

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, April 24, 2013, 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 Bernard Kolber, Patrick Casilio, Peter DiCostanzo and Robert Geiger. Other Town Officials present were Director of Community Development James Callahan, Assistant Planner Michael Hutchinson, Town Attorney Lawrence Meckler, Town Engineer Timothy Lavocat, Confidential Secretary to the Supervisor Karen Jurek, and Director of Administration and Finance Pam Cuvillo.

### **Director of Community Development – James Callahan**

#### ***Public Hearings:***

A Public Hearing is scheduled for 7:45 PM to consider the acquisition of property on Clarence Center Road, east of Strickler Road.

A Public Hearing is scheduled for 7:50 PM to consider annual renewal of Temporary Conditional Permits. Zoe's Restaurant at 5701 Transit Road still has not completed their required landscaping.

#### ***Formal Agenda items:***

Spaulding Greens Open Space Design Subdivision

Applicant is seeking an amendment to the original concept to place a hold on previously approved Phases 9 and 10 of the project and prioritize a new Phase 11 consisting of 33+/- patio home lots. The proposed site is located east of Goodrich Road, north of Greiner Road in previously approved Open Space Design development consisting of 380+/- lots with 50% open space. Per the Zoning Law, the Town Board has final approval authority for open space design subdivisions. The Planning Board has forwarded a recommendation to approve the amended concept. A Negative Declaration under SEQRA was issued by the Town Board on 4/10/13.

Dave Sutton 8825 Sheridan Drive

Applicant is proposing to demolish the existing commercial structure and construct a new mixed use building identifying first floor commercial below two upscale apartments. The existing mixed use property consisting of .68 acres is located within the Restricted Business Zone on the southwest corner of Sheridan Drive and Overlook Drive. Per the Zoning Law, the Town Board has final authority to approve Multiple Family Housing with a Special Exception Use Permit. A public hearing will be required to consider the use, identified as a Special Exception Use Permit for Multi-Family Housing. A Negative Declaration under SEQRA was issued by the Town Board on the project on 4/10/13.

Transitowne USA – Eastern Hills Mall – Special Event for June 2 -11, 2013

Applicant is proposing a special event of outdoor display and sale of vehicles in the Eastern Hills Mall parking lot. The vehicles will be displayed on the west side of the mall adjoining Transit Road. Per the Special Events Law, the Town Board has final approval authority for long term special events with community impact. Areas of concern are the number of Special Events at Eastern Hills Mall, and the control of signs, banners and other devices to attract attention. Assistant Planner Michael Hutchinson contacted Eastern Hills Mall and requested a list of scheduled Special Events for the year.

**Work Session items for consideration May 8, 2013:****Rock the Barn 9015 Main Street**

Applicant is proposing to conduct an annual Special Event - Rock the Barn scheduled for July 20<sup>th</sup> and 21<sup>st</sup>. The event will be located on the south side of Main Street, east of Shimerville Road on existing vacant land/barn located in the Commercial and Restricted Business Zones. Per the Special Events Law, the Town Board has approval authority for large scale community wide events.

**Day in the Park 10405 Main Street**

Approval of annual Fireworks Display Permit for Day in the Park scheduled for June 29, 2013. Per State Law, the Town Board has final approval authority for professional fireworks displays. All fees, insurance and fire chief approvals have been submitted.

**Auction Direct – Eastern Hills Mall**

Applicant is proposing a Special Event of outdoor display and sale of vehicles in the Eastern Hills Mall. The vehicles will be displayed on the west side of Eastern Hills Mall adjoining Transit Road. Per the Special Events Law, the Town Board has final approval authority for long term special events with community impact. Areas of concern are the number of Special Events at Eastern Hills Mall, and the control of signs, banners and other devices to attract attention.

**Spaulding Green – Dominec Piestrak**

Applicant is requesting an excavation permit in advance of residential development. The proposed site is north of Greiner Road, west of Kraus Road.

James Callahan distributed amendments to the proposed Multiple Family Housing Law for the Board to review and possibly be ready to set a public hearing at the next Town Board meeting.

