

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, August 25, 2010 at the Clarence Town Hall, One Town Place, Clarence, New York.

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

Director of Community Development – James Callahan

Formal Agenda items:

Essex Homes – Shadow Woods Subdivision west side of Goodrich Rd., north of Keller Road

Applicant is requesting Development Plan approval of a proposed 64 lot Open Space Design Major Subdivision. The proposed site is located on the west side of Goodrich Road, north of Keller Road on existing vacant land consisting of 68+/- acres in the Residential Single Family Zoning District in Clarence Sewer District No. 2. Per the Subdivision Law, the Town Board has final authority to approve Major Subdivisions.

This project previously received a Negative Declaration under SEQR and Concept Plan approval as per the Town Board. On August 4th, the Planning Board positively unanimously recommended Development Plan approval of this project. Sanitary sewer is proposed to service this project via construction of a gravity sewer line within Clarence Sewer District #2; those plans have been reviewed and approved by all involved agencies. The proposed roads designed to service this project have been recommended as public roads, ultimately to be accepted by the Town Board. As recommended by the Planning Board and approved via the Concept Plan, building setbacks are to consist of the following: 30' front and rear yard; minimum 10' side yard, 20' minimum combined side yard. As this is an Open Space Design subdivision, all open space set aside as a function of the lot yield calculations will be subject to a conservation easement. Due to a lack of connectivity to existing public parks and bike paths at this specific location, the project has been made subject to Open Space and Recreation Fees to satisfy the required recreational component.

Patrick Development – Fairfield Park – East Howard Drive

Applicant is requesting Concept Plan approval for the development of a 4-lot Open Development. The proposed site is located on the west side of East Howard Drive, east of Fairfield Road on existing vacant property located in the Residential Single Family Zone. Per the Subdivision Law, the Town Board has discretionary authority to approve Open Developments. This project has previously received a Negative Declaration under SEQR and has been unanimously positively recommended by the Planning Board for Concept Plan approval. The proposed private road designed to service the Open Development is planned to be accessed via an existing Town of Clarence reserved right of way at the west end of East Howard Drive.

Mark Ladon - 5701 Transit Road

Applicant is requesting a Change in Use for the operation of a cigar/smoke shop retail outlet. The proposed site is located on the east side of Transit Road, north of Roll Road in a Major Arterial Zoning classification. The existing vacant property in the Transit Road commercial corridor was previously utilized for the operation of a salon (Salon Gigante). Per the Zoning Law, the Town Board has the authority to authorize Change in Use permits for permitted uses in structures considered for a different occupancy or those structures that have been vacant greater than one year. Confirmation that sufficient parking exists on site for expected business volume. Consideration for potential landscape enhancements associated with the Change in Use.

Cimato Enterprises Inc. - Waterford Village PURD

Applicant is requesting dedication of approximately 1,954 lineal feet of public road to service eight new residential lots. The proposed site is located north of Roll Road between Shimerville Road and Thompson Road. Previously approved Site Plan under PURD that includes public road construction to service single-family residential properties as well as future patio homes/townhomes and small commercial uses. The Town Board has final authority to accept public roads for dedication. The Town

Engineering and Highway Departments have inspected the new construction and are recommending acceptance.

Work Session items for consideration September 8, 2010:

Stephen Development Inc. – Rock Oak Estates 10065 Main Street

Applicant is proposing an expansion to the existing manufactured housing park as well as additional rental apartment units and mixed use commercial development. The proposed site is located on the south side of Main Street east of Gunnville Road opposite Kraus Road on existing vacant commercial land along Main Street adjacent to the existing Rock Oak Estates Manufactured Housing Park. Proposed property for development involves 25+/- acres of Commercial Property. Per the Zoning Law, the Manufactured Housing Park Local Law, the Town Board has final authority to approve such uses in the Commercial Zone. Formal referral to the Planning Board will initiate the review process. The Planning Department and the Planning Board will conduct a preliminary review and provide detailed information to the gate keepers prior to formal agenda presentation.

Master Plan 2015 Amendment – Planning Process

The Planning Board has forwarded a recommendation to amend the formal site plan and subdivision review processes to give the Planning Board authority to approve Concept Plan and Development Plan as well as Changes in Use and minor lot splits. The Town Board would maintain authority for all legislative amendments including Zoning Changes, Open Space Design overlays, Special Exception Use Permits and Temporary Conditional Permits. Local Law and Master Plan amendments will be required to implement these recommended changes. These amendments will require action under SEQRA.

