

Approved BOARD MINUTES November 22, 2022

The Village Board meeting was called to order at 7:30 pm by Mayor Prucnal, who led the pledge to the flag.

PRESENT: Mayor Prucnal, Trustees: Pruitt, Becker and Casell. Clerk Galbraith, CEO Czechowski, Attorney Trapp, Shawn Eastland, Patrick Cavanaugh, Chris Wood, Glenn Wetzl, Peter Sorgi, Kevin Penberthy and Douglas Digesarc.

Absent – Superintendent Pruitt and Trustee Refermat

MOTION by Trustee Pruitt seconded by Trustee Casell, to approve the minutes dated November 8, 2022. On the question – 4 ayes, Carried.

MOTION by Trustee Casell seconded by Trustee Pruitt, to approve for payment bills on abstract dated November 22, 2022.

Payroll \$ 50,507.53

Abstract \$ 214,638.37

ON the question – no comment, 4 ayes, Carried.

MOTION by Trustee Pruitt seconded by Trustee Casell, to approve the following monthly reports: Planning and Zoning Board minutes, Fuel, Ems/Fire, ECWA and Town of Alden Agenda. On the question – no comment, 4 ayes, Carried.

COMMUNICATIONS

NYS – snow and ice control and NYCOM bootcamp. Town of Alden Agendas, Alden Hook & Ladder request, information on Sidewalk Maintenance from Village of Akron. Erie County – Association of EC Governments ad ECWA Tariff.

MOTION by Trustee Becker and seconded by Trustee Casell, to file as received all correspondence. On the question –no comment, 4 ayes, Carried.

Resolutions/Appointments/Requests/Motions for November 22, 2022

MOTION by Trustee Becker and seconded by Trustee Pruitt, to approve the Engineering Stormwater plans for Zoladz, as presented in September 2020.

Roll call vote: Trustee Becker-nay

Trustee Pruitt-nay

Trustee Refermat -absent

Trustee Casell-nay

Mayor Prucnal-nay On the question – no comment, 4 nays, denied.

MOTION by Trustee Pruitt and seconded by Trustee Becker, to accept the resignation of Mark Casell, as Office of Emergency Management Disaster Coordinator effective immediately. On the question –no comment, 3 ayes, Casell abstain. Carried.

MOTION by Trustee Becker and seconded by Trustee Casell, to appoint Dave Metz to the position of Office of Emergency Management Disaster Coordinator, effective immediately. On the question –no comment, 4 ayes, Carried.

MOTION by Trustee Becker and seconded by Trustee Pruitt, to create the position of Office of Emergency Management Assistant Disaster Coordinator. On the question –no comment, 3 ayes, Casell abstain. Carried.

MOTION by Trustee Becker and seconded by Trustee Pruitt, to appoint Mark Casell to the position of Office of Emergency Management Assistant Disaster Coordinator, effective immediately. On the question –no comment, 3 ayes, Casell abstain. Carried.

MOTION by Trustee Pruitt and seconded by Trustee Casell, to approve NYRWA ‘s request to reserve the Village Hall Community Room, for April 4, 2023, from 7am-3:30pm, to host a Training session for Water Operators in the surrounding counties. On the question was previously approved for March 30 at our Oct. 25 meeting but added April 4. 4 ayes, Carried.

MOTION by Trustee Casell and seconded by Trustee Becker, to change the status from Active Restricted to Active Fire/EMS for Michael Browarek as voted on by the Alden Hook and Ladder Fire Company membership. ON the question – no comment, 4 ayes, Carried.

MOTION by Trustee Becker and seconded by Trustee Casell, to exit the regular meeting and enter into the Public Hearing, SEQR for Wetzl Development project 7:45 pm.

Public Hearing 7:45 pm, Wetzl Development

Kevin and Douglas, spoke on behalf of Arc of Erie County. Arc is committed to supporting individuals in achieving their desired quality of life. They work with children and adults with disabilities to address an individual’s needs to encourage independence. Peter Sorgi, Esq. to speak on behalf of the Wetzl Development. Of the 169 acres, only 45 will be developed. There is no historic or archeological impact. NYSDOT no impact. Would like to be part of the community, farming produce to sell at farmer’s market, 12,000 sq. ft. enclosed field house for teams to use on weekends, meeting areas, public road, campus atmosphere and more. Sorgi- 14 variances have been approved by the ZBA, SWIPP (storm water improvement protection plan), proposed 2nd entrance proposed off Broadway.

