter in the Bee from Flora Leamer says it all. It is great how many people are using the pool.

Barbara Westermeier said the Recreation Department started Pickleball three weeks ago and they are overwhelmed by the number of people. She believes they have shown enough interest for the Town to consider taking two tennis courts to make 6-8 Pickleball courts. It would cost about \$4,000 to have nets, fences and lines. We have 22 tennis courts in our parks and she feels it is fair to give up two for Pickleball.

Supervisor Casilio said they discussed Pickleball at the earlier work session. There are 50 people signed up for a program that was for 16 people. We are looking into having permanent Pickleball courts. Chip Trapper made a recommendation to the Board.

Barbara Westermeier said if you turn one tennis court into four Pickleball courts you need less fencing. The tennis nets provide a barrier. She appreciates that something will be done and offered to give her opinion. She is starting a women’s league next week. Barbara added that she has given Pickleball lessons at the Senior Center also.

There being no further business, Supervisor Casilio adjourned the meeting at 8:30 p.m.

Nancy C. Metzger
Town Clerk