

A Work Session of the Clarence Town Board was held on April 23, 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, Town Engineer Joseph Latona, Director of Administration and Finance Pam Smith, Planning Board Chairman Gerald Drinkard, Planning Board member Albert Schultz and Recycle Committee member Chuck Eckert.

Director of Community Development – James Callahan

Public Hearings:

A Public Hearing is scheduled for 7:45 PM to consider the request for a Special Exception Use Permit for a secondary living unit (in-law apartment) at 4077 Thornwood Lane. The existing single-family home is located in the Residential Single-Family Zone on the east side of Thornwood Lane, north of Wehrle Drive. Deed restrictions per the code are to be approved by the Town Attorney.

A Public Hearing is scheduled for 7:55 PM to consider renewal of the following Temporary Conditional 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

The Planning & Zoning Office has received complaints regarding a longstanding conflict with a neighbor.

- Rock Bottom 6261 Transit Road – outside dining/music

The Planning & Zoning Office has received complaints regarding the volume of music and hour's band is playing

- Louie's Car Clinic 9393 Main Street – auto sales
- Burgher & Grainy Automotive 10939 Main Street – auto sales

The Planning & Zoning Office has received multiple complaints regarding the rear portion of this property, concerning both the condition and positioning of vehicles. Councilman Casilio will recuse himself from this request because he owns the property next door to 10939 Main Street.

Agenda items:

Dennis Garafalo 9181 Clarence Center Road

Applicant is proposing to split the property to create one additional residential building lot in the TND. The proposed site is located on the south side of Clarence Center Road, west of Thompson Road. The existing single-family residential use is located on .88 acres and 200+ feet of road frontage. Per the Subdivision Law, the Town Board has authority to approve lot splits. The property is located within Clarence Sewer District #2. Public sewer is available and the lot size in the TND is acceptable.

Ken Seitz 10090 County Road

Applicant is seeking approval to construct a second storage building on the property. The proposed site is located on the north side of County Road, west of Strickler Road at existing landscape operation located on 2.48+/- acres in the Industrial Business Park Zone. Per the Zoning Law, the Town Board has authority to approve uses in the Industrial Business Park Zone as to architectural style and functional plan. The proposed plan meets all zoning requirements.

DASH'S Market 8845 Main Street

Applicant is seeking approval to relocate the drive-thru facility as previously approved. The proposed site is located on the south side of Main Street between Cameron and Roxbury Drive in the Harris Hill TND. Per the Zoning Law, the Town Board has authority to approve a drive-thru via a Special Exception Use Permit. A required public hearing was held on March 12, 2008. The matter was referred to the Planning Board for review and comment. The Planning Board has reviewed the proposal and has forwarded a recommendation with conditions. As no significant change to the drive-thru design has developed since the public hearing, there is no need for an additional public hearing.

Norm Castine Goodrich and Lapp Road

Applicant is requesting Minor Subdivision approval for the creation of one additional building lot. The proposed site is located at the intersection of Goodrich and Lapp Road, on the south side of Lapp Road, east of Goodrich Road. The vacant parcel currently consists of 2.9 acres with frontage on to both Goodrich and Lapp Road. The property is located within the Agricultural Rural Residential Classification. The Planning and Zoning Office is in the process of reviewing this request to ensure a major subdivision is not in fact required as per this land split.

Brookfield Country Club 5120 Shimerville Road

The applicant has requested a permit for fireworks display for their annual July 4th event. Applicants for firework displays must provide proof of insurance and approval from fire district; both have been provided by the applicant.

Charles Incorvia 8485 Transit Road

Applicant is requesting a public hearing for a Temporary Conditional Permit for outside dining and music. The proposed site is located on the east side of Transit Road, south of Tonawanda Creek Road intersection in a commercial classification. The applicant has stated that music would not consist of a full band and seating would be limited to approximately 9 tables.

John Hayne/Sun Enterprises 6855 Transit Road

Applicant is seeking approval to display and sell storage sheds and gazebos on a vacant parcel. The proposed site is located on the east side of Transit Road, south of Stahley Road intersection adjacent to St. Mary's School. The existing vacant parcel consists of approximately 2 acres in the Traditional Neighborhood District. Per the Zoning Law, the Town Board may authorize temporary structures or Temporary Conditional Permits for term limit activities of this nature. Duration of permit and size of display area should be determined.

William Henderson 10055 Main Street

Applicant is proposing to develop a 4-unit apartment building on the property. The proposed site is located on the south side of Main Street, west side of Rockland Avenue (entrance to Rock Oak Estates). The existing collision shop/automotive repair facility is located on 1.5+/- acres in the Commercial Zone. Per the Zoning Law, the Town Board has authority to approve multiple family dwellings via a Special Exception Use Permit. Areas of concern include on-site sanitary facilities and access from private drive. **(Applicant asked to be removed from the agenda).**

Benchmark/Shops at Main and Transit 4401 Transit Road

Applicant is proposing to develop a drive-thru facility for a credit union within the previously approved outparcel. The proposed site is located on the northeast corner of Transit Road and Main Street in existing shopping plaza located in the Major Arterial Zone. Per the Zoning Law, the Town Board has authority to approve drive-thru facilities via a Special Exception Use Permit in the Major Arterial Zone. No change to architectural style is proposed. Adequate stacking and setbacks are incorporated within the proposed design. Supervisor Bylewski stated that he provided copies of prior meeting minutes including the initial discussion to terminate the vista on the boulevard from Transit Road. The applicant stated they would have it done by the end of the year. Director of Community Development James Callahan stated that there may have been some confusion on the applicant's part because that was that plaza area in front of Brennan's that was under construction and was completed by the end of last year. That was a source of confusion when Mr. Callahan was talking to the applicant. Councilman Casilio received a call from Jeff Palumbo today at 3PM wanting to discuss this agenda item, he did not want to discuss the stop signs but later agreed and wanted to meet Councilman Casilio on site. Councilman Casilio complained about the snow plow equipment parked in front of M & T Bank and Mr. Palumbo stated that it would be removed possibly to the back of the property. Councilman Casilio voiced his concerns about the stop signs that are approximately 10 - 15 feet apart and do not line up with the pavement markings at all, there are two other stop signs that are intersections apart that go no where. It appears that someone just put up STOP signs where ever they wanted. Mr.

Palumbo agreed to the removal of at least two stop signs. Being liaison to Traffic Safety, it has been pointed out to Councilman Casilio that too many stop signs will not control speed and people will ignore them. Councilman Casilio felt that people would respect crosswalks and stop for a crosswalk. Supervisor Bylewski stated that these concerns should be addressed as part of the overall plaza layout. The last meeting minutes for the last approval of this project, the applicant's representative specifically stated that in regard to terminating the vista, they intend to plant trees and place benches as part of their landscape plan. To date, this has not been done.

