

A Work Session of the Clarence Town Board was held on March 25, 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 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, Assistant Engineer Tim Lavocat, Senior Building Inspector David Metzger and Director of Administration and Finance Pam Smith.

Director of Community Development – James Callahan:

Public Hearings:

Greatbatch 4096 - 4100 Barton Road

Applicant is proposing to store lithium batteries on the premises. The existing industrial operation is located on the south side of Wehrle Drive, west side of Barton Road 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.

Stone Ridge Estates southeast corner of Ransom & Stage Road

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 Agriculture Rural Residential Zone. Per the Subdivision Law, the Town Board has final authority to approve Major Subdivisions.

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.

Millherst Construction south side of County Road west of Strickler Road

Applicant is proposing to construct a new office/shop/warehouse/yard to relocate an existing construction company to the site. The existing vacant land (former Christmas tree farm) consists of 17+/- acres in the Industrial Business Park Zone. Per the Zoning Law, the Town Board has authority to approve uses in the Industrial Business Park. The Planning Board has forwarded a recommendation to approve the concept as designed. Appropriate conditions must be considered.

Formal agenda items:

Ernest Koenig 8430 Tonawanda Creek Road

Applicant is seeking approval to split the property to create three new residential building lots. The proposed site is located on the north side of Tonawanda Creek Road, east of Westphalinger Road on existing property consisting of 19.2+/- acres in the Agriculture Flood Zone. Per the Subdivision Law, the Town Board has authority to approve minor subdivisions. All proposed lot sizes will be in conformance with local zoning and land use regulations. The proposed splits will utilize the entire parcel.

Cody Covey 6585 Transit Road

Applicant is proposing to utilize the existing facility for an automotive sales operation. The proposed site is located on the east side of Transit Road, north of Miles Road (formerly Belknap Heating & Cooling). The existing commercial structure is located on 1.87 acres in the Major Arterial Zone. Per the Zoning Law, the Town Board has authority to approve automotive sales use in the Major Arterial Zone. Areas of concern are the display areas, landscaping and hours of operation.

Carmen Cimato 6125 Herr Road

Applicant is proposing to demolish the existing house that is older than 50 years. The proposed structure is located on the east side of Herr Road, north of Clarence Center Road located in the Residential Zone. As the structure is older

than 50 years, the proposed demolition is considered a Type I Action under SEQRA and will require referral to TEQR and Historic Preservation Commission.

Pinecrest Homes northwest corner of Salt and Miland Roads

Applicant is seeking additional residential lot splits off the parent parcel. The vacant land is located on the north-west corner of Salt and Miland Roads. Applicant received a minor subdivision approval under the old codes for 4-lots. Per the Subdivision Law, the Town Board has final authority to approve lot splits. A determination must be reached as to whether the previously granted splits will make additional splits a Major Subdivision.

Clarence Soccer Club – Clarence Soccer Center

Applicant is proposing to construct a gazebo for the soccer club. The proposed site is located on the northeast corner of Clarence Center Road and Kraus Road within a town park. The Town Board has ultimate authority to approve projects within the Town Park. The proposed location will not interfere with any existing park activities.

Casilio Companies 8755 Sheridan Drive

Applicant is proposing an amendment to the previously approved site plan/architectural design. The proposed site is situated on the south side of Sheridan Drive, east of Boncrest Drive. This project was previously approved in 2006. Per the Zoning Law, the Town Board has authority to amend Development Plans. Applicant will be reducing the overall size and reconfiguring a driveway access to Sheridan Drive. The original design would have required a large amount of blasting to add the lower floor and would add more square footage at a greater cost. The applicant decided to eliminate the lower floor and stick with the existing building. They will remove two lanes of parking that are sited on the east side of the site plan and move the building to the east where the parking currently exists and also reposition the west parcel line to accommodate for that. This will require moving the existing curb cut on the west side of the site plan. **(Applicant asked to be removed from the agenda).**

2009 Temporary Conditional Permit renewals

There have not been any resident concerns regarding any of the renewals. A public hearing will be set.

K & A Landscaping and Ponds 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, currently located on Main Street. The proposed site is located on the south side of Sheridan Drive, east of intersection with Shimerville Road. The existing residential structure is located in the Restricted Business Zone. The project has previously been referred to the Planning Board and they have recommended the applicant be granted a Temporary Conditional Permit with conditions. The applicant had prepared a site plan for the Planning Board that featured a fencing, paving, and landscape schedule. The Planning Board recommended the site plan and discussed issues related to the operation of the business.

Work Session items for consideration April 8, 2009:

John Cummings 8352 Main Street

Applicant is requesting a Change in Use from vacant to pizza parlor. The proposed site is located on the north side of Main Street, east of Kraus Road in an existing vacant commercial property (former 7-Eleven Convenience Store). Per the Zoning Law, the Town Board has authority to approve changes in use in the Commercial Zone.

Bob Fruehauf 10975 Clarence Center Road

Applicant is proposing to create two additional residential building lots on existing vacant land on the southwest corner of Clarence Center and Davison Road. The area is identified in the Agricultural Rural Residential Zoning District. Per the Subdivision Law, the Town Board has final authority to approve lot splits. All

proposed lot sizes will be in conformance with local zoning and land use regulations. The proposed splits will utilize the entire parcel. The Engineering Department and Assessor's Office have reviewed this proposal and approve with standard conditions.

Al Schweitzer 5445 Transit Road

Applicant is requesting a Solicitor's Permit for a hot dog stand. The proposed site is located on the east side of Transit Road, south of Roll Road in existing retail place in the Major Arterial Zoning District. Per the Peddling and Soliciting Law, the Town Board has final authority to approve solicitor's permits.

Marta Carney 6010 Goodrich Road

Applicant has requested a Temporary Conditional Permit for outside dining. The proposed site is located on the west side of Goodrich Road, north of Clarence Center Road in existing structure utilized for retail. The area is identified in the TND Zoning District and the Clarence Center hamlet.

Shadow Woods Subdivision west side of Goodrich Road north of Keller Road

Applicant is requesting Concept Plan approval for an Open Space Design Subdivision. The proposed site is situated on the west side of Goodrich Road, north of Keller Road. The proposed Open Space design subdivision has previously received a negative declaration under SEQR and a positive recommendation of the Planning Board based upon the current design. Per the Subdivision Law, the Town Board has the final authority to approve major subdivisions. A public hearing must be held prior to Concept Plan approval. The project has been presented as a patio home development. Consideration must be made for building envelope, building size, setbacks and a recreational component prior to the applicant pursuing the development of engineering plans.

