

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, March 9, 2011 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, Senior Building Inspector David Metzger, Assistant Town Engineer Tim Lavocat and Confidential Secretary to the Supervisor Karen Jurek.

Director of Community Development – James Callahan

Public Hearings:

Rock Oak West Manufactured Housing Park – 9745 Main Street

Applicant is proposing to expand the existing park to include 72+/- additional sites for manufactured homes with all required park amenities. The proposed project site is located on the south side of Main Street, west of existing Rock Oak West Manufactured Housing Park on existing vacant land proposed for expansion. A Negative Declaration under SEQRA was issued by the Town Board on the full build out of the property. The Planning Board has forwarded a recommendation on the expansion as proposed. Per the Zoning Law, a Manufactured Housing Park must obtain a Special Exception Use Permit as well as a license for additional units per the Manufactured Housing Park Local Law. The Planning Board has forwarded a recommendation with several conditions. Supervisor Bylewski noted that he received a letter from May Callahan regarding this proposed project and distributed it to the Town Board.

K & A Ponds and Landscaping 8925 Sheridan Drive

Applicant is proposing to utilize a portion of the property as an expansion of existing Landscaping Business (approved via TCP) located on adjoining property. The proposed site is located on the south side of Sheridan Drive, east side of Shimerville Road with existing vacant industrial/warehouse buildings, (former dry-cleaning plant) located in the Restricted Business Zone. Per the Zoning Law, the Town Board has authority to approve Temporary Conditional Permits. A Public Hearing is required to consider this proposal.

Miranda Automotive Service 8925 Sheridan Drive

Applicant is proposing to relocate his existing automotive service center from the Sunoco Station at the corner of Sheridan Drive and Shimerville Road to this vacant industrial/warehouse building (former dry-cleaning plant). The proposed site is located on the south side of Sheridan Drive, east side of Shimerville Road in the Restricted Business Zone. Per the Zoning Law, the Town Board has authority to approve Temporary Conditional Permits. A public hearing is required to consider the proposal.

A Public Hearing is scheduled for 8:00 PM to consider the purchase by the Town of Clarence of approximately 86.45+/- acres of vacant land located at 5285 Harris Hill Road at a purchase price not to exceed \$825,000.

Formal Agenda items:

Autobahn Collision Shop 8200 Main Street

Applicant is proposing to relocate the Mercedes-Benz collision shop to the plaza in the former Dunn Tire Shop. The proposed site is located on the northeast corner of Main Street and Bryant and Stratton Way in existing plaza located in the Commercial Zone. Per the Zoning Law, the Town Board has final authority to approve Special Exception Use Permits or Temporary Conditional Permits. The Planning Board has forwarded a recommendation with several conditions.

Groundhog Landscaping 8225 Transit Road

Applicant is proposing to construct a new building with an office in front and warehouse to the rear to house an existing landscaping company. The proposed site is located on the east side of Transit Road, south of Tonawanda Creek Road on existing vacant land located in the Restricted Business Zone and within the Density Flood Zone. Per the Zoning Law, the initial concept review is initiated at the Town Board level. Areas of concern are the inclusion of office space at the front of the building identifies a

permitted use in the Restricted Business Zone. A Floodplain Development Permit will be required as a part of the review/approval process.

Supervisor Bylewski referenced Item #17 on the Formal Agenda – Keith Albrecht regarding public water on Strickler Road. Supervisor Bylewski has spoken to Keith before about his property that butts up to Memorial Park. The Town is currently installing a water line there and he has inquired in the past about continuing on the water line to his property. Assistant Town Engineer Lavocat stated that Mr. Albrecht was looking to have the water line extended north down Strickler Road which is a public water main, he would have to pay for this through Erie County Water Authority - it is an issue between himself and Erie County Water Authority.

Work Session items for consideration March 23, 2011:

Pizza Inn 6235 Goodrich Road

Applicant is proposing to construct a commercial plaza on the site. The proposed site is located on the east side of Goodrich Road, north of the Peanut Line at existing restaurant located in the Commercial Zone. Per the Zoning Law, the Town Board has an opportunity for initial review and comment prior to formal referral to the Planning Board to initiate site plan review.

Joe Calhoon 8145 Sheridan Drive

Applicant is proposing to utilize the accessory structure to the east side of property for an automotive detail shop. The proposed site is located on the south side of Sheridan Drive, east of Eastern Hills Mall access road at existing Buck and Doe Shop located in the Commercial Zone. Per the Zoning Law, the Town Board may authorize Temporary Conditional Permits. Areas to be addressed include temporary storage of detailed cars behind garage. Applicant details cars from two local dealerships only – no advertising or “drive-by” customers.

Temporary Conditional Permit renewals will be on the next Town Board agenda.

Karen Jurek – Network Services Outcome Based Budget

It has been a busy year implementing the new telephone system so Karen did not do a Satisfaction Survey.

The Computer Professional Services are up slightly from last year because of the new VOIP system. Network Services was working with us on the conversion. We are still paying less in outside service and the stipend than we were in 2001. Appropriations are still within the budgeted range.

The outsourcing of our Network Services is down substantially from before 2002 when Karen took over it was costing \$72,000 per year and that has been negotiated down to \$35,000 at the most.

Some things accomplished in 2010 were the server upgrade for the accounting program, added Barracuda Web filtering (this can generate reports on sites people visit), added 9 new computers (replaced computers from 2002-2007), added 10 new monitors (upgraded the old versions and 17” monitors), VOIP phone system, replaced the TV in Board room, updated Laptop for Zoning Office, added programs with Infoquest on Town Track (expanding work order program and attendance tracking program at Parks & Highway), held in-house training in Outlook for mail and calendars, replaced Symantec Antivirus with TrendMicro, completed secure check upgrade with new printers (printing paychecks and bill checks), worked with Recreation to put more information on their webpage, replaced backup drive (Karen still takes a tape off site weekly).

Plans for 2011 include working with the County on the website so we can do more of our own updates. Karen is also working on a few enhancements to the site. Continue with computer/laptop upgrades (trying to keep it at three-year replacement cycle), upgrade the Laser Fiche Server, work with Recreation on a program for the pool that will track users and money collected as well as a swipe system, possible PO addition to the KVS Enterprise program and possible upgrade to the Building Permit/Fire Inspection Program.

Karen stated that there have been some issues with our telephone service; our Verizon lines along Goodrich Road are very old. Verizon found an issue in the field with one of our T1 lines and made repairs today. Karen has been in contact with our vendor on a daily basis and is keeping a "paper trail."

Supervisor Scott Bylewski

Supervisor Bylewski will mention the motion that was made at the March 2, 2011 morning Work Session relative to replacement of storm drainage pipe on Ledge Lane.

An appointment has to be made to the Environmental Management Council of Erie County by April 15th.

Supervisor Bylewski has two Special Event requests: Ride for Roswell on June 25th and the Memorial Day Parade.

Supervisor Bylewski has several items to discuss in Executive Session including one Attorney-Client item.

Consent Agenda items:

- Authorize the Supervisor to sign the annual – Planned Maintenance Renewal Agreement with Cummings Northeast Inc. for the town hall generator subject to review and approval by the Town Attorney
- Authorize the Supervisor to sign the Working Agreement for the Clarence Greenprint Program subject to review and approval by the Town Attorney
- Resolution declaring March 10, 2011 as "World Kidney Day" in the Town of Clarence

Councilman Joseph Weiss:

Real Property Appraiser Linda Hirtreiter will be retiring from her position effective May 31, 2011.

Parks Crew Chief James Burkard is declaring surplus of steel, scrap metal and a keg cooler from the Legion Hall. There may be a market for the Keg cooler and may be sold.

Councilman Bernard Kolber

Councilman Kolber has several items to discuss in Executive Session regarding the employment history of several corporations.

Councilman Kolber met with Clarence Girls Softball they have been working on plans for a building behind the Braunscheidel Pavilion in the Main Street Park to contain a concession area and rest rooms. The plans have been drawn up; they have insurance and are hoping to break ground this spring. The material and labor are all being donated. The rest room facility will be permanent and is a significant investment of between \$20,000 - \$30,000. Since the rest rooms would be a benefit to the park, they are asking if the Parks Department could install the septic system. Assistant Engineer Tim Lavocat stated that he could help them out with the design of the septic system however; it will be up to the Town Board as to the installation.

Clarence Girls Softball is also seeking Town Board approval to erect a storage shed at Memorial Park to store their equipment.

Councilman Patrick Casilio

Councilman Casilio will be setting bid dates for solar panels on the Senior Center and the Clarence Public Library and for improvements to the Legion Hall.

Councilman Casilio and Supervisor Bylewski met with the Clarence Hollow residents regarding the NY Main Street grant application.

Councilman Casilio has two items to discuss in Executive Session.

Councilman Peter DiCostanzo

Councilman DiCostanzo will appoint Gerald D. Shaffer Jr. to the Historic Preservation Committee.

Councilman DiCostanzo commented on the speaker series and Michael Nerney presentation at the Middle School.

Councilman DiCostanzo gave an update on the NYS Association of Towns 2011 Conference. He questioned whether the Town Clerk's office accepts credit card payments and who is responsible for the fees. Deputy Town Clerk Darcy Snyder stated that the Town Clerk's office accepts credit card payments for taxes on-line through Pay Connexion. They charge a 2.5% convenience fee to anyone using the service.

Assistant Town Engineer – Tim Lavocat

Mr. Lavocat stated that the solar panels for the Highway Department were not included with the other resolutions for the Library and Senior Center. Through some building analysis, it is not going to work on a roof mounted system – he will go with a ground mounted system. Mr. Lavocat has to go through a scope change through NYSERDA.

Town Attorney Bengart has one item to discuss in Executive Session regarding pending litigation - DeStefano vs. Town of Clarence.

Councilman Kolber has one Attorney-Client item to discuss.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to enter into Executive Session pursuant to § 105 (1) D of the Open Meetings Law to discuss pending litigation DeStefano vs. Town of Clarence; § 105(1) E Collective negotiations pursuant to Article 14 of the Civil Service Law (The Taylor Law); § 105(1) F the employment history of a particular corporation and matters leading to the appointment of a particular person. On the question, Town Attorney Bengart, James Callahan, Brad Packard, Tim Lavocat and David Metzger 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 6:40 PM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman DiCostanzo to adjourn the Executive Session at 7:34 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 on Wednesday, March 9, 2011 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:40 P.M. Pledge to the flag was led by Councilman Peter DiCostanzo, followed by a prayer given by William Casilio, Jr., President of the Parish Council at St. Mary's 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, Asst. Town Engineer Tim Lavocat, Sr. Building Inspector David Metzger and Planner Brad Packard.

Motion by Councilman Weiss, seconded by Councilman Casilio to accept the minutes of the previous meeting held February 9, 2011. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio to accept the minutes of the previous meetings held February 23, 2011. On the question, Councilman DiCostanzo said he was not present, but upon review, page 48 should be County, instead of Count; and page 51 should be refer rather than defer. Town Clerk Nancy Metzger said she looked it up and it is correct to defer decision to another body. Upon roll call – Ayes: Councilmembers Casilio, Kolber Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman DiCostanzo. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to adopt the following resolutions under the Consent Agenda:

Renewal Agreement with Cummins Northeast LLC for Town Hall generator

To authorize the supervisor to sign the Annual – Planned Maintenance Renewal Agreement with Cummins Northeast LLC for the Town Hall generator subject to review and approval by the Town Attorney.

Western New York Land Conservancy Agreement

To authorize Supervisor Scott Bylewski to sign the Working Agreement for the Clarence Greenprint Program with the Western New York Land Conservancy for a one year term beginning January 1, 2011 and ending December 31, 2011, subject to review and approval of the Town Attorney.

“World Kidney Day” Resolution

To adopt the following resolution:

WHEREAS, kidney disease affects more than 26 million Americans, about one in nine adults, suffer from chronic kidney disease; and

WHEREAS, approximately 170,000 people in Western New York are afflicted and 170,000 undergo dialysis every day; and

WHEREAS, over 1,600 Western New Yorkers are on dialysis; and

WHEREAS, 500 Western New Yorkers are awaiting a kidney transplant; and

WHEREAS, the two main causes of chronic kidney disease are diabetes and high blood pressure, which are responsible for up to two-thirds of the cases; and

WHEREAS, the mission of the National Kidney Foundation of WNY is to prevent kidney and urinary tract diseases, improve the health and well-being of individuals and families affected by these diseases, and increase the availability of all organs for transplantation; and

WHEREAS, along with regular screening it is important for the public to know that with diet, exercise, lifestyle management and proper nutrition, the progression of chronic kidney disease can be slowed and may be stopped all together; and

WHEREAS, the cost of treatment for kidney disease patients is disproportionately higher than any other chronic disease; and

WHEREAS, most patients rely primarily on Medicare and Medicaid to cover the costs of life-sustaining care, including dialysis, medication laboratory testing, and transportation to facilities; and

WHEREAS, any changes in Medicare and Medicaid eligibility would put these patients significantly at risk.

NOW THEREFORE BE IT

RESOLVED, that March 10th, 2011 is recognized as “World Kidney Day” in the Town of Clarence and in the State of New York, in the hope that all possible support will continue to be extended to Chronic Kidney Disease patients in New York and throughout the country and the world.

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

Supervisor Bylewski said as per our practice, a motion passed at the morning work session of March 2, 2011 was for storm drainage pipe on Ledge Lane.

