

A Work Session of the Clarence Town Board was held on April 14, 2010 at Clarence Town Hall, One Town Place, Clarence, NY.

Supervisor Scott Bylewski called the meeting to order at 6:00P.M. Members of the Town Board present were Council members Joseph Weiss, Bernard Kolber, Patrick Casilio and Peter DiCostanzo. Other town officials present were, Town Attorney Steven Bengart, Town Engineer Joseph Latona, Director of Community Development James Callahan, Planner Brad Packard, Senior Building Inspector David Metzger, Planning Board Chairman Al Schultz and Town Justice Michael Powers.

Director of Community Development – James Callahan

Public Hearings:

Joe Denisco/California Detailing 8200 Main Street

Applicant is proposing to locate an automotive detailing operation in the store area at 8200 Main Street. The proposed site is located on the north side of Main Street, east side of Bryant and Stratton Way in the Main-Transit Market Plaza (former K&A Ponds) in the Commercial Zone. As the proposed operation may involve some overnight storage of vehicles, a Temporary Conditional Permit will be required as issued by the Town Board. The number of vehicles to be stored over night and the location of the vehicles should be addressed.

Annual Renewal of Temporary Conditional Permits

A Public Hearing is scheduled for 7:50 P.M. to consider renewal of Temporary Conditional Permits. No complaints have been filed against any of the applicants. The Town Board has the option to renew all permits up to five years.

Formal Agenda items:

The Pomegranate 4125 Transit Road

Applicant is proposing to set up an area for outside dining. The existing restaurant in recently renovated commercial building in the Major Arterial Zone located on the east side of Transit Road in front of Toys R Us. Per the Zoning Law, the Town Board may approve outside dining areas via a Temporary Conditional Permit. The number and location of outdoor seats should be addressed. Noise should not be an issue this close to Transit Road with no residential neighbors. A public hearing is required.

Frank Wailand 5840 Goodrich Road

Applicant is proposing to reuse the former Cool Town Ice Cream Parlor/Restaurant as a Montessori School. The building is located on the west side of Goodrich Road between Bonnie Fay Drive and Brookside Drive in the Traditional Neighborhood District. The structure has been vacant for more than 2 years; a Change in Use as issued by the Town Board is required. Parking/access is adequate to support the school. A building permit for interior renovations will be required.

HD Video Café' – 5445 Transit Road

Applicant is proposing an outside dining area for the café. The previously approved plaza addition is located on the east side of Transit Road in the Dairy Queen Plaza in the Major Arterial Zone. Per the Zoning Law, the Town Board may approve outside dining permits via a Temporary Conditional Permit. The number of outdoor seats and their location should be addressed. A public hearing is required.

Patrick Development – Fairfield Park Open Development area

Applicant is proposing a 4-lot Open Development area with an access off Roxbury Drive meeting all requirements of the Subdivision Law. The existing vacant land is located on the west side of Roxbury Drive opposite East Howard Drive, west of Old Hickory Lane and Fairfield Road in the Residential Single-Family Zone consisting of approximately 8+ acres. Per the Subdivision Law, the Town Board has final authority to approve Open Development areas. Referral to the Planning Board would initiate the formal review process.

Buffalo Pharmacy 6041 Transit Road

Applicant is proposing to construct a new commercial structure to house a pharmacy company. The existing previously disturbed vacant commercial property is located in the Major Arterial Zone on the east side of Transit Road, north of Clarence Center Road. Per the Zoning Law, the Town Board has authority to approve uses in the Major Arterial Zone as to architectural style and functional plan. Referral to the Planning Board will initiate the formal review process.

Chuck Barone 8200 Main Street

Applicant is proposing to display trolleys in the parking area in front of existing commercial plaza (Main-Transit Market Plaza) on the north side of Main Street, east side of Bryant & Stratton Way in the Commercial Zone. Per the Zoning Law, an outside display may be approved by the Town Board via a Temporary Conditional Permit. A public hearing is required to consider this request.

Cimato Enterprises/Woodland Hills Subdivision

Applicant is requesting that the Town create a sewer district to accommodate the conceptually approved subdivision. The proposed site is located on the south side of Greiner Road, east of Harris Hill Road in the Residential Single-Family Zone. Compatibility with the sewer prioritization amendment to Master Plan 2015 will need to be addressed. Per the Subdivision Law, a sewer district is required to service all new subdivisions. Referral to the Planning Board to analyze the long term planning issues associated with sewer district expansion/creation.

William Belles 5774 Salt Road

Applicant is proposing to subdivide the property to create on new residential building lot. The existing agricultural land with residential uses located in the Agriculture Rural Residential Zone is located on the west side of Salt Road, south of Clarence Center Road. Per the Subdivision Law, the Town Board has authority to approve minor subdivisions. A short EAF will be prepared for action under SEQRA.