Ranchview LLC/Rubino Brothers Clarence Center & Shimerville Road

Applicant is requesting Concept Plan approval for an Open Space Design subdivision. The proposed site is located on the southwest corner of the intersection of Clarence Center and Shimerville Road. The proposed Open Space Design Subdivision has previously received a negative declaration under SEQR and a positive recommendation of the Planning Board based upon the current design with certain alterations. The area is identified in the Residential Single Family Zoning District. As per the Subdivision Law, the Town Board has the final authority to approve major subdivisions. A public hearing must be held prior to Concept Plan approval. The project has been presented as a patio home development. Consideration must be made for building envelope, building size, setbacks and a recreational component prior to the applicant pursuing the development of engineering plans. The Planning Board recommendation suggested that open space between lots within the center of the subdivision be reallocated to other more substantial portions of open space.

Sala Restaurant 9780 Main Street

Applicant is requesting an outside dining permit. Tables will be set up on the west side of the establishment.

Supervisor Scott Bylewski

Supervisor Bylewski has a correction to the minutes.

Supervisor Bylewski reminded the Board of the vacancies on several committees.

Supervisor Bylewski has received another request from PERMA regarding the nomination of a PERMA member to be on the Board of Directors. Supervisor Bylewski stated that he did not have any nominations nor does he have any preference as to voting so he will continue doing it unless someone says otherwise.

There have been some discussions as to doing a "Customer Satisfaction Survey". The Youth Bureau has talked about doing one and there was some talk

between Recreation and Parks as well. Supervisor will obtain pricing and bring it back to the Town Board.

Parks Security Joe Meacham would like to make sure that FM Communication can prove to the Town of Clarence that their radios will work flawlessly with a repeater at Town Hall. Supervisor Bylewski would like FM Communications to come out and test the system and have Joe Meacham try it out.

The auditors are scheduled to make their presentation to the Town at the first meeting in May. Director of Administration and Finance Pam Smith has compiled a list of all the auditors' comments.

The NTSB will be holding a Public Hearing in Washington, DC regarding Flight 3407.

Doug Kohler in conjunction with Town Historian Mark Woodward is developing an oral history of the community's experience following the crash of Flight 3407.

Supervisor Bylewski received a communication from School Superintendent Tom Coseo regarding summer concerts in the town park. During inclement weather, the concerts are moved to the high school. Mr. Coseo as well as the Concert Association is requesting town security assist with parking during these events. Town Attorney Bengart is working on this; he is looking into providing the school with a Certificate of Insurance. Councilman Casilio suggested training for Parks Security for off-site traffic control.

The Town of Clarence was chosen to receive one of the first awards presented by Preservation Buffalo Niagara. Award categories in 2009 were established to acknowledge distinguished contributions to our community through preservation activity. Recipients will be recognized in the following areas: restoration; rehabilitation/adaptive reuse; preservation craft; neighborhood conservation; preservation service; and education. Tickets are \$75 each.

Supervisor Bylewski received the ISO letter regarding the building code issue. Our rating as a town went from 4 to a 5. Hopefully once NYS adopts the most up to date International Building Code our rating will drop back down to 4.

The Youth Bureau is interesting in obtaining a credit card. The reason behind this request is they do multiple small purchases. Supervisor Bylewski has several concerns with this request and will work further with Youth Director Dawn Kinney. Director of Administration and Finance Pam Smith would like Town Board approval before an application is filled out.

We have three vehicles marked Public Safety. Supervisor Bylewski stated that the larger Tahoe (which is shared with emergency services) will be staged out of Town Hall and the other two will remain temporarily at the Main Street Park. Once we get rid of one of the Parks Security sedans in mid April, the smaller sport utility vehicle will be used by the Messenger given the duties she has during the day.

Supervisor Bylewski received the GASB45 information.

Supervisor Bylewski thanked everyone who attended the Lean Six Sigma Change Management Training. Further discussion will take place regarding the Green Belt projects.

Given the current state budget bill, on behalf of Town Clerk Nancy Metzger and Highway Superintendent Ted Donner, Supervisor Bylewski will make a motion in support of keeping both their positions elected positions as opposed to appointed position.

Supervisor Bylewski will appoint Brad Packard to the position of Junior Planner – Permanent, changing his status from Junior Planer – Provisional, as he has

successfully passed the Civil Service exam and has scored number one for the Town of Clarence.

Several Civil Service positions are being created to refine some issues the town has had with Civil Service regarding the Recreation Specialist and Lifeguard part time.

Three computers that were loaned out to the Convention and Visitors Bureau will be declared surplus. Steve Flaminio our computer vendor will negotiate a reasonable selling price. This was beneficial to the Town in terms of public relations and intergovernmental/not-for-profit cooperation and it benefited the Convention and Visitors Bureau as well.

The American Legion is requesting permission to host their annual Memorial Day Parade along Main Street beginning at Clarence High School proceeding east to Clarence Town Park.

Councilman Joseph Weiss

Highway Superintendent Ted Donner attended a meeting in Albany and it appears that we may be at a loss of \$51,000 in funding for road work (CHIPS money).

The Conservation Advisory Board met and came up with a plan to clean up the garbage along several roads in town. Gunnvile between Main Street and Wehrle Drive, Goodrich Road between Greiner Road and Main Street and the area in front of Town Hall and Harris Hill Road between Greiner Road and Sheridan Drive. The school will not allow student volunteers because of liability issues.

April 1st is opening day for trout season; the pond will be stocked for the Fishing Derby on April 25th.

Councilman Weiss reported that 141 deer were taken during the Deer Abatement Program and the meat was donated to the Food Bank.

Councilman Bernard Kolber

Councilman Kolber attended the Fire Chiefs meeting last week, they are aware of several projects going on including the request by Wilson Greatbatch to store lithium batteries. Once they realized what this was, they had no concerns. Supervisor Bylewski stated that the Planning Department discussed this with Harris Hill VFC and Clarence Haz-Mat.

The Fire Chiefs also discussed the teen dances that have been held at the WNY Event Center in the Town of Newstead and the problems that have occurred including alcohol poisoning and traffic congestion along Main Street.

The Clarence Public Library received a grant for the installation of handicap accessible doors. The project has to begin within 180 days from approval which was March 10th. The information was forwarded to Town Engineer Joseph Latona. The total project cost is \$6,200. The grant award was for \$3,100.

The Lions Club donated \$500 for large print books.

Linda Rizzo has resigned as Director and gone back to Central Library. There is no list of directors at this time; David Fairlie is operating as director for the interim.

Circulation at the library is down as is their revenue. They are not getting the fine money that they had budgeted for. Many people have disconnected their internet service at home and are using the library to type up resumes and do job searches.

The DMV has closed their satellite office at the library and have move to Eastern Hills Mall.

Councilman Kolber has two items to discuss in Executive Session regarding the employment history of corporations.

Councilman Patrick Casilio

Some firemen have shown an interest in the amount of money paid to Erie County Water Authority for the cost of servicing our hydrants. They feel that \$229 per hydrant is too high. It costs the town approximately \$400,000 per year for services. That service includes maintenance of the hydrant and the water that flows through it either for fires or drill purposes. Councilman Casilio will work with Pam Smith and ECWA and get some factual information behind the cost figure of \$229.

