

SPECIAL MEETING NO. 4/2020
SPECIAL MEETING #4

TOWN BOARD MEETING
TOWN OF ALDEN

August 15, 2020
10:00 A.M.

The Special Meeting of the Alden Town Board was held at 3311 Wende Road on Saturday, August 15, 2020 at 9:00 A.M.. Supervisor Adamski called the Meeting to Order and Councilwoman Pautler led in the Pledge of Allegiance. The Roll Call was taken by Town Clerk Barrett.

PRESENT: Dean Adamski, Supervisor
Colleen Pautler, Councilwoman

RECORDING SECRETARY: Alecia Barrett, Town Clerk

OTHERS PRESENT: Jennifer Strong, Town Attorney

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

WHEREAS, the Town Board of the Town of Alden is considering an application, by The Broadway Group, LLC for site plan approval of a proposed new 9,100 square foot retail store at 12220 Walden Avenue, in the Town of Alden, further identified by SBL # 96.00-3-33 (The "Proposed Action");

WHEREAS, the Alden Town Board has determined that the Proposed Action is an Unlisted Action under SEQRA and has conducted a coordinated review;

WHEREAS, the Alden Town Board believes that this Board: the agency primarily responsible for undertaking decisions as to site plan review; is 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;

WHEREAS, the Town of Alden has provided notice to Erie County Planning as required under Section 239-m of the General Municipal Law;

WHEREAS, the New York State Environmental Quality Review Act requires the Town Board to determine the Lead Agency status and the Lead Agency making a SEQR determination;

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, the Applicant has prepared the Environmental Assessment Form, which is now on file with the Town Board and the Town's SEQR Intake Officer; and

WHEREAS, any comments received from the involved agencies have been fully addressed by the Code Enforcement Officer; and

WHEREAS, the Town of Alden Planning Board has recommended the approval of the site plan.

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 proper coordinated review has been conducted;
2. The Town Board has determined that the Town of Alden should be the lead agency for all environmental review of the Proposed Action;
3. The Town of Alden, as Lead Agency, hereby determines that the unlisted action described in the SEQRA NEGATIVE DECLARATION, NOTICE OF DETERMINATION OF NON-SIGNIFICANCE, on file with the SEQRA Intake Officer, will not have a significant effect on the environment and that an environmental impact statement is not required to be prepared with respect to said Proposed Action;
4. The Town Board finds that the Proposed Action is consistent with the Town Code and approves the site plan contingent upon the receipt of a landscaping plan acceptable to the Town Board. The Building Inspector shall not issue any Building permits until the Town Board approves the landscaping plan; and
5. This Resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a Special Meeting on August 15, 2020, as follows:

CARRIED.

Ayes 2 Adamski & Pautler

Nays 0

THE FOLLOWING RESOLUTION 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 John Drogi for the subdivision of three (3) lots at. The entire parcel currently consists of approximately 4.2 vacant acres at Walden Avenue, in the Town of Alden, further identified as SBL# 96.00-3-33. The first proposed lot ("Parcel 1") will be a 1.01 acre vacant parcel on Genesee Street; the second proposed lot ("Parcel 2") will be a 1.70 acres parcel to be developed; and; the third proposed lot ("Parcel 3") will be the remaining vacant acreage (approximately 1.77 acres) (The "Proposed Action");

WHEREAS, the Proposed Action is an unlisted action within the requirements of the New York State Environmental Quality Review Act;

WHEREAS, the Town Building Inspector provided notice to the Erie County Division of Planning on April 29, 2020 for this Proposed Action, as required under Section 239-m of the General Municipal Law and no recommendation was received;

WHEREAS, the New York State Environmental Quality Review Act requires the Town to determine the Lead Agency status and the Lead Agency making a SEQR determination;

WHEREAS, the Town of Alden did assume Lead Agency Status for the related site plan approval on May 19, 2020, as supplemented on August 11, 2020;

WHEREAS, any comments received from the involved agencies for both subdivision and the site plan approval have been fully addressed by the Code Enforcement Officer; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law the Town Board has prepared the Short Form Environmental Assessment Form, which is now on file with the Town Board and the Town's SEQR Intake Officer; and

WHEREAS, the Town of Alden Planning Board has reviewed the Proposed Action and recommended to the Town Board the approval of the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS THAT:

1. The Town Board, as Lead Agency, has determined that the Proposed Action is an Unlisted Action under SEQRA.
2. The Town of Alden, as Lead Agency, hereby determines that the unlisted action described in the attached SEQR NEGATIVE DECLARATION, NOTICE OF DETERMINATION OF NON-SIGNIFICANCE, which attached notice is hereby made a part of this Resolution, will not have a significant effect on the environment and that an environmental impact statement is not required to be prepared with respect to the Proposed Action.
3. That the following parcels, more particularly described as:

PARCEL '1'

All that tract or parcel of land, situate in the Town of Alden, County of Erie, State of New York; being a

part of Lot 33, Town 11, Range 5, of the Holland Land Company's Survey, and being bounded and described as follows: BEGINNING at a point on the centerline of Genesee Street at the northerly corner of the second parcel of land conveyed to John M. Drogi, Jr. by deed recorded in Liber 10971, Page 8403 on 9/26/2000;

Thence South 76 Degrees 36 Minutes 42 Seconds East, along the centerline of Genesee Street, a distance of 178.12 feet to the northeast corner of Drogi;

Thence along the east line of Drogi, the following two courses and distances:

1. South 01 Degrees 24 Minutes 33 Seconds East, a distance of 34.13 feet to a found square iron pin;
2. South 01 Degrees 24 Minutes 33 Seconds East, a distance of 219.48 feet to a set ¾" rebar with cap;

Thence North 76 Degrees 36 Minutes 42 Seconds West, through the aforementioned lands of Drogi, a distance of 182.01 feet to a set ¾" rebar with cap;

Thence along the westerly line of Drogi, the following two courses and distances:

1. North 00 Degrees 33 Minutes 21 Seconds West, a distance of 218.65 feet to an iron pin found in the north face of a 20" Spruce Tree;
2. North 00 Degrees 33 Minutes 21 Seconds West, a distance of 34.00 feet to the POINT OF BEGINNING. Containing a total of 1.01 Acres.

PARCEL '2'

All that tract or parcel of land, situate in the Town of Alden, County of Erie, State of New York; being a part of Lot 33, Town 11, Range 5, of the Holland Land Company's Survey, and being bounded and described as follows: BEGINNING at a square iron pin found on the northerly highway bounds of Walden Avenue at the southeast corner of land conveyed to John M. Drogi, Jr., by deed recorded in Liber 10971, Page 8403 on 9/26/2000. Thence South 77 Degrees 41 Minutes 44 Seconds West, along the northerly highway bounds of Walden Avenue, a distance of 182.00 feet to a set ¾" rebar with cap; Thence South 77 Degrees 41 Minutes 44 Seconds West, along the northerly highway bounds of Walden Avenue, a distance of 25.49 feet to a set ¾" rebar with cap; Thence through the lands of John M. Drogi, Jr., North 01 Degrees 01 Minutes 00 Seconds West, a distance of 412.80 feet to a set ¾" rebar with cap on the south line of lands conveyed to Lorraine M. Lovern by deed recorded in Liber 11333, Page 6866 on 8/27/2018; Thence along the south line of Lovern, South 76 Degrees 36 Minutes 42 Seconds East, a distance of 25.81 feet to a set ¾" rebar with cap at the southeast corner of lands conveyed to Lorraine M. Lovern by deed recorded in Liber 11333, Page 6866 on 8/27/2018; Thence through lands of John M. Drogi, Jr., South 76 Degrees 36 Minutes 42 Seconds East, a distance of 182.01 feet to a set ¾" rebar with cap on the east bounds thereof; Thence South 01 Degrees 24 Minutes 33 Seconds East, along the east line of John Drogi, Jr., a distance of 320.50 feet to the Point of Beginning. Containing 1.7 Acres.

are given subdivision approval.

4. This resolution shall take effect immediately.

The foregoing Resolution was duly put to a roll call vote at a Special Meeting on August 15, 2020, as follows:

CARRIED.

Ayes 2 Adamski & Pautler

Nays 0

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

Motion to approve the request of Alden Substance Abuse Coalition's use of Alden Town Park to show family friendly movies on August 20 and 27 from 8 pm until midnight; contingent upon the signing of an Indemnification Agreement IF the Coalition uses any Town owned equipment.

The Coalition is responsible for complying all State Rules and Regulations regarding the CoVid-19 Pandemic.

The Coalition has submitted a CoVid19 Safety Plan, as per the requirements of New York State and has submitted proof of insurance.

The foregoing Motion was duly put to a roll call vote at a Special Meeting on August 15, 2020, as follows:

CARRIED.

Ayes 2 Adamski & Pautler

Nays 0

Councilwoman Pautler Motioned to adjourn the Special Meeting; seconded by Supervisor Adamski.

ADJOURNMENT

At 9:06 A.M. Supervisor Adamski adjourned the meeting.

Alecia Barrett
Town Clerk