Supervisor Bylewski announced that Town Clerk Nancy Metzger was designated and honored to be the Erie County Town Clerk’s Association, Clerk of the Year.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to approve a Special Event Request for the Ride for Roswell to be held June 25, 2011 from 7:00 a.m. to 3:00 p.m. All appropriate agencies will be notified. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to approve a Special Event Request for the Memorial Day Parade to be held May 30, 2011 at 11:00 a.m. All appropriate agencies will be notified. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss announced that Linda Hirtreiter, Real Property Appraiser in the Assessor’s Office will be retiring effective May 31, 2011. He thanked Linda for the good job she has done over the years. We will miss her.

Motion by Councilman Weiss, seconded by Councilman Casilio to declare as surplus, some scrap metal and a keg cooler from the Legion Hall at the request of the Parks Department. On the question, Councilman Weiss said he has been notified that there may be a buyer for the keg cooler. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss said he was approached by a citizen who is interested in putting some Brook Trout in Ransom Creek. A fly fishing instructor from the school is going to try and obtain a permit from the DEC to do some stream improvement. He will keep everyone posted.

Councilman Weiss said he likes Andrea from the Bee and thinks she is the best writer we have had, but takes exception to the editorial today about the school superintendent. It says they deal with difficult situations and tragedies, but other people who deal with those types of things do not make that kind of money. Many people are making financial decisions without money to meet payroll.

He believes that we are making more out these superintendents than is necessary. A comment was made that they set the tone for the district. The greatest barometer for the success of children is the aspirations of the parents. There is a correlation with the social and economics of the people in the district and the achievement of the students.

Councilman Weiss said we just had the town engineer retire and did not give him \$10,000 to boost his retirement. He believes that there are a lot of people with managerial skills that work hard every day too.

Councilman Weiss said the Historical Society held a lecture last night on the Western New York Golden Age. He believes Alicia Braaten does a great job. He has joined this group and thoroughly enjoys the programs and the other members.

Councilman Kolber said he received a communication from Time Warner updating us on their ongoing station negotiations.

Councilman Kolber said there was a meeting last week on the proposed ice rink. He believes it is an exciting project, but wants to make sure that it is a tax neutral thing with no tax increase.

Motion by Councilman Casilio, seconded by Councilman Kolber to set a Bid Date for the Legion Hall Accessibility and Façade Improvements for March 30, 2011 at 10:00 a.m. in the Town Clerk’s Office. On the question, Councilman Casilio said we are doing a light remodeling

of the Legion Hall along with handicap access at the side of the building. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to set a Bid Date for the Installation of Solar Panels and Associated Equipment at the Senior Center for March 31, 2011 at 11:00 a.m. in the Town Clerk's Office. On the question, Councilman Casilio said these have to be solar panels made in the US and not from China as stated in the bid specs. It will be a seven-year payback for the Town funded portion of the project. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to set a Bid Date for the Installation of Solar Panels and Associated Equipment at the Library for March 31, 2011 at 10:00 a.m. in the Town Clerk's Office. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Casilio, seconded by Councilman Kolber to appoint Timothy Lavocat as Town Engineer effective March 27, 2011, at an annual salary of \$80,000.00, pending the retirement of Joseph Latona, PE. On the question, Councilman Casilio said the salary agreed upon is the result of looking at the existing list of salaries for engineers in other towns and private engineers. Councilman Kolber said Tim has worked in the department for a few years. They also interviewed other candidates, but he was clearly above the others in qualifications and the way he handled himself. Councilman Weiss said Tim did a great presentation and was the best candidate. Supervisor Bylewski echoes the comments and looks forward to working with him. Councilman DiCostanzo said he agrees, and looks forward to working with Tim, but as a CPA he believes he would have stayed for less money. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Casilio congratulated Town Clerk Nancy Metzger. It is nice to be recognized by your peers.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to appoint Gerald D. Shaffer, Jr. to the Historic Preservation Commission effective March 9, 2011 through December 31, 2014. On the question, Councilman DiCostanzo said this is to fill the vacancy left by the resignation of David LaDuca. Mr. Shaffer will fill the required spot of an architect. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo said the Youth Bureau had their first speaker for the 2011 series last Wednesday about bullying. The speaker Michael Nerney was very, very good. The next speaker is John Rosemond on April 12th. He encourages people to attend these very informative sessions.

Councilman DiCostanzo thanked Councilman Weiss for plugging the Historical Society. People should go and take their kids to the museum. There are so many interesting things on display.

Councilman DiCostanzo congratulated Town Clerk Nancy Metzger.

