

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, May 13, 2015 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, Town Attorney Lawrence Meckler, Town Engineer Tim Lavocat, Senior Building Inspector David Metzger, Planning Board Chairman Robert Sackett, Confidential Secretary to the Supervisor Karen Jurek, and Director of Administration and Finance Pam CuvIELLO.

Director of Community Development – James Callahan

Public Hearings:

George Smilanich 8575 Roll Road

Applicant is proposing to sell vehicles from the existing parking lot at 8575 Roll Road. The proposed site is located on the south side of Roll Road, east of Harris Hill Road in the Industrial Business Park Zone. Per the Zoning Law, the Town Board may consider the request with a Temporary Conditional Permit. Utilization of the existing parking area for sales and the number of vehicles for sale will be addressed.

Formal Agenda items:

Eric Lipke 6595 Meghan Rose Way

Applicant is requesting a Public Hearing to consider a Special Exception Use Permit for a detached Secondary Living Unit. The proposed site is situated on the south side of County Road at existing single family residence located within an Open Development in an Agricultural Rural Residential Zone. The Building Department issued a permit for the construction of a detached accessory structure (garage space below, game room above). During the construction process, the second floor area took on characteristics of a Secondary Living Unit. The Building Department is holding the issuance of the final Certificate of Occupancy until the Town Board grants the applicant a Special Exception Use Permit for the secondary living unit.

Hollow Bistro 1064 -10647 Main Street

Applicant is requesting 2,000+/- square feet of additional restaurant space attached to the existing building. The proposed site is located on the south side of Main Street, east of Ransom Road, west of Sawmill Road at existing restaurant located in the Traditional Neighborhood District. The proposed addition Concept Plan and Architectural style was recommended for approval by the Planning Board on April 22, 2015. Any approvals will be subject to Building and Engineering approvals as well as NYS DOT approvals. The Planning Board requested that the applicant consider more historically sensitive features on the addition's entrance area. The Planning Board also requested that the applicant consider options to provide a landscaped buffer at the rear of the property in an effort to buffer adjacent neighbors to the rear of the property. Lastly, the Planning Board requested that the rearmost entrance be better equipped to accommodate pedestrian ingress and egress.

Director of Community Development James Callahan stated that the representative for the applicant has provided everything required of him. Since the Planning Board approval, the applicant has supplied a revised landscape plan reducing the parking area in the back, they amended the façade design to include some architectural features, and they amended the rear access to make it safer for pedestrians and parking for patrons. The applicant has provided a signage design plan as well as pavement markings. The applicant has agreed to enhance the rear shed architecturally to match the building. They have reduced the height of the lighting in the parking area. For safety purposes, guardrails will be placed along the retaining wall. The applicant has submitted their landscape detail however the Landscape Committee has not had a chance to review it.

Several neighbors were present to discuss their issues with the proposed project. The proposed retaining wall is sitting on the property line. There is no land to landscape under the proposed design. The neighbors feel that the value of their real estate will be impacted by the proposal by the Hollow Bistro. They would like to see landscaping on the towns property but not at the expense of the taxpayers. Councilman Kolber suggested a six foot fence but Mr. Roy Olson

stated that would create a maintenance issue and take away from the character of the area. Mr. Olson stated that the concept plans show beautiful landscaping around the proposed restaurant addition. Before he would look out at a "lush forest" in the middle of the hamlet. Councilman Kolber stated that the problem is Mr. Olson does not own the land, there is a problem between balancing rights and making this work for all parties concerned. Mr. Olson would like to see conifer trees planted along the bike path to be paid for by the Yu's (owners of the Bistro). He did not want the taxpayers to have to foot the bill. Another resident on Sawmill Road feels he will be impacted by the car lights of patrons pulling in and out of the parking area. The owner of Cornerstone Grille was concerned with snow removal and relocation of the fire hydrant.

Penny Lane Café 10255 Main Street

Applicant is proposing outside dining as a part of the restaurant use. The proposed site is located on the southeast corner of Main Street and Shisler Roads within the Clarence Courtyard Plaza at existing commercial space located in the Clarence Hollow TND. Per the Zoning Law, the Town Board may consider outside dining areas via a Temporary Conditional Permit. A Public Hearing will be required to consider the permit. The number of tables and hours of operation will have to be addressed.

Work Session items for consideration May 27, 2015:

Cimato Family Business Park

Applicant is seeking Out of District approval for connection through Clarence Sewer District #2. The proposed site is situated on the south side of County Road, west of Goodrich Road in the Industrial Business Park Zone. As commissioners of CSD#2, the Town Board has authority to approve Out of District Agreements. The applicant is limited to 11 sewer taps that were previously acquired. Erie County Sewer District #5 Board of Managers has approved the agreement.

Community Development Block Grant

Director of Community Development James Callahan will be submitting a more advanced application for the Main Street sidewalk project relative to the width of the sidewalk. A Resolution related to this application will be presented at the May 27th, 2015 Town Board meeting.

Town Attorney Lawrence Meckler

Town Attorney Meckler has one Attorney-Client item to discuss in Executive Session regarding the Cimato Business Park and one item under 105(1)D to discuss pending litigation.

Town Engineer Tim Lavocat

Town Engineer Lavocat has been involved in subsequent meetings with Erie County relative to their wetland mitigation proposal at Beeman Creek Park. They have narrowed it down to the corner of Salt and Lapp Roads. The area requested has been reduced because the Army Corps and the DEC have agreed to overlap their mitigation acreage. If the Town Board is in agreement with this, the next step would be to sign a Memorandum of Understanding drafted by Erie County so they can apply to the DEC and the Army Corps of Engineers and ultimately obtain the permits to move forward with the reconstruction of Goodrich Road.

Town Engineer Lavocat presented the bids for the Parks Facilities Project/Pole Barn Addition Project to the Town Board. More information will be forthcoming. Mr. Lavocat will have a recommendation at the next meeting as how to proceed. Additional funds will be needed if the Board decides to move forward with these projects.

Highway Superintendent James Dussing

Approximately one year ago, Erie County requested the town look into the speed limits on Goodrich Road, there are currently three speed limits (the Town of Clarence controls the speed limits on Goodrich Road). Goodrich Road started out as a 30 foot wide road but with the wetland mitigation it will be reduced to 28 foot. After discussion with the Traffic Safety Board it was decided to reduce the speed limit to 45MPH from County Road to Tonawanda Creek Road. However the design of the road does not allow for a 45MPH speed limit. The County is requesting the speed limit be reduced to 40MPH from end to end. Erie County is doing a traffic study on the Town's behalf, it will be based on the cultural speed index which is different from putting the rubber

tubes on the road. They are basically saying with the increased population and the amount of traffic a 40MPH speed limit is warranted.

Per the request by Hans Mobius, the County Road traffic study will commence next week.

Supervisor David Hartzell

- Approve the Hollow Fest Fair at Clarence Town Park July 2, 3 and 4, 2015
- Adopt a Resolution establishing the standard work days for elected and appointed officials for the NYS & Local Retirement System
- Adopt a Resolution establishing the standard work days for employees of the Town of Clarence
- Appoint Thomas DiCostanzo as Laborer Part Time-Seasonal for the Highway Department
- Motion to adopt a Refunding Bond resolution of the Town of Clarence

Councilman Bernard Kolber

Councilman Kolber had no report.

Councilman Patrick Casilio

Councilman Casilio will make a motion to adopt a Bond resolution of the Town of Clarence authorizing the construction of an extension to the Waterford Bike path

Councilman Casilio met with NYSEG representative Jack Frost regarding several lights that are not working in the Harris Hill area. There are four lights out on Nottingham Terrace and Oakwood Drive. The request for a street light at the Rubino Subdivision on Shimerville Road was given to Jack Frost for review and approval.

Councilman Casilio has one item to discuss in Executive Session regarding collective negotiations pursuant to Article 14 of the Civil Service Law.

Councilman Peter DiCostanzo

Councilman DiCostanzo will appoint Samantha Herberger to the position of Junior Planner PT-Seasonal in the Planning and Zoning Office.

Councilman DiCostanzo asked Highway Superintendent Dussing to explain the bill for the traffic light at Wehrle Drive and Harris Hill Road. Mr. Dussing explained that if Lancaster police call in a non-working signal, that call goes to a designated service that the town contracts with. When the power goes out, that signal will automatically flash. Mr. Dussing stated that if the company knows the signal is flashing because of a power outage, they shouldn't charge us the full amount for a service call.

Councilman DiCostanzo reminded everyone of the School Budget vote next Tuesday, May 19th.

Councilman Robert Geiger

- Councilman Geiger will make a motion to approve St. Mary's Church 5K Chowder Chase Run on July 17th, 2015.
- The Hollow Association is looking for some beautification projects. One suggestion was to provide doggie bags on the bike path.
- The Clarence Senior Center is hosting a Senior Health & Fitness Fair

At the request of Daniel Loudenslager, Director of Community Development James Callahan distributed a proposed law regarding relative to controlling recreational vehicles. Mr. Loudenslager may be in touch with the Town Board to follow up on this proposed law.

Motion by Supervisor Hartzell, seconded by Councilman DiCostanzo to enter into Executive Session pursuant to § 105(1)D of the Open Meetings Law to discuss pending litigation; §105(1)E Collective negotiations pursuant to Article 14 of the Civil Service Law (The Taylor Law). Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 7:04PM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Hartzell, seconded by Councilman DiCostanzo to adjourn the Executive Session at 7:27PM. 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, May 13, 2015 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David Hartzell called the meeting to order at 7:30 p.m. Councilman Peter DiCostanzo led in the pledge to the flag, followed by a prayer given by Councilman Robert Geiger.

Members of the Town Board present were Councilmembers 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 Supervisor Hartzell, seconded by Councilman DiCostanzo to accept the minutes of the work session and regular meetings held April 29, 2015. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Hartzell said the minutes of May 6, 2015 will be accepted at the next meeting.

Supervisor Hartzell read a letter from a resident commending the Highway Department for the drainage work they did along his property on Wolcott Road.

Motion by Supervisor Hartzell, seconded by Councilman Geiger to approve the following special event subject to receipt and approval of all of the required insurance coverage:

HOLLOW FEST-FAIR at the Clarence Town Park, 10405 Main Street

Dates: July 2, 3 and 4, 2015 from 12:00 noon to 11:00 p.m. on all three dates

Number of People Expected: the approximately 1,200+/- per day.

On the question, Supervisor Hartzell said all the appropriate agencies are to be notified by the applicant. The applicant has been advised to provide the required Certificates of Insurance. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

WHEREAS, the New York State and Local Retirement System requires that the Town of Clarence establish by Resolution the number of hours which constitute a standard work day for retirement reporting purposes for all elected and appointed positions,

NOW THEREFORE BE IT

RESOLVED, that the Town of Clarence hereby establishes the standard work days for elected and appointed officials as per the attached table and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body.

