

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, October 14, 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, Junior Planner Jonathan Bleuer, Senior Building Inspector David Metzger, Confidential Secretary to the Supervisor Karen Jurek, Town Attorney Lawrence Meckler, Town Engineer Tim Lavocat, Highway Superintendent James Dussing, Director of Administration and Finance Pamela CuvIELLO, Planning Board Chairman Robert Sackett, Planning Board member Paul Shear,

Director of Community Development – James Callahan

Public Hearings:

Cobblestone Center Phase II 8584-8590 Sheridan Drive

Applicant is proposing to amend the Special Exception Use Permit to allow for two mixed use buildings instead of the previously approved office buildings in front of the existing day care center. The proposed site is located on the north side of Sheridan Drive, east of Harris Hill Road in the Restricted Business Zone. A recent amendment to the Restricted Business Zone may allow for small scale retail as an acceptable use in the commercial portion of the mixed use buildings. Per the Zoning Law, the Town Board has final review authority for approval of Special Use Permits and amendments thereto. The Planning Board has forwarded a recommendation on the project as well as an action under SEQRA.

Waterford Campus/Landings – amendment to the existing Waterford Village PURD
Previously approved Planned Unit Residential Development (PURD) – the Campus/Landings portion originally included 100+/- units of residential housing and 20,000+/- feet of commercial space. The proposed site is located on the north side of Roll Road, west of Dana Marie Parkway. The proposed amendment would completely eliminate the commercial square footage and reduce the residential component to 77 units. The area is approved as a PURD under the Clarence Hollow Pollution Abatement Environmental Impact Statement. A PURD is a specific site plan approved zoning classification, any amendments must be approved by the Town Board. The Planning Board has forwarded a recommendation to approve the amended design along with an action under SEQRA.

Formal Agenda items:

Essex Greens at Waterford Phase II Final Plat

Applicant is seeking final plat approval for Phase II of Essex Greens at Waterford. This phase includes 27 patio home lots along private roads. The proposed site is located on the north side of Roll Road, east of Dana Marie Parkway. Per the Subdivision Law, the Town Board has final acceptance authority for public infrastructure. Town Engineer approval and sign-off on the completed infrastructure will be required.

Work Session items for consideration November 28, 2015:

Clarence Fire District #1 – 10355 -10365 Main Street

Applicant is proposing to enlarge the existing facility by adding 3+ additional bays and additional service space as well as rehabilitation of existing space. The property is located in the TND and within Clarence Hollow Overlay. As the overall structure will exceed 10,000 square feet, a Special Exception Use Permit will be required. The Town Board has final approval authority for Special Exception Use Permits. SEQRA has already been satisfied with the Fire District acting as Lead Agency. The house immediate

adjacent to the fire hall will be demolished. Referral to the Planning Board will initiate a formal review of the project.

Benderson Development – Eastgate Plaza 5175-5181 Transit Road

The applicant is proposing to demolish the existing buildings and construct a new 19,260 square foot restaurant/retail building - two existing vacant commercial buildings, including a former restaurant and a former doctor's office located in the Major Arterial Zone. The proposed site is located on the east side of Transit Road between Sheridan Drive and Greiner Road in a Commercial Zone. Per the Zoning Law, the Town Board has preliminary review authority to identify concerns prior to referring the proposal to the Planning Board for formal review.

Town Attorney Lawrence Meckler

Town Attorney Meckler has one item to discuss in Executive Session regarding current litigation.

Town Engineer Tim Lavocat

The Waterford Bike Path has been paved, the project should be completed in the next few weeks.

The Highway Department is demolishing the former Parks Department shop in preparation for the new restroom facilities.

The FEMA Audit report was distributed to the Board, there were no issues.

Highway Superintendent James Dussing

Leaf pickup started last week, trucks are being readied for snow.

Highway Department crews have been helping the Parks Department with the demolition of the former Parks Department shop building.

