

A Work Session of the Clarence Town Board was held on August 13, 2008 at Clarence Town Hall, One Town Place, Clarence, NY.

Supervisor Scott Bylewski called the meeting to order at 6:00 P.M. Members of the Town Board present were Council members Joseph Weiss, Bernard Kolber, Patrick Casilio and Peter DiCostanzo. Other town officials present were Director of Community Development James Callahan, Assistant Planner Brad Packard, Town Attorney Steven Bengart, Town Engineer Joseph Latona, Director of Administration and Finance Pam Smith, Senior Building Inspector David Metzger and Planning Board Chairman Gerald Drinkard.

Director of Community Development – James Callahan

Public Hearing:

A Public Hearing is scheduled for 7:45 P.M. to consider a Local Law amending the Code of the Town of Clarence Chapter 229, Zoning related to architectural design standards in the Commercial and Restricted Business Zones.

A Public Hearing is scheduled for 7:50 P.M. to consider renewal of Excavation Permits: Buffalo Crushed Stone, Emeritus Holdings, 10001 Grand corporation and Lakeside Sod. All required paper work (applications, tax bills, bonds, insurance certificates) is on file.

A Public Hearing is scheduled for 7:55 P.M. to consider Concept Plan approval for the proposed 380-unit open space design subdivision east of Goodrich Road, north of Greiner Road, known as Spaulding Greens.

Formal Agenda items:

Greg Ribbeck 5750 Shimerville Road

Applicant is proposing to construct a pond on existing vacant land consisting of 77+ acres. The proposed site is located on the west side of Shimerville Road, north of Roll Road in a residential area. Per the Excavation Law, the Town Board has authority to approve pond permits. Engineering approval will be required on the design. All setbacks as required by law are met.

Dave Wylier – Cosal Development 8625 Transit Road

Applicant is seeking architectural approval and a building permit for an additional office building within the existing development. The existing professional office development is located on 1.5 acres in the Major Arterial Zone on the east side of Transit Road, south of Tonawanda Creek Road. A front yard setback variance is required for the project as proposed. The applicant has previously applied for a variance with the Zoning Board of Appeals and has been granted a variance for the setback as designed.

Christopher Smith 5940 Goodrich Road

Applicant is seeking a Temporary Conditional Permit for used automotive sales. The proposed site is located on the west side of Goodrich Road, south of Clarence Center Road in existing vacant retail building (previously used as a automotive facility) located on .416 acres in the Traditional Neighborhood Zone. Per the Zoning Law, the Town Board has the authority to approve Temporary Conditional Permits with conditions for automotive sales and service. Generally issues that are conditioned within the Temporary Conditional Permit concern number of vehicles to be displayed at any given time, hours of operation etc.

Chris Carollo 8720 Clarence Center Road

Applicant is seeking development plan approval for the creation of a 2-lot Open Development. The proposed residential building lot is located on 4.65 acres on the north side of Clarence Center Road, west of Shimerville Road in a Residential Single Family Zone. Per the Zoning Law, the Town Board has the authority to approve Open Developments with recommendations from the Planning Board. This project was originally tabled by the Town Board on October 24, 2007 and the applicant was asked to satisfy 10 conditions before

requesting development plan approval. The applicant has satisfied the preliminary conditions and requirements of the Engineering Department. One condition remains of the original 10 concerning light fixtures within the Open Development, the applicant would prefer advisement from the Town Board concerning this matter. The Landscape Committee has suggested the Development Plan approval if granted, be conditioned on final approval of the Landscape Committee providing the Committee the opportunity to work with the applicant throughout final development process. Town Engineer Latona stated that there may be road issues to address.

Work Session items for consideration August 27, 2008

- Master Plan 2015 amendments – Transit Road corridor

- Waterford Village Office Building 8427 Main Street
Applicant is proposing to demolish the existing structure and construct a new office building. The proposed site is located on the south side of Main Street, west of Harris Hill Road. The existing small home/office is located on .66 acres in the Traditional Neighborhood District.

- Dan Snyder 5655 Newhouse Road
Applicant is seeking approval to construct on pond on property located on the northeast corner of Roll Road and Newhouse Road at existing single-family residential use located on 18.27+/- acres in the Residential Single Family Zone. Engineering approval is required on the design.

- Bob Szulis – Kenfield Road
Applicant is seeking approval for an additional residential lot split off the parent parcel. The proposed site is located on the east side of Kenfield Road, north of Lapp Road on vacant land consisting of 16+ acres in the agriculture Rural Residential Zone. Five previous residential lot splits have been approved off the parent parcel. As the property does not have a great deal of depth, there are few alternatives for residential uses, other than the frontage lots that have occurred over the previous 5 years however; the application could be considered a Major Subdivision.

- James Iannuzzi - Sesh Road
Applicant is seeking approval to split the lot in half to create an additional residential building lot. The proposed site is located on the south side of Sesh Road, west of Goodrich Road; the existing residential lot is located on 5.5+/- acres in the Agriculture Flood Zone. Minimum lot size requirements are met in the agriculture zone.

- Milherst Construction – County Road
Applicant is seeking approval to commence a fill operation in advance of a future industrial use of the land (proposed location of Milherst Construction Co. yard and headquarters). The proposed site is located on the south side of County Road, west of Strickler Road.

Supervisor Scott Bylewski

Supervisor Bylewski received a request from Dan Shanahan from Wilson Farms to revisit the driveway situation between Dunkin Donuts and Wilson Farms. Director of Community Development James Callahan stated that the site plan that was approved was the elimination of the existing entrance between Wilson Farms and the future Dunkin Donuts and creating a new access point opposite a future project on the south side of Main Street. This site plan went through the entire Environmental Review process, was recommended by the Planning Board and received Final Development Plan approval. Wilson Farms is now saying that they were never notified and can not live with the project as designed so they are asking – through Reid Petroleum to relocate the driveway back to the existing cut between Wilson Farms and Dunkin Donuts. The issue is that the entire TEQR recommendation was tied to the design the town approved. This request will be

put on the next formal Town Board agenda with the understanding that if this request gets reviewed, it will go to TEQR.

A Lean Six Sigma meeting was held with representatives from UB, Supervisor Bylewski is hoping to receive a proposal by months end regarding potential Six Sigma projects.

Given the number of public hearings scheduled for this evening, Supervisor Bylewski will limit public input to (3) minutes per speaker.

The 2009 Departmental Budget Request Forms have been distributed to all departments as well as a Draft Outcome Based Budgeting form.

Countyline Stone has indicated that they are now rationing asphalt.

The County may be eliminating the town's use of the T1 line. Supervisor Bylewski will remind the County that the Town does allow the DMV Satellite office use space fee of charge as well as the Erie County Sheriff substation. A meeting has been scheduled in the next couple of weeks in which our outside computer consultant Steve Flaminio, Karen Jurek and Supervisor Bylewski will attend.

Supervisor Bylewski received a letter from Amherst Central Fire Alarm regarding dispatchers. Councilman Casilio stated that there is the possibility that Amherst may combine both their police and fire dispatch if they don't turn it over to the County. Currently they dispatch our fire calls so that would affect us. If you call 911, because it is going downtown, the phone may not get answered. Citizens may be better off calling the police direct. Regionalism looks good on paper, but if the background work is not done to make it work right, people could die.

Supervisor Bylewski and Councilman Kolber have been pursuing solar power systems for town buildings. Supervisor Bylewski has a resolution authorizing Watts Architecture to design a solar power system for the Clarence Town Hall in accordance with their proposal dated 7/23/08 in the amount of \$8,600.

Supervisor Bylewski will make a motion to amend the Town Policy Manuel based on changes in the Labor Law.

Based on recommendations from the Recreation Advisory Committee, Margaret Walker will be appointed to the RAC at the next Town Board meeting.

Supervisor Bylewski will make a motion approving one Block Party request on Hirschwood Drive between Hedgewood and Gentwood Drive on September 6th and one Special Event Request – Kids Escaping Drugs walkathon scheduled for October 4th at the Main Street Town Park.

Supervisor Bylewski has two items to discuss in Executive Session regarding the employment history of two particular persons and one Attorney-Client issue to discuss.

Councilman Joseph Weiss

Erie County Health Department will be hosting a Free Rabies Vaccination Clinic on Wednesday, August 27, 2008 from 5PM – 7PM at the Clarence Highway Department.

Highway Superintendent Ted Donner is requesting a bid date be set for August 26, 2008 at 10AM for removal of Leaf Compost from our recycling area on Sheridan Drive.

The Sunset Park playground equipment has been installed.

Parks Crew Chief John Burns is having Parks employees “shadow” Paul Allen so they get an understanding of the workings of the town pool and other various areas of the Town Parks and Clubhouse.

Councilman Weiss has received several more calls regarding a stipend for the Lacrosse Team. Supervisor Bylewski met with Wendel Duchscherer (consultants for Mini-Parks Master Plan) it was specifically mentioned that they get in touch with the Sports Coalition and Lacrosse.

Councilman Weiss has several items to discuss in Executive Session regarding employment history of particular person(s) and employment history of a corporation.

Councilman Bernard Kolber

Councilman Kolber has one item to discuss in Executive Session regarding the employment history of an individual.

Councilman Kolber attended the ZBA meeting last night. The request by Clarence Wine & Spirits 10060 Main Street was denied.

Councilman Kolber received an e-mail from the President of the Senior Center Board requesting the addition of another representative on the Community Center Committee. The committee is productive and manageable as it stands now. These are open meetings and anyone can attend.

With regard to solar power panels for the Town Hall, Councilman Kolber stated that if this didn't work he suggested a power purchase agreement.

Councilman Patrick Casilio

Councilman Casilio has one opening on the Avoidable Alarm Committee. He would like to fill that position so the committee can meet in September to review the avoidable alarm rates.

The Public Safety Committee has a full board and is working diligently on issues in the town.

Councilman Casilio stated that the Town Board is meeting with the local fire companies on August 19, 2008 at 7:00 PM to go over their budgets. Supervisor Bylewski requested that they bring their 990 Forms.

Councilman Casilio will make a motion to transfer funds to cover the cost of new security uniforms.

Councilman Casilio continues working on getting gas service to Salt Road and many other roads in the north country. Councilman Casilio questioned how much the town can participate in the request for extensions. Supervisor Bylewski spoke with Hans Mobius specifically about this issue. Mr. Mobius is working on a petition. Supervisor Bylewski told him that if he brings forward a petition, the Town Board can fashion a resolution indicating they would like National Fuel to extend gas lines to that area of town.

Councilman Casilio is working with the residents on Willow Brook regarding the replacement of street lights. The lights are over 40 years old and replacement parts are no longer available. The residents are satisfied with just replacing the three broken lights. It is an extremely expensive district to run costing district residents approximately \$400 a year however; the residents want to continue the district.

Councilman Casilio will make a motion to authorize Zacher Electric to supply and install one additional street light on Valley Stream in the Hunting Valley Subdivision. The cost will be paid by the Hunting Valley Homeowner's Association.

Councilman Casilio will make a motion authorizing the Supervisor to sign the 2008 Justice Court Assistance Program application for a Grant for the Clarence Town Court not to exceed \$30,000.

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

Councilman Peter DiCostanzo

Councilman DiCostanzo stated that the Planning Board Executive Committee meets every Tuesday morning at 9AM. If anyone can attend these meetings, there is a lot of good discussion on upcoming projects.

There was a meeting regarding the Aurora Sewing Center with the owners of the sewing center and area residents. All issues were worked out.

The joint School Board/Town Board meeting is scheduled for August 18, 2008. Councilman DiCostanzo stated that the Clarence Bee reported that "enrollment is slowing this year as fewer building permits are being issued and fewer homes sold within the district." The entering kindergarten class of 332 students is smaller than last year's senior class of 445.

Councilman Casilio will not be able to attend the joint School Board/Town Board meeting because he is attending a foundation event with ECMC.

The Historical Society and the Historical Preservation Committee would like to pursue historical status for the Log Cabin, the museum and the Clubhouse.

Town Engineer Latona stated that the re-roofing of the log cabin is ready to commence, he is waiting for the material to be shipped from the west coast – they are waiting to get a full truck load.

The Historical Society is again asking for internet hookup. Councilman Kolber will contact Time Warner to find out about a free cable drop. Councilman DiCostanzo is trying to help the Historical Society become more pro-active with marketing and getting in touch with their members. This could be done via the internet. Councilman DiCostanzo will inquire as to any surplus computers.

The Historical Society has also inquired as to the status of the display cabinets at the Clubhouse and an approximate date as to when the clock will be moved.

Building Permits are down sharply. Sixty-six permits were issued as of this time last year and only forty-one this year. Homes are still being built as well as commercial construction, just not at the rate as it used to be. Councilman Kolber commented that when he and Councilman Casilio graduated Clarence High School, their graduating classes were approximately 400 in number and the high school was 1/3 the size it is now and currently has three times the staff as when they graduated.

Councilman DiCostanzo has one item to discuss in Executive Session regarding the employment history of a particular person.