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

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

BE IT RESOLVED, that the Town of Clarence, location code 30148, hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local employees' Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body, as per the attached table listing work days attached hereto and made part of the minutes.

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

Supervisor Hartzell said the employee reports are available for anyone who is interested.

Motion by Supervisor Hartzell, seconded by Councilman Geiger that upon the recommendation of Highway Superintendent, James Dussing, Thomas DiCostanzo is appointed as Laborer Part Time-Seasonal for the Highway Department at the rate of \$8.75 per hour effective May 18, 2015 subject to receipt of all pre-employment paperwork and pre-employment requirements being met.

On the question, Councilman DiCostanzo said he will not vote as this is his son.

Supervisor Hartzell said this appointment is being made to fill the position of an applicant who decided not to accept employment with the Town.

Upon roll call – Ayes: Councilmembers Geiger, Casilio, Kolber and Supervisor Hartzell; Noes: None. Recuse: Councilman DiCostanzo. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to adopt a Refunding Bond Resolution of the Town of Clarence, New York, authorizing the refunding of certain outstanding Serial Bonds of said Town, stating the plan of refunding, appropriating an amount not to exceed \$2,875,000 for such purpose, authorizing the issuance of Refunding Bonds in the principal amount of not to exceed \$2,875,000 to finance said appropriation, and making certain other determinations relative thereto.

The object or purpose is to refund all or a portion of certain outstanding serial bonds of the Town issued in 2005 and 2007 for various purposes.

The periods of probable usefulness of the objects or purposes for which the outstanding serial bonds to be refunded were issued consist of various periods ranging from 5 years to 30 years, commencing on the date of original issuance of the first bonds or bond anticipation notes issued for the respective purposes for which the outstanding bonds were issued.

A complete copy of the Bond Resolution shall be available for public inspection during normal business hours at the office of the Town Clerk, Town Hall, One Town Place, Clarence, New York.

On the question, Councilman Kolber said basically we have some outstanding bonds that we can refinance at lower interest rates.

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

Councilman Kolber recognized Carol Conwall, chairman of the Historic Preservation Commission. This Saturday they are having a rally at the Bishop/Lapp/Riegle farmstead at 8990 Greiner Road. There was a very nice article in the Buffalo News about the farm.

Councilman Kolber said he has never had so many complaints about the assessment in all the years he has been on the Board until now. He does not know what happened this year. He is hearing of increases of 25 to 30 percent. Basically, you have to think about what you would list your house if you were to sell it. If you think it is too high, call the assessor's office. They have assessment forms available.

Councilman Casilio said we have to maintain 100% assessment or the State will decide on a levy against our taxes. We usually look at the entire town every four years and this is it. The reassessment is affecting approximately 9,200 properties.

Motion by Councilman Casilio, seconded by Councilman Kolber to adopt a Bond resolution of the Town of Clarence, New York, authorizing the construction of an extension to the Waterford Bikepath; stating the estimated maximum cost thereof is \$250,000; appropriating said amount for such purpose; and authorizing the issuance of bonds in the principal amount of \$250,000 to finance said appropriation,

FIRST: AUTHORIZING said Town to construct an extension to the Waterford bikepath to Roll Road, including other related bikepath improvements.; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$250,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of bonds in the principal amount of \$250,000 to finance said appropriation, and the levy of a tax upon all the taxable real property within the Town to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$250,000 bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said serial bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$250,000 bonds will exceed five (5);

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof, and other related powers; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

On the question, Councilman Casilio said a complete copy of the Bond Resolution shall be available for public inspection during normal business hours at the Office of the Town Clerk, One Town Place, Clarence, NY.

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

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to appoint Samantha Herberger to the position of Junior Planner PT-Seasonal effective May 18, 2015 and ending August 14, 2015 at the budgeted rate of \$12.42 per hour subject to receipt of all pre-employment paperwork and pre-employment requirements being met.

On the question, Councilman DiCostanzo said Samantha worked for us last summer. This came in late because we were not sure when she would be able to start.

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

Councilman DiCostanzo said he has also received complaints about the reassessments. There is a process if you want to challenge it. Contact the Assessor's Office.

Motion by Councilman Geiger, seconded by Councilman Casilio to approve the following Special Event request:

St. Mary's Church 5K Chowder Chase Run – July 17, 2015 from 6:00 p.m. to approximately 8:00 p.m. This is in conjunction with their Annual Picnic.

On the question, Councilman Geiger said the Route will start at St. Mary's Church on Stahley Road and finish there as per the submitted map. All the appropriate agencies will be notified.

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

Councilman Geiger announced the following:

- Clarence Hollow Association is having a Chiavetta's Chicken Barbeque following the Memorial Day Parade on May 25th
- Senior Center is working on a program to provide respite care services
- Senior Center has a University Express with excellent programs and speakers
- Senior Center Fitness Fair is May 20th

Town Attorney Lawrence Meckler said the standard workday resolutions have personal information that must be redacted before they are made public. The Clerk will make them a part of the minutes with the redactions.

Highway Supt. James Dussing said he will have mulch available for the residents until June 15th to pick up at the Highway Department.

He also wants to remind residents not to put leaves, brush or waste on the Town highways. You also cannot put your waste on other people's property.

