

A Work Session of the Clarence Town Board was held on March 26, 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, Planner Brad Packard, Town Attorney Steven Bengart, Assistant Town Engineer Tim Lavocat, Senior Building Inspector David Metzger, and Director of Administration and Finance Pam Smith.

Director of Community Development – James Callahan

Public Hearings:

A public hearing is scheduled for 7:45PM to consider the sale of a portion of town owned lands at 10687 Main Street.

Agenda items:

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.

Turf Doctor 8910 Sheridan Drive

Applicant is proposing to construct an additional accessory structure for existing lawn care business. The proposed site is located on the north side of Sheridan Drive, east of Shimerville Road. The existing commercial operation is located on 1.8+/- acres in the Restricted Business Zone. A variance has been granted by the ZBA for a reduced setback of 10' to the lot line adjoining the automotive detailing facility.

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 has a business relationship with Charles Incorvia and will recuse himself from discussion on this agenda item).

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. Full Environmental Review on the full build out potential of the parent parcel is required.

For the record, Councilman Casilio stated that he is not in favor of private roads. The contractors do not build the roads to town specs, they deteriorate in a matter of years and the taxpayers are left with the repairs.

Bob Reggentine – Wood Meadows Development – 8625 Tonawanda Creek Rd
Applicant is proposing a 4-lot Open Development area off a private road. 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. There are flood plain and wetland issues to consider.

Nathan Raupp 8575 Roll Road

Applicant is proposing to relocate an existing automotive repair operation to vacant structure on Roll Road. The proposed 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.

Temporary Conditional Permit renewals

A public hearing will be scheduled for April 23, 2008 @ 7:55 PM to consider renewals of the following permits:

- Café Espresso 4401 Transit Road – outside dining
- David Burghardt 8694 Lapp Road – landscape business
- Seitz Paving 8346 County Road – paving business
- GCR Landscaping 5750 Shimerville Road – landscape business
- Rock Bottom 6261 Transit Road – outside dining/music
- Louie's Car Clinic 9393 Main Street – auto sales
- Burgher & Grainy Automotive 10939 Main Street – auto sales

Work Session items for consideration at the April 9, 2008 meeting:

Eric Ogren 6051 Transit Road

Applicant is proposing a Change in Use from vacant to salon. The proposed site is located on the east side of Transit Road, north of Clarence Center Road in existing vacant structure (former Beauty Pools Sale/Showroom) located in the Major Arterial Zone. Front parking in front of the store is being proposed and has been reviewed and recommended by the Planning Board with conditions of Engineering approval and Landscape review and approval. No changes are proposed to the architectural style of the building.

Keith Smith 10125 Lapp Road

Applicant is proposing to continue operating the existing expanded home occupation that involves automotive restoration. The proposed site is located on the south side of Lapp Road, west of Strickler Road intersection in existing residential home with accessory structures in the Agriculture Rural Residential Zone. Applicant has been in operation on these premises for 20+ years. Per the Zoning Law, the Town Board has authority to approve expanded home occupations via a Temporary Conditional Permit. No complaints have ever been registered at the Planning and Zoning Offices until 1/16/2008. **(Applicant asked to be removed from the agenda).**

William Henderson is requesting approval to construct a 4-unit apartment building. The proposed site is located on the south side of Main Street at the entrance to Rock Oak in a Commercial Zone. This use would be allowed in the Commercial Zone with a Special Exception Use Permit.

Benchmark is requesting development plan and final architectural approval for out-parcel on the Main Street frontage along the Eastern Hills Corridor (behind Dunn Tire).

Applicant is requesting a minor split on Wolcott Road meeting all zoning requirements.

Supervisor Scott Bylewski

Supervisor Bylewski has several items to discuss in Executive Session.

Director of Administration and Finance Pam Smith and the Insurance Committee have been in discussions with a representative from Flex Care regarding our health insurance. He would like to speak with the Town Board. Supervisor Bylewski will schedule time at the April 9th Work Session at 5:30 PM.

The Town Board has been discussing solar paneling on several town buildings. The State Comptroller has come out with a report; Supervisor Bylewski will forward a copy of the report to the Town Board.

