

A Work Session of the Clarence Town Board was held on March 12, 2008 at Clarence Town Hall, One Town Place, Clarence, NY.

Supervisor Scott Bylewski called the meeting to order at 6:00 P.M. Members of the Town Board present were Council members Joseph Weiss, Bernard Kolber, Patrick Casilio and Peter DiCostanzo. Other Town Officials present were Director of Community Development James Callahan, Assistant Director of Community Development Brad Packard, Town Attorney Steven Bengart, Town Engineer Joseph Latona, and Director of Administration and Finance Pam Smith.

### **Director of Community Development – James Callahan**

#### ***Public Hearings:***

Dash's Market 8845 Main Street

A public hearing is scheduled for 7:45 PM to consider the request by Dash's Market for an amended Special Exception Use Permit for a drive-thru facility at 8845 Main Street. Supervisor Bylewski stated that late this afternoon, he received an e-mail from a resident indicating opposition to the reconfiguration.

Brace House 10897 Main Street

A public hearing is scheduled for 8:00 PM to consider designation of 10897 Main Street – the Brace house as an historic structure under the Town of Clarence Historic Preservation Law.

#### ***Formal agenda items:***

Visone Office Park 8766 Main Street

Applicant is proposing to develop an eight building professional office park. The proposed site is located on the north side of Main Street, west of Overlook Drive (next to Samuel's Grand Manor) on existing vacant land consisting of approximately 8.9 acres zoned Traditional Neighborhood District. This represents the initial introduction of the project proposal to the Town.

Meteor Enterprises – Jones Road

Applicant is proposing a minor subdivision to create two additional residential building lots in conformance with zoning. The proposed site is located on the north side of Jones Road, east of Ransom Road on existing vacant land consisting of approximately 160+/- acres in the Agriculture Rural Residential Zone. Property is the previously denied Gables on the Green development. Applicant is proposing a minor subdivision to create two additional residential building lots in conformance with zoning. Areas of concern include segmentation and neighbors concerns over filling of a portion of this land as well as water pressure and construction problems.

Frey's Old Time Furniture 9992 Main Street

Applicant is proposing a large addition to the existing retail furniture use. The proposed site is located on the north side of Main Street, east of Kraus Road in a commercial classification. As the proposed addition will exceed 30,000 square feet, approval will require a Special Exception Use Permit. Per the zoning Law, the Town Board has authority to approve Special Exception Use Permits after a required public hearing. The Planning Board has approved the concept for the project and recommended a Negative Declaration under SEQRA. There remains concern from the Planning Board members about the size of the proposed addition.

Turf Doctor 8910 Sheridan Drive

Applicant requests a building permit and architectural approval for construction of a pole barn. The existing garage towards the front will be demolished and the proposed building will be reconstructed to the rear of the parcel.

**Work Session item for consideration March 26, 2008**

Charles Incorvia 8485 Transit Road

Applicant is proposing to open an ice cream stand in the existing vacant structure (former restaurant) The proposed site is located on 4+/- acres in the Major Arterial Zone on the east side of Transit Road, south of Tonawanda Creek Road intersection. Adequate parking exists on the parcel. Councilman Kolber will recuse himself; Charles Incorvia is a patient of his.

Bill Richmond 9195 Main Street

Applicant is seeking a Change in Use to convert existing vacant space (former Figgy's/Time Out Bar & Grill) to offices. The proposed site is located on the south side of Main Street, west of Sheridan/Thompson Road intersection (next to Walgreens) on 1.88+/- acres in the Commercial Zone. Adequate parking exists to service the office space. No changes are proposed to the exterior of the building.

Russell Gullo 6525 Salt Road

Applicant has received approval to develop a retail landscape store on Transit Road in Swormville and will be impacting federal jurisdictional wetlands during construction. Applicant is proposing to mitigate wetland impacts at the Salt Road location on property owned by Fred Cimato. Per the Clearing, Filling and Grading Local Law, the Town Board has authority to approve grading permits. Appropriate DEC and ACOE permits are required. Removal of any topsoil to be identified and approved with appropriate fees.