Public Participation

Ray Skaine said in regard to item 13 for the Clarence Hollow Bistro, he would like to speak in favor. This project will only enhance the Hollow. The Yu family has been very instrumental in the Hollow and he urges the Board to approve this project.

A Public Hearing was held to consider the request for a Temporary Conditional Permit for an automotive sales operation at 8575 Roll Road. James Callahan said the location is the south side of Roll Road east of Harris Hill Road consisting of an existing industrial building in the Industrial Business Park Zone.

George Smilanich said he has a lease on this building and would like a permit for five years.

Councilman Kolber said it is our policy to issue the first permit for one year.

Mr. Smilanich must have the spaces available for his license.

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. Motion carried.

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

Resolved, that after a public hearing duly held on May 13, 2015, and after all interested parties having been heard, the Clarence Town Board approves a Temporary Conditional Permit to

the applicant, George Smilanich, for an automotive sales operation at 8575 Roll Road subject to the following conditions:

1. Temporary Conditional Permit is for a period for one (1) year.
2. Paving and striping of vehicle storage area required
3. No more than 3 vehicles to be displayed at any given time.

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

Eric Lipke requests a public hearing to consider a Special Exception Use Permit for a secondary living unit at 6595 Meghan Rose Way. James Callahan said the location is the south side of County Road, west of Green Acres within an existing open development area. The applicant has constructed an accessory structure with the potential to be a secondary living unit.

William Tyne of Forbes Capretto Homes was present with the applicant Mr. Lipke. They ask that a public hearing be set.

Motion by Councilman Casilio, seconded by Councilman Kolber to set a Public Hearing for June 10, 2015 at 7:45 p.m. to consider a Special Exception Use Permit for a secondary living unit at 6595 Meghan Rose Way. Upon roll call – Ayes: All; Noes: None. Motion carried.

Clarence Hollow Bistro requests Site Plan and Architectural Approval for a proposed addition at 10641 – 10647 Main Street. James Callahan said the location is the south side of Main Street east of Ransom Road consisting of an existing vacant property in the Clarence Hollow Traditional Neighborhood District. The applicant is proposing an addition to the existing restaurant. This is a Type II action under SEQR. The Planning Board has approved the site plan with conditions. The Clarence Hollow Community Character Protection Board has also forwarded recommendation for approval. The applicant is here for final architectural approval.

Tim Arlington of Apex Consulting and Dave Sutton of Sutton Architects were present. Mr. Arlington said they are proposing a 2,000 sq. ft. addition adjacent to the existing restaurant with 35 parking spaces and six shared spaces on the east side. The traffic will enter one-way from Main Street and exit on the other side. This addresses the traffic flow. They cut the 8-ft. grade down on the site. They are putting in a timber-rail railing system along the east property line. The lighting is a 16-ft. high lower intensity lighting with lighting shed to be on the property.

There is substantial landscaping out front and on the perimeter of the building. They discussed the visual barrier at the rear of the property at the Planning Board. In order to meet the greenspace requirement they moved the retaining wall up 8 feet. They propose a row of six arborvitae spaced at the rear of their property.

Dave Sutton said they are proposing a one-story addition to include a newly defined entrance and a patio facing Main Street. They tried to align the historic significance of the existing building. The patio will be surrounded by brick piers with bricks from the building that was demolished. They will be renovating the existing building along with the addition including replacing upper windows. They feel that it is bringing a lot of pedestrian friendly detail to the front of the building. It will be a great asset to the Hollow and the existing business. There is a two-sided fireplace feature on the patio. The pitches of the two roofs will be the same. They are using a metal roof on the new and old to match. They will maintain the mural on the west side of the building.

Councilman Kolber said some trees were removed, however it would have been impossible to put the parking lot in without doing that.

Mr. Arlington said the retaining wall tapers from 8 ft. to 5 ft. wide. It will be architecturally pleasing.

Councilman Casilio said this was talked about during the work session and he asked if he had a chance to discuss it with the applicant.

Mr. Arlington said he would rather have Kathy or Katie Yu address the concerns.

Kathy and Katie Yu were present.

Councilman Kolber said they are a great anchor to the Clarence Hollow but we would like to mitigate problems for the neighbors in the area. We are looking for something that makes everyone happy.

Kathy Yu said they have been working on this for over a year and spent a lot of time and money. The concerns that were brought up at the last Planning Board meeting were all dealt with. She thought they were all set until tonight. They feel this project is a great asset to the Hollow. If it comes to a lot more money and liability on their behalf, they will stop the project at this point. They are not willing to plant trees on Town property or anyone else's property. She does not see any reason to do that. They will plant on their own property. She believes the arborvitae will do a lot to block the parking lot.

Councilman Casilio said a suggestion was made to plant 6 to 10 trees in the Town right-of-way to block the parking lot where trees used to be. He thought it might be the most inexpensive way to keep both parties happy. He would like to see them move forward with the project. The neighbors are asking that it not be approved until there is a change in the landscape. Another suggestion was to make the parking lot smaller and plant the trees on their own property.

Kathy Yu said they already made the parking lot smaller. She has no problem if someone wants to plant something on town property, but she does not think they should.

Councilman Kolber said he realizes this is not a public hearing, but he would like to open the floor for comments on this subject.

Roy Olsen said he owns the property directly behind this proposed project. He certainly wants Kathy to be very successful in the Hollow, but he also has to protect his asset. He believes the spirit of compromise discussed in the work session was excellent. The five neighbors all agreed the planting of trees along the right-of-way was a great solution. Mr. Olsen said he did not see the plans until recently and wished there would have been consideration of the neighbors ahead of that. It would have kept it out of this level. The Bistro would get two parking spaces back this way because the arborvitae would not be necessary. They encourage the Board to put this on hold tonight until a compromise is in place. He thinks it is 99% there. He does not want to see Kathy abandon the project when it is so close.

Councilman Casilio said the Bistro has already committed to ten arborvitae. By eliminating them on their property, they could gain two parking spaces. He asked that they consider placing the trees back on the Town right-of-way to block the neighbors. The Town can consider removing some pavement back there on Town property for the trees.

Tim Arlington asked, if his client considered a monetary contribution to this, who would be responsible for planting and maintaining the trees along with the liability.

Town Attorney Meckler said that could all be worked out. The Town would take the liability going forward.

Mr. Arlington said his concern is if something happens while they are planting trees on Town property. He asked if they provide cost of plant materials, would the Town be willing to install them and be responsible.

Councilman Casilio said it should go along the bike trail. The blacktop at the rear is not necessary on Town property.

Highway Supt. James Dussing said he can get that done easily.

Kathy Yu asked if the Town is willing to do this.

Councilman Kolber said they cannot use tax dollars to mitigate an issue of private properties.

Town Attorney Meckler said they could donate trees to the Town. The Town cannot expend funds to make the project a go. They could also pay the additional costs, of which we do not know at this time.

Councilman Casilio said he wants the project to move forward with a stipulation about landscaping approval. He also is adding a guard rail of some type at the front corner to prohibit a car from hitting Cornerstone.

Tim Arlington said there currently is a curb there that is six feet away. It also guides water runoff to the street. They prefer not to have a guardrail.

Councilman Casilio said, upon further discussion, this is a nonissue.

Motion by Councilman Casilio, seconded by Supervisor Hartzell to grant the request, of the applicant, Hollow Bistro, for Site Plan and Architectural approval for a 2,000+/- square foot proposed addition to the existing building for restaurant space related to the properties located at 10641-10647 Main Street subject to the following conditions:

1. Subject to Landscape Committee approval prior to final Certificate of Occupancy.
2. Subject to dark sky compliant lighting fixtures with full shielding to eliminate glare to neighboring properties.
3. Subject to review and approval by the Town Engineer and Town Building Department for storm water management and required permits.

4. Subject to NYSDOT approval for drainage, curb cuts, and right-of-way plantings and other encroachments.
5. Existing garage to be made to architecturally match the proposed building elevations.
6. Provide vehicular directional signage both on the pavement and in the form of vertical signage for the drive lanes.
7. Modification of the rear building entrance to better accommodate patrons entering from the rear parking lot.
8. Adequate guard rails or fencing to protect the drop-offs created by the parking lot.
9. After Landscape Committee Approval, it shall come back to the Town Board for approval.
10. Construction does not start until Town Board approval of the Landscaping.

On the question, Supervisor Hartzell said he loves the project and he knows they put a lot of time into it. He hopes we can arrive at some sort of solution.

Councilman Kolber said he would like to have the two neighbors still here give their comments. He does not want to have them thinking of something else.

Jeff Ferger said he lives on Sawmill Road and his concern is keeping the lights out of his house. He has lights from Bank Street now. He has lived there for 20 years and the trees that were there shaded everything before the October storm. He looks forward to the project.

Mr. Olsen said he is concerned if the Town Board changes in November, it could change the whole agreement. He wants to see this happen.

Councilman Casilio said this board will be here until the end of the year as it exists.

Councilman Kolber said he does not base his decisions on that. He tries to work for the better of everyone. He was against them taking the house down, but the Yu's worked with everyone. They are good people and are trying to make the Hollow a better place. He would like a defined clear solution.

Councilman Casilio amended the motion to add #10.

Kathy Yu said she hopes everyone understands the cost of this on them.

Councilman Casilio said we can improve our parkland.

Roy Olsen said he is in favor of the improvements.

Dave Sutton said he would like to make it clear that the removal of the two spaces was to meet the greenspace requirement. He also said to the neighbors that the retaining wall is going to be a substantial screen to the headlights.

Councilman Casilio said he does not think you will know the cars are there. If you put in 10 trees staggered along the bike path, it will go a long way to screen the area.

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

Penny Lane Café requests a Public Hearing to consider a Temporary Conditional Permit for outside dining at 10255 Main Street. James Callahan said the location is the south side of Main Street, east of Shisler Road consisting of an existing commercial plaza in the Clarence Hollow Traditional Neighborhood District.

Angel Valby and Anne Valby were present.

James Callahan said they propose to use the existing courtyard.

Anne Valby said she would like to have about ten tables with four seats each.

Councilman Kolber said she can decide on a layout and bring it to the public hearing.

Motion by Councilman Casilio, seconded by Councilman Kolber to set a Public Hearing for June 10, 2015 at 7:50 p.m. to consider the request for outside dining at 10255 Main Street. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to approve the following: Clubhouse Applications - A. Clarence Chamber of Commerce – June 5, 19; July 10, 2015; B. The Hollows at Loch Lea – June 16, 2015; C. Clarence Hollow Association – July 2, 3, 4, 2015; Legion Hall Applications – A. Nancy Prell – May 31, 2015; B. William Powers – June 3, 2015; C. Mark Priebe – June 27, 2015; D. Nancy Stover – Aug. 1, 2015; E. Rhonda Diehl – Sept. 25, 2015; F. Safura Hoviehzar – Sept. 26, 2015; G. Maria Cahlstadt – Nov. 28, 2015;

Pavilion Special Requests – A. Clarence Hollow Association – July 2, 3, 4, 2015. 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 May 7, 2015 are approved for payment: General Fund - \$57,560.13; Highway Fund - \$89,687.84; Water District - \$219.01; Drainage District - \$951.03; Sewer Districts - \$102,123.47; Capital Fund - \$138,251.50; and Trust and Agency 203 - \$8,305.00 for a total amount of \$397,097.98. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

James Blum said he and his wife enjoy going to the Hollow Bistro. This is a tremendous project for the Town by people who have supported many activities in the Town. It will only enhance the Hollow. They have a large project here that they are putting a lot into. He thinks the Town should enhance the area of the bike path and make everyone happy. It seems like we are holding up this project to take care of other issues.

Councilman Kolber said he thinks everyone is in support of the project. The Yu’s have done great things for the Hollow. We are trying to mitigate the impact to the neighbors from what they lost. It opens up that whole area. He thinks it will all work out.

Mr. Blum said when you are getting close to the end of a project and it eats on your time and more money, it hurts.

Carol Conwall said she has a suggestion to consider it as a memorial park along the bike path and plant the trees. You could get the Arboretum Committee involved. The Clarence Hollow Association might want to take on this memorial park project to enhance the bike path. Every year they take on a project to enhance the Hollow and this might be something they can do.

Councilman DiCostanzo said he had mentioned the Wounded Warriors project at the Akron/Clarence lacrosse game. He would like to give kudos to the Akron lacrosse team and families who did a lot to raise funds to support this group.

Councilman DiCostanzo said it is like administrative mayhem here tonight. Ray Skaine was absolutely right to come up to speak when he did. It is not a public hearing and he spoke when he was supposed to. We should not turn it into a public hearing. It was great to hear everyone, but what do we do next time. Maybe we should change the agenda or the rules of the meeting.

Councilman Casilio said we can hear people if we feel it is necessary. It does seem like it is in the wrong order.

Councilman Kolber said before he was a councilman, he was frustrated that you could only speak before an item comes up on the agenda without hearing what it is about.

Councilman DiCostanzo said there was extensive discussion where people could talk at the Planning Board meetings.

Supervisor Hartzell said he would rather let them speak if they come to the meeting as long as it does not take too long.

Councilman DiCostanzo said they have the opportunity on item #10. There is an order here.

There being no further business, Supervisor Hartzell adjourned the meeting at 8:55 p.m.

Nancy C. Metzger
Town Clerk



Office of the New York State Comptroller
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

Standard Work Day and Reporting Resolution for Elected and Appointed Officials

RS 2417-A
(Rev. 3/14)

BE IT RESOLVED, that the TOWN OF CLARENCE / 30148 (Location Code) hereby establishes the following standard work days for these titles and will report the officials to the New York State and Local Retirement System based on time keeping system records or their record of activities:

Title	Standard Work Day (Hrs/day) Min. 6 hrs Max. 8 hrs	Name (First and Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier-1)	Current Term Begin & End Dates (mm/dd/yy-mm/dd/yy)	Participates in Employer's Time Keeping System (Yes/No-if Yes, do not complete the last two columns)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
Supervisor	6	David C. Heitzell, Jr			<input type="checkbox"/>	01/01/12-12/31/15	N	27.5	<input type="checkbox"/>
Councilmember	6	Bernard Kolber	se docket		<input type="checkbox"/>	01/01/12-12/31/15	N		<input type="checkbox"/>
Councilmember	6	Patrick Casillo			<input type="checkbox"/>	11/14-12/31/17	N	23.56	<input type="checkbox"/>
Natural Disaster Coord. PT	6	David Baumber			<input type="checkbox"/>	11/15-12/31/15	N	2.42	<input type="checkbox"/>
Dputy Town Attorney	6	Steven Bengart			<input type="checkbox"/>	11/15-12/31/15	Y		<input type="checkbox"/>
Area Dir. Civil Defense	6	David Bissonette	se docket		<input type="checkbox"/>	11/15-12/31/15	N	3.72	<input type="checkbox"/>

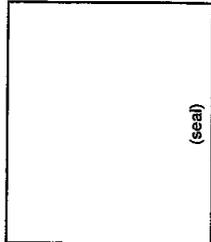
SEE INSTRUCTIONS FOR COMPLETING FORM ON REVERSE SIDE

I, Nancy C. Metzger (Name of secretary or clerk), secretary/clerk of the governing board of the TOWN OF CLARENCE of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board at a legally convened meeting held on the 13th day of May, 2015 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the TOWN OF CLARENCE on this 14th day of May, 2015. Nancy C. Metzger (Signature of the secretary or clerk)

Affidavit of Posting: I, Nancy C. Metzger (Name of secretary or clerk), being duly sworn, deposes and says that the posting of the Resolution began on May 14 2015 (Date) and continued for at least 30 days. That the Resolution was available to the public on the

- Employer's website at _____
- Official sign board at Town Clerks office - Clarence Town Hall
- Main entrance secretary or clerk's office at _____





Office of the New York State Comptroller
 New York State and Local Retirement System
 Employees' Retirement System
 Police and Fire Retirement System
 110 State Street, Albany, New York 12244-0001