As part of our audit, there are new areas to be looked at including procedures and identifying and assessing the risk of material statements due to fraud. It has been recommended that the information be distributed to all department heads to make everyone aware.

The Ethics Board has not done any training in at least 5 years. Part of their duties was to train our employees and department heads etc. to make sure everyone is in compliance with the Ethic's Code. In order for them to do the training, they need Town Board approval; the Board was in agreement with this.

Supervisor Bylewski received a letter from Mark and Pauline Braunscheidel regarding drainage issues. In talking with the Engineering Department, it is Supervisor Bylewski understanding that a fix was started last year and was not accomplished at that time. Weather permitting; this will be taken care within the next couple of months.

Supervisor Bylewski received a notice from Heritage Christian Centers indicating they are applying for low income housing tax credits under the Tax Reform Act of 1986.

Supervisor Bylewski distributed several resolutions one being replacing Elected Assessors with appointed Assessors, replacing elected Tax Collectors with appointed Tax Collectors.

Councilman Casilio stated that while attending the Association of Towns meeting last month, the theme was anti-regionalism because it was proven in Toronto that going to county wide assessing does not mean you are going to save money. One assessor can not do all the work and they end up hiring all the assessors that were originally working for towns not to mention the inconvenience of the tax payers having to go downtown to challenge their assessments.

The joint Town Board/Planning Board meeting is scheduled for the end of April. If anyone has any agenda items they would like to discuss, they should forward them to the Supervisor's office.

Supervisor Bylewski, Councilman Joseph Weiss, Town Attorney Steven Bengart and Town Engineer Joseph Latona will attend the Six Sigma presentation on April 10th.

Councilman Joseph Weiss

Councilman Weiss will announce the resignation of Gregory Zaepfel from the Youth Board.

Councilman Weiss attended the Youth Board meeting and he thanked Gayle Brace for suggesting the age limit for the Fishing Derby be from age 15 and under. This will give more kids the opportunity to enter the derby. The 2nd Annual Fishing Derby is scheduled for May 3rd.

The ponds will be stocked with a lower quantity of fish on April 1st so the traditional trout opener will have fish in it for all the ponds. There will be more fish in the Main Street Park for the fishing derby.

Councilman Weiss has done some research on the Town's ISO (International Organization for Standardization) rating as it relates to fire departments. The last time ISO met with the town was approximately 10 years ago. The Town's classification is a 4. It ranges from 1 – 10 (1 is the best, 10 is the worst). The classifications from 1 – 4 pay the same rate. Councilman Weiss was also informed that newer equipment has no bearing on the cost of fire insurance. Councilman Weiss suggested a consultant do a study of all fire companies. Councilman Weiss further said that he is not speaking out against the firemen because he feels they do an excellent job and they are the finest individuals in town but his concern is all the newly constructed fire departments that cost enormous amounts of tax dollars to operate and the buildings are rarely used.

Councilman Casilio stated that as the fire vehicles age, they are being replaced with diesel engines. Some of the pumpers do not reach the capacity that they were originally designed for. Many of the trucks that are being replaced were open trucks and many firemen died going to fires than actually fighting fires. You have to have reliable equipment.

Councilman Weiss received a request regarding the ditch along the new Dash's market and whether or not it could be filled in. The Planning Department will be asked to look into this.

Chuck Eckert has submitted the numbers for Day in the Park. Karen Jurek will copy the Town Board.

Councilman Weiss stated that he is against the installation of security cameras along the bike path at a cost of \$50,000. Incidents have occurred on both the Amherst and Newstead sections of the path and neither town have done anything. Councilman Casilio disagreed stating that we have to do something to protect the public however; he is uncomfortable with the initial cost and is still researching that.

Councilman Weiss sent a letter out regarding opening up the restricted areas of town to bow hunting. Assemblyman Michael Cole was the only person to respond to his letter indicating he will look into what could be done.

Councilman Bernard Kolber

Councilman Kolber will appoint Edna Scherf to the Senior Center Board.

Councilman Patrick Casilio

Councilman Casilio will announce that Youth Director will be making a presentation to the Clarence Hollow Association tomorrow morning.

Councilman Casilio informed the Town Board that he will be on vacation the early part of April.

Councilman Peter DiCostanzo

Town Assessor Christine Fusco is working on a presentation regarding taxes and assessments.

