

A Work Session of the Clarence Town Board was held on June 24, 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, Bernard Kolber, Patrick Casilio and Peter DiCostanzo. Other town officials present were Director of Community Development James Callahan, Assistant Planner Brad Packard, Town Attorney Steven Bengart, Assistant Town Engineer Tim Lavocat, Director of Administration and Finance Pam Smith, and Senior Building Inspector David Metzger.

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

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

Martin Peccoraro 6031 Transit Road

Applicant is proposing a new car sales operation (Trifun Vehicles) along with pre-owned vehicle sales. The proposed site is located on the east side of Transit Road, north of Clarence Center Road at existing carwash located in the Major Arterial Zone. (Previous used car sales operation was denied by the Town Board). The property has been recommended to be down zoned by the Planning Board to Commercial. Per the Zoning Law, an automotive sales operation is allowed with a Special Exception Use Permit or a Temporary Conditional Permit as issued by the Town Board after a required public hearing.

#### ***Formal agenda items:***

Spaulding Greens LLC east of Goodrich Road, north of Greiner Road

Applicant is seeking to create a sewer district to service the Open Space Design Subdivision. The proposed site is situated on the east side of Goodrich Road, north of Greiner Road. The previously conceptually approved Open Space Design Subdivision is located on 400+ acres in the Residential Single-Family Zone. The area is identified in a residential classification and approved for use for a portion of the capacity within the Heise-Brookhaven Trunk Sewer. Per the Subdivision Law, a sewer district is required as a part of the site plan review process. The Town Engineer will need to develop a map, plan and report detailing the district boundaries. ***(Applicant asked to be removed from agenda, but will be rescheduled at a later date when all required paperwork has been filed).***

Ann Klein 9175 Main Street

Applicant is proposing a small addition and renovations for a new commercial use. The proposed site is located on the south side of Main Street, west of Thompson Road at existing commercial structure located in the Commercial Zone. Per the Zoning Law, the Town Board has authority to approve additions in the Commercial Zone as to functional plan and architectural style. The proposed addition will extend to the front setback line.

Brookfield Country Club – Fireworks Display Permit

Applicant is requesting a Fireworks Display Permit for July 4<sup>th</sup> Holiday and July 11<sup>th</sup> invitational tournament. All fees, insurance and Fire Chief approvals have been filed.

#### ***Work Session items for consideration on July 8<sup>th</sup>, 2009:***

Metzger Civil Engineering/Lou Visone—east of Thompson Rd.north of Main Street  
Applicant is seeking approval for a 27+/- lot subdivision. The proposed site is located on the east side of Thompson Road, west side of Goodrich Road, north side of Main Street. The existing vacant land consists of 35.39 +/- acres in the Residential Single-Family Zone. Previous submittals have been denied due to lack of sewers. Per the Subdivision Law, the Town Board has final authority to approve subdivisions. Areas of concern are access to public sewers and capacity.

**Burgher and Grainy 10939 Main Street**

Applicant is seeking approval to have the Temporary Conditional Permit extended for multiple years. The existing auto repair and sales operation is located on the south side of Main Street, west of Newstead border in the Traditional Neighborhood District and within the Clarence Hollow overlay. The current sales operation is operating under a Temporary Conditional Permit. Per the Zoning Law, the Town Board has authority to approve Temporary Conditional Permits. Conditions as previously established to be continued and/or brought into compliance.

**Patrick Development/Kevin Curry – Fairfield Court**

Applicant is proposing an Open Development Area on the west side Roxbury Drive, north of Heather Court and south of Fairfield Court. The existing vacant parcel consists of 9.24+/- acres in the Residential Single-Family Zone. Per the Subdivision Law, the Town Board has authority to approve Open Development Areas.

**Salsarita's Restaurant 4375 Transit Road**

Applicant is requesting a Temporary Conditional Permit for outside dining at 4375 Transit Road.

**Chris Smith 5950 Goodrich Road**

Applicant is requesting a TCP for the sale of used cars at 5950 Goodrich Road. Councilman Casilio stated that his views regarding this project have not changed at all, Clarence Center is a TND.

**Supervisor Scott Bylewski**

A joint School Board/Town Board meeting has been scheduled for August 24<sup>th</sup>.

The Clubhouse Centennial has been rescheduled for July 2, 2011 to coincide with Day in the Park.

