

**TOWN OF CLARENCE, ERIE COUNTY  
INDUSTRIAL DEVELOPMENT AGENCY**

**MINUTES**

**February 20, 2014**

Mr. Ertel, Vice Chairman, called the meeting to order at 8:03 a.m.

Present were Elaine Wolfe, David Schuster, Michael Buettner, and Clayt Ertel. Chris Kempton, Mary Powell and David C. Hartzell were absent. Also present were Paul Leone, Nathan Neill, Lawrence Meckler, Steven Bengart, Cynthia Rosel and Jim Rash. Guests were Robert Sackett, Chairman of the Planning Board and Paul Shear, Vice Chairman.

**Minutes of January 23, 2014.**

There was a motion by David Schuster to accept the minutes of the January 23, 2014 meeting with a second by Elaine Wolfe. There was nothing on the question.

**Vote:** Ayes: Wolfe, Schuster, Buettner, Ertel. Noes: None  
Absent: Kempton, Powell, Hartzell. Recuse: None. Motion carried. Unanimous.

**Treasurer's Report.**

Mr. Kempton was out of Town and Pam CuvIELLO was out sick. The Treasurer's Report for February 20, 2014 will be given at the March meeting.

**Correspondence.**

Ms. Rosel informed the Board that there was a handout from Robert Sackett, Chairman of the Town of Clarence Planning Board, included in the packet. It is a draft of the "Master Plan 2025-Goals and Narrative" dated 2-13-14. Mr. Sackett asked that it be distributed to the Board members for today's meeting and he is present today to discuss same with the Board.

Mr. Bengart asked Mr. Ertel, Vice Chairman, if he wanted to have Mr. Sackett address the Board now or wait and see if the Chairman may just be running a little late. Mr. Ertel answered yes, we can do that now and asked Mr. Sackett to come forward.

**Robert Sackett, Planning Board Chairman**

Robert Sackett, Chairman of the Town of Clarence Planning Board, said that Chairman Hartzell invited him to the meeting to give the CIDA Board a brief progress report on the development of Master Plan – 2025. Mr. Sackett said that included in the handout is an attachment titled "Draft Language for Town of Clarence Master Plan 2025 – Economic Development Goal" that the Planning Board received from Jim Rash relative to the "Goals." In the handout of the Draft

Master Plan 2025-Goals and Narrative, Mr. Sackett highlighted the points that address the items in the document submitted by Mr. Rash that he wished to have in the Master Plan. The tough part about his request is that the Master Plan is a “Land Use Document.” Mr. Sackett added that it is called the Master Plan but he thinks of it is “a” Master Plan because there are other plans in the Town.

Mr. Sackett said that there was a Public Hearing on the “Goals” in October 2013 that was sparsely attended. On April 30, 2014, the Planning Dept. will have a “charrette” (Mr. Shear, Vice Chairman of the Planning Board arrived at this point) which is a planning exercise similar to the one that was had recently at the Town Hall where you mapped out future land use and development in Erie County. What will come into play at the “charrette” is to map out Clarence to see if we have enough commercial, do we have enough major arterial, where should the residential be, what roads should be enlarged, how do you feel about our sewer system, and so forth. He is hoping that it will be more helpful to the planning department and he is hoping that they will have more participation in terms of what people are looking for in the Master Plan 2025. He added that if the members schedule allows, he would encourage them to attend the “charrette.” It will be on a Wednesday evening and he thinks it will be around 7:00 p.m. on April 30<sup>th</sup>. Other than that, Mr. Sackett is here today to listen and see what the Board has to say about the planning process relative to the Master Plan. He added that he indicated the progress that has been made in regard to Jim Rash’s document. He asked if Mr. Shear has anything to add and he answered that he did not at this point.

Mr. Buettner asked if this is going to be publicized. Mr. Sackett said it will be in the Bee and hopes the supervisor will put it in his weekly articles in the Source. All the meetings are posted and publicized.

