

MINUTES

**WORK SESSION MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
SEPTEMBER 26, 2001
7:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

GLENN R. NELLIS	-	SUPERVISOR
EDWARD C. KRYCIA, JR.	-	COUNCILMAN (Deputy Supervisor)
MARY LOU PEW	-	COUNCILWOMAN
VINCENT V. VACCO	-	COUNCILMAN
GEORGE F. ZITTEL	-	COUNCILMAN

OTHERS PRESENT:

Mary Jo Hultquist	-	Town Clerk
DianaRae Walker	-	Deputy Town Clerk
Ann Knack	-	Administrative Assistant

Call To Order:

Supervisor Nellis called the Work Session of the Eden Town Board to order at 7:32 P.M.

Pledge of Allegiance:

Supervisor Nellis led the assembly in the Pledge of Allegiance to the flag followed by a moment of silence out of respect for the victims of the September 11, 2001 tragedy and other events that have occurred recently.

Supervisor Nellis then welcomed the students in attendance and gave a brief explanation of the difference of a Work Session and a Regular Meeting of the Town Board.

Petitions:

Supervisor Nellis stated that a petition was received from residents of March Road requesting public water due to the concern of health issues, quality and the quantity of their water supply. Supervisor Nellis stated that March Road would have been a part of Water District No. 3, however the residents at that time did not want to be a part of the project. The current residents are requesting to be considered in any future water projects.

New and Unfinished Business:

1.) Informational Discussion of Group Home Site at 2918 George Street, Eden - Wayne Ormsby of the WNY Developmental Disabilities Service Office will be present.

Supervisor Nellis stated that tonight a informational discussion would take place regarding the Group Home Site at 2918 George Street and that Wayne Ormsby of the WNY Developmental Disabilities Service Office was present to give a brief presentation as a follow up to a letter dated September 4, 2001 from Thomas Zielinski the DDSO Director which is on file in the Town Clerk's office.

Supervisor Nellis noted that there are already two group homes in Eden. They are located on Florence Avenue and on Schreiner Road and are maintained by the DDSO. There are about eleven residents total between the two group homes and the George Street group home would have about seven to eight residents. Supervisor Nellis then turned to Wayne Ormsby welcoming him to the Town of Eden.

Mr. Ormsby began his presentation by introducing himself and explaining the function of the State Agency. The DDSO covers seven counties of Western New York. They are a multi purpose type of agency. His office is responsible for planning and development of new residences such as the one on George Street. Mr. Ormsby explained that the group home on George Street will accommodate about seven individuals and it is a continuing development to integrate mental disabled individuals into communities. The State and the Legislators are supporting efforts to accommodate developmentally disabled individuals in small-integrated settings such as group homes. Four of the individuals proposed for George Street will be in wheelchairs. It is a single floor ranch house that accommodates their needs. Individuals will go to day programs and they will have the support of the DDSO staff. The individuals that would reside at George Street are currently residing at the West Seneca Developmental Center, although in some cases the DDSO may offer this home to local individuals.

Mr. Ormsby stated that he had information regarding the Mental Hygiene Law that has organized how the sponsored agency is to work with the local municipality when developing a residence. The Municipality has a forty-day review period to enable the Town to have discussions and hold a public information meeting regarding the program at which time feedback from the community could offer suggestions or alternative sites. The Town Eden has until October 15, 2001 to render a decision.

Mr. Ormsby lastly stated that the current staff of the West Seneca Developmental Center would follow the individuals to the George Street site. There may be a staff of ten on a shift basis.

Councilman Vacco asked if local residents would be considered first for this location. Mr. Ormsby replied that they try to match up the needs of the individuals and the families.

Michael Bolo of 9998 Clarksburg Road asked if the ten staff positions could be available to local people. Mr. Ormsby replied that first they use their veteran staff to open a home with staff that have been with the residents. A training package for developmental aids is required to obtain a civil service title. There is an open enrollment to recruit people who take a test and based on qualifications and interviews are employed as openings become available. Mr. Ormsby reported that there are 140 group homes in Western New York and eight day program facilities available for employment.

