

A Work Session of the Clarence Town Board was held on February 24, 2010 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, Senior Building Inspector David Metzger, and Director of Administration and Finance Pam Smith.

Director of Community Development – James Callahan

Public Hearings:

A public hearing is scheduled for 7:45 PM regarding the annual review of Master Plan 2015. Sean Hopkins has submitted a letter representing West Herr proposing an extension of Commercial Zoning relative to the south of Roll Road.

Formal Agenda items:

Pandora Rathgeber 9080 Wehrle Drive

Applicant is proposing an in-law apartment for the existing home. The proposed site is located on the south side of Wehrle drive, east of Shimerville Road in an existing single-family residence located in the Residential Single-Family Zone. Per the Zoning Law, the Town Board may consider a secondary living unit via a Special Exception Use Permit. All conditions as identified in the Zoning Law for a secondary living unit must be met.

Clayt Ertel 8347 Sheridan Drive

Applicant is proposing to relocate a television repair use to the basement of the existing home. The applicant would continue to utilize the existing home as the principal use of the property. The proposed site is located on the south side of Sheridan Drive, west of Harris Hill Road in existing residential property located in the Restricted Business Zone. As the proposed use is not an identified permitted use in the Restricted Business Zone, the Town Board may consider a Temporary Conditional Permit after a required public hearing.

Michael Giammarise 8441 Sheridan Drive

Applicant is proposing to operate a vehicle repair operation at his existing residential property. The proposed site is located on the south side of Sheridan Drive, west of Harris Hill Road. The existing residential property is located in the Restricted Business Zone. The proposed automotive use is not an identified acceptable use in the Restricted Business Zone. The Town Board may consider a Temporary Conditional Permit after a required Public Hearing. Areas of concern include compatibility with the Restricted Business Zone and adjoining land uses.

Christopher Morgan/CAM Services 10165 Main Street

Applicant is seeking approval to display snow plows for purchase. The proposed site is located on the south side of Main Street, west of Strickler Road at a pre-existing heavy duty plow/fabrication center located in the Traditional Neighborhood and Commercial District. The area along the Main Street frontage identified in the TND and the area to the rear is located in a commercial classification. The Town Board may consider the request via a Temporary Conditional Permit.

Supervisor Scott Bylewski

Supervisor Bylewski reminded the Board to continue to work with their departments relative to their action plans based on the Satisfaction Survey. Supervisor Bylewski has made contact with everyone who left their name with the survey via message, letter, telephone conversation or face to face. All respondents have been contacted other than one person who left their telephone number that is no longer in service.

Supervisor Bylewski received a letter of commendation from Richard and Maria Greco praising work that Senior Building Inspector David Metzger provided regarding a Carbon Monoxide alarm.

Outcome Based Budgeting Report:

Building Department – Senior Building Inspector David Metzger

Dave Metzger stated that approximately five years ago there was another funded position in the budget. Interviews were conducted but a decision was made not to fill the position and the money was put in the over-time budget. Current staffing assignments are two inspectors on commercial projects, two inspectors on residential projects and the plumbing inspector takes care of both commercial and residential.

Recently within the last year, the building department has been working on cleaning up all the old permits - the generators, sheds, additions, excluding house permits because everyone needs a Certificate of Occupancy for legal and financial purposes. Homeowners do not bother following through with the smaller jobs because they don't need the CO and many think that they avoid the assessor's office. The Senior Clerks are going through the process now by calling the contractors and calling the applicants to get the inspections scheduled.

The International Building Code has worked out well; it was a huge up-grade in the operation. It is a lot more detailed and better for building owners; it upgrades the safety level and is easier for the inspectors.

The building inspectors use their lap top computers both in the office and then transfer to their vehicles when they are out in the field. It seems to work out well; it allows them to go somewhat paperless with the building permit process. There have been some issues with the network wireless cards.

Property Maintenance is a new program the Building Department/David Burke is working on based on the Main Street responses and available grant money. Dave Burke has some good ideas on how to accomplish this in a relatively timely manner.

