

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, April 29, 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, Director of Administration and Finance Pam CuvIELLO, Planning Board member Steven Dale.

**Director of Community Development – James Callahan**

The Cimato Family donated five acres of property located on Clarence Center and Kraus Road for a football park. Mark Mistretta from Wendel Companies provided architectural and landscape plans for the proposed Memorial Park Expansion. Several meetings have been held with all interested parties to figure out the best use of the property.

Several items were looked at after the site analysis. With this type facility, more than one ingress/egress is important. Entrances are proposed for both Kraus and Clarence Center Roads. Within the center of the site is an activity center which includes parking, concessions buildings, rest rooms and playground areas. Radiating out from there are the football fields and practice fields. North-South orientation is very important. The back corner of the site is far enough away from the neighbors that you don't have to worry about light pollution into the adjacent areas from the practice fields. The regulation field will be situated on the west of the property and have all the amenities - full lighting, bleachers, press box and parking.

The drop off area will be paved however the parking area will be stone, similar to the parking area at the Soccer Center. The area to the north, closest to Kraus Road has been reserved for a future indoor facility. Parking could be expanded to accommodate access to the indoor facility.

Natural drainage and storm water retention has been accounted for at the lower end of the site. The park as designed will cost approximately \$3.5 million dollars (this does not include the indoor facility).

Councilman Kolber has issues with the size of the proposed future indoor facilities building, location and cost to maintain. Director of Community Development stated that first and foremost this is a football park. The proposed future indoor facilities building was an afterthought and not part of the park but shows potential of where an indoor facility could be located in the future. Councilman Kolber felt the building would be a huge visual impediment for the residents to the north and south of the building not to mention the impact it would have on the road. He suggested reconfiguring the site plan to relocate the indoor facilities building to the back corner of the property where it drops off. He would like to see the drawings redesigned to get the most impact with the least expenditure, working within the frame of a long term goal.

Councilman Casilio suggested getting the primary field and parking in. Councilman Kolber suggested putting the primary field along Kraus Road with practice fields next to it. People could park in the Soccer Field parking lots which are not used that heavily in the fall.

Mark Mistretta stated that although it is an interesting concept, you may be spending more for your infrastructure. Councilman Kolber stated that you really didn't need that much infrastructure. Clarence Football has funding in place some of which they may lose because the money has already been pledged toward a specific football lighted project. Putting the fields closer to Kraus Road would mean less roadways. There would be a shorter run for water and electrical lines. His number one focus is to get Clarence Football relocated into something that works for them.

Supervisor Hartzell stated that everyone is in agreement that we need football fields but how do we build them at a reasonable price as soon as possible. The public would be more receptive to a million dollar project more so than a \$3.5 million dollar project. Mark Mistretta said that there are other options.

Councilman Casilio stated that he liked the design as presented with the exception of the future indoor facilities building, he felt it should be relocated to the back corner of the property. He suggested bidding the fields out, Clarence Football and the Rotary Club could build the concession stand and Clarence Highway Department could construct the road way.

Mark Mistretta will explore rearranging the site plan which may require moving closer to the residential area. Councilman DiCostanzo suggested meeting with Clarence Football before any more design changes.

Councilman Geiger suggested breaking the project down into phases.

#### Renewal of Temporary Conditional Permits

A Public Hearing was held on April 15, 2015 however Councilman Kolber made the motion to table the request for renewal of all listed Temporary Conditional Permits until the renewal periods can be determined. The spread sheet has been updated showing number of years each permit has been issued for. Councilman Kolber is not in favor of issuing a Temporary Conditional Permit for five years, he felt three years was sufficient. Director of Community Development James Callahan stated that other than the three businesses highlighted, his office has never received a complaint on any of the other businesses listed. To renew less than every three to five years is not only an administrative nightmare but an added expense to each business owner.

It was suggested that all automotive Temporary Conditional Permits be issued for 3 years. Outside Dining for 5 years, Landscaping 3 years, Display/Storage 3 years and Miscellaneous 3 years. Again James Callahan stated that if there are any complaints on any Temporary Conditional Permit the permit can be recalled until the complaint is addressed.