Councilman DiCostanzo received a report from the NYS Office of Real Property Services indicating a ratio based on 288 sales of homes in Clarence from July 1, 2006 to June 30, 2007 the residential assessment ratio was 93.58 meaning the assessed value was lower than the sale value.

The Planning Department is hoping to have the Master Plan recommendations completed by May 1st.

Councilman DiCostanzo will appoint Greg Todaro as alternate to the Planning Board.

The Planning Board has forwarded their recommendation regarding Administrative Review Fees.

Most items on the TEQR Committee meeting agenda were tabled. They are waiting for comments and responses from the applicants.

Councilman DiCostanzo had several questions regarding some of the vouchers submitted for bill pay. Supervisor Bylewski suggested a Work Session with department heads to discuss some of the Boards concerns.

Councilman DiCostanzo suggested a "Whistle Blower" hotline. If anyone in town sees something that is not "above board" they could call the hot line number. Councilman Kolber stated that many municipalities have GPS in their town vehicles and this should be a consideration as well. If a complaint is ever filed, we have a record of where the vehicle was.

Councilman DiCostanzo has one item for Executive Session regarding the appointment of an individual.

Town Attorney Steven Bengart

Town Attorney Bengart met with Planning Board Chairman Gerald Drinkard to review the Sign Law and will present it to the Town Board when he returns from vacation.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105(1) D pending litigation relative to LOSAP & AJ Baynes/Extra Mile Transportation; § 105(1) H the proposed acquisition of real property (Beaman Creek), the proposed sale of real property (10687 Main Street); § 105(1) F employment history of individuals and the appointment of an individual. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 7:14 P.M.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to adjourn the Executive Session at 7:31 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 Wednesday, March 26, 2008 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:35 P.M. Pledge to the flag was led by Councilman Joseph Weiss, followed by a moment of silence in memory of all our fallen servicemen.

Members of the Town Board present were Councilmembers Joseph Weiss, Bernard Kolber, Patrick Casilio, Peter DiCostanzo and Supervisor Bylewski. Other Town officials present were Director of Community Development James Callahan, Town Attorney Steven Bengart, Asst. Town Engineer Tim Lavocat, 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 March 12, 2008 as received. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski announced that the April 9, 2008 work session will begin at 5:30 P.M.

Supervisor Bylewski said they have recently been talking about installing solar panels on Town buildings. A report came out recently about the savings from the State Comptroller's office for anyone who is interested.

Supervisor Bylewski said he, Councilman Weiss, Town Engineer Joseph Latona and Town Attorney Steven Bengart are attending a Six Sigma presentation put on by the County Executive's office on April 10th at 10:00 A.M.

Motion by Councilman Weiss, seconded by Councilman Casilio to grant permission for Youth Bureau Director Dawn Kinney and Program Coordinator Michele Orvis to attend a two-day training session entitled "Assisting Individuals in Crisis" on April 4th & 5th in Cheektowaga at a cost of \$25 per person. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to support the Youth Bureau's application to the E & WG Foundation to request funding for a project, "Clarence Asset Awareness". The Youth Bureau as lead agent would administer the funds. The Clarence CAN (Community Assets Network) members will carry out the work of the initiative. The goal is to raise community awareness of the Search Institute's 40 Developmental Assets and mobilize various sectors of the community by becoming intentional asset builders. Production of a DVD is part of the awareness plan, as well as administering a survey to youth in grades 7, 9 and 11 in the Clarence School District. On the question, Councilman Weiss said there has been a popular study of approximately 40 tenants of character to have to be successful in later years. This has to do with determining those assets in our schools and working on programs to instill those assets in our youth by the business community, religious community and the educational community. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss said the Fishing Derby will be held on May 3, 2008 from 9:00 A.M. until 12:00 noon at the Main Street Town Park. They are opening it up to children 15 years and under rather than 12 and under. This was suggested by Gayle Brace from the Town Clerk's office since fishing licenses are not required until age 16. It will open it up for more kids to participate.

Councilman Weiss announced the resignation of Gregory Zaepfel as a member of the Youth Board. He thanked him for his services.

There are now two openings on the Youth Board.