Benchmark/Shops at Main and Transit 4401 Transit Road

Applicant is seeking final architectural approval for the previously approved outparcel within the plaza. The proposed site is located in the northeast corner of Transit Road and Main Street in existing shopping plaza located in the Major Arterial Zone. Per the Zoning Law, the Town Board has final authority to approve the architectural style within the Major Arterial Zone. Development Plan approval was granted on plaza redevelopment in 2004.

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 Sales/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.

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.

Ismet hallac

Mr. Hallac is requesting connectivity of parking lots from Eastern Transit Plaza at 5445 Transit Road to adjacent Value parking lot. Director of Community Development James Callahan sent a letter to Value requesting connectivity and they declined.

Work Session items (for consideration on May 14, 2008):

Stephen Development – Red Rock Apartments 8880 Main Street

Applicant is seeking approval to construct 10 new apartment buildings on their property; this will extend into the Residential Single Family Zone. While they are single residential units, they do not have the minimum lot size requirements for the Residential Single Family Zone. The proposed site is located on the north side of Main Street, west of Shimerville Road at existing apartment complex located in the Harris Hill TND. Adequate parking exists on the property. The septic system has been upgraded to accommodate the additional buildings.

H.H.E. Holdings, LLC/Henry Jurek 5080 Thompson Road

Applicant is seeking approval to construct a man made lake having surface area of 5.3 acres and maximum depth of 25 feet proposed to be constructed on the 42 acre parcel located at 5080 Thompson Road. The proposed site is located on the south side of Greiner Road, west of Thompson Road in the Residential Single Family classification. Minor Subdivision and a Special Exception Use Permit for the construction of a secondary living unit have both been previously approved for this site. The property is planned for the personal residence of Mr. Mark Hamister. This project will be subject to engineering approval. Town Engineer Latona stated that there are several issues regarding the construction of this lake that he is currently working with the applicant on. The neighbors should not be impacted by the construction of the pond. Some of the spoils will remain on site to construct berms.

Kelko Industrial Park – Thomas Kelkenberg 10060 County Road

Applicant is seeking Development Plan approval for the construction of 3 structures measuring 6,000 square feet for the development of an industrial park. The proposed site is located on the north side of County Road, west of Strickler Road in the Industrial Business Park classification. The project conforms to land use and Master Plan regulations. The Town Board referred this project to the Planning Board on July 25, 2007. After SEQRA review, the project received a positive recommendation for Development Plan approval from the Planning Board on April 16, 2008. This project has been granted a Negative Declaration under SEQRA, has Town of Clarence engineering approval and an approved landscaping plan as per the Town of Clarence Landscape Committee.

Ed Millitello 9185 County Road

Applicant is requesting an expansion and upgrade to the existing warehouse building located at 9185 County Road. The proposed site is located on the south side of County Road, east of Heise Road in the Industrial Business Park Zone.

Floss Insurance – NYMIR

Joe Floss distributed an insurance packet that gives a review of insurance coverage the Town has. The Board can take time to review the coverage and forward any questions to Mr. Floss.

Karen Buckley representative from NYMIR stated that the reason why they like to get out to the different Boards and tell them about NYMIR is because they are unique from the different insurance companies that insure municipalities. They are a not-for-profit insurance company, they were formed just for municipalities. NYMIR insures a total of 600 Municipalities across NYS which allows them to tailor coverage specifically for a municipality. NYMIR is affiliated with The Association of Towns, The NY Conference of Mayors and The Association of Councilman; their board members are comprised of Town Supervisors, County Administrators and others. These are the people that vote on the rates, they are the ones helping to enhance the coverage for the program; they know what the needs are.

The Town of Clarence did pay a capitalization fee to join NYMIR; therefore the town is a fully vested owner/member of NYMIR.

NYMIR philosophy on claims handling is if there is a frivolous or fraudulent claim, they will not “roll over” and settle because it is cheaper to settle. This in turn does not erode our policy limits, the deductibles do not come in to play. The only time this would happen, is if they lost the case and an indemnity payment needed to be made. There are attorneys on staff and because of that expertise; they usually prevail in the court system.

NYMIR sponsors regional seminars throughout NYS to address current trends and legal issues that create potential loss exposures for local governments. They were considering doing an Employment Practices Liability seminar if the Town of Clarence would be willing to host it. This is an area of litigation that has “exploded” over the years. Supervisor Bylewski stated that the Town of Clarence would be willing to host the seminar and asked that Pam Smith set it up with Mr. Floss.

Councilman Weiss stated that there was some trepidation when the Town of Clarence signed up with NYMIR. Karen Buckley stated that the town’s rates have gone down as well as stayed stable. While NYMIR is not always the least expensive insurance coverage, their goal is to maintain stability for the town as opposed to going up in a hard market and down in a soft market. Because NYMIR is not a stock company, they do not suffer from whatever the stock market is doing.

Joe Floss stated that NYMIR does not have all of the towns business; they do not have the towns Workers Compensation, Volunteer Fire Fighters Benefits Law, Crime or Inland Marine. The reason being is that Mr. Floss could find a better value. The town’s premium has gone down substantially from \$228,302.60 last year to \$193,641.80.

After conversation with Councilman Weiss, Joe Floss is suggesting an extra layer of liability coverage. NYMIR maxes out at \$10,000,000. McGowan & Co. is providing the lowest and responsible umbrella proposal to go over and above the towns Public Officials Liability, Employment Practices Liability and Law Enforcement/Police Professional Liability at a cost of \$12,222. Mr. Floss will need the Town Boards decision by May 20th.

Mr. Floss also discussed purchasing Privacy and Security Liability coverage in the event that personal information was leaked out (social security numbers); it could become very costly to notify everyone involved in a breach of security related issues.

The Town currently has limited pollution coverage for sudden accidental pollution that the town causes however, if the town buys land that is currently polluted; we do not have coverage for it. Mr. Floss will get a quote for this additional coverage.

Mr. Floss further suggest medical payment coverage – if an employee is injured in a vehicle while working, Workmen's Compensation is primary and no fault takes over from there but the Town does not have medical payment coverage. For \$218. per year, the Town can obtain \$10,000 in medical payment coverage under our automobile policy.

Councilman Casilio asked Mr. Floss to research how ISO ratings affect homeowner's insurance coverage.

Supervisor Scott Bylewski

Supervisor Bylewski will make a motion designating the week of May 4 through May 10, 2008 as Municipal Clerk's Week.

