

A Work Session of the Clarence Town Board was held on November 5, 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, Planning Board Chairman Gerald Drinkard and Confidential Secretary to the Supervisor Karen Jurek.

Director of Community Development – James Callahan

Public Hearings:

A Public Hearing is scheduled for 7:45 P.M. to consider the Preliminary Budget and Special Districts Assessment Roll for the Town of Clarence for the year 2009.

A Public Hearing is scheduled for 7:50 P.M. to consider an amendment to the Code of the Town of Clarence adopting a local law providing for a partial exemption from general municipal taxes on the primary residence of a veteran of the US Armed Forces who served during the Cold War.

A Public Hearing is scheduled for 7:55 P.M. to consider subdivision approval to create two additional residential building lots in the Agricultural Rural Residential Zone on the east side of Kenfield Road, north of Lapp Road. Five previous residential lot splits have been approved off the parent parcel. The existing vacant parcel consists of 16+ acres in the Agriculture Rural Residential Zone. The Planning Board has forwarded a recommendation to deny the splits as proposed based upon zoning, subdivision and Master Plan 2015 guidance. 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. The applicant has identified that the proposed 2 splits would be the only residential splits off this parent parcel. There is no public water line along Kenfield Road.

Formal agenda items:

Donald Steinwachs/Metzger Engineering north side of County Rd., west of Heise Road
Applicant is requesting Development Plan approval on a proposed 4-Lot Open Development Area. The proposed site is situated on the north side of County Road, west of Heise Road on existing vacant land consisting of 28.9 acres in the Agriculture Rural Residential Zone. Per the Subdivision Law, the Town Board has final authority to approve Open Development areas. The Planning Board has forwarded a recommendation with conditions.

Curtis Mohr/Stockmohr Construction 8645 Roll Road

Applicant is proposing to construct an additional accessory structure to the rear of the property. The proposed site is situated on the south side of Roll Road, east of Harris Hill Road in the Industrial Business Park Zone. Per the Zoning Law, the Town Board has authority to approve building permits in the Industrial Zone as to architectural style and functional plan. All setbacks are met in the Industrial Zone. Town Engineer stated that he would like the small pond in front of the applicants building to be addressed to find out what purpose it serves.

Work Session items for consideration November 19th, 2008:

Norm Castine 5145 Harris Hill Road

Applicant is proposing to develop an additional residential structure. The proposed site is located on the east side of Harris Hill Road, south of Greiner Road. Existing Day Care Facility (The Little Red Schoolhouse) located on 6.5 +/- acres. Two previous splits off the parent parcel created 1 acres lots for duplexes. The property has no additional frontage lots available; the only option available to

the owner is for an approval for an Open Development Area. There exists adequate lot size to create an Open Development lot however; the existing duplex lots would not be in conformance with new regulations. The existing road specifications are not to current specifications.

Rubino Brothers-west side of Shimerville Rd., south side of Clarence Center Rd. Applicants are seeking a detailed determination under SEQRA as ordered by the courts to proceed with an Open Space Design Subdivision. The proposed site is located on existing vacant land consisting of 28+/- acres in the Residential Zone in Clarence Sewer District #6. Per TEQR and SEQR, the Town Board is Lead Agency on the project. The matter has been referred back for further proceedings and the creation of a record which documents or at best, comments on the significant verbal and documentary evidence offered by the Petitioners. Town Attorney Bengart stated that this project must be referred back to TEQR to be revisited per the court order.

Forbes-Capretto /Elliott Laskey Roxbury Subdivision
Elliott Laskey is requesting Development Plan approval for the Roxbury Subdivision – Gentwood extension. This request has been tabled for 5+ years. The project would be an extension of Gentwood Drive and would include 19 lots. Previously, TEQR has issued a Negative Declaration. This project had Concept approval. Development Plan approval was at the Town Board level, they approved the Brentwood extension. The applicant agreed to table the Gentwood extension so the Town could pursue the Eastern Hills Corridor extension.

Supervisor Scott Bylewski

Supervisor Bylewski asked that each Town Board member talk with their various committee assignments and request anyone seeking reappointment to submit notification in writing to the Supervisor's office. Karen Jurek will also send out letters to the various committees.