Councilman Kolber distributed copies of the Town of Orchard Park neighbor notification forms. They include a map indicating properties located within 500 feet of a proposed project. Councilman Kolber would like to see the Town of Clarence implement the same type form to let residents know what is going on around them.

The Senior Center is asking if they could share our computer vender with them at the same rate the town is receiving. Town Attorney Bengart stated that this can not be done. The Senior Center is a 501 C (3) and there is a problem extending

to them the same contract that the town has with Network Services. This information has already been passed on to the Senior Center.

Town Attorney Bengart has one Attorney-Client item to discuss in Executive Session.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105(1) F of the Open Meetings Law to discuss the employment history of a particular person(s), the employment history of a corporation(s), and matters leading to the discipline of a particular person. Upon roll call - Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 6:50 P.M.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to adjourn the Executive Session at 7:25 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, August 13, 2008 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:32 P.M. Pledge to the flag was led by Councilman Joseph Weiss, followed by a moment of silence in honor of our servicemen and servicewoman who have passed during their service to the 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 Planner Brad Packard, Town Attorney Steven Bengart, Town Engineer Joseph Latona, Building Inspector David Metzger and Planning Board Chairman Gerald Drinkard.

Motion by Councilman Weiss, seconded by Councilman Casilio to accept the minutes of the previous meeting held July 23, 2008. On the question, Supervisor Bylewski had an addition on page 229; the first paragraph of the public hearing should also state that “we have had an enforcement action against one of the waste haulers where a fine was levied by the court.” Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski said we have a number of public hearings tonight and there will be a limitation of three minutes per speaker.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to adopt sections 608 and 609 to the Town of Clarence Employee Manual. These sections deal with changes in New York State Law regarding blood donation leave and the right of nursing mothers to express breast milk. On the question, Councilman DiCostanzo said blood donation leave is an unpaid leave. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to grant approval for a Block Party to be held on Hirschwood Drive on September 6, 2008 from 2:00 to 9:00 P.M. On the question, Supervisor Bylewski said all proper authorities and agencies will be notified. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to grant approval for the “Kids Escaping Drugs” Walkathon to be held at the Main Street Park on October 4, 2008 from 10:00 A.M. to 2:00 P.M. On the question, Supervisor Bylewski said all proper authorities and agencies will be notified. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to set a Bid Date for the Removal of Leaf Compost from the recycling area on Sheridan Drive on August 26, 2008 at 10:00 A.M. The bid price submitted will be per cubic yard loaded and hauled offsite by the successful bidder within 90 days. The volume consists of one pile totaling 900 cubic yards. Total payment must be received prior to any removal. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss announced that Highway Supt. Ted Donner is hosting a free rabies clinic held by the Erie County Health Department on Wednesday, August 27, 2008 from 5:00 to 7:00 P.M. at the Clarence Highway Department, 6185 Goodrich Road. Dogs and cats must be at least 3 months of age. Owners should bring previous records of vaccination in order to obtain a 3-year vaccination. If they do not have a previous record, the vaccine is good for one year. All animals are to be caged or on a leash. For further information, please call Peter Trippi of the Erie County Health Department at 961-7524.

Councilman Weiss announced that the new playground equipment has been installed at the Sunset Park at Harris Hill and Wehrle.

Motion by Councilman Kolber, seconded by Councilman Casilio to authorize Watts Architecture and Engineer to design a solar power system for the Clarence Town Hall in accordance with their proposal dated 7/23/08 for the amount of \$8,600 to be paid from account A1440.434. On the question, Councilman Kolber said this is something he has been working on for a while. There is grant money available through New York State Energy Research and Development that would offset the cost of installation. It could result in tremendous energy

savings. Supervisor Bylewski said this is an initiative that he has been in favor of as a result of information that came out in the mayor's conference in 2006. He had mentioned to the engineer in 2007 to look at mitigation measures and he is glad to see this move forward. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Kolber said we received a franchise fee check from Time Warner Cable in the amount of \$100,681.43.

Councilman Kolber said he is also working on enhancements to the notification process of notifying residents of proposed land use changes in their area. He is working with the Town Board and Planning Department on this.

Councilman Casilio said there is an opening on the Avoidable Alarm Committee for anyone interested.

Councilman Casilio said he is working on gas service on Salt Road with some of the residents and NYSEG to get the line extended.

Councilman Casilio said he is working on replacement lights for the gas light district on Willow Brook Drive. We are unable to get parts anymore, so they are trying to find a similar light to replace a few of the broken ones in that district.

Motion by Councilman Casilio, seconded by Councilman Weiss to authorize Zacher Electric to supply and install one (1) additional street light on Valley Stream between 9250 and 9260 Valley Stream Road in the Hunting Valley Subdivision the cost which shall be paid by the Hunting Valley Homeowner's Association. The street light will be activated upon the inspection and approval of the Town Engineer and NYSEG. The Town of Clarence will thereafter pay the cost of maintenance and operation of this street light pursuant to the agreement with the Town of Clarence and New York State Electric and Gas Company. On the question, Councilman Kolber said he lives in Hunting Valley, however this is ministerial and he will be voting. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Weiss to authorize the transfer of \$838 from A3120.250, Miscellaneous Equipment to A3120.272, Security - Uniforms to cover the cost of new security uniforms. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Casilio said they are finalizing the paperwork for the camera system for the bike path. Cedar Path will do test shots to make sure that it will do what we want it to do before the final agreement is completed.

Motion by Councilman Casilio, seconded by Councilman Weiss to authorize the Supervisor, Scott A. Bylewski, to sign the 2008 Justice Court Assistance Program application for a Grant for the Clarence Town Court, not to exceed \$30,000.00. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Casilio announced that there will be a budget meeting held August 19, 2008 at 7:00 P.M. with the fire companies. Some fire companies have multi-year agreements, but they are still required to bring in their 990 forms. This is an open meeting for anyone interested in attending.

Councilman DiCostanzo said the public hearing for the garbage district is still open for ten more days to receive written comment.

Councilman DiCostanzo thanked the Concert Association for the great job they did this year hosting the concerts in the park.

Councilman DiCostanzo said the Historical Society is considering historic designation of the log cabin, historical museum and the clubhouse.

Councilman DiCostanzo said in regard to the Single Family Building Permit Report, last year at this time we had 66 building permits issued and this year there have been 41 issued. Building is down a little bit.

Councilman DiCostanzo said an article in the Bee stated that this year's graduating class was 445 students. The number of students entering kindergarten this year is 332. The schools may seem crowded at times, but it does go in waves.

Supervisor Bylewski thanked all department heads present for attending.

