

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, March 14, 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, Town Engineer Timothy Lavocat, Confidential Secretary to the Supervisor Karen Jurek, Senior Building Inspector David Metzger and Director of Administration and Finance Pam Smith.

Director of Community Development James Callahan

Public Hearings:

Douglas & Tina Ames 10622 Main Street

Applicant is requesting designation as a local historic landmark. The proposed residence is located on the north side of Main Street, west of Bank Street. The existing mixed use property is located within the Clarence Hollow Traditional Neighborhood District and within the Clarence Hollow Overlay District. Per the Local Historic Preservation Law, the Town Board has final approval authority to designate properties as historic landmarks upon recommendation from the Historic Preservation Commission. The Historic Preservation Commission has forwarded a recommendation for local designation.

Benderson Development 5205 Transit Road

Applicant is proposing outside dining at existing commercial structure (Spot Coffee), recently approved for a Change in Use to a coffee shop. The proposed business is located on the east side of Transit Road, south of Greiner in a Major Arterial Zone. Per the Zoning Law, the Town Board may consider outside dining with a Temporary Conditional Permit.

4815 Ransom Road – *removed from the agenda at the request of the applicant*

Formal Agenda items:

Douglas Mitchell 9200 Wehrle Drive

Applicant is proposing to acquire the property at 9200 Wehrle Drive and locate a landscaping company to the property which would also include outdoor storage of materials and equipment. The proposed site is located on the north side of Wehrle Drive, east of the West Shore Line Recreation Trail at existing automotive repair facility located on 7.6+/- acres in the Industrial Business Zone. Per the Zoning Law, operations that include an outdoor storage component will require a Temporary Conditional Permit as issued by the Town Board.

Work Session items for consideration March 28, 2012:

Annual renewal of existing Temporary Conditional Permits:

1. ANNUAL RENEWAL OF EXISTING TEMPORARY CONDITIONAL PERMITS

- a. Hoemann Auto, 8310 Goodrich Road, Automotive Service
- b. Towne Mini, 8200-8230 Main Street, Automotive Display
- c. Autobahn Collision, 8200 Main Street, Automotive Collision
- d. Miranda Automotive, 8925 Sheridan Drive, Automotive Service
- e. K&A landscaping, 8925 Sheridan Drive, Outdoor Storage
- f. William Richer III, 9855 Martin Road (County Road), Roadside Stand
- g. Rocco's Pizza, 5433 Transit Road, Outside Dining
- h. Calhoun Automotive Detail, 8145 Sheridan Drive, Automotive Detail Shop
- i. Louie's Car Clinic, 9393 Main Street, Automotive Sales
- j. GC Supply Inc., 9992 Main Street, Outside Display
- k. Sweet Melody's, 8485 Transit Road, Outside Dining
- l. At Your Service Car Care, 9620 County Road, Automotive Service
- m. Gianni Mazias, 10325 Main Street, Outside Dining

There have been no complaints filed on any of the aforementioned Temporary Conditional Permits.

Metzger Civil Engineering 10976 Stage Road

Applicant is proposing to develop a 4-lot Open Development Area. The proposed site is located on the south side of Stage Road, east of Schurr Road on existing vacant property consisting of 39+/- acres in the Residential Single-Family Zone. Per the Subdivision Law, the Town Board provides initial direction prior to initiating a formal review process through the Planning Board. There exists a considerable amount of wetlands on the property. There is no sewer district at this location. Referral to the Planning Board would initiate formal review and attempt to address concerns from adjoining property owners.

Supervisor David Hartzell

Town Clerk Nancy Metzger has submitted her Annual Report of Fees and the Annual Report of Taxes collected for 2011.

Several pieces of office equipment will be declared surplus. These items include fax machines, calculators a computer and monitor which are either not working or cannot be repaired.

Court Clerk's Mary Zimmerman and Marilyn Taton are requesting Town Board approval to attend the Town & Village Court Clerk's Training Seminar on Friday, April 13, 2012.

Councilman Bernard Kolber

Councilman Kolber will make a motion authorizing the Supervisor to enter into an Agreement between the Town of Clarence and County of Erie for the installation of a flashing signal at Strickler and County Roads. The Town will own, operate and maintain the signal and the County will install it at their expense.

Councilman Patrick Casilio

Councilman Casilio will set a bid date for the Parks office building and garage improvements for April 10, 2012 for roofing improvements, HVAC improvements and insulation improvements.

Councilman Casilio will make a motion to approve several Special Events: Ride for Roswell, Clarence Community Memorial Day Parade and St. Mary's 5K race.

