

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, June 10, 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, Town Attorney Lawrence Meckler, Town Engineer Tim Lavocat, Senior Building Inspector David Metzger, Planning Board Chairman Robert Sackett, Confidential Secretary to the Supervisor Karen Jurek, Highway Superintendent James Dussing, and Director of Administration and Finance Pam Cuvillo.

Director of Community Development – James Callahan

Public Hearings:

Erie Lipke 6595 Meghan Rose Way

Applicant is requesting a Public Hearing to consider a Special Exception Use Permit for a detached Secondary Living Unit. The proposed site is situated on the south side of County Road at existing single family residence located within an Open Development in an Agricultural Rural Residential Zone. The Building Department issued a permit for the construction of a detached accessory structure (garage space below, game room above). During the construction process, the second floor area took on characteristics of a Secondary Living Unit. The Building Department is holding the issuance of the final Certificate of Occupancy until the Town Board grants the applicant a Special Exception Use Permit for the secondary living unit.

Penny Lane Café 10255 Main Street

Applicant is requesting a Public Hearing to consider outside dining as a part of the restaurant use. The proposed site is located on the southeast corner of Main Street and Shisler Roads within the Clarence Courtyard Plaza at existing commercial space located in the Clarence Hollow TND. Per the Zoning Law, the Town Board may consider outside dining areas via a Temporary Conditional Permit. The number of tables and hours of operation will have to be addressed.

Formal Agenda items:

Zoning Law Amendment (Chapter 229)

The Planning Board has forwarded a recommendation to adopt the proposed Zoning Law Amendment adding small scale retail as a permitted use in mixed use projects in the Restricted Business Zone.

Satellite, Antennas and Towers Local Law Amendment (Chapter 173)

The Planning Board has forwarded a recommendation to adopt the proposed Chapter 173 Amendment to add a section dealing with Wind Energy Conversion Systems (WECS).

Work Session items for consideration June 24, 2015:

Heritage Ministries/Vincroft Senior Housing 5945 Vincroft Drive

Applicant is proposing to construct two additional duplex structures (a total of 4 units) to the existing campus. The proposed site is located on the east side of Newhouse Road, south of Clarence Center Road at existing senior housing facility located in a Planned Unit Residential Development (PURD) within Erie County Sewer District #5. Any change to an existing PURD will require review and approval by the Town Board. The overall density within a PURD may not exceed (3) units per acre. ***(Applicant asked to be removed from agenda).***

Fireworks Application requests:

Clarence Center VFC – September 6, 2015

Hollowfest – July 4, 2015

Clayton Ertel 8326 Main Street

Clayton Ertel has a potential buyer for the Red Mill restaurant. Daniel Hanley, the current owner of the Red Mill has been trying to sell the business for the last eight years. Mr. Ertel stated that his goal is to sell the restaurant but keep the building intact. The building is a historic landmark on Main Street. The problem that Mr. Hanley has run into today is that the change and demands of the public is dramatically different in the restaurant business than it was a few years back. The

old character of the restaurant is passé, younger people want something more modern which is one of the reasons Mr. Ertel has not been able to sell the restaurant. He has not received one offer for the building as a restaurant. The alternative is to find someone that can utilize the property and renovate the building. President of Mercedes-Benz Robert LaMastra is proposing to take the existing building, remove all the ancillary additions (that are not part of the original structure) and then completely rehabilitate the Red Mill keeping the character and design of the exterior but renovating the inside to a first class professional office space. Mr. LaMastra will use some of the space for his own business and lease out the rest.

Mr. Ertel stated that his client had to find a use for the back property in order to justify the purchase and rehab of the building. Mr. LaMastra is proposing to put in plantings and fencing so when people drive by, they will see an office building with parking along the sides of the building but they will not see any of the back of the property. The back part of the property (behind fencing and vegetation) will be used for warehouse and housing of new vehicles. No one driving by will see the vehicles. This will be strictly for storage, no customers will be in the parking area.

Mr. LaMastra stated that he is also considering putting in a small scale coffee café for his customers. He is willing to do anything within reason to get this project moving. There will be no trucks at this site, the cars will be dropped off at the Mercedes-Benz dealership just west of the Red Mill restaurant.