**Town Engineer Timothy Lavocat**

There has been recent discussion regarding Heise Brookhaven Sewage Works and the accounting of sewer taps. In working with Town Attorney Meckler they have developed a draft certificate for this purpose. Copies of the draft certificate were distributed to the Board for comments.

Once given approval, Town Engineer Lavocat will begin going back retroactive to the first lot and assign a certificate to each lot to date. From this point on, a certificate will be issued for every lot that comes in under the approved development plan. A quarterly report will be submitted to the Town Board and also to the Sewage Works Corporation giving a complete accounting of all certificates issued and those left in hand.

Town Attorney Meckler stated that administratively, this allows the Town to keep track of all sewer taps. This will put builders on notice as to where they are in terms of the number of taps remaining. There is a maximum of 1000 taps which have already been allocated to three projects-Waterford, Spaulding Greens and North Woods.

**Planning Board Chairman – Robert Sackett**

Chairman Sackett reported that Gabe's Collision will be on the May 1<sup>st</sup> Planning Board agenda.

**Confidential Secretary to the Supervisor – Karen Jurek**

Karen announced that both copiers have been sold.

**Supervisor David Hartzell**

Going Places Van driver Robert Anderson retired on April 22, 2013 after 18 years of service to the Town.

Supervisor Hartzell will make a motion to grant a Special Events request for the National Center for Missing and Exploited Children 7<sup>th</sup> Annual Ride to be held May 31, 2013.

Supervisor Hartzell will read a proclamation recognizing the week of May 5<sup>th</sup> through May 11, 2013 as Municipal Clerk Week.

**Councilman Bernard Kolber**

Sean O'Mahony will be reappointed to the Library Board. Mr. O'Mahony previously resigned his position in 2009.

Councilman Kolber has one item to discuss in Executive Session regarding the appointment of an individual.

**Councilman Patrick Casilio**

Councilman Casilio met with the Arboretum Committee; they are going to discuss with Peter Wolfe from the Conservation Advisory Committee the possibility of halting the sale of commemorative benches and encourage the sale of the remaining trees in the arboretum.

Councilman Casilio will make a motion to grant NFP and Sons, Inc. a contract completion time extension to August 15, 2013 for the Lapp Road drainage channel project.

Councilman Casilio has a Proclamation proclaiming May 2013 as Building Safety Month in the Town of Clarence.

Erie County Sheriff Higgins would like to locate a prescription drug drop off container at the Sheriff's sub-station on Goodrich Road. The Town Board was in agreement with this.

**Councilman Peter DiCostanzo**

- Seek Lead Agency status for Clarence Center Road Traditional Neighborhood District Open Space Design Subdivision
- Appoint Gregory Thrun as an alternate member to the Zoning Board of Appeals
- Appoint Laborers Part Time/Seasonal for the Parks Department

David Hallock is interested in the open position on the Ethics Committee.

There was an Audit Committee meeting where the Financial Statements were accepted. The auditors will present their findings to the Town Board on June 5<sup>th</sup>. The auditors have made recommendations on how some things can be done better and how the town can segregate duties.

There is an opening for a Jr. Planner part-time/ seasonal position, this is a paid internship.

The School Budget vote is May 21<sup>st</sup>. There are eight candidates running for 2 seats on the school board.

Councilman DiCostanzo commented on the extensive work Bison Nursery is doing to their business on Main Street.

**Councilman Robert Geiger**

A reception will be held on Saturday, May 4<sup>th</sup> at the Club House in honor of the Clarence Town Park Club House being selected to both the State and National registers of historic places.

In several weeks, Councilman Geiger will make an appointment to the Environmental Management Council of Erie County.

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

There being no further business, the Work Session adjourned at 6:47 PM.

Darcy A. Snyder  
Deputy Town Clerk

Motion by Councilman Kolber, seconded by Councilman Casilio to adjourn the Executive Session at 7:45 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, April 24, 2013 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 Peter DiCostanzo; followed by a prayer given by Father Yetter of St. Mary's Catholic Church.