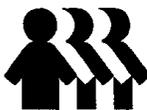
Standard Work Day and Reporting Resolution for Elected and Appointed Officials Continuation Form RS 2417-B

(Rev. 3/14)

Title	Standard Work Day (hrs/day) Min. 6 hrs, Max. 8 hrs	Name (First & Last)	Social Security Number (Last 4 digits)	Registration Number	Tier 1 (Check only if member is in Tier 1)	Current Term Begin & End Dates (mm/dd/yy- mm/dd/yy)	Participates in Employer's Time Keeping System (Yes/No-If Yes, do not complete the last two columns)	Record of Activities Result*	Not Submitted (Check only if official did not submit their Record of Activities)
Parks General Crew Chief	8	Robert Linde			<input type="checkbox"/>	01/01/2015-12/31/2015	Y		<input type="checkbox"/>
Town Historian	6	Mark Woodward			<input type="checkbox"/>	01/01/2015-12/31/2015	Y		<input type="checkbox"/>
General Crew Chief Hwy	8	Paul Englert			<input type="checkbox"/>	01/01/2015-12/31/2015	Y		<input type="checkbox"/>
Town Prosecutor	6	Peter Vesillon			<input type="checkbox"/>	01/01/2015-12/31/2015	Y		<input type="checkbox"/>
Paralegal	7	Cynthia Rosel			<input type="checkbox"/>	01/01/2015-12/31/2015	Y		<input type="checkbox"/>
Exe. Dir. Youth Board	7	Dawn Kinney			<input type="checkbox"/>	01/01/2015-12/31/2015	Y		<input type="checkbox"/>
Pro. Coord. Youth Bureau	7	Jessica Nolarus			<input type="checkbox"/>	01/01/2015-12/31/2015	Y		<input type="checkbox"/>
Planning Bd Member	6	James P. Shear			<input type="checkbox"/>	01/01/2015-12/31/2015	Y		<input type="checkbox"/>
Dir. Recreation II PT	8	Clifford Trapper			<input type="checkbox"/>	01/01/2013-12/31/2019	Y		<input type="checkbox"/>
Deputy Recreation Dir.	8	Christopher Durr			<input type="checkbox"/>	01/01/2015-12/31/2015	Y		<input type="checkbox"/>
Jr. Planner	7.5	Jonathan Bleuer			<input type="checkbox"/>	01/01/2015-12/31/2015	Y		<input type="checkbox"/>
Zoning Bd of Appeals	6	Daniel Michnik			<input type="checkbox"/>	01/01/2014-12/31/2018	Y		<input type="checkbox"/>

Noted

Employer Town of Clarence Location Code 30148 Page 3 of 4 (use with form RS 2417-A)



Office of the New York State Comptroller
 New York State and Local Retirement System
 Employees' Retirement System
 Police and Fire Retirement System
 110 State Street, Albany, New York 12244-0001

Standard Work Day Resolution for Employees* RS 2418 (Rev. 7/11)

BE IT RESOLVED, that the Town of Clarence, Location code 30148, hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local Employees' Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body:

Title	Standard Work Day (Hrs/day)
See Attached	

On this 14th day of May, 2015

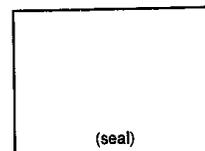
Nancy C. Metzger Date enacted: May 13, 2015
(Signature of clerk)

I, Nancy C. Metzger, clerk of the governing board of the Town of Clarence,
(Name of Employer)

of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 13 day of May, 2015 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of 5 members, and that 5 of such members were present at such meeting and that 5 of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto
 Set my hand and the seal of the
Town of Clarence
(Name of Employer)



*To be used for all employees. Please list Elected and Appointed Officials on the form (RS2417-A) Standard Workday and Reporting Resolution for Elected and Appointed Officials.

See Instructions for Completing Form on Back

5/1/2015 11:30 AM JOB CLASS NUMBER/DESCRIPTION AND STANDARD WORK DAY

Title	
Councilmember	6
Town Justice	6
Clerk to Town Justice	7
Security Officer PT-COURT	6
Security Officer PT-Rate 1 (lowest rate)	6
Security Officer PT-Rate 2	6
Security Officer PT-Rate 3 (highest rate)	6
Clerk PT-Rate 1	7
Clerk PT - Rate 2	7
Clerk PT - Rate 3	7
Supervisor	6
Secretary to Supervisor	7
Dir. of Admin & Finance	7
Accountant RPT	7
Assessor	7
Real Property Appraiser -Step 5	7
Real Property Appraisal Tech. - step 3	7
Board of Assessment Review	6
Town Clerk	7
Deputy Town Clerk	7
2nd Deputy Town Clerk	7
Town Attorney	6
Paralegal	7
Deputy Town Attorney	6
Town Engineer	7.5
Asst. Town Engineer	7.5
Engineer Aide	7.5
Senior Clerk Step 1	7
Senior Clerk Step 2	7
Senior Clerk Step 3	7
Senior Clerk Step 4	7
Senior Clerk Step 5	7
Senior Clerk Typist Step 1	7
Senior Clerk Typist Step 2	7
Senior Clerk Typist Step 3	7
Senior Clerk Typist Step 4	7
Senior Clerk Typist Step 5	7
WC Laborer Step 1	7
WC Laborer Step 2	7
WC Laborer Step 3	7
WC Laborer Step 4	7

