

A Work Session of the Clarence Town Board was held on May 14, 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, Senior Building Inspector David Metzger, Director of Administration and Finance Pam Smith and Planning Board Chairman Gerald Drinkard.

Director of Community Development – James Callahan

Public Hearings:

Charles Incorvia 8485 Transit Road

Applicant is requesting a Temporary Conditional Permit for outside dining and music at existing ice cream parlor (recently approved by the Town Board for a Change in Use) at 8485 Transit Road. The proposed site is located on the east side of Transit Road, south of Tonawanda Creek Road intersection. The applicant has stated that there would be no loud music and seating would be limited to 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 of land located on the east side of Transit Road, south of Stahley Road intersection (adjacent to St. Mary's School). The existing vacant lot 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.

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 at the northeast corner of Transit Road and Main Street in the existing shopping plaza located in the Major Arterial Zone. No change to architectural style is being proposed. Adequate stacking and setbacks are incorporated within the proposed design.

Nathan Raupp 8575 Roll Road

Applicant is proposing to relocate an existing automotive repair operation to a vacant structure on Roll Road. The proposed site is located on the south side of Roll Road, east of Harris Hill Road in an existing structure situated 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. Parking and striping of vehicle storage area is required.

Formal Agenda items:

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. Apartments are not a permitted use in the Residential Single-Family Zone. A variance may be necessary to allow the apartments in the Residential Single-Family Zone to the rear.

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. This project is subject to engineering approval. Town Engineer Latona stated that he has met with the applicant on numerous occasions; they have submitted their construction drawings. Mr. Latona requested a schedule for sequencing how they are going to excavate and still handle existing storm water. The applicant has met with his neighbors, Mr. Latona has met with the neighbors and a pre-construction meeting will be scheduled. The applicant will obtain a Storm Water Permit and Private Improvement Permit. There are some drainage issues that are being addressed. Town Engineer Latona requested the applicant conduct a hydro geological study relative to surface water, ground water and soils etc.

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. Per the Zoning Law, the Town Board has authority to approve uses in the Industrial Business Park Zone as to functional plan and architectural style. Applicant has sufficient parking to support the expansion. A building permit should include open space and recreation fees.

Benchmark LLC/Shops at Main and Transit 8070 Main Street

Applicant is proposing to construct an outparcel per previously approved Development Plans. The proposed site is located on the north side of Main Street, east of Transit Road behind Dunn Tire. Applicant is presenting an updated landscape plan identifying features at the end of the main entrance from Transit Road. Applicant is also proposing to remove stop signs along the main north/south corridor in front of the retail spine. Also, lighted bollards in front of Brennan's will be replaced.

Burgher and Grainey Automotive 10939 Main Street

Applicant is seeking a renewal to the existing automotive sales operation. The proposed site is located on the south side of Main Street, west of the Town line with Newstead in existing automotive repair shop with a Temporary Conditional Permit for automotive sales. A revised Landscape Plan has been submitted identifying buffering to adjoining residential uses. Councilman Casilio is a property owner adjacent to this property so he will recuse himself from discussion or voting on this project. The Landscape Committee has recommended several improvements including paving and striping the parking lot to delineate parking, two major piles of unsightly debris should be removed, planting of six trees, repair existing fence in conjunction with neighbor, basic maintenance of the site, removal of several vehicles that are not road worthy etc.

Doodle Bugs 8574 Sheridan Drive

Applicant is proposing to develop a day care facility and office park. Total square footage will exceed 30,000 square feet. The proposed site is located on the north side of Sheridan Drive, west of Meadowbrook Road on existing vacant land consisting of 6.8+/- acres in the Restricted Business Zone. A Negative Declaration under SEQRA was issued on the proposed day care facility/office park. The Planning Board has forwarded an approval on the concept plan. Per the Zoning Law, a cumulative total of over 30,000 square feet of structure will

require a Special Exception Use Permit. The Planning Board has forwarded a recommendation on the plan as amended.

Fireworks Display Permits:

- Chuck Eckert is requesting a Fireworks Display Permit for July 5, 2008 for Day in the Park.
- Brookfield Country Club is requesting a Fireworks Display Permit for June 7, 2008 for a wedding reception.

Work Session items for consideration May 28, 2008

Hans Mobius 6879 Salt Road

Applicant is seeking a permit to demolish existing historic farm house over 50 years old located in the Agricultural Zone. The historic significance of the structure should be preserved. Per the Demolition Law, demolition of a structure older than 50 years is a Type I Action under SEQRA.

Techniflow 9730 County Road

Applicant is proposing to add a pole barn to the rear of the existing buildings. The proposed site is located on the north side of County Road, east of Goodrich Road at existing manufacturing facility located in the Industrial Business Park Zone. All setbacks are met in the Industrial Business Park Zone.

Jerry Haas – Stahley and County Road

Applicant is proposing to split the existing parcel to create an additional residential building lot. The proposed site is located on the northwest corner of County and Stahley Roads on existing vacant land consisting of approximately one acre in the Traditional Neighborhood District. All proposed lots are in conformance with the TND Zoning District. Town Engineer Latona stated that as part of the split, Mr. Haas requires the sanitary sewer to be extended from its current location to this particular lot split. These lots are in Erie County SD #5 and they will not take any action on this request until it has the approval of the Town of Clarence. Councilman Weiss has a resolution for the Town Board to approve the extension of one residential lot to be in compliance with EC SD #5 requirements.

Russ Swatsworth – Tonawanda Creek Road

Applicant is proposing to make some parcel line adjustments and create an additional residential building lot. The proposed site is located on the north side of Tonawanda Creek Road, west of Goodrich Road. The existing vacant/residential land consisting of 33.8+/- total acres is located in the Agriculture Flood Zone. All lot size requirements are met in the Agriculture Flood Zone.

Rocco Delgrosso 8100 Stahley Road

Applicant is proposing a subdivision to create additional frontage lots and an Open Development area to build out the parcel. The proposed site is located on the east side of Stahley Road, north of County Road with an existing single family residential home located on 11+/- acres in the TND. Per the Subdivision Law, the Town Board has authority to review and approve major subdivisions and Open Development areas. A combination of frontage lots and open development lots will need to be referred to the Planning Board to initiate the formal review process.

Arthur Fuerst 9450 Main Street

Applicant is requesting a Temporary Conditional Permit for outside dining at his proposed coffee shop located at 9450 Main Street.

Supervisor Scott Bylewski

DASH grand opening and ribbon cutting ceremony will be held on May 20th, 2008 at 7:45 A.M.

Supervisor Bylewski reminded the Town Board that vouchers must be signed every two weeks. He asked that everyone review them on time so they are ready for the Town Board meeting.

Supervisor Bylewski has several corrections to the Town Board minutes.

Supervisor Bylewski will announce the acceptance of the bridge closest to Goodrich Road in the Arboretum. Town Engineer Latona stated that it was discovered by an Eagle Scout that the bridge was not handicap accessible for the slope of the bridge. As his project, an Eagle Scout undertook the task of designing, building and installing a new handicap accessible bridge. The project is now complete and they have met all ADA requirements.

Supervisor Bylewski reminded the Town Board about the Memorial Day Parade. Assembly will take place at the high school. If it rains, the parade will be cancelled however, the memorial ceremony will still take place at the Clubhouse.

A public informational meeting is scheduled for June 2, 2008 @ 7 PM to discuss the proposed bike path along Strickler Road.

NYS Department of Labor has scheduled a Re-employment Job Fair at Buffalo State College on Thursday, May 15, 2008 from 1PM – 4PM.

The Clarence-Newstead Meals on Wheels Task Force has announced Rock the Barn 2008 which will be held on Friday, July 18, 2008 from 5PM – 11PM at the barn at 9015 Main Street.

Supervisor Bylewski will announce the resignation of Joe Thoman from the Ethics Committee. The position must be filled by a non-Republican.

Re-Tree WNY planted forty trees at Memorial Park (20 Maple Trees and 20 Locust Trees). The Parks Department picked up the trees and pre-dug the holes for Re-Tree to do the planting.

The Town Board was copied on correspondence Supervisor Bylewski received from a resident regarding the Heise Road Bridge. The letter had been forwarded to Highway Superintendent Ted Donner.

Supervisor Bylewski received a request by a resident regarding a possible walking track. Supervisor Bylewski will respond back that if the Town were to move forward with a Community Center, an indoor track would be included.

An insurance meeting was held this past Monday with retirees, non-union and elected officials regarding Flex Care Insurance. Many of the retirees will not have to switch over. Before the Town moves forward with this, Councilman Casilio would like to research other costs associated with this.

The Art Fair that Marta Carney had proposed for this year will not go forward. Supervisor Bylewski and Highway Superintendent Ted Donner met with her and discussed some recommendations for possibly next year.

Supervisor Bylewski has a motion to declare several pieces of furniture surplus. New furniture has been purchased for the lobby, the Kathy Hallock Conference Room and the Planning Zoning Office using grant money.

The Clubhouse paintings will be discussed at the next Town Board meeting in two weeks.

Supervisor Bylewski has several items to discuss in Executive Session regarding matters leading to the appointment of several individuals, employment history of individuals and employment history of corporations. As well as an Attorney – Client issue.

Councilman Joseph Weiss

Parks Crew Chief John Burns is requesting Town Board approval to hire additional seasonal help.

A “No Parking Zone” sign will be posted on Quarry Lane and Wayside Lane.

Highway Superintendent Ted Donner is requesting five salt spreaders be declared surplus. They are corroded beyond repair and will be scrapped.

Highway Superintendent Ted Donner is requesting a bid date of May 27, 2008 at 10AM for the sale of the damaged 2007 Ford Taurus.

The Town of Clarence Storm Water Management Program annual report for 2007 will be available in the Town Clerk's Office on May 19, 2008 for public review.

Councilman Weiss will make a motion approving the extension of a sanitary sewer for a single residential lot at the northwest corner of Stahley and County Roads in compliance with Erie County Sewer District #5 requirements.

Councilman Weiss announced that the Town received a dividend check from NYS Insurance Fund.

Councilman Weiss met with the DEC and discussed opening up the closed hunting area to long bows.

A meeting is scheduled for May 15, 2008 at the Clubhouse to discuss Day in the Park.

Councilman Bernard Kolber

Sandra Baker has submitted her letter of resignation from the Senior Center Board of Directors.

Councilman Patrick Casilio

The Public Safety Committee, the NYS Police and Erie County Sheriffs asked about opening the two remaining gates in the park at night. Parks Crew Chief John Burns did not have a problem with opening the gates at Harris Hill and Meadow Lakes Park when the gates are locked at night, it keeps the police out and vandals can get in.

There was a request by Public Safety for lights at Memorial Park. Councilman Casilio met with NYSEG but those are feeder lines running through the park from the Clarence Center distribution center. Councilman Casilio was hoping a secondary line could be run below the primary lines to provide lights at a low cost for the park but NYSEG is unable to attach the lines to anything. Possibly someday lines could be brought in underground, it may be less expensive.

Councilman Casilio is working on filling empty board seats on committees

The Public Safety Committee is requesting first aid training for the volunteers.

The Morlando Committee met last week Saturday. They have requested the status of the traffic circle for Nottingham Terrace. Town Engineer Latona stated that he is in the planning stages with this. The Committee also inquired as to the installation of the three lights in Harris Hill however, John Burns has been very busy with the opening of the parks.

Councilman Casilio has talked with Niagara Mohawk about light improvements on Transit Road near the Sheridan Drive overpass. With the proposed hotel planned for this area, there is some concern.

There was a request by a resident on Salt Road regarding gas service. Councilman Casilio spoke to two representatives from National Fuel, there is no density requirement and there is no such thing as free gas service. National Fuel is willing to survey the road, get a price on the gas service and contact all the neighbors from where the gas service ends now to how far they want the service to be extended. Notices will be sent to all the neighbors to see if they want to participate in the program. The program lasts ten years where each individual will be billed. Those that choose to accept the service are in; those that opt out can not participate at a later date unless they pay for it. If only one person wants

the service, National Fuel will run the line, but he would have to pay the full dollar amount.

