

A Work Session of the Clarence Town Board was held on May 28, 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

Formal Agenda

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.

Techniflo 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.

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. Councilman Casilio will recuse himself from discussion or voting on this project.

Work Session items for consideration June 11, 2008:

Proposed Zoning Law amendment – incentive lot design guidelines.

Newhouse Acres LLC

Applicant is proposing an Incentive Lot Subdivision maintaining at least 25% of the overall parcel as open space. The proposed site is located on the west side

of Newhouse Road, north of Roll Road on existing vacant land consisting of 56+ acres in the Residential Single-Family Zone. Per the Zoning Law, the Town Board has authority to approve density yield and to approve the Incentive Lot Development. The Planning Board has forwarded a recommendation on a density yield of sixty 15,000 square foot minimum lots under an Incentive Lot Design. Director of Community Development James Callahan stated that they will have to look at a recreational component as part of this subdivision, there is the potential to connect to the Meadow Lakes bike path through Vincroft and Bristol Village.

John Clancy 10255 Clarence Center Road

Applicant is seeking a permit to demolish existing house over 50 years old located in the Agricultural Zone. His proposal is to demolish the house and construct a new home on the parcel. Per the Demolition Law, demolition of a structure older than 50 years is a Type I Action under SEQRA.

Culligan Auto Place 8129 Main Street

Applicant is proposing an expansion to the Porsche show room. The exterior architectural style will match the existing exterior.

Supervisor Scott Bylewski

In light of Erie County budget cut backs, the Convention and Visitors Bureau would like to temporarily use three of our surplus computer towers. Network Services/Steve Flaminio will clear out the hard drives, upgrade the equipment and let the Convention and Visitors Bureau use the computers and when they come back to us they will be all upgraded.

At the last Department Head meeting there was the presentation for performance/outcome based budgeting. The Town Board received a copy of the presentation via e-mail as well as another one-page handout.

The NYS Department of Labor is hosting another Job Fair at the Holiday Inn in Lockport on June 11, 2008 from 9:30AM – 12:30PM.

Supervisor Bylewski received a letter from Erie County Highway Department Representative Charles Sickler indicating the round-about is no longer the preferred design at Shimerville and Greiner Road intersection. They will be proceeding with a design for a traffic signal with left turn lanes on Greiner and Shimerville Roads as the alternative. The no change/null alternative is not an acceptable option.

Supervisor Bylewski received a letter from the DEC regarding Tonawanda Creek Road. The permit is complete and a technical review has commenced for Erie County to begin the replacement of the section of Tonawanda Creek Road that collapsed.

Erie County Executive Chris Collins has notified Supervisor Bylewski of his support of the Towns efforts in seeking a TEP Grant for construction of a bike path along Strickler Road. A public informational meeting is scheduled for June 2nd at 7PM.

Supervisor Bylewski received a resolution from the Town of Holland expressing support for revision of General Municipal Law 239-n to allow greater flexibility for local governmental entities to enter into agreements to purchase “services” as well as “goods” and “equipment”.

Supervisor Bylewski received a resolution from the Town of West Seneca expressing support of draft legislation by NYS Senator William Stachowski changing Section one, Subdivision 1 of Section 339-Y of the Real Property Law allowing municipalities a local opt-out for newly constructed condominiums.

The switch-over to Flex Care health insurance will take effect July 1, 2008. All applications must be turned in to the Director of Administration and Finance by Friday, May 30th.

Supervisor Bylewski will appoint Chris Durr as Deputy Recreation Director II at an annual salary of \$9,940.00 and approve a one-time stipend be paid to Jim Ferguson in the amount of \$805 for recreation duties.

Supervisor Bylewski has requested a meeting with Swormville VFC to discuss their requested amendment to LOSAP. Pam Smith has contacted the VFIS (Volunteer Firemen's Insurance Service) for the appropriate information.

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

Councilman Joseph Weiss

Parks Crew Chief John Burns is recommending the hiring of two individuals for summer help, the last two appointments declined.

Youth Director Dawn Kinney is recommending the hiring of two individuals for summer help.

Councilman Weiss will announce a resignation from the Youth Board. The Youth Board will be interviewing the youth applicants for the Youth Board and submit their recommendations to the Town Board. Their appointments will be announced at the next Town Board meeting.

Councilman Weiss will announce Hazardous Waste Drop-off dates and locations.

