

Regular meeting of the Town Board of the Town of Clarence was held Wednesday, February 13, 2008 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:34 P.M. Pledge to the flag was led by Councilman Patrick Casilio, followed by a prayer read by Supervisor Bylewski.

Members of the Town Board present were Councilmembers Joseph Weiss, Patrick Casilio, Peter DiCostanzo and Supervisor Bylewski. Councilman Bernard Kolber is absent due to sickness. Other Town officials present were Director of Community Development James Callahan, Town Attorney Steven Bengart, Town Engineer Joseph Latona, Brad Packard, Planner, Building Inspector David Metzger and Planning Board Chairman Gerald Drinkard.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo to approve the minutes of the previous meeting held January 23, 2008. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to approve the minutes of the previous meeting held February 6, 2008. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Supervisor Bylewski announced that item 18, Chuck Knaus request for a Temporary Conditional Permit for an automotive sales office at 8860 Main Street was removed from the agenda at the applicant's request.

Supervisor Bylewski said it is the practice of this Board to announce motions that were made at work sessions. The following were approved at the work session held on February 6, 2008: Approval for Planning Board Chairman Gerry Drinkard to attend a conference; and authorization for the Supervisor to sign an agreement with the Western New York Land Conservancy.

Supervisor Bylewski said on January 19<sup>th</sup>, the US Postal Service conducted a passport application event at the Town Hall. They wanted to thank everyone, especially Karen Jurek, for all the help making arrangements.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to grant approval to American Legion Post 838 to hold the Annual Memorial Day Parade on May 26, 2008 at 11:00 A.M. beginning at the High School and proceeding to the Main Street Town Park. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to approve the Special Event, Walk for the Word, sponsored by Eastern Hills Wesleyan Church on April 26, 2008 from 10:00 A.M. to 12:00 P.M. along the bike path. All appropriate fire and police agencies will be notified. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to grant approval for the Ride for Roswell on June 28, 2008 from 7:00 A.M. to 2:00 P.M. beginning at UB North Campus and using various roads throughout the Town of Clarence. All appropriate agencies will be notified. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to approve the Heritage Days Parade on July 27, 2008 at 1:00 P.M. starting at Kelly's Antiques to the Main Street Park. All appropriate agencies will be notified. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to adopt the following resolution:

WHEREAS, kidney disease affects more than 26 million Americans, about one in nine adults, suffer from chronic kidney disease; and

WHEREAS, approximately 30,000 people in Western New York are afflicted and 1600 undergo dialysis every day; and

WHEREAS, the two main causes of chronic kidney disease are diabetes and high blood pressure, which are responsible for up to two-thirds of the cases; and

WHEREAS, the mission of the National Kidney Foundation of WNY is to prevent kidney and urinary tract diseases, improve the health and well-being of individuals and families affected by these diseases, and increase the availability of all organs for transplantation; and

WHEREAS, along with regular screening it is important for the public to know that with diet, exercise, lifestyle management and proper nutrition, the progression of chronic kidney disease can be slowed and may be stopped all together; and

WHEREAS, the cost of treatment for kidney disease patients is disproportionately higher than any other chronic disease; and

WHEREAS, most patients rely primarily on Medicare and Medicaid to cover the costs of life-sustaining care, including dialysis, medication laboratory testing, and transportation to facilities; and

WHEREAS, any changes in Medicare and Medicaid eligibility would put these patients significantly at risk.

NOW THEREFORE BE IT

RESOLVED, that March 13<sup>th</sup>, 2008 is recognized as “World Kidney Day” in the Town of Clarence and in the State of New York, in the hope that all possible support will continue to be extended to Chronic Kidney Disease patients in New York and throughout the country and the world.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Supervisor Bylewski said we will once again be involved in the ReTree Western New York Program in the spring and in the fall. It is a matching program. We hope to plant 40 trees in the spring and ReTree will match it with another 40 trees.

Supervisor Bylewski said we have received the Town Clerk’s Annual Report of Fees and the Annual Tax Collection Reports.

Supervisor Bylewski said we received the final check in the amount of \$284,569.53 from the New York State Emergency Management Office for the October storm.

Supervisor Bylewski said we also received a check from the Office of Real Property Services in the amount of \$59,715.00 for maintaining full market value assessments.

Supervisor Bylewski said we received a check from the East Hill Foundation representing the third year of a 5-year grant commitment regarding the Clarence Historical Museum.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to adopt the following proclamation:

*WHEREAS, the Town of Clarence, the first township in Erie County, is celebrating its “200<sup>th</sup> Birthday” in March of 2008; and*

*WHEREAS, the Town of Clarence, first inhabited by Native Americans and was called “Ta-Num-N-Ga- O - Place Full of Hickory Bark,” had several different titles before being named for the Dukedom the “English House of Clarence”; and*

*WHEREAS, the first settler in the Town of Clarence, Asa Ransom, purchased land offered by the Holland Land Company for lodging establishments where he built a two-story house and tavern for those who would travel “Buffalo Road” and later added a sawmill and gristmill on Ransom Creek; and*

*WHEREAS, the Town of Clarence, the oldest existing Town in Erie County, incorporated on March 11, 2008 when Thomas Jefferson was President, Daniel Tompkins was Governor and Jonas Williams was the first Supervisor; and*

*WHEREAS, the Town of Clarence originally encompassed most of northern Erie County, including the City of Buffalo, now consists of an area of more than 52 square miles that includes the hamlets of Clarence, Harris Hill, Clarence Center, Wolcottsburg as well as parts of the hamlets of Swormville, East Amherst and Millersport; and*

*WHEREAS, the Town of Clarence grew from one resident in 1808 to 2,948 by the turn of the century in 1900, became a Town of the First Class in 1960 with a population of over 10,000 and as of the 2000 Census has 26,123 residents; and*

*WHEREAS, early on, Agriculture was the chief source of revenue in the Town of Clarence, however, its industrial history began with the manufacture of potash, brick factories using clay from the banks of Ransom Creek, rock quarrying, gypsum and cement operations, and with the pioneering development of the pacemaker, Wilson Greatbatch, providing many employment opportunities; and*

*WHEREAS, the Town of Clarence, rich in history and remarkable heritage, is considered a “Town of Choice” for the quality of life, preservation of rural character, good government, quality schools and tradition of conservation offered to its residents; and*

*WHEREAS, the Town of Clarence Bicentennial Committee, local organizations and groups, elected officials, the Clarence Central School District, generous benefactors, as well as individuals of all ages, have been working diligently for over three years on various activities for residents past and present to participate in, including the kick-off New Year’s Eve 2007 Fireworks display, the “200<sup>th</sup> Birthday Party”, the Bicentennial Ball, Heritage Days, Farm Tours, Bicentennial Quilt, installation of a*

commemorative Bell Tower and a Fireworks display planned to end the celebration on December 31, 2008.

*NOW THEREFORE BE IT*

*RESOLVED, that the Clarence Town Board wishes to express its sincere appreciation to the Clarence Bicentennial Committee, the many organizations, groups, Clarence Central School District, elected officials and residents who individually volunteered to help make the Town of Clarence Bicentennial a successful and memorable event for all and hereby, proudly PROCLAIMS MARCH 11, 2008 AS TOWN OF CLARENCE BICENTENNIAL DAY IN THE TOWN OF CLARENCE.*

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to transfer \$1,113.55 from A1990-Contingency to A1950-Taxes on Town owned property effective February 15, 2008. On the question, Supervisor Bylewski said this is for land the Town purchased after the tax roll closed. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to make the following transfers effective February 15, 2008:

1. \$2,000 from A7140D.435 - Recreation (Special Programs) to A7310.250- Youth Department Building.
2. \$900 from A7140D.430 - Recreation (Printing & Advertising) to A7310.250 – Youth Department Building.
3. \$2,700 from A7310.433 – Youth Department (Rent) to A7310.250 Youth Department Building.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to make the following transfers for the 2007 year end:

Transfer From:	Amount	Transfer To:	Amount	
1.1110.0100	1,653.62	1.1110.0432	132.57	Justices Dues
Justices Personal		1.1110.0434	1,505.00	Justices Stenographer
		1.1110.0457	16.05	Justices Repairs & Equipment
1.1355.0100	4,360.17	1.1355.0472	4,360.17	Assessment Legal Challenges
Assessment Personal				
1.1420.0100	2,010.90	1.1420.0423	2,010.90	
Law Personal		Law Books & Supplements		
1.1420.470	2,033.01	Law Travel		Law Legal & Professional Fees
1.1420.471		1.1420.471	16,893.01	
1.1420.0449	500.00	Law Recording		
1.1420.0432	795.00	Law Dues		
1.1420.0100	1,699.00	Law Personal		
1.1990.0400	11,866.00	Spec. Items Contingent		
1.1440.0423	216.75	1.1440.0432	216.75	Engineering Dues
Engineering Books				
1.1620.438	3,317.01	1.1620.0100	3,317.01	Building Personal
Building Light, Heat, Water				
1.1960.0400	2,868.13	1.1953.0400	2,868.13	Special Items Telephone
Special Items Bond & Note Expense				
1.1960.0400	1,201.54	1.1976.0400	1,201.54	Special Items Clean up
Special Items Bond & Note Expense				

1.3120.0417	1,688.10	1.3120.272	1,688.10	Police & Constables Uniforms
Police & Constables Training				
1.1990.0400	2,000.34	1.3310.0412	2,000.34	Central alarm signs & signals
Contingent				
1.3510.0475	751.83	1.3510.0416	252.09	Animal control gas & oil
Animal control training		1.3510.0450	243.45	Animal control Repairs
		1.3510.0451	52.12	Animal control repairs vehicles
		1.3510.0474	196.59	Animal control kennel expense
		1.3510.0479	7.58	Animal control other
1.9030.0800	14,479.88	1.3620.0100	14,479.88	Safety Inspection Personal
Benefits -Social Security				
1.3620.0423	34.20	1.3620.0419	34.20	Safety Inspection Bld. Maint.
Safety Inspections Books				
1.7180.0450	1,451.80	1.7180.0438	1,451.80	Pool Heat,Power, Water
Pool Maint.				
1.7310.0450	160.94	1.7310.0438	160.94	Youth Department Utilities
Youth Department Garage				
1.7610.0414	339.95	1.7610.0100	339.95	Adult Act. Personal
Adult Activities Landscaping				
1.8730.0470	537.12	1.8730.0250	537.12	Nat. Res. Cons. Bike Path
Natural Res. Conservation Travel				
1.9030.0800	8,134.75	1.9010.0800	8,134.75	Benefits - NYS Retirement
Benefits -Social Security				

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to approve the following transfer of funds for the Parks Department: \$5,333 from account A7110.451 Electrical Supplies to account A7110.438 Utilities. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman Weiss, seconded by Supervisor Bylewski to grant approval for the Clarence Center Community Association to use Town Place Park for their annual summer picnic on Saturday, July 19, 2008. They will be having their Bark in the Park event again as it was well attended last year. The Parks Department would like the applicant to have adequate people for cleanup because the pavilions will be booked for the next day. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio to authorize the Administration & Finance Department to prepare and the Supervisor to execute and deliver the initial rental payment, including any per diem proration, upon the obtaining of a certificate of occupancy and the actual taking of occupancy for the premises located at 10510 Main Street and commonly known as the Youth Bureau. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio to authorize Supervisor Scott A. Bylewski to enter into and sign a contract between the Town of Clarence and the New York State Office of Children and Family Services for funds in the amount of \$10,000 for the Youth Bureau. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman Weiss, seconded by Supervisor Bylewski to appoint Thomas Muscarella as a member of the Recycling Committee with term to expire 12/31/08. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Councilman Weiss said Tony Persico was previously appointed to the Youth Board. The term will expire 12/31/08.

Councilman Weiss thanked everyone who worked on Winterfest. The Youth Bureau and Chamber of Commerce worked diligently to put on this fun event. Tim Pazda also worked hard on the Chili Cook-off contest, even though he may have had something to do with changing the entry submitted by the Town Board. It was a great community event.

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

Be It Resolved, that the Clarence Town Board authorizes the Supervisor to sign the yearly Intermunicipal Agreement between the Town of Clarence and the Town of Newstead for 2008 relative to the shared use of the Erie County Van.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Councilman Casilio said the RFP for the security cameras is out and being reviewed by several vendors.

Councilman Casilio thanked the Winterfest committee for doing a great job, especially Dawn Kinney. It was a great day for all who attended.

Councilman Casilio said he and Councilman DiCostanzo attended the Harris Hill Association meeting.

Councilman Casilio thanked Town Engineer Joseph Latona and Highway Supt. Ted Donner for helping to take care of a problem in Loch Lea.

Councilman Casilio said he spoke with Ms. Flemming from Waterford Bank and asked her to use the Town of Clarence in her advertising, rather than the mailing address of Williamsville. He is happy to say that she agreed to do that.

Councilman Casilio said we were able to use the Senior Center as a shelter during the recent storm and it worked out very well.

Councilman Casilio said NYSEG will be replacing mercury vapor lights because they are no longer being made.

Councilman DiCostanzo stated that the Assessor's office is doing field reviews. Residents may see them around Town. They are also mailing out the exemption forms and are due back by May 1<sup>st</sup>. Assessment notices will be going out in April.

Councilman DiCostanzo reported on the residential building permits that were issued in January 2008. There were 10 issued in subdivisions and 7 outside. By comparison, there were 4 in subdivisions and 6 out in January 2007; and 5 in and 2 out in January 2006.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to appoint Mary Morris as Real Property Appraisal Technician, provisionally, subject to a six month probationary period and Civil Service Exam, effective February 25, 2008 at 85% of the salary of Group 5 Step 1 per the White Collar Union Contract. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Supervisor Bylewski to have the Planning Board review the Town's current planning department fee structure, compare it to other towns in Western New York and to recommend any changes to the Town Board. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Councilman DiCostanzo reported that at the last Historical Society meeting, he asked them to put together a wish list for capital improvements. The list will be given to the Capital Improvement Committee to review.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to set a Public Hearing for Wednesday, March 12, 2008 at 8:00 p.m. to consider the designation of 10897 Main Street – "The Brace House" as an historic landmark. On the question, Councilman Weiss said he

believes it is a great testimony to the Brace family to do this. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Councilman DiCostanzo announced that there is an opening on the TEQR Committee. So far, we have received two applications.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that upon recommendation by the TEQR Committee and pursuant to Article 8 of the Environmental Conservation Law, the Town of Clarence seeks Lead Agency status and commences a coordinated review on the proposed Furmanek Open Space Design Subdivision located at 8230 County Road. This Type I Action involves the development of an Open Space Design Subdivision in the Traditional Neighborhood District and within Erie County Sewer District No. 5. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that upon recommendation by the TEQR Committee and pursuant to Article 8 of the Environmental Conservation Law, the Town of Clarence accepts the Part 2 and Part 3 Environmental Assessment Form as prepared by TEQR on the proposed Rubino Open Space Design Subdivision. This Type I Action involves the development of a 44-Lot Open Space Design Subdivision on 28.93 acres at the southwest corner of Shimerville Road and Clarence Center Road. The recommended Part 2 and Part 3 Analysis identify two potentially significant impacts that can not be mitigated. These impacts are related to the use of sewer capacity in Clarence Sewer District No. 6 from Erie County Sewer District No. 5. On the question, James Callahan said other issues that TEQR identified as potentially large were construction on land where the depth to the water table is less than three feet; Federal wetland exists on the property that will have to be addressed; the proposed action will irreversibly convert more than 10 acres of agricultural land; the project does not provide any public recreational amenities as required by the Subdivision Law; and the transportation system will be impacted which will have to be addressed. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Supervisor Bylewski said after having consulted with our Director of Community Development, Town Attorney and other department heads and after having reviewed the environmental assessment form and all documents submitted by the applicant including a letter submitted today, a letter dated January 28, 2008 from Erie County, a letter of February 5, 2008 from the Town of Amherst, a letter dated May 4, 2006 from the Town of Amherst and a letter of February 5, 2008 from Erie County, he offers the following motion:

