

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, May 23, 2012, at 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 Patrick Casilio, Peter DiCostanzo and Robert Geiger. Councilman Kolber was absent. 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 and Planning Board Chairman Albert Schultz.

Director of Community Development – James Callahan

Public Hearings:

Farmland Protection Plan

A Public Hearing is scheduled for 7:45 PM to provide an opportunity for public comment and any recommended changes on the proposed Draft Agricultural and Farmland Protection Plan.

Formal Agenda items:

Affordable Senior Housing of WNY – 8040 Roll Road

Applicant is proposing to develop a 3-story senior apartment complex containing 125 units with associated parking and landscaping. The proposed site is located on the north side of Roll Road, east of Transit Road on existing vacant and residential property containing 9+/- acres in the Commercial and Residential Single-Family Zone. The Town Board recently approved a Master Plan 2015 amendment to allow for Commercial and Restricted Business Zoning on the property. Per the Zoning Law, the Town Board is the final authority for zoning amendments as well a Special Exception Use Permits required for multi-family housing in the Commercial and Restricted Business Zones. The Planning Board has forwarded a recommendation to proceed with the required Zoning Map amendments. A Negative Declaration under SEQRA was previously issued by the Town Board on the proposed zoning amendment. The Planning Board has approved the Concept Plan as amended and has forwarded a positive recommendation to issue the Special Exception Use Permit on the project as amended. Applicant requests a Public Hearing to consider a zoning change and a Public Hearing to consider a Special Exception Use Permit for Senior Multiple-Family housing.

Metzger Civil Engineering – 8080 Wehrle Drive

Applicant is proposing to develop a market rate multi-family housing project. The proposed site is situated on the north side of Wehrle Drive, east of Transit Road on existing vacant land located in the Commercial Zone containing 13.82+/- acres. A Concept Plan for an office park was previously approved by the Planning Board in 2001. Per the Zoning Law, the Town Board has authority to approve multi-family residential projects with a Special Exception Use Permit. Councilman DiCostanzo felt the Board should think long and hard before this project is forwarded to the Planning Board. Previously there was an office park proposed for this site and Councilman DiCostanzo did not know for sure if this was the best site for an apartment complex, there are several apartments in the area off Wehrle Drive.

James Callahan stated that the project complies with the density requirements (8 units per acre). It is a two story building, maximizing the development space.

Councilman DiCostanzo stated the he drives by that area daily and the beauty of that piece of property was that there could have been a connection to Home Depot, taking traffic off of Transit Road. Director of Community Development James Callahan stated that during initial discussion with the developer it was noted that this piece was part of our Land Use Access Management Plan put in place to connect Main Street to Wehrle Drive through the back of Transitown to Home Depot and then across to Wehrle. The apartments would not be compatible with that scenario.

Supervisor Hartzell stated that he met with the developer several weeks ago; this is an upscale project with swimming pool and tennis courts. He has developed several of these projects in the Rochester area as well.

Brookfield Country Club

Applicant is seeking approval for fireworks display permit on May 27, June 16, July 4, July 14 and August 25, 2012. The Town Board has local authority to approve fireworks display permits. The required applications, fees, site plans, insurance certificates and fire chief approvals are on file.

Rock Oak West LLC 9745 Main Street

Applicant is requesting that a condition of the Special Exception Use Permit be modified to allow for a short term phase in construction prior to full paving of the required roads. The Town Board has authority to modify conditions of the Special Exception Use Permit. The Rock Oak Homeowners Association has reviewed the request and has no problem with the proposed amendment.

The Valley Bar and Grill – 10651 Main Street

Applicant is proposing an area for outside dining at existing restaurant located on the southwest corner of Main Street and Sawmill Road in the Clarence Hollow TND. Per the Zoning Law, the Town Board may approve outside dining with a Temporary Conditional Permit.

Woodland Hills Subdivision

Applicant is seeking Town Board approval to create a new town sewer district to service the proposed new subdivision (previously approved concept for a 77 lot subdivision) located on the south side of Greiner Road, east of Harris Hill Road. In 2010, the Town Board issued a Negative Declaration under SEQRA for sewer district formation. Conditions of this Negative Declaration included NYSDEC identification that downstream capacity at peak flow existed to accommodate the new subdivision and that the district is an expansion of Erie county Sewer District #5.

