

A Work Session of the Clarence Town Board was held on April 22, 2009 at Clarence Town Hall, One Town Place, Clarence, NY.

Supervisor Scott Bylewski called the meeting to order at 6:00 P.M. Members of the Town Board present were Council members Joseph Weiss, Bernard Kolber, Patrick Casilio and Peter DiCostanzo. Other town officials present were Director of Community Development James Callahan, Assistant Planner Brad Packard, Town Attorney Steven Bengart, Town Engineer Joseph Latona and Assistant Town Engineer Tim Lavocat.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to enter into Executive Session pursuant to § 105 (1) D of the Open Meetings Law to discuss current litigation regarding the Library. On the question, Town Attorney Bengart, Town Engineer Latona and Assistant Engineer Tim Lavocat were asked to remain in the meeting. Councilman Casilio recused himself. Upon roll call – Ayes: Councilman Weiss, Councilman Kolber, Councilman DiCostanzo and Supervisor Bylewski; Noes: None. Absent: Councilman Casilio. Motion carried.

Councilman Casilio returned to the Executive Session meeting at 6:25 PM.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to adjourn the Executive Session at 6:30 P.M. Upon roll call - Ayes: Councilman Weiss, Councilman Kolber, Councilman DiCostanzo and Supervisor Bylewski; Noes: None. Councilman Casilio recuse. Motion carried. No action taken.

**Director of Community Development – James Callahan:**  
**Public Hearings:**

- Martin Pecoraro 6031 Transit Road

Applicant is seeking approval to operate a used vehicle sales operation. The proposed site is located on the east side of Transit Road, north of Clarence Center Road on existing vacant frontage land at the site of existing car wash. Property is located in the Major Arterial Zone. Per the Zoning Law, the Town Board has authority to approve automotive sales operations in the Major Arterial and Commercial Zones via consideration of a Special Exception Use Permit or a Temporary Conditional Permit. Consideration should be given to the number of parking spaces and the office location within the car wash.

- Temporary Conditional Permit Renewals 2009

A public hearing is scheduled for 7:55PM to consider renewal of the 2009 Temporary Conditional Permits. Talboy's Auto Detailing and Dave Hauser Motorcycles have asked to be removed from the agenda as they are no longer in business. Glushefski Bed & Breakfast 8130 Goodrich Road will be tabled until the Zoning Office hears back from the applicant.

- K & A Landscaping 8905 Sheridan Drive

A public hearing is scheduled for 8:00PM to consider the request for a Temporary Conditional Permit for a Change-in-Use from Residential to Commercial at 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. Per the Zoning Law, the Town Board has authority to approve changes in use 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 certain 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.

**Formal Agenda:**

- *Doodlebugs/Cobblestone Corporate Center 8574 Sheridan Drive*

Applicant is seeking Development Plan approval. The proposed site is situated on the north side of Sheridan Drive, west of Meadowbrook Drive on existing vacant land consisting of 5+ acres in the Restricted Business Zone. Concept

approval and a Special Exception Use Permit for building size was granted on July 11, 2008. Development plan designs are in substantial conformance with Concept Plans. A recommendation from the Engineering Department has been received. The Planning Board has recommended the site plan.

- Fred Cimato 9310 County Road

Applicant is seeking approval to construct an accessory structure to store topsoil. The proposed site is located on the north side of County Road, west of Goodrich Road at existing topsoil/site contracting business located in the Industrial Business Park Zone. Per the Zoning Law, the Town Board has authority to approve building permits in the Industrial Zone.

- Verizon Wireless 8015 Tonawanda Creek Road

Applicant is seeking approval to erect a new wireless telecommunications tower. The proposed site is located on the south side of Tonawanda Creek Road, east of Transit Road on existing vacant land located on 36+/- acres in the Agriculture Flood Zone. Per the Zoning Law, the Town Board has final authority to approve new towers. Application will require a Special Exception Use Permit, Planning Board Site Plan approval and a height variance from the Zoning Board of Appeals.