Councilman Weiss sent a letter to the firemen regarding ISO ratings. There is no relationship to the purchase of fire trucks and the ISO rating. The only relationship to the ISO rating is the amount gallons per minute the truck can pump.

Councilman Bernard Kolber

Councilman Kolber had to leave the meeting to attend a prior engagement.

Councilman Patrick Casilio

Councilman Casilio has two items to discuss in Executive Session.

Councilman Casilio will be appointing Liz Eyrick to the Public Safety Committee at the June 11th Town Board meeting.

The Bike Path Volunteer Program started last night, vests were handed out and the scheduling of volunteers was worked out with Town Security.

The Fire Chief's Association requested a LOSAP review on their investments at an evening meeting at a fire hall where more people could attend would be appropriate.

Councilman Casilio announced that he has been working on preliminary dates to negotiate with the fire company's contracts.

Swormville VFC will be meeting with the Town to discuss lowering the entitlement age for LOSAP.

The Morlando Committee has been researching the price for pillars and will continue to move forward on this. Town Engineer Latona stated that the landscape island at Nottingham Terrace is in the planning stages.

Councilman Casilio has been working with Town Engineer Latona on a plan for the installation and repair of sidewalks along Main Street. Town Engineer Latona stated that he has to develop a budget before we commit to anything and he will begin that process.

Upon recommendation of the Chief Security Office, Councilman Casilio will appoint Ronald Bosela Security Officer P/T effective May 29, 2008. Councilman Casilio has also requested that Town Security continue to take down any unlawfully posted signs.

Councilman Casilio received some new addresses to investigate gas service in the Salt Road, Keller Road and Miland Road area. National Fuel will come up with a proposal to run gas service to these areas. Propane runs hotter than gas but it cost approximately 30% more.

Councilman Casilio has been receiving numerous requests about lowering speed limits. Highway Superintendent Ted Donner will set up the speed trailer at several of these locations.

The joint Town Board/School Board meeting is scheduled for August 18th. Councilman Casilio stated that he will be out of town on that date.

There is no open burning in the Town of Clarence. Recreation fires are allowed but can be no larger than 3 feet in diameter.

Councilman Peter DiCostanzo

Councilman DiCostanzo was reviewing the bills and questioned whether the Town has ever done an energy audit. Supervisor Bylewski state that we have had them done periodically. The first year we realized a tremendous amount of savings because the utility companies were over billing the town. After that we have seen approximately \$1600 - \$1800 in savings.

Councilman DiCostanzo will make an appointment to the TEQR Committee.

Councilman DiCostanzo will make a motion that the Clarence Town Board request Legislation to alienate certain parkland in the Town of Clarence relative to 10687 Main Street.

Councilman DiCostanzo stated that he would like to see more businesses and clean up efforts in the Clarence Hollow area.

Councilman DiCostanzo received correspondence regarding the lack of speed limit signs on Keller Road. Councilman DiCostanzo will forward the information to Highway Superintendent Ted Donner and request the speed trailer be set up at this location.

Joanna Pickering has requested that her house be designated as a Town Historic property. A public hearing is scheduled for June 2, 2008.

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 appointment of individuals and the employment history of a particular corporation. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Kolber.

There being no further business, the Work Session adjourned at 6:54 P.M.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to adjourn the Executive Session at 7:27 P.M. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Kolber. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held Wednesday, May 28, 2008 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:35 P.M. Pledge to the flag was led by Senior Patrol Leaders of Boy Scout Troop 250, followed by a moment of quiet reflection for all those who are sick or injured and may be in the hospital, as well as for their families.

Members of the Town Board present were Councilmembers Joseph Weiss, Patrick Casilio, Peter DiCostanzo and Supervisor Bylewski. Councilman Bernard Kolber is absent at the moment, but should arrive shortly. 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 Casilio, seconded by Councilman Weiss to accept the minutes of the previous meeting held May 14, 2008 as received. Upon roll call – Ayes: Councilmembers Casilio, Weiss, DiCostanzo and Supervisor Bylewski; Noes: None. Absent: Councilman Kolber. Motion carried.

Supervisor Bylewski said in a sign of regional cooperation, the Town of Clarence will be loaning out three of our surplus computer towers to the Erie County Convention and Visitors Bureau as a result of their budget cutbacks. We do have a common service provider, Network Services, who will handle it. It is a perfect example of cooperation between the Town and other County agencies.

Supervisor Bylewski said the New York State Dept. of Labor will be holding a job fair on June 11th at the Holiday Inn in Lockport from 9:30 a.m. to 12:30 p.m.

Supervisor Bylewski said he received an update letter from the Charles Sickler, Erie County Dept. of Public Works which stated that after the public information meeting that was held regarding the Shimerville and Greiner Roads intersection, the preferred alternate design has been amended to be a traffic signal with left turn lanes on Greiner and Shimerville Roads.

Supervisor Bylewski said information was received from the NYS Dept. of Environmental Conservation regarding Tonawanda Creek Road collapse and the Erie County Dept. of Public Works Permit. The Permit is complete and a technical review has commenced. We hope this is a positive move forward and work will begin in the near future.

Supervisor Bylewski said he received a letter from Erie County Executive Chris Collins in support of the Town of Clarence seeking a grant for a bike path along Strickler Road. A public information meeting will be held in the Town Hall Auditorium on Monday, June 2, 2008 at 7 p.m. to discuss the possibility. The bike path being proposed would run from Tillman Nature Preserve to Beeman Creek.

Councilman Bernard Kolber arrived.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to appoint Chris Durr as Deputy Recreation Director II at an annual salary of \$9,940 effective May 31, 2008. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to approve a one-time stipend to be paid to Jim Ferguson in the amount of \$805 for recreation duties. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss thanked everyone for coming out on Memorial Day. The Clarence Hollow Association sold a record number of chicken dinners. It was a very nice parade.

Councilman Weiss said Mike Bowers resigned from the Youth Board in February, which leaves a vacancy with a term to expire 12/31/09. Anyone interested should get their application in soon.

Motion by Councilman Weiss, seconded by Councilman Kolber that upon recommendation by the Youth Board, the following be appointed: Michele Mogavaro with term to expire 12/31/2010, Jessica Notarius with term to expire 12/31/2009; and Karen Monteleone with term to expire 12/31/2008. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio to hire the following for seasonal employment as tutors for the 2008 Summer Youth Series at the rate of \$15 per hour: Laura Chriswell and Simone Fancher-Rowan. These positions are under the direction of the Youth Bureau. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo 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, effective 6/2/08: Alexandra Snowden and Kris Gentzke. On the question, Councilman Weiss said two people previously hired declined employment. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

WHEREAS, Clarence Town Justice William Waible is retiring as of May 31, 2008, after serving almost 26 years in the Clarence Court creating a vacancy; and

WHEREAS, pursuant to New York State Town Law section 64, subsection 5, whenever a vacancy shall occur or exist in a Town office, the Town Board may appoint a qualified person to fill the vacancy of an elected office and that person shall hold office until the commencement of the calendar year next succeeding the first annual election at which the vacancy may be filled.

Now therefore be it resolved

Resolved, that the Clarence Town Board hereby appoints Michael B. Powers as Town Justice effective June 1, 2008 though December 31, 2008.

On the question, Councilman Weiss said this is the result of a number of interviews conducted by the Town Board. There were some very good candidates who applied.

Supervisor Bylewski added that there were many well qualified applicants that would be worthy of holding this position. In the interest of bipartisanship, he will vote with the majority.

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

Councilman Weiss announced that Erie County is holding a Household Hazardous Waste Drop-off Day on Saturday, June 21, 2008 at Erie Community College, South Campus from 9:00 a.m. to 2:00 p.m. They will collect pesticides, oil-based paints, oil, batteries, propane tanks, etc.

Erie County is also holding a Recycling Day for computers, textiles and bikes on Saturday, June 7, 2008 from 9:00 a.m. to 2:00 p.m. at the GM Powertrain Plant 5 on Vulcan Street. They will be accepting computers, monitors, DVD players, televisions, fluorescent bulbs, etc.

Councilman Weiss said the County is also going to have a program for Fats, Oils and Grease (FOGS). For more information, you can call 823-8188. If you have sewer problems because of these items going through the system, they have ways to fix that.

Councilman Weiss announced that the next meeting for Day in the Park is June 5th at 8:00 a.m. at the Town Park Clubhouse. This is the last call for any group looking to earn profits for their organizations.

Councilman Weiss thanked everyone for Memorial Day. Our veterans are deserving of better politicians. They put their lives on the line for all of us.

Councilman Kolber said Memorial Day was a wonderful event. He also thanked the Clarence Hollow Association for all the work they did.

Councilman Kolber said the Clarence Chamber of Commerce is looking to build their membership base. If anyone owns a business in Town, he encourages them to join.

Councilman Kolber said we received a communication from Time Warner announcing a new series that will run from July 1st through October 31st. Each week ATM will feature a WNY hero, someone who exemplifies greatness, creativity or profound dedication to a cause.

They are asking that people tell them about the hero they know and share a story or example of why. ATM will interview the person and the person submitting. The categories

include: Above and Beyond; Arts Advocates; Civic Engineers; Improving Life; and Investing in the Future.

Nomination forms will be available at the Town Clerk' office or by going online at www.timewarnercable.com/wny/community/wnyheroes.html.

Councilman Casilio said the Town Board will make an appointment to the Public Safety Committee at the next meeting.

The volunteers to patrol the bike trails had a meeting last night. They are organizing and getting ready to begin that soon.

Councilman Casilio said that the Swormville Fire Company will be coming in to discuss lowering the entitlement age to 55 years old for their LOSAP program.

Councilman Casilio said we have received complaints about the sidewalks on Main Street. It is a State road. Our Town Engineering Department will survey the sidewalks to see what needs to be done. We will try to apply for grant money to get them repaired.

Councilman Casilio said the Town Security Department is sweeping the Town for illegal signs posted along the roadways.

Motion by Councilman Casilio, seconded by Councilman Weiss that upon recommendation by the Chief Security Officer, the Clarence Town Board appoints Ronald Bosela Security Officer P/T effective as of May 29, 2008 at the budgeted rate of pay and subject to all the appropriate paperwork being filed. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Casilio said we have received requests from residents on Salt Road, Keller Road and Miland Road about getting gas service to them. They now use propane, which is costing them about 30% more. National Fuel will look at the costs of extending the service. If the homeowners choose to go with that, it would be paid for by them and not by the Town.

Councilman Casilio said the Traffic Safety Board has received several complaints about speeding on various roads. We purchased a speed trailer last year to monitor traffic flows and speed. We will begin using that in the near future at various locations throughout the Town.

Councilman DiCostanzo said he also receives several complaints about speeding. He hopes we get that trailer out very soon.

Councilman DiCostanzo said the school budget recently passed with 946 yes votes and 420 no votes for a total of 1,366 total voters. A few years ago 3,899 voters came out to vote regarding the proposed garbage district, for something that would cost around \$160 per year. He thinks that it is disgusting that so few people turned out to vote. He wonders how many there would have been if the track meet was not going on. Councilman Casilio said that is for a \$68 million budget.

Councilman Weiss added that we also bought 11 new buses that probably have only a couple kids on them, while there is a parking problem on Main Street.

Councilman DiCostanzo announced that the Historic Preservation Commission will be conducting a public hearing on June 2nd at 7:00 p.m. to consider designation of Joanna Pickering's house for historic designation.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that pursuant to Article 8 of the Environmental Conservation Law, the Clarence Town Board issues a Negative Declaration on the proposed sale of a portion of Town owned property consisting of approximately .046 +/- Acres and located adjacent to 10687 Main Street. After thorough review of the submitted request and Environmental Assessment Form (EAF) by the Town Board, it is determined that the proposed action is consistent with the adopted Master Plan 2015 and will not have will not have a significant impact upon the environment. On the question, Councilman DiCostanzo said this is the standard information for these types of things and he has to read them. Supervisor Bylewski said we have to comply with the SEQRA requirements. 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, pursuant to Article IX of the Constitution, requests the enactment of Senate Bill S.8189 and Assembly Bill A.11024, entitled "An Act to allow the Town of Clarence, Erie County, New York to alienate certain parkland in the Town of Clarence; and be it further

Resolved, that it hereby declared that a necessity exists for the enactment of such legislation and that the facts establishing such necessity are as follows: The local government does not have the power to enact such legislation by local law.

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

(Councilman Kolber was out of the meeting room.)

Motion by Councilman DiCostanzo, seconded Councilman Weiss to appoint Robert Sackett of 8175 Roseville Lane to the Town Environmental Quality Review (TEQR) Committee effective immediately through December 31, 2008. Upon roll call – Ayes: Councilmembers DiCostanzo, Casilio, Weiss and Supervisor Bylewski; Noes: None. Absent: Councilman Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio that pursuant to Article 8 of the Environmental Conservation Law and upon the recommendations of the TEQR Committee, the Clarence Town Board issues a Negative Declaration on the proposed Rockledge Business Park located at 8175 Sheridan Drive. This Unlisted Action involves the development of a business park in the Restricted Business Zone. After a thorough review of the submitted site plan and Environmental Assessment Form (EAF) by the TEQR Committee, Planning Board and Town Board, including coordinated review among involved agencies, it is determined that the proposed action is consistent with the adopted Master Plan 2015 will not have a significant impact upon the environment with the mitigations identified in the Part 2 and 3 EAF. Upon roll call – Ayes: Councilmembers DiCostanzo, Casilio, Weiss and Supervisor Bylewski; Noes: None. Absent: Councilman Kolber. Motion carried.

(Councilman Kolber returned.)

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, the Clarence Town Board issues a Negative Declaration on the proposed Furmanek Open Space Design Subdivision located at 8230 County Road. This Type I action involves the development of a 36+/- lot Open Space design Subdivision in the Traditional Neighborhood District within Sewer District #5. After thorough review of the amended site plan and Environmental Assessment Form (EAF) by the TEQR Committee, Planning Board and Town Board, including coordinated review among involved agencies, it is determined that the proposed action is consistent with the adopted Master Plan 2015 and will not have a significant impact upon the environment with the mitigations identified in the Part 2 and 3 EAF. Upon roll call – Ayes: All; Noes: None. Motion carried.

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, the Clarence Town Board issues a Negative Declaration on the proposed Zoning Law Amendments related to Open Space Design and Incentive Lot Overlays. This Unlisted Action involves the development of design guidelines for preparing incentive Lot Subdivision within the Open Space Design Development Overlay District. After thorough review of the proposed amendments by the TEQR Committee, Planning Board and Town Board, it is determined that the proposed action is consistent with the adopted Master Plan 2015 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 Kolber to award the bid for the sale of the T-9, damaged 2007 Ford Taurus to Bitterman's Automotive Center Inc. at their bid of \$2,097. On the question, Councilman Weiss said this vehicle was in an accident and sold in "as is" condition. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski thanked all department heads present for attending.

Hans Mobius requests a Demolition Permit for a home older than 50 years old at 6879 Salt Road. James Callahan said the location is the east side of Salt Road, north of County Road. Per the Town Environmental Quality Review Law, demolition of a structure over 50 years is a Type I Action under SEQRA and requires a coordinated review to discuss the potential environmental impacts associated with the demolition.

Town Attorney Bengart said the applicant is unable to attend due to surgery he had today, but his wife or other representative were supposed to be here.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to table the request by Hans Mobius for a Demolition Permit for a home older than 50 years old at 6879 Salt Road until the applicant is present. Upon roll call – Ayes: All; Noes: None. Motion carried.

Techniflo requests a Building Permit and Architectural Approval for an addition at 9730 County Road. James Callahan said the location is the north side of County, east of Goodrich Road consisting of an existing facility in the Industrial Business Park Zone.

Douglas Klotzbach, architect was present. It is a small addition to enclose the sand blasting operation and will barely be seen. It will be a continuation of the current architectural style.

Motion by Councilman Kolber, seconded by Supervisor Bylewski to grant a Building Permit and Architectural Approval for an addition at 9730 County Road for Techniflo to Douglas Klotzbach subject to commercial open space and recreation fees. Upon roll call – Ayes: All; Noes: None. Motion carried.

Jerry Haas requests Minor Subdivision Approval on County Road west of Stahley Road. James Callahan said the location is at the northwest corner of County and Stahley Roads in the Swormville Traditional Neighborhood District.

Jerry Haas said he would like to split the vacant lot to two lots.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that pursuant to Article 8 of the Environmental Conservation Law, the Clarence Town Board issues a Negative Declaration on the proposed Haas Minor Subdivision creating one additional residential building lot at the corner of Stahley Road and County Road. After thorough review of the submitted survey and Environmental Assessment Form (EAF) by the Town Board, it is determined that the proposed action is consistent with the adopted Master Plan 2015 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 DiCostanzo to adopt the following resolution:

Resolved, that the Clarence Town Board grants Minor Subdivision approval for one additional residential building lot to the applicant, Jerry Haas for the property located on the northwest corner of Stahley and County Roads subject to: 1. Open space and recreation fees.

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

Russell Swatsworth requests Minor Subdivision Approval on Tonawanda Creek Road. James Callahan said the location is the north side of Tonawanda Creek Road, west of Goodrich Road consisting of approximately 33 acres zoned Agricultural Flood Zone.

Russell and Jean Swatsworth were present. Mr. Swatsworth said he would like to create a separate lot. James Callahan said it meets all of the zoning requirements.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss Pursuant to Article 8 of the Environmental Conservation Law, the Clarence Town Board issues a Negative Declaration on the proposed Swatsworth Minor Subdivision creating one additional residential building lot at 9254 Tonawanda Creek Road. After thorough review of the submitted survey and Environmental Assessment Form (EAF) by the Town Board, it is determined that the proposed action is consistent with the adopted Master Plan 2015 and will not have 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 DiCostanzo to adopt the following resolution:

Resolved, that the Clarence Town Board grants Minor Subdivision approval for one additional residential building lot to the applicant, Russell Swatsworth for the property located on the north side of Tonawanda Creek Road, west of Goodrich Road subject to the following: 1. Open space and recreation fees. 2. The construction of a principal structure (house) within one year of this approval due to the presence of an accessory structure currently.

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

Rocco DelGrosso requests Preliminary Concept Review of a proposed subdivision/open development area at 8100 Stahley Road. James Callahan said the location is the east side of Stahley Road, north of County Road in the Traditional Neighborhood District.

Rocco DelGrosso was present. He said they are dealing with severe wetland issues at the rear of the parcel. There is access to the site from Stahley Road and from County Road. They are proposing five lots in the front and three larger lots in the rear. James Callahan said there is a subdivision proposed to the east of this site. He is not certain if there is a possibility of connectivity at this time. Supervisor Bylewski added that this issue could be studied through the environmental review.

Motion by Councilman Weiss, seconded by Councilman Kolber to refer the request by Rocco DelGrosso for Preliminary Concept Review of a proposed subdivision/open development area at 8100 Stahley Road to the Planning Board. Upon roll call – Ayes: All; Noes: None. Motion carried.

Arthur Fuerst requests a Public Hearing to consider a Temporary Conditional Permit for outside dining at 9450 Main Street. James Callahan said the location is the northwest corner of Main and Goodrich for a previously approved coffee shop with a drive thru.

Councilman Casilio said he is recusing himself from this item and has a disclosure statement on file.

The applicant was not present.

Motion by Councilman Kolber, seconded by Supervisor Bylewski to table the request from Arthur Fuerst for a Public Hearing to consider a Temporary Conditional Permit for outside dining at 9450 Main Street until the applicant is available. Upon roll call – Ayes: Councilmembers DiCostanzo, Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Casilio. Motion carried.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to approve the following: Clubhouse Applications - A. Clarence American Legion Auxiliary #838 – June 20, 21, 22, 2008; B. Clarence Youth Bureau – July 14 & 15, 2008; C. Daniel Gregorio – Oct. 25 & 26, 2008; D. Clarence Senior Center – Nov. 7 & 8, 2008; E. Clarence Garden Club – Dec. 14, 2008; Legion Hall Applications - A. Laura Grenzebach – June 20, 2008; B. Ann Christopher – July 18, 2008; C. Kreher Family – Nov. 30, 2008; Nature Center Application - A. Rotary Club of Clarence – June 4, 2008; Pavilion Special Requests - A. Bicentennial Committee – July 25 – 28, 2008; B. Jerry & Tonia Felber – Sept. 21, 2008. 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 29, 2008 are approved for payment: General Fund - \$148,462.65; Highway Fund - \$38,269.29; Water District - \$1,823.93; Sewer Districts - \$329.26; and Trust & Agency 203 - \$768.00 for a total amount of \$189,653.13. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

Councilman Weiss thanked Boy Scout Troop 250 for coming tonight. They are pretty lucky because this was one of the shortest meetings we have had in a while. He wished them well in their futures.

Councilman DiCostanzo said it seemed as though things went quite smoothly tonight, but they spend a lot of time prior to the meetings preparing.

Jerry Haas asked if there is any progress being made regarding the extension of Harris Hill Road.

Supervisor Bylewski said there is talk going on about a business going in there. It has been discussed about Harris Hill continuing into the business park area. It is unclear at this point if it would go out to Newhouse Road at some point or to Roll Road. There is discussion that is continuing, but no definite plans at this time.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:25 P.M.

Nancy C. Metzger
Town Clerk