Motion by Councilman Kolber, seconded by Councilman Weiss to appoint Edna Scherf as a member of the Library Board with term to expire 12/31/2012. On the question, Councilman Casilio said he has worked with her on a number of committees and she will be an asset to this board. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Kolber said there have been questions about the senior discount on cable. Time Warner is assuming the discount from the Adelphia contract which is 10% on Basic and Limited Basic services for people 65 and over, and the primary resident. We had the Town legal department review the contract and Time Warner is following it.

Councilman Casilio announced that Youth Director Dawn Kinney will be speaking to the Clarence Hollow Association at their meeting tomorrow morning at 8:00 A.M. at Asa Ransom House. The Youth Department recently relocated to the Hollow.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to appoint Gregory Todaro as alternate member of the Planning Board effective March 27, 2008 with term to expire 12/31/2008. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to amend the current Planning Department fee schedule by making Preliminary Concept Review a per meeting charge which said charge may include meetings and reviews by the Planning Board, Traffic Safety Board, Fire Advisory Board and Town Environmental Quality Review Committee prior to concept plan approval. Upon roll call – Ayes: All; Noes: None. 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 Board seeks Lead Agency and commences the 30 day period of involved agencies on the proposed Shadow Woods Open Space Design Subdivision. This Type I Action involves the development of a 64+/- Lot Open Space Design Subdivision on 69+/- acres on Goodrich Road, north of Keller Road. The property is located in the Residential Single-Family Zone and within Clarence Sewer District No. 2. On the question, Supervisor Bylewski said the TEQR Committee is recommending that coordinated review be commenced on the submitted design with the identification of concerns over segmentation due to common ownership of adjoining properties. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski thanked all department heads present for attending.

A Public Hearing was held to consider the 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 within the Traditional Neighborhood District. The applicant is seeking to acquire Town owned land to clean up property lines for the existing commercial structure.

Clayt Ertel, real estate broker for Marvin Ohlson said the reason is that the property line dissects the house. The potential purchaser would like to open a bicycle shop. The issue is that a commercial use cannot operate on Town owned land according to State regulations. He is willing to purchase the property, which was appraised at \$575. The property would not have any purpose for anyone other than for this property. It also would not interfere with the bike path in any way.

Supervisor Bylewski said he understands that Marvin Ohlson also owns the adjacent property that has the same issue. He asked if Mr. Ohlson would be interested in purchasing the additional land for that piece since there is a process of going to the State Legislature for approval. It could be presented at one time.

Mr. Ertel said they would be interested. However, the immediate interest is the parcel in question because of the pending sale. The other piece is not for sale at this time, but he appreciates the suggestion and would like to consider taking care of both.

Supervisor Bylewski read a memo from Assessor Christine Fusco stating that she felt the assessment was on the low side. He used 20¢ per square foot even though none of the comparable sales used in his analysis sold that low. She was able to find some comparable sales that indicate a value range from 20¢ to 61¢ per square foot. Given the fact that the property in question is being used by the owner through a lease agreement with the Town of Clarence for \$100 per year, she believes a fair number would be about 35¢ per square foot, for a total of \$1,000.

Clayt Ertel asked if there is flexibility between \$500 to \$1,000. Councilman Weiss said he does not think so. Councilman Kolber said he would also be more comfortable going with our Assessor's appraisal. Mr. Ertel said he believes his client would still be interested.

Councilman Kolber said we never had the answer as to what this piece of property really was. He thanked Brad Packard and Cindi Rosel for all the research they did to come up with

what it is and where it is delineated. Councilman Casilio said he agrees and is comfortable that the Town's easements would still be protected.

Town Attorney Bengart said the other parcel cannot be considered right now because of the wording of the Public Hearing notice. It will also have to have its own appraisal done. They could then both be presented to the State Legislature at the same time.

Councilman Casilio asked if the lease agreement is current. If there is any money owed to the Town, it should be paid up to date. Supervisor Bylewski said the approval will be subject to review by the Town Attorney and that will be part of it.

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

Motion by Supervisor Bylewski, seconded by Councilman Casilio that the Town Board approves the sale of a portion of Town owned lands at 10687 Main Street for \$1,000, subject to review and approval by the Town Attorney's office, that the terms of the lease are current and approval by the State Legislature. Upon roll call – Ayes: All; Noes: None. Motion carried.