The Building Department is currently working on public assembly inspections. There has been no upgrade in that operation in the last few years so that will be their focus of attention over the next six months. There are approximately 125 places of public assembly in the town that need to be inspected on an annual basis. The intended goal is to do three inspections a week, do a follow up, issue the operating permit that our law requires based on what the state requires. A monthly report will be generated. There will be many violations in the beginning of the operation however; it will become much more streamlined as time goes on. The operating permit could generate well over \$9,000 in income which is only a fraction of the cost of going out and doing the inspection.

Under our Shared Services Agreement, Senior Building Inspector Dave Metzger will be helping out the Town of Newstead with inspections while their building inspector is off.

Town Engineer Joseph Latona

Town Engineer Latona stated that the last drainage study plan that was done for the town was 33 years ago. He is proposing that the town embark upon a town wide drainage study. Mr. Latona solicited three firms, the scope of the work is to define the culvert mapping – we have 346 culverts in town. Up until last summer, Mr. Latona did not know the exact number. His office went out and designated where each culvert is. The study will GPS the culvert and will establish the capacity of the culvert. They will do modeling to establish storm water runoff and will convert existing mapping. It is an ambitious study; it will be town wide and will supplement the study that was done 33 years ago. TVG Consultants submitted the lowest proposal at \$96,700; they did the initial study 33 years ago. Once it is completed, we will have a comprehensive plan in which to work with. It will define major channels, if the town has to replace a culvert; we will know what size and what storm it will take. There is a lot of "pick and shovel" work to dig out some of the culverts. The weather is not helping now, but some of the

internal work can begin. The source of funding will be from the town wide drainage district account.

The intent is to come up with an official town ditch map that we are responsible for. This is for both public and private property. Easements will be required for private property. We will then be able to keep the main arteries open because we will have legal access and ability. This will have to be strategically implemented – if the highway department is going to do the work or if it will be outsourced. It will have to be determined how many feet of ditching can be done in a day, how much can be done in the summer months and what is the cost – this will be taken out of the town wide drainage account. The Highway Department is on board with this and will help out as they can. This could be out-sourced; the highway department does not have a problem with this.

Supervisor Bylewski asked whether TVG Consultants would be providing a rough time table as to a completion date. Town Engineer Latona stated that they would however; the outside work is currently being hampered by the weather. Town Attorney Bengart stated that this is subject to a written contract. Town Engineer Latona will sit down with TVG Consultants and have a pre-project meeting.

FEMA has taken the liberty of changing the basic datum of all the flood maps so the elevation on the FEMA maps is not the same elevation that is in the town. This will be a problem for banks, realtors etc. There is approximately a half foot difference in the elevation and a half a foot in the north county will flood the entire North Country so Town Engineer Latona has to convert a lot of maps. FEMA has also taken the liberty to change the scale on the drawing to a different scale than our existing maps are so Mr. Latona cannot look at the new map and compare it to the previous map. To do this he would have to re-plot, re-digitize and rescale. TVG has submitted a proposal which will also come out of the town wide drainage account to start working on the flood maps. At the end of the month, there is a hearing with FEMA that Town Engineer Latona will attend to tell them whether or not he agrees with their mapping. Two years ago Mr. Latona protested because FEMA did not use the data that was provided to them. He did not hear anything from FEMA in over two years until they recently sent him the new maps, he does not know if they used the same data. Mr. Latona's biggest concern is that he will have different flood maps with different datum and different scale. Fortunately he has a good working relationship with FEMA engineers because of our history with them. Our consultant can discuss it directly and get the raw data directly from them which is how it was done last year.

Councilman Casilio will make a motion authorizing TVG consultants to analyze and conduct an evaluation of the FEMA map modernization proposal as it impacts the Town of Clarence for a fee of \$15,850 to be paid from the town wide drainage district. Some of the work for FEMA will be done under the drainage study.

The Buffalo News reported some erroneous information regarding our Green Print program. Supervisor Bylewski stated that a correction will be made. He has received both telephone calls and e-mails from residents stating they were happy the town has such a program.

Supervisor Bylewski will make a motion to close out the Senior Center Generator Project #90. All expenditures have been paid on the project.

Supervisor Bylewski will pass a resolution on behalf of the IDA in opposition to IDA tax imposed on all local IDA's by NYS as a means to close the State's budget deficit.

Supervisor Bylewski asked the Town Board to inform his office when they would be going out of town. He also requested a contact number should any problems arise.

In working with the branding initiative for the town, there is a long term vision that Supervisor Bylewski is in the process of working out. There are some interesting ideas in terms of revitalizing businesses within the town as well as recruiting new businesses to come to town. One of the items he is working on is a portfolio that is based on the

brochure that was printed last year. Inside of the portfolio will be different inserts containing information about the town that will be of great interest to try to attract businesses. Supervisor Bylewski has received some quotes to print the folder as well as the additional inserts. The IDA is on board and has pledged that they would be willing to fund 50% of the folders and the inserts up to a maximum \$5,000 contribution. The best quote came in at \$8,000 for 2,500 folders. (\$4,000 would be the town's responsibility and \$4,000 from the IDA). This is a budgeted item. Supervisor Bylewski would like to go forward with this initiative to try and attract businesses to come into the Town of Clarence. The brochures will go to developers, realtors and interested businesses. The Town Board was in favor of this project.

Supervisor Bylewski has one item to discuss in Executive Session.

Councilman Joseph Weiss

Councilman Weiss commented on a book he is currently reading regarding controlling school spending. It talked about the American Recovery and Reinvestment Act that was passed to help get through this economic downturn and the influx of \$44 billion dollars in 2009 with a promise of \$49 billion in 2010. The U.S. Secretary of Education Arne Duncan indicated that the distribution of these funds was intended to save and create jobs and improve education in the short term. Mr. Coseo has indicated that he has decreased the tax levy by 3.4% because his board has worked hard to reduce spending from \$39.3 million to \$38,000,000. However, this is the same time the schools received this grant money. You have too many administrators making six figures and yet they are telling everyone they are cutting taxes.

Highway Superintendent Ted Donner is requesting the 1997 John Deere Wheel Loader be declared surplus. This wheel loader was part of the bid on the new High-lift,

Councilman Weiss received a letter from a fireman that he will address in Executive Session.

Councilman Bernard Kolber

Councilman Kolber has received several complaints from residents in the northern part of town that cannot hook up to cable and the internet. He met with Cheryl Hanson, director of Governmental Affairs at Time Warner she was going to provide a boundary map of where they are presently serving the town and where their lines run. To date, Ms. Hanson has not provided the map. The Town has a contract with Time Warner they are to supply cable for every 20 residential units per mile above ground or 30 houses per lineal mile of roadway underground. Cable stops 900 feet from one resident's house and Time Warner is requesting \$4000 to extend it 900 feet to her house. Councilman Kolber will contact Ms. Hanson once again regarding the boundary map.

Councilman Kolber attended the Senior Center Board meeting, they still have not approved the minutes from April 2009. They discussed the minutes for approximately 45 minutes, voted on them and could not get an approval. Councilman Kolber is going to suggest that they have a staff member take the minutes vs. a board member.

Several Senior Center members have complained about the building being cold and the automatic doors opening at the same time brings a blast of cold air. The Parks Department is doing a heat analysis.

Councilman Patrick Casilio

Councilman Casilio has one item to discuss in Executive Session regarding the lease of real property.

Councilman Casilio will make a motion authorizing TVG Consultants to conduct the town wide drainage study in accordance with their proposal dated February 1, 2010 in the amount of \$96,700. To be paid from the Town Wide Drainage Account.

Councilman Casilio will make a motion authorizing TVG Consultants to analyze and conduct an evaluation of the FEMA Map modernization proposal as it impacts the Town of Clarence for a fee of \$15,850. To be paid from the Town Wide Drainage Account.

Councilman Casilio met with the Engineering Department; they are working on a grant for street light replacement. However, it will take more time than originally thought.

Councilman Casilio met with a NYS DOT engineer regarding sidewalks along Main Street. The DOT has several plans on the table to try and get sidewalks along Main Street through "shovel ready" projects. They will know midsummer if any of this will come through.