Supervisor David Hartzell

Supervisor Hartzell received a request from Erie County Sheriff's to waive the fee for boarding their police dog. The Town Board was in agreement to waive the fee. Supervisor Hartzell will work this out with Director of Administration and Finance Pam Cuvillo.

Motions:

- Approve a transfer of funds from the 2015 Highway Department Budget
- Appoint Laborer PT Seasonal for the Highway Department

Councilman Bernard Kolber

Motions:

- Approve a transfer of funds from the 2015 Law Department Budget

The Library Board is requesting approval for the development of a Children's Reading Garden. The garden will be developed in three phases, Phase I will be most costly. Phase II and Phase III will require additional approval from the Town Board. Phase II and Phase III will not interfere with the arboretum. Because of the cost of the entire project, Phase I will be completed first. Phase II and Phase III will require additional fundraising through private donations. Final blue prints will be completed within the next few weeks and will be forwarded to the Town Board for approval. The garden will not interfere with any existing or future trees in the arboretum or any existing utility lines.

Councilman Kolber will wait for the drawings before approval is given. Councilman Casilio also wants to make sure the proposed garden does not interfere with the arboretum in any way.

A request to increase the height of a cell tower on Transit Road was brought before the Zoning Board of Appeals last night however the request was tabled pending additional notification of the neighbors.

Councilman Patrick Casilio

Motions:

- Approve a transfer of funds from the 2015 Engineering Department Budget
- Authorize the Supervisor to sign Fireworks Exhibition Agreement with Young Explosives Corporation for Day in the Park 2016

A handout was distributed with information on LOSAP (Length of Service Awards Program) for the fire departments. Pam Cuvillo prepared a comparison. There are huge lump sum costs that can be spread out over a multi-year period. The information will be forwarded on to all fire departments.

Councilman Peter DiCostanzo

Motions:

- Approve proposals of Sunrise Landscaping of WNY for snow plowing services at the Youth Bureau 10510 Main Street
- Approve request by Northern Erie Sno-Seekers to use bike paths during 2015–2016 season
- Appoint General Mechanic for Parks Department

Councilman DiCostanzo will announce that School Taxes are due tomorrow.

Clarence Hollow Association is requesting permission to move one of their signs to a different location in Clarence Hollow. They have hired someone to reface the signs and want to move one of them to 10375 Main Street. Councilman DiCostanzo did not think it was prudent to relocate the sign to this site since the town has not made a decision on what to do with this site. Councilman Kolber felt the sign would be hidden by the trees in the area. He suggested moving the sign to the corner of Shisler and Main Street.

Councilman Robert Geiger

Motions:

- Authorize the Supervisor to sign Planned-Maintenance Agreement for the generator at Town Hall and at the Senior Center

The Parks Department replaced the roof, fascia and soffits on the garage at the Senior Center where it was leaking.

Several Boy Scouts from Troop #250 painted the garage at 10375 Main Street.

Motion by Supervisor Hartzell, second by Councilman Kolber to enter into Executive Session pursuant to §105 (1) D of the Open Meetings Law to discuss current litigation. Upon roll call – Aye: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 6:25 PM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Hartzell, seconded by Councilman Casilio to adjourn the Executive Session at 7:15 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 Wednesday, October 14, 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 Bernard Kolber let in the pledge to the flag followed by a moment of silence.

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.

Supervisor Hartzell said the minutes of the previous meetings held September 23rd and October 7th were not available due to the tax collection duties.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to approve the transfer of funds from the 2015 Highway Department Budget as follows:

\$8,000.00 from Account No. 001.5010.0471 – Training and Education to Account No. 001.3310.0412 - Signs and Signals.

\$3,000.00 from Account No. 001.5132.0454 – Repair & Maintenance of Equipment to Account No. 001.3310.0412 – Signs and Signals.

On the question, Supervisor Hartzell said this transfer is necessary to cover much needed school and bike path pavement markings.