Joe Frey – Stone Ridge Development – Stage Road

Applicant is seeking approval for 4 frontage splits to create 4 additional residential building lots. The proposed site is located on the south side of Stage Road, west of Newstead boarder on existing vacant land consisting of 127.5+/- acres in an agricultural classification. Applicant has received previous approval to split 5 lots from the parent parcel. The last action identified the need for major subdivision review and approval for any future splits. Per the Subdivision Law, the Town Board has authority to approve lot splits and major subdivisions.

Bob Reggentine – Wood Meadows Development – 8625 Tonawanda Creek Rd

Applicant is proposing a 4-lot Open Development area. The proposed site is located on the south side of Tonawanda Creek Road, west of Northfield Road on existing vacant land located on 46+/- acres in the agriculture flood zone.

Nathan Raupp 8575 Roll Road

Applicant is proposing to relocate an existing automotive repair operation to vacant structure on Roll Road. The propose site is located on the south side of Roll Road, east of Harris Hill Road on 4.47+/- acres in the Industrial Business Park Zone. Per the Zoning Law, the Town Board has authority to approve automotive repair operations via a Special Exception Use Permit. A public hearing will be required to consider a Special Exception Use Permit.

Towne BMW 8215 Main Street

Applicant is proposing to construct an addition to the front of the existing showroom. The proposed site is located on the south side of Main Street east of Autoplace. The existing automotive sales operation is located on 3.97+/- acres in the Commercial Zone. The architectural style will match the current façade along the Main Street front.

Mary Beth Cucinotta 4077 Thornwood Lane

Applicant is proposing to develop an in-law apartment in the existing home. The proposed site is located on the east side of Thornwood Lane, north of Wehrle Drive in existing single-family home located in the Residential Single-Family Zone. Deed restrictions per the code to be approved by Town Attorney.

Aurora Sewing Center 8575 Main Street

Applicant is proposing to relocate existing sewing center from Clarence Hollow to Harris Hill. The proposed site is located on the south side of Main Street, east of Harris Hill Road in existing vacant former home occupation/doctor's office located on .79 acres in the Traditional Neighborhood District along Main Street and

Residential Single-Family along Nottingham Drive. Zoning line bisects the property and the rear portion in the single-family residential zone does not allow for a commercial use. The prior home occupation was an allowed use.

A public hearing will be set at the next Town Board meeting to consider renewal of approximately ten Temporary Conditional Permits.

**Supervisor Scott Bylewski**

Supervisor Bylewski will make a motion approving the amended Rules and Procedures for the Ethics Board.

Supervisor Bylewski will make a motion to adopt a resolution in support of the goals and spirit of University at Buffalo 2020 Plan.

There has been discussion regarding the Council/Youth Department Office. The Planning Office is at capacity and in need of extra space. It has been suggested that the conference room in the Planning/Zoning Office be converted into James Callahan's office with a smaller conference area. The table from the Planning Board meeting room will be moved to the Council office.

Supervisor Bylewski will appoint Jack Willert to the IDA.

Bob Dickinson will be appointed Laborer PT. Tim Sayers is our full time custodian and we do not have anyone as backup when Tim is not available.

Supervisor Bylewski received a very nice compliment of Bob Anderson and the service he provides to patrons of the Going Places Van.

Supervisor Bylewski has received approval for the Justice Court grant in the amount of \$21,291. Under that grant, a window will be installed in the Justice Court office. To comply with court safety requirements, new furnishing will be added in the auditorium (the chairs have to be connected).

The agenda for the joint Town Board/Planning Board meeting has been circulated. The meeting is scheduled for the end of April.

Supervisor Bylewski has one item to discuss in Executive Session regarding matters leading to the employment history of an individual.

The County Executive has extended an invitation to each municipality to attend Six Sigma training. Supervisor Bylewski as well as several department heads have expressed an interest in the training. The meeting is scheduled for April 10<sup>th</sup> and will be hosted in Orchard Park.

**Councilman Joseph Weiss**

Councilman Weiss has one item to discuss in Executive Session.

The Youth Bureau is hosting a Family Fun Night on March 14<sup>th</sup> at Clarence Middle School.

The Conservation Advisory Committee has submitted a resolution requesting the Town Board explore the possibility of procurement of Beaman Creek Park from Erie County. The committee is hoping the park could be obtained and kept in its pristine condition for future use for nature field trips. Supervisor Bylewski stated that he has begun discussions with the County to find out what they want to do with the land and to find out what the ultimate purpose the County has for the park. Councilman Weiss felt the area had great potential and it could be kept in its natural state.

Councilman Weiss commended Director of Community Development James Callahan, Town Engineer Latona, Town Attorney Bengart, Senator Mary Lou Rath and County Legislature Ranzenhofer for their efforts in finalizing the deal

with Buffalo Filter. It shows good government and what can be done when everyone works together.

Councilman Weiss had questions regarding the \$18,000 being spent on the cabinet for the Rolf clock. The Clubhouse Restoration Committee raised the money for the construction of the cabinet however he questioned whether the cabinet was climate controlled and if there were security measures in place.

**Councilman Bernard Kolber**

Councilman Kolber had to leave the meeting to take care of a family matter but will be back in time for the Town Board meeting.

**Councilman Patrick Casilio**

Councilman Casilio stated that he also is in favor of the acquisition of Beaman Creek Park as long as there is no involvement of town employees to maintain this area and no construction of any buildings on this site. Mr. Murtaugh stated that there are no plans for anything at this park.

The public safety vehicle will be moved back to the town hall.

NYSEG will be sending an official letter to Councilman Casilio that spells out the number of lights and the costs associated with it. The costs are operating costs, not replacement costs which in some cases could be less than what we are now paying for the mercury vapors.

For the last several years at budget time, Supervisor Bylewski has been asking the fire departments to submit in writing the impact of replacement vehicles on ISO (International Organization for Standardization) and homeowners insurance. However, the information has not been forthcoming. Supervisor Bylewski sent a letter to Clarence Fire District requesting information as to how fire equipment relates to ISO and the cost of homeowners insurance for our residents.

Councilman Weiss questioned the equipment standards maintained by the City of Buffalo fire department. Their fire equipment is not in the best of shape and they have several house fires a week. Councilman Weiss will contact the City of Buffalo to see how their fire equipment relates to ISO standards and how that impacts the residents in the city.

Councilman Casilio has received several letters requesting sidewalks along Main Street. He is of the assumption that this may be a school project; there is no contact information in the letters.

**Councilman Peter DiCostanzo**

A public hearing is scheduled for this evening to consider designation of 10897 Main Street – the Brace house - as historic structure under the Town of Clarence Historic Preservation Law.

Two properties were referred to the Historic Preservation Commission by the Building Department for review regarding Demolition Permits. Both structures are over 50 years but are uninhabitable. The Commission is in agreement with the demolition of the buildings.

Councilman DiCostanzo met with the Historical Society and they discussed the paintings and how the town should preserve them. Councilman DiCostanzo received several written comments from the Historical Society recommending the original paintings stay with the clubhouse and be placed in a climate controlled exhibit.

The new location for the Rolfs Clock is under construction in the Clubhouse. One Historical Society member suggested the restoration of the clock.

The Historical Society has \$12,000 that will be use to construct a mannequin of Wilson Greatbatch.

Councilman DiCostanzo has two items to discuss in Executive Session regarding the appointment of individuals.

The TEQR Committee will meet on Monday and interview two applicants before the Work Session.

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to enter into Executive Session pursuant to § 105(1) F of the Open Meetings Law to discuss the employment history of an individual and the appointment of individual(s). Upon roll call - Ayes: All; Noes: None. Absent: Councilman Kolber. Motion carried.

There being no further business, the Work Session adjourned at 7:02P.M.

Darcy A. Snyder  
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to adjourn the Executive Session at 7:22 P.M. Upon roll call - Ayes: All; Noes: None. Absent: Councilman Kolber. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held Wednesday, March 12, 2008 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:31 P.M. Pledge to the flag was led by Councilman Peter DiCostanzo, followed by a moment of silence in memory of our fallen soldiers in the Iraq and Afghanistan war.