Work Session items for consideration April 28, 2010:

Clarence Sewer District #2 – Goodrich Road and Keller Road

Extend a gravity sewer line to eliminate the Keller/Goodrich Pump Station and to service the proposed Shadow Woods Subdivision, eliminating the need for a second pump station. The proposed site is located on the west side of Goodrich Road opposite Keller Road intersection and parallel and north of Pinyon Court in Pine Breeze Subdivision. The existing pump station and previously conceptually approved subdivision can be served via a gravity sewer from Keller/Goodrich west to Via Cimato Drive and Heise Brookhaven Trunk Sewer. The Town Board represents Clarence Sewer District #2 and ultimately must approve a facilities upgrade on behalf of the District. While the design of the subdivision does not change, the proposed new gravity trunk sewer will impact property immediately adjoining existing residential properties that were previously not to be disturbed.

Town Engineer Latona stated that this is an approved subdivision; the developers were going to put in a pump station and ultimately eliminate the Keller Road station. Upon further examination with Erie County, they found that they can not only eliminate the Keller Road station but they can eliminate the proposed pump station and a third one down Keller Road. This would involve putting a sewer along the southern boundary line of the proposed subdivision on the developer's property. Mr. Latona has met with the DEC and they are on board with this. There is some scrub brush and trees that will be replanted. Pump stations cost approximately \$400,000; the operational cost is approximately \$25,000 yearly. Town Engineer Latona stated that we are trying to go "green" and keep the carbon footprint out with pump stations. This would be built at no cost to the district because the subdivision would eliminate the pump station. Any mitigation required as a part of this will be the responsibility of the developer. There are wetlands on this site however after meeting with the DEC, the wetlands can be re-vegetated, and they will save as many trees as possible.

Ed Krier 8137 Sheridan Drive

Applicant is seeking a building permit to construct an addition to existing facility. The existing commercial building (Buck and Doe Shop) is located in the Commercial Zone on the south side of Sheridan Drive, east of Eastern Hills Mall entrance road. Per the Zoning Law, the Town Board has authority to approve building permits in the Commercial Zone as to architectural appearance and functional plan. All setbacks are achieved in the Commercial Zone.

Proposed Amendment to Master Plan 2015

The Planning Board is recommending that the existing Major Arterial Zone be down zoned to Commercial as a part of a future zoning update. Existing commercial uses along the Transit Road Corridor at a depth of 500' from Transit Road - east side of Transit Road between Roll Road and Clarence Center Road. The Town Board has authority to make amendments to the Master Plan. The Major Arterial and Commercial Zones allow the same uses. The major difference will be setback and parking in front that will now be allowed offering greater flexibility.

Clarence Center Auto Sales - Martin Pecoraro – 5711 Transit Road

Applicant requests a public hearing for consideration of a Temporary Conditional Permit for automotive sales. The proposed site is located on the east side of Transit Road, south of Highland Farms Drive in the Major Arterial Zone (former Salon Gigante location).

S & S Construction

Applicant requests a Public Hearing for consideration of a Special Exception Use Permit for the construction of an in-law apartment addition at 10810 Boyd Drive.

James Wagner 4745 Harris Hill Road

Applicant requests a Public Hearing for consideration of a Special Exception Use Permit for the construction of an in-law apartment addition at 4745 Harris Hill Road.

Supervisor Scott Bylewski

Supervisor Bylewski has three corrections to the minutes.

Supervisor Bylewski will announce the motions passed at the April 7th Work Session.

Supervisor Bylewski will touch on some points he made in his Supervisor Column regarding substance abuse and suicides. There have been several articles both in the Clarence Bee and on the news and he feels it is important to touch on these items.

Supervisor Bylewski received a call from Ann Novak regarding the topsoil that was placed around her hydrant.

Supervisor Bylewski received a request from Rich Mancuso from Clarence Schools requesting park security do some work for the school district. Unfortunately the hours that they are requesting do not coincide with park security hours of operation. Supervisor Bylewski stated that he is not against working with the school however; it does not make sense to start another shift to accommodate the school district.

Supervisor Bylewski met with Jim Bender from Hearts and Hands. They are still interested in coming into the town. Supervisor Bylewski is trying to facilitate this and has offered the vacant space at the former Water Department that Rural Transit previously occupied.

The annual NYMIR meeting is coming up; Supervisor Bylewski will discuss this further with Town Attorney Bengart.

Supervisor Bylewski received a letter from a resident regarding Buffalo Crushed Stone and the blast that occurred on Wednesday, April 7th. Supervisor Bylewski has not heard from Buffalo Crushed Stone.

The banking “request for proposals” have come in. Supervisor Bylewski and Director of Finance Pam Smith will review them.

Supervisor Bylewski will make a motion to appoint Lauri A. Plis as Accountant – RPT, permanent at the 2010 budgeted rate of pay effective April 15, 2010.

Councilman Joseph Weiss

Councilman Weiss stated that we have several agenda items that are being referred to the Planning Board or that require a public hearing. Often times, the Board asks repetitive questions of the applicant when he presents his project and then when he returns for the public hearing or after the Planning Board review. Director of Community Development James Callahan reviews the projects before they are presented to the Town Board and flushes out any potential problems. Councilman Weiss would like to see fewer dialogs before the public hearing or before being referred to the Planning Board.