Meteor Enterprises requests Minor Subdivision Approval to create two residential building lots in the Agricultural Rural Residential Zone on Jones Road. James Callahan said the location is the north side of Jones Road, east of Ransom Road.

Tom Hollander was present.

Supervisor Bylewski said in regard to addressing a segmentation issue, he asked if the two lots are tied in with the development of the greater parcel or stand alone. Mr. Hollander said they stand alone.

Councilman Casilio asked if the lots were filled lots or virgin ground. Mr. Hollander said he believes it is virgin ground.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that that pursuant to Article 8 of the Environmental Conservation Law, a Negative Declaration is issued on the proposed Meteor Enterprises Minor Subdivision located on Jones Road. This Unlisted Action involves the subdivision of two residential building lots. After thorough review by the Planning and Zoning Department and the Town Board, it is determined that this action is consistent with local land use regulations and will not have a significant impact on the environment. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

Resolved, that the Clarence Town Board grants Minor Subdivision approval for 2 additional residential building lots to the applicant, Meteor Enterprises for the property located on the north side of Jones Road, east of Ransom Road subject to: 1. Open space and recreation fees. 2. Clean-up issues that may exist.

On the question, Councilman Kolber asked if we should define clean up issues. Councilman Casilio said he does not know if there are junk cars or anything else left on the property from the mining operation. They want to see any debris removed from the site and not pushed into the quarry property. Upon roll call – Ayes: All; Noes: None. Motion carried.

The Turf Doctor requests a Building Permit and Architectural Approval for construction of an accessory structure at 8910 Sheridan Drive. James Callahan said the location is the north side of Sheridan Drive, east of Shimerville Road consisting of approximately 1.8 acres in the Restricted Business Zone. A setback variance was approved by the Zoning Board of Appeals.

Tom Charnock, owner of the business was present.

James Callahan said it meets the Zoning conditions.

Mr. Charnock said it is a standard stockade building and will be located behind the existing shop and not visible from the road.

Councilman Kolber said he had been concerned with this type of building being visible from the road, but he is comfortable now with the site layout as presented.

Motion by Councilman Kolber, seconded by Councilman Weiss to grant a Building Permit and Architectural Approval for construction of an accessory structure at 8910 Sheridan Drive to The Turf Doctor. Upon roll call – Ayes: All; Noes: None. Motion carried.

Charles Incorvia requests a Change-In-Use from vacant former restaurant to ice cream parlor at 8485 Transit Road. James Callahan said the location is the east side of Transit Road, south of Tonawanda Creek Road consisting of approximately 4 acres in the Major Arterial Zone.

Charles Incorvia was present.

Councilman Kolber said he has an ongoing business relationship with Mr. Incorvia, so he will recuse himself from this discussion and decision.

Mr. Incorvia said there may be dining in the back on the patio in the future. James Callahan said any outside dining requires a Temporary Conditional Permit. Mr. Incorvia will have to come back for that approval. He will also have to come back regarding signage.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to grant a Change-In-Use from vacant former restaurant to ice cream parlor at 8485 Transit Road. Upon roll call – Ayes: Councilmembers DiCostanzo, Casilio, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Kolber. Motion carried.

Bill Richmond requests a Change-In-Use from vacant former pub to office building at 9195 Main Street. James Callahan said the location is the north side of Main Street, west of Thompson Road in the Commercial Zone.

Bill Richmond was present on behalf of the owner. He said they would like to change the building to house two offices, one for themselves. The outside will be sided and a new roof put on.

Motion by Councilman Casilio, seconded by Councilman Weiss to grant a Change-In-Use from vacant former pub to office building at 9195 Main Street, subject to architectural review. Upon roll call – Ayes: All; Noes: None. Motion carried.

Russell Gullo requests a Clearing, Filling and Grading Permit for wetland mitigation at 6525 Salt Road. James Callahan said the location is the east side of Salt Road between Keller and Croop Road consisting of approximately 47 acres in the Agricultural Rural Residential Zone. The applicant proposes creating a wetland habitat to mitigate wetlands at 6843 Transit Road.