Supervisor Bylewski received a thank you note from Pat Brace. At the March 12, 2008 Town Board meeting, the Board passed a resolution designating the Brace house a Historic Landmark in the Town of Clarence. A copy of the proclamation was sent to Mrs. Brace.

At the March 9, 2008 Town Board meeting, there was an insurance presentation from Flex Care. The Town Board has to decide if they want to go forward with this and if so do we move ahead and try to get it for the July 1st date or wait until January 1, 2009. If the Board decides to move forward with this, both the White and Blue Collar Unions along with non-union members and retirees have to be notified of the change. If the Board can not get everyone on board for July 1st, then they will have to wait until January 1st. Director of Administration and Finance Pam Smith stated that this would be an identical transfer of coverage. The contract renews December 1st. The Executive Boards from both the White and Blue Collar Unions are in agreement with the change however, the rank and file has to be informed of it. Director of Administration and Finance Pam Smith will begin notifying all concerned for the July 1st date.

Supervisor Bylewski introduced our Economic Development Officer Steve Stark.

Supervisor Bylewski met with Marta Carney regarding the Art Festival she is planning for May 24th on the north side of Clarence Center and Goodrich Road at the 4-corners intersection. She did not feel that the event would work on Railroad or Maple Street. She is hoping to promote her business as well as the other businesses in that area. Supervisor Bylewski mentioned to her that the Town Board has several safety concerns including who will mark the detours, one lane would have to remain open for emergency access. Although her actual letter mentions 12pm – 6pm for the actual event, she is requesting the road closed all day to be able to have time to set up and tear down. She will get back to Supervisor Bylewski as to exact set up and tear down times. Because Goodrich Road is a county road, Ms. Carney has approached the County and the County in turn approached Highway Superintendent Ted Donner. Councilman Casilio stated that he would like to see more concrete plans as where the barricades are going to be located and who will be directing traffic. The Town Board would be in favor of this event as long as Ms. Carney can address the Board's traffic concerns.

Marta Carney is also requesting the Town add some amenities in Clarence Center such as bike racks to allow for bike traffic in that area.

Supervisor Bylewski will schedule time at the May 7th morning Work Session to discuss the sewer merger with representatives from Erie County.

Supervisor Bylewski received two checks from the County for storm water and snow removal.

The PERMA (Workmen's Compensation) annual meeting is coming up; Supervisor Bylewski will sign off on the proxy vote.

Wendall-Duscherer is still pursuing the Bike Path grant.

The Recreation Advisory Committee is recommending Wendall-Duscherer pursue the Parks Mini - Master Plan.

The Clubhouse Restoration Committee is meeting on May 5th at 3PM. The committee will be doing an inventory of items in the clubhouse.

Supervisor Bylewski again announced the resignation of Judge William Waible. There is a thirty day application period for anyone interested in applying for the position. All applications will be made available through Karen Jurek in the order received.

Kevin Patterson is once again requesting Town Board approval to sponsor "Take Back the Bike Path 5K run/walk". Additional information will be forthcoming.

Supervisor Bylewski has one Attorney-Client item to discuss in Executive Session.

Supervisor Bylewski would like to have a recommendation one way or the other from the Historical Society regarding the paintings in the Clubhouse so the Town Board can make a decision in the near future.

Councilman Joseph Weiss

Councilman Weiss attended the Solid Waste/Recycling Committee meeting on April 10th. There are several new members on the committee with background in recycling. The committee is concerned with the current means of garbage pickup in Town. Highway Superintendent Ted Donner is concerned about the damage being done on our town roads by the disposal trucks. With the cost of oil skyrocketing, road repairs/repaving are going to be expensive. The Committee would like the Town Board to reconsider the formation of a garbage district.

Someone has contacted Councilman Weiss regarding a program for trapping, neutering and returning cats to the wild however, that however is not the town's policy nor is it the policy of the SPCA.

Councilman Weiss would like to see the sale of the Clubhouse paintings and the money used to purchase period furniture for the Clubhouse.

Councilman Weiss will announce that the blue bridge on Rapids Road will be closed until further notice.

Youth Bureau Director Dawn Kinney is requesting Town Board approval to attend the annual Youth Bureau Director's Retreat sponsored by the Sate Association of Youth Bureaus from April 30 – May 1st in Rome NY.

Highway Superintendent Ted Donner is requesting Town Board approval to appoint Kevin Cournan and William T. Metzger as seasonal help in the Highway Department.

Highway Superintendent Ted Donner is requesting the bid for two sport utility vehicles be awarded to West Herr Ford.

Erie County Highway Department has begun the reconstruction of Wolcott Road. Their method of construction will be to “mill” and remove approximately 2” from the existing road and replace the exact amount with fresh black top. Flood plane regulations will not allow the road to be raised which could have an adverse effect on properties.

The Building Department has submitted a list of office equipment to declare as surplus.

Andrew Rudnick, president and CEO of the Buffalo Niagara Partnership commented on taxation in NY State he stated that “we are well past the time when some accountability should be brought to the schools. An across the board cap on tax levy’s will help provide the accountability. A cap will encourage fiscal discipline and insure that increases in state aid lead to tax relief.” However, in today’s Clarence Bee, Dr. Thomas Coseo stated that “projected revenue increases in state aid due to building and foundation aid will cover the cost of expenditure increases.” Mr. Coseo goes on to say that “there will be a decrease in the tax rate proportional to any increase in the district’s assessed valuation.” In other words, as soon as the school receives state aid, they will spend it on something.

Councilman Weiss will appoint James Delellis for another two year term to the Environmental Management Council of Erie County to expire 5/31/2010.

Councilman Bernard Kolber

Councilman Kolber stated that a resident dropped a packet off at his house over the weekend regarding flooding at Beech Meadow Court. The resident stated that the Town Engineer is aware of the flooding. The residents are very concerned that this area was poorly designed, the wet lands are over flowing, additional drainage is draining into their storm water detention basin and the storm water detention basin in turn is flooding their yards and the street. A developer is trying to obtain an easement to run a sewer line from a new development going in behind Beech Meadow. The site is in the middle of wet lands but has become aggravated by the redirection of flows into the storm water detention basin. Town Engineer Latona stated that he has visited the site and is trying to come up with some type of solution.

Councilman Patrick Casilio

Councilman Casilio has one item to discuss in Executive Session regarding employment history of an individual and employment history of a corporation.

The Public Safety Committee is in the process of organizing some of their patrols.

The Blue Collar Union is interested in meeting with Councilman Casilio for a general discussion.

We have many requests for speed limit reductions and stop signs. Traffic Safety is referring these requests to Highway Superintendent Ted Donner for decision as to whether or not the requests are necessary.

Councilman Casilio is working with National Fuel regarding Hans Mobius request to extend gas lines down Salt Road.