Councilman Casilio thanked Supervisor Bylewski and Town Attorney Bengart for attending the Public Safety meeting on Monday.

The video camera poles have arrived. Councilman Casilio met with Park's employees about locating them. The first location is all set; the details have to be worked out on the second location.

Councilman Casilio received a request for a speed reduction on Heise Road. This was referred to Highway Superintendent Donner; Heise Road is a County road. The speed limit is 55 mph the applicant is requesting the speed limit be reduced to 35mph considering all the new homes in the area.

The Clarence Hollow Association is sponsoring a brainstorming session regarding the revitalization of Clarence Hollow on April 4th at the Clubhouse from 9am – 12noon.

Councilman Casilio attended the Clarence Center Community Association meeting at the library. The CCC Association may be incorporating in the near future and enlarging the scope of their mission. They are looking into going from Clarence Center Community Association to being a Clarence Community Association.

Councilman Peter DiCostanzo

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

Councilman DiCostanzo discussed a letter he received from a resident complaining about a neighbor running a business out of his home sighting that it is in violation of our zoning codes and possibly tax evasion. Councilman DiCostanzo spoke with the Planning & Zoning Department about this and there is a provision in the Zoning Code which allows owners or occupants of residential living units to operate an occupation following provisions in the law to ensure that the residential character of the unit remains intact.

The proposed state budget would cut state funding for our Youth Bureau; Councilman DiCostanzo will make a motion requesting Governor Paterson and the NYS Legislature maintain current Youth Bureau Funding which is in the best interest of the youth and families of the Town of Clarence and NYS.

Councilman DiCostanzo stated that the posts in front of Brennan's have been removed.

Councilman DiCostanzo will read a brief statement regarding the assessment letters that were mailed out. A public awareness workshop is scheduled for Saturday, April 4th.

The Clarence Jaycees Antique Show will be held this weekend March 29th at the Clubhouse.

Assistant Engineer Tim Lavocat

The Town has been approached by Crown Castle International, they lease the space behind the Engineering Building for their telecommunications and they are

requesting more space. Town Attorney Bengart is working on amending the lease agreement; this will be discussed at the next Town Board meeting.

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

There being no further business, the Work Session adjourned at 6:57 PM.

Darcy A. Snyder
Deputy Town Clerk

Councilman Casilio left the meeting at 7:25 P.M.

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to adjourn the Executive Session at 7:29PM. Upon roll call – Ayes: Councilman DiCostanzo, Councilman Kolber, Councilman Weiss and Supervisor Bylewski; Noes: None. Absent: Councilman Casilio. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held Wednesday, March 25, 2009 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:34 P.M. Councilman Joseph Weiss led in the pledge to the flag, followed by a prayer given by Supervisor Bylewski.

Members of the Town Board present were Councilmembers Peter DiCostanzo, Patrick Casilio, Bernard Kolber, Joseph Weiss and Supervisor Bylewski. Other Town officials present were Director of Community Development James Callahan, Town Attorney Steven Bengart, Asst. Town Engineer Tim Lavocat, Planner Brad Packard and Building Inspector David Metzger.

Motion by Councilman Weiss, seconded by Councilman Casilio to accept the minutes of the previous meeting held February 11, 2009. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio to accept the minutes of the previous meeting held February 25, 2009. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman DiCostanzo to accept the minutes of the previous meeting held March 4, 2009. On the question, Supervisor Bylewski had a clarification to the bottom of page 59 – “...the Town Board would make an exception...” regarding signs. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski said there are a number of public hearings tonight and we will limit public comment to three minutes for each speaker in accordance with past practice when there are several hearings.

Agenda item #19, Casilio Companies request for a site plan amendment has been removed from the agenda at the applicant's request.

Supervisor Bylewski announced that NTSB will be holding a public hearing regarding Flight 3407 to be held in Washington DC in May.

Supervisor Bylewski said there are a number of private efforts going on regarding Flight 3407. There are a lot of good things out there, but people who are looking to make donations of time or money should know what those efforts are going towards.

Barnes and Noble is having a musical tribute for the victims on April 24th & 25th.

The Town, County, School District and Library have been involved in capturing the oral histories relative to Flight 3407. The next date is April 4th in the Community Room of the Library from 1 to 4 pm for people to come in and share their stories. If you cannot make that date, but are interested in sharing your story, you can email Doug Kohler, who is now the County Historian at doug.kohler@erie.gov.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to adopt the following resolution in opposition to the State 2009-2010 Executive Budget Bill, Public Protection and General Government Article VII, Part NN, Sections 26 through 28 of S.56-a/A.156-a,:

WHEREAS, the Office of the Town Clerk is the center of local government providing indispensable duties including management, storage and organization of all Town records, taking accurate and reliable minutes of the Town Board, collection of licensing fees, issuance of marriage licenses and birth and death certificates, and in most towns the collection of County/Town taxes and School taxes, and

WHEREAS, the Office of the Superintendent of Highways provides indispensable duties including maintaining highways & drainage ditches throughout the Town, snow plowing, road patching and paving, pick-up of wood debris, etc., and

WHEREAS, the Town Clerk and Highway Superintendent are duly elected by the voters, giving the residents a say in the process and providing the checks and balances with the Town Clerk and Highway Superintendent being accountable to the electorate, and thereby promoting accountability within government, and

WHEREAS, Part NN, Sections 26 through 28, of S.56-a/A.156-a, Public Protection and General Government Article VII of the Governor's Budget Bill will permit a Town Board to

convert the offices of Town Clerk and Highway Superintendent from an elected to an appointed position, subject to a permissive referendum, and

WHEREAS, Municipal Home Rule already requires a mandatory referendum to occur before any change in an elected office could occur, and

WHEREAS, a Mandatory Referendum would require the affirmative vote of the electorate at a biennial or special election, and

WHEREAS, a permissive referendum technically can be passed without any public comment thus taking away the voice and the choice of the residents to choose who they want as their representative, and

WHEREAS, a permissive referendum is a cumbersome, inefficient and time consuming process, and

WHEREAS, there is no cost efficiency in an appointed position versus an elected position because the duties and overhead are the same;

NOW, THEREFORE, BE IT

RESOLVED, that in the interest of its residents and good, efficient, cost effective government the Town Board of the Town of Clarence is opposed to Part NN, Sections 26 through 28, of S.56-a/A.156-a, Public Protection and General Government Article VII of the NYS Governor's Bill, and

BE IT FURTHER

RESOLVED that the Town of Clarence appeals to its State Officials to oppose Part NN, Sections 26 through 28, of S.56-a/A.156-a, Public Protection and General Government Article VII of the NYS Governor's Bill to convert the Town Clerk and the Office of the Highway Superintendent from an elected to an appointed position and requests that a copy of this resolution be forwarded to Governor David Paterson, and the Western New York delegation of the New York State Senate & Assembly, the Honorable Sheldon Silver and the Honorable Malcolm Smith.