Members of the Town Board present were Councilmembers Joseph Weiss, Patrick Casilio, Peter DiCostanzo and Supervisor Bylewski. Councilman Kolber will be late as he had to attend to a family matter. Other Town officials present were Director of Community Development James Callahan, Town Attorney Steven Bengart, Town Engineer Joseph Latona, Planner Brad Packard, Building Inspector David Metzger and Planning Board Chairman Gerald Drinkard.

Motion by Councilman Weiss, seconded by Councilman Casilio to accept the minutes of the previous meeting held February 13, 2008 as received. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Kolber. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Weiss to accept the minutes of the previous meeting held February 27, 2008. On the question, Supervisor Bylewski said on page 52, the spelling should be Deni. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Kolber. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Weiss to accept the minutes of the previous meeting held March 5, 2008 as received. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Kolber. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss that the Clarence Town Board, pursuant to the provisions of the Code of the Town of Clarence, Chapter 19 – Code of Ethics, section 19-9[L], approves the amended Rules and Procedures for the Ethics Board dated January 2008. On the question, Supervisor Bylewski said the Rules and Procedures for the Ethics Board must be approved by the Town Board. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Kolber. Motion carried.

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

WHEREAS, the University at Buffalo is a member of the prestigious Association of American Universities and is the largest and most comprehensive campus in the 64 campus State University of New York System with a student body of over 28,000 students and over 11,700 employees; and,

WHEREAS, the University at Buffalo is a research intensive public university dedicated to excellence spending more than \$267 million annually on research, searching for the knowledge that will lead to new cures and therapeutics, faster computer, smarter software, smaller machines and thousands of other life improvements; and

WHEREAS, the University at Buffalo, through the UB 2020 initiative, is redefining its role as a major public research university with plans to increase its student body, employ more people in the Buffalo Niagara region, become one of the top research universities in the country, a leader in the world and to greatly improve the economy and community in Western New York; and

WHEREAS, an affinity group, the UB Believers, has been created to demonstrate community support for the ambitious goals of the University at Buffalo; and

WHEREAS, Western New York, the State of New York and the Town of Clarence will benefit from the ambitious goals of the University at Buffalo UB 2020 Plan.

NOW, THEREFORE, BE IT

RESOLVED, the Clarence Town Board supports the goals and spirit of UB 2020 and encourages elected officials and citizens across the State to support the University at Buffalo by learning more about the UB 2020 initiative.

On the question, Supervisor Bylewski said for anyone interested in learning more about the University of Buffalo-UB 2020 initiative and the UB Believers may do so by visiting the website at <http://ubbelievers.buffalo.edu>.

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

Motion by Supervisor Bylewski, seconded by Councilman Casilio to appoint Jack Willert as a member of the Clarence Industrial Development Agency with term to expire 12/31/08. On the question, Councilman DiCostanzo said he will be recusing on this vote. Supervisor Bylewski said interviews were conducted. Mr. Willert has been involved in the Town of Clarence and it was felt that he could add greatly to this group. Upon roll call – Ayes: Councilmembers Casilio, Weiss and Supervisor Bylewski; Noes: None. Absent: Councilman Kolber; Recuse: Councilman DiCostanzo. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to appoint Robert Dickinson as Laborer P/T at the budgeted rate of pay. On the question, Supervisor Bylewski said Mr. Dickinson did retire from the Laborer position, but there are times when we need someone to fill in for the new custodian. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Kolber. Motion carried.

Supervisor Bylewski said he would like to thank our Going Places van driver, Bob Anderson. We received a personal comment from someone who said how thoughtful and kind that he is. It is good to hear things like that.

Supervisor Bylewski announced that we have been awarded a grant under the Justice Court Assistance Program in the amount of \$21,291. Changes will be seen in the auditorium, the hallway and the court offices which will be paid for with this grant.

Supervisor Bylewski announced that a joint meeting of the Planning Board and Town Board will be held on the 5<sup>th</sup> Wednesday in April.

