

MEETING NO. 2
REGULAR NO. 2

REGULAR TOWN BOARD MEETING
TOWN OF ALDEN

January 19, 2021
7:00 P.M.

The Regular Meeting of the Alden Town Board was held at 3311 Wende Road, Alden, NY on Tuesday, January 19, 2021 at 7:00 P.M. Supervisor Adamski called the Meeting to Order and Councilwoman Waiss led in the Pledge of Allegiance. The Roll Call was taken by the Town Clerk.

PRESENT: Dean Adamski, Supervisor
Colleen Pautler, Councilwoman
Gina Waiss, Councilwoman

RECORDING SECRETARY: Alecia Barrett, Town Clerk

OTHERS PRESENT: Bill Rogers, Highway Superintendent
Jennifer Strong, Town Attorney
Colleen Rogers, Deputy Town Supervisor
Chris Snyder, Code Enforcement Officer
Mike Metzger, Town Engineer
Len Weglarski, DCO
Mike Flemming, Planning Board
Residents

Councilwoman Pautler Moved and Councilwoman Waiss seconded the Motion to approve the Minutes and Synopsis of the Regular Meeting of January 5, 2021

CARRIED

Ayes 3 Adamski, Pautler & Waiss

Nays 0

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN PAUTLER, SECOND BY COUNCILWOMAN WAISS, WHO MOVED THAT THE FOLLOWING VOUCHERS BE ALLOWED AND PAID TO WIT; VOUCHERS #1 - 60 **ALL BILLS REVIEWED BY THE TOWN BOARD.**

<u>ACCOUNT</u>	<u>AMOUNT</u>		
	ABSTRACT #1	ABSTRACT #2	TOTAL
GENERAL FUND "A"	\$22,937.43		\$22,937.43
HIGHWAY FUND "DA/DB"	\$33,626.05		\$33,626.05
PART-TOWN FUND "B"	\$4,379.16		\$4,379.16
SPECIAL FIRE PROTECTION "SF"	\$5,300.00		\$5,300.00
SEWER DIST. #2 FUND "SA "	\$373.75		\$373.75
TRUST & AGENCY "T"	\$4,765.27		\$4,765.27
SPECIAL REFUSE FUND "SR"	\$34,459.05		\$34,459.05
STREET LIGHTING FUND "SL"	\$4,007.66		\$4,007.66
PERIWINKLE LTG. DIST."SL1"	\$67.37		\$67.37
ZOELLER Rd WATER DIST."WZ"	\$14,407.00		\$14,407.00
CAPITAL PROJECTS"HC"	\$16,568.80		\$16,568.80

**WATER DIST.EXCHNAGE
ST."WX"**

\$20,847.75		\$20,847.75
\$161,739.29		\$161,739.29

TOTAL

THE FOREGOING RESOLUTION WAS PUT TO A ROLL CALL VOTE ON JANUARY 19, 2021 AND

ADOPTED

Ayes 3 Adamski, Pautler & Waiss

Nays 0

BUSINESS FROM THE FLOOR

COMMUNICATIONS

Town Attorney Jennifer Strong

1. Circulated to the Board a draft copy of the Town's Emergency Plan; add to the Work Session for further discussion
2. Sent Dean training letters for review

7:05 PUBLIC HEARING – LOCAL LAW #2 OF 2021 – INTEGER REZONE

Councilwoman Pautler motioned and Councilwoman Waiss seconded the motion to enter into Public Hearing; all were in favor.

Notice of Public Hearing was read by the Town Clerk

Supervisor Adamski stated the object of the Public Hearing is for those interested to be heard regarding the Local Law #2 of 2021, Integer Rezone.

Peter Sorgi, Attorney for Integer and Mike from Integer explained that the project was put on hold because of the pandemic. Provided a survey outlining the area for the rezoning. They would like to continue with the rezone so the project can continue onto the next phase. They are present to answer any questions the Board or public may have and will also send a written response regarding those questions.

Robert Wohlgemuth, 11890 Genesee St – voiced concerns over noise, drainage and traffic. He would like to see the plans turned around so the driveway location is on Walden not Genesee. He provided the Town Board with several print outs showing his areas of concern.

Councilwoman Pautler motioned and Councilwoman Waiss seconded the motion to return to regular meeting; all were in favor.