There are two vacancies on the Public Safety Committee; Councilman Casilio will make appointments at the next Town Board meeting.

Town Security Officer Ron Bosella has submitted his letter of resignation.

Councilman Casilio has a call into Parks Crew Chief John Burns regarding the gates on the bike paths.

Councilman Peter DiCostanzo

Councilman DiCostanzo has one item for Executive Session regarding the propose acquisition of real property.

At the April 9th Work Session Supervisor Bylewski announced Kim Karcher's resignation from the Clarence Bee and introduced Andrea Kimbriel as her replacement. Councilman DiCostanzo asked whether Andrea was engaged, he was looking forward to the two year step by step process to the actual nuptials. For the record, Andrea stated that she is not engaged.

Councilman DiCostanzo said that Town Assessor Christine Fusco put on a good presentation on Monday night regarding the assessment process. Approximately 30 people showed up.

Supervisor Bylewski, Town Assessor Christine Fusco and Councilman DiCostanzo will be attending the Association of Erie County Governments dinner. The topic of discussion will be the consolidation of Assessors.

Councilman DiCostanzo has requested that the Historical Society submit a written recommendation regarding the paintings in the Clubhouse. The curator Alicia Braaton submitted a letter but nothing official from the entire committee. Hank Brodowski submitted a letter as well with his comments. Another meeting is scheduled May 1st.

The Town Board/Planning Board joint meeting is scheduled for April 30th from 7PM – 9PM, several items will be discussed including Master Plan review, storm water update, architectural standards and sewer districts etc.

The Chairman of the TEQR Committee presented an addendum to an agenda item shortly before the meeting began Tuesday night which was upsetting to members of the TEQR Committee. They then had to go into Executive Session to discuss it; there was a lot of debate on it which took over an hour. It was an embarrassing situation. Everything else that was needed for that meeting was received one week before hand and last night this report showed up 5 minutes before the meeting began. Town Attorney Bengart stated that the preparation of these documents is not a simple task and the investigation work that goes into them is complicated however, in this particular case it was presented 15 minutes before the meeting started and that was a difficult issue. This project has been in the works for a long time. Councilman DiCostanzo felt it was unfair to not only the applicant but to the people on the committee.

Councilman DiCostanzo will make a motion authorizing the Supervisor to sign a Memorandum of Understanding with the State of NY Office of Real Property Services for the 2008 – 2009 reassessment project.

Councilman Kolber stated that Transit Road just south of the Main – Transit intersection is under construction and there is a lot of fill being excavated. Town Engineer Latona stated that if he could get the fill, it will be put to good use. He will contact the contractor on the job.

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 individuals, the employment history of a corporation; § 105(1) D pending litigation regarding Rubino vs. Town of Clarence; § 105(1) H the proposed acquisition of real property and § 105 (1) C Information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed; and 3 attorney client items. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business the Work Session adjourned at 7:22 P.M.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to recess the Executive Session at 7:40 P.M. until after the Town Board meeting. Upon roll call – Ayes: All; Noes: None. Motion carried.

The Regular meeting of the Town Board of the Town of Clarence was held Wednesday, April 23, 2008 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:45 P.M. Pledge to the flag was led by Councilman Patrick Casilio, followed by a prayer given by Donald Webster of St. Augustine's Catholic Church.

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, Town Engineer Joseph Latona, Planner Brad Packard, Building Inspector David Metzger and Planning Board Chairman Gerald Drinkard.

Motion by Councilman Kolber, seconded by Councilman Casilio to accept the minutes of the previous meeting held April 9, 2008 as received. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

WHEREAS, the Office of the Municipal Clerk, a time honored and vital part of the local government, exists throughout the world; and

WHEREAS, the Office of the Municipal Clerk is the oldest among public servants; and

WHEREAS, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and

WHEREAS, the Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, the Municipal Clerk is the information center on functions of local government and community; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations; and.

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW, THEREFORE, BE IT

PROCLAIMED, that the Clarence Town Board, does hereby recognize the week of May 4 through May 10, 2008, as Municipal Clerk's Week; and be it further

PROCLAIMED, that the Clarence Town Board extends its appreciation to our Town Clerk, Nancy C. Metzger, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

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

Supervisor Bylewski said the Town of Clarence, Clarence Industrial Development Agency and the Clarence Chamber of Commerce have, in conjunction, appointed Stephen Stark as our Economic Development Officer. Mr. Stark's roll is to help promote economic development in the Town and to improve and increase our commercial tax base. He was present and introduced.

Supervisor Bylewski announced that the Town received two checks from Erie County. A check in the amount of \$12,135.71 was received for stormwater; and one in the amount of \$137,130 for snow removal.

Supervisor Bylewski announced that, given that we received the resignation of Justice William Waible, we will accept applications through May 9, 2008 for the position.

Motion by Councilman Weiss, seconded by Councilman Kolber to declare the following items from the Building Department as surplus equipment: 1 – Cannon Printer, H12129; 1 – Okidata Printer, GE826A; 1 – Sharp Calculator, EL-2192G; 1 – Tappen Microwave. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to re-appoint James Delellis for a two-year term to the Environmental Management Council of Erie County to expire 5/31/2010. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss read a letter from Highway Supt. Ted Donner regarding their assistance to Erie County Highway Department with the Wolcott Road reconstruction project from Goodrich Road to Northfield Road. Erie County will mill and remove approximately 2 inches of the existing road and replace it with fresh blacktop. The road cannot be raised any higher due to floodplain regulations to avoid adverse affects on the adjoining properties.

The first phase is to restore the drainage on the section to be rebuilt. Erie County has asked for the assistance of our Highway Department because of their familiarization of the drainage issues in the area. They have cleared some off road field ditches and installed two new pipe crossings. The assistance of our department in this project will be a great benefit to the residents.

Councilman Weiss thanked Ted for helping in this way. Some of our people know the drainage issues better than anyone and it will be a benefit to the project.