Supervisor Bylewski said a number of people from the Town Hall will be attending some Six Sigma presentations put on by the County. There has been some thought to have the director of Six Sigma come to the Town and provide some training.

Councilman Weiss announced that the Youth Department is holding a family night at the Middle School on Friday night. For more information you can contact Dawn Kinney or Michele Orvis at 407-2162. They have moved to their new location at 10510 Main Street.

Councilman Weiss thanked Steve and Betty Murtaugh for the information they put together regarding Beeman Park. We will be discussing this with the County.

Councilman Weiss thanked Joseph Latona, Steven Bengart, James Callahan, Mary Lou Rath and Mike Ranzenhofer for their efforts to assist Buffalo Filter in coming to Town. The area at Harris Hill and Roll is developing into the long anticipated commercial office park. All of these people pulled together to provide the information and funding to make it happen. It also is another step in getting sewer lines toward the Harris Hill area.

Councilman Weiss said it is in the paper today that gas is going up to \$4 per gallon. Wheat and corn prices are also up. It is getting difficult to make ends meet in this country.

He feels that the Town is running rather effectively. Kathy Hallock set a high bar on how to run the Town efficiently and Scott is continuing with that. 65 % of our tax dollars are going to the school districts. We just received a resolution from Jim Tedisco from the Assembly and in it, it says to have a property tax reform that limits the amount school districts can raise annually through local tax levies to 4% of the rate of inflation and in addition the act would relieve municipalities in these school districts from unfunded mandates. Councilman Weiss said the entire Town Board combined makes less than the superintendent of schools. There are 40 school districts with 40 duplicate administrative positions. People should make their voices known when the school budgets come up for a vote.

Councilman Weiss said he commends our department heads that are always looking at operating efficiently. The Town's portion of the taxes is 6% and the Highway is 5% of the total tax dollars.

Councilman Casilio said he has been discussing our reverse 911 system with the Disaster Coordinator. We would like to move with the County for cost savings, but we are not sure that they are running at the level we would like to see.

Councilman Casilio said he would like to thank the Bicentennial Committee for the Birthday Party held at Eastern Hills Mall on Saturday. It was well attended and they did a great job.

Councilman Casilio said his father is not in good health right now and he wanted to thank Councilman Weiss for the information he sent him last week and his kind words.

Councilman Weiss said Kathy Hallock had her surgery today and everyone should keep her and Pat's Dad in their prayers.

Councilman DiCostanzo reported that the single family dwelling permits issued in February 2008 were 5 in subdivisions and 1 out. By comparison, there were 2 issued in subdivisions and 1 outside in February of 2007.

Councilman DiCostanzo said he will make a motion at the next meeting to appoint Greg Todaro as an alternate on the Planning Board. He believes he will be a great asset to that board.

Supervisor Bylewski thanked all department heads present for attending.

A Public Hearing was held to consider the request by Dash's Market for 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 consisting of approximately 2 ½ acres in the Traditional Neighborhood District. A Special Exception Use Permit and a Change-in-Use Permit were granted May 9, 2007. The applicant is asking to amend the previously approved Special Exception Use Permit.

Scott VanDeGenachte, architect was present for Dash's Market. The change allows for cars to enter and exit at the second curb cut from Main Street. Curbing will be added to direct, but not all the way to the building.

Speaking to the subject:

Arnold Castren, Roxbury Dr. said he is against the proposed change. He does not believe people will be able to fit there with vans or SUV's. Roxbury Drive is narrow with deep ditches. Any vehicles standing in line on Roxbury will block the whole street and local traffic will not be able to move through the area. He does not believe there is enough room for stacking of snow. There has not been a traffic study. No one has mentioned what they are selling at the drive-thru. Mr. Castren asked the Town to reconsider this and vote it down.

Sherry Steinbrenner, Roxbury Dr. said whenever there is a grocery store at this location, the traffic increases tremendously. The parking has been decreased and people will be forced to park on the adjacent streets. They do not need a Spot Coffee in this residential neighborhood. Tim Horton's is a mile down the street and she questions how many do we need. She believes that this was really their original intent all along.

