

A Work Session of the Clarence Town Board was held on March 11, 2009 at Clarence Town Hall, One Town Place, Clarence, NY.

Supervisor Scott Bylewski called the meeting to order at 6:00 P.M. Members of the Town Board present were Council members Joseph Weiss, Patrick Casilio and Peter DiCostanzo. Councilman Kolber was absent. Other town officials present were Director of Community Development James Callahan, Assistant Planner Brad Packard, Town Attorney Steven Bengart, Assistant Town Engineer Tim Lavocat, Senior Building Inspector David Metzger, Director of Administration and Finance Pam Smith and Confidential Secretary to the Supervisor Karen Jurek.

Director of Community Development – James Callahan:

Public Hearings:

A Public Hearing is scheduled for 7:45 PM to consider the purchase of approximately 41.41+/- acres of vacant land located on Keller Road at a purchase price not to exceed \$331,280.00. The proposed property is located on the south side of Keller Road between Kraus Road and Strickler Road in the Agricultural Zone.

Formal Agenda:

Metzger Civil Engineering 4180 Ransom Road

Applicant is proposing to create two additional residential building lots via an Open Development area proposal. The proposed site is situated on the west side of Ransom Road, south of Tillman Road. Existing residential use is located on 8+/- acres in the Agriculture Rural Residential Zone. A previous proposal to develop the property as a 4-lot open development area was denied. Per the Subdivision Law, the Town Board has authority to approve open development areas. Drainage issues and other neighbor concerns as identified in previous review of proposals at this location. Applicant has allegedly split off the front residential property without Town knowledge.

Clarence Aerodrome 8041 Transit Road

Applicant is proposing to construct a ring road around the perimeter of the existing air field. The proposed site is situated on the east side of Transit Road, north of Wolcott Road on existing air field located on 35.8+/- acres in the Agriculture Flood Zone and within the Density Flood Zone. Per the Clearing, Filling and Grading Local Law, the Town Board can authorize operations that involve clearing, filling and grading. The Town Engineer will need to issue a Floodplain Development Permit for land disturbance in the Density Flood Zone.

Martin Pecoraro 6031 Transit Road

Applicant is seeking approval to operate a used vehicle sales operation. The proposed site is situated on the east side of Transit Road, north of Clarence Center Road on existing vacant frontage land and the site of existing car wash (Buggy Wash). The property is located in the Major Arterial Zone. A Master Plan change has been adopted down-zoning the property to commercial. Per the Zoning Law, the Town Board has authority to approve automotive sales operations in the Major Arterial and Commercial Zones via consideration of a Special Exception Use Permit or a Temporary Conditional permit. Areas to be addressed include number of parking spaces and office location within the car wash.

Edward Seefried 8415 Tonawanda Creek Road

Applicant is requesting a Fill Permit for the creation of a "snow hill" using 350 cubic yards of fill from the Tonawanda Creek Road rework project. The proposed site is situated on the south side of Tonawanda Creek Road, east of Westphalinger Road at existing residential home consisting of 26 acres located in the Agricultural Flood Zone. Per the Zoning Law, the Town Board has authority to approve Clearing, Filling and Grading Permits. The Town Engineer has reviewed and approved the request. The fill is coming from the Tonawanda Creek project.

Work Session items for consideration March 25, 2009:

Ernest Koenig 8430 Tonawanda Creek Road

Applicant is seeking approval to split the property to create three new residential building lots. The proposed site is located on the north side of Tonawanda Creek Road, east of Westphalinger Road on existing property containing 19.2+/- acres in the Agriculture Flood Zone. Per the Subdivision Law, the Town Board has authority to approve minor subdivisions. All proposed lot sizes will be in conformance with local zoning and land use regulations. The proposed splits will utilize the entire parcel.

Cody Covey 6585 Transit Road

Applicant is proposing to utilize the existing facility for an automotive sales operation. The proposed site is located on the east side of Transit Road, north of Miles Road (former Belknap Heating building). The existing commercial structure is located on 1.87 acres in the Major Arterial Zone. Per the Zoning Law, the Town Board has authority to approve automotive sales use in the Major Arterial Zone. Areas of concerns are the display areas, landscaping and hours of operation.

Carmen Cimato 6125 Herr Road

Applicant is proposing to demolish the existing house that is older than 50 years. The proposed structure is located on the east side of Herr Road, north of Clarence Center Road located in the Residential Zone. As the structure is older than 50 years, the proposed demolition is considered a Type I Action under SEQRA and will require referral to TEQR and Historic Preservation Commission.