Motion by Councilman Weiss, seconded by Councilman Kolber to set a Bid Date of May 13, 2008 at 10:00 a.m. for the sale of Town vehicle T-9, a damaged 2007 Ford Taurus, VIN#1FAFP53U07A129545. The bid price submitted will be for as is condition. Bid information will be available at the Clarence Town Highway Department and at the Town Clerk's office. The car is available for inspection at Bitterman's Automotive Center, 7631 Transit Road. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio that upon recommendation by Highway Supt. Ted Donner, Kevin Cournan be appointed to the position of Part-time Seasonal at the Highway Department effective April 28, 2008. On the question, Councilman Weiss said every year at this time we hire part time workers to help with summer workloads. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Supervisor Bylewski that upon recommendation by Highway Supt. Ted Donner, William T. Metzger be appointed to the position of Part-time Seasonal at the Highway Department effective April 28, 2008. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio that upon recommendation by Parks Crew Chief John Burns, the following be hired as Part-Time Laborers in the Parks Department at the budgeted rate of pay: Matthew Frey, Matt Lazickas, Salvatore Curella and Zachary Nicholas effective 5/12/08; Brian Cournan effective 5/19/08; Mike Kelley effective 5/27/08; Ryan Andres effective 6/2/08; and Ryan Ames effective 7/2/08. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to grant approval for Youth Bureau Director Dawn Kinney to attend the annual Youth Bureau Director's Retreat sponsored by the State Association of Youth Bureaus April 30 – May 1st in Rome, New York with any necessary expenses paid by the Town. On the question, Councilman Weiss added that Dawn is doing a great job. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss announced that we have been notified by Erie County that the bridge on Rapids Road will be closed until further notice. It is not the bridge at the end of Goodrich Road to Rapids.

Councilman Weiss said someone has questioned our policy that we do not trap, neuter and return cats to the wild. It is not our policy to do that and the SPCA does not adhere to that either.

Councilman Weiss said many of the school districts write the same thing about their budgets and that they are not raising school taxes and everything is fine. He referred to Dr. Coseo's article in the Bee today explaining projected revenue increases in state aid due to building and foundation aid will cover the cost of expenditure increases. He also said the increase should be covered by additional state aid and Erie County sales tax and will not translate to increased taxes for residents.

Councilman Weiss said how do they cover that increase when assessments are going up and so are the taxes for some people. They should be able to hold their budget or decrease it with all of the state aid coming in. He suggested that people show up to the budget hearings. It is too much and people have to start speaking up.

He said that Kathy Hallock ran a tight budget as Supervisor and they are continuing in her footsteps to be mindful of the taxpayers.

Councilman DiCostanzo said they are buying 12 new buses. Councilman Weiss said they are parking on Main Street because not many kids are riding the buses.

Councilman Weiss announced that there is a Day in the Park meeting Thursday night at 5:30 p.m. in the Kathleen Hallock Conference Room in the Town Hall. Any organizations wanting to get involved and earn money for their group should attend.

Motion by Councilman Kolber, seconded by Councilman Casilio to award the bid for the purchase of (2) two sport utility vehicles to West-Herr Ford of Amherst, at their bid of \$19,630 with trades, they being the lowest responsible bidder. On the question, Councilman Weiss said he will recuse as he buys many vehicles from West-Herr and his disclosure is on file. Upon roll call – Ayes: Councilmembers DiCostanzo, Casilio, Kolber and Supervisor Bylewski; Noes: None. Recuse: Councilman Weiss. Motion carried.

Councilman Casilio said a resignation letter was received from Security Officer Ronald Bosella.

Councilman Casilio said the volunteer patrol unit is almost ready to patrol the bike trails. They will have radios, identification and wear vests as they walk or ride their bikes along the trails.

Councilman DiCostanzo said the Town Assessor put on a good presentation the other night about the assessment process and how to dispute your assessment. He asked that people are kind to the staff as they are doing their job. If you have further questions, you can contact the office at 741-8941 or go to the website where you can find a lot of information.

Councilman DiCostanzo announced that the Town Board and the Planning Board will conduct a joint meeting on April 30th from 7 to 9 p.m. to discuss various issues including the Master Plan review, stormwater update, architectural standards, sewer districts, etc.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that pursuant to Article 8 of the Environmental Conservation Law and upon the recommendations of the TEQR Committee, a Negative Declaration is issued on the proposed Doodle Bugs Child Care Facility and Professional Office Park located at 8574 Sheridan Drive. This Unlisted Action involves the development of a new child care center and office park. After thorough review of the submitted site plan and Environmental Assessment Form (EAF) by the TEQR Committee, Planning Board and Town Board, it is determined that the proposed action will not have a significant impact upon the environment. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to authorize Supervisor Scott Bylewski to sign a Memorandum of Understanding with the State of New York Office of Real Property Services for the 2008-2009 reassessment project. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski thanked all department heads in attendance for being here tonight.

Supervisor Bylewski announced that item 20 has been removed from the agenda at the request of the applicant.

A Public Hearing was held to consider the request for a Special Exception Use Permit for a secondary living unit at 4077 Thornwood Lane. James Callahan said the location is the east side of Thornwood Lane, north of Wehrle Drive located in the Residential Single Family Zone. The applicant is proposing to add an in-law apartment to the existing residence.

Mary Beth Cucinotta was present.

With no one 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. Motion carried.

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

Resolved, that the Clarence Town Board after a public hearing duly held on April 23, 2008, and after all interested parties being heard, grants a Special Exception Use Permit to the applicant Mary Beth Cucinotta, for a secondary living unit as part the existing structure on the

residential property located at 4077 Thornwood Lane subject to the following conditions: 1. Unit must be secondary to the principal dwelling and not converted to a rental unit. 2. Occupancy shall be limited to family members, paid employees or temporary guest. 3. Occupancy shall be restricted to 2 persons to occupy the unit. 4. Deed restriction to be placed into the deed for the property restricting its use so as not to allow for the two-family dwelling to be utilized or converted into a rental unit and such deed restriction language to be submitted and approved by the Town Attorney. 5. Proof of filing of the approved deed required.

On the question, Supervisor Bylewski asked the applicant if she is in agreement to abide with the conditions. Mary Beth Cucinotta said yes.

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

A Public Hearing was held 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; and G. Burgher & Grainy Automotive, 10939 Main St. – Auto Sales.

James Callahan said in general, these uses are not exactly enumerated in the Zoning Law and because of the temporary nature are approved by the Town Board. He said the Planning and Zoning Office has received concerns from neighbors on three of the items. Item D relating to the planting of trees as required by the initial permit. GCR Landscaping was contacted and he will follow through with that condition. Item E was a complaint and petition filed by the neighbors about the late night music on the weekend. Item G relates to the outdoor storage in the back which was a condition and continues to be a problem.

A. Caffe Espresso, 4401 Transit Rd. – Rose Parlato was present. She said when they remodeled the plaza, they moved her back in and she would like to move the railing out four feet to accommodate the outside dining. She also asked what she should do if she has any special events held at her business. It would be soft background music.

James Callahan said the conditions could be adjusted to include moving the railing and any outdoor events would require notification to the Planning Department. Current permit for 3 years.

B. David Burghardt, 8694 Lapp Rd. James Callahan said all conditions of original permit have been met and no complaints have been made. Current permit is for 5 years. David Burghardt was present.

C. Seitz Paving, 8346 County Rd. – Paving Business. Larry Engasser was present. James Callahan said this has gone through many approvals over the years with no complaints.

