Meeting Agenda:

1. James Callahan, Dir. of Community Development

**PUBLIC HEARINGS:**

1. ROB BLANDFORD, 5355 WILLOW LAKE DRIVE, Requests a Special Exception Use Permit for a Secondary Living Unit.

2. PUBLIC HEARING TO CONSIDER A 6 MONTH MORATORIUM ON MICROCELL WIRELESS TRANSMITTERS WITHIN PUBLIC RIGHTS OF WAY.

**FORMAL AGENDA ITEMS:**

1. CLARENCE CENTER VOLUNTEER FIRE COMPANY, 9415 CLARENCE CENTER ROAD, Requests a Fireworks Display Permit for September 1, 2017.

2. VISION MAIN STREET, TO SET A PUBLIC HEARING TO CONSIDER ADOPTION OF THE DEVELOPED VISION MAIN STREET PLAN AS A SUPPLEMENT TO CLARENCE 2030, THE TOWN OF CLARENCE COMPREHENSIVE PLAN.

3. WEST SHORE BREWING COMPANY, 10995 MAIN STREET, Requests a Public Hearing to Consider a Temporary Conditional Permit for Outside Dining.

**REVIEW WORK SESSION ITEMS FOR CONSIDERATION AT THE August 23, 2017 TOWN BOARD MEETING:**

1. SWORMVILLE VOLUNTEER FIRE COMPANY, 6971 TRANSIT ROAD, Requests a Building Permit and Architectural Approval for a New Accessory Structure in the Traditional Neighborhood District.

**DISCUSSION TOPICS:**

1. GROUP HOME OPTIONS

2. Town Board Reports and Review Agenda Items
TOWN OF CLARENCE
TOWN BOARD MEETING AGENDA
August 9, 2017 at 6:00 P.M.
(THIS MEETING IS BEING TAPE D)

1. Call meeting to order
2. Pledge to the flag – Councilman Robert Geiger
3. Prayer – Holy Cross Lutheran Church
4. Roll Call
5. Minutes of work session and regular meetings held July 26, 2017
6. Supervisor's Report
   1. Bid Award for Alexander Drive & Elmcroft Court Sanitary and Storm Sewer Contract
   2. Set Bid Date for Martin Road Culvert Replacement Project
   3. Create the Position of Special Patrol Officer PT
   4. Special Event – Brothers of Mercy Octoberfest and 5K Run/Walk
7. Council Reports
   A. Councilman Peter DiCostanzo
      1. Approve Transfer of Funds – 2017 Recreation Budget
   B. Councilman Robert Geiger
      1. Amend motion for Special Event – Meet in the Center Community Fall Fest
   C. Councilman Christopher Greene
   D. Councilman J. Paul Shear
8. Public Announcements
9. Department Reports
10. Public Participation (Agenda items only – limit 3 minutes)
11. Public Hearing at 6:15 p.m. - To consider a Special Exception Use Permit for a secondary living unit at 5355 Willow Lake Drive
12. Public Hearing at 6:20 p.m. - To consider a Local Law Imposing a Temporary 6-month Moratorium on the Acceptance/Processing of all applications related to the placement or installation of Wireless Telecommunication Towers or Facilities and Antennae on new or existing structures and poles within public right-of-ways (Copy of proposed local law attached.)
13. Clarence Center Vol. Fire Company - Requests a Fireworks Display Permit for September 1, 2017 at 9415 Clarence Center Road
14. **Vision Main Street** - Set a Public Hearing to consider adoption of the developed Vision Main Street Plan as a supplement to Clarence 2030, the Town of Clarence comprehensive plan

15. **West Shore Brewing Company** - Requests a Public Hearing to consider a Temporary Conditional Permit for outside dining at 10995 Main Street

16. **Legion Hall Applications**  
   A. Hena Hossain – Sept. 17, 2017  
   B. Clarence Citizens for Veterans – Sept. 27, 2017  
   C. Susan VanCleave – Nov. 19, 2017  
   D. Russell & Leslie Trigilio – Nov. 25, 2017

   **Park Pavilion Special Request**  
   A. Clarence Youth Football & Cheer Association – Aug. 26, 2017

17. **Bills of August 10, 2017**

18. **“For the Good of the Town” (limit one minute per speaker)**
LOCAL LAW NO. ______ OF THE YEAR 2017

TOWN OF CLARENCE

COUNTY OF ERIE, STATE OF NEW YORK

A LOCAL LAW IMPOSING A TEMPORARY MORATORIUM ON THE ACCEPTANCE/PROCESSING OF ALL APPLICATIONS RELATED TO THE PLACEMENT OR INSTALLATION OF WIRELESS TELECOMMUNICATION TOWERS OR FACILITIES AND ANTENNAE ON NEW OR EXISTING STRUCTURES AND POLES, WITHIN PUBLIC RIGHTS-OF-WAYS WITHIN THE TOWN

Be it enacted by the Town Board of the Town of Clarence as follows:

Section 1. Title
This chapter shall be referred to as "A Local Law Imposing A Temporary Moratorium On The Acceptance/Processing Of All Applications Related To The Placement Or Installation Of Wireless Telecommunication Towers Or Facilities And Antennae On New Or Existing Structures And Poles, Within Public Rights-Of-Ways Within The Town."