Pinecrest Homes northwest corner of Salt and Miland Roads

Applicant is seeing additional residential lot splits off the parent parcel. The vacant land is located on the north-west corner of Salt and Miland Roads. Applicant received a minor subdivision approval under the old codes for 4-lots. Per the Subdivision Law, the Town Board has final authority to approve lot splits.

Clarence Soccer Club – Clarence Soccer Center

Applicant is proposing to construct a gazebo for the soccer club. The proposed site is located on the northeast corner of Clarence Center Road and Kraus Road within a town park. The Town Board has ultimate authority to approve projects within the Town Park. The proposed location will not interfere with any existing park activities. Supervisor Bylewski was approached by the Soccer Club regarding the use of the Town's grant writer. Given the gazebo will become town property, Supervisor Bylewski allowed the Clarence Soccer Club one hour use of our grant writer's time.

Casilio Companies 8755 Sheridan Drive

Applicant is proposing an amendment to the previously approved site plan/architectural design. The proposed site is situated on the south side of Sheridan Drive, east of Boncrest Drive. This project was previously approved in 2006. Per the Zoning Law, the Town Board has authority to amend Development Plans. Applicant will be reducing the overall size and reconfiguring a driveway access to Sheridan Drive. The original design would have required a large amount of blasting to add the lower floor and would add more square footage at a greater cost. The applicant decided to eliminate the lower floor and stick with the existing building. They will remove two lanes of parking that are sited on the east side of the site plan and move the building to the east where the parking currently exists and also reposition the west parcel line to accommodate for that. This will require moving the existing curb cut on the west side of the site plan. (James Callahan and Councilman Casilio left the meeting during discussion of this project).

2009 Temporary Conditional Permit renewals will be approved at the next Town Board meeting. There have not been any resident concerns regarding any of the renewals.

Supervisor Scott Bylewski

Supervisor Bylewski announced that there are vacancies on several boards and committees.

In Councilman Kolber's absence, Supervisor Bylewski will appoint Marjorie Ebersole to the Library Board.

The Clarence Hollow Association is sponsoring a brainstorming session regarding the revitalization of Clarence Hollow on April 4th at the Clubhouse from 9am – 12noon.

Supervisor Bylewski received the GASB45 actuarial report.

March 13th will be the last day the DMV will be at the library. Effective Monday, March 15th, they will be moving to their new location in the Eastern Hills Mall. They will be open Monday thru Friday from 10AM until 4:45PM.

Supervisor Bylewski will make a motion authorizing the Town of Clarence Baseball Association to install advertising signs along the outfield fencing at Memorial, Sunset, Meadowlakes and Town Place Park for a period of one year and to cover the dugouts at Memorial Park similar to the Town Place Park dugouts to protect players from wind and rain.

Supervisor will make a motion approving three Special Event Permits:

- Walk for the World sponsored by Eastern Hills Wesleyan Church April 25
- Take Back the Path 5K run/walk August 7th
- Flight 3407 Memorial 5K Race and post race party June 13th

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

Councilman Kolber notified Supervisor Bylewski that he would not be in attendance this evening.

Councilman Joseph Weiss

Councilman Weiss has received complaints regarding the end of Research Parkway. Since this is a dead-end road, it continues to be a dumping ground. Highway Superintendent Ted Donner will clean the area up and post "No Dumping Signs".

Councilman Weiss reported that 140 deer have been taken during the Deer Abatement Program and have contributed approximately 7,000 lbs of meat to the Food Bank.

Councilman Patrick Casilio

Councilman Casilio is working on several street light issues and a traffic safety issue concerning stop signs.

Councilman Casilio has one item to discuss in Executive Session

Councilman Peter DiCostanzo

Councilman DiCostanzo will appoint Margaret Weglarski to the Audit Committee for a term to expire 12/31/2009.

Councilman DiCostanzo has decided against passing the Erie Niagara Tobacco Free Coalition resolution relative to tobacco use. While he agreed with the first part of the resolution, the last paragraph stated that the Town Board is to ask local retailers to reduce tobacco advertising by doing the following:

No price promotions or discounts, remove all tobacco brand advertising inside and outside their store, keep tobacco displays out of view of customers, and agree to place material in their store advising smoking customers where they can get assistance to stop using tobacco products. Councilman DiCostanzo stated that he does not like cigarettes but he can not start preaching to business owners to not sell their products.