Subdivision area identified in a residential classification. The adopted Master Sewer Plan, a component of Master Plan 2015, identifies a trunk sewer line paralleling Harris Hill Road to the Peanut Line to service the Harris Hill community. The sewer priorities as identified in MP 2015 include the build out within existing sewer district boundaries and the servicing of the Harris Hill area as the top priorities. The Town Board has authority to create or extend Town sewer districts.

The NYS DEC has identified that downstream capacity does exist through and within the Erie County Sewer District #5 system to accommodate the proposed subdivision – only with infiltration and inflow reductions within the existing distribution system. Previous action by the Town Board identified an overall community benefit to expand the County Sewer District in a more comprehensive fashion in an attempt to meet long term goals of the community. Consideration of isolated Town sewer districts should also work to achieve long term community goals as identified in Master Plan 2015.

Work Session items for consideration June 13, 2012:*Kelly Marquart 6105 Salt Road*

Applicant is proposing to develop a single-family home and is requesting a secondary living unit be developed as a part of the permit. The proposed site is located on the east side of Salt Road north of Clarence Center Road on existing vacant parcel located in the Agriculture Rural Residential Zone. Per the Zoning Law, the Town Board may consider a secondary living unit with a Special Exception Use Permit.

Annual renewal of Excavation Permits

- Buffalo Crushed Stone
- Emeritus Holdings
- 10000 Grand Corporation
- Lakeside Sod

Towne Mini 8230-8240 Main Street

Applicant is seeking approval to develop an automotive sales/service operation. Action will require a Special Exception Use Permit for the Town Board. The proposed site is located on the northwest corner

of Main Street and Westwood Drive on existing vacant property located in the TND and Commercial Zones. Per the Zoning Law, the Town Board has authority to issue Special Exception Use Permits for automotive uses. The Planning Board has approved the Concept Plan and forwarded a recommendation on the Special Exception Use Permit.

Niagara County Produce 8555-8615 Transit Road

Applicant is proposing to construct a new facility. The proposed site is located on the east side of Transit Road, south of Tonawanda Creek Road at existing retail produce market located within the Major Arterial Zone. As the full build out will exceed 50,000 square feet, a Special Exception Use Permit as issued by the Town Board will be required. The Planning Board has approved the concept and forwarded a recommendation on the Special Exception Use Permit.

Town Engineer – Timothy Lavocat

Town Engineer Lavocat was asked to report on the abandon building on Parker Road near Beaman Creek Park.

The building was part of the Beaman Creek acquisition. Last year the Engineering Department was looking into demolishing the structure and went out for proposals on demolition services and asbestos abatement survey services. Mr. Lavocat has contacted the DEC to see what our options are.

If the Town Board moves forward and decides to demolish the building, the DEC will not allow the town to bury the structure on site (that is for only active farm properties and for barns). Should the Board want to pursue demolition of the structure, we would have to do a full demolition and removal off site. Estimates from last year came in at the \$10,000 range. This was just for demolition and did not include asbestos removal. On top of the \$10,000 fee would be asbestos abatement survey and then proposals to abate the asbestos. An asbestos survey could cost approximately \$2,000 - \$2,500 depending on the age and size of the structure and then the additional cost of asbestos abatement which there are no figures on that yet unless Mr. Lavocat gets direction from the Board to move forward.

Supervisor Hartzell asked whether you could abate the asbestos and then burn the building. Mr. Lavocat stated that was an option. You could abate, burn and you would still need a contractor to clean up the site, get rid of the foundation, backfill and decommission the septic system. A partial decommissioning of the septic could be done for future use assuming it passes all Health Department testing.

Councilman Geiger visited the site today and noticed that there is a capped well in front of the house, the septic is in the back of the house, all the plumbing goes through the house and it has a good poured cement foundation. The out buildings could be torn down. Councilman Geiger suggested “moth balling” the building until the town can find a use for it. The building needs approximately 8 pieces of plywood to cover all windows. If the building is burned, it will destroy the surrounding fir trees. Councilman Geiger does not feel the building should be destroyed, “there are 423 acres that could be useable for wonderful things.” The cost would be minimal, the basement was dry yet the power was off. There is a sump pump that could manage the water if the power was turned on.

At this point, Town Engineer Lavocat stated that he looking for direction from the Town Board.

Councilman Casilio stated that the asbestos could be limited to the roof; however the shingles looked newer than the typical asbestos shingles. Councilman Casilio agreed that the out buildings should be torn down and if the Parks Department is to busy, call Emergency Enclosures to plywood shut the windows.

