

A Work Session of the Clarence Town Board was held on July 22, 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 and Patrick Casilio. Peter DiCostanzo was absent. Other town officials present were Assistant Planner Brad Packard, Town Attorney Steven Bengart, Town Engineer Joseph Latona, Assistant Town Engineer Tim Lavocat, Director of Administration and Finance Pam Smith, and Senior Building Inspector David Metzger.

Town Engineer - Joseph Latona

On July 13th @ 4PM Senior Building Inspector David Metzger received a call from NY Board of Fire Underwriters notifying the Town of Clarence that they would not accept any new electrical inspection applications as of this date and they would only provide services to finish up applications that they have on file until October 16, 2009. The Town does not have anyone in-house to do electrical inspections. Town Engineer Latona along with David Metzger, Town Attorney Bengart and Supervisor Bylewski have put together a resolution hiring the firm Empire Inspections LLC who is basically the same electrical inspector that was working for NY Board of Fire Underwriters that handled Clarence, he is also a Code Enforcement Officer.

Town Engineer Latona contacted the Town of Amherst to see if they could assist us because they have in-house electrical inspectors. The reason they went to in-house electrical inspectors is because they were concerned about the quality of inspections they were getting with outside firms. Based on our research at this time, Town Engineer Latona had decided to go with Empire Inspections LLC for now and think about what we want to do in the future.

NY Board of Fire Underwriters is pulling out of NY State and closing all their satellite offices.

Councilman Weiss will set a bid date for an Arched Back-Stop for the 90' ball diamond on Goodrich Road; it is a Parks Department budgeted item. The existing back stop is rusting out and foul balls are going onto Goodrich Road and posing a driving hazard.

Erie County Water Authority is extending a water line on Hunts Corners Road (extension of County Road). It terminates inside Clarence, they want to extend it to east to the town line and tie into a waterline in Newstead to provided increased service and flow. ECWA also wants to install three fire hydrants. The Town Board has to agree to the rental if the water authority installs the hydrants. Town Engineer Latona is recommending that the hydrants not be installed at this time. In time, as houses materialize the ECWA at the Towns request will install them. It is not prudent to install the three hydrants now and pay for rent and maintenance.

Brad Packard – Assistant Director of Community Development

Public Hearings:

Town Park Clubhouse 10405 Main Street

A Public Hearing is scheduled for 7:45 PM to consider designation of the Town Park Clubhouse at 10405 Main Street as a local historic landmark.

Magoffin House 10748 Main Street

A Public Hearing is scheduled for 7:50 PM to consider designation of the Magoffin House at 10748 Main Street as a local historic landmark.

Formal Agenda items:

Phil's Char Pit 9980 Main Street

Applicant is seeking approval for an outside dining permit. The existing restaurant (former Pony's, former Berrafato's) is located on the north side of Main Street, east of Kraus Road in the commercial zone. Per the Zoning Law, the Town Board has authority to approve outside dining via a Temporary Conditional Permit. A complaint has been received concerning loud music from the restaurant however the applicant has addressed this concern.

Karl Farmer 10749 Main Street

Applicant is proposing to convert the existing space to an Organic Coffee Shop. The proposed site is located on the south-west corner of Main Street and Academy Street in

existing commercial space located within the Clarence Hollow TND. Per the Zoning Law, the Town Board has authority to approve uses in the TND and to approve outside dining. The change in use may proceed with Town Board approval. The outside dining aspect of the use will require a public hearing to consider the Temporary Conditional Permit. The proposed project was forward to the Clarence Hollow Character Protection Board, they had no concerns and were supportive of this project.

Jason Klein 8225 Tonawanda Creek Road

Applicant is proposing a minor subdivision to create one additional residential building lot. The proposed site is located on the south side of Tonawanda Creek Road, east of Transit Road. The existing agricultural and residential property is located in the Agricultural Flood Zone. Per the Subdivision Law, the Town Board has authority to approve lot splits. Minimum lot size and frontages are acceptable in the Agricultural Flood Zone and Density Flood Zone.