Members of the Town Board present were Council Members Robert Geiger, Peter DiCostanzo, Patrick Casilio, Bernard Kolber and Supervisor Hartzell. Other Town officials present were Director of Community Development James Callahan, Town Attorney Lawrence Meckler, and Town Engineer Timothy Lavocat.

Motion by Councilman Kolber, seconded by Councilman DiCostanzo to accept the minutes of the previous work session and regular meeting held April 10, 2013. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to grant a Special Events request for the National Center for Missing and Exploited Children 7<sup>th</sup> Annual Ride to be held May 31, 2013 from approximately 7:50 a.m. to noon.

On the question, Supervisor Hartzell said the event will be a police-escorted bike ride throughout Erie County beginning at the Erie Community College North Campus and include Wehrle Drive, Gunville Road, Main Street, Goodrich Rd., Old Goodrich Rd., Thompson Rd., Clarence Center Rd, Shimerville Rd. and Roll Rd. in the Town of Clarence. There are 100+/- riders expected to participate. All appropriate agencies will be notified.

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

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

#### **Proclamation**

WHEREAS, the Office of the Municipal Clerk, a time honored and vital part of the government, exists throughout the world; and

WHEREAS, the Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, the Municipal Clerk is the information center on functions of local government and community; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations; and

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW THEREFORE, BE IT

RESOLVED, that the Clarence Town Board does hereby recognize the week of May 5 through May 11, 2013 as Municipal Clerks Week in the Town of Clarence; and be it further

RESOLVED, the Clarence Town Board extends its appreciation to our Town Clerk, Nancy C. Metzger, Deputy Town Clerks Darcy Snyder and Gayle Brace, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

On the question, Supervisor Hartzell thanked Town Clerk Nancy Metzger and her office for all they do for the Town of Clarence.

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

Supervisor Hartzell announced that Robert Anderson, who drove the Going Places Van for the Town for 18 years, retired on April 22, 2013. Bob did a super job and will be greatly missed.

Supervisor Hartzell said he is going to recommend that Vince Delgato, our current PT Van Driver, be promoted to the Van Driver RPT at the May 8<sup>th</sup> meeting. The PT Van Driver position will be posted.

Motion by Councilman Kolber, seconded by Councilman Casilio to appoint Sean O'Mahoney to the Library Board effective April 25, 2013 with term to expire December 31, 2017. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Casilio announced that he will make an appointment to the Avoidable Alarm Committee at the May 1, 2013 meeting.

Motion by Councilman Casilio, seconded by Councilman Kolber to grant NFP and Sons, Inc. a contract completion time extension to August 15, 2013 for the Lapp Road Drainage Channel Project at no additional cost or expense to the Town of Clarence. On the question, Councilman Casilio said this Contract Extension is due to extenuating weather circumstances. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Geiger to adopt the following:

**Proclamation**

WHEREAS, the Town of Clarence's continuing efforts to address the critical issues of safety, energy efficiency, and resilience in the built environment that affects our citizens, both in everyday life and in times of natural disaster, gives us confidence that our structures are safe and sound; and

WHEREAS, the Town's confidence is achieved through the devotion of the Town's engineering and building departments inspectors, code enforcement officers and staff, as well as other building safety and fire prevention officials, architects, engineers, builders, trades people, laborers and others in the construction industry that are the vigilant guardians who work year-round to ensure the safe construction of buildings; and

WHEREAS, these dedicated members of the International Code Council use a governmental consensus process that brings together local, state and federal officials with expertise in the built environment to create and implement the highest-quality codes to protect Americans in the buildings where we live, learn, work, worship, play; and

WHEREAS, the International Codes, the most widely adopted building safety, energy and fire prevention codes in the nation used by most U.S. cities, counties and states, include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildfires, floods and earthquakes; and

WHEREAS, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown guardians of public safety, our local code officials, who assure us of safe, efficient and livable buildings; and

WHEREAS, "Building Safety Month: Code Officials Keep You Safe," the theme for Building Safety Month 2013, encourages all Americans to raise awareness of the importance of building safety; green and resilient building; pool, spa and hot tub safety; backyard safety; and new technologies in the construction industry; and

NOW, THEREFORE, BE IT

RESOLVED, that the Clarence Town Board encourages our citizens to recognize and support "National Building Safety Month" and to learn more about how they can contribute to building safety at home and throughout the Clarence community; and be it further

RESOLVED, that the Clarence Town Board hereby proclaims May of 2013 as "Building Safety Month" in the Town of Clarence.

