

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, October 13, 2010 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 6:01 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, Assistant Town Engineer Tim Lavocat and Planning Board Chairman Al Schultz,

Director of Community Development – James Callahan

Public Hearings:

A Public Hearing is scheduled for 7:45 PM to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Clarence to be submitted for possible funding through the 2010- 2011 Federal Community Development Block Grant Fund.

Formal Agenda items:

Rubino Brothers/Amber Meadows Open Space Design Subdivision

Applicant is seeking Town Board acceptance of public infrastructure and Final Plat Approval for previously approved Open Space Design Subdivision consisting of 44 sub-lots. The proposed site is located on the southwest corner of Shimerville Road and Clarence Center Road in a residential classification. The Town Board has final authority to accept public infrastructure for dedication. Town Engineering and Highway Department approval required for the construction for dedication.

Jeff Olka 9585 Clarence Center Road

Applicant is proposing to add an in-law apartment to the existing home. The proposed site is located on the south side of Clarence Center Road, east of Elm Street in existing single-family home located in the Traditional Neighborhood. Per the Zoning Law, a secondary living unit is allowed with a Special Exception Use Permit. A public hearing is required to consider the proposed secondary living unit.

Alex Pozantidis - 5711 Transit Road

Applicant is requesting a Change in Use from vacant to restaurant. The existing vacant commercial building (former Salon Gianti) is located on the east side of Transit Road north of Roll Road in the Major Arterial Zone. Per the Zoning Law, the Town Board has final authority for changes in use. Conversion of existing structure will require building permits and Landscape Committee review and approval.

Doug Klotzbach/GUI's Lumber and Home Center

Applicant is proposing to construct a new accessory structure to operate a truss mill. The proposed site is located on the east side of Shisler Road, south of Main Street at existing lumber yard and hardware store located in the Commercial Zone. Per the zoning Law, the Town Board has approval authority for new construction in the Commercial Zone as to architectural style and functional plan. The property was cleared without permits and additional landscape buffering should be required to screen adjoining land uses.

Mark Braunscheidel - 8884 Lapp Road

Applicant requests a Temporary Conditional Permit for the operation of a food vending stand at his residence. The proposed site is located on the north side of Lapp Road, west of Heise Road at existing residential property located in the Agriculture Rural Residential Zone. A public hearing will be required to consider the proposed use.

Ray Fiegl – 10060 County Road

Applicant is proposing to relocate an automotive service shop to this new location. The proposed site is located on the north side of County Road, west of Strickler Road in existing previously approved industrial business park structure located in the Industrial Business Park Zone. Automotive service in the Industrial Business Park Zone will require a Special Exception Use Permit or a Temporary Conditional Permit after a required public hearing.

Work Session items for consideration October 27, 2010:

Rock Garden Properties/Paul Stephen 9470 Main Street

Applicant is proposing a mixed use residential and commercial development on the north side of Main Street, east side of Goodrich Road at existing hotel/apartment complex and vacant land consisting of 3.5+/- acres located within the Commercial Zone. Per the Zoning Law, higher density residential uses will require a Special Exception Use Permit and the commercial structure will require Town Board approval as to architectural style and functional plan. Referral to the Planning Board will initiate the formal review process.

Buffalo Pharmacy – 6041 Transit Road

Applicant is proposing to construct a new commercial structure to house Buffalo Pharmacy and is seeking final Development Plan approval on the submitted design. The proposed site is located on the east side of Transit Road, north of Clarence Center Road on existing vacant land located within the Major Arterial Zone. Per the zoning Law, the Town Board has authority to Development Plans in the Major Arterial Zone as to architectural style and functional plan. The Planning Board has forwarded a recommendation with the following conditions: Landscape Committee review and approval; Open Space and Recreation Fees.