Town Attorney Bengart stated that to avoid litigation, in some instances the applicant needs to know what they are getting themselves into.

Councilman Kolber stated that the Town Board has to give the Planning Board direction as to the scope of work they should address.

Councilman Weiss stated that there are parameters the Board has to give the applicant but for the most part, the Planning and Zoning Office does a good job reviewing the projects before they are put on the agenda without the Town Board getting in the way.

Councilman Weiss will make a motion to post the position of Dog Control Officer RPT at the budgeted hourly rate of \$12.92 to fill one open position.

Highway Superintendent Donner is requesting that two obsolete “Flash” Brand Truck Salter’s be declared obsolete. They will be sold at auction.

Highway Superintendent Donner is recommending the Town Board accept the high bid of \$.17 a cubic yard for Brush Grinding from Lardon Construction.

Highway Superintendent is requesting a Town Board resolution establishing the brush pickup schedule during April and May by established pick up zones. No brush collection during June, July and August. Brush collection to resume September and October.

Parks Crew Chief James Burkard is recommending the hiring of seasonal help at the budgeted rate of pay.

Parks Crew Chief James Burkard is recommending that Jason Holden be promoted to MEO 2nd Step effective April 17, 2010 at the budgeted rate of pay per the Union Contract.

Councilman Weiss commented on the Talk of the Towns & Topics article regarding municipalities who have a contract with an EMS agency. Supervisor Bylewski forwarded the article to Town Attorney Bengart for review. Town Attorney Bengart stated that he read the article and compared it to the latest contract.

One item for Executive Session regarding the employment history of an individual

Councilman Weiss received action plans from Parks and Highway Department and Animal Control.

Councilman Bernard Kolber

Councilman Kolber continues to receive requests for Verizon FiO'S. Some people have been told that the Clarence Town Board will not allow Verizon into the town which couldn't be further from the truth.

Councilman Kolber received notification from Time Warner regarding some upcoming changes.

Councilman Kolber has been contacted by a resident on Country Meadows Lane regarding an office building that butts up to her property. There was to be a buffer installed between her back yard and the office building – it has been three years and there is still no buffer. Councilman Kolber will see about getting this resolved.

Councilman Patrick Casilio

FMC Communications voucher was pulled from the bill pay. They have not completed work that they promised to do several months ago and they also promised a refund.

Councilman Casilio will make a motion to transfer funds in the Building Department. The funds will be used to complete the remodeling project converting the vestibule into office space.

Councilman Casilio will make a motion to set a bid date of May 25, 2010 for the Boyd Drive, Bickert Drive and Schurr Road sanitary sewers.

Councilman Casilio received a request for stop signs on Shisler Road however, that is a County road. The Town can make a recommendation however the final decision is up to the County.

Councilman Casilio will make a motion to adopt a resolution that the Town of Clarence Town Board authorizes and supports the application for a NY Main Street Grant with the understanding that the Town will execute all documents pertaining to the application and acquisition of funding.

On April 20th, 2010 Councilman Casilio is meeting with a representative from the NYS DOT and others regarding sidewalks on Main Street. There may be some grants available to help move this project forward.

The former Chairman of the Public Safety Committee is working with law enforcement to see what is available to initiate a Neighborhood Watch in the Boncrest area.

Councilman Casilio and Councilman Weiss will walk the newly acquired town property adjacent to the Main Street Park on Thursday afternoon. They will report back to the board on their findings.

Councilman Casilio has one Attorney-Client item to discuss.

Councilman Peter DiCostanzo

Councilman DiCostanzo has obtained Town Assessor Christine Fusco action plan. Youth Director Dawn Kinney has completed her plan. Recreation Director Clifford Trapper has e-mailed his action plan to the Supervisor.

Councilman DiCostanzo discussed signage with the Planning and Zoning Department. He does not want to see James Callahan and Brad Packard running around looking at signs but if you drive down Transit Road, some people blatantly disregard what they have on their digital signs and the time it is up. Councilman DiCostanzo would like to see in the future if we can get someone who could just concentrate on that and have zero tolerance for this stuff. Director of Community Development James Callahan stated that you have to be careful; some of those signs were approved before the Sign Law was changed.

There was a discussion regarding the one-way north-south road in Memorial Park. Councilman Kolber will make a motion to make it two-way traffic. Town Engineer Latona stated that the roadway is not wide enough for two-way traffic.

The Historical Museum Board is asking for a new roof for the Historical Museum. This was discussed at the Capital Improvement Meeting; the current roof is not that old. Town Engineer Latona will have a roofer look at it, it will involve more than just roofing, and it will involve some structural work as well.

Councilman DiCostanzo has two Attorney-Client items to discuss.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105(1) F the employment history of a particular person(s); § 105(1) H the proposed acquisition of real property when publicity would substantially affect the value thereof. On the question, Town Attorney Bengart, Town Engineer Joseph Latona, Director of Community Development James Callahan, Planning Board Chairman Al Schultz and Town Justice Mike Powers 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 6:43 P.M.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman Kolber to adjourn the Executive Session at 7:42 P.M. 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, April 14, 2010 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:45 P.M. Pledge to the flag was led by Councilman Patrick Casilio, followed by a prayer given by a representative of Nativity of the Blessed Virgin Mary Catholic Church.

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

Motion by Councilman Weiss, seconded by Councilman Casilio to accept the minutes of the previous meeting held March 24, 2010. On the question, Supervisor Bylewski had a few clarifications: page 77 – about a third of the way down should be one of our crossing guards is having surgery; page 81 - Councilman DiCostanzo arrived after the announcement regarding Carl Schaefer. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio to accept the minutes of the previous meeting held April 7, 2010. On the question, Supervisor Bylewski had a few clarifications: page 91 – “the Assessor’s office has a \$20,000 credit coming from GAR which will be used for assessment challenges. Sears and Office Depot have withdrawn their actions against the Town.” Councilman DiCostanzo said on the bottom of page 90 – he may have said it that way, but meant that hopefully, the bike path will connect where it ends now at Curry Lane and continue to Roll Road and eventually to the Town Hall. Councilman Kolber and Councilman Casilio were not present and will recuse. Upon roll call – Ayes: Councilmembers DiCostanzo, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilmembers Casilio and Kolber. Motion carried.

Supervisor Bylewski reported, as is our past practice, on the motions that were made at the April 7, 2010 work sessions. Motions made were: Resignation of Yvonne Work, Clerk PT from the Youth Bureau; Appointment of Diane Petrik-Huben and Jessica Viola as Clerks PT at the budgeted rate of pay; Authorization for K2Architecture to do some work on the Legion Hall; Set a Bid Date for the purchase of a street sweeper; Declared a 1987 Mack Garbage Packer as surplus.

Supervisor Bylewski said we have had a number of issues in Town that have been affecting our youth. Whether it be substance abuse, depression, addiction or suicide there are people who do care and are trying to provide the help and assistance to people in trouble.

People and programs that can help include:

Horizon Health Services and the Erie County Council for the Prevention of Alcohol and Substance Abuse. For information you can call Horizon Family Recovery Center at (716)418-8531.

St. Mary’s Church in Swormville is holding a program tonight called “Dealing with Crisis: Suicide, Abuse and Suffering – Death in the Classroom”, as part of a continuing speaker and counseling series.

Clarence Youth Bureau will hold the final presentation, on May 3, 2010 at 7:00 p.m., of their educational series, “Do You Know What Your Child Knows About Alcohol and Other Drugs?”

Supervisor Bylewski said youth and adults need to be aware and watch for signs of trouble and know that there are many places to reach out to for help.

Supervisor Bylewski said a number of the action plans were received as a result of the satisfaction survey. We should have information coming out in the Bee in the near future.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to appoint Lauri A. Plis as Accountant RPT, permanent, at the 2010 budgeted rate of pay, effective April 15, 2010, changing her status from Accountant RPT Provisional, as she successfully passed the civil service exam and has scored number one for the Town of Clarence. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss applauded the Supervisor for discussing the drug addiction issue in public. He wishes that the school district would have done this. He feels they kept things under the rug and this has been an ongoing problem for years.

Motion by Councilman Weiss, seconded by Councilman Kolber that upon recommendation of Parks Crew Chief James Burkard, Jason Holden be promoted to MEO, 2nd Step, effective April 17, 2010 at the budgeted rate of pay of \$24.2458 per the Union Contract. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that upon recommendation of Parks Crew Chief James Burkard, the following be hired as Seasonal Help in the Parks Department at the budgeted rate of pay: Brian Cournan and Timothy Olczak effective 5/3/2010; Caleb Higgins effective 5/10/2010; Kyle Morteck effective 5/15/2010; Richard Silvestro effective 5/17/2010; and David Colicchia effective 5/22/2010. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to set Brush Collection to be done during April and May and again in September and October by established pickup zones. No Brush Collection will be done in June, July or August. On the question, Councilman Weiss said this is being done to save some money for the Town. If you have big trees taken down, you should have the tree service take them away. Councilman Kolber added that the summer months is when the Highway Department is working on paving roads. Upon roll call – Ayes: Councilmembers DiCostanzo, Kolber, Weiss and Supervisor Bylewski; Noes: Councilman Casilio. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to post the position of Dog Control Officer RPT at the budgeted hourly rate of \$12.92 to fill one open position. On the question, Councilman Weiss said this is to replace someone who recently left the position. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio to award the Bid for Brush Grinding to Lardon Construction at their bid of \$0.17 per cubic yard, contract subject to review and approval by the Town Attorney. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio that upon recommendation of Highway Superintendent Ted Donner, that two Flash Brand Truck Salters be declared as surplus to be sold at auction. The serial numbers are no longer legible. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss announced that the Fishing Derby will be held on April 24, 2010 from 9:00 a.m. to 12:00 Noon. We will be stocking the pond with approximately 400 fish. It is a great time for the kids. Prizes are available.