Councilman Casilio also talked to the NYS DOT about a street light on Transit Road underneath the Sheridan Drive overpass due to the fact that it is extremely dark in that area and there have been several accidents. NYS owns the bridge and will not allow NYSEG to install a light; NYS DOT would have to install it.

Paperwork has been started for the 30 MPH speed limit request in Clarence Hollow.

Councilman Casilio will appoint Bob Geiger to the Avoidable Alarm Committee.

Councilman Casilio received correspondence from Clarence School District regarding their \$70 avoidable alarm charge. This will go before the Avoidable Alarm Committee, this is the first time someone has requested a hearing in front of the committee.

Councilman Casilio has one Attorney-Client item to discuss.

Councilman Peter DiCostanzo

Part II of the substance abuse program sponsored by the Youth Bureau is scheduled for March 1, 2010 in the Town Hall auditorium.

The Chamber of Commerce annual awards dinner will be held Thursday, February 25th at Samuels Grand Manor.

Paralegal Cindy Rosel obtained a copy of the Town of Newstead fire contract. They have a clause in their contract where they must come before the Town Board for any purchases over \$100,000. Supervisor Bylewski stated that we do not have it in any of our contracts but it is something that we will definitely do in the future.

Councilman DiCostanzo met with Recreation Director Cliff Trapper and Chris Durr regarding their plans for the town pool. To open the pool earlier and to keep it open later is going to cause some issues - a cost benefit analysis will be done. There are also maintenance issues that may not make it feasible to open the pool by Memorial Day.

Councilman DiCostanzo will make a motion to request that the Town of Clarence Planning Board review the pros and cons and the potential cost savings of having the Planning Board take over the duties of development plan approvals and the duties of the TEQR Committee and report back to the Town Board.

Supervisor Bylewski suggested bringing this up as part of the Master Plan Public Hearing so that any reference to TEQR will be looked at.

Councilman DiCostanzo attended the NYS Association of Towns meeting and attended a NYS Retirement Plan session. The speaker talked about a Tier V retirement plan, where you would pay 3% towards your retirement for the length of your employment. The over-time figure that could be used in the final average salary would be limited to 15%. However, at the end of the presentation, the speaker stated that the statewide unions did not remember agreeing to that so it may get reversed in the Legislature – this wouldn't be the first time something like this would get reversed in an election year.

The Audit Committee met with the auditor. They are going to look closely at purchasing procedures.

Motion by Supervisor Bylewski, seconded by Councilman Casilio 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), matters leading to the appointment of a particular person, employment history of a corporation; § 105(1) H the proposed lease of real property but only when publicity would substantially affect the value thereof. On the question, Town Attorney Bengart was asked to remain in the meeting. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business the Work Session adjourned at 7:04 PM.

Darcy A. Snyder
Deputy Town Clerk

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

Regular meeting of the Town Board of the Town of Clarence was held Wednesday, February 24, 2010 at the Clarence Town Hall, One Town Place, Clarence, New York.

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

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

Supervisor Bylewski said the Town Board is working with the various departments to follow up on the satisfaction survey to develop the different action plans as a result of the comments. We hope to have something in the next couple months.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to close the Senior Center Generator project #90. All expenditures have been paid on the project. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

WHEREAS, local Industrial Development Agencies (IDAs) serve as the primary vehicle for the implementation of economic development programs in counties and local communities across New York State; and

WHEREAS, the primary mission of local IDAs is the creation and retention of jobs for New York's residents through innovative, locally-driven and developed programs to make counties and local communities better places in which to invest, grow productive business enterprises and create better business atmospheres to generate new economic activity, job creation and tax revenue producers; and

WHEREAS, the 2009-2010 State budget contained a maximum statewide "cost recovery" tax of \$5 million to "reimburse to New York State an allocable share of state governmental costs attributable to the provisions of services to industrial development agencies;" and