#### Cobblestone Center Phase II 8580 – 8590 Sheridan Drive

Applicant is proposing to modify the previously approved Concept Plan to amend the office building portion of the project. The applicant is proposing two mixed use structures in place of the previously approved office space. The mixed use spaces will include multiple family housing as well as potential medical office suites and small retail uses. The proposed site is located on the north side of Sheridan Drive east of Harris Hill Road in the Restricted Business Zone. Modification to the previously approved project will now require a Special Exception Use Permit for multiple family housing portion of the project. Referral to the Planning Board will initiate formal review of the project. Restricted Business allows office type uses but not retail. Director of Community Development James Callahan suggested approving the size of the building with apartments above and every commercial use not permitted in Restrictive Business come back for approval.

#### McGuire Development 5989 Transit Road

Applicant is proposing to demolish the existing residential structure and construct a new commercial plaza with Tim Horton's Drive-thru. The proposed site is located on the southeast corner of Transit Road and Clarence Center Road at existing vacant and residential property located in the Commercial Zone. The Town Board is Lead Agency under SEQRA and will have final approval authority for the land use via a Special Exception User Permit for the Drive-thru facility. A variance is required for the east side setback. A public hearing will be required to consider the Special Exception Use Permit.

#### **Work Session items for consideration May 13, 2015:**

Memorial Park Expansion west of Kraus Rd., north of Clarence Center Road  
Preliminary Concept Plan discussion with Wendel Companies.

#### Eric Lipke 6595 Meghan Rose Way

Requests a Public Hearing to consider a Special Exception Use Permit for a secondary living unit.

Hollow Bistro 10641-10647 Main Street

Requests Site Plan and Architectural approval for the addition to an existing restaurant.

Penny Lane Café – 10255 Main Street

Applicant is requesting outside dining at Clarence Courtyard for fourteen tables and 48 chairs.

#### **Town Engineer Tim Lavocat**

Town Engineer Lavocat met with police agencies last week for a follow up meeting on the proposed Court Facilities Building. They will meet again in May to discuss floor plans.

Clarence Highway Department has started clearing trees along the Waterford Bike Path extension some of the trees were not very healthy.

Bids will be opened on Tuesday, May 5<sup>th</sup> for the Parks Facilities Project and the Pole Barn addition. Mr. Lavocat will report to the Board with his recommendations.

#### **Director of Administration and Finance – Pamela CuvIELLO**

Town Engineer Lavocat was approached by Erie County regarding the NYS Property Tax Credit Freeze Program. Mr. Lavocat put together a shared services agreement which would result in a savings over the aggregate tax levies for fiscal years beginning in 2014 and at least one percent in each of the fiscal years beginning in 2017, 2018 and 2019.

Currently the Town of Clarence does not staff or operate a sanitary sewer department. Through a cooperative agreement, Erie County Sewer District No. 5 (County) provides operation and maintenance services for the Town of Clarence Sewer District No. 4, 9 and 10 sewage facilities. Mr. Lavocat compiled a list of what it would cost the town to maintain our own sewers vs. what it costs Erie County SD#5. Savings to be generated in 2017: \$326,289, 2018: \$326,289 and 2019: \$326,289. This would be well above the 1% requirement. This is the plan that will be submitted to Erie County to be included in their plan to submit to the State.

Town Attorney Meckler stated that in addition to submitting this plan to Erie County by June 1<sup>st</sup>, 2015, the Town can submit our plan on our own to the State so we satisfy our requirement on our own. Erie County has the burden of satisfying an overall requirement for the entire County. We can submit our information to the County but at the same time we are also going to submit our information to the State by June 1<sup>st</sup>.

Sewer District #10 includes Harris Hill Commons and Woodland Hills, Sewer District #9 includes Clarence Hollow and Sewer District #4 includes Spaulding Green.

Councilman Kolber clarified that these charges are billed to only those people living in these sewer districts. Pam CuvIELLO stated that it is a town wide savings. If we had our own Sewer Department, it would be a cost to the entire town. Councilman Kolber stated that basically we are just identifying this as a savings to the town.

Town Attorney Meckler stated that by sharing our Assessor with the Town of Lancaster and the Town rebid NYMIR last year so we basically have three items to submit showing a savings. Director of Administration and Finance Pam CuvIELLO stated that she did not feel all three items should be submitted to the State. The cooperative sewer agreement with Erie County would be enough. She suggested keeping the other two items for future use rather than “throwing everything in the pot now.”

