

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, April 11, 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 Bernard Kolber, Patrick Casilio, Peter DiCostanzo and Robert Geiger. Other Town officials present were Director of Community Development James Callahan, Assistant Planner Brad Packard, Town Attorney Lawrence Meckler, Civil Engineer Kathryn Vergo, Confidential Secretary to the Supervisor Karen Jurek, Senior Building Inspector David Metzger, Director of Administration and Finance Pam Smith, Planning Board Chairman Al Schultz, and Parks Crew Chief James Burkard.

Director of Community Development James Callahan

Public Hearings:

Doug Mitchell 9200 Wehrle Drive

A Public Hearing is scheduled for 7:45 PM to consider the request for a Temporary Conditional Permit for a landscape business with outside storage of equipment and materials at 9200 Wehrle Drive. The proposed site is located on the north side of Wehrle Drive, east of the West Shore Line Recreation Trail in an existing automotive repair facility located on 7.7+/- acres in the Industrial Business Park Zone. Per the Zoning Law, operations that include an outdoor storage component will require a Temporary Conditional Permit as issued by the Town Board.

Barb Ernst 4765 Ransom Road

A Public Hearing is scheduled for 7:50 PM to consider designation of both the primary residence and barn located at 4765 Ransom Road as local historic landmarks. The proposed site is located on the northeast corner of Ransom Road and Boyd Drive. The existing residential property is located in the Residential Single-Family Zone. Per the Historic Preservation Law, the Town Board has final authority to designate properties as historic landmarks. The Historic Preservation Commission has forwarded a recommendation on the designation

Formal Agenda items:

Towne Mini 8230-8240 Main Street

Applicant is seeking approval to develop an automotive sales/service operation on existing vacant property located on the northwest corner of Main Street and Westwood Drive in the TND and Commercial Zones. This action will require a Special Exception Use Permit from the Town Board. Per the Zoning Law, the Town Board has authority to issue Special Exception Use Permits for automotive uses. Referral to the Planning Board will initiate a formal review on the project.

Joe Voelkl 6041 Transit Road

Applicant is proposing to develop an office park on existing vacant land containing 9+/- acres. The proposed site is located on the east side of Transit Road, north of Clarence Center Road in the Commercial and Residential Single Family Zones. Approvals required include a zoning change in conformance with previously adopted MP2015 Amendments and a Special Exception Use Permit for building size and cumulative size of structures exceeding 30,000 square feet. Per the Zoning Law, the Town Board has final authority to approve zoning changes and Special Exception Use Permits. A public hearing will be required for both the formal rezoning and the Special Exception Use Permit. These public hearings should be advertised and heard separately.

Rock the Barn 9015 Main Street

Applicant is proposing to conduct an annual Special Event scheduled for July 20 and July 21, 2012. The event will be held on existing vacant land/barn located on the south side of Main Street, east of Shimerville Road in the Commercial and Restricted Business Zones. Per the Special Event Law, the Town Board has authority to issue permits for town wide events and place conditions as needed. A resident from Barton Road registered a formal complaint last year about the late night noise (after 11:00 PM on both evenings). Several letters were received in support of the event. Letters have been mailed to residents informing them of this agenda item.

Spaulding Greens – Dominic Piestrak

Applicant is seeking approval to remove a portion of stripped topsoil that currently exists in separate piles on the property from road construction. The proposed site is located on the east side of Goodrich

Road, north of Greiner Road at existing, previously approved open space design subdivision. Per the Excavation Law, the Town Board has final authority to approve topsoil removal from approved projects. The applicant will need to provide assurance that adequate topsoil exists on site to accommodate full build out of homes.

Work Session items for consideration April 25, 2012:

Draft Farmland Protection Plan

A copy of draft plan was introduced. Approximately one year ago, the town was awarded a \$25,000 grant from the NYS Department of Agriculture and Markets. The grant is to be used to develop a farmland protection plan, this is in relationship to our Green Print Program and Land Preservation Program as per the Master Plan. Moving forward, they wanted to develop a more clarified plan in terms of preserving farmland and also inventorying existing farm operations and prime farmland throughout the town. This is the fruit of that labor that has unfolded over the past year, the project began in March 2011. The draft plan does not include any pictures, charts or graphs, the thought was to make the draft available to the Board and to the Public to review. A formal public hearing for review of the draft will be scheduled for May 23, 2012.

