

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, May 8, 2013, 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 Patrick Casilio, Peter DiCostanzo and Robert Geiger. Councilman Kolber was absent. Other Town Officials present were Director of Community Development James Callahan, Assistant Planner Michael Hutchinson, Town Attorney Lawrence Meckler, Town Engineer Timothy Lavocat, Senior Building Inspector David Metzger, Confidential Secretary to the Supervisor Karen Jurek, and Director of Administration and Finance Pam Cuiello.

**Director of Community Development – James Callahan**

***Public Hearings:***

Property acquisition – south of Sheridan Drive between Harris Hill Road and Boncrest West

A Public Hearing is scheduled for 7:45PM to consider the purchase by the Town of Clarence of approximately 27.53 acres of vacant land located on Sheridan Drive. The property is located on the south side of Sheridan Drive between Harris Hill Road and Boncrest Drive West in the Residential Single Family Zone. The Town is proposing to acquire the property under the Town Open Space Bond Act. The property is identified as a rare Oak Savanna Forest and the Town is pursuing grant monies under the Community Forestry Program for some of the costs associated with the preservation of forest lands. The Town Board has final approval authority to identify properties for long term preservation. The grant application is due in June.

Victoria Park/Douglas Klotzbach 10225 Main Street

A Public Hearing is scheduled for 7:50 PM to consider a Special Exception Use Permit for a commercial plaza in excess of 30,000 square feet. Applicant is proposing to build the third commercial building at the northeast corner of the property. The proposed new structure will include 8,700+/- square feet of space. The project was originally built with just 2 buildings with a total of 25,050 square feet of space. The overall site plan was originally approved in concept to include 3 buildings and 35,000+/- square feet of space bringing the total build-out to 33,750 square feet.

The proposed site is located on the southwest corner of Main Street and Shisler Road in existing commercial plaza located in the Clarence Hollow TND. Per the Zoning Law, cumulative structures greater than 30,000 square feet within the TND will require a Special Exception Use Permit as issued by the Town Board. In addition, the Town Board has final approval authority for the architectural style within the TND. The Planning Board has forwarded a recommendation to allow the Special Exception Use Permit. A Negative Declaration under SEQRA was previously issued by the Town Board on the project.

***Formal Agenda items:***

Rock the Barn 9015 Main Street

Annual 2-day concert and promotion for Meals on Wheels scheduled for July 20 and 21, 2013. The proposed site is located on the south side of Main Street, east of Shimerville Road on existing vacant land located in the Restricted Business Zone. Per the Special Events Law, the Town Board has approval authority for large scale community wide events.

Day in the Park 10405 Main Street

Annual Fireworks Display Permit for Day in the Park to be held on June 29<sup>th</sup>, 2013 at the Main Street Park 10405 Main Street. All fees, insurance and fire chief approvals have been submitted.

#### Spaulding Greens LLC – Spaulding Greens Open Space Design Subdivision

Applicant is seeking permission to remove topsoil that was previously stockpiled during the construction of project. The applicant has indentified that enough topsoil remains stockpiled on the property to provide acceptable cover for all proposed housing units. Per the Subdivision Law, the Town Board has final authority to approve any removal of stockpiled materials. A fee per the Town Code has been submitted for removal of 10,000 cubic yards.

#### ***Work Session items for consideration May 22, 2013:***

##### McGuire Development Company 8321 Main Street

Applicant is proposing to develop a 20,000+/- square foot professional office building with associated parking and landscaping. The proposed site is located on the south side of Main Street, west of Susan Drive on existing residential property consisting of 2.3+/- acres in the TND. Per the Zoning Law, the Town Board has final review and approval for structures over 10,000 square feet in the TND as well as final architectural approval. Referral to the Planning Board will initiate formal review of the project.

##### Gabe's Collision 5871 Transit Road

Applicant is seeking Town Board approval of a Special Exception Use Permit to allow for the use to be developed at this location. The proposed collision shop, car rental and used car showroom facility is to be located on the east side of Transit Road, north of Highland Farms Drive on 2.5+ acres in the Major Arterial Zone. This area was part of the down-zoning of Transit Road in the 2008/2009 Master Plan Amendment. Per the approved Master Plan 2015 Amendment of 2009, the area is to be zoned commercial. As the Planning Board has forwarded a recommendation to not allow the SEUP, the matter is at the Town Board for a determination on the request – the Town Board has final authority to approve Special Exception Use Permit's after a required public hearing. An action under SEQRA will be required before taking a positive action on the item.

##### Eastern Hills Mall – Special Events

Eastern Hills Mall has provided a list of outdoor activities for the calendar year 2013. Events are normally held in the existing parking area at the northwest region of the malls property along Transit Road. The Planning and Zoning Department with authorization from the Town Board may issue the necessary permits. Appropriate Town Departments and Regional Public Safety Agencies can be notified of the proposed events. Director of Community Development James Callahan is creating a form for each of the individual applicants to sign agreeing to conditions set forth by the town.

Brookfield Country Club is requesting Town Board approval for a Fireworks Display Permit for a wedding on May 18, 2013. The required application, insurance, fees and Fire Chief approval are on file. The Town has never received any complaints and the Town Board did not object to the request. Being there is no Town Board meeting until May 22, 2013 the Town Board will make a motion for approval tonight.

##### El Ranchito – 9780 Main Street

Applicant is requesting approval for outside dining. The former Sapphire Grille had outside dining so the new owners would like to duplicate what was previously approved.

##### Clarence Hollow Fest

Applicant is requesting final approval for festivities planned for July 4 through July 6, 2013 at Main Street Town Park.

**Supervisor David Hartzell**

- Adopt amended Employee Policy Manual
- Appoint Vincent M. Delgato as van driver RPT for Going Places Van
- Appoint Laborers PT-Seasonal for the Highway Department

**Councilman Patrick Casilio**

Councilman Casilio will appoint Donald Linde and Michael Small to the position of Security Officer PT at the budgeted rate of \$14.00 per hour effective May 11, 2013.

There was a discussion relative to all the school board/political signs around town. Any sign in the public right of way will be taken down by Town Security. Candidates should check with the town regarding regulations relative to sign placement.

Councilman Casilio is working on finishing up some power projects in the Harris Hill area concerning underground wiring.

Councilman Casilio will meet with Assistant Planner Michael Hutchinson to finalize certain areas for camera coverage in order to complete the package for Time Warner.

**Councilman Peter DiCostanzo**

- Appoint Laborers Part Time-Seasonal for the Parks Department
- Appoint Youth Activities Leader PT-Seasonal for Clarence Youth Bureau
- Negative Declaration for the acquisition of approximately 77+/- acres of vacant land located on the east side of Goodrich Road, west side of Herr Road, south of Keller Road
- Negative Declaration acquisition of property located at 10510 Main Street
- Set Public Hearing to consider purchase of 10510 Main Street (Youth Bureau building)

Councilman DiCostanzo would like to set a public hearing date for the Multiple Family Housing amendments at the May 22, 2013 Town Board meeting. Councilman DiCostanzo asked that the Board read the amendments and any questions, additions or deletions will be addressed at the May 22<sup>nd</sup> Work Session so the public hearing can be set at the Town Board meeting.

Councilman DiCostanzo has one item to discuss in Executive Session relative to the employment history of an individual.

Councilman DiCostanzo thanked Lauren from the Buffalo News for the sports coverage of the Clarence Wrestling Team this year.

**Councilman Robert Geiger**

Councilman Geiger will appoint Elizabeth Meunier to the Erie County Environmental Management Council.

**Clarence Hollow Fest – Paul Cambria**

Paul Cambria stated that he submitted a map after he met with several town employees including the Parks Department General Crew Chief and the Building Inspector, Hammerl Amusements and Chief William Major from Clarence Fire Department. Mr. Cambria has received a lot of positive response from members of the community and is encouraged by the recent support. Mr. Cambria is requesting the Towns permission to have their event go until midnight instead of 11:00 PM when the parks close. The plan is to have live bands play from approximately 7PM until midnight; the amusements will be shut down at 11:00 PM.

Clarence Hollow has applied for a liquor permit, an insurance certificate has been obtained, security is basically in place and they are currently working on obtaining a Games of Chance ID number. Mr. Cambria has talked to some of the distributors and the vendors and they are all in support of this event.

He is lining up security, parking and people to run the beer tent. Hammerl Amusements will provide generator power and trash cans. There will be portable potties and a dumpster on site as well.

Motion by Councilman Peter DiCostanzo, seconded by Supervisor Hartzell to enter into Executive Session pursuant to § 105(1) F of the Open Meetings Law to discuss the employment history of a particular person. Upon roll call – Ayes: Councilman Geiger, Councilman DiCostanzo, Councilman Casilio, Supervisor Hartzell; Noes: None. Absent: Councilman Kolber. Motion carried.

There being no further business, the meeting adjourned at 6:30 PM.

Darcy A. Snyder  
Deputy Town Clerk

Motion by Supervisor Hartzell, seconded by Councilman DiCostanzo to adjourn the Executive Session at 6:46 PM. Upon roll call – Ayes: Councilman Geiger, Councilman DiCostanzo, Councilman Casilio, Supervisor Hartzell; Noes: None. Absent: Councilman Kolber. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, May 8, 2013 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor David Hartzell, Jr. called the meeting to order at 7:30 p.m. Pledge to the flag was led by Councilman Robert Geiger; followed by a prayer given by William Gittere of Zion Lutheran Church.

Members of the Town Board present were Council Members 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 Kolber, seconded by Councilman Casilio to accept the minutes of the previous work session and regular meetings held April 24, 2013. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio to accept the minutes of the work session held May 1, 2013. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Hartzell thanked Town Attorney Lawrence Meckler for sitting in on the work session while he was out of town. He also threw out the first ball for the opening games of the TCBA season.

Motion by Supervisor Hartzell, seconded by Councilman Casilio to adopt the amended Employee Policy Manual in its entirety adding the Out of Town Travel Policy and incorporating the Employee Manual and Seasonal Employee Manual into one complete Employee Handbook for all employees; Full Time, Regular Part Time, Part Time and Seasonal employees. On the question, Supervisor Hartzell said the amended Policy Manual eliminates the need for two separate manuals; one for FT and RPT employees and one for Part Time and Seasonal Employees. The provisions in the amended manual apply to all employees and those that do not apply to PT and Seasonal Employees are duly noted. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Kolber to appoint Vincent M. Delgato as Van Driver RPT for the Going Places Van at the rate of \$12.18 per hour effective May 9, 2013. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Hartzell, seconded by Councilman Kolber to make the following appointments to the position of Laborer PT-Seasonal for the Highway Department at a rate of \$8.61 per hour, effective May 28, 2013 and subject to receipt of all pre-employment paperwork and pre-employment requirements being met: Brian Cummiskey and Michael Smith. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Hartzell announced a change on the agenda being that Councilman Kolber will make the motion for Historic Preservation Month rather than Councilman DiCostanzo.

Motion by Councilman Kolber, seconded by Councilman Casilio to approve the purchase and installation of an Electronic Door Release System for the Court Office door for security purposes from Grosso Door for an amount not to exceed \$880.00. On the question, Councilman Kolber said this project is to be funded from the Driving School Revenues. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

### ***Proclamation***

WHEREAS, Historic Preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, Historic Preservation is relevant for communities across the nation, both urban and rural, 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 in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, Historic Preservation preserves and chronicles the history, culture, the buildings and landmarks of communities and enhances the cooperative spirit of the community; and

WHEREAS, "SEE! SAVE! CELEBRATE!" is the theme for the National Preservation Month for 2013 that is co-sponsored by the Clarence Historic Preservation Commission and the National Trust for Historic Preservation.

NOW, THEREFORE, BE IT

RESOLVED, that the Clarence Town Board supports this effort and encourages the people of Clarence to join their fellow citizens across the United States and in their neighborhoods in observing this special celebration and hereby proclaims that the Month of May 2013, as National Historic Preservation Month in the Town of Clarence.

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

Councilman Geiger said he attended the Historic Preservation Commission event over the weekend at the Clubhouse. It was an excellent event. He recognized Carol Conwall and Michael Hutchinson who helped put it together. They also did a nice job on the color brochure of all the historic locations that was put together.

Councilman Casilio said he was also in attendance at this event. There was some controversy when the Historic Preservation Law was adopted. The brochure includes about 15 locations now of structures that the owners brought forth on their own. He is also pleased with the support and effort made to restore the Clubhouse.

Motion by Councilman Casilio, seconded by Councilman Kolber to appoint the following to the position of Security Officer PT at the budgeted rate of \$14.00 per hour effective May 11, 2013, subject to receipt of all pre-employment paperwork and pre-employment requirements being met: Donald Linde and Michael Small. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo said at the meeting of May 22<sup>nd</sup> he will be making a motion to set a public hearing to consider the Multiple Family Housing Law. He urged the Town Board to get any changes or comments to James Callahan before then.

Motion by Councilman DiCostanzo, seconded by Councilman Geiger to change the start date of Andrew Lawrence, who was appointed at the April 24, 2013 meeting, from 6/3/13 to 5/20/13 and to appoint the following to the position of laborer part-time/ seasonal in the Parks Department at the budgeted rate of \$8.61 per hour subject to receipt of all pre-employment paperwork and pre-employment requirements being met: David Holt effective 5/13/13; Tyler Skowronski, Chris Todaro and Charles Warkentien effective 5/20/13. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to appoint Victoria Kuberka to the position of Youth Activities Leader-PT/ Seasonal at the rate of \$9.59 per hour effective May 13, 2013, 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 DiCostanzo, seconded by Councilman Geiger that pursuant to Article 8 of the Environmental Conservation Law, and upon the recommendation of the Planning and Zoning Department, the Clarence Town Board issues a Negative Declaration for the acquisition of approximately 77+/- acres of vacant land located on the east side of Goodrich Road, west side of Herr Road, south of Keller Road in the Town of Clarence, for which the issuance of Town bonds is expected to be authorized pursuant to Bond Resolutions prepared for the Town Board meeting on May 8, 2013. After thorough review of the proposed Capital Project and the Environmental Assessment Form (EAF) by the Clarence Town Board, it is determined that this proposed Unlisted Action under SEQR will not have a significant adverse impact upon the environment. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber that pursuant to Article 8 of the Environmental Conservation Law, and upon the recommendation of the Planning and Zoning Department, the Clarence Town Board issues a Negative Declaration for the

acquisition of the property located at 10510 Main Street in the Town of Clarence, for the purpose of housing the Clarence Youth Bureau for which the issuance of Town bonds is expected to be authorized pursuant to Bond Resolutions prepared for the Town Board meeting on May 8, 2013. After thorough review of the proposed Capital Project and the Environmental Assessment Form (EAF) by the Clarence Town Board, it is determined that this proposed Unlisted Action under SEQR will not have a significant adverse impact upon the environment. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to set a Public Hearing for June 12, 2013 at 7:45 p.m. to consider the purchase, by the Town of Clarence, of the premises located at 10510 Main Street in the Town of Clarence, Erie County, New York (SBL No. 72.06-2-18) on approximately 0.50 +/- acres of land at a purchase price not to exceed \$285,000 plus any and all closing costs, processing costs and disbursements subject to the terms and conditions of the conditional contract to be negotiated by the Town Attorney's office. The Clarence Town Board hereby issues its statement of intent to issue bonds or notes to finance the acquisition of said property. On the question, Councilman Kolber said we have been renting the building for the Youth Bureau for quite a while and it makes sense for us to buy it. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to appoint Kristin Beaver to the position of Junior Planner Part Time Seasonal for the Planning and Zoning Department at a rate of \$12.42 per hour effective May 20, 2013 and 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 Geiger, seconded by Councilman Casilio 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 May 9, 2013 with a term to expire December 31, 2013.

On the question, Councilman Geiger said this appointment is being made to fill the vacancy left by the resignation of Jennifer Lougen-Wiertel and the recommendation was given to Erie County.

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

Motion by Councilman Casilio, seconded by Councilman Geiger to adopt a Bond Resolution of the Town of Clarence, New York, adopted May 8, 2013, authorizing the replacement of a box culvert on Sawmill Road, stating the estimated maximum cost thereof is \$225,000, appropriating said amount for such purpose, and authorizing the issuance of \$225,000 in bonds of said Town to finance said appropriation, subject to a permissive referendum.

On the question, Councilman Casilio said a complete copy of the extract of minutes for said Bond Resolution will be on file in the office of the Town Clerk.

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

Motion by Councilman Casilio, seconded by Councilman Kolber to adopt a Bond Resolution of the Town of Clarence, New York, adopted May 8, 2013, authorizing the acquisition of a building and parking lot for use by the Clarence Youth Bureau, stating the estimated maximum cost thereof is \$300,000, appropriating said amount for such purpose, and authorizing the issuance of \$300,000 in bonds of said Town to finance said appropriation, subject to a permissive referendum.

On the question, Councilman Casilio said a complete copy of the extract of minutes for said Bond Resolution will be on file in the office of the Town Clerk. The property is located at 10510 Main Street and is currently used by the Clarence Youth Bureau.

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

Motion by Councilman DiCostanzo, seconded by Supervisor Hartzell to adopt a Bond Resolution of the Town of Clarence, New York, adopted May 8, 2013, authorizing the acquisition of Land located on Goodrich Road and Herr Road for future use by the Town, stating the estimated maximum cost thereof is \$1,032,277, appropriating said amount for such purpose, and authorizing the issuance of \$1,032,277 in Bonds of said Town to finance said appropriation, subject to a permissive referendum.

On the question, Councilman DiCostanzo said a complete copy of the extract of minutes for said Bond Resolution will be on file in the office of the Town Clerk.

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

A Public Hearing was held to consider the purchase by the Town of Clarence of approximately 27.53 acres of vacant land located on Sheridan Drive at a purchase price not to exceed \$298,000 plus any and all associated costs. James Callahan said the location is the south side of Sheridan Drive, east of Harris Hill Road consisting of vacant land in the Residential Single Family Zone. The Town is proposing to preserve the Oak Savanna forest area and is applying for a grant to offset the costs.

Kathleen McCormick from the Western New York Land Conservancy said this is a very special property because it contains one of the last remnants of an uncommon natural community in New York State. This property received a very high ranking. It contributes to maintaining the water supply and would provide a passive park facility for the residents to enjoy. A walk through this property takes you through the forest area and into the open grassland area with rock outcroppings and a few scattered trees. This is one of only four of these type areas in New York State. There are many species of plants in the open grassland area, which also draws many species of birds.

Councilman Geiger asked if this would be paid for by the Town if we did not receive the grant.

Supervisor Hartzell said it would be paid for out of the greenspace fund or the Town.

James Callahan said they are in the process of applying for the grant. It will not be awarded prior to the purchase. It could offset future costs associated with this site or additional acquisition.

Councilman Kolber asked if that would hurt our chances of receiving the grant.

James Callahan said the Town paying for it could be considered in-kind services to offset the grant amount.

Councilman Kolber said this is different from the other properties that we have purchased in that we have preserved vistas along the road frontage. This was brought to us because it is such a unique property. The Recreation Advisory Committee strongly urges the Town to acquire this property. His only concern is that we develop this in a way to provide walking trails with a parking area so the residents are able to enjoy it.

Supervisor Hartzell said whether or not we receive the grant money it could be developed with local resources like we have done at Beeman Creek Park. This piece is also located near Sheridan Hill Elementary School and could function as a “laboratory” for them to explore.

Councilman Kolber said we have taken some criticism that all of the properties we have purchased have been in the northern portion of Town. This is only one of very few left in the southern portion. When purchased with greenprint funding, we are very limited as to what can be done.

Speaking to the subject:

David Rak said as an adjacent neighbor, his only concern is that a buffer is established between a walking trail and the existing properties. He asked if there would also be a public process to determine where and how that would be laid out.

Councilman Kolber said the Board always tries to be sensitive to the neighbors. It would not make sense to put a nature trail along property lines anyway. If we do not acquire this property, there could end up being a number of houses back there.

Councilman Casilio said there are some natural trails there already. He does not think we would be reinventing and blasting through the rock.

Supervisor Hartzell said he could attend the Recreation Advisory Committee meetings to see how they would be developed.

James Callahan said there is a 60 ft. right-of-way from Sheridan Drive. They have not discussed the trails or anything like that so far. There would certainly be a public process to develop the site.

Laurie LaDuca said she lives at the adjacent property and she commends the Town for wanting to purchase this property because it is so beautiful. Her concern is that all along that strip is her privacy. They did consider buying it at one time. It is low and almost serves as a drainage ditch from the back of the property. She really would like that privacy maintained. She is the third generation living in this house, which her grandfather built.

Supervisor Hartzell suggested she attend the Recreation Advisory meeting and let them know that.

David LaDuca said he is happy that the Town is considering this purchase as he would not like to see it developed. The access to the property is along theirs. The concern is the loss of their privacy. Also, if it was paved, it could have an impact on drainage to their property.

Councilman Casilio said the Town is considering buying their backyard and keeping it that way. They are pretty fortunate.

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

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

RESOLVED, that after a public hearing duly held on May 8, 2013, and after all interested parties having been heard, the Town of Clarence approves the purchase of approximately 27.53 +/- acres of vacant land located on Sheridan Drive in the Town of Clarence Erie County, New York SBL Nos. 70.11-3-1.1 (20.53 +/- Acres) and 70.11-2-12 (7.0 +/- Acres) at a purchase price not to exceed \$298,000.00 plus any closing costs, processing costs, baseline studies, future stewardship fees and any and all costs and disbursements for open space purposes. Funds to be allocated from the open space bond act resolution, general fund and recreation fees (if it is determined that any portion of this property will be used for recreation purposes).

On the question, Councilman Kolber said he wants to make sure that when we allocate those funds, we look at all areas and ways so that they are properly allocated for possible future use.

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

A Public Hearing was held to consider a Special Exception Use Permit for a commercial plaza in excess of 30,000 sq. ft. at 10225 Main Street. James Callahan said the location is the southwest corner of Main Street and Shisler Road consisting of an existing plaza in the Clarence Hollow Traditional Neighborhood District. The applicant is proposing to construct a third building within the plaza. Per the Zoning Law, a Special Exception Use Permit will be required due to the accumulative size exceeding 30,000 sq. ft. in that district. A Negative Declaration was issued and a recommendation was received from the Planning Board.

Douglas Klotzbach of K2 Architect was present.

With no one speaking to the subject, motion was made by Supervisor Hartzell, seconded by Councilman Casilio 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 the Clarence Town Board, after a public hearing duly held on May 8, 2013, and after all interested parties having been heard, grants a Special Exception Use Permit to the applicant, Douglas Klotzbach/Victoria Park, for a commercial plaza in excess of 30,000 feet located at 10225 Main Street subject to the following conditions:

1. Subject to Open Space and Recreation fees.
2. Subject to Landscape Committee approved.

On the question, Councilman Casilio said there was not a lot of discussion because this project has been approved in the past.

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

Rock the Barn requests a Special Event Permit for July 20 & 21, 2013 at 9015 Main Street. James Callahan said the location is the south side of Main Street, east of Shimerville Road. This is an annual event to benefit Meals on Wheels.

Noel Dill said this is the 9<sup>th</sup> year for this event thanks to the generosity of the Town and the residents. It provides a source of funding for the Clarence/Newstead Meals on Wheels Task Force to provide meals to residents in the area. They have moved the event to Saturday and Sunday this year based on comments they have received. It will be two days of great Blues music, food and fun. One ticket price gives entry to both days events.

Supervisor Hartzell thanked them for what they do to benefit Meals on Wheels.

Motion by Supervisor Hartzell, seconded by Councilman Geiger to approve a Special Event Permit for "Rock the Barn" to be held on July 20 & 21, 2013 at 9015 Main Street. Upon roll call – Ayes: All; Noes: None. Motion carried.

Day in the Park requests a Fireworks Display Permit for June 29, 2013 at 10405 Main Street. James Callahan said all paperwork and fire chief approval have been received.

Motion by Councilman Casilio, seconded by Councilman Kolber to grant a Fireworks Display Permit to the Day in the Park Committee for the annual fireworks display at Day in the Park at 10405 Main Street on June 29, 2013. On the question, Councilman Casilio said all the appropriate paperwork and fees have been received. Upon roll call – Ayes: All; Noes: None. Motion carried.

Spaulding Green LLC requests a Topsoil Removal Permit. James Callahan said the applicant is requesting to remove an existing topsoil pile within the Spaulding Green Open Space Design Subdivision. The soil came from clearing for the road right-of-ways and is surplus to the project area.

Dominic Piestrak said the amount is 10,000 cubic yards.

Motion by Councilman Kolber, seconded by Councilman Casilio to approve the request of the applicant, Spaulding Green, LLC, for a Topsoil Removal Permit subject to the following conditions: 1. Town Engineer review and approval. 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 Girl Scout Troop 30976 – May 11, 2013; B. Clarence Youth Bureau – May 24, 2013; Legion Hall Applications – A. Mandana Waseh – May 22, 2013. 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 May 9, 2013 are approved for payment: General Fund - \$52,922.36; Highway Fund - \$8,209.34; Water District - \$34,848.79; Trust & Agency 203 - \$3,080.00; and Trust & Agency 205 - \$80.00 for a total amount of \$99,140.49. Upon roll call – Ayes: All; Noes: None. Motion carried.

"For the Good of the Town"

Ellie Corcoran said the Clarence School District has passed their budget with a 9.8% increase. There are a lot of people in Clarence on fixed incomes and we can simply not afford any more taxes. She received a call from a lady who said she will lose her house and she has lived here all of her life. The businesses will have to pay more taxes and they will pass it on with higher prices. It will have a domino effect. She asked how each of the Town Board members felt about this.

Councilman Kolber said the Town Board does not have any say over the school budget. He said if the Town Board imposed a 9.8% increase in taxes, they would be voted out of office.

Councilman Casilio said his family lives in town and it would cost them \$10,000 more for the properties they own.

Councilman Geiger said it is a personal vote. He does have 8 grandchildren going to Clarence schools and he would like to see them get the best education possible. He is also on a limited income and he does not feel it is necessary to go that high. There may be other ways. It is not just the school boards; they have all had funding taken away year after year.

Ellie Corcoran said a lot of the money is going for pensions, healthcare increases and salary increases. She was a teacher and it takes motivated children and creative teachers for a good education.

Councilman DiCostanzo said he has three children in school and he is supportive of the schools, but he is a CPA and he tells people it means cheapest people alive. He does not know how he is going to vote but 9.8% is crazy.

Supervisor Hartzell said he is going to vote and that is the great thing about democracy.

Ismet Hallac said he went to the Building Department to report that Valu was changing the walls facing Transit Road in an area of about 35' x 10'. He was told that they have a permit. He was also told that a façade change in the Major Arterial required approval by the Town

Board. Dr. Hallac said about seven years ago he son wanted to put up a building and he was withheld until he agreed to unite the parking with Felber's. Therefore, he believes that Valu should be denied any building permits until they unite their parking with his plaza.

James Callahan said it was determined the permit was for a door. It did not change the façade.

Dr. Hallac said about ten years ago a company wanted to build a restaurant in his plaza, but they said they could not do it unless they had access to the traffic light. He asked Valu and they said no. They tried to pay Valu and they said no. Years later he attempted to ask Valu again and they will not even talk to him about it. He got a permit to put the driveway in. There is 10 feet between the parking lots. It is his belief is that the traffic light is not private property, it is for the public. He is asking the Town Board to make this a requirement for Valu.

Councilman Casilio said Dr. Hallac has dead trees against their parking lot. He says he wants to be a good neighbor, but that does not help the cause.

Dr. Hallac said they piled the snow to block the entrance and as soon as they did that he placed the trees. The trees also stop the garbage from the Valu parking lot.

Councilman Kolber said the Town is always looking for joint access in parking lots where it is possible. He does not understand the pettiness of these issues.

Councilman DiCostanzo said Dr. Hallac said he tried to pay them to connect in the past and wonders if he knows why they do not want to connect. People want to be on his side of the issue but, he has had a truck, signs and dead trees. He cannot blame them when Dr. Hallac does not seem reasonable.

Dr. Hallac said that all came about when he said no. It is far more than everything he has told them tonight. He has tried his best and they will not return his calls. He will pay for the ten feet to connect the parking lots.

Councilman Casilio said if Dr. Hallac tried to be a better neighbor maybe they would be more willing to cooperate.

Dr. Hallac said if he cleaned up the property and cut the grass, would this body do anything to help him.

Supervisor Hartzell said he knows the owner and this is not going to happen. Dr. Hallac should take everything down and get on with his life. He wishes him well.

There being no further business, Supervisor Hartzell adjourned the meeting at 8:45 p.m. in memory of Alex Hemline, son of Deputy Highway Superintendent Jeff Hemline; and Sid Albrecht, father of Keith Albrecht, an employee in the Highway Department.

Nancy C. Metzger  
Town Clerk