Mr. Ertel said that there have been some discussions at the CIDA meetings regarding the planning process over the years. More recently, he has brought this subject up over the last few meetings with this CIDA Board on how the Planning Board can be more productive in the planning process. He said that the Board felt it was imperative to encourage commercial growth and the need for commercial growth in the Town of Clarence. He added that even at a modest rate of inflation at 2% a year, in five years 10%, where is that money going to come from. Residential development has helped a great deal, as we all know, and Transit Road has been a life saver. But we are running out of Transit Road because of the wetlands. There was a meeting with Carl Montonte and his developmental people and the CIDA about 10 years ago regarding commercial development in Clarence. They gave a whole litany on things that we could do but the basic thing being locations. It can’t always be the location you think is good, you have to look at the location criteria a potential user would look at. Some of that was put into effect but it got lost in the winds as many time these things most certainly do. Over the course of the years we have lost insight in promoting some areas. Now maybe there are portions of Sheridan Drive or portions of Wehrle Drive that we should look at differently even though our Master Plan said otherwise over the course of the years. One of the things that developers say is that the opportunity to develop in Clarence has not been there because the locations do not have sewers or are not zoned properly. The key to the sewer issue is if we have the location and we have the right person, it enables us to get the sewer to that location. We think that we need to bring some of these developers in to discuss locations and how to get sewers to them. He said

they would be happy to do it. Some projects do not require sewers and they could be put in some locations such as County Road. Maybe there are some areas we should be concentrating on differently.

Mr. Ertel also said that we need to welcome new entrepreneurs with open arms. The first reception means an awful lot. The welcoming should be how can we help you, rather than what are you here for. The other issue is how expeditious can we do it. The process has to be streamlined so that it can be more compact without compromising the issues that have to be addressed. There has to be a way that we can move it along faster. Other communities in the Western New York area do it. Planning is a key part of that. Maybe there is a way to shorten the train. Maybe it is meeting more often. Some of the basics are very simple just with how we treat them when they walk in the door. We need to get back on track and look to the future. Where is Clarence going?

Mr. Sackett believes that the Planning Board tries to be as welcoming as they can. The greatest handcuff is zoning. The Planning Board does not have the flexibility the Town Board does. The process is you have public opinion and that will dictate what goes into the Master Plan. It is the peoples' document. Commercial development is not as welcome by some as others. From the Master Plan comes the Zoning...from the Zoning comes the project. The discussion that needs to be had as a community has to be to look at the zoning and what needs to be changed.

Sheridan Drive is now restricted business. There is an Office Park on Sheridan that is slowly developing. There is another Office Park on Clarence Center and Transit that is having trouble getting tenants but is moving along. There are two emerging parks right now that are awaiting tenants to build there. Where we can with zoning and where we can balance the needs of the residents with the needs of developers and commerce, we continue to make every effort we can. Our greatest handcuff is zoning and probably sewers for the developers. If the developers are willing to put sewers in, far be it from him to stop them. Mr. Ertel said we have done it very successfully with residential developers as you know. It is not as common place to get the commercial developers to do it. But if you have the right scenario, anything is possible.

Mr. Sackett welcomes the CIDA's comments and hopes they will take part in the April 30<sup>th</sup> meeting. There are a lot of issues to discuss. We guard our commercial space carefully because it is limited right now. If the zoning changes by virtue of the next master plan, maybe more possibilities for commercial development will open up. The first path to that is the April 30<sup>th</sup> meeting. From that meeting, the Planning Board will draft the Master Plan, present it to the Town Board (the Town Board adopts the Master Plan, the Planning Board drafts it) and there will be public hearings on the full draft. The Planning Board is a sounding Board. We will take what was discussed here this morning back to the Planning Board. We understand the CIDA's mission and try to support it as best as we can.

