

A Work Session of the Clarence Town Board was held on August 27, 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

Master Plan 2015 amendments – Transit Road Corridor. A public hearing will be set on the recommendations as forwarded from the Planning Board.

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. Development Plan approval was tabled at the August 13, 2008 meeting pending review by Fire Advisory on the turnaround. Clarence Center Fire Chief Dave Case has identified that the turnaround is not a necessary item for fire safety. Correspondence was received from Mrs. Wickenheiser indicating that she likes the Clarence Center Fire Chief's letter. James Callahan stated that if the turnaround is eliminated, we are eliminating a requirement of the subdivision law and that will require a super majority vote of the Town Board. Town Engineer Latona asked if the Town Board wanted to pursue eliminating this requirement from the Open Development Law. Town Attorney Bengart stated that the Clarence Center Fire Chief indicated that for this particular situation with only two homes, he did not think the turnaround was necessary in other situations he may respond differently. James Callahan stated that the way the law is worded, it identifies both a turnaround and a cul-de-sac as designed with minimum specifications – this is a unique case.

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 in the TND. Per the Zoning Law, the Town Board has authority to approve uses in the TND as to architectural style and functional plan. ***(The architect for this project has indicated that no one from Waterford has contacted him. This item may be tabled if there is no representation).***

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. The proposed design meets all required setbacks. There was some discussion regarding the applicant donating the fill to the Town. Town Engineer Latona stated that the town can accept the

fill however he questioned who would truck the fill from the site. If there are rocks in the fill, Highway Superintendent Donner does not want them damaging his trucks.

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. There is probably no opportunity to design a major subdivision other than road frontage lots however, past history would identify that there should be some review of this to see what the long term intentions are.

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 on existing vacant land located in the Industrial Business Zone and a part of the former Jurek Christmas Tree Farm. Per the Clearing, Filling and Grading Local Law, the Town Board has authority to approve fill operations.

Dunkin Donuts/Wilson Farms 9430-9450 Main Street

Applicant is seeking to amend the previously approved site plan to relocate the westerly driveway to the east. The proposed site is located on the north side of Main Street, west of Goodrich Road. Amendment will require reopening of SEQRA and a recommendation from the Planning Board.

William Henderson - Clarence Wine & Spirits 10060 Main Street

Applicant is seeking preliminary concept approval to develop a new commercial retail structure at 10060 Main Street. The proposed site is located on the north side of Main Street, west of Pine Ledge Drive on existing vacant land consisting of .55 acres with 80+/- feet of road frontage in the Commercial Zone. Per the Zoning Law, the Town Board has authority to approve uses in the commercial zone as to architectural style and functional plan. Small size of the parcel limits the functional plan for the property. A previous plan was denied a variance by the ZBA. Applicant has redesigned and is seeking TB review. Revised design will also require a side yard variance.

Work Session items for consideration on September 10, 2008

Patrick Development – Roll Road

Applicant is seeking approval for a 4-Lot Open Development Area. The proposed site is located on the south side of Roll Road, west of Shimerville Road on existing vacant land consisting of 8.37+/- acres in the Residential Zone. Four frontage lots were previously approved on the east side of the parcel. Per the Subdivision Law, the Town Board has authority to approve Open Development areas.

Metzger Engineering – Lapp Road east of Transit Road

Applicant is seeking approval to split 4 residential building lots from the parent parcel. The proposed site is located on the north side of Lapp Road, east of Transit Road on an existing vacant parcel consisting of 26+/- acres and 1795' +/-

of Lapp Road frontage in the Agriculture Flood Zone. Any future splits from parent parcel will constitute a major subdivision.

Jurek Builders-Hidden Springs Manor LLC 4900 Goodrich Road
Applicant is proposing to split the parent parcel to create an additional residential building lot. The proposed site is located on the west side of Goodrich Road, north of Main Street. The existing family residence is located on 13.67+/- acres in the Residential Zone. The proposed new lot and remaining old lot will both conform to minimum requirements in the Residential Zone.

Councilman Kolber stated that he lives on Hunting Valley. There is a problem on Hunting Valley with the turn around at the dead-end street - school buses, trucks and town plows get stuck and end up backing down the street. There is also a water supply problem which could cause a predicament if there was a fire emergency.

Red Rock 8880 Main Street

The proposed site is located on the north side of Main Street, west of Shimerville Road in a TND. A variance was granted by the ZBA to allow for additional units to extend into the Residential Single-Family Zone. This project may have engineering approval by the next Town Board meeting.

Supervisor Scott Bylewski

As part of their archeological dig, UB students have discovered a piece of Native American pottery which dates back approximately 800 years in the proposed Spaulding Green development. There is a possibility of having the pottery displayed in the lobby of town hall.

The University at Buffalo has submitted their proposal for Lean Six Sigma. Supervisor Bylewski is talking with other providers as well as the County.