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

Motion by Supervisor Hartzell, seconded by Councilman Geiger to appoint Edward Kohout to the position of Laborer PT Seasonal for the Highway Department at the rate of \$12.18 per hour effective October 19, 2015. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio to approve the transfer of funds from the 2015 Law Dept. Budget as follows: \$2,000.00 from budget line 01.1420.0100 – Personal Services to budget line 001.1420.0423 – Books and Supplements. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Kolber said the Library is working on their children's reading garden project. They will be bringing plans to the Town Board.

Motion by Councilman Casilio, seconded by Councilman Kolber to transfer funds from the 2015 Engineering Department Budget as follows:

\$3,500 from account A1440.1 Engineering Department Personal Services to account A3620.1 Building Department Personal Services.

\$2,500 from account A1440.434 Engineering Department Professional Services to account A3620.1 Building Department Personal Services.

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

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize the Supervisor to sign the Fireworks Exhibition Agreement with Young Explosives Corporation for the fireworks display at the Day in the Park event to be held on Saturday, June 27, 2016 in the Clarence Town Park. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to approve and authorize the Supervisor to sign the proposal from Sunrise Landscaping of WNY to provide Snow Plowing at the Clarence Youth Bureau located at 10510 Main Street as follows for an amount not to exceed \$2,100.00 commencing November 1, 2015 and ending March 31, 2016. This agreement includes the fee for materials, installation and removal of a snow fence on the east side of the property. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

Whereas, the Northern Erie Sno-Seekers Inc. Snowmobile Club, has requested permission from the Clarence Town Board to use the following Town owned property for the 2015/16 Snowmobiling season for use as insured New York State Class A corridor snowmobile trails:

1. “West Shore Line” bike path that runs from Salt Road to Davison Road.
2. Allow for parking on the Salt Road Parking area for “Drop and Ride” lot.
3. Trail running through Memorial Park between the parking lots and baseball diamond and the northern side of east/west main driveway.
4. Allow for parking on the stone parking lots at Memorial Park between the baseball diamonds and the north side of the main driveway of for a “Drop and Ride” lot.
5. Begin at Goodrich Road running parallel on the north side of the Peanut Line Bike Path, heading east through the former Thompson property and former Cimato Property into Memorial Park between the parking lots and baseball diamonds on the north side of the east/west driveway.
6. Beeman Creek Park Trail to connect the trails on the North side of the Town.
7. Ransom Road Bridge for access to area businesses.
8. Town owned property north of Greiner and west of Salt with written permission from the lessee, Kreher’s Poultry Farms with copy of same to the Town.

Resolved, that the Clarence Town Board grants permission to the Northern Erie Sno-Seekers Inc. Snowmobile Club for the use of the above Town owned property subject to the following conditions:

1. The Northern Erie Sno-Seekers Inc. Snowmobile Club is to provide the Town of Clarence with a certificate of insurance naming the Town as additional insured on the Northern Erie Sno-Seekers, Inc. Snowmobile Club’s insurance and name the above areas on said certificate.
2. This use is approved and authorized with the understanding that snowmobiles are allowed only on the right-of-way of the bike path and absolutely not allowed on the paved portions of the bike path.
3. That all trails will be clearly marked with signs and barrels and the path maintained throughout by the Northern Erie Sno-Seekers Inc. Snowmobile Club.
4. That the season will run from December 15, 2015 to April 1, 2016.
5. This approval is for the 2015-2016 term expiring on April 1, 2016 and is to be reviewed on a year to year basis upon receipt of the request for use of said properties by the Northern Erie Sno-Seekers.

On the question, Councilman DiCostanzo said these people are serious snowmobilers and militant about how they treat the trails.

Councilman Geiger said they did a great volunteer job last year during the snow storm to help in Lancaster.

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

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to appoint Mark Francisco to the position of General Mechanic for the Parks Department effective October 17, 2015 at step 1 rate of pay for regular hours and differential 2nd shift rate as per the Blue Collar Unit Contract.

On the question, Councilman DiCostanzo said this appointment is being made to fill the position left open due to the recent retirement of Paul Allen. This position is a little different in that they have to work a lot of different hours to accommodate events in the Clubhouse.