Dan Snyder 5655 Newhouse Road

Applicant is seeking approval for a Fireworks Display Permit for July 4, 2012. The proposed site is located on the northeast corner of Roll and Newhouse Roads at existing agriculture and residential property located in the Residential Single Family Zone. Per State Law, the Town Board may have authority to approve fireworks displays. All fees, insurance, site plans and fire chief reviews are on file.

Senior Building Inspector David Metzger

Dave is working on specifications for bidding procedures for contractors to maintain some of our empty/abandon homes needing grass maintenance based on Town Law, Chapter 155. We will have a contractor at the ready if the homeowner refuses to cut the grass based on time requirements in our law.

Dave is also working on prohibiting open burning. He is talking with Town Attorney Meckler about putting a temporary moratorium on open burning including camp fires if need be. If the weather continues to stay dry, we may want that moratorium ready to go.

Dave will attend a training program relative to the American with Disabilities Act on May 2, 2012 at Niagara University Campus.

Planning Board Chairman – Al Schultz

The proposed senior housing project at 8040 Roll Road is back on the Planning Board agenda for May 2nd, 2012, the intent is to provide the best concept that can be put on that lot.

Supervisor David Hartzell

Supervisor Hartzell has a proclamation proclaiming May 19 – 25, 2012 as National Safe Boating Week.

Upon recommendation of Highway Superintendent Donner, Supervisor Hartzell will make a motion granting permission to General Crew Chief Charles McNiff to attend a one day seminar on natural gas vehicles. The seminar will be held on April 18, 2012 in Henrietta, NY.

Supervisor Hartzell will appoint Joseph Latona, PE as temporary Town Engineer as of April 12, 2012.

Councilman Bernard Kolber

The Town has the opportunity to purchase a 2006 and 2008 Expedition with full light bars from Harris Hill Fire Company at a fairly reasonable price to replace the 2003 vehicles currently being used by Town Security. Councilman Casilio request that this be put on hold until he gets a chance to investigate some prices and speak with the fire company.

Councilman Kolber is working on drafting a letter to mail out to other municipalities relative to Time Warner.

Councilman Patrick Casilio

Councilman Casilio will make a motion to enter into agreement with EnterPath Services, Inc. to enroll in the Small Business Energy Efficiency Program.

Councilman Casilio will make a motion designating Senior Building Inspector David Metzger as the American with Disabilities Coordinator (ADA Coordinator) for the Town of Clarence. Councilman Casilio will make a motion granting permission for David Metzger to attend a training program on May 2, 2012 relative to the American with Disabilities Act.

Councilman Casilio has been working on some pricing concerning the town's security vehicles.

Councilman Casilio received a thank you note from a resident in Harris Hill for getting the lights working again.

Councilman Peter DiCostanzo

The Planning Board has accepted the final scope of study for the development of a Supplemental Draft Environmental Impact Statement (SDEIS) concerning the proposed Northwoods Open Space Design Subdivision Proposal. The project sponsor will now proceed to develop the SDEIS for Town and community review.

Upon recommendation of the Planning Board, the Town Board seeks Lead Agency on the proposed Gabes Collision Shop located at 5817 Transit Road.

Councilman DiCostanzo will appoint several laborer positions PT seasonal in the Parks Department.

Approval for two Special Event requests:

- Eastern Hills Sunrise Rotary Foundation – Flight 3407 5k race
- Clarence Hollow Association Walk for Celiac Awareness

Councilman DiCostanzo will make a motion to allow the placement of a sign at the entrance of the bike path at the Highway Department advertising "MS Heads for the Hills" event to be held September 8-9, 2012. The signs will be up for one week.

Councilman DiCostanzo will make a motion authorizing the Supervisor to sign a one-year lease renewal for agricultural purposes between the Town of Clarence and John Kelkenberg and Kreher Poultry Farms.

The Ethics Board may have two vacancies. There are a few more people who have not submitted their Ethic's Disclosure Forms.