- John DiPietro 9785 Lapp Road

Applicant is seeking approval for a minor subdivision to create one additional residential building lot. The proposed site is located on the south side of Lapp Road, east of Goodrich Road on existing vacant land consisting of 21+/- acres in the Agriculture Rural Residential Zone. Per the Subdivision Law, the Town Board has final authority to approve minor subdivisions. The proposed lot meets all minimum requirements in the Agriculture Rural Residential Zone.

**Work Session items for consideration May 13, 2009:**

- Towne BMW Mini 8200 – 8230 Main Street

Applicant is seeking a Temporary Conditional Permit for the outside storage of new autos. The proposed site is located on the north side of Main Street, west of Westwood Road at existing commercial plaza (Main-Transit Plaza) consisting of 8.88 acres in the Commercial Zone. Per the Zoning Law, the Town Board has final authority to approve Temporary Conditional Permits

- Noel Dill/Intertech Cable Holdings

Applicant is seeking a Special Event Permit for an annual charity music event. The proposed site is on the south side of Main Street, east of Shimerville Road on existing vacant property (excluding accessory barns) consisting of 45 acres in the Commercial and Restricted Business Zone. Per the Zoning Law, the Town Board has authority to approve Special Event Permits. Consideration should be giving to traffic coordination and hours of operation.

**Supervisor Scott Bylewski**

Supervisor Bylewski will announce the joint Town Board/Planning Board meeting scheduled for next Wednesday, April 29<sup>th</sup> at 7:00 PM.

Supervisor Bylewski has posted the Town's Mission Statement throughout the Town Hall and asked that the Engineering Office do this as well.

Supervisor Bylewski will announce two upcoming fund raisers. Proceeds from these events will benefit the families of Flight 3407.

Supervisor Bylewski and Natural Disaster Coordinator David Baumler went to the Town of Amherst to witness the house that is collapsing into Tonawanda Creek. The house is situated on Tonawanda Creek Road between Transit and New Road. Debris has fallen into the creek and could cause some concern for the Town of Clarence should the weather change, the situation is being monitored.

The town wide "Customer Satisfaction Survey" will now include Parks, Recreation and the Youth Bureau. Supervisor Bylewski will move forward with the survey, it will cost approximately \$10,000. 1,200 – 1,800 surveys will be mailed out with the hopes of getting 300 – 400 responses.

Supervisor Bylewski and Historic Preservation Committee member Doug Kohler will attend the upcoming Preservation Buffalo Niagara awards luncheon on May 8<sup>th</sup>.

The Clarence Arboretum Committee have plans for a stone wall from the intersection of Goodrich and Old Goodrich roads to the main Goodrich entrance to the Town Hall. The estimated cost will be \$15,000. The Town has committed \$5,000 towards the project. The committee is asking the town to allow for \$10,000 to be forwarded as a loan, they have grant money that will pay for the \$10,000. (it is a reimbursable grant). The committee is asking for the loan in \$5,000 increments – (\$5,000 once the contract is signed, \$5,000 once they start and \$5,000 upon completion).

Supervisor Bylewski will adopt a Resolution recognizing the week of May 3 through May 9, 2009 as Municipal Clerk's Week.

Supervisor Bylewski will make a motion authorizing Highway Superintendent Ted Donner to enter onto a particular piece of property pursuant to Town Highway Law.

### **Councilman Joseph Weiss**

The Town received a dividend check representing 30% of the premium paid for the policy year July 1, 2007 to July 1, 2008 from the State Insurance Fund.

Highway Superintendent Ted Donner is requesting a bid date of May 12, 2009 for the purchase of two sport utility vehicles.

Highway Superintendent Ted Donner received a speed limit permit from Erie County. The permit establishes a 45mph zone on Strickler Road from County Road to Main Street. It will also establish a 35mph zone on Strickler at the Clarence Middle School.

Councilman Weiss will comment on the soil seminar he attended.