That is where we need your help, as a planning board to go to the Town Board and to the public and say we have "x", it isn't right, it is not enough or maybe it's the wrong locations. We need to adopt new zoning regs. and accomplish what we need to accomplish. To do that we need to have the right criteria. That is why he thinks that there should be a meeting with some of the major developers to get some ideas so we have it from the viewpoint of the user rather than us

thinking what might be a good location. Mr. Sackett thought that was key and hoped that some of the users and developers, one or two, will attend the April 30, 2014 meeting.

Mr. Rash said the reason he sent in his suggestions the way he did, in that form, was that, at the time, he did not realize that the Master Plan was strictly a Land Use document. When he looked at surrounding towns like Newstead, Lancaster, Amherst, the Town of Lockport and so on, what they have are sometime called Master Plans, sometimes called Comprehensive Plans, but they are all essentially overall a form of a Strategic Plan for the Town. Every one of those had a separate goal or objective or at least language to the effect of economic growth as a goal. He did not see that in our Master Plan. He did not realize that the Town's Master Plan was a Land Use Document. He did see that the highlighted portions of the language in the handout relates to what he has outlined in his suggestions but is not a separate goal in the Master Plan. Mr. Rash's notion was to at least give consideration to maybe amending the mission, somewhat, of the Master Plan, to include other objectives like economic growth development, to at least include language, just as a statement, that the Town actually has a goal for economic growth development.

Mr. Sackett added that after meeting with the Town Board last June on the issue of the Master Plan, the Town Board gave the Planning Board the direction to produce the Master Plan as a Land Use document. Mr. Sackett added that he would suggest, that if you would like to change the nature of that document, you need to lobby the Town Board.

Mr. Ertel said that they will do that as an IDA, address it with the Town Board.

Mr. Sackett thanked the Board for having both he and Mr. Shear to the meeting and understands the Boards comments.

Mr. Schuster asked about the open meetings of the Planning Board.

Mr. Sackett said that the public meeting will be held on April 30<sup>th</sup>. The Executive Committee meets every Monday morning, which is a work session that is open to the public but there is no public comment, no public discussion. The regular public Planning Board meetings are held on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of the month in the evening (subject to change.)

Mr. Shuster asked that Mr. Sackett let Cindi know when the public meetings are. Ms. Rosel said that she will give the Board a list of the Planning Board meetings. The meeting dates and notices are published in the Clarence Bee. The agenda is also published.

Mr. Ertel, as well as the other Board members, thanked Mr. Sackett and Mr. Shear for coming to the meeting and spending the time to discuss the Master Plan.

### **New Business.**

Mr. Leone said that a public hearing has to be scheduled for Seal and Design. The application and IMPLAN has been e-mailed to the members and the attorneys. The IMPLAN is in the packet also. What has to be discussed is the type of Pilot. They are eligible for everything. Mr.

Neill said where there is an existing building they have done renovations to, an abatement is given on the value added by the addition. They take the assessed valuation of the improvements beforehand and then, what the assessed valuation is afterwards, and they get the abatement on the difference. There was further discussion relative to the abatement and pilot.

Mr. Meckler said that we have not adopted a new pilot policy, so the benefit has to be given according to the policy that is in effect now.

They are eligible for the 10 year. Mr. Bengart said that would be up to the Board to decide. All the options are laid on the table.

The Board decided to set a public hearing for the March meeting.

Mr. Leone mentioned that the SBA will be having the Matchmakers luncheon on May 7, 2014.

The Coalition is having a meeting this Friday to discuss the clawback policy. There was discussion regarding the State policy, the ECIDA proposed policy and the goals of the policy.

There was also discussion regarding the Coalition and the CIDA joining.

The Board also discussed the proposed pending legislation regarding the CIDA and surrounding Towns.

### **EDO Report.**

The meeting regarding revitalization to the Clarence Hollow and Main St. Corridor was held on January 28, 2014. The meeting was very good. There were about 16 people there.

On this subject, Mr. Rash received an invoice for payment from Ms. Hackathorn to present this program. He did not know until about four days before the presentation that she was going to charge for the presentation. That is when she e-mailed him the invoice. The Board was surprised by the charge as it was never mentioned or discussed months ago. It never was presented that way.