The pond will be available for regular fishermen after the Derby is held.

Motion by Councilman Kolber, seconded by Councilman Casilio to authorize Supervisor Scott Bylewski to sign the 2010 Erie County Van Contract for the Going Places Van subject to Town Attorney review and approval. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio to authorize Supervisor Scott A. Bylewski to sign the Amendment to section 2.02(H) of the EMS Contract between the Towns of Amherst, Clarence and Newstead, the Villages of Akron and Williamsville, and the Chairman of the Board of Commissioners-Clarence Fire District No. 1, the Chairman of the Board of Commissioners-Eggertsville Fire District, the Chairman of the Board of Commissioners-Snyder Fire District and Twin City Ambulance upon the recommendation of the Amherst, Clarence, Newstead EMS Board. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio that the Town of Clarence removes the one-way signs on the Memorial Park north/south road to allow two-way traffic. On the question, Councilman Kolber said the way that the traffic flow patterns are now, you have to go out to Strickler or Kraus to loop back in. Councilman Casilio agrees with having

two-way traffic there. Councilman Weiss said he is liaison to Highway and the department head is against it, so he will be voting no. Upon roll call – Ayes: Councilmembers DiCostanzo, Casilio and Kolber; Noes: Councilman Weiss and Supervisor Bylewski. Motion carried.

Councilman Kolber said we received a communication from Time Warner Cable notifying us that they are rolling out a new Interactive Program Guide to Digital Cable customers. There will be several changes and upgrades going on. A copy of this letter will be on file in the Town Clerk's Office.

Councilman Kolber said we are still trying to work with Time Warner at getting service expanded in the northern section of Town.

Councilman Kolber said a lot of people have inquired about Verizon Fios. We welcome Verizon to come into Town. It seems they have dropped the ball. If someone from Verizon says the Town does not want them here, that is not true.

Councilman Casilio said the Chairman of the Public Safety Committee is working with the two police agencies to establish a neighborhood watch program in the Boncrest area.

Councilman Casilio said he and the Town Engineer are meeting with NYS DOT on April 20th to discuss the possibility of sidewalks on Main Street from Transit to Thompson. They would like to be ready in case there is any funding available.

Motion by Councilman Casilio, seconded by Councilman Weiss to set a Bid Date of May 25, 2010 at 10:00 a.m. for the Boyd Drive, Bickert Drive and Schurr Road Sanitary Sewer. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to approve the following transfer of funds in the Building Department budget: \$8,000 from A3620.1 Personal Services to A3620.419 Building Maintenance. The funds will be used to complete the remodeling project to convert the vestibule into office space. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

WHEREAS, the Town of Clarence seeks funding to revitalize mixed use buildings through building renovations and façade improvements within a targeted area of the Town, known as the Clarence Hollow Main Street Revitalization Project;

WHEREAS, the New York State Division of Housing and Community Renewal offers grant monies for the purpose of building capacity at the local level in order to implement Main Street revitalization efforts and market business districts to prospective businesses and residents alike.

WHEREAS, the Town of Clarence agrees to serve as Local Program Administrator for the purposes of securing and administering this grant in order to catalyze small business development, thereby increasing affordable housing, employment and economic activity in Clarence;

WHEREAS, the Town of Clarence requests \$37,500 in grant funds to pay for associated salary costs of administering this grant; any costs above and beyond the \$37,500 in administrative costs will be paid for by the Town of Clarence in an amount not to exceed \$50,000;

WHEREAS, the required 25% matching funds for building renovation projects will be from various property owners within the targeted area other than the Town of Clarence;

NOW, THEREFORE BE IT

RESOLVED, that Supervisor Scott Bylewski be authorized and directed to sign and submit the necessary application, and forms to the New York State Division of Housing and Community Renewal for the purpose of securing this grant, and that Connie D. Miner & Co. Grant Consultants be hired to develop this grant application for the April 23, 2010 deadline; and,

BE IT FURTHER RESOLVED that the Town of Clarence Town Board authorizes and supports the application for a New York Main Street Grant with the understanding that the Town of Clarence will execute all documents pertaining to the application and acquisition of said funding.

On the question, Councilman Casilio said we received a good response from property owners in the Hollow. We had to come up with a short list of viable projects.

Supervisor Bylewski said we had to prepare an application with the most visual impact. The grant consultant is compiling them to be submitted with the application.

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

Councilman DiCostanzo announced that the Clarence Chamber of Commerce Golf Outing will be held on June 18th at Arrowhead Golf Course.

Councilman DiCostanzo thanked Dawn, Bev and all the members of the Youth Board, Judge Mike Powers and the young man from his drug court who spoke at the last session of the drug and alcohol abuse series.

