

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, April 16, 2014 at Clarence Town Hall, One Town Place, Clarence, New York.

Deputy Supervisor Lawrence Meckler called the meeting to order at 6:00 P.M. Supervisor Hartzell was absent. 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 Engineer Timothy Lavocat, Senior Building Inspector David Metzger, Planning Board Chairman Robert Sackett, Confidential Secretary to the Supervisor Karen Jurek and Deputy Town Attorney Steven Bengart.

Director of Community Development – James Callahan

Review Formal Agenda items:

Domenic Piestrak – Spaulding Greens Open Space Design Subdivision

The applicant is proposing to amend the previously approved concept plan while maintaining the overall green space to meet Town Code. The newly submitted proposed amendment is to the previously approved Phases 4A and 4B. The proposed site is located on the east side of Goodrich Road, north of Greiner Road at existing open space design development identifying 380+/- lots with a previously approved concept plan on the overall project. The applicant is proposing to table any action associated with Phase 10 and abide by previous approval to make Phase 10 the last phase for development. Per the Zoning Law, the Town Board has final approval authority to approve/amend Open Space Design Developments. An action under SEQRA will be required to amend the concept, identifying sewer taps, green space and lot configuration. Referral to the Planning Board would initiate formal review of the proposal.

Student Transportation of America 8033 Transit Road

Applicant is proposing to utilize the existing facility for a school bus garage for vans and smaller buses. The proposed site is located on the east side of Transit Road north of Wolcott Road at existing heavy equipment/trucking operation located in the Restricted Business Zone. While the proposed use is not specifically allowed in the Restricted Business Zone, the Town Board may consider a Temporary Conditional Permit for the proposed operation. The Planning Board has forwarded a recommendation to issue a Temporary Conditional Permit with numerous conditions.

Work Session items for consideration May 14, 2014:

Victorian Manor 8261-8279 Main Street

Applicant is updating the overall property and constructing new accessory structures. The proposed site is located on the south side of Main Street, east of Transit Road at existing hotel located within the TND Zone. The previously approved project is being reevaluated and a stop work order has been placed on the project construction.

Essex Greens

Applicant is seeking Final Plat Approval for previously approved patio home project under construction on the north side of Roll Road, west of Dana Marie Parkway within the Waterford PURD. This project is currently under construction and may or may not be ready for Final Plat approval on May 14. The Town Engineer will need to ensure that the final as-built construction meets town specifications.

Ronald & Andrew Grimm 8196 County Road

Applicant is proposing to develop a 12-lot Open Space Design Subdivision. The proposed site is located on the north side of County Road, east of Stahley Road on existing vacant land consisting of 7.2+/- acres in the Traditional Neighborhood District within Erie County Sewer District #5. Per the Subdivision Law, the Town Board has an opportunity to provide preliminary review and comment on the style/design of a proposed subdivision prior to a formal review. Referral to the Planning Board would initiate a formal review of the project.

Northwood's Open Space Design Subdivision

Applicant is proposing to develop a 150+/- lot Open Space Design Subdivision. The proposed site is located on the north side of Greiner Road, south side of Roll Road between Shimerville and Thompson Roads on existing vacant land consisting of 118+/- acres located in the Residential Single Family Zone. Per the Zoning Law, the Town Board has final approval authority to create an Open Space Design Overlay. Details as to Recreational Trails and sidewalks still need to be addressed and recommended from the Planning

Deputy Supervisor – Lawrence Meckler

- Create positions of Accountant PT and Engineering Aide PT-Seasonal for Civil Service purposes
- Deputy Supervisor Meckler has one item to discuss in Executive Session and several Attorney-Client items to discuss as well

Councilman Bernard Kolber

- Adopt a Bond Resolution for the construction of a salt barn for use by the Town Highway Department

Several towns are having issues with new fertilizer programs that are cropping up. An out of town company has proposed a facility to convert food waste and sewage sludge into energy. Facilities are currently under construction in Wheatfield and West Seneca. Councilman Kolber suggested the Farm Land Protection Committee research this and meet with the Town Board to discuss their findings. This is a huge problem in Pendleton and Marilla and they do not know how to address it.

Councilman Patrick Casilio

- Award the Grass and Weed Cutting Service for 2014-2016 to Braunscheidel LGS Property Services, Inc.
- Agreement to pay the annual fire hydrant maintenance fee to ECWA for two fire hydrants within the Wehrle Business Park

- Appoint Engineering Aide PT-Seasonal for the Engineering Department
- Adopt a Bond Resolution for the construction of Improvements to Sidewalks along Main Street
- Appoint David Albert to the position of Code Enforcement Officer PT for the Building Department

The Town submitted the response to the State Auditor in a timely manner regarding fuel consumption and usage. Councilman Casilio would like to do a follow up and act on the recommendations. Town Attorney Meckler stated that the Town Board does not have to wait to hear back from the State, they can act on their recommendations as the Board sees fit. Councilman Casilio stated that if the Parks Department is not going with a fuel pump system, he would like to know what the Parks Department is going to do manually. He also suggested a camera system for the highway department fuel farm and he would also like to discuss vehicle usage and identification for town vehicles.

Councilman Peter DiCostanzo

- Appoint Lifeguards PT- Seasonal for 2014
- Adopt a Bond Resolution for construction of improvements to restroom facilities at the Main Street Town Park
- Appoint Laborers PT/Seasonal for the Parks Department

Councilman DiCostanzo complemented Chip Trapper on another successful Fishing Derby. The weather was perfect and he had a good turnout.

Simon Yu will be present at the next Planning Board meeting to discuss the potential demolition of his building in the Hollow. Councilman Casilio would not like to see the building torn down and a parking lot put in. Director of Community Development James Callahan said that the action under SEQRA could identify that whatever replaces this building would have to be in character with the Hollow. The applicant cannot do anything on this property including putting in a parking lot without Site Plan Approval. The Clarence Hollow Protection Board has been involved and has commented on the building.

Councilman Robert Geiger

- Erie County Clerk Christopher Jacobs is hosting another Thank a Vet Discount Program on May 8th from 10:30AM – 1PM in the Town Hall.

- The Senior Center is hosting a Basket Raffle on May 3rd

Victorian Manor 8261 – 8279 Main Street

Representatives from Victorian Manor were invited to speak at the Work Session to give a presentation on their current project. On August 22, 2012, Robert Conway (architect) presented plans and request a Building Permit and Architectural Approval for façade improvements and new accessory structures within the TND at 8261 Main Street. A motion was made to grant Architectural Approval for façade improvements and new accessory structures within the TND subject to Building Permit application and review by the building department. In the original presentation, there was an open stair case to the rear of the property although in the actual presentation of the picture of the buildings, the open stair case is actually in the front. A decision was made that instead of having people walk to the rear of this property to put their things in storage (which would be more intrusive to the neighbors), the open stair case was moved to the front of the property as shown in the picture. The setbacks did not change. The applicant went to the Building Department for the open stair case to be in the front, it was approved and the applicant obtained his building permit. When the applicant first applied for the building permit, there were some comments/recommendations that modifications be made. He followed through with the modifications and the building permit was issued based on the plans with the staircase in the front. The building is being constructed in accordance with the Building Permit issued by the Building Department.

Counsel for the applicant Ralph Lorigo met with the Town Attorney and the Building Department and he understands what the situation is. He went back to his client and asked if the property could be enhanced with some landscaping in to the rear of the property. A plan was submitted for the landscaping which shows several trees along the back property line. The applicant is willing to provide the landscaping in order to mitigate the situation. Everything that has been done up until this point has been done in accordance with the building permit that was issued.

Councilman Casilio stated that when the Town Board approved this project, it showed four car garages. Mr. Lorigo disagreed and showed the plan that was originally presented to the Town Board showed a five bay garage and there continues to be five garages. The applicant stated that the original plans showed four bays but they were 15', they have since reduced the bays to 12' to make five bays. It does not in any way change the footprint of the building. Councilman Casilio stated that the original design showed the building 45' away from the property line and the new design shows 35' away from the property line. The applicant said that was because originally the stair case was shown on the back side of the building. The size of the staircase was not taken into consideration as to the size of the setback. By moving the stair case to the front, they moved the building

to where the staircase should have been. That was done out of consideration to the neighbors. This project exceeds the allowed set back of 25'.

Mr. Lorigo stated that his client is willing to go back to the original design which was approved by the Town Board if the Board so chooses, even though the project has already been started. Councilman Casilio stated in the original design he seen the 4-bays and a parking garage and was not aware there was substantial storage upstairs of the garage. The applicant stated that there is just a small amount of attic space for storage for the owner, not the tenants.

Councilman Kolber stated that he seen on one of the plans, "storage type locker areas" to the rear of the garages with a separate access door. The applicant stated that was on the concept plan and is part of the drawings. These are for customers to use if they need a place to store some personal items. The area in questions is approximately 4'x12.' Councilman DiCostanzo asked if the parking spaces were necessary, the applicant stated that it would keep people from driving on the grass and would keep the property neat. Councilman Casilio asked if it were possible to turn the garages so they face Main Street. The applicant stated that there was not enough space to do that. To address the concerns of the neighbor, he is willing to plant some trees. The applicant stated that Victorian Manor was in existence before the concept of the subdivision came into play, he did not build in anyone's backyard. The neighbors chose to build their houses behind his business. Before the subdivision was built, he could stand in his backyard and look at the open fields and the wildlife. Now when he stands in his backyard he sees a 6' stockade fence. The fence is built right on the property line, there has been no maintenance on it, part of it is falling over on his property yet he never complained to the Town Board. He has tried to be a good neighbor but there needs to be some consideration on both sides.

The applicant stated that there will be no apartments above the garage. Robert Conway stated that the garage is built with wood trusses, which will limit the amount of space available for storage.

Ralph Lorigo stated that his client stopped his project when the Stop Work Order was issued, he ended up having to dump all the concrete that was in the trucks which cost money. It is costing him money for the time the project is shut down as well. To mitigate the situation, a plan was submitted to show placement of landscaping. The applicant has all the proper permits and will build in accordance with the Town Code. Councilman Casilio stated that the plan change has made the project closer to the property line.

The applicant is willing to go back to the originally approved plan with the open stair case in the back and the parking spaces in the back.

Town Engineer Lavocat stated that the applicant will have to submit the shop drawings for the truss system for the garages. The applicant stated that the garages are for his customers/tenants. He is not renting them out to the public. They are strictly for use in conjunction with rentals of his hotel.

The applicant saved this building from the wrecking ball and paid over \$200,000 in back taxes to keep it out of bankruptcy. He submitted a concept plan with his intentions, then he submitted a detailed construction drawing which he received approval and a building permit. At this stage he is willing to accept whichever plan the town wants him to work with. But whatever is approved (stairs in the front, no doors or windows in the back. He would like to add the parking spaces back in - subject to Board approval) is what he is going to work with. The applicant stated that he has not asked for tax breaks nor has he gone to the IDA. He is investing his money into this building to make the building look appealing and something to be proud of. By improving this property, everyone benefits from it, the neighborhood becomes more attractive and presents a better image of the town.

Motion by Councilman Casilio, seconded by Councilman Geiger to enter into Executive Session pursuant to §105(1) F of the Open Meetings Law to discuss the employment history of a particular corporation; 105(1) H the proposed acquisition of real property but only when publicity would substantially affect the value thereof. On the question, Deputy Supervisor Meckler has several Attorney-Client items to discuss as well. Upon roll call – Upon roll call Ayes: Deputy Supervisor Lawrence Meckler, Councilman Kolber, Councilman Casilio, Councilman DiCostanzo, Councilman Geiger; Noes: None. Absent: Supervisor David Hartzell. Motion carried.

There being no further business, the Executive Session adjourned at 7:05PM.

Darcy A. Snyder
Deputy Tow Clerk

Motion by Councilman Casilio, seconded by Councilman Kolber to adjourn the Executive Session at 7:29PM. Upon roll call Ayes: Deputy Supervisor Lawrence Meckler, Councilman Kolber, Councilman Casilio, Councilman DiCostanzo, Councilman Geiger; Noes: None. Absent: Supervisor David Hartzell. Motion carried.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, April 16, 2014 at the Clarence Town Hall, One Town Place, Clarence, New York.

Deputy Supervisor Lawrence Meckler called the meeting to order at 7:30 p.m. Pledge to the flag was led by Councilman Peter DiCostanzo, followed by a prayer given by Councilman Robert Geiger.

Members of the Town Board present were Council Members Robert Geiger, Peter DiCostanzo, Patrick Casilio, Bernard Kolber and Deputy Supervisor Meckler. Supervisor David Hartzell, Jr. was absent. Other Town officials present were Director of Community Development James Callahan, Deputy Town Attorney Steven Bengart, and Town Engineer Timothy Lavocat.

Motion by Councilman Casilio, seconded by Councilman Kolber to accept the minutes of the morning work session held April 2, 2014. Upon roll call – Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to accept the minutes of the work session and regular meetings held April 2, 2014. Upon roll call – Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Motion by Deputy Supervisor Meckler, seconded by Councilman Casilio to create the following positions: Accountant PT and Engineering Aide PT-Seasonal.

On the question, Deputy Supervisor Meckler said this is being done for Civil Service purposes and the positions are non-competitive.

Upon roll call – Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Geiger to adopt a Bond Resolution of the Town of Clarence, New York, authorizing the construction of a new Salt Barn for use by the Town Highway Department, stating the estimated maximum cost thereof is \$325,000; appropriating said amount for such purpose, including the expenditure of \$150,000 in available Town funds to pay a part of said appropriation; and authorizing the issuance of Bonds of the Town in the principal amount of \$175,000 to finance the balance of said appropriation, subject to a Permissive Referendum.

On the question, Councilman Kolber said a complete copy of the Extract of Minutes for said Bond Resolution will be on file in the Office of the Town Clerk.

Councilman Kolber said we are also going to try to find grants because we are told that there are grants available for salt barns. Salt has to be stored indoors. Our salt barn is aging and not large enough.

Upon roll call – Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Councilman Kolber said there have been articles in the paper regarding issues of storing fertilizers made from sludge at area farms. It has not come to Clarence, as far as he knows, but neighboring towns are having problems. He is going to have a meeting with the Farmland Protection Committee to get some input or suggestions from them.

Motion by Councilman Casilio, seconded by Councilman Kolber that upon the recommendation of Tim Lavocat, Town Engineer, the Grass and Weed Cutting Services for 2014 through 2016 be awarded to Braunscheidel LGS Property Services, Inc. of Clarence, New York per the submitted price proposal.

On the question, Councilman Casilio said the Grass and Weed Cutting Services will be on an as needed basis for 2014 through 2016 to enforce Town of Clarence Code Chapter 155 - Property Maintenance.

Councilman DiCostanzo said for anyone not cutting their grass, the cost to cut grass that is a foot high is ridiculous. It is much cheaper to have it cut every week.

Councilman Casilio said the cost is added to the taxes on the property. It is much more cost effective to maintain the property. A lot of the properties are abandoned and we have to follow the law by cutting the grass after it reaches 11 inches. It also distresses the neighborhoods.

Upon roll call – Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber that the Town of Clarence agrees to pay the annual fire hydrant maintenance fee to the Erie County Water Authority for two (2) fire hydrants within the Wehrle Business Park on Newport Drive and Hanover Drive upon Final Plat approval and formal public infrastructure acceptance by the Town of Clarence. Upon roll call – Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Geiger to appoint Evan Weitz to the position of Engineering Aide PT-Seasonal in the Engineering Department effective May 19, 2014 at the budgeted rate of pay, subject to receipt of all pre-employment paperwork and pre-employment requirements being met. Upon roll call - Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to adopt a Bond Resolution of the Town of Clarence, New York, authorizing the construction of improvements to sidewalks on Main Street, stating the estimated maximum cost thereof is \$520,000; appropriating said amount for such purpose; and authorizing the issuance of Bonds of the Town in the principal amount of \$520,000 to finance said appropriation, subject to a Permissive Referendum.

On the question, Councilman Casilio said a complete copy of the Extract of Minutes for said Bond Resolution will be on file in the Office of the Town Clerk.

Councilman Kolber said most of this, if not all of it is being obtained through a grant.

Councilman Casilio said once this is done we will be able to walk the entire length of the Town along Main Street on sidewalks.

Upon roll call - Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo to appoint David Albert to the position of Code Enforcement Officer PT for the Building Department effective April 24, 2014 at the budgeted rate of pay, subject to receipt of all pre-employment paperwork and pre-employment requirements being met. Upon roll call - Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Geiger to adopt the following resolution authorizing the supervisor to sign an agreement with "Architecture Unlimited" for the programming phase of the State Police barracks and Town Hall improvements. Contract not to exceed \$29,000 and subject to Town Attorney approval. Upon roll call - Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to appoint the following to the position of Lifeguard PT Seasonal subject to receipt of all pre-employment paperwork and pre-employment requirements being met: effective June 1, 2014 at the rate of \$11.18/hr.: Josh Geiger and Adam Terragnoli; effective June 1, 2014 at the rate of \$10.59 hr.: Gabrielle Barthelme, Hanna Biedney, Justina Bonaventura, Emily Davidson, Joe Kleinmann, Elizabeth Kreppel, Kenzie Laughlin, Melissa LaVere, Nicole LaVere, Kevin Layer, Marissa Mogavero, Caitlyn Roberts, Christina Weber, and Scott Nicholas West. On the question, Councilman Geiger said by way of disclosure, Josh Geiger is his grandson. He feels by making this disclosure he can vote on these appointments. Upon roll call - Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to adopt a Bond Resolution of the Town of Clarence, New York, authorizing the construction of improvements to restroom facilities at the Town's Main Park, stating the estimated maximum cost thereof is \$350,000; appropriating said amount for such purpose; and authorizing the issuance of Bonds of the Town in the principal amount of \$350,000 to finance said appropriation, subject to a Permissive Referendum.

On the question, Councilman DiCostanzo said a complete copy of the Extract of Minutes for said Bond Resolution will be on file in the Office of the Town Clerk.

Upon roll call - Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to appoint the following to the position of laborer part-time/seasonal in the Parks Department at the budgeted rate of \$8.61 per hour subject to receipt of all pre-employment paperwork and pre-employment requirements being met: effective May 5, 2014 - Ryan J. Lawrence; effective May 12, 2014 - Jon R. Aumiller, Matthew M. Colicchia and Brianna L. Fasanello; effective May 19, 2014 - Joshua D. Costanzo, Emily P. Cummiskey, Scott E. Goodwin and Michael R. Roth; and effective May 27, 2014 - Jacob D. Matteson. Upon roll call - Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Councilman DiCostanzo said kudos to Chip Trapper, Rec Director for the Fishing Derby held last Saturday. He had a great turnout and a good day to have it.

Councilman Geiger said the only thing that could have been better was the fish biting.

Councilman Geiger announced that Erie County Clerk Chris Jacobs is hosting a "Thank a Vet" Discount Program sign up for veterans on Thursday, May 8th from 10:30 a.m. to 1:00 p.m. here at the Town Hall.

Councilman Geiger announced that the Senior Center Basket Raffle will be held on May 3rd at the Senior Center.

Spaulding Green Open Space Design Subdivision requests Amended Concept Plan Approval for a previously approved project. James Callahan said the location is east of Goodrich Road, north of Greiner Road consisting of a previously approved open space design subdivision.