On the question, Councilman Weiss said our citizenry is pleased with the jobs being done by Mrs. Metzger and Mr. Donner, so the system is working very well as is.

Councilman Casilio said he does not know why the State would even look at doing something like this with all of the problems that they have. If you read between the lines, they may think that by eliminating the local positions it makes way for them to take over in the future. With all of the problems in their budget, this does not make economic sense at all. The cost of running for office is on the person running, not on the State of New York.

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

Motion by Supervisor Bylewski, seconded by Councilman Casilio to appoint Brad Packard to the position of Junior Planner – Permanent, changing his status from Junior Planner – Provisional, as he has successfully passed the civil service exam and has scored number one for the Town of Clarence, effective as of March 25, 2009. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to create the following positions for Civil Service purposes: 15 Recreation Specialist P/T – Seasonal (Non-Competitive) positions; and 25 Lifeguard P/T – Seasonal (Non-Competitive) positions. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to approve the transfer in the 2009 budget of \$800 from A1420.471 Legal and Professional Services to A1420.220 Office Equipment. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to set a Public Hearing that was previously set for April 8, 2009 to consider the request for a Temporary Conditional Permit for automotive sales at 6031 Transit Road, to now be held on April 22, 2009 at 7:45 p.m. per the applicant's request. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to declare the following computers loaned to the Convention Visitors Bureau in May 2008 as surplus, with any proceeds to be arranged and brokered by Steve Flaminio, our outside computer specialist: #388 – Compaq DX2000, purchased 6/2/05, SN MXD5160C6P; #412 – Compaq DX2000, purchased 9/19/05, SN MXD53404TL; and #413 – Compaq DX2000, purchased 9/19/05, SN MXD53404S9. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to grant a Special Event Permit to American Legion Post #838 to hold their annual Memorial Day Parade on Monday, May 25, 2009 beginning at 11:00 a.m. from the Clarence High School on Main Street, east to the Town Park. On the question, Supervisor Bylewski said as in the past, if the weather is inclement the parade will be cancelled and a memorial ceremony will be in the Town Park Clubhouse at 11:00 a.m. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss stated that Highway Supt. Ted Donner attended an Advocacy Day in Albany last week with the Erie County Association of Town Superintendents of Highways to meet with the State Senators and Assemblymen. The towns could take a hit on the CHIPS funding used for road maintenance. The preliminary budget loss for Clarence could be \$51,427.

Councilman Weiss said the Conservation Advisory Council is going to work on cleaning up the following roads that are not included in the Adopt-A-Highway Program: Gunnville between Main and Wehrle; Goodrich between Greiner and Main and the area in front of the Town Hall to Roll Road; and Harris Hill Road between Greiner and Sheridan.

Councilman Weiss announced that the Parks Department will stock the Main Street Park pond with trout for April 1st opening day and again for the Fishing Derby. The Fishing Derby will be held on April 25th hosted by Chip Trapper of the Recreation Department and the Parks Department. The event will begin at 9:00 a.m. until Noon for children through the age of 15 years old. The kids have to bring their own fishing poles and bait.

Councilman Kolber said the librarian for the Clarence Library has resigned and gone back to the Central Library.

The Library has received a grant in the amount of \$3,100 to help pay for the installation of handicap inner doors and doors for the bathrooms.

Book circulation is about the same as last year, while late fees are down. The Lions Club gave the library \$500 to purchase new books.

Councilman Kolber said the DMV will no longer be at the Library on Fridays. They have moved to their permanent location inside the Eastern Hills Mall.

AARP volunteers are available at the Library on Monday, Thursday and Saturday to offer tax assistance.

Councilman Kolber said there have been two teenage dances held at the Event Center with thousands of kids attending, which is actually in the Town of Newstead. People have brought this to our attention thinking it was Clarence. We have heard of traffic and drinking issues. The Town of Newstead is aware and dealing with it.

Councilman Casilio said the long awaited video camera poles have come in and we hope to have them up by the end of April.

A fundraiser was held by the Erie County Law Enforcement Foundation earlier this year, on behalf of Councilman Casilio's Father and we will receive a donation to be put toward the cameras.

Councilman Casilio said we purchased two more safety vehicles and now have three to patrol Town properties. We purchased two surplus vehicles from Harris Hill Fire Company at a reduced cost for security purposes. He thanked the Town Board for moving in this direction.

Councilman Casilio said we have received requests to review the hydrant fees paid by the Town to Erie County Water Authority. We are currently paying \$229 per hydrant. He will work with the Authority to see why the rate is that high.

Councilman Casilio said he received a quote for Willow Brook Gaslight District to convert to electric lights. He will meet with the people of the district to see what direction they would like to go.

Councilman Casilio said he received a request for a speed reduction on Heise Road that he has referred to the Highway Superintendent. He will take the request to the County as it is a county road.

Councilman Casilio said the Clarence Hollow Association is meeting next Saturday to discuss bringing businesses to the Hollow.

Councilman DiCostanzo said he received a request to look into a home business of another resident. The concern was that multiple businesses were being run from a home. It is not illegal to have a business in your home. There are regulations regarding parking and other things, but not just a business. He will look into it further.

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

WHEREAS, the proposed New York State budget recommends a “Youth Development Block Grant”; and

WHEREAS, the proposed block grant combines youth prevention and intervention services with state mandated detention services; and

WHEREAS, the prevention and intervention services provided by the Youth Bureau System, as it stands in Article 19-A of New York State Executive Law section 420, are designed to prevent the need for more costly services, such as detention; and

WHEREAS, the Town of Clarence believes that approval of the “Youth Development Block Grant” would decrease funding for prevention and intervention services; and

WHEREAS, decreased funding of Youth Bureaus will decrease the programming that is needed to support and develop the young people in our community.

NOW, THEREFORE, BE IT

RESOLVED, by the Clarence Town Board that the Town of Clarence hereby requests Governor Paterson and the New York State Legislature to uphold Article 19-A of New York State Executive Law section 420, to maintain the current Youth Bureau System which is in the best interest of the youth and families of the Town of Clarence and of New York State.

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

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that pursuant to Article 8 of the Environmental Conservation Law and upon the recommendations of the Planning Board, the Clarence Town Board issues a Negative Declaration on the proposed K & A Landscaping and Ponds at 8905 Sheridan Drive. This Unlisted Action involves the use of Restricted Business Zone property for a Landscape and Pond business. After through review of the submitted site plan and Environmental Assessment Form by the Town Board and Planning Board, it is determined that the proposed use, with conditions, is compatible with local land uses regulations. Upon roll call – Ayes: All; Noes: None. 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 Brookfield Flying Club use located at 8600 Roll Road. This Unlisted Action involves the use of property in the Industrial Business Park Zone for a model airplane flying club. On the question, Councilman DiCostanzo said this does not give approval for anything. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo said the Assessor asked him to let everyone know that the assessment notices have gone out. The entire Town has gone through a statistical analysis including 12,000+ parcels; 4,500 parcels were reviewed further including new construction, pools, additions, etc. Of the 4,500 reviewed, 1,950 showed no change in value, 120 had a decrease in value and 2,430 increased in value.

A public awareness workshop will be held on Saturday, April 4th from 9:30 to 11:00 a.m. at the Town Hall to explain the annual assessment process. Reservations are required by calling the Assessor’s office at 741-8941 to register. If necessary, Assessor Christine Fusco will add another session for that afternoon.

Councilman DiCostanzo announced that the Clarence Jaycees Antique Show will be held on Sunday, March 29th at the Town Park Clubhouse.

Town Clerk Nancy Metzger announced that she received a copy of the Clarence Fire Dist. No 1 Annual Financial Report to the State Comptroller for 2008 according to General Municipal Law Section 30 and Town Law Section 181(6). The report will be on file in the Town Clerk’s office.

Supervisor Bylewski thanked all department heads present for attending.

A Public Hearing was held to consider the request by Greatbatch, Inc. for a Special Exception Use Permit for lithium battery storage at 4096, 4098 and 4100 Barton Road. James Callahan said the location is at the southwest corner of Wehrle Drive and Barton Road in the Industrial Business Park Zone.

Supervisor Bylewski said that on December 7, 1988 as a result of the initial rezoning from Agricultural to Industrial a condition that the applicant is seeking to have changed was that before any building permit was issued a letter of intent be submitted by the owners that no hazardous materials such as lithium batteries, etc. would be stored.

Curt Cashmore, Manager of Facilities for Greatbatch, Inc.; Tom Skwara, Director of Technology for ElectroChem a Division of Greatbatch, Kathy O'Shei, Corporate Manager of Environmental Health and Safety for Greatbatch; and John Flannery, Director of Legal Department for Greatbatch were all present.

Curt Cashmore said the request is to store lithium batteries at the facility. They acquired IntelliSensing and made a decision to move the operation to their Barton Road facility to make the operation more efficient. The intent is to store the batteries until they are installed in the device and shipped out to the customer. They have no plans or intention to become a disposal treatment facility. Lithium batteries are not hazardous waste.

Tom Skwara said the batteries are only for the purpose of operating the devices that they manufacture. Their business is to provide power technology for oil and gas service industries. The device is a wireless temperature and pressure sensor to transmit the information to regulate operation equipment. Each device requires only one battery, which is produced in their company located in Massachusetts, shipped here and installed in the device and shipped out enclosed in a stainless steel case. Only new cells are used. The product is designed for use in harsh environments and so, the battery cells must be also. The cells would be stored in a fireproof cabinet measuring approximately 3' x 2' x 6' for storage of about 600 AA cells and 300 D cells.

Mr. Skwara said they canvassed the area of stores that carry lithium cells and they found cells on display out in the open for sale. They contain about 40% more lithium content than the cells they use. Their cells are designed with safety in mind to be rugged, reliable, with internal fusing and are tested for shock and vibration. They are not going to be manufactured, recycled or disassembled at the Barton Road site.

Greatbatch, Inc. has a Haz-Mat Response Team on site at all times. They also have trained first responders on site. They meet with the fire companies and give them tours of the facility.

Supervisor Bylewski said when this hearing was set we asked that Harris Hill Fire Company and Clarence Fire District Haz-Mat Team be notified. James Callahan said that both responded that they had no significant issues with what is proposed.

Councilman Casilio asked how many people are employed at that facility. Mr. Cashmore said about 125 with all three shifts.

Councilman Kolber said the cells that they would have are no more hazardous than what is at a store on an open shelf.

Speaking to the subject:

Anne Case asked if the lithium battery storage is approved, would there be a default of the IDA contract granted on April 31, 2001. It states in Section 4.8(f) that the company agrees that it will make no changes in the projected uses of the facility. She asked that storage be defined as to how much space. She also asked what stage of completion will the batteries be stored and for how long. Will this storage become a warehouse at some point?

Ms. Case felt that postponing a decision until the Board has researched all the questions and comments made tonight, along with any that may come in over the 30 days following would be expected acts of prudence and responsibility. A local law may be required. Some of the Town Board members were here for the BDT fire and all were here for the plane crash. She asks that they continue to be effectual, but listen well and act to prevent the next nightmare. Make the rule absolute.

Pat Melancon said lithium batteries can be very dangerous. They are made of explosive materials, provide extremely high currents and have been known to simply explode. Numerous incidents where disastrous explosions and fires have occurred can easily be found searching the internet. One such explosion happened in Thorold, Ontario two years ago and because lithium was involved the fire was let to burn itself out. The plant was owned by Clean Harbors and is reminiscent of the incident they had here at BDT.

The Transportation Security Administration has put restrictions on lithium batteries in checked luggage and carry-on bags. The TSA did this in part because of 88 incidents in aircraft and terminals involving lithium batteries.

Mrs. Melancon said a very important consideration should be whether they would be following the guidelines for safe storage and handling outlined in the Material Safety Data Sheets for lithium batteries? Who would monitor the facility? Would the EPA actually inspect the facility? Or would they just assume that the information submitted in the permit and reports is accurate, as was the case with BDT. Even if all safety precautions are taken, accidents do occur.

In the 1990's, Mrs. Melancon did research on BDT and was told that the buildings on Barton Road were machine shops and now they manufacture medical components. Somewhere along the way they obtained an EPA ID number which is for businesses that generate, transport, treat, store or dispose of hazardous waste. She wonders when they received the number and could they be in violation of our Hazardous Waste Treatment, Storage & Disposal Facility ordinance.

A resident finished reading Pat Melancon's comments.

Wilson-Greatbatch Inc. went to the Town in 1981 for a building permit for BDT and cited the use as a medical industrial plant. EPA permits and DEC permits were issued. Then, the Town lost control. It was not until the explosion that the Town became aware that the scope of the operation had escalated beyond their original intention.

The buildings on Barton Road are close to Buffalo Crushed Stone an active mining operation. Some years ago a truckload of dynamite exploded upon arrival at the stone quarry.

In August 2002 a leaky lithium battery began a series of events that destroyed the BDT facility. She believes it is ludicrous to put a lithium battery storage facility next to an active mine. The Town should do the responsible thing rather than gamble that history won't repeat itself.

Steve Murtaugh said his concern is why they have divided the operation to two locations, one on Barton and the other further down on Wehrle. Now we have two potentially hazardous locations. His other concern is expansion of the operation from just storage of the batteries.