Michael Metzger, engineer, Russ Gullo and Fred Cimato were present. Michael Metzger said Mr. Gullo's project was approved last year. It has been identified that there is .37 acres of wetland area on the Transit Road site that is going to be used as a display area. They began the process of filing for a permit from the Army Corp of Engineers to fill in the wetland area. The Army Corp of Engineers said mitigation is necessary and Mr. Gullo plans to create .81 acres on the southeast corner of the Salt Road property. The work will include excavating the area to create a maple swamp area. Fred Cimato said the fill will be spread out and remain on the site.

Mr. Metzger said they do not have final approvals from the DEC or the Army Corp of Engineers. They understand that this is subject to those approvals.

Councilman Casilio asked what the status of storing his trucks on the site. This was discussed at the time of the approval of his project last year. Mr. Gullo said as the project progresses, his plan was to move them to the rear of the site. They are only there on the weekends. Councilman Casilio said he believes they block the view of people leaving St. Mary's Church. Mr. Gullo said he has never had a complaint, but he intends to take care of it. He did not plan on the project being this far behind due to waiting for the permits to fill the area.

Mr. Metzger said this is a Federal Wetland.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to grant a Clearing, Filling and Grading Permit for wetland mitigation at 6525 Salt Road, subject to appropriate DEC and Army Corp of Engineers Permits, and any removal of topsoil be identified and approved with appropriate fees to be paid. On the question, Councilman Casilio said Transit Road is important to the community and he does not like to see equipment. It should be stored at the rear and out of sight. Upon roll call – Ayes: All; Noes: None. Motion carried.

Joe Frey/Stone Ridge Development requests Minor Subdivision Approval to create four new residential building lots on Stage Road. James Callahan said the location is the south side of Stage Road, east of Ransom Road consisting of approximately 127 acres zoned Agricultural Rural Residential.

Michael Metzger, engineer and Clayt Ertel, real estate broker were present on behalf of the applicant. Mr. Metzger said there are two separate projects, this being the first. The second project will be much more involved. However, they expect the two projects to be reviewed together from a SEQR standpoint and then move on separately through the process.

Supervisor Bylewski said one issue that will come up is the request for the public road in the larger portion and what would be the public benefit from that road. It may be that it provides access to the other piece.

Mr. Metzger said this portion provides for 4 lots of approximately 6.7 to 10.1 acres on 30 acres of land. It far exceeds the requirement of a minimum of 1.3 acres.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to refer the request by Joe Frey/Stone Ridge Development for Minor Subdivision Approval to create four new

residential building lots on Stage Road to the Planning Board. On the question, Councilman Casilio asked if there was any size requirement on the houses. Mr. Ertel said they feel architectural approval is more important than size because of the nature of the lots. Councilman DiCostanzo asked if Mr. Frey is the only owner of the entity. Mr. Ertel said he is the owner of the property and has taken over the project. Upon roll call – Ayes: All; Noes: None. Motion carried.

Joe Frey/Stone Ridge Development requests Preliminary Concept Review of a proposed Open Development Area with multiple frontage lots at Stage and Ransom Roads. James Callahan said this project is proposed with a public road creating large lots.

Michael Metzger said this project is referred to as Stone Ridge Estates. They looked at several options of development for this property and the owner directed them to be sensitive to the trends through the Town seeing projects with less density. This is a very unique property with lakes and ponds throughout. They placed the lots by taking advantage of the views. They propose an open development road off of the public road to four lots to offer some seclusion. The portion with the public road would include 11 frontage lots.

Councilman Casilio asked why not propose it as a public road all the way. He has some concerns about future maintenance problems with private roads.

Councilman Kolber said he believes this could be a spectacular project and he likes the character that is offered with private roads. It is different from a conventional subdivision.

Mr. Ertel said that is what they are looking at from a marketing standpoint. Mr. Casilio said he is concerned about possible neighbor issues that could hinder proper maintenance at some point and then somehow it falls back on the Town. Mr. Ertel said all of these covenants will be explained to the buyers. The lots will probably cost \$200,000+.