Rockledge Professional Park – 8175 Sheridan Drive

Applicant is proposing to develop a new office park and is seeking Development Plan approval on the submitted design. The proposed site is located on the south side of Sheridan Drive, east of the entrance to Eastern Hills Mall on existing vacant land located in the Restricted Business and Commercial Zones. Per the Zoning Law, the Town Board has final authority to approve development plans as to architectural style and functional plan. The Planning Board has forwarded a recommendation with the following conditions: temporary fencing to protect green space; Landscape Committee review and approval; all lighting to be screened to buffer adjoining uses; Open Space and Recreation Fees.

Proposed Amendments to Town Environmental Quality Review Local Law

The proposed changes would make the Planning Board the TEQR Committee

Proposed Amendments to the Subdivision Law

Final approval authority for both minor and major subdivisions will be the responsibility of the Town Planning Board.

Proposed Amendments to the Town Zoning Law

Land use Concept and Development Plan approvals become Planning Board responsibility. Exceptions that shall remain the authority of the Town Board include: Open Space Design Overlays, Special Exception Use Permits, Temporary Conditional Permits. The Town Board shall act as “gate keeper” for all applications. The Planning Board shall consist of 7 members with one alternate as currently structured with a three member Executive Committee.

Supervisor Scott Bylewski

At the last Town Board meeting, Howard Melancon made mention of the stone wall in front of the post office on Main Street. Supervisor Bylewski distributed copies of the Town Board and Planning Board minutes of March 1998 as it relates to the stone wall. Based on the minutes, it does not look like there is much the Town can do to try to enforce any additional changes to the stone wall as it already exists. Director of Community Development James Callahan suggested this could be a Boy Scout project.

Supervisor Bylewski will again remind the public that November 1 through November 30 each year is the annual thirty-day period during which land owners may submit requests to include predominantly viable agricultural land into an existing certified agricultural district per NYS Agriculture and Markets Law.

As mentioned at the prior Town Board meeting, there have been several car break-ins at the West Shore Bike Path near Wehrle Drive as well as someone impersonating a town employee going door to door. The Town has started issuing ID badges to every town official and town employee.

Supervisor Bylewski reminded the Town Board of the budget meeting scheduled for Thursday, October 14th @ 2PM. There is also a meeting scheduled with the Senior Center Board at 10AM tomorrow.

Supervisor Bylewski will appoint Judith Turco as School Crossing Guard P/T at the budgeted rate of pay effective October 18, 2010.

Supervisor Bylewski will set a public hearing for Wednesday, November 3, 2010 at 7:45 PM to consider the Preliminary Budget and Special District Assessment Rolls for the Town of Clarence for the year 2011.

Supervisor Bylewski will have two items for Executive Session regarding the employment history of a corporation and the employment history of a particular person.

Councilman Joseph Weiss

Councilman Weiss met with the volunteers for the Deer Abatement Program. The representative from the DEC is very concerned about budget cuts and the fact that he may lose his position. He has several years with the department so Councilman Weiss started a letter writing campaign to our local representatives. Hopefully we can keep him involved because without him there would be no program.

There was an incident on The Fairways regarding a developer piling up dirt however Building Inspector Paul Gross took care of the situation.

Councilman Weiss spoke with Paul Stephen regarding his building (train station) on Main Street and he has promised it will be taken care of.

Councilman Bernard Kolber

Councilman Kolber will announce the resignation of Edna Scherf from the Library Board and Senior Center Board.

Anthony Bylewski is resigning from the Senior Center Board as well.

Councilman Kolber has been working with Time Warner about getting coverage extended to the northern section of town. Several people have agreed to be appointed to the Cable Committee to research this.

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

Councilman Patrick Casilio

Councilman Casilio received several requests regarding the speed limit on Harris Hill Road between Roll Road and Greiner Road. Highway Superintendent Ted Donner will put in a request to Erie County to have a survey done.

Approximately 31 letters have been mailed out to specific addresses in Clarence Hollow regarding property violations. If they do not comply within the allotted time frame, the Building Inspector will take the next steps to get them to comply.

NYSEG has changed their rates for their poles. The new rate list is coming out however; Councilman Casilio thought the town was safe with our existing poles. The Parks Department has been having a problem with NYSEG supplying the bulbs that they used to for the town supplied lights, details are being worked out. The Parks Department was doing the maintenance and NYSEG was providing the bulbs for us.

Councilman Peter DiCostanzo

Councilman DiCostanzo will appoint Ronald Kiener as Recreation Specialist PT for the 2010-2011 season.

Councilman DiCostanzo will appoint Michael Brady to the Youth Board effective October 13, 2010 through December 31, 2011. This appointment is being made to fill the vacancy created by the resignation of Holly Zuffranieri whose term would have expired December 31, 2011.

Town Engineer Joseph Latona

Town Engineer Latona gave an update on the sewers in Clarence Hollow. The first contract included Ransom Road to Royal Oak, down Boyd to Sawmill Road. All of Sawmill Road is completed. The residents are all applying to hookup. The second project started at Sawmill Road, east to Schurr Road, down Schurr Road to include all of Bickert Drive. There were some initial glitches when the contractor started out – they were not familiar with the rock situation in the area. To make up time, the contractor is working on Saturday. During blasting, there was some damage to Boyd Drive, the situation is being adjusted before winter to make the road secure enough to drive on and plow.

Town Engineer Latona was contacted by the DEC relative to a Grant the town received for \$1.5 million dollars; they retained 10% (\$150,000). They are at the end of the grant and Town Engineer applied for the \$150,000. last week.

Planning Board Chairman – Al Schultz

Chairman Al Schultz stated that there are two commercial projects on the agenda in two weeks. These are the first two commercial projects forwarded since the Milherst project approximately 15 months ago.

The Planning Board broke the recommendations on the process down into four pieces because they felt the discussion for each of the pieces may be different (***Proposed Amendments to the Town Environmental Quality Review Local Law, Proposed Amendments to the Subdivision Law, Proposed Amendments to the Town Zoning Law, Number of members on the Planning Board***).

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

There being no further business, the Work Session adjourned at 6:33 P.M.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman Casilio to adjourn the Executive Session at 7:29 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, October 13, 2010 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:35 P.M. Pledge to the flag was led by Councilman Patrick Casilio, followed by a moment of silent reflection for people suffering in the world.

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 September 22, 2010. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski said the minutes of October 6, 2010 are not available at this time due to the Town Clerk's office being busy with tax collection.

Supervisor Bylewski announced motions that were made at the morning work session of October 6th as follows:

Special Event requests – Brothers of Mercy on October 9, 2010; and Floss Estates on October 16, 2010.

Ratified the signature of Deputy Supervisor Casilio for the NYSERDA contract.

Approved Service Agreement with Eagle Systems.

Re-appointed Trish LiBassi to the Board of Assessment Review.

Appointed Michele Orvis as Recreation Specialist PT.

Declared Highway equipment as surplus.

Supervisor Bylewski said at a prior meeting a resident spoke about the stone wall in front of the post office on Main Street. He thanked the Planning Office for doing some research and following up on it. There is a proposed solution to have boy scouts work on it.

Supervisor Bylewski announced that any property owners who are interested in becoming part of the Agricultural District, the opportunity to apply is November 1st – 30th.

Supervisor Bylewski said vehicles parked at the bike path parking lot on Wehrle Drive had items stolen. Residents need to lock their vehicles and doors. If anyone sees anything, they should contact the police immediately.

Supervisor Bylewski said we have had reports that people are impersonating utility workers. People should request identification.

The Town is beginning a program to provide all Town employees with id badges.

Supervisor Bylewski announced that the Town Board will begin budget meetings to prepare the Preliminary Budget.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to set a public hearing for Wednesday, November 3, 2010 at 7:45 p.m. to consider the Preliminary Budget and Special District Assessment Rolls for the Town of Clarence for the year 2011. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to appoint Judith Turco as School Crossing Guard P/T at the budgeted rate of pay of \$10.85/hour effective October 18, 2010.

On the question, Supervisor Bylewski said all necessary paperwork has been submitted and pre-employment requirements have been met and are on file.

Councilman DiCostanzo asked if this was to replace someone. Supervisor Bylewski said yes.

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

Councilman Weiss said we have a program to reduce the deer population where hunting is not normally allowed. The volunteers had their kick-off meeting with a representative from the DEC. The deer are processed and sent to the food bank. The program began on Saturday for this season. Last year they reduced the population by over 200 deer reducing the car/deer accidents, damage to agricultural crops and landscaping. They try to do as much as they can with archery.

Councilman Weiss said he continues to receive calls about the old train station. The person who owns the property is ill. The buyers have assured us that it will be taken care of in time.

Councilman Weiss thanked Andrea from the Bee for her article on breast cancer awareness. His family has been through this with his wife being diagnosed. It was caught early and she is doing very well.

Councilman Weiss congratulated Bob Geiger, who was present, on his recent celebration of 50 years of marriage.

Councilman Kolber said they received a letter of resignation from Edna Scherf from her positions on the Library Board of Trustees and the Clarence Senior Center Board of Directors. He thanked her for her service.

Anyone interested in serving on either of these boards should make application.

Councilman Kolber said a letter of resignation was received from Anthony Bylewski from his position on the Clarence Senior Center Board of Directors. He thanked him for his service.

Councilman Kolber said they are working with Time Warner Cable to get coverage for residents in the northern end of Town. They are required to provide service when an area reaches a certain density within a mile. We will be meeting with them over the next few weeks to see what can be done.

Councilman Casilio said we have had street lights out in Harris Hill for well over a year. NYSEG has been notified and asked to have them repaired in a timelier manner.

Councilman Casilio said the Highway Superintendent is going to put in a request to Erie County to review the speed limit on Harris Hill Road between Greiner and Roll Roads to consider a reduction. It was reduced to 50 mph a few years ago.

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize Supervisor Scott A. Bylewski to sign the Renewal Agreement with Neopost, Inc. for maintenance of the postage machine for a 12-month term beginning October 3, 2010 and ending on October 2, 2011. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to set a Bid Date of November 18, 2010 at 10:00 a.m. at the Town Clerk's Office for the Fire Sprinkler System for the Clarence Town Park Clubhouse and the Historical Building. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to set a Bid Date of November 18, 2010 at 10:00 a.m. at the Town Clerk's Office for the Ancillary Electrical Work for the Fire Sprinkler System for the Clarence Town Park Clubhouse and the Historical Building.

On the question, Councilman Casilio said the Town Park Clubhouse will be celebrating 100 years. The Town has been trying to allocate funding for a sprinkler system to protect our investment for years.

Councilman Weiss said we have spent a lot of money on upgrades and it should be protected.

Supervisor Bylewski said the celebration will be held the same day as "Day in the Park" next year.

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

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to appoint Michael Brady to the Youth Board effective October 13, 2010 through December 31, 2011. This appointment is being made to fill the vacancy created by the resignation of Holly Zuffranieri whose term would have expired December 31, 2011. On the question, Councilman DiCostanzo said this was the recommendation of the Youth Board. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to appoint Ronald Kiener Recreation Specialist - PT for the 2010-2011 season at the hourly rate of \$22.70 effective December 1, 2010. On the question, Supervisor Bylewski said all necessary paperwork has been submitted and is on file. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo said as stated earlier, the first budget meeting is tomorrow. If anyone has suggestions or comments they should contact the Town Board at 741-8929.

Town Clerk Nancy Metzger reminded everyone that school taxes are due on Friday.

Councilman DiCostanzo said the Halloween Party will be held October 23, 2010 at the Town Park Clubhouse.

Supervisor Bylewski thanked all department heads present for attending.

A Public Hearing was held to provide an opportunity for citizens to express community development and housing needs and to discuss possible projects which would benefit low and moderate income persons in the Town of Clarence to be submitted for possible funding through the Federal Community Development Block Grant Fund.

James Callahan said that as a member of the consortium of Erie County Governments, the Town of Clarence is eligible to apply for grants under this program. It is designed to benefit persons of low or moderate income. Previous grant applications have included handicap access to Town buildings, sewer infrastructure and construction, sidewalks and rural transit facilities. This public hearing is held to receive comments for use of grant monies to guide the Town's application for this year.

Brad Packard, Planner said that after review and consideration by the Planning and Zoning Office and upon discussion with Paul D'Orlando from the County, they have come up with three preliminary projects.

One is sidewalks on Main Street between Thompson Road and Harris Hill Road to increase accessibility along the Main Street corridor.

The second is a façade rehabilitation program in Clarence Hollow. This came about from the number of applications we received in our recent effort with the NYS Housing and Community Renewal. We did not receive a grant but still have all of the information.

Mr. Packard said a public hearing notice was distributed to residents of both of these areas. The application will require an income survey to certify that we qualify for federal income standards with this program. It is general and will be held confidential. He asks that people respond as it is a requirement to provide a percentage of surveys with the application.

The third project is the continuation of the Rural Transit Service for 2011 to 2012.

Mr. Packard said they are certainly open to suggestions from the public.

Supervisor Bylewski said we have received a number of requests for the sidewalks on Main Street. We made an effort to get funding for the façade rehabilitation program. We have been contracting with Rural Transit for a number of years. They are now housed at the Senior Center and it works out very well.

Supervisor Bylewski said we do have an uphill struggle given the demographics of our community and the fact that we received a grant last year. It does not mean that we will not get one.

Councilman Weiss asked if a letter-writing campaign would help. Supervisor Bylewski said he is part of the selection committee to review projects in other areas of the county. They are ranked on established objective criteria.

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

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

WHEREAS, the Clarence Town Board is desirous to provide services to low and moderate income persons who reside in the Town of Clarence; and

WHEREAS, the Clarence Town Board set a public hearing for October 13, 2010 at 7:45 p.m. to provide an opportunity for public input to the citizens of the Town to express community development and housing needs and possible projects that would benefit low and moderate income persons residing in the Town; and

WHEREAS, the Clarence Town Board will consider and submit all projects that qualify for the Erie County Community Development Block Grant program for ECCDBG funds.

NOW THEREFORE BE IT

RESOLVED, that a meeting of the Clarence Town Board duly convened on Wednesday, October 13, 2010, a public hearing was held, and after all interested parties having been heard, the Clarence Town Board hereby authorizes Scott A. Bylewski, Supervisor of the Town of Clarence, Erie County, New York, to sign, submit and execute a contract with the Erie County Community Development Block Grant (ECCDBG) for the following projects upon approval of ECCDB:

1. Sidewalks along Main Street in Harris Hill area
2. Façade rehabilitation program in Clarence Hollow.
3. Rural Transit Service for 2011-2012.

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

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

WHEREAS, Rural Transit Service, Inc. provides transportation services to eligible, low and moderate income persons who reside in the Towns of Clarence, Newstead and Village of Akron; and

WHEREAS, the Clarence Town Board continues its support of Rural Transit Service, Inc.

Now, Therefore, Be It

RESOLVED, that the Clarence Town Board, at this duly convened meeting, hereby authorizes Supervisor Scott A. Bylewski to sign onto the Rural Transit Service, Inc. for the 2011-2012 Community Development Block Grant year.

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

Rubino Brothers request Final Plat Approval and Road Dedication for approximately 1,500 lineal feet of Jessica Place, 800 lineal feet of Samantha Lane and 430 lineal feet of Haley Court in Amber Meadows Subdivision located at Clarence Center Road and Shimerville Road. James Callahan said this is a previously approved 44-lot open space design development. The applicant has completed road construction and is requesting final plat approval. All departmental and regulatory agency approvals are in order.

John Rubino was present. It has been seven years since they brought this project in.

Supervisor Bylewski said the sign has condo on it. The Town has yet to receive anything other than a letter from the Attorney General's office stating that they received the application for condo status.