Councilman DiCostanzo stated that currently the building is an attractive nuisance. The building was locked but vandals broke through.

Supervisor Hartzell stated that we could get a quote on math balling the building. We don’t have to tear it down however, what becomes of the building. Do we moth ball it and address the problem in several years. Supervisor Hartzell stated that there are crews coming in June 18th to cut the nature trails and he

would like to have the park open by July 4th one way or the other so people can use the park over the summer months for hiking.

Councilman Casilio stated that there is a septic system and a well; the house could be used for lavatory facilities some day. We should make the effort to secure the building and post "No Trespassing" signs.

Councilman DiCostanzo felt that the house should be boarded up, the sooner the better. He did not know what it would take to tear down the out buildings but they are in deplorable condition.

Supervisor Hartzell stated we should do something and if the Board wants to plywood the windows that would be fine. It is a shame to tear down an old building however the fact that it is located out in the middle of nowhere, even if you did ultimately fix it up and make it into something, there is the possibility of vandals breaking in and trashing it. The Nature Center is located more in the middle of Clarence and is more accessible. Councilman Casilio stated that there is a security system and shutters at the Nature Center as well.

Councilman Geiger stated that there is a house nearby that could observe the comings and goings.

Supervisor Hartzell suggested getting a price on moth balling the building.

Senior Building Inspector Dave Metzger stated that no matter what the Town does with the building (remodel or tear down), we will have to do an asbestos survey. Town Engineer Lavocat stated that a survey would cost between \$2,000 and \$2,500. Once the asbestos survey is complete, it will be easy to get proposals on the abatement itself. Supervisor Hartzell suggested moving ahead with this and hopefully have some answers by the next Town Board meeting.

Town Attorney Meckler stated that he reviewed the deed to Beaman Creek Park and it appears that if the park was used for anything other than a passive park, the County could take it back unless the Town obtains prior approval.

Supervisor Hartzell and Councilman DiCostanzo will meet with Parks Crew Chief James Burkard and report back to the Board at the June Work Session.

Senior Building Inspector - David Metzger

Senior Building Inspector Metzger met with the Power of Attorney for the owner of the house at 8320 Clarence Center Road. There was a fire at this house has been boarded up since 2009. Dave will actively pursue our Unsafe Structure Law. The POA will convey the message to the owner of the house.

Planning Board Chairman – Albert Schultz

There are two referrals from the Planning Board, Towne Mini and Niagara Produce which will be on the agenda for the next Town Board meeting. Mr. Schultz suggested that the Town Board read Andrea Kimbriell write-up in the Clarence Bee, she captured the essence of both of these projects. Each of the applicants made a lot of compromises and changes to address both agency and resident comments.

Supervisor David Hartzell

- Request NYS DOT to lower the speed limit on Main Street from Strickler to Davison Road
- Authorize participation in the Erie County Correctional Facility Service Action Corps. Program that would allow inmates to volunteer to clear brush in Beaman Creek Park the week of June 18, 2012. Inmates must meet certain criteria in order to participate in the program.
- Appoint Aaron Andzel to the position of Laborer PT-Season in the Highway Department at a rate of \$8.61 per hour

Supervisor Hartzell thanked Highway Superintendent Ted Donner and the Highway Department for the great job they did repairing the bridge (a/k/a the Rotary Bridge) on the Peanut Line.

Supervisor Hartzell received another letter thanking Animal Control Officer Jerome Schuler for the great job he did for them.

Supervisor Hartzell will invite Rotella Grant Management (current Grant Writer for the town of Amherst) to the June 6th Work Session to introduce him to the Town Board and have him give the Board some background information as to who his clients are, what percentage of grants he has closed etc. He works strictly for municipalities in Erie and Niagara County. Councilman Casilio was in agreement with this and felt the town needed to go in a different direction than what we have been doing in the past.

Councilman Patrick Casilio

- Award Wm. Schutt & Associates, P.C. to perform design services associated with the Keller Road Pump Station Sanitary Sewer
- Day in the Park Committee is moving along successfully under the guidance of the Lions Club
- The Security Department has been picking up illegal signs in the right of ways

The Disaster Coordinators held their meeting last night. There was a discussion relative to Ride for Roswell, and the hundreds of riders. Certain towns may not be prepared to handle an incident if it happens. By the time the riders get to Clarence, they are more scattered.

