

**Approved BOARD MINUTES February 26, 2015**

MOTION by Trustee Retzlaff, seconded by Trustee Mezydlo, to enter executive session for purposes of litigation and personnel, at 6:32 p.m.

MOTION by Trustee Daluisio, seconded by Trustee Retzlaff, to adjourn from executive session, at 6:36 p.m.

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

**PRESENT:** Mayor Manicki, Trustees Retzlaff, Daluisio and Mezydlo, Clerk/Treasurer Wachowiak, Deputy Clerk Galbraith, Superintendent/Chief Sitzman, CEO Czechowski, Attorney Trapp, Eugene Nuwer, Alden High School Students: Adam Madera, Brett Chislett, Tim Siudzinski, Mallory Thompson, Monica LeBar and Sue DeWitt, Alden Advertiser.  
**Absent:** Trustees Warmus

**MOTION** by Trustee Retzlaff, seconded by Trustee Daluisio, to approve the minutes of the February 12, 2015 meeting. Carried.

**MOTION** by Trustee Mezydlo, seconded by Trustee Daluisio, to approve for payment bills on abstract dated February 26, 2015. Carried

Payroll	\$44,440.07
Abstract	\$40,174.38

**MOTION** by Trustee Daluisio, seconded by Trustee Mezydlo, to approve the following reports: Planning Board for January and February, DPW for January. Carried.

**COMMUNICATIONS**

Received a check from JCAP grant, NYCOM 2015 Legislative Program, copies of letters sent to Senator Gallivan, Assemblywoman Corwin and Todd Aldinger seeking funding for lighted crosswalks, announcement from E.C. Executive Poloncarz, concerning Emergency Response Exercise, notice from RBC Wealth Management concerning investment plan, minutes from the following: Assoc. of E.C. Governments, E.C. Village Officials, Town of Alden 2/2 meeting, Newsletters: League of Women Voters, Grant Action News, National League of Cities, request from St. John's to hold a prayer rally, ambulance agreement with Rural Metro, notification from McNeill and Company and a copy of a deed concerning parcel of land north of Maple Ridge.

**MOTION** by Trustee Retzlaff, seconded by Trustee Daluisio, to file as received all correspondence. Carried.

**RESOLUTIONS/APPOINTMENTS/REQUESTS/MOTIONS:**

**Motions for February 26, 2015**

MOTION by Trustee Daluisio, and seconded by Trustee Mezydlo, to approve St. Johns Parish's request to use the Firemen's Bandstand Memorial Park on Sunday, May 31 from noon to 3 pm, and erect a sign from May 25-31, 2015 for a prayer rally. Carried.

MOTION by Trustee Mezydlo, and seconded by Trustee Daluisio, to approve the fire/EMS calls for Feb. 7-20, 2015. Carried.

MOTION by Trustee Retzlaff, and seconded by Trustee Mezydlo, to authorize Mayor Manicki to sign the 2015-2016 CDBG Project Agreement. Carried.

MOTION by Trustee Retzlaff, and seconded by Trustee Daluisio, to adopt Local Law #1-2015, changes to Chapter 210, Zoning, pertaining to patio homes in R-1 Districts.

Roll call vote: Trustee Retzlaff-aye  
Trustee Mezydlo-aye  
Trustee Daluisio-aye  
Mayor Manicki-aye Carried.

**BUSINESS FROM FLOOR-** several students asked questions of the board.

**REPORTS FROM COMMITTEES/DEPARTMENTS:**

**Attorney Trapp** – received an email from the town attorney, and will respond.

**Superintendent Sitzman** –4<sup>th</sup> water main freak for the season, using face book, website and twitter accounts to try to keep the residents informed.

**UNFINISHED AND TABLED BUSINESS:**

Motion by Trustee Retzlaff to adjourn, seconded by Trustee Mezydlo, at 7:42 p.m. Carried.

I respectfully submit,



Sue Galbraith,  
Deputy Village Clerk

## LL#1-2015 Patio Homes

OPEN SPACE, COMMON -- A parcel or parcels of land or an area of water or a combination of land and water within the site, privately owned and designed and intended for the use and enjoyment of two (2) or more households residing on the site or in specified portions thereof or other users, if permitted by the owners of the common open space. Common open space may contain such structures and improvements as are necessary and appropriate for the benefit and enjoyment of persons served by such common open space.

OVERLAY DISTRICT -- A district classification superimposed in addition to another (basic) district classification, further regulating or limiting structures and uses otherwise permitted and regulated pursuant to the basic district classification.

OWNER -- Includes, in addition to its usual meaning, tenant, lessee, occupant or other user.

PATIO HOME -- A detached single-family home that is a single story measuring Between 1,200 square feet and 2,400 square feet in gross area (not to include garages, breezeways or enclosed patios). Each home shall have two or three bedrooms and must be located on a lot that is in common ownership of other patio homes on the same parcel of land. A patio home must maintain a minimum front yard setback of 20 feet measured from the front of the structure to the edge of the street or access drive pavement, a minimum rear yard setback of 10 feet, and a minimum side yard setback of 7 feet. [Amended ?-?-2015 by L.L. No. 1-2015]

PERSON -- Includes a firm, association, organization, partnership, company or corporation, as well as an individual.

PLANNING BOARD -- The Planning Board of the Village of Alden, New York.

RESIDENT PROFESSIONAL -- A health care professional, attorney, engineer, architect, community planner, landscape architect, land surveyor, accountant, insurance agent or broker, realtor, teacher and photographer only.

SELF-STORAGE FACILITY -- A public facility for dead storage of personal, household or business property which is serviced by the owner of the stored property or an agent of the owner. The term "self-storage facility" includes all similar uses and terms but shall not be construed to mean warehouse.

SETBACK -- The least horizontal distance from any building to the nearest street or highway right-of-way.

SIGN, BUSINESS -- A sign which directs attention to a business, profession or industry conducted upon the premises or to a commodity or service sold or offered

**§ 210-17. Single-Family Residential District (R-1). [Amended ?-?-2015 by L.L. No. 1-2015]**

The following regulations shall apply in the Single-Family Residential District:

A. Permitted principal uses.

- (1) Single-family dwellings.
- (2) Church or similar place of worship, parish house, convent, rectory or parsonage.
- (3) Private, nonprofit elementary or secondary school accredited by the New York State Department of Education.
- (4) By special permit of the Board of Trustees (See § 210-28 for regulations):

(a) Patio Homes

B. Permitted accessory uses.

- (1) Quarters for servants employed on premises.
- (2) Buildings for private horticultural purposes.
- (1) Private garages, off-street parking.
- (4) Private family swimming pools.
- (5) Storage of recreational or utility trailers or boats.
- (6) A home occupation, provided a permit is secured therefor. This shall not include retail sales on the premises. See § 210-29 for regulations.

C. Lots: minimum requirements.

- (1) Area.
  - (a) Fifteen thousand (15,000) square feet for an interior lot.
  - (b) Sixteen thousand five hundred (16,500) square feet for a corner lot.
- (2) Width.

**§ 210-28. Permitted special uses. [Amended ?-?-2015 by L.L. No. 1-2015]**

- A. General provisions. The special uses for which conformance to additional standards is required shall be deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards set forth herein, in addition to all other requirements of this chapter. All such uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.
- (1) Application. Application for a special permit shall be made upon a prescribed form supplied by the Village of Alden. Applicable fees<sup>1</sup> must be paid at the time application is made.
  - (2) Required site plan. A site plan, as specified in Article VII, shall be submitted with each application for a special permit from the Board of Trustees.
  - (3) Expiration. A special permit shall be deemed to authorize only one particular special use and shall expire if the special use shall cease for more than six (6) months for any reason.
  - (4) Existing violations. No permit shall be issued for a special use for a property where there is an existing violation of this chapter.
- B. Standards applicable to all special uses.
- (1) The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to it and the location of the site with respect to the existing or future streets giving access to it shall be such that it will be in harmony with the orderly development of the district, and the location, nature and height of buildings, walls and fences will not discourage the appropriate development and use of adjacent land and buildings nor impair the value thereof.
  - (2) Operations in connection with any special use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights than would be the operations of any permitted use.
- C. Standards applicable to specific uses.
- (1) Mobile home parks.
    - (a) Standards for mobile home parks shall be in compliance with Chapter 131, Mobile Home Parks.

---

<sup>1</sup> Editor's Note: See Ch. A220, Fees.

- (2) Golf driving range.
  - (a) A golf driving range shall be so laid out that there is no danger to surrounding properties or to traffic on any street, and it shall be suitably fenced to assure protection.
  - (b) One (1) off-street parking space shall be provided for each golf driving tee.
  - (c) Landscaped screening shall be provided along all side and rear lot lines of a character and depth deemed necessary to screen buildings, structures, lights and signs from nearby residences.
  - (d) No golf driving range shall be developed on a lot smaller than ten (10) acres, except that the Board of Trustees may approve a smaller site if the particular design proposed will, in its judgment, carry out the purposes of these regulations.
- (3) Gun clubs.
  - (a) The required development plan shall be specific concerning the relationship of proposed improvements to adjacent development. Areas used for intensive outdoor activities, especially those involving the use of firearms, shall be delineated and adequate measures for safety and noise control specified.
- (4) Drive-in theater.
  - (a) The site shall be located on either a state or county highway.
  - (b) The site shall be designed to provide for safe and efficient traffic circulation. Entrances or exits on state roads shall be approved by the Regional Design Engineer of the State Department of Transportation. Entrances or exits on county roads shall be approved by the Deputy Commissioner of Highways of the Erie County Department of Public Works.
  - (c) All driveways, parking areas and structures shall be located at least one hundred (100) feet from any residence district boundary.
  - (d) All driveways, parking areas and structures shall be landscaped in a manner which will make them compatible with surrounding land uses, existing or future.

- (e) The screen shall be so oriented as not to create a distracting influence on vehicle drivers on the adjacent highways or a nuisance for residents in residence districts.
- (5) Gasoline service station or public garage, subject to the following limitations:
- (a) No part of any building used as a gasoline service station or public garage and no filling pump, lift or other service appliance shall be erected within twenty-five (25) feet of any R District boundary.
  - (b) No gasoline or fuel pump, no oiling or greasing mechanism and no other service appliance shall be installed in connection with any gasoline station or public garage within fifty (50) feet of any street line.
  - (c) Two (2) reservoir spaces, ten (10) feet wide by twenty (20) feet deep for each gasoline pump, shall be provided on the lot for waiting vehicles. Such reservoir spaces shall not include space at the pump or required parking spaces.
  - (d) Storage of gasoline shall be as required by all applicable codes, rules, and regulations.
  - (e) There shall not be any use of the lot except for landscaping or screening within twenty (20) feet of any R District.
  - (f) All motor vehicles, parts and accessories shall at all times be stored behind an approved fence or suitable natural screening acceptable to the Village of Alden Board of Trustees. Motor vehicles that have a valid license and registration and are in a queue for repair or on display for sale shall be exempt from this provision, provided said vehicles are located within a designated off-street parking space or parking area.
  - (⊕) Gasoline filling stations or public garages shall not create a hazard to health, safety, traffic flow, pedestrians, or the general welfare of the public. Such language shall be liberally construed to effectuate the best interests of the residents of the Village of Alden and to implement the zoning ordinances and master plan.
  - (g) For all dispensing devices.
    - (1) Signs reading “No smoking—shut off motor” shall be conspicuously posted at each dispensing station or pump.

