

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, March 23, 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, Town Engineer Tim Lavocat and Director of Administration and Finance Pam Smith.

#### **Director of Community Development – James Callahan**

##### ***Public Hearings:***

Dave Sutton/Paul Bonito 9680 County Road

Applicant is proposing to lease the front portion of the new structure for an automotive repair operation. The proposed site is located on the north side of County Road, east of Goodrich Road in the recently approved building in the Industrial Business Park Zone.

Per the Zoning Law, an automotive repair facility will require a Temporary Conditional Permit as issued by the Town Board.

The Planning Board has forwarded a recommendation with the following conditions: 1) Outdoor storage of client vehicles limited to paved and striped surface 2) Hours of operation 7:00 AM – 6:00 PM M-S 3) No automotive sales/display in the front yard setback area

Rocco's Pizza 5433 Transit Road

Applicant is proposing outside dining for a restaurant along the front sidewalk entrance area. The proposed site is located on the east side of Transit Road, north of Greiner Road in existing restaurant space (former Buffalo Wild Wings) located in existing plaza in the Major Arterial Zone. Per the Zoning Law, the Town Board may consider outside dining via a Temporary Conditional Permit. A public hearing will be required to consider the outside dining.

West-Herr Toyota – Eastern Hills Mall 4545 Transit Road

Applicant is proposing to store vehicles in the rear parking area of the mall. The proposed site is located on the east side of Transit Road, south of Sheridan Drive at existing shopping mall located in the Major Arterial Zone. Per the Zoning Law, the Town Board may consider outdoor storage via a Temporary Conditional Permit. A public hearing will be required to consider the TCP. ***(Applicant asked to be removed from the agenda - there has been a change in plans as to the amount of inventory they may have).***

##### ***Formal Agenda items:***

Clarence Properties - 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 Calhoun 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.

Annual Renewal of Temporary Conditional Permits:

A Public Hearing will be set for April 27, 2011 @ 7:45PM for the annual renewal of Temporary Conditional Permits. There have been some complaints regarding Louie's Car Clinic, the applicant will be asked to be present at the public hearing.

**Work Session items for consideration April 13, 2011:**

William Richer III – west of 9950 County Road

Applicant is proposing a roadside food service trailer along County Road. The proposed site is located on the north side of County Road, west of Strickler Road on existing vacant land located in the Industrial Business Park Zone. Per the Zoning Law, the Town Board may consider the temporary use via a Temporary Conditional Permit. Operational details and parking issues need to be addressed.

GC Supply, Inc. – 9992 Main Street

Applicant is proposing to display golf carts in front of the store. The proposed site is located on the north side of Main Street, east of Kraus Road at existing vacant commercial building/property (former Ingalbe's Appliance store) located in the Commercial Zone. Per the Zoning Law, the Town Board may consider outdoor display via a Temporary Conditional Permit. Change in Use is subject to Planning Board approval.

Day in the Park

The Day in the Park Committee is requesting a Fireworks Display Permit for July 2, 2011 event.

**Supervisor Scott Bylewski**

Supervisor Bylewski will have a clarification to the March 9<sup>th</sup> Town Board minutes regarding Tim Lavocat's appointment – his term expires the end of this year because he is filling the position of Joseph Latona.

The annual election of PERMA Board of Directors is coming up; the same people are up for reelection, they have no opposition.

There are several outstanding Ethics' Disclosure Statements, the Town Board was asked to contact their committee appointments.

Supervisor Bylewski has not heard from or received any application from interested parties for appointment to the Environmental Management Council.

Parks Crew Chief Jim Burkard is requesting the ability to have texting on his town cell phone so he can receive fire calls, this service will cost an additional \$10 per month. Currently some building inspectors and the Disaster Coordinators have this service. Senior Building Inspector David Metzger stated that it is mainly used for incoming messages.

Supervisor Bylewski has a Special Event Request for the walk to benefit Huntington's disease at Meadow Lakes Park on September 24, 2011. They will utilize the bike path from Meadow Lakes Park to Heise Road and back.

Supervisor Bylewski has two items to discuss in Executive Session regarding the employment history of particular person(s) and collective negotiations.