Supervisor Bylewski reminded the Board about the sewer meeting on Thursday, November 6, 2008 at 9AM. Councilman Casilio and Councilman DiCostanzo will not be able to attend.

The Assessor's office has been trying to do more work in-house rather than use an outside vendor. As a result of this, under the GAR contract the town has a credit that can be used for other types of appraisals; it can not be used for annual reassessment of homes which is what GAR is contracted to do.

At the November 19th Town Board meeting Supervisor Bylewski will appoint Sue Powers to fill Steve Murtaugh's vacancy on the Ethic's Board.

Supervisor Bylewski will make a motion to post the positions of Payroll Clerk RPT and Accountant RPT.

With the creation of a RPT Payroll Clerk and RPT Accountant position, Supervisor Bylewski announced there are plans underway to reconfigure some of the offices at the east end of the building.

Supervisor Bylewski announced that the Board received a petition/letter regarding a crossing guard at Transit Middle School.

Supervisor Bylewski will appoint Joe D'Amato to the Ethic's Board to fill the vacancy left by Joseph Thoman.

Councilman Joseph Weiss

Councilman Weiss has a resolution regarding the sewer merger. Supervisor Bylewski stated that this resolution is basically ratifying going on to the second phase of it. The Board has previously passed a resolution getting on board with a study of the merger.

Councilman Weiss will appoint Lynn Merckel to the Conservation Advisory Board. Her appointment will fill the vacancy left by Stephen Murtaugh. Anthony Bylewski will be appointed to the Senior Center Board to fill the vacancy left by Sandy Baker.

Councilman Weiss will announce that the Deer Abatement Program has begun.

Councilman Bernard Kolber

Councilman Kolber will appoint Joe D'Amato to the Zoning Board of Appeals.

Councilman Patrick Casilio

David Elia Chairman of the Public Safety Committee is emphasizing the rotation of the chairman position. He will step aside as of January 1, 2009 however he will still serve on the committee.

David Elia is interested in obtaining a draft of the operating procedures update.

The Public Safety Committee is still looking for first-aid training. Town Attorney Bengart stated that he received a letter from David Baumler indicating that the Board should revisit this issue regarding bike path volunteers.

Councilman Casilio informed the Board that ISO has already contacted several fire companies regarding their survey.

Councilman Casilio met with a representative from Cedar Path Solutions Group regarding the video surveillance equipment for monitoring the bike paths. Karen Jurek was able to answer all his technical questions. He feels that the town hall is very compatible for setting up the receiver. The radios have been ordered and should arrive within the next ten days.

The lights in the Harris Hill area that were destroyed during the October storm have been replaced/repared and are energized.

Councilman Casilio will make a motion to purchase two new gas lights for the Willow Brook gas light district. The existing lights at the entrance have rusted beyond repair. The cost to repair would far exceed the replacement cost. Councilman Casilio has received several requests to get the lights working before winter.

Parks employee James Schlabach walked the Willow Brook area with a utility contractor to get an accurate price estimate to replace the existing lights. Once Councilman Casilio gets the estimate, he would like to sit down with the residents and discuss it with them. NYSEG has indicated that if they went with electric they could get away with less lights – this is something that Councilman Casilio will have to further discuss with the residents. Until he gets some firm numbers, he was not going to make any recommendations on it.

Councilman Casilio commented on the petition/letter the Board received regarding a crossing guard at Transit Middle School. Councilman Casilio suggested contacting Williamsville School District asking their position on this subject. Councilman Casilio will explore this further and contact the Williamsville School District and bring this item up to the Public Safety Committee and the Traffic Safety Board. If the school district does not want it, it is possibly a non-issue.

Clarence Hollow Association is looking into monies for holiday LED lights. Supervisor Bylewski stated that he has had some discussions with Tina Ames. The Town can provide money for holiday decorations but Town Attorney Bengart is looking into how to structure it.

Councilman Peter DiCostanzo

The Historic Preservation Committee met on November 3rd and recommended historic status for three properties: Orchid Ledge 4830 Thompson Road, Light residence at 10525 Clarence Center Road and Schmidt residence at 10847 Main Street.

Councilman DiCostanzo presented a picture of the preferred design for the historic marker. The plaques are made out of brass and will not include the house address of the designated property. The more plaques you order, the better the price.

