

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, July 27, 2016 at Clarence Town Hall, One Town Place, Clarence, New York.

Deputy Supervisor Peter DiCostanzo called the meeting to order at 6:00 PM. Members of the Town Board present were Councilmember's Robert Geiger, J. Paul Shear and Christopher Greene. Supervisor Casilio was involved in a minor automobile accident prior to this meeting. Other Town Officials present were Director of Community Development James Callahan, Junior Planner Jonathan Bleuer, Assistant to the Supervisor Karen Jurek, Town Attorney Lawrence Meckler, Town Engineer Tim Lavocat, Senior Building Inspector David Metzger, Director of Administration and Finance Pamela CuvIELLO and Planning Board Chairman Robert Sackett.

### **Director of Community Development – James Callahan**

#### ***Formal Agenda items:***

William Stewart 8953 Gaskin Road

Applicant is proposing to fill and grade an existing vacant area in the residential zone to address existing drainage issues. The proposed site is located on the south side of Gaskin Road, west of The Fairways/Fairways Circle at existing residential property located in the Residential Single Family Zone. Per the Clearing, Filling and Grading Law, the Town Board has final approval authority. Approval is subject to Engineering Department review and reclamation of lot to address existing drainage issues.

Wolf's Nursery 8400 County Road

Applicant is seeking a Clearing, Filling and Grading Permit to create a wetland area for offsite wetland impacts (wetland bank). The proposed site is located on the south side of Lapp Road, east of Transit Road in the Agriculture Rural Residential Zone. Per the Clearing, Filling and Grading Law the Town Board has final approval authority. Approval is subject to Engineering Department review.

Domenic Piestrak – north side of Roll Road, east of Harris Hill Road

Applicant is proposing to extend Harris Hill Road and create a public storage facility. The proposed site is located on the north side of Roll Road east of Harris Hill Road (proposed as an extension of Harris Hill Road) on existing vacant land located in the Industrial Business Park Zone. Per the Zoning Law, the Town Board has final approval authority for uses in the Industrial Business Park Zone. The proposed use is an allowed use in this zone. Referral to the Planning Board would initiate a formal review of this project.

George Similanich – Automotive Sales 8575 Roll Road

Applicant is requesting a renewal to continue the automotive sales operation at the existing commercial building located in the Industrial Business Park Zone located on the south side of Roll Road, east of Harris Hill Road. The applicant received a Temporary Conditional Permit for automotive sales in May of 2015. Conditions identified that no more than three vehicles were to be displayed for sale. The Town Board may consider renewals for TCP for up to five years. Numerous complaints have been registered, the applicant is displaying many more than 3 vehicles at any given time.

#### ***Work Session items for consideration August 10, 2016:***

Clarence Hollow Bistro 10641 Main Street

Applicant is proposing to amend the conditions of the previous approval by providing a different detail for the retaining wall along the east property line of the project. The proposal will modify the original wall from wood to steel – retaining and cutting the steel pilings and introducing intermittent stone sections and a wood "railing" along the east side as a cap. The proposed site is located on the south side of Main Street, east of Ransom Road in the Traditional Neighborhood District. As the Town Board established and approved the conditions associated with the original project, any amendment will require

Town Board authorization. The Planning Board has forwarded a recommendation on a proposed new design.

**Town Engineer Tim Lavocat**

A pending Change Order will be forthcoming for the Police and Court Facilities Project regarding the water system. The water main that goes under the building is owned by Erie County Water Authority, they want in excess of \$63,000 to relocate the water main. Mr. Lavocat changed the design to privatize a portion of the water line. With newer standards, they had to give the Town Hall a dedicated service. Town Engineer Lavocat is evaluating the details of this Change Order and will bring this back to the Town Board in two weeks with a final number in the \$42,000 range.

Supervisor Casilio and Town Engineer Lavocat are working on a sign for the Police and Court Facilities Building. Mr. Lavocat presented two options to the Town Board for comment. He will order a 5' x 10' sign to inform the public of the upcoming facility and date of completion. Town Attorney Meckler suggested spelling out New York State Police.

Town Engineer Lavocat has a resolution awarding the Engineering Services Contract for USEPA Compliance Project to Wm. Schutt Associates in the amount of \$72,570. Request for Proposals were sent out and three quotes were received from three reputable firms. This is work primarily for the Building/Engineering, Highway and Parks Department to get closer to compliance with the EPA mandate that the town received.

**Deputy Supervisor/Councilman Peter DiCostanzo**

- Approve Special Event Request – Flight 3407 Memorial 5K Run
- Award Engineering Services Contract for USEPA Compliance Project
- Declare 2008 Ford Escape T24 as surplus
- Authorize Supervisor to sign Annual Maintenance Renewal Agreement for Town Hall and Senior Center generators

If there are no agenda items to discuss, the August 3<sup>rd</sup> morning Work Session will be cancelled.