MOTION by Trustee Becker and seconded by Trustee Pruitt, to close the first Public Hearing 8:04.

MOTION by Trustee Becker and seconded by Trustee Pruitt, enter into the second Public Hearing, Local Laws #6-#10, 2022, 8:04 pm

Public Hearing 8:04 pm, Local Laws #6-#10, 2022

CEO Czechowski explained the changes in the Code

Local Law #6 – Chapter 78-These changes are designed by NYS Dept. of State

Local Law #7 – Chapter 165- sewer this is to create an I & I fund program and allows access to the DPW for sewers. Already have a code to allow for access for water.

Local Law #8 – Chapter 200- added the Parking restriction on south side of Park St., from Crittenden Rd to the Town Park.

Local Law #9 – Chapter 204, addresses Well Head Protection radius, following Erie County guidelines.

Local Law #10 – Chapter 205, 3 revisions – allowing 1 meter to a building as opposed to individual meters, hot box 150’ from ROW and private hydrate maintenance.
MOTION by Trustee Becker and seconded by Trustee Casell, exit the second Public Hearing for Local Laws #6-#10, 2022, and return to the regular meeting. 8:08 pm

The following resolution was offered by Trustee Becker who moved its adoption, seconded by Trustee Pruitt

To wit:

WHEREAS, Glenn/Wetzel/Wetzel Development is requesting approvals for site plan, subdivision, and a special permit for a mixed-use development; and
WHEREAS, the site plan, subdivision, and a special permit for a mixed-use development approval are classified as Unlisted actions and are subject to review within the requirements of the New York State Environmental Quality Review Act (SEQR); and
WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Glenn Wetzel/Wetzel Development has prepared a full environmental assessment form, with exhibits, which is now on file with the Village of Alden, and may be reviewed at the Village offices, 13336 Broadway, Alden, New York 14004; and
WHEREAS, all plans and documents were forwarded to the Village of Alden Planning Board; Village of Alden Zoning Board of Appeals; Village of Alden Department of Public Works; Village of Alden Building Department; Erie County Department of Health; Erie County Department of Sewerage Management; Erie County Department of Environment and Planning; New York State Department of Environmental Conservation; New York State Office of Parks, Recreation and Historic Preservation; New York State Department of Transportation; Village of Alden Fire Department; Town of Alden; and the United States Army Corps of Engineers for a review of same and comments, and
WHEREAS, pursuant to the Law and after a coordinated review with the Village of Alden Board of Trustees assumes lead agency status.

NOW, THEREFORE, BE IT:

RESOLVED, that the Village of Alden Board of Trustees hereby assumes the role of lead agency for the purpose of determining what significance this project has on the environment, and be it further

RESOLVED, that the Village of Alden Board of Trustees, as Lead Agency, upon taking an independent hard look and reasoned evaluation of the above-referenced information, comments and written documentation, hereby determines that the proposed Unlisted actions, as described in the attached SEQR Negative Declaration, Notice of Determination of Non-Significance, which attached notice is hereby made 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 said proposed action.

**SEQR Negative Declaration
Reasons Supporting Determination
For: Glenn Wetzel/Wetzel Development, Slade Drive**

The Village of Alden acted as lead agency for the project.

The proposed mixed-use development located at Slade Drive reflects the use of land within the Village of Alden as recommended by the Village of Alden’s Comprehensive Master Plan. The western and southern property lines of the project are the western and southern property lines of the Village of Alden where they about the Town of Alden. The properties immediately north are in a C-1 Commercial Zoning District. The property immediately east contains a portion of C-1 Commercial, R-C Residential-Commercial, and R-1 Residential Zoning Districts.

After taking a hard look at the proposed project, the Village of Alden Board of Trustees decided that a potential moderate to large impact could occur related to changes in use and intensity of use of the property. This is because the action will result in an increase in density of use of the subject property because it is currently vacant.

