

October 27, 2010

**MINUTES**

**TOWN BOARD MEETING  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
OCTOBER 27, 2010  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN
EDWARD KRYCIA, JR.	-	COUNCILMAN
VINCENT V. VACCO	-	COUNCILMAN ( <i>Absent</i> )
RICHARD S. VENTRY	-	COUNCILMAN

**OTHERS PRESENT:**

Mary Jo Hultquist	-	Town Clerk
Lisa Greiner	-	Administrative Assistant
Mark Cavacolli	-	CRA

**Call To Order:**

Supervisor Nellis called the Work Session of the Eden Town Board to order at 7:40 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. Approval of proposed ideas discussed at Public Hearings on October 13, 2010**

Supervisor Nellis requested approval of Proposed Local Law #1-2010, Amending the Town of Eden Zoning Law to allow Multiple Dwellings in the General Industrial District by Special Use Permit of the Eden Town Board.

**MOTION** was made by Councilman Krycia to approve Local Law #1-2010 as presented; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? - None; Motion carried

Supervisor Nellis requested approval of Proposed Local Law #2-2010, A Local Law Amending the Unsafe Buildings and Structures Law of the Town of Eden Relative to Emergency Enclosures.

Supervisor Nellis read the Proposed Local Law.

**MOTION** was made by Councilman Ventry to approve Local Law #2-2010 as presented; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis requested approval of the Community Development Block Grant for 2011 and read the following resolution:

At a meeting of the Town of Eden Board held on October 13, 2010, the Board authorized Glenn R. Nellis, Supervisor, to sign, submit and execute a contract with Erie County Community Development Block Grant (ECCDBG) program for the following project(s) upon approval of ECCDBG.

1. Rural Transit Service

**MOTION** was made by Supervisor Nellis to set the priority project for 2011 Community Development Block Grant designating Rural Transit Service as our only priority project for 2011; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? - None; Motion carried.

2. **Approval of town of Eden Special Use Permit Processing Chart**

Supervisor Nellis requested that this item be tabled and moved to “Old Business” to be reviewed and discussed at a future Town Board Meeting.

3. **Resolution on Increase and Improvement of Facilities**

Supervisor Nellis requested that this item be tabled and moved to “Old Business” to be reviewed and discussed at a future Town Board Meeting.

4. **Bond Resolution on Increase and Improvement of Facilities**

Supervisor Nellis requested that this item be tabled and moved to “Old Business” to be reviewed and discussed at a future Town Board Meeting.

5. **Reviewing and filing Environment Report on Water District #5**

Mark Cavacolli presented the final draft of Environment Report on Water District #5 to the Town Board and stated that a few additional items would be added then it would be filed. A final draft will be made available for review in the Town Clerk’s office.

6. **Dog Control Officer – declare truck surplus**

Supervisor Nellis requested declaring the Dog Control Officer truck as surplus.

**MOTION** was made by Councilwoman Pew to declare the Dog Control Officer truck as surplus; seconded by Councilman Ventry; 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 Ventry; 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 the Special Use Permit for 8800 South Main Street; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**8:00 p.m.  
Public Hearing  
Special Use Permit  
8800 South Main Street**

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

Supervisor Nellis stated that Dr. Robert Hornberger, requesting the Special Use Permit and the owners of the property (GalCor) 8800 South Main Street, are present at this Public Hearing. Mr. Hornberger is requesting a special use permit at 8800 South Main Street for Inside/Outside Storage Facility which occupy approximately 25,000 square feet on the west end of the building and approximately 50,000 square feet on the east end of the building. The purpose of this request is to have dry indoor storage for

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boats, recreational vehicles, automobiles, motorcycles, trailers, watercraft, golf carts, snowmobiles, snow blowers and lawn mowers. No outside storage will be allowed.