J & R Products - John Roba 9660 County Road

Applicant is requesting a building permit for addition off the back of existing warehouse. The proposed site is located on the north side of County Road east of Goodrich Road in the Industrial Business Park Zone.

Supervisor Scott Bylewski

The Our Town presentation will be broadcast on WNET Saturday, September 25th at 6:30PM. They are asking for volunteers to help man the phones between 6PM – 8PM to receive pledges.

A Work Session is scheduled for September 1, 2010 at 9:00 AM. At 11:00 AM the Town Board will meet at the town pool to discuss Capital Improvements. Chris Durr and Chip Trapper will be in attendance as well. At 12:00 PM the Town Board has been invited to Russell Salvatore park dedication.

The Hearts and Hands Organization is still interested in using the former Water Department office. Supervisor Bylewski has been working with Parks Crew Chief Jim Burkard and Town Attorney Bengart to get them set up, there are several issues that need to be worked out.

American Solar Energy Society is conducting a tour of various green initiative buildings. They have asked that the Clarence Town Hall be added to that list. Supervisor Bylewski stated that he is in favor of the town hall being added to the list however, the building will not be open on weekends.

Supervisor Bylewski will approve the following Special Events:

- April 9, 2011 – Race for Carly’s Club – will be held at the Clarence High School field and the bike path between Gunnville and Shisler Road. They will set up approximately (4) 10x10 tents on school property. 500 people are expected.
- October 9, 2010 – St. Paul’s Episcopal Church is sponsoring a Bike-a-Thon at Meadowlakes Park. They will utilize the bike path beginning at Meadowlakes Park and ride to Akron and back. They will not be erecting any tents however and have requested use of the park pavilion. Liability insurance is required for these type events.

- October 30, 2010 – Cliff Miller is sponsoring a 5K run/walk to help raise money for his neighbor who is fighting recurrent cancer (200 – 400 people are expected to attend).
- September 4, 2010 – Steve Biegner is requesting approval to host a Block Party on Hilton Drive. (There will be no tents).

Approvals will be subject to receipt of acceptable insurance.

Supervisor Bylewski will make a motion to declare the phone equipment surplus.

Supervisor Bylewski has several items to discuss in Executive Session regarding pending litigation (Marinaccio vs. Town of Clarence), employment history of a corporation, matters leading to the appointment of a particular person and several Attorney-Client items to discuss as well.

Councilman Joseph Weiss

Councilman Weiss stated that he keeps reading in the Clarence Bee about Six Sigma and all the wonderful things it has done for the town. Unless there is something that he is not privy to he has not seen any savings. In speaking with Parks Crew Chief Jim Burkard, Jim stated that he realized \$8,000 in additional revenue this year. What he did was increase the fees on the park facilities so basically that was not a savings because he just extracted more money from the residents. Councilman Weiss also commented on the Change Management Presentation. He asked what real savings has been realized to generate all this excitement about Six Sigma. Supervisor Bylewski stated that at the October Work Session, presentations will be made on the five projects that have been worked on including the two planning related projects, the moth balling of the greenhouse (Parks Department) and the energy initiative for a total of five projects. The Town Board will be updated at the presentation during the October meeting.

Councilman Weiss stated that he has been trying to close down the greenhouse for the last several years, citing the cost for upkeep vs. the cost to purchase flowers from an outside vendor. Supervisor Bylewski stated the greenhouse was moth balled as part of Jim Burkard's Six Sigma Project -it was done under his own initiative. Councilman Weiss polled the Town Board and asked them if they were enamored by Six Sigma and the two projects they have seen so far. Does the closing of the greenhouse merit the Town Board getting all excited about Six Sigma? Councilman DiCostanzo stated that he likes the idea of Six Sigma but a lot of it can be done without having to be a mathematician. Councilman Kolber reserved comment, he likes the concept but he would like to see what has been accomplished.

Councilman Weiss will be out of the Country next week and will not be able to attend the meeting regarding the town pool. Councilman Weiss is in agreement with what Chris Durr has recommended. In addition to fixing the pool, Councilman Weiss would like to see the addition of a slide.

Councilman Weiss attending the Planning Board meeting and agrees wholeheartedly with what the Planning Board has suggested relative to land use decisions.