Supervisor Nellis asked what the economic impact of the home would be in the area. Mr. Ormsby replied that currently there is about forty staff that resides in the 14057 area and the staff value is about one million dollars. There also is the visit of families to the resident that may also visit local retailers.

There were no further questions. Supervisor Nellis reiterated that the Town has forty days to respond to the DDSO and would need to respond in one of the three ways:

1. Approve the site recommended by the sponsoring agency
2. Suggest one or more suitable sites within its jurisdiction which could accommodate such a facility; or
3. Object to the establishment of a facility of the kind described by the sponsoring agency because, to do so, would result in such a concentration of community residential facilities for the mentally retarded/developmentally disabled in the municipality or in the area in proximity to the site selected or a combination of such facilities licensed by other agencies of state government that the nature and character of the areas within the municipality would be substantially altered.

Supervisor Nellis lastly stated that the Eden Town Board would take into consideration the approval of the site. Supervisor Nellis then thanked Mr. Ormsby for his presentation.

Before continuing with New & Unfinished Business, Supervisor Nellis stated that an Executive Session would be held regarding some litigation matters at the conclusion of business tonight.

2.) Approve amendments to the Code of the Town of Eden providing for the creation of the Route 62 Hamlet Overlay District and Eden Business District.

Supervisor Nellis stated that a public hearing has been held regarding the Resolution with the Hamlet Overlay as proposed for the community along Route 62 from Shadagee Road to New Jerusalem Road. The proposal came from the Hamlet Revitalization Committee and includes the identification of an overlay district as well as the Eden Business District along Route 62. Supervisor Nellis then asked the Town Board if they were prepared to consider action at this time and if so there are two steps to be taken. The first step would be the SEQR Resolution that pertains to environmental problems and the second for the actual adoption of the Route 62 Hamlet Overlay.

Supervisor Nellis then read the following **RESOLUTION**, which was moved by Councilman Vacco:

**SEQR RESOLUTION
ROUTE 62 HAMLET OVERLAY**

WHEREAS, the Town of Eden has proposed to amend the Code of the Town of Eden, Chapter 225 entitled “Zoning”, to include a new section entitled “Route 62 Hamlet Overlay”, and

WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review – SEQR) of the Environmental Conservation Law, the Eden Town Board has reviewed the zoning code amendment, and

WHEREAS, this zoning amendment will not adversely affect the natural resources of the State and/or the health, safety and welfare of the public, and is consistent with social and economic consideration,

THEREFORE, BE IT RESOLVED, that the Eden Town Board has determined that the proposed zoning amendment is not anticipated to result in any significant effect on the environment and that a Negative Declaration (notice to determination of non-significance) is hereby issued, based on the following reasons:

1. The proposed zoning code amendment is in accordance with the Town’s adopted Comprehensive Plan (implementation item called out for in the plan).
2. The new overlay district does not change the under laying zoning but adds additional requirements and “definition” to development and redevelopment along this important corridor.
3. The amendment helps to protect the environment including standards for aesthetics, lighting, noise, road access (access management), and landscaping.

BE IT FURTHER RESOLVED, that the Supervisor be authorized to sign the environmental assessment form.

Seconded by Councilman Krycia; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Councilman Krycia read and moved the following **RESOLUTION**:

ADOPTION OF ROUTE 62 HAMLET OVERLAY

WHEREAS, the Town of Eden has proposed to amend the Code of the Town of Eden, Chapter 225 entitled “Zoning”, to include a new section entitled “Route 62 Hamlet Overlay”, and

WHEREAS, the zoning amendment was recommended in the Town’s adopted Comprehensive Plan, and the code revision was promulgated and recommended to the Town Board by the Town’s Hamlet Revitalization Committee, and

WHEREAS, the Town Board has held the appropriate public hearing and has determined that the project will not have a significant effect on the environment and has issued a Negative Declaration under the State Environmental Quality Review Act (SEQR),

NOW, THEREFORE, BE IT RESOLVED, THAT THE zoning Code of the Town of Eden be amended to include the new section "Route 62 Hamlet Overlay", and that the new boundaries of the zoning overlay be added to the Town's Official Zoning Map; All subject to receipt of wavier from the County of Erie under 239 (M) of General Municipal Law.

Seconded by Councilman Vacco. There was a brief discussion where as Supervisor Nellis noted that the last sentence of the Resolution is a requirement and it has been reviewed by the Town Planner, Andrew Reilly and the Town Attorney, William Trask. The feeling was that what we have indicated with the County that we do not anticipate any problem with this and they both felt that the Town Board could proceed to approve the Resolution, but with that last sentence.

There was no further discussion and the Resolution was then put to vote; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

3.) Resolution on 1-800 MHZ System in support of County Government

At the last Town Board meeting the Resolution on 1-800 MHZ System in support of County Government was tabled. Supervisor Nellis stated that Deputy County Executive, Carl Calabrese also made a presentation to the Association of Erie County Governments under the title of "Rebuilding Erie Counties Communications Services". It is the desire of the County for the Town to pass a resolution, which would go with a Resolution from a number of other municipalities to the State Legislator asking them to support and provide funding through a tax which is on every cell phone. Supervisor Nellis read part of County Executive Giambra's letter.

Supervisor Nellis stated that at the last meeting it was expressed that the Town's Emergency Services Committee and individuals involved in the Fire Companies, Police Department and Emergency Squad had reservations about this system. They did meet with Mike Walter, head of Erie County Emergency Services, (Deputy Commission of Public Works for Emergency Services), who went over various questions. It was Supervisor Nellis understanding that the conversation resulted in the satisfaction of the Eden Emergency Services with this system.

Supervisor Nellis then read the **RESOLUTION** that was moved by Councilman Krycia, Councilman Vacco seconded the Resolution and after a brief discussion the Town Board agreed to table the Resolution until the October 10, 2001 Town Board Meeting and will vote on the Resolution at the time.

Supervisor's Report:

Supervisor Nellis reported that the Hamlet Revitalization Committee met earlier this evening and received a letter back from Brian Rowback, Regional Director of the New York State Department of Transportation stating that they would assist in establishing a streetscape design along Route 62 in Eden and also the Right of Away. Michael Christner, Senior Landscape Architects would be meeting with the Town. Supervisor Nellis has sent him a tentative list of concerns that the Town has, which are on file in the Town Clerks' office. Supervisor Nellis stated that the DOT has helped with two items the signal at Route 62 and Schoolview and they have also committed to the sidewalks that will run from Legion Drive to Shurfine and Eckerd Drugs along Route 62.

Supervisor Nellis also reported that the Eden Fire Department would be having a "Boot Drive" on Friday September 28, 2001 collecting donations for the families of the New York City Firefighters killed in the World Trade Center attack on September 11, 2001. 100% of the money collected will go directly to the widows and children of the FDNY. Eden firefighters will be collecting along the highways in town from 6:30AM to 8:30AM and 3:00PM to 6:00PM.

Lastly Supervisor Nellis reported that the Town Attorney has requested an opportunity to review the Stormwater Management and Erosion Control Act further and requested a work session with the Town Board, Chairman and representatives of the Drainage Committee on October 9, 2001 at 7:30 P.M.

Hearing of Visitors:

There were none.

Adjournment:

MOTION was made by Councilwoman Pew to adjourn the Work Session of the Eden Town Board to go into Executive Session; seconded by Councilman Krycia; All – "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis adjourned the Work Session of the Eden Town Board to go into Executive Session at 8:16 P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board at 11:00 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk