

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, September 8, 2010 at the Clarence Town Hall, One Town Place, Clarence, New York.

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

Director of Community Development – James Callahan

Formal Agenda items:

Stephen Development Inc. – Rock Oak Estates 10065 Main Street

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

J & R Products - John Roba 9660 County Road

Applicant is proposing an expansion of warehouse space to the rear (north side) of existing structure. The proposed site is located on the north side of County Road, east of Goodrich Road at existing light manufacturing/warehouse business located on 3+ acres in the Industrial Business Park Zone. Per the Zoning Law, the Town Board has authority to recommend approval of building permits in the Industrial Business Park Zone as to architectural style and functional plan. All setbacks are met in the Industrial Business Park Zone.

Waterford Village PURD – Renaldo Circle

Applicant is proposing to utilize the center of the traffic circle for a clubhouse/recreational amenity for the previously approved homeowners association. The proposed site is located on the north side of Roll Road between Shimerville Road and Thompson Road. Previously approved site plan for Waterford Estates and Commons consisting of a traffic circle. The Town Board has accepted the road for dedication identifying the interior island as an exception parcel. Per the Zoning Law, the Town Board must approve modification to the PURD and the addition of a clubhouse and recreation amenity within the circle is a change. The Planning Board has forwarded a recommendation with the following conditions: 1) Applicant is responsible for development of all facilities on private land per approved design. 2) Landscape Committee review and approval of the detailed landscaping on the project. 3) Maintenance of the amenities within the circle must be the responsibility of the approved homeowners association. 4) Building permits are required to ensure code compliance for public assembly as well as grading and drainage of the proposed structures.

Master Plan 2015 Amendment – Planning Process

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

Work Session items for consideration September 22, 2010:

Honey Lucciano 10645 Cedar Road

Applicant is proposing an in-law apartment as an addition to the existing single-family home located on the south side of Cedar Road, east of Salt Road in the Agriculture Flood Zone. Per the Zoning Law, the Town Board may consider secondary living units via a Special Exception Use Permit. A Public Hearing will be required.

Wood Meadows Estates – 8595 Tonawanda Creek Road

Applicant is proposing a 4-lot Open Development Area located on the south side of Tonawanda Creek Road, west of Northfield Road on existing vacant land consisting of 46+/- acres in the Agriculture Flood Zone. The Planning Board has forwarded a recommendation with conditions.

Waterford Planned Unit Residential Development – Final Plat Approval for Dana Marie Pkwy.

Applicant is seeking Final Plat Approval for the remaining section of Dana Marie Parkway with no additional residential building lots. The proposed site is located on the north side of Roll Road between Shimerville Road and Thompson Roads. The Site Plan was previously approved for development of a public road to service the PURD. The Town Board has final authority to accept infrastructure for public dedication.

Supervisor Scott Bylewski

As a cost saving measure, Supervisor Bylewski reminded the Board that if they have a question with an outside consultant, they should talk to the Department Head first to see if the issue can be resolved.

The number of inspections for places of public assembly was down in August. This was due to vacations, training seminars and preparation for the Clarence Hollow meeting as it relates to some of the distressed properties. The number of inspections will increase in the coming weeks.

The WNED “Our Town” preview was held in the Clubhouse last night. Clarence Bee Editor Andrea Kimbriel did an excellent presentation on the Eshelman building. The public airing is scheduled for September 25, 2010 at 6:30 PM.

Supervisor Bylewski has been in discussion with Hearts and Hands relative to use of the former Water Department Building. Town Attorney Bengart is working on a lease agreement.

The Town of Clarence was not selected for the NY Main Street Grant Project however; we have been encouraged to apply again.

The recent USDA Audit was for loans that were incurred by the former Water Department Water District from 1978 to 1985. We were supposed to be audited on a regular basis however we were not. The auditors have informed Supervisor Bylewski that the town is in complete compliance.

There is an opening for a Crossing Guard RPT. Edward Hemline in retiring, he has served as crossing guard from 1992 to present.

