

MINUTES

WORK SESSION MEETING – EDEN TOWN BOARD

2795 EAST CHURCH STREET

EDEN, NEW YORK

JULY 23, 2003

7:30 P.M.

TOWN BOARD MEMBERS PRESENT:

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN (<i>Deputy Supervisor</i>)
GEORGE F. ZITTEL	-	COUNCILMAN
VINCENT V. VACCO	-	COUNCILMAN
TIMOTHY J. WALKER	-	COUNCILMAN

OTHERS PRESENT:

Mary Jo Hultquist	-	Town Clerk
Anna M. Knack	-	Administrative Assistant
John Reid	-	R & D Engineering

Call To Order:

Supervisor Nellis called the Work Session of the Eden Town Board to order at 7:45 P.M.

Pledge of Allegiance:

Supervisor Nellis led the assembly in the Pledge of Allegiance to the flag followed by a moment of silence.

Amendment:

Supervisor Nellis added an amendment to the Minutes of June 11, 2003 as follows:

I hereby move to amend the minutes of June 11, 2003 Eden Town Board meeting to reflect the following: Under New and Unfinished Business No. 2 – Special Use Permit – 8750 South Main Street: The recommendations from the Eden Planning Board are:

1. Special Use Permit should be renewable annually.
2. Completed drainage plan and a drainage easement to the Town for the drainage ditch as relocated.
3. Site plan would provide for additional landscaping and screening in front of the commercial building and an alternate screening plan should the commercial building not be constructed.
4. At the 12 month special use permit renewal, if the commercial building is not constructed, the alternate screening plan would have to be implemented prior to the approval of the special use permit and further construction of self storage buildings would be restricted or prohibited until such time that the commercial building is constructed.

MOTION was made by Councilman Walker to accept the amendment to the Minutes of June 11, 2003 as read; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

In addition:

Based on further conversation with Town Attorney Trask and Highway Superintendent Maggs, the Special Use Permit approved for Schreiber and Winkelman for construction of a mini self-storage facility and Contractors’

Plaza at 8750 South Main Street shall carry the following conditions:

1. The Special Use Permit will be renewable annually, beginning December, 2004 for the year January 1, 2005 – December 31, 2005.
 2. Prior to Certificate of Occupancy being issued:
 - a. Schreiber and Winkelman will provide the Town with a completed drainage plan, approved by the Town's engineer, stipulating that Schreiber and Winkelman and its successors in interest to this property, will be responsible for the maintenance of the relocated drainage ditch and all specified drainage work shall be completed.
 - b. In the event Schreiber & Winkelman, or its successors in interest to this property, do not maintain the drainage facilities, the Town of Eden may enter onto the property and undertake any work required to maintain such drainage facilities, and the cost of such work shall be assessed against the property.
 - c. Schreiber & Winkelman shall grant to the Town of Eden an easement for purposes of enforcing this maintenance obligation, together with a consensual lien for assessing the cost of any such work performed by the Town against the property taxes on such property. This easement and consensual lien shall be in form and content acceptable to the Town Attorney.
 3. The site plan for this project will show additional landscaping and screening (approved by the Planning Board) in front of the commercial building as well as an alternate screening plan (approved by the Planning Board) should the commercial building not be constructed.
 4. Twelve months from the date of the Special Use Permit, or June 11, 2004, if the commercial building is not constructed, the alternate screening plan would have to be implemented prior to the approval of the special use permit renewal and further construction of self storage buildings would be restricted or prohibited until such time that the commercial building is constructed.

MOTION was made by Councilman Walker to approve the addition to the conditions for construction of a mini self-storage facility and Contractors' Plaza at 8750 South Main Street; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Budget Amendments:

Supervisor Nellis read the following "Budget Amendments" from Account H4089 to Account H8320.4 in the amount \$29,980.41 for Federal Grant money received for water project

and from Account A599 to Account A7110.2 in the amount of \$64,000.00 for an increase budget for Berner property purchase.

MOTION was made by Councilman Zittel to approve the “Budget Amendments”; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

New and Unfinished Business:

1. **Resolution – County Sales Tax**

Supervisor Nellis read the following Resolution:

WHEREAS, the financial problems being experienced by the City of Buffalo are of great concern for all communities in Erie County; and

WHEREAS, it is the concern of many municipal officials that these problems will seriously effect other towns, cities and villages in Erie County if they are not resolved, and

WHEREAS, in order to prosper in the long run, city government must also restructure itself, and

WHEREAS, the City of Buffalo has not demonstrated either an ability to restructure itself or to live within its means, and

WHEREAS, in order to improve the rapidly deteriorating quality of life in the City of Buffalo, the tax burden needs to be lowered and efficiency of city services improved, and

WHEREAS, there is a proposal to contribute a share of the county’s extra one percent sales tax to the City in order to promote the City’s fiscal health, and

WHEREAS, any sharing of the County’s extra 1% would ultimately result in an additional tax burden to the property owners of the Town of Eden, and

WHEREAS, elected officials in the Town of Eden are obligated to consider our Town’s fiscal health prior to providing assistance to other communities, and

NOW, THEREFORE BE IT RESOLVED that the Town of Eden can not in good conscience recommend at this time additional financial assistance to any community, including the City of Buffalo, that has not shown an ability to manage its’ own finances in a responsible way, and

RESOLVED that copies of this resolution be submitted to the Association of Erie County Governments, the County Executive and the Erie County Legislature.