D. GCR Landscaping, 5750 Shimerville Rd. Greg Ribbeck was present. He said the trees are ordered and will be in the ground within two weeks. He has been in business for 30 years. The current permit is 5 years.

E. Rock Bottom, 6261 Transit Rd. Dominic Ruzzine was present. He does understand some of their concerns. They only hold these events six times per year, but he does not want to upset the neighbors. He is willing to compromise by having only one event per month from June thru September on a Saturday night from 8 to 11 p.m. He does not have music out there other than that. The patio is used for dining. The current permit is one year.

Councilman Weis said he does not have a problem with that. Councilman Casilio said he felt it was a generous compromise.

F. Louie’s Car Clinic, 9385 Main St. Joe Urbino was present. James Callahan said he has complied with all of the conditions. Current permit is for 6 months. Mr. Urbino said he originally asked for 8 vehicles and 6 are working out fine. He knows that the Budget trucks were an issue and he has discontinued having them on his site.

Councilman Kolber said he was not in favor of this operation, but is satisfied with how it has turned out.

G. Burgher & Grainy Automotive, 10939 Main St. Councilman Casilio said he owns the property next store, so he will be recusing himself. John Burgher was present. James Callahan said the current permit was issued for one year. There were conditions set regarding storage in the back and there have been complaints about that.

John Burgher said the vehicles in the back are being repaired or waiting for parts to be repaired. Grainy Repair Shop is separate and was grandfathered in because there was a repair shop for many years.

James Callahan said the auto repair shop was established, but the conditions set for auto sales included keeping the rear yard clean.

Mr. Burgher said some of the equipment back there is for snow plowing. He presented pictures of the site.

Speaking to the subject:

Anthony Pacenzia said he is a business owner and resident of the Town and spoke on behalf of John and Jack. They have done an extensive amount of work on the buildings to improve that site. He feels that any issues can be worked out with a compromise by both sides. They have spent a lot of money to get started and he does not want to see them lose the permit.

Councilman Kolber said he would like to see what can be done. It does seem as though all of the landscaping has been done. They are here to support businesses in the Town, but also the residents.

Jack Grainy said they are doing all of the work themselves and it is not completed.

John Sparshott said he is a resident and a friend of John and Jack's. They have taken an eyesore and made a lot of improvements. He believes that things could work out with fencing or something. He would like to see the permit renewed and the business be allowed to move forward.

Joe Daigler said he understands that a temporary conditional permit is just that until the conditions are met. He thought the permit was for both businesses. Conditions included landscaping and no storage of tires, cars, steel, etc. on the property. He is not against the business, but they have to abide by the conditions and what everyone else does. He does not feel that they have kept up with their obligations. Mr. Daigler asked that the Board think about renewing this permit. They should abide by the permit.

Town Attorney Steve Bengart read the conditions as written in the record.

Mr. Grainy said the two businesses are separate. Some vehicles are in and out for service and some may be there longer waiting for parts.

Cheryl Burgher said she understands everyone's concerns. They have put almost everything they had into these two buildings and have done most of the work themselves. It is spring and the landscaping will be done. Based on their assessment, the property has improved in value. When you move into an area adjacent to commercial property you have to take into consideration that there will be businesses there.

Valarie Krawczyk said she has no problem with the businesses being there and hopes they do well, but she does not want to look at the "crap". She presented pictures to the Town Board. She has lived there for 50 years. Valarie said she is very sorry about this but when they received approval last year they promised that it would not be a junk yard.

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

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

Resolved, that after a public hearing duly held on April 23, 2008, and after all interested parties being heard, the Clarence Town Board hereby renews the Temporary Conditional Permits for items A thru D for a period of 5 years with additional conditions as listed for item A:

- A. Caffe Espresso, 4401 Transit Rd. – Outside Dining
 1. The railing can be moved 4 ft. to the west.
 2. Information regarding special events with live music will be given to the Planning and Zoning Office.
- B. David Burghardt, 8694 Lapp Rd. – Landscape Business
- C. Seitz Paving, 8346 County Rd. – Paving Business

D. GCR Landscaping, 5750 Shimerville Rd. – Landscaping Business

On the question, Supervisor Bylewski asked Rose Parloto if she was in agreement with the conditions and she said yes.

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

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

Resolved, that after a public hearing duly held on April 23, 2008, and after all interested parties being heard, the Clarence Town Board hereby renews the Temporary Conditional Permits for items E and F for a period of 3 years with an amended condition for item E:

- E. Rock Bottom, 6261 Transit Rd. – Outside Dining/Music
 1. Music to be held four times per year; once a month June thru September on a Saturday from 8 to 11 p.m.

- F. Louie’s Car Clinic, 9385 Main St. – Auto Sales

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

Councilman Kolber suggested a fence to blockade some of the view regarding Burgher & Grainy Automotive. He understands that they have made an investment to improve the property. He also understands the concerns of the neighbors. He would like to see something worked out to satisfy both parties.

There was discussion between the parties regarding a fence. Supervisor Bylewski asked if they could mitigate this matter. Mr. Grainy said the problem with a fence is that it blocks the view for both of them.

Councilman Weiss said it was suggested by the Supervisor to allow for a 6-month permit to allow them to work things out.

Town Attorney Bengart said he was going to suggest some landscaping. There are also the issues of other previous conditions that have not been met as yet.

Supervisor Bylewski said he is thinking that the Landscape Committee would look at the possibility of additional appropriate screening placed to address the concerns that were brought forward. Councilman Weiss said that could be fencing or landscaping.

Motion by Councilman Kolber, seconded by Councilman Weiss to table renewal of a Temporary Conditional Permit for Burgher & Grainy Automotive at 10939 Main Street until the meeting of May 14, 2008 and upon review by the Landscape Committee. On the question, Town Attorney Bengart said that when Landscape Committee looks at it and a recommendation comes back, the issues regarding the stonewall height of 18” to continue with the Hollow theme and screen the parking and sales area; and striping the parking lot spaces. Councilman Kolber said he would like to see an aerial view of the site. Upon roll call – Ayes: Councilmembers DiCostanzo, Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Casilio. Motion carried.

Dennis Garafalo requests Minor Subdivision Approval for creation of one additional building lot at 9181 Clarence Center Road. James Callahan said the location is the south side of Clarence Center Road, west of Thompson Road consisting of approximately .88 acres with 200+ feet of frontage in the Traditional Neighborhood District and within Sewer District No. 2. It will meet all of the conditions of the Zoning Law.