Supervisor Bylewski said we did receive emails today from Ms. Steinbrenner and Ms. Hilburger expressing similar concerns.

Lisa Miller, Roxbury Dr. said she has concerns about the Spot Coffee drive-thru on Roxbury Drive. It is a narrow street that is already used as a cut through to Wehrle Drive. There are 15 children who live on this street. They cannot safely walk or ride bikes now. Traffic will increase and pose further danger for the children on this street.

Diane McMullen, Roxbury Dr. said she was excited to hear that Dash's Market was coming in and is aware that this has always been a grocery store. She does not feel that a drive-thru coffee shop is conducive to a residential neighborhood. Every morning cars race down this street and ignore the stop sign at Howard Drive, which is the school bus stop. She cannot imagine how it will be when they have coffee and donuts in hand. It will be a hazard for the kids.

Pat Cullinan, Roxbury Drive has lived there since 1961. She walks her dog around the neighborhood and has noticed that whenever a store has been there, cars always make a left hand turn coming from the east onto Roxbury and not Cameron. She suggested placing the drive-thru

on the other side of the building. Mrs. Cullinan said she does not feel that there is enough room to make it feasible. She asked that it be looked at more closely.

Bob Porebski, Roxbury Drive said he also was happy to hear that Dash's is opening. There is always a big increase in traffic when there is a store open and he can see a speeding issue happening on their street. Numerous accidents have occurred at Main and Roxbury over the years. He feels that the signal at Shimerville has made it more difficult to get onto Main Street. This will add to the problem at the busiest times of the day and he would like the Board to take that under consideration.

Councilman DiCostanzo asked if there was always a drive-thru in the plans. Mr. Callahan said yes. A Special Exception Use Permit was granted for the previously identified drive-thru.

Councilman Casilio said it has already been approved. If the Town Board takes no action tonight, they can go forward with their original plan. They are proposing a change to that concept.

Supervisor Bylewski asked the applicant to address the following: what they would be selling at the drive-thru; location on the west side of building; additional tenants; and snow storage.

Scott VanDeGenachte said he believes only coffee and pastries. As far as the location on the Roxbury side of the building, that was always the plan and what was approved. They are not reducing the square footage of the grocery store. There was a shell portion that they were going to divide, but there is only one additional tenant that will be taking that space. Mr. VanDeGenachte said they are not increasing the pavement and all snow storage will be on site. It will not be pushed across any streets. Drainage was designed on that premise.

Mr. VanDeGenachte said he understands the neighbors concerns, but he does not see that they would have anything to do with speeding since they are so close to the intersection. They are utilizing the curb cuts that are there. They would not be opposed to narrowing the curb cut being used for the drive-thru. The parking is the same as it was and meets the requirements.

James Callahan said it was approved for 149 per our code. They increased capacity on the Cameron side that are being deleted somewhere else.

Mr. VanDeGenachte said the cars depicted in the drive-thru lane are based on a 9' x 19' parking stall which is standard. They did not use compact cars for this presentation.

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

Councilman Casilio asked if the Planning Board has reviewed this. Supervisor Bylewski said the drive-thru was already approved and this is a change to the traffic pattern within the site.

Councilman Casilio said he is thinking that we should take another look at to make sure it is going to work well for everyone.

Councilman Weiss said we did not hear from anyone when the original request was approved. However, there were some good points made tonight to consider. He suggested no left turn out of the drive-thru. James Callahan said that would have to be discussed with the Highway Department.

Motion by Councilman Casilio, seconded by Councilman Weiss to refer the request for Dash's Market for an Amended Special Exception Use Permit for a drive-thru facility at 8845 Main Street to the Planning Board and Traffic Safety Board. On the question, Mr. VanDeGenachte said what they did was to try and improve the traffic flow on the complex. Supervisor Bylewski said the concern is that the original design did not appear to impact the offsite traffic. He suggested that the Traffic Safety Board should also look at that. Councilman Casilio said his concern is the broad curb cut and maybe they could clean that up somehow. We should do due diligence and take one more look. He wanted the public to also know that Mr. Dash could say he will just go forward with the original approved plan. Mr. VanDeGenachte said they are so committed to this project. They are willing to assist the community in any way they could, but they do not want to eliminate the drive-thru. Councilman DiCostanzo said everyone is asking him when they are going to open. He asked how this would affect construction. Mr. VanDeGenachte said it would not slow them down. If they had to they would

revert to the approved plan. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Kolber. Motion carried.

