

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, September 28, 2011 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 6:00 P.M. Members of the Town Board present were Councilmember's Peter DiCostanzo, Patrick Casilio and Bernard Kolber. Councilman Weiss is absent. Other Town officials present were Assistant Planner Brad Packard, Senior Building Inspector David Metzger, Director of Administration and Finance Pam Smith, Deputy Town Attorney David Donohue, Town Engineer Timothy Lavocat, Confidential Secretary to the Supervisor Karen Jurek and Planning Board Chairman Al Schultz.

Director of Community Development – James Callahan

Formal Agenda items:

Master Plan 2015 Amendment – Clarence Center Hamlet

Amend the existing residential zoning classification to Traditional Neighborhood District along the Goodrich Road corridor north of Maple Street to the Peanut Line. The proposed change would be consistent with remaining sections of the Clarence Center hamlet along Goodrich Road and Clarence Center Road that are already zoned TND. The TND zoning classification was specifically designed for the hamlet areas of the town to identify historic characteristics and uses. In forwarding its recommendation, the Planning Board has identified the adoption of an overlay zoning district to further protect the hamlet area. Such an overlay would include architectural guidelines and use details to protect the existing residents and would be managed by a local Community Character Protection Board similar to the Clarence Hollow overlay.

Loch Lea Planned Unit Residential Development (PURD)

Applicant is proposing an amendment to the existing PURD to allow for 20+/- patio homes as opposed to the 45,000 square feet of commercial space. The proposed site is located on the southwest corner of Roll Road and Harris Hill Road. Technically a change in zoning, the Town Board is the final authority on such matters. A public hearing is required.

Rivera Greens – Open Space Design Subdivision – east of 8230 County Road

Applicant is seeking Final Plat approval on the project as constructed. Road dedication includes approximately 1,100 linear feet of Rivera Way and approximately 1,060 linear feet of Ava Lane. The proposed site is located on the north side of County Road, east of Stahley Road within the Swormville TND. Final acceptance of public infrastructure is the domain of the Town Board. The Town Engineer and Highway Superintendent have inspected the public infrastructure to be dedicated and have certified as to its acceptable installation to town standards.

Sunset Park Improvements 8500 Wehrle Drive

Little League Football is proposing to invest in the park to develop new press box/concession stand/bleachers and other associated facilities to enhance Little League Football. The existing Town Park is located on the northeast corner of Wehrle Drive and Harris Hill Road on 17.2+/- acres in the Community Facility Zone. This proposal will include the removal of several trees currently on site. The Town Board has authority to approve investments in Town Property.

CAR Group Holdings 5841 Transit Road

Applicant is seeking approval to operate an automotive wholesale operation from existing vacant space within the plaza. The proposed site is located on the east side of Transit Road, north of Laurel Park in existing commercial plaza located within the Major Arterial Zone. Per the Zoning Law, the Town Board may consider the use via a Temporary Conditional Permit. A public hearing will be required to consider the permit.

Don Loudon

Applicant requests amendment to the Zoning Code 229-168 relative to size limitation of a truck or van located at any single family lot less than 2 acres.

Work Session items for consideration October 12, 2011:*Rocco DelGrosso 8035 Clarence Center Road*

Applicant requests a Change in Use from single family to five unit multi-family complex structure as town homes.

8035 Clarence Center Road

Applicant is requesting a Change in Use to convert the single family home to a restaurant. The Zoning Department has requested that both applicants for 8035 Clarence Center Road provide official correspondence from the landowner that both projects are acceptable and can move forward for review.

Lou Visone 4595 – 4615 Thompson Road

Applicant requests a Clearing, Filling, and Grading Permit at 4595-4615 Thompson Road in lieu of a building permit for both lots. These are two previously approved building lots.

Daniel Palumbo 9210 County Road

Applicant is requesting Concept Approval for a three unit Industrial Business Park.

Supervisor Scott Bylewski

There is an effort underway by the Clarence Conservation Advisory Council to have a butterfly preserve at one of our town parks.

Supervisor Bylewski will mention Councilman Joseph Weiss resignation; there will be a vacancy on the Town Board.

The Clarence Center Merchants Association will host the 3rd Annual Octobercenter Fest on Friday, October 7th from 5PM – 9PM. Clarence Center Road will be closed off between Long Street and Goodrich Road and between Goodrich Road and Railroad Street. Goodrich Road will still be a through street.

Supervisor Bylewski has a resolution to amend the January 5, 2011 resolution pertaining to the NYS Retirement System.

Supervisor Bylewski has one item to discuss in Executive Session regarding the Employment History of a Corporation.

Councilman Bernard Kolber

Highway Superintendent Donner is recommending the acceptance of bids for several town vehicles and equipment.

Highway Superintendent Donner is recommending the acceptance of a bid of \$1.00 per yard from Fred Cimato for the removal of leaf mulch.

Councilman Kolber has one item to discuss in Executive Session regarding the appointment of an individual and the employment history of a corporation.

The Library Board is working on developing several Memorandum of Understanding for being part of the County wide library system. They are in the beginning stages but are trying to protect town owned property so it does not become part of the County wide library system. Supervisor Bylewski suggested the Library Board contact Director of Administration and Finance Pam Smith to get a list of what the town has insured as well as what the Friends of the Library have insured.

Councilman Patrick Casilio

Councilman Casilio has a motion for the demolition of a house on Sheridan Drive. The bid came in higher than expected because the house is collapsing and the contractor could not do a proper survey of the house to remove asbestos before demolition.

After the election, Councilman Casilio would like to review the sign law regarding campaign signs. This past primary there were signs posted in right-of-ways especially at intersections. A public hearing will be scheduled after the November elections. The Town of Orchard Park has a “no political sign law” which Councilman Casilio will research and bring information back to the Board for discussion.

Councilman Casilio has one Attorney-Client item to discuss regarding a land purchase.

Councilman Peter DiCostanzo

On Monday, September 26th, the Clarence Youth Board and Youth Bureau presented 2011-2012 speaker series “Alcohol, Drugs and Your Child – Information Every Parent Should Know. Unfortunately it was not well attended. The Youth Board suggested combining the speaker series with something else to get more parents to attend.

Councilman DiCostanzo will make a motion to post the position of Youth Activities Leader RPT

Youth Bureau Director Dawn Kinney is requesting a budget transfer.

The October 5th Planning Board agenda will include: Affordable Senior Housing Opportunities of NY, Inc for a proposed senior housing project at 8040 Roll Road, Rock Garden Properties for a Special Exception Use Permit for a mixed use development at 9470 Main Street and Northwood’s Open Space Design Subdivision – density will be discussed.

Councilman DiCostanzo will make a motion to approve the request by Paul Shear to attend a planning conference in Albany, NY.

With all the recent car crashes into buildings, the Town of Amherst is researching erecting some type of barrier in front of some businesses. Councilman Kolber asked Senior Building Inspector David Metzger if the Town of Clarence should be researching this as well. Senior Building Inspector Metzger suggested waiting to see what the Town of Amherst comes up with, you can’t make every building owner that has a glass front erect a barrier. There are other alternatives such as planters or landscaping.

Planning Board Chairman Al Schultz

Planning Board Chairman Schultz presented pictures of the tree planting on the sewer line in Shadow Woods Subdivision. He has received numerous positive comments from the residents.

Councilman Kolber and Town Engineer Lavocat met at the Senior Center to find a way to stop the air draft and keep the cold air out. They are going to look into some type of vestibule.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105(1) F of the Open Meetings Law to discuss the employment history of a particular person, the employment history of a corporation and the appointment of a particular person; § 105(1) H the proposed acquisition of real property but only when publicity would substantially affect the value thereof. Upon roll call – Ayes: Councilman DiCostanzo, Councilman Casilio, Councilman Kolber and Supervisor Bylewski; Noes: None. Absent: Councilman Weiss. Motion carried.

There being no further business, the Work Session adjourned at 7:05 PM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to adjourn the Executive Session at 7:05 PM. Upon roll call - Ayes: Councilman DiCostanzo, Councilman Casilio, Councilman Kolber and Supervisor Bylewski; Noes: None. Absent: Councilman Weiss. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, September 28, 2011 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:33 P.M. Pledge to the flag was led by Councilman Patrick Casilio, followed by a prayer read by Supervisor Bylewski.

Members of the Town Board present were Councilmembers Peter DiCostanzo, Patrick Casilio, Bernard Kolber and Supervisor Bylewski. Councilman Joseph Weiss was absent. Other Town officials present were Asst. Director of Community Development Brad Packard, Deputy Town Attorney David Donahue, Town Engineer Tim Lavocat, Sr. Building Inspector David Metzger, and Planning Board Chairman Al Schultz.

Motion by Councilman Kolber, seconded by Councilman Casilio to accept the minutes of the previous meeting held September 14, 2011. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Joseph Weiss. Motion carried.

Supervisor Bylewski said he would like to make a general thank you to everyone involved with the Flight 3407 race for the residents along the race route, the organizers, the families who were involved and to the people who participated in the race. It was a very well run event. He wanted to express his gratitude for the kindness of the community.

Supervisor Bylewski announced that in an email dated September 14, 2011, Councilman Weiss said he resigns from his position as councilman effective September 28, 2011.

There will be a vacancy coming up and Councilman Weiss is absent this evening.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to approve a Special Event Request for the “Meet in the Center Merchants Association” to hold their 3rd Annual OctoberFest on Friday, October 7, 2011 from 5:00 p.m. to 9:00 p.m. On the question, Supervisor Bylewski said the Highway Superintendent and the Town Attorney have looked at the proposed location and determined that it is acceptable. Clarence Center Road will be closed between Long Street and Railroad Street with Goodrich Road to remain fully open. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Joseph Weiss. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to adopt the following resolution to amend the January 5, 2011 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; and

WHEREAS, pursuant to the requirements of the New York State Retirement System Regulation 315.4, the Clarence Town Board adopted said resolution at the duly convened Town Board Organizational meeting on January 5, 2011; and

WHEREAS, pursuant to the July 26, 2011 letter from the New York State and Local Retirement System, a new Resolution and Affidavit are required and are to be reported on the Standard Work Day and Reporting Resolution Form RS 2417-A and Standard Work Day and the Reporting Resolution Continuation Form RS-2417-B.

NOW THEREFORE BE IT

RESOLVED that the Town of Clarence hereby establishes the following, attached hereto and made a part hereof, as standard work days for elected and appointed officials 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:



Office of the New York State Comptroller
 New York State and Local Retirement System
 Employees' Retirement System
 Police and Fire Retirement System
 110 State Street, Albany, New York 12244-0001

Standard Work Day and Reporting Resolution

RS 2417-A

(12/10)

BE IT RESOLVED, that the Town of Clarence / Location code 30148 hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Tier 1 (Check only if member is in Tier 1)	Not Submitted (Check box if no record of activities completed or timekeeping system)
Elected Officials									
Supervisor	Scott A. Bylewski			6	01/01/2008-12/31/2011	N	38.85	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember	Joseph N. Weiss			6	RESIGNED 9/28/2011 01/01/2008-12/31/2011	N	25.42	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember	Bernard Kolber			6	01/01/2008-12/31/2011	N	22.63	<input type="checkbox"/>	<input type="checkbox"/>
Councilmember	Patrick Casilio			6	01/01/2010-12/31/2013	N	23.56	<input type="checkbox"/>	<input type="checkbox"/>
Appointed Officials									
Zoning Board of Appeals	Robert Geiger			6	01/01/2011-12/31/15	Y		<input type="checkbox"/>	<input type="checkbox"/>
Zoning Board of Appeals	David D'Amato			6	11/6/2008-12/31/2012	Y		<input type="checkbox"/>	<input type="checkbox"/>
Zoning Board of Appeals	Daniel Michnik			6	01/01/2008-12/31/2013	Y		<input type="checkbox"/>	<input type="checkbox"/>

If additional rows are needed, please use form RS2417-B and attach.

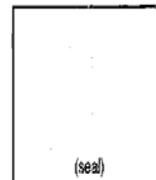
On this 29 day of September, 2011 Nancy C. Metzger Date enacted: 09/28/2011
(Signature of clerk)

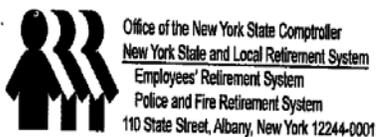
I, Nancy C. Metzger, clerk of the governing board of the Town of Clarence, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 28 day of September, 2011 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of 5 members, and that 4 of such members were present at such meeting and that 4 of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto Set my hand and the seal of the Town of Clarence
(Name of Employer)

This document consists of 003 page(s) (see additional RS2417-B forms attached).





Standard Work Day and Reporting Resolution Continuation Form RS 2417-B

(12/10)

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (Hrs/day)	Term Begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (based on Record of Activities)	Tier 1 (Check only if member is in Tier 1)	Not Submitted (Check box if no record of activities completed or timekeeping system)
Elected Officials									
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Appointed Officials									
continued...									
Confidential Sec. to Supervisor	Karen Jurek			7	01/01/2011-12/31/2011	Y		<input type="checkbox"/>	<input type="checkbox"/>
Secretary to Hwy. Supt.	Gail Englert			7	01/01/2011-12/31/2011	Y		<input type="checkbox"/>	<input type="checkbox"/>
Parks Crew Chief	James Burkard			8	01/01/2011-12/31/2011	Y		<input type="checkbox"/>	<input type="checkbox"/>
Parks General Crew Chief	Robert Linde			8	01/01/2011-12/31/2011	Y		<input type="checkbox"/>	<input type="checkbox"/>
Town Historian	Mark Woodward			6	01/01/2011-12/31/2011	Y		<input type="checkbox"/>	<input type="checkbox"/>
Planning Board Member	James P. Shear			6	1/01/11-12/31/2012	Y		<input type="checkbox"/>	<input type="checkbox"/>
General Crew Chief-Hwy	Open			8		Y		<input type="checkbox"/>	<input type="checkbox"/>
Civil Engineer Prov.	Kathryn Vergo			7.5	06/27/11-12/31/11	Y		<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
								<input type="checkbox"/>	<input type="checkbox"/>
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Employer Town of Clarence Location Code 30148 Page 3 of 3 (use with form RS 2417-A)

On the question, Supervisor Bylewski said the list of individuals is attached. It is an update to a resolution that was previously adopted in January. The resolution will be posted as well as submitted to the New York State Retirement System. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Joseph Weiss. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio that upon recommendation by Highway Supt. Ted Donner, the bid for the Removal of Leaf Mulch from the Town’s Sheridan Drive site be awarded to F. Cimato Topsoil at his bid of \$1.00 per cubic yard. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Joseph Weiss. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio that upon recommendation by Highway Supt. Ted Donner, to accept the bid for the sale of H-485 Model 710 Sweepster Leaf Loader from Delia Smith at the bid price of \$1,400.00. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Joseph Weiss. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio that upon recommendation by Highway Supt. Ted Donner, to accept the bid for the sale of H-484 Model

710 Sweepster Leaf Loader from Jim Smith at the bid price of \$900.00. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Joseph Weiss. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio that upon recommendation by Highway Supt. Ted Donner, to accept the bids for the sale of the following surplus vehicles from Scott Gajewski: 1997 Ford F150 4WD Pickup, VIN #1FTEF18L6VLB54193 for \$478.00; 1998 Chevrolet Crew Cab, VIN #1GCHK33R8WF042141 for \$1,175.00; and 1998 Chevrolet Crew Cab, VIN #1GCHK33R4WF041679 for \$1,165.00. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Joseph Weiss. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio that upon recommendation by Highway Supt. Ted Donner, to accept the bid for the sale of the 2002 Chevrolet Pickup, VIN #1GCEK14V32Z312968 from Douglas Moore at the bid price of \$3,100.00. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Joseph Weiss. Motion carried.

Councilman Kolber said Erie County Senior Services is holding a public hearing to solicit comments regarding the 2012 implementation plan for senior services October 18th at 1:00 p.m. at the Cheektowaga Senior Center.

Councilman Kolber said after two cars ran into buildings last week, the Town of Amherst has been looking into drawing up guidelines for protecting structures. He brought it up and we are going to see what Amherst comes up with.

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

Be It Resolved, that after requesting proposals from three qualified companies, the Town Board awards the proposal for the Demolition of Unsafe Structure at 8553 Sheridan Drive, Clarence, New York to Wargo Enterprises, Inc. of Akron, New York, they being the lowest responsive proposal in the amount of \$28,300 to be funded from Account No. 1.1990.

On the question, Councilman Casilio said this is an abandoned house that has been falling down. It will be good to get this eyesore and safety hazard taken care of.

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

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

Whereas, the Northern Erie Sno-Seekers Inc. Snowmobile Club has requested permission from the Clarence Town Board for the use of specific Town owned property for the 2011/12 Snowmobiling season as follows:

1. “West Shore Line” bike path that runs from Salt Road to Davison Road for use as an insured New York State Class A corridor snowmobile trail.

2. Trail running through Memorial Park between the parking lots and baseball diamond and the northern side of east/west main driveway.

3. Allow for parking on the Salt Road Parking area for “Drop and Ride” lot.

4. Allow for parking on the stone parking lots at Memorial Park between the baseball diamonds and the north side of the main driveway of for a “Drop and Ride” lot.

Resolved, that the Clarence Town Board grants permission to the Northern Erie Sno-Seekers Inc. Snowmobile Club for the use of the above Town owned property subject to the following conditions:

1. The Northern Erie Sno-Seekers Inc. Snowmobile Club is to provide the Town of Clarence with a certificate of insurance naming the Town as additional insured on the Northern Snow Seekers, Inc. Snowmobile Club’s insurance and name the above areas on said certificate.

2. This use is approved and authorized with the understanding that snowmobiles are allowed only on the right-of-way of the bike path and absolutely not allowed on the paved portions of the bike path.

3. That all trails will be clearly marked with signs and barrels and the path maintained throughout by the Northern Erie Sno-Seekers Inc. Snowmobile Club.

4. That the season will run from December 15, 2011 to April 1, 2012.

On the question, Councilman Kolber said this has been done in the past and we have not had any problems.

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

Councilman Casilio announced that the Clarence Hollow Association is hosting a forum at the Clarence Fire Hall on Tuesday, October 4, 2011. The public is invited. They will discuss projects and goals they have and look for public input.

Councilman Kolber said in regard to the demolition of the house on Sheridan Drive, the cost will go as a lien on the property.

Supervisor Bylewski added that there is a procedure to go ahead with the demolition and if not paid for by the property owner, then the County because the Town is made whole, would track that down.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to authorize Supervisor Scott Bylewski to sign the Roswell Riders Commitment for the Clarence Youth Bureau for an event to be held on April 21, 2012 at Meadowlakes Park from 8:00 a.m. to 3:00 p.m. subject to review and approval of the Town Attorney. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Joseph Weiss. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to create the following position for Civil Service purposes: 1 - Youth Activities Leader- RPT Provisional. On the question, Supervisor Bylewski said this position is being created for promotional purposes. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Joseph Weiss. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to post the position of Youth Activities Leader RPT-Provisional at the hourly rate of \$9.50. On the question, Councilman DiCostanzo said this position is being created for promotional purposes. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Joseph Weiss. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to approve the following transfer of funds in the 2011 Youth Bureau budget: \$1,500 from account A7310.0250 Building Improvements to account A7310.0450 Maintenance of Buildings & Grounds. On the question, Councilman DiCostanzo said one account was overestimated and short in the other. It is to cover lawn maintenance, snowplowing and garbage pickup. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Joseph Weiss. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to grant permission for Planning Board member, Paul Shear to attend the NY Planning Federation Conference in Albany from October 9 – 11, 2011. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Joseph Weiss. Motion carried.

Councilman DiCostanzo thanked Dawn Kinney and the Youth Bureau for the program they put on regarding substance abuse and your children. The only bad part was that there were too few people here.

Councilman DiCostanzo said the agenda for the Planning Board meeting next week includes review of affordable senior housing on Roll Road; Rock Garden multi-use project at Main and Goodrich; and Northwoods residential development between Greiner and Roll Roads, east of Shimerville.

Supervisor Bylewski thanked department heads present for their participation.

Public Participation

John Kausner said they had their 3407 race this past weekend and this is a great Town. Everyone has been so helpful at the Town including Nancy Metzger and the Town Clerk's office, the Parks Department, Ted Donner and the Highway Department, EMT Joseph Latona, Town Attorney Steven Bengart, Councilman Casilio and Councilman DiCostanzo ran in the race. He just wanted to thank everyone for all of their help. All of the 3407 families appreciate it.

Mr. Kausner said he was hoping to see Councilman Weiss. This is not a political statement because he even voted for Joe. He made a statement in the record that bothers him personally and that was that Scott milked the plane crash. Supervisor Bylewski has been there for 2 ½ years attending all of their meetings and helping them in the same spirit as everyone else. He feels it was an unfair comment. He hopes we move forward agreeing to disagree. We are not looking for a brain surgeon; we are just looking for people to represent this great town.

Councilman Casilio said it was a very well organized race. We should also thank John's daughter and John Leamer.

Master Plan 2015 Amendment, Clarence Center Hamlet – To consider extension of the Traditional Neighborhood District along Goodrich Road north of Maple Street to the Peanut Line. Brad Packard said this amendment was referred to the Planning Board in February as a result of the annual Master Plan review. The proposed amendment would allow for a change in zoning from Residential Single Family to Traditional Neighborhood District. A Negative Declaration has been issued under SEQR regarding this proposal. The Planning Board has recommended adoption of the proposed amendment. The Town Board may set a public hearing to consider the amendment to the Master Plan.

Councilman Casilio said the Town Board attended the Planning Board meetings where this was discussed and heard input from the residents. This is a scaled back version of the original footprint.