Supervisor Nellis read the following correspondence from Mark Agle, Chairman of the Eden Planning Board:

“The Planning Board of the Town of Eden completed its required reviews at its’ October 26, 2010 meeting, including due consideration of the public health, safety, and welfare and the comfort and convenience of the public in general and of the residents of the immediate neighborhood pursuant to Section 225-46(A) under the Code.

- (1) The lot, as laid out, provides adequate access for police and fire protection
- (2) The proposed use of the property is in character with surrounding neighborhood and with the Town Master Plan.

The Planning Board of the Town of Eden has determined that the submitted Site Plan is in accordance with Town Zoning Code and that the applicant has complied with all requested revisions for this site.

Therefore, the following determinations/approvals were given:

The Planning Board of the Town of Eden granted conditional site plan approval, said approval is conditioned upon:

- Receipt from the Lead Agency (Town Board) of the necessary supporting declaration under SEQRA; and
- Receiving a grant from the Town Board of the necessary Special Use Permit.

The Planning Board of the Town of Eden respectfully submits this report to the Town Board for their consideration when determining whether a Special Use Permit will be granted for the proposed use at this site.”

Dr. Robert Hornberger has supplied the Town of Eden with the required documentation, Affidavit of Service, list of parcels within 500 feet of the subject property showing that they were personally served a copy of the Legal Notice, and a copy of the Legal Notice for the Public Hearing.

The following citizens spoke:

Dr. Robert Hornberger stated that there would be no activity most of the time, it is primarily for winter/summer storage.

Mike Jacobs stated that most of the vehicles would have fuel, will someone be checking the building.

Dr. Hornberger stated that someone would be regularly checking the building, several times a week.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:10 p.m.

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

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

**7. Recreation Appointments**

Supervisor Nellis read the following Recreation Appointments as recommended by the Recreation Board:

Don Williams of Eden as Adult Volleyball Supervisor, Tuesday nights. November through April at a pay rate of \$8.50/hour.

Kathryn Gorcica of Eden as Adult Swimming Supervisor on Monday & Wednesday nights. November through April at a pay rate of \$10.00/hour.

Christopher Winter as Adult Swimming Assistant Supervisor on Monday & Wednesday nights. November through April at a pay rate of \$9.00/hour.

**MOTION** was made by Councilwoman Pew to approve the appointments as presented; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**8. Recreation – Award of Bids**

Supervisor Nellis read the following bid results:

<b>Bidder</b>	<b>Rototiller</b>	<b>Tractor</b>
Donald Winkelman	\$106.00	\$395.00
Richard Cheman	\$540.00	
William Kester	\$237.50	
Gale Hultquist	\$81.00	
Scot Christiansen		\$425.00
Edwin Sugg	\$200.00	\$150.00
Gary Hahn	\$110.10	

The Eden Recreation Department received sealed bids for, and is recommending that the Town Board accept the two bids high bids, Scot Christiansen, \$425.00 for the 1996 GT 75 New Holland Lawn Tractor and Richard Cheman, \$540.00 for the 40” Rototiller.

**MOTION** was made by Supervisor Nellis to award the bid for the 1996 GT75 New Holland Lawn Tractor to Scot Christiansen at \$425.00 and the 40” Rototiller to Richard Cheman for \$540.00; seconded by Councilwoman Pew; 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 Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis closed the Regular Meeting of the Eden Town Board at 8:15 p.m.

**MOTION** was made by Councilwoman Pew to open the Public Hearing for the Stormwater Management Annual Report; seconded by Councilman Ventry; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**8:15 p.m.  
Public Hearing  
Stormwater Management Annual Report**

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

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Supervisor Nellis stated that this is an annual report that is being submitted for the reporting period ending March 9, 2010, completed by Ron Maggs, the Stormwater Management Supervisor and Dave Johnson, Town Engineer.

The following citizens spoke:

There were none.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:17 p.m.