All department heads are requested to submit their budget requests by September 10th.

County Line Stone has ended their asphalt rationing.

After further review, the County has decided to continue providing the T1 line.

Given additional state aid and growth in the town, the school levy and tax rate are going down.

Councilman DiCostanzo stated that when the schools say "at no cost to the tax payers" do they mean "*no cost*" – the money has to come from somewhere. Councilman Weiss stated that enrollment has declined this year however the schools have hired 30 new personnel.

The deadline for submitting written comments concerning the proposed garbage district has ended. Comments will be tallied and reviewed.

A copy of the IDA budget has been distributed to the Board. A twenty day comment period begins today. Written comments must be submitted to the Supervisors office.

Senior Building Inspector David Metzger stated that ISO will tour the town buildings and the building department. ISO will rate the effectiveness of the building permit program as far as enforcement. This has potential effect on the insurance rate premium for the town depending on our grade. This is the third visit in the last 20 years. Our rating improved during their last visit.

The Local Officials Tax Relief Act is a bill to exempt Social Security Taxes up to \$1,300 paid to elected or appointed officials who serve on boards or commissions. The amount of compensation received would still be reported for federal taxation purposes and officials who receive more than \$1,300 would not

be entitled to the exemption. In this day and age where they are having trouble finding sources of revenue, Supervisor Bylewski stated that he is not in favor of this Tax Relief Act for officials.

Supervisor Bylewski has issues with some Go21 proposals however; he is in favor of legislation increasing freight rail hauling capacity. If everyone is in favor, he will draft a resolution for the next Town Board meeting.

Supervisor Bylewski will appoint Margaret Walter to the Recreation Advisory Committee. He will also appoint three part-time clerks at the budgeted rate of pay.

Supervisor has two line item transfers from contingent for janitorial supplies and for bond and note expenses.

Supervisor Bylewski has a Special Event request from Jan Vesper regarding Pregnant with Cancer Walk scheduled for September 13th in the Main Street Park.

Councilman Joseph Weiss

Councilman Weiss will announce the resignation of Michele Orvis as Program Coordinator for the Youth Bureau. She has been offered full-time employment with the State Court System. While the Board is happy for Michele, it is a sad day for us as she will be missed.

Councilman Weiss will make a motion to post the position of Program Coordinator Youth Board RPT at the budgeted rate of pay.

Highway Superintendent Donner is requesting a 1994 Ford F150 be declared surplus.

Highway Superintended Donner is recommending the Town Board accept the high bid of \$3.61 per yard for the sale of 900 yards of leaf compost from Kolberco Holdings.

Parks Crew Chief John Burns is recommending several items be declared surplus: 1978 McKee Snow blower, 1981 Woods Brush hog, playground equipment (Pumpkin Coach), 1989 Ford Super Duty Dump truck, 1997 Ford F250 4x4.

Upon recommendation of Town Engineer Joseph Latona, Councilman Weiss will make a motion awarding the contract to install a new infrared heating system in the Engineering/Building Department garage to M.J. Spoth Plumbing and Heating in accordance with their proposal received August 20, 2008 in the amount of \$3,700.

The Youth Bureau is sponsoring a Halloween event that will be held in the Main Street Park, more information will be forthcoming.

The Youth Street Hockey program was a huge success and the Youth Bureau is looking into expanding it next year.

Highway Superintendent Donner notified the Board that brush pickup is getting out of hand; he is looking into revising the pickup policy. Councilman Weiss suggested sticking to a spring and fall pickup and only make exceptions if there is a storm. There have been some who abuse this service. When someone hires a landscaper or tree surgeon to take down trees or remove shrubs, it should be the landscapers/tree surgeon responsibility to remove the debris from the property. Councilman Kolber suggested putting an insert in the school tax bill notifying residents of the brush pickup dates by area.

Councilman Weiss is requesting a stipend be included in the budget for lacrosse. Councilman Kolber stated that lacrosse is also looking for playing fields. Supervisor Bylewski stated that this is being reviewed as part of the Mini-Parks Master Plan and suggested the lacrosse team form an organization.

Councilman Bernard Kolber

Councilman Kolber spoke to Town Attorney Bengart and Town Assessor Fusco about creating a Condominium Law in the Town of Clarence. There are currently three bills on the state level that have not yet been passed and made into law. There are numerous projects in town that may want condominium status. Councilman Kolber would like permission to request Town Attorney Bengart to begin working on this. Christine Fusco has contacted ORPS to make sure that this is done correctly. The Board was in agreement with this.

The Library Board has been working on a grant for new inner doors at the library to improve handicap accessibility. They also need screening for the rest room doors but this will be separate from the grant.

The Senior Center will officially open their bocce ball court on Thursday, August 28th at 1:15 P.M.