MOTION was made by Councilman Zittel to approve the Resolution on County Sales Tax; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

2. **Correspondence from Eden Planning Board; Re: Proposed Local Law No. 6-2003**

Councilman Walker read the following letter from the Eden Planning Board submitted by Mark Agle, Chairman:

At our regularly scheduled Planning Board meeting on Thursday, July 3, 2003, the amending of the existing code 225-39(I), under BUILDING PERMITS, regarding an accurate survey to be submitted after the foundation has been set in place was discussed. We have compared our code to several other towns’ code, and found our code to be comparable in regard to survey requirements for major improvements. The consensus of the Planning Board is as follows:

The current code as written, provides the means for the Town to adequately protect its’ interests, to uniformly administer its’ code compliance responsibility, and it also protects the long-term real-property interests of the property owners. The Town Board may wish to consider implementing some sort of additional screening criteria for applicants. These would assist the Building Inspector in applying certain discretion in instances where some alternate means other than a survey could be relied upon for insuring code compliance. The Town Attorney would need to work with the Building Inspector to determine what the alternate criteria should be. Notwithstanding the most recent issue, the current code has not been overly onerous, and for the most part, has been applied uniformly with few complaints.

If the Town Board desires to provide some relief to applicants in certain cases, we feel that it would be best accomplished by leaving the code in essentially its current form. However, some defined mechanism could be included that would trigger varying degrees of scrutiny based upon applying the screening criteria to the application. This would provide the means for unbiased discretion to be applied in certain instances.

Mr. Phil Muck, member of the Eden Zoning Board stated that the Zoning Board was preparing a similar statement to be submitted to the Eden Town Board.

3.) Pond Permit

Supervisor Nellis stated that a request for a Special Use Permit was received from John S. Bialek, 2396 Bauer Road, for the purpose of constructing a Pond. The request will be forwarded to the Planning Board.

MOTION was made by Councilman Walker to refer the request from Mr. Bialek for a Special Use Permit for the purpose of constructing a Pond to the Planning Board; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

MOTION was made by Councilwoman Pew to close the Regular Meeting of the Eden Town Board for public hearing; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis closed the Regular Meeting of the Eden Town Board at 8:00 P.M.

MOTION was made by Councilwoman Pew to open the Public Hearing to consider Proposed Local Law No. 6-2003 – Amendments to the Town of Eden Code; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis opened the Public Hearing at 8:00 P.M.

8:00 P.M.

Public Hearing

Proposed Local Law No. 6-2003

Amendments to the Town of Eden Code

Supervisor Nellis explained the purpose of the public hearing was to listen to any concerns or questions that citizens have.

- **Note:** Supervisor Nellis asked if copies of the Proposed Local Law were made available in the Town Clerk’s office prior to the Public Hearing and the Town Clerk responded that

they were not, although no requests were made for copies. At that time, copies were distributed to the residents present.

Councilwoman Pew read her copy of Proposed Local Law No. 6-2003.

The following persons spoke and asked questions about the Proposed Local Law:

Phillip Muck, 2763 Oakland Drive

Patrick O'Connell, 2455 Shadagee Road

Francis McLaughlin, 8383 Sonnybrook Drive

Kathleen Blood, 2440 New Jerusalem Road

Robert Stickney, 2718 Lourdes Drive

Discussion ensued between the citizens and members of the Town Board stating that a clear definition is needed before a decision will be made.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:30 P.M.

MOTION was made by Councilwoman Pew to close the Public Hearing; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis closed the Public Hearing at 8:30 P.M.

MOTION was made by Councilwoman Pew to open the Regular Meeting of the Eden Town Board; seconded by Councilman Vacco: All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis opened the Regular Meeting of the Eden Town Board at 8:30 P.M.

Supervisor Nellis stated that the Town Board needed to set a Public Hearing for a Special Use Permit for the purpose of constructing a Pond for John S. Bialek.

MOTION was made by Councilman Walker to set a Public Hearing for August 13, 2003 at 8:00 P.M. for a Special Use Permit for the purpose of constructing a Pond for John S. Bialek 2396 Bauer Road; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor’s Report:

Supervisor Nellis stated that Samantha Eckert of Eden has been chosen by Eden Dolphins Swim Club to participate in “Carly’s Crossing” swimming for kids with cancer. The date of the event is August 16, 2003 and Samantha will be swimming 1 mile of the 26 miles across Lake Erie. Donations are being accepted.

Supervisor Nellis stated that a Regional Round Table Meeting regarding Agriculture Farmland Protection would be held at Cornell Cooperative Extension office in East Aurora on August 6, 2003 from 9:00 A.M. until 12:00 noon. Anyone wishing to attend can obtain information from the Supervisor’s office.

Hearing of Visitors:

Carol Buchauer, 2416 New Jerusalem Road

Josephine Czuprynski, 9793 Sisson Highway

Ruth Szalasny, 3048 Belknap Road

Adjournment:

MOTION was made by Councilman Zittel to adjourn the Work Session Meeting of the Eden Town Board; seconded by Councilman Walker; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis adjourned the Work Session Meeting of the Eden Town Board at 8:55
P.M.

Respectfully submitted by,

Mary Jo Hultquist

Town Clerk