5/1/2015 11:30 AM JOB CLASS NUMBER/DESCRIPTION AND STANDARD WORK DAY

Title	Standard Work Day
WC Laborer Step 5	7
Laborer Part-time (Town Hall)	7
Messenger Step 1	7
Messenger Step 2	7
Messenger Step 3	7
Messenger Step 4	7
Messenger Step 5	7
Crossing Guard RPT	6
Dog Control Officer Step 1	7.5
Dog Control Officer Step 2	7.5
Dog Control Officer Step 3	7.5
Dog Control Officer Step 4	7.5
Dog Control Officer Step 5	7.5
Dog Control Officer RPT	7
Sr. Code Enforcement Officer Step 1	7.5
Sr. Code Enforcement Officer Step 2	7.5
Sr. Code Enforcement Officer Step 3	7.5
Sr. Code Enforcement Officer Step 4	7.5
Sr. Code Enforcement Officer Step 5	7.5
Code Enforcement Officer Step 1	7.5
Code Enforcement Officer Step 2	7.5
Code Enforcement Officer Step 3	7.5
Code Enforcement Officer Step 4	7.5
Code Enforcement Officer Step 5	7.5
Plumbing Inspector Step 1	7.5
Plumbing Inspector Step 2	7.5
Plumbing Inspector Step 3	7.5
Plumbing Inspector Step 4	7.5
Plumbing Inspector Step 5	7.5
Natural Disaster Services Coordinator	6
Area Director of Civil Defense	6
Highway Superintendent	8
Deputy Highway Superintendent	8
General Crew Chief	8
Secretary to Superintendent of Highway	7
Clerk Typist Step 1	7
Clerk Typist Step 2	7
Clerk Typist Step 3	7
Clerk Typist Step 4	7
Clerk Typist Step 5	7
Laborer RPT -Highway (cleaner)	6

5/1/2015 11:30 AM JOB CLASS NUMBER/DESCRIPTION AND STANDARD WORK DAY

Title	STANDARD WORK DAY PERIOD
Director of Recreation II PT	8
Deputy Recreation Director PT	8
Recreation Specialist PT Seasonal-Summer	6
Recreation Attendant PT Seasonal-Summer	6
Recreation Supervisor PT Seasonal-Summer	6
Life Guard PT Seasonal-SENIOR	8
Life Guard PT Seasonal - HEAD	8
Life Guard PT Seasonal & Swim Instruction	8
Recreation Attendant PT-Youth Bureau	7
Tutor	6
Town Historian	6
Van Driver	6
Van Driver RPT	6
Van Driver PT	6
Director of Community Development	7.5
Junior Planner	7.5
Boards & Committees (65.00/mtg)	6
Planning Board Chairperson	6
Auto mechanic - Step 1	8
Auto mechanic - Step 2	8
Working Crew Chief - Step 1	8
Working Crew Chief - Step 2	8
Heavy MEO - Step 1	8
Heavy Meo - Step 2	8
General Mechanic - Step 1	8
General Mechanic - Step 2	8
Asst. General Mechanic - Step 1	8
Asst. General Mechanic - Step 2	8
MEO I - Step 1	8
MEO 1 - Step 2	8
Groundskeeper - Step 1	8
Groundskeeper - Step 2	8
Recreation Attendant - Step 1	8
Recreation Attendant - Step 2	8
Asst. Auto Mechanic - Step 1	8
Asst. Auto Mechanic - Step 2	8
Maintenance Worker - Step 1	8
Maintenance Worker - Step 2	8
Laborer - Step 1	8
Laborer - Step 2	8
Auto Mechanic Crew Chief - Step 1	8

5/1/2015 11:30 AM JOB CLASS NUMBER/DESCRIPTION AND STANDARD WORK DAY

Title	
Auto Mechanic Crew Chief - Step 2	8
Executive Director Youth Board	7
Program Coordinator Youth Board RPT	7
Recreation Supervisor (7140B) PT	6
Recreation Supervisor PT - Winter	6
Recreation Attendant PT - Winter	6
Recreation Specialist PT - Winter	6
Parks Crew Chief	8
Real Property Appraiser - Step 1	7
Real Property Appraiser - Step 2	7
Real Property Appraiser - Step 3	7
Real Property Appraiser - Step 4	7
Real Property Appraiser Tech.-Step 1	7
Real Property Appraiser Tech.-Step 2	7
Real Property Appraiser Tech.-Step 4	7
Real Property Appraiser Tech.-Step 5	7
General Crew Chief - Parks	8
Laborer PT Seasonal - Rate 1 (lower rate)	8
Laborer PT Seasonal - Rate 2	8
Jr. Planner PT Seasonal	7.5
Engineering Aide PT Seasonal	7.5
Youth Activities Leader RPT Rate 2	7
Youth Activities Leader PT	6
Recreation Specialist PT	6
Civil Engineer	7.5
Assistant Planner	7.5
Youth Activities Leader RPT Rate 1	7
Program Leader-Youth	7
Deputy Supervisor	6
Town Prosecutor PT	6
Clerk PT - rate 4	7
Laborer RPT (Parks)	8
Member of Planning Board	6
Member of ZBA	6
Member of the Plumbing Board	6
Junior Planner PT	7.5
Youth Activities Leader PT Seasonal	7
Clerk PT Seasonal	7
Code Enforcement Officer PT	7.5
Dog Control Officer PT	7.5
Account Clerk PT	7