



- ✓ Referred to page 60 of the West Seneca Comprehensive Plan focusing on the following: the need in West Seneca is to grow the tax base; increase the need for diverse housing with mixed residential use; limit the portion of single-family units to encourage the development of 2-family units.
- ✓ Referred to the Zoning Code: This is currently an R-75 district which allows a church, single family home, or school. The R-75A simply adds the two-family dwelling. The parcel across the street zoned R-60A allows substantially more. R-60A allows what is permitted in R-50 zoning, as well as a real estate office, mortuary, and group dwellings.
- ✓ There are many multi-family parcels on East & West Road and this does not create spot zoning; this is in accordance with the comprehensive plan; across the street allows substantially more and this creates a more personal use.
- ✓ The building would be a duplex, both 3-bedrooms with 2-car garages and will carry its tax dollars.

Supervisor Dickson questioned if Dr. Avino owns 347 Angle Road and if there are plans to develop the property. Mr. Lorigo confirmed Dr. Avino owns his home and only plans to add one home on the parcel in question.

Councilmember Kims questioned if the change in zoning was due to a hardship. Mr. Lorigo stated there is no hardship. Councilmember Kims questioned if the duplex will decrease the value of the surrounding single family homes. Mr. Lorigo stated historically that may have been the case, but currently it will not, and the proposed duplex will increase the value of the single family homes because of its assessed valuation. Councilmember Kims questioned the addition of screening at the back of the property. Mr. Lorigo stated the property abuts Dr. Avino's property.

Code Enforcement Officer Schieber stated the applicant received a favorable recommendation by the Planning Board and is before the Town Board for rezoning; going forward a variance for road frontage will be required. The project will not go back to the Planning Board and screening is not required between residential properties.

Town Attorney Trapp stated the Planning Board rendered their decision and there were questions raised about spot zoning. Mr. Trapp stated the section of the Comprehensive Plan referenced deals with the R-90 zone across the street from the property in question.

The following comments and questions were received from the public:

- ✓ Planning Board did not consider public comments
- ✓ Asked the Town Board if they and the Planning Board members owe Mr. Lorigo favors – Supervisor Dickson stated Mr. Lorigo has never asked for favors and is a lawyer doing his job.
- ✓ What are the criteria for changing zoning – Mr. Schieber stated anyone has a right to petition the town; the criteria vary upon the nature of the request. The change requested is for a single piece of property.
- ✓ How long will the applicant's children live in the duplex – Supervisor Dickson stated a property owner has the right to develop their property within the rules of the town and it is not the town's business to ask the types of questions this resident is asking.
- ✓ Would support a single family home
- ✓ Applicant cleared all the trees
- ✓ Nineteen neighbors oppose the duplex and filed a petition
- ✓ Are the correct permits filed – Mr. Schieber confirmed permits are filed and inspections are occurring
- ✓ Concerns about the creek

Supervisor Dickson asked Mr. Schieber to address the tree clearing and house size. Mr. Schieber stated the property owner has the right to remove trees to build a house. After filling took place, a drainage plan was

reviewed by the engineering department and permission was given to raise the grade of the lot. Town Code sets minimums and in this district a house must contain at least 1,200 square feet of livable space.

Councilman Cantafio questioned what could happen to the property if the rezoning request was denied. Mr. Schieber stated the property could remain as is and the property owner build a single family home.

Additional comments and questions from the public:

- ✓ Adjacent property owner does not oppose the rezoning request and referred to another duplex nearby that does not have a paved driveway, and believes this property will be much nicer
- ✓ disagrees with his neighbors and does not believe duplexes bring bad people and lowers property values
- ✓ Should welcome this type of new development in the town

Councilmember Kims stated it is not against the law to take pictures of properties and questioned the applicant if they approached the Environmental Commission prior to clearing them. Mr. Schieber stated property owners, excluding large scale developments, do not need permits to clear trees. Councilmember Kims stated she understood zoning changes were due to hardships and does not observe a hardship in this instance. Mr. Schieber stated the variance request for reduction in road frontage would occur at the Zoning Board meeting.

Councilmember Kims stated she believes this change benefits one person. A resident read the definition of spot zoning and stated this is an example. Town Attorney Trapp stated the Planning Board discussed this concept and it is a close issue in this case as opposed to a commercial use. Supervisor Dickson stated the proposed development on Clinton Street better fit the definition of spot zoning and the caveat "to the detriment of the community" seems to refer to the whole town. Mr. Trapp stated hardships come into play with variances within a particular zone.

Motion by Supervisor Dickson, seconded by Councilmember Piekarec, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

On the question, Councilmember Breidenstein stated he does not feel this development will be a burden on the town's infrastructure and appreciates the selection of West Seneca for this type of project.

Councilmember Cantafio stated the concerns brought forth are not addressed whether a duplex or single family home is built.

Councilmember Piekarec stated it is one structure on the property and the property owner has the right to clear trees and re-landscape. The duplex is similar to the existing structures and consistent with the Comprehensive Plan.

Councilmember Kims stated the neighbors' concerns should not be dismissed and requested some trees be added.

Supervisor Dickson stated they are weighing two interests and the issues would be the same if the structure was a single family home.

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to grant the rezoning for property located at 1105 East & West Road changing its classification from R-75 to R-75A for construction of a 2-family home.

Ayes: (4) Supervisor Dickson
Councilmember Breidenstein
Councilmember Cantafio
Councilmember Piekarec

Noes: (1) Councilmember Kims

Motion Carried

2. Proofs of publication and posting of legal notice: "OF A PUBLIC HEARING TO HEAR ALL PERSONS INTERESTED IN THE ADOPTION OF LOCAL LAW NO. 2, RESIDENCY REQUIREMENTS FOR TOWN ATTORNEY, DEPUTY TOWN ATTORNEY, AND TOWN PROSECUTOR LAW" in the Town of West Seneca received and filed.

Motion by Supervisor Dickson, seconded by Councilmember Kims, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

No comments were received.

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Councilmember Cantafio requested an amendment stating preference would be given to a town resident. Supervisor Dickson questioned how this preference would be applied. Councilmember Cantafio stated the search would begin with town residents and then expanded if necessary. Mr. Trapp stated there is a provision in the town law which would take precedence.

Motion by Supervisor Dickson, seconded by Councilmember Kims, to adopt Local Law 2022-2 Residency Requirements for Town Attorney, Deputy Town Attorney, and Town Prosecutor Law.

Ayes: All

Noes: None

Motion Carried

3. Proofs of publication and posting of legal notice: "OF A PUBLIC HEARING TO HEAR ALL PERSONS INTERESTED IN THE ADOPTION OF LOCAL LAW NO. 3, TERM LIMITS LAW" in the Town of West Seneca received and filed.

Motion by Supervisor Dickson, seconded by Councilmember Piekarec, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

Supervisor Dickson asked the public to indicate whether they support the term limits effective immediately or retroactively.

The following comments and questions were received from the public:

- ✓ Term limits allow for fresh ideas; effective now, not retroactively
- ✓ Encourage voting

- ✓ Cited a city that allows candidates to run for re-election after sitting out a term and would like the law to go into effect immediately
- ✓ Why are the Highway Superintendent and Town Clerk positions excluded – Councilmember Piekarec stated some council members were opposed to including those positions. Supervisor Dickson stated those offices do not set policy and are more specialized positions.
- ✓ Term limits already exist, either a candidate is re-elected or not; would like a public referendum – Mr. Trapp stated this cannot be put to a public referendum per law.
- ✓ Asked for clarification on the implementation of the law – Councilman Piekarec stated all Councilmembers are eligible to run for one additional term even if they are currently serving their second term.
- ✓ Requested clarification on eligibility for other positions – Supervisor Dickson stated a candidate can run for a different office than the one they term limit out of.

Supervisor Dickson stated approximately six emails were received in support of term limits.

Motion by Supervisor Dickson, seconded by Councilmember Breidenstein, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Supervisor Dickson stated his preference is for consecutive terms and become eligible after sitting out a term.

Councilmember Piekarec stated he thinks two terms per lifetime is sufficient.

Councilmember Breidenstein stated there was overwhelming support from the public during his campaign and election for term limits and agrees the Town Clerk and Highway Superintendent should not be included; consecutive terms are fine.

Supervisor Dickson requested clarification on previous office holders. Mr. Trapp confirmed they would be eligible to serve one additional term.

Councilmember Kims would like to exempt the Supervisor’s position from going into effect mid-term. Supervisor Dickson stated he does not have a problem with the term limits as written.

Councilman Cantafio stated he was concerned with making the decision in the first year of his term and not understanding his constituents wishes, noting he was unable to find any research that showed term limits would alleviate the concerns brought forward and believes the voters do determine term limits in West Seneca. However, as the Town Board is a representative democracy and two members were elected based on supporting term limits in their campaigns, he is compelled to support the law.

Motion by Councilmember Piekarec, seconded by Councilmember Kims, to adopt Local Law 2022-3 Term Limits Law.

Ayes: All

Noes: None

Motion Carried

PUBLIC COMMENTS ON OLD AND NEW BUSINESS

No comments were received.

NEW BUSINESS

4-A ANNOUNCEMENTS & PRESENTATIONS

1. Supervisor Dickson re Deer Task Force Update & Survey Results

Task Force Facilitator Cynnie Gaasch provided an update on their progress:

- ✓ Over the seven meetings they have learned about best practices in NYS
- ✓ Guest speakers from the DEC and Cornell Cooperative
- ✓ Research across Erie County and within the town
- ✓ Received public input through comments and a survey
- ✓ Will create a FAQ document for residents
- ✓ Determine measurable data to track progress
- ✓ Work sessions will allow the members to draft recommendations
- ✓ the Deer Task Force webpage on the town's website is updated to include information and meeting minutes

Councilmember Piekarec questioned the time frame of a recommendation. Ms. Gaasch stated the Task Force would like to have a draft for the Town Board's review in April. Councilman Piekarec stated the task force should keep their meetings open to the public. Mr. Trapp concurred that the meeting should be open to the public and not allow public comments.

Supervisor Dickson thanked the task force for their work. Councilmember Cantafio agreed and stated the members have continually sought to gather information and learn as much as possible.

2. Erie County Utility Aggregation Program presentation

Reed Braman, Director of Energy Development and Management at Erie County, and Ed Doll of Fluent Energy presented information on the Erie County Municipal Utility Aggregation program for supplying electricity and gas at a savings for its members.

Supervisor Dickson questioned what Fluent Energy does and how they are different from other companies. Mr. Doll stated they are a technical consultant; they offer more transparency and the lowest fee.

Town Engineer Tanner stated Clark Pattern Lee previously investigated utility cost savings for the town and agrees this program can save the town money.

4-B COMMUNICATIONS TO BE VOTED ON

1. Supervisor Dickson re Dedication of Martha Burchfield Richter Atrium

Motion by Supervisor Dickson, seconded by Councilmember Piekarec, to adopt the following resolution naming the atrium in the Community Center and Library in honor of Martha Burchfield Richter:

WHEREAS, Martha Elizabeth Burchfield Richter, was an American Watercolorist with an affinity for flowering plants, trees, and landscapes. She is known for her depictions of nature throughout the seasons, and landscapes

WHEREAS, the Town Board of the Town now wishes to appropriate funds for the Project and to authorize the issuance of the Town's serial bonds or bond anticipation notes to finance said appropriation.

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF WEST SENECA, ERIE COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The Town is hereby authorized to undertake and to issue up to \$1,800,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the costs of the Project. It is hereby determined that the maximum estimated cost of the Project is \$1,800,000; said amount is hereby appropriated therefor and the plan of financing thereof shall include the issuance of up to \$1,800,000 in serial bonds of the Town and any bond anticipation notes issued in anticipation of the sale of such bonds to finance all or a portion of the Project and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of and interest on said bonds and notes.

SECTION 2. It is hereby determined that the period of probable usefulness for the Project is fifteen (15) years, pursuant to subdivision 28 of Section 11.00 of the Law.

SECTION 3. The temporary use of available funds of the Town, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures as part of the projects described herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 4. The final maturity of the bonds herein authorized to be issued shall not be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued.

SECTION 5. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 6. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations, and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10, 63.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to executing agreements for credit enhancement, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town (the "Town Supervisor"). Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for one or more of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with

bonds to be issued for one or more objects or purposes authorized by other resolutions of the Town Board, then the power of the Town Board to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Town Supervisor, as the chief fiscal officer of the Town.

SECTION 7. Prior to the issuance of the obligations authorized herein, the Town Board of the Town shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance proceedings"). In the event that any of the environmental compliance proceedings are not completed or require amendment or modification subsequent to the date of adoption of this bond resolution, the Town Board of the Town will re-adopt, amend or modify this bond resolution prior to the issuance of the obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Town Board of the Town that the Project will not have a significant effect on the environment.

SECTION 8. The Town Supervisor is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The Town Supervisor is further authorized to enter into continuing disclosure undertakings with or for the benefit of the initial purchaser of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 10. The intent of this resolution is to give the Town Supervisor sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Town Board.

SECTION 11. As soon as reasonably possible after the date that this resolution takes effect, the Town Clerk is hereby authorized and directed to cause a copy of this resolution to be published in full in the official newspaper of the Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Law.

SECTION 12. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Ayes: All

Noes: None

Motion Carried

Town Engineer

- Will be submitting an RFP for the required follow up report for phase 5 sewer lining project
- Phase 7 is required to be completed this year

Town Attorney

- Working with residents regarding paper streets
- Working with Verizon cable franchise agreement and antenna maintenance
- Drafting new local laws

Councilmember Piekarec

- Internal Audit Committee reviewed credit cards and salt/chemical and gasoline/oil lines
- Congratulated Councilmember Breidenstein on his Chamber of Commerce award

Supervisor Dickson

- Would like to utilize a text notification system offered by the Code Red provider at a cost of \$2,500 per year for town events notification
- National Fuel has approved a draft plan to move the berm in Lexington Green, meetings will follow
- Need to discuss possible uses of ARP funds

Councilmember Breidenstein

- Next Recreation Committee meeting on the first Wednesday in March

Councilman Cantafio

- Recognized the Town Clerk's Office and the need for weekend support from the IT provider

Town Clerk Kobler

- Utilizing the new agenda and minutes software in tandem with the current system
- Recognized the office staff's hard work during tax collection

Director of Senior Services

- Very successful Valentine's Day dance, next will be a Mardi Gras party
- Partnering with the library to promote membership
- Next advisory board meeting will be February 22 at 6:30 P.M.

ADJOURNMENT

Motion by Supervisor Dickson, seconded by Councilmember Piekarec, to adjourn the meeting at 8:57 P.M.

Ayes: All

Noes: None

Motion Carried

AMY M. KOBLER, TOWN CLERK