Town Attorney Meckler stated that if we submit to the State on our own behalf we are probably better off submitting the Assessor’s agreement, the rebidding of NYMIR and the cooperative agreement with Erie County SD #5. Since this is the first time around with the State on this issue you don’t know for sure what the State may look at and may say this does not work. Submitting all three projects could not hurt but Town Attorney Meckler is willing to discuss this further with Pam.

Councilman Geiger asked Pam CuvIELLO if there was a certain time during the year when the Historical Society receives their stipend. Pam stated that they have not requested it yet. She does not just send the check out any more because the Historical Society keeps changing the person the money should go to. Councilman Kolber questioned using the Reserve Fund the Historical Society has. Councilman Geiger stated that they have tapped into their reserves.

**Supervisor David Hartzell**

- Supervisor Hartzell will read two letters he received complimenting the Highway Department.

**Councilman Bernard Kolber**

- Proclamation designating the month of May as National Preservation Month
- The Library Board has one opening on the Library Board of Trustees
- The Library Board is working on a long term plan and will meet with our Disaster Coordinators regarding a disaster preparedness plan. The Library Board is also working on designs for a children's garden

**Councilman Patrick Casilio**

- The Stormwater Annual Report for 2014 is complete
- Appoint Judith J. Dawson to the Arboretum Advisory Committee
- Appoint Jeffrey O'Donnell to the position of Security Officer PT
- Proclamation proclaiming May 2015 as Building Safety Month in the Town of Clarence
- Task the Planning Board/Planning Department to analyze Chapter 173 Satellite Antennas and Towers
- Resolution regarding Volunteer Firefighter Benefit Law
- Appoint Engineering Aide PT-seasonal
- Approve Special Event – Ride of Missing/Exploited Children

**Councilman Peter DiCostanzo**

- Appoint Donald Lavocat to the Landscape Committee
- Appoint Elizabeth Meunier to the Erie County Environmental Management Council
- Appoint Recreation Attendants PT-Seasonal for Summer 2015 Recreation Department
- Appoint Lifeguards PT Seasonal for Summer 2015
- Appoint Recreation Specialists PT-Seasonal for Summer 2015 Recreation Department

**Councilman Robert Geiger**

- Approve the request by Youth Bureau Director Dawn Kinney to attend the Association of NYS Youth Bureau's Director's Training on May 27<sup>th</sup>- May 28, 2015 at Saratoga Springs, NY

Councilman Kolber spoke to a representative from Erie County Water Authority about the town being billed for hydrants before a project is built. The Board has already approved hydrants in Harris Hill Commons even though that project has not been built out yet. If the hydrants have been installed and activated, we have to inform ECWA. We should be charged upon activation not the resolution. Councilman Kolber wants to make sure we are not being billed for hydrants that are not installed and activated. Pam Cuvillo stated that the Town is now being billed once a year instead of monthly. She has already paid the bill for February in March and that is for the entire year. ECWA will not change the number of hydrants we are being billed until January 2016. Councilman Kolber stated that the hydrants might not be installed. Pam stated that when she gets the list from ECWA, she submits it to Engineering and Tim Lavocat has someone go out and inventory all the hydrants to make sure they are activated.

Town Attorney Meckler had one Attorney-Client item to discuss in Executive Session.

There being no further business, the Work Session adjourned at 7:16 PM.

Darcy A. Snyder  
Deputy Town Clerk

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, April 29, 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. Pledge to the flag was led by Councilman Patrick Casilio, followed by prayer given by Father Yetter of St. Mary's Church.

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 DiCostanzo, seconded by Councilman Geiger to accept the minutes of the work session and regular meetings held April 15, 2015. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Hartzell said he and Director of Finance Pam CuvIELLO had a conference call with Capital Markets Advisors on the subject of refinancing a portion of the outstanding debt that the Town of Clarence is now holding. Capital Markets Advisors has determined that the Town of Clarence would save about \$122,000 net (after expenses) by the refinancing. This option will be discussed with the Board and, if the Board is agreeable, a motion will be brought before the Board for a vote within the next sixty days.

Supervisor Hartzell said the CIDA will be meeting with representatives of "Discover Main Street" to see how the CIDA can participate. If an agreement can be reached, the CIDA Board would vote on May 21<sup>st</sup> to get involved with this excellent program that benefits businesses located on Main Street in Clarence.