Howard Melancon said the Town gave Buffalo Crushed Stone the right-of-way which gave the bike path access into Lancaster in return for the wooded area. His concern is that now there will be a battery storage facility next to land that the Town may want to use in the future.

Mr. Melancon said he would like to know the amount of batteries. How safe would any battery be with the blasts at Buffalo Crushed Stone?

He would also like to know if the Town has seen the EPA permit. There was an agreement made that it would be a machine shop. He believes if the Town sticks with that agreement there will not be any problems.

Tom Skwara responded to the questions and concerns brought forth.

The storage cabinet is fireproof with four structurally reinforced shelves. The volume would equate to about 4 boxes of batteries. The button-type cells are fully manufactured. The maximum storage would be for 600 AA and 300 D. The current needs are about half that amount. The total lithium count is less than 2.1 kilograms.

Councilman Kolber said it seems that everything is going toward the use of the lithium batteries. There is obviously the concern because of BDT. He has asked the Town Attorney to research how many batteries were involved in that fire. He assumes there were probably tons of batteries in that building. We are talking here about a maximum weight of less than 150 lbs. He feels more confident in this environment than at a store.

Councilman Weiss asked if the batteries were going to be used in other products or just the sensor unit.

Mr. Skwara said it is for this product. There is no research and development on the site.

Supervisor Bylewski asked what safety precautions are taken, if any, due to the location near the blasting at Buffalo Crushed Stone.

Mr. Skwara said the batteries are stored in shipping containers that are approved by the Department of Transportation and will remain in the containers inside the storage cabinet. The cells are designed for safety and specifically for high vibration environments. They are tested.

Councilman Kolber asked the building inspector if there is any concern for storage of batteries at any stores that carry them.

David Metzger said the Building Code and the Fire Code do not address quantities of batteries stored. They are self-contained units.

Kathy O'Shei said most of the batteries are shipped by air cargo. The facility is regulated by the DEC and the EPA and inspected at their will. The EPA does a random audit every two years and the DEC was just there in January 2009. There are 44 locations in the Town of Clarence that have this type of permit. The EPA ID is issued to any company that ships something that the EPA deems as hazardous waste. That is how they dispose of oils and coolants used in the machine shop. The EPA has been involved for years at the facility. The lithium batteries are not considered hazardous and if that was all they had, the EPA ID would not be required.

Councilman Casilio asked if they are in government compliance for storage of the batteries.

Ms. O'Shei said there are no government guidelines for storage of lithium batteries. That is why you can go into a store and they are displayed all over. Greatbatch is going above and beyond with the storage cabinet.

They would be willing to comply with a storage limit. The quantity is 600 AA and 300 D batteries.

Supervisor Bylewski said given all of the concerns and issues mentioned, he asked if Greatbatch would accept a Temporary Conditional Permit that has an annual or longer renewal as opposed to a Special Exception Use which goes with the land.

Curt Cashmore said they prefer not to.

Supervisor Bylewski asked them to speak to the division of operations.

Mr. Skwara said the division was more of a space allocation matter. 10000 Wehrle was designated for physical research and development, and Barton Road is a manufacturing environment. It made sense to have the sensor business located next to the machine shop.

Supervisor Bylewski asked if we would need a separate public hearing if it was to go with a Temporary Conditional Permit. James Callahan said yes it would because it is a different permit application.

Councilman DiCostanzo said he had the payment list for the IDA properties and the Barton Road facility is not on that list. Mr. Cashmore said he believes it expired last year or the year before.

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

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to set a Public Hearing to be held April 22, 2009 at 8:05 p.m. to consider a Temporary Conditional Permit for Greatbatch, Inc. for lithium battery storage at 4096, 4098 and 4100 Barton Road.

On the question, Councilman Kolber said he cannot see holding them to a standard that far supersedes what a pharmacy, a home improvement store or a grocery store can have. They do not manufacture these cells at the facility. There is no disruption to the cells and they are limited to less than 200 lbs. It far exceeds what any other business in Town is required to do. The building inspector and the fire companies do not have any major concerns.

Supervisor Bylewski said given the size of the operation, even though it is not significant, and that it is part of an assembly, conditions could be made as part of a Temporary Conditional Permit.

Councilman Weiss said he concurs with Mr. Kolber. The big concern is what happened with the BDT fire and are they going to go beyond what they say they will. It is a product being inserted into another product. They are basing this on a multi-year business plan and he would not like to put a time limited permit on a very good corporate citizen in our Town.

Upon roll call – Ayes: Councilman Casilio and Supervisor Bylewski; Noes: Councilmembers DiCostanzo, Kolber and Weiss. Motion lost.

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

RESOLVED, that the Clarence Town Board, after a public hearing duly held on March 25, 2009, and after all interested parties being heard, grants a Special Exception Use Permit to the applicant, Greatbatch, Inc., for the storage of lithium batteries on the premises located at 4096, 4098 and 4100 Barton Road subject to the following: 1. A limit of 200 lbs. in total weight in lithium batteries. 2. To be stored in a 3'x2'x6' fireproof cabinet.

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

A Public Hearing was held to consider Concept Approval for a Major Subdivision to allow frontage lots along Stage Road and an Open Development Area at the southeast corner of Ransom and Stage Roads. James Callahan said the property consists of approximately 127 acres in the Agricultural Rural Residential Zone. The applicant seeks approval for four frontage lots and a 15-lot Open Development Area.

Michael Metzger, Civil Engineer said the property is very unique and they would like to develop around that. The owner first picked the home sites and the plan evolved from that. The four frontage lots are on 30 acres of land and the remaining for the 15 lots ranging between 5 to 10 acres. A deed restriction on the corner lot would maintain the natural area. His client plans on a very nice, heavily landscaped entrance to a rather secluded development. It would include berms using the boulders and additional plantings. It would give added buffering to the existing property owner.

Mr. Metzger said the Planning Board made a recommendation with several conditions and they have no problem with them. The initial plan was to have a Town road, but the Planning Board said it should be a private road.

James Callahan said it will meet the Town minimum standard width of 20 ft. in an open development area.

Michael Metzger said the project was originally submitted with two applications. It was reviewed as one according to the requirements of SEQR. They ask that it be split again because they would like to move forward with the four frontage lots.

Speaking to the subject:

Scott Glassman said he lives next to where the road would be to this subdivision. This project will change his property to a corner lot and he is concerned about privacy to his backyard. He is also concerned with the truck traffic during development with all of the kids in the neighborhood and is wondering if there could be a separate construction road. His other concern is when there is a lot of earth-moving; the winds will blow it toward the existing homes.

James Callahan said the request is for Concept Approval. The 15-lot Open Development would have to come back for Planning Board and Town Board approvals to set whatever detailed conditions are necessary.

Tony Russo said the last time this project was discussed the issues mentioned were sanitation, water supply and traffic. He asked if these issues were addressed or are they still being considered.

