

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, September 9, 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 Peter DiCostanzo and Robert Geiger. Councilman Kolber and Councilman Casilio were absent. Other Town Officials present were Director of Community Development James Callahan, Junior Planner Jonathan Bleuer, Senior Building Inspector David Metzger, Highway Superintendent James Dussing, and Confidential Secretary to the Supervisor Karen Jurek, Town Attorney Lawrence Meckler, Town Engineer Tim Lavocat, Director of Administration and Finance Pamela Cuviallo, Planning Board Chairman Robert Sackett and Planning Board member Steve Dale.

Director of Community Development – James Callahan

Formal Agenda items:

Cobblestone Center Phase II – 8584-8590 Sheridan Drive

Applicant is proposing to amend the Special Exception Use Permit to allow for two (2) mixed use buildings instead of the previously approved office buildings. The proposed site is located on the north side of Sheridan Drive, east of Harris Hill Road at existing Doodle Bugs Day Care Center located in the Restricted Business Zone. Phase II of this development was previously approved under a Special Exception Use Permit to allow for two (2) office buildings in front of the existing day care center. The recent amendment to the Restricted Business Zone Special Exception Use Permits may allow for small scale retail as an acceptable use in the commercial portion of the mixed use buildings. Per the Zoning Law, the Town Board has final review authority for approval of Special Use Permits and amendments thereto. The Planning Board has forwarded a recommendation on the project as well as an action under SEQRA. A Public Hearing will be required to consider the amendment.

Waterford Campus/Landings – amendment to the existing Waterford Village PURD Previously approved Planned Unit Residential Development (PURD) – the Campus/Landings portion originally included 100+/- units of residential housing and 20,000 +/- square feet of commercial space. The proposed amendment would completely eliminate the commercial square footage and reduce the residential component to 77 units. The proposed site is located on the north side of Roll Road, west of Dana Marie Parkway. A PURD is a specific site plan approved zoning classification, any amendments must be approved by the Town Board. The Planning Board has forwarded a recommendation to approve the amended design along with an action under SEQRA. A public hearing will be required to consider the proposed amendment.

There are four public hearings scheduled for September 23, 2015:

- Grimm – 12 unit Open Space Development at 8196 County Road
- Janice Carson – 10589 Main Street for automotive sales
- Russell Salvatore Jr. 6449 Transit Road – Rezoning
- Russell Salvatore Jr. 6449 Transit Road – Special Exception Use Permit

Town Engineer Tim Lavocat

Town Engineer Lavocat received notice today from the DEC Bureau of Flood Protection. They will be here on September 29th for a "Community Assistance" visit (audit). Town Engineer Lavocat will report back to the Town Board after their visit.

Planning Board Chairman – Robert Sacket

Chairman Sacket announced the joint Planning Board /Town Board meeting scheduled for September 30th at 7PM on the Comprehensive Plan. John Steinmetz will give the presentation.

Supervisor David Hartzell

- Approve request from Karen Jurek to attend a Civil Service Training Seminar
- Announce that the Erie County Legislature has designated the annual 30-day time period which a landowner may request viable agricultural land to be included into a certified agricultural district.

Councilman Peter DiCostanzo

- Motion to adopt the Erie County NY Multi-Jurisdictional Hazard Mitigation Plan update
- Authorize Supervisor to sign the 2015-2016 Justice Court Assistance Program Grant application

Councilman DiCostanzo thanked Pam Cuiello for putting the budget schedule together. Not everyone has turned in their budget request yet.

The Town has received a request for a traffic study and extra police protection on Gunnville Road. Gunnville Road is a County Road, Supervisor Hartzell contacted Charles Sickler from Erie County and the Erie County Sheriff's office.

Councilman DiCostanzo asked Director of Community Development James Callahan to give a brief summary of the Planning Board Executive Committee meeting that was held on Tuesday.

- Kenyon's proposed redesign will be considered at an upcoming Planning Board meeting. In the interim, Nussbaum and Clark who did the original traffic study are preparing an updating traffic study with updated numbers to include subdivisions in the area.
- Town Engineer Lavocat met with Dominic Piestrak to clarify the sewer situation relative to the contractual agreements we have in place for the Peanut Line/Heise Brookhaven. Mr. Piestrak was updated as to where they are with the number of remaining sewer taps. Town Engineer Lavocat made it clear to Mr. Piestrak so he knows how to proceed from here. James Callahan stated that in terms of the design, Mr. Piestrak has added land so we have to ensure that the 50% open space and density is in place for proceeding. In terms of an environmental review, this is all based upon the original Environmental Impact Statement for Clarence Hollow Pollution Abatement for the 1000 taps - 500 taps east of Goodrich north of Greiner and then any other subsequent approvals are done as a supplement to that original Environmental Impact Statement. The 380 taps currently approved is a supplemental Environmental Impact Statement any action to amend that or add to it is an action under SEQRA that must be considered. It is all part of one project but it is supplemental to the original Clarence Hollow Pollution abatement Environmental Impact Statement.