Councilman DiCostanzo will discuss an e-mail he received regarding assessments with Town Assessor Christine Fusco.

The Youth Department received and is reviewing an application to fill the final vacancy on the Youth Bureau.

Councilman DiCostanzo has been in discussion with Youth Board member Holly Zuffranieri to try and expand some recreation during school holidays. Holly will talk to some of the schools to see if they would be willing to open their gyms during vacations to give children something to do.

Judy Sirianni is the Chamber of Commerce new Interim Executive Director. The Chamber of Commerce is looking to increase their membership.

Councilman DiCostanzo and James Callahan will attend the Williamsville Superintendents Community Council meeting on March 18th.

Councilman DiCostanzo will report on the Building Permit figures for the month of February.

Councilman DiCostanzo has one Attorney-Client item to discuss in Executive Session.

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

There being no further business, the meeting adjourned at 6:30 PM.

Darcy A. Snyder
Deputy Town Clerk

Motion by Supervisor Bylewski, seconded by Councilman Casilio to adjourn the Executive Session at 7:00 PM. Upon roll call – Ayes: Councilman DiCostanzo, Councilman Casilio, Councilman Weiss, Supervisor Bylewski; Noes: None. Absent: Councilman Kolber. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held Wednesday, March 11, 2009 at the Clarence Town Hall, One Town Place, Clarence, New York.

Supervisor Scott Bylewski called the meeting to order at 7:30 P.M. Councilman Peter DiCostanzo led in the pledge to the flag, followed by a prayer given by Supervisor Bylewski.

Members of the Town Board present were Councilmembers Peter DiCostanzo, Patrick Casilio, Joseph Weiss and Supervisor Bylewski. Councilman Bernard Kolber was absent. Other Town officials present were Director of Community Development James Callahan, Asst. Town Attorney David Donohue, Town Engineer Joseph Latona, Planner Brad Packard and Building Inspector David Metzger.

Supervisor Bylewski said that given the recent events the minutes are a little delayed, but will be forthcoming.

Supervisor Bylewski said they are working on setting up a question and answer session for the Long Street residents only to discuss the future of their street.

Supervisor Bylewski announced that the Clarence Hollow Association is sponsoring a brainstorming session, "What Happened to the Hollow" to discuss the revitalization of the Hollow.

Supervisor Bylewski announced that the last day for the Mobile DMV to be at the Clarence Library is this Friday. They are combining this unit and the ECC North office and moving into the Eastern Hills Mall. The mall location will be open Monday through Friday from 10:00 a.m. to 5:45 p.m. beginning Monday, March 16th.

Motion by Supervisor Bylewski, seconded by Councilman Casilio 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 for 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 Kolber. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to grant a Special Event Permit to Eastern Hills Wesleyan Church to hold a "Walk for the World" on April 25, 2009 from 9:00 a.m. until Noon beginning on the bike path at the Clarence Soccer Center to Newstead and back. On the question, Supervisor Bylewski said all appropriate agencies will be notified. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Kolber. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to grant a Special Event Permit for the 2nd Annual "Take Back the Path" event to be held Friday, August 7, 2009 from 5:00 p.m. to 11:00 p.m. beginning and ending at the Clarence Center Fire Hall. A map of the run is included. On the question, Supervisor Bylewski said all appropriate agencies will be notified. The net proceeds will go toward the purchase of video surveillance equipment for the bike path and the memorial fund for Flight 3407. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Kolber. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to grant a Special Event Permit for "Flight 3407 Memorial 5K Race" and post race party to be held Saturday, June 13, 2009 with the race beginning at 9:30 a.m. to 11:00 a.m. from the Clarence Center Fire Hall down

Clarence Center Road to Heise Road to the bike path to Herr Road to Clarence Center to Elm to Maple to Goodrich and back to the fire hall on Clarence Center. There will also be a one-mile fun run down Clarence Center Road. On the question, Supervisor Bylewski said all appropriate agencies will be notified. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Kolber. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss that on behalf of Councilman Kolber who is absent, to appoint Marjorie Ebersole to the Library Board with term to expire 12/31/2010 to replace Sean O'Mahony. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Kolber. Motion carried.

Councilman Weiss said the end of Research Drive has become a dumping ground. We have replaced the no dumping signs and the Town is going to clean it up. This is notice that no dumping is allowed and the proper authorities have been notified. Dumping will no longer be tolerated.