James Callahan said the four frontage lots meet the minimum requirements of the Town.

Michael Metzger said they are addressing the privacy to Mr. Glassman with the berms and landscaping at the entrance. In regard to the construction road, that would be very difficult without construction of its own. The plan goes along with the contour lines of the land. It has always been an entrance road to the site. They plan to address safety, implement dust control measures, etc.

Councilman Weiss suggested putting in some trees now before construction begins to help protect the neighbors. Mr. Metzger said his client would like to do certain components of the entrance. Councilman Kolber suggested possibly paving part of the road.

Mr. Metzger said the project includes septic systems on the 5 to 10 acre lots. The site is very well suited for onsite systems. They plan to put in injection wells to limit the water height of the ponds to eliminate the concern of flooding. All of these things have been looked at with Engineering, Planning Board and TEQR Committee. They have done testing which shows adequate water pressure from Erie County Water Authority. They do not feel there is a serious traffic issue.

With no one else speaking to the subject, motion was made by Supervisor Bylewski, seconded by Councilman Casilio to close the Public Hearing. 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 after a public hearing duly held on March 25, 2009, and after all interested parties being heard, grants Concept Approval to the applicant, Stone Ridge Estates, for a Major Subdivision consisting of 4 frontage lots along Stage Road and 15 Open Development Area lots along a private drive located at the southeast corner of Ransom Road and Stage Road, subject to the following conditions:

1. Variances required for length of private road and number of homes on a dead end street.
2. Variance required for limiting the placement of topsoil on the entire site.
3. Deed restriction will be required to ensure that the corner of Stage and Ransom Roads remains undeveloped and in a natural state, subject to Town Attorney review and approval, and a date stamped copy of the filed deed and a copy of the filing receipt as proof of filing is to be provided to the Town Attorney.
4. Open Space and Recreational Fees.
5. Home Owners Association to be submitted to the Town Attorney for review and approval.
6. Landscape Committee approval with deference to adjacent neighbor.
7. Allow applicant to proceed with the easterly most four frontage lots along Stage Road.

On the question, Councilman Kolber asked if this should be denied because of the variance to the Town Code. James Callahan said this is the Subdivision Law which requires a supermajority vote of the Town Board.

Michael Metzger said the Planning Board recommendation included the four frontage lots could move forward without development plan approval for the 15 lots. (See condition 7.)

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

A Public Hearing was held to consider the request by Milherst Construction for a Special Exception Use Permit for outside storage on the south side of County Road, west of Strickler Road. James Callahan said the property consists of approximately 16+ acres of vacant land within the Industrial Business Park Zone. Planning Board has forwarded recommendations on the project.

Jim Collins, Jr. and Ron Maurer from Milherst Construction were present. Mr. Collins said they are relocating their company from Amherst.

Councilman Kolber said buffering and storage of fill on the site are concerns. He believes 25ft. is pretty high.

Mr. Collins said 11.33 acres of the site is usable land and that was set by the Planning Board. Mr. Maurer added that the amount of fill would vary from job to job. It is hard to pinpoint. Mr. Collins said if a pile sat for a long time, it would be seeded for erosion control purposes. They do not provide retail service of topsoil.

Asst. Town Engineer Tim Lavocat said according to the Stormwater Regulations, the limit is one acre of disturbance.

Councilman Kolber said he does not want to have dust storms from a mountain of topsoil.

Mr. Collins said west of the property is all wooded and to the east is a little more open. They intend on buffering the southern and eastern portions of the property which would minimize any problems.

Asst. Town Engineer Tim Lavocat said if there are any exposed topsoil piles over an acre, there are permit requirements, stormwater pollution prevention plans, erosion control plans and wind erosion plans that would be required. This applies to topsoil and fill.

Mr. Collins said they have 85 pieces of equipment, but they never have all of it on site at one time. There may be 50-65% at a given time. The parking surface would be stone.

Councilman Casilio asked how they would deal with oil runoff from the equipment.

Mr. Lavocat said that is also part of the Stormwater Regulations. There are certain requirements for a maintenance plan relative to oils and similar materials.

Councilman Kolber asked what can be done about dust control.

James Callahan said there is going to be a berm that would help block it from leaving the site. It is a condition of the Negative Declaration and included in the recommendations of the Planning Board.

Speaking to the subject:

Mr. Dolce owns property south of this location and he is concerned about the property values. He asked what outside storage means. He is against this project.

Councilman Casilio said it is over 3,000 ft. away.

Councilman Kolber said he does not think he would be affected.

Mr. Collins said the outdoor storage is for 85 pieces of construction equipment. They are primarily a utility and asphalt paving contractor. They do not store an enormous amount of materials on site. There is also a 45 ft. buffer separating the two different zonings.

In regard to hours of operation, Mr. Collins said they typically start at 6 a.m. to 7 p.m.

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

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

RESOLVED, that the Clarence Town Board, after a public hearing duly held on March 25, 2009, and after all interested parties being heard, grants a Special Exception Use Permit to the applicant, Milherst Construction, Inc., for the construction of a new office/shop/warehouse/yard located on the south side of County Road, west of Strickler, subject to the following conditions:

1. Commercial Open Space Fees.
2. Maximum height of stockpiled materials of 25 feet.
3. The wetland buffer area to be delineated and marked.
4. Storage of clean fill only and no construction/demolition materials to be stored.
5. Hours of operations for yard are limited to 6:00 a.m. until dusk.
6. Storage area to be screened by a berm with trees as identified as required mitigation under SEQR on the eastern and southern boundaries – 40 feet wide and 5 feet tall.
7. No retail sale of materials or equipment.

Upon roll call – Ayes: Councilmembers DiCostanzo, Casilio, Weiss and Supervisor Bylewski; Noes: Councilman Kolber. Motion carried.

Ernest Koenig requests Minor Subdivision approval to create three new residential building lots at 8430 Tonawanda Creek Road. James Callahan said the location is the north side of Tonawanda Creek Road, east of Westphalinger in the Agricultural Flood Zone. All lots are in conformance with land use regulations.

Mr. Koenig was present.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that pursuant to Article 8 of the Environmental Conservation Law and upon the recommendations of the Planning and Zoning Department, the Clarence Town Board issues a Negative Declaration on the proposed Koenig Minor Subdivision. This Unlisted Action involves the development of 3 new residential buildings lots located on the north side of Tonawanda Creek Road, east of Westphalinger Road. After thorough review of the submitted supporting information and the

Environmental Assessment Form (EAF) by the Town Board, 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. Motion carried.

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

RESOLVED, that the Clarence Town Board grants the request of the applicant, Ernest Koenig, for Minor Subdivision approval to create 3 new, residential building lots on a 19.2+/- acre parcel of land located at 8430 Tonawanda Creek Road, east of Westphalinger Road, subject to the following conditions: 1. Open Space and Recreation Fees.