A Public Hearing was held to consider designation of 10897 Main Street, “The Brace House”, as an historic structure under the Town of Clarence Historic Preservation Law. James Callahan said the Historic Preservation Law was recently adopted by the Town including a process to get to this designation. The Historic Preservation Commission did a reconnaissance survey which identified 2,000+ potentially historic structures. An intensive level survey was then done to further refine the list of landmarks to about 200+ across the Town.

The criteria to identify the significance of potential structures were events that may have impacted the homes, the lives of persons, and the type of historical construction. Generally, colonial type housing from 1600 to 1850 had a particular type of construction that is identified.

Mr. Callahan said the Brace House at 10897 Main Street is located on the south side of Main Street, east of Schurr Road within the Traditional Neighborhood District of Clarence Hollow. The distinct components of this particular house are it is a two-story side gabled structure, “salt-box” style, symmetric façade with central framed entrance, regular windows with shuttering and side exterior brick chimney. It is a classic salt-box structure.

Mr. Callahan said it is a unique example and received unanimous recommendation by the Historic Preservation Commission, as well as from the Clinton Brown Company. Clinton Brown is the architect who worked on the intensive level survey.

Supervisor Bylewski said this is our first historic designation and is also being brought forth by the current owner, Mrs. Pat Brace.

Speaking to the subject:

Pat Brace said this is an important home and she would be very proud if it was put on the preservation list. Her main concern is that someone would buy it and take it down. The house is too big for her to take care of any longer and she is going to sell it. It has been in her husband’s family since 1943. She believes the Brace family has occupied the home longer than the Rice-Sinclair family. It is a two-story log structure and the logs can be seen on the inside. She is proud to have it be considered and would love to show to anyone who would like to see it.

Councilman Casilio said it is a remarkable example and thanked her for her generosity in allowing people to see the house. He added that every time he is in the Town Park Clubhouse he enjoys the lights that Mr. Brace and other family members replicated from the original lights that were there. He contributed so much to the Town.

Supervisor Bylewski said part of the process was to notify all of the adjacent property owners. Mr. Callahan said that was done.

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

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

WHEREAS, the property located at 10897 Main Street and locally known as “The Brace House” has been the subject of an intensive level survey as prepared by Clinton Brown Company Architecture, PC; and

WHEREAS, the property at 10897 Main Street has been identified to have historic value, association with historic personages, and contains significant historic value through its architectural style and method of construction; and

WHEREAS, The Town of Clarence Historic Preservation Commission has unanimously forwarded a recommendation to officially designate the home located at 10897 Main Street as an Historic Landmark within the Town of Clarence; and

WHEREAS, The Clarence Town Board has held a duly advertised public hearing on the proposed designation, per the Town of Clarence Town Board notification policy.

NOW THEREFORE BE IT

RESOLVED, that the Clarence Town Board, approves the designation of 10897 Main Street, known as the “Brace House” as a local Historic Landmark per the Town of Clarence Historic Preservation Local Law; and be it further

RESOLVED, that the affected site be designated on the official Zoning Map of the Town of Clarence and that this resolution or other appropriate certificate of the designation shall be filed for recording in the Office of the Erie County Clerk.

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

Councilman Kolber arrived at 8:30 P.M.

Visone Office Park requests Preliminary Concept Review of a proposed office park at 8766 Main Street. James Callahan said the location is the north side of Main Street, west of Overlook Drive consisting of approximately 8.9 acres in the Traditional Neighborhood District.

Lucian Visone was present.

Supervisor Bylewski said the project as proposed initially appears to conform to Master Plan 2015.

James Callahan said the rear yard setbacks will have to be analyzed. It is a permitted use.

Councilman Casilio asked about the septic. Mr. Visone said he is proposing a separate septic at each building.