Councilman Casilio has been in contact with a couple of the Councilmen and Town Engineer Lavocat relative to sidewalks. As liaison to sidewalks, Councilman Casilio is trying to get sidewalks installed from Thompson Road and Main Street to Transit Road and Main Street including replacing the damaged sidewalks in Harris Hill. Several years ago the Capital Improvement Committee came up with a cost estimate however; Councilman Casilio would like to see the NYS DOT do the project. He and Town Engineer Lavocat are working on different ways to proceed forward with that. Councilman Casilio felt it was important to have a shovel ready project whether the Town does the initial design work or the state does it, if the government releases money we can be ready to put the sidewalks in.

Councilman Casilio has several items to discuss in Executive Session regarding the employment history of an individual and possible purchase of real property.

Highway Superintendent Donner has several examples of Town seals that Councilman Casilio will present to the Town Board when everyone is in attendance.

Councilman Peter DiCostanzo

- The Youth Bureau is hosting its Youth Recognition Ceremony, May 29th at the Clarence Fire Hall on Main Street.
- Brush pickup schedule reminder
- Appoint Joel Radder and James Delellis to the Recreation Advisory Committee.
- Memorial Day Parade on Monday May 28th and the dedication of the Flight 3407 Memorial on June 2, 2012.
- Executive Session relative to the sale or lease of real property
- Appointment of Lifeguard, Recreation Specialist PT and Recreation Attendants PT

Councilman Robert Geiger

Councilman Geiger along with representatives from the Senior Center went to Batavia to look at vans for the Senior Center. Chuck McNiff from the Highway Department is also helping research this, they will have a decision shortly.

The Wilson Center hosted its third annual leadership award last week. Four students received \$1,000 scholarships.

The Senior Center will be participating in Erie County Clerk Chris Jacob's *Thank a Vet* discount program.

Motion by Supervisor Hartzell, seconded by Councilman Geiger to enter into Executive Session pursuant to § 105 F the employment history of a particular person, § 105(1)H the lease of real property but only when publicity would substantially affect the value thereof. Upon roll call - Ayes: Councilman Geiger, Councilman DiCostanzo, Councilman Casilio, Supervisor Hartzell; Noes: None; Absent: Councilman Kolber. Motion carried.

There being no further business, the Work Session adjourned at 6:44 PM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Hartzell, seconded by Councilman Geiger to adjourn the Executive Session at 7:28 P.M. Upon roll call - Ayes: Councilman Geiger, Councilman DiCostanzo, Councilman Casilio, Supervisor Hartzell; Noes: None; Absent: Councilman Kolber. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, May 23, 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 James Blum, followed by a moment of silence.

Members of the Town Board present were Councilmembers Patrick Casilio, Peter DiCostanzo, Robert Geiger and Supervisor Hartzell. Councilman Bernard Kolber was absent. Other Town officials present were Director of Community Development James Callahan, Town Attorney Lawrence Meckler, Town Engineer Tim Lavocat, Sr. Building Inspector David Metzger and Planning Board Chairman Al Schultz.

Motion by Councilman Casilio, seconded by Councilman Geiger to accept the minutes of the previous meetings held May 2, 2012 and May 9, 2012. On the question, Councilman Casilio said he recuses for the meeting of May 9, 2012 as he was not present. Upon roll call – Ayes: All; Noes: None. Recuse: Councilman Casilio (May 9, 2012 minutes only.) Absent: Councilman Bernard Kolber. Motion carried.

Supervisor Hartzell thanked Highway Supt. Ted Donner and his crew for the work they did on the bridge on the bike path.

Supervisor Hartzell said he received a nice letter from a resident who appreciated the service from Animal Control Officer Jerry Schuler.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to request the New York State Department of Transportation to lower the speed limit on Main Street from Strickler Road to Davison Road from 40 mph to 30 mph. On the question, Councilman Casilio said this was a request from the Clarence Hollow Association to match other towns in the area with similar characteristics of the Hollow. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to authorize participation in the Erie County Correctional Facility Service Action Corps. Program that would allow inmates to volunteer to clear brush in Beeman Creek Park the week of June 18, 2012. On the question, Supervisor Hartzell said the Service Action Corps. is a community service, volunteer program where inmates assist in cleaning up various locations throughout Erie County. Inmates must meet certain criteria in order to participate in the program. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Geiger to appoint Aaron Andzel to the position of Laborer PT-Seasonal for the Highway Department at a rate of \$8.61 per hour effective May 29, 2012, subject to receipt of all pre-employment paperwork and pre-employment requirements being met. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Councilman Casilio said Erie County Sewer is about a third of the way through the inspections in Clarence Center. They have found sump pumps tied into the sewer system. This causes the sewer system to spike when it rains. He suggests that residents in that area hire a plumber to correct things like that before the County finds the problems and issues a fine.

Town Engineer Tim Lavocat added that they are about half way through the 300 inspections. He received a report today that they found ten sump pumps hooked up and a residential structure with down spouts hooked up.

Councilman Casilio said he thinks it is older homes that were there before the sewers went in and not necessarily that there was a criminal intent. It is just the way that it was years ago. They just have to correct it now.

Councilman Casilio said the Lions Club is doing a great job organizing this year's Day in the Park event. We have some new not-for-profit organizations involved this year also.

Councilman Casilio said we are making a real effort in picking up the signs in the right-of-ways that should not be there. He believes it looks better.

Motion by Councilman Casilio, seconded by Councilman Geiger that the Town Board hereby authorizes the execution of the following sanitary sewer easements for the Keller Road pump station with payments for the following: \$7,500 to David M. Victor, 6396 Goodrich Road, Clarence Center, NY 14032; and \$7,500 to Walter S. Wargala, 6400 Goodrich Road, Clarence Center, NY 14032. On the question, Councilman Casilio said that is to take the gravity feed through the property line to eliminate the pump station. Town Engineer Tim Lavocat said the pump station costs about \$35,000 a year to operate. Supervisor Hartzell thanked Mr. Lavocat for negotiating this agreement. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman Casilio, seconded by Supervisor Hartzell to award Wm. Schutt & Associates, P.C. to perform design services associated with the Keller Road Pump Station Sanitary Sewer in an amount not to exceed \$21,600.00 in accordance with their proposal dated May 21, 2012. On the question, Councilman Casilio said Wm. Schutt & Associates proposal was the lowest responsive proposal received. This project is to be funded from Clarence Sewer District No. 2. It involves re-engineering with elimination of the lift station and about 1,000 feet of new sewer lines. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Councilman DiCostanzo announced that brush pickup began April 19th and will continue through June 29th. There will not be any pickup during July and August. There are four zones in the Town with pickup on Thursday and Friday each week. More information is available on the Town website.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to appoint James Delellis and Joel Radder to the Clarence Recreation Advisory Committee with terms to expire 12/31/12. On the question, Councilman DiCostanzo said this is to fill the positions left by Chip Trapper and Bob Geiger. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to appoint the following to the position of Lifeguard PT Seasonal effective June 1, 2012, subject to receipt of all pre-employment paperwork and pre-employment requirements being met: Jocelyn Hoehman at a salary of \$3,618; At the rate of \$11.18 per hour: Adam Terragnoli, Paul Kreppel and Jessica Kowalski; At the rate of \$10.59 per hour: Jordan Kowalski, Megan Klyczek, Olivia Qenneville, Emily Schactner and Adam Weber; At the rate of \$10.28 per hour: Marissa Mogavero, Alex Sebian and Christina Seminara; At the rate of \$10.28 per hour effective June 4, 2012: Justina Bonaventura, Elizabeth Costanzo, Grace Janzow, Joseph Kleinmann, Elizabeth Kreppel, Kevin Layer, Melissa LaVere, Nicole LaVere, Kenzie Laughlin, Christina Weber and Nicholas West. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger that upon the recommendation of Recreation Director, Clifford Trapper, Daniel Polino is appointed to the position of Recreation Specialist PT-Seasonal at the rate of \$16.40 per hour effective June 1, 2012, subject to receipt of all pre-employment paperwork and pre-employment requirements being met. On the question, Councilman DiCostanzo said that Daniel Polino was previously appointed to the position of Recreation Attendant PT-Seasonal. This is a change in title. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger that the following are appointed for Summer Recreation as Recreation Attendant-PT Seasonal effective June 1, 2012 at \$8.11 per hour, subject to receipt of all pre-employment paperwork and pre-employment requirements being met: Jordan Allen, Bridgette Desantis, Jason Falk, Kelly Rusin, Adam Singh; and also remove Anna Callahan and Jonathan Sessler from the Recreation Staff as Recreation Attendants PT-Seasonal as they are not able to take the position due to unforeseen college commitments. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to accept the proposal from Ben and Lori Gehl and authorize the Town Attorney to proceed with closing on the sale and reuse of the Owen Farm located at 10800 and 10881 Rapids Road. It is determined