Councilman DiCostanzo spoke with Supervisor Casilio and Karen Jurek relative to the start times of the Work Sessions. They reserve the right to change the start time from 6PM to 5:30PM depending on agenda items or Councilman reports.

Councilman DiCostanzo went to Emerling Insurance Agency open house, the building is beautiful and well thought out.

**Councilman Robert Geiger**

- Consider the request of the Clarence Chamber of Commerce to allow a drone to fly over the Clarence Town Park during Taste of Clarence event

**Councilman Christopher Greene**

- Authorize Supervisor to apply for a Grant for funding for the maintenance of the Clarence Historical Museum

The Conservation Advisory Committee has discussed moving the butterfly garden from Beeman Creek Park to the Town Hall Campus. The garden requires water and the Parks Department has to send employees to the north end of town with a water tanker. Many times they are working with people doing court issued community service.

**Councilman Paul Shear**

Councilman Shear suggested watching for people playing Pokémon. He has encountered people on roller blades, skate boards, bikes etc. Many do not watch where they are going or are aware of their surroundings.

On August 13, 2016 there is a seminar in Batavia for Planning Board members. There is an opening on the Planning Board for the alternate position. The Planning Board has made a recommendation for this position, Councilman Shear was part of the interview process and he concurs with the Planning Boards recommendation. He would like to move forward with this so the alternate can attend the seminar on August 13<sup>th</sup>. There is an opening on the Zoning Board of Appeals for an alternate position as well. A previous member of the ZBA has applied for the position.

Councilman Greene suggested interviewing the alternate for the Planning Board at the August 10<sup>th</sup> Work Session so that he could attend the seminar on August 13<sup>th</sup>.

Councilman Shear has fielded many questions regarding Erie County Water Authority and the lack of communication between customers and the water authority during the water outage/low water pressure last week. Councilman Shear will meet with our Disaster Coordinators to see if there is a way to reach our residents either through telephone or e-mails at a reasonable cost. He suggested working with the school system and the Senior Center.

The Town Board went into Executive Session to discuss an Attorney-Client item.

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

Darcy A. Snyder

Deputy Town Clerk

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, July 27, 2016 at the Clarence Town Hall, One Town Place, Clarence, New York.

Deputy Supervisor/Councilman Peter DiCostanzo called the meeting to order at 7:00 p.m. He announced that the Supervisor was in a minor car accident on his way to the earlier work session and will not be here tonight. Pledge to the flag was led by members of the Farmer's Market, followed by a prayer given by Councilman Geiger.

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

Councilman Geiger presented a proclamation to the members of the Farmer's Market proclaiming August 7 – 13, 2016 as "Farmer's Market Week in the Town of Clarence."

Deputy Supervisor/Councilman Peter DiCostanzo said if you have not been to the market, you should go. There is always something interesting going on.

Motion by Councilman Shear, seconded by Councilman Geiger to accept the minutes of the work session and regular meetings held July 13, 2016. On the question, Councilman Greene said he will recuse as he was not present at that meeting. Upon roll call – Ayes: Councilmembers Shear, Greene and DiCostanzo; Noes: None. Recuse: Councilman Greene. Absent: Supervisor Patrick Casilio. Motion carried.

Motion by Deputy Supervisor/Councilman Peter DiCostanzo, seconded by Councilman Greene to approve the following special event:

**Flight 3407 Memorial 5-K Race**

Date: Saturday, October 1, 2016 – 7:00 a.m. until 12:00 noon.

Number of persons expected to attend: 400+/-

*Route: – as per the submitted map on file in the Town Clerk's Office.*

On the question, Councilman DiCostanzo said all appropriate authorities will be notified and Certificate of Insurance is on file in the Town Clerk's Office.

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

Motion by Deputy Supervisor/Councilman Peter DiCostanzo, seconded by Councilman Geiger that upon the recommendation of the Town Engineer, the Town Board awards the Engineering Services Contract for the USEPA Compliance Project to Wm. Schutt Associates of Lancaster, New York in the amount of \$72,570 in accordance with the scope of work proposal dated July 18, 2016. The Town Board authorizes the Supervisor to sign and enter into an agreement with Wm. Schutt Associates upon review and approval of the Town Attorney.

On the question, Councilman DiCostanzo said this is to be paid from Capital Project 1604. He added that the Town was audited by the EPA and we have a significant amount of work to be done to be in compliance.

Councilman Shear said a request for bidders was sent out and this was the most responsible low bid received.

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

Motion by Deputy Supervisor/Councilman Peter DiCostanzo, seconded by Councilman Greene to declare T-24 – 2008 Ford Escape, VIN: 1FMCU92Z98KE58732 as surplus and no longer needed for Town purposes and to be removed from the Town's inventory.