Dennis Garafalo was present and said he would like to split the property for his son to build a house.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio that pursuant to Article 8 of the Environmental Conservation Law, a Negative Declaration is hereby issued to Dennis Garafalo for the proposed creation of one additional residential building lot at 9181 Clarence Center Road. After thorough review of the Environmental Assessment Short Form, it has been determined that the proposed minor subdivision approvals are consistent with the local land use regulations and will not have a significant impact upon the environment. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

Resolved, that the Clarence Town Board grants Minor Subdivision for one additional residential building lot to the applicant, Dennis Garafalo, for the property located at 9181 Clarence Center Road subject to the following conditions: 1. Open space and recreation fees.

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

Ken Seitz requests a Building Permit and Architectural Approval for the construction of a second storage building at 10090 County Road. James Callahan said the location is the north side of County Road, west of Strickler Road consisting of an existing landscaping business on approximately 2.48 +/- acres in the Industrial Business Park Zone. All setback and parking requirements have been met.

Ken Seitz said the extra building is for expansion and will be exacting like the existing building.

Motion by Councilman Casilio, seconded by Councilman Weiss to grant a Building Permit and Architectural Approval for the construction of a second storage building at 10090 County Road to Ken Seitz. Upon roll call – Ayes: All; Noes: None. Motion carried.

Dash's Market requests an amendment to previously approved 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 in the Traditional Neighborhood District. A public hearing was held on March 12, 2008 and then referred to the Planning Board for review and comment. The Planning Board and Traffic Safety Board have forwarded comments.

Joe Dash and Elizabeth Buscaglia were present. Mr. Dash said they held two meetings at the store for the neighbors to discuss their concerns. He told them if the drive thru becomes a problem after they get it going to see how it works out, he would eliminate it. They also asked him to address the culverts along Roxbury and has been in contact with the Highway Department to get the pipe and have it filled in.

Councilman Casilio said he would like to see that culvert taken care of whether or not the Highway Department is involved. Mr. Dash said it will be taken care of. He is not going to open the drive thru for about a month after the store opens.

Councilman Kolber said he is concerned if there is enough room for the turn at the drive thru. Mr. Dash said they have been practicing and there will be.

Motion by Supervisor Bylewski, seconded by Councilman Weiss that the Clarence Town Board grants the request of the applicant, Dash's Market, for an amended Special Exception Use Permit with a revised design for the drive-thru facility at 8845 Main Street as per the amended design and subject to the following:

1. Traffic flow configuration at the drive-thru shall be reviewed for redesign as required by the Town Board in or about April 2009.
2. Culvert running parallel to drive-thru on Roxbury to be covered.

On the question, Supervisor Bylewski asked the applicant if he is in agreement with all of the conditions and Mr. Dash said yes.

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

Norm Castine requests Minor Subdivision Approval for creation of one additional building lot at Goodrich and Lapp Roads. James Callahan said the location is the south side of Lapp Road, west of Goodrich Road consisting of 2.9 acres in the Agricultural Rural Residential Zone. It would meet all the requirements of the Zoning Law.

Norm Castine was present.

Supervisor Bylewski said any segmentation issue would be permissible segmentation in relation to any adjacent parcels.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber that pursuant to Article 8 of the Environmental Conservation Law, a Negative Declaration is hereby issued to Norm Castine for the proposed creation of one additional residential building lot at Goodrich and Lapp Roads. After thorough review of the Environmental Assessment Short Form, it has been determined that the proposed minor subdivision approvals are consistent with the local land use regulations and will not have a significant impact upon the environment. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

Resolved, that the Clarence Town Board grants Minor Subdivision approval for one additional residential building lot to the applicant, Norm Castine for the property located on Goodrich Road (east side) and Lapp Road (south side) subject to the following conditions: 1. Open space and recreation fees.

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

Motion by Councilman Kolber, seconded by Councilman Casilio to grant a Fireworks Display Permit for July 4th at 5120 Shimerville Rd to Brookfield Country Club having received the completed application, appropriate paperwork and fee. Upon roll call – Ayes: All; Noes: None. Motion carried.

Charles Incorvia requests a Public Hearing to consider a Temporary Conditional Permit for outside dining and music at 8485 Transit Road. James Callahan said the location is the east side of Transit Road, south of Tonawanda Creek Road consisting of a previously approved ice cream parlor.

Charles Incorvia was present.

Councilman Kolber said he will recuse as he has a business relationship with the applicant.

Motion by Councilman Casilio, seconded by Supervisor Bylewski to set a Public Hearing for May 14, 2008 at 7:50 p.m. to consider the request for a Temporary Conditional Permit for outside dining and music at 8485 Transit Road. Upon roll call – Ayes: Councilmembers DiCostanzo, Casilio, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Kolber. Motion carried.

John Hayne/Sun Enterprises requests a Public Hearing to consider a Temporary Conditional Permit for outside display and sale of storage sheds at 6855 Transit Road. James Callahan said the location is the east side of Transit Road, south of St. Mary's School consisting of an existing vacant lot in the Traditional Neighborhood District.

John Hayne was present.

Supervisor Bylewski said concerns were brought up regarding the outside display of storage sheds. It may help at the public hearing to see a site plan showing how it would be laid out.

Councilman Kolber said he is not thrilled about putting a display like that in the Traditional Neighborhood District of Swormville. Councilmembers Casilio and Weiss agreed that they were not either.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to set a Public Hearing for May 14, 2008 at 7:55 p.m. to consider the request by John Hayne for a Temporary Conditional Permit for outside display and sale of storage sheds at 6855 Transit Road. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski said item 20, a request by William Henderson/Stevens Apartments for Preliminary Concept Approval and a Public Hearing to consider a Special Exception Use Permit for construction of a 4-unit apartment complex at 10055 Main Street was removed from the agenda at the request of the applicant.

Benchmark Development requests Architectural Approval and a Public Hearing to consider a Special Exception Use Permit for the construction of a drive thru for the outparcel building along Transit Road at the "Shops at Main and Transit". James Callahan said the location is the northeast corner of Main and Transit for the previously approved plaza with outparcels.

Jeff Palumbo, attorney for Benchmark Development was present.

Councilman Casilio said he met with Mr. Palumbo at the site today.

Supervisor Bylewski said there are concerns regarding traffic on the site and an issue regarding terminating the vista along the boulevard from the original approval. It was suggested a clock or garden area or something to add a sense of place to it. He noted that in October 2007 it was to be completed by the end of the year. He suggested that they bring something to the public hearing.

Jeff Palumbo said he recalls that something was to go in the area of the Country Buffet and they did add extra plantings in that area. They have no opposition. Something could be done in the patio area near Brennan's and any other area that the Town Board is thinking about. He asked that it be resolved at the public hearing.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to set a Public Hearing for May 14, 2008 at 8:05 p.m. to consider a Special Exception Use Permit for the construction of a drive thru facility for the outparcel building along Transit Road at the "Shops at Main and Transit". Upon roll call – Ayes: All; Noes: None. Motion carried.

Benchmark Development requests Architectural Approval for an outparcel building along the Main Street frontage at the "Shops at Main and Transit". James Callahan said this is the

same location at Main and Transit for a similar outparcel on the Main Street side. It was approved in the Concept Plan.

Jeff Palumbo was present representing the applicant. They have discussed all of the stop signs and it appears that a few could be removed. They are there for pedestrian safety. The other issue was the snowplows parked out front. They can take care of that next winter. The purpose was to prevent vandalism, but they can have them less prominently visible. They can also address something being added in the Brennan's area.

Supervisor Bylewski said that is the specific area talked about in the minutes of August 10, 2005 and he read from those minutes.

Mr. Palumbo said they will do something in that area. He did not recall it being part of the approval, but it will be done.

Supervisor Bylewski said this has been talked about at every meeting. He does believe that Benderson for the most part has been an awesome corporate citizen in the Town, but every time this is discussed there seems to be confusion. He specifically stated that he would like to see something in the Brennan's and Bed Bath and Beyond courtyard area to give it a sense of place. He also proposes that this item be tabled until May 14th to give them an opportunity to prepare a plan.

Councilman Casilio said he has attempted to resolve these items with them this week. They met today. He has a concern about the public safety also, but the traffic has to be managed better. It was suggested that the stop sign in front of Barnes and Noble is removed and another one further down. The owners did agree to remove the heavy equipment from the front.

Councilman Kolber said it also does not appear that the landscaping is complete. Mr. Palumbo said that it will get done.

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to table the request by Benchmark Development for Architectural Approval for an outparcel building along the Main Street frontage at the "Shops at Main and Transit" to come back on May 14, 2008 with a plan for a terminating element or work in process in the court yard area near Brennan's and Bed Bath and Beyond. On the question, Councilman Casilio said he will look at the Development Plan to review the traffic and landscaping. Supervisor Bylewski asked that the applicant take a look at it as well. Upon roll call – Ayes: All; Noes: None. Motion carried.

Eric Ogren requests a Change-In-Use from vacant former pool store to a salon at 6051 Transit Road. James Callahan said the location is the east side of Transit Road, north of Clarence Center Road consisting of an existing vacant structure in the Major Arterial Zone. The Planning Board has forwarded a recommendation with conditions for landscaping and engineering.

Gene Metzinger was present.

Motion by Councilman Casilio, seconded by Councilman Kolber that the Clarence Town Board approves the request of the applicant, Eric Ogren, for a Change-In-Use for the existing vacant structure located at 6051 Transit Road from a Pool Sales/Showroom to a Salon subject to the following conditions: 1. Town Engineer approval. 2. Landscape Committee approval. 3. Commercial Open Space Fees. Upon roll call – Ayes: All; Noes: None. Motion carried.

Nathan Raupp requests a Public Hearing to consider a Special Exception Use Permit for an automotive repair shop at 8575 Roll Road. James Callahan said the location is the south side of Roll Road, east of Harris Hill Road consisting of a vacant structure on approximately 4.5 acres in the Industrial Business Park Zone.

Nathan Raupp said he is still in negotiations with the owner of the property. He hopes he can work things out to bring this place back to life. He deals with high-end cars and most of them would be inside, unless they came in during the day and were parked on the east side of the building. He basically keeps everything inside. It is in a commercial area and there are no nearby residential homes.

Motion by Councilman Kolber, seconded by Councilman Casilio to set a Public Hearing for May 14, 2008 at 8:10 p.m. to consider a Special Exception Use Permit for an automotive repair shop at 8575 Roll Road. On the question, Councilman Weiss said he will recuse himself because Nathan has one of his cars right now for repair. Councilman Kolber said he would like to see a site plan. Upon roll call – Ayes: Councilmembers DiCostanzo, Casilio, Kolber and Supervisor Bylewski; Noes: None. Recuse: Councilman Weiss. Motion carried.

Dr. Ismet Hallac was present to speak regarding connectivity of parking lots from Eastern Transit Plaza at 5445 Transit Road to the adjacent Valu parking lot. Transit Road has become so heavy with traffic. The business people in his plaza have come to him with concern and he feels they have to find a solution. He is in a tuff spot because he cannot get access to the Valu parking

lot so that people can leave with the traffic light. The owner of Valu is vehemently opposed to allowing them access.

Dr. Hallac said he would like to have a non-binding resolution that states the policy of the Town Board is to unite the parking lots for public safety. It would prove that he has done his best to find a solution. All of the business owners of his plaza were also present.

Councilman Kolber said they have gone on record several times stating that they would like that to happen. We have sent a letter to the owner of the Valu Plaza asking for consideration and he is not interested.

Michael Hallac asked if the Town Attorney and every member of the Board could write a letter. The traffic light is not privately owned, it is paid for by the taxpayers. He asked why they do not do something.

Councilman Casilio asked if the plaza is unsafe and should be shut down. It is private property and they cannot dictate what he does. He is in favor of the light, but they cannot make him do it. He suggested that they propose to the DOT that they need a light at their plaza also.

Supervisor Bylewski said we will authorize the Planning Board to send another letter to Valu Plaza, with a copy to the DOT, asking them to tie into the Eastern Transit Plaza. We cannot force them to do it.

Dr. Hallac said he had offered to pay for all the expenses to tie it in. He will continue to do what he can to try.

Town Attorney Bengart suggested sending the letter to both plaza owners.

Motion by Councilman Weiss, seconded by Councilman Casilio to grant approval for the following: Clubhouse Applications - A. Building Department – May 14, 2008; B. Clarence Youth Bureau – Aug. 13, 2008; Legion Hall Applications – A. Kathleen Konitsch – May 18, 2008; and B. Ginger Lindner – June 6, 2008. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo that after proper audit and review by the Town Board, the following bills of April 17, 2008 are approved for payment: General Fund - \$134,465.16; Highway Fund - \$17,106.01; Water District - \$33,875.21; Sewer Districts - \$55,182.94; and Trust & Agency 203 - \$338.24 for a total amount of \$240,967.56. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, Supervisor Bylewski adjourned the regular meeting at 9:50 P.M. in memory of former Councilman Tom Sweeney.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to re-enter into Executive Session. Upon roll call – Ayes: All; Noes: None. Motion carried.

Nancy C. Metzger
Town Clerk

Motion by Councilman Kolber, seconded by Councilman DiCostanzo to adjourn the Executive Session at 10:43 P.M. No action was taken. Upon roll call – Ayes: All; Noes: None. Motion carried.