that the Gehl proposal provides the most comprehensive long term utilization of the property while achieving the goals of the Open Space Bond Act. On the question, Councilman DiCostanzo said the sale of this property is conditioned upon a Conservation Easement being placed on the property to extinguish the development rights and to ensure that the goals of the Open Space Bond Act are maintained and conditioned on Town Attorney approval. This action is based upon the unanimous recommendation from the Town of Clarence Farmland Protection Committee and the Recreation Advisory Committee. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio that pursuant to Article 8 of the Environmental Conservation Law, and upon the recommendation of the Planning Board, the Clarence Town Board issues a Negative Declaration on the proposed Niagara County Produce Facility located at 8555-8595 Transit Road. This Type I Action involves the expansion/redevelopment of the existing retail produce market. After thorough review of the submitted site plan and Environmental Assessment Form, including coordinated review with comments and modifications from the New York State Department of Environmental Conservation, New York State Department of Transportation, Erie County Department of Public Works, U. S. Army Corps of Engineers, Erie County Health Department and Town of Amherst, it is determined that the proposed project, as modified, will not have a significant negative impact upon the environment. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Supervisor Hartzell that pursuant to Article 8 of the Environmental Conservation Law, and upon the recommendation of the Planning Board, the Clarence Town Board issues a Negative Declaration on the proposed Towne Mini Automotive Sales/Service Facility at 8240 Main Street. This Unlisted Action involves the construction of a new automotive sales and service operation on previously disturbed property within Erie County Sewer District No. 5. After thorough review of the submitted Environmental Assessment Form and site plan, including modifications to address neighborhood concerns associated with traffic flow, it is determined that the proposed action will not have a significant negative impact upon the environment. Upon roll call – Ayes: Councilmembers Geiger, DiCostanzo and Supervisor Hartzell; Noes: Councilman Casilio. Absent: Councilman Bernard Kolber. Motion carried.

Councilman DiCostanzo said the Memorial Day Parade will be held on Monday, May 28th along Main Street; and on June 2nd is the 3407 memorial dedication.

Councilman Geiger said he attended the Wilson Greatbatch Leadership Awards which gave \$1,000 scholarships to students.

He took a trip to Batavia, along with others, to look at vans for the Senior Center. They hope to select one by early June.

The Chamber of Commerce and the Senior Center are hosting an event for veterans on July 10th to issue a photo card which allows them discounts at various locations throughout the Town.

The Senior Center is holding a Flea Market on June 9th.

The 3407 dedication at Russ Salvatore's will be held tomorrow at Noon.

A Public Hearing was held to provide an opportunity for public comment and any recommended changes on the proposed Draft Agricultural and Farmland Protection Plan. Brad Packard said that the Office of Planning and Zoning made application in March of 2010 for a grant opportunity with the New York State Department of Agriculture and Markets to pursue the drafting of a Local Agricultural and Farmland Protection Plan. We were awarded a \$25,000 planning grant to develop the plan. The desire of this plan is to help slow and prevent the loss of prime and important farming soils in the community in association with a long term effort that will also aid in the strengthening of our local agricultural economy and business base.

Clarence lost 553 acres of farmland, 12% of the farmland base, from 2000 to 2010. In that same decade the population of the town grew by 17%. This has had a dramatic impact upon our local agricultural base and economy. In an effort to properly analyze this impact and assess planning considerations for the future, we worked with residents to form a Farmland Protection Committee comprised of community members engaged in farming and associated agricultural practices. They reviewed a number of interested consultants who specialized in this planning process and opted to work with the American Farmland Trust, a nationally recognized land

preservation and conservancy organization. Diane Held has worked with our office and the Committee as a project manager for our community. Diane is concurrently managing the development of an Erie County based regional farmland protection plan.

Diane Held said this has been a public process. The members of the committee are very dedicated to creating the plan to have a voice for agriculture. They have had a public information meeting, a landowner meeting and the public hearing tonight. This is a State funded grant, which has some specific requirements.

Ms. Held said approximately 44% of the land in Clarence is agricultural with only 11% actively farmed. There are three main strategies of the proposed Agricultural and Farmland Protection Plan. The key pieces are to protect farmland and supporting the viability of farms.