Councilman Casilio said he is recusing himself from this discussion and he has a disclosure statement on file.

Domenic Piestrak and his attorney Don Powell were present. Mr. Powell said they are here seeking a referral to the Planning Board for a revision to the site plan. The original plan was approved in 2008 and since then some circumstances have changed, especially getting power to the back of the subdivision. This has caused them to re-evaluate how they are going to develop the project. They submitted a plan with a loss on the south side of Spaulding Drive because that met with some objection because it was to be the last phase of the project according to the 2008 approval. The plan meets all of the Town's requirements.

Councilman Geiger asked if they had adequate sewer taps. Mr. Powell said that they did.

Councilman Kolber asked what the reasoning was to change from two cul-de-sacs to a loop road.

Mr. Piestrak said the requirements for the cul-de-sac is only 12 lots.

James Callahan said the Town Board has final approval authority on this project.

Councilman DiCostanzo said there is a potential motion and one of the items is that the number of large lots should be maintained in the overall design. He asked if the applicant could agree to that.

Mr. Powell said he has not seen the motion and he would like to read it first.

Councilman DiCostanzo said the beauty of this project was there is such a mix of housing with the large lots up front. It seems like now we are back here every couple months changing the complexion of it. He was hoping to see those large lots out front.

Mr. Powell said that is what was in their last plan but they were told that the development on the south side was problematic. They are just trying to get to the Planning Board to see what can come out of it.

Councilman Kolber said Phase 10 was agreed to be the last phase, which was the large lot portion.

Motion by Councilman Geiger, seconded by Councilman Kolber to refer the proposed Concept Amendments to the Spaulding Green Open Space Design Subdivision to the Planning Board, identifying the following issues:

1. The overall design must conform to the standards as approved by the Town Board at the time of Overlay Designation.
2. The number of large lots should be maintained in the overall design consistent with original approvals.
3. The recreational trail must be under construction prior to any home construction associated with Phases 4 and 10.

On the question, Councilman Kolber said “under construction” is a vague term.

Deputy Supervisor Meckler said this is just to give guidance to the Planning Board for their review.

Councilman Kolber said he is trying to avoid the scenario of the trails that were never put in. He would like the Planning Board to come up with a suitable resolution.

Deputy Town Attorney Steven Bengart said even though this item is being referred to the Planning Board, it does not mean that it could not come back with a recommendation of no changes. There are no guarantees that a change will be approved.

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

Student Transportation of America requests a Public Hearing to consider a Temporary Conditional Permit for a school bus garage at 8033 Transit Road. James Callahan said the location is the east side of Transit Road, north of Wolcott Road consisting of an existing heavy equipment/trucking facility in the Restricted Business Zone.

Jeff Palumbo, attorney for the applicant said the property is just south of the airport on Transit Road and would be used for the Williamsville School District for small buses only. They will agree to that as a condition of the site. A site plan was presented. There would be approximately 30 bus routes coming from this facility. The Planning Board made a recommendation for approval with several conditions, of which they have no problem.

Councilman Casilio said letters have been received from the public that they are not in favor of this.

Mr. Palumbo said they have not been asked for a traffic study. They went into great detail with the Planning Board about the traffic. The bus routes are staggered between 6:30 to 9:30 a.m. and not all leaving at the same time. The traffic that this would add is far less than what could go on the site, such as an office complex, day care center, etc. They think it is a great location and will bring people into town that may use existing businesses.

Councilman Casilio said they will also be adding to the pollution, which is why he believes the Planning Board had a 4 to 3 decision. He has a concern with the applicant making improvements to the site and after one year they may not receive approval to continue.

Mr. Palumbo said they are willing to take that chance. If after a year it does not work out, they will have to leave.

Councilman Casilio said a lot of school districts are starting to contract out bus service and he does not want to start a precedent here.

Mr. Palumbo said that is why he would like to discuss it in a public hearing and hear what the people have to say.