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

Councilman Casilio said he, Supervisor Hartzell and Councilman Geiger attended the shooter drill that was held at the High School. The Sheriff's Department, State Police, fire companies and the Town Disaster Coordinators participated in the drill. People in attendance got to see firsthand the coordination that goes on with such an event. Everyone learned a lot and there will be meetings to discuss things further.

Councilman Casilio said there was a school fire back around 1955 in the Cleveland Hill District where the modern fire alarm system came into being. Now since Columbine, school shootings are more prevalent than fires. The drill was about protecting students in that type of incident. He is proud of our Disaster Coordinator and the effort he put into this drill.

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 among involved agencies on the proposed Clarence Center Road Traditional Neighborhood District Open Space Design Subdivision. This Type I Action involves the development of a 39 +/- lot open space subdivision in the Residential Single Family Zone on the south side of Clarence Center Road and east of Herr Road intersection. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to appoint Gregory Thrun as an Alternate member of the Zoning Board of Appeals (ZBA) effective immediately with a term to expire on December 31, 2013. On the question, Councilman DiCostanzo said this appointment is being made to fill one opening. 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: Caleb Higgins effective 4/29/13; Jon Aumiller effective 5/01/13; Kyle Mortek effective 5/06/13; Brianna Fasanello, Ryan Schroen, Nicholas Weitz and Jacob Woodward effective 5/13/13; Scott Andzel, Joshua Costanzo, Emily Cummiskey, Meghan Devine, Nicholas Ferry, Jacob Matteson, Michael Sabbatis and Christopher Wright effective 5/20/13; Matthew Huben effective 5/28/13; Andrew Lawrence effective 6/03/13; and John Ptak effective 6/10/13. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo announced that there is an opening for Junior Planner PT Seasonal, which is basically a summer internship.

Councilman DiCostanzo said Harris Hill Fire Company is having fundraiser at Fire House Subs on Transit Road. They will get 15% of the proceeds from sales on Tuesday, April 30<sup>th</sup> from 4 to 8 p.m.

Councilman DiCostanzo thanked and complimented Bison Nursery on their renovations on Main Street. We are always talking about having good projects and cleaning up Main Street.

Councilman Geiger announced that the Senior Center's 5<sup>th</sup> Annual Basket Raffle is Saturday, April 27<sup>th</sup> from 11:00 a.m. to 3:00 p.m.

The Farmer's Market will have flower days beginning May 4<sup>th</sup> for early vendors to sell plants and gardening supplies. The actual market will not start until June.

The Clarence Historic Preservation Commission and the Town will have a celebration of the designation of the Clubhouse to the National Register of Historic Places on May 4<sup>th</sup> from 6:00 p.m. to 8:00 p.m. at the Clubhouse.

A Public Hearing was held to consider the purchase by the Town of Clarence of approximately 66 acres of vacant land located on the south side of Clarence Center Road at a purchase price not to exceed \$465,000 plus any and all associated costs. James Callahan said the location is east of Strickler Road within the Agricultural Rural Residential Zone including 700+/- feet of public road frontage. Kathleen McCormick from the WNY Land Conservancy is present to describe the property.

Kathleen McCormick said this is referred to as the Wood Property and is connected to other protected properties. A portion of the property is actively farmed along with the adjacent properties resulting in approximately 300 acres of active farmland. There is a wooded area of about 42 acres and a federal wetland area with Beeman Creek running through.

The ranking of this property in terms of agriculture was 30, and the natural area ranking was very high at 60. The reason for the lower agricultural ranking is that only about 24 of the 66 acres is being farmed. This property greatly adds to the goal of preserving the rural character of the Town.

