

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, March 2, 2016 at Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 6:00 PM. Members of the Town Board present were Councilmember's Peter DiCostanzo, Robert Geiger, Christopher Greene and Paul Shear. Other Town Officials present were Director of Community Development James Callahan, Junior Planner Jonathan Bleuer, Assistant to the Supervisor, Karen Jurek, Town Attorney Lawrence Meckler, Town Engineer Tim Lavocat, Highway Superintendent James Dussing, Senior Building Inspector David Metzger and Director of Administration and Finance Pamela Cuvillo.

Director of Community Development – James Callahan

Public Hearings:

Town Automotive Group 8226 Main Street

Applicant is proposing to add on to the existing structure and utilize the site for a new Maserati and Alfa Romeo Automobile dealership. The proposed site is located on the north side of Main Street, west of Westwood Road adjoining the Main-Transit Plaza located in the Commercial Zone. Per the Zoning Law, the proposed automotive use will require a Special Exception Use Permit as issued by the Town Board. The Planning Board has approved the site plan and forwarded a recommendation to grant a Special Exception Use Permit for the proposed use as designed in a Commercial Zone.

Formal Agenda items:

Zoe Restaurant 5701-5711 Transit Road

Applicant is proposing to relocate the existing restaurant to the adjacent commercial structure on the property and update the exterior finishes and façade. Applicant is also requesting outside dining at the new restaurant location. The proposed site is located on the east side of Transit Road north of Roll Road at existing restaurant located in a multiple structure property in the Major Arterial Zone. Per the Zoning Law, the Town Board has final approval authority for outside dining. The architectural style and site plan amendments are the purview of the Planning Board in the Major Arterial Zone. Parking and landscaping issues may be addressed as a part of the overall project review.

Work Session items for consideration March 16, 2016:

Braunscheidel LGS Property Services – 9610 County Road

Applicant is seeking approval to construct a new commercial structure in the Industrial Business Park Zone to accommodate an existing property management service company. The proposed site is located on the north side of County Road east of Goodrich Road in the Industrial Park Zone. Per the Zoning Law, the Town Board has the opportunity to review new proposals prior to forwarding the Planning Board for formal review and approval. Referral to the Planning Board will initiate formal review of the project.

Enterprise Automotive -6755 Transit Road

Applicant is proposing a small addition and a façade update to the existing structure. The proposed site is located on the southeast corner of Transit and County Road at existing automotive sales and leasing operation located in the Traditional Neighborhood District. Per the Zoning Law, the Town Board has final review and approval authority for architectural style in the TND. The current style building is more consistent with the traditional neighborhood than what the applicant is proposing.

Bristol Village 8455 Clarence Center Road

Applicant is proposing to add duplex units and additions to the memory care and assisted living portions of the existing use. The proposed site is located on the south side of Clarence Center Road, east of Newhouse Road at existing long term care facility located in a Planned Unit Residential Development (PURD). As the PURD Zoning no longer exists, per the Zoning Law the Town Board has the authority to approve amendments within existing PURDS. Referral to the Planning Board will initiate formal review of the proposal.

Windsor Ridge Partners – Harris Hill Commons

Applicant has completed the installation of infrastructure per the approved Development Plans for Phase I of Harris Hill Commons and is seeking Final Plat approval for the phase which included approximately 2220 linear feet of Anfield Road and approximately 560 linear feet of Eastmoor Road to accommodate 16 residential building lots. The proposed site is located on the west side of Harris Hill Road south of Greiner Road in existing previously approved subdivision located in the Residential Single Family Zone. Per the Subdivision Law, the Town Board has final approval authority for final plats and final acceptance authority for publicly dedicated roads. The Town Highway Superintendent and Town Engineer have reviewed and approved the infrastructure installation.