The Deer Management Program is underway, there are some new participants and new areas have been added this year. There is an albino deer that has been spotted in various locations throughout the town, Councilman Casilio asked that he be off limits to any one participating in the program.

Councilman Bernard Kolber

The Town has received Time Warner franchise fee check in the amount of \$113,000.

The Clarence Senior Center is sponsoring a Community Day and Open House of Friday, August 27th from 4PM – 8PM.

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

Councilman Patrick Casilio

Councilman Casilio presented some facts regarding the town pool. It was originally a concrete pool with a plaster finish. It developed a crack several years ago near the bottom. Back then, products were not real good for sealing cracks –they are a lot better today. At that time they chose to put a fiberglass liner in the pool which never really worked well from the beginning. Compounded with the installation of the fiberglass liner the water troughs along the edge of the pool rusted out. They were changed to stainless steel however the binding did not adhere to the fiberglass liner and has caused continuous problems. Currently we have several “bubble” repairs to make before next spring. At next week’s meeting, Councilman Casilio would like to obtain quotes for redoing the fiberglass liner so it is properly bonded to the stainless steel troughs. Councilman Casilio stated that he would not mind going back to a plaster pool which would be far less maintenance if we took up the fiberglass, sandblasted the pool and repaired the cracks at the bottom of the pool. Councilman Casilio asked Town Engineer Latona to get prices for sandblasting and going back to a plaster pool vs. a fiberglass lining. Councilman Casilio suggested Paul Allen be included in this meeting.

Included in next week’s meeting, Councilman Casilio would like to address the property next to the park that the town has recently purchased. There are approximately 120 trees that he would like to sell and use that money to improve the area.

Councilman Casilio requested Town Engineer Latona help in putting out a Request for Proposal to replace the street lights in Harris Hill to the newer street lights. He would like to acquire a hard number to present to the residents to be able to go to referendum and create a light district.

Councilman Casilio has received requests for No Parking Signs along Harris Hill Road. The County has said they will do whatever the Town of Clarence wants to do. Councilman Casilio will get a recommendation from Highway Superintendent Donner.

Councilman Casilio will make a motion granting permission for the Northern Erie Sno-Seekers use of the bike path for the 2010-2011 Season. Councilman Casilio questioned whether he could grant approval contingent upon the Sno-Seekers participation at Winterfest. Town Attorney Bengart did not think this could be done legally however; Councilman Casilio could approach the Sno-Seekers and ask them if they would be interested in participating.

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

Councilman Peter DiCostanzo

The Youth Bureau has made a recommendation to appoint three student members.

The Youth Bureau will sponsor another Speaker Series which will focus on Parenting, Families and Mental Health.

Councilman DiCostanzo suggested Parks Crew Chief James Burkard attend the September 1st meeting regarding the town pool.

Councilman DiCostanzo met with Parks Crew Chief James Burkard. There is a new shelter at Parker which was an Eagle Scout project. There are several other future projects planned for this site including a rest room.

Councilman DiCostanzo commented on the over-time report. With the brush pick-up being halted for the summer, June and July 2010 overtime report for Highway Department is \$4,210 - it was \$1,000 last year. The Board was hoping that since brush pickup was halted for the summer, the overtime would decrease as well. Supervisor Bylewski stated that the overtime could be from paving crews, they have gotten a lot of paving work done this year.

The roof on the Historical Museum was discussed. While Councilman DiCostanzo is all for historic preservation, this is one case where it may not be practical. Councilman Weiss commented the cost to replace the porch was \$65,000 and could not begin to guesstimate what a new roof would cost. After numerous repairs, the roof still leaks.

Planning Board Chairman – Al Schultz

Mr. Schultz stated that he believes if the Town Board so chooses is on the verge of making some very substantial and significant improvements to the planning process in both efficiency and accuracy. A group of smart people could have sat down with what the Planning Board does and come up with what they are proposing but it was initiated by a Six Sigma study.

Two major things came out of the June 30th meeting one being tweaks and adjustments that they can do to the process without changing anything. They are moving cautiously in that direction and getting tremendous cooperation from the town, from Engineering Department and Highway Superintendent Ted Donner (Traffic Advisory). Secondly the proposal is to combine the SEQRA Review into the Planning Board for efficiency and improvement in the overall planning process. The Planning Board would be more involved in the SEQRA process which would improve the overall evaluation of a project. The Planning Board made recommendations on three significant issues at their last meeting. The vote on all the recommendations was enthusiastic by every single member including the TEQR Chairman.