Motion by Councilman Bylewski, seconded by Councilman Casilio to refer the request from Lucian Visone for Preliminary Concept Review of a proposed office park at 8766 Main Street to the Planning Board to commence the review process. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to table the request by Meteor Enterprises for Minor Subdivision Approval to create two additional Residential building lots in the Agricultural Rural Residential Zone on Jones Road until the applicant is available. Upon roll call – Ayes: All; Noes: None. Motion carried.

Frey's Old Time Furniture requests a Public Hearing to consider a Special Exception Use Permit for a structure larger than 30,000 sq. ft. at 9992 Main Street. James Callahan said the location is the north side of Main Street, east of Kraus Road consisting of approximately 8.2 acres in the Commercial Zone. The Planning Board has forwarded a recommendation on Concept Approval. A Negative Declaration has been issued.

Douglas Klotzbach, architect said the addition is for an expansion of the retail and warehouse for Frey's Furniture. The total square footage of the building would then be 110,890 sq. ft. of which 79,830 is for retail 31,060 is warehouse. The business is working very well and in need of this expansion.

There was some discussion about the displays out front and getting it cleaned up. That will be discussed further as this goes forward.

Councilman DiCostanzo questioned the parking spaces. Mr. Klotzbach said this retail environment is different than a Wal-Mart. People do not shop for this product every week. They are tripling the parking that is there now to 118.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to set a Public Hearing for April 9, 2008 at 7:45 P.M. to consider the request from Frey's Old Time Furniture for a Special Exception Use Permit for a structure larger than 30,000 sq. ft. at 9992 Main Street. On the question, Councilman Kolber asked if a variance is needed for the parking. James Callahan said that can come through the recommendation by the Planning Board and then approved by the Town Board. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to table the request from The Turf Doctor for a Building Permit and Architectural Approval for construction of a pole barn at 8910 Sheridan Drive until the applicant is available. On the question, James Callahan said it was put on the agenda at the request of the consultant representing the applicant. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to grant approval for the following: Clubhouse Applications - A. Clarence Democratic Committee – March 31, 2008; B. Town n' Country Garden Club – Aug. 14, 2008; Legion Hall Applications - A. Molly Venditti – May 3, 2008; B. Jean Ranney – May 10, 2008; C. Anna Greco – April 20, 2008; D. Theresa Korzak – May 24, 2008; and E. Mary Geschwender – Aug. 8, 2008. On the question, Supervisor Bylewski said the standard disclosure that members of the Town Board are also members of various organizations that may be listed, however, this is ministerial and they will be voting. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio that after proper audit and approval by the Town Board, the following bills of March 6, 2008 are approved for

payment: General Fund - \$347,492.61; Highway Fund - \$80,074.42; Fire District - \$1,984,693.00; Sewer Districts - \$177.07; Trust & Agency 203 - \$360.00 for a total amount of \$2,412,797.10. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to set a Bid Date of March 26, 2008 at 10:00 A.M. for the purchase of (2) All Wheel Drive Sport Utility Vehicles. Bid specifications will be available at the Highway Department and the Town Clerk's office. On the question, Councilman Weiss said this is part of our vehicle replacement program. Supervisor Bylewski added that as part of that program, this is to see if we can get a better dollar amount doing it this way. Councilman Casilio said he would like to see the Parks Department get rid of their vehicles sooner rather than pay so much for maintenance costs. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

James Blum said he would like to see the Town Board consider all three properties at one time that overlap onto Town property in the Clarence Hollow. There is a public hearing set for the next meeting regarding one of them. A comprehensive evaluation should be done to see what the Town would like to have happen there and take care of it all at once. He is referring to the building next to the parking lot across from the bowling alley.

Supervisor Bylewski thanked the Bicentennial Committee, in particular Chair Linda Nastasi and Donna Wanamaker, Birthday Party Chair for the wonderful event this past weekend. More events are planned for the coming months such as the Ball and Heritage Days.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:45 P.M. in memory of retired Highway Supt. Ron Witnauer.

Nancy C. Metzger  
Town Clerk