

A Work Session of the Town Board of the Town of Clarence was held on Wednesday, February 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 Patrick Casilio, Bernard Kolber and Joseph Weiss. Councilman DiCostanzo was absent. Other Town officials present were Director of Community Development James Callahan, Planner Brad Packard, Senior Building Inspector David Metzger, Director of Administration and Finance Pam Smith, Assistant Town Engineer Tim Lavocat and Secretary to the Supervisor Karen Jurek.

Supervisor Bylewski announced that Councilman DiCostanzo is on his way back from the Association of Towns Annual meeting in NYC and Town Attorney Bengart has a family matter to attend to, hopefully he will be here before the regular meeting.

Director of Community Development – James Callahan

Public Hearings:

Annual public hearing on Master Plan 2015.

Town Board agenda items:

Frank Giumpa 10060 Main Street

Applicant is proposing to construct a new office building and relocate his insurance office to this new facility. The proposed site is located on the north side of Main Street, west of Pine Ledge Drive on existing vacant land located in the Commercial Zone. Per the Zoning Law, new proposals are initiated at the Town Board level for review and referral for formal review and approval by the Planning Board. A variance will be required for a side yard setback separation to adjoining residential use to the west.

Paul Bonito 9680 County Road

Applicant is proposing to construct a new industrial building and 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 on existing vacant land located in the Industrial Business Park Zone.

Per the Zoning Law, the initial concept review is initiated at the Town Board level. The use of a portion of the new construction as an automotive repair facility will require a Special Exception Use Permit as issued by the Town Board.

Referral to the Planning Board for formal review and approval will continue the review process. Ultimately, a public hearing will be required to consider the Special Exception Use Permit for automotive repair.

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.

Work Session agenda items for consideration March 9, 2011:

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 Landscape 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, initial concept review is initiated at the Town Board level.

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 Scott Bylewski

The Town has received an invitation for some additional Lean Six Sigma training to be conducted through the United Way. Through Jim Frost efforts, the training is free of charge to several individuals from Clarence including Youth Director Dawn Kinney along with Recreation, Parks employee Robert Linde. Several fire fighters have expressed an interest as well as Sherry Frost. They will be working on either one or two projects.

There is an agenda item on the March 2, 2011 morning Work Session that will begin at 9:30 AM and will last for approximately one hour. At 10:30 AM interviews will begin for the Town Engineer position off the Civil Service list.

The annual LOSAP meeting with VFIS is scheduled for 9:00 AM Wednesday May 4, 2011. On Wednesday night, they will give their presentation to the fire companies.

There was a letter in the Buffalo News regarding Tillman Nature Preserve. Basically the driveway was blocked by snow removal. The parking lots are DEC state owned property and are maintained by the state. Supervisor Bylewski has notified the DEC to make sure the parking area is maintained and clear of snow.

Supervisor Bylewski received a good letter from PERMA regarding compliance issues.

The Sisters of St. Joseph will be hosting their annual St. Joseph's Day Table on Sunday, March 13th at Our Lady of Peace Church.

The auditorium seat replacement project will begin in either May or June and will last for approximately six weeks. Assistant Town Engineer Tim Lavocat stated that the biggest factor in this project is the 10 – 12 weeks after ordered until the seats are on site - we will not want to do anything until the seats are delivered. The Justice Court office is aware of this project but there is no firm schedule to give them yet. The Town Board meeting can be handled in the Kathy Hallock Conference Room. If we are expecting an extremely large turnout for the Town Board meetings, we can possibly use the library or school auditorium.

There has been a slight change in the janitorial cleaning arrangements around Town Hall and the Building/Engineering Offices. Department Heads are asked to contact the Supervisor with any comments or complaints.

Upon recommendation of Town Justice Sillars and Town Justice Powers, Supervisor Bylewski will appoint Kenneth Stevens as Security Officer PT effective February 25, 2011. This appointment will be filled tonight instead of waiting two weeks because this position has been vacant for a while and court is in need of security guards.

There are four fire companies that do not currently have contracts with the Town (Clarence Center VFC, Harris Hill VFC, Swormville VFC and Rapids VFC). They are all proposing zero percent increases over two years. The Town Board was in agreement to move forward and set the public hearings for March 23rd, 2011.

Supervisor Bylewski has two items for Executive Session regarding the employment history of an individual and collective negotiation.

Councilman Joseph Weiss

Councilman Weiss attended a meeting in the Town of Wales regarding hydraulic fracturing or "fracking" (a practice of drilling for natural gas). The Supervisor of the Town of Wales is putting together an informational packet for his residents. "Wales is one of the last towns in Erie County that still depends on wells for potable water and town officials have expressed concerns about contamination." They are at the border of the Marcellus Shale and don't expect to have much natural gas. The Supervisor would like to sponsor a negative reaction to "fracking" the way it is presently being done and lend his support to the people in the southern tier. When Councilman Weiss receives the informational packet he will distribute copies to the Board and Town Attorney for further review and discussion.

Councilman Weiss will read a list of jobs the Park's Department has accomplished over the winter months.

Councilman Weiss commented on "Craft-a-Palooza" sponsored by the Clarence Recreation Department which was held in the Youth Bureau on February 22nd. Attendance was low however more advertising will be done for the next school break.

Councilman Weiss met with Pam Smith and Joseph Floss on insurance issues. Mr. Floss will check into liability insurance issues as it pertains to ice hockey in the parks.

Animal Control Officer Jerome Schuler is requesting Town Board approval to take the 2005 Dodge Van to a seminar in Owego on February 25 – February 25, 2011. It was discussed that Mr. Schuler takes one of the Ford Focus vehicles.

Councilman Weiss has one item for Executive Session regarding the appointment of an individual.

Councilman Bernard Kolber

Councilman Kolber will make two appointments to the Library Board.

Councilman Kolber commented on the great job the Lions Club did on their annual pancake breakfast.

Councilman Patrick Casilio

Councilman Casilio has received phone calls from several residents regarding the street lights in Harris Hill. NYSEG has to do underground work which will begin in the spring. Councilman Casilio has been in contact with the area superintendent for NYSEG and he plans on going ahead with the repairs for the few remaining lights that are not working.

There are still two openings for Park Security.

Councilman Casilio will appoint Gerald Shaffer to the Historic Preservation Committee at the March 9th Town Board meeting.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to enter into Executive Session pursuant to § 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 person. On the question, if Town Attorney Bengart arrives, he will be asked to join the Executive Session. Upon roll call – Ayes: Councilman Casilio, Councilman Kolber, Councilman Weiss and Supervisor Bylewski; Noes: None. Absent: Councilman DiCostanzo. Motion carried.

There being no further business, the Work Session adjourned at 6:23 PM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman Casilio to adjourn the Executive Session at 6:54 PM. Upon roll call – Ayes: Councilman Casilio, Councilman Kolber, Councilman Weiss and Supervisor Bylewski; Noes: None. Absent: Councilman DiCostanzo. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, February 23, 2011 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:30 P.M. Pledge to the flag was led by Councilman Patrick Casilio, followed by a prayer read by Supervisor Bylewski.

Members of the Town Board present were Councilmembers Patrick Casilio, Bernard Kolber, Joseph Weiss and Supervisor Bylewski. Councilman Peter DiCostanzo was absent. 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 Casilio, seconded by Councilman Weiss to accept the minutes of the previous meetings held February 2, 2011. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Supervisor Bylewski said the minutes of the meeting held February 9, 2011 were not available due to the tax collection.

Supervisor Bylewski announced that there are no items under the consent agenda.

Supervisor Bylewski said there was a letter to the editor in the Buffalo News regarding parking access at the Tillman Swamp. The park is owned by New York State and maintained by the Department of Environmental Conservation.

Supervisor Bylewski announced that the Sisters of St. Joseph will host their annual St. Joseph's Day Table on March 13th at Our Lady of Peace Church from Noon to 3:00 p.m.