Mr. Schultz asked the Board to review the proposal very carefully and look at what the Planning Board is suggesting should be changed and what they are suggesting not be changed.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105(1) D pending litigation Marinaccio vs. Town of Clarence; § 105(1) F the employment history of corporation(s), matters leading to the appointment of particular people. On the question, Town Attorney Bengart, James Callahan, Brad Packard, Town Engineer Joseph Latona and Chris Kempton 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 6:46 PM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to adjourn the Executive Session at 7:32 PM. 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, August 25, 2010 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:37 P.M. Pledge to the flag was led by Councilman Peter DiCostanzo, followed by a 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, Sr. Building Inspector David Metzger, Planner Brad Packard and Planning Board Chairman Al Schultz.

Motion by Councilman Weiss, seconded by Councilman Casilio to accept the minutes of the previous meeting held August 11, 2010. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski announced that WNEC “Our Town” is scheduled for Saturday, September 25th at 6:30 p.m. They are looking for volunteers to man phones for their pledge drive from 6 to 8 p.m. and would like to have people from the Town of Clarence present.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to declare the following phone systems, including phones as surplus: Meridan from the Parks Department – serial #NTL408616200050; Comdial from the Senior Center – serial #0012952212; Comdial from the Highway Department – serial #2V0907046609; Comdial from the Town Hall – serial #5844549A; and Comdial from the Youth Bureau – serial #IC318711563A. On the question, Supervisor Bylewski said we just underwent a major capital investment on the phone system. All departments are now on the same system. His assistant, Karen Jurek, worked very diligently making this as smooth of a transition as possible. It has been working pretty well so far. Karen should be congratulated for the effort she put into it. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to grant approval for a Block Party to be held on Hilton Drive on September 4, 2010 from 12:00 to 8:00 p.m., subject to receipt of insurance acceptable to the Town. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to grant approval for a Bike-A-Thon to be held October 9, 2010 on the Clarence Bike Path to begin at 8:00 a.m. from Meadowlakes Park to Akron and back, subject to receipt of insurance acceptable to the Town. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to approve the “Race for Carly’s Club” Charity Run/Walk to be held April 9, 2011 from 7:30 a.m. to 2:00 p.m. beginning at Clarence High School and using the bike path between Gunnville Road and Shisler Road with the possible use of four 10’ x 10’ tents, subject to review and approval by the Town Attorney and subject to receipt of insurance acceptable to the Town. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to approve a Charity 5K Run/Walk in the Clarence Center area on October 30, 2010 from 10:00 a.m. to Noon, along Goodrich to the bike path, south on Kraus Road and back along Clarence Center Road, subject to receipt of insurance acceptable to the Town. Upon roll call – Ayes: All; Noes: None. Motion carried.

Judy Sirianni, Executive Director of Clarence Chamber of Commerce thanked the Town Board for the support and help for the 2010 Taste of Clarence. It was a great success. She had an aerial photo blown up and presented it to the Town.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to authorize the Supervisor, Scott Bylewski, to sign a contract between the Town of Clarence and the Genesee County Animal Shelter regarding shelter services for seized dogs with said contract subject to review and approval by the Town Attorney. On the question, Councilman Weiss said we have

been working with other towns for the safe care and protection of dogs. Councilman Kolber said the SPCA no longer wants to be in that business. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss said we have a deer abatement program to clear problem areas of some of the deer to reduce deer/car accidents and impact on lost vegetation. Dennis Londos is the person coordinating the effort.

Motion by Councilman Kolber, seconded Councilman Weiss that the Town of Clarence requests the Erie County Water Authority to install a hydrant to be located near the property located at 4015 Casilio Parkway for which the Town agrees to pay the annual fire hydrant maintenance fee. The Town will be reimbursed for said annual fees pursuant to the terms and conditions of an Agreement between the Town of Clarence and Seal and Design, Inc., Penman Enterprises, or such other owner of record of the property located at 4015 Casilio Parkway, Clarence, NY. On the question, Councilman Casilio said he will recuse himself because of the name of the parkway, but he has nothing to do with the property or owns any part of it. Upon roll call – Ayes: Councilmembers DiCostanzo, Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Casilio. Motion carried.

