

June 22, 2011

**MINUTES**

**TOWN BOARD MEETING  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
JUNE 22, 2011  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Heather Ohmit	-	Deputy 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 7:45 P.M.

**Pledge of Allegiance:**

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

**New and Unfinished Business:**

**1. Review Special Use Permit Request for 7341 Southwestern Blvd.,  
Automotive Repair Shop**

Supervisor Nellis read the following resolution:

**Resolution of the Eden Town Board  
Approving Application for Special Use Permit for  
Automotive Repair Shop at 7341 Southwestern Boulevard**

WHEREAS, the applicant completed an environmental assessment form as required under NYS SEQR, and the Town Board declared itself lead agency and issued a negative declaration under SEQR, and

WHEREAS, a zoning referral was made to Erie County DEP as required by General Municipal Law Section 239-m, and pursuant to such zoning referral, Erie County DEP's response was "No recommendation' proposed action has been reviewed and determined to be of local concern,"

NOW, THEREFORE, be it RESOLVED, that the Eden Town Board hereby approves the issuance of a Special Use Permit to the applicant, Leonard Zygula, to operate an automotive repair shop and a used car sales lot at 7341 Southwestern Boulevard, on the following conditions:

1. The total number of motor vehicles being worked on or being displayed for sale on the site at any time shall not exceed ten (10).
2. Approval included automotive repair (as defined by NYS law) but does not include motor vehicle collision, bodywork or painting on-site.

3. If applicant chooses to do business under any other name, he must provide the Town of Eden Code Enforcement Officer with documentation establishing the name and legal creation of the operating entity.
4. Applicant or operating business entity must be fully licensed/permitted by NYS Department of Motor Vehicles and any other agency with jurisdiction.
5. This Special Use Permit is subject to annual review and renewal at the same time as other Special Use Permits issued by the Town Board.
6. The issuance of the Special Use Permit is subject to Site Plan review and approval by the Eden Planning Board in accordance with applicable provisions of the Eden Code, and
7. In addition to the applicable code requirements, the Site Plan should specifically show or address:
  - i. The Leased Area and all other uses being made of the surrounding parcel of the owner (not just the Lease Area)
  - ii. Where on the property (delineate the Lease Area on the plan)
  - iii. Access (to and from the Lease Area for emergency vehicles)
  - iv. Proposed location and size of any Signage
  - v. Proposed Fencing and/or Screening
  - vi. Location and type of any Exterior Lighting
  - vii. What exterior improvement or modifications, if any, are proposed for the Leased Building

MOTION was made by Supervisor Nellis to approve the Special Use Permit for Automotive Repair Shop at 7341 Southwestern Boulevard as read; seconded by Councilman Krycia; All "Ayes"; Opposed? –None; Abstain? ; None; Motion carried.

## **2. Out of District Water Customer Policy**

This item was tabled for discussion at a future meeting.

Larry Huntoon , 2183 Ferrier Road, spoke regarding this issue. Mr. Huntoon presented documentation to the Town Board Members and the Town Clerk.

## **3. Closing of New Oregon Road from Clarksburg Road to Knoll Road until further notice.**

A letter was received from Erie County regarding this issue. This item was informational in nature and no vote was necessary.

## **4. Rural Transit Service Award**

A letter was received from Erie County regarding approval through the Erie County Consortium Community Development Block Grant Program. This item was informational in nature and no vote was necessary.

### **Supervisor's Report:**

Supervisor Nellis gave a brief update on the status of water improvements in the Violet Street area. Supervisor Nellis stated that Free Fishing Days would be held on June 24<sup>th</sup> and 25<sup>th</sup>.

### **Hearing of Visitors:**

Robert Stickney - Lourdes Drive

### **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.

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Supervisor Nellis adjourned the Work Session Meeting of the Eden Town Board at 8:25 P.M.

Supervisor Nellis adjourned the Executive Session Meeting of the Eden Town Board at 9:00 P.M.

Respectfully submitted by,

Heather Ohmit  
Deputy Town Clerk