There was some discussion regarding Hogweed. It was discovered through the EC Health Department that there is hogweed on a property on Fireside Drive. Hogweed reported on private property becomes the responsibility of the homeowner to take care. It is recommended they hire a licensed contractor (landscaper/lawn care company) for proper removal. There was another sighting of hogweed in the County right of way which they are working on. Erie County asked that if a resident has hogweed on their property, they should contact a licensed professional to have it removed. The Clarence Bee will run an informative article to educate the public.

Town Historian Mark Woodward is hosting an afternoon tea with Dolly Madison at the Asa Ransom House on July 11<sup>th</sup> from 1PM – 3PM.

Supervisor Bylewski received a letter from Rural Transit requesting approval to move from their current dispatch site (former Water Department office) to the Senior Center. Senior Center director Karla Madrid is not opposed to this, it may be a cost savings because we will not have to heat the building and could possibly recruit more volunteers through the Senior Center. Councilman Casilio would like a recommendation in writing from the Senior Center Board.

Supervisor Bylewski is waiting to get additional quotes regarding the Town Resident Satisfaction Survey.

Supervisor Bylewski will make a motion approving a Fun Bike Ride sponsored by the Clarence Hollow Association on July 11<sup>th</sup>.

**Councilman Joseph Weiss**

Parks Crew Chief John Burns is declaring a Motorola Alpha Mate 250 key pad as surplus.

Highway Superintendent Ted Donner is recommending the bid for two SUV's be awarded to Town Ford of Orchard Park at their bid of \$18,254.

Councilman Weiss has a resolution to join Municipal Group Self-Insurance.

John Leamer will give a presentation on salesmanship at the Clarence Hollow Association Meeting on Thursday, June 25<sup>th</sup>.

Councilman Weiss was traveling down Wehrle Drive and seen a Highway Department truck and driver off to the side of the road. He stopped to see if there was a problem and Jeff Hemline informed him that he saw something shiny in the woods and upon inspection found a brand new motorcycle that went off the road. Mr. Hemline was not sure if someone went off the road and was hurt so he notified the NYS Police to investigate - kudos to the Highway Department.

Councilman Weiss commended Parks Crew Chief John Burns for installing signage so hikers do not trespass on private property along the escarpment.

### **Councilman Bernard Kolber**

Councilman Kolber commented on the death of a 14-year old girl who collapsed and died from a heart attack while playing soccer at Akron Falls Park Sports Complex last week. He would like to see defibrillators at all town sports venues and have them accessible on site when the fields are in use. Councilman Weiss suggested when the leagues are put together make it a requirement to have a trained person on staff. Councilman Kolber will contact the Soccer Club. This will also be discussed at the joint Town Board/School Board meeting.

Councilman DiCostanzo stated that this year at the baseball coach's clinic he suggested they have an EMT come in and address all the coaches. There have been instances where players have sustained broken arms or been hit in the head with baseballs; most coaches don't even have a first aid kit at their disposal.

Councilman Kolber has two items to discuss in Executive Session regarding the employment history of a corporation(s) and one Attorney-Client.

### **Councilman Patrick Casilio**

Councilman Casilio has two Attorney-Client items to discuss.

Councilman Casilio attended the Public Safety Committee meeting Monday night. The committee is working on a comprehensive safety plan they also brought up some safety concerns along the bike path concerning general maintenance. Councilman Casilio had discussed these concerns with the proper departments make they are taken care of.

The fire hydrant that did not open on Susan Drive turned into two fire hydrants that were not working. It was reported back by the Erie County Water Authority that the hydrant was rusted shut. Per our contract with ECWA, those hydrants are to be opened twice a year by the water authority. Councilman Casilio also noted that some fire hydrants can not be seen because of tall grass and weeds. In talking with Highway Superintendent Donner, he indicated that it was the EC Water Authority responsibility to clear the hydrants of grass and brush. The Water Authority is looking into this to see if it is part of their contract.

Rural Metro has requested a change in the way they are being monitored on response times. The Fire Chief's Association has approved the change. The EMS Board should make a recommendation back to the various municipalities to amend the contract for response time.

Councilman Casilio has received requests for stop signs at Thompson and Greiner Road and a speed limit change on Heise Road.

**Councilman Peter DiCostanzo**

Councilman DiCostanzo has one Attorney-Client item to discuss and one item to discuss in Executive Session regarding the history of a corporation.

The Youth Bureau has scheduled Movie Night in the Park for Thursday, June 25<sup>th</sup> at the Main Street Park. There is also a Chiavetta's Chicken Barbecue in the large pavilion sponsored by the TCBA.

Planning Board member Al Schultz has compiled a list of all residential and commercial projects that are in currently in the planning process.

