

A Work Session of the Clarence Town Board was held on March 10, 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, Director of Administration and Finance Pam Smith, Animal Control Officer Jerome Schuler and Confidential Secretary to the Supervisor Karen Jurek.

Director of Community Development – James Callahan

Public Hearings:

A Public Hearing is scheduled for 7:45 PM to consider a Temporary Conditional Permit for an automotive sales operation at 8137 Sheridan Drive. The proposed site is located on the south side of Sheridan Drive, east of Eastern Hills Mall entrance road at existing deer processing center and residential property located in the Commercial Zone. Per the Zoning Law, the Town Board has authority to approve automotive sales operations via a Temporary Conditional Permit. Areas of concern include the number and location of vehicle display area. The applicant provided a basic layout of the property; he is proposing approximately 15 – 20 cars on site.

Historic Designation – 10768 Main Street

A Public Hearing is scheduled for 7:50 PM to consider local Historical Designation Status for the Spoor's Hotel 10768 Main Street. The proposed site is situated on the northeast corner of Main Street and Salt Road in the Traditional Neighborhood District and within the Clarence Hollow overlay. The owners have requested Local Historic Designation status per the town's local law. Per the Historic Preservation Local Law, the Town Board has final authority to make local historic building designations. The Historic Preservation Commission has forwarded a recommendation to designate the structure.

Work Session items for consideration March 24, 2010:

Director of Community Development James Callahan received an e-mail from the attorney representing Woodland Hills Subdivision which had a forward e-mail from Rick Rink from the DEC stating that the downstream capacity analysis provided for that subdivision is satisfactory. Supervisor Bylewski stated that he would like something in writing directly from the DEC to the Town of Clarence. Councilman Kolber stated that this development is outside the boundaries of Sewer District #5 there is not enough capacity in SD#5 for private development but you have a subdivision that is outside the boundaries that is being allowed to tie in to SD#5 – it does not make sense. How can you have capacity for a future subdivision when you don't have capacity for a development outside of SD#5 that wants to tie-in? Town Attorney Bengart stated that question has already been answered by a judge. James Callahan stated that they analyzed the proposed sewage from this development. The ultimate question is what are the boundaries of the district – are we expanding SD#5 or are we creating a district. If we are creating a district, how big should the district be? Town Attorney Bengart stated that basically the DEC took the developers numbers and said there was capacity for it – it does not resolve any other issues. All is says is that if you build out that development, whatever that flow is, SD#5 can handle it. Councilman Kolber stated that if you look at our Master Sewer Plan any capacity was to be used to mitigate failing areas within the town. James Callahan stated that first it was to build out SD#5 and existing Clarence Sewer District, then Harris Hill-those are the priority and then the Industrial areas. This project is not high on the priority list however; you could address the issues with Harris Hill.

Town Engineer Latona stated that the Town Board asked him to check to see if the agencies would review the development plans with or without a sewer district – they need a sewer district in order to review the drawings. Mr. Callahan stated that our Subdivision Law requires this.

Director of Community Development James Callahan stated there are a lot of questions that need answers and this should get referred to the Planning Board to get them resolved.

Supervisor Bylewski said we should first get a letter directly from the DEC. He asked if Jim was looking for the establishment of the boundaries as part of the referral to the Planning Board. Town Engineer Latona stated that these were the limits they could come up with.

Director of Community James Callahan stated that the ultimate question is compatibility with the Master Plan

Dave Danesco

Applicant is requesting approval to operate a detail shop in the former K & A Landscaping and Pond location in the Main-Transit Plaza. The applicant was asked to submit a letter giving a brief description of his proposed business. There will be no outside storage of vehicles.

2010 Temporary Conditional Permit renewals

A public hearing will be set to consider renewal of Temporary Conditional Permits for 2010.

Supervisor Scott Bylewski

Supervisor Bylewski reminded the Town Board to complete the Issues, Opportunities and Problems with the departments as a result of the Satisfaction Survey so the plans can be put into place next month.