On the question, Councilman DiCostanzo said this vehicle was used by Clarence Public Safety and has been replaced by a newer similar vehicle from the Building Department. T-24 will be sold at auction.

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

Motion by Deputy Supervisor/Councilman Peter DiCostanzo, seconded by Councilman Shear to authorize the Supervisor to sign the Annual – Planned Maintenance Renewal Agreements with Cummins Northeast Inc. as follows: for the Town Hall generator with a term beginning October 1, 2016 and ending on September 30, 2017 and for the Senior Center generator with a term to run October 1, 2016 to September 30, 2017, subject to review and approval by the Town Attorney. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Patrick Casilio. Motion carried.

Deputy Supervisor/Councilman Peter DiCostanzo said a while back there was contentious discussions about the Wal-Mart exit onto Greiner Road. It seems to work great, but if you live around there it might not seem so great. He urges people not to turn left or drive around the neighborhood or over people's lawns to go back to the west. The police have been notified and will be checking.

Motion by Councilman Geiger, seconded by Councilman Shear to approve the request made by the Clarence Chamber of Commerce to allow a Drone to be operated in the Main Clarence Town Park to take photographs of the Taste of Clarence Event on August 1, 2016.

On the question, Councilman Geiger said this request is being granted for this event only and does not supersede Town Code or Parks Rules and Regulations that prohibit the operation of motorized models in the Town Parks. The appropriate insurance certificate and license is on file in the office of the Town Clerk.

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

Councilman Geiger announced that the Historical Society is having a Grand Re-opening Celebration at the museum on Sunday August 7<sup>th</sup> at 1:00 p.m. They will have music by Craig Wilkins and refreshments. All are welcome.

The Taste of Clarence is August 1<sup>st</sup> from 3:00 p.m. to 9:00 p.m. at the Main Town Park.

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

Be It Resolved, that Patrick Casilio, as Supervisor of the Town of Clarence, is hereby authorized and directed to submit an application to accept funds from the East Hill Foundation, in an amount not to exceed \$15,000.00 and to enter into and execute an agreement with the East Hill Foundation for such financial assistance to the Town of Clarence for the maintenance of the Clarence Historical Museum in accordance with requirements of the application for said funding.

On the question, Councilman Greene said the Grant is for a term of 5 years and if granted would be paid to the Town of Clarence in 5 equal installments of \$3,000 per year for a total amount of \$15,000.00.

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

Councilman Greene said last week was a great week for the Town of Clarence Baseball Association winning the Lou Gehrig tournament and a Clarence tournament. His son Gordon and Town Engineer Tim Lavocat's son were both playing.

Councilman Shear said our Planning Department, along with the people helping us to put together the Comprehensive Plan, had a presentation at the Day in the Park event to receive public comment. There were about 80 people who stopped by to look it over and give their input. It is on display in the Town Hall and we encourage people to submit comments. We are trying to have a document ready in the fall.

William Stewart requests a Clearing, Filling and Grading Permit for 8953 Gaskin Road. James Callahan said this is a residential property on the south side of Gaskin, west of The Fairways. The applicant is proposing to regrade the property.

William Stewart said an area of the property is one to two feet lower than the rest of it. There were a lot of dead ash trees, old tires and other debris. They purchased the property and have been cleaning it up. His daughter and her family will be living there. They want to reclaim that portion as part of the yard. It will require 500 yards of fill. The Highway Department has been great. There is proper drainage, so it will not affect the neighbors.

Councilman Shear said the Town Engineer reported to the Board that the drainage issue has been resolved at the front and rear of the property.

Motion by Councilman Geiger, seconded by Councilman Shear to approve the request of the applicant, William Stewart, for a Clearing, Filling and Grading Permit to fill and grade the existing vacant area at 8953 Gaskin Road to address existing drainage issues subject to the following:

1. Review and approval by the Town Engineer. 2. Reclaim of lot to address existing drainage issues.

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

Wolf's Nursery requests a Clearing, Filling and Grading Permit at 8400 County Road. James Callahan said the location is the south side of Lapp Road, east of Transit Road consisting of vacant agricultural land in the Agricultural Rural Residential Zone. The applicant is proposing to create a new wetland area.

Elizabeth Holmes, Attorney for Dockside Village was present stating that they have approval from the Army Corp of Engineers and the NYS DEC to disturb 14.9 acres in their subdivision on Transit Road in the Town of Amherst. They must then create 15 acres of wetland at this site off of County Road as a mitigation measure. An application explains the layout of the wetland to be created. Ideal construction is in the dry season. They would like to start as soon as possible to be ready for seed in September.

The applicant said the plan is for a two to three week construction period. They would like to remove fill from the site leaving all topsoil. The fill would be hauled to the Dockside Village site on Transit Road.

Councilman Shear asked what the current use of the property is.

The applicant said it is vacant farmland. It is not being farmed at this time. He is a contractor for Dockside.

Deputy Supervisor/Councilman DiCostanzo said the plan is to refer this request to the Planning Board. He asked what the availability is to be placed on an agenda.

James Callahan said the next available date is August 17<sup>th</sup>.

Town Attorney Lawrence Meckler asked if the Planning Board could make the determination without coming back to the Town Board for final approval to expedite the process. It could be part of the motion.

Town Engineer Tim Lavocat said he will review it along with the Planning Board process. He would be concerned about where the fill is going.

Motion by Councilman Shear, seconded by Councilman Geiger to refer the request by Wolf's Nursery for a Clearing, Filling and Grading Permit at 8400 County Road to the Planning Board for formal review. Final approval will be given by the Planning Board for this project. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Patrick Casilio. Motion carried.

Dominic Piestrak requests Preliminary Concept Review of a proposed public storage facility on the north side of Roll Road extending Harris Hill Road. James Callahan said the location is the north side of Roll Road, east of Harris Hill Road including an extension of Harris Hill Road. The applicant is also proposing a public storage facility in the Industrial Business Park Zone.

Dominic Piestrak said he has owned this land for ten years. There are no sewers, so it is limited. He is willing to talk about other uses for the property.

Councilman Shear asked if the road was going to be public or private.

Mr. Piestrak said there is a wetland going north and that would be up to the Planning Board and Erie County. Harris Hill is a County road. It is a Town decision if you wanted to take it to Clarence Center Road. It may not ever be approved because of the wetland.

Motion by Councilman Shear, seconded by Councilman Geiger to refer the request of the applicant, Dominic Piestrak, for Preliminary Concept Review of a proposed public storage facility on the north side of Roll Road east of Harris Hill Road to the Planning Board for formal review. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Patrick Casilio. Motion carried.

Smilanich Automotive requests a Public Hearing to consider renewal of a Temporary Conditional Permit at 8575 Roll Road. James Callahan said this is a request to renew a Temporary Conditional Permit in the Industrial Business Park Zone for the display of three vehicles for sale.

George Smilanich was present.

Deputy Supervisor/Councilman DiCostanzo said in his opinion things seemed to get a little out of control on this site. Conditions are agreed to here and then people do not adhere to them. Mr. Callahan said that he has done a good job to clean things up.

Mr. Smilanich said he runs a real estate company there also and sometimes his employees take the trucks and leave their vehicles overnight.

James Callahan said there are three vehicles for sale. There may be other vehicles that are not for sale but being moved around to be worked on. The backhoe is not the part of the property that he is leasing. It is on the owners.

Motion by Deputy Supervisor/Councilman DiCostanzo, seconded by Councilman Geiger to grant the request of George Smilanich of Smilanich Automotive to set a public hearing to be held on August 24, 2016 at 7:15 p.m. to consider the renewal of a Temporary Conditional Permit for Automotive Sales at 8575 Roll Road. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Patrick Casilio. Motion carried.

Motion by Deputy Supervisor/Councilman DiCostanzo, seconded by Councilman Greene to approve the following: Clubhouse Applications - A. Clarence Concert Association – July 31, 2016; B. Clarence Schools Enrichment Foundation – March 3, 2017; C. Clarence Lions Club – 2017 Monthly Meetings; D. Clarence Women’s Club – 2017 Monthly Meetings; Board of Directors 2017 Monthly Meetings; E. Historical Society – 2017 Monthly Meetings; F. Clarence Lob Cabin Quilters – Dec. 5, 2017; G. Rock Oak Homeowners Association – Dec. 9, 2017; Legion Hall Applications - A. Robert Dickinson – Nov. 20, 2016; B. Adventure Guides – 2017 Monthly Meetings; Park Pavilion Special Request - A. Eastern Hills Sunrise Rotary – Oct. 1, 2016. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Patrick Casilio. Motion carried.

Motion by Deputy Supervisor/Councilman DiCostanzo, seconded by Councilman Shear that after proper audit and review by the Town Board, the following bills of July 28, 2016 are approved for payment: General Fund - \$194,264.46; Highway Fund - \$299,466.93; Water District - \$1,333.29; Fire Protection Districts - \$53,689.25; Drainage District - \$63,045.90; Sewer Districts - \$68.80; Capital Fund - \$22,769.85; and Trust & Agency 203 - \$22,634.00 for a total amount of \$657,272.48. Upon roll call – Ayes: All; Noes: None. Absent: Supervisor Patrick Casilio. Motion carried.

There being no further business, Deputy Supervisor/Councilman DiCostanzo adjourned the meeting at 7:40 p.m.

Nancy C. Metzger  
Town Clerk