

A Work Session of the Clarence Town Board was held on February 11, 2009 at Clarence Town Hall, One Town Place, Clarence, NY.

Supervisor Scott Bylewski called the meeting to order at 6:01 P.M. Members of the Town Board present were Council members Bernard Kolber, Patrick Casilio and Peter DiCostanzo. Councilman Weiss was absent. Other town officials present were Director of Community Development James Callahan, Assistant Planner Brad Packard, Town Attorney Steven Bengart, Town Engineer Joseph Latona, Senior Building Inspector David Metzger and Planning Board Chairman Gerald Drinkard.

Public Safety Committee

Public Safety Committee representative Liz Eyrick stated that one of the committee's basic operation is the Bike Path Patrol Program. For the last year the committee has been trying to recruit members to help patrol the bike path. Currently they have seven active patrol volunteer members. Any new members are hesitant to join the volunteer program because of the restrictions that have been imposed on them as far as the buddy system, the age requirement, the check points etc. In August 2008, the Public Safety Committee submitted to the Town Board a list of proposals to change the standard operating procedures that were in place and they have not gotten an answer as to why those procedures could not be changed and put in place.

Supervisor Bylewski stated that the answers were given to the former Public Safety Committee Chairman from both the Town Attorney and Supervisor Bylewski. Supervisor Bylewski stated that he is comfortable with lowering the age from 21 to 18 given that we have other town employees that are 18 years of age. Supervisor Bylewski further stated that he would be comfortable with some type of operating procedure and protocol put into place regarding radios but there has to be a redundancy of some kind regarding the volunteers. The use of family radios/walkie talkies was also recommended.

Liz Eyrick clarified the concerns of the Public Safety Committee. Currently the buddy system requires two volunteer members patrol together at all times, the check-in procedure and the ability of some volunteers to have first aid training.

Regarding the "buddy system" Supervisor Bylewski stated that two volunteers should go out together as volunteers. Regarding first aid, Town Attorney Bengart stated that his initial reaction was and has always been that it creates a liability issue. There is a state law that could come in to play that may allow for it. The law that was cited is not so much for volunteers as for off-duty medical personnel (MD, nurses etc.) who perform services for an individual who would be injured. If a volunteer were to administer first aid and crack someone's ribs, there is a possibility of them being sued. Town Attorney Bengart job is to protect the assets of the town from liability. The "buddy system" was created so that no one would be working the bike path alone.

Liz Eyrick stated that she does not object to the "buddy system" what the Public Safety Committee objects to is a buddy system of two volunteers especially considering there are only seven. Mr. Bengart stated that the whole point of the system is to have trained personnel. He is giving his point of view and whatever the Town Board chooses, that is their decision.

Liz Eyrick stated that from a liability standpoint, you are never going to stop someone from bringing a suit against someone else for any behavior. The Public Safety Committee is of the opinion that the town is open to more liability if you put people out there that say "Clarence Public Safety Volunteer Program" and have no level of training. The people using the bike path if they get into trouble may expect that these volunteers assist them in some way. Putting people out there with safety vests with absolutely no level of training for basic first aid is a larger case of liability then if you don't give them some level of tools to administer.

Town Engineer Latona stated that he is a EMT and questioned where you draw the line as far as certification or qualification – how much do you train for first aid.

Town Attorney Bengart stated that what they tried to do when they set the program up was to work in conjunction with the fire departments that have EMT's and have the ability to respond to a call. We have four fire departments within range of the bike paths and many town employees are also trained.

Liz Eyrick stated that the Public Safety Committee is requesting the level of training so they know exactly how to report an incident and when to identify that it does need assistance. Town Attorney Bengart stated that he was okay with this; it was part of the initial training the first time around. There is not an issue with training someone on how to get help; it is with performing the help.

Supervisor Bylewski stated that he understands Town Attorney Bengart point of view however his perspective is a little different. It would be nice to have a level of first aid training and it is something the Town Board will have to make a decision on. Supervisor Bylewski further stated that if we are going to advocate people using the buddy system on the bike path, we should advocate our own volunteers volunteering as buddies.

Liz Eyrick stated that her information from Town Security is that the radios will not do the job to transmit correctly. Cell phones would probably be a better idea or give each person a radio. Considering the number of people we have as volunteers they could probably deal with the number of radios they already have. Supervisor Bylewski stated that he will speak with Parks Security because they have not indicated this to him. The family radio system is a strong enough network that people should be able to use it, the radius is 50 miles. If we have to spend a few extra dollars for our own Parks Security to carry family radios because the band is a different band, then that is what we can do.