The Salvation Army Adult Rehabilitation Center of Buffalo would like to place donation boxes on town properties. There was some confusion as to whether they were clothing boxes or money boxes. Other towns are being solicited as well. Councilman DiCostanzo along with Junior Planner Jonathan Bleuer will research this further.

Councilman DiCostanzo has been working with Joseph Floss regarding the NYS Disability Insurance that the town is required to have. The premium went up significantly. Mr. Floss shopped around and got the same coverage at a better premium with a different carrier. This will go into effect October 1, 2015.

Councilman Robert Geiger

Councilman Geiger will make a motion to approve the request from Dawn Kinney to attend the 45th Annual State Association Youth Development Conference.

Dawn Kinney received a quote for sealcoating the parking area at the Youth Bureau. Councilman Geiger will check with Highway Superintendent Dussing to see if he could give the Youth Bureau a price to sealcoat the parking area in conjunction with the town hall/library parking lots.

The Main Street Fun Ride will take place at 10AM this weekend at the Clarence Hollow Farmers Market.

The Clarence Chamber of Commerce will hosts its annual golf outing on Monday, September 14th at Brookfield Country Club.

Town Attorney Lawrence Meckler stated that there is a hearing scheduled for October 23, 2015 in Albany relative to windmills.

There being no further business, the Work Session adjourned at 6:15PM.

Darcy A. Snyder
Deputy Town Clerk

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, September 9, 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 Peter DiCostanzo 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, Bernard Kolber and Supervisor Hartzell. Councilman Patrick Casilio was absent. Other Town officials present were Director of Community Development James Callahan, Town Attorney Lawrence Meckler and Town Engineer Timothy Lavocat.

Supervisor Hartzell said the minutes of the work session and regular meetings held August 26, 2015 were not yet available for review.

Motion by Supervisor Hartzell, seconded by Councilman Kolber to approve the request from Karen Jurek to attend a Civil Service Training Seminar offered through the Erie County Civil Service Department at Erie 1 BOCES on October 27, 2015 from 8:00 a.m. to 12:00 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 and the only expense would be for mileage and for parking if applicable. The original date for the conference was September 22, 2015 but it was rescheduled to the October date.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Patrick Casilio. Motion carried.

Supervisor Hartzell made the following announcement: As a reminder, the month of September 2015 has been designated by the Erie County Legislature as the Annual 30-day Period during which landowners may submit requests to include predominantly viable agricultural land into any existing certified agricultural district in accordance with Section 303-b of the New York State Agricultural and Markets Law. A public hearing on the submitted applications will be scheduled to consider all requests and the date will be announced. The Erie County Department of Environment and Planning will accept applications from September 1 through September 30, 2015 and the contact person is Elias Reden, Planner, with the Erie County Dept. of Environment and Planning at (716) 858-1911. Information and applications are also available from the Office of the Clarence Town Clerk and the Assessor's Office and on the Erie County Dept. of Environment and Planning website www.erie.gov/environment.

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

WHEREAS, the Town of Clarence, with the assistance of URS Corporation, has gathered information and prepared the Erie County, New York, Multi-Jurisdictional Hazard Mitigation Plan Update (“the Plan”); and

WHEREAS, the Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Town of Clarence is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the Town of Clarence has reviewed the Plan and affirms that the Plan will be updated not less than every five years;

NOW, THEREFORE, BE IT

RESOLVED, by the Clarence Town Board, that the Town of Clarence adopts the Erie County, New York, Multi-Jurisdictional Hazard Mitigation Plan Update as this jurisdiction's Natural Hazard Mitigation Plan and resolves to execute the actions in the Plan.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Patrick Casilio. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Geiger to authorize Supervisor David Hartzell to sign the 2015-2016 Justice Court Assistance Program Grant application for the Clarence Town Justice Court in an amount not to exceed \$30,000. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Patrick Casilio. Motion carried.

Councilman Kolber said he found a stray dog on Wehrle Drive a couple weeks ago. Donna from the Animal Control Department provided tremendous assistance with the dog that also had a terrible neck wound.

Supervisor Hartzell welcomed President Judy Sirianni from the Chamber of Commerce and also Jan Reicis who will be taking over as the new president. He is sure he will do a fantastic job.

Councilman DiCostanzo said the budget process for 2016 has begun with department heads turning in their requests. The Supervisor submits his budget September 30th. The Board has had preliminary meetings with the fire companies.

Councilman DiCostanzo said we got a quote for our New York State DBL insurance that was too high. Our insurance provider Joe Floss shopped around for us and got a better deal. We will be changing that October 1st.

Motion by Councilman Geiger, seconded by Councilman DiCostanzo to approve the request from Dawn Kinney to attend the 45th Annual State Association Youth Development Conference in Niagara Falls, NY from October 19th to 21st, 2015.

On the question, Councilman Geiger said the cost for the trip will be approximately \$356 for hotel accommodations for 2 nights, plus one meal and the costs will be funded from the Youth Bureau 2015 budget.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Patrick Casilio. Motion carried.

Councilman Geiger announced the Chamber of Commerce Golf Outing on Monday at Brookfield Country Club. The Main Street Bike Ride in the Hollow is Saturday.

Town Clerk Nancy Metzger thanked Judy Sirianni for her many years of service for the Chamber of Commerce. She did a great job for the Town of Clarence.

Cobblestone Center Phase 2 is requesting a public hearing to consider a Special Exception Use Permit for a proposed amendment to an existing Special Exception Use Permit at 8584-8590 Sheridan Drive. James Callahan said the location is the north side of Sheridan Drive west of Meadowbrook Road consisting of an existing daycare center within a previously approved office complex. They are proposing two mixed use buildings. The Planning Board forwarded a recommendation on this amendment. A public hearing is required to consider the revisions.

Robert Blood, architect said the buildings are 33 feet in height.

Councilman DiCostanzo said there were concerns about how it would look from Sheridan.

Mr. Blood said they are putting in trees along with the maturing maples they planted years ago.

Motion by Supervisor Hartzell, seconded by Councilman Geiger to set a Public Hearing for October 14, 2015 at 7:45 p.m. to consider the request for an amendment to an existing Special Exception Use Permit at 8584-8590 Sheridan Drive for two mixed use buildings. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Patrick Casilio. Motion carried.

Waterford Campus/Landings requests a Public Hearing to consider an amendment to the existing Planned Unit Residential Development (PURD) to allow for a 77-Unit Multiple Family Housing Project. James Callahan said the location is the northwest corner of Roll Road and Dana Marie Parkway. This portion was originally proposed with 100 +/- residential housing units and 20,000 +/- square feet of commercial space. The applicant is proposing an amendment to eliminate the commercial space and reduce the residential to 77 units. The Planning Board has forwarded a recommendation for the amendment.

Sean Hopkins was present with the applicant Paul Bliss. They are proposing 77 townhouse style rental units. All outside agency approvals have been received. The anticipated rents will be \$1,500 to \$1,900 per unit. The Planning Board asked them to move the accessory building. They filed an application with Erie County Water Authority to switch the buildings and are waiting to hear from them. They were also asked to add lighting at the intersection with Roll Road and along the west side of Dana Marie Parkway.

Councilman Kolber asked about the traffic mitigation.

Mr. Hopkins said the requirement is an all-way stop at Harris Hill Road and Roll Road. They do have the sewer taps and will provide an updated letter.

Councilman Kolber said this is the final phase of this project and wondered what loose ends are still out there.

Mr. Hopkins said they have been working on this for over a year. They modified from the 3-story buildings and reduced the density.

Councilman Kolber said it is a better project, but there were promises made that are still hanging.

Mr. Hopkins said Paul has made good on some issues even though he was not the original developer. He took over this portion. He contributed money for continuation of the bike path and is adding lighting on Dana Marie. He is not obligated to do that. He is willing to cooperate.

Town Attorney Meckler said there is an agreement, but not the funding.

Councilman Geiger asked if that will be done before this is started and Mr. Hopkins said it would.

Mr. Hopkins said they have made significant progress with the neighborhood concerns.

Motion by Supervisor Hartzell, seconded by Councilman Kolber to set a Public Hearing for October 14, 2015 at 7:55 p.m. to consider an amendment to the existing Planned Unit Residential Development (PURD) to allow for a 77-Unit Multiple Family Housing Project in the Waterford Campus/Landings. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Patrick Casilio. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to approve the following: Clubhouse Applications – A. Youth Bureau – Dec. 11, 2015; B. Clarence Citizens for Veterans – April 9, 2016; Legion Hall Applications – A. Hena Hossain – Sept. 27, 2015; B. Shaun Dougherty – Dec. 11, 2015. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Patrick Casilio. Motion carried.

Motion by Councilman Kolber, seconded by Supervisor Hartzell that after proper audit and review by the Town Board, the following bills of September 10, 2015 are approved for payment: General Fund - \$136,738.53; Highway Fund - \$45,431.67; Water District - \$491.70; Drainage District - \$50.00; Capital Fund - \$317,104.60; and Trust & Agency 203 - \$6,297.50 for a total amount of \$506,114.00. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Patrick Casilio. Motion carried.

“For the Good of the Town”

Judy Sirianni, President of the Chamber of Commerce thanked everyone for the help and support given to her over the last 6 ½ years. She would not have accomplished as much as she did without the support. She has had a lovely time. Judy said she will still be around. Jan Reicis will be President effective October 1st.

Jan Reicis said he looks forward to working with everyone. He has served on the executive board for about five years. It is a super relationship between the Chamber and the Town Board and he will keep that going.

Supervisor Hartzell thanked Judy for everything she has done with the Chamber.

Councilman DiCostanzo reminded everyone that Friday is the 14th anniversary of 9/11.

There being no further business, Supervisor Hartzell adjourned the meeting at 7:54 p.m.

Nancy C. Metzger
Town Clerk