

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, November 18, 2015 at Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David Hartzell called the meeting to order at 7:00 P.M. Members of the Town Board present were Councilmember's Bernard Kolber, Patrick Casilio and Peter DiCostanzo. Councilman Geiger was absent. 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, Director of Administration and Finance Pamela Cuviallo and Planning Board Chairman Robert Sackett.

**Director of Community Development James Callahan**

Eliot Lasky – Roxberry Phase II Gentwood Extension

Applicant is requesting Final Plat approval and road dedication on the 1260+/- linear feet of Gentwood Drive and 19 residential building lots. The proposed site is located north of Main Street, west of Westwood Road as an extension of Gentwood Drive. The previously approved subdivision identified 19 single family lots, construction has been completed as per Development Plans approved April 1, 2015. Per the Subdivision Law, the Town Board has authority to accept roads for public dedication and to accept final subdivision plats. Final approval must be given by the Town Engineer and Highway Superintendent on the road construction. The applicant is also requesting that the Town Board requirement for street lighting be waived for this project. Waiver of a requirement of the Subdivision Law will require a super majority approval by the Town Board. Councilman Kolber commented that Eastern Hills Mall exterior lights are not on 24/7. As part of the Final Plat approval, the Town Board could identify the waiver of the street light requirement. ***(Councilman Casilio will recuse from any discussion on this project, his house is adjacent to this development)***.

Domenic Piestrak – Spaulding Green Open Space Design Subdivision

Applicant is requesting Final Plat approval and road dedication on the 1030+/- linear feet of Alderbrook Drive including 33 patio home lots. Construction has been completed on the previously approved phase of Spaulding Green identifying 33 patio home lots per the Development Plans approved on March 4, 2015. The project site is located north of Greiner Road and east of Glenview Drive in a residential classification. Per the Subdivision Law, the Town Board has authority to accept roads for public dedication and to accept final subdivision plats. Final approval must be given by the Town Engineer and Highways Superintendent on the construction.

Towne Automotive Group (Towne Maserati & Alfa Romeo) - 8260 Main Street

Applicant is requesting preliminary concept review and a Special Exception Use Permit for a proposed dealership (showroom and detail shop) at 8260 Main Street.

**Town Engineer Tim Lavocat**

The Parks Department project is progressing, the lavatory facility has been framed in and the addition behind the Parks building has been erected.

**Planning Board Chairman – Robert Sackett**

There will be an agenda for the December 9, 2015 Planning Board joint meeting.

**Supervisor David Hartzell**

- Approve the request of Confidential Secretary to the Supervisor, Karen Jurek to attend a meeting at the LMHF Offices on November 24, 2015 regarding Health Care Reporting

### **Councilman Bernard Kolber**

- Approve Court Clerks Marilyn Taton and Mary Kelly to attend the meeting at NYS Unified Court Systems Offices regarding the Police/Court Facilities Project
- Authorize the Supervisor to sign the Central Alarm Contract between the Town of Amherst and Town of Clarence for Central Fire Alarm System
- Announce the resignation of Joseph McGreevy from the Historic Preservation Committee

### **Councilman Patrick Casilio**

Councilman Casilio noted that there were several e-mails regarding the CIDA Steering Committee. Currently Supervisor Hartzell is the Chairman of the IDA and can attend the Steering Committee meetings but as future liaison to the Industrial Development Committee, Councilman Casilio would like Councilman DiCostanzo to attend the Steering Committee meeting as the Town Board representative. Supervisor Hartzell stated that there is a meeting this Thursday (November 19, 2015) at 4:30PM – a planning meeting. Supervisor Hartzell stated that it is an open meeting and whoever wants to attend can do so. Councilman DiCostanzo and Councilman elect Christopher Greene can sit in on the meeting.

### **Councilman Peter DiCostanzo**

- Appoint Winter Recreation Staff-PT for 2015-2016 season
- Approve request for Director of Administration and Finance to attend GFOA Holiday Seminar
- Approve the request of Mary Morris, Real Property Appraiser to attend the Condominium Valuation Course on November 13, 2015 in Batavia, NY
- Coordinated Review SEQRA – Concept Plan amendment for Spaulding Green Open Space Design Subdivision

Director of Community Development James Callahan stated that they held the original Concept Plan for Spaulding Green to 380 units. In the interim, amendments have maintained that 380 and additional 50 lots would not need a SEQRA review however Mr. Piestrak is now adding an additional 49+/- acres and 45 additional residential units to the original 380 unit subdivision for a final amended subdivision plan of 425+/- units on 400.6+/- acres with 211+/- acres of open space. This Type I Action will require a formal environmental review under SEQRA.

Councilman Kolber stated that there have been several e-mails regarding illegal left hand turns on Greiner Road from the BJ's Plaza. Director of Community Development James Callahan stated that there has been some vandalism and removal of the signs indicating "no left hand turns" and the street lights have not been installed yet. Until those things are finalized, there is no full enforcement capability. Law enforcement is aware of the situation. Benderson Development is willing to install a temporary LED sign notifying drivers that there is no exit to Transit Road. Replacement signs have been ordered.

Planning Board Chairman Robert Sackett stated that as part of the approval process for this exit on to Greiner Road, Benderson Development has agreed to a follow-up Traffic Study in three years as to the reconfiguration of Greiner Road. Councilman Casilio stated that some residents have indicated that it would be nice if the sidewalks went farther down Greiner Road to either Ledge Lane or Harris Hill Road.