The Historic Preservation Committee would like to post all designated historic properties on the Town's website.

Councilman DiCostanzo was given some information regarding Wind Power using wind turbines. He will review the information and report back to the Board.

Kevin Patterson is planning a memorial run in memory of Joan Diver. The run will take place on August 7, 2009; registration will be at the Clarence Center VFD grove. He is looking for support from the Town Board.

There being no further business, the Work Session adjourned at 6:40 P.M.

Darcy A. Snyder
Deputy Town Clerk

Regular meeting of the Town Board of the Town of Clarence was held Wednesday, November 5, 2008 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:30 P.M. Pledge to the flag was led by Councilman Patrick Casilio, followed by a prayer read by Supervisor Bylewski.

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 and Building Inspector David Metzger.

Motion by Councilman Weiss, seconded by Councilman Casilio to accept the minutes of the previous meeting held September 24, 2008 as received. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to accept the minutes of the previous meeting held October 1, 2008 as received. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski thanked everyone who contacted him and his family to wish them well on the birth of their new son.

Supervisor Bylewski congratulated all of the winners of the election, including Councilman DiCostanzo.

He also thanked the individuals who were responsible for the quick political sign removal after the election.

Supervisor Bylewski said there are a number of vacancies and reappointments coming up the first of the New Year. Anyone interested in applying for a vacant position should do so. Anyone who would like to be reappointed should submit so in writing to the Town also.

Supervisor Bylewski announced that the annual sewer meeting will be held tomorrow morning at 9:00 a.m.

Supervisor Bylewski said that under Assessor Christine Fusco, we have been doing more work in-house and less going to outside vendors. As a result, we have a credit with an outside vendor. He thanks the Assessor and her staff for the hard work they have done this year.

Supervisor Bylewski said there is a vacancy on the Ethics Board left by Steve Murtaugh that he intends to fill at the next meeting with Sue Powers with a term to expire 12/31/2009.

Supervisor Bylewski said we have received letters/petitions from individuals indicating that they are interested in having a crossing guard at the Transit Road Middle School. That issue has come up in the past. Councilman Casilio has said he would explore that further.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to appoint David D'Amato of 8485 Wolcott Road, Clarence, Center, NY, as a member of the Ethics Board with a term to expire on December 31, 2008. This appointment is made to fill the vacancy left by Joseph Thoman. On the question, Councilman DiCostanzo said he is also a member of the ZBA. Supervisor Bylewski said there is another person who is serving on both of those boards. We try to get different people on different committees to get more people involved. He believes David D'Amato will be an asset to the Ethics Board. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to post the position of Payroll Clerk/RPT at the 2009 budgeted rate of pay. On the question, Supervisor Bylewski said this is being done for Civil Service purposes and the position is competitive. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to post the position of Accountant/RPT at the 2009 budgeted rate of pay. On the question, Supervisor Bylewski said

this is being done for Civil Service purposes and the position is competitive. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss congratulated Peter DiCostanzo, Mike Powers, Mike Ranzenhofer and all the others who won the election. He also congratulated Mr. and Mrs. Bylewski on the birth of their son.

Motion by Councilman Weiss, seconded by Councilman Kolber to appoint Lynn Merkel of 4866 Kraus Road, Clarence, NY, as a member of the Conservation Advisory Council with a term to expire December 31, 2010. This appointment is made to fill the vacancy left by Stephen Murtaugh. On the question, Councilman Weiss said there is one more opening on this committee left by Todd Norris. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio to appoint Anthony Bylewski to the Senior Center Board of Directors with term to expire 12/31/2010. This appointment is made to fill the vacancy left by Sandra Baker. On the question, Supervisor Bylewski said he will recuse as this is his Dad. Upon roll call – Ayes: Councilmembers DiCostanzo, Casilio, Kolber and Weiss; Noes: None. Recuse: Supervisor Bylewski. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to authorize the Supervisor, Scott A. Bylewski, to execute an agreement between Wendel – Duchscherer, as Grant Consultant, and the Town of Clarence for a period of one (1) year, commencing November 5, 2008 and ending November 4, 2009, payable according to the terms and conditions of the agreement, subject to review and approval by the Town Attorney. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