Parks Crew Chief John Burns is recommending the hiring of Caleb Higgins, Timothy Olczak, Megan Rogers and Elizabeth Stoye as seasonal help in the Parks Department at the budgeted rate of pay.

Parks Crew Chief John Burns is declaring a 2000 Ford F-150 4x4 pickup truck and a 2001 Ford F-150 4x4 pickup truck surplus.

After receipt of the proper permits, grass carp were stocked in the Main Street Park to help control the algae.

Animal Control Officer Jerry Schuler met with Town Attorney Bengart regarding the wild life fee increases. He also referenced several "surrender laws" that he wanted the Town Attorney to review. Councilman Weiss stated that he will discuss this further in Executive Session.

Councilman Weiss has two items to discuss in Executive Session regarding the employment history of a particular person.

### **Councilman Bernard Kolber**

The Senior Center is hoping to have their parking lot sealed and stripped this year.

The Clarence Senior Center is hosting a chicken BBQ and basket raffle on Sunday, May 3, 2009.

Erie County Highway Department has begun work on Thompson Road.

### **Councilman Patrick Casilio**

The camera equipment will be delivered next week. The poles will be installed in several areas.

**Councilman Peter DiCostanzo**

The Audit Committee had their first meeting.

Councilman DiCostanzo has an amendment to the minutes.

Councilman DiCostanzo attended the Youth Bureau meeting and has been informed that the town pool has grates in it that have to be replaced.

Youth Director Dawn Kinney is recommending the appointment of Jessica Notarius as Recreation Attendant PT at a rate of \$7.79 per hour.

The TEQR Committee is recommending the Town Board issue a Negative Declaration on the proposed home demolition at 6125 Herr Road.

The TEQR Committee is recommending the Town Board issue a Negative Declaration on the proposed Master Plan 2015 Amendment on Clarence Center Road east of Transit Road.

The TEQR Committee recommends the Clarence Town Board seeks Lead Agency Status on the proposed Newhouse Acres Incentive Lot Subdivision.

Councilman DiCostanzo has three Attorney-Client items to discuss in Executive Session.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105 (1) F of the Open Meetings Law to discuss the employment history of a particular person(s) and § 105 (1) H the proposed acquisition of real property but only when publicity would substantially affect the value thereof. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

Darcy A. Snyder  
Deputy Town Clerk

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



Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, April 22, 2009 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:33 P.M. Pledge to the flag was led by Councilman Patrick Casilio followed by a prayer given by Peggy Mead, Pastoral Associate of Good Shepherd Catholic Church.

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 and Planner Brad Packard.

Motion by Councilman Weiss, seconded by Councilman Kolber to accept the minutes of the meeting held April 8, 2009. On the question, Councilman DiCostanzo said that on page 102, 6<sup>th</sup> paragraph down, he would like to add “potential amendment to the Master Plan discussed at a Planning Board meeting.” Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski thanked Judy Sirianni from the Clarence Chamber of Commerce for attending tonight.

Supervisor Bylewski said we have posted our Town Mission Statement around the Town buildings. It is basically a compilation of what is in Master Plan 2015. The Mission of the Town is to provide a high quality of life for the residents by protecting the health, safety and general welfare, while preserving the Town’s rural and historic character and accomplishing this as a team of residents in a cost effective, efficient manner.

Supervisor Bylewski announced that a joint meeting of the Town Board and Planning Board will be held April 29, 2009 at 7:00 p.m. and ending no later than 9:00 p.m.

Supervisor Bylewski announced the following 3407 related private fundraising events that are coming up:

April 24 & 25 at Barnes and Noble, 4401 Transit Road - Musical tribute to the victims of Flight 3407.

May 1 – Chuck Mangione Concert at Kleinhans – “Love Knows No Boundaries”.