John Rubino said he dropped off the offering plan to the Assessor three weeks ago. He believes the acceptance by the Attorney General is in there also.

Councilman Kolber said he does not believe that it has been seven years for this project.

Councilman Weiss asked the Town Attorney about the unclear notion of the condo status and will it have an impact.

Town Attorney Bengart said it does not have an impact on what is before the Board at this time.

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

RESOLVED, that the Clarence Town Board grants the request of the applicant, Rubino Brothers, for Final Plat Approval for the Amber Meadows Open Space Design Subdivision consisting of 44 Open Space Design residential building sublots and road dedication subject to the following conditions:

1. Public Road Dedications to the Town of Clarence:
 - a. 1,500 lineal feet of Jessica Place
 - b. 800 lineal feet of Samantha Lane
 - c. 430 lineal feet of Haley Court
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.

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

Jeff Olka requests a Public Hearing to consider a Special Exception Use Permit for a secondary living unit at 9585 Clarence Center Road. James Callahan said the location is the south side of Clarence Center Road, east of Elm Street in the Clarence Center Traditional Neighborhood District. The applicant is proposing an in-law apartment.

Jeff Olka was present. He is aware of the conditions associated with this request.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to set a Public Hearing for November 3, 2010 at 7:50 p.m. to consider a Special Exception Use Permit for a secondary living unit at 9585 Clarence Center Road. Upon roll call – Ayes: All; Noes: None. Motion carried.

Alex Pozantidis requests a Change-In-Use Permit for 5711 Transit Road from vacant to a restaurant. James Callahan said the location is the east side of Transit Road, north of Roll Road in the Major Arterial Zone.

Alex Pozantidis said he has one change to his submitted plans and that is for an outside cooler accessed from inside the building.

Supervisor Bylewski said they would like to see some greening up of the site.

Mr. Pozantidis said he would be willing to do that.

Motion by Councilman Kolber, seconded by Councilman Casilio that the Clarence Town Board approves the request of the applicant, Alex Pozantidis, for a Change-In-Use Permit for the property located at 5711 Transit Road from an existing vacant commercial building to a restaurant, subject to the following conditions:

1. Hours of operation shall be Monday through Sunday from 6:30 a.m. to 11:00 p.m.
2. Landscape approval subject to Landscape Advisory Committee.
3. Required permits.

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

Douglas Klotzbach/Gui's Lumber requests a recommendation for a Building Permit and Architectural Approval for an accessory structure in the Commercial Zone at 4695 Shisler Road. James Callahan said the location is the east side of Shisler Road, south of Main Street. The applicant is proposing an accessory structure to house a truss mill.

Douglas Klotzbach, K2R Engineering is representing the owner of Gui's Lumber. They are excited about adding the truss manufacturing facility to their business. It is a central location for all of his stores.

Councilman Weiss asked if they are aware that clearing was done without the adequate permits.

Mr. Klotzbach said he is aware now and that he has to re-do landscaping at the north of the property also.

The proposed building is a 13,000 sq. ft. pole barn. It will be sprinklered and a fire hydrant installed on the property. They discussed installing the waterline along the fire company property, but there is a tree line and it is all rock.

Councilman Weiss said he is thinking that whatever the fire company was going to do with the adjacent property, they could work out the drainage with each other.

Town Engineer Latona said the rock is the problem.

Councilman Weiss said this is great addition for Clarence.

Mr. Klotzbach said they can keep the waterline inside the buffer.

Motion by Councilman Casilio, seconded by Councilman Weiss that The Clarence Town Board approves the request of the applicant, Douglas Klotzbach/Gui's Lumber, for a building permit and Architectural Approval for the construction of a new accessory structure to operate a truss mill at the existing lumber yard and hardware store at 4695 Shisler Road in the Commercial Zone, subject to the following conditions:

1. Appropriate Fees.
2. Additional Landscape buffering to screen adjoining land uses with a minimum of 2 for 1 replacement and Landscape Committee review and approval of the plan prior to issuance of a building permit.

On the question, Councilman Kolber said we talked about the tree replacement being 2 for 1 tree replacement for previously cleared area, but do we know how many were taken down.

James Callahan said we can use the Landscape Committee's advice and our general knowledge to get a rough estimate.

Supervisor Bylewski said the law says 2 for 1, but a plan still has to be presented. It could be greater than that.

Councilman Kolber said he suggests an amendment to the motion that the Landscape Committee be charged with the task of coming up with recommendations and guidelines that they have to meet before the building goes up.

Town Attorney Steven Bengart said the Town Board has a concern about the clearing that took place and that a reasonable replacement will be done that the Landscape Committee would like to see.

Councilman DiCostanzo said it has to be a minimum of 2 for 1 anyway.

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

Motion by Supervisor Bylewski, seconded by Councilman Kolber to table the request for a Temporary Conditional Permit for a food vending stand at 8884 Lapp Road until the applicant is present. Upon roll call – Ayes: All; Noes: None. Motion carried.

Ray Fiegl requests a Public Hearing to consider a Special Exception Use Permit for an automotive repair facility in the Industrial Zone at 10060 County Road. James Callahan said the location is the north side of County Road, west of Strickler Road consisting of an existing building in a previously approved Industrial Business Park.

Tom Kelkenberg, owner of the building and Ray Fiegl, business owner were present. Mr. Fiegl said he has been in the business for 34 years of which the last 28 he owned a business on Transit Road. It is a clean operation. He does not put up with the junk yard look. There is only one employee. There will be no sale of vehicles or collision work.

Councilman Kolber expressed concern regarding a Special Exception Use Permit rather than a Temporary Conditional Permit.

Supervisor Bylewski said this is in the Industrial Business Park Zone.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to set a Public Hearing for November 3, 2010 at 7:55 p.m. to consider a Special Exception Use Permit for an automotive repair facility in the Industrial Zone at 10060 County Road. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio to approve the following: Clubhouse Applications - A. Girl Scout Troop 1498 – Oct. 12 & 26, 2010; B. Clarence American Legion Auxiliary 838 – Oct. 29 & 30, Nov. 1, 2010; C. Clarence Senior Citizens, Inc. – Jan. 20, 2011; D. Boy Scout Troop 93 – April 3, 2011; E. Historical Society – June 20, 2011; F. Historical Society – 2nd Tuesday every other month of 2011; Legion Hall Applications – A. Friends of Scott Bylewski – Oct. 18, 2010; B. Hai Family – Oct. 23, 2010; C. Nehzat Goshtasb – Nov. 13, 2010; D. Dawn Weitz – Nov. 14, 2010; E. Girl Scout Troop 1498 – Nov. 1 & 30, Dec. 14, 2010; Monthly meetings for 2011; F. Cub Scout Pack 563 – Tigers – Monthly meetings Oct. – Dec. 2010; Monthly meetings 2011; G. Tom & Linda Mary Hall – Dec. 19, 2010; Nature Center Lodge – A. Clarence Senior Citizens Inc. – Nov. 18, 2010. On the question, Councilman Weiss said he is happy to see groups using the Nature Center Lodge. It is a great place. Supervisor Bylewski said one of the items is his, however this is ministerial and he will be voting. 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 September 30, 2010 are approved for payment: General Fund - \$44,837.70; Highway Fund - \$17,266.81; Water District - \$386.00; Sewer Districts - \$461.68; Capital Fund - \$11,370.88; Trust and Agency 203 - \$2,812.18; and Trust and Agency 202 - \$4,540.33 for a total amount of \$81,675.58. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo that after proper audit and review by the Town Board, the following bills of October 14, 2010 are approved for payment: General Fund - \$98,424.58; Highway Fund - \$22,064.22; Water District - \$33,875.20; Drainage District - \$5,115.25; Lighting Districts - \$889.95; Sewer Districts - \$28.42; and Capital Fund - \$13,166.38 for a total amount of \$173,564.00. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:35 p.m.

Nancy C. Metzger
Town Clerk