Councilman Casilio has concerns about the impact on the neighbors. Director of Community Development James Callahan stated that this site is a historic site but not a designated historic site. The office is an allowed use in the Traditional Neighborhood District. The vehicle storage could be approved with a Temporary Conditional Permit.

Planning Board Chairman Robert Sackett stated that TND requires 40% green space and no parking in the front of the building.

Clayton Ertel stated that this project will not impact anyone, there will be less traffic, no odors and no business after 6PM. It is a great use for the property and salvages the building as well.

Councilman Kolber liked the proposal and felt it deserved a closer look by the Planning Board. The applicant will contact the Planning and Zoning Office and schedule a meeting with the Planning Board.

Town Attorney Lawrence Meckler

Town Attorney Meckler has one item to discuss in Executive Session regarding collective negotiations.

Town Engineer Tim Lavocat

Town Engineer Lavocat has one item to discuss in Executive Session.

On May 5, 2015, Town Engineer Lavocat opened the bids for the Parks Department new facilities building and pole barn addition. Bids came in approximately \$230,000 over budget. Mr. Lavocat has reevaluated the bids, there are some items that he can value engineer out and after conversations with Parks Crew Chief James Burkard, the Parks Department employees will take a larger role in the project – mainly finishing the inside of both projects. The issue is he cannot talk to the lowest bidder to negotiate something now because we have not awarded the bid and the bid cannot be awarded because we do not have the funds in the budget. All the bids will have to be rejected at this point. The project will rebid with the value engineering items and the efficiencies we would gain using our own employees including the Highway Department for the demolition work. Town Engineer Lavocat will be back at the next Town Board meeting with a recommendation to reject all the bids and rebid it for a third time. There is some substantial savings with the Parks and Highway Department doing some of the work.

Highway Superintendent James Dussing

There was a malfunction with the County Road speed study so it will have to be done again.

The Highway Department is currently working on several road projects.

Supervisor David Hartzell

- Set a Bid Date for Clarence Highway Department Salt Storage Structure
- Approve the request for a Block Party on Autumn Trail
- Approve the request by Karen Jurek to attend a Civil Service Training Seminar

Councilman Bernard Kolber

Councilman Kolber commented on an article in the Talk of the Towns & Topics magazine referring to solar electricity and how towns should embrace solar electricity which the Town of Clarence has already done.

Councilman Kolber attended the Zoning Board of Appeals meeting last night. There was a lengthy discussion on raising the height of a cell tower from 70 feet to 124 feet behind Kitchen Advantage on Transit Road. The issue was not resolved.

Councilman Patrick Casilio

- Approve annual maintenance fee for two hydrants on James Ryan Parkway in the Cimato Business Park
- Appoint Justin Harfouche to the position of Security Officer PT
- Authorize Supervisor to sign a Memorandum of Understanding between Erie County and the Town of Clarence regarding Beeman Creek Park
- Erick Biddlecom has submitted his letter of resignation from the Town of Clarence Security Department, he has moved out of town

Councilman Casilio and Supervisor Hartzell met with DSS Security regarding Meadow Lakes Park. Councilman Casilio will speak with our grant writer to see if there are any grant funds available.

Councilman Casilio and Karen Jurek met with Time Warner about free monitoring in Clarence Hollow. Councilman Casilio will hopefully have a report within the next two weeks.

Councilman Casilio is working on a street light recommendation for Greiner Road. In the future, when the Planning Board is reviewing projects, he would like them to look into street lights at intersections.

Town Engineer Lavocat met with the police agencies regarding the Court Facilities Building. They are progressing very well with the floor plans. There is a follow-up meeting tomorrow with the design team. The meetings are productive and many great ideas are discussed.

Councilman Peter DiCostanzo

- Appoint Lifeguards PT-Seasonal Summer 2015
- Consider granting unpaid leave of absence for two Parks Department employees
- Appoint Recreation Attendants PT-Seasonal for 2015 Recreation Department

- Approve the request of James Callahan and Jonathan Bleuer to attend the Annual Upstate NY American Planning Association Conference in Saratoga Springs, NY
- Amend the effective date for Life Guards PT-Seasonal

Councilman DiCostanzo will make a motion to remove an individual from the Community Residence Committee. That individual has not submitted his Disclosure Form.

