

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, December 18, 2013, at Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David Hartzell called the meeting to order at 6:00 P.M. Members of the Town Board present were Councilmember's Bernard Kolber, Patrick Casilio, Peter DiCostanzo and Robert Geiger. Other Town Officials present were Director of Community Development James Callahan, Junior Planner Jonathan Bleuer, Town Attorney Lawrence Meckler, Town Engineer Timothy Lavocat, Senior Building Inspector David Metzger, Confidential Secretary to the Supervisor Karen Jurek, Director of Administration and Finance Pamela Cuviallo and Planning Board Chairman Robert Sackett.

Director of Community Development – James Callahan

Cimato Enterprises/Waterford Village LLC

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Brothers of Mercy/Regent Contraction/Matrix Development 4520 Ransom Road

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Work Session items for consideration January 22, 2014:

Mike Peltier 5850 Kraus Road

Applicant is proposing to construct a secondary living unit on the property located on the west side of Kraus Road, south of Clarence Center Road at existing single family residential home located in the Agriculture Rural Residential Zone. Per the Zoning Law, the Town Board has authority to issue Special Exception Use Permits. A public hearing will be required to consider the permit.

John Davis 9290 Hunt Club Lane

Applicant is proposing to develop a 4-lot Open Development area by creating three new residential building lots along a new private drive. The proposed site is located on the east side of Thompson Road, south of Hunting Valley on an existing private road. The existing residential property consists of 11.2+/- acres in the Residential Single Family Zone. Per the Subdivision Law, the Town Board has preliminary review responsibility to guide the review process. Referral to the Planning Board will initiate the formal review process. Final design will need to address crossing of the existing creek corridor. ***(Councilman Kolber will recuse himself from discussion on this project as the proposed development is adjacent to his property).***

William Marfurt – Roll Road

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Supervisor David Hartzell

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- Approve the transfer of funds from the 2013 Highway Department Budget
- Encumber Funds -Highway Department 2013 budget for cost of generator and installation
- Appoint General Crew Chief – Highway Department
- Grant additional unpaid leave of absence to Nancy Meyer

Parks Crew Chief James Burkard would like to paint the interior walls in the Legion Hall. He is asking the Town Board request that the American Legion remove their pictures/plaques so this can be accomplished. Once the painting is complete and rather than have nail holes in all the walls, he is requesting the American Legion consolidate all their pictures/plaques and the back wall will be dedicated for their display of memorabilia. The Board was in agreement with this and will suggest Mr. Burkard sit down with Legionnaires to work this out.

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Councilman Bernard Kolber

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- Declare the Toshiba EStudio 550 copier as surplus

Councilman Patrick Casilio

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- Authorize Wm. Schutt Associated to update and develop Town of Clarence standard Details and Technical Specifications in accordance with their proposal dated 12/5/2013

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Councilman Casilio will be meeting with the Arboretum Committee Thursday.

Councilman Peter DiCostanzo

- Councilman DiCostanzo will make an announcement about the STAR Exemption application, there are approximately 700 properties that still have not responded
- Appoint Youth Activities Leader PT-Seasonal for the Youth Bureau
- Approve the transfer of funds from the 2013 Youth Bureau Budget
- Approve the transfer of funds from the 2013 Assessor's Budget
- Grant application to the USDA Community Forestry Program
- Approve an unpaid intern position in the Planning & Zoning Department

The Findings Statement for the Northwoods Subdivision has been adopted so the project can move forward. The main issue will be the number of sewer taps available and how the town will address overages to the Heise-Brookhaven Trunk Sewer Line of 1000 taps. This can be done through a separate SEQRA analysis on the overage related to the proposal of 148+/- units that the developer would like in a design. This can be handled a number of different ways. The Planning Board will have to review all the issues and try to come up with the best course of action. The bike path should be incorporated into the design.

Councilman DiCostanzo stated that the proposal the developer presented the other day was for 150+ units. Director of Community Development James Callahan stated that what was sent out for a coordinated review under SEQRA was the 148 unit plan. That is what has been analyzed by the involved agencies.