Supervisor Bylewski said his concerns are public benefit of the public road; and since we are not dealing with a traditional subdivision, we do not have the issue of sewer versus septic because of the size of the lots involved. The Master Plan states that we should steer development to areas with sewers, or if unsewered we should look at an open development area. These will be addressed through the planning process.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to refer the request by Joe Frey/Stone Ridge Development for Preliminary Concept Review of a proposed Open Development Area with multiple frontage lots at Stage and Ransom Roads to the Planning Board for further review. On the question, Councilman DiCostanzo asked if Joe Frey is the sole owner of this development. Mr. Ertel said Mr. Frey is the sole owner of this property also. The project, because of the unique character and low density, could be a real asset to the Town. Upon roll call – Ayes: All; Noes: None. Motion carried.

Wood Meadows Development requests Preliminary Concept Review of a proposed Open Development Area at 8625 Tonawanda Creek Road. James Callahan said the location is the south side of Tonawanda Creek Road, west of Northfield Road consisting of approximately 46 acres in the Agricultural Flood Zone.

Bob Reggentine, engineer was present representing the owner Jim Mahoney. The land has a lot of restrictions due to the floodplain and wetlands. The proposal is to develop the front portion by 4 lots off of a private road avoiding the restricted areas. The zoning is conducive for this type of development. Septic issues should not be a problem because of the size of the lots.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to refer the request by Wood Meadows Development for Preliminary Concept Review of a proposed Open Development Area at 8625 Tonawanda Creek Road to the Planning Board for further review. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to table the request by Nathan Raupp for a public hearing to consider a Special Exception Use Permit for an automotive repair operation at 8575 Roll Road until the applicant is available. Upon roll call – Ayes: Councilmembers DiCostanzo, Casilio, Kolber and Supervisor Bylewski; Noes: None. Recuse: Councilman Weiss. Motion carried.

Towne BMW requests a Building Permit and Architectural Approval for an addition to existing automotive sales facility at 8215 Main Street. James Callahan said the location is the south side of Main Street, east of Auto Place in the Commercial Zone.

Bill Wincott and Tim Connelly, general manager were present. Mr. Wincott said they are proposing a 1,400 sq. ft. addition to the show room to meet the BMW corporate requirements. The architecture will be a continuation of the existing building.

Councilman Casilio said he would like to see the car taken off the roof. Mr. Connelly said it was put there to attract attention to the new franchise. Councilman Casilio said he does not believe it meets the Town Code. Supervisor Bylewski said we are looking at architectural approval. Mr. Connelly said if it is contingent upon their approval, he would take it down.

Councilman Casilio asked if they were considering purchase of the property next store. Mr. Connelly said they tried, but they wanted \$3 million for a half acre.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to grant a Building Permit and Architectural Approval for an addition to existing automotive sales facility at 8215 Main Street to Towne BMW, subject to removal of any fake or real automobile-like structure from the roof of the building. On the question, Councilman Casilio said it is only fair to ask everyone to comply with their display of vehicles. The applicant said they are in the process of purchasing a property across the street for a Mini Dealership. It will take a couple years to develop and they would like to demolish the building and get the site ready. They wanted to know what would be required as far as parking cars for display. James Callahan said they would have to have a public hearing for a special exception use permit. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to set a Public Hearing for April 23, 2008 at 7:45 P.M. to consider a Special Exception Use Permit for a secondary living unit at 4077 Thornwood Lane. Upon roll call – Ayes: All; Noes: None. Motion carried.

Aurora Sewing Center requests a Change-In-Use from vacant former doctor's office/home occupation to sewing center at 8575 Main Street. James Callahan said the location is the south side of Main Street, east of Harris Hill Road in the Traditional Neighborhood District and Residential Single Family Zone along the Nottingham frontage. Creation of additional parking will require Town Board approval. Continuation of a non-conforming use may require Board of Appeals approval.

Clayt Ertel, real estate broker and James Kelleher were present. Mr. Ertel said the Aurora Sewing Center would like to relocate from Main and Salt and would be an appropriate business for this area. The location is next to the Harris Hill Plaza. They would like to maintain the character of the structure. Typically, there are not a lot of customers at this type of business at a given time, except for classes a couple times per month. The structure is sound. Improvements will be made to the exterior grounds. They also may add a small addition of approximately 500 sq. ft. in the future.

Supervisor Bylewski said there is an issue regarding the TND and the Residential that the Town Board may not be able to address. James Callahan said we can identify that the existing use is a non-conforming use which would require Zoning Board of Appeals action. Parking would be allowed in the TND with some landscaping.