Councilman Weiss announced that the Deer Abatement Program is winding up by the end of the month. They took about 140 animals and contributed almost 7,000 lbs. of meat to the food bank. He thanked all of the volunteers, especially Dennis Londos who heads up the group.

Councilman Casilio said in regard to the "Take Back the Path Run" on August 7th, Kevin Patterson gave the Town \$8,000 raised at last year's event to help kick start the video camera project. The poles should be delivered the first week in April. Hopefully by the end of April we will have a video system up and running. Kevin is very organized and has already got flyers out for this event.

Councilman Casilio said the Clarence Hollow Association is a group of hard working individuals. They are trying to get some ideas going on revitalizing the Hollow area. He encourages everyone to attend the meeting on April 4th.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to appoint Margaret Weglarski to the Clarence Town Audit Committee with term to expire 12/31/09. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Kolber. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that pursuant to Article 8 of the Environmental Conservation Law and upon the recommendations of the TEQR Committee, the Clarence Town Board issues a Negative Declaration on the proposed Rubino Subdivision located at the southwest corner of Clarence Center and Shimerville Roads. This Type I Action involves the review and development of a proposed 44+/- lot, Open Space Design Subdivision located on the west side of Shimerville Road, south of Clarence Center Road. After thorough review of the submitted site plan, Environmental Assessment Form (EAF), including Parts I, II and III (herein incorporated by reference) and the amendments to the Town of Clarence Master Plan 2015 - Sewer Expansion Priorities by the TEQR Committee, Planning Board and Town Board, including coordinated review among involved agencies, it is determined that the proposed action will not have a significant impact upon the environment; and

It is further determined that in light of the Order of Supreme Court Justice James H. Dillon dated October 22, 2008, and since the amendments to Master Plan 2015 – Sewer Expansion Priorities were adopted after the site plan was submitted, Master Plan 2015 – Sewer Expansion Priorities do not apply.

It is further determined that the developer will be required to ensure matters are not worsened at the Dodge Road interceptor and the developer will be required to satisfy the mitigation requirements of both the Town of Amherst and the New York State Department of Environmental Conservation.

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

Motion by Councilman DiCostanzo, seconded by Councilman Weiss that pursuant to Article 8 of the Environmental Conservation Law and upon the recommendations of the TEQR Committee, the Clarence Town Board issues a Negative Declaration on the proposed Shadow Woods Subdivision. This Type I Action involves the review and development of a proposed 64+/- lot, Open Space Design Subdivision located on the west side of Goodrich Road, north of Keller Road. After thorough review of the amended site plan and Environmental Assessment Form (EAF) by the TEQR Committee, Planning Board and Town Board, including coordinated

review among involved agencies, it is determined that the proposed action will not have a significant impact upon the environment. Upon roll call – Ayes: All; Noes: None. Absent: Councilman Kolber. Motion carried.

Councilman DiCostanzo said that after the plane crash there was some damage to Town property and the Supervisor has assured him that we will be applying for reimbursement of our costs.

Councilman DiCostanzo said he is now liaison to the Youth Bureau and Recreation Department. They are trying to work with the schools to offer a gym or two to have a place for kids to go during vacations for some recreation time.

Councilman DiCostanzo said he and Community Development Director James Callahan will attend the Williamsville Superintendents Community Council on March 18th.

Councilman DiCostanzo said there was one single family residential building permit issued in February for a year-to-date for 2009 of two. This same time period in 2008 had 10 permits issued.

Department Reports

Linda Nastasi said today is the 201st birthday of the Town of Clarence. The charge of the Bicentennial Committee will close on March 31, 2009. A lot has changed during their four year assignment. There were only two resignations and sadly they lost three of the original members. She commends all of the members for their strong belief in community service, their dedication and their love for the Town of Clarence.

Members of the committee included Rosemarie Cardoso, Kathleen Hallock, David Hormell, Doug Kohler, Flora Leamer, Tim Pazda, Cynthia Riggio, Donna Wanamaker, Elaine Wolfe, Mark Woodward, Supervisor Bylewski became liaison when he began his term, Sue Powers, Marilyn Pohlman, Howard Payne, Darlene Feinen, Charlene Spoth and the wonderful volunteers from the Senior Center. Sadly lost over the term were Elizabeth Smolka, Dave Brace and Rollie Boller.