The Planning Board is recommending a Negative Declaration be issued on the proposed Christian Counseling Center of Eastern Hills Wesleyan Church for construction of a new building to be located at 8445 Greiner Road.

Supervisor Bylewski announced that unless there is any urgent business, there will be no morning Work Sessions in July and August.

**Town Attorney Steven Bengart**

Town Attorney Bengart has two Attorney-Client items to discuss and two Executive Sessions item to discuss regarding the proposed acquisition of real property and the employment history of an individual.

Motion by Supervisor Bylewski, seconded by Councilman Kolber to enter into Executive Session pursuant to § 105(1) F of the Open Meetings Law to discuss the employment history of a corporation(s), the employment history of a particular person and § 105(1)H the proposed acquisition of real property but only when publicity would substantially affect the value thereof. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, the Work Session adjourned at 6:37 PM.

Darcy A. Snyder  
Deputy Town Clerk

Councilman Casilio left the meeting at 7:13 PM.

Motion by Supervisor Bylewski, seconded by Councilman Kolbe to adjourn the Executive Session at 7:18 PM. Upon roll call – Ayes: Councilman Weiss, Councilman Kolber, Councilman DiCostanzo, Supervisor Bylewski; Noes: None; Absent: Councilman Casilio. Motion carried. No action taken.

Regular meeting of the Town Board of the Town of Clarence was held on Wednesday, June 24, 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. Pledge to the flag was led by Councilman Peter DiCostanzo, followed by a prayer given by Deacon Gary Hoover of St. Mary's Catholic Church.

Members of the Town Board present were Councilmembers Peter DiCostanzo, Patrick Casilio, Bernard Kolber, Joseph Weiss and Supervisor Bylewski. Other Town officials present were Director of Community Development James Callahan, Town Attorney Steven Bengart, Asst. Town Engineer Tim Lavocat and Building Inspector David Metzger.

Motion by Councilman Casilio, seconded by Councilman Weiss to accept the minutes of the meeting held June 10, 2009. On the question, Councilman Kolber said he will recuse as he was not at that meeting. Upon roll call – Ayes: Councilmembers DiCostanzo, Casilio, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Kolber. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to accept the minutes of the meeting held June 18, 2009. On the question, Councilmen DiCostanzo and Casilio were not present at that meeting. Upon roll call – Ayes: Councilmembers Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilmen DiCostanzo and Casilio. Motion carried.

Supervisor Bylewski announced that item 12, the request by Spaulding Greens, LLC for a Public Hearing to consider a Sewer District Formation to service area generally described as north of Greiner Road, east of Goodrich Road, south of Clarence Center Road and west of Kraus Road, is removed from the agenda. It will be considered at a later date.

Supervisor Bylewski announced that a joint meeting with the Clarence Central School Board is set for August 24, 2009.

Supervisor Bylewski said after further discussion regarding the Clubhouse Centennial, it will be celebrated the same day as Day In The Park on Saturday, July 2, 2011.

Supervisor Bylewski said we have a few situations in Town with infestations of Hogweed at Stahley and County Roads, and at a private residence. Hogweed can be hazardous to your skin. If you see it, we recommend that you contact our Highway Department to determine that it is Hogweed. If it is on your own property, you should get in touch with a licensed landscaper or lawn care contractor who can remove it properly. He appreciates the cooperation by our Building and Highway Departments along with Erie County.

Supervisor Bylewski announced that Town Historian Mark Woodward is hosting an "Afternoon Tea with Dolley Madison on Saturday, July 11<sup>th</sup> from 1:00 p.m. to 3:00 p.m. at the Asa Ransom House. The cost is \$15.95.

Supervisor Bylewski said last Friday we had our first employee Health and Wellness Fair as part of the Get Fit Clarence event on Saturday. He thanked all of the departments that were involved. It was well received by the employees and the residents even with the rain. We are looking forward to doing this again.