Supervisor Patrick Casilio:

Motions:

- Authorize Tim Lavocat, Joseph Lancellotti and Elizabeth Hartz of the Engineering Department to attend the WNY Storm Water Management Training Series to be held on March 30, 2016 in Rochester, NY.
- Authorize Tim Lavocat, Joseph Lancellotti and Elizabeth Hartz of the Engineering Department to attend the WNY Storm Water Management Training Series to be held on April 5, 2016 in Rochester, NY (This conference is associated with the EPA Storm Water Phase II Regulations)
- Award the Bid for Clarence Library HVAC Improvements
- Authorize NYSEG to activate 2-street lights on Dana Marie Parkway and Bancroft Drive

John Frost, our contact person at NYSEG is retiring. John was a real asset to the Town. We will now answer to a number out of Geneva, NY.

Supervisor Casilio attended the Supervisor's monthly meeting yesterday. There were some interesting conversations about garbage pickup. The Town of Hamburg still does not have a garbage district and are looking at possibly making changes through their permit process. There is grant money available for recyclable containers.

Supervisor Casilio along with Councilman DiCostanzo met with Parks Crew Chief James Burkard to discuss several items including the town owned house at 10375 Main Street between Clarence Fire Company and Clarence Town Park. In the near future, Clarence Fire Company may be constructing a \$4-million dollar renovation which will be an improvement as the gateway to Clarence Hollow. The town owned vacant house may need thousands of dollars in roof repairs - as an end result the house may have to come down. Town Attorney Meckler stated that the town could not sell the house, it cannot be used for private business. The town is limited as to how the building could be utilized. It would cost tens of thousands of dollars to bring the house up to code for public use. The Town Board has to make a decision very soon as to which direction

they want to go. The Parks Department will clean up the property between the house and the fire company by getting rid of the brush (leaving the trees).

At an upcoming Work Session, Deputy Town Attorney Steven Bengart will address the Board about town owned properties.

Councilman Peter DiCostanzo

Motions:

- Post the position of Laborer for the Parks Department
- Post the position of General Mechanic for Parks Department
- Post the position of Recreation Attendant for the Parks Department

Councilman Robert Geiger

Motions:

- Create position of Dog Control Officer FT

Councilman Geiger referenced an article in the Buffalo News about Time Warner and the fact that they shorted the Town of Cheektowaga out of \$420,000 in franchise fees. Councilman Geiger is having an attorney review our Time Warner contract. Director of Administration and Finance Pam Cuvillo stated that she does not recall ever having a cable audit.

Councilman Christopher Greene

Jessica Hutchings program director for Kids Escaping Drugs will be the guest speaker at an adults-only presentation on Thursday, March 3rd at the Youth Bureau.

Councilman Green, Supervisor Casilio and Parks Crew Chief James Burkard will meet with representatives from Clarence Football on March 11, 2016 at 3:30 PM. If anyone else wishes to attend the meeting, notify Karen Jurek.

Councilman Paul Shear

Councilman Shear along with Director of Community Development James Callahan, Planning Board member Richard Bigler and Paul Stephens will meet with the DEC and the Health Department on Thursday regarding Paul Stephens proposed project at 9560 Main Street to discuss a potential septic system for a non-sewered piece of property.

A member of the Zoning Board of Appeals is requesting permission to attend a seminar in Saratoga Springs at the end of April. Councilman Shear will poll the Planning Board and other ZBA members to see if anyone else needs the training and whether or not there is adequate money in the budget.

Director of Administration and Finance Pam Cuvillo distributed the expenditure report for January. The revenue numbers are not ready yet. Pam stated that she was working on other things and did not finish the year to date Fund Balance report today that Supervisor Casilio requested.

Motion by Supervisor Casilio, seconded by Councilman Shear to enter into Executive Session pursuant to § 105(1) F of the Open Meetings Law to discuss the employment history of a particular person. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 6:42PM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Councilman Greene, seconded by Councilman Geiger to adjourn the Executive Session at 6:57 P.M. 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, March 2, 2016 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Patrick Casilio called the meeting to order at 7:00 p.m. Pledge to the flag was led by Councilman Paul Shear, followed by a prayer given by Ruth Wilder of First Baptist Church of Clarence.