Public Participation

Susan Wickenhiser spoke regarding item #17. She purchased a lot from Mr. Carollo after he was granted a variance for a 400 ft. setback for one house. She submitted a letter to the Town expressing her concern with the turnaround and where it was going to be placed.

She does not believe that all of the conditions of concept plan approval were met and one was violated. She does not trust Mr. Carollo because of all the changes. Now it is a two-lot open development and she is concerned that it will be changed again. She asked that the turnaround is moved back.

Councilman Casilio asked if she was told that there was going to be only one home or was it part of an agreement. Mrs. Wickenhiser said she was told.

Supervisor Bylewski said her letter dated August 11, 2008 will be entered into the record along with the photos and the site plan.

Councilman Kolber asked if having the turnaround moved back would satisfy her concerns. Mrs. Wickenhiser said yes it pretty much would. She is not happy about the two houses, but the turnaround is the major concern. She has left the brush at the rear of her property to see how much she would be impacted.

A Public Hearing was held to consider a Local Law amending the Code of the Town of Clarence Chapter 229, Zoning related to architectural design standards in the Commercial and Restricted Business Zones. James Callahan said the Planning Board has worked on a more detailed design standards for the Commercial and Restricted Business Zones. These changes include minimum standards for site design, architecture, building materials, site layouts, general standards for all uses, lighting and access management. A Negative Declaration was issued on the proposed amendment. The Planning Board has forwarded a recommendation to approve the amendment.

Supervisor Bylewski thanked the Planning Board, Planning Department and TEQR Committee for their work on these changes.

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

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

WHEREAS, The Town of Clarence Planning Board has developed detailed architectural design standards for the Commercial and Restricted Business Zoning Classifications and has forwarded a recommendation to include these detailed standards in the Town of Clarence Zoning Law, Chapter 229 of the Code of the Town of Clarence, and

WHEREAS, the proposed architectural design standards are identified as amendments to Chapter 229-75, Restricted Business Zone and Chapter 229-83, Commercial Zone of the Zoning Law of the Town of Clarence, and

WHEREAS, The Clarence Town Board has issued a Negative Declaration under the State Environmental Quality Review Act (SEQRA) on the proposed amendments to the Town Zoning Law dealing with architectural design details in the Commercial and Restricted Business Zones, and

NOW THEREFORE BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF CLARENCE, after a public hearing duly held and after all interested parties being heard, adopts Local Law No. 2 of the year 2008 amending the Code of the Town of Clarence, chapter 229, Zoning Article IX-Restricted Business and Article X-Commercial. This Local Law shall become effective upon the filing with Office of New York State Secretary of State in accordance with section 27 of the Municipal Home Rule.

On the question, Councilman Weiss thanked the boards and committees for their work on this. The buildings on our main corridors are certainly improving.

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

A Public Hearing was held to consider renewal of Excavation Permits for the following: A. Buffalo Crushed Stone; B. Emeritus Holdings; C. 10001 Grand Corporation; and D. Lakeside Sod.

James Callahan said the Town Code requires that the Town Board review large scale excavations on an annual basis. All applications are in order for the above.

Supervisor Bylewski said we have received complaints regarding Buffalo Crushed Stone. They have assured us that they will work better with the Town and the residents.

Speaking to the subject:

Councilman Casilio said one of the complaints was due to them allowing their quarry to be used for local police training.

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: All; Noes: None. Motion carried.

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

WHEREAS, all application forms, insurance certificates, bonds and fees are in order for the renewal of Excavation Permits;

RESOLVED, the Clarence Town Board, after a Public Hearing duly held and after all interested parties having been heard, approves the Annual Excavation Permits for the following operations: A. Buffalo Crushed Stone; B. Emeritus Holdings; C. 10001 Grand Corporation; and D. Lakeside Sod, subject to all requirements of Chapter 93, Excavations, of the Code of the Town of Clarence.

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

A Public Hearing was held to consider Concept Plan Approval for the proposed 380-unit open space design subdivision east of Goodrich Road, north of Greiner Road, known as Spaulding Greens. James Callahan said the property consists of approximately 417 +/- acres of vacant land in the Residential Single Family Zone. The project is a supplement to the Clarence Hollow Pollution Abatement Project. A Final Findings Statement has been approved by the Town Board on the proposed 380-unit Open Space Design Subdivision. A recommendation was forwarded from the Planning Board detailing the parameters.

Domenic and Nick Piestrak were present.

Councilman Casilio had questions for the applicants. He met with some of the residents from Green Valley. He asked if the southeast portion of the project was going to be phased in. Domenic said they have tried to see what the market warrants rather than phasing. If the market changes he would like to be able to redesign the subdivision. Nick said they are only able to obtain so many building permits per year. As the inventory of lots decreases they will determine what size houses are going to go.

Councilman Casilio said these phases are not numbered. Domenic said the area near Green Valley is for Spaulding Lake type houses. They started Spaulding Lake in 1987 and there are still three unsold lots. He said they are deed restricting the houses to 4,000 sq. ft. He thinks the connection would not be for at least seven years. He said he will make a commitment that the Green Valley Drive connection will be the last area of the subdivision built. If the Town would like it done in phases, he will do that. They are not going to downgrade the houses for that portion.

Mr. Piestrak said they are starting at the north end off of Goodrich in order to connect to the utilities. Traffic Safety made the recommendation for the connection to Green Valley Drive.

Supervisor Bylewski said for clarification, did he mean velocity to refer to the speed at which the homes are being sold. Mr. Piestrak said yes. Spaulding started with 300 lots and as time went on and redesign took place, they now have 250 homes.

Councilman Casilio said that was when building was going strong and it took 20 years to develop. Also, he would like to see the use of construction roads and have them identified. The commitment was made on Hollingson and that did not happen through the end of the project.

Mr. Piestrak said they intend to have the construction roads available, but he cannot always control the road afterwards.

Councilman Casilio said there is going to be a homeowners association to maintain the boulevards. Mr. Piestrak said yes. If someone refuses to pay a lien is placed on their property.

Councilman Casilio asked if the undeveloped areas are to remain as is. Mr. Piestrak said yes. Who is going to maintain the lakes? Mr. Piestrak said it is still in discussion whether the Town or the Western New York Land Conservancy will be responsible.

Councilman Casilio said there is always the question of hours of work. James Callahan said the Board can set the hours at the Development Approval stage.

Councilman Casilio asked why the phases jump around on the concept plan. Mr. Piestrak said no reason. Everyone is concerned about the traffic and he does not believe that many people will use the Green Valley Drive access. He also understands the Traffic Safety Board concerns.