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

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

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

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

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

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

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations; and

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

NOW THEREFORE, BE IT

RESOLVED, that the Clarence Town Board does hereby recognize the week of April 19, 2010 through April 23, 2010 as Municipal Clerks Week, and further extends appreciation to our Town Clerk, Nancy C. Metzger, and Deputy Town Clerks Darcy Snyder and Gayle Brace and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

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

Supervisor Bylewski thanked all department heads present for attending.

A Public Hearing was held to consider a Temporary Conditional Permit for Outdoor Automobile Storage at 8200 Main Street. James Callahan said the location is at the Main Transit Plaza on the north side of Main Street, east of Bryant Stratton Way.

Joe Denisco said they would use parking spaces to the side and behind the building.

Jim Morabito, owner of the plaza was also present. He has discussed where the applicant will be able to park vehicles in the plaza.

Mr. Denisco said during their busy time, they will park vehicles that they were unable to get to that day. The vehicles are then returned to the dealers.

Councilman Kolber said his concern is that the store front does not look abandoned.

Mr. Morabito said he is not sure what will be done yet, but there will not be paper, paint, tape or anything like that on the windows. Joe is in the process of cleaning up the space for his business.

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

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

Resolved, that the Clarence Town Board, after a public hearing duly held on April 14, 2010, and after all interested parties being heard, grants a Temporary Conditional Permit to the applicant, Joe Denisco/California Detailing for a automotive repair operation at 8200 Main Street, subject to the following conditions:

1. Temporary Conditional Permit is for a period of one year.

2. Paving and striping of vehicle storage area required.
3. No more than 12 vehicles to be stored at any given time.
4. The hours of operation are to be:
 - Monday through Saturday from 7:00 a.m. to 8:00 p.m.;
 - Sundays from 7:00 a.m. to 12:00 p.m.
5. No cars displayed for sale.

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

A Public Hearing was held to consider renewal of Temporary Conditional Permits as listed on the agenda A – T. James Callahan said the permits as listed on the agenda are up for renewal. There have been no complaints registered at the Planning and Zoning Office regarding any of these uses. Permits can be issued for up to a five-year period.

Speaking to the subject:

Dan Ives, Towne BMW/Mini was present for items A & R.

Councilman Casilio said Towne was supposed to come in with a set of drawings for a new dealership on the corner of Main and Westwood. He asked if that is still the plan.

Mr. Ives said due to the economic climate, it has been a slow process to make the commitment to build that building. That is still their long-term objective. Mini is coming out with a new model in about a year.

Councilman Casilio said there are a lot of cars there and all along Westwood.

Mr. Ives said as they sell cars they move more back across the street. They hope to demolish the building on the corner.

Jim Morabito said item J for outside dining at Louie's Deli is not going to happen. He is the property owner.

Councilman Casilio asked K & A Landscaping to come forward. He asked if he finished all the work on his property that he said he would do last year.

Allen Gozdalski said the only item left is the gate for the Shimerville Road driveway is being custom made and the Knox box is not up yet.

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

Motion by Councilman Kolber, seconded by Councilman Casilio to grant a 5-year renewal of the following Temporary Conditional Permits items A – I, K - Q and S – T; and a one-year renewal for item R:

- A. Towne BMW/Mini, 8215 Main St. - Advertising/Rooftop Display
- B. Sandra Baker Antiques, 6070 Railroad St. - Antique & Gift Shop
- C. Sutton Automotive, 9800 Heroy Rd. - Auto Repair
- D. Mary Feeney Auto Sales, 9155 Main St. - Auto Sales
- E. Mid-City Motors, 6585 Transit Rd. - Auto Sales
- F. K and A Landscaping, 8905 Sheridan Dr. - Landscape Business
- G. R.E. Peters, Inc., 8055 Goodrich Rd. - Landscaping and Firewood
- H. Falletta's Restaurant, 8285 Clarence Center Rd. - Off Premise Sign/Outside Dining
- I. Goodrich Coffee, 9450 Main St. - Outside Dining
- J. Louie's Deli, 8200 Main St. - Outside Dining (No action taken)
- K. Murphy's Tavern, 8230 Wehrle Dr. - Outside Dining
- L. Pietro's Restaurant, 5841 Transit Rd. - Outside Dining
- M. Old Red Mill Restaurant, 8326 Main St. - Outside Dining
- N. Novel Tea, 6010 Goodrich Rd. - Outside Dining
- O. Sala Restaurant, 9780 Main St. - Outside Dining
- P. Salsarita's Restaurant, 4375 Transit Rd. - Outside Dining

- Q. Phil's Charpit, 9980 Main St. - Outside Dining
- R. Towne BMW/Mini, 8200-8230 Main St. - Outside Storage of New Vehicles
- S. Winger Bat Houses, 6545 Goodrich Rd. - Retail Sales of Bat Houses
- T. Dutchman Wood Works, 7750 Salt Rd. – Woodworking

On the question, Councilman Kolber said the reason he gave a one-year renewal for item R is that it is a temporary situation. Councilman Casilio said he does not agree with the car on the roof at the BMW dealership. Upon roll call – Ayes: All; Noes: None. Motion carried.