The Fishing Derby is scheduled for Saturday, April 14th, 2012 from 9am – 12pm at the Main Street Park.

Parks Crew Chief James Burkard is declaring some scrap metal as surplus. The money will be put into an account to be used for building upgrades.

John Leamer has requested an electrical plug be installed on the light pole at the Farmers Market that can be used on Saturdays. The Parks Department can install it with approval from the Town Board. Parks Crew Chief James Burkard suggested installing the electrical plug this year and have the Farmers Market research available grant money to possibly run electrical power to all the out buildings.

Motion by Supervisor Hartzell, seconded by Councilman Geiger to grant permission to the Parks Department to install a plug at the Farmers Market and also explore the possibility of running the power off the pole. On the question, Councilman Geiger stated that this will take care of the immediate problem. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Robert Geiger

Animal Control Officers Jerome Schuler and Anne Cimato are requesting Town Board approval to attend the Disaster Sheltering for Companion Animals Workshop in Lockport, NY and to attend the annual continuing education NYS Animal Control Seminar in Webster, NY.

Clarence Conservation Committee has cleaned out seven red head duck houses. They are also in the process of oiling eggs.

The Senior Center has received two proposals for a new senior van.

The Senior Center Basket Raffle will be held April 28, 2012 at the Senior Center.

The Farmers Market will open on June 2, 2012.

Councilman Geiger will have four Boy Scouts from Troop 50 assisting him with the Pledge of the Flag. Two of the boys are his twin grandsons.

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 medical history of a particular person and § 105(1)C information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 6:43 PM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Hartzell, seconded by Councilman Casilio to adjourn the Executive Session at 7:24 PM. Upon roll call – Ayes: All; Noes: None. Motion carried.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, April 11, 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. Pledge to the flag was led by Councilman Robert Geiger and Boy Scout Troop 250, followed by a moment of silence.

Members of the Town Board present were Councilmembers Bernard Kolber, Patrick Casilio, Peter DiCostanzo, Robert Geiger and Supervisor Hartzell. Other Town officials present were Director of Community Development James Callahan, Town Attorney Lawrence Meckler, Civil Engineer Kathryn Vergo, Asst. Planner Brad Packard, Sr. Building Inspector David Metzger and Planning Board Chairman Al Schultz.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to accept the minutes of the previous meeting held March 28, 2012 with the following correction, amending the resolution made to award the bid for the purchase of two (2) – 2013 Ford Escapes from DeLacy Ford for an amount not to exceed \$30,988.00 for both vehicles with the trade in of the following used vehicles: T-18 - 2008 Ford F-150 Pick-up and T-23 - 2003 Ford Expedition. On the question, Councilman Casilio said we were going to hold off on that purchase for a couple weeks so that we can verify some information. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Kolber to adopt the following proclamation:

Proclamation

WHEREAS, on average, 700 people die each year in boating-related accidents in the U.S.; approximately 70% of these are fatalities caused by drowning; and WHEREAS, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and WHEREAS, today's life jackets are more comfortable, more attractive, and more wearable than styles of years past and deserve a fresh look by today's boating public. NOW, THEREFORE, BE IT

RESOLVED that the Clarence Town Board hereby supports the goals of the North American Safe Boating Campaign and proclaims May 19-25, 2012, as National Safe Boating Week and the start of the year-round effort to promote safe boating.

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

Motion by Supervisor Hartzell, seconded by Councilman Kolber that upon the recommendation of Theodore Donner, Highway Superintendent, to grant permission to Charles McNiff, General Crew Chief, to attend a one day seminar on Natural Gas Vehicles scheduled for April 18, 2012 with the use of a Town vehicle and all reasonable and necessary expenses to be paid by the Town. This seminar will be held at the Rochester Institute of Technology Inn and Conference Center in Henrietta, NY. On the question, Councilman Kolber said he thinks this is definitely something the Town should look into. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to appoint Joseph Latona, PE, as Temporary Town Engineer as of April 12, 2012, at a rate of pay of \$30.00 per hour for a maximum of 20 hours per week up and through May 8, 2012. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio that upon the recommendation of Town Attorney Lawrence Meckler, to grant permission to Steven Bengart to attend the New York Planning Federation Conference in Saratoga Springs, NY with all reasonable and necessary expenses to be paid by the Town. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to enter into an agreement with EnterPath Services, Inc. to enroll in the Small Business Energy Efficiency Program, a NYSEG and RG & E Energy Efficiency Program, and authorize the Supervisor to sign same. On the question, Councilman Kolber said this is to bring a lot more energy efficiency

with the payback in two to three years. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to designate David Metzger, Senior Building Inspector, as the American with Disabilities Coordinator (ADA Coordinator) for the Town of Clarence effectively immediately. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to grant permission to David Metzger, Senior Building Inspector and ADA Coordinator, to attend a free, Town Hall Training Program relative to the American with Disabilities Act on May 2, 2012 from 9:00 a.m. to 4:00 p.m. to be held at the Niagara University Campus with all reasonable and necessary expenses and with use of a Town vehicle. On the question, Councilman Casilio said we are following requirements from New York State to form the position. Supervisor Hartzell thanked Dave for taking on the position. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to appoint Anthony Haas to the position of Laborer PT-Seasonal in the Parks Department effective April 30, 2012, for a period of up to five (5) months, at the rate of \$12.18 per hour. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to appoint the following to the position of laborer part-time seasonal in the Parks Department at the budgeted rate of \$8.61 per hour subject to receipt of all pre-employment paperwork and pre-employment requirements being met: effective 4/6/12, Joshua Costanzo; effective 4/30/12, Matthew Tobin; effective 5/14/12 - Kyle Morteck, Bradley Curtis, Nicholas Bonaventure, Nicholas Weitz, Scott Andzel and Maximillian Shroyer; effective 5/28/12, Edward Dinki. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to declare several tons of Parks Department scrap metal as surplus. On the question, Councilman DiCostanzo said James Burkard would then sell the scrap metal and hopefully use the money to do some work at the Legion Hall. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to approve the following special events: 1. Eastern Hills Sunrise Rotary Foundation – Flight 3407 5K Race; Date: June 2, 2012 – 8am – 1pm; Route: Leaving Town Place Park onto Old Goodrich, west on Roll Road, north on Thompson Road, east on Clarence Center Road, South on Goodrich Road and finishing at Town Place Park and Number of People Expected: 800+/- 2. Clarence Hollow Association Walk for Celiac Awareness - Date: May 12, 2012 - 10 am – noon; Route: Leaving Main Park east on sidewalk on Main Street to the Farmer’s Market, returning to the Main Park on the bike path and Number of People Expected: 50 +/-.

On the question, Councilman DiCostanzo said the applicants for both of these events must arrange for traffic control. The Town Clerk’s office has received the certificates of insurance for both events. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to allow the placement of a Bike sign at the entrance of the Bike Path at the Highway Department and at the Farmer’s Market to advertise the “MS Heads for the Hills” Event to be held September 8 – 9, 2012 subject to the following conditions: 1. The Town will not be responsible for vandalism to said sign or if the sign is stolen. 2. The Town Supervisor’s office must be notified when the sign is to be put up and when it is removed. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to authorize the Supervisor to sign a one-year lease renewal between the Town of Clarence and the following for agriculture purposes to farm Town owned property: John Kelkenberg for Keller Road commencing April 1, 2012 to March 31, 2013; and Kreher Poultry Farms, Inc. for Salt and Greiner Roads commencing April 1, 2012 to March 31, 2013. The lease rate for both is approximately \$35 per acre. On the question, Councilman Kolber said we have researched this and this is the going rate per acre. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber that pursuant to Article 8 of the Environmental Conservation Law and upon the recommendation of the Planning Board, the Clarence Town Board seeks Lead Agency Status and commences a Coordinated Review on the

proposed Gabes Collision Shop located at 5817 Transit Road. This Unlisted Action involves the development of an automotive sales/service/rental operation in a commercial zoning classification. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo announced that the Planning Board accepted the Final Scope of Study for the development of a Supplemental Draft Environmental Impact Statement (SDEIS) concerning the proposed Northwoods Open Space Design Subdivision proposal. The project sponsor will now proceed to develop the SDEIS for Town and community review.