Councilman Kolber attended the Planning Board Executive Session regarding the Stage Rd/Ransom Road development. The project has potential however; it is a nightmare the way the applicant is trying to draw the boundary lines to make the project compliant.

Councilman Patrick Casilio

Councilman Casilio has two items to discuss in Executive Session regarding the employment history of individuals and the proposed acquisition of real property.

Councilman Casilio informed the Public Safety Committee that the Board does not want to get into revising the by-laws at every meeting. The committee suggested being more flexible as to the current requirements established for the Bike Path Volunteers such as lower the age requirement from 21 to 17. Town Attorney Bengart stated that some of the requirements were established because of liability issues.

There are tree roots pushing up the black top on the bike path. The Public Safety Committee suggested sealing these sections. Highway Superintendent Donner is attempting to seal sections of our bike path. He is also making an attempt to seal the Senior Center parking lot this year.

The Public Safety Committee has discussed possibly striping the bike path for bikers vs. walkers. The Committee also discussed opening the gates in Newstead; this has been recommended by law enforcement.

Councilman DiCostanzo suggested connecting the bike path along Wehrle Drive to the school. Rock Oak connects to the bike path.

The Public Safety Committee is still receiving applications and looking for volunteers. They are in the process of organizing a Neighborhood Watch in Rock Oaks and also mentioned the possibility of implementing Adopt-a-Bike Path.

Councilman Casilio along with Town Attorney Bengart is working on the draft agreement with the security camera vendor.

Councilman Casilio met with NYS Electric & Gas concerning the Gas Light District on Willow Brook and the possibility of converting to an electric district. The gas lights are now over 40 years old and replacement parts are no longer available.

The Clarence Hollow Association is hosting Wine Wheels and Song at the WNY Event Centre on Friday, September 19, 2008 from 6pm – 10pm. A portion of the proceeds benefit Clarence bike path security cameras.

Councilman Casilio will make a motion awarding the bid for removal of the Goodrich Road water tank.

There was a discussion regarding Dr. Bloom office building at 9095 Main Street and the lighting in the parking lot. Senior Building Inspector David Metzger referenced the Town Board meeting minutes of November 15, 2006 indicating that “current lighting has been shielded; lighting on existing building has been reduced to 40 watts. The decorative lighting on the new building will be security lighting only over door entrances and corners. No light will leave the site.” Supervisor Bylewski stated that our Planning Office and Code Enforcement have gone to this site numerous times to deal with this issue. Our lighting standards were different at the time of this approval.

Councilman Casilio has been working with Senior Building Inspector David Metzger identifying several buildings along Main Street that could use *some attention*.

Councilman Casilio has a concern with regard to an agenda item on the July 23rd Town Board meeting regarding requests for a building permit for construction of a second floor to an existing structure at 4125 Transit Road. The applicant's representative Tommaso Bratico stated that there are approximately 27 parking spaces on the site with parking all around it. There was the ability to use the adjacent parking in the past. A motion was made to grant Architectural Approval and a Building Permit for construction of an addition to an existing structure at 4125 Transit Road subject to Landscape Committee review and approval including a shared parking agreement and all appropriate fees. Councilman Casilio stated that building permit process should be contingent upon the applicant getting a shared parking agreement.

Councilman Peter DiCostanzo

Councilman DiCostanzo stated that Dr. Halloc's lot adjacent to the Valu Plaza has dead trees and brush along the property line. Councilman Kolber stated that legally Dr. Halloc is not doing anything wrong other than it is unsightly. Director of Community Development James Callahan stated that he has been to this site numerous times however Dr. Halloc is not violating any laws. Dr. Halloc's problem is the garbage that blows from the Valu Plaza onto his property. The dead trees and brush prevent the garbage from blowing onto Dr. Halloc's property.

Councilman DiCostanzo will make a motion authorizing TEQR Chairman Matt Balling to attend the American Planning Association Conference in Rochester from October 8th to October 10th, 2008.

The Waterford Village PURD was given Development Plan Approval in 2003, the Planning Board's concern is there was not very much detailed information identified at that time for the commercial component of this project. There are a number of detailed issues that need to be addressed and the Planning Board is looking for direction from the Town Board as to the types and size of businesses to be located along Roll Road. An updated traffic study is needed. Town Engineer Latona stated that the Board should keep in mind that depending on what those businesses are, they will generate equivalent dwelling units (EDU). We need to track the sewer taps because they have a limited number of taps they are allowed. Planning Board Chairman Gerald Drinkard suggested once this is approved by the Planning Board a presentation to the Town Board so they understand the documentation brought before them.

The Town Board met with the fire companies on August 19th however only one of the departments brought the requested information. Councilman Casilio stated that when the Town Board does the annual LOSAP review, he would like to discuss it during a regular Town Board meeting so public knows what is going on with LOSAP and the firemen can come to give their input.

The Historical Society is making progress; Councilman DiCostanzo has received the minutes via e-mail.

Councilman DiCostanzo commented that Benchmark/Shops at Main and Transit repaved the Clarence Mall parking lot and there appears to be more stop signs and striping. Councilman Casilio will work on this.

Someone contacted Councilman DiCostanzo regarding possible illegal housing units on Main Street in the Hollow. Councilman DiCostanzo will talk with Senior Building Inspector David Metzger about this.

Councilman DiCostanzo has one Attorney-Client item to discuss.

Supervisor Bylewski stated that there is a change in legislation regarding volunteer firemen and insurance through municipalities. A copy of this legislation was distributed to the Town Board.

Town Engineer Latona stated that the Log Cabin re-roofing project is just about complete however they ran out of material. The roofer was supposed to leave a 7" reveal and instead left a 6" reveal. The Historical Museum has also been re-roofed as well.

Town Engineer Latona has one Attorney-Client item to discuss.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105 (1) F the employment history of individuals, § 105(1) E Collective negotiations pursuant to Article 14 of the Civil Service Law (the Taylor Law); and § 105(1) H the proposed acquisition of real property when publicity would substantially affect the value thereof. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 7:19 P.M.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to adjourn the Executive Session at 7:28 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 27, 2008 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:35 P.M. Pledge to the flag was led by Councilman Bernard Kolber, followed by a moment of silence in honor of our servicemen and servicewoman who have fallen 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, Assessor Christine Fusco, 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 August 13, 2008. On the question, Councilman DiCostanzo said on page 251, number 7, he did not think we meant all entrances including Green Valley Drive. Supervisor Bylewski said we did say all entrances and left it to the discretion of the Landscape Committee. Councilman Casilio said he is hoping that it never will have to be used. If it does he would like to see a nice transition down Green Valley Drive. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski said he has received and distributed to the Town Board the IDA budget. There is a 20-day timeframe for the Town Board to submit written comment.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to appoint Margaret Walker to the Recreation Advisory Committee with term to expire 12/31/08. On the question, Supervisor Bylewski said Ms. Walker comes highly recommended with her background and interest in recreation. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to appoint Cassandra Fish, Yvonne Work and Amy Major as Clerks, Part-time at the budgeted rate of pay, effective August 28, 2008 and subject to completion of all pre-employment requirements and documentation. These individuals will be added to our current pool of part-time clerks. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to approve the transfer of \$600 from 001-1620.1014 Landscaping to 001-1620.0402 Janitorial Supplies. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to approve the transfer of funds in amount of \$2,381 from A1990 Contingent to A1960 Bond and Note Expenses. On the question, Supervisor Bylewski said the transfers were made due to additional need in other accounts. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to grant approval for the Pregnant with Cancer Memorial Walk to be held September 13, 2008 at the Large Pavilion at the Main Street Park beginning at 11:00 A.M. The Walk will exit the park at Shisler Road, north to Main Street; turn right on Main Street to the Farmers Market and return to the Large Pavilion along the bike path. On the question, Supervisor Bylewski said all necessary agencies will be notified. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss read, with regret, the resignation letter from Michele Orvis who is resigning as Program Coordinator for the Youth Department to take a full-time position with the NYS Unified Court System beginning Sept. 4, 2008.

Michele is willing to continue working until the position is filled to ensure the success of the Youth Bureau and the programs she is currently running.

It is with mixed feelings that she is resigning as the Town has been an exceptional work environment and a great opportunity for her to grow personally and professionally.

Councilman Weiss said it is certainly a loss for the Town. He thanked Ms. Orvis for all her hard work and due diligence to put together some great programs.

Motion by Councilman Weiss, seconded by Councilman Kolber to post the position of Program Coordinator Youth Board RPT at the budgeted rate of pay. On the question, Supervisor Bylewski added that Michele Orvis has helped out with the Youth Bureau tremendously and will be missed. Youth Bureau Director Dawn Kinney spoke very highly of her and her work quality. Councilman Weiss said this is a Civil Service position and requires the Town to hire off of a current Civil Service list or hire provisionally until a test is given. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to award the contract to install a new infrared heating system in the Engineering/Building Department garage to M. J. Spoth Plumbing and Heating in accordance with their proposal received August 20, 2008 in the amount of \$3,700 to be paid from account A3620.220. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to approve the transfer of \$400 from the Medical account 001.3510.0407 to the Repair & Maintenance account 001.3510.0451 in the Animal Control Budget. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Supervisor Bylewski to declare the following equipment as surplus from the Parks Department to go to auction in September: 1 – 1978 McKee Snowblower; 1 – 1981 Woods Brush Hog; 1 – Pumpkin Coach (playground equipment); 1 – 1989 Ford Super Duty Dump Truck, VIN #2FDLF4763KCB26446; and 1 – 1997 Ford F-250 4x4, VIN #1FTHF26H5VEB64364. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to declare the following as a surplus vehicle from the Highway Department: 1 – 1994 Ford F150, 4-WD, #1FTEF14N7RLB60646. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Supervisor Bylewski to award the bid for Removal of Leaf Compost to Kolberco Holdings at their bid of \$3.61 per cubic yard for 900 cubic yards of material. Payment in full and insurance certification must be submitted to Town Clerk Nancy Metzger, subject to review by the Town Attorney. On the question, Councilman Kolber said he is related to the owner of this company and will recuse himself. Upon roll call – Ayes: Councilmembers DiCostanzo, Casilio, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Kolber. Motion carried.

Councilman Weiss said the Youth Board held a meeting last night and they are planning a Halloween event for the kids. It will include something scary for the older kids and something a little less scary for the little ones. The tentative date is October 25th.

Councilman Kolber reported that the Senior Center will have a grand opening at 1:15 P.M. tomorrow for their new bocce courts. Anyone 55 years old and older are welcome to come and play. There are many activities happening at the Senior Center and he encourages anyone who has not joined to do so.

Councilman Kolber said the Town Assessor has prepared a notice that will be going out explaining some changes. The new deadline for exemption application is March 1st. There are also assessment calendar changes. The notice will most likely be going out with the school tax bills. Christine is doing a great job.

Councilman Casilio said the Public Safety Committee has been working very hard on issues related to the bike path system. The first neighborhood watch program will begin in Rock Oaks on October 1st. They are then working on a program for the Boncrest area.

Councilman Casilio said he met with NYSEG and representatives in the Willow Brook neighborhood to discuss the possibility of getting out of the gaslight district. He will be working on some budget figures to take to the residents in that neighborhood.

Councilman Casilio said the contract for the bike path camera system is in review by the Town Attorney.

Councilman Casilio announced that the Clarence Hollow Association is hosting their fundraising event Wine, Wheels and Song from 6 to 10 pm at the Event Center on September 19th. Monies raised will go toward cameras in the Hollow area.

Motion by Councilman Casilio, seconded by Councilman Kolber to award the bid to Iseler Demolition Inc. for the Demolition of the Goodrich Road 0.5M Gallon Water Storage Tank and Piping. Iseler will pay the Town of Clarence \$2,200 with a certified check prior to commencing work. On the question, Councilman Casilio said their specialty is going around the country removing old tanks. It also removes any liability on the Town. Supervisor Bylewski said Councilman Casilio has been pushing for this to happen and it is great that the Town is receiving money for it. Councilman Casilio said that is due to the price for scrap metal and it is time to take advantage of that. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to authorize Matthew Balling, TEQR Chairman to attend the American Planning Association Upstate New York Chapter Conference on October 8 – 10, 2008 in Rochester at a cost of \$200 and with use of a Town car if available. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo said some people are not always happy about what is going on around them, but there are just some things that they cannot do anything about. He recently received an email about how someone was dressed.

Department Reports

Town Attorney Steven Bengart said he would like to commend the Board tonight regarding the A. J. Baynes matter. It has been affirmed by Supreme Court Judge Trautman to dismiss the lawsuit.

Assessor Christine Fusco distributed a report to each councilmember. The final numbers for the 2008 assessment roll shows a 3.68% increase in assessment and a 3.61% increase in taxable. We are starting to level off on the equalization which is driven through the annual assessment process. There was an increase in 2007 after review of the commercial properties. We are not seeing a decrease in the market, but a 2 – 5% as opposed to a 10 -15% increases due to the market in 2005.

A chart was shown indicating that over 60% of our taxes are school taxes. This is where the State is working on reforms. They recognize that is where the problems are which is why we have the STAR exemptions and rebates.

Councilman Casilio said the school budget is over \$68 million and less that 1,000 people turn out to vote on it.

Assessor Fusco said the school tax rate for Clarence is going down about \$1 per \$1,000. She finds it interesting that this is one of the lowest increases in assessed value and that is when they were able to lower the rate.

Councilman Weiss said that was because of the help from the State, which is also our money. They try to tell us that it does not cost us anything.

Assessor Fusco said the STAR savings is also going to decrease.

The big change coming up is the taxable status date from May 1st to March 1st. Assessor Fusco published a newsletter which she is hoping to send out with the school tax bills because the Town Clerk sends a bill to all property owners. She will need permission from the school districts to allow us to do that. It will also be available on our website.

Councilman DiCostanzo said if anyone wants to know how the Assessor's office works, there is great information on the website.

Christine said the change in date will affect all of our exemptions. She would like to get a hold of the snowbirds before they leave. There will be a big push to notify everyone.

Councilman Casilio asked the Assessor to briefly explain how a house may be chosen for reassessment.