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

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

#### **9. Inclusion of Agriculture District**

Supervisor Nellis read the following correspondence from Erie County Department of Environment and Planning:

The Erie County Legislature on September 23, 2004 designated November 1, through November 30 each year as the annual thirty-day period during which landowners may submit requests to include predominately viable agricultural land into an existing agricultural district as per New York State Agriculture and Markets Law Section 303-b.

The Erie County Department of Environmental and Planning (ECDEP) (Room 1063) at 95 Franklin Street, Buffalo, New York 14202 will accept application for addition into an agricultural district.

Town Supervisor, Clerks and Assessors in Erie County and ECDEP at the above-mentioned address have copies of the application form to provide to any person requesting them.

If you have any questions or problems concerning the 30-day period process, please contact ECDEP Planner John Opalka at (716)858-6229.

#### **10. November 10, 2010 Town Board Meeting in East Eden**

Supervisor Nellis requested setting the November 10, 2010 Town Board Meeting at East Eden Fire Hall, 8097 East Eden Road, Eden, New York.

**MOTION** was made by Councilman Krycia to set the November 10, 2010 Town Board Meeting at the East Eden Fire Hall; seconded by Councilwoman Pew; 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 Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis closed the Regular Meeting of the Eden Town Board at 8:30 p.m.

**MOTION** was made by Councilwoman Pew to open the Public Hearing for the Preliminary Budget 2011; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

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**8:30 p.m.**  
**Public Hearing**  
**Preliminary Budget 2011**

**The purpose of the Public Hearing is to review the Proposed Budget of the Town of Eden for the year 2011. The proposed tax rates for 2011 are:**

<b>General</b>	-	<b>\$2.05 per thousand, same as 2010</b>
<b>Highway</b>	-	<b>\$3.36 per thousand, up 9 cents from 2010</b>
<b>Light</b>	-	<b>\$ .15 per thousand, same as 2010</b>
<b>Fire</b>	-	<b><u>\$ .94 per thousand, up 3 cents from 2010</u></b>
		<b>\$6.50 per thousand</b>

**Net increase of \$0.12 per thousand, a home assessed at \$100,000 would show a net increase of \$12.00 on their tax bill for the above items, or a 1.9% increase from 2010.**

**The Garbage Rate for 2011 is \$189.00 per unit, up from \$187.00 in 2010.**

Supervisor stated that copies of the Proposed 2011 Budget have been made available in the Town Clerk's office and at the meeting tonight.

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

The following residents made comments regarding the proposed budget:

Mike Jacobs, 2827 Roswell Pkwy.  
Robert Stickney, 2718 Lourdes Drive  
Phil Muck, 2763 Oakland Drive

All persons desiring to be heard, having been heard, Supervisor Nellis closed the public hearing at 8:50 p.m.

**MOTION** was made by Councilman Ventry to close the public hearing; seconded by Councilwoman Pew; All "Ayes"; Opposed? – None; Abstain? - None; Motion carried.

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

Supervisor Nellis requested approval of the Stormwater Management Annual Report (MS4), as the public hearing was held earlier in the evening and there was no opposition shown.

**MOTION** was made by Supervisor Nellis to approve the Stormwater Management Annual Report (MS4) as presented; seconded by Councilman Ventry; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis requested approval of the Special Use Permit for Dr. Hornberger for the Inside Storage Facility at 8800 South Main Street.

After much discussion, the following Motions were made:

**MOTION** was made by Councilwoman Pew to approve the Negative Declaration under SEQRA; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**MOTION** was made by Councilwoman Pew to approve the Special Use Permit for Dr. Hornberger for the Inside Storage Facility at 8800 South Main Street to expire December 31, 2011; seconded by Councilman Krycia; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

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**Supervisor's Report:**

- Town of Eden offers free transportation to Senior Citizens
- Halloween will be celebrated in Eden on Sunday, October 31, 2010 from 5:00 – 8:00 p.m.

**Hearing of Visitors:**

Mike Jacobs, 2827 Roswell Pkwy  
Phil Muck, 2763 Oakland Drive

**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 9:00 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk