

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, February 8, 2012 at the 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 Robert Geiger, Peter DiCostanzo, Bernard Kolber and Patrick Casilio. Other Town officials present were Director of Community Development James Callahan, Assistant Planner Brad Packard, Town Attorney Lawrence Meckler, Town Engineer Timothy Lavocat, Confidential Secretary to the Supervisor Karen Jurek, Senior Building Inspector David Metzger, Director of Administration and Finance Pam Smith.

Director of Community Development James Callahan

Agenda items for consideration February 22, 2012:

Nathan Raupp 9200 Wehrle Drive

Applicant is proposing to acquire the property and relocate an existing automotive repair operation to replace the existing operation/use on the property. Applicant's current operation exists at 4915 Ransom Road. The proposed site is located on the north side of Wehrle Drive, east of the West Shore Line recreation trail on 7.6+/- acres in the Industrial Business Park Zone. Per the Zoning Law, automotive repair facilities may be permitted within the Industrial Business Park Zone only with a Special Exception Use Permit or Temporary Conditional Permit as issued by the Town Board. A public hearing will be required to consider the permit.

Damon & Morey - 5817 Transit Road

Applicant is proposing to develop an automotive collision shop with an automotives sales component. The proposed site is located on the east side of Transit Road, north of Highland Farms Drive on existing vacant land consisting of 4.33 acres in the Major Arterial Zone. Per the Zoning Law, the Town Board has final authority via a Special Exception Use Permit or Temporary Conditional Permit to allow for automotive uses in a commercial zone. Referral to the Planning Board, if the Town Board identifies that the use is in keeping with the goals of the community, would initiate a comprehensive review of the project.

Benderson Development 5205 Transit Road

Applicant is proposing outside dining at existing commercial structure recently approved for a Change in Use to a coffee shop located on the east side of Transit Road, south of Greiner Road in the Major Arterial Zone. Per the Zoning Law, the Town Board may consider outside dining with a Temporary Conditional Permit. A public hearing will be required to consider the permit.

Supervisor David Hartzell

Supervisor Hartzell will make a motion to approve a transfer of funds from the 2011 Law Department Budget and several transfers within the 2011 General Fund budget.

Supervisor Hartzell will make a motion to declare several computers, monitors and printers as surplus including a typewriter and fax machine from the Highway Department.

The Town of Clarence Baseball Association is requesting approval to install advertising signs along the outfield fencing at Madowlakes, Memorial, Sunset and Town Place Parks. Further, they are also requesting approval to cover the dugouts at Memorial Park similar to the Town Place Park dugouts.

Epiphany UCC church has submitted a Special Events request for a 5K walk/run to be held June 16, 2012 from 9AM until 12 noon.

Councilman Bernard Kolber

Councilman Kolber will set a public hearing to consider the designation of both the primary residence and carriage house located on the property at 10622 Main Street as local historic landmarks.

Councilman Kolber did research on the public hearing scheduled for this evening relative to amending the Zoning Law. He distributed handouts from neighboring towns regarding zoning regulations in terms of density. Councilman Kolber was of the opinion that Orchard Park is the closest town to Clarence in terms of character and size and they have much better traffic and highway aspects. Orchard Park density for multi-family (RF3 code) is six units per acre maximum. They have an exception for specific senior housing, one unit per 3,600 square feet if the unit size is less than 788 square feet in size or one unit per 5,000 square feet if it is over 780 square feet in size. That is specifically for senior housing. If you want to compare “apples to apples” Supervisor Hartzell asked what Orchard Park regulations are for sewer, major arterial. Councilman Kolber stated that most towns have a MFR Zoning category for multi-family residential housing; they do not allow it in their other zones. The Town of Orchard Park’s multi-family code is in their R3 Residential Code. Supervisor Hartzell asked what Orchard Park’s density would be for sewer, major arterial. Councilman Kolber stated that Orchard Park density for R3 on a ten acre site is six units per acre, maximum. He did not know for sure if this was sewer, however he said most of Orchard Park has sewers.

Director of Planning and Zoning James Callahan stated that the proposed zoning amendment would affect five properties in the Town of Clarence along Transit Road corridor. The question is how many places can accommodate multi-family residential. Mr. Callahan stated that he has been with the town 16 years and the Planning and Zoning Office has done six multi-family projects and everyone required a variance. If you have to grant a variance for every project that comes in, it’s time to take a look at amending the law.

Councilman Kolber stated that the Zoning Board of Appeals went out and looked at similar complexes, which are very similar to this proposed project however they did not think this fit into the character of Clarence.

Mr. Callahan stated that the developer held several public hearings with the neighbors in the surrounding area and worked with the neighbors to get a set-back and a zoning classification that would work on this site.

Councilman Patrick Casilio

Councilman Casilio stated that this project seems extreme.

Mr. Callahan stated that Montgomery Park is very similar to the proposed senior housing complex, it is 115 units on approximately 9 acres, and it is two stories which is why it is a bigger footprint. The reason they went PURD is because it has the common dining area, so the units become much smaller. There is a variation in the units because of the common dining below so there are 400 square foot units. That is how they got around the specific density and made it PURD Zoning. The same thing with Vinecroft/Bristol Village there is a variation in unit size and that increases the density dramatically. The real character issues on a commercial zone are the set-back, open space, height, unit size and the bulk requirements; this is what drives the design, the footprint. Density is what is inside the footprint. Councilman Casilio has issues with a three story building plus the roof structure. He wished this project could have gotten past the ZBA. In reading the ZBA minutes, there was no compromise. Mr. Callahan stated that this is what the developers worked with the neighbors on (66% green space and 300 foot setback off residential) and that is why the project was designed this way. Councilman Casilio stated that if the Board does try to move this amendment forward, we should see if there is a compromise on the density and possibly restructures this proposed project. He agreed that the proposed location was a good fit for this project but was concerned about where else this project could end up.

James Callahan stated that the only way this project could get funding through the IDA was if it was designated senior housing.

Councilman Kolber stated that we are just looking at this one project however the proposed local law amendment would apply to any MFR in those zones. Mr. Callahan again stated that the town does not allow MFR except for Special Exception Use Permit, which the Town Board ultimately has the final decision on. It has always been done that way; the Town Board has final authority.

Councilman Casilio will make a motion authorizing Supervisor David Hartzell to sign the ESI Employee Assistance Program renewal agreement.

Councilman Peter DiCostanzo

Councilman DiCostanzo will make a motion to approve the transfer of funds from the 2011 Planning and Zoning budget. Parks Crew Chief James Burkard is requesting a transfer of funds in the 2011 Parks Department budget.

Parks Crew Chief James Burkard is requesting a bid date be set for the purchase of a 2012 4x4 articulated mower.

Councilman DiCostanzo will remind everyone to submit their Ethics Disclosure forms by the end of February.

Councilman Robert Geiger

Councilman Geiger will appoint Jennifer Lougen-Wiertel to the Conservation Advisory Council.

Councilman Geiger had a correction to the January 18, 2012 minutes.

Councilman Geiger commented on the proposed senior housing project. He likes the idea of senior housing; the proposed site is a good location for it however he thinks it needs some modification. Some of the comments brought up tonight are important and should go back to the Zoning Board of Appeals. They can take another look at this and let them reconsider some of the new facts. The developer can request the ZBA take another look at the project, if they can get five ZBA members to agree to relook at it upon new information. If that doesn't work and the developer wants to pursue this project, they can file an Article 78 and pursue it in that manner.

Supervisor Hartzell informed the Board that EnerPath did an energy audit on all the lights in the town buildings. The total project cost for them to shift all our lights to energy efficient lights' including ballasts is \$67,000, NYSEG agreed to pay \$37,000. The total cost to the town if the Board is interested in pursuing this is \$27,000. and has a 21 month payback. A decision will be made at the next town board meeting.

Supervisor Hartzell received a letter from Flora Leamer requesting all the money the Day in the Park Committee has raised. The committee is in the planning process for this year's event and would like the money upfront. Councilman DiCostanzo did not feel they needed all the money upfront. Councilman Kolber felt it was their money and they should have access to it. Councilman DiCostanzo stated that the money is not in the General Fund; Pam Smith has it in a trust account. There is different organization running the event this year. Councilman DiCostanzo has been involved with Day in the Park for the last 15 years and he did not feel they needed that \$10,000 in seed money. Two years ago, the committee started with \$3,100.

Councilman Casilio stated that the Board could put some restrictions on it however, this is not town money, it is money that was raised by the operation of Day in the Park. Last year was the first year that the non-for-profits that were involved did not have to pay a surcharge; they got to keep all the money they made.

Councilman Geiger suggested that they draw on the money as needed.

As liaison to the Day in the Park Committee, Councilman Casilio will speak with the Lions Club to see what start-up money is needed and will report back to the Board.

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

The Work Session adjourned at 6:35 PM.

Motion by Supervisor Hartzell, seconded by Councilman DiCostanzo to adjourn the Executive Session at 6:49 PM. Upon roll call – Ayes: All; Noes: None. No action taken.

The Work Session reconvened at 6:49 PM.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to appoint Elaine Wolfe to the Clarence Industrial Development Agency for a one year term to expire 12/31/2012. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 6:55 PM.

Darcy A. Snyder
Deputy Town Clerk

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, February 8, 2012 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. Councilman Bernard Kolber led in the pledge to the flag, followed by a prayer given by Mike Dwyer, Executive Pastor of Eastern Hills Wesleyan Church.

Members of the Town Board present were Councilmembers Bernard Kolber, Patrick Casilio, Peter DiCostanzo and Robert Geiger. Other Town officials present were Director of Community Development James Callahan, Town Attorney Lawrence Meckler, Town Engineer Timothy Lavocat, Asst. Planner Brad Packard, and Sr. Building Inspector David Metzger.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo to accept the minutes of the previous meeting held January 18, 2012. On the question, Councilman Geiger had an amendment to the motion on page 16 as follows: Motion by Councilman Geiger, seconded by Councilman Casilio to transfer the outstanding 2011, 4th quarter budget money to the Senior Center in the amount of \$53,750. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to approve the following transfers in the total amount of \$2,865.78 in the 2011 Budget General Fund as follows: \$46.81 from 001-1220.0432 Dues & Subscriptions to 001-1220.0416 Gas & Oil; \$170.94 from 001-1620.0438 Light Heat & Power to 001-1620.0450 Maintenance of Buildings & Grounds; \$88.94 from 001-1620.0438 Light Heat & Power to 001-1620.0452 – Repairs to Library; \$538.21 from 001-1620.0438 Light Heat & Power to 001-1620.0481 Going Places Van – Gasoline; \$1,918.24 from 001-1981.0400 Grant Writing to 001-1953.0400 to 001-Telephones, Pagers and Cell Phones; and \$102.64 from 001-1981.0400 Grant Writing to 001-1954.0400-Physicals and Testing. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to declare the attached list of computers, monitors and printers and two office equipment items from the Highway Department as surplus no longer needed for Town purposes pursuant to the New York State General Municipal Law section 104-c. On the question, Supervisor Hartzell said the computer equipment, monitors and printers and Highway office equipment are outdated, obsolete and some do not work. These items will be disposed of accordingly as set forth by any state or local laws and/or rules and regulations.

Inventory #	Description	Serial number	Year
	Fax Machine	U56575I2J842299	(Highway)
	Typewriter	11BHDT8	(Highway)
11	19" S920 Monitor Compaq	202GD43QF533	2002
12	Compaq Pentium 4	X206KCCZA018	2022
27	CMP Pentium IV Computer	X205KGLZA104	2002
28	CMP Pentium IV	X205KGLZA106	2002
29	CMP Pentium IV	X205KGLZA091	2002
30	CMP Pentium IV	X205KGLZA 117	2002
38	17" Color Monitor	147CL28BD218	2002
49	Printer	MY99S12JZ	
110	Color Monitor	043CG26SD094	
117	17" Color Monitor	043CG26SD111	
123	V720 17" Color Monitor	125CL23BG210	
148	Compaq Computer	691CMM2A102	
199	Compaq EVO Computer	6X2AKN8ZX1B6	2002
243	Compaq EVO 510 CMT Computer	USH31103H7	2003
268	HP Compaq D530 Computer	USW34108S8	2003
271	HP Compaq Pent. 4 Computer	USW34108S8	2003
274	HP Compaq Pent. 4 Computer	2UB34300HZ	2003
289	HP Compaq Pent. 4 Computer	USW35208PD	2003