After analysis, the Village of Alden Board of Trustees decided that those impacts have been adequately mitigated by the specific elements provided in the proposed plan, including a new extension of Slade Drive heading eastward towards Exchange Street, which will relieve density impacts not just from the proposed development but also the existing density of developed parcels. Furthermore, the project layout and proposed Slade Drive extension fulfills a key element that has been specifically identified by the Village of Alden Comprehensive Plan as essential in the southwest quadrant of the Village. Overall, the project design and layout are consistent with the setback and density requirements of the Code of the Village of Alden for the proposed use; is in an area zoned for the proposed use; is generally consistent with the Comprehensive Plan; and there are properties immediately adjacent and across from the subject property with identical uses as are proposed in this development.

Therefore, the Village of Alden Board of Trustees has determined that there is likely to be no adverse environmental impacts relating to this project.

Considering there are no indicators of significant effect on the environment and these changes are consistent with the Village of Alden’s Comprehensive Master Plan, a negative declaration is declared.

Roll call vote: Trustee Becker-aye

Trustee Pruitt-aye

Trustee Refermat absent

Trustee Casell-aye

Mayor Prucnal-aye ON the question – no comment, 4 ayes, Carried.

The following resolution was offered by Trustee Becker, who moved its adoption, seconded by Trustee Casell

To wit:

WHEREAS, the Village of Alden is proposing adoption of Local Law #6-2022; and WHEREAS, the local law adoption is classified as an Unlisted action and is subject to review within the requirements of the New York State Environmental Quality Review Act (SEQR); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, the Village of Alden has prepared a short environmental assessment form, which is now on file with the Village of Alden, and may be reviewed at the Village offices, 13336 Broadway, Alden, New York 14004; and

WHEREAS, pursuant to the Law, the Village of Alden assumes lead agency status.

NOW, THEREFORE, BE IT:

RESOLVED, that the Village of Alden hereby assumes the role of lead agency for the purpose of determining what significance this project has on the environment, and be it further

RESOLVED, that the Village of Alden, as Lead Agency, hereby determines that the proposed Unlisted action, as described in the attached SEQR Negative Declaration, Notice of Determination of Non-Significance, which attached notice is hereby made 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 said proposed action.

**SEQR Negative Declaration
Reasons Supporting Determination
For: Adoption of Local Law #6-2022**

The proposed changes to Chapter 78 of the Code of the Village of Alden reflect the regulations as mandated by the New York State Department of State for a local municipality to enforce the provisions of the New York State Fire Prevention & Building Codes.

Upon the adoption of this local law, it is determined that there will not be any adverse changes in the quality of air, ground water, vegetation, or animal life and there is no hazard to human health.

Considering there are no indicators of significant effect on the environment, a negative declaration is declared.

Roll call vote: Trustee Becker-aye

Trustee Pruitt-aye

Trustee Refermat absent

Trustee Casell-aye

Mayor Prucnal-aye ON the question – no comment, 4 ayes, Carried.

MOTION by Trustee Becker and seconded by Trustee Pruitt, to adopt Local Law #7-2022, regulating Village access to property and creating an I & I program.

Roll call vote: Trustee Becker-aye

Trustee Pruitt-aye

Trustee Refermat absent

Trustee Casell-aye

Mayor Prucnal-aye ON the question – no comment, 4 ayes, Carried.

The following resolution was offered by Trustee Casell who moved its adoption, seconded by Trustee Becker

To wit:

WHEREAS, the Village of Alden is proposing adoption of Local Law #8-2022; and WHEREAS, the local law adoption is classified as an Unlisted action and is subject to review within the requirements of the New York State Environmental Quality Review Act (SEQR); and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, the Village of Alden has prepared a short environmental assessment form, which is now on file with the Village of Alden, and may be reviewed at the Village offices, 13336 Broadway, Alden, New York 14004; and

WHEREAS, pursuant to the Law, the Village of Alden assumes lead agency status.

NOW, THEREFORE, BE IT

RESOLVED, that the Village of Alden hereby assumes the role of lead agency for the purpose of determining what significance this project has on the environment, and be it further

RESOLVED, that the Village of Alden, as Lead Agency, hereby determines that the proposed Unlisted action, as described in the attached SEQR Negative Declaration, Notice of Determination of Non-Significance, which attached notice is hereby made 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 said proposed action.

**SEQR Negative Declaration
Reasons Supporting Determination
For: Adoption of Local Law #8-2022**

The proposed changes to Chapter 200 of the Code of the Village of Alden reflect modification of the requirements for parking, standing, and stopping of motor vehicle on the south side of Park Street between Crittenden Road and the Alden Town Park.

Upon the adoption of this local law, it is determined that there will not be any adverse changes in the quality of air, ground water, vegetation, or animal life and there is no hazard to human health.

Considering there are no indicators of significant effect on the environment, a negative declaration is declared.

Roll call vote: Trustee Becker-aye

Trustee Pruitt-aye

Trustee Refermat absent

Trustee Casell-aye

Mayor Prucnal-aye ON the question – no comment, 4 ayes, Carried.

MOTION by Trustee Casell and seconded by Trustee Becker, to adopt Local Law #8-2022, regulating parking on Park Street.

Roll call vote: Trustee Becker-aye

Trustee Pruitt-aye

Trustee Refermat absent

Trustee Casell-aye

Mayor Prucnal-aye ON the question – no comment, 4 ayes, Carried.

MOTION by Trustee Becker and seconded by Trustee Pruitt, to adopt Local Law #9-2022, regulating wellhead protection distances.

Roll call vote: Trustee Becker-aye

Trustee Pruitt-aye

Trustee Refermat absent

Trustee Casell-aye

Mayor Prucnal-aye ON the question – no comment, 4 ayes, Carried.

MOTION by Trustee Becker and seconded by Trustee Casell, to adopt Local Law #10-2022, regulating property structure meters, meter location, and private hydrant maintenance.

Roll call vote: Trustee Becker-aye
Trustee Pruitt-aye
Trustee Refermat absent
Trustee Casell-aye
Mayor Prucnal-aye ON the question – no comment, 4 ayes, Carried.

MOTION by Trustee Becker and seconded by Trustee Casell, to adopt the proposed changes to A220, Fees.

Roll call vote: Trustee Becker-aye
Trustee Pruitt-aye
Trustee Refermat absent
Trustee Casell-aye
Mayor Prucnal-aye ON the question – no comment, 4 ayes, Carried.

MOTION by Trustee Becker and seconded by Trustee Pruitt, to set a public hearing for Glenn Wetzl/Wetzl Development Site Plan Review and Special Use Permit to run concurrently on Tuesday, December 27, 2022, at 7:35PM.

Roll call vote: Trustee Becker-aye
Trustee Pruitt-aye
Trustee Refermat absent
Trustee Casell-aye
Mayor Prucnal-aye ON the question – no comment, 4 ayes, Carried.

MOTION by Trustee Becker and seconded by Trustee Pruitt, for the following
RESOLUTION TO HOLD PUBLIC HEARING

WHEREAS, the Village Board of the Village of Alden has received a written request from the Alden Hook & Ladder Fire Co. Inc., which seeks to amend its certificate of incorporation to permit it to operate as a charitable tax-exempt corporation under Section 501(c)(3) of the Internal Revenue Code; and

WHEREAS, Section 404(f) of the New York State Not-for-Profit Corporation Law requires the approval of the Alden Village Board upon public hearing of the Alden Hook & Ladder Fire Company's application; and

WHEREAS, based on such request, it may be in the public interest, and a public hearing on the matter should be held for such purposes, pursuant to Section 404(f) of the New York State Not-for-Profit Corporation Law.

NOW THEREFORE, it is hereby

RESOLVED, that the Village Board of the Village of Alden shall convene and conduct a public hearing on December 13, 2022 at 7:35 p.m. at the Alden Village Hall, 13336 Broadway, Alden, New York 14004 for the purpose of considering the amendment of the certificate of incorporation of the Alden Hook & Ladder Fire Co. Inc. to permit it to operate as a charitable tax-exempt corporation under

Section 501(c)(3) of the Internal Revenue Code, and that notice thereof shall be given by the Clerk as required by law.

Roll call vote: Trustee Becker-aye
Trustee Pruitt-aye
Trustee Refermat absent
Trustee Casell-aye
Mayor Prucnal-aye ON the question – no comment, 4 ayes, Carried.

BUSINESS FROM THE FLOOR

REPORTS FROM COMMITTEES/DEPARTMENT

Mayor Prucnal – would like to commend the DPW employees for the great job they did clearing the streets and sidewalks during the storm.

UNFINISHED AND TABLED BUSINESS:

ADJOURNMENT

Motion by Trustee Becker, seconded by Trustee Pruitt to adjourn the Regular meeting at 8:14 pm
On the question –no comment, 4 ayes, Carried.

I respectfully submit.

Sue Galbraith,
Village Clerk