There being no further business, the Work Session adjourned at 7:21PM.

Darcy A. Snyder, Deputy Town Clerk

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, November 18, 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. Pledge to the flag was led by Councilman Bernard Kolber followed by a prayer given by Rev. James Barnes of Clarence Center United Methodist Church.

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

Motion by Councilman Casilio, seconded by Supervisor Hartzell to accept the minutes of the morning work session held November 4, 2015. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Robert Geiger. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to accept the minutes of the work session and regular meetings held November 4, 2015. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Robert Geiger. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to approve the request of Confidential Secretary to the Supervisor, Karen Jurek to attend a meeting at the LMHF offices located at 3786 Broadway, Cheektowaga, NY on November 24, 2015 from 10:00 a.m. to approximately 11:00 a.m. on Health Care Reporting. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Robert Geiger. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio to authorize the Supervisor to sign the Central Alarm Contract between the Town of Amherst and the Town of Clarence to provide a Central Fire Alarm system for the Town of Clarence for a term of five years from January 1, 2016 to December 31, 2020, subject to review and approval by the Town Attorney. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Robert Geiger. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio to grant the request of Town Justice Robert Sillars for Court Clerks Marilyn Taton and Mary Kelley to attend the meeting at the office of Andrew Isenberg of the NYS Unified Court System, 92 Franklin Street, Buffalo, NY that is scheduled for November 17, 2015 at 9:00 a.m. regarding the new Police/Court Building Project, with expenses paid by the Town of Clarence. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Robert Geiger. Motion carried.

Motion by Councilman Kolber, seconded by Supervisor Hartzell to accept, with regret, the resignation of Joseph McCreevy from his position on the Historic Preservation Commission due to family and job commitments. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Robert Geiger. Motion carried.

Supervisor Hartzell welcomed Jan Receis, president of the Chamber of Commerce who was present.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to appoint the following to the Winter Recreation Staff for 2015-2016 effective December 5, 2015:

Jeffery Schmidt and Angela Staszak to the position of Recreation Specialist PT at the rate of \$16.40/hr., and

Kaitlyn Akazaren and Kelly Martin to the position of Recreation Attendant PT at the rate of \$10.28/hr.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Robert Geiger. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to approve the request of Pamela Cuvillo, Director of Administration and Finance to attend the GFOA Holiday Seminar on Thursday, December 3, 2015 from 10:30 a.m. to 3:00 p.m. at the Mansion on Delaware in Buffalo, NY.

On the question, Councilman DiCostanzo said the cost of the seminar is \$55.00 plus mileage and will be funded from the Accounting Training and Education Line.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Robert Geiger. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kobler to approve the request of Mary Morris, Real Property Appraiser to attend the Condominium Valuation Course presented by the Institute of Assessing Officers to be held on Friday, November 13, 2015 at the Clarion Hotel in Batavia, New York with the use of the Town vehicle assigned to the Assessor's Department.

On the question, Councilman DiCostanzo said the fee for the course was paid from the Assessor's Training and Education budget line at a cost of \$140.00. The course was held last Friday, but needed to be in the record.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Robert Geiger. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber that pursuant to Article 8 of the Environmental Conservation Law, and upon the recommendation by the Planning Board, the Clarence Town Board initiates coordinated review on the proposed Concept Plan Amendment for the Spaulding Green Open Space Design Development. This Type I Action involves the addition of 49 +/- acres and 45 additional residential units to the original 380 unit subdivision for a final amended subdivision plan of 425 +/- units on 400.6 +/- acres with 211 +/- acres of open space. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Robert Geiger. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to authorize the Supervisor to sign the 2016 Erie County Van Contract for the Going Places Van, subject to review and approval by the Town Attorney. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Robert Geiger. Motion carried.

Councilman DiCostanzo thanked the Youth Bureau for hosting the recent session of their speaker series relating to drug addiction. It was well attended and he was pleased to see many students attending.

Councilman DiCostanzo congratulated the high school girls' soccer team on how far they went in the finals. They lost to the same team they lost to last year.

Girls' volleyball is still alive and playing in a tournament on Saturday.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to approve the following uses: Clubhouse Applications - A. Boy Scout Troop 664 – Dec. 5, 2015; Legion Hall Applications - A. Roxanne Stark – Nov. 27, 2015; B. Adventure Guides – Dec. 17, 2015; C. Steven Bengart – Jan. 9, 2016; D. Wendy Johnson – Jan. 10, 2016; and E. Jaime Nuara – Jan. 23, 2016. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Robert Geiger. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio that after proper audit and review by the Town Board, the following bills of November 19, 2015 are approved for payment: General Fund - \$165,463.92; Highway Fund - \$195,282.18; Water District - \$1,206.00; Fire Protection Districts - \$1,414.88; Lighting Districts - \$1,248.62; Sewer Districts - \$200.00; Capital Fund - \$214,057.53; and Trust & Agency 203 - \$24,299.89 for a total amount of \$603,173.02. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Robert Geiger. Motion carried.

“For the Good of the Town”

Councilman Kolber said he has been discussing the issue of streetlights out all over town with Councilman Casilio. We are not getting the light that we are paying for.

Councilman Kolber said the Board discussed earlier about the complaints of people making left hand turns out the new Greiner Road access from Eastgate Plaza. Those concerned can call the police departments to report it. It is a County road and they approved the design.

There being no further business, Supervisor Hartzell adjourned the meeting at 7:42 p.m.

Nancy C. Metzger  
Town Clerk