292	HP Compaq Pent. 4 Computer	USW35208PH	2003
293	HP Compaq Pent. 4 Computer	USW35208PJ	2003
294	HP Compaq Pent. 4 Computer	USW35208PK	2003
307	HP Proliant ML350 Server-laser fiche	M00YLK8H2D	2004
308	HP Proliant ML350 server	MOO8LK8H2C	2004
422	Compaq Computer	6015CRZ4B558	
445	17" Flat Panel Monitor	HA17H8NL210917 (NOT working)	
448	HP DX2000 Minitower Computer	SMXD606090L	2006
528	Okidata Printer	912B2587765	
544	HP Laser Jet L7680 Fax/Printer	MY76P54054	2007

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

Motion by Supervisor Hartzell, seconded by Councilman Casilio to approve the transfer of funds from the 2011 Law Department Budget as follows: \$81.63 from budget line 001.1420.0432 – Dues and Subscriptions to budget line .001.1420.0423 – Books and Supplements. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to authorize the Town of Clarence Baseball Association to:

1. Install advertising signs along the outfield fencing at Meadowlakes, Memorial, Sunset, and Town Place Parks. The signs are to be white with green backing and are to be taken down at the end of the baseball season (installed in April and taken down in August). Any existing signs that need replacement should conform to the color requirements; and
2. To cover the dugouts at Memorial Park, similar to the Town Place Park dugouts, to protect the players from wind and rain. The expense will be paid for by the TCBA Booster Club and the Club will be responsible for putting up and taking down the covering material at the end of the season.

This resolution is to be renewed on an annual basis upon the request of the Town of Clarence Baseball Association.

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

Motion by Supervisor Hartzell, seconded by Councilman Geiger to grant a Special Events request by Epiphany UCC Church for the 5K Walk/Run “Red Devil Run For Recovery” to be held June 16, 2012 from 9:00 a.m. until 12:00 noon, subject to Town Attorney review and approval and receipt of the appropriate certificate of insurance. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Hartzell announced that the Town of Clarence was awarded a Community Development Block Grant in the amount of \$265,559 for the Rural Transit Service. The service provides transportation for senior citizens for shopping or doctor appointments.

Motion by Councilman Kolber, seconded by Councilman Casilio to set a Public Hearing for March 14, 2012 at 7:45 p.m. to consider designation of both the primary residence and carriage house located at 10622 Main Street as Local Historic Landmarks in accordance with the provisions of Section 117, Historic Preservation of the Code of the Town of Clarence. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Kolber said he recently attended the sewer meeting to discuss how we could get sewers up to the Harris Hill area, which has been a concern due to failing septic systems. We are always looking to go north to tie into the Peanut Line. He spoke with the Town Engineer and does not know if it is feasible, but would like to look at Lancaster. There is no money available right now, but he would like to see if that is a possibility.

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize Supervisor David Hartzell to sign the ESI Employee Assistance Program Renewal Agreement for the period of February 1, 2012 through January 31, 2013 subject to review and approval by the Town Attorney. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Casilio thanked everyone associated with Winterfest. It was a very successful event. He also thanked Tim Pazda for running the Chili and Chowder cook off contest.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio that at the request of the Planning and Zoning Department, approval of a transfer of funds in the 2011 Budget as follows: \$232.83 from A8010.471 Training and Education to A8010.416 Gas and Oil. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to approve the following transfer of funds in the 2011 Budget for the Parks Department as follows: \$1,200 from A7110.450 Maintenance of Building and Grounds to A7110.416 Gas and Oil. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to set a Bid Date of March 8, 2012 at 10:00 a.m. for the purchase of a 2012 4x4 Articulated Mower for the Parks Department. On the question, Councilman DiCostanzo said bid specifications will be available in the Town Clerks' office. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo said Disclosure Forms were sent out at the end of January to all employees and committee and board members. You have 30 days to return them. The Town Board will consider removing people from their positions if they do not submit them.