Assessor Fusco said every year the entire assessment roll goes through a computer analysis. The residential and commercial are broken down into neighborhoods which do not necessarily mean a house in your physical neighborhood. Depending on the market, the analysis will show which neighborhoods have activity. This refers to type of sales and number of sales. Then they physically review each house in the field and update any information. We may see a home that decreases in value but we have not had a whole neighborhood.

Councilman Kolber said many people in other areas of the country are seeing a decrease in values. They are not finding this in Western New York.

Christine said this is more of a normal real estate market. The homes are still appreciating, just at a slower pace.

Councilman Weiss said it is interesting that the numbers of students at the schools are going down but they still hired 30 new people. It looks problematic down the road if the new development is slowing and the costs continue rising.

Christine said the real issue is to get the school tax off the property tax. It is a State-wide problem. There are a lot of changes being proposed out there. They are talking about a 4% cap. That is telling the schools they can raise their spending by 4%.

Christine introduced Cindy Baire, Vice President and Dave Carlon from GAR. Dave is the one who did the appraisals out in the field this year. They run the programs for us and we sit down with the State to make sure everyone is on the same page. We have to certify at the 100%. They do all of the commercial and new construction.

Councilman DiCostanzo said we were also asked about the Assessment Review Board at the School Board meeting.

Christine said it is an independent board appointed by the Town Board. There is an interview process based on qualifications. We have two certified appraisers and a commercial broker who sit on the Board. It is very helpful to have people who understand. They have the ability to change what has been done in her office.

Supervisor Bylewski thanked all department heads present for attending.

Public Participation

Susan Wickenhiser spoke regarding agenda item 12. She has submitted a letter regarding her concern for the location of the turnaround. The issue was referred to Fire Advisory and the reply was that the turnaround at that location does not make it any easier. It would be okay to remove it if there is adequate room for multiple apparatus in front of the residences within walking distance. She requests that the Town Board vote to remove the turnaround. She thinks it would be a resolution to benefit both families.

Veronica Schroeder spoke regarding item 19. The redesigned plans turn the building and parking lot around to face the entrance to her home. She will be faced with traffic, truck deliveries and dumpsters being emptied at 4 a.m. She would prefer to look at a cement wall. She wonders if this would end up empty like so many others. Will it add to our historical environment? They are able to leave at night and go to their home, but her home is right there.

Councilman Casilio asked if they duplicated the AllState building, would she object. Ms. Schroeder said it would depend on how close they came to her property.

Peter Gorton asked what the Transit Road Corridor is referred to in item 11. Supervisor Bylewski said it is rezoning a couple areas from commercial to restricted business.

Mr. Gorton asked what the status is for the Eastern Hills corridor. Supervisor Bylewski said it remains the same. There has been no activity.

Master Plan 2015 Amendments – Transit Road Corridor. James Callahan said at the annual public hearing to review Master Plan 2015, there were several areas identified on the future land use map that were referred to the Planning Board for further consideration. Upon review a Negative Declaration was issued and the Planning Board has forwarded a recommendation to down-zone the Transit Road Corridor from Roll Road to County Road. Two specific opportunities were identified to increase the depth of the commercial zone.

Supervisor Bylewski said the two properties are located one near Woodbridge Lane and the other north of Miles Road.

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to set a Public Hearing for September 24, 2008 at 7:45 P.M. to consider amendments to Master Plan 2015 regarding the Transit Road Corridor. 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 in the Residential Single Family Zone. Concept Plan Approval was granted October 2007. The request was tabled from the last meeting pending review by the Fire Chief regarding the elimination of the turnaround as designed. The Clarence Center Fire Chief has forwarded a recommendation.

Supervisor Bylewski said a teleconference was held including the Fire Chief David Case, Town Attorney Steven Bengart and James Callahan. Fire Chief David Case said indicated that

the benefit of a turnaround for this project would be nonexistent. As such, it would be acceptable if we eliminated it from the plan.

We have gone over the issues and rather than repeat them all, Supervisor Bylewski said he would incorporate the minutes of the last meeting as part of the record for this item.

Christopher Carollo thanked the Town Board.

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

RESOLVED, the Clarence Town Board grants Development Plan Approval to the applicant, Chris 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.
9. Removal of the turnaround on plan.
10. Ample room in front of the residences to move apparatus as determined by Fire Advisory.
11. Discretion of the Town Engineer as to the length of the common road.
12. Applicant to meet with the Town Engineer and Planning Board Chairman, prior to any construction, to discuss Town requirements.

On the question, Councilman Casilio said he would like to add the recommendation from the Fire Chief. He would like it as part of the record.

Town Engineer Joseph Latona said the Open Development Ordinance that required the turnaround was basically the terminus of the common road. With that eliminated he would like to be allowed to establish the length of the common road so that there is a terminus of the common road. It is a different material and consistency than the driveways. He also asks that prior to initiation of construction that Mr. Carollo come in to his office to go over the requirements and the monitoring of such.