**Consent Agenda items:**

- Authorize the Supervisor to sign the consent letter from Crown Castle to add T-Mobile as a co-locator on the cell tower located at 8490 County Road subject to Town Attorney review and approval
- Erie/Niagara Sunrise Exchange Club/National Exchange Club 100<sup>th</sup> Anniversary

**Councilman Joseph Weiss**

Councilman Weiss will comment on the work the Parks Department did remodeling the kitchen in the Legion Hall.

Councilman Weiss has information relative to fish restoration in Ransom Creek.

**Councilman Bernard Kolber**

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

**Councilman Patrick Casilio**

Councilman Casilio is following through and exchanging information with two people (Al Nemmer and Tim Harris) who have questions about our Green Print Program. Councilman Casilio has been working through the Town Attorney's office to obtain information for them.

Councilman Casilio has been following through with Keith Albrecht concerning his request for the installation of a water line from Memorial Park to his property on Strickler Road. Councilman Casilio reminded Mr. Albrecht that the town is not in the utility installation business. He will take the information to Erie County Water Authority to see what can be done but it is not our water system to begin with and we are not in the business of installing water lines or gas lines down the road.

Councilman Casilio will award the bid for the Miles Road Bridge replacement project to Union Concrete & Construction Corporation at their bid of \$698,812.

Councilman Casilio will make a motion regarding the sprinkler hookup at the Historical Museum.

Councilman Casilio has one item to discuss in Executive Session regarding collective negotiations. There is a tentative agreement with the Blue Collar Union.

**Councilman Peter DiCostanzo**

Councilman DiCostanzo commented on the March 2, 2011 Planning Board meeting regarding a proposed recreational facility at 5961 Goodrich Road. Councilman DiCostanzo commended Planning Board member George VanNest for his handling of the situation. Whether the project is a good mix for neighborhood or not, Councilman DiCostanzo felt the applicant should be given a chance. The proposed house has been vacant and in need of repair for several years and the applicant has put a lot of time and money into fixing it up.

Councilman DiCostanzo received an e-mail from someone who thought that because his house has Historic Preservation status, he was exempt from paying any school, county or town tax. Councilman DiCostanzo sent him a copy of the law indicating he would be entitled to a reimbursement for General Town and Highway Taxes.

Mr. Cimato and his engineer bought in plans for the proposed development on Greiner Road.

**Town Engineer Tim Lavocat**

Town Engineer Lavocat received two permit applications from Clarence Girls Softball for a storage building at Memorial Park and also the concession stand at Main Street Park. Mr. Lavocat is looking for direction from the Board as to whether or not he should be charging a permit fee. The Town Board agreed that no fees would be charged.

Councilman Kolber inquired as to the construction of the septic system for the concession stand at Main Street Park. Mr. Lavocat stated that he spoke to the Parks Department and they have indicated they do not want to construct the septic system. The Engineering Department would be willing to design it and get all approvals through the Health Department and give them the approved plan.

The RFP for the twin hockey rink is completed. It does not cost anything to send out the RFP and get the proposals in. Mr. Lavocat was very specific in the RFP that the applicant has to be qualified with past hockey rink experience. The Town Board agreed that the RFP should be sent out.

**Town Attorney Steven Bengart**

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

Motion by Supervisor Bylewski, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105(1) E of the Open Meetings Law to discuss collective negotiations pursuant to Article 14 of the Civil Service Law (the Taylor Law); 105(1) F the employment history of a particular person, the employment history of a particular corporation; 105(1) H the proposed acquisition of real property but only when publicity would substantially affect the value thereof. On the question, Steven Bengart, David Metzger, Brad Packard and Tim Lavocat 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 6:25 PM.

Darcy A. Snyder  
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman Casilio to adjourn the Executive Session at 7:31 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 23, 2011 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:36 P.M. Pledge to the flag was led by Councilman Joseph Weiss, followed by a prayer given by Ed Burkard, Trustee 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 March 2, 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 meeting held March 9, 2011. On the question, Supervisor Bylewski said an addition to page 63 to appoint Tim Lavocat as Town Engineer, is to complete the term to expire 12/31/2011. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

Cell Tower at 8490 County Road – Add Co-Locator

To authorize the Supervisor, Scott Bylewski, to sign the consent letter from Crown Castle to add T-Mobile as a co-locator on the cell tower located at 8490 County Road subject to Town Attorney review and approval.

Erie/Niagara Sunrise Exchange Club 100<sup>th</sup> Anniversary

WHEREAS, the National Exchange Club will be celebrating its 100<sup>th</sup> Anniversary of service to communities throughout the United States on March 27, 2011; and

WHEREAS, the Erie/Niagara Sunrise Exchange Club is the local chapter and one of over 700 Clubs with over 22,000 volunteer members that raises funds to be put back into the local communities to deserving clubs and organizations; and

WHEREAS, in 1979 the National Exchange Club adopted Child Abuse Prevention as its national project and has helped more than 140,000 children and 100,000 families eliminate child abuse in their daily lives; and

WHEREAS, Erie Niagara Sunrise Exchange Club has raised funds for local community service projects such as the beautification of highways, crime and fire prevention, cultural programs, service to senior citizens, youth projects, local Boys and Girls Clubs, the D.A.R.E. Program, the Salvation Army and to the Prevention of Child Abuse.

NOW, THEREFORE, BE IT

RESOLVED, that the Clarence Town Board recognizes and congratulates the Erie/Niagara Sunrise Exchange Club, its local members and the National Exchange Club on their 100<sup>th</sup> Anniversary of service to the local and national communities by proclaiming Sunday, March 27, 2011, as National Exchange Club Day in the Town of Clarence.

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

Supervisor Bylewski announced that those who are employees or serve on a committee or board in the Town, the annual ethics disclosure forms are due.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to approve a Special Event Request for the "Walk to Benefit Huntington's Disease" to be held September 24, 2011 from 8:00 a.m. to 5:00 p.m. at Meadowlakes Park. A walk will take place along the bike path from the park to Heise Road and back. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss said since becoming a councilman people always ask what the Parks Department does all winter. There are several internal improvements done during this time. Today we went to the Legion Hall to see the new kitchen they just finished. We have a lot of

talent in the Parks Department and the Highway Department. They also recently installed a waterline at Memorial Park. We are fortunate to have the craftsman that we do in the Town.

Councilman Weiss said there is a gentleman trying to get DEC permits to re-establish Ransom Creek as a trout stream. They are finding Brook Trout in some of our streams. It may become a reality to have a good fishery in this Town again.

The children's fishing derby is coming up next month at the Town Park.

Councilman Kolber announced that the Senior Center is celebrating their 30-year anniversary with the basket raffle and barbeque on April 2<sup>nd</sup>. Tickets are on sale.

The Senior Center offers many programs for anyone 55 years or older.

Councilman Kolber said he is looking at ways to address cyber security and internet fraud issues that are going on. Perhaps we could get something in the Town and the Senior Center.

Councilman Casilio said he is working with a few citizens on the greenprint initiatives. He is trying to clarify so they understand the decisions that have been made.

He is working with an individual on water service on Strickler Road. The Town is not in the utility business, but as liaison he will try to help our citizens if he can.

Motion by Councilman Casilio, seconded by Councilman Kolber to authorize Change Order No. 1 for Allied Fire Protection Systems, Inc. in the amount of \$670 for the fire department connection in the Historical Museum to be paid from Project No. 93. On the question, Councilman Casilio said this is to allow the fire companies to hook up to the water sprinkling system in the event that it was being used. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Casilio said he has talked to the County Engineering Department regarding the condition of Goodrich Road. It cannot be repaired easily because it could affect the floodplain in the northern end of Town. To do it properly would be a total rebuild of the road, which is cost prohibitive for the County. We are looking for less costly solutions.

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

Be it resolved that, the Town Board awards the bid for the Miles Road Bridge Replacement Project to Union Concrete and Construction Corp. of West Seneca, New York, being the lowest responsive bidder in the amount of \$698,812.00 to be funded under Project No. 95, and

Be it further resolved that the Supervisor is authorized to sign and enter into a contract with Union Concrete Construction Corp., subject to review and approval by the Town Attorney.

On the question, Councilman Kolber said this bid came in under budget.

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

Councilman DiCostanzo said we all get questions about things going on in Town and he is so surprised at the wrong information people pass around.

One such question was about the tax break on historical designations. A person gets relief on Town general and highway tax, not the county tax or special district taxes.

There is a lot of information available on our website about this and all kinds of other things.

Councilman DiCostanzo said the Youth Bureau is holding the next session in the speaker series on April 12<sup>th</sup> featuring John Rosemond. He will be talking about parenting. It is being held at the high school auditorium and is free.

Councilman DiCostanzo said the Chamber is sponsoring a dinner theater at Arrowhead golf course this Friday. Tickets are available through the Chamber.

Supervisor Bylewski thanked department heads present for attending.

A Public Hearing was held to consider a Temporary Conditional Permit for automotive repair facility at 9650 County Road. James Callahan said the location is the north side of County Road, east of Goodrich in the Industrial Business Park Zone. The Planning Board has approved

a concept plan for a new building at this location. The applicant would like to relocate an existing business to the new building.

Dave Sutton, architect and Paul Bonito, owner were present. Mr. Sutton said they have gone through all of procedures of the Planning Board. The number of vehicles on the site is limited to the number of parking spaces indicated on the submitted site plan. Mr. Sutton said there will be a split-faced stone on the lower portion of the office with windows and the warehouse will be standard pole barn construction with metal.

Speaking to the subject:

Richard Voelker asked what types of vehicles will be repaired; what type of fencing; will there be a berm; hours of operation; and what does a temporary permit mean. There is an old truck behind the existing business that has been there forever.

Lynn Hugenschmidt said her home is right behind this location. She has had issues in the past with them using the land for recreational purposes. A bullet came through their family room wall. She has young children and would like to know who will be employed there, hours of operation and what they will do about lighting for security. She does not want to see a junkyard. It may need to have a berm blocking the view. She is just concerned about what is going to go on with this expansion. She has not had any problems since and he said he would not shoot out there ever again.

Dave Sutton said the lighting would be low level directional lighting above every other overhead door on the east side of the building. They are not proposing any lighting at the back of the building.

This is not a collision shop so there will not be wrecked cars on the site. Cars will be coming and going for routine maintenance and repairs.

Mr. Sutton said they felt the distance from the neighbors on Martin Road would not require fencing or berms, but are not opposed if it is required. This is the first time it came up.

Mr. Bonito said he promised the neighbor that no guns of any kind would be fired on that property again.

Mr. Bonito brings in concrete fill on his adjacent property. James Callahan said he has a fill permit for that.

Councilman Kolber said a berm could be built to mitigate some of the view from the neighbors. Mr. Bonito said no one else along there has that.

Councilman Weiss said he would like to see a berm approved by the Landscape Committee. James Callahan said the Planning Board approved the building and a condition of that is Landscape Committee approval. This project is still going back for development plan approval.

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

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

Be It Resolved, that the Clarence Town Board, after a public hearing duly held on March 23, 2011, and after all interested parties being heard, grants a Temporary Conditional Permit to the applicants, David Sutton and Paul Bonito, for an automotive repair operation at 9680 County Road, subject to the following conditions:

1. The Temporary Conditional Permit shall be for a period of one year.
2. Outdoor storage of vehicles limited to paved and striped surface.
3. No more than 10 vehicles to be stored at any given time.
4. No automotive sales/display in the front yard setback area.
5. The hours of operation are to be from 7:00 a.m. and not later than 6:00 p.m. Monday through Friday and Saturday from 9:00 a.m. to 5:00 p.m.
6. No firearms on premises.
7. Landscape Committee to recommend horseshoe berm with other features.

Upon roll call – Ayes: Councilmembers DiCostanzo, Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Casilio (He has a business relationship with Mr. Caito). Motion carried.

A Public Hearing was held to consider the request by Rocco's Pizza for a Temporary Conditional Permit for outside dining at 5433 Transit Road. James Callahan said the location is the east side of Transit Road north of Greiner Road consisting of an existing restaurant.

Dave Sutton, architect said the applicant is located in the former Buffalo Wild Wings restaurant. They are proposing to use the sidewalk space in front of the business for a maximum of 20 seats with background dinner music. No live entertainment would be requested. Mr. Sutton said his client brought up the issue of the access to the adjoining plaza to the landlord, who said he would look into it.

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

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

Be It Resolved, that the Clarence Town Board, after a public hearing duly held on March 23, 2011, and after all interested parties being heard, grants a Temporary Conditional Permit to the applicant, Rocco's Pizza, for outside dining at 5433 Transit Road, subject to the following conditions:

1. The Temporary Conditional Permit shall be for a period of one year.
2. Outdoor seating not to exceed 5 tables or 20 seats.
3. No live entertainment and any allowable entertainment not permitted past 10:00 p.m.

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

A Public Hearing was held to consider the request by West Herr Automotive for a Temporary Conditional Permit for automotive storage at Eastern Hills Mall, 4545 Transit Road. James Callahan said they contacted him today stating that they are no longer pursuing the request at this time.

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

A Public Hearing was held to consider entering into a two-year contract with Clarence Center Volunteer Fire Company, Inc. for fire protection in the Town of Clarence for the years 2011 and 2012 in the amount of \$775,000 for each year.

Supervisor Bylewski said a budget hearing was held in October of last year, but they were unable to come to an agreement on a contract. Since that time there have been extensive negotiations that took place. They have come to an agreement for a two-year contract at the 2010 contract amount.

Councilman Weiss said he believes the firemen do a great job. He has no problem with funding the pensions or equipment needed for the safety of the firemen. He believes that they need to look at the expense of the buildings and apparatus. Churches are closing and people are having a hard time these days meeting expenses.

With no one else speaking to the subject, motion was made by Supervisor Bylewski, seconded by Councilman Kolber to close the Public Hearing. On the question, Supervisor Bylewski said by way of reference, all comments made at previous meetings are included as part of the record. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

RESOLVED, that after a public hearing duly held on March 23, 2011, and after all interested parties having been heard, the Clarence Town Board agrees to enter into a two-year

contract with the Clarence Center Volunteer Fire Company, Inc. for the years 2011 and 2012 in the amount of \$775,000 for each year.

Councilman Casilio said per the State Comptroller opinion, the State Attorney General opinion and a clarification from the Ethics Board that he received he will be voting on the budgets tonight.

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

A Public Hearing was held to consider entering into a two-year contract with Harris Hill Volunteer Fire Company, Inc. for fire protection in the Town of Clarence for the years 2011 and 2012 in the amount of \$715,855 for each year.

Councilman Weiss said the contract plus the other expenses ends up being over \$1 million. He also asked Councilman Casilio if he can vote on his own company contract.

Councilman Casilio said he is a volunteer fireman with Clarence Fire District No. 1, which does not have a contract with this Board. If it did, he would not vote on a contract for the company he is a member of.

Supervisor Bylewski said all comments made at prior hearings back to October 2010 are a part of this record.

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

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

RESOLVED, that after a public hearing duly held on March 23, 2011, and after all interested parties having been heard, the Clarence Town Board agrees to enter into a two-year contract with the Harris Hill Volunteer Fire Company, Inc. for the years 2011 and 2012 for the amount of \$715,855 for each year.

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

A Public Hearing was held to consider entering into a two-year contract with Swormville Fire Company, Inc. for fire protection in the Town of Clarence for the years 2011 and 2012 in the amount of \$212,849 for each year.

Supervisor Bylewski said all comments made at prior meetings back to October 2010 are a part of this record.

Speaking to the subject:

Steven Cohen, attorney for the fire company said he would like to respond to Councilman Weiss saying that he does not believe he has a complete understanding of the volunteer fire service. There is a very active mutual aid program between the companies. The buildings are multi-functional in that they are used for voting purposes, emergency shelters and rentals.

Councilman Weiss said none of the fire halls in this Town are available that he is aware of.

Mr. Cohen talked about the response time of the volunteers and the cost savings to the Town by having volunteer services.

Mr. Cohen said there are unfunded mandates for equipment and training that must be complied with.

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

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

RESOLVED, that after a public hearing duly held on March 23, 2011, and after all interested parties having been heard, the Clarence Town Board agrees to enter into a two-year contract with the Swormville Fire Company, Inc. for the years 2011 and 2012 for the amount of \$212,849 for each year.

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

A Public Hearing was held to consider entering into a two-year contract with Rapids Volunteer Fire Company, Inc. for fire protection in the Town of Clarence for the years 2011 and 2012 in the amount of \$40,500 for each year.

Supervisor Bylewski said all comments or statements made at previous meetings back to October of 2010 are incorporated as part of this record.

Steven Cohen, attorney for the company said he would like his comments for Swornville incorporated for Rapids also.

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

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

RESOLVED, that after a public hearing duly held on March 23, 2011, and after all interested parties having been heard, the Clarence Town Board agrees to enter into a two-year contract with the Rapids Volunteer Fire Company, Inc. for the years 2011 and 2012 for the amount of \$40,500 for each year.

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

Clarence Properties requests Preliminary Concept Review of a proposed commercial plaza at 6235 Goodrich Road. James Callahan said the location is the east side of Goodrich Road, north of the Peanut Line consisting of a restaurant in the Commercial Zone. The applicant is proposing an expansion to the current facility.

Ken Pearl, architect; Tim Smith and Rick Smith, owners of the property were present. Mr. Pearl said the project includes the new commercial structure to the north, a banquet room addition to the south side of the current building and a permanent roof over the front patio.

Supervisor Bylewski said as the gatekeeper, the Town Board will refer this project to the Planning Board. He asked James Callahan if it would come back.

James Callahan said it is within the size limitations of the Commercial Zone and would not require a special exception. Therefore, the Planning Board would have final approval.

Councilman Kolber asked about the façade materials. Mr. Pearl said it would be similar to what is there now. The idea is to carry a campus theme bringing it altogether. The windows would be the same with brick trim. They want it to look like an extension of what they have. Depending on the market, they are considering residential use of the second floor of the two-story section or additional office space.

Supervisor Bylewski said they would probably like to see something break up the long walls. Mr. Pearl said they have already begun discussion about that and the mechanicals on the roof.

James Callahan said if there is a multi-family component that would be subject to a special exception use permit issued by the Town Board.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to refer the request by Clarence Properties for Preliminary Concept Review of a proposed commercial plaza at 6235 Goodrich Road to the Planning Board. Upon roll call – Ayes: All; Noes: None. Motion carried.

Joseph Calhoon requests a Temporary Conditional Permit for an automotive detail shop at 8145 Sheridan Drive. James Callahan said the location is the south side of Sheridan Drive, east of the Eastern Hills Mall access road in the Commercial Zone.

Joseph Calhoon said he is operating the business now and is here to make the business legal.

Councilman Casilio said they do not want to see any retail sales. He will also be asked the hours of operation.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to set a Public Hearing for April 13, 2011 at 7:45 p.m. to consider a Temporary Conditional Permit for an automotive detail shop at 8145 Sheridan Drive. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to set a Public Hearing for April 27, 2011 at 7:45p.m. to consider renewal of the following Temporary Conditional Permits: a. Top Notch Automotive, 8355 Goodrich Road; b. Hoover Automotive, 8417 Transit Road; c. RJ's Automotive, 10187 Main Street; d. United Four Wheel Drive, 10187 Main Street; e. Ralph Graf Automotive, 9460 Tonawanda Creek Road; f. Calarco Landscaping, 8558 Stahley Road; g. Bakowski Landscaping, 5640 Davison Road; h. Gallagher Landscaping, 9780 Lapp Road; i. Zbrzezny Landscaping, 4951 Kraus Road; j. Hewson Tree Trimming, 9000 Lapp Road;

k. Farmer's Market, 10717 Main Street; l. Clarence Pizza, 6235 Goodrich Road; m. Bronisz Woodcutting, 4611 Shisler Road; n. Towne BMW/Mini, 8200-8230 Main Street; o. HD Video Café, 5445 Transit Road; p. The Pomegranate Café, 4125 Transit Road; q. Amherst TV, 8347 Sheridan Drive; r. Ruzzine's Rock Bottom, 6261 Transit Road; and s. Louie's Car Clinic, 9385 Main Street. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to approve the following: Clubhouse Applications - A. Clarence Baseball Association – April 10, 2011; B. Clarence Girl Scouts – April 23, 2011; C. Clarence Girl Scouts – May 22, 2011; D. Rotary Club of Clarence – June 4 & 5, 2011; E. Clarence Soccer Club – Sept. 30, 2011; Legion Hall Applications – A. Clarence Conservative Committee – March 30, 2011; B. Matthew Walline – April 3, 2011; C. Karen Irwin – April 9, 2011; D. Sandra Greco – Sept. 10, Nov. 12 & Dec. 3, 2011; E. Mary Trautwein – Dec. 7, 2011; Park Pavilion Special Requests – A. Rotary Club of Clarence – June 3 – 5, 2011; B. Molly Pitman – Sept. 24, 2011. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that after proper audit and review, the following bills of March 17, 2011 are approved for payment: General Fund - \$112,651.44; Highway Fund - \$92,126.55; Water District - \$35,845.91; Lighting Districts - \$807.54; Sewer Districts - \$300.00; Capital Fund - \$3,571.07; Trust and Agency 203 – 400.00 for a total amount of \$245,702.51. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:55 p.m. in honor and memory of Rick Martin.

Nancy C. Metzger  
Town Clerk