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

WHEREAS, the Town of Clarence has contracted with Twin City Ambulance along with the Towns of Amherst and Newstead, the Villages of Akron and Williamsville, Clarence Fire District No. 1, Eggertsville Fire District and Snyder Fire District for providing pre-hospital emergency ambulance services pursuant to the provisions of General Municipal Law section 122-b; and

WHEREAS, in accordance with section 6.01 of said contract, the agreement with Twin City Ambulance will expire on December 31, 2010; and

WHEREAS, the EMS Board has recommended that the current EMS contract by and between the parties, the Towns of Clarence, Amherst and Newstead, Villages of Akron and Williamsville, the Board of Fire Commissioners of Clarence Fire District No. 1, the Chairman of the Board of Fire Commissioners of the Snyder Fire District and Twin City Ambulance be extended for the additional two years as per the provisions of section 6.01 of the contract; and

WHEREAS, the Clarence Town Board agrees with the EMS Board's recommendation to extend the contract with Twin City Ambulance for an additional two year period.

Now, therefore, be it

RESOLVED, that the Clarence Town Board, upon the recommendation of the Amherst, Clarence, Newstead EMS Board, hereby approves that the EMS Contract with Twin City Ambulance be extended for an additional two years as provided for in section 6.01 of the contract expiring on December 31, 2012.

On the question, Councilman Kolber said they provide ambulance services in most situations and all of the fire companies have been pleased with their responses.

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

Councilman Kolber said we received a letter from Time Warner Cable including a check in the amount of \$113,192.07 for franchise fees due to the Town.

Councilman Kolber announced that the Senior Center is hosting an Open House/Community Day on Friday, August 27th inviting residents to enjoy live entertainment, kid's crafts, face painting and hot dogs and refreshments.

Councilman Kolber thanked Ted Donner and the Highway Department for smoothing out the entrance to the Senior Center since the paving of Thompson Road was done. They will be sealing and striping the parking lot soon.

Councilman Kolber said he has received a lot of complaints regarding brush pick-up. If anyone would like to contact him with complaints, suggestions or comments about summer brush pick-up, they can email him or write to him and send it to the town hall.

Councilman Casilio recognized and thanked Judy Sirianni and Bob Geiger from the Chamber of Commerce for a very successful event.

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

Whereas, the Northern Erie Sno-Seekers Inc. Snowmobile Club has requested permission from the Clarence Town Board for the use of specific Town owned property for the 2010/11 Snowmobiling season as follows:

1. "West Shore Line" bike path that runs from Salt Road to Davison Road for use as an insured New York State Class A corridor snowmobile trail.
2. Trail running through Memorial Park between the parking lots and baseball diamond and the northern side of east/west main driveway.
3. Allow for parking on the Salt Road Parking area for "Drop and Ride" lot.
4. Allow for parking on the stone parking lots at Memorial Park between the baseball diamonds and the north side of the main driveway of for a "Drop and Ride" lot.

Resolved, that the Clarence Town Board grants permission to the Northern Erie Sno-Seekers Inc. Snowmobile Club for the use of the above Town owned property subject to the following conditions:

1. The Northern Erie Sno-Seekers Inc. Snowmobile Club is to provide the Town of Clarence with a certificate of insurance naming the Town as additional insured on the Northern Snow Seekers, Inc. Snowmobile Club's insurance and name the above areas on said certificate.
2. This use is approved and authorized with the understanding that snowmobiles are allowed only on the right-of-way of the bike path and absolutely not allowed on the paved portions of the bike path.
3. That all trails will be clearly marked with signs and barrels and the path maintained throughout by the Northern Erie Sno-Seekers Inc. Snowmobile Club.
4. That the season will run from December 15, 2010 to April 1, 2011.

On the question, Councilman Weiss said we occasionally get complaints about users on the trails, but have found the members of this group to be responsible to the property. There are other people who use the trails that may not be. The Sno-Seekers groom the trails and have been respectable.

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

Councilman DiCostanzo said the Youth Board is making a recommendation for appointments to their Board. He will bring them forward at the next meeting.

Councilman DiCostanzo said the Youth Bureau is going to conduct another speaker series next year.

Councilman DiCostanzo said a new bistro is going to be opening in the Hollow. So far the building looks great.