Roland Boller Jr. 6790 Salt Road

Applicant is proposing a minor subdivision to create one additional residential building lot. The proposed site is located on the northwest corner of County and Salt Roads in the Agricultural Rural Residential Zone. Per the Subdivision Law, the Town Board has authority to approve lot splits to create additional building lots. Minimum lot size and frontage is acceptable in the Agriculture Rural Residential Zone.

Burgher and Grainsy 10939 Main Street

Applicant is seeking approval to have their Temporary Conditional Permit extended for multiple years. The existing auto repair and sales operation business is located on the south side of Main Street, west of the Newstead border. The area is located in the Traditional Neighborhood District and within the Clarence Hollow overlay. Per the Zoning Law, the Town Board has authority to approve Temporary Conditional Permits. Conditions as previously established to be continued and/or brought into compliance. A Public Hearing will be required to renew the permit.

Work Session items for consideration on August 12, 2009:

Helen Cuoco 8500-8550 Goodrich Road

Applicant is seeking approval to split the property to create 2 additional residential building lots (for a total of 3 sub-lots on the parent parcel). The existing vacant land is located on the west side of Goodrich Road, south of Tonawanda Creek Road in the Agriculture Flood Zone and within the Density Flood Plain. Per the Subdivision Law, the Town Board has authority to approve lot splits. All proposed lots conform to minimum requirements in the Agriculture Flood Zone. Approval should be conditioned upon Town Engineer review and approval.

Helen Cuoco 7360 Goodrich Road

Applicant is seeking approval to split the property to create three (3) additional residential building lots (for a total of four sub-lots on the parent parcel). The existing vacant land is located on the west side of Goodrich Road, north of Lapp Road in the Agriculture Rural Residential Zone. Per the Subdivision Law, the Town Board has authority to approve lot splits. All proposed lots conform to minimum requirements in the Agriculture Rural Residential Zone.

Clarence Center VFC 9415 Clarence Center Road

Applicant requests a fireworks display permit for September 6th for their annual Labor Day Fair. The property consists of approximately 20 acres in the TND.

Benderson Development Company 9289 and 9465 Main Street

Applicant requests a clearing and demolition permit for the removal of trees and existing abandoned structures located at 9289 and 9465 Main Street. Both properties are within the Commercial Zoning District. 9289 Main Street consists of approximately 12.7 acres while 9465 Main Street consists of approximately 2.2 acres. The applicant has previously applied and was tabled at that time pending receipt of a wetland delineation and tree survey, since then both have been provided to the Office of Planning and Zoning.

Supervisor Scott Bylewski

Supervisor Bylewski has a correction to the minutes.

Supervisor Bylewski received a copy of a DVD regarding Clarence Hollow revitalization.

Councilman Casilio will make a motion authorizing the Supervisor to enter into a contract with Frank Swiatek and Associates to conduct a Citizen Survey at a cost of \$9,300 subject to Town Attorney approval. Frank Swiatek and Associates was the lowest bidder and were recommended by Dresher and Malecki. This is a general town wide survey that will focus on youth, parks and recreation with a smaller component on community facility needs.

Currently there is no Work Session scheduled for August 5th. This is subject to change if something comes up.

Supervisor Bylewski received a thank you letter from John Leamer on behalf of the Day in the Park steering Committee.

Supervisor Bylewski stated that we went out to the market for our borrowing on the BAN sale and we did very well.

Supervisor Bylewski received a letter from Youth Program Coordinator Kelly Jeffery indicating that effective June 29th her current address is located within the Town of Clarence.

Supervisor Bylewski will distribute Budget Request Forms to Department Heads on July 31st, they will have until September 4th to return them to the Supervisor.

Supervisor Bylewski has a resolution from the Town of Aurora regarding the West Valley nuclear waste site cleanup. The Town Board of the Town of Aurora supports clean up standards that are at least as protective as current state radiation standards and unrestricted use toxic standards, and are fully protective of vulnerable populations, including children, fish, wildlife and water.