At the August 25th 2010 Town Board meeting, approval was given for a Charity 5K Run/Walk in the Clarence Center area along the Goodrich Road to the bike path, south on Kraus Road and back along Clarence Center Road. The applicant changed the route and will not be using the bike path.

Supervisor Bylewski will set the public hearing for the Community Development Block Grant for October 13, 2010 at 7:45 PM.

Supervisor Bylewski has one item to discuss in Executive Session regarding the employment history of individuals as well as an Attorney – Client item to discuss.

Councilman Joseph Weiss

Erie County Water Authority will no longer be mailing post cards to their customers, they will send out an Erie County Water Authority employee using a hand held device to do the readings. Councilman Weiss questioned the accuracy and the cost of having someone go door to door vs. mailing the post card.

Councilman Weiss received information from Animal Control Officer Jerry Schuler regarding the expansion of the kennel. He has received one contract so far. Supervisor Bylewski stated that he has had a conversation with Town Clerk Nancy Metzger and now that we have begun the process with the Town of Tonawanda, there are some areas of discussion that have to take place.

Councilman Bernard Kolber

Councilman Kolber has received correspondence from Time Warner and has two items to discuss in Executive Session regarding the history of a corporation.

Councilman Kolber will forward the information he obtained relative to refurbishing the town pool to Town Engineer Latona.

Councilman Patrick Casilio

The Clarence Hollow Association met last Thursday with representatives from Code Enforcement. Senior Building Inspector David Metzger and David Burke gave an update on thirty-one structures that are in violation. Twenty – nine letters were mailed to those who were not in compliance. Councilman Weiss offered to put up \$10,000 and put the word out to nine other businessmen to do the same in order to purchase the former church and turn it into a theater similar to the Lancaster Opera House.

Councilman Casilio will make a motion relative to the town owned property at 10365/10375 Main Street which contains numerous trees growing upon the land, many of which were planted for resale by the prior owner. The trees will be declared as surplus and may be disposed of at the Town's discretion subject to the Landscape and Tree Conservation Local Law and accordingly as set forth by any state of local laws and/or rules and regulations.

Councilman Casilio has one Attorney-Client item to discuss relative to parking along Harris Hill room.

Councilman Peter DiCostanzo

The Youth Bureau has recommended the appointment of three student members to the board. Three other members are requesting reappointment to the board.

Councilman DiCostanzo will appoint Daniel Gamin to the Historic Preservation Commission at the September 22nd Town Board meeting.

Swormville, Rapids and East Amherst Fire Companies have turned in their financial information. Supervisor Bylewski received a request from Swormville VFC to be scheduled for a Work Session agenda to discuss their budget.

Councilman DiCostanzo will make a motion authorizing the Supervisor to enter into a contract between the Town of Clarence and GAR Associates, Inc. to provide professional appraisal and consulting services for the purpose of annual reassessment support per the terms and conditions of the contract and addendums subject to review and approval by the Town Attorney. Councilman DiCostanzo spoke with Town Attorney Bengart and Town Assessor Christine Fusco and they clarified some items with GAR.

The Chamber of Commerce is hosting a Legislative Breakfast at 8:30 AM on Saturday, September 11th at the Library.

Assistant Town Engineer Time Lavocat

Mr. Lavocat gave an update on the solar projects; he is finalizing the contracts with NYCIRDA. Town Attorney Bengart and Mr. Lavocat are trying to schedule a conference call with the legal department at NYCIRDA for next week.

Planning Board Chairman – Al Schultz

Several things that were discussed at the June 30th meeting were about some adjustments to the planning process inside of our current law and inside current procedures. Mr. Schultz felt that the process has to be changed in order to save time on each project however, they are improving the quality of the work they are doing. The Town Engineer and Highway Superintendent Donner have been involved and the applicants participate fully. They are getting a much better early review of the project even before the Planning Board members and the Town Board review it.

Senior Building Inspector David Metzger

Dave Metzger sent an e-mail regarding the fire damaged house at 8320 Clarence Center Road. A meeting is scheduled next week with the homeowner.

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(s) and the employment history of a corporation. On the question, James Callahan, Brad Packard and Deputy Town Attorney David Donohue 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 6:50 PM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman Kolber to adjourn the Executive Session at 7:19 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, September 8, 2010 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:32 P.M. Pledge to the flag was led by Councilman Joseph Weiss, followed by a prayer given by The Reverend Vicki Zust of St. Paul's Episcopal 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, Deputy Town Attorney David Donahue, Asst. Town Engineer Tim Lavocat, Sr. Building Inspector David Metzger, Planner Brad Packard and Planning Board Chairman Al Schultz.

Motion by Councilman Weiss, seconded by Councilman Casilio to accept the minutes of the previous meeting held August 25, 2010. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio to accept the minutes of the previous meeting held September 1, 2010. Upon roll call – Ayes: Councilmembers DiCostanzo, Casilio, Kolber and Supervisor Bylewski; Noes: None. Recuse: Councilman Weiss. (He was not present.) Motion carried.

Supervisor Bylewski said that, as is our past practice to report motions made at the morning work sessions, a motion was made September 1st granting permission for Assessor Christine Fusco to attend NYS Assessor's Association Conference in Lake Placid at the end of September.

Supervisor Bylewski announced that WNET "Our Town" is scheduled for Saturday, September 25th at 6:30 p.m. There is information on our website to link to more information.

Supervisor Bylewski reported that the Town had taken loans through the United States Dept. of Agriculture back in 1978 and 1985. Those loans are almost paid off to pay for the old water department and water district. A regular review is supposed to be conducted. Upon the review for compliance with the civil rights, it was determined that we are in compliance. It stated that the town hall was well kept and all UFAS requirements are done. The Town deserves a gold star.

Supervisor Bylewski announced that there is an opening for a crossing guard RPT. Anyone interested should apply.

Ed Hemline is retiring from the position of crossing guard which he has held since 1992. We thank him for his years of service.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to amend the Charity 5K Run/Walk to be held October 30, 2010 from 10:00 a.m. to 12:00 noon with a new route beginning on Old Goodrich Road, Roll Road to Thompson Road to Clarence Center Road to Goodrich Road with no use of the bike path. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to set the Annual Public Hearing for the Community Development Block Grant to be held on October 13, 2010 at 7:45 p.m. at the Clarence Town Hall 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 of Clarence. On the question, Supervisor Bylewski said we did receive an award last year to make some ADA improvements to the Legion Hall. We also have Rural Transit Service in the Town. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman Weiss did not have a report.

Councilman Kolber received a communication from Time Warner regarding renegotiations with channels and moving things around. If customers are not happy about what they are doing, they should write to them.

Councilman Casilio met with the Hollow Association Board of Directors along with David Metzger and David Burke from the Building Department to review 29 distressed properties in the Hollow and what is being done. Another batch of letters will be going out regarding problems that need to be corrected.

Councilman Casilio said he is working on a few traffic issues that he hopes to have resolved soon.

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

WHEREAS, the Town of Clarence has purchased land located at 10375 Main Street and the rear portion of 10365 Main Street which properties contain numerous trees growing upon the land, many of which were planted for resale by the prior owner; and

WHEREAS, the Town of Clarence now wishes to utilize the above properties for potential, as yet unknown, uses to include, but not be limited to, sports fields, parking and groves; and

WHEREAS, these may impede the aforementioned potential uses; and

WHEREAS, the Town of Clarence may wish to utilize some trees but not others; and

NOW, THEREFORE, BE IT HEREBY

RESOLVED, by the Clarence Town Board that all such trees, as the Town of Clarence shall so choose, shall be declared as surplus and may be disposed of hereinafter at the Town's discretion subject to the Landscape and Tree Conservation Local Law and accordingly as set forth by any state or local laws and/or rules and regulations.