Councilman Casilio said he spoke to a resident of Hollingson who was very much against the connection to Spaulding Lake. Now that it has been completed he does not mind it. The only problem was the building construction vehicles. Mr. Piestrak said he put up signs and asked them not to use it but they said he had no right to tell them not to use it.

Councilman Casilio asked if there is a plan for decorative lighting or curbs and would they be carried through to Greiner Road? Mr. Piestrak said he would like decorative lighting but there is no plan as yet. They would be subject to whatever Engineering says they should do.

Supervisor Bylewski said the Board is in favor of stone walls along the Goodrich Road side of the project at the entranceways. Mr. Piestrak is fine with that. He would like to extend the sewer line. Town Engineer Joseph Latona said the sewer will be designed so that it can handle Green Valley and Greiner in the future. There are contractual issues that would have to be resolved.

Councilman Casilio asked if he owned the property to Kraus Road. Domenic said he does not. He would not sell it to him. It cannot be developed by the owner because he has no sewer capacity.

Supervisor Bylewski asked how many taps were for Heise/Brookhaven. Mr. Latona said 350 taps. He said there also 81 taps going to Sewer District No. 2. Mr. Piestrak said there are also 40 taps left from Meadowlakes. Supervisor Bylewski said his concern is segmentation.

Mr. Piestrak said they have a traffic safety problem as they go further into the subdivision with the patio home concept. He would also like to run the parkway further to the east, which is going to be the main entrance. They would then have two entrances available. Councilman Casilio said his only concern is that is to be the last phase developed. Domenic said he will label it as the last phase. The bike path is drawn as proposed. He would like people to actually walk it before it is permanent.

Councilman Kolber said the first phase to the north is one cul-de-sac that connects to Glen Iris. Nick Piestrak said it is single family homes on one side and quad-plexes on the other side. They would like to do phases 1, 2 and 3 simultaneously. They would only develop north of the main entrance and not toward Green Valley at this time.

Domenic said he does not believe this subdivision will have a major impact to the school system. The quad-plexes are geared toward the 55+ who are downsizing. He will put it on the map that it is the last phase where the connection would be made.

Councilman Kolber asked where the interest is so far for lots. Domenic said patio homes. He is encouraging the builders to buy a court and build their style home so that there are different choices. They will probably be in the \$400,000 range. Councilman Kolber said we are trying to keep the 100% value. He asked if he has any plans about condo status. Mr. Piestrak said that is the Town's decision. They are building the roads to Town specs in case the roads are turned over to the town in the future.

Speaking to the subject:

Kent Frey said he understands that this approval would be done per phase. He has never heard such a poor description of a project in his life. It makes them happy that the Green Valley Drive area would be the last area developed. After 12 years of being involved with his project, he cannot believe it. Mr. Frey said he would think each phase would stand on its own. Approval would be given and once completed he would move on to the next phase. He believes the road should only go in if they are doing the phase.

James Callahan said the process includes an overall concept approval. Development plan approval is the detailed engineering of each phase as submitted for approval. We are now at the concept phase. He will have to come back each time for development plan approval for roads, etc.

Mr. Frey said anything agreed upon by this developer should be in writing.

Patricia McCarty said she believes the original plan is the better plan. The courts planned for the development have 17 or 18 homes on them and Green Valley only has only 7 or 8. She wonders how safe that is. She asked that Clarence does not become an uncaring community. Some people cannot afford these expensive homes but still want to live in a nice place. If Greiner and Goodrich are not improved now, it will end up costing more in the future. She asked that the existing neighborhoods be left alone.

Chuck McCarty reaffirmed his opposition to the connection to Green Valley Drive. There will be no similarity between them and the new subdivision. It will take away from the unique character. He takes issue with the change in the Findings Statement dealing with the project sponsor possibly being required to contribute to any traffic mitigation measures. Councilman Casilio did not think it was fair to the developer. It seems as though the Board picks and chooses to whatever serves their purpose. The Board should work for the taxpayers. Just because the system was broken does not mean that it cannot be fixed now.

Councilman Casilio said the discussion at the time was assessing putting a traffic light in now before it was known if it was required. The cost should be spread among all the new development in that area. That is why he made that comment.

Mr. McCarty said he does not mean he should pay for everything.

Supervisor Bylewski said there are some things the developer can be required to do and some he cannot be. We do not have control over intersections that are regulated by the county or state. We can only make suggestions which is why Mr. Callahan changed the statement from mandatory shall because we cannot require them to do something.

Frank Cordaro said the Planning Board made the decision to connect to Green Valley Drive before they had a chance to address the problem. He is surprised that no one mentioned the people who would be affected. How can you evaluate the loss or affect. Everyone in the Green Valley Subdivision signed a petition opposing the connection and they are not being heard. The Town Board is now in control. He asked that they stand up for the people they represent.

Councilman Weiss asked what the date was of the documentation we found that supported the fact that Green Valley Drive was always thought to be a connection. James Callahan said the map cover that was filed with the County in July 1960 indicated potential future road extension to adjacent properties.

Robert Barber said everyone seems to be concerned with everything else and not one person seems to be concerned about Goodrich Road. The road keeps sinking in front of his house and they just keep repaving it. The traffic has increased ten times or more since he moved here. There is traffic coming out all over and now they are adding more streets to dump out on to Goodrich.

Supervisor Bylewski said Goodrich is a County road and they maintain it. There are a couple roads entering Goodrich from the proposed subdivision and not just one chokehold. Recommendations have been made and mitigating measures discussed. This project has gone through review by all of the necessary boards over the last 12 years. The initial project was for 970 units and was turned down because it did not meet the rural character of the Town. We have done a number of things over the last six years to preserve the character of the Town as best as we can.

Domenic Piestrak added that it has been reviewed by Erie County Highway and the NYS DOT.

Mr. Barber said what happens to his property value with another road across from his home where there have already been various accidents.

Councilman Weiss said he is not defending the developers, but we have not seen diminishing values because of additional roads.

Mr. Barber said no one wants to raise kids where a road comes straight at you.

William Opanashuk said Green Valley has stopped at Frey's property all these years. The reason is the design of the subdivision. He does not understand why we have to destroy an old fashioned neighborhood. It is to benefit a big developer. He believes there are other ways to address the safety issues. It is the obligation of the Board to take care of the taxpayers. They say we may get sewers, but we have nothing in writing.

Councilman Kolber asked what the feasibility is to run a secondary entrance off Goodrich. Domenic Piestrak said it does cost him more to go to Green Valley, but the Town is concerned about keeping the rural look along Goodrich Road. Councilman Kolber said a road could run along the church property. Mr. Piestrak said they would have to cut down a lot of the trees. Councilman Kolber said he could move the road and reconfigure the lots. Mr. Piestrak said it was not his decision.

Town Attorney Steven Bengart said all of the studies have been done and that kind of change cannot be done without going back through the environmental review.

Laurie Frey said their concerns have been stated. It has been said that it was always meant for that road to continue. The extension on the map was part of the property they now own, but two owners ago it was deeded to the Town. We have no idea when it was deeded or what the plans were. There could be a different Town Board in ten years and unless everything is spelled out in writing on what the developer is going to do it could change. In ten years it could be determined that the extension is not even required.

Barbara Cordaro believes this project will be in violation of Master Plan 2015 under the community goals of land uses. Their houses will lose value with a through street. Mrs. Cordaro read from Chapter 4. The new development should not proceed until there are assurances from the County and State that the impacts on the congested road system are being maintained to the adopted level of service standards. The quality of life depends on the service standards of the roads. All of the mitigation measures of traffic have been watered down and the only thing left is the high visibility crosswalk at the Town Hall. Routing traffic out through Green Valley will do nothing to mitigate the congestion at Goodrich and Greiner. There are no traffic control additions or upgrades being required at this time.

Supervisor Bylewski said Master Plan 2015 is what the Town Board follows. In regard to the assurances, the County and State have come back to us and said this is what should be done.

James Callahan said the supplemental environmental impact statement included a significant traffic analysis identifying significant upgrades necessary if the level of services were to be maintained as this project moves forward. It was submitted to the County and the State. The County came back and said they would require after phase one, a traffic signal at Thompson and Greiner. There could be future turning lanes at Goodrich and Greiner but were not mandating those at this time. The State came back saying that there was no significant impact on the Main Street corridor.

Supervisor Bylewski said if this project moves forward there will be mitigation measures that will have to be made in the future.

James Callahan said the final findings statement identifies that at various stages of the development approval updates to the baseline traffic analysis are required to determine if there are any significant changes to the level of service. At the time the County would be involved to determine what contribution is required from the developer.

Councilman Casilio said if the developer does not want to do it then the project stops. Councilman Weiss added that the mitigation would also be shared by any other impacts.

Angelo Liberatore said he has lived on Greiner Road since 1966 and has a problem just trying to get his mail. He can only imagine the traffic getting worse. It is unbelievable how much there is now. His concern is additional traffic coming out to Greiner.

David Wisnoski said he prefers that the traffic does not go down Green Valley Drive and goes back to the original plan along the church to Goodrich. It sounds like the town would benefit by maintaining the greenspace on Goodrich. He is losing much greenspace because of this development. He would give up a little bit on Goodrich Road to keep it off of Green Valley. The problems will still exist at Greiner and Goodrich.

Mark Stevenson said his wife grew up in this neighborhood and said it is the perfect place to raise children because it was a dead end. He grew up in Elma. He asked that the Town Board does not vote for this and considers the wishes of the existing tax payers.

Supervisor Bylewski said the Adequate Public Facilities Law was adopted to address any mitigating measures that would have to take place to maintain levels of service that are there. There are things that we cannot do such as impact fees. We can obtain parkland or in lieu of parkland assess a fee. They understand the emotional arguments whenever a neighborhood is impacted.

Councilman Casilio said he has lived in town his whole life said he remembers when road connections were made and people were very upset. It has opened up neighborhoods and improved some. He has talked to residents who were very opposed to connections and now that they are done they are fine with it. He does not feel that property values will be affected.

Councilman Weiss said this project has gone through the process with many people looking at it and trying to make it the best that we can.

Councilman DiCostanzo said that the Planning Board and TEQR Committee have done due diligence reviewing this project.

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

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

WHEREAS, Findings generated from the Environmental Impact Statement (EIS) for the Clarence Hollow Pollution Abatement Project, accepted by the Clarence Town Board on August 22, 2001, identified that in exchange for extending a sewer trunk line as a solution to the pollution problems in Clarence Hollow, 1000 equivalent dwelling units could be added to utilize the excess capacity in the trunk line, and

WHEREAS, the accepted solution to existing pollution problems was the installation of the Heise-Brookhaven Trunk Sewer Line, and

WHEREAS, One of the areas identified for utilization of the excess capacity in the Heise-Brookhaven Trunk Sewer Line was the general area located east of Goodrich Road and north of Greiner Road, and

WHEREAS, the Clarence Town Board, on March 10, 2004 denied an application for a “New Urbanism” development proposal of 970 +/- units for being in contravention to the Master Plan 2015 and the Clarence Hollow Pollution Abatement Findings Statement, and

WHEREAS, the Clarence Town Board and Planning Board held a “visioning session” on 3/31/04, specifically targeting the area east of Goodrich Road and north of Greiner Road to develop ideas on how best to amend zoning and subdivision laws to obtain preferred designs for future development, and

WHEREAS, the Clarence Town Board instituted a moratorium on new subdivision development until new design guidelines, reflecting the goals of the community, could be developed, said moratorium extending from April 28, 2004 to November 1, 2005, and

WHEREAS, Comprehensive Updates to the Zoning Law, including Open Space Design Guidelines were adopted in March 2005 to promote more open space and conservation design guidelines in future developments, and

WHEREAS, the Spaulding Greens Subdivision was presented to the Clarence Town Board as the proposed project to utilize the excess capacity in the Heise-Brookhaven Trunk Sewer Line in the area east of Goodrich Road and north of Greiner Road on December 7, 2005, and

WHEREAS, the Clarence Town Board referred the proposed subdivision to the Planning Board identifying that an Open Space Design Subdivision must be developed for this project, and

WHEREAS, the Clarence Planning Board, after several months of review, identified an acceptable density yield of 380 units on the 419 +/- acre area and referred the amended preliminary open space design concept on the project to the Town Environmental Quality Review Committee to commence an environmental review on July 19, 2006, and

WHEREAS, after required public hearings on scoping and the presentation of a Draft Supplemental Environmental Impact Statement, the Clarence Town Board accepted the Final Supplemental Environmental Impact Statement on 2/27/08, and

WHEREAS, a Final Findings Statement on the Final Supplemental Environmental Impact Statement was adopted by the Town Board on 5/14/08, and

WHEREAS, the Planning Board subsequently prepared a detailed project outline and baseline fact sheet to guide the concept review process, and

WHEREAS, the Planning Board forwarded a recommendation with conditions on the Concept Plan for final consideration by the Town Board, and

NOW THEREFORE BE IT RESOLVED, after a Required Public Hearing and with interested parties being heard, the Clarence Town Board approves the Concept Plan for the Proposed Spaulding Greens Open Space Design Subdivision with the following conditions:

1. The recreational trail, as designed, will satisfy the recreation requirements per the Subdivision Law and must be installed with the beginning two phases of the project development.

2. The prepared chart of facts will be used as a baseline in future Development Plan Reviews and Approvals.
3. Easements to be drafted for approval by the Town Attorney as guided by the Spaulding Greens Conservation Area and Easement Map as prepared by the Planning and Zoning Office to generally reflect:
 - a) An Open Space Conservation Easement deeded to the Town of Clarence, or its designee. It is conceptually recommended that the Western New York Land Conservancy (WNYLC) monitor the conservation easement and undertake long term stewardship to maintain the open space. All stewardship fees shall be the responsibility of the developer.
 - b) Public drainage easements shall be developed and deeded and/or reserved to the Town of Clarence (as approved by the Town Attorney and Town Engineer) allowing Town access to all proposed public drainage facilities identified on the concept plan. The public drainage easement shall provide a means of accessing and maintaining all public drainage facilities. Such drainage facilities shall be excluded from the Open Space Conservation Easement area.
 - c) A recreational trail shall be developed, constructed by developer pursuant to Town of Clarence specifications and deeded to the Town as identified on the approved Concept Plan (after providing all necessary title descriptions, title documentation and policies as the Town attorney shall require). The trail shall be identified as a public recreational amenity open to the general public and shall be separate from the Conservation Easement area.
 - d) A Homeowners Association or Associations shall be established, after approval of the Town Attorney. The Association or Associations shall be responsible for maintaining common areas not under the jurisdiction of the Conservation easement Area. Such common areas to include but shall not be limited to any landscaping within road rights of way and drainage facilities.
4. Sewer taps shall be as designated by the Town Engineer with 81 taps identified from Clarence Sewer District No. 2. The remaining taps shall be from the Heise-Brookhaven Trunk Sewer. The Town Engineering and Planning Offices shall identify the boundaries of a new Sewer District to be developed and approved prior to any utilization of taps from the Heise-Brookhaven Trunk Sewer.
5. The Final Phase of the full build out of the subdivision shall be the phase connecting to Green Valley Drive—including the actual road construction and including pedestrian access from Green Valley Drive to the Spaulding Greens Subdivision and the Recreational Trail. Subdivision maps to indicate this as final phase and so labeled on the maps, which the filing of shall be subject to Town Attorney approval.
6. No construction traffic through Green Valley Drive shall occur during any phase of the development of the project, including home construction vehicles.
7. All entrances shall provide a stone wall feature as reviewed and approved by the Landscape Committee.
8. All appropriate fees to be paid by the developer, including but not limited to, Permits, Open Space Fees and Stewardship Fees.
9. No more than 380 units in total can be developed in this subdivision.
10. Applicant to develop potential phasing map for all phases before submitting Development Plan.

On the question, Supervisor Bylewski said the moratorium date was through November 1, 2005.

Town Attorney Bengart added the last sentence to condition 5 and added condition 9.

Councilman DiCostanzo asked that in regard to condition 7, how is entrance defined. Supervisor Bylewski said in particular the Goodrich Road entrances and the Greiner Road entrances could be worked out with the Landscape Committee. His main concern is mirroring what we are trying to do on Goodrich. It is conceptual at this time and could be worked out.

Town Engineer Joseph Latona said he would like the developer to prepare as accurately as possible, a phasing map for all of the phases with them numbered accordingly. This added as condition 10.

Councilman DiCostanzo said in regard to item 2, can the prepared chart of facts be made part of this. Supervisor Bylewski said it is by point of reference. The date is June 16, 2008.

Councilman Casilio asked if the 1960 drawing is also by point of reference included. Supervisor Bylewski said it was filed in the Erie County Clerks Office in July 1960.

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

Greg Ribbeck requests a Pond Permit just north of 5770 Shimerville Road. James Callahan said the location is the west side of Shimerville Road, north of Roll Road consisting of 77+ acres in a residential zone.

Greg Ribbeck was present.

Motion by Councilman Kolber, seconded by Councilman Weiss to grant a Pond Permit to Greg Ribbeck north of 5770 Shimerville Road, subject to review and approval by the Town Engineer. Upon roll call – Ayes: All; Noes: None. Motion carried.

Dave Wylier/Cosal Development requests Architectural Approval and a Building Permit for construction of a new office building at 8625 Transit Road. James Callahan said the location is the east side of Transit Road, south of Tonawanda Creek Road consisting of a professional office development on 1.5 acres in the Major Arterial Zone. A variance with the Zoning Board of Appeals has been granted for the front yard setback as designed.

Dave Wylier was present representing Cosal Development to construct a one-story brick veneer office building. They would also like a ground sign to identify the tenants. The applicant is also willing to add a “Welcome to Clarence” sign at the bottom of the sign. (The request for a sign is a separate application.)

Motion by Supervisor Bylewski, seconded by Councilman Weiss to grant Architectural Approval and a Building Permit for construction of a new office building at 8625 Transit Road, subject to commercial open space fees. On the question, Supervisor Bylewski said the applicant should contact Mr. Callahan for the sign as a separate application. Upon roll call – Ayes: All; Noes: None. Motion carried.

Christopher Smith requests a Public Hearing to consider a Temporary Conditional Permit for automotive sales at 5940 Goodrich Road. James Callahan said the location is the west side of Goodrich Road, south of Clarence Center Road consisting of a vacant retail building in the Traditional Neighborhood Zone.

Christopher Smith was present.

Supervisor Bylewski said issues to consider for the public hearing would include additional buffering for neighbors, striping and paving and how many vehicles will be displayed.

Christopher Smith said he plans to sell the cars out of the back of the building. There will not be any display of vehicles out front.

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to set a Public Hearing for September 10, 2008 at 7:45 P.M. to consider the request for a Temporary Conditional Permit for automotive sales at 5940 Goodrich Road. Upon roll call – Ayes: All; Noes: None. Motion carried.

Christopher Carollo requests Development Plan Approval for a two-lot Open Development Area at 8720 Clarence Center Road. James Callahan said the location is the north side of Clarence Center Road, west of Shimerville Road consisting of 4.65 acres in the Residential Single Family Zone.

Supervisor Bylewski said comments were made earlier by Mrs. Wickenhiser and a letter dated August 11, 2008 was received.

Christopher Carollo said he feels as though he has satisfied the ten conditions of the Concept Plan Approval dated October 24, 2007 to the best he can at this time. In regard to item 10, he would like to put in accent lighting to mark the road because he is so far back. He does

not want to light up the backyard. He is thinking about a four foot radius area lit around the lights. He would like to have Landscape Committee review his selection.