WHEREAS, the Town of Clarence, Town of Amherst, Village of Williamsville, and the County of Erie jointly participated in a study to examine a single sanitary sewer service provider structure in the Clarence/Amherst/Williamsville corridor; and

WHEREAS, the study results indicated that sanitary sewer services could be provided at an overall lower cost if a single entity were responsible for said services; and

WHEREAS, the Town of Clarence, Town of Amherst, Village of Williamsville, and the County of Erie formed a Steering Committee to investigate the single sanitary sewer service provider model; and

WHEREAS, the Steering Committee recommended retaining a consultant to provide assistance with analyzing the effects implementation of a single service provider would have on the residents of each municipality (Phase 2 of the study); and

WHEREAS, the County of Erie has agreed to fund the necessary Phase 2 consultant services and has retained CRA Infrastructure and Engineering to complete the study; and

WHEREAS, the County of Erie has applied for a Local Government Efficiency grant through the New York Department of State to partially fund the Phase 2 efforts.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Clarence offers its support of the Steering Committee's efforts to identify the most efficient and effective sanitary sewer service for the Town's residents; and be it further

RESOLVED, that the Town of Clarence will support the Phase 2 study through cooperation with the consultant and the other municipal partners; and be it further

RESOLVED, that the Town of Clarence supports Erie County's Local Government Efficiency grant application for Phase 2 of the study to decrease the overall costs borne by the residents of Erie County Sewer District No. 5 (which serves portions of the Town); and be it further

RESOLVED, that the Town Clerk be directed to send certified copies of this resolution to Holly A. Sinnott, AICP – Commissioner of the Erie County Department of Environment and Planning and the Erie County Sewer District No. 5 Board of Managers.

On the question, Councilman Weiss said this is the result of several meetings held by the municipalities to look at merging sewer districts. This is an investigatory move. Supervisor Bylewski said this is in support of continuing on with a more detailed study.

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

Councilman Weiss said there was a meeting of the volunteers involved in the deer abatement program with the DEC. The program begins today and will continue through February to cut down on the deer/car accidents and landscaping problems.

Councilman Weiss thanked the Youth Bureau, Recreation Department and all of their volunteers for the great Halloween event they had at the park. It was well attended and the kids had a fun time. He also thanked Kelly Schultz and Dennis Londos for their donations.

Councilman Kolber congratulated Supervisor Bylewski and his family on the birth of their son and Councilman DiCostanzo on his election.

Motion by Councilman Kolber, seconded by Councilman Casilio to appoint David D'Amato as a member of the Zoning Board of Appeals with term to expire 12/31/2012. This appointment is to fill the vacancy left by Ray Skaine. On the question, Councilman Kolber said Mr. D'Amato was the alternate to that board and will be an asset. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo said that leaves a vacancy for an alternate to the Zoning Board of Appeals for anyone interested.

Councilman Kolber said he has the honor of announcing the recipients of the 37th Annual Chamber of Commerce Awards as follows: Citizen of the Year – Past Supervisor Kathleen E. Hallock; Business of the Year – Eastern Hills Mall, Judy Sirianni, Manager; Life Time Achiever of the Year – Ginger Lindner; Organization of the Year – Clarence Historical Society; and Youth Leader of the Year – Derick Andrews, Sports Illustrated Kid of the Year and winner of the Bank of Akron Millionaire for a Day. The awards dinner will be held January 22, 2009.

Councilman Casilio said he met with Cedar Path, the security camera vendor. They picked out the locations and have ordered the radios for the cameras. They will test them once they come in.

Councilman Casilio said Kevin Patterson is scheduling another fundraising run in memory of Joan Diver on August 7, 2009. He raised about \$8,000 last year to donate toward the camera system for the bike paths.

Councilman Casilio said street lights that have been replaced from the October Storm damage were paid for from FEMA money. The Parks Department did the work.

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize the purchase and installation of two, new gas light standards, in the Orchid Ledge Gas Light District by National Fuel at an approximate cost of five-hundred dollars each to replace damaged, unrepairable lights. The cost of the street lights will be a charge to the Orchid Ledge Gas Light District. On the question, Councilman Casilio said these lights are 40 years old and could not be fixed. It was important to get these entrance lights working. He is still gathering information to consider changing the district from the gas lights. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Casilio said ISO has begun contacting the fire companies to do a review of their services. It will be sometime next year before they are done.