Supervisor Bylewski has a resolution from the Town of Alden regarding road salt. The State is charging the Town of Alden more for road salt at \$40.12 per ton vs. \$37.22 they are charging Erie County. Councilman Weiss will discuss this with Highway Superintendent Donner before doing a similar resolution.

Supervisor Bylewski will make a motion to approve the Special Event Request by Clarence Center VFC to host their Labor Day parade.

Supervisor Bylewski has two items to discuss in Executive Session regarding the employment history of an individual and the proposed acquisition of real property.

Councilman Joseph Weiss

Highway Superintendent Donner is requesting a bid date be set for August 11th @ 10:00AM to accept bids for an Asphalt Hot Box. Bid specifications will be available at the Highway Department.

A bid date will be set for August 14, 2009 @10:30 AM for an Arched Backstop for the 90' diamond at Town Place Park.

Highway Superintendent Donner is requesting Town Board approve to install approximately 150' of drainage pipe between 9270 and 9280 Clarence Center Road. Town Engineer Latona has been consulted on this problem and is in agreement with the solution. Funds for this project will be used from the town wide drainage district account.

Councilman Weiss has a resolution authorizing and deputizing a new agent for electrical inspections and re-inspections in the Town of Clarence.

Councilman Weiss talked to Animal Control Officer Jerry Schuler regarding the bear situation. If a bear is tranquilized, the DEC will not relocate them because the bear will eventually come back to the same spot. Councilman Weiss attended a forum with a big game expert. Many bears in our region are about 1 year old – the age they make their own life away from their mother. Sightings will become more frequent. There will be a northerly migration of bears because of the impact of the eastern and southern bear population that will be forcing the young male bears north. If they get into the Alabama Swamp area where there is a lot of food, we could have a resident population.

Councilman Weiss has one item to discuss in Executive Session regarding the employment history of a corporation.

Councilman Bernard Kolber

Thompson Road has been paved; the County did a great job.

Councilman Kolber has received several neighbor complaints regarding noise on Roll Road. When the police are called the guy shuts the music off until they leave. He blows an air-horn at 1:00 AM. When he goes on vacation he cranks his stereo and leaves it on in his garage for the duration. A Noise Ordinance has been discussed in the past but there is no way to enforce it. Councilman Kolber suggested to the resident that he continue to call the NYS Police if the problem persists.

Councilman Kolber will appoint an alternate to the ZBA at the next Town Board meeting.

Councilman Kolber was planning on meeting with the fire companies this month however they do not have any meetings scheduled.

Councilman Kolber and Councilman Casilio discussed setting a time limit for trash pickup at commercial sites (stores, restaurants etc.). Some complaints have come in regarding disposal companies emptying dumpsters at 4:30 and 5:00 in the morning and all the noise it generates. Councilman Kolber suggested a town law that would not permit garbage pickup until 6:30 AM. Councilman Casilio suggested making it a part of the permitting process that disposal companies can not begin pickups until 6:00 AM.

Councilman Patrick Casilio

Councilman Casilio requested the Planning Board minutes be amended to reflect that he and Councilman Weiss attended the last meeting regarding the Sign Law.

Councilman Casilio along with Town Engineer Latona met with Tom Wik from Erie County Water Authority regarding hydrant inspections. Mr. Wik explained the quadrants and how they do their inspections. Councilman Casilio witnessed an inspection of a hydrant from a water authority crew and photographed the inspection document that is filled out when a hydrant is inspected. ECWA inquired about the hydrant located on the paper street off of Barton Road. They questioned whether the town would like them to move it to another street. They will wait for a recommendation from the Town Board.

Councilman Casilio has one item to discuss in Executive Session regarding the employment history of an individual and one attorney client item to discuss.

Town Attorney Steven Bengart

Town Attorney Bengart has several attorney-client items to discuss and one item regarding the acquisition of real property and the employment history of a particular person.

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 the employment history of a corporation, § 105(1) H the proposed acquisition of real property but only when publicity would substantially affect the value thereof. Upon roll call – Ayes: Councilman Casilio, Councilman Kolber, Councilman Weiss, Supervisor Bylewski; Noes: None. Absent: Councilman DiCostanzo. Motion carried.

There being no further business, the Work Session adjourned at 6:50 P.M.

Darcy A. Snyder
Deputy Town Clerk

Councilman Casilio left the Executive Session at 7:26 P.M.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to adjourn the Executive Session at 7:32P.M. Upon roll call - Ayes: Councilman Kolber, Councilman Weiss, Supervisor Bylewski; Noes: None. Absent: Councilman Casilio and Councilman DiCostanzo. Motion carried.

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

Supervisor Scott Bylewski called the meeting to order at 7:35 P.M. Pledge to the flag was led by Boy Scout Troop 27 from Zion Lutheran Church, followed by a prayer given by Supervisor Bylewski.

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

Motion by Councilman Kolber, seconded by Councilman Casilio to accept the minutes of the previous meeting held July 8, 2009. On the question, Supervisor Bylewski had a correction on page 190 to the motion to enter into executive session. It was made by him and seconded by Councilman Kolber. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Supervisor Bylewski said he received a thank you letter from the Day In The Park steering committee. He also thanked all those involved in the event.

Supervisor Bylewski said we recently went out to the market for a borrowing and we received some very favorable results. The overall bond anticipation note for various purposes was \$5,312,000. We were fortunate to receive a sale price of .68 from Roosevelt and Cross. This is the result of the fine job that has been done managing the Town's finances. He thanked everyone involved in that borrowing.

Motion by Supervisor Bylewski, seconded by Councilman Kolber that upon recommendation by the TEQR Committee, the Town Board seeks Lead Agency Status and commences a coordinated review of the proposed Patrick Open Development Area located on the south side of Roll Road, west of Shimerville Road. This Unlisted Action involves the development of a 3-lot Open Development with a frontage lot. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to grant a Special Event for the Labor Day Parade to be held Monday, September 7, 2009 beginning at 1:00 p.m. from the Pine Breeze Subdivision through the traditional route, with all necessary agencies being notified. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

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

WHEREAS, Chapter 89, section 89-4, of the Code of the Town of Clarence authorizes and deputizes the chief inspector and each of the duly appointed inspectors of the New York Board of Fire Underwriters as agents of the Town of Clarence to make inspections and reinspections of all electrical installations; and

WHEREAS, a representative of the New York Board of Fire Underwriters notified the Town's Senior Code Enforcement Officer by phone, that as of 4:00 o'clock p.m. on Monday, July 13, the New York Board of Fire Underwriters would not accept any new electrical inspection applications and would cease providing services on existing electrical inspection applications as of October 16, 2009; and

WHEREAS, due to the notification that the New York Board of Fire Underwriters will not accept new applications for electrical inspections and that the New York Board of Fire Underwriters will cease to provide services on the current open electrical inspection applications as of October 16, 2009, the Town of Clarence is without an agent to provide compliance with the New York State Uniform Fire Prevention and Building Code and the provisions of Chapter 89 of the Code of the Town of Clarence; and

NOW, THEREFORE, BE IT

RESOLVED, due to this extenuating circumstance, in order to be in compliance with the New York State Uniform Fire Prevention and Building Code and the provisions of Chapter 89 of the Code of the Town of Clarence, the Clarence Town Board, upon the recommendation of the Town Attorney, Senior Code Enforcement Officer and Town Engineer, hereby, authorizes and

deputizes Empire Inspections, LLC, certified to inspect electrical installations, as an agent of the Town of Clarence to make inspections and reinspections of all electrical installations as described in the provisions of Chapter 89 of the Code of the Town of Clarence; and be it further

RESOLVED, pursuant to Chapter 89 of the Code of the Town of Clarence, in no event will the cost or expense of such inspections or reinspections, be a charge to or against the Town of Clarence.

On the question, Councilman Weiss said we have been left in the lurch by the dissolution of this company. He thanked the Town Engineer for acting quickly and getting someone in there to fill the breach.

Councilman Kolber said this is not only happening in the Town of Clarence, but all over the State.

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

Motion by Councilman Weiss, seconded by Councilman Kolber to set a Bid Date of August 14, 2009 at 10:30 a.m. in the Town Clerk's Office for the purchase of an Arched Backstop for the 90 ft. diamond at Town Place Park on Goodrich Road. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to set a Bid Date of August 11, 2009 at 10:00 a.m. for the purchase of an Asphalt Hot Box. Bid Specifications will be available at the Highway Department. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to authorize the Highway Department to install approximately 150 feet of drainage pipe between 9270 and 9280 Clarence Center Road, in cooperation with Erie County Highway Department, to fix a drainage problem. Clarence Town Engineer Joseph Latona is in agreement with this solution. Funds for this project will be from the Town-wide Drainage District account. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Councilman Weiss said there was discussion regarding the bears migrating to this area. Our Animal Control Officer is certified to use darts, but the problem is then the DEC would not move the bear.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to set a public hearing for August 26, 2009 at 7:45 p.m. to consider the purchase by the Town of Clarence of real property located at 10365 and 10375 Main Street in the Town of Clarence, Erie County, New York in conjunction with Clarence Fire District No. 1, Inc. at a purchase price not to exceed \$495,000.00 plus any closing costs and disbursements subject to the terms and conditions of the conditional contract to be negotiated by the Town Attorney. The Town of Clarence shall purchase approximately 6.2 acres and the Clarence Fire District No.1, Inc. shall purchase 1.7 acres of said properties.

The purchase price shall be apportioned between the Town of Clarence and Clarence Fire District No.1, Inc. as agreed between them. The Town of Clarence funds shall be allocated from the general fund and/or the recreation fund.

The Clarence Town Board hereby issues its statement of intent to issue bonds or notes to finance the acquisition of said property.

On the question, Councilman Weiss said he is totally against increasing the fire company campuses, but in this case, he does not want to lose the additional property for the park.

Supervisor Bylewski said these two parcels are between the Main Street Park and Clarence Fire District No. 1 station.

Councilman Casilio said it is a great opportunity to expand a 100 year old park. However, he will be recusing himself because he is a member of Clarence Fire District No. 1.

Upon roll call – Ayes: Councilmembers Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Casilio. Absent: Councilman Peter DiCostanzo. Motion carried.

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

RESOLVED, that Scott Bylewski, as Supervisor for the Town of Clarence, is hereby authorized and directed to file an application for funds from the Certified Local Government Grant Program in an amount not to exceed \$6,000.00 and upon approval of said request to enter

into and execute a project agreement with the Certified Local Government Grant Program for such financial assistance to the Town of Clarence to pursue the professional services of a Consultant to assist the Town of Clarence and the Town of Clarence Historic Preservation Commission in the preparation of State and Federal Historic Landmark applications. The local match requirement will be developed through in-kind and volunteer participation from Town Staff as well as Historic Preservation Commission members.

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

Councilman Kolber said Thompson Road has been paved from Main to Greiner.

Councilman Casilio said Erie County Water Authority was in Town to inspect and perform maintenance work on fire hydrants. He will be meeting with Erie County Water Authority, along with the Town Attorney and Town Engineer, to verify their inspections.

Councilman Casilio announced, on behalf of Councilman DiCostanzo, that he will be appointing new members to the Youth Board at the next meeting.

