

**approved BOARD MINUTES August 27, 2015**

The Village Board meeting was called to order at 8:00 am by Mayor Manicki, who led the pledge to the flag.

**PRESENT:** Mayor Manicki, Trustees Daluisio, Retzlaff and Mezydlo, Clerk/Treasurer Wachowiak, Deputy Clerk Galbraith, CEO Czechowski, Superintendent Sitzman, Attorney Trapp, David Stutz, Will, Bill and Al Severyn, Richard Kegler, Pat & Jane Mahaney, Ed & Barb Huestis, Wayne & Elaine Schwach, Mark & Cathy Kline, Andy Janiszkeski, Tom & Deb Kicior and Gordon Panek.

**Absent-** Trustee Warmus

**MOTION** by Trustee Retzlaff, seconded by Trustee Daluisio, to approve the minutes of the August 13, 2015 meeting. Carried.

**MOTION** by Trustee Mezydlo, seconded by Trustee Daluisio, to approve for payment bills on abstract dated August 27, 2015.

*On the question: Mayor Manicki questioned if we are still being charged a fuel surcharge/trucking charge. Superintendent Sitzman answered yes, from some companies. Carried*

Payroll	\$38,248.21
Abstract	\$55,801.20

**MOTION** by Trustee Mezydlo, seconded by Trustee Daluisio, to approve the following reports: DPW addendum for April, May, June and July, Planning Board July and August, ZBA for August. Carried.

**COMMUNICATIONS**

Meeting minutes from: Town of Alden, Association of Erie County Governments, correspondence from: Ellie DeFilippo concerning recommendation for laborer's position, Innovative Contracting Services co. services, Attorney Trapp concerning Fire Dept. resolution and Time Warner Cable meeting synopsis, RBC Wealth Management updates, Notice of upcoming Village Officials Association meeting, Memo from Erie County Dept. of Env. And Planning co: Agricultural District Annual Enrollment Period and notification of Alden Village Estates Notice of Petition concerning taxes.

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

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

**Motions for August 27, 2015**

**MOTION** by Trustee Daluisio, and seconded by Trustee Mezydlo, to accept the standard work day and reporting resolution for elected and appointed officials as Clerk Wachowiak has reported to the State of New York. Carried.

**MOTION** by Trustee Mezydlo, and seconded by Trustee Daluisio, to create the position of General Crew Chief for the Village of Alden. Carried.

**MOTION** by Trustee Mezydlo, and seconded by Trustee Daluisio, to create a second Water/Sewer Treatment Plant Operator position for the Village of Alden. Carried.

**MOTION** by Trustee Retzlaff, and seconded by Trustee Daluisio, to approve the Fire/EMS calls for August 8-21, 2015. Carried.

**MOTION** by Trustee Retzlaff, and seconded by Trustee Daluisio, to approve changes to street addresses of lot at 1325 East Drive in the Alden Village Estates Mobile Home Park, due to errors in the lot layouts when the park expansion was originally constructed. This lots front on Amber Court and street address will be assigned accordingly. (NOTE: Last meeting's motion incorrectly listed 1354 East Drive address).

*On the question: CEO Czechowski explained the park gave us the wrong address and the motion is a correction. Carried.*

MOTION by Trustee Daluisio, and seconded by Trustee Mezydlo, to approve a sign permit for LJL Electric, Heating & Cooling, 13419 Broadway, as per submitted application. Carried.

MOTION by Trustee Mezydlo, and seconded by Trustee Retzlaff, to approve a special events sign permit for customer appreciation at LJL Electric, Heating & Cooling, 13419 Broadway, as per submitted application. Sign will be placed from October 1, 2015 through October 12, 2015. Event will be the weekend of October 10-12, 2015. Carried.

MOTION by Trustee Retzlaff, and seconded by Trustee Daluisio, to approve a Mobile Home Park License for Alden Village Estates LLC, 13535 Broadway. Carried.

MOTION by Trustee Daluisio, and seconded by Trustee Mezydlo, to approve a Mobile Home Park License for Sinatra Development, 13391 Broadway. Carried.

MOTION by Trustee Retzlaff, and seconded by Trustee Mezydlo, to approve the following resolution:

#### **RESOLUTION**

WHEREAS, under the Volunteer Firefighter Benefit Law, the Volunteer Ambulance Workers Benefit Law, and the General Municipal Law, a volunteer firefighter or ambulance worker who volunteers at an out of district accident scene before an officer in charge accepts their services would be without coverage under the law; and

WHEREAS, the provision of such services is in the best interests of everyone in an emergency situation without regard to location; and

WHEREAS, the Board of Trustees of the Village of Alden wishes to ensure that the volunteers of the Village of Alden Fire Department through the Alden Hook & Ladder Fire Company, Inc., are provided with coverage for their services, regardless of its location

NOW, BE IT THEREFORE RESOLVED, that;

When there is no jurisdictional officer in command present at an emergency situation and a volunteer firefighter and/or ambulance worker of the Village of Alden Fire Department and Alden Hook & Ladder Fire Company, Inc., provides such assistance in an emergency situation, such individual shall be entitled to coverage under the Volunteer Firefighter Benefit Law and Volunteer Ambulance Workers Benefit Law for the provision of such services. Upon the arrival of a jurisdictional officer in command, such volunteer firefighter or volunteer ambulance worker shall report to the officer in charge and offer his/her services to the officer in command. If such offer of assistance is not accepted, then the volunteer firefighter and/or ambulance worker shall immediately cease providing any additional service at the scene of the emergency. Carried.