Motion by Supervisor Bylewski, seconded by Councilman Casilio that upon the recommendation of Clarence Town Justice Robert Sillars and Clarence Town Justice Michael B. Powers, the Clarence Town Board appoints Kenneth Stevens as Security Officer P/T effective as of February 25, 2011, at the budgeted rate of pay, subject to all pre-employment requirements being met for the position. On the question, Supervisor Bylewski said normally this would be announced at a prior meeting, but the court office has been short-staffed for some time. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to authorize the Town of Clarence Baseball Association to:

1. Install advertising signs along the outfield fencing at Memorial, Sunset, Meadowlakes and Town Place for a period of one year. The signs are to be white with green backing and are to be taken down at the end of the baseball season. Any existing signs that need replacement should conform to the color requirements; and
2. To cover the dugouts at Memorial Park, similar to the Town Place Park dugouts, to protect the players from wind and rain. The expense will be paid for by the TCBA Booster Club and the Club will be responsible to putting up and taking down the covering material at the end of the season.

This resolution is to be renewed on an annual basis upon the request of the Town of Clarence Baseball Association.

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

Motion by Councilman Weiss, seconded by Councilman Kolber to authorize the Supervisor Scott A. Bylewski to sign an Agreement between the Town of Clarence and Gallego Information Services to provide records management services for the Clarence Justice Court subject to review and approval by the Town Attorney. On the question, Town Attorney Steven Bengart said he has reviewed the contract and they agreed with all of his changes. Supervisor Bylewski said this is part of a grant that was received by the Town for records management.

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

Motion by Councilman Weiss, seconded by Councilman Casilio to authorize Animal Control Officer Jerome Schuler and Anne Cimato to attend a seminar in Owego on February 24 & 25, 2011 with use of a Town vehicle. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Councilman Weiss said many people wonder what the Parks employees do during the winter months. He asked Jim Burkard to give him a list of what they have been working on. It includes renovating the kitchen at the Legion Hall; installed the waterline in Memorial Park with the Highway Department; painting in the Library; painting and conversion work at the Senior Center; and new outside building at the pool for security purposes. They also perform equipment repairs. We are fortunate to have this kind of talent in our Town.

Councilman Weiss said he took his children to the Youth Bureau for the craft activities. It was a great event for the kids while they are off from school.

Councilman Weiss said he attended the meeting in Aurora on the fracking issue. It is one of the biggest environmental issues going on in the State right now. It is drilling for natural gas in the Marcellus Shale. He will be putting all the information together for the Town Board to decide on how we will proceed in support of the towns affected by this.

Motion by Councilman Kolber, seconded by Supervisor Bylewski to set a Public Hearing to be held on Wednesday, March 23, 2011 at 8:00 p.m. to consider entering into a two year contract with the 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 2011 and \$775,000 for 2012. On the question, Councilman Kolber said we do not have fire contracts in place with four fire companies and they have agreed to maintain a flat rate for 2011 and 2012. Upon roll call – Ayes: Councilmembers Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Casilio. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Weiss to set a Public Hearing to be held on Wednesday, March 23, 2011 at 8:05 p.m. to consider entering into a two year contract with the Harris Hill Volunteer Company, Inc. for fire protection in the Town of Clarence for 2011 and 2012 in the amount of \$715,855 for 2011 and \$715,855 for 2012. Upon roll call – Ayes: Councilmembers Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Casilio. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Weiss to set a Public Hearing to be held on Wednesday, March 23, 2011 at 8:10 p.m. to consider entering into a two year contract with Swormville Fire Company, Inc for fire protection in the Town of Clarence for the year 2011 and the year 2012 in the amount of \$212,849 for 2011 and \$212,849 for 2012. Upon roll call – Ayes: Councilmembers Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Casilio. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Weiss to set a Public Hearing to be held on Wednesday, March 23, 2011 at 8:15 p.m. to consider entering into a two year contract with Rapids Volunteer Fire Company, Inc for fire protection in the Town of Clarence for year 2011 and 2012 in the amount of \$40,500 for 2011 and \$40,500 for 2012. Upon roll call – Ayes: Councilmembers Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Casilio. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio to appoint Carey Shoemaker to the Library Board to fill the unexpired term of Harold Enstice through 12/31/2015. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Councilman Kolber, seconded by Councilman Casilio to appoint Jason Varrone to the Library Board to fill the unexpired term of Edna Scherf through 12/31/2012. On the question, Councilman Kolber said these individuals were interviewed and recommended by the Library Board. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Councilman Kolber said the Senior Center has many activities going on for anyone interested. They also have their 30th Year Anniversary coming up on April 2nd along with the basket raffle and barbeque.