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

Councilman DiCostanzo reminded everyone that the school taxes are due tomorrow.

Councilman DiCostanzo said the Rotary Club hosted several high school students last Friday to learn about various businesses. Steve Jagord from the Bee took four students interested in journalism.

Motion by Councilman Geiger, seconded by Councilman DiCostanzo to authorize the Supervisor to sign the Planned-Maintenance Agreement with Cummins Northeast for the generator at the Town Hall and at the Senior Center for a period to commence October 1, 2015 to September 30, 2016. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Geiger reported that the Parks Department has been repairing the garage at the Senior Center that houses the Town emergency shelter unit.

The Discover Main Street bike ride was held over the weekend. It was very successful.

They are working on putting a bicycle repair unit at the Farmer's Market along with some bike racks.

Councilman Geiger said the Greatbatch Family toured the Historical Museum last week reviewing the Wilson Greatbatch display. They also donated his original toolbox for the display.

Motion by Councilman Kolber, seconded by Councilman Casilio that after proper audit and review by the Town Board, the following bills of October 8, 2015 are approved for payment: General Fund - \$102,759.31; Highway Fund - \$49,937.75; Drainage District - \$852.85; Capital Fund - \$16,523.15; and Trust & Agency 203 - \$51.73 for a total amount of \$170,124.79. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to approve the following uses: Clubhouse Applications - A. Clarence Youth Bureau – Oct. 17, 2015; B. Erie County Farm Bureau – Nov. 13, 2015; C. Boy Scout Troop 93 – April 3, 2016 and Legion Hall Applications - A. Clarence Girl Scouts – Nov. 8, 2015; B. Mandana Waseh – Nov. 13, 2015; C. Barbara Gill – Dec. 10, 2016; D. Albert Weber – Dec. 27, 2015. Upon roll call – Ayes: All; Noes: None. Motion carried.

Essex Greens at Waterford requests Final Plat Approval for Phase 2, including 27 patio home lots on a private street extension of Chatham Lane. James Callahan said the location is the north side of Roll Road west of Dana Marie Parkway consisting of the previously approved Waterford Greens portion of the Waterford PURD. This phase includes 27 patio home lots on Chatham Lane, which is a private street.

Sean Hopkins, attorney representing the applicant said this is the next phase of Essex Greens. He believes all outside agency approvals have been obtained. He asks that this be approved as submitted.

Town Engineer Timothy Lavocat said they are all private roads and all approvals are in order.

Motion by Supervisor Hartzell, seconded by Councilman Kolber to grant Final Plat approval for Phase 2 of Essex Greens at Waterford including 27 patio home lots on a private street extension of Chatham Lane subject to the following conditions:

1. Town Engineer approval
2. Sign off on the completed infrastructure.

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

A Public Hearing was held to consider the request for an amendment to an existing Special Exception Use Permit for Cobblestone Center Phase 2 at 8584-8590 Sheridan Drive to allow for two mixed-use buildings. James Callahan said the location is the north side of Sheridan Drive east of Harris Hill Road consisting of an existing daycare center in the Restricted Business Zone. The previously approved concept plan and Special Exception Use Permit included two office buildings in front of the daycare center. The applicant proposes to amend the concept to two mixed use buildings. The Planning Board has forwarded a recommendation under the State Environmental Quality Review Act and for the amended concept plan.

Robert Blood, architect and applicant Anthony Insinna were present.

Councilman Geiger said the trees out front are slow growing trees. He asked if there is a plan for anything behind them.

Mr. Blood said there will be some shrubs added.

Councilman Casilio asked if they knew how they were breaking up the retail area.

Mr. Blood said they do not yet. It is small scale retail space. It could also be used as medical offices. The second floor will be apartments.

Speaking to the subject:

David LaDuca said he lives across the street and has attended the Planning Board meetings. He believes that the special exception permit allows for extended hours in the evenings and on weekends. Another consideration is the traffic in that area. He is concerned about the septic to handle the additional use. They are also concerned about late night and early morning snowplowing and garbage removal. There are families living in this area that have concerns.

Supervisor Hartzell thanked the Planning Board for their hard work on this project.

Councilman Kolber said Sheridan Drive, as other areas, is in somewhat of a transition from all residential to include businesses. A lot of the concerns are going to occur no matter what is there. His concern is that it co-exist with the residential.

Carol Conwall said she lives in this area and if there is anything the Town can do to encourage the State to put in a turning lane would be appreciated. Another concern is the height of the structures. The curvature of the road and elevation of the land will cause the buildings to sit up high. They will not complement what is there now. It is going to stick out. One story buildings would have fit in better.

Councilman Kolber said they are saying that it is 35 ft. to the peak and there are two-story homes that have a peak higher than that.

Carol said she is talking about that particular lay of the land and the fact that you want it to complement the area it is in.

Councilman Kolber said he also would like one story, but that is not what they propose.

Anthony Insinna said he is a Clarence resident and owner of this project. They have made a lot of changes based on comments that were made. They cut down the commercial component from 16,000 sq. ft. to 12,000 sq. ft. which will reduce the traffic. He does not believe the residential portion will generate a lot of traffic. He said if there are dumpsters emptied at night, they should call him. The building height is 33 feet. They still have a lot of cutting to do on the property to drop it down a few feet. They are trying to provide a quality project for the town. There was not a lot done before because they knew they were adding two more buildings to the site. He likes nice landscaping and wants to create a nice looking project.

With no one else 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 Supervisor Hartzell, 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 issues a Negative Declaration on the proposed Cobblestone Center Phase 2 located at 8584-8590 Sheridan Drive. This Unlisted Action involves the approval and construction of two mixed use buildings with associated parking and landscaping. After thorough review of the submitted site plan and Environmental Assessment Forms, it is determined that the proposed action will not have a significant negative impact upon the environment. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

RESOLVED, that after a public hearing duly held on October 14, 2015, and after all interested parties having been heard, the Clarence Town Board approves an amendment to the original Special Exception Use Permit to allow for two mixed use buildings at 8584-8590 Sheridan Drive as per the submitted plans and elevations from Lauer-Manguso Architects dated August 19, 2015, with the following conditions:

1. Lighting to be downcast and dark sky compliant to remove spill to adjoining uses.
2. Landscape review and approval prior to Development Plan approval.
3. Compliance with the newly adopted conditions for small scale retail uses as passed by the Town Board on July 8, 2015.

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

A Public Hearing was held to consider the request for an amendment to the existing Waterford Planned Unit Residential Development (PURD) to allow for a 77-Unit Multiple Family Housing Project. James Callahan said the location is the northern side of Roll Road west of Dana Marie Parkway consisting of an existing PURD previously approved. This project was originally approved for 100 +/- residential units and over 20,000 sq. ft. of commercial space. The applicant is requesting an amendment to allow for a 77-unit multiple family project. The Planning Board has forwarded a recommendation.

Sean Hopkins, attorney and the applicant Paul Bliss were present. Mr. Hopkins said over time the density of the project has been reduced. It has been thoroughly reviewed by the Planning Board when it began as 92 3-story units. They are now down to 77 one and two story townhouse units. They have made many modifications due to the comments received. The conditions are acceptable. The units are all rental. It is a big improvement from the original concept of common hallways, etc. These are 1,000 to 1,500 sq. ft. upscale units.

Councilman Kolber said the sewer taps are in order for this project and was verified by Town Engineer Timothy Lavocat.

Mr. Hopkins said they did move the recycling area. This application is subject to review through the State Environmental Quality Review Act. They are below the thresholds established for future development in the Findings Statement of 2001.

Mr. Hopkins said Paul contributed to the purchase of asphalt for the bike path. The land on Renaldo Circle was conveyed to the homeowners association. The issue of the streetlights is being worked on along with the Town Engineer.

