

## MINUTES

**WORK SESSION MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
FEBRUARY 28, 2007  
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
RICHARD S. VENTRY	-	COUNCILMAN

### **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.

### **Introduction:**

Supervisor Nellis introduced Jacob Podyma who is attending the Town Board Meeting to earn a Merit Badge for Boy Scouts.

### **New and Unfinished Business:**

#### **1. Ratification of Verizon Settlement**

Supervisor Nellis stated that on the advice of William Trask, Town Attorney that

this item be tabled and moved to “Old Business” to be reviewed and discussed at a future Town Board meeting.

2. **Special Use Permit for Dog Boarding/Grooming Kennel – 8797 East Eden Road**

Supervisor Nellis stated that Cindy Kugler, GIS Clerk had supplied the Town Board with a map of the area, including 8797 East Eden Road.

Councilwoman Pew requested the Town Board to consider any conditions that would be placed on the Special Use Permit by the Town Board to address concerns of the neighbors in the area.

Supervisor Nellis stated that the owner would need to supply the Planning Board with a site plan and that any resident could attend the Planning Board meeting to express their concerns at that time.

Ann Knack, Administrative Assistant stated that that line of questioning was presented by our Dog Control Officer and there are rules and regulations pertaining to dogs through the laws that our DCO follows. It would be the same thing as if any resident called to complain about a neighbor’s dog barking or if a dog is barking at the facility. Our DCO has to respond according to the rules and regulations provided by the New York Department of Agriculture & Markets.

Councilwoman Pew asked if Legislation is now in place for barking dogs and Mrs. Knack responded that, yes Legislation is in place.

Supervisor Nellis read the following resolution:

**RESOLUTION  
APPROVING A NEGATIVE DECLARATION  
AND  
SPECIAL USE PERMIT  
FOR THE PROPOSED  
DOG BOARDING/GROOMING KENNEL  
8797 EAST EDEN ROAD  
EDEN NEW YORK 14057**

**WHEREAS,** the Town of Eden has received a request for a special use permit to construct a Dog Boarding/Grooming Kennel at 8797 East Eden Road, Eden, NY; and

**WHEREAS**, the Eden Town board has reviewed the proposed Dog Kennel and received a positive recommendation from the Eden Planning Board; and

**WHEREAS**, the Dog Kennel will not adversely affect the natural resources of the State and/or health, safety and welfare of the public and is consistent with social and economic considerations.

**NOW, THEREFORE BE IT RESOLVED** that a Special Use Permit for the proposed Dog Boarding/Grooming Kennel at 8797 East Eden Road be approved with the following conditions:

1. That a Site Plan is prepared in accordance with Town specifications and approval of said Site Plan by the Eden Planning Board.
2. The proposed Facility shall be constructed in compliance with other applicable Town and/or Building Codes.
3. The Special Use Permit shall be subject to annual renewal by the Eden Town Board and be effective from February 28, 2007 to December 31, 2007.

**MOTION** was made by Supervisor Nellis to approve the resolution as presented; seconded by Councilman Krycia; “Ayes”; Nellis, Krycia, Vacco, Ventry; Opposed? – Pew; Abstain? – None; Motion carried.

3. **Special Use Permit for Eden KinderCare**

Supervisor Nellis stated that he has spoken to all parties in question including Sue Singer from New York State and she stated that they were in good standing and that New York State does not do square footage as it relates to playgrounds, that they are concerned with safety and they are satisfied that the daycare has met that requirement.

Supervisor Nellis read the following Conditions of Special Use Permit for Eden KinderCare:

Maintain capacity at 85 Children, i.e., no more than 85 children at any one time with capacity further defined as 8 infants, 20 toddlers, 26 pre-schoolers and 31 school-aged children.

The following conditions shall also apply:

- Effective January 1, 2007 , site plan review and approval by the Town of Eden will be required prior to the placement of any new playground equipment or any proposed change in location of existing playground

equipment. A Sketch Plan will be acceptable for the purpose of sitting playground equipment.

- Eden KinderCare will erect 2 signs at the playground indicating, “Playground intended for day care use only”.
- Eden KinderCare staff shall provide on a quarterly basis to the Town Code Enforcement Officer (March, June, September, December) hourly attendance figures for each operating day in said quarter.
- Eden KinderCare will reverse the traffic flow for drop-off and pick-up of children attending the Day Care. Vehicles will be required to enter the Woodside Drive entrance and exit on to East Church Street.
- Eden KinderCare will advise the Town of Eden of any status change in their State License.

Councilman Vacco asked if the Ohmit’s were aware of the conditions and Supervisor Nellis stated that all the conditions were previously touched upon, either in their comments or gathered in the public hearing.

Councilwoman Pew stated that although we must be conscientious of the consideration of the neighbors, she personally feels that daycare facilities are very much in need and demand in the Town of Eden and she is definitely in favor of the increase to 85 children to be granted, based on the need in our town. Her concerns are that some of the stipulations that are being suggested, such as the site plan for the placement of the playground equipment or any proposed changes to the location of equipment is a ridiculous condition to be placed on the daycare center, and at that point language was added to the above-mentioned conditions to accept a “Sketch Plan”.

Councilman Vacco inquired about the hourly attendance and if that would require extra time for the daycare. Mark Hartman, President of St. John’s Church stated that the census numbers are probably submitted to the state on a regular basis.

Supervisor Nellis stated that the concerns expressed in a note received from Roger Brandt indicated that the daycare center is expanding rapidly, although after checking with Tammy Winter the numbers are good but there is no long waiting list and they are not bursting at the seams.

Pattie Hartman stated that daycare centers do not have long waiting lists; they have to move children through, with some children only there early morning, catch the school bus and then return after school, which is part of the 85 children.

**MOTION** was made by Councilman Vacco to approve the conditions set forth for the Special Use Permit for the Eden KinderCare; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Pattie Hartman stated that she finds it very sad that as a daycare and a church that the Police have to come and we have to put signs up stating that we don’t want people there and that parents and grandparents can’t come by and let their children enjoy the playground equipment. To put signs up on a church-owned business, especially in the Town of Eden is very sad.

4. **Schmitt Fueling**

Supervisor Nellis received correspondence from Schmitt Fueling Growth regarding diesel installation for Eden Shurfine located at 8081 N. Main Street, Eden, New York. Supervisor Nellis recommended that this information be referred to the Planning Board to be discussed at their meeting to be held on March 27, 2007.

**MOTION** was made by Councilwoman Pew to refer this item to the Eden Planning Board to be discussed at their meeting on March 27, 2007; seconded by Councilman Krycia; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Supervisor’s Report:**

Supervisor Nellis will be attending NIMS training on March 1, 2007 at the fire facility in Cheektowaga.

**Hearing of Visitors:**

There were none.

**Adjournment:**

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

Supervisor Nellis adjourned the Work Session Meeting of the Eden Town Board at 8:10 P.M.

**Executive Session:**

Supervisor Nellis adjourned the Executive Session of the Eden Town Board  
at 9:10 P.M.

by,

Respectfully submitted

Mary Jo Hultquist  
Town Clerk