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

Cody Covey requests a Public Hearing to consider a Temporary Conditional Permit for automotive sales at 6585 Transit Road. James Callahan said the location is the east side of Transit Road, north of Miles Road consisting of an existing commercial structure on 1.8 acres in the Major Arterial Zone.

Cody Covey was present.

Supervisor Bylewski said items they will be looking for clarification on at the public hearing include striping of display area, number of vehicles and understanding of no banners, open hoods, etc.

Mr. Covey said he would have 15 to 25 vehicles. He would like to landscape out front and put a sign in the middle of it. Supervisor Bylewski referred him to the Planning & Zoning Department as the sign and landscaping are a separate application.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to set a Public Hearing for May 13, 2009 at 7:45 p.m. to consider the request for a Temporary Conditional Permit for automotive sales at 6585 Transit Road. Upon roll call – Ayes: All; Noes: None. Motion carried.

Carmen Cimato requests a Demolition Permit for a structure older than 50 years at 6125 Herr Road. James Callahan said the location is the east side of Herr Road north of Clarence Center consisting of a residential structure older than 50 years. This is considered a Type I Action under the Town Environmental Quality Review Law and will require a coordinated review.

Fred Cimato said the house is deteriorating and he would like to take it down before it is a safety hazard.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to refer the request for a Demolition Permit for a structure older than 50 years at 6125 Herr Road to the TEQR Committee and the Historic Preservation Commission for further analysis of our local law. Upon roll call – Ayes: All; Noes: None. Motion carried.

Pinecrest Homes requests Subdivision Approval to create four new residential building lots at the northwest corner of Salt Road and Miland Road. James Callahan said this is existing vacant land in the Agricultural Rural Residential Zone.

Betsy DiAngelo was present.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that pursuant to Article 8 of the Environmental Conservation Law and upon the recommendations of the Planning and Zoning Department, the Clarence Town Board issues a Negative Declaration on the proposed Pinecrest Homes Subdivision. This Unlisted Action involves the development of 4 additional residential building lots at the northwest corner of Salt Road and Miland Road. After thorough review of the submitted survey 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. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio 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, subject to the following conditions:

1. Open space and recreation fees. Upon roll call – Ayes: All; Noes: None. Motion carried.

Clarence Soccer Club requests a Building Permit for a new gazebo at the Clarence Soccer Center. James Callahan said the Town Board has authority to approve building permits on Town property. It is a Type II Action.

Sherry Frost, Executive Director of Soccer Club and Rob Waters, Director of Facilities were present. Mr. Waters said the structure is a 40 ft. octagonal with a metal roof. Ms. Frost said they are trying to get grant money, but will still move forward.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to grant a Building Permit for a new gazebo at the Clarence Soccer Center. On the question, Supervisor Bylewski thanked them for the improvement to the soccer center. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski said item 20 is to set a Public Hearing to consider renewal of the Temporary Conditional Permits as listed. James Callahan said the Town Board approves renewals with a time period from 1 to 5 years. He added that all of the uses listed may not be on the final list. They are all up for renewal, but his office is contacting each one to see if they are still in existence and want to continue. The list will be finalized for the legal notice. He has not received any complaints.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to set a Public Hearing for April 22, 2009 at 7:55 p.m. to consider renewal of the following Temporary Conditional Permits:

- A. Eisenberger Shop, Machine Shop at 7735 Salt Rd.
- B. Tucciarone Automotive, Auto Repair at 10069 Main St.
- C. Pautler's Restaurant, Outside Dining at 6343 Transit Rd.
- D. Nella Cutlery, Inc., Knife Sharpening at 8520 Stahley Rd.
- E. Talboy's, Auto Detailing at 9511 Keller Rd.
- F. Lavocat's Garage, Auto Repair at 7338 Salt Rd.
- G. Webber's Garage, Auto Repair at 10250 Cedar Rd.
- H. Brennan's Bowery Bar, Outside Dining at 4401 Transit Rd.
- I. Payne Firearm Repair, Firearm Repairs and Ammunition at 7800 Salt Rd.
- J. Lavocat's Nursery, Off Premise Sign at 9855 Heroy Rd.
- K. Clarence Center Coffee Co., Outside Dining at 9475 Clarence Center Rd.
- L. Carp's Auto Sales, Auto Sales at 9735 Main St.
- M. Hoemann Auto, Auto Repair at 8310 Goodrich Rd.
- N. Gary Scaratine Auto, Auto Storage at 5730 Shimerville Rd.
- O. Chicken Shack, Antique Sales at 5270 Salt Rd.
- P. Dave Hauser Motorcycles, Motorcycle Repair Service at 10480 Main St.
- Q. Glusheski Bed & Breakfast, Bed & Breakfast at 8130 Goodrich Rd.
- R. Sweet Melody's, Ice Cream Stand at 8485 Transit Rd.

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

K & A Landscaping and Ponds requests a Public Hearing to consider a Temporary Conditional Permit for a Change-In-Use from Residential to Commercial at 8905 Sheridan Drive. James Callahan said the location is the south side of Sheridan Drive, east of Shimerville Road consisting of a residential property in the Restricted Business Zone. Planning Board forwarded a recommendation.

Allen Gozdalski said he has addressed the fencing issue with over 6,000 ft. of fencing. There will be no more than 6 trucks and 4 trailers on the 8895 Sheridan Drive side and 1,200 sq. ft. area on 8905 Sheridan Drive side for equipment, fenced in. There is a NYSEG 30 ft. easement going through the center of the property that will always be there. Mr. Gozdalski said it is not going to be a big operation. It will be a seasonal business. He will also be living there and has been working hard to improve the property.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to set a Public Hearing for April 22, 2009 at 8:00 p.m. to consider a Temporary Conditional Permit for Change-In-Use from Residential to Commercial at 8905 Sheridan Drive. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to approve the following: Clubhouse Applications - A. Clarence Men's Softball – March 31, 2009; B. TCBA – April 19, 2009; C. Clarence Women's Club – May 6, 2009; D. The Hollows at Loch Lea – June 4, 2009; Legion Hall Applications - A. Kathy Zaprowski – March 27, 2009; B. Clarence

Conservative Party – May 12, 2009; C. Deborah Michnik – June 6, 2009; D. Colleen Riches – June 27, 2009. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that after proper audit and review, the following bills of March 19, 2009 are approved for payment: General Fund - \$216,323.54; Highway Fund - \$59,041.76; Water District - \$1,759.17; Central Alarm - \$78.39; Fire Districts - \$1,013.85; Drainage District - \$142.30; Lighting Districts - \$1,079.88; Sewer Districts - \$233,918.80; and Trust and Agency 203 - \$314.82 for a total amount of \$513,672.51. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, Supervisor Bylewski adjourned the meeting at 10:05 p.m.

Nancy C. Metzger
Town Clerk