Councilman DiCostanzo said Parker Park now has a pavilion. It looks very nice.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber that pursuant to Article 8 of the Environmental Conservation Law and upon the recommendations of the TEQR Committee, the Clarence Town Board issues a Negative Declaration on the proposed Wood Meadows Open Development Area. This Unlisted Action involves the development of a 4-Lot Open Development area on 46+/- acres in the Agricultural Flood Zone located east of 8595 Tonawanda Creek Road. After thorough review of the submitted Site Plan and Environmental Assessment Form (EAF) by the TEQR Committee, Planning Board and Town Board, including coordinated review among involved agencies, it is determined that the proposed action is consistent with Master Plan 2015 and will not have a significant impact upon the environment. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski thanked department heads present for attending.

Essex Homes requests Development Plan Approval for proposed 64-Lot Open Space Design Subdivision on the west side of Goodrich Road north of Keller Road known as Shadow Woods Subdivision. James Callahan said the property consists of approximately 68 +/- of vacant land in the Residential Single Family Zone and within Clarence Sewer District No. 2. The Planning Board has forwarded a positive recommendation.

William Schutt, project engineer and Peter Sorgi, project attorney were present.

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

Resolved, that the Clarence Town Board, approves and grants the request of the applicant, Essex Homes, for Development Plan Approval of a proposed 64-lot Open Space Design Major Subdivision on the West Side of Goodrich Road, North of Keller Road, subject to the following conditions:

1. Deed restrictions, subject to review and approval by the Town Attorney, such that all vacant land within the parcel boundaries and outside the development envelope as shown on drawing PL1, that prevent any further usage regardless of ownership. The only exception to this restriction is that vacant land on the northwest corner of the property can continue to be used for agricultural purposes.
2. The land immediately south of the entrance driveway at 6440 Goodrich Road is to be protected and remain in its natural state, and may be enhanced. This condition applies to the land immediately north of the entrance drive as well.
3. Development is subject to recreation and open space fees.
4. Building envelopes and setbacks are to be per final concept plan on Plan dated November 17, 2008. Minimum 30' front yard setbacks; minimum 10' side yard setbacks; 20' minimum combined side yard setbacks.
5. A Homeowners Association Agreement will need to be approved by the Town Attorney.
6. Any areas not to be developed will be protected by orange fencing prior to and during construction activities
7. Rear yard drainage to be installed in a way that minimizes impact on existing vegetation.
8. Hours of construction limited to 7:00 a.m. until 5:00 p.m. Monday thru Saturday.

On the question, Supervisor Bylewski asked James Callahan, that the Planning Board as part of a Six Sigma project and as part of the Master Plan public review has made some recommendations to the Town Board which they will review at the next regular meeting. For this kind of project, would this still come in front of the Town Board for approval under the recommendations of the Planning Board? James Callahan said it would because it is a legislative change to the normal conditions of the Residential Single Family Zone.

Councilman Casilio said he would like them to take back to the developer the item concerning the orange fence for the protected areas.

Mr. Sorgi said they reviewed the conditions with their client and they are in agreement.

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

Patrick Development requests a Public Hearing to consider Concept Plan Approval for a 4-Lot Open Development Area on the west side of Roxbury Drive, east of Fairfield Drive and Old Hickory Lane known as Fairfield Park. James Callahan said the property consists of vacant land in the Residential Single Family Zone.

Kevin Curry said this design is one that they were encouraged to follow. They believe it meets the code. The project received a Negative Declaration and a recommendation from the Planning Board.

Supervisor Bylewski asked James Callahan if this type of project would still come in front of the Town Board based on the recommendation from the Planning Board.

James Callahan said this type of project would stay with the Planning Board as it meets the minimum requirements of the Subdivision Law and the Zoning Law. The Planning Board

feels they could move forward on this type of action. They would hold public hearings to give people the opportunity to speak.

Motion by Councilman Weiss, seconded by Councilman Kolber to set a Public Hearing for September 22, 2010 at 7:50 p.m. to consider the request by Patrick Development for Concept Plan Approval for a 4-Lot Open Development Area on the west side of Roxbury Drive, east of Fairfield Drive and Old Hickory Lane, known as Fairfield Park. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Casilio. Motion carried.

(Councilman Casilio left the meeting.)

Mark Landon requests a Change-in-Use from vacant commercial to retail smoke shop at 5701 Transit Road. James Callahan said the location is the east side of Transit Road, north of Roll Road in the Major Arterial Zone.