Councilman DiCostanzo announced that the Youth and Recreation Departments will hold the annual Fishing Derby this Saturday from 9:00 a.m. to Noon with registration beginning at 8:30 a.m. for children 15 and under.

Youth Bureau is having a speaker on April 23rd at 7:00 p.m. at the Town Hall regarding kids and their cyber world. It is for adults only.

Councilman DiCostanzo announced that the Zoning Board of Appeals approved Niagara Produce and the senior housing project. They can move forward in the process.

Motion by Councilman Geiger, seconded by Supervisor Hartzell to grant permission for Jerry Schuler and Anne Cimato to attend the Disaster Sheltering for Companion Animals Workshop to be held in Lockport, NY on April 23 & 24, 2012 with the use of a Town vehicle and all reasonable and necessary expenses to be paid by the Town. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Geiger, seconded by Councilman Kolber to grant permission for Jerry Schuler and Anne Cimato to attend the annual continuing education NYS Animal Control Seminar in Webster, NY on April 17 & 18, 2012 with the use of a Town vehicle and all reasonable and necessary expenses to be paid by the Town. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Geiger reported that the Conservation Committee has cleaned out seven red head duck houses to be ready this spring.

They are also in the process of oiling eggs where it is necessary.

Councilman Geiger said the Senior Center has received two proposals for a new van. The Senior Center is hosting their basket raffle on April 28th.

Councilman Geiger said the Farmer's Market will open on June 2nd.

Public Announcements

Town Clerk Nancy Metzger reported that we received a Notice of Highway Restriction from Erie County Commissioner of Public Works, John Loffredo regarding the Greiner Road and Shimerville Road intersection from April 9, 2012 to July 28, 2012 or completion from 8:00 a.m. to 6:00 p.m. Monday thru Friday (may include Saturdays) for reconstruction to include storm water drainage, new pavement and new traffic signal.

Public Participation

Kay Adamczak said she would like to go on record stating opposition by the residents in the Greiner and Shimerville area to the installation of the traffic signal. They respectfully request that the Town Board assert their authority over the Erie County Department of Public Works and require them to come forward with the three-year accident data which was requested at several public meetings. Mr. Sickler from Erie County said this information was forthcoming with an additional public meeting that has not happened. The residents feel it is necessary. They disagree that since the installation of the four-way stop signs, the accidents have increased. The County said that 13,000 vehicles per day go through that intersection, which averages 541 vehicles per hour. She feels that is outrageous. Mrs. Adamczak respectfully requests that no changes be made to that intersection until that information is presented.

A Public Hearing was held to consider the request for a Temporary Conditional Permit for a landscape business with outside storage of equipment and materials at 9200 Wehrle Drive. James Callahan said the location is the north side of Wehrle Drive east of the West Shore Line recreation use trail in the Industrial Business Park Zone.

Speaking to the subject:

Doug Mitchell is the applicant. He has 4 – 6 employees. Some equipment would be stored inside and some outside. He owns a landscape business and will improve the property. They dump waste from the business at other locations and not on the site.

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

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

Resolved, that the Clarence Town Board, after a public hearing duly held April 11, 2012, and after all interested parties being heard, grants a Temporary Conditional Permit to the applicant, Doug Mitchell, for the operation of a Landscape Business with storage of equipment and materials at 9200 Wehrle Drive, subject to the following conditions: 1. The Temporary Conditional Permit is granted for one year. 2. Outdoor storage limited to areas identified on submitted site plan.

On the question, Councilman Casilio said a tenant like Mr. Mitchell will improve the property. A berm surrounds the site and nothing would be visible.

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

A Public Hearing was held to consider designation of both the primary residence and barn located at 4765 Ransom Road as Local Historic Landmarks. Brad Packard said the property is located within the Clarence Hollow Hamlet, a historically valuable area both residentially and commercially. The house style is American Folk architecture. There is no specific trade style or architectural detailing. This property is near the intersection of Boyd Drive and zoned Residential Single Family. The home was constructed circa 1860. It is a two-story cross-gabled frame construction set on a stone foundation, which is the original to the structure. It also has original leaded glass.