Supervisor Bylewski said it has been on the news that a house in Amherst partially collapsed into Tonawanda Creek yesterday. He went to check it out with our Deputy Disaster Coordinator Dave Baumler because of the potential impact on the Town of Clarence if we do have a significant weather event. We will be monitoring the creek and will advise the necessary department heads if needed.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to authorize Town Highway Superintendent to enter upon any lands adjacent to any of the highways in the Town and upon lands of any person adjoining rivers, streams or creeks and to do whatever is necessary to free the passage of water including but not limited to removal of any obstruction on or around property at 5780 Kraus Road. On the question, Councilman Kolber asks that they document what they do very well, including photos. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

WHEREAS, the Office of the Municipal Clerk, a time honored and vital part of the government exists throughout the world, and

WHEREAS, the Office of the Municipal Clerk is the oldest among public servants, and

WHEREAS, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all, and

WHEREAS, the Municipal Clerk is the information center on functions of local government and community, and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs,

seminars, workshops and the annual meetings of their state, province, county and international professional organizations.

WHEREAS, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

NOW THEREFORE, BE IT

RESOLVED, that the Clarence Town Board does hereby recognize the week of May 3 through May 9, 2009 as Municipal Clerks Week, and further extends appreciation to our Town Clerk, Nancy C. Metzger and Deputy Town Clerks Darcy Snyder and Gayle Brace and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

On the question, Supervisor Bylewski said he would like to thank our Town Clerk for the fine professional work that she and her staff provide for the Town.

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

Motion by Councilman Weiss, seconded by Councilman Casilio to appoint the following as Part-time Seasonal help in the Parks Department at the budgeted rate of pay: Timothy Olczak and Elizabeth Stoye effective 5/4/09; Caleb Higgins effective 5/5/09; and Megan Rogers effective 5/13/09. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to declare the following as surplus vehicles from the Parks Department: 1 – 2000 Ford F-150 4x4 Pickup Truck, VIN #2FTZF1829YCA87578; and 1 – 2001 Ford F-150 4x4 Pickup Truck, VIN #2FTRF18W91CA62060. On the question, Councilman Weiss said this is part of our vehicle replacement program. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss said John Burns from the Parks Department informed him that after receipt of the proper permits, grass carp was stocked in the main park pond last week to help control the algae.

Motion by Councilman Weiss, seconded by Councilman Casilio to set a Bid Date of May 12, 2009 at 10:00 a.m. for the purchase of 2 – Sport Utility Vehicles. Bid specifications will be available at the Town Clerk's office. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to accept the permit from Erie County and authorize the Supervisor to sign the permit to establish a 45 mph zone on Strickler Road from County Road to Main Street and a 35 mph zone at the Clarence Middle School. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss said we received a check from State Insurance Fund in the amount of \$18,879.39. This has to do with our low accident rate and he congratulated the employees for their efforts.

Councilman Weiss reminded everyone that the Fishing Derby is this Saturday from 9:00 a.m. to Noon for all children 15 years old and younger to participate. This is being sponsored by the Recreation Department led by Chip Trapper. You must bring your own pole and bait. Snacks and drinks are being sold by a not-for-profit organization.

Councilman Weiss said the Clarence Hollow Association recently had a brainstorming session on ways to improve the area. James Dentinger is working on purchasing five bike racks. Anyone who would like to donate towards the purchase should contact Mr. Dentinger.

Councilman Weiss said he attended the soil presentation here the other night. It was very informative about the soil types that exist in the Town. There is only a very small portion of the Town that has the type of soil that is causing the foundation problems in Amherst.

Councilman Weiss said in reading the paper lately everyone's 401K is down, but if you are employed by a school, the general population has to make up for it. It is disconcerting to see the same people run for the school board. It would be nice to get people in there that would make the changes that need to be made.

Councilman Kolber said we have received many complaints about the condition of Thompson Road. They have started milling the road today, so we should see an improvement very soon.

Councilman Kolber said he received a communication from Erie County Social Services announcing an event, Elder Law Day to be held at the Hearthstone Manor on June 11, 2009 from 9:00 a.m. to 1:00 p.m. The purpose is to provide information in a sales-free environment on a variety of matters that are important to seniors. Topics will include wills, estate planning, healthcare proxies, power of attorney, veteran's benefits, Medicaid, etc. The cost is \$5.