Councilman Kolber said condition #4 is pretty vague. Joseph Latona said that is one of multiple issues and that is why he would like to go over them with Mr. Carollo.

Supervisor Bylewski asked the applicant if he is aware and in agreement with the conditions. Mr. Carollo said yes.

Town Attorney Steven Bengart said he believes some of the conditions are redundant, but he is fine.

Supervisor Bylewski said this is a variation from the code. The reason they are varying is due to the uniqueness of the project and the input from the Fire Chief. It will require a supermajority vote in favor to pass.

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

Motion by Councilman Casilio, seconded by Supervisor Bylewski to table the request by Waterford Village Office Building for Preliminary Concept review of a proposed new office building at 8427 Main Street until the applicant is available. Upon roll call – Ayes: All; Noes: None. Motion carried.

Dan Snyder requests a Pond Permit at 5655 Newhouse Road. James Callahan said the location is the northeast corner of Roll and Newhouse Roads consisting of 18+ acres in the Agricultural Rural Residential Zone.

An attorney was present representing the applicant. The fill material is good clay and he has had people interested in it. He has talked about donating some of it.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to grant a Pond Permit at 5655 Newhouse Road, subject to Town Engineer approval. Upon roll call – Ayes: All; Noes: None. Motion carried.

Bob Szulis requests Minor Subdivision Approval to create one additional residential building lot on Kenfield Road. James Callahan said the location is the east side of Kenfield Road, north of Lapp Road in the Agricultural Zone.

Craig Tierney representing the applicant said the proposal is to create two additional lots.

James Callahan said there were five splits already and anything further would be major according to the Subdivision Law. There are extenuating circumstances with this particular lot related to the depth of the parcel. Technically it is major and there should be further reviews. The Planning Board can determine if there are any Master Plan issues.

Supervisor Bylewski said as we have done with other plans that have gone from minor to major, it is appropriate to be referred to the Planning Board. It could be determined that it is a non-issue.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to refer the request by Bob Szulis for Minor Subdivision Approval to create two additional residential building lots on Kenfield Road to the Planning Board. On the question, Supervisor Bylewski asked if there were plans for further splits or a common plan. Craig Tierney said the way he has been doing it is as limited by the Health Department. The gas line comes done along the property also. Upon roll call – Ayes: All; Noes: None. Motion carried.

James Iannuzzi requests Minor Subdivision Approval to create one additional residential building lot on Sesh Road. James Callahan said the location is the south side of Sesh Road, west of Goodrich Road consisting of 5+ acres in the Agricultural Flood Zone. This will comply with the zoning laws.

James Iannuzzi was present.

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 Iannuzzi Minor Subdivision creating one additional residential building lot on the south side of Sesh Road, west of Goodrich 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. On the question, Councilman Kolber asked what the frontage is. Mr. Iannuzzi said each lot will be 150 ft. 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 the request of the applicant, James Iannuzzi, for Minor Subdivision approval to create one additional residential building lot on the south side of Sesh Road, west of Goodrich Road, subject to the following condition: 1. Open Space and Recreation Fees.

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

Milherst Construction requests a Fill Permit in advance of building permit issuance on County Road. James Callahan said the location is the south side of County Road, west of Strickler Road in the Industrial Zone.

Jim Collins said his intent is to move his offices from Getzville to this location.

Supervisor Bylewski said we have had an issue in the past issuing a permit in advance of an application.

Councilman Casilio said if they approved this request, it is in no way an approval for any further development of the site.

Mr. Collins said the fill is less than one acre to be used for establishing the driveway to the site. They have received the permit from the County to install the culvert pipe. He has a

sketch of what they eventually would like to do with the property. He is about four weeks from submitting an application.

Supervisor Bylewski said he is extremely hesitant to issue the permit.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to table the request by Milherst Construction for a Fill Permit in advance of building permit issuance on County Road until submission of a formal proposal for anything to occur on this property. On the question, Councilman Casilio said he understands that this is the dry time to be able to move fill on the property. He also understands the concerns. It could be subject to restoring the property if the project did not move forward. Councilman Weiss said he can see Councilman Casilio's point about the dry season and trying to work with Mr. Collins. Councilman Casilio asked if he could bring a sketch back in two weeks. Mr. Collins said the area to be filled is about 75 ft. x 150 ft. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski said he could come back in the next two weeks if he meets the criteria. James Callahan said he would have to stake the area to be filled and could meet with the Town Engineer. Mr. Collins said he does have a sketch. The fill is available from the Transit and Sheridan location. He would like to have his project done by the end of the year and he is concerned about weather conditions.