Shane Khanjani requests a Public Hearing to consider a Temporary Conditional Permit for Outside Dining at Pomegrante Restaurant, 4125 Transit Road. James Callahan said the location is the east side of Transit Road in front of Toys-R-Us consisting of an existing restaurant in the Major Arterial Zone.

Shane Khanjani said he would like to have seating for 24 to 30 customers.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to set a Public Hearing for May 12, 2010 at 7:45 p.m. to consider a Temporary Conditional Permit for Outside Dining at Pomegrante Restaurant, 4125 Transit Road. Upon roll call – Ayes: All; Noes: None. Motion carried.

Frank Wailand requests a Change-In-Use from vacant former restaurant to Montessori School at 5840 Goodrich Road. James Callahan said the location is the west side of Goodrich Road between Bonnie Fay Drive and Brookside Drive consisting of a vacant former restaurant in the Traditional Neighborhood District.

Frank Wailand, consultant and Ramesh Karpagavinayagam, who will run the school were present. Mr. Wailand said the school will be five days per week from 7:00 a.m. to 6:00 p.m. with a maximum of 60 children ages 3 to 6. There will be two sessions, one in the morning and one in the afternoon. Scheduling will be as such to prevent any stacking of cars on Goodrich Road. There is plenty of parking.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to grant a Change-In-Use from vacant former restaurant to Montessori School at 5840 Goodrich Road. On the question, Councilman Casilio said he will recuse as he owns property next store. Upon roll call – Ayes: DiCostanzo, Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Casilio. Motion carried.

HD Video Café requests a Public Hearing to consider a Temporary Conditional Permit for Outside Dining at 5445 Transit Road. James Callahan said the location is the east side of Transit Road in the Dairy Queen Plaza in the Major Arterial Zone.

Wally Peters, managing partner said they are looking at 8 – 10 chairs and there would be no outside music. The hours would be 6:00 a.m. to 11:00 p.m. and located on the front sidewalk in front of the café.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to set a Public Hearing for May 12, 2010 at 7:50 p.m. to consider a Temporary Conditional Permit for Outside Dining at HD Video Café, 5445 Transit Road. Upon roll call – Ayes: All; Noes: None. Motion carried.

Patrick Development requests Preliminary Concept Review of proposed 4-Lot Open Development Area known as Fairfield Park. James Callahan said the location is west of Roxbury Drive east of Old Hickory Lane and Fairfield Road consisting of approximately 8+ acres of vacant land in the Residential Single-Family Zone.

Kevin Curry, Patrick Development and Michael Metzger, Metzger Engineering were present.

Councilman Kolber said he believes this is the most logical use of this property.

Motion by Councilman Kolber, seconded Councilman Casilio to refer the request for Preliminary Concept Review of proposed 4-Lot Open Development Area known as Fairfield Park to the Planning Board. Upon roll call – Ayes: All; Noes: None. Motion carried.

Buffalo Pharmacy requests Preliminary Concept Review of a proposed new Commercial Building at 6041 Transit Road. James Callahan said the location is the east side of Transit Road, north of Clarence Center Road consisting of previously disturbed commercial property in the Major Arterial Zone.

Dave Sutton, Sutton Architects said he is asking to be forwarded to the Planning Board for site plan review. They are proposing a 5,000 sq. ft., single-use and owner occupied building,

with expandability of 1,500 sq. ft. There is a development proposed on the north side and they would use that same access off of Transit Road.

Motion by Councilman Kolber, seconded by Councilman Weiss to refer the request by Buffalo Pharmacy for Preliminary Concept Review of a proposed new Commercial Building at 6041 Transit Road to the Planning Board. Upon roll call – Ayes: DiCostanzo, Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Casilio. Motion carried.

Chuck Barone requests a Public Hearing to consider a Temporary Conditional Permit for an Outside Display at 8200 Main Street. James Callahan said the location is Main Transit Plaza in the Commercial Zone. The applicant is proposing to display trolleys for rent.

Charles Barone said his business; Buffalo Trolleys is located in downtown Buffalo. He would like to display up to three vehicles in the southwest corner of the parking lot from April through November.

Councilman Casilio said it makes no sense to him when we are trying to control signs and parking of vehicles.

Mr. Barone said the purpose is for the exposure. He rents the vehicles out for tours, parades, weddings, etc. There are vehicles parked everywhere with business names on them. He would pay rent for the space.

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to set a Public Hearing for May 12, 2010 at 7:55 p.m. to consider a Temporary Conditional Permit for an Outside Display at 8200 Main Street. Upon roll call – Ayes: Councilmembers DiCostanzo, Kolber, Weiss and Supervisor Bylewski; Noes: Councilman Casilio. Motion carried.

Cimato Enterprises requests formation of a Sewer District to service a proposed new subdivision known as Woodland Hills located on the south side of Greiner Road, east of Harris Hill Road. James Callahan said the property is existing vacant land in the Residential Single-Family Zone proposed for development as a residential subdivision.

Jeff Palumbo, attorney and Fred Cimato, Cimato Enterprises were present. Mr. Palumbo said a Negative Declaration has been issued for some time. Concept Plan approval was also granted and rezoning of the property. They have attempted to demonstrate the capacity of the sewers for a number of years. They have provided the sewer information to the DEC, the Town of Amherst and the Town of Clarence Engineering Department. They have cleared the final hurdle so that the sewer district can be created.

Supervisor Bylewski said they are aware of our Master Plan Sewer Priorities. The Town will have to explore how this sewer district would fit in to the priorities as adopted in 2007. There are two priorities ahead of this area.

Mr. Palumbo said he does not believe there are exclusions if one comes before the other. This has been in the pipeline since 2003, well before the adoption of the priority list.

Mr. Cimato said to Town Attorney Steven Bengart that regarding the priorities and the different aspects, and some of the departments know the different priorities that the Town of Clarence has on the sewer districts, and where they have stepped out of bounds on the different districts.

Mr. Palumbo said this was held up because of the capacity and now they have satisfied the issue. It is time to move ahead.

Supervisor Bylewski said based on the issues of the priority list, we have to review the master plan and what is being proposed. It is appropriate to refer this to the Planning Board as review of a sewer district, including but not limited to review of the master plan priorities.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to refer the request by Cimato Enterprises for formation of a Sewer District to service a proposed new subdivision known as Woodland Hills located on the south side of Greiner Road, east of Harris Hill Road to the Planning Board. On the question, Councilman Kolber asked if we have any specific areas that we want them to review. Supervisor Bylewski said the Master Plan, sewer priorities and how it fits in, although not limited to that. Upon roll call – Ayes: All; Noes: None. Motion carried.

William Belles requests Minor Subdivision Approval to create one new Residential Building Lot at 5774 Salt Road. James Callahan said the location is the west side of Salt Road, south of Clarence Center Road consisting of agricultural land with residential uses in the Agricultural Rural Residential Zone.

Jeff Long, Long Builders was present.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio that pursuant to Article 8 of the Environmental Conservation Law and upon the recommendations of the Town of

Clarence Planning Department under the State Environmental Quality Review Act (SEQRA), the Clarence Town Board issues a Negative Declaration on the proposed Belles Minor Subdivision located on the west side of Salt Road, south of Clarence Center Road. This Unlisted Action involves the approval of a subdivision to create one (1) new residential building lot in the Agricultural Rural Residential Zone classification. After thorough review of the proposed Minor Subdivision and 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 DiCostanzo to adopt the following resolution:

RESOLVED, that the Clarence Town Board grants the request of the applicant, William Belles for Minor Subdivision approval to create one (1) new residential building lot located on the west side of Salt Road, south of Clarence Center Road, at 5774 Salt Road in the Agricultural Rural Residential Zone, subject to the following conditions: 1. Open Space and Recreation Fees.

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

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to approve the following: Clubhouse Applications - A. Clarence Center Girl Scouts – May 16, 2010; B. Rotary Club of Clarence – June 4 & 5, 2010; C. Clarence High School Track – June 8, 2010; Legion Hall Applications – A. Clarence Little League Football – Monthly Meetings for 2010; B. John & Sherrie Akiki – April 21, 2010; C. Anna Greco – April 23, 2010; D. Katie LaFratta – May 23, 2010; E. Gary George – April 24, 2010; Pavilion Special Requests – A. Rotary Club of Clarence – June 4, 5 & 6, 2010; Special Event Request – A. Scott Ebersole – 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, the following bills of April 1, 2010 are approved for payment: General Fund - \$49,417.95; Highway Fund - \$7,547.41; Water District - \$386.00; Sewer Districts - \$336.87; Capital Fund - \$616.09; and Trust and Agency 203 - \$5,798.13 for a total amount of \$64,102.45. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio that after proper audit and review, the following bills of April 15, 2010 are approved for payment: General Fund - \$151,730.29; Highway Fund - \$53,730.05; Water District - \$33,778.69; Fire Protection Districts - \$4,388.23; Drainage District - \$22,642.76; Lighting District - \$790.90; Sewer Districts - \$51,746.44; Capital Fund - \$4,254.46; and Trust and Agency 203 - \$227,720.68 for a total amount of \$550,782.50. Upon roll call – Ayes: All; Noes: None. Motion carried.

“For the Good of the Town”

Jim Morabito said he was involved in developing the new sign law. Mr. Barone called and asked if he could rent space for his trolleys. He told him that if it was okay with the Town and the law as written, it would be okay with him.

Councilman Casilio said we worked too hard on the sign law to have three billboards sitting there.

Councilman Kolber said he voted to hold the public hearing, but has reservations about allowing it.

There being no further business, Supervisor Bylewski adjourned the meeting at 9:07 p.m.

Nancy C. Metzger
Town Clerk