Councilman Kolber announced that the Clarence Senior Center is hosting a basket raffle and chicken and ribs barbecue on May 3rd. Dining in or takeout is available. For more information, contact the Senior Center.

Councilman Kolber said one of the FBI agents who was very active during the plane crash asked him to announce an event he is chairing for the Buffalo Chapter of the FBI Association. They help families who have lost loved ones in the line of duty. It is being held at the Town Ballroom featuring rhythm and blues.

Councilman Casilio thanked Town Clerk Nancy Metzger and her staff for taking a look at the Avoidable Alarm Report. The report is actually ongoing and not a quarterly report. She is going to clean that information up for us. He really appreciates her due diligence.

Councilman Casilio said the first pole for the video cameras will be going up next week in Meadowlakes Park. The Parks Department will do the work. We hope to have our first camera up and running very soon.

Councilman DiCostanzo reported that there was one single family building permit issued in March for a total of three permits this year.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to appoint Jessica Notarias as Recreation Attendant Part-time at the rate of \$7.79 per hour effective April 23, 2009. 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 TEQR Committee, the Clarence Town Board issues a Negative Declaration on the proposed home demolition at 6125 Herr Road. This Type I Action involves the demolition of a home older than 50 years. After thorough review of the submitted request and Environmental Assessment Form (EAF), including coordinated review with the local Historic Preservation Commission, it is determined that structure does not contribute to the historic character of the community and the proposed action will not have a significant impact upon the environment. On the question, Councilman DiCostanzo said the Historic Preservation Commission said they would like the owner of the house to offer it to anyone who would like to take it at their own expense. The Historic Preservation Commission and the Historical Society would like the opportunity to harvest historically significant items if the owner did not want them. This house was not included in the historic survey that was conducted. 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 TEQR Committee, the Clarence Town Board issues a Negative Declaration on the proposed Master Plan 2015 Amendment on Clarence Center Road, east of Transit Road. This Unlisted Action involves an amendment to the Future Land Use Map within Master Plan 2015 to extend the Commercial Zone 50' east along Clarence Center Road to include the entire lot located at 8035 Clarence Center Road. After thorough review of the submitted request by the TEQR Committee, Planning Board and Town Board, it is determined that the proposed amendment will not have a significant impact upon the environment. On the question, Councilman Casilio said this was done at the request of the owner. Councilman DiCostanzo said that is correct. Their lot had two different zonings. Supervisor Bylewski added that it brings it into line with others. 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 recommendation of the TEQR Committee, the Clarence Town Board seeks Lead Agency Status on the proposed Newhouse Acres Incentive Lot Subdivision. This Type I Action involves the development of a 60 +/- Lot Subdivision on the west side of Newhouse Road between Roll and Clarence Center Roads. On the question, Councilman Casilio said he will recuse as this property is adjacent to his father's house. Upon roll call – Ayes: Councilmembers DiCostanzo, Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Casilio. Motion carried.

Councilman DiCostanzo said that at the Youth Board meeting last night, Chip Trapper said they are looking for a person to teach tennis. They should have a degree, not necessarily in tennis. Anyone interested should contact Chip at the Recreation Department.

Supervisor Bylewski thanked all the department heads present for attending.

#### Department Reports

##### Public Safety Committee – Bike Path Volunteer Recognition

Supervisor Bylewski said Liz Eyrick, Co-Chair is present. Three of the volunteers are also here tonight to be presented with certificates, Jim Murphy, John Mergler and David Elia. We thank them for their service and participation in the bike path safety patrol program in 2008.

Liz Eyrick stated that Supervisor Bylewski is also one of the volunteers. She also asked that the certificates be mailed to those who could not be here tonight. They are Al Festaiuti, Mike Bitaro and Bob Lenz.

Supervisor Bylewski said we are looking for volunteers to serve on the bike path public safety committee. There is a commitment to training. Anyone interested should submit an application.