Linda said the last meeting is tomorrow night and their term ends March 31st. She hopes that the Town of Clarence continues to grow as a family, supports each other and celebrates together. She also thanked the Board for the opportunity to serve.

Supervisor Bylewski thanked all department heads present for attending.

Public Participation

Laura Pfennig said they are concerned about the property next to them at 4180 Ransom Road. The new proposal is very similar to the last proposal and they do not see why it also would not be denied. The road was moved only a little bit. They are very concerned about water on their property.

Supervisor Bylewski said he did receive her email and her comments are entered into the record.

A Public Hearing was held to consider the purchase of approximately 41.41+/- acres of vacant land located on Keller Road at a purchase price not to exceed \$331,280. James Callahan said the property is located on the south side of Keller Road, west of Strickler Road in the Agricultural Rural Residential Zone. The proposal is to have a deed restriction to allow passive recreational trail development and agricultural uses to be maintained, as well as, a north/south access road.

Nancy Smith handed out the Western New York Land Conservancy newsletter that includes an article on the Clarence Greenprint Program and a photo at the Greg Spoth celebration.

Ms. Smith said the property is the John Mosher property which extends from Keller Road south to the rear of Memorial Park. This parcel is a mix of agricultural and natural lands, the two ranking mechanisms used in this program.

The parcel includes 24 acres of active farmland and all 41 acres are classified as prime farmland soils. It is also adjacent to another active farm. Mr. Mosher estimates that the land has been farmed since the 1830's. He also indicates that he would continue farming the land, which is now corn and oats.

The wooded land is highly visible from Memorial Park. The property also contains wildlife habitat including woodlands and a small pond. It has aesthetic beauty which contributes

to the quality and character of the community. Ms. Smith presented several photos of the property.

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

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

RESOLVED, that after a public hearing duly held on March 11, 2009 and after all interested parties behind heard, the Clarence Town Board approves the purchase of approximately 41.41 +/- acres of vacant land located on Keller Road, a/k/a SBL No. 44.00-4-9.1 in the Town of Clarence, Erie County, NY at a purchase price not to exceed \$331,280.00 plus any closing costs, processing costs, baseline studies and any and all costs and disbursements for open space/recreation purposes. Funds to be allocated from the open space bond resolution, general fund and recreation fees (if it is determined that any portion of this property will be used for recreation purposes); and be it further

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

On the question, Supervisor Bylewski said he has received a recommendation from the Recreation Advisory Committee. He also thanked the Mosher family for coming forward with this land.

Upon roll call - Ayes: All; Noes: None. Absent: Councilman Kolber. Motion carried.

Metzger Civil Engineering requests Preliminary Concept Review of a proposed Open Development Area at 4180 Ransom Road. James Callahan said the location is the west side of Ransom Road, south of Tillman Road consisting of approximately 8+/- acres in the Agricultural Rural Residential Zone. A similar application was previously denied by the Town Board.

Michael Metzger, Civil Engineer said this is a slightly different proposal. They have done a lot of work including a topographic survey, drainage calculations, wetlands study, ecological study, and checked for a fuel tank that was not found. The proposal now has two additional lots to the existing residence. The driveway was moved over from the property line and the turn to the lots in the rear was moved back. They will add some vegetation to what is already there to block off any headlights on the neighboring property.

Supervisor Bylewski said Mrs. Pfennig had issues which are referenced in her email of March 9, 2009 to the Town Board. The comments included changes to the site plan were not reflected and the developer believed that is why the Board voted no. That was not the case and she believes it is a waste of time to resubmit with those changes. There is a difference of opinion regarding the neighbors who are trying to protect the integrity of their surroundings. She does not feel that 500 ft. is very far. There were also comments regarding road frontage, drainage and about the vote at the last meeting.

Supervisor Bylewski said he would also include, by reference, the comments made in the minutes of August 22, 2007, along with the motion that was turned down.

Councilman Casilio asked how far it is from the road to the second house.

Michael Metzger said it is about 700 to 800 feet. There is 25 ft. between the driveway and the property line. The width of the driveway will probably be 12 to 15 feet.

Motion by Councilman Weiss, seconded by Councilman DiCostanzo to refer the request for Preliminary Concept Review of a proposed Open Development Area at 4180 Ransom Road to the Planning Board. Upon roll call - Ayes: All; Noes: None. Absent: Councilman Kolber. Motion carried.

