

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, June 22, 2011 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 6:00 P.M. Members of the Town Board present were Councilmember's Peter DiCostanzo, Patrick Casilio, Bernard Kolber and Joseph Weiss. Other Town officials present were Director of Community Development James Callahan, Planner Brad Packard, Senior Building Inspector David Metzger, Town Attorney Steven Bengart, Director of Administration and Finance Pam Smith and Planning Board Chairman Al Schultz

Director of Community Development – James Callahan

Formal Agenda items:

AVR Builder Inc./Hollows at Loch Lea

Applicant is seeking an amendment to the original PURD to utilize the property to construct additional patio homes. The proposed site is located on the southwest corner of Harris Hill Road and Roll Road on existing vacant land located within the Loch Lea Planned Unit Residential Development (PURD). The property was originally designated to provide the required commercial/service component of the PURD.

The overall density of the PURD must be maintained at a maximum of 3 units per acre. Referral to the Planning Board will initiate a formal review process, including SEQRA.

Councilman Casilio stated that Hollows at Loch Lea is a very sought after development and he would like to see some of the problems that were created ten – fifteen years ago corrected with this new development.

Dr. Laura Wade DVM 10822 Main Street

Applicant is proposing to reside and operate a veterinary clinic on the property. The proposed site is located on the north side of Main Street, east of Salt Road at existing mixed-use property located within the Clarence Hollow Traditional Neighborhood District and within the Clarence Hollow Overlay.

The applicant is proposing an addition to the existing structure and because the property lies within the Clarence Hollow Overlay, the Town Board has final approval authority on architectural style after a recommendation from the Community Character Protection Board.

The Town Board may approve the proposed architectural style; however, the site plan must be referred to the ZBA to consider a variance to the condition of not allowing parking within the front yard setback area in the TND.

Paul Marinaccio 8905 Lapp Road

Applicant is proposing to fill an area to accept construction of a new pole barn. The proposed site is located on the south side of Lapp Road, west of Heise Road at existing residential use in the Agriculture Rural Residential Zone.

Per the Clearing, Filling and Grading Law, the Town Board has authority to issue permits for filling operations in advance of a building permit. Pending Town Engineer review and approval.

Tim Kulbacki 10440 Keller Road

Applicant is proposing to fill the front portion of a future residential building lot. The proposed site is located on the north side of Keller Road, east of Strickler Road. The existing vacant lot is located in the Agricultural Rural Residential Zone. Per the Clearing, Filling and Grading Local Law, the Town Board has authority to issue permits for filling in advance of a building permit. Pending Town Engineer review and approval.

Pinnacle Automotive 6585 Transit Road

Applicant is proposing to open an automotive sales business. The proposed site is located on the east side of Transit Road, north of Miles Road in existing commercial building in the Major Arterial Zone. The building was previously utilized for plumbing/heating business and automotive sales operation.

Per the Zoning Law, the Town Board may consider an automotive sales operation as a Temporary Conditional Permit. A public hearing will be required.

Excavation Permits

- Buffalo Crushed Stone
- Emeritus Holdings
- 10000 Grand Corporation
- Lakeside Sod

All permit fees, bonds, tax receipts, DEC Permits and estimates are in order. Per the Excavation Law, the Town Board has authority to renew permits.

Fireworks Display Permits:

- Dan Snyder 5655 Newhouse Road – July 4, 2011
- Clarence Center VFC 9415 Clarence Center Road – September 4, 2011
- Brookfield Country Club 5120 Shimerville Road – July 9, 29 & 30th, 2011

Work Session items for consideration July 13, 2011:

- *Joseph Mattina 7141 Salt Road*
Applicant is proposing to construct a pond. The proposed site is located on the north side of Salt Road, east of Lapp Road at existing residential property located in the Agriculture Rural Residential Zone. Per the Excavation Law, the Town Board has authority to approve pond permits. Town Engineer review and approval required. ***(Applicant asked to be removed from the agenda).***
- *Eastern Hills Mall*
Eastern Hills Mall is requesting a large scale special event for a BBQ Cook-off. They are estimating a crowd of approximately 5000 people. The information has been forwarded to Senior Building Inspector David Metzger for review.
- *McDuffies Bakery – Kraus Road and Main Street*
Applicant is requesting a Temporary Conditional Permit for outside dining.
- *County Road east of Green Acres*
Applicant is proposing to construct a pond. The proposed site is located on County Road, east of Green Acres at existing residential property. Per the Excavation Law, the Town Board has authority to approve pond permits. The design, review and approval by Town Engineer are on file.
- *Zoe's Restaurant*
Applicant is requesting a Temporary Conditional Permit for outside dining.