Councilman Casilio is working with NYSEG to get several street lights repaired.

Councilman Peter DiCostanzo

Parks Crew Chief James Burkard is recommending the bid for a 2012 4x4 mower be awarded to Moffett Turf Equipment.

The Town of Lancaster Town Board will be voting on Monday relative to shared services with the Town of Clarence.

Councilman DiCostanzo attended the Ethics Board meeting this morning, there are approximately ten people who have not turned in their Ethics Disclosure forms.

Councilman DiCostanzo will make a motion to post the position of Youth Activities Leader PT-Seasonal for the Clarence Youth Bureau.

The Youth Bureau and Recreation Department have several upcoming events planned for the next several months. Family Fun Night is scheduled for Friday, March 16th at Clarence Middle School. The Annual Fishing Derby is scheduled for April 14th at the Town Park. Kids and their Cyber World is scheduled for April 23rd (parents only) and May 29th is Volunteer Recognition Ceremony at the Clubhouse.

There is an opening on the Youth Bureau Board. The Recreation Department is accepting applications for summer help and will be hiring soon.

Councilman Robert Geiger

Upon recommendation of Dog Control Officer Jerome Schuler, Councilman Geiger will appoint David Mathis as Dog Control Officer RPT. Six candidates were interviewed for the position.

Councilman Geiger will make a motion authorizing Supervisor Hartzell to sign insurance renewals for General Liability and Terrorism Insurance Coverage.

Councilman Geiger has had several discussions regarding the Clarence Hollow security camera. At one point we were looking to get the money back for it however Councilman Geiger recently received a phone call and after further discussion we may decide to keep the camera and install it at the Farmers Market. A decision will be made at the next board meeting. There also has been on-going discussion with Clarence Hollow and who will be running the farmers market.

Supervisor Hartzell stated that Grand Island has been making inquiries about our Animal Control Department. Supervisor Hartzell will include Councilman Geiger in any further discussions.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to enter into Executive Session pursuant to § 105(1) F the employment history of a corporation; § 105(1) H the proposed lease of real property. Upon roll call - Ayes: All; Noes: None. Motion carried.

There being no further business the Work Session adjourned at 6:16 PM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Hartzell, seconded by Councilman Kolber to adjourn the Executive Session at 7:22 PM. Upon roll call - Ayes: All; Noes: None. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, March 14, 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 members from Brownie Troop 30943, Junior Troop 976 and Girl Scout Troop 30732. Supervisor Hartzell said we recognize this as Girl Scout Week in the Town of Clarence as they celebrate 100 years of Girl Scouting.

Prayer was given by Peter Pasioka, Youth Ministry Director of Clarence United Methodist Church.

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, Town Engineer Timothy Lavocat, Asst. Planner Brad Packard, and Sr. Building Inspector David Metzger.

Motion by Supervisor Hartzell, seconded by Councilman Kolber to accept the minutes of the previous meeting held February 22, 2012. Upon roll call – Ayes: Councilmembers Geiger, Casilio, Kolber and Supervisor Hartzell; Noes: None. Recuse: Councilman Peter DiCostanzo, as he was not present. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio to accept the minutes of the previous meeting held March 7, 2012. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Hartzell reported that he received the Annual Report of Fees from Town Clerk Nancy Metzger. The total amount received for the year 2011 was \$599,244.51. A complete breakdown of the fees collected is on file.

Supervisor Hartzell also received the Annual Tax Collection Reports from Town Clerk Nancy Metzger. The total 2011 Town & County Collection was \$27,921,838.96; and the 2011-12 School Tax Collection was \$41,893,056.62 for a total of \$69,814,895.58 taxes collected in 2011. These reports are on file.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to declare the following list of office equipment items as surplus no longer needed for Town purposes pursuant to the New York State General Municipal Law section 104-c: Panasonic Fax, 8CAFB386340; Panasonic Fax, 8CBFB392117; Brother Calculator, H41808650; Monroe Calculator, G174063; Royal Calculator, 78111231; #352 Computer, MXD4480628; #242 Monitor, MX3105B005; Texas Calculator, 0Q56924 and Monroe Calculator, G174061. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Casilio said the items are old calculators and fax machines either not in working order, cannot be repaired or are outdated.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to approve the request for Court Clerk's Marilyn Taton and Mary Zimmerman to attend the Town & Village Court Clerk's Training Seminar on Friday, April 13, 2012 with use of a Town Vehicle to attend same and with all reasonable and necessary expenses to be paid by the Town. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

WHEREAS, the corner of Strickler and County Roads, owned by the County of Erie, has been the location of several traffic accidents; and

WHEREAS, the County of Erie has agreed to install a flashing signal at the corner of Strickler and County Roads; and

WHEREAS, the Town of Clarence agrees to own, maintain and operate the said traffic signal.