The wetland area buffered by the wooded area is very important for water quality in terms of filtering. The mature woods include oaks, beech and maples providing a natural habitat for many species of wildlife and plants. Ms. McCormick encourages the Town to consider the purchase of this beautiful piece of land.

Speaking to the subject:

John Dibrog said his property is right next store. He has approached the Wood family to purchase a 2 ½ to 5 acre strip next to his property, but it was in probate. Now that it is up for sale, he is asking if could purchase that piece.

James Callahan said if the Town decides to purchase the property, it would be part of the greenprint program. A conservation easement would be placed on the property to protect it in perpetuity. The Town would have the ability in the future to put out for requests for proposals to put the land in private hands.

Councilman DiCostanzo said if he did buy it, the easement would be in place and he could not change the use of the land.

Mr. Dibrog said he heard that it was going to be sold so that it could be developed.

Councilman Kolber said the intent of the greenprint program is to maintain the property as it is. If it is farmed now, it will continue to be farmed. The woodland would remain as is. There is an option that if any portion of it is used for recreation purposes, the funds would be allocated from other areas. It could be for a bike path or something along those lines.

Supervisor Hartzell said it will never be developed.

Mr. Dibrog asked if he would be able to make an offer in the future.

Supervisor Hartzell said if it is the decision of the Town Board and the Recreation Advisory Committee to lease that field out in the future, he could certainly make a bid.

Councilman DiCostanzo said if he purchased it, it would have to remain as is.

Mr. Dibrog said he wanted it for his horses.

William Gittere asked if this was a conservation easement or a purchase of the property.

Councilman Kolber said it is for the purchase of the property.

Mr. Gittere said then the Town could do other things on it besides leave it in its natural state.

Councilman DiCostanzo said the intent is to keep it open space, but we would love to connect the bike path from the southern part of Town. We leave it open so that we could use a little bit of recreation money to carve a bike path through there. He believes that the intent is to mostly use greenspace money.

Steven Bengart, Deputy Town Attorney said that is exactly the plan. He did speak with the gentleman who wants to purchase a portion, but he is not sure that we would be able to do that under the greenprint program where he would change the use. We can look into it at a later date.

Mr. Gittere said since consideration is being made about a bike path, he would like to know the location on this property.

Mr. Bengart said there is no specific spot as yet. They would try to connect it with the other parcels that have been purchased. Every time we purchase a parcel, we also look at how our citizens could use the property, at least by way of a bike path.

Supervisor Hartzell said we are lacking in north/south connections. The intent is to have bike paths located away from the roadways.

Mr. Gittere asked what percentage of the land would be set aside for that purpose.

Mr. Bengart said that has not been determined yet. It is a not that much. They usually are a 30 ft. strip for a bike path.

Mr. Gittere said that would be part of the purchasing contract then.

Mr. Bengart said the contract covers that. It gives us the right to put it in. The greenprint money can only be used to purchase land to maintain in its current state. The strip of land portion would be paid for from the recreation fund. It has not been determined yet, but will have to be prior to closing. A contract has been prepared.

Mr. Gittere said his property is across the street. He would just like to know what the plans are for the bike path. In order to extend it further north, it could go through the vacant property next to him which would have an impact on the neighborhood.

Councilman Kolber said we do not own those properties.

Supervisor Hartzell said the Town acquires the properties one at a time. There is no exact plan of where the bike path would be.

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

RESOLVED, that after a public hearing duly held on April 24, 2013, and after all interested parties having been heard, the Clarence Town Board approves the purchase by the Town of Clarence of approximately 66+/- acres of vacant land located on the south side of Clarence Center Road in the Town of Clarence, Erie County, New York (SBL # 59.00-3-9.111) at a purchase price not to exceed \$465,000.00 plus any closing costs, processing costs, baseline studies, steward ship and any and all costs and disbursements for open space purposes. Funds to be allocated from open space bond act resolution, general fund and recreation fees (if it is determined that any portion of this property will be used for recreation purposes).

On the question, Councilman Kolber said the Town Board does not choose the properties. They are presented by a subcommittee, known as the Recreation Advisory Committee, who try to find parcels or owners present them to the Committee for consideration. They are evaluated thoroughly and ranked for the best fit to the overall greenprint program. This particular piece comes out to approximately \$7,000 per acre. He believes that is a very reasonable amount.

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

A Public Hearing was held to consider Renewal of the following Temporary Conditional Permits:

- A. Edward Strickland, 5880 Salt Road, Welding/Fabricating
- B. David Delagrange, 4545 Transit Road, Outside Display
- C. Christopher Morgan, 10165 Main Street, Outside Display
- D. Gene Metzger, 8325 Transit Road, Automotive Service
- E. Brian Thomas, 9920 Main Street, Outside Dining
- F. Shelia Bailey, 5701 Transit Road, Outside Dining
- G. Larry Engasser, 8346 County Road, Paving Business
- H. Gregory Ribbeck, 5750 Shimerville Road, Landscaping Business
- I. Rose Parlato, 4401 Transit Road, Outside Dining
- J. David Burghardt, 8694 Lapp Road, Landscaping Business

James Callahan said Temporary Conditional Permits are reviewed for compliance and compatibility. The Town Board has the option to renew the permits for a period of 1 to 5 years.

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

Motion by Councilman Kolber, seconded by Councilman Casilio to approve the renewal of the following Temporary Conditional Permits as follows:

For a period of 5 years:

- A. Edward Strickland, 5880 Salt Road, Welding/Fabricating
- G. Larry Engasser, 8346 County Road, Seitz Paving Business
- H. Gregory Ribbeck, 5750 Shimerville Road, GCR Landscaping Business
- I. Rose Parlato, 4401 Transit Road, Caffè Espresso - Outside Dining
- J. David Burghardt, 8694 Lapp Road, Burghardt Landscaping Business

For a period of 1-year:

- B. David Delagrange, 4545 Transit Road, Sturdi Sheds - Outside Display
- C. Christopher Morgan, 10165 Main Street, CAM Services - Outside Display
- D. Gene Metzger, 8325 Transit Road, EA Metzinger Trucking, Inc.-Automotive Service
- E. Brian Thomas, 9920 Main Street, McDuffie's Bakery - Outside Dining

and item F. Shelia Bailey, 5701 Transit Road, Zoe's Restaurant - Outside Dining is tabled.

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

Supervisor Hartzell said the last item that was tabled is because there are some things that have to be done on that property. The owner is working with the Town to get it done. This way we will not have to hold an additional hearing.

Spaulding Green Open Space Design Subdivision – Requests amended Concept Plan Approval. James Callahan said this property is located east of Goodrich Road, north of Greiner Road within the existing open space design subdivision approved in 2008. The applicant is seeking an amendment to place a hold on previously approved Phases 9 and 10 and approving a new Phase 11 to include 33+/- patio home lots. The original approval of open space requirements and number of lots will remain. A Negative Declaration was issued by the Town

Board on this amendment. The Planning Board has recommended approval of the amendment as presented.

Dominic Piestrak was present.

Councilman Casilio said there has been an issue with builders placing signs on poles and it is costing the Town to have to remove them. He asked that he relay this to the builders in the subdivision.

Mr. Piestrak said he believes the signs are from other builders trying to attract people to other locations.

Councilman Casilio said we are allowing the home show to take place and then they post these signs all over the place. We get complaints about it.

Mr. Piestrak said he will call the builders who put them up and ask them to remove them.

Councilman Kolber said it states that Phases 9 and 10 are exceptions and Phase 11 is prioritized for sewer capacity utilization. He does not understand exactly what that means.

Mr. Piestrak said when the sewer went in the Hollow, the Town committed to 500 sewer taps and that got changed. It was not that Town Board's fault.

James Callahan said the applicant is left with 350 taps and this project approval is for 380 total units. He is putting a hold on Phases 9 and 10, and prioritizing Phase 11 for the sewer taps. It brings the number down to what he has available for his use.