Motion by Supervisor Bylewski, seconded by Councilman Casilio to grant a Special Event Request for the "Fun Bike Ride" sponsored by the Clarence Hollow Association on Saturday, July 11, 2009 from 9:00 to 11:00 a.m. beginning at the Farmer's Market. On the question, Supervisor Bylewski said all appropriate agencies will be notified. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to approve the additional location for the installation of an equipment shelter for the Crown Castle cell tower located on Town property at 6185 Goodrich Road for the co-locator, Verizon, subject to the review and approval of the Town Engineer and the Town Attorney of the plans, lease and legal description of the location and the addendum to the existing lease between Crown Castle and the Town of Clarence. On the question, Councilman Casilio asked if they are taking up more ground and

would it be more money. Tim Lavocat said they are working on that with the Town Attorney. They have preliminary plans. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Casilio to declare a Motorola Alpha Mate 250 key pad, previously used by the Parks Department, as surplus equipment. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that upon recommendation of Highway Supt. Ted Donner, the bid for the purchase of two SUV's be awarded to Towne Ford of Orchard Park, the lowest responsible bidder, at their bid of \$18,254.87 per unit. Funds are available for this procurement in our Vehicle Replacement Account. Upon roll call – Ayes: All; Noes: None. Motion carried.

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

WHEREAS, the Authorized Representatives of Clarence Center Volunteer Fire Company, Inc., Harris Hill Volunteer Fire Company, Inc. and Swormville Fire Company, Inc. Fire Protection Districts desire to secure the above named Fire Protection Districts obligation to provide volunteer firefighters' benefit law, volunteer ambulance workers' benefit law and workers' compensation benefits, as applicable through participation in a group self-insurance program of which the above named Fire Protection Districts will be a member,

The Authorized Representative of the Clarence Center Volunteer Fire Company, Inc., Harris Hill Volunteer Fire Company, Inc. and Swormville Fire Company, Inc. Fire Protection Districts duly convened in regular session, does hereby resolve, pursuant to, and in accordance with the provisions of Section 50 of the New York State Workers Compensation Law and other applicable provisions of law and regulations hereunder, as follows:

Section 1. The Authorized Representative (hereinafter "Representative") of the Clarence Center Volunteer Fire Company, Inc., Harris Hill Volunteer Fire Company, Inc. and Swormville Fire Company, Inc. Fire Protection Districts does hereby resolve to secure the Clarence Center Volunteer Fire Company, Inc., Harris Hill Volunteer Fire Company, Inc. and Swormville Fire Company, Inc. Fire Protection Districts obligation to provide volunteer firefighters' benefit law, volunteer ambulance workers' benefit law and workers' compensation benefits, as applicable, through participation in a group self-insurance plan of which Clarence Center Volunteer Fire Company, Inc., Harris Hill Volunteer Fire Company, Inc. and Swormville Fire Company, Inc. Fire Protection Districts will each be a member;

Section 2. The Representatives of the Clarence Center Volunteer Fire Company, Inc., Harris Hill Volunteer Fire Company, Inc. and Swormville Fire Company, Inc. Fire Protection Districts do hereby resolve to become a member of Public Employer Risk Management Association, Inc., a workers' compensation group self-insurance program for local governments and other public employers and instrumentalities of the State of New York;

Section 3. In order to effect the Clarence Center Volunteer Fire Company, Inc., Harris Hill Volunteer Fire Company, Inc. and Swormville Fire Company, Inc. Fire Protection Districts membership in said group self-insurance program, the authorized officers of the Clarence Center Volunteer Fire Company, Inc., Harris Hill Volunteer Fire Company, Inc. and Swormville Fire Company, Inc. Fire Protection Districts are hereby authorized to execute and enter into the Public Employer Risk Management Association Workers' Compensation Program agreement, on behalf of Clarence Center Volunteer Fire Company, Inc., Harris Hill Volunteer Fire Company, Inc. and Swormville Fire Company, Inc. Fire Protection Districts.

Section 4. This Resolution shall take effect immediately.

On the question, Councilman Weiss said this allows us to get an insurance product with better rates than we currently have.

Supervisor Bylewski said the benefits are authorized and provided pursuant to New York State Law. We have to make those provisions available to the firefighters in the course of their duty.

Councilman DiCostanzo said it states in Section 2. PERMA, which we use for the Town is a program for local governments and other public employers. There is no insinuation that they are somehow Town employees. Supervisor Bylewski said it is for workers comp. It is the way the law is written that we provide it.

Upon roll call – Ayes: Councilmembers DiCostanzo, Kolber, Weiss and Supervisor Bylewski; Noes: None. Recuse: Councilman Casilio. Motion carried.

Councilman Weiss said at the next meeting he will be making a motion for an addition to the building fees. The list will be available in the Town Clerk's office.

Councilman Weiss said there was discussion in the work session about feral cats. Anyone interested in helping the cause, you can contact Feral Cat Focus at P.O. Box 404, East Aurora, New York. Supervisor Bylewski added that there was an article about this in the Buffalo News.

Councilman Weiss said the Clarence Hollow Association is holding their monthly meeting tomorrow morning. John Leamer is giving a presentation on marketing called "Give 'em the Pickle".

Councilman Kolber announced that the Senior Center is holding their Annual Board Meeting and Strawberry Social at 1:00 p.m. tomorrow.

Councilman Casilio had no report.

Councilman DiCostanzo said the Youth Bureau is putting on an outdoor movie night at the Main Town Park tomorrow night. Also, one of the baseball groups is having a chicken dinner sale at the Large Pavilion.

Motion by Councilman DiCostanzo, seconded by Councilman Weiss to correct the name of an appointment made on June 10, 2009, of Recreation Supervisor – PT Seasonal at the budgeted rate of pay of \$15.46 per hour effective June 11, 2009. The appointee's correct name is Erin Fulcher (formerly known as Erie Priebe). Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Kolber to correct the rate of pay for Maria Beil, appointed as Recreation Specialist – RPT at the May 27, 2009 meeting to the correct budgeted rate of pay to \$15.46 per hour retroactive from her hire date of June 1, 2009. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman DiCostanzo, seconded by Councilman Casilio that pursuant to Article 8 of the Environmental Conservation Law and upon the recommendation of the Planning Board, the Clarence Town Board issues a Negative Declaration on the proposed Christian Counseling Center of Eastern Hills Wesleyan Church for the construction of a new building to be located at 8445 Greiner Road. This Unlisted Action involves the use of Restricted Business Zone property for a Christian Counseling Center. After thorough review of the submitted site plan and Environmental Assessment Form by the Town Board and Planning Board, it is determined that the proposed use is compatible with local land use regulations. Upon roll call – Ayes: All; Noes: None. Motion carried.

Supervisor Bylewski recognized Deborah Wixson from the Bee who is here tonight representing the Chamber of Commerce.

Supervisor Bylewski thanked department heads present for attending.

A Public Hearing was held to consider the request for a Temporary Conditional Permit for new/used 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.

Sean Hopkins, attorney and Michael Metzger, engineer were present to represent Martin Pecoraro. A plan was shown as to what Mr. Pecoraro would like to do on the site in terms of parking. He is not proposing any new structures. There will not be repair, storage of parts or any service work at this site.

Mr. Hopkins said this use is permitted in the Major Arterial Zone. He referred to the Zoning Code requirements (Chapter 229-139.) They feel they meet all the requirements with the exception of the row of spaces along Transit Road. They would be willing to remove that row. There will be no additional lighting added to the site.

This proposed project was previously denied. Mr. Hopkins said they have now provided additional information relating to the Zoning requirements; a plan prepared by Michael Metzger, engineer, and a similar project was approved in May for 6585 Transit Road. He believes this project better meets the requirements because it is in the Major Arterial Zone and the lot is fully paved. They do not intend to remove any greenspace from the site.

Mr. Hopkins said his client also has obtained a franchise to sell new Tri-Fun Vehicles. They are regulated as motorcycles, but can be used on public roads. They are reasonably priced and get 40+ miles per gallon. He is going to see if they sell. The used car sales portion is high-end vehicles and classic cars. They would be willing to agree to a reasonable minimum value.

Mr. Hopkins said there is an existing sign on the site that Mr. Pecoraro would add to, with approval by the Sign Review Committee.

Speaking to the subject:

Nancy LaTona said she works at Adessa and has done business with Mr. Pecoraro for 17 years and has known his family for 30 years. He is a straight forward businessman and she believes his business would be an asset to the community. Transit Road is a busy main thoroughfare and she feels an appropriate location.

David Huck said he owns two properties near this location with new buildings and he thinks this is outrageous. He does not believe a used car business is in keeping with the character of the businesses in the area. He thought the Town was trying to upgrade this area and he does not think used car sales does that. He is trying to attract new tenants and this is not appropriate.

Mr. Huck said he just noticed that there are new lights erected on the site. He wonders if someone is jumping the gun here. He does not believe this is what is intended to be in this area.

Councilman Kolber said the Master Plan recommendation is to down zone from Major Arterial to Commercial in keeping with the nature of the area further south. He tends to agree with Mr. Huck.

Supervisor Bylewski said the recommendation to amend the Master Plan is to Commercial. A commercial use of auto sales is a permitted use under a special exception use permit.

John Mancuso said he speaks on behalf of Mr. Pecoraro. He owns properties along Transit Road with Mr. Pecoraro and they are impeccably kept and beautify the neighborhood. He can think of nothing more beautiful than a classic automobile. These are going to be nice cars. Right now it is a dusty old parking lot. It will be a nice clean operation.