Councilman Kolber asked if the turnaround could be moved back or why does he have to have one at all. Mr. Carollo said by the direction of the Town it was placed even with the Wickenhiser's garage. They chose to move their house back an additional 13' and face the house towards his property. He feels that the turnaround will not be used very often if at all. He could put up a six foot fence.

Supervisor Bylewski said the turnaround is a requirement of the open development area.

Mr. Carollo said he will move it forward, but if she wants it moved back she can pay for it. He wants to put the road in and landscape the way the Town wants. His plans have changed, but this is the plan. He took his time and money and invested in this property.

Supervisor Bylewski said Mrs. Wickenhiser's letter states the proposed turnaround configurations does not meet the Town laws. It was looked at today and it looked like it was in compliance. James Callahan said he agrees. We do have engineering approval for the design.

Councilman Kolber asked if the Town Board has the ability to approve this without a variance. James Callahan said that according to the Subdivision Law, a supermajority vote can override the law.

Supervisor Bylewski said the review process for the open development legislation was fire and safety driven.

Councilman Kolber said a 20 ft. drive back to the split should be sufficient.

Town Attorney Steven Bengart said that while he can appreciate the comment, he would hate to see something happen on that property that you have eliminated something that an advisory board recommended without further study, you could end up with a lawsuit.

Supervisor Bylewski said in order for him to vote on that he would need more information.

Councilman Casilio asked if Mr. Carollo would be willing to move the turnaround back a 100 ft. Mr. Carollo said he has ten neighbors around him and only one complaining. It is not fair to expect him to incur the additional cost.

Motion was made by Supervisor Bylewski to adopt the following resolution:

Resolved, that the Clarence Town Board grants Development Plan Approval to the applicant, Christopher Carollo for a 2-Lot Open Development Area located at 8720 Clarence Center Road, subject to the following conditions:

1. All conditions of the Town Engineer.
2. Landscape Committee Approval.
3. No pond on the site.
4. All natural vegetation on the site perimeter is to remain in place.
5. The tree line is to be maintained and protected during construction.
6. Both homes subject to Open Space and Recreation Fees.
7. Homeowners Agreement to be reviewed and approved by the Town Attorney to ensure long term maintenance of the common drive.
8. Light fixtures must be downcast and shaded to prevent spill to adjoining properties.
Lighting plan to be reviewed and approved by the Landscape Committee.

Motion failed due to lack of a second.

Councilman Casilio asked if he would consider moving the turnaround back 100 ft. Mr. Carollo said no. He would move it forward but not backward.

Motion by Councilman Weiss, seconded by Councilman Kolber to table the request for Development Plan Approval for a two-lot Open Development Area at 8720 Clarence Center Road and refer it to Fire Advisory to consider removal of the turnaround. Upon roll call – Ayes: All; Noes: None. Motion carried.

Joe Tripi regarding street repaving on Cliffside Drive. He is here because he has never received a response to a letter he wrote back in January. He spoke to Ted Donner for the first time today. No one from the Town would come to his house to discuss the situation with him face-to-face.

Councilman Kolber said he has been out there.

Mr. Tripi said he has heard from the members of the Board who were there that it is not that bad.

Councilman Casilio said he has looked at and thought it was a good repair. He does not understand what Mr. Tripi wants.

Mr. Tripi said it is a tripping hazard. He also does not want the hump. The Highway Superintendent told him today that it was so the water would not drain onto his property. He would like it milled and feathered straight into it. He would like a smooth and level transition.

Councilman Kolber said he took the driveway too far into the right-of-way. Mr. Tripi said he asked if there were any restrictions and he was told no. He checked with the town. He has substantially invested in his home and rebuilt his driveway.

Councilman Casilio said he can do whatever he wants at his own expense. He would be concerned with milling that out.

Supervisor Bylewski said we have heard your concerns and will be in touch with the Highway Superintendent tomorrow.

Mr. Tripi said he invites someone to meet with him at his house.

Councilman Casilio said he does not see that this deserves merit.

Mr. Tripi said he is just asking for the same quality of construction as his neighbors, no more and no less. He does not want to pay to correct the Town's work.

Councilman Casilio said he does not think our work needs correcting.

Motion by Councilman Weiss, seconded by Councilman Kolber to grant approval of the following: Clubhouse Applications - A. Clarence Contemporary Club – March 24, 2009; B. Girl Scout Troop 1419 – Monthly meetings 2009 (Thursdays); C. Girl Scout Troop 642 – 2nd & 4th Monday each month 2009; D. Rock Oak Homeowners Association – Dec. 5, 2009; E. VFW Memorial Post 1200 – 2nd Tuesday each month 2009; F. Clarence Welcome Wagon – 2nd Wednesday each month 2009; G. Clarence Historical Society – 2nd Tuesday every other month 2009; H. Clarence Soccer Club – 2nd Sunday each month 2009; Legion Hall Applications - A. Rebecca Bylewski – Aug. 21, 2008; B. Democratic Committee – Sept. 9, 2008; C. Deborah Hahn – Oct. 4, 2008; D. Beatrice Smallets – Oct. 12, 2008; E. Father/Child Group – 1st Thursday each month; F. Swallow Creek Homeowners Association – Qtrly meetings 2009. On the question, Supervisor Bylewski said the standard disclosure as his wife is listed. However, this is ministerial and he will be voting. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo that after proper audit and review by the Town Board, the following bills of August 7, 2008 are approved for payment: General Fund - \$80,297.43; Highway Fund - \$25,116.12; Water District - \$35,898.74; Drainage District - \$18,122.04; Sewer District - \$494.10; Capital Fund - \$32,017.85; and Trust & Agency 203 - \$329.02 for a total amount of \$192,275.30. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

Ray Skaine thanked Councilman Casilio for helping facilitate the changes to the turning lanes at Main Street and Harris Hill. It has made a significant difference in moving traffic through that intersection.

John Wesolowski said in early July he called the Zoning Department about a situation at 4454 Westwood Drive. There is a commercial trailer and he sells motorcycles and motorcycle parts from this location. He talked to Brad and he is not sure that anything is being done.

Brad Packard said a certified letter has been sent and he has been to the location. He did not see anything, but the investigation is continuing.

James Callahan added that a licensed trailer is not a violation. The gentleman said he had a shop at another location. If Mr. Wesolowski believes there is a violation he should contact the office immediately.

Mr. Wesolowski said he called the number on the trailer and it says to come to the house.

Supervisor Bylewski suggested that he come in and meet with Mr. Packard.

There being no further business, Supervisor Bylewski adjourned the meeting at 10:40 P.M. in memory of James Rosel, husband of our Town Paralegal Cindi Rosel.

Nancy C. Metzger
Town Clerk