The original Heise-Brookhaven Abatement Project identified 500 taps generically east of Goodrich Road, north of Greiner Road and 500 taps for the Waterford Development.

Councilman Kolber said he does not want the Town in the middle of the issue between private parties of the sewage works corporation.

Mr. Piestrak said that is why he has done the modification and he will wait until more sewer capacity is available.

Councilman Kolber said there is a capacity issue with Sewer District No. 2 also.

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

RESOLVED, that the Clarence Town Board approves the Amended Concept Plan for the Spaulding Green Open Space Design Subdivision as described in the GPI Overall Concept Map dated January 2013, identifying that future Phases 9 and 10 are identified as exceptions and Phase 11 is prioritized for sewer capacity utilization. All conditions of original concept plan approval remain in force.

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

Dave Sutton requests a Public Hearing to consider a Special Exception Use Permit for a mixed use project that includes a multiple family residential component at 8825 Sheridan Drive. James Callahan said the location is the southwest corner of Sheridan Drive and Overlook Drive consisting of a mixed use in the Restricted Business Zone. The applicant proposes to renovate the property and add two additional residential units.

Gerald Dewes said he proposes two upper apartments and two businesses on the first floor. He will occupy one of the spaces.

Councilman Kolber said there is the existing home on the property and that would make three living units rather than two which would be acceptable.

Motion by Councilman Geiger, seconded by Councilman DiCostanzo to set a Public Hearing for May 22, 2013 at 7:45 p.m. to consider a Special Exception Use Permit for a mixed use project that includes a multiple family residential component at 8825 Sheridan Drive.

On the question, Councilman Casilio said he will have to recuse because he just found out a few days ago that Mr. Dewes is the applicant and he has a business relationship with him.

Councilman Kolber said he thinks it is a great improvement to that corner; however, his issue is that we have had a number of multi-family projects that have been put on hold until we update the Town Code. He does not think it would be fair to move this along, even though it is a small project.

Upon roll call – Ayes: Councilmembers Geiger, DiCostanzo and Supervisor Hartzell; Noes: Councilman Kolber; Recuse: Councilman Casilio. Motion carried.

Transitowne USA requests a Special Event Permit for June 2 – 11, 2013 at Eastern Hills Mall. James Callahan said the applicant is proposing a special event in the parking lot at Eastern Hills Mall to display vehicles.

Jay Christopher was present.

Councilman Kolber said we have certain regulations that must be complied with. There were some issues with the management of Eastern Hills Mall not being very nice to our public officials. It did not have anything to do with this applicant.

Mr. Christopher said they have been doing this at least once a year for a while. Other dealers have done the same thing. He is here to do the right thing by obtaining approval and he thinks everyone else should be required to do the same.

Councilman Kolber said that is part of the contention.

Motion by Councilman Kolber, seconded by Councilman Casilio to grant the Special Event Permit to Transitowne USA for the outdoor display and sales of vehicles at Eastern Hills Mall from June 2 through June 11, 2013. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to approve the following: Clubhouse Applications - A. Clarence Concert Association – June 14, 2013; Nature Center Lodge – A. Clarence Presbyterian Church – May 5, 2013; B. Clarence Lions Club – May 23, 2013. 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 25, 2013 are approved for payment: General Fund - \$181,890.92; Highway Fund - \$61,513.10; Water District - \$1,641.12; Fire Protection Districts - \$101.00; Drainage District - \$24,018.00; Lighting Districts - \$745.93; Sewer Districts - \$247.05; Capital Fund - \$3,093.00; Aquatic Growth District - \$500.00; and Trust and Agency 203 - \$2,284.72 for a total amount of \$276,034.84. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

Councilman DiCostanzo said he respects where Councilman Kolber is coming from regarding the multi-family housing regulations and not voting in favor of holding the public hearing, but Councilman Casilio cannot vote and he may potentially vote no. There is no way he could get his special exception use permit. It puts the onus on the Town Board to get this done.

There being no further business, Supervisor Hartzell adjourned the meeting at 8:31 p.m.

Nancy C. Metzger  
Town Clerk