Councilman Kolber said it is amazing how many groups we have in Town and the efforts they put in to what they do. The Chamber of Commerce dinner is tomorrow. The Lions Club recently held their annual pancake breakfast. He thanked all of the groups for their contributions.

Councilman Casilio announced that there are still two openings in the Town Security Department. Applications are available on the website.

Councilman Casilio said he has been working with NYSEG to get the street lights on Oakwood repaired. As soon as the weather breaks they will work on that.

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

WHEREAS, there have been numerous serious events where local municipalities have been overwhelmed with the ramifications of such events; and

WHEREAS, such events have made it necessary for local municipalities to request assistance from other Local Government Emergency Manager/Disaster Coordinators to begin to implement mitigation activities; and

WHEREAS, these requests have previously been met unofficially, and have proven to be significant in assisting the local governments response to and to the communities recovery from such events; and

WHEREAS, the Town of Clarence understands the need to formalize a process under which such formal request is to be made and prior approval to be granted; and

WHEREAS, Clarence Town Board realizes that the formalization of such an agreement will also provide the Town of Clarence to pursue reimbursement for costs incurred, if available

NOW, THEREFORE, BE IT

RESOLVED, that the Clarence Town Board authorizes Supervisor Scott A. Bylewski to sign the Mutual Aid Agreement with the Emergency Manager/ Disaster Coordinator in Erie Count Local Governments.

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

Supervisor Bylewski thanked department heads present for attending.

Councilman Casilio said we will be appointing Gerald Shaffer to the Historic Preservation Board in two weeks. Mr. Shaffer is an architect and will be a great addition to this board.

A Public Hearing was held for the Annual Master Plan 2015 Review. James Callahan said Master Plan 2015 was originally adopted in August of 2001 and this is the tenth annual review. The annual review is to make sure that the document remains current and represents the intended goals of the residents. The Master Plan guides all land use decisions and it is critical that the document remain current to ensure the community goals are maintained. The public hearing is the opportunity for the residents to be heard.

Brad Packard said the Office of Planning and Zoning regularly monitors the impact new residential and commercial development and growth is having upon the community. Number of units, assessed valuation, and square footage data is utilized to monitor the quality and character of development within the community and the associated impact upon the tax levy. The resulting net fiscal impacts are then considered as the base data for calculations and development scenarios within fiscal impact studies developed and monitored by the Office of Planning and Zoning.

In terms of Residential Development, 47 residential building permits were issued in 2010, three less than in 2009. Of the 47 Single Family building permits, 23 or 49% were serviced by sanitary public sewer, typical of recent sanitary sewer connection rates. The average cost per new residential unit this past year was \$343,147 dollars, approximately \$91 dollars per square foot in terms of construction cost. It is important to note the net revenue tax calculations shown on the slide above concerns Town of Clarence General Fund and Highway Revenue only. In general terms, while the per unit cost was down marginally when compared to recent years, it is important to note the average cost per square foot, a number significantly higher when compared to recent years. This data underscores a recent shift of the housing market toward patio home development, housing which concentrates values in smaller homes and less land area.

Commercial Development in 2010 included 12 commercial and industrial building permits issued, five of which were new construction upon existing vacant property. The total amount of new construction and additions amounted to 87,515 square feet of new commercial and industrial space. The total value of added space approximately totaled \$5,066,000. In an effort to ensure a balanced growth pattern and long term fiscal stability, fiscal management development models have suggested the Town should strive to foster the development of \$175,000 in net revenue in new commercial and industrial development annually. The Office of Planning and Zoning is encouraged to report a 10 year average from the year 2000 forward of \$255,000 in net revenue, a figure that places the community well ahead of projected goals.

Master Plan 2015 identified the preservation of open space and balanced growth patterns as a primary goal of the community moving forward. We have been extremely fortunate as a community in that the general public has supported the development of an open space and land preservation program locally known as the Greenprint Program. Of the originally approved \$12.5 million dollar bond, we have expended approximately \$5.2 million dollars thus far through property acquisitions and purchases of development rights associated with the Greenprint Program. This effort has allowed for the preservation of approximately 1,038 acres within the community thus far.

The Office of Planning and Zoning is currently working toward the development of an Agricultural and Farmland Protection Plan in association with a grant successfully awarded from the New York State Department of Agriculture and Markets. This process will aid the Town in the marketing of currently acquired agricultural property that can be made available to interested parties moving forward. This process will allow for the properties to be placed back upon tax rolls, mitigating upfront project costs and minimizing long term tax losses, while growing the local economy.

Mr. Packard said all information concerning long term planning efforts, development monitoring reports, and project specific reviews is available at the Office of Planning and Zoning.

Supervisor Bylewski said as far as the bond itself, the figure is closer to \$4.5 million. The \$5.2 million is the overall cost of the acquisition. The greenprint acreage is 911 and the remainder is for recreation purposes.

Councilman Kolber said he cannot imagine building a house for \$91 per square foot. Patio homes are around \$150 per square foot.

Mr. Packard said that is estimated construction costs exclusive of land value.

Supervisor Bylewski said all issues and items raised at this hearing will be sent to the Planning Board for further discussion and review.

Supervisor Bylewski said correspondence was received.

- John and Flora Leamer regarding rezoning of 6151 Goodrich Road from Residential Single Family to Traditional Neighborhood District
- Brian Goris requesting the rezoning of the easterly portion of 4295 Harris Hill Road, directly abutting Oakwood Drive from Traditional Neighborhood District to Residential Single Family
- Petition from Harris Hill neighborhood regard the rezoning of 4295 Harris Hill Road

Supervisor Bylewski said we have looked extensively at Transit Road and the Clarence Hollow area. If there is anything further that we could do from a planning perspective, these are issues that have come up.

Speaking to the subject:

Michael Connors said he represents Affordable Senior Housing Opportunities of NY, Inc. They are requesting a change in land use for a portion of 8040 Roll Road to increase the commercial district and reduce the residential district. The property is located just east of Roll Road and Transit Road. Their mission is to provide senior housing opportunities for people who

live independently. They have completed nine buildings in Western New York. The development concept is three-story apartment buildings for senior citizens whose income is 60% to 80% of the area median. The building is a mix of one and two bedroom apartments along with a community room, beauty parlor, exercise room, etc. They are trying to maintain the footprint within the commercial area, but would like to be prepared for a possible minor encroachment.

Mr. Connors said they are in the very early stage of this project, but due to the timing of this meeting felt they must discuss it.

John and Flora Leamer are requesting rezoning of their property at 6150 Goodrich Road from Residential Single Family to Traditional Neighborhood District. This would allow for multi-unit development for senior citizens who would like to remain in Clarence Center. They would try to design it to avoid access to Long Street. They are in walking distance to local businesses, the post office and bank. They would sell their home and property and live in one of the units. They feel they could fit from 4 to 12 smaller scale, one-story units.

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. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to refer the items brought up for discussion during the Annual Master Plan 2015 Public Hearing to the Planning Board for further study and review in accordance with Master Plan 2015 procedures. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Frank Giumpa requests Concept Approval for construction of a new office building at 10060 Main Street. James Callahan said the location is the north side of Main Street, west of Pineledge Drive consisting of vacant land in the Commercial Zone.

Daryl Martin, architect said the property is a little over ½ acre. Mr. Giumpa has the existing insurance business east of this property. He would like to construct a 1,300 sq. ft. office building for his business. He will also require a side-yard setback variance.

James Callahan said according to the new zoning amendments, final approval of this project is the function of the Planning Board. It will also require a zoning variance.

Mr. Giumpa said he is currently renting and would like to have his own building.

Motion by Councilman Casilio, seconded by Councilman Weiss to move the request for Concept Approval for construction of a new office building at 10060 Main Street to the Planning Board. On the question, Supervisor Bylewski said the issue of the potential setback variance has been identified. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Paul Bonito requests Concept Approval for construction of a new industrial business park building and a Special Exception Use Permit for automotive repair facility at 9680 County Road. James Callahan said the location is the north side of County Road, east of Goodrich Road consisting of vacant land in the Industrial Business Park Zone. One of the proposed tenants is an automotive repair facility requiring a Special Exception Use Permit or a Temporary Conditional Permit.

Dave Sutton, architect and Paul Bonito, property owner were present. Mr. Sutton said they are proposing to develop this vacant land which is 170' x 750' with an approximate 12,000 sq. ft. single story structure. The front 1,500 sq. ft. would be for offices. They are talking about a connecting element with the property to the west. The detention area will be at the front of the property. They are also looking at decorative block for the front of the building.

Mr. Bonito said the proposed tenant has an existing business that would move to this location.

Councilman Kolber said the building fits the area, but he would prefer the auto repair be under a Temporary Conditional Permit.

Mr. Sutton said he does not think there is any problem with that. The tenant has a good reputation in the Town.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to set a Public Hearing for March 23, 2011 at 7:45 p.m. to consider the request for a Temporary Conditional Permit for an automotive repair facility at 9680 County Road. On the question, Councilman Casilio said he will recuse as he has a business relationship with Mr. Caito. Upon roll call – Ayes: Councilmembers Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Casilio. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to defer the request for Concept Approval for construction of a new industrial business park building at 9680 County Road to the Planning Board. Upon roll call – Ayes: Councilmembers Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Casilio. Absent: Councilman Peter DiCostanzo. Motion carried.

Rocco's Pizza requests a Public Hearing to consider a Temporary Conditional Permit for outside dining at 5433 Transit Road. James Callahan said the location is in the Value Plaza within the Major Arterial Zone. The proposal is for outside dining on the front sidewalk.

Dave Sutton, architect said they would like outdoor seating under the existing canopy. A five foot clear sidewalk area would be maintained. Seating would not exceed 20 seats. Hours of operation are 11:00 a.m. to 11:00 p.m. They are proposing a wrought iron railing to designate the area.

Councilman Kolber said there has been an ongoing feud between the owner of this parcel and the one next to it regarding access to the traffic light. We would like to see this connected.

Mr. Sutton said his client is a tenant and does not have control over the plaza, but he will mention this to him.

Motion by Councilman Kolber, seconded by Councilman Casilio to set a Public Hearing for March 23, 2011 at 7:50 p.m. to consider the request for a Temporary Conditional Permit for outside dining at 5433 Transit Road. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

West-Herr Toyota requests a Public Hearing to consider a Temporary Conditional Permit for automotive storage at Eastern Hills Mall, 4545 Transit Road. James Callahan said the applicant is proposing to use a portion of the existing parking area at the mall in the Major Arterial Zone.

Motion by Councilman Casilio, seconded by Councilman Kolber to set a Public Hearing for March 23, 2011 at 7:55 p.m. to consider a Temporary Conditional Permit for automotive storage at Eastern Hills Mall, 4545 Transit Road. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Mark Barone spoke on behalf of the Harris Hill Residential Subdivision requesting the Town Board to consider the rezoning of the easterly portion of 4295 Harris Hill Road, directly abutting Oakwood Drive from Traditional Neighborhood District (TND) to Residential Single Family.

The Town of Clarence amended the zoning map on 3/9/05 changing the zoning to TND. Since the easterly portion of this property is fronting on Oakwood Drive they believe the rezoning back to Residential Single Family is proper. The present owner purchased the property in 2004 with this zoning in place.

They believe this change in zoning is in compliance and the intent of the Master Plan and would keep future development of this property limited to residential single family, which the Harris Hill Gardens Subdivision is.

Motion by Councilman Weiss, seconded by Councilman Kolber to approve the following: Clubhouse Applications - A. Clarence Hollow Association – April 12 & June 2, 2011; Legion Hall Applications – A. Dale & Debbie Bosworth – March 18, 2011; B. Donna Schuler – March 26, 2011; C. Paul Miller – April 16, 2011; D. Becky Turner – April 17, 2011; E. Dennis Raquet – May 21, 2011; F. Sandra Greco – June 4, 2011. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that after proper audit and review by the Town Board, the following bills of February 17, 2011 are approved for payment: General Fund - \$112,227.94; Highway Fund - \$55,198.73; Fire Protection Districts - \$1,858,385.53; Lighting Districts - \$850.15; Capital Fund - \$5,170.00 for a total amount of \$2,031,832.35. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Peter DiCostanzo. Motion carried.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:33 p.m.

Nancy C. Metzger
Town Clerk