All traffic safety requests have been forwarded to the Highway Superintendent as well as the request for a traffic signal on Sheridan Drive at the Eastern Hill's Mall entrance.

Councilman Casilio has two items to discuss in Executive Session regarding personnel and purchasing of property.

Councilman Casilio commented on a negative letter in the Clarence Bee by Al Massaro a former resident who criticized the appearance of some areas in Clarence Hollow. Unfortunately he did not notice or mention the new street lights, paving, flower pots, benches etc. Councilman Casilio stated that he took offense to Mr. Massaro's last comment "Shame on you town fathers for how you have treated this wonderful piece of history and how you have failed the people that helped to shape your town." Councilman Casilio stated that the Hollow Association has worked very hard to improve that area and they will respond.

Councilman Peter DiCostanzo

Councilman DiCostanzo was approached by a resident with concerns about several uncapped pipes along the sewer line. Town Engineer Latona immediately checked the situation and took pictures. Three of the pipes are 8" in diameter and one is 18" in diameter. The pipes will be capped and the entire line will be surveyed.

Councilman DiCostanzo was informed that several vehicles were broken into today. They were parked at the Wehrle Drive bike path near Barton Road.

Councilman DiCostanzo had a conversation with TEQR Chairman Matt Balling. Councilman DiCostanzo stands by his comments relative to the April TEQR meeting; he is not picking on the committee members. That night's meeting did not go as smoothly as most meetings go.

Director of Community Development James Callahan is recommending the appointment of Courtney Creenan as summer intern in the Planning and Zoning Office.

A resident on Kenfield Road has approached Councilman DiCostanzo about a neighbor's pond. Town Attorney Bengart stated that this issue has been addressed. We now have a law on the books that has been created because of this issue, but unfortunately the law was put into effect after the fact and there is nothing the town can do. The property owner that dug the hole was not very cooperative.

The Historic Preservation Commission is requesting the town provide plaques for homes designated as a historic property. Supervisor Bylewski stated that the Board provided a copy of the resolution to Pat Brace when her house was designated a historic property. He further suggested that Hank Brodowski present a proposal to the Town Board.

There is some concern that some assessments on very old houses have gone up dramatically there is concern among the Historic Preservation Commission as to whether we are going to be able to get people to designate their houses if their assessment will be increased. Councilman DiCostanzo will discuss this further with the Town Assessor.

Supervisor Bylewski stated that statistically speaking, studies have determined that when a house or any other structure is designated, the property values in that location have a tendency to increase because of the designation.

Councilman DiCostanzo has received information regarding a seminar to take place in Geneseo in July that several Planning Board members will attend.

The TEQR Committee has forwarded a recommendation to accept the Final Findings Statement relative to the Spaulding Greens Open Space Design

Subdivision. Director of Community Development James Callahan made some changes based on comments made by Town Board members. As the project builds out, the applicant will be responsible for updating the traffic studies and possibly contributing to any mitigation.

Councilman DiCostanzo has a resolution regarding fair and equitable Assessment of Condominiums and Cooperative Corporations.

Town Attorney Stephen Bengart

Town Attorney Bengart has one Attorney – Client item to discuss and one Executive Session item to discuss regarding the proposed acquisition and lease of real property.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to enter into Executive Session pursuant to §105 (1)F the appointment of individuals, employment history of individuals; employment history of corporations; § 105 (1) H the proposed acquisition and proposed lease of real property where publicity would substantially affect the value thereof. Upon roll call - Ayes: All; Noes: None Motion carried.

There being no further business, the Work Session adjourned at 6:58 P.M.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman Kolber to adjourn the Executive Session at 7:34 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, May 14, 2008 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:38 P.M. Pledge to the flag was led by Councilman Peter DiCostanzo, followed by a moment of silence in recognition and memory of our service men and women who have fallen or are presently serving our country.

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, Planning Board Chairman Gerald Drinkard and TEQR Committee Chairman Matthew Balling.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to accept the minutes of the previous meeting held April 23, 2008 with corrections. On the question, Supervisor Bylewski had a correction on page 124 to change roll to role; and on page 133 to authorize the Planning Department, not the Planning Board to send out a letter to the plaza owners with a copy to the DOT. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Weiss to accept the minutes of the previous meeting held May 7, 2008 with corrections. On the question, Councilman DiCostanzo had a correction on page 135 to change tax fee to tax free; and page 141, last paragraph should say his neighbor works with a power plant... and the plant would be willing to pay... Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski recognized Kevin Gehring who is working toward his Eagle Scout rank. The project he took on was to install an ADA accessible bridge in the arboretum along Goodrich Road. He was inspired to do this for his grandfather who will turn 90 years old on Memorial Day. His grandfather purchased a scooter so that he could go to the library, but was unable to cross the bridge.

Kevin proposed the project to then Supervisor Hallock. He went on to find out the requirements, create a template and produced the drawings which were approved by the Engineering Department. He then made contacts for donations and discounts for materials. Kevin and his Dad worked on the bridge for almost a month. He also received help from volunteers of Troop 93 and some other friends. He received donation of time and equipment to place the bridge at the site.

Supervisor Bylewski commended Kevin for the work he has done on behalf of the Town and the community.

Town Engineer Joseph Latona recognized Kevin and his family. He said he worked with Kevin along with others to see this project through. Kevin should be commended for this worthwhile project. The bridge will be in service tomorrow.

Supervisor Bylewski announced that the Memorial Day Parade will be held on May 26, 2008 starting at 11:00 a.m. from the High School, east on Main Street to the Town Park. In the event of rain, the parade will be cancelled and a service will be held at the Town Park Clubhouse at 11:00 a.m.

Supervisor Bylewski said there will be a Public Input Meeting on Monday, June 2, 2008 at 7:00 p.m. in the Town Hall to obtain public input on a proposed bike trail along Strickler Road. The Town is considering applying for a grant to fund this extension.

Supervisor Bylewski announced that the New York State Department of Labor and Erie Community College are sponsoring “Re-Employment 2008 Job Fair” on Thursday, May 15, 2008 from 1-4 pm at Buffalo State College.

Supervisor Bylewski announced that the “Rock the Barn 2008” event will be held on Friday, July 18, 2008 from 5-11pm to benefit the Clarence-Newstead Meals on Wheels Task Force.

Supervisor Bylewski said Re-Tree of Western New York planted 40 trees, 20 Maples and 20 Locusts at Memorial Park on May 3rd. They will be back in the fall.

Supervisor Bylewski announced that Joseph Thoman has resigned from the Ethics Board.

This leaves an opening that will expire 12/31/08. According to the Ethics Law, any potential applicants must be non-Republican affiliated.

Supervisor Bylewski announced that the Youth Bureau has received \$32,548 as a result of becoming a Youth Bureau. They should be commended for the work they have done to obtain these monies to help make the department such a success.

Supervisor Bylewski said people may have seen the new furniture in the hallway. This purchase was possible from a grant through the courts for furnishings.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to declare the attached list of office furniture no longer needed for Town purposes as surplus and pursuant to the New York State General Municipal Law section 104-c, dispose of said equipment through donations to a deserving entity or entities and/or offer said surplus equipment for sale. All remaining equipment will be disposed of accordingly as set forth by any state or local laws and/or rules and regulations. 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, authorization is granted for the Supervisor to sign speed reduction permits for Stickler Road to establish a 35 mph linear speed limit between Keller Road and Greiner Road. In addition, a 25 mph school zone will be established at the Clarence Middle School property boundary. On the question, Councilman Casilio said the Traffic Safety Board received several requests from residents. The School District also made a request. 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, the following salt spreaders be declared as surplus: H-165, H-167, H-169, H-174 and H-175. They are corroded beyond repair and will be removed from inventory and scrapped. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to set a Bid Date of May 27, 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 shall be for as is condition. The car is available for viewing at Bitterman's Automotive Center at 7631 Transit Road. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to authorize the Highway Department to post a "No Parking Zone" signs on Quarry Lane and Wayside Lane from Main Street to 400 ft. north on both sides of each street. The "No Parking" will be in effect during school days from 7:00 a.m. to 4:00 p.m. On the question, Supervisor Bylewski said this has come about due to the parking situation occurring on Main Street in front of the school. There are some unsafe conditions being imposed on some businesses and homes in that area. Cars have had to be towed so people could leave the businesses. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Supervisor Bylewski that this is notification to the public that the Town of Clarence Stormwater Management Program Annual Report for 2007 will be available in the Town Clerk's Office on May 19, 2008 for public review. On the question, Councilman Weiss said the report is required as part of the E.P.A. Stormwater Phase 2 Regulations. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to approve the extension of a sanitary sewer for a single residential lot at the northwest corner of Stahley and County Roads in compliance with Erie County Sewer District No. 5 requirements. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that upon recommendation of Parks Crew Chief John Burns, the following be hired as seasonal help in the Parks Department at the budgeted rate of pay: Tyler Oehman, Lance Roe, Jake Rogers and

Nicholas Silvestrini effective 5/19/08; Aaron Carter effective 5/27/08; Peter Onorato effective 6/1/08; and John O'Rourke effective 6/17/08. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to authorize the Supervisor to sign the excess liability insurance application and to authorize payment of the premium in the amount not to exceed \$12,222.00. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss said we received a check in the amount of \$12,124.22 from The State Insurance Fund. He thanked the employees for their fine safety record.

Councilman Weiss said he met with Assemblyman Mike Cole and the DEC about opening up areas closed to big game hunting to allow for archery only. We have the deer abatement program, but have not been able to get into some areas.

Councilman Weiss said anyone interested in applying for a position on the Youth Board should get their application in.

Councilman Weiss thanked everyone who helped out at the Fishing Derby. There were over 300 people fishing. The biggest fish was a 19" Trout and the smallest a 3 ½" Sun Fish. The girls beat the boys 2 to 1. Everyone had a great time.

Supervisor Bylewski added that Councilman Weiss should be recognized for organizing this event and carrying it to the 2nd annual. It was a great event.

Councilman Weiss said they did pick up a corporate sponsor for next year, which may allow them to stock more fish.

Councilman Kolber stated that Sandra Baker resigned from the Senior Center Board. Applications for this position will be received for 30 days.

Motion by Councilman Casilio, seconded by Councilman Weiss to appoint Jim Murphy to the Public Safety Committee with term to expire 12/31/2008. On the question, Councilman Casilio said there is still one opening on this committee. Mr. Murphy's interest is in public watch programs. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Casilio said the Morlando Committee met last week with the owner of Hometown Cleaners. The Historical Society has a plaque recognizing the history of the building. They also discussed replacing some of the historical lights at the entrance to Nottingham Terrace.

Councilman Casilio announced that the Security Department will be doing a sweep of illegally posted signs at intersections. They will bring them in to the Planning and Zoning Department who will contact the people who put them up.

Councilman Casilio said he worked with a resident on Salt Road and the gas company regarding putting in gas lights.

He is also working on street light improvements on Transit Road near Sheridan Drive.

Councilman Casilio said he received a letter from a resident concerned about the speed limit on Heise Road. It is a County Road, but he will forward it to Ted Donner.

Councilman Casilio commented on a letter from Al Massaro, a former resident of Clarence Hollow that was in the Clarence Bee. Mr. Massaro said he was appalled by the condition of the Hollow. He said there are homes falling apart, dirt piles left from the sewer project and that talking to some of the people they feel betrayed and that no one cares.

Councilman Casilio said he was offended by this letter. He did not see the new drainage system, new paving, new sidewalks, new street lights, bike path, new parking lot, pedestrian bridge over Ransom Road, flower pots and benches, historic preservation law adopted to save areas like this and the Clarence Hollow Association who works hard every month to improve the Hollow area. There may be buildings that still need improvements, but he took a cheap shot after all the hard work that has gone on to improve that area.

Councilman Kolber said the Town Board, Clarence Hollow Association and Chamber of Commerce have done everything they can to enhance that area. There is only so much they can do with private property. The Town Board recently approved selling property to enhance the sale of a piece property for a new business.

Councilman DiCostanzo said he received an email today regarding cars being broken into at the Wehrle Drive entrance to the bike path. He wanted people to be aware.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that upon recommendation by Director of Community Development James Callahan, Courtney Creenan be appointed as a Summer Intern in the Planning and Zoning Office effective May 13, 2008 at the budgeted rate of pay. On the question, Supervisor Bylewski said Ms. Creenan has been a summer intern for the past few years and has done an excellent job. James Callahan added that she is a recent graduate of the University of Buffalo with a degree in environmental design. She will also be attending UB for a Master's Degree in architecture and planning. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, "This Place Matters" is the theme for National Preservation Month 2008, cosponsored by the Clarence Historic Preservation Commission and the National Trust for Historic Preservation.

NOW, THEREFORE, BE IT

RESOLVED, that the Clarence Town Board calls upon the people of Clarence to join their fellow citizens across the United States in recognizing and participating in this special observance and hereby proclaims that the month of May 2008 be known as "National Historic Preservation Month In the Town of Clarence."

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

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

WHEREAS, New York State Real Property Law Tax section 581 and Real Property Law section 339-y requires condominiums to be assessed at a value substantially less than comparable, non-condominium properties, and thus, disrupts the desire and credibility of local officials to deliver a fair property assessment and tax system; and

WHEREAS, the proliferation of condominiums throughout New York State threatens to undermine the underlying principle of fairness and equality in assessments in an ever-increasing number of communities; and

WHEREAS, New York State Real Property Tax Law section 581 and Real Property Law section 339-y create a disadvantage to current property owners whose property does not have this exemption in their ability to sell and market their property.

NOW, THEREFORE, BE IT

RESOLVED, that the Clarence Town Board is committed to fair, equitable assessment practices that lead to a fair distribution of the local property tax burden; and be it further

RESOLVED, that the Clarence Town Board lends its unconditional support to the draft legislation cosponsored by Assemblywoman Sandy Galef and Senator Elizabeth Little to amend the real property tax law and the real property law in relation to the taxation of property owned by cooperative corporation that would allow a municipal corporation to adopt a local law or resolution that would make the provisions of paragraph (a) of subdivision 581 of the Real Property Tax Law not apply to real property, owned or leased by a cooperative corporation or on a condominium basis, that is converted or constructed on and after January 1, 2010; and be it further

RESOLVED, that the Clarence Town Board deems it in the public interest to memorialize the Western New York legislative delegation and all members of the New York

State Assembly and New York State Senate, Governor David Paterson of its support for legislation that would address this inequity; and be it further

RESOLVED, that the Clarence Town Board hereby directs the Clarence Town Clerk to forward certified copies of this resolution to New York State Governor David Paterson, New York State Senate Majority Leader Joseph L. Bruno, New York State Assembly Speaker Sheldon Silver, and the Western New York delegation to the New York State Legislature.

On the question, Councilman Kolber said the only part that is completely unfair is everything is being grandfathered in up to 2010. It maintains inequitable standards. Councilman Casilio said he spoke a few weeks ago about regionalism and how it appears to be a way for everyone to pay for services in New York City. The majority of condominiums are also in New York City. Councilman Kolber said there are several in Amherst that create an additional \$500 tax burden on the rest of the taxpayers in that Town. Councilman DiCostanzo said a condo in New York City is within a 20 story building. In Amherst, it includes patio homes which are basically single family homes.

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

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that upon recommendation by the TEQR Committee, the Town Board adopts the following resolution:

WHEREAS, the Clarence Town Board has previously identified that the proposed Spaulding Greens Open Space Design Subdivision would have a potentially significant impact upon the environment, and

WHEREAS, the proposed Subdivision would be considered as Supplementary to the Heise Brookhaven Pollution Abatement Project, that had been previously reviewed under the State Environmental Quality Review Act and for which Final Findings were accepted by the Clarence Town Board, and

WHEREAS, a Positive Declaration was issued on August 23, 2006, and a Draft Supplemental Environmental Impact Statement would be required to address the potential environmental impacts associated with the proposed development, and

WHEREAS, a Draft Supplemental Environmental Impact Statement was accepted by the Clarence Town Board on September 12, 2007, and

WHEREAS, a Public Hearing was held on December 17, 2007 and public comments were accepted until January 28, 2008, and

WHEREAS, a Final Supplemental Environmental Impact Statement was accepted as complete on February 27, 2008.

NOW THEREFORE, BE IT

RESOLVED, that the Clarence Town Board issues the Final Findings Statement as reviewed and amended and declares that all SEQRA requirements for making a decision on the proposed Spaulding Greens Open Space Design Subdivision have been met.

On the question, Supervisor Bylewski asked what the next step in the process would be. James Callahan said the next step is concept plan review and recommendation by the Planning Board. Development Plan review follows with approvals by the Planning Board and Town Board.

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

Public Participation

Chuck Bernd spoke regarding item 25, parking on Main Street. It is very difficult to make an exit from the First Presbyterian Church because of the parking situation. He contacted the DOT and they said there will be no more “no parking” signs posted. They are seeking an alternative solution. He asked that the Town try to facilitate some kind of compromise between all parties involved to address this unsafe situation.

Supervisor Bylewski said he met with the school and the DOT about a month ago and they were going to propose some solutions and meet with the Town Highway Department. Highway Supt. Ted Donner said he spoke with the DOT to find out what further could be done.

A grandmother of children who attend the nursery school at the church said the parking along Main Street is creating a problem for people trying to exit. Also, the nature of driving by our young people adds to the issue. She asked the Town Board to see if there is a provision in the State laws for no parking at a nursery school. She said there are signs in Clarence Center that say only parking for nursery school. She hopes we do not have an accident.

Supervisor Bylewski said there is a question if those signs are legal. However, the traffic and parking at the high school is a concern. We are looking at it and trying to mediate the problems.

Councilman Weiss said the school claims that there is no way for them to know how many people are driving to school. That is unacceptable to him.

Councilman Kolber suggested that the church and anyone else concerned should also contact the State Dept. of Transportation.

Councilman Casilio suggested that they could post times on the signs when people cannot park there.

A Public Hearing was held to consider renewal of the Hydrant Rental agreement with the Town of Lancaster, on behalf of the Harris Hill Fire Protection District, for a term of five years.

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

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

Be it hereby resolved that the Supervisor of the Town of Clarence be authorized to sign an agreement between the Town of Clarence and the Town of Lancaster and the Consolidated Water District of the Town of Lancaster on behalf of the Harris Hill Fire Protection District for a term of five (5) years.

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

A Public Hearing was held to consider the request for a Temporary Conditional Permit for outside dining at 8485 Transit Road. James Callahan said the location is the east side of Transit Road, south of Tonawanda Creek Road consisting of a recently approved ice cream parlor in the Commercial Zone.

Charles Incorvia was present.

Councilman Kolber said he is recusing himself as he has a business relationship with the applicant. A transactional form is on file.

Mr. Incorvia said he may eventually have up to nine tables. He may have 4 to 5 person jazz bands on the weekends only until about 9 or 10 pm.

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

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

Be It Resolved that the Clarence Town Board, after a public hearing duly held on May 14, 2008 and after all interested parties being heard, grants a Temporary Conditional Permit for outside dining to the applicant, Charles Incorvia, located at 8485 Transit Road subject to the following conditions: 1. The Temporary Conditional Permit is granted for one year. 2. Outdoor seating not to exceed 9 tables or 45 seats. 3. Live entertainment or any allowable entertainment will be permitted between the hours of 6:00 p.m. and 10:00 p.m. on Fridays and Saturdays only.

Upon roll call – Ayes: Councilmembers DiCostanzo, Casilio, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Kolber. Motion carried.

A Public Hearing was held to consider the request for 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 Stahley Road consisting of approximately two acres in the Traditional Neighborhood District.

John Hayne was present.

Supervisor Bylewski asked if a site plan was submitted and it was not.

Speaking to the subject:

Councilman Weiss said he believed that they asked for a site plan to see how it would look. There are others around that do not look very appealing.

With no one else speaking to the subject, motion was made by Councilman Casilio, seconded by Councilman Weiss to close the Public Hearing. On the question, Supervisor

Bylewski said there was a request for a site plan made at the previous meeting. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Kolber said he is not in favor of an outdoor display area like this in the Swormville Traditional Neighborhood District.

Motion by Councilman Weiss, seconded by Councilman Casilio to deny the request for a Temporary Conditional Permit for outside display and sale of storage sheds at 6855 Transit Road. On the question, Councilman Casilio said he agrees. He is not in favor of this type of sales operation. Councilman Weiss said he agrees. Upon roll call – Ayes: All; Noes: None. Motion carried.

A Public Hearing was held to consider the request for a Special Exception Use Permit for construction of a drive thru facility at 4401 Transit Road, Shops at Main and Transit. James Callahan said the location is at the northeast corner of Main and Transit within the previously approved outparcel along the Transit Road frontage in the Major Arterial Zone. The drive thru facility is to be part of a credit union office building.

Jeff Palumbo, attorney said he wanted to go through some of the issues. In regard to the vista termination, they reviewed the minutes. The area in front of Brennan's is about 10,000 sq. ft. and they did talk about improving that area. There is new paving, benches, flower containers and light towers. The area was just power-washed and the light towers are going to be replaced. They will be adding similar features near Old Country Buffet, which lines up at the termination of the driveway from Transit Road.

Mr. Palumbo said they have agreed to remove two stop signs. Councilman Casilio said he would like to see another stop sign coming from the mall removed also. Mr. Palumbo said they have no problem with that.

With no one else speaking to the subject, motion was made by Councilman Casilio, seconded by Councilman Kolber to close the Public Hearing. On the question, Town Clerk Nancy Metzger asked about the drive thru. Upon roll call – Ayes: All; Noes: None. Motion carried.

James Callahan said the subject of the Public Hearing was the drive thru for a Special Exception Use Permit. The drive thru meets all of the appropriate requirements.

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

Be It Resolved that the Clarence Town Board, after a public hearing duly held on May 14, 2008, and after all interested parties being heard, grants the request of the applicant, Benchmark/Shops at Main and Transit, for a Special Exception Use Permit for the construction of a drive through facility for a Credit Union within the previously approved out parcel at 4401 Main Street, subject to the following conditions: 1. Removal of three (3) agreed upon stop signs within 30 days. 2. Replacement of landscape lighting. 3. Additional planters and benches for a vista terminating element in front of Old County Buffet within 30 days.

On the question, Supervisor Bylewski asked if there should be a timeframe set. Mr. Palumbo said they are dependent on the manufacturer for the lighting. The benches and flower containers will be done over the next two weeks and the stop signs can be taken care of immediately.

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

A Public Hearing was held to consider the request for 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 in an existing vacant structure on 4.47 +/- acres in the Industrial Business Park Zone.

Councilman Weiss said he will recuse as Mr. Raupp works on his cars. A transactional disclosure is on file.

Nathan Raupp said he had some drawings showing where parking would be.

Councilman Casilio said at the last meeting it was stated that he would clean the property up.

Mr. Raupp said he will do whatever he can to make it look better. He does not own the property. Negotiations are ongoing regarding his lease. He is hoping for a 4-year term. He may have up to 20 cars parked outside. Most of the cars would be kept inside overnight. Mr. Raupp agreed to only 10 cars overnight outside. No cars will be displayed for sale.

With no one else speaking to the subject, motion was made by Councilman Kolber, seconded by Councilman Casilio to close the Public Hearing. Upon roll call – Ayes:

Councilmembers DiCostanzo, Casilio, Kolber and Supervisor Bylewski; Noes: None. Recuse: Councilman Weiss. Motion carried.

Councilman Kolber said he is just realizing now that this is a Special Exception and not a Temporary Conditional Permit.

James Callahan said this type of use can be under either permit. However, it was advertised as a Special Exception Use Permit which goes along with the ownership.

Councilman Casilio rescinded his motion for approval. He believes it should be a Temporary Conditional Permit instead.

Town Attorney Bengart said this business is in an industrial business park area and they may want to take that into consideration. Other similar businesses approved for a Temporary Conditional Permit were in commercial or TND areas.

Supervisor Bylewski said a Special Exception stays with the land and a Temporary Conditional is for the specific business.

