

A Work Session of the Clarence Town Board was held on August 12, 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, Director of Administration and Finance Pam Smith, and Senior Building Inspector David Metzger.

James Callahan – Director of Community Development

Public Hearings:

A Public Hearing is scheduled for 7:45 PM to consider Historic Preservation Landmark Status for the Gerber Library located at 10871 Main Street.

A Public Hearing is scheduled for 7:50 PM to consider Historic Preservation Landmark Status for the Asa Ransom House located at 10529 Main Street.

A Public Hearing is scheduled for 8:00 PM to consider a Temporary Conditional Permit for outside dining for Salsarits's at 4375 Transit Road

A Public Hearing is scheduled for 8:05 PM to consider the establishment of the proposed Sewer District No. 4 to service the area generally described as north of Greiner Road, east of Goodrich Road, south of Clarence Center Road and west of Kraus Road.

Formal Agenda items:

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 is requesting a fireworks display permit for their annual Labor Day celebration (September 6, 2009). The proposed site is located on the south side of Clarence Center Road, west of Goodrich Road at the existing fire company in the Traditional Neighborhood Zoning District. Per local law, the Town Board has the authority to approve fireworks display permit. All required fees and insurance certificates are on file.

Benderson Development Company 9289 and 9465 Main Street

Applicant is seeking approval for the demolition of existing accessory structures as well as a Clearing Permit in preparation for marketing both pieces of property. The proposed site is situated on the south side of Main Street, east of Thompson Road on existing vacant property with unutilized accessory structures in the Commercial Zoning District. Per the Demolition and Clearing, Filling, Grading Law, the Town Board has authority to approve demolition of structures and clearing of property. On November 28, 2007 the applicant had made application with the Town Board for the same proposal and had been asked to provide more detailed information. Specifically, the applicant was asked to provide wetland delineation data as well as tree surveys for both locations. This application includes both wetland delineation and tree surveys for both properties; the applicant has also stated they would be willing to accept demolition of existing structures as a condition of clearing. All wetland delineations and tree surveys are on file with the Office of Planning and Zoning.

Clarence Community Association, northeast corner of Goodrich & Clarence Ctr. Rd. Applicant is proposing construction of a street corner clock. The proposed site is situated on the northeast corner of Goodrich and Clarence Center Road on existing commercial property located in the Traditional Neighborhood Zone. The Town Board has authority to approve streetscape improvements. If approved, the clock and property associated would become town-owned property (both donated).

Work Session items for consideration on August 26th, 2009

Spaulding Green LLC, Greiner Road

Applicant is proposing a minor subdivision to create one additional residential building lot. The existing vacant property is located on the north side of Greiner Road, west of Kraus Road in the Residential Single Family Zone. Per the Subdivision Law, the Town Board has authority to approve Minor Subdivisions. The property is currently the subject of a Major Subdivision review (Spaulding Greens). The proposed lot would meet the minimum frontage and acreage requirements.

Clarence Soccer Club – Memorial Park

Applicant is seeking approval to place signage at the park. The existing Town Park is located on the north side of Clarence Center Road, east of Kraus Road (Memorial Park) in the Community Facility Zoning District. As the park is town owned property, the Town Board has the authority to approve signage on site. The Soccer Club is allowing for commercial advertising in association with the signage in an effort to raise funds for their group.

Transit Valley Animal Hospital 7591 Transit Road

Applicant is requesting a Building Permit and Architectural approval for an addition to the existing structure. The proposed site is located on the east side of Transit Road, south of Wolcott Road in the Restricted Business Zone. Per the Zoning Law, the Town Board has the authority to approve façade changes and recommend building permits in the Commercial Zoning Districts. The addition will require a Zoning Board of Appeals variance approval to continue a pre-existing non-conforming side yard setback to the principal structure. The applicant has made application with the Zoning Board of Appeals and is an agenda item for the August 11, 2009 meeting.

Martin Pecoraro 6031 Transit Road

Applicant is requesting an amendment to a currently existing Temporary Conditional permit for the sale and display of used vehicles. The applicant has requested to allow for an alteration to the current placement of vehicles. Per the Zoning Law, the Town Board has authority to review and approve Temporary Conditional Permits and site plans therein associated. The applicant has met original conditions of the existing permit and installed landscaping features as per the Landscape Committee. Prior to striping, the applicant desires this alteration to the existing layout of parking stalls.

DHD Ventures – Transit Road, north of Miles Road

Applicant is requesting Preliminary Concept Review of a proposed commercial plaza. The proposed site is situated on the east side of Transit Road, north of Miles Road on existing vacant land located in the Major Arterial Zoning District. This property was the subject of a Master Plan amendment review process for the 2008 Master Plan Amendment hearings. The Town Board had accepted an amendment to the existing Future Land Use Map that would allow for an increase of the existing commercial land use at the subject property of 400', creating a total depth of 1,050' off of Transit Road. This amendment was conditioned on the down zoning of the subject property from Major Arterial to Commercial and the conservation of the rear 16+/- acres of the subject area via a deed restriction, a measure designed to provide buffering for the residents, wetlands and creek corridor to the east. If approved, this project will ultimately require a public hearing for consideration of the down zoning and amendment to the Zoning Map as well as a Special Exception Use Permit to allow for cumulative structures over 30,000 square feet.

Stone Ridge Estates – southeast corner of Stage and Ransom Road

Applicant is requesting Development Plan approval for a proposed 15-lot Open Development area. The proposed site is situated on the southeast corner of Stage and Ransom Road on existing vacant property located in the Agricultural Rural Residential Zoning District. Per the Subdivision Law, the Town Board has authority to review and approve Major Subdivisions and Open Development Areas. The Town Board has previously granted concept plan approval and authorized 4 frontage lots along Stage Road. As per the Subdivision Law, this approval would require variances for both the length of a private road, number of homes on a dead end street and limiting the placement of topsoil on the entire site. The Planning Board has recommended this plan positively as well as all previous conditions.

Antonio Cosmano – southwest corner of County and Conner Roads

Applicant is requesting Minor Subdivision approval to allow for the creation of 3 additional residential building lots (4 total). The proposed site is situated on the southwest corner of County and Conner Road – 6680 Conner Road on existing vacant property located in the Agricultural Rural Residential Zoning District. Per the Zoning Law, the Town Board has authority to review and approve Minor Subdivisions. All proposed lots would meet the minimum requirements of the Agricultural Rural Residential Zoning District. The Office of Planning and Zoning is currently coordinating review of this proposal with the Engineering Department and the Assessor's Office.

Sign Law – Local Law Amendment

This proposed Law Amendment was originally introduced and discussed by the Planning Board on December 13, 2006. Since that time there has been a legal review, Town Board public hearing on October 10, 2007 and Negative Declaration under SEQR on August 22, 2007 as per the Town Board. After several years of review, legal and public input, the Planning Board has recommended positively this amendment. Only the Town Board has authority to amend a local law after holding a public hearing.

The primary purpose of this amendment was to provide more clarity and structure to the existing law. Major changes concern the allowance of no more than 10 square feet of LED signage per monument sign within the Commercial and Restricted Business sign districts (subject to review, approval and conditions of the Sign Review Board), the allowance of 10% area variance at the discretion of the Sign Review Board and classification of sign specifications and regulations as per zoning district.

Susan Ballard 9376 Clarence Center Road

Applicant is requesting recommendation on Building Permit and Architectural approval for the construction of a three-unit residence. The proposed site is situated on the north side of Clarence Center Road, west of Long Street on vacant property located in the Clarence Center Mixed Use District. Per the Zoning Law, the Town Board has authority to review and approve architectural elevations in the Traditional Neighborhood Zoning District. This land use was originally approved via a Special Exception Use Permit on June 10, 1998. At that time, an architectural elevation approval was based upon a design that incorporated an attached garage with a unit above. Due to engineering and site constraints, the applicant has altered the original design and is now seeking a three-unit residence with a detached 3-car garage in the rear of the site.

Jim Morabito – Sign Law

Mr. Morabito felt that the Sign Review Committee did a good job at writing the Sign Law however there were a few areas that he felt needed more review. He marked up a copy of the Sign Law with suggestions and comments and also took several pictures using his property as an example. As the law is written now, this will not affect his business but in the process of good government, we need a good sign law. The proposed law calls for signs no larger than 48 square feet with some exceptions of 60 square feet. The Main -Transit Plaza sign is 80 square feet (it is out of compliance but can stay according to the proposed law). The sign sits back from the road approximately 65 feet. The letters are 8" letters and are visible when people drive by – they are not too large and they are not too small. However, if you look at the Benjamin Moore sign that was installed

underneath, the lettering is too small. If you drive by to look at that, your eyes would be off the road for 3 – 4 seconds. Mr. Morabito has information from a study that was done that says your eyes should not be off the road for more than 1 ½ seconds. If he was limited to a 48 square foot sign in his plaza, it would become a hazard in his opinion because the letters would have to be so small and he would not have enough room for all his tenants to advertise.

Mr. Moribito felt that the committee has to take a look at monument signs and where they are placed.

The wording on page 4 of the proposed Sign Law, Section (M) Subsection 2, 5 and 6 - the verbiage is confusing and contradictory.

Supervisor Scott Bylewski

Today marks the six month anniversary of Flight 3407. There are several organizations that Supervisor Bylewski felt should be recognized in a brief ceremony this evening.

Shakespeare in the Park for the Town of Clarence is scheduled Friday, August 14th at 7:30 PM.

The joint Town Board/School Board meeting is scheduled for Monday, August 24th.

Department Head budgets are due September 4th. Supervisor Bylewski asked that each Town Board member meet with their respective liaison assignments and get involved in that process to find out what is being requested.

Erie County Highway Department is going to do some over-lay in the Town. They are going to mill 3" and put back 3" on Harris Hill (from Greiner to Roll Road) and the entire length of Newhouse Road. Bids will be opened August 20th; the project will be completed this year.

There is an International Swine Flu Conference being held in Washington, DC. There are many concerns coming forward with the upcoming school year. The information has been forwarded to Youth Director Dawn Kinney.

James Burkard and James Callahan have both successfully completed their Six Sigma Green Belt exams.

Supervisor Bylewski gave an ISO update from the fire companies. The reports should come in by the end of this month.

Supervisor Bylewski has four Special Event Requests to move for approval.

Supervisor Bylewski has one item to discuss in Executive Session regarding the employment history of an individual.

There have been concerns regarding the conservation area in Spaulding Lake. Some of the trails that were encroaching on private property have been blocked off as a short-term solution. Long term, we have to find out where exactly the conservation area line is and have the Department Heads work on a long term solution for what needs to be done regarding enforcement. Councilman Kolber suggested having the area surveyed so we know where the boundary line is.

Councilman Joseph Weiss

Parks Crew Chief John Burns has replaced the back boards at Town Place Park basketball court.

There was a discussion regarding Long Street and Karen Wielinski's desire for a memorial on her property.

Councilman Weiss submitted a request by the Lacrosse Team for a stipend of \$4,400. in the 2010 budget.

Councilman Weiss will meet with the NYS Police regarding the theft of computers at Clarence High School.

A firm has been retained to do survey work on Beaman Creek Park.

Former Supervisor Daniel Herberger forwarded an article to Councilman Weiss regarding the consolidation of fire departments.

Councilman Weiss will make a motion awarding the design of the Miles Road replacement bridge to Abate Associates Engineers and Surveyors for a fee of \$39,000. to be paid from the Capital Account.

Councilman Weiss will make a motion to adopt a resolution approving the establishment of Clarence Sewer District No. 4.

Councilman Bernard Kolber

Councilman Kolber will report on the correspondence he received from Time Warner.

Councilman Kolber would like to draw up a Town Law prohibiting refuse collection before 6:30 and 7:00 AM.

Councilman Kolber would like the Traffic Safety Committee and the Recreation Advisory Committee review the one-way street off Clarence Center Road at Memorial Park. Many people just ignore the signs. Councilman Kolber will e-mail Town Attorney Bengart his concerns so Town Attorney Bengart can present this to the RAC.

The Clarence Public Library has a new director, an announcement will be forthcoming.

Councilman Kolber will contact the two ZBA applicants.

Councilman Patrick Casilio

Erie County Water Authority has been doing hydrant inspections throughout the Town. Councilman Casilio has a meeting scheduled with ECWA at the end of the month.

Clarence Hollow has requested a speed limit reduction. The speed limit is now 40MPH however they are asking that the limit to be lowered through the Hollow.

Councilman Casilio has received speed requests for Tonawanda Creek Road and Thompson Road. Thompson Road can not be reduced any lower than the 40MPH that is currently posted. Highway Superintendent will be instructed to contact the County regarding Tonawanda Creek Road.

Councilman Casilio attended the Clarence Hollow Association board meeting last Thursday. They received a letter from a citizen regarding the blithe in the Hollow and questioned what the Hollow was going to do about it. The Hollow Association does a great job however the items listed in this letter are beyond their scope. Senior Building Inspector David Metzger and Town Engineer Latona have offered to meet with the Clarence Hollow Board on Friday morning to go over some of the issues.

Councilman Casilio received a request from a resident in Clarence Center regarding *Jake Brake* usage at the four corners. Being Goodrich and Clarence Center Roads are County roads; the County may have to post a sign. There are other towns/villages that have "No Jake Brake" signs. If we have a law, the Sheriff's Department and NYS Police can enforce it.

Councilman Casilio has spoken to the Legal Department regarding a Grass Law relative to abandoned homes. A law may be ready to schedule a public hearing in two weeks.

Long Street will be closed Labor Day weekend from Saturday through Monday. Passes will be handed out to the residents.

Jim Murphy has resigned from the Public Safety Committee, Councilman Casilio commented on the outstanding service Jim contributed to the committee.

Town of Clarence fire companies are participating in the flood relief efforts in Gowanda.

The Taste of Clarence was a huge success, kudos to the Chamber of Commerce.

Councilman Casilio acknowledged Kevin Paterson and the terrific job he did with "Take Back the Path" race/walk. The annual race raises money for bike path security. The revenue will be down this year due to the fact that he was charged full rent by Clarence Center VFC for use of the grove.

Councilman Casilio received a resignation letter from Robert Friedman from the Senior Center Board.

Councilman Peter DiCostanzo

Upon recommendation of the Youth Board, Councilman DiCostanzo will appoint two student members for a period of one year.

Councilman DiCostanzo will report on the number of residential building permits issued for the month of July.

The Planning Board was very specific on some of their resolutions for motions they made in their meeting regarding the Sign Law. LED signs passed in restricted business. They carved out some specific items and voted on them separately. Political signs will be treated as any other temporary sign; they can be up for 30 days.

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

There being no further business, the Work Session adjourned at 7:10 P.M.

Darcy A. Snyder
Deputy Town Clerk

Councilman Casilio left the Executive Session at 7:19 P.M.

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to adjourn the Executive Session at 7:28 P.M. Upon roll call - Ayes: Councilman Weiss, Councilman Kolber, Councilman DiCostanzo, 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 on Wednesday, August 12, 2009 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:37 P.M. Pledge to the flag was led by Councilman Joseph Weiss, followed by a prayer given by Supervisor Bylewski.

Supervisor Bylewski said it is the 6-month anniversary of the crash of Flight 3407. This is an appropriate time to give thanks to the various groups that came forward to help the Town. The following five groups were exceptional in their performance: Clarence Center Vol. Fire Company, New York State Police, Erie County Sheriff's Department, New Buffalo Shirt Company and Love Knows No Boundaries. Chief David Case, First Deputy Supt. Pedro Perez, Sheriff Tim Howard and Linda Weiss from New Buffalo Shirt Company were presented with proclamations. He thanked them all for going above and beyond and the efforts put forth helping our community. He also thanked New Buffalo Shirt and Love Knows No Boundaries for their fundraising efforts and helping out the families.

Supervisor Bylewski recognized our Disaster Coordinator David Bissonette and Asst. Disaster Coordinator David Baumler, Denise O'Donnell, Major Cummings, Captain Nigrelli, Under Sheriff Donovan and County Legislator Ray Walters who were also present.

Deputy Supt. Pedro Perez of the New York State Police thanked the Town and the community. As first responders, they understand tragedy because that is what they are tasked to do. They could not have done it without the help from everyone involved. They were fed and had a place to stay. It was the dedication to the community and the caring of each other that helped them through this horrendous event. He knows the families of the fallen 50 cherish the memories of what everyone has done for them.

Sheriff Tim Howard said the actions of the Town of Clarence remind him of the movie "Pay It Forward". The Troopers and Deputies have a new working relationship that has evolved over the last six months. Several of these same agencies are now down in Cattaraugus County helping the people down there who have lost their homes and belongings due to the severe flooding. It is a pleasure to work alongside the people of this community and he thanks everyone on behalf of the Sheriff's Department.

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

Motion by Councilman Kolber, seconded by Councilman Casilio to accept the minutes of the previous meeting held July 22, 2009. Upon roll call – Ayes: Councilmembers Casilio, Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman DiCostanzo (He was not present at that meeting.) Motion carried.

Supervisor Bylewski announced that in conjunction with Shakespeare In Delaware Park, there will be a Clarence Day on Friday, August 14, 2009 at 7:30 p.m.

Supervisor Bylewski said that Jim Burkard from the Parks Department and Jim Callahan, Planning Department have gone through green belt training and passed with flying colors.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to grant approval for a Block Party that was held on Hirschwood Drive on August 9, 2009 from 2:00 to 9:00 p.m. All appropriate agencies were notified. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to grant approval for a Block Party to be held August 29, 2009 from 5:30 to 10:00 p.m. at 4186 Circle Court. All appropriate agencies will be notified. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to grant approval for the End of Summer Party to be held September 6, 2009 from 2:00 to 9:00 p.m. at 5945 Killarney Manor. All appropriate agencies will be notified. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to grant approval for St. Paul's Episcopal Church Bike-A-Thon to be held Saturday, October 10, 2009 from 9:00 a.m. to

Noon on the bike path beginning at Meadowlakes Park. All appropriate agencies will be notified. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to award the bid for the Design of the Miles Road Replacement Bridge to Abate Associates Engineers and Surveyors, P.C. for a fee of \$39,000 to be paid from the Capital Account. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss sends kudos out to the Parks Department for responding to a request for new backboards for the basketball court at Town Place Park. He thanked John for finding a quality product and getting them installed so quickly.

Councilman Kolber said the Clarence Library has a new director, but he is going to wait until they make their announcement.

Councilman Kolber said he received a communication from Time Warner Cable stating that they must inform us when agreements with programmers and broadcasters are about to expire. They are usually able to obtain renewals of extensions, but sometimes may be required to cease carriage of one or more. They also make changes in services from time to time to better serve their customers. A copy of this letter is on file in the Town Clerk's office.

Councilman Casilio announced the resignation of Jim Murphy from the Public Safety Committee. There are now two openings on this committee.

Councilman Casilio said Erie County Water Authority is conducting a check on the fire hydrants to make sure they are operational. The Town will be meeting with them at the end of the month to review their records regarding hydrant maintenance.

Councilman Casilio said he has received several speed reduction requests that we are looking at.

Councilman Casilio said the Clarence Hollow Association is going to meet with our Code Enforcement Office to go over conditions of the Hollow area to see how the Town can help them.

Councilman Casilio said he hopes to set a public hearing in the near future to consider a grass maintenance law. We have had problems with abandoned property in Town where the grass is overgrown. It is difficult to issue summons to owners when they are no longer around.

Councilman Casilio said Town of Clarence fire companies have sent crews to Gowanda to assist in the relief effort. Primarily they are providing first aid watch while the fire companies down there are helping with the cleanup.

Councilman Casilio congratulated the Chamber of Commerce on the success of the Taste of Clarence. It was a wonderful event.

Councilman Casilio thanked Kevin Patterson who organized another fundraiser on behalf of Joan Diver. Last year he donated funds to help in the purchase of cameras for the bike path.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that upon recommendation by the Clarence Youth Board, the following students are appointed to the Clarence Youth Board for a period of one year, said term effective as of July 1, 2009 and ending on June 30, 2010: Connie Fan and Tara Cornell. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo reported that there were 11 Residential Single Family Building Permits issued in July with six being in Rock Oak Estates. The total permits that have been issued this year through July were 22, as compared to 41 in the previous year.

Councilman DiCostanzo announced that there will be a 5K Run fundraiser in memory of a young man who died of cancer on August 22, 2009 at 9:00 a.m. beginning and ending at Brennan's.

Councilman DiCostanzo thanked Judy Sirianni and the Chamber for the Taste of Clarence event. It was over the top and they had to even turn cars away.

Councilman DiCostanzo announced that Robert Friedman has resigned from the Senior Center Board. He will be looking to fill that position.

Supervisor Bylewski thanked department heads who are present for attending.

A Public Hearing was held to consider Historic Preservation Status for the Gerber Library located at 10871 Main Street. Brad Packard said the Gerber Library serves the community as an excellent example of a cross gable frame building. The property is located within the historic Clarence Hollow community, an important and valued hamlet within the Town of Clarence. Originally constructed in 1936, the Gerber Library offers significant architectural components including an open porch design, decorative arches, keystone detailing, and a stone foundation and chimney.

The Library is significant culturally because of its association with Esther Gerber, who ran a circulating library from her home at 10882 Main Street.

This property has received a positive recommendation for Local Historic Landmark Nomination from the Historic Preservation Commission and has been listed as a significant contributor of historical value in the Intensive Level Survey as prepared by Clinton Brown and Associates.

Supervisor Bylewski said this is a Town property. All properties brought forth for designation have been volunteer applications by the owners.

Town Historian Mark Woodward said the Historic Preservation Committee, of which he is a member, enthusiastically recommends the Gerber Library for designation to preserve the history of our Town. Mr. Woodward added that the Asa Ransom House, which is the next item on the agenda, also was enthusiastically recommended by the Commission.

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

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

WHEREAS, the property located at 10871 Main Street and locally known as “Gerber Library” has been the subject of an Intensive Level Survey as prepared by Clinton Brown Company Architecture, PC; and

WHEREAS, the property at 10871 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 “Gerber Library” located at 10871 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 10871 Main Street, known as the “Gerber Library” 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. Motion carried.

A Public Hearing was held to consider Historic Preservation status for the Asa Ransom House located at 10529 Main Street. Brad Packard said the Asa Ransom House serves the community as an excellent example of the Colonial building type. The property is located within the historic Clarence Hollow Community, again, an important and valued hamlet within the Town of Clarence.

Originally constructed in 1853, the Asa Ransom House offers significant architectural components including a front facing gabled entry porch, colonial gabling and façade and historically relevant window styling.

The Asa Ransom House is significant culturally for its association with Asa Ransom and Reuben Ebersole. In 1803, Asa Ransom, the “Founding Father” of Clarence built a mill on the site of the home and more than century later the mill and home became the property of the Ebersole family, successful proprietors in the community. Fortunately, the property is currently

the site of a well noted local bed and breakfast that has maintained the vibrant history and culture of this property in modern times.

This property has received a positive recommendation for Local Historic Landmark Nomination from the Historic Preservation Commission and has been listed as a significant contributor of historical value in the Intensive Level Survey as prepared by Clinton Brown and Associates.

Speaking to the subject:

Robert Lens, owner of the Asa Ransom House, thanked the Town Board for adopting the Historic Preservation Law. It is an honor to join in this effort to preserve our historic buildings.

Donna Bowers said her property abuts the Asa Ransom House and she grew up in this area. Her mother's family was one of the first settlers here and she is thrilled to see historic houses recognized in this way. She would like the Hollow to be more than the road leading to the flea market. She thanked the Board for being willing to make some of our local properties stand out.

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

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

WHEREAS, the property located at 10529 Main Street and locally known as “Asa Ransom House” has been the subject of an Intensive Level Survey as prepared by Clinton Brown Company Architecture, PC; and

WHEREAS, the property at 10529 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 “Asa Ransom House” located at 10529 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 10529 Main Street, known as the “Asa Ransom 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.

On the question, Supervisor Bylewski said he would include the comment from Town Historian Mark Woodward that the Historic Preservation Commission enthusiastically recommended this property for designation.

Councilman DiCostanzo thanked Bob Lens for how well he maintains this property.

Councilman Weiss said Bob Lens is one of the hardest working guys in this Town and is involved in many things.

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

A Public Hearing was held to consider a Temporary Conditional Permit for outside dining for Salsarita's at 4375 Transit Road. James Callahan said the location is on the east side of Transit, north of Main Street in the Major Arterial Zone.

Nick Piestrak was present representing the applicant. The outdoor patio was part of the original design and the owner would like to make sure they are in line with any permits that are required for such use. Music is limited to background music and not intended to be part of the bar scene.

Councilman Weiss said he does not want to hold this up. It has been a tough summer for businesses as it is.

Supervisor Bylewski said it is on a major arterial and will have more street noise than anything.

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

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

Resolved that the Clarence Town Board, after a public hearing duly held on August 12, 2009, and after all interested parties being heard, grants a Temporary Conditional Permit for outside dining to the applicant, Salsarita's Restaurant, located at 4375 Transit Road, subject to the following conditions:

1. Temporary Conditional Permit is granted for one year.
2. Outdoor seating not to exceed 8 tables and 64 seats.
3. No live entertainment. Allowable entertainment not permitted past 11:00 p.m. weekdays and Midnight on Saturdays.

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

A Public Hearing was held to consider the establishment of the proposed Sewer District No. 4 to service the area generally described as north of Greiner Road, east of Goodrich Road, south of Clarence Center Road and west of Kraus Road. James Callahan said the proposed sewer district is to service the conceptually approved Spaulding Greens Open Space Design Subdivision. The capacity is identified via the Heise/Brookhaven Trunk Sewer Line as identified in the Clarence Hollow Pollution Abatement Study.

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

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

RESOLVED, that the Clarence Town Board hereby adopts a

“RESOLUTION OF THE TOWN OF CLARENCE, NEW YORK,
ADOPTED AUGUST 12, 2009, APPROVING THE ESTABLISHMENT
OF SEWER DISTRICT NO. 4 IN SAID TOWN, AND PROVIDING
THAT SUCH RESOLUTION SHALL BE SUBJECT TO PERMISSIVE
REFERENDUM”.

an abstract of such resolution, concisely stating the purpose and effect thereof, being as follows;

FIRST: RECITING that the Town Board of the Town of Clarence (“Town Board” and “Town”, respectively), in the County of Erie, New York, has heretofore duly caused the preparation of a map, plan and report for the proposed establishment of Sewer District No. 4 (“District”), which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; that an Order was duly adopted by the Town Board on July 8, 2009, reciting the filing of the map, plan and report, a description of the boundaries of the proposed District in a manner sufficient to identify the lands included therein, the services proposed, that the expense of creating the District is to be paid for by the developer of the Spaulding Green Subdivision and at no capital cost to the Town, and specifying the time and place of a Public Hearing to hear all persons interested in the subject thereof concerning the same; that the costs of the operation and maintenance by the District will be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said facilities so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same, that copies of such Order were duly published and posted, and that such hearing was duly held on August 12, 2009, at the time and place specified;

SECOND: RESOLVING AND DETERMINING that a) the Notice of Hearing was published and posted as required by law and is otherwise sufficient, b) all the property and property owners included within the District are benefited thereby, c) all the property and property owners benefited are included within the limits of the District and d) that the establishment of the District is in the public interest;

THIRD: APPROVING the establishment of the District and the supplying of the services proposed and describing the District in a manner sufficient to identify the lands included therein; and

FOURTH: RESOLVING that the establishment of the District will be of no cost to the Town but the costs of the operation and maintenance by the District will be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said facilities so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same with current average EDU rate for residents in other

Town of Clarence Sewer Districts receiving sewer service being \$268.81 per year which is the estimated cost to a typical property for sewer service within the District.

FIFTH: STATING that this resolution is subject to permissive referendum.

On the question, Councilman Weiss noted that the legal description of Clarence Sewer Dist. No. 4 is part of the complete resolution on file in the office of the Clarence Town Clerk along with the Map, Plan and Report.

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

Helen Cuoco requests Minor Subdivision Approval to create two new residential building lots for a total of three lots at 8500 – 8550 Goodrich Road. James Callahan said the location is on the west side of Goodrich Road, south of Tonawanda Creek Road consists of approximately 4.42 vacant acres in the Agricultural Flood Zone and the Density Flood Zone.

Helen Cuoco 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 Cuoco Minor Subdivision . This Unlisted Action involves the development of two new residential building lots located on the west side of Goodrich Road, south of Tonawanda Creek Road at 8500-8550 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, Helen Cuoco, for Minor Subdivision Approval to create two additional residential building lots located on the west side of Goodrich Road, south Tonawanda Creek Road at 8500-8550 Goodrich Road, subject to the following conditions: 1. Open Space and Recreation Fees. 2. Town Engineer Approval.

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

Helen Cuoco requests Minor Subdivision Approval to create three new residential building lots for a total of four lots at 7360 Goodrich Road. James Callahan said the location is the west side of Goodrich Road, north of Lapp Road consisting of approximately 14.78 acres in the Agricultural Rural Residential Zone.

Helen Cuoco was present.

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 Cuoco Minor Subdivision . This Unlisted Action involves the development of three new residential building lots located on the west side of Goodrich Road, north of Lapp Road at 7360 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 Kolber, seconded by Councilman Weiss to adopt the following resolution:

RESOLVED, that the Clarence Town Board grants the request of the applicant, Helen Cuoco, for Minor Subdivision Approval to create three additional residential building lots located on the west side of Goodrich Road, north of Lapp Road at 7360 Goodrich Road, subject to the following conditions: 1. Open Space and Recreation Fees. 2. Town Engineer Approval.

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

Motion by Supervisor Bylewski, seconded by Councilman Kolber to grant a Fireworks Display Permit to Clarence Center Vol. Fire Company, 9415 Clarence Center Road for the Labor Day festivities. All appropriate fees, insurance and fire company approvals are in order. Upon roll call – Ayes: All; Noes: None. Motion carried.

Benderson Development Company requests a Demolition Permit and a Clearing, Filling and Grading Permit at 9289 and 9465 Main Street. James Callahan said the location is the south side of Main Street between Thompson and Goodrich in the Commercial Zone. The applicant would like to clear the property in advance of any future projects.

Mathew Oates was present. He said he was here in November 2007 and they were asked to provide a tree survey for both properties; and provide wetland delineation for 9289 Main Street. The wetland delineation has been approved by the DEC and the Army Corp of Engineers. They would like to clear both properties and demolish the existing buildings to clean them up for marketing purposes.

Councilman Kolber had a concern that if they cleared the properties of all trees, there may be some that could be incorporated into a project in the future.

Mr. Oates said they would be willing to maintain trees along the property lines for now until they see if they could be incorporated or not. They would like to take down all of the trees in the center of the property. He suggested a walk through on the site with Mr. Callahan to identify any trees that could possibly be kept.

Councilman Casilio said he would like to see them demo the buildings, but not touch trees of a certain diameter, such as 4 inches.

Mr. Callahan said he would not want to limit it in case there are larger trees that are diseased or damaged. He would be happy to go out there with the applicant. He believes Mr. Drinkard would also. Councilman Weiss said he could go too.

Motion by Councilman Casilio, seconded by Councilman Weiss to grant the request by Benderson Development for 9289 and 9465 Main Street for Demolition and a Clearing, Filling and Grading Permit. On the question, Councilman Casilio said it is the intent of the motion not to remove trees that are salvageable over 4-inches in diameter, brushhog the existing property, demolish all buildings and that Councilman Weiss, Mr. Callahan and Mr. Drinkard will meet Benderson on the site to mark trees that will remain. Mr. Callahan said there would be filling and grading at the demolition locations. Councilman Kolber wanted clarification of the motion. (Items were added.) Supervisor Bylewski said they are leery of granting a permit such as this because of this company's prior clearance issues. There is much work to be done prior to clearing this site. Councilman Casilio asked if they have a project for these sites. Mr. Oates said they do not. Upon roll call – Ayes: All; Noes: None. Motion carried.

Clarence Community Association requests Town Board approval for the installation of a street clock on the northeast corner of Goodrich and Clarence Center Roads. Tim Pazda said he wanted to brief the Town Board before this is deeded over to the Town. The project has been a two-year project and they raised enough money to purchase it through the banner sales. They will pay for the maintenance contract for the first year and ask the Town to pick it up after that. The \$300 per year maintenance includes biannual cleaning, lubrication, bulb replacement and things like that.

Mr. Pazda said the Bank of Akron will donate the 300 sq. ft. site to be deeded to the Town. They will also provide electricity for a reasonable length of time which will be worked out between the attorneys.

Mr. Pazda presented drawings of the base that must be installed. His intention was to have as much donated by private companies as possible so that they could turn over a completed project to the Town. He estimated \$5,000 for site work and one estimate he received was way over that. Mr. Pazda wanted to dedicate the clock on the Saturday of Labor Day Weekend at Noon.

Councilman Weiss asked who would be responsible for the insurance. Since it will be Town property, it will have to be added to the Town's policy.

Mr. Pazda said the slats in the benches will be replaced. He is really pushing for the foundation to be done and the clock up by the dedication. The brick work may not be completed. He would prefer to have stamped concrete rather than the pavers, but they will probably have to re-use them for now.

Councilman DiCostanzo said he thinks it is great, but does not want to have the cost to the Town end up being way over the \$300 and the addition to the insurance.

Motion by Councilman Casilio, seconded by Supervisor Bylewski to grant the request by the Clarence Community Association for installation of the clock at the northeast corner of Goodrich and Clarence Center Roads. On the question, Tim Pazda said the clock is on order. It will be received on August 29th and he will need a location to have it delivered to. Also, he will need the use of a loader to have it brought to the site and the manufacturer will set it up. Councilman Casilio offered assistance. 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 Concert Association – Monthly meetings, Concert Series & Dinner for 2010; B. Girl Scout Troop #886 – Monthly meetings for 2010; C. Clarence Soccer Club – Monthly meetings for 2010; D. Clarence Lion’s Club – Monthly meetings for 2010; Dec. 9, 2010; E. American Legion Post – May 31, Nov. 11, & Dec. 8, 2010; F. Rock Oak Homeowners Association – Dec. 11, 2010; G. Clarence Conservative Party – Aug. 18, 2009; Legion Hall Applications - A. Lisa Schomber – Aug. 21, 2009; B. American Legion Post – Monthly meetings for 2010; May 31 & June 12, 2010; C. Clarence Mustangs Hockey – Monthly meetings for 2010. 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 August 6, 2009 are approved for payment: General Fund - \$86,443.64; Highway Fund - \$6,785.52; Water District - \$34,532.47; Sewer Districts - \$28,871.09; Capital Fund - \$715,021.24; and Trust and Agency 203 - \$36.89 for a total amount of \$871,690.85. On the question, Councilman DiCostanzo said he is happy that we finally received the check from Amherst for LOSAP. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

Mike Lex, Clarence School Board President thanked the Town for the summer recreation programs for the youth. They are very much appreciated.

Mr. Lex reported that the bike path between Salt Road and Davison Road needs some paving work.

He personally invited everyone to the joint meeting of the Town Board and School Board on August 24th.

Mr. Lex stated that he did not appreciate the public comments made by Councilman Weiss. They intend to share the results of the audit at the joint meeting. Of the 116 computers, 114 have been accounted for. Of the \$70 million budget, only \$1,600 was missing assets. He asked that Councilman Weiss not denigrate his board members. They are dedicated volunteers who present a very good school district to the taxpayers.

Bob Lens thanked the Town Board for keeping the Town green and preserving the trees in regard to item 19.

Howard Melancon said he went down Circle Court today and it was paved. A few weeks ago it was oiled and chipped. He wondered if this was a new process to do both.

Town Engineer Joseph Latona said it is a new process that the Highway Superintendent is using. Supervisor Bylewski added that he believes it is called a mesh process.

Mr. Melancon said he thinks the stone and chip was smoother than it is right now.

Supervisor Bylewski suggested that he contact Highway and Ted could explain the process.

There being no further business, Supervisor Bylewski adjourned the meeting at 9:00 p.m., this being the six month anniversary of the crash of Flight 3407 and in memory of Aldine Tarbell, a lifelong, active member of the community.

Nancy C. Metzger
Town Clerk