Motion by Councilman Kolber, seconded by Councilman DiCostanzo to set a Public Hearing for May 14, 2014 at 7:55 p.m. to consider a Temporary Conditional Permit for the operation of a School Bus Garage at 8033 Transit Road. On the question, Councilman DiCostanzo said he believes it is a heavy lift, but it will give them a chance to plead their case. Councilman Geiger said he has received many phone calls in opposition. Upon roll call – Ayes: Council Members Geiger, DiCostanzo and Kolber; Noes: Councilman Casilio. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to approve the following: Clubhouse Applications - A. Youth Bureau – July 26, 2014; Legion Hall Applications - A. Clarence Log Cabin Quilters – May 10, 2014; B. Sherry Perry – May 17, 2014; C. Gary & Phyllis Wozniak – Nov. 15, 2014; Park Pavilion Special Request - A. Clarence Lions Club/Day in the Park – June 27, 28 & 29, 2014. Upon roll call – Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio that after proper audit and review by the Town Board, the following bills of April 10, 2014 are approved for payment: General Fund - \$110,330.12; Highway Fund - \$42,165.59; Water District - \$35,505.41; Fire Protection Districts - \$1,350.40; Sewer Districts - \$200.00; Capital Fund - \$2,800.00; and Trust & Agency 203 - \$5,252.50 for a total amount of \$197,604.02. Upon roll call – Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

“For the Good of the Town”

Michael Patterson said he opposes the Fair Elections Act. He believes it is the equivalent to the political party attack and financing act. He opposes having his State tax dollars used to fund political parties. In his opinion, the majority of the Town of Clarence voters would also be opposed. For the good of the Town, he requests that the Town Board passes a resolution opposing the Fair Elections Act.

Kim Maddalena said she lives directly behind the Victorian Manor Hotel. The reason they have a six-foot fence is because a crazy resident of the hotel was knocking on her back door. She had to call 911. The responding Sheriff suggested that they build a fence with a mote. That is why they have a fence.

Secondly, they are not complaining about the updates to the hotel. They appreciate the improvements, but are very upset by the two-story garage units behind their fence. They are concerned about their safety, privacy and property value.

Mrs. Maddalena submitted a petition with 57 signatures and copies of 11 emails of residents opposed to the two-story garages abutting their neighborhood. They would like to see a compromise to one-story garage buildings and rotated 90 degrees.

Gabriele Maddalena said, as his wife stated, they commend the owner for the improvements, but his concern is the height of the garages. He grew up in New York City and moved to Clarence for the grass and trees. They are just looking for a compromise and a little better communication and collaboration with the developers, the Town and the residents. He appreciates the Councilmen, the Town Attorneys and everyone who works for the Town.

Ralph Lorigo said the Town Code Section 229.67.C. states that it is the architectural style that is approved by the Town Board in this type of situation. On August 8th and 22nd, the presentation was made to the Town Board. The four members present approved this project. The buildings are one-story and 22 ½ feet tall, while the code allows for 40 feet in that district. The owner is willing to compromise and go back to the original plan that was presented to the Town Board even though he believes they could have proceeded and been in accordance with the codes. They hope the matter can be resolved quickly.

Michele Toole said she lives near Victorian Manor and asks that there is communication when there is something being built. They were not notified in August to see the plans. If they had been aware, they would not be here today. She is hoping for a solution that will meet everyone's needs.

There being no further business, Deputy Supervisor Meckler adjourned the regular meeting at 8:17 p.m.

Motion by Councilman Geiger, seconded by Councilman DiCostanzo to enter into Executive Session pursuant to Section 105(1)(h) of the Open Meetings Law to discuss the proposed acquisition of real property that if discussed publicly could substantially affect the value thereof. Upon roll call – Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.

Nancy C. Metzger
Town Clerk

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to adjourn the Executive Session at 8:44 p.m. with no action taken. Upon roll call – Ayes: Council Members Geiger, DiCostanzo, Casilio and Kolber; Noes: None. Absent: Supervisor Hartzell. Motion carried.