Speaking to the subject:

Phil Gulisano said he lives in this development and along with about 75 other residents submitted a petition in opposition of this project. His main concern is that it is out of character with what is around it. He is not aware of any other area in the town that has such a concentration of apartments within a residential development. Most people are in favor of the patio homes and believe they are in character with the area. There are massive buildings of units connected together. He thinks a lot of people in the neighborhood are concerned with Mr. Bliss. There were a lot of promises made that went unfulfilled. They had to spend a lot of money to get him to do what he was contracted to do. Every property owner has rights, but this is out of character and they do not want it there. The Town should demand better.

Pamela Hoy said it seems to her that when an apartment complex goes up within a residential neighborhood the values would go down. She would not purchase a home near apartment complexes when her children were little. There seems to be more problems. She does not want the congestion. This is affecting the value of her home. She wonders what the Town will do when things start to get run down and not maintained. She would rather see light commercial there.

Supervisor Hartzell said he thinks the things she mentioned can happen. Montgomery Park is surrounded by residential and he has never received a complaint in four years. Bristol Village is off Clarence Center Road surrounded by residential. It is in the owner's best interest to keep it up.

Councilman Kolber said the developments mentioned are senior and assisted living complexes that will not be too wild.

Pamela Hoy said they already have issues with parties and drinking at the gazebo. The HOA is going to resolve it right away.

Councilman Kolber said this development was approved prior to him being on the Board. We tried to scale this down from what they proposed. He said he would rather keep the residential rural character of the Town.

Supervisor Hartzell said Coventry Green off of Wehrle Drive is a nice upscale complex. He has not received any complaints.

Town Engineer Timothy Lavocat said we do enforce the New York State property maintenance codes. It is actively enforced on rundown properties.

Joe Myers said he lives near this development. People were concerned all along. He does not recall hearing about apartments. There is going to be a lot more traffic in the general area. He has seen quite a change since the Kathy Hallock administration. We cannot support anymore in that area without road improvements, traffic signals, etc.

Supervisor Hartzell said this was approved long before this administration.
 Mr. Myers said he cannot believe they want to put apartments there.
 Sean Hopkins said apartments were introduced back in 2000.

James Callahan said the Planned Unit Residential Development classification was site plan approval. The plan for Waterford Village included the Estates and Commons consisting of single family residences, patio homes in the Greens, and the Campus and Landings was mixed use commercial and apartments. The overall density cannot exceed three units per acre. We are well under that. It has always been apartments and commercial in this section, with the commercial now eliminated.

Councilman Casilio said this PURD is over 15 years old. It is from the agreement made back then for the use of the 1,000 taps for the Heise/Brookhaven sewer. We are now down to less than 100 left. The surge we see is from that.

Mayra DiGiulio said she has had the opportunity to live in many cities around the country. She has lived in neighborhoods with apartment complexes along residential. She has not seen anything positive come out of it. She is disappointed that this is going to be there and would like to see it reduced even further. It will look like a concrete jungle. It is not attractive. She drove to Amherst to see some of the complexes Mr. Bliss has built. Ms. DiGiulio said she does not have much confidence because she lived next to an abandoned house for two years that was owned by Patrick Homes. This is ruining the neighborhood and their investments in their homes.

Diane Rey said she lives in the patio homes on a private road. They pay for the snowplowing and upkeep of their road. What will happen with this?

Supervisor Hartzell said he does not think apartments are appropriate for the Town of Clarence, but he thinks this complex is stunning.

Sean Hopkins said he wanted to clear up a few of the concerns. Paul Bliss had no ownership in the abandoned house referred to earlier. The bike path was done because the previous owner never did it. Paul Bliss was never a controlling member of Renaldo Circle. It was voluntarily turned over.

Mr. Hopkins said he appreciates the investment that people have in their properties. This development was zoned 15 years ago as a PURD, which classification has been removed from the Town Code. He believes this is a dramatic improvement from what was originally proposed. The apartments were common style apartment buildings and not the patio home style they are now. Paul has a big investment that he will want to see maintained. Over the last eighteen months they have reduced the buildings from three-story structures based on concerns. He welcomes anyone with questions to see Paul and himself after the meeting.