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize Supervisor Scott A. Bylewski to sign the Equity Indexed Group Annuity Contract Authorizations relative to the Length of Service Awards Program (LOSAP) for East Amherst, Clarence Center, Harris Hill and Swormville fire companies. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Casilio congratulated Peter DiCostanzo and Mike Powers on their elections. He also congratulated the Bylewski family on their new child.

Councilman DiCostanzo reported that at the very end of the last meeting, Michael McHugh did arrive. The Town Board granted him approval of a minor split on his property on Clarence Center Road for one additional residential lot.

Councilman DiCostanzo said the Historic Preservation Commission recommended historic designation for three properties as follows: Orchid Ledge Farm, Thompson Road, the Schmidt residence on Main Street in the Hollow and the White residence on Clarence Center Road. We will set a public hearing upon receipt of the formal recommendation.

He wanted to let everyone know that this will make five properties and all have been designated at the request of the owners.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to set a public hearing for December 3, 2008 at 7:45 p.m. to consider adopting a local law to exempt residential real property improvements that serve to facilitate the use and accessibility of such property by physically disabled residents. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo thanked Henry Becker, Bob Lavocat and Paul Shear for picking up all the political signs so quickly this morning.

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

A Public Hearing was held to consider the Preliminary Budget and Special Districts Assessment Roll for the Town of Clarence for the year 2009. Supervisor Bylewski said budget summaries are available at the back of the room. We have done something a little different this year in that we are including projections for the various line items. He thanked his assistant Karen Jurek and Pam Smith, director of administration and finance for all of their work on reviewing and putting the budget together.

Supervisor Bylewski said we are looking closer at five year projections and fiscal impacts and how it all relates to our comprehensive plan goals. We need to make sure that our financial goals and the goals of our Town come together and make sense.

The purpose of this hearing is to hear comments or questions on the Preliminary Budget as presented for final approval. There have been minor changes from the Supervisor's Tentative Budget including an increase in the Assessor's salary to keep it in line with other department heads, line items for overtime in Planning, Animal Control; and longevity in the Engineering Department. This total change was \$5,000, which was moved from the general fund balance.

There is a slight decrease in the general fund tax rate and a slight increase in the highway tax rate. Our largest source of revenue is the Erie County sales tax and we are budgeting about 10% less for next year.

Councilman Casilio thanked Supervisor Bylewski for doing a great job on his first budget. We are being conservative on the sales tax revenue due to the state of the economy.

Speaking to the subject:

Holly Zuffranieri representing the Youth Board said based on the results of the town-wide needs assessment that was conducted; the Clarence Youth Board submitted a resolution to the Town Board in June 2007 recommending construction of a community center to meet the growing needs of the youth and seniors. It is her understanding that the Board has reserved funding to begin this process. There is not a line item for a feasibility study and it is hoped that it will not be overlooked. She understands that they want to be fiscally conservative during this economic crisis, but it is times like these that our families rely on the government for help.

Supervisor Bylewski said there is money set aside in some line items for this purpose. There will be interviews in the near future of people who have responded to our request for qualifications to do a feasibility study.

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

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

RESOLVED, that after a public hearing duly held on November 5, 2008 at 7:45 p.m., the Clarence Town Board hereby approves the Preliminary Budget and Special Districts Assessment Roll for the Town of Clarence for the year 2009 as the Adopted Budget.

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

A Public Hearing was held to consider an amendment to the Code of the Town of Clarence adopting a local law providing for a partial exemption from general municipal taxes on the primary residence of a veteran of the United States Armed forces who served during the Cold War. Assessor Christine Fusco said the Cold War is described as the time from Sept. 2, 1945 to

Dec. 26, 1991. The current exemption is for veterans who served in a war. This will offer an opportunity to those who served in between periods of war. It is a 15% basic exemption of up to 12,000 off the assessed value and a disability exemption of up to 40,000 off the assessed value.

Councilman Weiss thanked her for the information and clarifying this for him.

Assessor Fusco said this starts out as a 10 year exemption and she highly recommends to the Town Board to approve it. Veterans have to apply for the exemption and have been honorably discharged. It does not include reservists; it is active duty armed forces. She does not see it as a major influx because most of our veterans already have an exemption.