Members of the Town Board present were Councilmembers J. Paul Shear, Christopher Greene, Robert Geiger, Peter DiCostanzo and Supervisor Casilio. Other Town officials present were Director of Community Development James Callahan, Town Attorney Lawrence Meckler and Town Engineer Timothy Lavocat.

Motion by Supervisor Casilio, seconded by Councilman Geiger to authorize Elizabeth Hartz, Joe Lancellotti and Tim Lavocat of the Engineering Department to attend the Western New York Stormwater Management Training Series to be held on March 30, 2016 in Rochester New York with all reasonable and necessary expenses paid by the Town.

On the question, Supervisor Casilio said this conference is associated with the EPA Stormwater Phase 2 regulations.

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

Motion by Supervisor Casilio, seconded by Councilman DiCostanzo to authorize Elizabeth Hartz, Joe Lancellotti and Tim Lavocat of the Engineering Department to attend the Western New York Stormwater Conference to be held on April 5, 2016 at the Buffalo Convention Center with all reasonable and necessary expenses paid by the Town.

On the question, Supervisor Casilio said this conference is associated with the EPA Stormwater Phase 2 regulations.

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

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

RESOLVED, that after holding an open competitive bid, the Clarence Town Board awards the Clarence Library HVAC Improvements project to D.V. Brown & Associates, Inc. of Tonawanda, New York as they were the lowest responsible bidder for a bid amount of \$66,000.; and be it further

RESOLVED, that the Supervisor is authorized to sign and enter into an agreement with D.V. Brown & Associates, Inc. upon review and approval of the Town Attorney.

On the question, Supervisor Casilio said this is to be paid from Capital Project 31 – Library Repairs.

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

Motion by Supervisor Casilio, seconded by Councilman Geiger to authorize New York State Electric and Gas to activate two (2) streetlights on Dana Marie Parkway, at Covington Drive and at Bancroft Drive, per the layout plan dated February 25, 2016 upon installation of all standards, fixtures and underground conductors and final acceptance of same by the Town of Clarence. Standards, fixtures and underground conductors are to be owned and maintained by the Town of Clarence. The connections, energy lamps and photo electric eyes to be supplied and maintained by NYSEG under the terms and conditions of NYSEG street lighting agreement with the Town of Clarence. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Casilio announced, with regret, the retirement of John Frost who was our liaison from NYSEG. He always followed through on issues for the Town of Clarence.

Motion by Councilman DiCostanzo, seconded by Councilman Greene to post the position of Laborer for the Parks Department at Step 1 of the Blue Collar Union Contract. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Shear to post the position of General Mechanic for the Parks Department at Step 1 of the Blue Collar Union Contract. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to post the position of Recreation Attendant for the Parks Department at Step 1 of the Blue Collar Union Contract. On

the question, Councilman DiCostanzo said we are posting these positions, but we may or may not fill them. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo thanked Sue Powers and Gerry Drinkard from the Ethics Committee for attending the work session this morning. They gave the Board a refresher on ethics.

Rick Ganci from Capital Markets, our municipal bond consultant, also came in to give a very informative presentation. He told them that Moody's rates municipalities with the high AAA and second AA1. Clarence is the highest ranked town in Erie County at AA1. They look at how you operate. One of our strengths is our healthy financial position supported by conservative budgeting practices and formal policies. We do try to do things in a formal fashion. Our department heads are great as we all try not to spend a lot of money. We end up with a good bond rating and good interest rates.

Supervisor Casilio said we did have a three hour work session this morning and got a lot of work done.

Motion by Councilman Geiger, seconded by Councilman Shear to create the position of Dog Control Office for Civil Service purposes. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Geiger said there was a meeting with a consultant held at the museum last week. Members of the Historical Society are working to reorganize items they have for display. They are having a speaker on the Olcott Trolley March 8th at 7 p.m. at the Town Park Clubhouse.

Councilman Geiger said the bike crawl held last Saturday in the Hollow area was a great success.

Mark Murphy, CEO of the Green Bay Packers presented the High School with a gold football. He was a former student of the Clarence High School.

Supervisor Casilio recognized Jim Kinney from the Chamber of Commerce. He added that the annual awards dinner was a great success last week.