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 Supervisor Hartzell, seconded by Councilman DiCostanzo 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 Waterford Village Planned Unit Residential Development (PURD) Amendment. This Unlisted Action involves an amendment to the PURD to allow for 77 units of Multiple Family Housing on the Waterford Campus portion of the PURD. After thorough review of the amended site plan, architectural elevations and Environmental Assessment Forms, including coordinated review and an updated traffic analysis, it is determined that the proposed action will not have a significant negative impact upon the environment. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

RESOLVED, that after a public hearing duly held on October 14, 2015, and after all interested parties having been heard, the Clarence Town approves the amendment of the Waterford Village Planned Unit Residential Development (PURD) as per the approved concept and development plans as approved by the Planning Board on August 19, 2015 and as per the site plans

from C&S Engineers dated June 2, 2015, with the following conditions, which conditions shall apply and be applicable to the applicants and its successors and/or assigns:

1. The maximum density of the project shall be 77 units and there shall not be any commercial/retail space as was depicted on the Development Plan previously approved by the Town Board on July 10, 2010 which depicted up to 100 multifamily units and 16,000 to 20,000 square feet of first floor commercial space.
2. No buildings shall be constructed on the project site with a height of more than two stories (35' as per maximum height allowed in a Residential Single Family Zone).
3. Lighting shall be installed in close proximity to the driveway entrance to the project site onto Roll Road as depicted on the latest updated version of the amended Development Site Plan prepared by C&S Engineers. In addition, the applicant agrees to work with the Town and NYSEG to provide street lighting along Dana Marie Parkway with intersection of Roll Road to the intersection with Covington Drive.
4. Subject to review and approval by the Town Engineer.

On the question, Councilman Kolber said he is not thrilled with this project. If it was presented today he would not be in favor of it because he does not think this is the way Clarence should be going. However, we are dealing with something that was approved at a much higher density than it is today. He believes that we have an obligation and it is the best that can be done at this point.

Councilman Casilio said he agrees. This has been 15 years in the making and it has been downsized three times. The apartments look more like townhomes than apartments. He believes the impact is minimal.

Councilman DiCostanzo said we do not have much strength in denying an approval. It is a better project than originally planned and approved. He understands how people feel, but he is sure that the people on the surrounding roads would have felt the same way when they built their homes.

Supervisor Hartzell said if he had his way Clarence would be all single family homes, but there is a demand for condominiums, townhouses and apartments.

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

“For the Good of the Town”

Carl Tresino said he is an employee of the Parks Department and there was an approval tonight to have snow plowing done at the Youth Center. He asked why the Parks Department did not plow it.

Supervisor Hartzell said when that building was approved, it was set apart from other Town buildings and private contractors do that building.

Mr. Tresino said we do all the other buildings in the Town.

Supervisor Hartzell said maybe you can do that in the future. This was an attempt to see how the costs would come out with the Town of Clarence versus private contractors.

Mr. Tresino said they drive by it ten times a day and it does not make sense that they do not plow that.

Carol Conwall said how nice the garage at 10753 Main Street looks since the boy scouts painted it. She would like to know when the Town will find it in their heart to fix up the house.

Supervisor Hartzell said it does look super. We had an applicant come by a few years ago who was willing to fix up the house if we would let him use it. The use he wanted did not fit in with the Code of the Town of Clarence. His first choice would be to have someone like that than have the taxpayers pay for it.

Councilman Kolber said he does not think the problem is the Town Code, it has to do with the bonding used to purchase the property.

Town Attorney Lawrence Meckler said it can only be used for recreation purposes. The people interested were for private businesses and that would not comply with State laws.

Carol Conwall asked how recreation is defined. She asked that they let her know and give her a call when they decide how to use our cultural heritage.

There being no further business, Supervisor Hartzell adjourned the meeting at 8:48 p.m.

Nancy C. Metzger
Town Clerk