Tim Lavocat thanked the Town Board for the opportunity to be the Town Engineer and he looks forward to working with the Board and all of the department heads.

A Public Hearing was held to consider the request by Rock Oak LLC for a Special Exception Use Permit and Manufactured Housing Park License for proposed expansion at 9745 Main Street. James Callahan said the location is the south side of Main Street east of Gunnville Road in the Commercial Zone. The applicant is proposing a 72 +/- site expansion to the existing park. A Negative Declaration was issued by the Town Board on January 19, 2011. The Planning Board has forwarded a recommendation with conditions.

Supervisor Bylewski has received written comments from Ms. Callahan and she believes it is crazy to destroy the 50 ft. stand of trees and they are doing this essentially for the almighty buck. She claims to have been lied to about this area always being a dead end. She feels that a secondary access road could be placed in a different location.

Paul Stephen and Noel Dill were present. Mr. Dill said they believe that Ms. Callahan will benefit when this is done. He is sympathetic to her situation. They are responsive to

suggestions to be the least disruptive as possible. There are plans for a separate septic system. There will be a road to Main Street so that everyone has an alternate access.

Mr. Dill said they feel there is a need for this type of housing in the community. There is limited drain on existing infrastructure as this is a privately owned development.

Councilman DiCostanzo asked if he said the road would be paved prior to anyone moving into the development. Mr. Dill said yes, the construction road to Main Street will be paved before anyone moves in.

Councilman Casilio asked if they would be in agreement to limiting the times of construction. Mr. Dill said they do not have a problem with that.

Councilman Weiss asked if there is a plan to replace any of the trees that are being removed. Mr. Dill said as part of the development plan process the Landscape Committee will do a thorough review. They will provide screening for her.

Speaking to the subject:

Barbara Robida, vice president of ROHA said she is here to present petitions from the residents asking for a paved road before anything happens on the expansion. They said there would be a small paved area for model homes.

Councilman Kolber said it would be very difficult to have a paved road before the rest of the construction work is done. It would be all torn up. It is for construction vehicles and not for the residents to use at that point.

Ms. Robida said they realize that. He would have to redo it when he is done.

Councilman Weiss said the area is rock. It does not make sense to put it in, tear it all up and replace it.

Ms. Robida said they have discussed what happened in the past and what they had to live with during previous expansions with dirt and stones. Mr. Stephen said he would have every road paved before one person moves in. She would like the petitions as submitted stating that the road to Main Street be paved first.

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.

Noel Dill said they are proposing to pave all of the roads prior to any residents moving in. They will mitigate any issues with dust or other issues.

Paul Stephen said the previous expansion was done in phases, which is why there were problems. This expansion is going to be done in one phase. They only want to move the dirt once. The road will be used for construction first.

Michael Metzger, engineer said the State guidelines have changed to mandate dust control during construction with regular inspections being conducted. The inspectors are trained employees from his office for this project.

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 March 9, 2011, and after all interested parties being heard, grants a Special Exception Use Permit to the applicant, Rock Oak, for an expansion of the existing manufactured housing part to include 72+/- additional sites for manufactured homes with all required park amenities at 9745 Main Street subject to the following conditions:

1. Per final design as submitted by Metzger Civil Engineering dated January 21, 2011.
2. Subject to construction of a paved access road to Main Street for construction vehicles to reduce potential impacts to existing park residents and for required traffic distribution upon occupancy
3. The above mentioned access road to be open for general use and access prior to first home installation.
4. Approval of the on-site sanitary facility and permitting through NYSDEC.

5. Ensuring that specific techniques are utilized during construction activities to reduce dust and noise impacts to existing park residents.
6. Subject to appropriate fees.
7. Construction shall be limited to Monday through Friday from 7:00 a.m. to 7:00 p.m. and on Saturdays from 7:00 a.m. until 5:00 p.m.
8. No construction vehicles on existing park roads.

On the question, Tim Lavocat asked if this was coming back for development plan approval. James Callahan said yes.

Supervisor Bylewski said once the first home is installed, the access road would be open to the rest of the residents.

Paul Stephen said they are going to build everything out before any residents move in.

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

A Public Hearing was held to consider the request by K & A Ponds and Landscaping for a Temporary Conditional Permit for outdoor storage and operations for a landscape company at 8925 Sheridan Drive. James Callahan said the location is the south side of Sheridan Drive east of Shimerville Road in the Restricted Business Zone. The applicant is proposing to use a portion of the property to expand his landscaping business.

Allen Gozdalski and Michael Miranda were present. Mr. Gozdalski said they want to enter into a five-year lease with the option to buy to expand his business and share it with Mr. Miranda.

With no one 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 Weiss, seconded by Councilman Casilio to adopt the following resolution:

Be It Resolved, that the Clarence Town Board, after a public hearing duly held on March 9, 2011, and after all interested parties being heard, grants a Temporary Conditional Permit to the applicant, K & A Ponds and Landscaping, for outdoor storage and operations for an existing Landscape Company located at 8925 Sheridan Drive, subject to the following conditions:

1. The Temporary Conditional Permit shall be for a period of one year.
2. Appropriate screening of outdoor storage and landscaping in the front yard setback area.
3. Landscape Committee review and approval.

On the question, Councilman Kolber said the subject of screening was previously discussed.

Mr. Gozdalski said he was considering installing a fence from the storage building south along Shimerville. They will lose some of the screening because the trees are dead. It would just be a couple panels of fence. They want to block the trucks from view.

Councilman Kolber said he would like to see some softening from the vegetation.

Supervisor Bylewski suggested adding subject to review and approval by the Landscape Committee.

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

A Public Hearing was held to consider the request for a Temporary Conditional Permit for an automotive service use at 8925 Sheridan Drive. James Callahan the applicant is proposing to use the front building at this location for auto service.

Michael Miranda said they want to clean up the property eliminating exposure. He does need to widen the driveway and stone the rear area. There will be no vehicles on display. His proposed hours of operation are 7:00 a.m. to 6:00 p.m. Monday through Friday and Saturday from 8:00 a.m. to Noon.

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

Be It Resolved, that the Clarence Town Board, after a public hearing duly held on March 9, 2011, and after all interested parties being heard, grants a Temporary Conditional Permit to the applicant, Michael Miranda, for an automotive service center, subject to the following conditions:

1. The Temporary Conditional Permit shall be for a period of one year.
2. Paving and striping of front customer delivery area required for not more than six cars.
3. No more than 16 vehicles to be stored at any given time.
4. The hours of operation are to be from 7:00 a.m. and not later than 6:00 p.m. Monday through Friday and on Saturday from 8:00 a.m. to 12:00 p.m.
5. Display area as per plan on file in the Zoning and Planning Office.
6. No streamer/banners, open hoods with placards.

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

A Public Hearing was held to consider the purchase, by the Town of Clarence, of approximately 86.45 +/- acres of vacant land located at 5285 Harris Hill Road at a purchase price not to exceed \$825,000. James Callahan said the location is the northeast corner of Greiner Road and Harris Hill Road existing vacant land in the Residential Single Family Zone.

Nancy Smith of the Western New York Land Conservancy said this property ranked 63 for its natural features. Conservation values protected by the purchase of this property include water quality, wildlife habitat, open space and scenic vistas.

The ecosystem benefits include 19.5 acres of State wetlands and 8.8 acres of Federal wetlands on this property. The State Comptroller's Report dated March 2010 included the economic benefits of open space preservation. The report states that water preservation and stormwater control are very significant. In many instances it is less expensive for a community to maintain open space that naturally maintains water quality, reduces runoff or controls flooding than to use tax dollars for more costly engineered infrastructure projects. When this is overlooked, open space is considered an expense rather than an investment to mitigate property tax increases and land use decisions that do not accurately weigh costs and benefits.

Ms. Smith said the property has approximately 34 acres of woodlands benefitting wildlife habitat.

There is has 2,390 ft. of frontage with this property contributing to the scenic vista of an area that has seen significant development. It scored 8 out of 10 for urgency for protection. The property is not currently in a sewer district, but is adjacent to existing districts.

Councilman Weiss said this property fills the need for property in this area of the Town.

Councilman Casilio said we have been buying property in the northern portion that is considerably less than this property, but he feels this is valuable for the open space initiative. This parcel could be developed in the near future.

Councilman Kolber said this is a lot of money, but the developmental pressure is in this area. The frontage could be divided into 20 lots and then you lose the vista.

Supervisor Bylewski said it is a key view shed as you enter the Town from the west.

Speaking to the subject:

Arnold Castren said he appreciates the thought behind the land bank, but thinks that \$9,600 per acre for wetland is in excess. This is part of a 150+ acre parcel. It seems that the Town is paying twice the assessed value for property. He looked at the property and did some of his own math. He does not believe we have to have a must spend attitude and we are going down the wrong path.

Supervisor Bylewski said he disagrees about the assessed value. The assessor is brought into the process and an appraisal is obtained to come to a fair market value. There is the concern that we could be driving the market.

Councilman Casilio said we have had the same discussions. Once you start breaking the property up the value increases.

Mr. Castren said we are not developers and it will only cost us money from this point on.

Supervisor Bylewski said by preserving properties we are helping out with the infrastructure costs. The adjoining property values do increase.

Councilman Weiss said the people we are competing with is a builder or developer.

Mr. Castren said then why should we buy it.

Councilman Kolber said he first thought it was excessive also, but once it is gone we cannot go back later. We are doing what the people of the Town voted for in the referendum.

Terry Smith said he owns an adjacent property. He asked if this property will stay as it is or be developed for recreation. Councilman Casilio said it has to remain as is. Mr. Smith said the Eastern Hills Wesleyan Church purchased the property across the street and paid a lot more for it. This is a great deal. It would be great if an additional piece in this area could be incorporated. Supervisor Bylewski said if the owner is interested they should get in touch with Mr. Callahan.

Ron Johnson owns property adjacent and he fully supports the purchase by the Town. He believes it is what the open space initiative is all about. He asked if it would be restricted to hunting.

Town Attorney Steven Bengart said the law as it stands is to be 500 ft. from a home. The bonding requires that the land be used as it has been.

Councilman Weiss said we were going to revisit it if it becomes problematic.

Councilman Kolber said it will remain as it is.

Town Clerk Nancy Metzger said we do not have open land for hunting. It is based on landowner permission. The hunters would have had to have that permission.

Councilman Kolber said then if the Town owns it, it would open it up for hunting.

Supervisor Bylewski said the comment made by the Town Attorney is the comment we can state.

Joann Whitehead said she is adjacent to the portion of the parent parcel that is not being purchased and asked why.

Supervisor Bylewski said it was not offered by the landowner. There was a proposal for developing it that did not happen to this point.

Albert Nemmer asked why we would give up taxable frontage land along Greiner Road. There already is infrastructure in place to support it.

Councilman Kolber said it is view shed and keeping part of the Town as it is.

Mr. Nemmer said he does not think the most efficient expenditure of the money has been realized in the plan as it exists now.

Supervisor Bylewski said there are differences of opinion.

Councilman Weiss said residential is not always a positive.

Mr. Nemmer said there would still be frontage along Harris Hill Road. Greiner would be appropriate to use the frontage for residential development. He believes the price is too high.

Councilman Kolber said we are running out of land that maintains the character of the Town.

William Flaglor asked how this affects industrial property.

Supervisor Bylewski said industrial areas are zoned for that purpose. The greenprint program stays away from those areas.

Councilman Weiss said part of the selling of Clarence is the preservation of the vistas.

Peter Wolfe said he is a member of the Recreation Committee and they only buy property that is properly appraised. They have rejected property that they could not get for a reasonable price. In a lot of cases we have just purchased development rights. When you look at the entire map of what they have done he feels it is impressive. He is proud of what they have accomplished so far.

Bob Geiger said he is a member of the committee also. He appreciates all of the comments made by everyone tonight. There is other land in this area that is being developed. We are looking ahead to the future.

With no one else speaking to the subject, motion was made by Supervisor Bylewski, seconded by Councilman Casilio to close the Public Hearing. On the question, Councilman Casilio said the next time there is a presentation he would like a review of what the greenspace program is all about. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

RESOLVED, that after a public hearing duly held on March 9, 2011 and after all interested parties behind heard, the Clarence Town Board approves the purchase of approximately 86.45 +/- acres of vacant land located at 5285 Harris Hill Road in the Town of Clarence, Erie County, New York (portion of SBL No. 57.19-2.1) at a purchase price not to exceed \$825,000.00 plus any closing costs, processing costs, baseline studies, and any and all costs and disbursements for open space purposes. Funds to be allocated from the open space bond act resolution, general fund and recreation fees (if it is determined that any portion of this property will be used for recreation purposes).

RESOLVED, that the Supervisor, Scott Bylewski, be authorized to sign a conditional Contract subject to review and approval by the Town Attorney.

On the question, Councilman Kolber said it may look like a lot of money now, but down the road it will look like a bargain. It will be preserved in an area that will not look anything like it looks now.

Supervisor Bylewski said this is something that is not only preserved for us now, but the view shed for generations to come. It is not always easy to do, but given the finances at our disposal and the value we are getting for the property, it meets the goals of the greenprint program.

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

Autobahn Collision Shop requests approval for a Temporary Conditional Permit to relocate a collision shop to Main-Transit Plaza at 8200 Main Street. James Callahan said the location is the northeast corner of Main Street and Bryant & Stratton Way in an existing vacant space in the Main-Transit Plaza. The applicant is proposing to relocate an existing collision shop business to this location.

Bob Lamastra, president of Mercedes Benz, Gary Rasp, president of Autobon Auto Works and Chris Nichter, Nichter Construction were present.

Councilman Weiss said he had questions about the permits required. He suggested adding to condition #4, compliance with NYSDEC Codes. Tim Lavocat said there are stormwater requirements and new regulations in place. He will take a look at it.

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

WHEREAS, a public hearing was held at a duly convened meeting of the Clarence Town Board on January 19, 2011 to consider the request of the applicant for a Temporary Conditional Permit for an automotive collision shop at 8200 Main Street; and

WHEREAS, after closing the public hearing, the Clarence Town Board moved to refer the request to the Planning Board for further review of issues with the façade and drainage.

NOW, THEREFORE, BE IT

RESOLVED, that the Clarence Town Board grants and approves the request of the applicant, Autobahn Collision Shop, for a Temporary Conditional Permit for 8200 Main Street in a vacant store front in the Main-Transit Plaza subject to the following conditions:

1. Temporary Conditional Permit shall be for one year.
2. Per the submitted site plan as submitted by Metzger Civil Engineering dated 11/23/10.
3. Per the façade elevations and interior renovations as prepared and submitted by Louis Design Group dated 2/16/11.

4. Subject to appropriate building permits to ensure compliance with State Building and NYS DEC Codes for the interior renovations including paint booth, car wash bay and required oil separators, and other improvements.
5. Subject to Town Engineer review and approval of drainage impacts associated with the redevelopment.
6. Subject to review and approval by the Landscape Committee of the screening berm and other exterior site details.
7. Hours of operation are to be Monday through Friday from 7:00 a.m. to 5:00 p.m. and Saturday from 7:00 a.m. until 12:00 p.m.

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

Groundhog Landscaping requests Concept Approval for a new building at 8225 Transit Road. James Callahan said the location is the east side of Transit Road, south of Tonawanda Creek Road consisting of vacant land in the Restricted Business Zone and within the Density Flood Zone. The initial concept review is at the Town Board with formal review and approval by the Planning Board.

Robert Miller said he is proposing a 100' x 50' building.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to refer the request by Groundhog Landscaping for Concept Approval for a new building at 8225 Transit Road to the Planning Board. Upon roll call – Ayes: All; Noes: None. Motion carried.

Keith Albrecht re: Public water on Strickler Road. Mr. Albrecht said he lives on a dead end waterline. His neighbor Mark Porter is on a well and spent a lot of money on treating the water. He is looking for some help and guidance. Mr. Albrecht said he calls the water authority frequently to flush out the hydrant because he has low water pressure and bacteria buildup being on the dead end of the line. The water authority is willing to tie in from the bike path to his house but it would cost a substantial amount of money. It would help alleviate his issues and provide public water for his neighbor.

Tim Lavocat said it is under the jurisdiction of Erie County Water Authority. You cannot just go out with a backhoe and extend waterlines according to New York State Health laws. He will have to go through Erie County Water Authority. If there is a well issue, he should contact the Health Department.

Councilman Casilio said he should submit a letter regarding what it is he is looking for. As liaison to utilities, he would be willing to write a letter of support.

Motion by Councilman Weiss, seconded by Councilman Kolber to approve the following: Clubhouse Applications - A. Clarence HS Rifle Team – March 15, 2011; B. Youth Bureau – May 31, 2011; C. Youth Bureau/Recreation Dept. – Oct. 21 & 22 2011; D. Clarence HS Track Team – March 23, 2011; Legion Hall Applications – A. American Paving & Excavating – March 11, 2011; B. Ray & Carol Penhollow – March 27, 2011; C. Michael Puglisi – May 13, 2011; D. Jennifer Topp – May 15, 2011; E. Gillian Muraco – May 22, 2011; Park Pavilion Special Request – A. Cub Scout Pack 27 – May 14 & 15; Oct. 8 & 9, 2011; B. Youth Bureau/Recreation Dept. – Oct. 21 & 22, 2011. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio that after proper audit and review by the Town Board, the following bills of March 3, 2011 are approved for payment: General Fund - \$400,403.78; Highway Fund - \$53,233.98; Water District - \$1,614.39; Sewer Districts - \$862,752.57; Capital Fund - \$38,799.34 and Trust & Agency 205 - \$15.00 for a total amount of \$1,356,819.06. On the question, Supervisor Bylewski said the sewer payments represent payments to the capital fund for grant money. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, Supervisor Bylewski adjourned the meeting at 9:57 p.m. in memory of Frank Morabito and Erin Bigler.

Nancy C. Metzger, Town Clerk