Section 2. Legislative Findings and Intent.
Pursuant to the statutory powers vested in the Town Board of the Town of Clarence and pursuant to the inherent police powers of the Town in order to protect the health, safety and welfare of its residents, the Town Board of the Town of Clarence hereby declares a temporary moratorium on the acceptance/processing of all applications related to the placement or installation of wireless telecommunication towers or facilities and antennae on new or existing structures and poles, within public rights-of-ways within the town.

The emergence of wireless communications services, the increased number of telecommunications providers and the growing demand for better coverage have led to the rapid deployment of wireless telecommunication facilities in the public-rights-of-way.

The Town of Clarence needs time to review, consider, and modify the processes for adoption and implementation of regulations pertaining to the deployment of such wireless telecommunication towers and antennae in the public-right-of-way.

The purpose of this moratorium is to provide notice that the Town seeks to undertake a thorough analysis of the Town’s regulations of telecommunication towers, facilities and antennae consistent with State and Federal Laws and develop a comprehensive strategy on the placement of these facilities addressing public health and safety issues, aesthetics and service in the public-rights-of-ways within the Town.

Section 3. Imposition of Stay.
This Local Law shall be effective for 6 months from the date on which it is heard and adopted by the Town of Clarence Town Board. Provision is made in this Local Law to allow for the extension of the 6 month moratorium if necessary. During this period, the Planning Department and Planning Board is directed to study appropriate standards and/or restrictions on the placement of new telecommunication towers and related facilities in the public-rights-of-
way. The Planning Department and Planning Board will report its findings and recommendations to the Town Board.

Section 4. Scope of Stay

Town staff shall not accept/process any applications, of any form, or issue any permits, of any form, relating to the placement or installation of telecommunication towers, facilities and antennae within the public rights-of-ways within the Town until the moratorium is rescinded and/or a Local Law addressing this matter is adopted.

During the effective period of this Local Law, the Town Board, the Planning Board, the Zoning Board of Appeals, the Building Department and the Zoning Administrator shall not permit, accept, process, interpret, deliberate upon, decide or approve any application for the placement or installation of wireless telecommunication towers or facilities and antennae on new or existing structures and poles, within public rights-of-ways within the town.

Section 5. Hardship.

Should any owner of property affected by this Local Law suffer any unnecessary hardship in the way of carrying out the strict letter of this Local Law, then the owner of said property may apply to the Town Board of the Town of Clarence in writing for a waiver from strict compliance with this Local Law upon submission of proof of such unnecessary hardship. For the purposes of this Local Law, unnecessary hardship shall not be the mere delay in being permitted to make an application or waiting for a decision on the application for a special permit, site plan, subdivision, variance or other permit during the period of the moratorium imposed by this Local Law.

Upon submission of a written application to the Town Clerk by the property owner seeking a waiver from this Local Law, the Town Board shall, within thirty (30) days of receipt of said application, schedule a Public Hearing on said application upon five (5) days written notice in the official newspaper of the Town. Notice of said public hearing by regular mail, shall be provided to abutting property owners at the address shown on the tax rolls.

At said Public Hearing, the property owner and any other parties wishing to present evidence with regard to the application shall have an opportunity to be heard, and the Town Board shall, within fifteen (15) days of the close of said Public Hearing, render its decision either granting or denying the application for variation from the strict requirements of this Local Law.

If the Town Board determines that a property owner will suffer an unnecessary hardship if this Local Law is strictly applied to a particular property, then the Town Board shall waive the application to this Local Law to the minimum extent necessary to provide the property owner relief from strict compliance with this Local Law.

Section 6. Penalties for Offenses.

Any person, firm, entity or corporation that shall place or install telecommunication towers, facilities and antennae within the public rights-of-ways within the Town in violation of the provisions of this Local Law or shall otherwise violate any of the provisions of this Local Law shall be guilty of a violation and subject to a fine of not less than $500.00 nor more than $2,000.00. Each day that the violation continues shall be a separate offense.

Section 7. Validity.

This Local Law is adopted under the authority granted to the Town Board of the Town of Clarence pursuant to Sections 20 and 27 of the Municipal Home Rule Law.
The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law which can be given effect without such invalid provision.

Section 8. Severability.

If a court of competent jurisdiction finds any provision(s) of this law invalid, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid, and all other provisions of the law shall continue to be separately and fully effective.

If a court of competent jurisdiction finds the application of any provision of this law to any building, other structure or tract of land to be invalid, in whole or in part, the effect of such decisions shall be limited to the person, property or situation involved in the controversy, and the application of any such provision to any other person, property or situation shall not be affected.

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, or unconstitutionality, or inapplicability, shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent of the Town Board of the Town of Clarence that this Local Law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part thereof is held inapplicable had been specifically exempt therefrom.

Section 9. Term.

This Local Law shall remain in force for a period of 6 months from its effective date. This local law is subject to review and renewal by the Town Board of the Town of Clarence for two (2) additional 3 month extensions by Town Board Resolution.

Section 10. Effective Date.

This Local Law shall take effect immediately when it is filed in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.