Supervisor Hartzell read two letters from residents who were pleased with the help they received from the Highway Department on their issues. One for putting in a culvert and the other for fixing a paper box pole.

Councilman Kolber received a letter from Carol Conwall, chair of the Historical Preservation Commission congratulating Jonathan Bleuer, and Courtney Creenan-Chorley and LaLuce Mitchell from Flynn Battaglia on the fine job they did presenting our town's preservation efforts and saving our agricultural heritage at the 2015 state-wide preservation conference in Geneva. She added that we should be proud of their talent and being selected to present at state-wide platform.

Councilman DiCostanzo added that Courtney interned with James Callahan a few years back.

Councilman Kolber read the following proclamation recognizing National Preservation Month:

***PROCLAMATION***

WHEREAS, The Month of May is designated as "National Preservation Month;" and  
WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character; and

WHEREAS, historic preservation is relevant for communities and for Americans of all ages, all walks of life, and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals to preserve the heritage that has shaped us; and

WHEREAS, residents are encouraged to seek out, learn about and celebrate our heritage.

NOW THEREFORE BE IT

RESOLVED, that the Clarence Town Board hereby proclaims May, 2015 as "National Preservation Month" in the Town of Clarence.

Councilman Kolber congratulated James Callahan and Steven Bengart on the presentation of our greenprint program at the NYS Planning Federation Annual Conference. It has become a great example for other towns to follow.

Councilman Kolber announced that there is an opening on the Library Board of Trustees for anyone who might be interested. An application can be filed in the Town Clerk's office or the Supervisor's office.

Supervisor Hartzell recognized Judy Sirianni from the Chamber of Commerce, Chairman Robert Sackett and Steve Dale from the Planning Board who were all present.

Councilman Kolber added that Carol Conwall from the Historic Preservation Commission is also present.

Councilman Casilio announced that the Town of Clarence Stormwater Annual Report for 2014 is complete and available for public review and comment at the Engineering Department and on the Town website. Public comments are to be submitted to the Engineering Department.

The Stormwater Annual Report is developed in compliance with the USEPA Stormwater Phase 2 requirements.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo to appoint Judith J. Dawson to the Arboretum Advisory Committee effective April 30, 2015 and ending December 31, 2015. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to appoint Jeffrey O'Donnell to the position of Security Officer PT at the budgeted rate of \$11.00 per hour effective May 4, 2015 subject to receipt of all pre-employment paperwork and pre-employment requirements being met.

On the question, Councilman Casilio said this appointment was a recommendation by the Chief of Security.

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

Councilman Casilio read a proclamation recognizing "National Building Safety Month".

#### **Proclamation**

WHEREAS, Building Safety is a critical component of our homeland security, our personal and public safety, the protection of property and our economic well-being; and

WHEREAS, modern building safety codes and standards help to withstand, mitigate and rapidly recover from natural disasters such as hurricanes, winter storms, tornadoes, earthquakes, floods and wildfires; and

WHEREAS, it is the collective responsibility, as a nation, that public and private sectors as well as nonprofits organizations work to develop and to implement effective standards and codes that sustain safe and resilient structures; and

WHEREAS, national, state, and local building safety and fire prevention officials, architects, engineers, builders, laborers and others in the construction industry work every day to ensure the sound construction of buildings and the safety of our citizens; and

NOW, THEREFORE, BE IT

RESOLVED, that the Clarence Town Board encourages our citizens to recognize and support "National Building Safety Month" and to learn more about how they can contribute to building safety at home and throughout the Clarence community; and be it further

RESOLVED, that the Clarence Town Board hereby proclaims May of 2015 as "Building Safety Month" in the Town of Clarence.

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

WHEREAS, the Town Board is interested in analyzing the overall impact of the Satellite Antennas and Towers Law; including code relating to wind driven devices; and

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Clarence task the Planning Board and Planning Department to analyze Chapter 173: Satellite Antennas and Towers, and make any comments/recommendations towards updating Chapter 173, with respect to wind driven devices, for the betterment of the town of Clarence.

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

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

WHEREAS, Governor Cuomo signed into law amendments to the New York State General Municipal Law, section 209-i. Emergency service by volunteer firemen, to provide coverage for volunteer firefighters when they volunteer at an out-of district emergency and/or accident scene before an officer in charge accepts their services; and

WHEREAS, effective as of June 15, 2015, section 209-i (1-b) provides that whenever an active volunteer firefighter provides services under General Municipal Law §209-i subdivision 1, when there is no jurisdictional officer in command present, such volunteer fighter shall be entitled to coverage under the Volunteer Firemen's Benefit Law (VFBL); and

NOW, THEREFORE, BE IT

RESOLVED, that the Clarence Town Board, pursuant to the provisions of the New York State General Municipal Law section 209-i (1-b) hereby authorizes coverage for active volunteer firefighters of the Clarence Center, East Amherst, Harris Hill and Swormville Fire Protection Districts, that whenever said volunteers provide services under the aforementioned section of the NYS General Municipal Law, when there is no jurisdictional officer in command present, such volunteer firefighter shall be entitled to coverage under the Volunteer Firefighters Benefit Law; and be it further

RESOLVED, that upon the arrival of a jurisdictional officer in command, such volunteer shall report to such officer and offer his/her services to assist such fire company; or fire department and if such offer of assistance is not accepted, then the volunteer firefighter, of the aforementioned fire protection districts must immediately cease providing any additional service at the scene of the emergency; and be it further

RESOLVED, that pursuant to the provisions of the New York State General Municipal Law §209-i (1-b), the Clarence Town Board hereby adopts this resolution this 29th day of April in the year 2015.

On the question, Councilman Casilio said basically this is so that we can mutual aid with other fire companies. It protects firemen if they drive up to a scene of a fire or accident and get involved before other fire companies are blown out.

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

Motion by Councilman Casilio, seconded by Councilman Kolber to appoint Evan Weitz to the position of Engineering Aide PT-Seasonal in the Engineering Department effective Monday, May 18, 2015 at the budgeted rate of pay, 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 approve the following special event:

Annual Ride for Missing Children sponsored by the National Center for Missing & Exploited Children on May 29, 2015 that begins at approximately at 7:25 a.m. to 5:13 p.m. per the submitted route map.

On the question, Councilman Casilio said this is a police escorted, 100-mile, 2x2 paced bike ride throughout Erie County streets as per the submitted list. There is a stop planned at the Town Park on Main Street. Number of people expected to participate is 100+/-.

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

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to recommend the appointment of Elizabeth Meunier, a member of the Town of Clarence Conservation Advisory Council, to the Erie County Environmental Management Council effective June 1, 2015 with a term to expire May 31, 2017. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to appoint the following applicants to the position of Recreation Attendant PT-Seasonal for Summer 2015 subject to receipt of all pre-employment paperwork and pre-employment requirements being met: effective May 16, 2015 at the rate of \$9.00/hr. - Adam Singh; effective June 13, 2015 at the rate of \$8.75/hr. - Kelly Quinn and Vincent Taverna. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio 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 May 16, 2015 at

the rate of \$11.18/hr. - Elizabeth Kreppel, Christina Weber; effective May 16, 2015 at the of \$10.28/ hr. - Tanner Geiger; effective June 9, 2015 at the rate of \$10.28/hr. - Kaitlin Alcazaren, Rachel Bengart, Amanda Collins, Lauren Moore, Sunita Singh, Jeffrey Terragnoli; effective June 9, 2015 at the rate of \$10.59/hr. - Gabrielle Barathelme, Hanna Biedny, Kenzie Laughlin, Melissa LaVere, Nicole LaVere, and Caitlin Roberts. On the question, Councilman Geiger said his grandson is on the list. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to appoint the following applicants to the position of Recreation Specialist PT-Seasonal for Summer 2015 at the budgeted rate of \$16.40/hour, subject to receipt of all pre-employment paperwork and pre-employment requirements being met: effective May 5, 2015 - Gabe Gilmore; effective June 6, 2015 - Kelly Rusin; effective June 13, 2015 - Eric Kinney and Angela Staszak. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to appoint Donald Lavocat to the Landscape Committee effective April 30, 2015 with term to expire December 31, 2015. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Geiger, seconded by Councilman Kolber to approve Dawn Kinney, Executive Director of the Clarence Youth Bureau, to attend the Association of New York State Youth Bureau’s Director’s Training on Wednesday, May 27<sup>th</sup> and Thursday, May 28, 2015 in Saratoga Springs, NY.

On the question, Councilman Geiger said the State Association covers the registration fees, two meals and lodging. Association meetings are budgeted for.

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

Councilman Geiger announced that the Farmer’s Market is opening with the May flower sale this Saturday.

Councilman Geiger said the Youth Bureau and Recreation Department are working on a new youth policy.

Councilman Geiger said the Clarence Toastmasters “Training of Tomorrow” program at the Youth Bureau was listed in the Erie County Youth Bureau Newsletter. Dawn Kinney and a group from the Youth Bureau put on the program that was very well received.

Councilman Geiger said the Supervisor received a letter from the Sheridan Hill PTO thanking the Youth Bureau volunteers for all their help during the spring carnival. They helped make it a successful event.

Supervisor Hartzell said the public hearing to consider renewal of the Temporary Conditional Permits was held April 15, 2015 and tonight a decision will be made. He thanked James Callahan and Jonathan Bleuer for their work on this.

Councilman Casilio said the Board worked out the details during the work session with minor changes.

**Note:** The numbers on the agenda do not match the numbers of the Temporary Conditional Permits listed in the following motions. The permits were grouped together by use. Three uses from the original list chose not to renew.

Motion by Councilman Casilio, seconded by Councilman Kolber to approve the following Temporary Conditional Permit Renewals 1 – 11 for automotive uses for the period of 3 years, with the exception of 10 which is for one year:

Automotive 3-years

1. At Your Service Car Care, 9620 County Road, Automotive Service
2. Autobahn Collision, 8200 Main Street, Collision Shop
3. EA Metzinger Trucking, Inc., 8325 Transit Road, Auto Service
4. Hoemann Auto, 8310 Goodrich Road, Automotive Service
5. Miranda Automotive, 8925 Sheridan Drive, Automotive Service
6. Sutton Automotive, 9800 Heroy Road, Auto Repair
7. Webber's Garage, 10250 Cedar Road, Auto Repair

8. Mary Feeney Auto Sales, 9155 Main Street, Auto Sales
9. Wilcox Automotive, 9700 Main Street, Auto Sales
10. Gary Scaratine Auto, 5730 Shimerville, Auto Storage  
Automotive 1-year
11. Louie's Car Clinic, 9385 Main Street, Automotive Sale

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

Motion by Councilman Casilio, seconded by Councilman Kolber to approve the following Temporary Conditional Permit Renewals 12 – 32 for a period of 5 years:

Outside Dining 5-years

12. Brennan's Bowery Bar, 4401 Transit Road, Outside Dining
13. Clarence Center Coffee Co., 9475 Clarence Center Road, Outside Dining
14. Cozy Café & Catering, 9060 Main Street, Outside Dining
15. Duff's, 4545 Transit Road, Outside Dining
16. El Ranchito, 9780 Main Street, Outside Dining
17. Falletta's Restaurant, 8285 Clarence Center Road, Outside Dining
18. Gertie's, 6010 Goodrich Road, Outside Dining
19. Gianni Mazias, 10325 Main Street, Outside Dining
20. Goodrich Coffee, 9450 Main Street, Outside Dining
21. McDuffie's Bakery, 9920 Main Street, Outside Dining
22. Pautler's Restaurant, 6343 Transit Road, Outside Dining
23. Rocco's Pizza, 5433 Transit Road, Outside Dining
24. Ruzzine's Rock Bottom, 6261 Transit Road, Outside Dining
25. Salsarita's Restaurant, 4375 Transit Road, Outside Dining
26. Spot Coffee, 5205 Transit Road, Outside Dining
27. Sweet Melody's, 8485 Transit Road, Outside Dining
28. The Cornerstone, 10651 Main Street, Outside Dining
29. The Hollow Bistro and Brew, 10641 Main Street, Outside Dining
30. The Pomegranate, 4125 Transit Road, Outside Dining
31. Tim Horton's, 9220 Main Street, Outside Dining
32. YOLO Restaurant + Lounge, 5841 Transit Road, Outside Dining

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

Motion by Councilman Casilio, seconded by Councilman Kolber to approve the following Temporary Conditional Permit Renewals 33 – 35 for a period of 3 years:

Display/Storage 3-years

33. CAM Services, 10165 Main Street, Outside Display
34. Sturdi-Sheds, 4545 Transit Road, Outside Display
35. Grace Landscaping, 9200 Wehrle Drive, Outside Storage

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

Motion by Councilman Casilio, seconded by Councilman Kolber to approve the following Temporary Conditional Permit Renewals 36 – 38 for a period of 3 years:

Landscaping 3-years

36. Landscape Business, 7615 Goodrich Road, Landscaping Business
37. K and A Landscaping, 8905 Sheridan Drive, Landscape/Outdoor Storage
38. R.E. Peters Inc., 8055 Goodrich Road, Landscaping and Firewood

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

Motion by Councilman Casilio, seconded by Councilman Kolber to approve the following Temporary Conditional Permit Renewals 39 – 45 for a period of 3 years:

Miscellaneous 3-years

39. Cara Mia Pet Spa, 6429 Transit Road, Fenced-In-Dog Care Facility
40. Dutchman Wood Works, 7750 Salt Road, Woodworking
41. Eisenberger Shop, 7735 Salt Road, Machine Shop
42. Hen House, 5270 Salt Road, Antique Sales

43. Payne Firearm Repair, 7800 Salt Road, Firearm Repairs
44. Sandra Baker Antiques, 6070 Railroad Street, Antique and Gift Shop
45. Wild Bill Hickory BBQ, West of 9950 County Road, BBQ Stand

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

Cobblestone Center Phase II requests amended Concept Plan Approval and a Special Exception Use Permit for 8584 – 8590 Sheridan Drive. James Callahan said the location is the north side of Sheridan Drive, east of Harris Hill Road consisting of an existing daycare facility with a conceptually approved office component in the Restricted Business Zone. The request is to amend the concept plan approval from an office to a mixed use.

Robert Blood of Laurer-Manguso said Doodle Bugs was approved in 2009 as the first phase. They would like to change the second building to mixed use of office and small retail with multi-family units on the second floor.

James Callahan suggested referring this project to the Planning Board. They are addressing the law. The Restricted Business Zone does not allow for small retail. It allows for office and non-retail offices. The Planning Board is reviewing the possibility of allowing small retail uses as part of a mixed use component with approval for a Special Exception Use Permit.

Motion by Councilman Casilio, seconded by Councilman Geiger to refer the request by Cobblestone Center Phase II for an amended Concept Plan Approval and a Special Exception Use Permit for 8584 – 8590 Sheridan Drive to the Planning Board. Upon roll call – Ayes: All; Noes: None. Motion carried.

McGuire Development requests an Action under SEQRA and a Public Hearing to consider a Special Exception Use Permit for a commercial plaza with Tim Horton's drive-thru at 5989 Transit Road. James Callahan said the location is the southeast corner of Transit Road and Clarence Center Road consisting of a residential property in the Commercial Zone. The Planning Board has made a recommendation on the site plan and they received a setback variance from the Zoning Board of Appeals.

Michael Metzger, engineer was present representing the applicant. They have made significant changes to the plan over the past months based on input from the Town. They feel they have a great project as a result and are eager to move forward.

Councilman Casilio commended McGuire Development for making the last effort by purchasing the property next store. It makes the project easier to accept.

Mr. Silvestri said they are enhancing the north elevation facing Clarence Center Road by adding a band across the upper part of the wall to break it up.

Motion by Councilman Casilio, seconded by Councilman Kolber to set a Public Hearing for May 27, 2015 at 7:45 p.m. to consider a Special Exception Use Permit for a commercial plaza with Tim Horton's drive-thru at 5989 Transit Road. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to approve the following: Clubhouse Applications: A. Clarence Historic Preservation Commission – June 27, 2015; B. Clarence Holiday Valley Ski Club – Sept. 27, 2015; Legion Hall Applications – A. Carol Hockwater – Nov. 29, 2015. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Supervisor Hartzell that after proper audit and review by the Town Board, the following bills of April 23, 2015 are approved for payment: General Fund - \$265,277.30; Highway Fund - \$58,469.48; Water District - \$1,206.00; Drainage District - \$20,215.18; Lighting Districts - \$622.58; Sewer Districts - \$44.87; Capital Fund - \$15,520.00 and Trust and Agency 203 - \$32,304.37 for a total amount of \$393,659.78. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, Supervisor Hartzell adjourned the meeting at 8:10 p.m.

Nancy C. Metzger  
Town Clerk