Strategy A is to protect farmland. They would like to have the Farmland Protection Committee approved as a permanent committee with a role in the greenprint process. The goals also include annual farm landowner meetings, adoption of the Agricultural Plan as part of the Master Plan, develop incentives to maintain “farm ready” land, encourage leasing of land for farming purposes and zoning revisions.

Strategy B is a plan for infrastructure. Consideration of farmland when installing waterlines, sewer lines, roads, etc. Drainage was a very important issue. They would like to be a part of planning what needs to be done about drainage and maintenance of ditching. Notification of proposed infrastructure changes in Ag Districts to include agricultural needs.

Strategy C is promoting agriculture. Liaison to the Bee and a web page on the Town’s website. Assist farmer’s market with promotions and ideas for growth. The County is doing a plan as well with a focus on economic development. Farmers markets play a part in that.

Ms. Held said her organization, the American Farmland Trust, is the consultant, along with the Western New York Land Conservancy as a sub-consultant.

Supervisor Hartzell appreciates her effort for the Town of Clarence. This is part of what makes our Town so great.

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

Affordable Senior Housing of New York requests a Public Hearing to consider a Local Law to amend the Code of the Town of Clarence Chapter 229 Zoning: Attachment 3 – Zoning Map for a Zoning Change at 8040 Roll Road from Commercial and Residential Single Family to Restricted Business in conformance with Master Plan 2015.

James Callahan said the proposal requires two public hearings. The rezoning was reviewed with the Master Plan amendments. Once the rezoning is approved, the second is to approve a Special Exception Use Permit to allow for senior housing. A negative declaration was issued.

Jeff Haucks was present for Affordable Senior Housing. They have gone through the process with the Zoning Board of Appeals and the Planning Board. He asks for consideration to set the public hearings to continue.

Motion by Supervisor Hartzell, seconded by Councilman Geiger to set a Public Hearing for June 13, 2012 at 7:45 p.m. to consider a Local Law to Amend the Code of the Town of Clarence, Chapter 229 – Zoning Map-Attachment 3 regarding a zoning change at 8040 Roll Road from Commercial and Residential Single Family to Restricted Business in conformance with Master Plan 2015. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Geiger to set a Public Hearing for June 13, 2012 at 7:50 p.m. to consider a Special Exception Use Permit for Multiple-Family Housing at 8040 Roll Road. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Metzger Civil Engineering requests Preliminary Concept Review of a proposed Multi-Family Housing Project at 8080 Wehrle Drive. James Callahan said the location is the north side of Wehrle Drive, east of Transit Road consisting of vacant land in the Commercial Zone. The applicant is here to present the project for referral to the Planning Board to begin the review process.

Paul Case of Metzger Civil Engineering said Dave Smith Ford backs up to the project site from Transit Road, Home Depot to the north and Coventry Green Apartments to the east. The development is four, five and six unit buildings with private driveways and garages. The

common area is for playground, dog park, clubhouse and pool. The density complies with the code. The units are approximately 1,500 sq. ft. with two or three bedrooms. There is a 45 ft. buffer between the two existing homes adjacent to the site.

Mark Stevens said they anticipate the rent to be \$1,300 to \$1,600 per unit.

Councilman DiCostanzo said the previous proposal for this site was an office complex which would have allowed access from Wehrle Drive to the commercial properties to the north. He asked if that could be considered with this project. He does not believe it would work here.

Mr. Stevens said they could look at it. This is a fully taxed project. They are not looking for any tax relief.

Supervisor Hartzell said he thinks this is a nice upscale project for the Town.

Mr. Stevens said they are basing it on a similar project they are doing in Greece, New York.

Brookfield Country Club requests Fireworks Display Permits at 5120 Shimerville Road for the following dates: May 27, June 16, July 4, July 14, and August 25, 2012. James Callahan said all applications, fees, insurance certificates and fire chief approvals have been received by his office.

Ms. Sullivan was present from Brookfield Country Club. The displays are about six minutes long and occur at 9:30 p.m. They are done by licensed professionals.

Motion by Councilman Casilio, seconded by Councilman Geiger to grant approval to Brookfield Country Club for Fireworks Display Permits at 5120 Shimerville Road for the following dates: May 27, June 16, July 4, July 14, and August 25, 2012. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Valley Grill requests a Public Hearing to consider a Temporary Conditional Permit for outside dining at 10651 Main Street.