Councilman Casilio stated that first aid will be defined better, a basic 3-hour first aid course where a volunteer would learn to recognize the danger of someone in trouble. The check-in procedure will remain the same.

Town Attorney Bengart stated that he has attended some of the Public Safety Committee meetings and he would be willing to attend another meeting if needed.

Director of Community Development – James Callahan

Public Hearings:

A public hearing is scheduled for 7:45PM to consider the request for a Temporary Conditional Permit for an automotive sales operation at 9155 Main Street. The proposed site is located on the south side of Main Street, west of Sheridan/Thompson Road intersection in an existing commercial building located on 1+/- acres in the Commercial Zone. Applicant is seeking approval to open an automotive sales operation that must include a display area for 3 vehicles. Per the Zoning Law, the Town Board has authority to approve automotive sales operations via a Special Exception Use Permit or a Temporary Conditional Permit.

Formal agenda items:

Brookfield Flying Club 8600 Roll Road

Applicant would like to continue the private club to allow for radio controlled airplanes to fly in the area. The proposed site is located on the north side of Roll Road, east of Harris Hill Road on the former Gypsum Landfill. The Brookfield Flying Club is a private club utilizing the closed landfill as a base for flying radio controlled airplanes. The proposed site is located in an industrial classification. Complaints from adjoining land owner have necessitated the notice of violation for continuing a use without appropriate use permits. The DEC is concerned

about the disturbance of the closed landfill. They ask that no action be taken until they have a chance to review.

Jacob Chameli – Tonawanda Creek Road

Applicant is proposing to split a 10+/- acre parcel with 150+ feet of road frontage to create a new residential building lot. The proposed site is located on the north side of Tonawanda Creek Road, west of Salt Road. There currently exists a residential home and vacant land located on 23.72+/- acres in the Agriculture Flood Zone. The proposed new and remaining lots are in conformance with all land use regulations.

Metzger Civil Engineering – Lapp Road

Applicant is seeking approval to split additional frontage lots from the parent parcel. The proposed site is located on the north side of Lapp Road, east of Transit Road on existing vacant land consisting of 26+/- acres in the Agriculture Flood Zone and within the Density Floodway. A minor subdivision approval was previously granted to allow 3 residential lots and the remainder. The proposed new action will create a major subdivision. As the proposed splits exceed the minimum number to be classified as a minor subdivision, the request falls into the category of a major subdivision. The applicant is seeking frontage lot approvals as depicted, identifying constraints of depth, density floodway requirements, and the lack of availability of public sewer capacity. Per the Subdivision Law, the Town Board has authority to approve major subdivisions. Floodway issues and constraints of depth and sewer availability are areas of concern.

Linda Carpenter 6045 Goodrich Road

Applicant is proposing to operate a fine stationary and paper goods shop. The proposed site is located on the southeast corner of Goodrich Road and Maple Street in the former Noveltea Restaurant/Bookstore located in the Traditional Neighborhood District. Hours of operation and parking should be addressed.

Work Session items for consideration 2/25/2009:

K & A Landscaping 8905 Sheridan Drive

Applicant has renovated the adjoining residence and is now proposing to rehab the secondary home on the property and convert to a showroom for the K&A Landscaping/Ponds Business which is currently located on Main Street (the majority of the landscape business to remain at Main Street). Per the Zoning Law, the Town Board has authority to approve changes in use in the Restricted Business Zone.

Clarence Center VFC 9415 Clarence Center Road

Applicant is proposing to add on to the existing pole barn to create a training facility. The proposed site is located on the south side of Clarence Center Road, west of Goodrich Road. The existing fire company property is located on 19+/- acres in the Traditional Neighborhood and Residential Zones. Per the Zoning Law, the Town Board has authority to approve community facility uses in the TND and/or Residential Zones.

Greatbatch Inc. 4096, 4098, 4100 Barton Road

Applicant is proposing to store lithium batteries on the premises. The proposed site is located on the south side of Wehrle Drive, west side of Barton Road at existing industrial operation located on 13.7+/- acres in the Industrial Business Park Zone. Per the Zoning Law, the Town Board may consider hazardous materials handling/storage via a Special Exception Use Permit.

Wilson Greatbatch representative Kurt Cashmore stated that in 1988 the Clarence Town Board made a motion that “before any building permit is issued, a letter of intent or statement from the owners that no hazardous material such as lithium, lithium batteries (being hazardous materials) etc. will be stored, assembled or packaged in the new facility or other or other facilities at this location.” Since that time, Wilson Greatbatch has abided by that. The request

today is to bring lithium batteries to the Wehrle Drive site to assemble them into the sensing device and ship them out. There would be no disposal or assembly of lithium batteries.

Supervisor Bylewski stated that he would like Leader Environmental and Clarence Fire District Hazmat Team to review this request.

Steve Andres 10837 Main Street

Applicant is proposing to renovate the existing structure and convert to an office/residential use. The proposed site is located on the south side of Main Street, west of Schurr Road in existing structure, former pizza shop located on .26+/- acres in the Clarence Hollow TND. The Town Board had previously tabled action pending receipt of detailed architectural depiction. Per the Zoning Law, the Town Board has authority to approve architectural style in the TND.

Stone Ridge Estates Subdivision

Applicant is proposing a major subdivision consisting of four frontage lots along Stage Road and 15 Open Development Area lots along a private drive. The proposed site is located on the southeast corner of Ransom and Stage Road on existing vacant land consisting of 127+/- acres in the Agricultural Rural Residential Zone. Per the Subdivision Law, the Town Board has final authority to approve Major Subdivisions. A public hearing is required prior to acting on Concept Plans. The Planning Board has forwarded a recommendation to approve the concept as designed with variances related to the length of the private drive, the number of homes along the private drive and limiting the placement of topsoil on the project. Approval of the concept with variances will require a supermajority approval by the Town Board.

Milherst Construction – County Road

Applicant is proposing to construct a new office/shop/warehouse/yard to relocate an existing construction company. The proposed site is located on the south side of County Road, west of Strickler Road on existing vacant land (former Christmas tree farm) consisting of 17+/- acres in the Industrial Park Zone. Per the Zoning Law, the Town Board has authority to approve uses in the Industrial Park Zone. A public hearing will be required to consider a Special Exception Use Permit for the outdoor storage of equipment in the Industrial Business Park Zone. The Planning Board has forwarded a recommendation to approve the concept as designed.

Supervisor Scott Bylewski

Councilman Weiss is not present at tonight's meeting; he had previously mentioned that he would not be in attendance.

Supervisor Bylewski will announce the two motions made at the February 4, 2009 morning Work Session regarding surplus equipment in the Engineering Department and the motion relative to the ESI Employee Assistant Program renewal agreement.

Supervisor Bylewski has formed a Lean Six Sigma advisory group from outside private sector individuals who have Lean Six Sigma experience. It is a volunteer board not appointed by the Town Board.

Supervisor Bylewski will set a public hearing for March 11, 2009 to consider the purchase of vacant land on Keller Road.

Supervisor Bylewski will make a motion to adopt a resolution recognizing March 12, 2009 as World Kidney Day.

Supervisor Bylewski will make a motion to adopt a resolution urging state lawmakers to support New York State farmers by supporting funding for the Farmland Protection Program and Environmental Protection Fund.

Supervisor Bylewski has three items to discuss in Executive Session and one Attorney-Client item.

Councilman Bernard Kolber

Councilman Kolber received notification from Time Warner regarding the franchise fee.

Councilman Kolber will make a motion authorizing Supervisor Bylewski to sign a one-year lease renewal between the Town of Clarence and Kreher's Poultry Farms for agriculture purposes to farm Town owned property at Salt and Greiner Road.

Councilman Patrick Casilio

The estimated cost for solar powered cameras came in higher than actual camera equipment.

The camera poles will arrive in approximately three weeks and will hopefully be installed by April. Councilman Casilio will contact the Parks Department with regard to a work order for the end of March.

NYSEC will be coming through the area to do a clean up of tree limbs around our power lines.

The replacement gas lights for Willow Brook have arrived. National Fuel will install the lights.

The Public Safety Committee has been talking to Newstead about the gates on the bike path. Currently the gates are down for the snowmobile season but they will be put back up in the spring. The committee feels that the gates should be left down to allow easy access for police and emergency personnel.

Disaster Coordinator Dave Bissonette has been monitoring the creeks for any potential flooding.

Councilman Casilio attended the State of the County Address. County Executive Chris Collins talked about Six Sigma and mentioned the Town of Clarence leading the way to try and better our government.

Councilman Casilio attended the CAN Seminar.

Councilman Peter DiCostanzo

Councilman DiCostanzo will make a motion to appoint Michelle Orvis to the Youth Board with her term ending December 31, 2011.

Councilman DiCostanzo stated that he received correspondence regarding the Erie County Planning Board. Some changes were made on the first draft based on comments received.

Councilman DiCostanzo attended the Historical Society meeting; several questions regarding the building were brought up. Town Engineer Latona spoke to Alicia Braaten about this.

The ice rink at the Main Street Park has been well received.

Councilman DiCostanzo attended the CAN Seminar a wide range of people attended (clergy, teachers, administrators, students).

Councilman DiCostanzo has one Attorney Client item to discuss in Executive Session.

James Callahan mentioned that UB Department of Archeology/Anthropology has set up an exhibit in the front lobby displaying some of their findings at the Spaulding Greens site.

Assistant Planner Brad Packard commented on the lovely pink tie Councilman DiCostanzo was wearing this evening.

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to enter into Executive Session pursuant to § 105(1) F of the Open Meetings Law to discuss the employment history of a particular person/corporation. On the question, there are several Attorney-Client items to discuss: Town Attorney Bengart, Joseph Latona, James Callahan and David Metzger were asked to remain in the meeting. Upon roll call Ayes: Councilman DiCostanzo, Councilman Casilio, Councilman Kolber, Supervisor Bylewski; Absent: Councilman Weiss. Motion carried.

There being no further business, the Work Session adjourned at 6:55 P.M.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman Kolber to adjourn the Executive Session at 7:27PM. Upon roll call Ayes: Councilman DiCostanzo, Councilman Casilio, Councilman Kolber, Supervisor Bylewski; Noes: None. Absent: Councilman Weiss. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held Wednesday, February 11, 2009 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:30 P.M. Councilman Bernard Kolber led in the pledge to the flag, followed by a prayer read by Supervisor Bylewski.

Members of the Town Board present were Councilmembers Peter DiCostanzo, Patrick Casilio, Bernard Kolber and Supervisor Bylewski. Councilman Joseph Weiss was absent. Other Town officials present were Director of Community Development James Callahan, Town Attorney Steven Bengart, Town Engineer Joseph Latona, Planner Brad Packard, Building Inspector David Metzger and Planning Board Chairman Gerald Drinkard.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo to accept the minutes of the previous meeting held January 21, 2009. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Weiss. Motion carried.

Supervisor Bylewski announced that the following motions were made at the February 2, 2009 Work Session: Declared items as surplus from the Engineering Department; and authorization was given for the Supervisor to sign the Employees Assistance Program contract.

Supervisor Bylewski said he is forming a Lean Six Sigma Advisory Group of private sector professionals who have experience in Lean Six Sigma. It will be more of a “kitchen cabinet” than an official Town committee. If anyone is interested they should submit an application.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to grant approval for the Ride for Roswell Special Event to be held June 27, 2009 from 7:00 a.m. to 2:00 p.m. On the question, Supervisor Bylewski said it is their annual event that basically takes place in northern Erie County going down Stahley to Clarence Center Road and out to Newstead. All necessary agencies will be notified. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Weiss. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to set a public hearing for March 11, 2009 at 7:45 p.m. to consider the purchase by the Town of Clarence of approximately 41.41 +/- acres of vacant land located on Keller Road, a/k/a/ SBL No. 44.00-4-9.1, in the Town of Clarence, Erie County, NY at a purchase price not to exceed \$331,280.00, plus any closing costs and disbursements for open space/recreation purposes. Funds to be allocated from the open space bond resolution, General Fund and/or Recreation Fees. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Weiss. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to approve the following resolution in support of the Farmland Protection Program:

WHEREAS, agriculture is a significant contributor to New York’s economy; and

WHEREAS, farms provide jobs, support local businesses and are part of industry sectors that have a \$23 billion economic impact annually in New York; and

WHEREAS, farms comprise 7.5 million acres of land in New York, roughly 25% of the state’s land base; and

WHEREAS, farms have a strong track record of pro-active environmental stewardship in New York; and

WHEREAS, rapidly changing economic conditions threaten the future viability of New York’s agricultural industry; and

WHEREAS, 26,000 acres of farmland are developed each year in New York; and

WHEREAS, the State of New York established a Farmland Protection Program in 1992 to assist towns and counties in developing and implementing local agriculture and farmland protection plans; and

WHEREAS, over \$3 million has been awarded by the Farmland Protection Program to 50 counties and 52 towns to assist in the development of local agricultural and farmland protection plans; and

WHEREAS, the Farmland Protection Program has awarded more than \$151 million to help farmers, local governments and land trusts permanently protect 63,800 acres on 276 farms; and;

WHEREAS, demand for Farmland Protection Program funding has been strong, due to the program's popularity with a record 181 farmer's seeking \$156 million in state funding to protect 49,500 acres in 2008; and

WHEREAS, funding for the Farmland Protection Program is allocated from the state's Environmental Protection Fund (EPF), a dedicated fund whose principle funding source is a state Real Estate Transfer Tax (RETT); and

WHEREAS, the Governor and State Legislature must take steps this year to protect New York's valuable farmland and strengthen the future for farms growing across New York.