NYS DEC and FEMA are cooperating on a program to update our Flood Insurance Rate Maps. An informative meeting is scheduled for March 31, 2010 from 4PM – 8PM at the Town Park Clubhouse. It is not a formal presentation, residents are welcome to attend and ask questions. Two other dates and locations are available if you cannot attend this meeting they are Tuesday, March 30th at the Old First Ward Community Center and Thursday, April 1st at the Village of East Aurora Boys and Girls Club.

The second Annual Flight 3407 Memorial 5k Race is scheduled for June 5, 2010 at Town Place Park - flyers have been distributed if anyone is interested in participating.

Supervisor Bylewski received notification from the Board of Directors from Remember Flight 3407 Inc. It was the recommendation of the working committee to have a civic memorial placed adjacent to the Town Hall Campus. The vote that passed unanimously by the board of directors was that Remember Flight 3407 Inc. board of directors desire that any civic memorial be placed on the Town Hall Campus. There is no further information forthcoming at this time other than they will have to come up with a design because currently there is nothing for the Town Board to review.

Supervisor Bylewski received a letter regarding snow removal on sidewalks along Transit Road. Supervisor Bylewski has talked to Jerry Schuler regarding that area.

Supervisor Bylewski received a letter from Amherst Councilman Guy Marlette. He received a complaint from an Amherst resident regarding Sheridan Drive from Hopkins Road to the Eastern Hills Mall entrance.

Supervisor Bylewski received a letter from a resident on Golden Oak Circle requesting the speed limit on Harris Hill Road (between Roll Road and Sheridan Drive) be reduced.

On March 12th at 10AM, Supervisor Bylewski has invited property owners from 10465 – 10984 Main Street to come hear a presentation on the NY Main Street Grant Proposal. Different lending institutions have been invited as well to see if people are interested in façade improvements or interior renovations.

The Town received a grant from the Unified Court System for additional cameras for the court area.

In response to the IDA Resolution that was adopted at the February 24th Town Board meeting, Supervisor Bylewski received a letter from Senator Michael Ranzenhofer indicating that he urged the Director of NYS Division of Budget not to collect that assessment as it relates to the IDA's.

Town Clerk Nancy Metzger received a request that has been denied for lack of residency for a wedding ceremony to take place in Clarence Town Park on Main Street. Supervisor Bylewski stated that normally he would not bring this up however, he expects a Clarence resident to be submitting this request and they will be claiming that a majority of the party will be Clarence residents. The Town Board will need to make a determination at that time. Deputy Town Clerk stated that the request came from a Town of Royalton resident.

Supervisor Bylewski will make a motion urging the NYS Legislature to support the State's Farmland Protection Program and Environmental Protection Fund.

Supervisor Bylewski received a Special Event Request from Marta Carney to host a *Meet in the Center Summer fest* on Jun 25, 2010 from 5PM – 9PM on Goodrich Road between Clarence Center and Maple Road. Supervisor Bylewski will make a motion to approve the request contingent upon approval by Erie County. They still have to come forward with a traffic plan and complete the County's application process.

Supervisor Bylewski will make a motion granting approval for Marilyn Taton, Mary Zimmerman and Nancy Meyer to attend the SEI User Group meeting on March 23, 2010.

Supervisor Bylewski has one item for Executive Session regarding the employment history of individuals and one Attorney-Client item.

Councilman Joseph Weiss

Highway Superintendent Ted Donner is requesting Town Board approval to install drainage pipe behind the Farmers Market parking lot.

Parks Crew Chief James Burkard is requesting approval for two Park employees to attend the National Certification Course for Certified Pool Operator from March 11 – 12, 2010. The cost of the course is \$350 per person with reimbursement for lunch.

Councilman Weiss will make a motion authorizing Supervisor Bylewski to sign the Community Development Block Grant sub-recipient agreement between the County of Erie and the Town of Clarence for ADA Improvements for the American Legion Hall Project subject to Town Attorney review and approval.