A Public Hearing was held to consider the request for a Temporary Conditional Permit for automotive sales at 6031 Transit Road. James Callahan said the location is north of Clarence Center Road consisting of a car wash in the Major Arterial Zone. The applicant is proposing a used car lot along the frontage area.

Martin Pecoraro said he and his son would like to have a business at this location. He does have a location further north on Transit Road. There would be about 20 cars for sale. The hot dog stand is no longer on the site.

#### Speaking to the subject:

Joseph Hamm said he is a board member of the Woodbridge Village Homeowners Association. There is a tin shack to the back of the property that he can see from his home. He does not understand the nature of a temporary business coming in for one year. His only concern was that there was a lot of earth moving on this property. There is also a pile of stuff accumulating in the back and he is concerned that old tires and car parts will be added to it.

Supervisor Bylewski said this type of permit is issued for one year and is then renewable. If there are ongoing problems, it may not be renewed.

Mr. Pecoraro said he does not know about debris in the back. His business would not involve repair of vehicles so there would not be any garbage. He has been at his last location for 30 years and would be interested in being here for a long time. It is not his intent to stay for only one year.

Gene Mezzinger said he is responsible for the pile of debris and he will clean it up. The car wash will remain open.

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 Supervisor Bylewski to adopt the following resolution:

Resolved, that the Clarence Town Board, after a public hearing duly held on April 22, 2009 and after all interested parties being heard, grants a Temporary Conditional Permit to the

applicant, Martin Pecoraro for a new automotive sales operation at 6031 Transit Road 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 more than 20 vehicles to be displayed at any given time.
4. The hours of operation are to be from 9 a.m. and not later than 7 p.m., Monday through Friday and on Saturday from 10 a.m. to 5 p.m.
5. Display area as per plan on file in the Zoning and Planning Office.
6. No streamer/banners, open hoods with placards.

On the question, Supervisor Bylewski added that there are no streamers, banners, open hoods and such allowed.

Mr. Pecoraro said that is not his style to have balloons or anything like that.

Councilman DiCostanzo said he spends a lot of time with the Planning Board and the section of Transit Road from Clarence Center to Miles has been identified as one of the nicest areas along Transit. It is not all commercialized yet. He does not want to see used car lots all down Transit Road.

Councilman Kolber said he cannot vote in favor of this. In the past, they did not approve used car sales without being a part of new car sales. His concern is how do we say no to the next guy and not have a whole stretch of used car sales.

Mr. Pecoraro said he has two other locations where he sells regular domestic vehicles. He intended to sell upscale cars at this location. He does not see that the area could become all used car sales.

Councilman Casilio said he agrees with the other councilmen that this is not an appropriate area for used car sales.

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

A Public Hearing was held to consider renewal of the following Temporary Conditional Permits:

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

James Callahan said the Temporary Conditional Permits as listed are up for renewal. Items D and O are being eliminated as they are no longer being operated. There are no documented complaints on any of the items listed. Applicants have filed the necessary paperwork. The terms are the choice of the Town Board up to five years.

Supervisor Bylewski recognized that many of the applicants were present.

James Callahan said the applicants were all notified of the renewal. He has not heard from Mr. Glushefski regarding Item P. It was approved a few years ago and he does not believe that they went into operation.

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

Motion by Supervisor Bylewski, seconded by Councilman Casilio to grant renewal of the following Temporary Conditional Permits:

5-Year Renewals:

- A. Eisenberger Shop, Machine Shop at 7735 Salt Rd.
- B. Pautler's Restaurant, Outside Dining at 6343 Transit Rd.
- C. Nella Cutlery, Inc., Knife Sharpening at 8520 Stahley Rd.
- E. Webber's Garage, Auto Repair at 10250 Cedar Rd.
- F. Brennan's Bowery Bar, Outside Dining at 4401 Transit Rd.
- G. Payne Firearm Repair, Firearm Repairs and Ammunition at 7800 Salt Rd.
- H. Lavocat's Nursery, Off Premise Sign at 9855 Heroy Rd.
- I. Clarence Center Coffee Co., Outside Dining at 9475 Clarence Center Rd.
- J. Carp's Auto Sales, Auto Sales at 9735 Main St.
- L. Gary Scaratine Auto, Auto Storage at 5730 Shimerville Rd.
- M. Hen House, Antique Sales at 5270 Salt Rd.