Dunkin Donuts/Wilson Farms requests Amended Development Plan Approval to relocate access points from Main Street at 9430 – 9450 Main Street. James Callahan said the location is the north side of Main, west of Goodrich in the Commercial Zone. There is a proposed amendment to the approved site plan to relocate the westerly drive to the east.

Dan Shanahan, Wilson Farms was present.

Supervisor Bylewski asked if he had anything in writing from Dunkin Donuts that they would like to see an amended development plan. Mr. Shanahan said he does not, but he could get it. Supervisor Bylewski said in order to continue the process we would have to have the landowner or representative to submit an application.

Mr. Shanahan said the franchisee; Dunkin Donuts, Reid and the DOT all prefer the other plan for safety reasons. They do not agree and they were never informed and found out when they started building. His lease shows a different design. In the Planning Board minutes, the architects quoted Wilson Farms as being in agreement, but it was never brought to their attention.

Councilman Kolber said we cannot take action when the owner of the property has an approved plan in place.

Councilman Casilio said the property owner should be present rather than having something in writing.

Town Attorney Steven Bengart said all through this process Wilson Farms was not in attendance at any meeting. In order for there to be a change, the property owner would have to make application. It would then have to go back through the process.

Mr. Shanahan said they were not on notice about this and as soon as he found out he began to work on it.

Supervisor Bylewski said at this point an application would have to come from the property owner. The environmental review weighed heavily on this plan.

Councilman Casilio said reference was made that they did not know about it. Mr. Shanahan said he is the CFO and Paul Nanula is the CEO of Wilson Farms. He was aware of a different issue.

Supervisor Bylewski said Wilson Farms was aware of the coffee shop next door and based on the advice of the Town Attorney, we would need an application on behalf of the property owner or representative.

James Callahan said if referred by the Town Board, this would have to go back to SEQR review to analyze the impacts of moving the driveway. It would also have to go to the Planning Board for a recommendation on the site plan. This could take six months. The DOT is part of the process. We have to formally submit and comply with the SEQR.

Mr. Shanahan said the owner will never go along with that kind of time. It is obvious that there will be traffic problems.

Upon further discussion, motion by Supervisor Bylewski, seconded by Councilman Casilio to table the request for an Amended Development Plan Approval to relocate access points from Main Street at 9430 – 9450 Main Street based on the advice of the Town Attorney. Upon roll call – Ayes: All; Noes: None. Motion carried.

William Henderson/Clarence Wine and Spirits requests Preliminary Concept Review of a new commercial building at 10060 Main Street. James Callahan said the location is the north

side of Main Street, west of Pineledge Drive consisting of approximately ½ acre in the Commercial Zone.

William Henderson, architect and Diane Bloom, owner of Clarence Wine and Spirits were present.

Supervisor Bylewski said the prior application for this project required a number of variances. The Zoning Board of Appeals denied the variance and now they submit a new proposal.

Mr. Henderson said by laying the plan out in the opposite direction, they are down to one variance. They would need a variance on the east side. The problem they have is if they move the business further east, it will conflict with another business that will be much larger than theirs. She needs to move her business because of lease conflicts. She would like to open up two shops and her husband will move his office to this location also. It would be three separate entities but the same owners. Moving to the east would take her out of the pocket of customers being served.

Supervisor Bylewski said they have no choice but to deny the proposal because there is a violation of the Zoning Law.

Mr. Henderson said some of the comments were that it was out of character with the neighborhood. It really is not at all. Diane Bloom said the building will be all windows and not just a plain long building.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to deny the request by Clarence Wine and Spirits for Preliminary Concept Review of a new commercial building at 10060 Main Street for the reasons as stated. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio to grant approval for the following: Clubhouse Applications – A. Girl Scouts – Sept. 22, 2008; June 7, Sept. 14, 2009; B. Eagles Wings – Dec. 17, 2008; Cub Scout Pack 563 – 1st & 3rd Wednesday Sept. – Dec. 2008; Jan. – May 2009; D. Cub Scouts – Monthly Meetings Jan. – May 2009; Legion Hall Applications – A. Donna Walker – Sept. 19, 2008; B. Irene Toloue – Sept. 13, Oct. 28, 2008; Rachael Singer – Sept. 14 & 27, 2008; Anna Greco – Nov. 323, 2008; E. Girl Scouts – 1st Monday each month of 2009; and Pavilion Special Request – A. Pregnant with Cancer – Sept. 13, 2008. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo that after proper audit and review by the Town Board, the following bills of August 21, 2008 are approved for payment – General Fund - \$83,802.58; Highway Fund - \$187,456.34; Lighting Districts - \$227.02; Capital Fund - \$41,163.17; and Aquatic Growth District \$717.95 for a total amount of \$313,367.06. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, Supervisor Bylewski closed the meeting at 9:17 P.M. in memory of Harold Trapper, a former Highway Department employee from 1968 to 1992.

Nancy C. Metzger
Town Clerk