Councilman Weiss met with Parks Crew Chief Jim Burkard to come up with an action plan as it relates to the Satisfaction Survey.

The Lacrosse team will now be able to play on the field in front of the Clubhouse on Main Street. They will share the field with soccer.

Councilman Weiss has lined up volunteers to help out at the Fishing Derby and has secured approximately 400 fish from the state. The pond will be stocked two days before the derby.

Councilman Weiss stated that some people are suspect of the employees in the Parks Department thinking they don't have much work to do in the winter months. The Parks Department has done a lot of work over the winter doing internal work on town buildings. The Parks Department will be installing new play equipment at the Main Street Park and will install bathroom facilities at Parker Park.

Parks Crew Chief Jim Burkard is thinking about hiring seasonal/part-time employees with a background in landscaping.

There is a group that will hopefully take care of the geese problem at Meadow Lakes and Loch Lea by oiling the goose eggs. A letter has been prepared and provided to Peter Wolfe. The letter basically says *“if you are interested in this program, contact us.”* The group will do a “walk around” to be sure everyone is in compliance and that they all want this.

Councilman Bernard Kolber

Councilman Kolber will announce an opening on the Community Residence Committee. He will also set up a meeting with the Cable TV Committee to see about extending cable to the north-east part of Clarence.

Councilman Kolber has one item to discuss in Executive Session regarding the employment history of a corporation and one Attorney-Client item to discuss.

Councilman Patrick Casilio

Councilman Casilio will make a motion relative to Inter-Municipal Agreement for shared services as it pertains to the Building Inspectors.

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

Councilman Peter DiCostanzo

Councilman DiCostanzo will announce that the Town Assessor Fusco is hosting informational sessions this weekend.

Councilman DiCostanzo received one application for the opening on the Youth Board.

Senior Building Inspector David Metzger stated that he has not see the Inter-Municipal agreement with the Town of Newstead, there were several changes in the draft document that needed to be changed. Town Attorney Bengart stated that there were some things in the contract that he did not agree with. The contract would be approved pending Town Attorney approval.

Town Attorney Steven Bengart

Town Attorney Bengart has one item to discuss in Executive Session regarding the acquisition of real property and three Attorney-Client items to discuss.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105(1) F of the Open Meetings Law to discuss the employment history of a particular person(s), the employment history of a corporation; § 105(1) H of the Open Meetings Law to discuss the proposed acquisition of real property but only when publicity would substantially affect the value thereof. On the question, Karen Jurek, Jerome Schuler, James Callahan and Brad Packard were 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 6:30 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.

Regular meeting of the Town Board of the Town of Clarence was held Wednesday, March 10, 2010 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:33 P.M. Pledge to the flag was led by Councilman 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, Town Engineer Joseph Latona, Planner Brad Packard and Building Inspector David Metzger.

Motion by Councilman Weiss, seconded by Councilman Casilio to accept the minutes of the previous meeting held February 3, 2010. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Weiss to accept the minutes of the previous meeting held February 10, 2010. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Weiss to accept the minutes of the previous meeting held February 24, 2010. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Weiss to accept the minutes of the previous meeting held March 3, 2010. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski said there will be an Erie County Flood Mapping open house. FEMA is in the process of updating the flood maps. The public can find out more by attending the open house on Wednesday, March 31, 2010 from 4:00 to 8:00 p.m. at the Clarence Town Park Clubhouse. There are also other locations. If you are concerned about the floodplain, this is a good thing to attend. It is not a presentation type of event. It will be an informal question and answer session.

Supervisor Bylewski said a few months ago we approved the second annual Flight 3407 Memorial 5K Race. The flyers are out to announce the race to be held on June 5, 2010 at 9:30 a.m. beginning and ending at One Town Place.

Supervisor Bylewski reported that we were successful with another Justice Court Grant. It is not as much as prior grants received. Every little bit helps as we try to improve the Town Hall and the Court system.

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

WHEREAS, agriculture is a significant contributor to New York's economy; and

WHEREAS, farms provide jobs, support local businesses and are part of industry sectors that have a \$23 billion economic impact annually in New York; and

WHEREAS, farms comprise 7 million acres of land in New York, roughly 25% of the state's land base; and

WHEREAS, farmers have a strong track record of pro-active environmental stewardship in New York; and

WHEREAS, rapidly changing economic conditions threaten the future viability of New York's agricultural industry; and

WHEREAS, 26,000 acres of farmland are developed each year in New York; and

WHEREAS, the State of New York established a Farmland Protection Program in 1992 to assist towns and counties in developing and implementing local agricultural and farmland protection plans; and

WHEREAS, over \$3 million has been awarded by the Farmland Protection Program to 50 counties and 52 towns to assist in the development of local agricultural and farmland protection plans; and

WHEREAS, the Farmland Protection Program has awarded more than \$173 million to help farmers, local governments and land trusts permanently protect 74,000 acres on 303 farms; and

WHEREAS, demand for Farmland Protection Program funding has been strong due to the program's popularity, with a record 181 farms seeking \$156 million in state funding to protect 49,500 acres in 2008; and

WHEREAS, funding for the Farmland Protection Program is allocated from the state's Environmental Protection Fund (EPF), a dedicated fund whose principle funding source is a state Real Estate Transfer Tax (RETT); and

WHEREAS, the Governor and State Legislature must take steps this year to protect New York's valuable farmland and strengthen the future for farms across New York;

NOW, THEREFORE, BE IT

RESOLVED, That the Clarence Town Board does hereby urge state lawmakers to support New York's farmers, the state's agricultural economy and protection of valuable farmland by supporting funding for the Farmland Protection Program and Environmental Protection Fund; and be it further

RESOLVED, that the Clarence Town Board does hereby oppose drastic cuts to the Farmland Protection Program and Environmental Protection Fund, as outlined in the Governor's FY 2010-11 Budget Proposal; and be it further

RESOLVED, the Clarence Town Clerk is hereby directed to forward copies of this resolution to Governor David Paterson, Senate Republican Leader Dean Skelos, Senate Democratic Leader Malcolm Smith, Assembly Speaker Sheldon Silver, Senator Michael H. Ranzenhofer and Assemblywoman Jane L. Corwin.

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

Motion by Supervisor Bylewski, seconded by Councilman Kolber to grant permission for Marilyn Taton, Mary Zimmerman and Nancy Meyer to attend the SEI User Group Meeting hosted by the 8th Judicial District on Tuesday, March 23, 2010 in downtown Buffalo for a two-hour class with all expenses paid by the Town. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to approve the "Meet in the Center SummerFest" on June 25, 2010 from 5:00 to 9:00 p.m. to be held on Goodrich Road with closing of Goodrich from Clarence Center Road to Maple Street, pending Erie County approval. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss will bring forth the request by Highway Supt. Ted Donner for authorization to place drainage pipe on Main Street behind the Farmers Market to be funded from the Drainage District account at the next meeting to include a dollar amount.

Motion by Councilman Weiss, seconded by Councilman Kolber to grant approval for two Town of Clarence Parks Department employees to attend the national certification course for certified pool operator on March 11 & 12, 2010 at a cost of \$350 per person with reimbursement for lunch. On the question, Supervisor Bylewski said the certification is now required every five years. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio to authorize Supervisor Scott A. Bylewski to sign the Community Development Block Grant sub-recipient agreement between the County of Erie and the Town of Clarence for ADA Improvements for the American Legion Hall Project subject to Town Attorney review and approval. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss said Jim Burkard has been working on the action plan as a result of the survey. Some of the things he is working on are a new lacrosse field and Parker field backstop.

Councilman Weiss congratulated the Clarence Basketball Team.

Councilman Kolber said a number of Town committees have openings on them. In particular, the committees he is liaison to, Community Residences and Cable TV. The Community Residences Committee do not meet on a regular basis, but if an application comes in for a group home, there is a limited time to act on the request and make a recommendation.

We have several residents who would like cable service. Our original contract had been with Adelphia and then taken over by Time Warner. He would like to see this committee work on how we can get Time Warner to follow the legal obligations.

Anyone interested in serving on either of these committees should apply.

Councilman Casilio said he spoke with Time Warner and it is a lot more expensive to extend service than it used to be.

Councilman Kolber said our agreement states they extend the service for 20 homes per linear mile. They are going by the PSC standard of 35.

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

WHEREAS, the Town of Clarence has determined that it is in the best interest of the residents of the Town of Clarence to share the services of Building Inspectors with the Town of Newstead for emergency services as needed; and

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town of Clarence hereby agrees to share the services of the Town of Clarence Building Inspector and the Town of Newstead Building Inspector on an as necessary basis in emergency situations only with the understanding that said sharing shall be minimally required; and
2. That the Supervisor of the Town of Clarence is authorized to execute such documents as may be required to establish this agreement, subject to the review and approval of the Town Attorney.
3. This resolution shall take effect immediately.

On the question, Councilman Kolber said this is for an emergency situation and not a regular ongoing thing.

Town Engineer Joseph Latona said it is for vacations, extended illness and emergencies.

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

Motion by Councilman Casilio, seconded by Councilman Kolber to appoint Robert Geiger as a member of the Avoidable Alarm Committee with term to expire 12/31/2010. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to authorize Supervisor Scott Bylewski to sign the Intermunicipal Agreement between the County of Erie and the Town of Clarence pursuant to the requirements of New York State General Municipal law §239-m subject to review and approval of the Town Attorney. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo announced that the Assessor is putting on a couple of workshops on Saturday, March 13th at 9:00 a.m. and at Noon. She asks that you make a reservation by calling 741-8941.

Councilman DiCostanzo said the single family residential building permits issued in January was one inside a subdivision and one out. There was one inside and two outside of subdivisions in February for a total of five issued so far this year. Two permits were issued for the same time period last year.

Councilman DiCostanzo said there is an opening on the Youth Board for anyone interested.

Councilman DiCostanzo said a Bee Heard this week suggested tackling the waste in Town Hall. Whoever wrote that should let us know exactly where the waste is in Town Hall. The Supervisor's secretary is cutting coupons to save money.

Supervisor Bylewski thanked all department heads present for attending.

A Public Hearing was held to consider a Temporary Conditional Permit for an automotive sales operation at 8137 Sheridan Drive. James Callahan said the location is the south side of Sheridan Drive, east of the Eastern Hills Mall entrance in the Commercial Zone.

Christopher Smith said he would like to display between 6 – 10 vehicles daily from 8:00 a.m. to 6:00 p.m. and 7:00 a.m. to 8:00 p.m. in the summer. In regard to removal of vehicles that were on the property, two were removed, one is stuck in the mud and snow which is owned by one of the residents. There is also a vehicle of a friend of the landlord's son who is in Afghanistan.

Councilman Weiss asked about signage. Mr. Smith said he would just add a small sign with the existing sign.

Mr. Smith said you would not be able to see a car from Sheridan Drive.

Councilman Casilio asked about the burned out house next door. Mr. Smith does not own the property and that may have something to do with his landlord.

Councilman Kolber asked what the surface for storage was. Mr. Smith said it is stone. He would like to see how the business goes before he paves the space.

Councilman Casilio said he looks at it as a place he can have his license so he can actively sell cars. He is concerned that it could be a dumping ground. Mr. Smith said there is an apartment that he can use as an office.

Speaking to the subject:

Terry Naples, attorney for Linda Meyers said his client feels that the Town Board should know that she presently has criminal charges pending against Mr. Smith in Cheektowaga Town Court relative to purchasing a vehicle. A complaint was also filed with the District Attorney that is pending.