Jason Krull said he would like to have seasonal outdoor seating on the Sawmill side of the building. There is no sidewalk, but it is before the area where a sidewalk would be. He would like to put out four or five tables. Fencing will surround the area. They would have a speaker for low background music.

Councilman Casilio congratulated him on the success of the business so far. The Hollow needs the businesses there.

Motion by Supervisor Hartzell, seconded by Councilman Geiger to set a Public Hearing for June 13, 2012 at 8:00 p.m. to consider the request of the applicant, Valley Grill, for a Temporary Conditional Permit for outside dining for an existing restaurant located at 10651 Main Street at the corner of Main Street and Sawmill Road. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Rock Oak West LLC requests an Amendment to the previously approved Special Exception Use Permit for manufactured housing park at 9745 Main Street.

Noel Dill was present, along with Jim Murphy, president of the homeowners association and Rich Ehlers from the expansion committee of the association.

Mr. Murphy said they are in agreement with the changes. They just want the dust kept down.

Noel Dill said they had originally agreed not to put in any homes until the paving was done. However, they are waiting for the utilities to be completed which has the paving behind. They would like to install a stub section and place four homes, three models and one that is sold.

Mr. Murphy said they would like it open only to sales representatives and potential customers and closed off when they are not there.

Motion by Supervisor Hartzell, seconded by Councilman Geiger to amend the previously approved Special Exception Use Permit by allowing for a phased approval to allow for a partial road construction and home occupancy prior to full access road completion. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Cimato Enterprises/Woodland Hills Subdivision requests the formation of a Town Sewer District to service the subdivision. Jeff Palumbo of Damon & Morey was present representing the petitioner. The location is at Harris Hill and Greiner Roads. Mr. Palumbo said they submitted a letter to the Town Board today detailing the history of the project. A Negative Declaration was issued in 2003; the site plan and rezoning were approved in 2004. The issues

with the sewers were capacity and formation of a sewer district. The capacity has been confirmed. The out-of-district customer situation is not going to work. The other possibilities are an extension of Erie County Sewer District No. 5 or creation of a town sewer district.

Councilman Geiger said he received the information at 6:00 p.m. today, but has not had time to review it.

Mr. Palumbo said that was in response to the letter to the Board from Mr. Nesper. They asked to hold off on creation of the district until a time that the Harris Hill Commons project could be included. The response is that they have worked diligently all along. His client installed a diversion weir in the sanitary sewer line connection at Klein Road to increase capacity in Clarence.

Mr. Palumbo said the second issue is that they claim the sewer line on Greiner Road is private. It is, but there is an agreement that the intention was to share in the cost of the construction of the weir at Klein Road and they would tie into the sewer on Greiner Road. The main issue is formation of a sewer district.

Councilman Casilio said we need more time to review the information.

Mr. Palumbo said they are asking that a public hearing be set. There would still be time to review the information.

Paul Nesper, attorney representing Windsor Ridge Partners, LLC and Harris Hill Development, LLC, owners of property referred to as Harris Hill Commons. Mr. Nesper said they are trying to tap into a private sewer. The agreement also states that the sewer extension would first service Harris Hill Commons and then Woodland Hills. They would each receive proportionate taps. They were surprised to see the project for Woodland Hills appear on the agenda. A sewer district could be created, but it will not function. They have to follow the agreement.

Motion by Councilman DiCostanzo, seconded by Supervisor Hartzell to approve the following: Clubhouse Applications - A. Clarence Contemporary Club – Sept. 24 & 25, 2012; Legion Hall Applications – A. Christie Cahalan – Dec. 29, 2012; B. Louise Hannon – June 3, 2012; and Park Pavilion Special Requests – A. Cub Scout Pack 27 – Oct. 13 & 14, 2012. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo that after proper audit and review by the Town Board, the following bills of May 24, 2012 are approved for payment: General Fund - \$140,465.35; Highway Fund - \$47,091.47; Water District - \$976.03; Central Alarm - \$222,175.23; Fire Protection Districts - \$1,849.02; Lighting Districts - \$725.42; Sewer Districts - \$414.39; Capital Fund - \$39.02; and Trust & Agency 205 - \$130.00 for a total amount of \$413,865.93. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

There being no further business, Supervisor Hartzell adjourned the meeting at 8:37 p.m.

Nancy C. Metzger
Town Clerk