The Town Pool is scheduled to open Sunday, June 14th.

Councilman Robert Geiger

The Evacuation Plan for the Youth Bureau has been implemented. The pipe has been fixed in the boiler room and is up to code. The new emergency lights are on order.

The Parks Department is doing a nice job cleaning up between the town pool and Clarence Fire Company.

Councilman Geiger is working on the Time Warner Contract, he has engaged an attorney from Rochester. Councilman Geiger would like to appoint several individuals to the Cable Committee and will make a motion to appoint at the next Town Board meeting.

Councilman Geiger asked Pam CuvIELLO about the invoice for the lavatories at the Farmers Market. The invoice has been located and will be paid.

Motion by Supervisor Hartzell, seconded by Councilman DiCostanzo to enter into Executive Session pursuant to § 105(1) E of the Open Meetings Law to discuss collective negotiations pursuant to Article 14 of the Civil Service Law (The Taylor Law); § 105(1) F the medical, financial, credit or 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 7:00 PM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Hartzell, seconded by Councilman Casilio adjourn the Executive Session at 7:20PM. 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, June 10, 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 led 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.

Motion by Councilman Casilio, seconded by Supervisor Hartzell to accept the minutes of the work session and regular meeting held May 27, 2015. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Kolber to set a bid date for June 30, 2015 at 10:00 a.m. in the Office of the Town Clerk for the Clarence Highway Department Salt Storage Structure Project.

On the question, Supervisor Hartzell said the Bid Documents will be available in the Office of the Town Clerk June 11, 2015.

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

Motion by Supervisor Hartzell, seconded by Councilman Kolber to approve the request for a Block Party to be held on July 26, 2015 from 2:00 p.m. until 9:00 p.m. on Autumn Trail.

On the question, Supervisor Hartzell said all appropriate agencies will be notified and they expect approximately 75 to 100 persons to attend. The streets that will be blocked are noted on the application. The applicant advised that there will be no tents or bounce houses on Town Property.

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

Motion by Supervisor Hartzell, seconded by Councilman Geiger to approve the request from Karen Jurek to attend a Civil Service Training Seminar offered through the Erie County Civil Service Department at Erie Boces 1 on September 22, 2015 from 1 p.m. to 4 p.m. with all necessary and reasonable expenses to be paid by the Town.

On the question, Supervisor Hartzell said there is no cost for the seminar. The only expense would be for mileage and for parking if applicable.

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

Councilman Kolber said the recent Association of Towns publication had an interesting article about utilization of solar power systems. Most of our Town buildings have solar power. We took advantage of the rebates and incentives that were available about ten years ago.

Our greenprint program has become a model for other towns in the State.

Supervisor Hartzell recognized Planning Board Chairman Robert Sackett, Historic Preservation Commission Chair Carol Conwall and Town Historian Mark Woodward who were all present.

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 a total of two (2) fire hydrants within Phase 1 of the Cimato Family Business Park on James Ryan Parkway upon Final Plat approval and formal public infrastructure acceptance by the Town of Clarence. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize the Supervisor to sign the Memorandum of Understanding between the County of Erie and the Town of Clarence regarding approval by the Town of Clarence for Erie County to construct and maintain a wetland mitigation area within Beeman Creek Park as part of the Goodrich Road Reconstruction Project. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Casilio noted for the record that Erick Biddlecom resigned from the Security Department as he has moved out of Town.

Motion by Councilman Casilio, seconded by Councilman Kolber to appoint Justin Harfouche to the position of Security Officer PT at the budgeted rate of \$11.00 per hour effective June 15, 2015, subject to receipt of all pre-employment paperwork and pre-employment requirements being met. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

RESOLVED, that the Clarence Town Board hereby adopts the agreement between the Town of Clarence and the Civil Service Employees Association, Inc., Local 1000 AFSCME, AFL-CIO, Town of Clarence Blue Collar Unit of Local 815 for the period of January 1, 2015 to December 31, 2017 and authorizes the Supervisor to execute same.