Mr. Leone was also surprised by the charge. When Mr. Leone spoke to Mr. Bartlett, Mr. Bartlett said the Hamburg IDA had nothing to do with Ms. Hackathorn and the Village. They do not pay her. She is a Village Trustee. The project was funded by the DOT and the Village. The Hamburg IDA did not fund any of the project.

Mr. Rash said that he learned that she was going to charge for this when he spoke to her on the phone about setting up the electronic equipment for the presentation. He called her to let her know that if her presentation and attendance at the meeting is contingent upon her knowing that she was going to be paid in advance, then he would postpone the meeting to consult the CIDA Board. He said that Ms. Hackathorn said no and that she would come to the meeting anyway. She had already made her plans and so on. He had the invoice and he asked that the Board approve it or reject it.

Mr. Bengart added that wasn't she coming and presenting with the idea that she was hoping to get business from this. Mr. Rash said that what she told him was that her original idea was that she thought this was going to be a sit around the table conversation with some key officials in the Town but it became a presentation and she generally gets paid for that.

There was further discussion regarding the charge. Mr. Neill thought it would be a reasonable charge for it. The Board agreed that it was not unreasonable, but that was not the understanding at the very beginning. There was no mention from Mr. Rash or Ms. Hackathorn regarding a charge. Mr. Buettner said you have to know the rules up front. Mr. Rash mentioned that she is an elected official...she is a village Trustee...if that would make a difference.

Mr. Leone asked about the article in the Bee that CIDA would be giving a grant for \$30,000 for a revitalization study of the Main St. Corridor.

Mr. Meckler added that since this was not given any prior approval it could be considered a gift to a private individual.

The Board was not in favor of paying this bill. Mr. Schuster added that this was for the benefit of other organizations that were present. If this is going to be paid, they should all pay it. Elaine Wolfe said the focus was for the Hollow.

Mr. Rash continued that Jean O'Connell has been in contact with the DOT and has two individuals that she is dealing with that are willing to take a walk through with us. They would talk about partnering with the overall project whatever that becomes.

He attended the meeting with Paul, Dave and some representatives from National Fuel Gas to learn about special services provided by NFG and the economic development program they offer.

He finally met with the Seneca Commission on Economic Development to discuss possible future business development activities in Clarence.

He attended One Region Forward workshop.

He plans on media announcements for Cimato Family Business Park (mailer, web). Mr. Meckler said that we really should not promote a private business or individual. We can promote what the CIDA does. Mr. Bengart added that you cannot use a public entity to promote a private entity. Ms. Rosel added that the New York State Constitution Law addresses that.

Mr. Leone said that the he has not heard anything from the Cimato's about the project. They have not asked for an application. Mr. Ertel said that Paul should contact him again. Once the project has started development, it will be too late for IDA benefits.

He also prepared a projection sheet for the marketing/advertising expenses for 2014.

Mr. Buettner wanted to know who would be getting the \$10,000 that is projected for advertising. Who is doing the work? Mr. Rash said it would be John Arnold and the Bee.

He also said that the Bee will provide framed copies of the Niagara Produce ad for a fee of \$75 each.

Cindi Rosel has some laminated full size copies. She will get them for the Board to see. Elaine Wolfe said that instead of a framed copy, it would look nicer if the ad was done like the one that is in the hall next to zoning. Ms. Rosel had some full size laminated copies she will show the members.

Elaine Wolfe mentioned that the One Region Forward has another workshop for businesses scheduled for February 25 and 26<sup>th</sup> at the conference center in Niagara Falls. This workshop is to help businesses to prepare for possible disasters.

She also added that the new head of the convention bureau is going to form a committee with the objective of rebranding WNY as a tourism destination.

There was a friendly motion to adjourn the meeting by David Schuster with a second by Michael Buettner. There was nothing further.

Respectfully submitted,  
Cynthia M. Rosel