Councilman Kolber stated that when Waterford was first approved, the developer was going to pay for all the paving materials for the bike path. The Waterford project is winding up; Councilman Kolber asked how to get those funds encumbered so the bike path can be completed. James Callahan has spoken to Mr. Cimato about this and he is aware that he is required to provide whatever paving materials are needed to bring the bike path through to Roll Road.

Town Engineer Lavocat stated that there is a pending grant application and he used the material cost as the Towns share for the Waterford Bike Path. Mr. Lavocat further stated that anything over 1000 taps will have to be treated as a separate project for sewer capacity which means there is a separate review process through the DEC, Erie County Health Department and locally at the Town level. Tap #1001, no matter where it falls in Clarence will have to go through a separate review as a separate project for the capacity of the sewers.

Director of Community Development James Callahan stated that anything over 1000 taps is a separate analysis with downstream capacity determinations all the way through to the plant. The analysis has to be made available to not only the town but to

the regional authorities (DEC, Erie County Health Department) as well. That is how the Findings Statement was written, the capacity issue be addressed at that time.

Councilman Casilio stated that he was under the impression that the developer would stop at 1000 taps and now they are going over, there is a value to that and he questioned who recoups that value. He further questioned whether or not the town was being reimbursed for it. Town Engineer Lavocat stated that under the current agreement, once the developer hits 1000 taps, the sewer becomes a public sewer. You would treat anything over the 1000 as a new project.

Councilman Kolber stated that Heise-Brookhaven line goes into the Peanut Line interceptor. The Peanut Line interceptor is still the public-private partnership between the town and those individuals. The Peanut Line has to approve any projects that tie into Heise Brookhaven because they can control the flow. The 1000 taps have already been approved, once you reach the 1000 tap approval, it becomes a different project. Councilman Kolber stated that if the line becomes a public line then there is no control over anyone who wants to tie into that line. They can tie into a public sewer line as long as they are in a sewer district. Town Engineer Lavocat said they could not tie into the Heise-Brookhaven line. You still have the private agreement with the Peanut Line and they have to give the approval for anything that flows through that line. They have to prove there is capacity based on what is in there today and what is allocated to go into the line. If approval would be given to hook up to the Peanut Line, a utilization fee would have to be paid to the Peanut Line Sewage Works Corporation. The utilization fee goes into an account for future sewers in the town after the corporations expenses are taken care of.

James Callahan stated that all the taps for Waterford have been accounted for including the areas that have not been built out yet (The Campus and The Landings). Town Engineer Lavocat stated that capacity has been allocated for all of Waterford. If the developer changes any of the development plans that have not gone to construction they are back to square one.

The taps for Spaulding Greens are coming out of the 1000 taps. Spaulding Greens has 402 taps; Waterford has 470 taps leaving 128 taps for Northwood's. If Northwood's wants to progress beyond the 128 taps, they would have to prove to the Town where the capacity is over the 1000, the Peanut Line would have to sign off, the State (which includes the Town of Amherst for downstream capacity), the County Health Department and the local jurisdiction would all have to sign off.

Councilman DiCostanzo stated that Northwood's Development is requesting to be put on the Planning Board agenda with at least 148 units. Town Engineer Lavocat said that they can be approved for 128 units anything over that, the review phase will have to start over. James Callahan said they could cut 20 taps from The Campus and The Landings.

Recreation Advisory Committee Chairman Peter Wolfe is requesting the Town Board extend the WNY Land Conservancy contract, they have been without one for the last year. This has been discussed in the past but no action was taken. Supervisor Hartzell suggested extending their contract for 2014 at the 2013 rate and then negotiate over the next several months "either extra hours or extra dollars."

Councilman DiCostanzo suggested increasing their hours per month but he did not want to increase their hourly rate (from \$50 to \$60) or increase their hours to 30 hours per

month at \$55 per hour. Councilman Kolber also suggested getting deed restrictions put in place on some of the town owned property.

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Supervisor Hartzell will put together a motion for the next Town Board meeting.

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- Authorize Supervisor Hartzell to apply for Grant and sign contract for funds for the State of NY Grant-In-Aid Municipal Waste Reduction and/or Recycling Project for Brush Hawg Grapple Loader.

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