On the question, Councilman Casilio said he would like to thank Heather Giambra, Lawrence Meckler and the Blue Collar negotiating team for their work on this. He believes we came to a fair contract for everybody and did it in a timely manner.

Councilman Kolber said he agrees with what was said and also thanks Councilman Casilio for his work on negotiating the contract.

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

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to appoint the following to the position of Lifeguard PT Seasonal for Summer 2015 subject to receipt of all pre-employment paperwork and pre-employment requirements being met: Effective June 9, 2015 at the rate of \$10.28/hr. - Ekaterina Aaron, Isabel Hall and Melanie Walter. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to grant the requests for a leave of absence without pay for two newly hired Parks Department employees, both of whom disclosed to the Town, during the interview process, that they had prior commitments that would require time off from work as follows: Ryan Andres for June 26; 29; and 30, 2015 and July 1; 2; and 3, 2015; and Randall J. Bolt for June 15; 16; and 17, 2015 and October 7; 8; and 9, 2015.

On the question, Councilman DiCostanzo said these requests are being granted pursuant to the provisions in Article 22 of the BCU Contract. By granting of the requests, the Town Board is not creating a precedence setting policy. Any request for an unpaid leave of absence will be reviewed on a case-by-case basis.

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

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to appoint Daniel Huben and Kristen Walleshouser to the position of Recreation Attendant PT-Seasonal at the rate of \$8.75/hr. effective June 13, 2015 subject to receipt of all pre-employment paperwork and pre-employment requirements being met and to remove Alexander Tryjankoski who was previously appointed as Recreation Attendant PT-Seasonal on May 27, 2015 as he decided not to take the position. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to approve the request of James Callahan and Jonathan Bleuer to attend the Annual Upstate New York American Planning Association (APA) Conference to be held in Saratoga Springs, NY from June 24 through June 26, 2015 with the use of a Town vehicle and all reasonable and necessary costs covered by the Town.

On the question, Councilman DiCostanzo said the cost of the conference and hotel are budgeted items.

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

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to amend the effective start date for Gabrielle Barthelme and Jeffrey Terragnoli, appointed as Lifeguards PT-Seasonal on April 29, 2015, from June 9, 2015 to June 6, 2015. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to remove Jeff Wang from his position on the Community Residences Committee for failure to comply with Article V, Disclosures, §19-13 of the Code of the Town of Clarence. On the question, Councilman DiCostanzo said there were three, but one resigned and one turned in their Disclosure Form. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo announced that the pool will open on Sunday.

Councilman DiCostanzo thanked all the people who attended the Rotary Club's LobsterFest this past weekend.

Councilman Geiger said he will bring forward applicants to be appointed to the Cable TV Committee at the next meeting.

Councilman Geiger said the evacuation plan is completed for the Youth Bureau.

Councilman Geiger said there was an article from the 1890's in the Historical Society newsletter about paid public officials of the Town of Clarence whose job was "Fence Viewer". He would ride his horse around the Town and issue fines to farmers who did not keep their fences in good repair.

Councilman Geiger said the Senior Center is going to provide respite care beginning in the fall of 2015. The program gives caregivers an opportunity to have a break from their tasks. They are seeking volunteers to assist in the program.

Historic Preservation Commission – Present Barn Survey

Carol Conwall, Chair of the Historic Preservation Commission announced the members of the commission are Suzette Altieri, Town Historian Mark Woodward, Tom Steffan, Esq., Daniel Gamin, CPM, Gerald Shaffer, R.A., Joseph McGreevy, Archeologist, Jamie Brawdy, Councilman Bernard Kolber, Liaison, and Jonathan Bleuer, Planning and Zoning Department Liaison. Carol also acknowledged past Commission Chairs Hank Brodowski and Linda Mosher.

It was well over eight years ago a group of individuals with foresight worked diligently at crafting our Town's Historic Preservation Law which the Clarence Town Board adopted in 2007.

The purpose of our local law is to protect, enhance and perpetuate local landmarks and historic districts. All of which benefits the economic, cultural, educational and general welfare of our community.