NEW BUSINESS

THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILWOMAN PAUTLER, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN WAISS, TO WIT;

WHEREAS, a Local Law No 1 of 2021 (formally known as Local Law No. 4 of the Year 2020), entitled "Rezoning of Real Property on Broadway and Two Rod Road and Zoning Map Amendment;" was introduced to the Alden Town Board for consideration by Supervisor Adamski on November 17, 2020,

WHEREAS, a resolution was duly adopted by the Alden Town Board calling a public hearing to be held by the Alden Town Board on January 5, 2021 at the Alden Town Hall, to hear all interested parties on a proposed Local Law,

WHEREAS, notice of said public hearing was duly published in the Alden Advertiser,

WHEREAS, said public hearing was duly held on January 5, 2021 and all parties in favor of and opposed to the local law were heard,

WHEREAS, the neighboring municipalities were given notice of the proposed Local Law on December 2, 2020, and

WHEREAS, pursuant to part 617 of the implementing regulations pertaining to Article 8 State Environmental Quality Review Act (SEQRA) it has been determined by the Alden Town Board, as Lead Agency, as solicited on December 1, 2020, that adoption of said proposed Local Law is an Unlisted Action and will not have a significant effect upon the environment;

WHEREAS, the Erie County Division of Planning issued a "no recommendation";

WHEREAS, the Town Planning Board on December 15, 2020 recommended approval of the Local Law;

WHEREAS, said Local Law will not have any adverse impact on the current land uses in this area; and

WHEREAS, the Alden Town Board, after due deliberation, finds it in the best interest of said the Town of Alden to adopt said Local Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Alden Town Board hereby adopts said Local Law No. 1 of the Year 2021, entitled "Rezoning of Real Property on Broadway and Two Rod Road and Zoning Map Amendment"; and, a copy of which is attached hereto and made a part of this resolution,
2. That the Alden Town Clerk enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Alden, and to give due notice of the adoption of said Local Law to the Secretary of State of New York, post the same on the Town Bulletin Board and publish the same in the Alden Advertiser, and
3. This Resolution shall take effect immediately.

The question of the resolution of the foregoing resolution was duly put to a vote on roll call, at a regular meeting on January 19, 2021, which resulted as follows:

CARRIED.

Ayes 3 Adamski, Pautler & Waiss

Nays 0

(FINAL TEXT ZOLADZ REZONE)

A Local Law known as Local Law No. 1 of the Year 2021 entitled "Rezoning of Real Property on Broadway at Two Rod Road"

Be it enacted by the Town Board of the Town of Alden as follows:

SECTION 1. TITLE

This Law shall be known as Local Law No. 1 of the Year 2021 entitled "Rezoning of Real Property on Broadway at Two Rod Road".

SECTION 2. PURPOSE

The purpose of this local law is to amend the Zoning Law of the Town of Alden to rezone two approximately 1.38 acre parcels of land, at the corner of Broadway and Two Rod Road to bring this section into compliance with the Town of Alden's adopted Comprehensive Plan and to allow for commercial growth of an existing business.

SECTION 3. AMENDMENT OF ZONING LAW

The Zoning Classification of the following described area presently is zone R-C under the Zoning Law of the Town of Alden is hereby amended and the property therein described as:

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Alden, County of Erie, and State of New York, being part of Lot 35, Township 11, Range 5 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point in the northerly line of Broadway at the northeast corner of lands appropriated for highway widening recorded in Liber 4059 of Deeds at page 474:

THENCE: Easterly along the northerly line of Broadway, a distance of 231.00 feet to a point; THENCE: Northerly having an interior angle of 93°24'06", along the east line of lands conveyed

to Anthony and Mary Kaminski by deed recorded in the Erie County Clerk's Office in Liber

5682 of Deeds at Page 575, and parallel with the west line of Lot 35, a distance of 278.29 feet to a point;

THENCE: Westerly, a distance of 130.98 feet to a point;

THENCE: Southerly, parallel with the west line of Lot 35, a distance of 38.67 feet to a point; THENCE: Westerly, parallel with the northerly line of Broadway, along the north line of lands

conveyed by Liber 7668 of Deeds at page 525, a distance of 100.00 feet to a point;

THENCE: Southerly, parallel with the west line of Lot 35, along the west line of said lands conveyed by Liber 7668 of Deeds at page 525, a distance of 240.00 feet to the POINT OF BEGINNING.

is rezoned as C-2

SECTION 4. AMENDMENT TO THE ZONING MAP

The Zoning Map of the Town of Alden adopted by the Town of Alden pursuant to Local Law No. 2 of the Year 2018, as from time to time amended, and incorporated under Section 365-6 of the Code of the Town of Alden is hereby amended to incorporate the zoning classifications of the parcels described in Section 3.

SECTION 5. SEVERABILITY

If any portion, subsection, sentence, clause, phrase or portion thereof of this local law shall for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity of the remaining portions thereof.

SECTION 6. WHEN EFFECTIVE

This Local Law shall become effective immediately upon its filing in the office of the Secretary of State.

THE FOLLOWING ORDER WAS OFFERED BY SUPERVISOR ADAMSKI, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILWOMAN PAUTLER, TO WIT;

WHEREAS, the Alden Town Board is considering an application by James Piedmont for the subdivision of two lots. The entire parcel currently consists of approximately 9.76 acres at 11389 Genesee Street, in the Town of Alden, further identified as SBL# 96.00-2-6. The first proposed lot ("Parcel A") will be 7.51 vacant acres (with 100' of frontage) and the second proposed lot ("Parcel B") will be approximately 2.24 acres (with 350 ' of frontage) containing the existing structures (The "Proposed Action");

WHEREAS, the Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA;

WHEREAS, the Town Board believes that the Town of Alden is: the agency primarily responsible for undertaking decisions as to subdivision; the agency with the broadest governmental powers for investigating the impact of the Proposed Action; has the greatest capacity for providing the most thorough environmental assessment of the Proposed Action; and is the most local agent with permitting authority; and

WHEREAS, the Town Building Inspector has provided notice to the Erie County Division of Planning for this Proposed Action, as required under Section 239-m of the General Municipal Law.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA and that a coordinated review should be conducted.
2. The Town Board has determined that it should be the Lead Agency for all environmental review of the Proposed Action.
3. This resolution shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll call, at a regular meeting on January 19, 2021, which resulted as follows:

CARRIED.

Ayes 3 Adamski, Pautler & Weiss
Nays 0

POLLED AND ADDED WITH NO OBJECTIONS

THE FOLLOWING ORDER WAS OFFERED BY COUNCILWOMAN PAUTLER, WHO MOVED ITS ADOPTION, SECONDED BY SUPERVISOR ADAMSKI, TO WIT;

WHEREAS, the Alden Town Board on November 04, 2019 adopted its 2020 Budget;

WHEREAS, the Town of Alden needs to transfer money to allow for payment of item as outlined below; and;

WHEREAS, this budget transfer will not render the Town of Alden insolvent;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS THAT;

The Alden Town Board hereby authorizes the following transfer:

From	Amount	To	Explanation	Amount
B.6989.0411	\$1,280.69	B.4650.0440	Ambulance Fees	\$1,280.69
			Total	\$1,280.69

The Resolution shall take effect immediately.

The forgoing resolution was duly put to a roll call vote at a regular meeting on January 19, 2021.

The question of the adoption of the foregoing order was duly put to a vote on roll call, at a regular meeting on January 19, 2021, which resulted as follows:

CARRIED.

Ayes 3 Adamski, Pautler & Waiss

Nays 0

REPORTS OF COMMITTEES, OFFICIALS AND PERSONNEL

Mike Flemming , Planning Board – Planning Board is questioning the HOP use of a couple properties in Alden; DD’s Ranch and Mark Moore’s property at Two Rod & Broadway. Supervisor Adamski noted he is working toward rectifying the parking at his property and that the other property has been turned over to the courts. The Planning Board is also requesting a Town Board member be present at their meetings as it has been quite some time since a Board Member has attended. Councilwoman Waiss stated she would be at the next meeting. The Town Board also requested a member of the Planning Board attend Town Board meetings as they have a schedule for attendance but rarely are in attendance.

Mike Metzger, Town Engineer – Closeout documents have been submitted for Senior Center roof project. Recommendation has been made for final payment to the contractor.

UNFINISHED AND TABLED BUSINESS

NOTICE OF MEETINGS

WORK SESSION:	January 26, 2021	@7:00 PM
REGULAR BOARD MEETING	February 2, 2021	@7:00 PM

MEMORIAL REMEMBRANCE - JoNette Nonnenmocher and Joel MacAlpine and Sylvia Sabers

ADJOURNMENT

At 7:55 P.M. Supervisor Adamski adjourned the Meeting.

Alecia Barrett
Town Clerk