

MINUTES

**WORK SESSION MEETING – EDEN TOWN BOARD
2795 EAST CHURCH STREET
EDEN, NEW YORK
MAY 26, 2004
7:30 P.M.**

TOWN BOARD MEMBERS PRESENT:

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN (<i>Deputy Supervisor</i>)
EDWARD KRYCIA, JR.	-	COUNCILMAN
VINCENT V. VACCO	-	COUNCILMAN (<i>arrived late</i>)
TIMOTHY J. WALKER	-	COUNCILMAN (<i>absent</i>)

OTHERS PRESENT:

Mary Jo Hultquist	-	Town Clerk
Anna M. Knack	-	Administrative Assistant

Call To Order:

Supervisor Nellis called the Work Session of the Eden Town Board to order at 7:30 P.M.

Pledge of Allegiance:

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

New and Unfinished Business:

1. **Resolution on High School Musical Performance**

Supervisor Nellis read the following resolution:

****** A PROCLAMATION ******

**ACKNOWLEDGING THE ACCOMPLISHMENTS OF
THE EDEN JUNIOR/SENIOR HIGH SCHOOL'S PRESENTATION OF
"JOSEPH AND THE AMAZING TECHNICOLOR DREAM COAT"**

WHEREAS, this spring, students of the Eden Junior/Senior High School presented the musical "Joseph and the Amazing Technicolor Dream coat"; and

WHEREAS, we realize that participation in school musicals helps to build character and teaches a wholesome appreciation for the arts; and

WHEREAS, to really excel in any one school activity, a young person must demonstrate, in addition to a great deal of natural ability, an outstanding spirit of dedication, enthusiasm and hard work; and

WHEREAS, as a result of this hard work Eden was awarded the prestigious 2004 Kenny Award for “Best High School Musical” in Western New York; and

WHEREAS, special commendation is due all cast, crew and musical members associated with the production of “Joseph and the Amazing Technicolor Dream coat”;

NOW, THEREFORE, I GLENN R. NELLIS, by virtue of the authority vested in me as Supervisor of the Town of Eden, and on behalf of the Eden Town Board and all our citizens, do hereby extend this expression of our pride in your accomplishment and our appreciation for the fine publicity you have brought to our school and our community as this year’s recipient of the distinguished Kenny Award; and

BE IT FURTHER RESOLVED that Thursday, June 10, 2004 is designated “Musical Award Winner Appreciation Day” in the Town of Eden in recognition of this fine accomplishment.

Supervisor Nellis then presented a plaque with the above “Proclamation” to Mr. John Maguda, Lucinda Karstedt and Jennifer Tylock.

2. Special Use Permit – Eden Planning Board

Supervisor Nellis read correspondence from Mark Agle, Planning Board Chairman, regarding the Special Use Permit for Mr. Don Nowak to operate a trailer sales business.

The Planning Board recommended approval with the following stipulations:

- a. That Mr. Nowak submit a revised site-plan to the Building Inspector, prior to the Town Board meeting on May 26th indicating dedicating space (approximately 2000 square feet) solely for the above-mentioned use;
- b. Prior to the May 26th Town Board meeting, Mr. Nowak must provide a signed contract to perform the agreed upon landscaping (a requirement of the original site plan approval, that set a 6/1/04 completion deadline);
- c. That the Special Use Permit be renewable annually.

Supervisor Nellis then stated that a Public Hearing would need to be scheduled for the Special Use Permit.

MOTION was made by Supervisor Nellis to set a Public Hearing for June 23, 2004 at 8:00 P.M.; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

3. Derby Road Complaint

- Supervisor Nellis read correspondence from Scott Henry, Building and Zoning Inspector, regarding the complaint from Maureen Hubbard, 2044 Derby Road, Eden, New York. Mr. Henry stated the following:

- the owner is in the process of constructing a new single-family dwelling and machinery, construction materials and heavy equipment related to such is not uncommon;
- A violation of Town Code 225-25A(5) was determined to exist and enforcement action has resulted in the owner's compliance as of 5/18/2004;
- While there did appear to be an accumulation of items such as those referred to in the complaint, the town code defines a "junkyard" to be an area which is used *primarily* for the collecting, storage and/or sale of wastepaper, rags, scrap metal or discarded material or for the collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition and for the sale of parts thereof. There are many properties in the Town, including agricultural uses, with similar accumulations;
- This property was rezoned in 2000 by the Town Board at the request of the property owner from General Industrial (which would require site plan approval from the Planning Board prior to use/development of the property) to Rural Residential (which does not require such approval for single family homes);
- The Town Code does not presently contain provisions for the appearance of property on which single-family homes are constructed.

A portion of the property in question, 2023 Derby Road, was rezoned in the year 2000, from General Industrial to Rural Residential.

Supervisor Nellis suggested contacting General Code Publishers regarding samples of town laws from other towns in the area.

Mrs. Violanti, the property owner, presented the Town Board with signatures from several owners in the area with their support, along with Maria Cala, 2040 Derby Road who was present at the meeting. Mrs. Violanti then explained that the tractors and miscellaneous equipment is used for his business and to build their house on that property.

Mrs. Hubbard, 2044 Derby Road stated that this is a serious situation and several neighbors have complaints. Mrs. Hubbard stated that her home has been assessed by a broker and the assessment is \$10,000 less because of the potential "junk yard" that has been a problem for 4 years.

After much discussion between the Town Board members and residents, it was decided that Mr. Henry, Building and Zoning Inspector, would keep an eye on the property.

4. **Proposals on Telecommunications (Phone) Services – MCI/Broadview Networks**

- Supervisor Nellis stated that the Town Board would like to have more time

to review the material, talk to some local customers and Councilwoman Pew added that the Technology Committee would also like to review the information. This item was tabled until the June 9, 2004 Town Board meeting.

5. **Recognition of Eden Nite Community Group (formerly the Eden Nite Home Bureau**

- Supervisor Nellis read the following Resolution:

**CERTIFICATE OF RECOGNITION
EDEN NITE HOME BUREAU**

WHEREAS, the Eden Nite Home Bureau has been in existence for 42 years; and

WHEREAS, through the years, this woman's group has provided both educational programs and socialization opportunities for its members; and

WHEREAS, during this time, Eden Nite Home Bureau has provided several scholarships to Eden students totaling \$4,500; and

WHEREAS, due to a declining membership, this historic organization has decided to disband;

NOW, THEREFORE, I, GLENN R. NELLIS, on behalf of the entire Town Board, do hereby tender this Certificate of Recognition to the Eden Nite Home Bureau for its many years of existence and for provided learning opportunities to so many in our community and we further extend our best wishes to all of you on your individual future endeavors.

Supervisor Nellis then presented the Certificate to Nancy Bianchi, Ceil Grobe, Pat Jacobs, Molly McLaughlin, Marj Romanowski and Sue Rott, members of the Eden Nite Home Bureau.

6. **Resolutions on Violet Street Pump Station, SEQR and Bond Resolution**

- Supervisor Nellis stated that this resolution would be tabled because a reply from SHPO (State Historic Preservation Office) has not been received. Supervisor Nellis has authorized our engineering firm to do a Phase I study. The study has been done and forwarded to SHPO with the anticipation that at the June 9, 2004 Town Board Meeting the resolution may be adopted. Legal council has been contacted and everything needs to be in place for the SEQR to move on to the bond resolution. R & D Engineering continues to work on drawings for the pump station and will be meeting with Erie County Water Authority on Friday. The delay has caused little loss of time in the project.

7. **Prioritization of Open Areas – Presentation/Questions/Answers – Joe Ghosen**

- Supervisor Nellis recognized Frank Mantione, Conservation Advisory Committee

Chairman. Mr. Mantione introduced Joe Ghosen from the Erie County Soil & Water Conservation District. Mr. Ghosen has been working on the Openspace Map for over 1 year.

Mr. Ghosen listed the following recommendations:

- Recommendation 1 and 2 would be to remove Areas 41 and 55 from the Open Space Map/Index/Inventory as they have been developed. The only addition to the map has been the “Other Conservation Areas” which are the areas that are actively being used for agriculture.
- Recommendation 3 would be to update the Open Space Map/Index/Inventory by prioritizing the remaining areas into Primary and Secondary Conservation Areas. Primary Conservation Areas would include all areas previously listed as Agriculture Land, Mixed Covertypes and Palustrine – Wetland. Secondary Conservation Areas would include all areas previously listed as Natural Terrestrial Forested.
- Recommendation 4 would be to update the Open Space Man to include Other Conservation Areas. These conservation areas would show all areas of active agriculture (except those referenced previously as Agricultural Lands in the Open Space Index/Inventory/Map) and other areas including viewscapes, etc. that have conservation value not covered under by Primary or Secondary Conservation Areas.
- Recommendation 5 would be to create a new Open Space Map.

Mr. Ghosen summarized the presentation by stating that the Open Index adopted In September, 1999 needs updating to reflect open space changes that have occurred in the Town of Eden to date (May 2004). The Open Space Index adopted in September, 1999 contained criteria for prioritization, but open space areas were never officially prioritized. Using a flexible, simple and well justified system for prioritization outline in this amendment the Town of Eden will be better able to implement it’s Master Plan strategies and streamline some of the Town’s programs and initiatives.

The complete report is available at the Town Clerk’s office during regular business hours.

Mr. Mantione stated that if the Town Board feels that this information is valid and should be shared with the public by having copies made available in the Town Clerk’s office and the Town Library. Mr. Mantione also stated that the Town Board should schedule a public hearing with regard to the acceptance of the revised Open Space Index Map.

MOTION was made by Supervisor Nellis to schedule a Public Hearing to review the revised Open Space Index Map on June 23, 2004 at 8:15 P.M.; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

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Mr. Mantione thanked Mr. Ghosen for his work and the presentation and made note to the Town Board that the funding for Mr. Ghosen was made possible from the CEM Grant Program at no cost to the Town of Eden.

Supervisor's Report:

Supervisor Nellis stated that Alumni Weekend will be held on June 11 and 12 with many festivities being held throughout the Town of Eden.

Supervisor Nellis reported that the Façade program is proceeding with 6 businesses applying for funding. The County of Erie is sponsoring the program with dollar-to-dollar matching funds up to \$7,500.

Hearing of Visitors:

Ruth Szalasny, 3048 Belknap Road
Maureen Hubbard, 2044 Derby Road

Adjournment:

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

Supervisor Nellis adjourned the Work Session Meeting of the Eden Town Board at 8:45 P.M.

Executive Session:

Supervisor Nellis adjourned the Executive Session of the Eden Town Board at 9:30 P.M.

Respectfully submitted by,

Mary Jo Hultquist
Town Clerk