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Clarence does hereby urge state lawmakers to support New York's farmers, the state's agriculture economy and protection of valuable farmland by supporting funding for the Farmland Protection Program and Environmental Protection Fund; and be it further

RESOLVED, that Town of Clarence does hereby oppose drastic cuts to the Farmland Protection Program and Environmental protection fund, as outlined in the Governor's FY-2008-2009 Deficit reduction Bill and FYU 2009-2010 Budget Proposal; and be it further

RESOLVED, that the Clerk of the Town of Clarence is hereby directed to forward copies of this resolution to Governor David Patterson, Senate Republican Leader Dean Skelos, Senate Democratic Leader Malcolm Smith, Assembly Speaker Sheldon Silver, and the Western New York Delegation and the American Farmland Trust.

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

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

WHEREAS, kidney disease affects more than 26 million Americans, about one in nine adults, suffer from chronic kidney disease; and

WHEREAS, approximately 30,000 people in Western New York are afflicted and 1,600 undergo dialysis every day; and

WHEREAS, the two main causes of chronic kidney disease are diabetes and high blood pressure, which are responsible for up to two-thirds of the cases; and

WHEREAS, the mission of the National Kidney Foundation of WNY is to prevent kidney and urinary tract diseases, improve the health and well being of individuals and families affected by these diseases, and increase the availability of all organs for transplantation; and

WHEREAS, along with regular screening it is important for the public to know that with diet, exercise, lifestyle management and proper nutrition, the progression of chronic kidney disease can be slowed and may be stopped all together; and

WHEREAS, the cost of treatment for kidney disease patients is disproportionately higher than any other chronic disease; and

WHEREAS, most patients rely primarily on Medicare and Medicaid to cover the costs of life-sustaining care, including dialysis, medication laboratory testing and transportation to facilities; and

WHEREAS, any changes in Medicare and Medicaid eligibility would put these patients significantly at risk.

NOW THEREFORE BE IT

RESOLVED, that March 12th, 2009 is recognized as "World Kidney Day" in the Town of Clarence and in the State of New York, in the hope that all possible support will continue to be extended to Chronic Kidney Disease patients in New York and throughout the country and the world.

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

Motion by Councilman Kolber, seconded by Councilman Casilio to appoint Robert Geiger as a member of the Zoning Board of Appeals with term to expire 12/31/2010. On the question, Councilman Kolber said Mr. Geiger was the alternate member. Supervisor Bylewski added that he filled the term vacated by Hans Mobius. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Weiss. Motion carried.

Councilman Kolber announced that there is still an opening for the alternate member to the Zoning Board of Appeals for anyone interested.

Motion by Councilman Kolber, seconded by Councilman Casilio to authorize Supervisor Scott Bylewski to sign a one-year lease renewal between the Town of Clarence and Kreher's Poultry farms for agriculture purposes to farm Town owned property at Salt and Greiner Roads

for an annual fee of \$3,930, said lease commencing April 1, 2009 to March 31, 2010. On the question, Councilman Kolber said the Town Attorney has reviewed and approved the lease renewal. This is at the going market rate. The property has to be maintained in a farming state to keep us in compliance. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Weiss. Motion carried.

Councilman Kolber said a communication was received from Time Warner with supporting documentation regarding the current franchise fee due to the Town. The check in the amount of \$102,451.85 should arrive in 5 to 7 business days.

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

Be It Resolved, that the Supervisor of the Town of Clarence is authorized to sign the Erie County Stop-DWI contract for 2008.

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

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize Supervisor Scott Bylewski to sign the yearly Intermunicipal Agreement between the Town of Clarence and the Town of Newstead for 2009 relative to the shared use of the Erie County Van. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Weiss. Motion carried.

Councilman Casilio said in regard to the video cameras, the Town held up the fabrication of the video camera poles because we were looking into the possibility of the cameras being solar operated, but it is cost prohibitive. The poles should be here in a couple weeks.

Councilman Casilio said that NYSEG will be in Town trimming trees back from power lines in the spring.

The gas street lights have arrived and given to National Fuel Gas for installation for Willow Brook.

He is also working on some street light problems in the Harris Hill area.

Councilman Casilio said the Disaster Coordinator has been monitoring water levels in the Town. We do not have any backup problems at this time.

Councilman Casilio said he attended the “State of the County Address” last week and he was proud to be representing the Town of Clarence. Chris Collins spoke about Six Sigma and highlighted how the Town of Clarence is a leader in the County by moving forward to try and make a better government.

Councilman Casilio said he attended the CAN event sponsored by many organizations, including our Youth Board last night. Several students attended the day seminar and the evening was for local youth leaders from education, churches, girl scouts, boy scouts, etc. regarding the development of youth.

Councilman Casilio thanked the Youth Board and the Chamber of Commerce for holding the Winterfest event last weekend. It was very well attended. Clarence Center Fire Company won the chili contest for the second year in a row.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to authorize the Supervisor to sign a Service Plan Agreement with Amherst Alarm, Inc. for the Clarence Youth Bureau building located at 10510 Main Street subject to Town Attorney review and approval. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Weiss. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio to appoint Michelle Orvis to the Clarence Youth Board with term to expire 12/31/2011. On the question, Councilman DiCostanzo said this is to fill the position left by Recreation Director Chip Trapper. His term expired 12/31/08 and he did not want to be officially on the board, but continues to attend meetings. Michelle had unanimous support of the Youth Board. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Weiss. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber that pursuant to Article 8 of the Environmental Conservation Law and the recommendation of the TEQR

Committee, the Clarence Town Board seeks Lead Agency Status and commences a coordinated review among involved agencies on the proposed Epiphany United Church of Christ new church project. This Type I Action involves the construction of a new multi-purpose worship facility located on 14+/- acres in the Agricultural Rural Residential and Industrial Business Park zones along Wehrle Drive, west of Gunnville Road. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Weiss. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio that pursuant to Article 8 of the Environmental Conservation Law and the recommendation of the TEQR Committee, the Clarence Town Board issues a Negative Declaration on the proposed Milherst Construction office, warehouse and shop. This Type I Action involves the development of a new facility to house an existing construction company on 15+/- acres located on the south side of County Road, west of Strickler Road in the Industrial Business Park Zone. After thorough review of the submitted site plan and Environmental Assessment Form (EAF) by the TEQR Committee, Planning Board and Town Board, including coordinated review among involved agencies, it is determined that the proposed action is consistent with Master Plan 2015 and local land use regulations and will not have a significant impact upon the environment. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Weiss. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber that pursuant to Article 8 of the Environmental Conservation Law and the recommendation of the TEQR Committee, the Clarence Town Board issues a Negative Declaration on the proposed Stoneridge Major Subdivision. This Type I Action involves development of an Open Development Area as well as frontage lot splits for a total of 19+/- sublots on a 92+/- acre parcel located on the south side of Stage Road and east of Ransom Road. After thorough review of the submitted site plan and Environmental Assessment Form (EAF) by the TEQR Committee, Planning Board and Town Board, including coordinated review among involved agencies, it is determined that the proposed action is consistent with Master Plan 2015 and local land use regulations and will not have a significant impact upon the environment. On the question, Supervisor Bylewski said this is a little unusual with 19+/- sublots. Is that because there may be a reduction through the review process? James Callahan said it is identified as 19 sublots in the concept. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Weiss. Motion carried.

Councilman DiCostanzo said he also attended the CAN event at the Methodist Church. The speaker talked about the 40 developmental assets and he was very good. He said kids in organized music programs have the lowest substance abuse problems in the study. He also said when he was younger people wore jeans because they were poor and now people are poor because they wear jeans.

Councilman DiCostanzo said, for those who do not know, there is an ice rink at the main park on the tennis court weather permitting. He thanked John Burns for putting it together.

Councilman DiCostanzo reported on the single family dwelling permits. One permit was issued in January 2009, compared to 4 in January 2008 and 10 in January of 2007.

Councilman DiCostanzo said there is no official Planning Board meeting next Wednesday. There will be a presentation on February 18th at 7:00 p.m. in the Town Hall auditorium by Don Owens, an expert in soil and wetlands.

Councilman Kolber announced that the League of Women Voters is sponsoring Supervisor Bylewski's "State of the Town" on February 19th at 11:30 a.m. at Hirsch's Restaurant. Lunch will be served promptly at Noon.

Councilman Kolber announced that the Clarence Lacrosse Boosters is having a pasta dinner on April 1st. This sport has really taken off and they have to turn kids away. He is trying to help foster their growth.

Supervisor Bylewski thanked department heads present for attending.

A Public Hearing was held to consider the request for a Temporary Conditional Permit for an automotive sales operation at 9155 Main Street. James Callahan said the location is the

south side of Main Street, west of Sheridan and Thompson within an existing commercial structure in the Commercial Zone.

Mary Fenney said this is a new business. She will not display cars for sale. The hours of operation would be basically Monday thru Saturday. She has to have office space. There is also space in the back to park if needed.

Speaking to the subject:

Craig Walek said he lives on the back corner of the property being discussed. He has concerns about additional traffic on Main Street. Used car sales are visually more intrusive than other types of commercial uses. Due to the potential for outdoor storage and maintenance activities, he asks the Town Board to make sure adequate screening is incorporated into the landscape plan.

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. Absent: Councilman Weiss. Motion carried.

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

Resolved, that the Clarence Town Board, after a public hearing duly held on February 11, 2009 and after all interested parties being heard, grants a Temporary Conditional Permit to the applicant, Mary Feeney, for a new automotive sales operation at 9155 Main Street subject to the following conditions:

1. Temporary Conditional Permit is for a period of one year.
2. Paving and striping of vehicle storage area required.
3. No vehicles to be displayed or worked on at any given time.
4. The hours of operation are to be from 9:00 a.m. and not later than 5:00 p.m. Monday through Saturday.

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

Brookfield Flying Club requests a Permit to operate a model plane flying club at 8600 Roll Road. James Callahan said the location is the north side of Roll Road, east of Harris Hill Road consisting of vacant land in the Industrial Business Park Zone.

The Attorney representing MW Development said this is simply flying of model planes as a hobby. There is no audience or showing. It is a group of men who pay dues to cover maintenance and insurance.

James Callahan said the DEC called yesterday to identify their concerns of disturbance to a closed landfill. They asked that no approvals or activity continue until they have a chance to meet with the applicant and with the Town.

Supervisor Bylewski said the Town Board discussed the option of referring the request to the TEQR Committee to keep the request moving.

The Attorney said the property is a wilderness area and the DEC comes out every year to inspect it. They have never relayed any concerns to his client. The gentlemen would like to continue to operate their planes.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to refer the request from Brookfield Flying Club to operate a model plane flying club at 8600 Roll Road to the TEQR Committee for further review.

On the question, Councilman Kolber said the flying is not going on only within the boundaries of this property. The attorney said sometimes they may stray due to weather conditions. The airplanes have not hit anything or caused any property damage. Councilman Kolber said that is not a wilderness area, it is privately owned property. The Town owns the development rights only. A letter received from that owner states that the planes crash on their property.

Supervisor Bylewski said this request was on a previous agenda and removed at the request of the applicant. We are moving as quickly as we can.

Councilman Kolber said the letter from Greg and Carolyn Ribbeck, dated February 10, 2009 also states that planes crash on their property. The owners trespass on their property to retrieve the good parts and leave the rest lay.

Supervisor Bylewski said the TEQR Committee will review the environmental issues based on the call from the DEC to determine any impacts.

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

Jacob Chameli requests Minor Subdivision to create one additional residential building lot on Tonawanda Creek Road. James Callahan said the property is on the north side of Tonawanda Creek Road consisting of an existing residential use on 23+ acres in the Agricultural Flood Zone.

Jacob Chameli was present.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber that pursuant to Article 8 of the Environmental Conservation Law and upon the recommendation of the Planning and Zoning Department, the Clarence Town Board issues a Negative Declaration on the proposed Chameli Minor subdivision. This Unlisted Action involves the Minor Subdivision of land to create one additional residential building lot in the Agricultural Flood Zone at 10150 Tonawanda Creek Road, west of Salt Road. After thorough review of the submitted surveys and Environmental Assessment Form (EAF), it is determined that the proposed action is consistent with Master Plan 2015 and local land use regulations and will not have a significant impact upon the environment. Upon roll call— Ayes: All; Noes: None. Absent: Councilman Weiss. Motion carried.

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

Resolved, that the Clarence Town Board grants Minor Subdivision approval for one additional residential building lot to the applicant, Jacob Chameli for the property located on the north side of Tonawanda Creek Road, west of Salt Road, to be known as 10150 Tonawanda Creek Road, subject to: 1. Open space and recreation fees.

Upon roll call - Ayes: All; Noes: None. Absent: Councilman Weiss. Motion carried.

Metzger Civil Engineering requests a Major Subdivision to split additional frontage lots along Lapp Road. James Callahan said the property is located on the north side of Lapp Road, east of Transit Road consisting of approximately 26+/- acres of vacant land in the Agricultural Flood Zone. A Minor Subdivision approval was previously granted to allow three residential lots and the remainder. This new request creates a major subdivision.

Al Hopkins of Metzger Civil Engineering said there are some size restrictions here due to the flood zone and the zoning district. They are only able to develop frontage lots and the waterline extension is very costly.

Supervisor Bylewski said this was previously approved as a minor subdivision. In accordance with the Master Plan, there is a diversion from unsewered subdivisions. Part of this proposed subdivision would be in Erie County Sewer District No. 5 and should be discussed further. The preference is sewers.

Mr. Hopkins said the sewer currently ends where the development ends. The sewer is too low to feed by gravity. The County will not allow it to be pumped from the subdivision if it is under 75 lots. They propose three lots at 200 ft.; one over 200 ft. and the lot in the middle is a little over 5 acres. The cost to extend the waterline is over \$100,000.

Supervisor Bylewski said the sewers are problematic for him. There are requirements in the Master Plan for preference of sewers in subdivisions. We are supposed to receive something from Erie County Sewer District No. 5 whenever there is a subdivision within that District.

Mr. Hopkins said they would be bound by four lots every three years without sewers.

Supervisor Bylewski said he has approval for the three minor lots, but if he proceeds with the additional lots, there is the potential impact to the minor.

We have identified water and sewer as the issues.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to refer the request for a Major Subdivision to split additional frontage lots along Lapp Road to the Planning Board for further review. On the question, Supervisor Bylewski said we will want more discussion and study on both the sewers and water. There may be a more creative way to use it rather than the road frontage splits, which will be addressed through the planning process. Upon roll call - Ayes: All; Noes: None. Absent: Councilman Weiss. Motion carried.

Linda Carpenter requests a Change-In-Use at 6045 Goodrich Road from restaurant/bookstore to print/stationery shop. James Callahan said the location is the southeast corner of Goodrich Road and Maple Street in the Clarence Center Traditional Neighborhood District.

Linda Carpenter said she has no plans for any outside display. She will know by Monday if she will get the lease. The only change to the building would be the sign.

Supervisor Bylewski said she would have to work out parking with the adjacent property owners. Ms. Carpenter said she has already talked with them.

Motion by Councilman Kolber, seconded by Councilman Casilio to grant a Change-In-Use at 6045 Goodrich Road from restaurant/bookstore to print/stationery shop. On the question, Councilman Kolber said he wishes her business success. Upon roll call - Ayes: All; Noes: None. Absent: Councilman Weiss. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio to grant approval for the following: Clubhouse Applications – A. Clarence Soccer Club – March 21, 2009; B. Clarence Contemporary Club – March 23, 2009; C. Clarence Hollow Association – April 7, 2009; Legion Hall Applications – A. Clarence Blue Collar Unit – Feb. 21, Apr. 21 & June 17, 2009; B. Janet Rosenberg – March 8, 2009; C. Susan Cross – March 15, 2009; D. Bill Metzger – April 19, 2009; E. Dennis Raquet – May 16, 2009; F. Jean Ranney – June 28, 2009; and G. Sandi Greco – Oct. 3, 2009. On the question, Supervisor Bylewski said the standard disclosure that Town Board members are also members of various organizations, however this is ministerial and he will be voting. Upon roll call - Ayes: All; Noes: None. Absent: Councilman Weiss. Motion carried.

Motion by Councilman Kolber, seconded by Supervisor Bylewski that after proper audit and review by the Town Board, the following bills of February 5, 2009 are approved for payment: General Fund - \$131,130.71; Highway Fund - \$79,197.23; Water District - \$33,913.38; Sewer Districts - \$530.69; Capital Fund - \$53,722.59; and Trust & Agency 203 - \$1,800.00 for a total amount of \$300,294.60. Upon roll call - Ayes: All; Noes: None. Absent: Councilman Weiss. Motion carried.

“For the Good of the Town”

Craig Walek said he is very disappointed with the actions of the Town Board this evening after the public hearing was held. He asked for special consideration and none of it was heard. It does not matter how long a car is there as it will be a violation of what she agreed to this evening. There was nothing done about the landscaping whatsoever. He is disappointed that no one voted to oppose such a project.

Supervisor Bylewski said in this case there was a motion made not to have any display of vehicles. As to the landscaping, there are no changes to the façade of the building that would trigger landscaping changes to be made.

Councilman Kolber added that it is a commercial building in a commercial area and there are going to be cars in the area. Other businesses bring in many more cars.

Mr. Walek said he understands all of these points. He is vehemently opposed and hopes that the permit will be revoked.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:45 P.M. in memory of Roland Boller, former Town Councilman.

Nancy C. Metzger
Town Clerk