Councilman DiCostanzo announced the Lions Club Pancake Breakfast is Sunday, February 12th at 8:00 a.m. at the senior high school.

Councilman DiCostanzo said we will be holding a public hearing this evening and he asks that everyone listen to facts. There have been ads in the paper, but he asks that they listen to the facts.

Motion by Councilman Geiger, seconded by Councilman DiCostanzo to appoint Jennifer Lougen-Wiertel as a member of the Conservation Advisory Council effective February 8, 2012 with term to expire 12/31/2012. On the question, Councilman Geiger said this appointment is being made to fill the term left vacant by James Burkard. Ms. Lougen-Wiertel has been attending the meetings for approximately 6 months. This leaves one vacancy on the committee of Lynn Merkel that expires on December 31, 2013. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Geiger said he received a letter from the Town Engineer regarding the doors at the Senior Center. He is working on a proposal to keep the cold air from blowing in.

Councilman Geiger thanked the Dog Control Officer for educational materials donated to the Clarence Nature Center.

Councilman Geiger said Alicia Braaten is looking for volunteers at the Clarence Historical Museum. Training sessions will be held in early March.

The Barbara Gilmour Award will be given as a scholarship to outstanding students who excel in history.

Supervisor Hartzell announced that during the work session, the Town Board appointed Elaine Wolfe to the IDA to fill an open spot. They appreciate all of the people who interviewed for this position. There were many good candidates.

Town Clerk Nancy Metzger reminded everyone that taxes are due next Wednesday, February 15th.

Public Participation

Roy Olsen said he believes the change in the Zoning Law is a positive step for responsible development. It would create many jobs, both temporary and permanent. It would also have a huge impact on dollars generated to this community. It would use limited Town services. This type of project helps offset the large drain we have on Main Street. He thanks all those who intend to vote positive for this change.

A Public Hearing was held to consider a Local Law amending the Code of the Town of Clarence Chapter 229 Zoning. James Callahan said the proposed change would increase the density of the multi-family residential developments within sewerred areas only in the Major Arterial, Commercial and Restricted Business Zones. This would increase the maximum density from the current 5,000 sq. ft. per unit or 8.7 units per acre to 2,500 sq. ft. per unit or 17.4 units per acre. It is important to note that all other requirements restricting building size, property line setbacks, building height restrictions, open space minimum requirements and unit size minimum requirements that would affect the overall design of any project will remain exactly the same.

Speaking to the subject:

Mike Patterson said it is hard to assess the impact without seeing it to show what it means.

Supervisor Hartzell said we apologize for that, but he can go to the Planning and Zoning Office to see what that would look like.

Mr. Patterson asked if we have looked at what other Towns have done in these areas.

Councilman Kolber said he looked at other towns and some have zones for this type of housing. He believes senior housing is needed, but they should be in discreet areas.

Mr. Patterson said he recognizes that when you have higher density, the visual impact is generally less green area.

James Callahan said we are maintaining all of our setback and bulk requirements including green space exactly as they exist today. If you do the math on a particular project, by adding the increased density it goes up a story. It is 66% greenspace. A similar project, Montgomery Park is 75% greenspace. It is related to all of the other requirements, which are the key factors in a design.

Councilman Kolber said the Zoning Board of Appeals did not approve a specific project because he assumes, they felt it did not fit into the scale of the area. Senior housing is fantastic and multi-family is a needed area, but we are a semi-rural town. We are not an urban area or a first ring high density suburb. Councilman Kolber read some zoning requirements from other towns. This is to change a Town Law affecting any sewerred commercial, restricted business or major arterial lot. One of the biggest areas that could be impacted is along Harris Hill Road. They are looking at running a sewer line on Harris Hill Road and a good portion is zoned commercial or restricted business. This could potentially put more traffic on this road that we cannot afford.

Councilman Kolber said he remembers the Assessor from Amherst saying years ago that every household in Amherst pays about \$500 more a year in property tax to subsidize the condominiums because of the tax breaks. There is a higher demand on services.

Lou Visone said he is all for sewers in the Harris Hill area and urges the Board to keep moving forward with that. He is a landowner and does some development. The way he looks at it, if 100 apartments are coming into Clarence with the way the law is written now, it will take up more land area. The new law allows for the same 100 apartments on less area. It is very expensive to build today. He cannot see his own kids living in Clarence in 30 years.

Deb Sabbatis said all of these numbers and figures are great, but she would like to speak about people. She is currently the Senior Services Director for the Town of Newstead and previously worked for the Clarence Senior Center. The number one concern among these people is being able to continue living in the community that they helped build. This is a great opportunity to allow that to happen. It states in the 2015 Master Plan that as low income residents look for their first home or senior citizens look to downsize, they should have a choice of housing types for their lifestyle. We should take that under consideration.

Tom Bull said there are nice homes in the Foxwood neighborhood with apartment buildings only a few hundred feet away. It makes no sense. He thinks it was terrible planning and not fair to the taxpayers. He believes it is a necessity to have senior housing in Clarence. His concern is the lack of controlled development. When you drive down Main Street and other parts of town, it seems to be a wide variety and style of building lots with some empty, unkept with no continuity or design.

Mr. Bull said the new law would cut the density amount in half and mix it in with restaurants, stores, fields and office space. He does not know if it really fits there or is it a money maker for the developer and an eventual tax burden for the Town. He asked if the tax dollars generated would cover the added burden on Town services. Are they taxed at a higher rate with more people in a small area? Do you plan to offer any tax incentives on the development? Would a different type of business on that site generate a better tax benefit to the Town?

Mr. Bull believes when you change laws to accommodate a developer, it is difficult to see the benefit to the current taxpayers. He does not know why we do not limit new development until we correct the properties already developed, but obsolete. Tax breaks should be given for projects that refurbish or enhance existing spaces. He asks the Town Board to consider his questions while discussing the decision.

Sue Rusin said her concern is how many are we going to put up? How is it going to be limited? The schools are talking about their budgets and laying off teachers resulting in increased class sizes. Now this would bring in more people and how will it affect education. She asks if we are sacrificing the schools by doing this.

Tony Mineo said he believes there is a rush to get this passed. He would like more information. Most of us moved here because we did not want density. More development defeats that purpose. We should not get involved with this until we know more about it.

Paul Scavone said he came here for information. He does not believe that by law, this facility would be restricted to senior citizens of Clarence. He remembers about 12 years ago when this Board gave permission to Joe's Garage Repair down on Main Street with a stipulation that he would never have a car in front. Now there are cars everywhere. This is what happens when things go wrong. The problem he sees with this is what happens when the next developer comes along and wants to build one of these buildings in someone else's backyard. It becomes a rule for everyone. The plan was rejected by the ZBA and now pressure is put on for it to be approved. He does not understand why his taxes keep going up on a regular basis when new homes are being built. The answer is always that the cost of everything is going up. This is not going to lower our taxes. People want controlled development and this is not it.

Pat Powers said she was a member and chairperson of the Planning Board. At that time the Planning Department put together Master Plan 2015 after many public information meetings. It is a reflection of the people's collective will. After adoption of the master plan, the Planning Board updated the Zoning Code to support that document. Millions of dollars have been invested to buy up the development rights to support the greenprint program. She is not opposed to the project per say, but is opposed to change the density law to accommodate this project. If you weaken this law, it will open the door. The ZBA denied the request based on the law that stands today.

Darryl Remsen asked if this is subject to any SEQR review.

James Callahan said every discretionary action is subject. They did a review. Action on it would have to take place prior to approving the law.

Councilman Kolber said the draft resolution that they have is to issue a negative declaration of the proposed amendment. It states there is no negative impact.