Mr. Packard said the home serves as a unique example of the American Folk building type and increases the aesthetic value of the Clarence Hollow. It also has the original intact barn on the site. This property has received a positive endorsement from the Historical Preservation Commission. The Clinton Brown Company gave it a standing of significant historical character and contribution to the Clarence Hollow.

Speaking to the subject:

Councilman Casilio said it is amazing that it still has the original siding and same style roof after all these years. It is a unique example of everything that has been described.

Councilman Kolber said the owner of the property made the request to have their property included.

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

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

WHEREAS, the property located at 4765 Ransom Road has been the subject of an Intensive Level Survey as prepared by Clinton Brown Company Architecture, PC; and

WHEREAS, the property at 4765 Ransom Road, has been identified to have Historic Value, Association With Historic Personages, and Contains Significant Historic Value Through its Architectural Style and Method of Construction; and

WHEREAS, The Town of Clarence Historic Preservation Commission has unanimously forwarded a recommendation to officially designate the home and barn located at 4765 Ransom Road as a Historic Landmark within the Town of Clarence; and

WHEREAS, The Clarence Town Board has held a duly advertised public hearing on the proposed designation on April 11, 2012, per the Town of Clarence Town Board Notification Policy.

NOW THEREFORE BE IT

RESOLVED, that the Clarence Town Board, approves the designation of 4765 Ransom Road as a Local Historic Landmark per the Town of Clarence Historic Preservation Local Law; and be it further

RESOLVED that the affected Site be designated on the Official Zoning Map of the Town of Clarence and filed for recording in the Office of the Erie County Clerk.

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

Supervisor Hartzell said one of the things that make this a great town is the number of volunteer groups we have. He recognized Alayne Donner, Chairman of the Board of the Chamber of Commerce.

Towne Mini requests Preliminary Concept Review of a Special Exception Use Permit for an automotive sales/service center at 8230 – 8240 Main Street. James Callahan said the location is at the northwest corner of Main Street and Westwood Road consisting of a commercial property in both a Traditional Neighborhood District and Commercial Zone. A referral to the Planning Board would initiate the process.

Tom Johnson said they would like to develop approximately two acres of land for an 11,275 sq. ft. sales and service building along with the blacktop lot. The building is according to the design standard that they must follow.

Councilman Kolber said he has the following concerns: the driveways going out to Westwood Road; and the impact on the adjacent properties.

Mr. Johnson said they have talked with the owner, who lives behind the site, about allowing access for his plaza to the back. They will work together on this. They will follow the new sky night lighting codes.

Dan Singer was present representing the owner. They purchased the property from Mr. Morabito and he would like to see a four foot earth berm and a fence. They are more than willing to work together on this. There is a right-of-way going across the back of the plaza from Bryannt Stratton Way. Mini would be allowed to use that access for tractor trailers delivering vehicles. The intention is to put up signs for no commercial traffic to Westwood Road and only right hand turns from the property to Main Street. Mr. Morabito is very willing to work with them.

Councilman DiCostanzo asked if all of the curb cuts were necessary.

Dan Singer said they are in the preliminary stages of laying this out. They have an easement for the back of the plaza because a tractor trailer could not pull through in the front.

Motion by Councilman Casilio, seconded by Councilman Kolber to refer the request for Preliminary Concept Review of a Special Exception Use Permit for an automotive sales/service center at 8230 – 8240 Main Street for Towne Mini to the Planning Board with the following stipulations for their review:

1. Berms and trees placed at the rear of the property to protect the residential home.
2. Berms and trees on Westwood Road at the rear of the property are placed to protect Westwood from maintenance work going on in the back of the building.
3. No access on to Westwood Road.
4. No vehicles placed on the roof of the building.
5. No loading or unloading of vehicles on Westwood Road.

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

Supervisor Hartzell said the Town of Clarence will be the only town in the area with a Mini dealership. We appreciate them coming here with their business.

Joe Voelkl requests a Public Hearing for rezoning property from Commercial and Residential Single Family to Restricted Business in accordance with previously approved Master Plan 2015 amendments to accommodate a proposed office park at 6041 Transit Road. James Callahan said the location is the east side of Transit, north of Clarence Center Road consisting of vacant land in the Commercial and Residential Single Family Zones. The Planning Board has forwarded a recommendation to rezone the property in conformance with previously adopted Master Plan 2015 amendments from 2008.