NOW, THEREFORE, BE IT

RESOLVED, that the Clarence Town Board authorizes the Town Supervisor to enter into an Agreement between the Town of Clarence and the County of Erie for the installation of a flashing signal at the corner of Strickler and County Roads; and be it further

RESOLVED, that the Clarence Town Board agrees, pursuant to the agreement, to own, maintain and operate the flashing traffic signal at Strickler and County Roads.

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

Councilman Kolber said item #13, a public hearing to consider Local Historic Landmark Designation will be held, however the applicant has withdrawn the request. The property was sold and the new owner did not want to pursue it. We do have to hold the public hearing as advertised.

Motion by Councilman Kolber, seconded by Councilman Casilio to set a Public Hearing for April 11, 2012 at 7:50 p.m. to consider the designation of both the primary residence and barn located on property at 4765 Ransom Road as Local Historic Landmarks in accordance with the provisions of Section 117 Historic Preservation of the Code of the Town of Clarence. On the question, Councilman DiCostanzo said this is a volunteer application from the owner. Councilman Kolber said letters were sent out to property owners who the committee felt could be potential candidates. They received a good response from people who wanted to have their property included. Every application received was voluntarily submitted. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to set a Bid Date for the Parks Office Building and Garage Improvements for April 10, 2012 for the following times: 10:00 a.m. for Roofing improvements; 10:10 a.m. for the HVAC Improvements; and 10:20 a.m. for the Insulation Improvements. All to be held in the Town Clerk's Office. On the question, Councilman Casilio said this is part of our capital project improvements to repair a leaky roof and some other repairs to that building. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo to approve the following special events: 1. American Legion Post 838 Memorial Day Parade - May 28, 2012 – 11:00 am – The parade will begin at the Senior High School 9625 Main Street and end at the Clarence Town Park – 10405 Main Street. 2. The Ride for Roswell – June 23, 2012 from 6:30 am – 3:00 pm – Starting at UB North Campus and runs through various roads in the Town of Clarence per the map submitted. The applicants provide traffic control. 3. St. Mary's Church 5K Run - July 22, 2012 from 11 am – 12:30 pm. This is in conjunction with their Annual Picnic. The Route will start at St. Mary's Church on Stahley Road and finish there. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to award the bid for one 2012 4x4 Articulated Mower for the Parks Department to Moffett Turf Equipment in the amount not to exceed \$27,039.84. On the question, Councilman DiCostanzo said we only received one bid on this equipment. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to post the position of Youth Activities Leader PT Seasonal at the rate of \$9.79 per hour. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo announced the following activities are coming up sponsored by the Youth Bureau and/or Recreation Department: Family Fun Night at the Middle School on Friday night; Fishing Derby is April 14th at the Main Street Park; April 23rd there will be a presentation regarding kids and the cyber world held the town hall; May 29th is the youth volunteer recognition ceremony.

There is an opening on the Youth Board for anyone interested. We will also be hiring soon for summer recreation. Anyone interested should submit an application.

Councilman Geiger thanked Carol Cornwall and Curt Cashmore from the Chamber of Commerce for attending tonight.

Motion by Councilman Geiger, seconded by Supervisor Hartzell to appoint David Mathis to the position of Dog Control Officer RPT effective March 30, 2012 at the rate of pay of \$13.58 per hour subject to receipt and approval of all the required pre-employment documentation and requirements being met. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Geiger, seconded by Councilman Casilio to authorize the Supervisor to sign the renewals for the Town's General Liability and Terrorism Insurance Coverage. Upon roll call – Ayes: All; Noes: None. Motion carried.

A Public Hearing was held to consider designation of both the primary residence and carriage house located at 10622 Main Street as Local Historic Landmarks. Brad Packard said the location is within the Clarence Hollow hamlet, a center of both commercial and residential development. The residential structure is architecturally in the National Folk style. Characteristics of this style are from the first half of the 20th century. It is a simple design pattern without a lot of detail. The original barn on the property was converted to a carriage house. The house was the home of the Humbert family who were well known prominent business and political figures in the Town. This property was listed on the Clinton Brown survey and recommended by the Historic Preservation Commission as historically significant.

Councilman Casilio said it is obviously an historic house even though the color has changed.

Mr. Packard said the law does not bear mind to color. They do try to work with applicants to bring back original colors, but it is up to the owner.

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

WHEREAS, the property located at 10622 Main Street and locally known as “The Humbert Home” has been the subject of an Intensive Level Survey as prepared by Clinton Brown Company Architecture, PC; and

WHEREAS, the property at 10622 Main Street 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 located at 10622 Main Street as an Historic Landmark within the Town of Clarence; and

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

NOW THEREFORE BE IT

RESOLVED, that the Clarence Town Board, approves the designation of 10622 Main Street, known as “The Humbert Home” 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 filed for recording in the Office of the Erie County Clerk.

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

A Public Hearing was held to consider the request for a Temporary Conditional Permit for outside dining at 5205 Transit Road. James Callahan said the location is the east side of Transit Road, south of Greiner Road consisting of a previously approved coffee shop in the Major Arterial Zone.

An attorney for Benderson Development was present stating that their new tenant, Spot Coffee will be occupying the north side of the building. They would like to have a 41’ x 20’ patio with 5 to 7 tables. The hours of operation will be 6:00 a.m. to 11:00 p.m. weekdays and 6:00 a.m. to Midnight on Fridays and Saturdays. They would have controlled background music only. There is no impact to residential neighbors in this area. Railings will surround the patio.

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 Geiger, seconded by Supervisor Hartzell to adopt the following resolution:

Resolved that the Clarence Town Board, after a public hearing duly held March 14, 2012, and after all interested parties being heard, grants a Temporary Conditional Permit to the applicant, Benderson Development, for outside dining at a coffee shop located at 5205 Transit Road, subject to the following conditions:

1. The Temporary Conditional Permit is granted for one year.
2. Hours of operation: Sunday through Thursday from 6:00 a.m. to 11:00 p.m. and on Fridays and Saturdays from 6:00 a.m. to Midnight.

3. Outdoor seating not to exceed seven tables and 25 seats.
4. No live entertainment permitted.
5. Background music only is permitted outdoors.

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 4815 Ransom Road as Local Historic Landmarks. Supervisor Hartzell said this application was withdrawn after the hearing was published, so we will take public comment if anyone wishes to speak.

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

Doug Mitchell requests a Public Hearing to consider 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 trail in the Industrial Business Park Zone.

Doug Mitchell said he is proposing to purchase this property for Grace Property Services, a landscaping and snow removal company. They would like to store equipment for their daily operations and employee parking. They would also like to store bulk material behind the building using a non-permanent structure consisting of two bins totaling 30' x 30'. The materials would be two different colors of mulch. There is an existing berm along the property and it is not visible from the road. No removal of trees would be required. He has 4 to 7 employees.

Motion by Councilman Casilio, seconded by Councilman Kolber to set a Public Hearing for April 11, 2012 at 7:45 p.m. to consider the request for a Temporary Conditional Permit for a landscape business with outside storage of equipment and materials at 9200 Wehrle Drive. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Supervisor Hartzell to grant approval of the following: Clubhouse Applications - A. Clarence Girl Scouts, USA – March 17, 2012; B. Day in the Park Committee – March 20, April 17, & May 15, 2012; C. Boy Scout Troop 664 – March 21, 2012; D. Boy Scout Troop 93 – April 1, 2012; E. Clarence Girl Scouts – May 20, 2012; F. Clarence Youth Bureau/Board – May 29, 2012; Legion Hall Applications – A. Clarence Girl Scout Troop 1498 – March 16, 2012; B. Lisa Riniolo – March 18, 2012; C. Elaine Rowley – April 28, 2012; and D. Maria Cahlstadt – Nov. 24, 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 March 1, 2012 are approved for payment: General Fund - \$80,722.81; Highway Fund - \$28,609.89; Water District - \$2,241.70; Fire Protection Districts - \$2,015,989.36; Sewer Districts - \$190.07; Capital Fund - \$4,875.00 and Trust and Agency 203 - \$12,602.95 for a total amount of \$2,145,231.78. 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 March 15, 2012 are approved for payment: General Fund - \$381,687.99; Highway Fund - \$66,277.73; Water District - \$37,955.67; Fire Protection Districts - \$2,776.14; Lighting Districts - \$776.10; Sewer Districts - \$200.00; Capital Fund - \$402,913.85; and Trust and Agency 205 - \$84.00 for a total amount of \$892,671.48. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, Supervisor Hartzell adjourned the meeting at 8:07 p.m. in memory of Betty Mathis, mother of Deputy Town Clerk Gayle Brace; and Tom Allen, brother of Parks Department employee Paul Allen.

Nancy C. Metzger
Town Clerk