Bill Schuster said he is not against progress or development. We have many fine senior housing developments built under the current laws. His concern is that if the Board is willing to change the law to accommodate this particular project, they will set precedence to open a door that cannot be closed. The developers could dictate to the Town what they want to build. He suggested leaving this open for a public comment period to see what the people think.

A resident said she sent an email to the Town Board asking them not to raise taxes. Another point was to suggest bringing in commercial development especially towards Transit Road to bring in more revenue to keep taxes low. Her other comment was in regard to the density being proposed is more than what Clover Management was asking for.

Councilman DiCostanzo asked Mr. Callahan to comment in regard to the statement that we have many senior complexes in the area and they conform to the code. Actually, of the 4 or 5 that we have, they had to get a variance.

James Callahan said all of the projects approved over the last ten years all received a variance in some form through the Zoning Board of Appeals or the Town Board under the PURD regulations to allow increased density.

Councilman Kolber said the ability to allow a project is there. Other projects did receive variances because they felt that is was in the character of Clarence. They had reasons why they did not feel this project fit in with the character of the Town. The Zoning Board of Appeals is not subject to the control of the Town Board.

Joan Vogel said it sounds like this project could go through with a variance and we could skip changing the law. They were turned down by the ZBA because it did not meet the character of the Town. It doesn't seem right.

Councilman Geiger said there are other options, one being that they could go back to the Zoning Board of Appeals and present it again.

Councilman Kolber said his personal take on this was that the board wanted to see how they could compromise to make it work and the project sponsor was adamant that they did not want to change a thing.

Carol Conwall said she thinks that the Town needs to look at this thoroughly before changing the law so fast. She thinks it will change a massive area. Some of the roads in our Town are horrible. They have not been fixed since all of the development that has already taken place. Everything has to be considered before opening this door. The Board has to take care of our Town for now and into the future.

James Blum said there is nothing in the law that says this applies only to seniors. His thought was to restrict it to major arterial, but now he thinks it should be done in a more gradual way. It probably warrants a little more of a look. He does not feel comfortable that it will do the things we hope it will do.

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 DiCostanzo, seconded by Councilman Casilio to approve the following: Clubhouse Applications – A. Cub Scout Pack 27 – March 3, 2012; B. Clarence H. S. Rifle Team – March 15, 2012; C. Clarence Hollow Farmers Market – April 10, 2012; D. Clarence Log Cabin Quilters – April 16 – 21, 2012; Legion Hall Applications – A. Sherrie Akiki – Feb. 10, 2012; B. Jody Kuppinger – Feb. 11, 2012; C. Suzanne West – Feb. 18, 2012; D. Tina Battaglia – March 25, 2012; E. Andrew Manocchio – May 11, 2012; F. Sandra Greco – May 12, June 16, July 21, Sept. 8 Nov. 3, 2012; and G. Linda Mary Hall – Dec. 15, 2012. 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 February 2, 2012 are approved for payment: General Fund - \$250,770.37; Highway Fund - \$92,809.44; Water District - \$1,980.27; Fire Protection districts - \$63,282.86; Drainage District - \$118.00; Sewer Districts - \$200,964.45; Capital Fund - \$309,688.29; Trust & Agency 203 - \$8,587.84 and Trust & Agency 205 - \$30.94 for a total amount of \$928,232.46. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

Councilman Kolber thanked everyone for coming out tonight. We have ways for projects in the Town to get approved if the ZBA feels they are meeting with the character of the Town. He sees no reason to change the law.

Darryl Remsen said he does not understand why there is a rush to change this law. Is the tail wagging the dog?

Supervisor Hartzell said the Planning Board has been looking at this change for over a year and this project happened to fit. That is the reason it came to light now.

He added that democracy is a messy process. We have opinions on both sides. He thanked everyone for coming out tonight.

Councilman DiCostanzo said we held the public hearing and no action was taken. We will study it some more and get information out to the public.

There being no further business, Supervisor Hartzell adjourned the meeting at 8:35 p.m. in memory of Bob Armstrong.

Nancy C. Metzger
Town Clerk