Linda Meyers said her concern is that if he did that to her as a friend, what will he do to a normal person coming in to buy a car.

Mr. Naples said his client wanted the Board to know for what it is worth that there are pending charges.

Councilman Kolber said a person is innocent until proven guilty and it is not their job to judge him.

Tom Steffan said he is an attorney and uses Eagle Systems Copier Service in his business. Chris Smith has been his account representative for 10 years and he has never had a problem with the account.

Albert Reid said he lives next store and believes they have been running a car lot for about a year. The license is posted on the Buck and Doe Shop. Cars are in and out of there all of the time. He does not feel this is an area for a used car lot. He believes there were 15 cars there last weekend. The area is pretty much residential. There is a burned out house, an abandoned mobile home and a house that looks like a shanty. The owner of the property lives in Cheektowaga.

Duane Barwell said his concern is if the business will include auto repair. Supervisor Bylewski said the permit requested is for auto sales only.

Christopher Smith said he does have a license. He said he has only gone there once a week to remind them to remove the vehicle. He does not have any cars there and cannot imagine that there were 15 cars there. He does understand that there is an ongoing neighbor feud. There will not be a mechanic shop. He would only clean cars.

Councilman Casilio said we are looking at a land use and not as a police agency towards his actions.

Town Attorney Steven Bengart said there are other departments and courts that have to deal with other issues. The Town Board has to decide on whether to issue the permit.

Councilman Kolber asked where his business is now. Mr. Smith said his sign has been up for a couple months in order to keep his license, but he told DMV that it is pending approval by the Town. There is no activity there.

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

A motion to refer the request to the Planning Board was withdrawn upon further discussion of details regarding the display.

Supervisor Bylewski said prior history with other automotive places was that there was no display and basically just a permit to hang a shingle.

Councilman Casilio you would get the permit with three display spaces, but do not actually display any cars so that you can maintain your license.

Councilman Weiss said it appears that the display area is way in the back in the mud.

Town Attorney Steven Bengart said having one vehicle there is a display.

Councilman Kolber said he needs a place to legally display his sign to sell vehicles. He would not be opposed to approving a Temporary Conditional Permit with an amendment that no display is allowed. He would also refer the request for display to the Planning Board to look at parameters of the display area. In terms of the legal aspect, that is the determination of the courts and DMV.

Motion by Councilman Kolber, seconded by Councilman Weiss to grant a Temporary Conditional Permit for an automotive sales operation at 8137 Sheridan Drive for the period of one year with the following conditions: 1. Room for display of three vehicles. 2. No display of vehicles. On the question, Supervisor Bylewski asked if he is in agreement with the conditions. Mr. Smith said he is with the understanding that he can work with the Planning Board regarding the display area. Town Attorney Steven Bengart said clarification should be made regarding cleaning vehicles at this location. Councilman Casilio said that would be between him and landlord because there are a lot of cars there already. Supervisor Bylewski said it would not preclude someone from driving a vehicle there, having cleaned one vehicle at a time. Councilman Kolber said that is the same thing someone could do at their house. Upon roll call – All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio to refer the request for a Temporary Conditional Permit for the auto sales, display and storage of vehicles to the Planning Board for review of the land use, specifics to location, appropriateness for the area, signage and all things pertinent to the display area. Upon roll call – Ayes: All; Noes: None. Motion carried.

A Public Hearing was held to consider Local Historical Designation Status for the structure at 10768 Main Street. Brad Packard said this building is significant as a rare surviving 19th century stone building. It is one of the oldest buildings in the County of Erie and the Town of Clarence.

It is also significant for its historic use as a hotel, originally constructed and ran by William Spoor in 1813. He and later his son ran the hotel until the 1850's. The hotel was a stop on the stagecoach mail run until approximately 1870. It became a popular stop when the West Shore Railroad was built.