WHEREAS, the State Department of Taxation and Finance has sent tax bills to every IDA in the state for amounts corresponding to 4.7% of the gross revenue received by an IDA in the 2008 calendar year, payable by March 31, 2010; and

WHEREAS, the tax bills received by local IDAs were received long after local IDAs budgets were developed and implemented without the inclusion of this new, unanticipated tax in their adopted budgets; and

WHEREAS, the revenue by IDAs subject to this tax includes payments in lieu of taxes collected for local governments and school districts, state and federal grants and local taxpayer funded appropriations; and

WHEREAS, imposing a state gross receipts tax on revenues from 2008 that include tax generated resources from the state and federal government is redundant, punitive and will lead to these resources and those appropriated by counties for local job creation to be used instead to help bail out the State during its time of financial crisis.

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the Clarence Town Board strongly opposes the imposition of the new tax on the gross revenues of local Industrial Development Agencies as a means to help eliminate the state budget deficit; and be it further

RESOLVED, that the Clarence Town Board calls upon the Governor and the State Legislature to repeal the onerous tax on the primary economic development organizations of New York's counties and other local governments; a tax which will take local resources that could better be used to create jobs in our communities in this time of economic crisis; and be it further

RESOLVED, that the Clarence Town Board shall forward copies of this resolution to Governor David A. Paterson, the New York Legislature and all others deemed necessary and proper.

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

Councilman Weiss said all of the newspapers in the area have articles about the high cost of schools and what is happening in the various districts. They are complaining about the

shortfall of funds. Our superintendent says two years ago the amount of money raised through property tax was approximately \$39.3 million. The 2009-10 levy was approximately \$38 million resulting in a tax decrease of 3.4%. That amount is exactly the amount of the stimulus money that was a one-time shot of money. It was not a result of budget cutting measures.

Councilman Weiss said he hopes the citizenry wakes up to what is happening in education.

Motion by Councilman Weiss, seconded by Councilman Kolber that upon recommendation by Parks Crew Chief James Burkard, the following two positions be posted for the Parks Department due to retirements: General Crew Chief with a salary range of \$52,266 to \$58,741; and General Mechanic at an entry level rate of \$23,979.8. On the question, Councilman Kolber said these are not new positions. Councilman Weiss said they are vacancies. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that upon recommendation from Highway Supt. Ted Donner, the following piece of equipment be declared as surplus: 1997 John Deere Wheel Loader, Serial #DW644GD560817. This loader was included as a trade-in on a bid for a new high lift. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski said there was an article in the Buffalo News about our greenspace purchase on Greiner Road. He clarified information that was in the article including that the approval for the acquisition was January 20, 2010 at a price not to exceed \$900,000 plus closing costs and disbursements. The article mentioned \$4 million.

Supervisor Bylewski announced that anyone present to speak during the public hearing for the Annual Master Plan Review will be limited to three minutes per speaker.

Councilman Kolber said in regard to the greenspace program, the \$4 million is referring to the accumulation of all funds expended to date for land acquisitions out of the bond issue approved by the voters.

Councilman Kolber commented on Councilman Weiss' comment about schools stating that the Buffalo School District still has only one superintendent, as well as the other districts. The first ring suburbs are facing population decline due to the exodus of an entire generation of Western New York.

Councilman Weiss said there are fewer pupils, but the dollars are still going up.

Councilman Kolber said we have received a number of requests from residents who do not have cable service in the north end of Town. We have requested Time Warner to look into this many times. They have told us that the PSC regulations are 35 houses per mile, but our original agreement with Adelphia stated 20 houses per mile. He sent a letter to Time Warner asking for an updated review of the service area.

Councilman Casilio said the Avoidable Alarm Committee has been short one member and Robert Geiger will be appointed in the near future.

Councilman Casilio said it has been 30 years since there was a drainage study done. The Town Engineer would like to move forward on computerizing the Town's drainage system.

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize TVG Consultants to conduct the Town Wide Drainage Study in accordance with their proposal dated February 1, 2010 in the amount of \$96,700 to be paid from the Town Wide Drainage Account.