3-Year Renewals:

- K. Hoemann Auto, Auto Repair at 8310 Goodrich Rd.
- Q. Sweet Melody's, Ice Cream Stand at 8485 Transit Rd.

Item P. for Glushefski Bed & Breakfast, Bed & Breakfast at 8130 Goodrich Rd. is tabled. Upon roll call – Ayes: All; Noes: None. Motion carried.

A Public Hearing was held to consider the request for 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 in the Restricted Business Zone. Planning Board has recommended a Temporary Conditional Permit with conditions. A Negative Declaration was issued by the Town Board on 3/25/09.

Allen Gozdalski said he has worked on this with the Planning Board. He spoke with a neighbor on Shimerville and received a recommendation letter. They have put a lot into cleaning the property up already.

Speaking to the subject:

Councilman Casilio asked if he intended on putting any products out for sale along Sheridan Drive.

Mr. Gozdalski said he has worked this out through the Planning Board to have over 6,000 sq. ft. of fenced in area, 1,200 sq. ft. on 8095 Sheridan for retail goods and over 5,000 sq. ft. for the trucks. He is going to store some of the equipment offsite. All the retail goods will be behind the fenced in area. If they did anything out front, he would come back in.

Councilman Casilio said he is concerned about trucks parked out by the road for advertising purposes.

Mr. Gozdalski said he will have his equipment behind fencing. His goal is to get the fencing done by Memorial Day.

Councilman Kolber said we are just looking at enhancing that area.

Councilman Casilio said we approved a building last year and it never got done.

Mr. Gozdalski said they are not asking to build a garage right now.

Councilman Weiss said as long as it is taken care of and cleaned up, he has no problem.

Mr. Gozdalski said there were tenants on this property and it was a mess. He has done a lot of work so far to get it cleaned up with more to go.

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

Motion by Councilman Casilio, seconded by Councilman Kolber Resolved, that the Clarence Town Board, after a public hearing duly held on April 22, 2009 and after all interested parties being heard, approves the request of the applicant, K & A Landscaping, for a Temporary Conditional Permit for the Change-In-Use for the existing structure located at 8905 Sheridan Drive from residential to a Commercial Showroom for landscaping/ponds subject to the following conditions:

1. Temporary Conditional Permit is for a period of one year.
2. No commercial traffic off Shimerville access.

3. Vehicle storage limited to six commercial vehicles and four trailers within the fenced in area (none stored outside fenced area per site plan).
5. Landscaping, including small decorative ponds, per final approval of the Landscape Committee.
4. The hours of operation shall be from 9:00 a.m. to 6:00 p.m., Monday through Friday, Saturdays from 9 a.m. to 5 p.m. and Sundays, 10 a.m. to 2 p.m. from April through December.
5. Lighting shielded and downcast with no flood lights.
6. All material storage limited to fenced in areas per site plan.
7. Signage subject to approval by the Sign Review Committee.
8. Previous approval for buildings in the last three years for this site is rescinded.
9. No vehicle Sales on display.

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

Doodle Bugs requests Development Plan Approval for the construction of a new daycare and office complex at 8574 Sheridan Drive. James Callahan said the location is the north side of Sheridan Drive, west of Meadowbrook consisting of 6+ acres zoned Restricted Business. A Negative Declaration was issued by the Town Board on 4/23/08. A Special Exception Use Permit was issued on 6/11/08. Planning Board has forwarded a recommendation for Development Plan Approval.

Robert Blood, representing Lauer – Manguso and Doodle Bugs Corporation said the project has been before the Town for the last year.