Councilman Greene announced that Jessica Hutchings from Kids Escaping Drugs is doing an adult only presentation at the Youth Bureau tomorrow night at 7 p.m. He has heard her before and she does a great job.

Zoe's Restaurant requests Architectural Approval for a façade update and a Temporary Conditional Permit for outside dining at 5701 – 5711 Transit Road. James Callahan said the location is the east side of Transit Road, just north of Roll Road consisting of a commercial property in the Major Arterial Zone. There are two separate commercial structures. The applicant is proposing to move the existing restaurant to the other building.

Alexander Pozantidis said he would like to relocate the restaurant to the other side with more seating. They would like to dress it up, have a nicer outdoor patio and more parking. They will have landscaping in the front and around the patio. It is a bigger building that will also give them a bigger and better kitchen. He may just do his catering out of the old building. He is not really sure at this point.

Motion by Supervisor Casilio, seconded by Councilman Geiger to refer the request for Architectural Approval for the façade update at 5701 Transit Road to the Planning Board. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Casilio, seconded by Councilman Shear to set a Public Hearing for April 13, 2016 at 7:15 p.m. to consider a Temporary Conditional Permit for outside dining at 5701 Transit Road for Zoe Restaurant. Upon roll call – Ayes: All; Noes: None. Motion carried.

A Public Hearing was held to consider the request for a Special Exception Use Permit for an automotive dealership for Towne Maserati/Alfa Romeo at 8226 Main Street. James Callahan said the location is the north side of Main Street, west of Westwood Road in the existing commercial plaza. The applicant is proposing an addition and improvements to the site. The Planning Board has approved the site plan and forwarded a recommendation.

Bill Wincott of DR Chamberlin Corporation was present for the applicant. They are combining the Ballow Law Firm and Louis's Deli spaces for a showroom and small service area in the rear. There will be greenspace improvements in the front.

Councilman Shear asked if they were adding a new sign out front or adding to the current sign.

Mr. Wincott said they will bring the plan to the Sign Review Committee when it is ready.

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

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

RESOLVED, that after a public hearing duly held on March 2, 2016 and after all interested parties having been heard, the Clarence Town Board grants a Special Exception Use Permit to Towne Automotive Group to allow for an addition to the existing structure at 8226 Main Street for a new Maserati and Alfa Romeo Automobile Dealership subject to the following conditions:

1. As per the site plan approved by the Town Planning Board.
2. All building permits and P.I.P. Permits in place.
3. Engineering approval.

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

Motion by Councilman DiCostanzo, seconded by Councilman Greene to approve the following: Clubhouse Applications - A. CSEA Blue Collar Unit – Feb. 23 & April 14, 2016; B. Girl Scout Troop #30591 – March 12, 2016; C. Clarence Republican Committee – March 17, 2016 and Legion Hall Applications - A. CSEA Blue Collar Unit – Nov. 4, 2016. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

Phil Petruzzo of Conner Road asked if there is anything planned for doing something with Conner Road because it is a disaster. He said this has been going on for over 15 years and nobody does anything. He asked the Town Attorney if the Town can sue the County for the disservice to the residents of Clarence.

Town Attorney Lawrence Meckler said we did put the County on notice that it is their responsibility for any damages that occur due to their failure to remedy the situation. It is the County’s responsibility to determine what roads they are going to repair in their jurisdiction.

Mr. Petruzzo said the ditches are 10 ft. wide and 10 ft. deep. If you have to sue, you have to sue. Do we have to wait for someone to die? There is no shoulder.

Mr. Meckler said this is all we can legally do. We would not be able to successfully sue. He advised him to direct any specific issues with his property to the Town Highway Superintendent.

Mr. Petruzzo said he has none. The road is a dangerous disgrace.

Mr. Meckler suggested that he go to the County Legislature meeting to express the outrage to them. We do what we can.

Mr. Petruzzo said the Town should do it as his representatives.

There being no further business, Supervisor Casilio adjourned the meeting at 7:30 p.m.

Nancy C. Metzger
Town Clerk