On the question, Councilman Casilio said we received three prices and this was the low and responsible bidder. We had one price for \$126,000. This will put us on a computerized system to review our drainage situations in the Town. It will give us a benchmark to start doing maintenance on the system in the near future.

Councilman Kolber added that we will know if a change is made in one area how it will affect the system in another area.

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

Councilman Casilio said FEMA remapped the Town to a different scale. The Town Engineering Department is in disagreement with some of the proposed changes, but with the different scale it makes it difficult to identify using the old maps.

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize TVG Consultants to analyze and conduct an evaluation of the FEMA Map Modernization Proposal as it impacts the Town of Clarence for a fee of \$15,850 to be paid from the Town Wide Drainage Account. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Casilio said he would like to commend the Building Department led by Dave Metzger. There was a 911 call for a carbon monoxide detector going off. It was determined that they had a bad detector after checking the house. The residents were very pleased with the prompt response and investigation.

Councilman DiCostanzo said the Youth Bureau will hold the second part in the series on substance abuse on Monday, March 1st at the Town Hall. This session is for adults only.

Councilman DiCostanzo said the Chamber of Commerce Annual Awards Dinner is tomorrow night at Samuel's Grande Manor. Tickets are still available.

Councilman DiCostanzo thanked Andrea from the Clarence Bee for the article about cars.

Councilman DiCostanzo said Monday, March 1st is also the first day to book pavilions for this summer.

Councilman Casilio said the Citizen of the Year is Dave Bissonette, our Disaster Coordinator. He does a great job for us and it is nice that he is receiving the honor this year.

Town Clerk Nancy Metzger received an announcement from the Erie County Board of Health regarding a Public Hearing to be held March 18, 2010 at 3:00 p.m. at the Rath Building, 95 Franklin Street. The subject is amendments to the Erie County Sanitary Code concerning Housing Hygiene and Property Maintenance. The proposed revisions are to conform to the New York State Sanitary Code. A copy of the proposed amendments is available in the Town Clerk's Office.

Supervisor Bylewski thanked all department heads present for attending.

A Public Hearing was held for the Annual Master Plan Review. James Callahan stated that since adoption of Master Plan 2015 in August of 2001, the Town has held an annual review. The annual hearing acts as a review to identify whether the general goals and the specific concepts identified in the plan remain current. It also allows the public the opportunity to comment on the plan.

Supervisor Bylewski said the numbers are favorable in terms of new residential growth adding a positive impact on the Town; the same with new commercial growth. The overall permit numbers are down compared to prior years indicating a quality coming in as opposed to quantity of growth coming in.

The net revenue per residential square foot was 17¢; and commercial was 12¢ per square foot. The dollar figure per square has maintained a high value.

We have preserved 614 acres of green space at the end of last year. We have expended \$3.15 million.

The percentage of homes built with public sewers has decreased. It could be that building is occurring outside subdivisions.

Speaking to the subject:

Supervisor Bylewski said he received one email from Doug McCallum on behalf of the ClarenceFIRST Homeowners Association to support the Planning Board's prior recommendation to down zone Segment B and encouraging the Town Board to follow that recommendation.

Sean Hopkins of Hopkins and Sorgi spoke on behalf of his client West Herr. He submitted a letter dated February 22, 2010 regarding this matter, which was received. Mr. Hopkins said his client is requesting an amendment with regard to a portion of 5505 Transit Road from Residential Single Family to Major Arterial. The size of the portion is approximately

1.7 acres. Use of the property has historically been, and currently is used for automotive services. West Herr needs additional space for parking and display of vehicles. Mr. Hopkins said the remainder of the property would remain as is.

Mr. Hopkins said they request that this be referred to the Planning Board.

Councilman Kolber said the map does not show the adjacent parcel as being included. James Callahan said the parcel to the north is Felber's Lumber. They pre-existed the Master Plan. There were separate agreements made to allow it.

Sean Hopkins said they would extend to line up with the Major Arterial Zone. The property in question has already been impacted with a roadway and there is not much there. This is part of Segment A.

Councilman Kolber asked if they would consider the remainder of the parcel as forever wild or greenspace.