Supervisor Bylewski said we can not grant this approval given the zoning issue. We could deny and then the applicant, if he so chooses, could file for a variance. James Callahan said he is not sure if it has to be a denial, but the Board certainly could not grant approval.

Supervisor Bylewski said they do have a concern about the existing location because of the historic significance and wonder what would happen to it. Mr. Kelleher said they do not own the building and do not know what the owner would do with it. Supervisor Bylewski said this has no bearing on his request to relocate his business.

Motion by Councilman Bylewski, seconded by Councilman Kolber to deny the request for a Change-In-Use from vacant former doctor's office/home occupation to sewing center at 8575 Main Street given the non-conforming use. On the question, Clayt Ertel asked if the Board could give positive opinions about the project to take to the Board of Appeals. Town Attorney Steven Bengart suggested that they do not do that. Councilman Casilio said he is concerned about the driveway to Nottingham Terrace. Mr. Ertel said he believes from a safety perspective it should not be closed off. Upon roll call – Ayes: All; Noes: None. Motion carried.

Temporary Conditional Permits request a Public Hearing for renewal of the following:

- A. Caffe Espresso, 4401 Transit Rd. – Outside Dining
- B. David Burghardt, 8694 Lapp Rd. – Landscape Business
- C. Seitz Paving, 8346 County Rd. – Paving Business
- D. GCR Landscaping, 5750 Shimerville Rd. – Landscaping Business
- E. Rock Bottom, 6261 Transit Rd. – Outside Dining/Music
- F. Louie's Car Clinic, 9393 Main St. – Auto Sales
- G. Burgher & Grainy Automotive, 10939 Main St. – Auto Sales

James Callahan said the permits as listed are up for renewal this year. They have received complaints about Rock Bottom and the late night music on the weekends; Burgher & Grainy Automotive regarding storage on the vacant lot areas; and GCR Landscaping regarding a long standing conflict with a neighbor.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to set a Public Hearing for April 23, 2008 at 7:55 P.M. to consider renewal of the following Temporary Conditional Permits: A. Caffe Espresso, 4401 Transit Rd. – Outside Dining; B. David Burghardt, 8694 Lapp Rd. – Landscape Business; C. Seitz Paving, 8346 County Rd. – Paving Business; D. GCR Landscaping, 5750 Shimerville Rd. – Landscaping Business; E. Rock Bottom, 6261 Transit Rd. – Outside Dining/Music; F. Louie’s Car Clinic, 9393 Main St. – Auto Sales; G. Burgher & Grainy Automotive, 10939 Main St. – Auto Sales.

On the question, Supervisor Bylewski said it his understanding that the applicants will be notified to be present if they would like to receive approval.

Councilman Casilio said he owns property next to item G. Burgher & Grainy Automotive, so he will recuse from that item only.

Upon roll call – Ayes: All; Noes: None. Recuse: Councilman Casilio on item G only. Motion carried.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to grant approval for the following: Clubhouse Applications - A. Cub Scout Pack 563 – March 28, 2008; B. Hunter Safety Course June 7 & 8; Aug. 2 & 3, 2008; C. Rock Oak Homeowners Association – Dec. 13, 2008; Legion Hall Applications – A. Kevin Rosel – April 13, 2008; B. Susan Payne – May 4, 2008; C. Charles Brunetto – May 31, 2008; D. John Matteson – Dec. 20, 2008; E. Joyce Clark – Dec. 26, 2008; Pavilion Special Request - A. Susan Frey – Sept. 27, 2008. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Supervisor Bylewski that after proper audit and review by the Town Board, the following bills of March 20, 2008 are approved for payment: General Fund - \$177,494.95; Highway Fund - \$39,805.69; Water District - \$35,731.97; Central Alarm - \$73.33; Fire Districts - \$1,097.58; Drainage District - \$119.66; Sewer Districts - \$184,416.18; and Trust & Agency 203 - \$120.00 for a total amount of \$438,859.36. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, Supervisor Bylewski adjourned the meeting at 9:15 P.M. in memory of Pat Casilio, Sr.

Nancy C. Metzger
Town Clerk