Upon discussion, it was decided to set another hearing to consider it as a Temporary Conditional Permit.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo to set a Public Hearing for June 11, 2008 at 7:50 P.M. to consider a Temporary Conditional Permit for an automotive repair shop at 8575 Roll Road. Upon roll call – Ayes: Councilmembers DiCostanzo, Casilio, Kolber and Supervisor Bylewski; Noes: None. Recuse: Councilman Weiss. Motion carried.

Red Rock Apartments requests Concept Approval for construction of 10 new apartment units at 8880 Main Street. James Callahan said the location is the north side of Main Street, west of Shimerville Road in the existing apartment complex in the Harris Hill Traditional Neighborhood District. The property extends to include Residential zoning to the rear. Units within the TND are allowed with this density. Units in the Residential portion are not.

Paul Stephen, owner and Douglas Klotzbach, architect were present.

James Callahan said the single units are allowed in residential, but as presented do not have proper lot size for that zone. Residential allows for one unit per acre without sewer. Mr. Klotzbach said that portion of the site is just over one acre.

James Callahan said the zoning allows for four additional units in the TND and potentially one in the residential zone.

Councilman Kolber said they have done a very nice job on what they have done. There are no lot delineations. James Callahan said they are single family units.

Douglas Klotzbach explained the site plan proposal. They are discussing a possible variance for these types of units in the residential area. The owner also owns the property directly behind it. The property was zoned commercial when he purchased it. He also suggested rezoning of the rear property to TND.

Supervisor Bylewski said a rezoning amendment could not be considered until the master plan review next February.

Councilman Casilio said he remembers when this project came in last year it was discussed that the back half of the property may be difficult.

Supervisor Bylewski said the front portion appears that it complies.

Motion by Supervisor Bylewski, seconded by Councilman Kolber that in regard to the request for construction of 10 new apartment units at 8880 Main Street, to refer proposed construction south of the zoning line to the Planning Board for further review; and construction north of the zoning line is denied. On the question, Councilman Casilio said this in no way suggests that north of the line will be approved. Councilman Kolber said it was a motel type unit and now it is rebuilt to single family buildings on one common parcel. He would like a legal opinion on how this should be classified. The opinion should also be forwarded to the Planning Board. Upon roll call – Ayes: All; Noes: None. Motion carried.

H. H. E. Holdings, LLC/Henry Jurek requests an Excavation Permit for construction of a 5.3 acre, 25 ft. deep lake at 5080 Thompson Road. James Callahan said the location is the south side of Greiner Road, west of Thompson Road. Minor Subdivision and a Special Exception Use Permit for a secondary living unit have previously been approved. The Engineering Department has reviewed the proposed plan.

Jeff Palumbo, Bill Schutt and Rick Kraus were present. Mr. Palumbo said they believe they had addressed all of the issues and have met with the Town Engineer several times. Town Engineer Joseph Latona said there were conditions set with their approval.

Councilman Casilio asked if there were public ditches that go through that property. Mr. Latona said they are private ditches and are being handled as part of the project. Once the County cleaned out along Greiner Road, we have not had any problems.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to grant the request of the applicant H.H.E. Holdings, LLC, Henry Jurek for an excavation permit for the construction of a man made lake at 5080 Thompson Road subject to the following condition: 1. Town Engineer approval. On the question, Councilman Kolber asked what is being done with the fill. Mr. Schutt said the majority of it is remaining on the site for berms and around the house. Upon roll call – Ayes: All; Noes: None. Motion carried.

KELKCO, LLC requests Development Plan and Architectural Approval for an Industrial Business Park at 10060 County Road. James Callahan said the location is the north side of County Road, west of Strickler Road. After SEQRA review, the Planning Board recommends Development Plan Approval. The project conforms to land use and master plan regulations for the Industrial Business Park classification.

Tom Kelkenberg and Douglas Klotzbach were present. The buildings will be the same type as they have in other areas.

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

RESOLVED, that the Clarence Town Board approves the request of the applicant, KELKCO, LLC, for Development Plan and Architectural Approval for a new industrial business park to be located at 10060 County Road subject to the following: 1. Commercial Open Space fees.

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

Ed Militello requests a Building Permit and Architectural Approval for an addition to existing landscape business building at 9185 County Road. James Callahan said the location is the south side of County Road, east of Heise Road consisting of .63 acres in the Industrial Business Park Zone. The applicant proposes to add on to an existing landscaping business.

Dave Sutton, architect said the business is actually a concrete business. He would like to spruce up the building and add an office and additional warehouse space to the rear. There is some outdoor storage and that would not increase.

Ed Militello said he does store his small commercial trucks and a few machines outside. He would like to put some of it inside for security reasons. There is a gate across the front parking lot.

Councilman Casilio asked him if there is any fencing. Mr. Militello said he has no problem adding fencing for screening.

Motion by Councilman Kolber, seconded by Councilman Casilio to grant a Building Permit and Architectural Approval for an addition to existing concrete business building at 9185 County Road subject to the following: 1. Outdoor storage to be screened by privacy fencing. 2. No storage of fill or broken materials on site. 3. Commercial Open Space fee. Upon roll call – Ayes: All; Noes: None. Motion carried.

Benchmark LLC, Shops at Main and Transit requests Building Permit and Architectural Approval for an out parcel building at 8070 Main Street. James Callahan said the location is the north side of Main Street, east of Transit Road behind Dunn Tire for a previously approved outparcel of the original plan.

Jeff Palumbo was present representing the applicant.

Motion by Councilman Casilio, seconded by Councilman Weiss to approve the request of the applicant, Benchmark/Shops at Main and Transit, for a Building Permit and Architectural approval for an out parcel located at 8070 Main Street subject to the following condition: 1. Commercial Open Space fees. Upon roll call – Ayes: All; Noes: None. Motion carried.

Burgher and Grainy Automotive request renewal of Temporary Conditional Permit for automotive sales at 10939 Main Street. James Callahan said the location is the south side of Main Street, east of Schurr Road consisting of an automotive repair shop in the Clarence Hollow Traditional Neighborhood District.

Councilman Casilio said he will recuse himself as he owns property next door. A transactional disclosure form is on file.

John Burgher said they met with Val and the lady at the rear of the property and seemed to have worked out plans for plantings.

Supervisor Bylewski said Jerry Drinkard from the Landscape Review Committee made some specific recommendations in his memo dated 5/13/08. He read through the seven items.

Mr. Burgher said he already purchased 4 to 5 ft. arborvitae.

Councilman Kolber said they actually would grow into a denser shrub. There are some things that have not been completed as yet from the original approval including the lawn is not maintained.

Councilman Weiss asked if there was some kind of agreement reached with Ms. Krawczyk and Mr. Daigler on this.

Val said she talked with Jack today and the trees are fine and as long as the stuff is cleaned up out back they do not have a problem.

Councilman Weiss said he likes Austrian pines better than the blue spruce because they can end up blowing over from storms.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to grant the request of the applicant Burgher and Grains Automotive for the renewal of a Temporary Conditional Permit for automotive sales, display and repair at 10939 Main Street for a period (6) six months and subject to the Landscape Committee approval of the revised Landscape plan which shall include the following:

1. The parking lot shall be paved so it can be striped to delineate parking spots and thereby prevent parking on the lawn area.
2. The rear of the current parking area shall minimally have cement bumper stops installed at the end of the gravel so vehicles cannot be parked on the rear lawn area. This until the lot is paved.
3. The two major piles of debris shall be removed. One at the corner of the rear parking area and the other on the lawn area at the south-east rear of the lot.
4. A total of six pine trees shall be planted along the western property line. Colorado or Austrian pines are recommended. One tree shall be placed at the end of the fence and the others in a staggered row going back toward Bodine. These should be 6-7 foot in height.
5. The two large shrubs on the west property line shall be pruned to remove dead limbs, etc.
6. The two plows shall be relocated off the lawn area and out of sight range.
7. A row of arborvitae shrubs shall be placed at the rear of the property to block the unsightly view. This shall be done after cleanup.
8. All prior conditions placed on the previous Temporary Conditional Permit shall continue forward.
9. There shall be no parking beyond the cement bumper area or after being paved, off the paved areas.

On the question, Supervisor Bylewski said the 6-month approval is to make sure that everyone acts in good faith to get everything done and then the business can continue forward.

John Burgher said he is willing to have it paved, but he asked for more time to have that completed.

Upon roll call – Ayes: Councilmembers DiCostanzo, Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Casilio. Motion carried.

Doodle Bugs request a Public Hearing to consider a Special Exception Use Permit for a structure over 10,000 sq. ft. at 8574 Sheridan Drive. James Callahan said the location is the north side of Sheridan Drive, east of Meadowbrook Road consisting of 6.8 +/- acres in the Restricted Business Zone. A Negative Declaration was issued and the Planning Board has forwarded a recommendation for approval of the Concept Plan.

Anthony Insinna, president of Doodle Bugs was present.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to set a Public Hearing for June 11, 2008 at 7:45 p.m. to consider a Special Exception Use Permit for a building over 10,000 sq. ft. at 8574 Sheridan Drive. On the question, Councilman Casilio said this was a fill site. They should be aware when building the foundation for a building this size. Mr. Insinna said they have done a soil study and other tests on the site. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Supervisor Bylewski to grant a Fireworks Display Permit for July 5, 2008 for Day In The Park having received proper approvals. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to grant a Fireworks Display Permit to Brookfield Country Club for June 7, 2008 having received all proper paperwork and fee. Upon roll call – Ayes: All; Noes: None. Motion carried.

Howard Melancon spoke regarding parking issues on Main Street. He has been to the school board twice and they say that they do not have to adhere to anything but the State regulations. We must get to our State Legislators to change the laws. The Town has no say in what they do.

Councilman Casilio said we have our Highway Department working with the DOT.

Mr. Melancon said every project by the State has issues including the traffic lights at Gunnville and at Goodrich, the drainage going down Kraus, the trees they were supposed to plant and take care of after the reconstruction and the list goes on. The school district does whatever they want to do.

Councilman Kolber said the State should be looking at Main Street for the safety factors. It is getting worse. We could get some data to include in a letter to the DOT.

Mr. Melancon said he has tried and he is getting no where. He believes the Town should be able to have some say for safety purposes alone.

Motion by Councilman Weiss, seconded by Supervisor Bylewski to grant approval for the following: Clubhouse Applications - A. Day in the Park – May 15, 2008; June 5, 26, 30, 2008; B. Clarence Hollow Association – Oct. 17, 2008; Legion Hall Applications - A. Clarence Mustangs – May 7; June 4, 18, 2008; B. Deborah Mitchell – June 1, 2008; C. Susan Cross – June 29, 2008; D. Walter Banko – July 27, 2008; and E. Olivieri Family – Dec. 12, 2008. On the question, Supervisor Bylewski said the standard disclosure that some of them are members of various organizations, however this is ministerial and they will be voting. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Kolber that after proper audit and review by the Town Board, the following bills of May 1, 2008 are approved for payment: General Fund - \$142,620.05; Highway Fund - \$41,981.57; Water District - \$1,823.93; Drainage District - \$11,458.00; Lighting Districts - \$1,213.95; Sewer Districts - \$184.95; and Trust & Agency 203 - \$32,583.63 for a total amount of \$231,866.08. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that after proper audit and review by the Town Board, the following bills of May 15, 2008 are approved for payment: General Fund - \$267,316.44; Highway Fund - \$47,265.81; Water District - \$36,907.71; Lighting District - \$1,142.11; Capital Fund - \$268,733.37; and Trust & Agency 203 - \$4,124.85 for a total amount of \$625,490.29. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

Steve Murtaugh, chairman of the Arboretum Committee said Gerry Rising, editor of “Nature Watch” at the Buffalo News came out to visit the arboretum. He has been watching the development of the arboretum and is very impressed. He is writing an article that will appear sometime in June.

Mr. Murtaugh said he would be willing to come in to give the Town Board an update on the arboretum project.

There being no further business, Supervisor Bylewski adjourned the meeting at 10:00 P.M. in memory of Leander Donner, father of Highway Supt. Ted Donner.

Nancy C. Metzger
Town Clerk