Gene Metzinger said he owns the car wash and he is the one that would be most affected. Mr. Pecoraro will run a clean operation. In regard to the lights, he has a portable light tower that he uses for cruise nights. He can crank it down. There are no new lights for the parking lot.

Michael Metzger, Metzger Engineering said Mr. Pecoraro has not installed any new lights at all. There is nothing going on and nothing intended.

Mr. Huck pointed to locations of 10 ft. tall black light poles.

Martin Pecoraro said he has not spent any money on lights and he has no intention of putting any lights up. He will use the existing lighting. This is not going to be an eyesore on Transit Road. It will not be a typical used car lot.

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

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

Resolved, that the Clarence Town Board, after a public hearing duly held on June 24, 2009 and after all interested parties being heard, grants a Temporary Conditional Permit to the applicant, Martin Pecoraro for a new automotive sales operation at 6031 Transit Road subject to the following conditions:

1. Temporary Conditional Permit is for a period of one year.
2. Paving and striping of vehicle storage area required.
3. No more than 18 vehicles to be displayed at any given time.
4. The hours of operation are to be from 9 a.m. and not later than 7 p.m., Monday through Friday and on Saturday from 10 a.m. to 5 p.m.
5. Display area as per plan submitted with elimination of 11 spaces closest to Transit Road.
6. No streamer/banners, open hoods with placards.
7. A value on the cars for sale to be no less than \$8,500.
8. Landscape as approved by the Landscape Committee.

On the question, Supervisor Bylewski said the plan would be as is before us, excluding the first row along Transit Road.

Councilman DiCostanzo said he thinks that Mr. Pecoraro thought this would be turned down if he did not have a new dealership involved. He believes that is the only reason he incorporated this.

Councilman Kolber said he is not in favor of this. He has nothing against Mr. Pecoraro and is sure he will run a fine operation. He does not think it fits in with the nature of the businesses in that area. It was mentioned that we approved another used car sales down the road. It makes it difficult to turn down the next person.

Supervisor Bylewski said then you have to amend the zoning of the property or amend the Zoning Code.

James Callahan said historically, the Town Board has identified that landscaping should be included in the front in exchange for the pavement as approved by the Landscape Committee.

Supervisor Bylewski we have talked in the past about removable landscaping given the temporary nature.

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

Ann Klein requests a recommendation for a Building Permit and Architectural Approval for an addition at 9175 Main Street. James Callahan said the location is the south side of Main Street, west of the Thompson Road intersection consisting of an existing structure in the Commercial Zone. The applicant is proposing an addition for a small commercial operation.

Dave Sutton, architect said he is here to represent Ann Klein who is also present. Ms. Klein resides at this location and would like to add approximately 400 sq. ft. to the front of the building. They are making minor modifications to the driveway to allow for four parking spaces. The addition and the conversion of the two-car garage will be incorporated to house a cat boarding facility. There would be no more than ten cats at one time.

Motion by Councilman Casilio, seconded by Councilman Weiss to grant the request for a recommendation for a Building Permit and Architectural Approval for an addition at 9175 Main Street, subject to review and approval of the Town Engineer for drainage and grading. On the question, Councilman Kolber asked about the materials for the addition. Mr. Sutton said they will add a stone veneer to dress up the façade facing Main Street and the remainder will match the existing. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Supervisor Bylewski, seconded by Councilman Weiss to grant Fireworks Display Permits for Brookfield Country Club on July 4 and July 11, 2009 having received all the necessary paperwork and fees. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber to grant approval for the following: Clubhouse Application - A. Clarence Women's Club – Sept. 14, 2009; Legion Hall Application - A. Clarence Conservative Committee – June 29, 2009. Upon roll call – Ayes: All; Noes: None. Motion carried.

Motion by Councilman Weiss, seconded by Councilman Kolber that after proper audit and review by the Town Board, the following bills of June 25, 2009 are approved for payment: General Fund - \$184,643.19; Highway Fund - \$117,670.94; Water District - \$2,365.69; Drainage District - \$233.20; Sewer Districts - \$800.00; Capital Fund - \$16,000.00; Aquatic Growth District - \$1,026.34; Trust and Agency - \$995.00 for a total of \$323,734.36. Upon roll call – Ayes: All; Noes: None. Motion carried.

There being no further business, Supervisor Bylewski adjourned the meeting at 8:35 P.M.

Nancy C. Metzger  
Town Clerk