Mr. Hopkins said they would just leave it as Residential Single Family, which is what is further to the east. A portion of it also may be Federal wetlands.

Robert Bigos said he lives in Rolling Meadows and he urges the Town Board to accept the standing recommendation from the Planning Board as it relates to Segment B. He thinks that after two years, an extensive review of the entire corridor, and the residents speaking out against big box stores in their backyards, it is time for the Town Board to seal it.

Supervisor Bylewski said upon closing of the hearing, the Town Board normally refers all items that have come up to the Planning Board for further study and review. Items have also been discussed in work sessions and prior meetings that would be appropriate for review. One item in particular is the overall review itself. They have discussed allowing the Planning Board to have final development plan approval. Another item is whether we need to have a separate committee to do the environmental review. He thinks it would be appropriate as part of the Master Plan Review to have the Planning Board and other committees look at the planning process to see if there are ways to become more cost effective and efficient while still allowing for public input to have projects go forward.

Mike Giammarise said he looked at the map on the website and in regard to the section of the bike path being proposed along the entire side of his property, he would like to be on record that he does not want it there.

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 DiCostanzo, seconded by Councilman Casilio to request that the Town of Clarence Planning Board review the pros, cons and potential cost savings of having the Planning Board 1) take over the duties of development plan approval; 2) take over the duties of the Town Environmental Review Committee and report back to the Town Board on its findings; 3) review overall planning process; and 4) consider all comments made during the public hearing for further study and review. On the question, Councilman Kolber said they did not vote on the comments. Supervisor Bylewski said there is no specific recommendation to the Planning Board; we are referring all comments for review. Councilman Weiss said he will have to recuse himself because of West Herr. He buys all of his company vehicles from them. Upon roll call – Ayes: Councilmembers DiCostanzo, Casilio, Kolber and Supervisor Bylewski; Noes: None. Recuse: Councilman Weiss. Motion carried.

Pandora Rathgeber requests a public hearing to consider a Special Exception Use Permit for a secondary living unit at 9080 Wehrle Drive. James Callahan said the location is the south side of Wehrle Drive, east of Shimerville Road in the Residential Single Family Zone.

Pandora and Fred Rathgeber said they would like to add a 600 sq. ft. addition for his mother to live.

James Callahan said a deed restriction would be required that it would not become a rental unit.

Motion by Councilman Casilio, seconded by Councilman Kolber to set a Public Hearing for March 24, 2010 at 7:45 p.m. to consider the request for a Special Exception Use Permit for a secondary living unit at 9080 Wehrle Drive. On the question, Supervisor Bylewski said the conditions that would be set are included in Section 229-136 of the Zoning Code. Upon roll call – Ayes: All; Noes: None. Motion carried.

Clayt Ertel requests a Public Hearing to consider a Temporary Conditional Permit for a television repair shop at 8347 Sheridan Drive. James Callahan said the location is on the south side of Sheridan Drive, west of Harris Hill Road in the Restricted Business Zone.

Joseph David of Realty USA and the applicant were present. Mr. David said there are currently twelve other businesses in that area. The applicant added that most of his business is in-home installations. There is some carry-in business when people bring things in for service. They are open 20 hours per week. He plans on using the garage area for a shop. Two apartments occupy the house. There are three parking spaces that do not interfere with the driveway, but they intend to add a couple more. Hours are 8am to 5pm with no nights or weekends.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to set a Public Hearing for March 24, 2010 at 7:50 p.m. to consider a Temporary Conditional Permit for a television repair shop at 8347 Sheridan Drive. Upon roll call – Ayes: All; Noes: None. Motion carried.

Michael Giammarise requests a Public Hearing to consider a Temporary Conditional Permit for an automotive repair shop at 8441 Sheridan Drive. James Callahan said the location is the south side of Sheridan Drive, west of Harris Hill Road in the Restricted Business Zone.

Michael Giammarise said his business would be by appointment only with no signs. He would like to add 8 ft. on to the back of the garage. He may have two or three vehicles at the most. Hours of operation would be 8am to 5pm with no nights or weekends.