The Mayor and Board of Trustees acknowledged Andy Janiszkeski, with a certificate for his 30 years of dedicated service to the Village of Alden, with a round of applause from those in attendance.

#### **BUSINESS FROM FLOOR-**

#### **REPORTS FROM COMMITTEES/DEPARTMENTS:**

**Superintendent Sitzman** – Draft report for Waste Water Study results will be available for Sept. 10th meeting. Would recommend separate work session to review, as pretty involved and time consuming to review. Mayor Manicki – have reviewed and it is a considerable amount of money and time. Collection system is a 10 year time frame and is \$140,000. Security system has been ordered from JCAP and Village. County approved two new job positions, will have Attorney Trapp review with Union. Elm St. sewer project, bids early Sept., and to be completed this year. Re-Aligning sewer is cheaper than replacing it. **Clerk Wachowiak - Final** NYSIF audit to close out year. BAN renewal \$2.76 million, BOND same, Laura Landers will be at a Sept. meeting to review audit for Village.

Attorney Trapp – no word from Time Warner, viewing Broad Band suppliers for options. Need certificate from BAN from Clerk Wachowiak. Working on new local laws, will meet with Joe on those and drainage easement. Fire Company must obtain parents information for minors for ambulance billing.

MOTION by Trustee Retzlaff, and seconded by Trustee Mezydlo, to adjourn the regular meeting and enter into the Public Hearing. 8:17 am. Carried.

**Public Hearing, Special Use Permit,  
Severyn Development**

Dave Stutz, Apex Consulting presented the landscaping design and general layout for the 21 lot patio home development along with Will, Al and Bill Severyn. Dave explained it is a green street made of pavers, where the water is siphoned underground so soil run off is reduced by half. The drainage will be routed to a retention pond (.2 acres) on the north end of the property. Storm water detention is released to the rear of the property thru a drainage easement. Landscaping concrete patios on the back of 6 houses, recently declined variance thru the ZBA, so 6' decks will now be 4' decks on the effected properties. Homes are 1,400 sq. ft. single story patio homes, run by a HOA (home owners association), and will sell for \$240,000 or more in this privately maintained community. The streetlights will mimic those on the south side of Broadway.

Mark Kline, 13018 W. Main St. - 26 year resident, feels the development is inconsistent with 2015 Village Comprehensive Plan, citing the following: appropriate growth and development to avoid adverse impact of sprawl, at which time he read his definition of sprawl, 21 houses on 3 acres. Protection of the village's rural character, 21 houses, 50 ft. frontage –not rural character. The protection of the sole source groundwater aquifer, 21 homes. Although he felt the houses were fine, he did question the developer's precious project on Seinfeld Rd. at St. Anthony as being un-kept. Mr. Kline presented pictures to the board of an unmaintained property he thought was Severyn's, but was not. Mr. Kline questioned if the sewer and water could handle the additional houses.

Dave Stutz elaborated on the green company aspect. Each house will have 2 rain barrels; road and runoff along with drainage from Homecourt will defer to pond and then will empty into aquifer.

Tom Kicior – 13010 W. Main St. – what happened with the Reserve Gas well located on the property? Has it been capped?

Will Severyn – gas well was capped and is in full compliance.

Gordon Panek, 1569 Homecourt – moved here 25 year as for a rural community, enjoying the natural setting. With the development, the natural setting and characteristic will be taken away, causing in his opinion a major problem. He feels the houses on the west side of Homecourt cannot sell due to Mitchell's being located behind them, feels this development will decrease the resale value of all their homes. He has paid hundreds of thousands of dollars in taxes to live here and it will alter the look of the property. Mayor Manicki said the property has been for sale for many years, and at one time was proposed for senior apartments 15 years ago. The Master Plan shows there are only a handful of properties in the Village that can be further developed for residential use.

Gordon Panek – the trees will be torn down, the land excavated, you don't live there, we do. Compared the growth of the village to that of an Atlanta subdivision. Deforestation.

Mayor Manicki- the developers are open to working with their neighbors on the natural barrier between the properties.

Trustee Retzlaff question the reason for Mr. Panek stirring the neighbors, since the parcel has been for sale for over 25 years, and the project meets all the requirements.

Deb Kicior expressed her opinion that 21 houses on a 3 acre lot is crazy.

Mayor Manicki – patio home development is a no maintenance philosophy, pay the HOA to maintain. This is the type of development /lifestyle people are leaving Alden for. They want houses that have no maintenance, losing residents.

Ed Huestis- 1577 Homecourt – so it is cut and dry already decided.

Mayor Manicki – we are holding a Public Hearing to get comments, which will be added to the record.

Our last subdivisions, Maple Ridge and Cherry Tree Lane were 15-25 years ago. The property behind Cherry Tree is all green space and is used for the recharge station for our aquifer.

Trustee Mezydlo – cannot compare the Village of Alden to Atlanta, comparing apples to oranges.

Trustee Daluisio – explained this is a process, and all the mechanisms are in place. It has gone thru the Planning and Zoning Boards and is now before the Village Board. August 14<sup>th</sup> was the first time we have had any communications from anyone, and all adjoining land owners were notified. In regards to Atlanta:

there are NYS codes, probably the strictest in place that the Building Inspector must follow; ZBA and Planning Board members must have 8 hrs. of training. Please do not compare infrastructures. You said property values will decrease. There is no proof of that. In NYS 27 cases have been filed, out of that only 2 had significant impact and those were subsidized housing. To equate this to a trailer park is reckless. People do want to be in Alden; this property is privately owned and developed, with no impact to the village. It has gone thru various engineers, with credentials, that are working with the village, ZBA and Planning Board all working together. The land is vacant, and is zoned residential. You shouldn't take the word of a real estate agent; go the municipality for information on perspective development. This project meets all requirements, set backs, in full alignment with building and zoning codes. No one has mentioned the traffic, with 44 more residents entering and exiting the street everyday. The demographics are snowbirds, lower property taxes, no worries on maintenance. Wait to see what it does; we believe it is good for the Village of Alden.

Barbara Huestis, 1577 Homecourt – you already decided.

Mayor Manicki – we see no reason not to approve it.

Mr. Kicior – 13010 W. Main St – we were notified in January of considering code changes from the CEO. Our house was built by Aiken, and had some issues, and no inspections were followed thru. If the houses do not sell, will they decrease the design and value, just to sell them? This has an impact on the rural community; I can deal with 15 houses, but not 21. Can they reposition the houses if they are not selling? Mayor Manicki – the project has been approved by the Planning Board with the plans submitted. They cannot modify the site plan with no notification.

Mr. Panek – this project was considered in January of 2014, and the property was purchased in Dec. 2014. In June official submission was made to Planning Board with no notification, proposal already in place with Planning Board approval.

CEO Czechowski – Planning Board does not mandate Public Hearings to be held. Planning Board submitted their recommendation to the Village and the neighbors were then notified. In January a concept was brought to the Planning Board in regards to Patio Homes in general. There were code changes to R-1 district, that were not specific to this project, but to all future patio home developments. No official plans were submitted to the Planning Board until June 2015.

Mr. Panek – Homeowners on Homecourt, are losing what we have, the natural barrier in our back yards. We expect you to be professionals and be professional to us.

Dick Kegler – 1426 Mechanic St. all the references to “my back yard.” Your back yard ends where someone else's property begins. I had sat on this board for 25 years; I would rather see \$250,000 homes behind me. This property has been for sale for 20 years, you could've bought the property.

Superintendent Sitzman – property was for sale in 1989, when I build my house on Willow Woods.

Jane Mahaney – 1587 Homecourt we bought on the East side of Homecourt, and paid a premium for a treed lot. We were told nothing would be built there. The Village Board of Trustees are the representatives of the village residents. If it was your back yard, would you approve it?

Trustee Daluisio – I would've done some diligence, would not have taken real estate agent's word, and should've gone to village to check zoning. No one can ever say nothing will ever be built there, no guarantees, must refer to code.

Mr. Huestis – you are missing the part of people's feelings.

Trustee Daluisio – the project has been evaluated by many people and experts, feelings are not left at the door. Ask the Town Assessor concerning the property values, rather than speculate that property values will decrease.

Mrs. Kicior – we all realized lot would sell, not unreasonable, 15 houses would be acceptable, but not 21 on 3 acres of land. We did receive a notice in January, but it was vague and misleading. We don't get the newspaper or go on the website.

Mr. Panek – proposed project do not like the look of aesthetics of so many homes. Deforest, cutting down all the trees and stripping the land. Do not know how it will affect our property values? Look at the West side of Homecourt, three homes on the market cannot sell with Mitchell's Nursery in their backyards, devastating factor.

Mayor Manicki submitted the following correspondence as they related to the Public Hearing: Mrs. LiPuma is opposed, if the traffic would come thru Meadow Dr., but it would not.

Mr. Tom Kuropatwinski, objects to selling the property, was told it was landlocked, enjoys the green space. Letters from Mr. Huestis and Mr. Panek, who were in attendance.

MOTION by Trustee Mezydlo, and seconded by Trustee Daluisio, to adjourn Public Hearing and re-enter into the regular meeting. 9:26 am. Carried.

**UNFINISHED AND TABLED BUSINESS:**

None

**ADJOURNMENT**

MOTION by Trustee Retzlaff, and seconded by Trustee Mezydlo, to go into Executive Session to discuss pending litigation, 9:28 am. Carried.

MOTION by Trustee Mezydlo, and seconded by Trustee Daluisio, to exit Executive Session 9:44 am. Carried.

Motion by Trustee Mezydlo, seconded by Trustee Daluisio, to adjourn. 9:45 a.m. Carried.

I respectfully submit.



Sue Galbraith,  
Deputy Village Clerk