On the question, Councilman Kolber said this property was used to grow and sell trees and it has become over crowded.

Councilman Weiss added that the late John Kreitner who owned the property was once the head of the National Christmas Tree Growers Association. He was a well respected guy.

Councilman Casilio said Councilman Weiss is also very knowledgeable about trees. He hopes that many of the trees can be used on other Town properties.

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

Supervisor Bylewski said in regard to the Clarence Hollow, we were not successful with our application for the New York Main Street Grant Program. We were encouraged to try again should the funding become available.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to appoint the following as student members to the Youth Board for a term ending June 30, 2011: Adam Singh, Simona Reddien and Julia Marfurt; and re-appoint the following to the Youth Board for a term ending June 30, 2011: Connie Fan, Shaya Sessler and Tara Cornell. Upon roll call – Ayes: All; Noes: None. Motion carried.

Councilman DiCostanzo said he will appoint Dan Gamin to the Historic Preservation Commission at the next meeting.

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

RESOLVED, that the Clarence Town Board authorizes the Supervisor to enter into contract between the Town of Clarence and GAR Associates, Inc. for Professional Services to provide professional appraisal and consulting services for the purpose of annual reassessment support per the terms and conditions of the Contract and addendums subject to review and approval by the Town Attorney.

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

Councilman DiCostanzo announced that the Clarence Chamber of Commerce is hosting a Legislative Breakfast on Saturday, September 11th at 8:30 a.m. at the Clarence Library for a cost of \$5. Supervisor Bylewski, Councilman Casilio, Senator Ranzenhofer and Assemblywoman Jane Corwin among others will be there to answer any questions.

Councilman Kolber congratulated the Gamins on their blue ribbon winning apples at the Erie County Fair again this year.

Town Clerk Nancy Metzger announced that the school tax bills will be going out next week.

Supervisor Bylewski thanked all department heads present for attending.

Stephen Development Inc. requests Preliminary Concept Review of a proposed expansion to Rock Oak Estates manufactured housing park plus commercial and high density residential uses at 10065 Main Street. James Callahan said the location is the south side of Main Street, opposite and to the west of Kraus Road in the Commercial Zone.

Noel Dill and Paul Stephen of Stephen Development and Mike Metzger of Metzger Civil Engineering were present. Noel Dill said the project includes bigger lot sizes to meet the market need of providing a two-car garage while offering affordable housing. It will be designated as a 55+ community. They know that Rock Oak West has little impact on the school district. They propose first floor commercial use along Main Street with second floor residential units. All roads would be private. They would add additional two-bedroom town homes to the existing units. Mr. Dill said they are following the Master Plan by providing a mixed use project. They believe they are preserving the character of the Town by improving this area of Main Street and by keeping senior residents in the Town. They believe the community is its people.

Supervisor Bylewski said he would like to see the fiscal impact data examined and brought forward. The other issue is how the sanitary sewer is going to be handled.

Mike Metzger said often times the sewage treatment facility is designed to handle much more than is actually used. They are going to examine the existing plant flows to see if they could use the existing facility. If it is determined that there is not enough capacity, they will be looking at an onsite system. They have left space in the proposed plan for that purpose.

Supervisor Bylewski said based on the proposed review process amendment by the Planning Board, what would happen with this project.

James Callahan said the Manufactured Housing Park local law and the Zoning Law which would be the guide for this project are both the purview of the Town Board.

Councilman Weiss asked about the status of the old train shop on the property.

Mr. Stephen said the gentleman who lives there is slowly moving out. He has also been ill. They have cleaned up the outside the best they could for now. It will be taken down when he is out of the home. It could be up to a year, but it will be addressed.

Councilman Kolber commended them with what they have done at Rock Oak. He has a few concerns, one being the old houses along Main Street.

Noel Dill said they plan to remove the former Attea house for the mixed use commercial/residential portion of the project.

Councilman Bylewski said we have received requests for a business incubation area. There is a market for it.

Councilman Kolber said our Master Plan says that we should guide high density residential toward sewered areas.

Noel Dill said their flows are less than half of the design flows. Generally, the residents who live there do not have pools, less people so less laundry, etc. The systems are designed to handle much more than is actually used. They believe they have capacity, but that will all be examined.

Mike Metzger said they have no intention of abandoning the current system. It is a well functioning system and the first choice is to use it if possible.

Supervisor Bylewski said two other items to consider in the project are bike path access and a stone wall feature.

Noel Dill said they are happy to discuss those items and find out where the best access points should be.

Councilman DiCostanzo asked about catering to seniors.

Mr. Dill said they are confident about where their market is. They receive inquiries every day, but they would like two-car garages. They have amenities and programs geared to that population. They have a designation of 55+.

Councilman Casilio said we have had several requests for a traffic light at Kraus Road.

Mr. Dill said they have talked to the State about that and up to this point they did not warrant a light. They will continue to talk to them.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to refer the request for Preliminary Concept Review of a proposed expansion to Rock Oak Estates manufactured

housing park plus commercial and high density residential uses at 10065 Main Street to the Planning Board. On the question, Supervisor Bylewski said as guidance for the Planning Board, they can take all of the comments that were made tonight. Upon roll call – Ayes: All; Noes: None. Motion carried.

JR Products requests a Building Permit and Architectural Approval for an addition to existing Industrial Business Park business at 9680 County Road. James Callahan said the location is the north side of County Road, east of Goodrich Road consisting of an existing business.

John Roba, owner and Douglas Klotzbach of K2R Architects were present. Mr. Klotzbach said it is exciting to have expansion of a current business in the Town. They will carry on the same architecture and materials that are already there.

Supervisor Bylewski said this is the same project before the IDA, pending what happens here.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio that pursuant to Article 8 of the Environmental Conservation Law, and upon the recommendation of the Town of Clarence Planning Department under the State Environmental Quality Review Act (SEQRA), the Clarence Town Board issues a Negative Declaration on the proposed JR Products building expansion located at 9680 County Road. This Unlisted Action involves the construction of a 4,968+/- square foot addition to the existing manufacturing/warehouse operation in the Industrial Business Park Zone. After thorough review of the submitted site plan and Environmental Assessment Form (EAF) by the Town Board, it is determined that the proposed action is consistent with Master Plan 2015 and local land use regulations and will not have a significant impact upon the environment. On the question, Supervisor Bylewski said in regard to the Master Plan amendments, a TEQR resolution would also have to be made. He asked what would happen with this project under the recommendations. James Callahan said the Planning Board could take care of the environmental review and the approval of the expansion. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

RESOLVED, that the Clarence Town Board grants Architectural Approval for an expansion of warehouse space to the rear (north side) of the existing structure located at 9680 County Road in the Industrial Business Park Zone subject to the following conditions:

1. Appropriate Fees.
2. Landscape Committee review and approval.

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

Waterford Village Planned Unit Residential Development (PURD) requests an Amendment to the PURD to allow a community center within the existing traffic circle at Renaldo Circle. James Callahan said this is a dedicated traffic circle located within Waterford Village. The applicant proposes to utilize the interior portion of the circle for a community center. The Planning Board has made a recommendation with conditions.

Sean Hopkins, attorney, Kevin Curry, developer and Mike Metzger, engineer were all present. Mr. Hopkins said they have worked very diligently with the Planning Board. The proposed building is approximately 2,000 sq. ft. along with a tennis court and sidewalk around the perimeter with landscaping. They hired a traffic consultant to help with the design. The circle will be one-way traffic allowing for enough space for people getting out of their vehicles. The streets leading into the circle will have stop signs. They feel it will be a great amenity to this development. Handicap parking will be at the front of the building. The tennis court will be at grade level. The community center will be owned and operated by the homeowners association. The Planning Board felt hours of operation and things of that nature are best left up to the association.

Supervisor Bylewski asked how this project would be handled by the Planning Board recommendation.

James Callahan said that because it is a PURD, it would be the purview of the Town Board. PURDs have been eliminated from the Master Plan. Any amendments to any existing PURDs would be handled by the Town Board.

Kevin Curry said the building will have a combination of stone and siding.

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

RESOLVED, that the Clarence Town Board approves the request of the applicant for a modification to the Waterford Village PURD amending the previously approved site plan and the addition of a clubhouse and recreation amenity within Renaldo Circle subject to the following conditions:

1. Applicant is responsible for pavement markings and signs per approval of the Highway Superintendent.
2. Applicant is responsible for development of all facilities on private land per approved design.
3. Landscape Committee review and approval of the detailed landscaping on the project.
4. Maintenance of the amenities within the circle must be the responsibility of the approved Homeowner's Association.
5. Building permits are required ensure code compliance for public assembly as well as grading and drainage of the proposed structures.

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

Master Plan 2015 Amendment – Consideration of proposed amendments to the Site Plan Review Process as forwarded by the Town Planning Board. James Callahan said that as part of the annual review of Master Plan 2015, the Town Board referred the analysis of the Site Plan Review Process to the Planning Board for recommendation. Upon numerous meetings, the Planning Board has forwarded recommendations for Town Board consideration.

Al Schultz, Planning Board Chairman said the recommendations were made at their meeting of August 18, 2010 with the details forwarded to the Town Board. One of the key issues is that the Town Board continues to have authority over land use issues. They establish the master plan, the zoning and define what is or is not allowed in the various zones. The Town Board still responds to citizen concerns by reviewing and revising codes. Some situations such as open space design which represents zones within zones would be under Town Board review. The Town Board could continue to refer projects to the Planning Board to flush out the details and make a recommendation.

The Planning Board would have approval authority for projects that are allowed and consistent with Town Code. They would review applications and address resident concerns that are all within the codes. They do not have authority to modify the codes.

Mr. Schultz said this was triggered by a Six Sigma project that Mr. Callahan did. It comes down to the need for the Town Board to be responsive to the residents. They believe that if the Town Board is free from these types of deliberations, it gives them time to deal with the legislative issues. The Planning Board has a narrower focus. They look at land use only and how it meets the code. The land use training they take is very intense on how to follow and enforce land use codes.

This proposal would eliminate waste by providing a more efficient, effective and less costly process. They believe it is a good thing to do and nobody gives up anything.

Mr. Schultz said they also looked at how to handle environmental regulations. SEQRA is established by New York State to provide information for projects. It tells you exactly what to do. The forms and actual recommendation is done by the Planning and Zoning Office. The TEQR Committee reviews the file and does a site review. The Planning Board does the same. They also take SEQR training. Three of the six members of the Planning Board also served on the TEQR Committee. They would have the opportunity to have two more members who are currently on the TEQR Committee. It would simplify and clarify the process. The time would be spent going through the analysis rather than waiting for meetings.

Mr. Schultz said they are seeking approval to proceed to identify the specific code changes that would be required to make these changes.

Supervisor Bylewski said the third recommendation was to bring the Planning Board up to a seven member board. He spoke with many people, other towns and researched this proposal. He feels more comfortable with the proposal and is willing to move forward. He asked that any further study would include a seven member board and two alternates. He thanked the Planning Department and the Planning Board for the work they have done on this.

Mr. Schultz said as they went through what changes would have to be made and what they could free up from the Town Board, it made sense. It is enthusiastically supported by all of the members.

Councilman Weiss said he highly endorses all three proposals. He believes it is great streamlining. The members go through the training. It eliminates redundancies of both boards. They have a much better feel of the projects. Mr. Callahan does a great thumbnail presentation for the Town Board meetings but, they do not see the projects through the entire process.

Supervisor Bylewski said he does attend the training and it is beneficial. In looking at each project over the past few meetings, six out of ten projects would still come before the Town Board.

Councilman Kolber said he believes we have a tremendous Planning Board. They almost always agree with their recommendations and rarely modify them. As elected representatives, they are responsible to the residents of the Town. One issue he has had was the proposal for Wegmans. The Town Board referred it to the Planning Board and it died. It was referred again and specifically requested to be forwarded to TEQR and it was not done. In his opinion, the Planning Board did not like the project and did not forward it. He believes that is in the face of trying to give a project a fair hearing. The Town Board meetings are not that long. If the Town Board does not agree with a recommendation, they get all mad. He thinks that a project referred by the elected board of the town should be reviewed.

Councilman Weiss said this streamlines the process. Some members ask questions after the presentations have been reviewed and described.

Mr. Schultz said Councilman Weiss was at the meetings when this was being debated and discussed. He has a good understanding of what they are trying to do. When you say the Planning Board gets in a snit over something the Town Board did not agree on is dead wrong. He has never felt this way. If Councilman Kolber wanted Wegmans, the Town Board has the authority to change the Master Plan.

Councilman Weiss said he wanted Wegmans, but he feels it went through the process.

Councilman Kolber said he does not know how he would have voted but thought it should have gone through the review.

Supervisor Bylewski said there was an interpretation that it was referred to TEQR under a prior review. There is a process for everything and actions do occur. He is proposing to move the recommendations on for further review.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to refer the amendments to Master Plan 2015 to consolidate TEQR into the Planning Board and allow the Planning Board to have two alternates; review process as set forth in the recommendation to expand Planning Board authority to include final approval for land uses that do not require variances under or changes in laws or codes. The expansion includes a detailed list of five items that would remain in their authority. The Planning Board should proceed with studying the exact laws that would need to be changed, the proposed amendments that would have to occur and the environmental review that needs to be conducted. On the question, Councilman Weiss said it sounds like the legal reviews.

Supervisor Bylewski said there are also some processing issues that need to be addressed. It is continuing on.

Councilman Casilio said he is in favor of streamlining the process. He still feels that as an elected official he should be looking at a project at the beginning and at the end. At this level of government the public has the opportunity to address issues right here and in the voting machine. He believes if it means making the process better than it warrants further review.

Councilman Weiss asked how many council members go to the Planning Office to review projects. The Planning Board and Planning Office take the training, analyze and review every project thoroughly. That is why he believes it should go forward. The reality is there are

28,000 people in the Town. Most of the people here tonight are here because they have a project.

Councilman DiCostanzo asked about a project, with no real issues and the applicant was willing to do anything requested, and how long it would take before it was approved. Mr. Callahan said it takes 8 to 9 months. He is all for it.

Supervisor Bylewski said he believes it should be the most effective process that it can be.

Councilman Casilio said he still questions the size of the Planning Board. The trend is to downsize.

Mr. Schultz said his idea is to leave it as it is. It works ok with 5 or 7. It is not a simple issue. It should be looked at seriously.

Councilman Casilio said there was a project in Harris Hill that did not move forward a few years ago. He would like to know how that type of project would be handled in the future.

Upon roll call – Ayes: Councilmembers DiCostanzo, Casilio, Weiss and Supervisor Bylewski; Noes: Councilman Kolber. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio to approve the following: Clubhouse Applications - A. Dawn Kinney – Sept. 23, 2010; Legion Hall Applications – A. Christopher Lavocat – Sept. 10, 2010; B. Katie LaFratta – Sept. 26, 2010; C. Debbie Singer – Oct. 2, 2010; and D. Kari Klentos – Jan. 15, 2011. 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 September 2, 2010: General Fund - \$114,639.79; Highway Fund - \$43,854.10; Water District - \$386.00; Drainage District - \$2,686.50; Sewer District - \$190.75; Capital Fund – \$1,180.00; and Trust and Agency 203 - \$3,000.00 for a total amount of \$165,937.14. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, Supervisor Bylewski adjourned the meeting at 9:05 p.m. in memory and honor of Glen Kelkenberg who was a Highway Department employee for approximately 30 years.

Nancy C. Metzger
Town Clerk