Supervisor Bylewski asked if there are any automotive sales or service operations in the Restricted Business Zone. James Callahan said he cannot think of any, but can research it. Supervisor Bylewski said we normally take a harder look at the auto uses.

Councilman DiCostanzo said we get complaints about revving engines and motorcycles at another location. That would be a concern of his having neighbors right next to him.

James Callahan's office notifies neighbors within 500 ft. of the location for the public hearing.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to set a Public Hearing for March 24, 2010 at 7:55 p.m. to consider a Temporary Conditional Permit for an automotive repair shop at 8441 Sheridan Drive. On the question, Supervisor Bylewski said the Board looks very closely at this type of request and they are not always granted. He suggested that he prepare a site plan of where vehicles would be parked. Upon roll call – Ayes: All; Noes: None. Motion carried.

Christopher Morgan/CAM Services requests a Public Hearing to consider a Temporary Conditional Permit for outside display at 10165 Main Street. James Callahan said the location is the south side of Main Street, west of Strickler Road in the Traditional Neighborhood District and Commercial zoning classification.

Christopher Morgan said he would like to display pickup truck size plows.

Councilman Weiss said he is not in favor of this at all.

Supervisor Bylewski said his concern is there is no permit for the box plow that is out there now. The plows in the back are very well set up.

James Callahan said that is the last lot in the TND. The back of the property is Commercial.

Mr. Morgan said he rarely has a box plow. It would not be a problem to remove it.

Supervisor Bylewski said he may not get a favorable vote at all if it is still there at the time of the hearing.

Councilman Kolber said it almost looks like a perpetual garage sale. There is not much greenspace as it is. He would almost rather have it operated from the back without a display.

Mr. Morgan said that is his home and it is well kept. It is not a junkyard.

Councilman DiCostanzo said we have been discussing the appearance of Main Street for a while and if they allow him to continue displaying the plows it will not change. He believes a sign would be the answer with sales in the back.

Mr. Morgan said he would like a sign, but has not submitted the application as yet. It is a seasonal business for him. He still would like a display area. He will remove the plow box.

Councilman Kolber asked if we have received any complaints. James Callahan said we did. They talked to Mr. Morgan and he removed the three that were up front. He has not yet removed the large plow.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to set a Public Hearing for March 24, 2010 at 8:00 p.m. to consider a Temporary Conditional Permit for outside display at 10165 Main Street. On the question, Supervisor Bylewski told him to get rid of the plow box that is there. Mr. Morgan said the equipment he needs to remove it was out of Town. Councilman Kolber said he would like to see a site plan of where he proposes the display area. Mr. Morgan said it has given his business good exposure. Upon roll call – Ayes: Councilmembers DiCostanzo, Casilio, Kolber and Supervisor Bylewski; Noes: Councilman Weiss. Motion carried.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to approve the following: Clubhouse Applications - A. Six Sigma Advisory Group – April 8, 2010; B. US Census Bureau – April 12 – 15, and 26 - 29, 2010; C. Clarence Hollow Association – April 20 and Sept. 30, 2010; D. Diane Chalmers – May 14, 2010; Legion Hall Applications – A. Marilyn Jelliff – March 31, 2010; B. Sandra Greco – May 8, June 19, Aug. 28, Nov. 20, 2010; C. David Smith – April 10, 2010; D. Diane Patcyk – May 16, 2010; E. Kelly Landon – May 22, 2010; F. Joan Engasser – May 29, 2010. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo that after proper audit and review by the Town Board, the following bills of February 18, 2010 are approved for payment: General Fund - \$450,515.54; Highway Fund - \$73,925.85; Water District - \$35,659.98; Fire Protection Districts - \$3,332,256.15; Lighting Districts - \$917.43; Capital Fund - \$41,311.18; and Trust and Agency 203 - \$11,582.79 for a total amount of \$3,946,168.92. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:43 p.m. in memory of former Town employee, Wendy Gworek.

Councilman Kolber said he would like to also close in memory of Florence Kantorski a longtime Clarence resident.

Nancy C. Metzger
Town Clerk