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

RESOLVED, that the Clarence Town Board grants and approves the request of the applicant, Doodle Bugs/Cobblestone Corporate Center for the construction of a day care facility and office park located at 8574 Sheridan Drive subject to the following conditions:

1. Per the Development Plans dated January 9, 2009.
2. Conditions of the Town Engineer, including foundation design.
3. Landscape approval from the Landscape Committee.
4. Commercial Open Space fees.
5. Conditions as previously established with the Special Exception Use Permit issued on June 11, 2008.
6. Signage is subject to approval of the Sign Review Committee.

On the question, Councilman Casilio asked if the tires were all removed from the site.

The site development manager said they are looking into that right now.

James Callahan said this parcel was included in a previous application for Fox Trace East. At that time a Phase I environmental study and remediation was done and a clean bill of health given to this site at that time.

Mr. Blood said each building will have its own address.

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

Cimato Topsoil requests a Building Permit and Architectural Approval for the construction of a new building at 9310 County Road. James Callahan said the location is the north side of County Road, west of Goodrich consisting of an existing site contracting business within the Industrial Business Park Zone.

Fred Cimato, owner said he would like to put up a coverall building for the storage of shredded topsoil. It will match the color beige of his existing building. The size is 42' x 56' and 26' high inside.

Motion by Councilman Kolber, seconded by Councilman Weiss to grant a Building Permit and Architectural Approval for the construction of a new building at 9310 County Road to Cimato Topsoil per the submitted plans and design. Upon roll call – Ayes: All; Noes: None. Motion carried.

Verizon Wireless requests a Permit to erect a new wireless telecommunications tower at 8095 Tonawanda Creek Road. James Callahan said the location is the south side of Tonawanda Creek Road, east of Transit Road consisting of vacant land in the Agricultural Flood Zone. This is the introduction of the project which will require review by the Planning Board and a variance from the Zoning Board of Appeals regarding the height.

A representative from Verizon was present.

Supervisor Bylewski asked if the item should be denied in order to move to the ZBA.

James Callahan said if the Town Board moves the project forward, it can be documented that it does not meet the Town Code. It will still require a Special Exception Use Permit, review by the Planning Board and a variance from the ZBA.

The representative said the proposed tower is 122 ft. monopole. The propagation study is included in their documents. It is designed to allow for collocation.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to refer the request by Verizon Wireless for a Permit to erect a new wireless telecommunications tower at 8095 Tonawanda Creek Road to the Planning Board for further review. Upon roll call – Ayes: All; Noes: None. Motion carried.

John DiPietro requests Minor Subdivision Approval to create one additional residential building lot at 9785 Lapp Road. James Callahan said the location is the south side of Lapp Road, east of Goodrich Road consisting of 21+/- acres in the Rural Residential Zone.

A representative for John DiPietro was present. The split is a little less than half the property.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber 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 DiPietro Minor Subdivision. This Unlisted Action involves the development of one new residential building lot located on the south side of Lapp Road, east of Goodrich Road. After thorough review of the submitted survey 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 Kolber to adopt the following resolution:

RESOLVED, that the Clarence Town Board grants the request of the applicant, John DiPietro, for Minor Subdivision approval to create one (1) additional residential building lot located on the south side of Lapp Road, east of Goodrich Road, at 9785 Lapp Road, subject to the following conditions: 1. Open Space and Recreation Fees. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to grant approval of the following: Legion Hall Applications – A. Nehzat Goshtasb – May 1, 2009 and B. Diane Moyer – May 9, 2009. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that after proper audit and review by the Town Board, the following bills of April 16, 2009 were approved for payment: General Fund - \$91,425.07; Highway Fund - \$21,581.37; Water District - \$33,913.38; Drainage District - \$35.56; Sewer Districts - \$53,437.50; Capital Fund - \$2,550.00 and Trust & Agency 203 - \$22,372.41 for a total amount of \$225,315.29. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:50 p.m. in memory of two individuals who were very active in the Town for many years, Althea Mosher and Roy Scheifla.

Nancy C. Metzger  
Town Clerk