The Spoor's Hotel has a rich history in terms of architectural styling and association with historic personages in the history of our community. This structure has received a positive recommendation for local historic landmark nomination from the Historic Preservation Commission. It has been listed as a significant contributor of historical values in the Intensive Level Survey of historical resources as prepared by Clinton Brown & Associates. In total this structure is an excellent candidate for consideration of local historic land.

Supervisor Bylewski said this was a voluntary application with the consent of the owners.

Thomas Steffan, a member of the Historic Preservation Commission said this is a significant property in our Town. The owner of the property requested the designation and the commission unanimously approved the request. It has been known for years as the Spoor's Hotel. It is constructed of Onondaga limestone. It is being rehabbed by the owners. The commission has encouraged them to get it in a better condition.

Supervisor Bylewski said this property would be included for consideration of the New York State Main Street Grant Program. The owners should have received notice of the meeting coming up on Friday.

Speaking to the subject:

Ron Nowicki said his wife owns the property. By having this designation, it would open up the opportunity for them to receive grants in helping with the restoration. It is a lot of work. He does not think anything has been done since the 1950's.

Brian Miller of Sawmill Road said he cannot believe this building did not already have historical designation. He wonders if something can be done faster because it continues to deteriorate. Most people would like to see it restored.

Supervisor Bylewski said they do receive a refund on their property taxes with this designation. It is an incentive to restore and take care of the property.

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

WHEREAS, the property located at 10768 Main Street and locally known as “The Spoons Hotel” has been the subject of an Intensive Level Survey as prepared by Clinton Brown Company Architecture, PC; and

WHEREAS, the property at 10768 Main Street has been identified to have Historic Value, Association With Historic Personages, and Contains Significant Historic Value Through its Architectural Style and Method of Construction; and

WHEREAS, The Town of Clarence Historic Preservation Commission has unanimously forwarded a recommendation to officially designate the building located at 10768 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 10768 Main Street, known as “The Spoons Hotel” 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 this is the twelfth property that has received this designation, all of which have been voluntarily requested.

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

Motion by Councilman Weiss, seconded by Councilman Kolber to approve the following: Clubhouse Application - A. Town of Clarence – June 11, 2010; B. NYS DEC/FEMA – March 31, 2010; Legion Hall Applications – A. Nehzat Goshtasb – March 14, 2010; B. LaBruna Family – March 20, 2010; C. Cub Scout Pack 568 – April 7, 2010; D. Sheridan Hill Faculty – April 9, 2010; E. Carrie Holden – May 2, 2010; F. Jan Rosenberg – June 26, 2010; G. Robin Banko – July 8, 2010; H. Rudolph Metzger – Sept. 25, 2010; Pavilion Special Requests (Public Events) – A. Clarence Hollow Association – May 15, 2010 & May 31, 2010; B. Swormville Fire Company – May 22, 2010; C. Flight 3407 Memorial Race Committee – June 5, 2010; D. Town of Clarence – June 11, 2010; and E. Clarence Community Association – July 24, 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 March 4, 2010 are approved for payment: General Fund - \$327,492.78; Highway Fund - \$43,496.73; Water District - \$34,280.29; Sewer Districts - \$231.28; Capital Fund - \$3,211.27; and Trust and Agency 203 - \$199.39 for a total amount of \$408,911.74. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

Brian Miller said he has an outhouse in his front lawn and would like to know when the sewers will be installed. The last he heard was that bids were going out in November or December.

Town Engineer Joseph Latona said we just had the bid opening and received favorable bids. He hopes to award the bid in about a month pending some approvals from the EPA. It will go this year.

Mr. Miller asked that it be published so that the people in his area are made aware of that.

Town Attorney Steven Bengart asked that this meeting be adjourned in memory of a dear friend of his family and lifelong Clarence resident.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:45 p.m. in memory of Katie LaPres.

Nancy C. Metzger
Town Clerk