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

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

WHEREAS, New York State Real Property Tax Law section 458-b allows a town to adopt a local law that provides a partial exemption for qualifying residential real property from general municipal taxes to Cold War Veterans; and

WHEREAS, the Clarence Town Board held a public hearing on Wednesday, November 5, 2008, to consider adopting a local law to allow for the Cold War veterans exemption pursuant to the provisions of New York State Real Property Law section 458-b.

NOW THEREFORE, BE IT

RESOLVED, that the Clarence Town Board adopts Local Law No. 3 of the year 2008, amending Chapter 199 – Taxation; adding Article II-A - Cold War Veteran Exemption that would allow for a partial exemption from general municipal taxes on the primary residence of a veteran of the United States armed forces who served during the Cold War; and be it further

RESOLVED, this local law shall become effective as of November 6, 2008 and shall be filed with the Office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule.

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

A Public Hearing was held to consider Subdivision Approval to create two additional residential building lots in the Agricultural Rural Residential Zone on the east side of Kenfield Road, north of Lapp Road. James Callahan said since the parent parcel was previously split, the action is considered a major subdivision.

Bob Szulis said his aunt sold some of the land and then he received the remaining piece of the land after his uncle died. He would like to sell two lots from it. It is his intent to continue to farm the land north of where the lots would be.

Supervisor Bylewski asked if he has considered a conservation easement on the development rights so that the land could only be farmed for future generations. Mr. Szulis said he is looking into it.

With no one else speaking to the subject, motion was made by Councilman Casilio, seconded by Councilman Kolber to close the public hearing. On the question, Supervisor Bylewski said a concern was made at a previous meeting regarding the situation of the well water.

James Callahan said the Planning Board identified that the owner to the south complained about the amount of treatment it takes to make the well water usable. He wanted to know if there was any way to run a public water line. The proposed lots would not have public water either.

Bob Szulis said he contacted Erie County Water Authority about a waterline and there is no way he can afford to run that line. This year a gas line was installed down Lapp. In regard to the water, if they go down too far they will hit sulfur.

Councilman Casilio said the lots might be more marketable and sell for more if they had water. Mr. Szulis said other homes in that area do not have a problem with their wells.

Town Attorney Steven Bengart said this discussion is “on the question” of the motion that was made.

Councilman Casilio withdrew his motion and Councilman Kolber withdrew his second.

Councilman Kolber said he would like to see a waterline to protect the Town from a potential water problem down the road. Councilman Weiss said he agrees and it should be part of it. We have already heard of an issue in that area. Councilman DiCostanzo added that the person with water issues may join in and help with the costs. Councilman Casilio said he thinks he could recoup the cost in the sale of the lots.

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

Motion by Councilman DiCostanzo, seconded by Councilman Casilio that pursuant to Article 8 of the Environmental Conservation Law, the Clarence Town Board issues a Negative Declaration on the Proposed Szulis Subdivision located on the east side of Kenfield Road, north of Lapp Road. This Unlisted action involves the approval of two additional lot splits to create two residential building lots in the Agriculture Rural Residential Zone. Based upon the information and analysis of the submitted site plan and EAF, the proposed action will not result in any significant adverse environmental impacts provided a public water line is brought from Lapp Road north to northern most lot line of the two lots. On the question, Councilman Casilio said he does not want to see Mr. Szulis get hurt financially, but he knows that when a gas line is extended any new owners have to help pay for the line when they tap in. Town Engineer Latona said the Water Authority would take into account when new owners tap in they pay their fair share. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

RESOLVED, that the Clarence Town Board after a public hearing duly held on November 5, 2008, after all interested parties being heard, grants the request of the applicant, Bob Szulis, for Major Subdivision approval to create two additional Residential Building Lot(s) on the east side of Kenfield Road, north of Lapp Road, subject to the following conditions:

1. Open Space and Recreation Fees.
2. Public water to North border of Lot #1 from Lapp Road. (northern most lot)

On the question, Councilman Kolber said the problem he sees without the water line is that people build on the lots, have problems with the water, and then they come back here wanting the Town to rectify the problem. Upon roll call – Ayes: All; Noes: None. Motion carried.

Donald Steinwachs/Metzger Civil Engineering requests Development Plan Approval for a 4-Lot Open Development Area on the north side of County road, west of Heise Road. James Callahan said the property consists of 29+/- acres in the Agricultural Rural Residential Zone. A Negative Declaration under SEQR was issued June 27, 2007 and Concept Plan Approval was granted August of 2007.

Michael Metzger, engineer said this plan is exactly the same as the previously approved concept plan. He said the neighbor has a driveway back to his barn which is actually on his client's property. They have reached an agreement with him to extend his driveway on his own property. The existing driveway will be taken out and re-seeded. They have 60 ft. to work with and have tried to stay away from the existing tree line.

Mr. Metzger said Lexington Woods Subdivision is to the northwest. They will realign the drainage pattern, which will also be a benefit to Lexington Woods. They did a SEQR buildout to avoid segmentation, but at present there are no plans.

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

RESOLVED, that the Clarence Town Board grants the request of the applicant, Donald Steinwachs, for Development Plan Approval for a 4-Lot Open Development Area located on the north side of County Road, west of Heise Road, subject to the following:

1. Open Space and Recreation Fees.
2. Conditions shown in the Engineering letter dated October 3, 2008.
3. Development of a Home Owners Agreement submitted to the Town Attorney's office for review and approval.
4. Taping and non-removal of trees along the tree line from County Road to the rear of the properties on the east and west borders.

5. Approval of the Landscape Committee regarding buffering.
6. Approval for a driveway entrance less than 100' from the other drive on County Road.

On the question, Councilman Casilio suggested fencing instead of taping because then there is no question about the trees. Councilman Kolber said that is a long area. Michael Metzger said the preservation of trees is outside the area in which they have to work. They have to put in drainage along the road, but outside that it is their intent to maintain as much as possible. James Callahan said condition 4 was from the Planning Board and it is tied to beyond construction to protect the borders on both sides. The Landscape Committee can make sure that it happens. Councilman Kolber asked if there would be a problem crossing the gas line to take care of the drainage all the way to Heise Road. Michael Metzger said they have it all worked out to use pipe. Upon roll call – Ayes: All; Noes: None. Motion carried.

Curtis Mohr of Stockmohr Construction requests a Building Permit and Architectural Approval for an accessory structure at 8645 Roll Road. James Callahan said the location is the south side of Roll, east of Harris Hill in the Industrial Business Park Zone.

Curtis Mohr said the new building will be a 9,500 sq. ft. two-tone pole building with wanes coating on the front.

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

RESOLVED, that the Clarence Town Board approves the request of the applicant, Curtis Mohr/Stockmohr Construction for a Building Permit and Architectural Approval for the construction of an additional accessory structure at the property located at 8645 Roll Road subject to the following: 1. Commercial Open Space Fees. 2. Town Engineer review and approval of the drainage.

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

Motion by Councilman Weiss, seconded by Councilman Kolber to approve the following: Clubhouse Applications – A. Boy Scout Troop 664 – Dec. 29, 2008; B. Cub Scout Pack 27 – Feb. 21, 2009; C. Clarence Contemporary Club – Sept. 28 & 29, 2009; Legion Hall Applications – A. Jason and Carrie Holden – Dec. 21, 2008; and Karen Jurek – Nov. 28, 2008. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that after proper audit and review by the Town Board, the following bills of October 30, 2008 are approved for payment: General Fund - \$127,111.96; Highway Fund - \$68,202.11; Water District - \$1,512.26; Drainage District - \$8,211.92; Capital Fund - \$3,600.00 and Trust & Agency 203 - \$1,079.22 for a total amount of \$209,717.47. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

Supervisor Bylewski thanked Executive Director of the Clarence Chamber of Commerce, Darlene Feinen for attending tonight.

Councilman DiCostanzo commented on an email from George McDermott who said gas at NOCO at Main and Shimerville was almost 20¢ higher per gallon than the one on Walden Avenue.

Councilman Weiss said his sister is only paying \$2 in Missouri.

Darlene Feinen, on behalf of the Chamber of Commerce, congratulated the Bylewski family on the birth of their son.

She also congratulated Councilman DiCostanzo on his election and looks forward to working with.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:49 p.m.

Nancy C. Metzger
Town Clerk