Councilman Kolber said there was a previous applicant for this property, so this property has been reviewed rather thoroughly. The neighbors were happy with what was going on. This project has less square footage of building than the previous project.

Al Hopkins of Metzger Civil Engineering was present for the applicant.

Councilman Casilio said this project is even better than the previous project.

Supervisor Hartzell said this is what we need in the Town of Clarence. It is a nice looking office space.

Motion by Councilman Kolber, seconded by Councilman Geiger to set a Public Hearing for May 9, 2012 at 7:45 p.m. to consider adopting a Local Law to Amend the Code of the Town of Clarence, Chapter 229 – Zoning: Attachment 3 - Zoning Map, rezoning property from Commercial and Residential Single-Family to Restricted Business in accordance with previously approved Master Plan 2015 amendments to accommodate a proposed office park at 6041 Transit Road. Upon roll call – Ayes: All; Noes: None. Motion carried.

Joe Voelkl requests a Public Hearing to consider a Special Exception Use Permit for a proposed office park at 6041 Transit Road. James Callahan said the Planning Board has forwarded a recommendation for a Special Exception Use Permit for the individual sizes of the buildings, as well as, the accumulative buildings in excess of 30,000 square feet.

Al Hopkins was present.

Motion by Councilman Casilio, seconded by Councilman Kolber to set a Public Hearing for May 9, 2012 at 7:50 p.m. to consider the request for a Special Exception Use Permit for a proposed office park at 6041 Transit Road. Upon roll call – Ayes: All; Noes: None. Motion carried.

Rock the Barn requests a Special Event Permit for July 20 & 21, 2012 at 9015 Main Street. James Callahan said the location is the north side of Main Street, east of Shimerville Road.

Noel Dill said he is representing the Clarence/Newstead Meals on Wheels Task Force and the property owner. This will be the 8th annual festival. They have raised over \$198,000 to support Meals on Wheels. It has turned out to be a great community event. This year they would again, like to hold a two-day event. The purchase of a ticket allows you to enter both nights. They work closely with Harris Hill Fire Company and Twin City for emergency support. Security is hired for the events. This year they will have a dedicated stage manager to assist in quicker stage changes.

Supervisor Hartzell said Meals on Wheels is a great service for our seniors. He thanks Noel and Paul Stephen for putting this event together.

Noel Dill said Meals on Wheels serves over 25,000 meals a year in the Clarence/Newstead area. Nobody is turned away.

Councilman Casilio said it is appreciated that this funding is dedicated for this area.

Councilman Geiger said we have received positive input from the neighbors.

Motion by Councilman Geiger, seconded by Councilman Kolber to approve a Special Event Permit for “Rock the Barn” to be held on July 20 & 21, 2012 at 9015 Main Street. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio to table the request by Spaulding Greens LLC for a Permit to remove excess topsoil from approved subdivision until the applicant is available. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to approve the following: Clubhouse Applications - A. Clarence High School Girls Track Team – June 6, 2012; B. Clarence Soccer Club – Sept. 28, 2012; C. Erie County Farm Bureau – Nov. 9, 2012; Legion Hall Applications – A. Karen Irvin – April 15, 2012; Pavilion Special Requests – A. Clarence High School Student Council – May 21, 2012; Nature Center Lodge – A. Clarence Presbyterian Church – May 6, 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 April 12, 2012 are approved for payment: General Fund - \$305,260.44; Highway Fund - \$49,121.33; Water District - \$35,189.07; Central Alarm - \$95.83; Fire Protection Districts - \$849.64; Drainage District - \$157.18; Sewer Districts \$32.34; Capital Fund - \$3,101.95; and Aquatic Growth District - \$2,856.82 for a total of \$396,664.60. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

Ron Stefanski thanked the Town Board for approving his request to put orange bikes at the bike path to promote a charity ride for MS. They have a media day coming up on the news. The bikes will be rotated around the area and he is proud to have Clarence as one of the locations.

There being no further business, Supervisor Hartzell adjourned the meeting at 8:25 p.m.

Nancy C. Metzger
Town Clerk