Clarence Aerodrome requests a Permit for construction of a perimeter road at 8041 Transit Road. James Callahan said the location is the east side of Transit Road, north of Wolcott Road consisting of approximately 35.8 acres in the Agricultural Flood Zone.

Shawn Bray, P.E. said the airport received a grant from the State to do some safety and security improvements. There is somewhat of a road around the perimeter that they would like to continue. Also, lighting and gates at the entrance from Transit Road. They hope to get another grant to fence the airport in. They do not have enough to pave the road.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to approve the Permit for construction of a perimeter road at 8041 Transit Road to Clarence Aerodrome, subject to Town Engineer approval. On the question, Town Engineer Joseph Latona said it will require a

Flood Plain Development Permit. Upon roll call - Ayes: All; Noes: None. Absent: Councilman Kolber. Motion carried.

Martin Pecoraro requests a Public Hearing to consider a Temporary Conditional Permit for automotive sales at 6031 Transit Road. James Callahan said the location is the east side of Transit Road, north of Clarence Center Road consisting of an existing car wash in the Major Arterial Zone.

Martin Pecoraro said he would like to operate a used car sales business in front of the car wash consisting of approximately 30 to 35 cars. The hot dog stand is gone.

Supervisor Bylewski said we will want explanation of the number of cars, hours of operation and things of that nature at the public hearing.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to set a Public Hearing for April 8, 2009 at 7:45 P.M. to consider the request for a Temporary Conditional Permit for automotive sales at 6031 Transit Road. Upon roll call - Ayes: All; Noes: None. Absent: Councilman Kolber. Motion carried.

Edward Seefried requests a Fill Permit at 8415 Tonawanda Creek Road. James Callahan said the location is on the south side, east of Westphalinger Road in the Agricultural Flood Zone.

Edward Seefried said they are fixing Tonawanda Creek Road and there is a bunch of fill that is basically sand and he would like to get some to build a snow hill for his kids. It would not be more than 10 ft. high by about 30 ft. wide. His neighbor would take some to fill in low lying areas in his yard. He told him what he was doing and he does not have a problem with it. The other neighbor would not see it but he could talk to them about it.

Motion by Councilman Casilio, seconded by Supervisor Bylewski to grant a Fill Permit at 8415 Tonawanda Creek Road to Edward Seefried. On the question, Supervisor Bylewski said we would like to verify that it is coming from the leftover fill from the Tonawanda Creek Road reconstruction site. Upon roll call - Ayes: All; Noes: None. Absent: Councilman Kolber. Motion carried.

Motion by Councilman Weiss, seconded by Supervisor Bylewski to approve the following: Clubhouse Applications - A. Girl Scouts of Clarence – March 14, 2009; B. Clarence H.S. Rifle Team – March 17, 2009; C. Clarence Hollow Association – April 3 & 4, 2009; D. US Census Bureau – April 13 – 17, 2009; E. Clarence Little League Football – May 2 & 3, 2009; and Legion Hall Applications - A. Susan Fracasso – March 14, 2009; B. Leon Weitz – April 5, 2009. On the question, Supervisor Bylewski said some of them are also members of various organizations; however, this is ministerial so they will be voting. Upon roll call - Ayes: All; Noes: None. Absent: Councilman Kolber. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio that after proper audit and review by the Town Board, the following bills of March 5, 2009 are approved for payment: General Fund - \$108,007.96; Highway Fund - \$37,281.65; Water District - \$34,513.38; Sewer Districts - \$536,307.15; Capital Fund - \$136,470.75; and Trust and Agency 203 - \$10,879.22 for a total amount of \$863,460.11. Upon roll call - Ayes: All; Noes: None. Absent: Councilman Kolber. Motion carried.

“For the Good of the Town”

Edward Seefried said he is a parent representative for Cub Scout Pack 27 from Clarence Center Elementary. After the plane crash, they contacted Rep. Slaughter’s office to request a flag flown over the Capital. It came with certification that it was flown over the capital at the request of the Honorable Louise Slaughter for the victims and first responders of Flight 3407. Mr. Seefried said they received five of them to be distributed at the morning program to whomever the Town Board designates to receive one. Supervisor Bylewski thanked him and said we would certainly have someone there. Mr. Seefried said they did not know if the memorial committee was separate so they designated one for the Town.

There being no further business, Supervisor Bylewski adjourned the meeting at 8.26 p.m.

Nancy C. Metzger
Town Clerk