Motion by Councilman Casilio, seconded by Councilman Kolber to set a Public Hearing for October 26, 2011 at 7:45 p.m. to consider an amendment to Master Plan 2015 to extend the Traditional Neighborhood District along Goodrich Road north of Maple Street to the Peanut Line. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Joseph Weiss. Motion carried.

Loch Lea Planned Unit Residential Development/AVR Builders - Requests an amendment to the existing PURD to allow for 20+/- patio homes at the corner of Harris Hill Road and Roll Road. Brad Packard said the applicant is proposing patio homes in an area formally planned as the commercial portion of the Loch Lea PURD. This proposal has received a Negative Declaration under SEQR. An amendment to the PURD requires a public hearing.

Leann Voit of Greenman Pederson said she is here representing AVR Builders. They are asking that a public hearing be scheduled. There is nothing new to the project than what has been presented.

Bill Riordan said he is a resident of the Hollows of Loch Lea. He believes that their comments have been heard. Their main concern was with the berms. This is the beginning and he believes that this and other issues they have will be addressed as the project moves forward. He would like to thank them for their cooperation so far. Mr. Riordan said he is speaking tonight as an individual and not as a representative of the association.

Supervisor Bylewski said there was discussion earlier today regarding scheduling of the public hearing. There would be an additional cost if the applicant wanted to move the date up and publish the notice in the Buffalo News.

Ms. Voit said the applicant is fine with the hearing being set for a month from now.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to set a Public Hearing for October 26, 2011 at 7:55 p.m. to consider an amendment to the existing Loch Lea Planned Unit Residential Development to allow for 20+/- patio homes at the corner of Harris Hill Road and Roll Road. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Joseph Weiss. Motion carried.

Rivera Greens/Natale Builders requests Final Plat Approval of Rivera Greens Open Space Design Subdivision and Public Road Dedication of approximately 1,100 lineal feet of

Rivera Way and approximately 1,060 lineal feet of Ava Lane, on the north side of County Road, east of Stahley Road. Brad Packard said this is for final plat and road dedication of a 35-lot home project including acceptance of four new fire hydrants. The Town Engineer and Highway Superintendent have inspected and approved acceptance of the public infrastructure.

Corey Auerbach of Damir and Morey and Larry LaDuca of Natale Builders were present. The public improvements have been completed and they are seeking final plat approval.

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

RESOLVED, that the Clarence Town Board grants the request of the applicant, Natale Builders, for Final Plat Approval for the Rivera Greens Open Space Subdivision and the dedication of public roads subject to the following conditions:

1. Dedication of approximately 1,100 +/- linear feet of Rivera Way and approximately 1,060 linear feet of Ava Lane.
2. Acceptance of four (4) new fire hydrants.
3. The Town of Clarence agrees to pay the annual fire hydrant maintenance fee to the Erie County Water Authority for four (4) fire hydrants within Rivera Greens Open Space Design Subdivision.
4. A conservation easement for and/or deed restriction protection of permanent open space subject to review and approval by the Town Attorney's office.
5. No building permits will be issued until all the appropriate documents necessary to convey said roads to the Town of Clarence are submitted to, reviewed and approved by the Town Attorney.
6. Building permits will not be issued until proof of filing of the approved road deeds, easements and conservation easement and/or deed restriction are submitted to the Town Attorney.
7. Final Plan Approval must comply with all regulatory agency and local department conditions.
8. Appropriate fees paid by applicant.
9. Conditions of Town Engineer.

On the question, Supervisor Bylewski said this is one of the first "green" subdivisions going up in New York State.

Mr. LaDuca said the windmill will be used to generate electricity for the common area maintenance including street lights and the retention pond fountain. Any unused power will be turned back into to the grid.

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

Sunset Park Improvements - To include bleachers, concession, pavilion and press box. Brad Packard said the Clarence Football organization is requesting a recommendation for a building permit and architectural approval for the construction of a new concession facility and press box. The proposal also involves the expansion of an 80-yard field to a 100-yard field.

James Dussing, President of Clarence Little League Football and Joseph Mannarino of Ciminelli Construction were present.

Supervisor Bylewski said the proposed project involves an extension of the field and removing the concession stand and building a new one with a press box on the top.

Mr. Dussing said part of this project is to comply with the guidelines that they have to follow. They need to have the 100-yard field. They would be more self-sufficient and able to leave the pavilion for use by other residents.

Mr. Mannarino added that they looked at several different ways of placement but were quite limited.

Supervisor Bylewski said he has not had any complaints from residents in the Harris Hill area in quite some time. The project would not begin until spring.

Mr. Dussing said they have a lot of work to do going forward. They did not want to do too much without approval from the Town.

Mr. Mannarino said the height of the press box could be 20 feet.

Councilman Kolber said he would love to see this investment in a larger piece of property but he does not know where that could be.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo to accept the Concept Plan from Clarence Little League Football for improvements at Sunset Park to include bleachers, concession, pavilion and press box. On the question, Supervisor Bylewski said he walked the field, along with Councilman DiCostanzo and could see that improvements are needed. Mr. Dussing said there are 296 kids in the league. Councilman Kolber said he would like to see input from the Harris Hill Association involved in this. Councilman DiCostanzo said he has three boys in the league, but has no position on the board so he will be voting on this. Upon roll call - Ayes: All; Noes: None. Absent: Councilman Joseph Weiss. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to table the request by Car Group Holdings for a Public Hearing to consider a Temporary Conditional Permit for automotive wholesale operation at 5841 Transit Road until the applicant is available. Upon roll call - Ayes: All; Noes: None. Absent: Councilman Joseph Weiss. Motion carried.

Don Loudon re: Request for a revision to the Zoning Code 229-16B relative to size limitation of a truck or van located at any single-family lot less than two acres. Mr. Loudon said this code allows a commercial van or pickup truck per home on an acre or less in a single-family home subdivision. He presented pictures of what this looks like in his neighborhood. He asks the Town Board to revise the code to include a size limitation on trucks or vans in neighborhoods consisting of only single-family residential lots.

Mr. Loudon said the code is there to protect the residents. A big box truck is inappropriate, an eyesore and poses a threat to home values and sales. The truck becomes a focal point as you drive down the street. It reduces the incentive of the neighbors to improve their property. A business from a home must be transparent. The homeowners associations are powerless. The Town must step in to protect the residents and keep the Town beautiful.

Councilman Kolber said he has heard a complaint before about a truck idling with the fumes going into the neighbor's house and he believes it is an enforcement issue.

Mr. Packard said he is not aware of any specific violation.

Councilman Kolber said it has been brought up, looked into and nothing was done. How do you make this only in subdivisions when there are other areas that are only residential. There are also motor homes and large boats. If they cannot park in their yard, what would prevent them from parking in the street? He will look at it and see what other towns have done.

Councilman Casilio said what happened before was someone had a heating company van with a sign on it and parked it in front of someone else's house. We do not have control over parking on a street.

Mr. Loudon said he does not have a problem with a motor home. In addition to the box van there are seven vehicles altogether. It is a delivery truck that belongs in a warehouse.

Brad Packard said the zoning provisions are applicable to a general community. It is not segregated to a particular zoning district. This type of issue is typically addressed through a homeowners association.

Supervisor Bylewski said if the association has no teeth then a letter to the owner will probably not do much good. There is a need for further research on our end.

Supervisor Bylewski said in regard to the Master Plan amendment, he received a letter from Don Coppola who is against the rezoning. An email letter was also received from Dr. Clinton Eliason of Long Street.

Motion by Councilman Kolber, seconded by Councilman Casilio to approve the following: Clubhouse Applications: A. Girl Scout Troop #1498 - Monthly meetings Sept. - Dec. 2011; & Jan. - Dec. 2012; B. Clarence Track Club - Nov. 15, 2011; C. Garden Friends of Clarence - Monthly meetings for 2012; Legion Hall Applications - A. Gary George - Oct. 1, 2011; B. Jamie Zuppa - Oct. 8, 2011; C. Friends of Scott Bylewski - Oct. 11, 2011; D. Clarence House Soccer Referees - Oct. 30, 2011; E. Mark Francisco - Dec. 10, 2011; F. Joyce Czarnecki - Dec. 23, 2011; G. Daisy Scouts - Monthly meetings Jan. - June & Sept. - Dec.

2012; H. Girl Scout Troop #586 – Monthly meetings for 2012; and I. Girl Scout Troop #1498 – Monthly meetings Sept. – Dec. 2011 & Jan. – Dec. 2012. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Joseph Weiss. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio that after proper audit and review by the Town Board, the following bills of September 29, 2011 are approved for payment: General Fund - \$226,456.99; Highway Fund - \$44,094.46; Water District - \$2,141.97; Drainage District - \$277.40; Sewer Districts - \$392.76; Capital Fund – \$137,133.47; Trust & Agency 203 - \$1,126.21; and Trust & Agency 202 - \$5,972.80 for a total amount of \$417,596.06. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Joseph Weiss. Motion carried.

“For the Good of the Town”

Deb Sabbatis said she would like to know about the ice skating rink. There has not been much information coming out. Information she has pulled off the internet says that they hope to break ground in 2012. The taxpayers she has talked to do not even know about an ice skating rink. She has heard a rumor that the Town Board is looking to use a permissive referendum to get this in process rather than a referendum for the voters to decide.

Supervisor Bylewski said the Clarence Community Recreation Corporation held a public meeting. The Town is looking at various proposals of consulting firms to take a look at the feasibility of doing something along those lines. That is the extent of it at this time. The proposed timetable is over. The subject of holding a referendum still has to be considered. If it is a permissive referendum the residents can file a petition to have the matter placed on the ballot. We just do not know at this time.

Councilman Kolber said he still would like to see this funded privately. If private people could loan the money it would be a more cost effective way of getting done.

Marlese Wacek said as a taxpayer in this Town she has not heard about the ice rink until a month ago. She does not get the Bee or the Buffalo News. She finds it shameful that things are going on in this Town involving a lot of money. They are basing this on a survey that included less than 1% of the residents in the Town. That is not enough to have the taxpayers fund \$8million in these economic times. She would like something done to protect the taxpayers.

Councilman Kolber asked how she found out about this. The rumors out there are crazy. No budget has been discussed and no project has been looked at.

Marlese Wacek said she heard it from other politicians going through the neighborhood and then she went on the internet and researched it.

Supervisor Bylewski said it is still being studied. The satisfaction survey that was done two years ago had a confidence level that statistically speaking would be the same if we had a million people. The survey bears out a lot of the work that was done by the survey the Greatbatch Foundation did in the early 90’s. The most requested item was an ice rink. The Clarence Recreation Committee has been looking at this for the last 10 years. They spent the last four years drafting a proposal and have asked the Town to consider it.

Ms. Wacek said she read the proposal, but for that kind of money it should come up for a vote.

Supervisor Bylewski said this year we went out for a borrowing of \$8.9 million, which is a common amount that we go out to borrow for. It is not out of the realm. We are looking at it and he appreciates her comments.

Roy Olsen said Eastern Hills Mall would get to share the tax liability by the transfer of this land. They would also get to collect \$141,000 a year from the taxpayers if we are asked to cover the cost of this project if it goes sour. Their taxes get reduced. The taxpayers are the ones taking the risk.

Councilman Kolber asked where these numbers were coming from.

Mr. Olsen said right from the proposal.

Councilman Kolber said the mall’s assessed value is based on the success of the mall. The greater the space rented the greater the value. The mall was at one time assessed at \$45 million at its peak. The last time it sold it was greatly reduced. We do not know how much this would cost.

Mr. Olsen said then you do not know this proposal.

Councilman Kolber said this could cost anywhere from \$45 to over \$100 per square foot to build. It is worth looking into. At one time this town hall was at the highway building. He would rather see this be built as a private project. He has had some preliminary talks with some people and there is an interest in that. He believes it is a good project. It is revenue neutral.

Mr. Olsen said if they meet their projections. What happens if they miss them by 10%, the taxpayers will have to pay.

Councilman Kolber said Councilman DiCostanzo thought they were conservative on their projections.

Councilman DiCostanzo said they did not show the ice being fully used.

Councilman Kolber said his kids do not play hockey, but the school has teams that pay a lot for ice time.

Mr. Olsen said he is not opposed to the ice rink. He is opposed to the taxpayers paying for the ice rink.

Councilman Kolber said his proposal that he is working on is to have it privately funded because of the savings. Eastern Hills is donating the property and he believes it will increase the tax base on the property because they are giving us vacant land. It is a good location and it would bring a lot of traffic into the mall. They will save a lot on infrastructure costs. He would like to do this project. If not done privately, it may go to a vote. He is tired of it being made a political issue. Numbers are being thrown around and scare tactics being used.

Mr. Olsen said the numbers are taken right out of the CCRC proposal.

Henry Becker said he is upset because this is supposed to be an item where we can say a few words and there is no back and forth thing going on. We are going to sound like Amherst going on for hours.

Councilman Kolber said we have the senior center and it is a wonderful facility for the seniors in the Town. There is almost no revenue that comes in. The Town subsidizes that facility for about \$300,000 per year. Every time a person walks in to that facility it costs the Town about \$15. He believes it is worth it. We are in the business to provide services. He does not like big government and thinks government is the most inefficient way to spend money.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:50 p.m. in honor and memory of Wilson Greatbatch.

Nancy C. Metzger
Town Clerk