Supervisor Scott Bylewski

Supervisor Bylewski will make a motion to amend the Town of Clarence Town Policy Manual regarding Medical Insurance.

Supervisor Bylewski received a complaint regarding a driver for Waste Management. Supervisor Bylewski contacted Waste Management and the issue was resolved.

The Joint Town Board/Planning Board meeting is scheduled for June 29th, 2011 at 7:00 PM.

There will be no morning Work Session in July.

The Erie County Consolidated Annual Performance Report dealing with CDBG Consortium is on file in the Supervisor's office.

Supervisor Bylewski received a follow-up complaint regarding 9380 Willow Wood Drive which has been forwarded to the Planning Department.

Supervisor Bylewski received a Special Event Request for a July 4th Block Party on West Point Drive.

Supervisor Bylewski received County Executive Collins proposal that the town take over the library maintenance and utility bills. Director of Administration and Finance Pam Smith received the break down which shows what Erie County presently pays for the library which is approximately \$85,000. If the town were to assume the \$85,000 that would add another three cents on the tax rate assuming everything else remains equal.

Supervisor Bylewski has one attorney client item to discuss.

Councilman Joseph Weiss

Councilman Weiss attended the Clarence Hollow Association meeting regarding the Business District. Snow removal was discussed along with the formation of a Snow Removal District and how it would be handled.

Councilman Weiss also entertained the idea of hiring an events coordinator to help organize and promote events in the town which in turn could help our business community by drawing more visitors from out of town instead of having the same people attend these events. The Clarence Hollow Association was in agreement with this idea. From a planning standpoint, it is probably too late to do anything for this year because most events are in the works but this is something Councilman Weiss would like to move forward on for next year and discuss this further in a Work Session.

A DEC Officer contacted Councilman Weiss regarding the geese situation. Councilman Weiss provided him with a copy of the June 8th Work Session and Town Board meeting minutes.

Councilman Bernard Kolber

Highway Superintendent Donner is requesting a bid date be set for the purchase of (2) new 2012 SUV's and (2) new 2012 mid size sedans.

Several people have contacted Councilman Kolber regarding the high grass along the bike paths. Supervisor Bylewski suggested Councilman Kolber contact Highway Superintendent Donner.

At the June 8th, 2011 Town Board meeting, Councilman Kolber discussed the Pale Swallow-wort plant. The WNY Land Conservancy is very aware of this and agreed that this is a huge problem that we are facing. Councilman Kolber will try to set up a symposium to educate the public.

Councilman Patrick Casilio

Councilman Casilio e-mailed the board a copy of a survey conducted by the Clarence Hollow Association. Number one on the survey was the conditions of some of the properties in the Hollow.

Councilman Peter DiCostanzo

Councilman DiCostanzo attended the Chamber of Commerce meeting held at the Nature Center. There has been some water damage and insect damage at the Nature Center and there are also some issues with the roof. Councilman DiCostanzo hopes that these issues can be addressed so the building does not fall into a state of disrepair.

Clarence Bee Editor Andrea Kimbriel took a poll asking if the Town should use lethal methods to control geese - 72% said yes. Councilman Casilio stated that the town receives numerous calls from residents in Loch Lea, Floss Estates and Meadow Lakes complaining about the geese.

The town pool is open; pool registration is on-going. Councilman DiCostanzo suggested having a "grand opening" of the pool on the last day of school next year.

Councilman DiCostanzo would like to discuss the towns fixed assets at a Work Session. Everything has all been documented and there may be some things that the town could dispose of.

Councilman DiCostanzo has one item to discuss in Executive Session regarding the sale of real property and one Attorney-Client item to discuss as well.

Town Engineer Timothy Lavocat

Town Engineer Lavocat is requesting the Town Board award the Design Contract for design services and bid documents for the Parks Department Office roofing and HVAC upgrade projects to K2 Architecture.

Planning Board Chairman Albert Schultz

Assistant Planner Brad Packard and Town Engineer Lavocat are working on strategies to achieve sewer priorities - this will be the topic of discussion at the joint Town Board/Planning Board meeting.

Representative from Amherst were invited to attend this meeting but they have declined.

Councilman DiCostanzo mentioned that a dog park opened up in Amherst. Even though we have signs posted throughout the parks that dogs are not allowed, people still bring their dogs in the Park. Councilman Casilio will speak to Parks Security about this.

Director of Community Development James Callahan thanked the Town Board and Parks Security for the enforcement of the illegal right of way signs. With their help, Jims' office can keep a handle on the situation.

Senior Building Inspector – David Metzger

Senior Building Inspector Metzger informed the Board that a "walk around" was conducted on the house that is slated for demolition on Sheridan Drive, proposals are due by July 6, 2011.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105 (1) D proposed litigation – Clarence Hollow properties, § 105(1) H proposed sale of real property but only when publicity would substantially affect the value thereof. On the question, James Callahan, Brad Packard and Tim Lavocat were asked to remain in the meeting. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 6:47 P.M.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman Kolber to adjourn the Executive Session at 7:28 P.M. Upon roll call – Ayes: All; Noes: None. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, June 22, 2011 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:32 P.M. Pledge to the flag was led by Councilman Joseph Weiss, followed by a prayer read by Supervisor Bylewski.

Members of the Town Board present were Councilmembers Peter DiCostanzo, Patrick Casilio, Bernard Kolber, Joseph Weiss and Supervisor Bylewski. Other Town officials present were Director of Community Development James Callahan, Town Attorney Steven Bengart, Sr. Building Inspector David Metzger, Planner Brad Packard and Planning Board Chairman Al Schultz.

Motion by Councilman Weiss, seconded by Councilman Casilio to accept the minutes of the previous meeting held June 8, 2011. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski said we received the request under the County Executive's plan regarding the Town taking over the library maintenance. We also received some financial information from the library indicating that if we were going to do that it would be an increase in of about \$85,000 to our tax levy. That would equate to a 2½ % increase. If the tax cap is enacted, that would put us over assuming that everything is equal. We would have to work on that very diligently.

Supervisor Bylewski announced that next Wednesday the annual Town Board/Planning Board meeting will be held to discuss sewers and an update on the planning process and how the changes have been working.

Supervisor Bylewski said he received a copy of the Erie County Consortium Consolidated Annual Performance Report for anyone who is interested.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to approve a Block Party Request for July 4, 2011 on West Point Drive between Gott Creek Trail and Clarence Lane North from 8:00 p.m. to 11:00 p.m. On the question, Supervisor Bylewski said no tents were requested. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to amend the Town of Clarence Town Policy Manual section 800 by making the following changes to section 806.

806 Medical Insurance

Premium Payment – The Town Board will select a health insurance plan for eligible employees and elected officials. Employees and officials elected will share in cost of health insurance premiums with the Town as set forth in the table below.

Effective July 1, 2011

Months Employed	Percentage of Premium Paid by Town	Percentage of Premium Paid by Employee/Official
0-6	0%	100%
7-36	75%	25%
37 or more	98%	2% (Not to exceed an annual premium contribution of \$300.00)

Effective January 1, 2012

Months Employed	Percentage of Premium Paid by Town	Percentage of Premium Paid by Employee/Official
0-6	0%	100%
7-36	75%	25%
37 or more	96%	4% (Not to exceed an annual premium contribution of \$600.00)

Effective January 1, 2013

Months Employed	Percentage of Premium Paid by Town	Percentage of Premium Paid by Employee/Official
0-6	0%	100%
7-36	75%	25%
37 or more	94%	6% (Not to exceed an annual premium contribution of \$800.00)

Effective January 1, 2014

Months Employed	Percentage of Premium Paid by Town	Percentage of Premium Paid by Employee/Official
0-6	0%	100%
7-36	75%	25%
37 or more	94%	6% (Not to exceed an annual premium contribution of \$1,000.00)

All employee/official health insurance premium contributions shall be made through payroll deduction.

Changes in Carriers/Base Plan – The Town Board reserves the right to change carriers and/or health insurance plans. If possible, the Town will provide advance notification of any such changes

Termination – In the event of termination of employment, the Town will pay its share of the employee's health insurance premiums through the last day of the month of the termination.

Union Employees – An employee who is a member of a collective bargaining unit is not covered by the Medical Insurance provisions set forth immediately above and should refer to the applicable collective bargaining agreement.

This change will take effect immediately. A complete copy of the Town of Clarence Town Manual is on file in the Office of the Town Clerk.

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

Motion by Councilman Weiss, seconded by Councilman Kolber to authorize Albert Weber, Real Property Appraiser, to attend the 2011 New York State Assessors' Association Seminar at Cornell University in Ithaca, NY, from Sunday, July 17, through 21, 2011 and to reimburse Mr. Weber for any necessary and reasonable expenses that will not be covered by the scholarship; and to authorize the Assessor, Christine Fusco to also attend the NYSAA Cornell Seminar and the reimbursement for any necessary and reasonable expenses from the Town.

On the question, Councilman Weiss said that Mr. Weber was awarded a full scholarship for the Seminar and all expenses will be paid by NYSAA.

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

Motion by Councilman Weiss, seconded by Councilman Kolber to appoint Jared Stockwell to the position of Laborer PT-Seasonal in the Parks Department effective June 27, 2011, for a period of up to five (5) months, at the budgeted rate of \$11.83 per hour, subject to the completion of all pre-employment requirements being met.

On the question, Councilman Weiss said this appointment is being made to replace Ryan Andres who has given notice to pursue a full-time job elsewhere.

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

Councilman Weiss said he went to the Clarence Hollow Association meeting the other night and it was very well attended. There were two items that were brought up at that meeting

and he told them he would discuss them with the Town Board. The Town Board will entertain the creation of snow removal districts inclusive of the Hollow. They will discuss this with the Town Engineer to see what areas would meet the requirements for the districts and how it would be formatted. He thanked Jean O'Connell for sending him a lot of information on this from the Town of Amherst.

Councilman Weiss said another great idea they came up with was getting into the arts for the Hollow. They would like to bring in top shelf artists for an art festival. Darlene Feinen gave him the name of the coordinator of the jazz festival in Lewiston. Councilman Weiss said he proposed to hire a full time event coordinator for the Town. This person would coordinate all the efforts by the smaller organizations that rely on funding from the same people all the time.

Councilman DiCostanzo said it was discussed but he does not think we are looking to create a new position. The idea of it went over well.

Councilman Weiss said we have great organizations but all we are doing is moving the money around Clarence. This would give the potential to draw people to our events.

Councilman Kolber agreed that it was a very good meeting with a lot of energy from people who want to see positive changes. For years the Hollow was known as the antique capital, but over the years that has changed. He is going to be working on creating an arts overlay district.

Motion by Councilman Kolber, seconded by Councilman Casilio to authorize Supervisor Scott Bylewski to sign the East Hill Foundation Grant Contract between the East Hill Foundation and the Town of Clarence.

On the question, Councilman Kolber said the term of the grant contract is 5 years and the amount is \$2,500.00 per year paid to the Town and applied towards the maintenance of the museum. Funds will be received in June of 2011; 2012; 2013; 2014 and 2015.

Town Attorney Steven Bengart said he has reviewed and approved this contract.

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

Motion by Councilman Kolber, seconded by Councilman Casilio that upon recommendation of Highway Supt. Ted Donner, a Bid Date of July 12, 2011 at 10:00 a.m. is set for the purchase of two new 2012 SUV's. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio that upon recommendation of Highway Supt. Ted Donner, a Bid Date of July 12, 2011 at 10:00 a.m. is set for the purchase of two new 2012 Mid-Size Sedans. On the question, Supervisor Bylewski said this motion and the previous have to do with the ongoing vehicle replacement program. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Kolber said we have had a lot of complaints about the tall grass along the bike paths. He spoke with Parks and they have been busy with the maintenance of the parks. They will get to it as soon as they can.

Councilman Casilio said he also attended the Clarence Hollow Association meeting. They did a survey of the area to see what the concerns were. The main concern was to get it cleaned up and repair of some of the buildings. The Building Department has worked on that. Some have addressed their properties, some need a little more time and some have been issued court appearances.

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

RESOLVED, that the Clarence Town Board authorizes Supervisor Scott A. Bylewski to execute the agreement between the Town of Clarence and the Civil Service Employees Association, Inc., Local 1000 AFSCME, AFL-CIO, Town of Clarence White Collar Unit of Local 815 for the period of January 1, 2011 to December 31, 2014.

On the question, Councilman Casilio said we have been working on contract negotiations for about six months and he believes both sides are very happy with the agreement that was reached.

Supervisor Bylewski said he would like to thank the members of the White Collar Unit for their work throughout the negotiations.

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

Motion by Councilman Casilio, seconded by Councilman Kolber to appoint Kathryn Vergo to the position of Civil Engineer-Provisional in the Engineering Department effective June 27, 2011 at an annual salary of \$47,000, subject to a six-month probationary period, Civil Service Exam and completion of all pre-employment requirements. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize NYSEG to activate Five (5) street lights in the Hidden Pond Subdivision - Phase 2, Part 2 on Glen Iris Drive and Rosecroft Drive, per the approved street light layout, as per the NYSEG proposal and as per “as-builts” submitted. Standards, fixtures and underground conductors to be installed by the developer. Conductors, fixtures, and standards to be owned and maintained by the Town of Clarence. Connection, energy lamp and photo electric eye replacements to be supplied and maintained by NYSEG under the terms and conditions covered in NYSEG’s street lighting agreement with the Town of Clarence. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize NYSEG to activate Eleven (11) street lights in the Hidden Pond Subdivision, Phase 2, Part 3, on Rosecroft Drive, Glen Brook Court, Fairmeadow Court, and Meadowglen Drive, per the approved street light layout, as per the NYSEG proposal and as per “as-builts” submitted. Standards, fixtures and underground conductors to be installed by the developer. Conductors, fixtures, and standards to be owned and maintained by the town of Clarence. Connection, energy lamp and photo electric eye replacements to be supplied and maintained by NYSEG under the terms and conditions covered in NYSEG’s street lighting agreement with 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:

Be It Resolved That, the Town of Clarence awards the Design Contract for design services and bid documents to K2 Architecture in accordance with their proposal dated June 1, 2011 for the Parks Department Office Roofing and HVAC Upgrade Projects in the amount of \$6,200 to be paid from Capital Project No. 27.

On the question, Councilman Casilio said due to the age of the building, the roof has rusted and is leaking, and an upgrade of the HVAC system will be more efficient.

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

Councilman DiCostanzo said the meeting of the Town Board and Planning Board will be held here at 7:00 p.m. and anyone interested can attend.

Councilman DiCostanzo said Andrea from the Bee ran a poll and 72% of those responding approved of the Town using lethal methods to control the geese.

Councilman DiCostanzo said the pool is open and people like the new passes. Registration for swim lessons is starting next week. You can register and pay at the pool and then come to the Town Hall to get the pass.

Councilman DiCostanzo said the Nature Center is one of the best secrets in Town. You can park at the Thompson Road ball field and hike in on the trails.

Councilman DiCostanzo said the rocks at Wilson Farms that Mr. Melancon has been in to complain about have been removed.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to adjust the hourly rate for Paul Kreppel, Lifeguard PT Seasonal, from \$10.18 per hour to \$10.85 per hour effective June 6, 2011. On the question, Councilman DiCostanzo said Mr. Kreppel is going to be a head guard. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to appoint Megan Klyczek as Lifeguard PT Seasonal at the rate of \$10.18 per hour effective June 23, 2011. On the question, Councilman DiCostanzo said Ms. Klyczek will be replacing Kyle Evanetski. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that pursuant to Article 8 of the Environmental Conservation Law, and upon the recommendation of the Planning Board, the Clarence Town Board seeks Lead Agency status and initiates a coordinated review on the proposed Master Plan 2015 amendment related to Segment B of Transit Road. This Type I Action involves an amendment to the Future Land Use Map within Master Plan 2015 to extend the Commercial Zone east from its current eastern boundary an additional 180' and convert the existing Residential Single Family Zone to the east of the Commercial Zone to Restricted Business. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Casilio said Day In The Park is coming on July 2, 2011 and also the 100 year anniversary of the Town Park Clubhouse originally built by the Automobile Club. The Town of Clarence bought the property in 1957. Activities will begin at 11:00 a.m. including a car show of cars from the turn of the century and tours of the Clubhouse. A fireworks display will be done at dusk.

Supervisor Bylewski thanked department heads present for attending.

Public Participation

Jean O'Connell is the vice president of the Clarence Hollow Association and serves on the business committee of the organization. She thanked the Town Board members who attended their business summit led by Jeff Baran, president. The turnout was impressive as well as the enthusiasm for doing something for the Hollow. It was a vibrant area of businesses when she was growing up there.

Ms. O'Connell said she has a wonderful business committee to work with including Jeff Baron, Paul Cambria, Bob Lenz, Rene Rebmann, Ed Woodworth and Cathy Yu. They have been meeting every two weeks and will continue. A few more people would like to join. Her job on this committee is to stay "in-the-face" of the Town Board to move in the direction of an events coordinator. They are willing to work with the Town to figure out the details and how this person could be paid.

The Hollow sidewalks have been a major problem for the businesses because some shovel and some do not. She believes most of the businesses are in favor of a district to have them plowed.

Councilman Weiss said he would like to meet with them to discuss the requirements of what we all would like to see in an events coordinator.

Paul Cambria encourages the Town to appoint an events coordinator. There are a number of organizations and businesses looking for ways to show people what we have to offer in our community. It makes sense to have someone to coordinate events to include music events, art events and more vendors for the farmer's market.

Bob Lenz said he appreciates those who attended the meeting and the great ideas that came out of it. People will not invest in the community if there is nothing there.

He also is in support of the sidewalk district to take care of plowing all of the sidewalks in the winter. He sees children walking in the street to get to the park because everyone does not shovel.

Councilman Casilio thanked Mr. Lenz for his hospitality in hosting the meeting at the Asa Ransom House.

Jeff Baran, president of the Clarence Hollow Association said he seconds all the points brought up by the previous members. He also asks that the Town Board jump in on their efforts. They also have a beautification committee that is busy. He said they will be soliciting ideas and input from the Town to help them revitalize the Hollow.

AVR Builders, Inc. requests an Amendment to the Loch Lea Estates Planned Unit Residential Development (PURD) to allow for the construction of additional patio home units at the southwest corner of Harris Hill Road and Roll Road. James Callahan said this is existing vacant land consisting of 5+ acres zoned Planned Unit Residential Development. It was originally designed to host a commercial component of the Loch Lea PURD. The applicant is requesting an amendment to allow for additional patio homes.

William Tuyn, engineer with Greenman Pederson presented a drawing of the last section of the Loch Lea development. It was proposed as a plaza 25 years ago but no market has materialized to support the commercial enterprise. This would be a continuation of 20 more patio home units. The roadway cannot be connected to the existing section because of the layout of the homes already there. The total density of the project is about 1.75 units per acre totaling 131 patio home units. The traffic is considerably less than what was anticipated.

Supervisor Bylewski said the intent was the interactivity between the uses and that did not happen. The PURD zoning no longer exists. An issue brought up was the buffering of the industrial use across the street on both sides.

Mr. Tuyn said a new homeowners association would be established instead of changing the one that has been in existence for some time. It is their intention to keep the development to the south and west. Their concern is the road and not so much the businesses. It is very typical of suburban development. They are taking steps for some buffering.

Councilman Kolber said it happens where there is an existing project, such as the bike path, and once people move in they do not want it there.

Motion by Councilman Bylewski, seconded Councilman Casilio to refer the request by AVR Builders, Inc. for an Amendment to the Loch Lea Estates Planned Unit Residential Development (PURD) to allow for the construction of additional patio home units at the southwest corner of Harris Hill Road and Roll Road to the Planning Board for further study and review. On the question, James Callahan said this is within Erie County Sewer District No. 5 and an analysis of the availability of access will be reviewed. Upon roll call – Ayes: All; Noes: None. Motion carried.

Dr. Laura Wade requests a Building Permit and Architectural Approval for renovation of an existing structure at 10882 Main Street. James Callahan said the location is the north side of Main Street, opposite Schurr Road in the Traditional Neighborhood District and within the Clarence Hollow overlay. The applicant is proposing to renovate the property and relocate a veterinary use to this location.

Mark Dean, architect said the parcel is approximately 3.5 acres including the residence of the applicant. There is a one-story 50' x 24' structure that they would like to add 4' to the depth and add a second story. The purpose is for a veterinary clinic specializing in birds and exotic pets. The staff will be 5 to 6 part time employees. Her current practice has about 2,000 clients and she hopes to increase that base over the next few years. Hours of operation are 8:00 a.m. to 6:00 p.m. Monday through Friday, shorter hours on Saturdays and some by appointment only.

Mr. Dean said the challenge to this location was to separate the residence from the business. They have created an entrance and exit to the property with parking in front of the building.

Supervisor Bylewski said the issue of parking was discussed and could not be approved because it does not comply with the zoning.

Mr. Dean said they are going before the Zoning Board of Appeals.

James Callahan said the Clarence Hollow Community Protection Board made no comment on this proposal.

Councilman Weiss asked if there would be noise coming from this use or is it contained within the structure.

Mr. Dean said it is contained within the structure.

Motion by Councilman Weiss, seconded by Councilman Casilio to grant Architectural Approval for renovation of an existing structure at 10882 Main Street. On the question, Councilman Kolber said this is a great project to bring to the Hollow. Councilman Weiss added that it is a great specialty project to bring in. Upon roll call – Ayes: All; Noes: None. Motion carried.

Paul Marinaccio requests a Clearing, Filling and Grading Permit at 8905 Lapp Road. James Callahan said the location is the south side of Lapp Road west of Heise Road consisting of vacant land in the Agricultural Rural Residential Zone. The applicant is seeking a fill permit over and above the grading requirement for a new accessory structure.

Paul Marinaccio said he said is putting up a pole barn and needs additional fill because of the shape of the land to be able to put 40' to 50' all the way around the building.

Motion by Councilman Casilio, seconded by Councilman Weiss to grant approval for a Clearing, Filling and Grading Permit at 8905 Lapp Road, subject to Town Engineer approval. Upon roll call – Ayes: All; Noes: None. Motion carried.

Tim Kulbacki requests a Clearing, Filling and Grading Permit at 10440 Keller Road. James Callahan said the location is the north side of Keller Road east of Strickler Road consisting of vacant land in the Agricultural Rural Residential Zone. The applicant is seeking a fill permit in advance of a building permit for future residential use.

Tim Kulbacki said his neighbor put in a 50' strip with pine trees and he would like to do the same thing. The property is 2 ½ ft. below the road level and it would look more appealing. He has an opportunity to get fill, so he would like to do it now. He has talked to the Town Engineer.

Motion by Councilman Kolber, seconded by Councilman Casilio to grant a Clearing, Filling and Grading Permit at 10440 Keller Road, subject to Town Engineer approval. Upon roll call – Ayes: All; Noes: None. Motion carried.

Pinnacle Automotive requests a Public Hearing to consider a Temporary Conditional Permit for an automotive sales operation at 6585 Transit Road. James Callahan said the location is the east side of Transit Road north of Miles Road consisting of a commercial structure in the Major Arterial Zone.

Joseph Piparo said he did pursue this property prior to the last tenant, but could not come to proper terms with the owner. He presented preliminary landscape architectural plans for the property. He would like to upgrade the property and make some façade improvements.

Motion by Councilman Kolber, seconded by Councilman Casilio to set a Public Hearing for July 13, 2011 at 7:55 p.m. to consider the request for a Temporary Conditional Permit for an automotive sales operation at 6585 Transit Road. Upon roll call – Ayes: All; Noes: None. Motion carried.

James Callahan said the Town Board has the authority to approve ongoing excavation permits. The following are seeking approval: Excavation Permits for 2011 - A. Buffalo Crushed Stone; B. Emeritus Holdings; C. Lakeside Sod and D. 10000 Grand Corporation. All of the above have submitted complete applications, fees, bonds, DEC permits and tax receipts as required. James Callahan said there are no registered complaints on any of the applicants.

Motion by Councilman Kolber, seconded by Councilman Casilio to grant approval of the following Excavation Permits for 2011 - A. Buffalo Crushed Stone; B. Emeritus Holdings; C. Lakeside Sod and D. 10000 Grand Corporation for the period of one year. Upon roll call – Ayes: All; Noes: None. Motion carried.

Dan Snyder requests a Fireworks Display Permit for July 4, 2011 at 5655 Newhouse Road. James Callahan said the application, fee, insurance, and fire chief approval have been received.

Town Attorney Steven Bengart said this was referred to the Right-to-Farm Committee for a statement from them. They made the same statement that was made the year before to not go forward with the request.

Mr. Bengart said based on the research he has done, his contact with the Association of Towns, he has come to the conclusion, even though he wants to protect Ms. Landreville and her horses, that he would do an injustice to the Board if he did not advise them of his legal opinion.

Mr. Bengart said Penal Law §405 clearly states that all local ordinances regulating or prohibiting the display of fireworks are hereby superseded by the provisions of this section. It allows the Town to issue permits as long as all the requirements have been met. In this case he believes he would be subjecting the Town and this Town Board to possible litigation.

Supervisor Bylewski asked if it is superior to our Right-to-Farm legislation.

Mr. Bengart said yes.

Supervisor Bylewski said the Right-to-Farm legislation is near and dear to his heart because he put it forward in 2003.

Mr. Saleh said he thanks the Town Attorney for his opinion because it has been his position all along. He also thanked Supervisor Bylewski and Councilmembers DiCostanzo, Casilio and Kolber who voted no last year for all the hours of levelheaded thoughtful effort to try and help them come to a mutual agreement with Ms. Landreville.

Dan Snyder has asked him to withdraw the permit request this year as Mr. Snyder and Ms. Landreville have been wrongly used as political footballs for the remaining councilman who is up for reelection. Mr. Snyder will not let this continue. He will submit an application next year when there is less of a political atmosphere.

Councilman DiCostanzo invited everyone from his party to come up to Day in the Park and watch our fireworks.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to grant a Fireworks Display Permit to Clarence Center Vol. Fire Company for the Labor Day Fair on September 4, 2011 at 9415 Clarence Center Road. All appropriate paperwork and fees have been received. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio to grant approval for Fireworks Display Permits to Brookfield Country Club for July 9, July 29 & July 30, 2011 at 5120 Shimerville Road. All appropriate paperwork and fees have been received. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to approve the following Legion Hall Applications: A. David Delagrange – June 24, 2011; B. Deborah Mitchell – July 24, 2011 and C. Leon Weitz – Sept. 17, 2011. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio that after proper audit and review, the following bills of June 23, 2011 are approved for payment: General Fund - \$70,152.40; Highway Fund - \$40,107.59; Water District - \$207.70; Fire Protection Districts - \$547.89; Lighting Districts - \$867.24; Sewer Districts - \$487.57; Capital Fund - \$182,757.40; and Trust and Agency 203 - \$2,203.11 for a total amount of \$297,330.90. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

Roy Olsen said in regard to the \$8 million we are putting the Town at risk for at Eastern Hills Mall, he would like to know how much the entrepreneurs are putting at risk.

Supervisor Bylewski said it is still under discussion and it is a not-for-profit group that is proposing that the Town float the bond for the proposed ice rink. The risk would be whatever the assets of the not-for-profit corporation is at this time.

Mr. Olsen said he would like an application for that type of funding.

Supervisor Bylewski asked if he was going to put an ice rink in the Town.

Mr. Olsen said no, but his tax money is being put at risk to a non-profit.

Councilman Kolber said no one is doing anything. There isn't even a proposal in place. There has been an initiative but that is all.

Mr. Olsen said he is asking what risk they have when you are asking the taxpayers of Clarence to put \$8 million at risk.

Councilman Kolber said we will see what happens with it.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:50 p.m.

Nancy C. Metzger
Town Clerk