Mark Landon said he would like to put a smoke shop at that location. He is open to any suggestions. He plans to have the building cleaned up and add signage.

James Callahan did notify the school across the street and there has been no response.

Mr. Landon said it will be posted that no one under the age of 18 will be allowed in the store. ID is checked prior to purchases. He operates a business in Rochester. They are going to try to have a lounge area.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to grant a Change-in-Use from vacant commercial to retail smoke shop at 5701 Transit Road, subject to Landscape Committee review and approval of a landscape plan. On the question, Supervisor Bylewski asked Mr. Callahan the same question as the previous items. James Callahan said per the Planning Board recommendation, a Change-in-Use would be under the purview of the Planning Board. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Casilio. Motion carried.

Cimato Enterprises/Waterford Village PURD requests Final Plat Approval for Phase 3, Part C, including 8 residential building lots and the dedication of approximately 570 lineal feet of Corinne Lane, 360 lineal feet of Dana Marie Parkway, 120 lineal feet of Kilkenny Manor and 900 lineal feet of Renaldo Circle and including two new fire hydrants. James Callahan said the location is the north side of Roll Road between Shimerville and Thompson. The applicant is seeking final plat with dedication of public roads to service eight residential building lots. The Highway Department and Engineering Department have forwarded recommendations on the final plat.

Chris Cardillo, attorney said they believe they have incorporated all of the requested revisions, in particular to Renaldo Circle. They ask to move forward.

Town Engineer Joseph Latona said he would like semi-permanent barriers on Dana Marie at both ends. It is not yet a public road.

James Callahan said final plat approval would be the purview of the Town Board.

Councilman DiCostanzo asked what the status of the bike path extension is. Mr. Latona said he does not have a timeframe. They have filled in part of the area. The developer will supply the material, but it has to be worked out with the Highway Department when they are able to do the work.

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

RESOLVED, that the Clarence Town Board grants the request of the applicant, Cimato Enterprises, for Final Plat Approval for Waterford Village PURD, Phase 3, Part C including eight residential building lots, subject to the following conditions:

1. Public Road Dedications to the Town of Clarence:
 - a. 570 lineal feet of Corrine Lane
 - b. 360 lineal feet of Dana Marie Parkway
 - c. 120 lineal feed of Kilkenny Manor
 - d. 900 lineal feet of Renaldo Circle
 - e. 2 fire hydrants
2. No building permits will be issued until all the appropriate documents necessary to convey said roads to the Town of Clarence are submitted to, reviewed and approved by the Town Attorney.
3. Building permits will not be issued until proof of filing of the approved road deeds are submitted to the Town Attorney.

4. Final Plan Approval must comply with all regulatory agency and local department conditions.
5. Semi-permanent barriers erected at both ends of Dana Marie Parkway as approved by the Town Engineer.

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

Motion by Councilman DiCostanzo, seconded by Councilman Kolber that the Town of Clarence agrees to pay the annual fire hydrant maintenance fee to the Erie County Water Authority for two (2) fire hydrants within Waterford Estates Phase 3, Part C. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Casilio. Motion carried.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to approve the following: Clubhouse Applications - A. Clarence Hollow Association – Sept. 2, 2010; B. Cub Scout Pack 568 – Feb. 4, Mar. 20, 2011; C. Garden Friends of Clarence – Monthly meetings for 2011; D. Clarence Log Cabin Quilters – Monthly meetings for 2011; May 10 – 15 & Dec. 6, 2011; E. VFW Memorial Post 1200 – Monthly meetings for 2011; F. Clarence Arts & Craft Society – Monthly meetings for 2011; Nov. 4 – 6, 2011; Legion Hall Applications – A. Brownie Troop #586 – Monthly meetings Sept. – Dec. 2010; Monthly meetings for 2011. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Casilio. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that after proper audit and review by the Town Board, the following bills of August 19, 2010 are approved for payment: General Fund - \$291,823.66; Highway Fund - \$211,594.62; Water District - \$1,906.92; Drainage District - \$28,181.50; Lighting District - \$799.40; Capital Fund - \$63,788.58; Aquatic Growth District - \$300.00; and Trust and Agency 203 - \$5,400.00 for a total amount of \$603,794.68. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Casilio. Motion carried.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:25 p.m.

Nancy C. Metzger
Town Clerk