- (2) Gasoline storage tanks shall be limited to three (3) storage tanks of not over 3,000 gallons' capacity each, and all fuel, oil or similar substances are to be stored at least 75 feet from any street line, including said gasoline storage tank, and 50 feet from any building.
- (6) Self-storage facilities.
  - (a) Self-storage facilities shall be limited to dead storage use only. No activities other than rental of storage units and pick up and deposit of dead storage shall be allowed. Examples of activities prohibited in a self-service storage facility include but are not limited to the following: commercial wholesale or retail sales; auctions, garage sales or flea markets; servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or similar equipment; the operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns or other similar equipment; the establishment of transfer storage business; and any use that is noxious or offensive because of odors, dust, noise, fumes or vibrations, but nothing contained herein prohibit enforcement of the provisions of the New York State Lien Law.
  - (b) All rental contracts shall include clauses prohibiting:
    - [1] The storage of flammable liquids and highly combustible, radioactive or explosive materials or hazardous chemicals.
    - [2] Pets or any animals.
    - [3] The use of property for uses other than dead storage.
    - [4] The owner shall inspect each and every storage unit a minimum of once every ninety (90) days and maintain a record of the results of such inspection together with whether any hazardous products or other items in violation of this ordinance exist. Such records shall be made available upon demand by the Board of Trustees, the Superintendent of Public Works and/or the Code Enforcement Officer.
  - (c) Interior parking lanes shall be provided adjacent to the storage units. Such lanes shall be a minimum of ten (10) feet in width.
  - (d) Interior maneuvering lanes shall be provided around all buildings. For one-way circulations, twelve (12) feet shall be provided. For

two-way circulation, twenty-four (24) feet shall be provided. Drives shall be surfaced with asphalt or oil and chip or some other hard-packed material capable of sustaining the weight of fire equipment.

- (e) Landscaping and security. Plantings shall be provided in all yards facing public roadways. These and other plantings shall both screen and visually interrupt the linear extent of the buildings so as to reduce the appearance of massive structures. When utilized, an effective living screen of evergreen type shall consist of nursery stock a minimum of eight feet in height at the time of installation. The entire site shall be fenced to prevent vandalism or criminal activity. Any fencing for security or aesthetic purposes shall be approved by the Planning Board as to material, height and color. Site lighting shall be provided and shall be directed or shielded to prevent glare on adjacent properties or roadways.
- (f) Signs shall be installed in accordance with applicable provisions of this Code; however, no signs shall be permitted on any portions of the security fencing.
- (g) Rental unit size shall be limited to a maximum of four hundred (400) square feet, and no single tenant shall be permitted to rent or lease more than four thousand (4,000) square feet.
- (h) No building shall exceed one (1) story in height, nor shall it be longer than two hundred fifty (250) feet in length.
- (i) Site plan review by the Planning Board shall be required pursuant to Article VII of this Chapter.

(7) Patio homes.

- (a) All patio homes must be erected on a foundation consisting of a full basement.
- (b) Every patio home shall have an attached garage.
- (c) Every patio home shall have provisions for a minimum of two off-street parking spaces per home.
- (d) Every patio home development must have provisions for pedestrian sidewalks.
- (e) Every patio home development must have provisions for exterior street illumination.

- (f) Every patio home development must have provisions for snow storage and removal.
- (g) Every patio home development must have provisions for garbage and recycling storage and removal.
- (h) Every patio home development must have a development-wide planting plan.
- (i) Every patio home development must have streets with either concrete curbing or concrete gutter curbing. No open ditches shall be permitted.
- (j) Every patio home development must have a design plan that is architecturally consistent with the surrounding areas within which said development is proposed to be located.
- (k) Every patio home within a proposed patio home development project must be designed in such a manner that it is architecturally and aesthetically consistent with other patio homes within said development.
- (l) Every lot on which patio homes are located must meet the following minimum lot area requirements:

[1] Where no more than ten percent (10%) of the patio homes have three (3) bedrooms, there shall be no less than five thousand (5,000) square feet of lot area per home for the first four (4) homes and two thousand five hundred (2,500) square feet for every home thereafter, but under no circumstances shall there be less than a total of twenty thousand (20,000) square feet of lot area.

[2] Where more than ten percent (10%) of the patio homes have three (3) bedrooms, there shall be no less than six thousand (6,000) square feet of lot area per home for the first four (4) homes and three thousand (3,000) square feet for every home thereafter, but under no circumstances shall there be less than twenty thousand (20,000) square feet of lot area.