Motion by Supervisor Bylewski, seconded by Councilman Weiss that pursuant to Article 8 of the Environmental Conservation Law, a Positive Declaration is issued for the proposed Rubino Development at Shimerville and Clarence Center Roads as previously described in the Residential Single Family Zone. This Type I Action involves creation of an open space design subdivision. After thorough review of the Environmental Assessment Form including Parts 1 – 3, it has been determined that the proposed action will have a significant impact upon the environment. On the question, James Callahan said the potentially significant impacts associated with the proposed development were construction on land where the depth to the water table is less than three feet; Federal wetland, conversion of more than 10 acres of agricultural land; the project does not provide any public recreational amenities as required by the Subdivision Law; the transportation system will be impacted; and use of sewer capacity in Clarence Sewer District No. 6 from Erie County Sewer District No. 5. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Councilman DiCostanzo thanked everyone involved in putting Winterfest together. He also thanked Alicia Braaten, curator of the museum for a tour of the building. He recommends that anyone who has not been there to go see it.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that pursuant to Article 8 of the Environmental Conservation Law, a Negative Declaration is issued on the proposed Buffalo Filter Development. This Unlisted Action involves construction of a new manufacturing facility within the Roll Road Industrial Business Park. After thorough review by the Town Board and Planning Board of the submitted site plan, engineer's report and environmental assessment form, it is determined that the proposed action is consistent with Master Plan 2015, and land use regulations and will not have a significant impact upon the

environment. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Town Clerk Nancy Metzger stated for the record that she received from the Board of Fire Commissioners of Clarence Fire District No. 1, a copy of their Annual Financial Report to the State Comptroller. It will be on file in the Town Clerk's office.

Town Clerk Nancy Metzger reminded everyone that the 2008 Town & County taxes are due by Friday, February 15<sup>th</sup>.

Supervisor Bylewski announced that he will give the State of the Town at the Chamber of Commerce dinner at Hirsch's next Thursday.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to table the request by Donald Steinwachs for a Clearing Permit on Strickler Road until the applicant is available. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Clayt Ertel requests a Public Hearing to consider a sale of a portion of Town owned lands at 10687 Main Street. James Callahan said the location is the south side of Main Street, east of Sawmill Road consisting of an apartment building in the Traditional Neighborhood District. The applicant is seeking to purchase Town-owned land to straighten out property lines.

Clayt Ertel, real estate broker is representing the owner Marvin Ohlson. It is a small sliver of property that dissects the building making it impossible to access from the rear without going on Town property. The zoning is commercial, but because the Town owns it, it cannot be used for commercial purposes. It is a building in need of renovation and they have a client interested in purchasing it. There is a contract in place pending the purchase of this piece.

Town Attorney Bengart said there is an easement that has to be considered regarding the bowling alley and the Main Street corridor. He will obtain the easement and advise the Board.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to set a Public Hearing for March 26, 2008 at 7:45 P.M. to consider a sale of a portion of Town owned lands at 10687 Main Street. On the question, Mr. Ertel said he has presented an independent appraisal of the property. Supervisor Bylewski said because of the significance of this being Town recreation land, if the Town does agree to the sale of the land, the State Legislature has to agree to the sale. Councilman Casilio asked what the appraised value is. Mr. Ertel said \$575 for approximately 2,000 sq. ft. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Essex Homes/Shadow Woods requests Preliminary Concept Review for a proposed open space design subdivision off Goodrich Road. James Callahan said the location is the west side of Goodrich Road, north of Keller Road consisting of approximately 69 acres zoned Residential Single Family and within Clarence Sewer District No. 2.

Sean Hopkins and Bill Schutt were present representing Hamlet of Clarence LLC. Mr. Hopkins said they are showing 64 lots in accordance with the open space design standards. They are preserving the State and Federal wetlands on the site and providing a significant buffer for the adjacent homes. There has to be some onsite wetland mitigation for the roadway.

Supervisor Bylewski said this has been before the Board before and was the subject of litigation. The density determination was previously made.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to refer the request for Preliminary Concept Review for a proposed open space design subdivision off Goodrich Road to the Planning Board. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Dan and Helen Lamm request demolition of a structure greater than 50 years old at 8230 County Road. James Callahan said the location is the north side of County Road, east of Stahley Road in the Traditional Neighborhood District. This is a Type I Action under Town law. The Historic Preservation Commission has reviewed the structure. The owner has agreed to donate any portion that is deemed appropriate by the Commission and to allow a pictorial analysis to be documented. Mr. Lamm is unable to be here tonight and asked that the Town Board consider his request.

Supervisor Bylewski said due health restrictions of the applicant, it is appropriate to move forward. Town Attorney Bengart said he spoke with the insurance agent for Mr. and Mrs. Lamm who indicated that it is no longer insurable and is a hazard.

Motion by Supervisor Bylewski, seconded by Councilman Casilio that pursuant to Article 8 of the Environmental Conservation Law, as well as the Town Environmental Quality Review

Law, a Negative Declaration is issued for the proposed demolition of a structure greater than 50 years old at 8230 County Road. This is a Type I Action pursuant to our TEQR Law. After thorough environmental review and review by the Historic Preservation Commission, the demolition will not have a significant impact upon the environment. On the question, Supervisor Bylewski said it was identified that for a demolition permit to be issued, the applicant shall preserve and donate the barn cross to the Historical Society and the applicant make the barn available for photography internally and externally. These are appropriate mitigation measures. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Lou Visone requests a Change-In-Use from retail to restaurant at 8560 Main Street. Douglas Klotzbach said they are proposing a restaurant. There are adequate parking spaces on site to accommodate 54 seats. They may expand to the space where the dry cleaners is now in the future.

Motion by Councilman Casilio, seconded by Councilman Weiss to grant a Change-In-Use from retail to restaurant at 8560 Main Street. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Stephen Development requests Concept Approval to construct four new apartment units at 8880 Main Street. James Callahan said the location is the north side of Main Street, east of Shimerville Road in an existing multi-family apartment complex in the Traditional Neighborhood District.

Douglas Klotzbach said they have upgraded the existing apartments and it has been very successful. They have a waiting list for the apartments. The sewer system that was installed can handle the additional units.

Motion by Councilman Casilio, seconded by Councilman Weiss to grant Concept Approval to construct four new apartment units at 8880 Main Street, subject to open space and recreation fees and engineer review. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Roll Industrial Business Park/Buffalo Filter requests Development Plan Approval for the Industrial Business Park and Development Plan and Architectural Approval for the Buffalo Filter Manufacturing structure. James Callahan said the location is the north side of Roll Road, east of Harris Hill Road consisting of approximately 29 acres zoned Industrial Business Park. A Negative Declaration was issued July 6, 2006. Concept Approval was granted Sept. 6, 2006 with a public road as an extension of Harris Hill Road.

Nick Piestrak was present. Councilman Casilio asked if the road is going directly in line with Harris Hill Road and Mr. Piestrak said yes.

Supervisor Bylewski said there is also a recreational component for the bike path. Town Engineer Joseph Latona said it is the Town road. Supervisor Bylewski said he wanted the applicant to be aware that the Town is still interested in that whether it would be to the side of the road or however it could be included. This was mentioned early on in the process for a north/south connection. Joseph Latona said we will have to take a look at that.

Motion by Councilman Weiss, seconded by Supervisor Bylewski to adopt the following resolution:

Resolved, that the Clarence Town Board grants the request of the applicant, Roll Road Industrial Business Park/Buffalo Filter for Development Plan Approval for the Industrial Business Park and Development Plan and Architectural Approval for Buffalo Filter Manufacturing and the dedication of approximately 1,900 lineal feet for an extension of Harris Hill Road for a public road subject to the following conditions:

1. Subject to conditions of Town Engineer.
2. Subject to approval of the Landscape Committee.
3. Subject to Commercial Open Space Fees.
4. All appropriate documents for the public road dedication must be submitted to the Town Attorney for review and approval.
5. Proof of filing of the road deed must be submitted to the Town Attorney.
6. Design to include space for a north/south Recreational Trail in conformance with the Town of Clarence Bike Path Master Plan.

## 7. Recreation Fees.

On the question, Councilman Casilio asked who was paying for the bike path extension. Supervisor Bylewski said it was a part of the initial discussion of the overall industrial park design. Town Attorney Bengart said that discussion was in the beginning planning stages. It has not been discussed in the last year. James Callahan said the intent is to make sure that there is space if we have future access for a north/south connection. Supervisor Bylewski said we do not want to lose sight of it. As we continue on with the industrial park we want to make sure that there is space in the overall design to allow for a north/south trail. Councilman Weiss said he is fine with allowing for space, but does not want to have the bike path as a condition of this approval.

Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Dash's Market requests a Public Hearing to consider an Amended Special Exception Use Permit for a drive-thru facility at 8845 Main Street. James Callahan said the location is the south side of Main Street between Cameron and Roxbury Drives. A Special Exception Use Permit was previously approved May 9, 2007. They are asking for an amendment to that approval.

Beth Buscaglia, architect and Joe Dash were present. Ms. Buscaglia said the window is in the same location. They would like to change the approach and feel it will be safer than what they had proposed.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to set a Public Hearing for March 12, 2008 at 7:45 P.M. to consider an Amended Special Exception Use Permit for a drive-thru facility at 8845 Main Street. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to grant approval for the following: Clubhouse Applications - A. Cub Scout Pack 27 – March 1, 2008; B. Clarence Little League Football – May 3 & 4, 2008; C. Clarence Concert Association – 1<sup>st</sup> Tuesday of month for 2008; D. Clarence Hollow Association – April 1, 2008; E. Rotary Club of Clarence – May 30 & 31, 2008; Legion Hall Applications – A. Gary George – Feb. 17, 2008; B. Mary Rita Cirocco – March 8, 2008; D. Joan Engasser – March 9, 2008; E. Ron & Rhonda Diehl – April 6, 2008; F. James Lavocat – April 27, 2008; G. Rita Powell – May 17, 2008; Park Pavilion Special Requests - A. Clarence Center Community Association – July 19, 2008; B. Clarence Chamber of Commerce – Aug. 4, 2008; and C. Rotary Club of Clarence – May 30 & 31, June 1, 2008. On the question, Councilman Casilio said he is a member of the Clarence Rotary Club, however, this is ministerial and he will be voting. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio that after proper audit and review, the following bills of February 7, 2008 are approved for payment: General Fund - \$96,544.09; Highway Fund - \$55,604.91; Water District - \$34,443.21; Capital Fund - \$59,760.00; and Trust & Agency 203 - \$1,961.10 for a total amount of \$248,313.31. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Bernard Kolber. Motion carried.

“For the Good of the Town”

Councilman DiCostanzo asked if in the future we could refer to the list of transfers rather than reading every one into the record.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:57 P.M. in memory of Lillian Cisowski, mother-in-law of former Councilman Daniel Gregorio; and John Ward, father of election commissioner Dennis Ward and Amherst Councilman Dan Ward.

Nancy C. Metzger  
Town Clerk