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize Supervisor Scott A. Bylewski to sign the 2009 Justice Court Assistance Program application for a Grant for the Clarence Town Court, not to exceed \$30,000.00. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize the payment of \$6,306 for additional reserve required by School and Municipal Energy Cooperative (SMEC) to add additional accounts to our already existing accounts. On the question, Councilman Casilio said by adding more of our building onto this program, we could see a savings of \$12,000. Supervisor Bylewski said that is within the first year. These are properties that we have since acquired or at the time did not make cost benefit sense. The repayment period for natural gas is five years and electric is within a half a year. Councilman Casilio said we have a savings of \$30,000 to \$40,000 savings in electric by working with SMEC. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Weiss to authorize the Supervisor to enter into a contract with Frank Swiatek & Associates to conduct a Citizen Survey at the cost of \$9,300 subject to Town Attorney review and approval. On the question, Supervisor Bylewski said Parks, Recreation and Youth Departments have as part of their budgeting process a citizen/customer satisfaction component. We are also looking at assessing the need for a community facility. The purpose of the survey is to conduct overall Town satisfaction and also specific components. This was the lowest bid submitted. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Town Clerk Nancy Metzger received a communication from Ted Donner that Erie County Highway will be closing Wolcott Road from Transit to Kenfield for the purpose of paving on July 24th and 25th.

Supervisor Bylewski recognized Alayne Donner who was present to represent the Chamber of Commerce.

Supervisor Bylewski thanked department heads present for attending.

A Public Hearing was held to consider designation of the Town Park Clubhouse at 10405 Main Street as a local Historic Landmark. Brad Packard said the Clubhouse is located on the grounds of the Main Town Park within the historically and culturally valuable Clarence Hollow hamlet. The Town Park Clubhouse was originally constructed in 1911 and stands as an excellent example of craftsman style architecture. It is culturally significant given its association with the Buffalo Automobile Club and its designers, Esenwein and Johnson, noted late nineteenth to early twentieth century architects based in Buffalo. The Clarence Historic Preservation Commission has recommended that the Town Board accept the Clubhouse as a local Historic Landmark. The property has been listed as significant within the Intensive Level Survey of historic resources as per the Clinton Brown Architecture Group.

Supervisor Bylewski said we are also going to seek State and Federal designation for various Town buildings. Chairman of the Historic Preservation Commission, Henry Brodowski is present.

With no one else speaking to the subject, motion was made by Councilman Casilio, seconded by Councilman Weiss to close the Public Hearing. On the question, Supervisor Bylewski said he would also incorporate all of the work that has been done by the Planning Department and the Historic Preservation Commission regarding the Clubhouse.

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

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

WHEREAS, the property located at 10405 Main Street and locally known as “Town Park Clubhouse” has been the subject of an Intensive Level Survey as prepared by Clinton Brown Company Architecture, PC; and

WHEREAS, the property at 10405 Main Street has been identified to have Historic Value, Association With Historic Personages, and Contains Significant Historic Value Through its Architectural Style and Method of Construction; and

WHEREAS, The Town of Clarence Historic Preservation Commission has unanimously forwarded a recommendation to officially designate the Town Park Clubhouse located at 10405 Main Street as an Historic Landmark within the Town of Clarence; and

WHEREAS, The Clarence Town Board has held a duly advertised public hearing on the proposed designation, Per the Town of Clarence Town Board Notification Policy.

NOW THEREFORE BE IT

RESOLVED, that the Clarence Town Board, approves the designation of 10405 Main Street, known as “Town Park Clubhouse” as a Local Historic Landmark per the Town of Clarence Historic Preservation Local Law; and be it further

RESOLVED that the affected Site be designated on the Official Zoning Map of the Town of Clarence filed for recording in the Office of the Erie County Clerk.

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

A Public Hearing was held to consider designation of the Magoffin House at 10748 Main Street as a Local Historic Landmark. Brad Packard said the Magoffin House, as named because of its association with James Magoffin, who settled in the Town of Clarence and was named Supervisor in 1874. It serves as an excellent example of an Italianate variation structure. Also located within the Clarence Hollow hamlet at 10748 Main Street, the Magoffin House compliments the historic and cultural value of the hamlet. The Clarence Historic Preservation Commission has recommended the Town Board accept the Magoffin house as a local historic Landmark.

Supervisor Bylewski said this is a voluntary application. He added that Councilman Casilio and the Town Attorney were very involved in helping to preserve this house from demolition a few years ago.

Councilman Kolber and Councilman Weiss, along with citizens of the community contributed to help save this property prior to the current owner.

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

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

WHEREAS, the property located at 10748 Main Street and locally known as “The Magoffin House” has been the subject of an Intensive Level Survey as prepared by Clinton Brown Company Architecture, PC; and

WHEREAS, the property at 10748 Main Street has been identified to have Historic Value, Association With Historic Personages, and Contains Significant Historic Value Through its Architectural Style and Method of Construction; and

WHEREAS, The Town of Clarence Historic Preservation Commission has unanimously forwarded a recommendation to officially designate the building located at 10748 Main Street as an Historic Landmark within the Town of Clarence; and

WHEREAS, The Clarence Town Board has held a duly advertised public hearing on the proposed designation, per the Town of Clarence Town Board Notification Policy.

NOW THEREFORE BE IT

RESOLVED, that the Clarence Town Board, approves the designation of 10748 Main Street, known as "The Magoffin House" as a Local Historic Landmark per the Town of Clarence Historic Preservation Local Law; and be it further

RESOLVED that the affected Site be designated on the Official Zoning Map of the Town of Clarence filed for recording in the Office of the Erie County Clerk.

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

Phil's Char-Pit requests a Public Hearing to consider a Temporary Conditional Permit for outside dining at 9980 Main Street. Brad Packard said the location is the north side of Main Street, east of Kraus Road consisting of approximately one acre in the Commercial Zone.

Phil Convertini was present.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to set a Public Hearing for August 26, 2009 at 7:50 p.m. to consider the request for a Temporary Conditional Permit for outside dining at 9980 Main Street. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Karl Farmer requests a Change-In-Use from vacant to coffee house and a Public Hearing to consider a Temporary Conditional Permit for outside dining at 10749 Main Street. Brad Packard said the location is at the corner of Main and Academy within the Traditional Neighborhood District.

Karl Farmer was present.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to grant a Change-In-Use from vacant to coffee house at 10749 Main Street. On the question, Councilman Kolber said we encourage redevelopment in the Hollow and wished him well. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to set a Public Hearing for August 26, 2009 at 7:55 p.m. to consider the request for a Temporary Conditional Permit for outside dining at 10749 Main Street. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Jason Klein requests Minor Subdivision Approval to create one additional Residential Building Lot at 8225 Tonawanda Creek Road. Brad Packard said the location is on the south side of Tonawanda Creek east of transit Road consisting of approximately 109 acres in the Agricultural Flood Zone.

Jason Klein said he faxed in a demolition permit application and wanted to know what the status is. Brad Packard said that is done in coordination with the Building Department. This is a separate action. He bought 106 acres out of the total 109 exclusive of the house.

Motion by Councilman Casilio, 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 Klein Minor Subdivision. This Unlisted Action involves the development of one new residential building lot located at 8225 Tonawanda Creek Road. After thorough review of the submitted supporting information and the Environmental Assessment Form (EAF) by the Planning and Zoning Department and 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. Absent: Councilman Peter DiCostanzo. Motion carried.

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

RESOLVED, that the Clarence Town Board grants the request of the applicant, Jason Klein, for Minor Subdivision approval to create one additional residential building lot located on the south side of Tonawanda Creek Road, east of Transit Road, at 8225 Tonawanda Creek Road subject to the following conditions: 1. Open Space and Recreation Fees.

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

Roland Boller, Jr. requests Minor Subdivision Approval to create one additional Residential Building lot at 6790 Salt Road. Brad Packard said the property is located at the intersection of Salt and County and consists of approximately three acres in the Agricultural Rural Residential zoning district.

Roland Boller, Jr. was present.

Motion by Councilman Casilio, 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 Boller Minor Subdivision. This Unlisted Action involves the development of one new residential building lot located at 6790 Salt Road. After thorough review of the submitted supporting information and the Environmental Assessment Form (EAF) by the Planning and Zoning Department and 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. Absent: Councilman Peter DiCostanzo. 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, Roland Boller, Jr., for Minor Subdivision approval to create one additional residential building lot located on the northwest corner of County and Salt Roads, at 6790 Salt Road, subject to the following conditions: 1. Open Space and Recreation Fees.

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

Burgher and Grainy request a Public Hearing for renewal of an existing Temporary Conditional Permit for automotive sales at 10939 Main Street. Brad Packard said the property is located on the south side of Main Street, east of Schurr Road consisting of approximately one acre in the Traditional Neighborhood District. This site was originally granted a Temporary Conditional Permit for the operation of an automotive sales business on February 14, 2007. On May 14, 2008 the Temporary Conditional Permit was renewed with additional conditions for a period of 6 months.

Councilman Casilio said he owns the property next door so he will recuse himself from the discussion and vote.

John Burgher said he has done landscaping including trees along the west side and south side of the property. He took three dilapidated buildings and put them back together, reconstructing one, siding all three, roofed two of them and made them look presentable. They also paved and striped the parking lot and put up a stone wall. He feels that he has covered everything that was required.

Supervisor Bylewski read the conditions set forth at the meeting held 5-14-08. He asked that Mr. Burgher comment on those conditions at the public hearing to make sure the conditions have been met.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to set a Public Hearing for August 26, 2009 at 8:00 P.M. to consider the request for renewal of an existing Temporary Conditional Permit for automotive sales at 10939 Main Street. On the question, Councilman Weiss said he looked at the property today and the only thing he is not sure about is how he could put up the bumpers. It would be difficult to plow with them there. Everything else seemed to be in accordance with the conditions. Mr. Burgher said he did not put the bumpers in yet because they paved the lot. Councilman Weiss said he would not have a problem if the bumpers were not there. Councilman Kolber said he is not a big fan of used car lots, but Mr. Burgher has made this property look a lot better than what it was. Upon roll call – Ayes: Councilmembers Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Casilio. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Councilman Weiss, seconded by Supervisor Bylewski to grant approval for the following: Clubhouse Applications - A. Clarence Soccer Club – Sept. 19, 2009; B. Clarence Holiday Valley Ski Club – Sept. 20, 2009; C. Clarence Book Review Club – Monthly Meetings for 2010; D. Clarence Log Cabin Quilters – Monthly Meetings for 2010; and Dec. 7, 2010; E. Clarence Arts & Crafts Society – Monthly Meetings for 2010; and Nov. 5, 6 & 7, 2009; F. Rodney Bugenhagen – May 15, 2010; G. VFW Memorial Post 1200 – Monthly Meetings for 2010; H. Girl Scout Troop #1419 – Monthly Meetings for 2010; Legion Hall Applications - A.

Hai Family – July 25, 2009; B. Sara Schupbach – Aug. 22, 2009; C. Clarence Mustangs Hockey – Aug. 30, 2009; D. Clarence Log Cabin Quilters – Oct. 30 & 31, 2009; and Monthly Meetings for 2010; E. Clarence Republican Committee – Monthly Meetings for 2010; F. Swallow Creek Homeowners – Quarterly Meetings for 2010; G. Father/Child Group – Monthly Meetings for 2010; H. J. Michael Hens VFW Post 7870 – Meetings for 2010; Park Pavilion Special Request - A. Cub Scout Pack 27 – Oct. 3 & 4, 2009. On the question, Supervisor Bylewski said some of the Board members are members of various groups, however, this is ministerial and they will be voting. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that after proper audit and review by the Town Board, the following bills of July 23, 2009 are approved for payment: General Fund - \$175,054.45; Highway Fund - \$75,337.08; Water District - \$1,765.69; Drainage District - \$7,440.00; Lighting Districts - \$841.55; Sewer Districts - \$464.86; Capital Fund - \$32,467.43; Aquatic Growth District - \$916.58; and Trust and Agency 203 - \$3,164.79 for a total amount of \$297,452.43. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:30 p.m. in memory of Amber Graf and Sarah Breslin.

Nancy C. Metzger
Town Clerk