In tonight's presentation, Joe McGreevy, Commission Member, will speak briefly about our Town's Agriculture History and Jonathan Bleuer, Junior Planner for the Town of Clarence, who will speak on the Reconnaissance Level Survey of our Town's Barns and Agricultural Structures conducted by Flynn Battaglia.

Joe McGreevy said as a lifelong resident of the Town of Clarence, he grew up seeing barns around Town. They represent the heritage of our Town and many are in disrepair. The barns were built by the people who lived here. He highlighted three barns, one on Thompson Road that was built in 1824 and is still being used to house animals.

The property on Main Street that is used for Rock the Barn event each summer was built as a dairy barn and no longer used as such.

The Bishop Lapp barn on Greiner Road is another fine example, but is falling in disrepair. The purpose of the Barn Survey was to document the barns that are still here today.

Jonathan Bleuer said the Commission is a certified local government which allows them to apply for grants on a yearly basis. In 2013 the Commission applied for a \$9,800 grant to the State Preservation Office for a Barn Survey. The Town was awarded \$9,000 with some in kind contribution by the Town. They sent out Requests for Proposal in 2014 to several architectural firms in New York State and received four good proposals. They selected Flynn Battaglia to do the Reconnaissance Level Survey.

The Commission came up with a list of properties with agricultural significance. They drove throughout the Town to make the selection. They supplied the information they gathered to Flynn Battaglia along with a letter for interested property owners letting them know that they were just taking pictures and documenting the structures. It could provide a future opportunity for grant funds. The document is available through a link on our website. It was a good project with more to come.

Carol Conwall concluded with reference to the Reconnaissance Survey that "One of the most effective ways to implement preservation is to make barns part of the town's discourse and for the town's leadership to demonstrate that it recognizes the importance of the issue. Creation of this survey is one way of doing that, but the results then need to be acted upon and dispersed in a way that they get noticed."

AND that "...the town as it seeks to better understand the economic and cultural influences behind its agricultural history and the built record of those influences."

AND it is the hope "...the results of this survey will assist the town as it continues to cultivate its agricultural heritage."

Carol concluded with an invitation from the Clarence Historic Preservation Commission to the Town of Clarence to join them at the Clarence Day in the Park for the "Unveiling Celebration of the Reconnaissance Level Survey of Barns and Agricultural Structures" on Saturday June 27th at 11:00 a.m. at the Clarence Town Park Club House, 10405 Main Street.

Councilman DiCostanzo said it would cost millions of dollars to rehab every structure, but he asked if they can apply for a grant for a bunch of properties or individually.

Jonathan Bleuer said the Commission could disburse it, but they would rather that a grant would go straight to the property owner. This type of opportunity does not exist at this time, but with the focus on agricultural structures they may in the future.

Councilman Kolber thanked the Commission for all the work they put into this to preserve the history of our Town. They do all this work with no budget at all. He would like to find some funding to reimburse Carol for out-of-pocket expenses to attend conferences she has gone to.

Supervisor Hartzell offered to reimburse her out of his publicity budget. If Councilman Kolber would like to talk to Pam about it, he will sign off on it.

A Public Hearing was held to consider the request for a Special Exception Use Permit for a secondary living unit at 6595 Meghan Rose Way. James Callahan said the location is the south side of County Road, west of Green Acres within an existing open development. The applicant has constructed an accessory structure with the potential to be a secondary living unit.

William Tyne of Forbes Homes said they were here a few weeks ago explaining the project and are here to answer any further questions the Board might have. There is a game room on the upper level of the garage. It does not have a full kitchen. They have no intention of using it as a living space.

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 Casilio to adopt the following resolution:

Resolved, that the Clarence Town Board, after a public hearing duly held on June 10, 2015, and after all interested parties having been heard, grants a Special Exception Use Permit to the applicant, Eric Lipke, for the construction of a secondary living unit as an addition to the existing home located at 6595 Meghan Rose Way, subject to the following conditions:

1. All conditions as required in the Zoning Law must be met.
2. Unit must be secondary to the principal dwelling and not converted to a rental unit.
3. Occupancy shall be limited to family members, paid employees or temporary guest(s).
4. Occupancy shall be restricted to 2 persons to occupy the unit.
5. A Deed restriction shall be placed into the deed for the property restricting its use so as not to allow for the two-family dwelling to be utilized or converted into a rental unit and such deed restriction language **is to be submitted and approved by the Town Attorney prior to the filing the deed.**
6. An Agreement shall be entered into between the applicant and or applicants (and others if applicable) and the Town of Clarence, which agreement shall require that the applicant (and others if applicable) to prepare and record a Deed Restriction incorporating the conditions as spelled out in this resolution which shall be placed into their Deed. The Agreement and deed restrictions shall continue in perpetuity. A copy of the Agreement is required to be filed as an attachment to the Deed. A copy of the Agreement is to be submitted to the Town Attorney prior to the filing of the Deed for approval.
7. Proof of filing of the approved deed and attachment is required and must be submitted to the Town Attorney's office before a Certificate of Occupancy can be issued to the applicant.

On the question, Supervisor Hartzell said the specific language for the deed restrictions and the Agreement may be obtained from the Town Attorney's office.

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

A Public Hearing was held to consider the request for a Temporary Conditional Permit for outside dining at 10255 Main Street. James Callahan said the location is the south side Main Street, east of Shisler Road within an existing commercial plaza in the Clarence Hollow Traditional Neighborhood District.

Anne Valby was present. She would like to have light background music with a few small speakers. The surrounding neighbors in the plaza are supportive. Their hours are more during the day and hers will be at night.

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

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

RESOLVED, that after a public hearing duly held on June 10, 2015, and after all interested parties having been heard, the Clarence Town Board grants a Temporary Conditional Permit to the applicant, Penny Lane Cafe, for outside dining at the existing restaurant located at 10255 Main Street subject to the following conditions:

1. The Temporary Conditional Permit is granted for one year.
2. Hours of operation: Monday through Friday 7:00 a.m. to 12:00 a.m. and Saturday and Sunday 7:00 a.m. to 12:00 a.m.
3. Outdoor seating not to exceed not to exceed 18 tables and 64 seats.
4. No amplified music permitted.
5. Light background music allowed.

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

James Callahan said the Planning Board has forwarded a recommendation to amend the Zoning Law to add small scale retail uses within mixed use projects in the Restricted Business Zone. A public hearing is required to consider a local law.

Motion by Councilman Casilio, seconded by Councilman Geiger to set a Public Hearing for July 8, 2015 at 7:45 p.m. to consider a Local Law amending Chapter 229 – Zoning of the Code of the Town of Clarence related to small scale retail uses within mixed use projects in the Restricted Business Zone. Upon roll call – Ayes: All; Noes: None. Motion carried.

James Callahan said the Planning Board has forwarded a recommendation to amend Chapter 173 to add a section for wind energy conversion systems. There have been a number of variances granted related to this issue. A public hearing is required to consider this action.

Councilman DiCostanzo said we have a month before the hearing and wondered if there will be many requests prior to that.

James Callahan said they have approved three and denied one so far. They do not have any new applications.

Motion by Councilman Casilio, seconded by Councilman Kolber to set a Public Hearing for July 8, 2015 at 7:50 p.m. to consider a Local Law amending Chapter 173 – Satellite, Antennas and Towers of the Code of the Town of Clarence to address Wind Energy Conversion Systems. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to approve the following: Clubhouse Applications - A. Clarence Women's Club – July 7, 2015; B. Board of Elections – July 27 & 28, 2015; Legion Hall Applications – A. Hena Hossain – July 26, 2015; Pavilion Special Requests – A. Clarence Chamber of Commerce – Aug. 2 & 3, 2015. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio that after proper audit and review by the Town Board, the following bills of June 4, 2015 are approved for payment: General Fund - \$64,239.06; Highway Fund - \$26,921.74; Fire Protection Districts – 3,411.75; Drainage District - \$3,250.04; Lighting Districts - \$597.63; Capital Fund - \$14,178.87; Aquatic Growth District - \$750.00; and Trust & Agency 203 – \$770.00 for a total amount of \$114,119.09. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

Councilman DiCostanzo said this Saturday is Senior Prom. He thanks all the businesses and parents for donating items and times for the post prom party.

Nancy C. Metzger
Town Clerk