

WALES TOWN BOARD MEETING

Minutes of February 9th, 2021

Face masks and Social distancing

The 2<sup>nd</sup> meeting of the Wales Town Board was held on the 9th day of February 2021 at the Wales Community Center, 12345 Big Tree Road, Wales Center, New York.

The meeting was called to order by Supervisor Rickey Venditti at 7:00 pm EST

**ROLL CALL** Supervisor Rickey Venditti

Councilman Donald Butcher

Councilman Gerald Klinck

Councilman Kyle Barry

Councilman Daniel Driver

Also present: GHD Engineering, Attorney Ron Bennett and Building Inspector Walter Raichel (5) residents whose names are on file.

**INVOCATION:**

led by Councilman Donald Butcher

**PLEDGE OF ALLEGIANCE:**

led by Councilman Kyle Barry

**ADOPTION OF AGENDA:**

**MOTION # \_\_\_\_\_** by Councilman Donald Butcher, second by Councilman Dan Driver approving the agenda with the addition of item #3 Girl Scout request to use parking lot, to sell girl scout cookies. **CARRIED**

**ACCEPTANCE OF MINUTES:**

**MOTION # \_\_\_\_\_** by Councilman Dan Driver, second by Councilman Don Butcher approving the Town Clerk's minutes of January 12<sup>th</sup> 2021. **CARRIED**

**Public Comment:**

Dorothy Carlone-5189 Hunters Creek Road. Made a statement (this statement is attached to the minutes).

Brenna Gawronski-12732 Big Tree Road-Referenced the 1/12/21 meeting when Dee Ziegel and Dave Bender were not reappointed. She asked, "how did this happen so quickly; that our newsletter with all the changes, was received at my house on 1/14/21(Thursday). The town clerk had all day Wednesday, 1/13/21, to prepare that. Get it stamped mailed and got to my house on 1/14/21(Thursday)? Did the town clerk know about this beforehand because that is when I received it on Thursday, 1/14/21? Just a question.

Supervisor Rickey Venditti responded I am not aware of the mechanics of the newsletter. I only know what happened in the meeting.

Town Clerk, Melinda Eaton, responded I am never aware until something actually happens.

Resident, Brenna Gawronski, did everything on Wednesday and the postman delivered it to my house on Thursday, 1/14/21. I find that very hard to believe. You already had the changes.

Supervisor Rickey Venditti responded this is over and done. We need to move on. It was not pleasant for anyone involved. Thank you.

**OLD BUSINESS:**

**1S.U.P. application from The Broadway Group for proposed Dollar General Store at 6401 Olean Rd.**

Supervisor Rickey Venditti stated this has been sent to the applicable boards for review. We have received reports from both Conservation and Planning Boards, they both approved the SUP. The Planning Board did recommend sidewalks for the safety of people going to and from the Dollar General. We have completed the long form S.E.Q.R. Councilman Donald Butcher is trying to get in touch with the Greater Buffalo Niagara Transportation Commission in regards to the pedestrian safety issues on Route 16 and with the building of this store; so we can make sure that everything is in place before we go ahead.

Marc Romanowski attorney for Dollar General responded, the Planning Board asked that we put a sidewalk in front of our property, which we can control, we have already reached out to the D.O.T. but have not heard back yet. Councilman Donald Butcher responded we must incorporate that with a traffic circle at the end. We have a lot to figure out. This organization was involved with the traffic circle in East Aurora and other things throughout the years. Let's have a meeting with them and hear what they have to say. Attorney Marc Romanowski responded, absolutely. If you prefer, we can set up a meeting with the D.O.T. Councilman Donald Butcher responded, they can take care of that. The Transportation Council works with the NYS government. Supervisor Rickey Venditti said, do you want to have a separate meeting? Councilman Donald Butcher said, first let's get all the player's together. Attorney Marc Romanowski said, efficiency wise Mr. Butcher. Supervisor Rickey Venditti responded, there are definite concerns, this is a very heavily traveled area. There has been concerns about the children at the Gow School. Councilman Donald Butcher added there is the trailer park there, we have a lot of young people there, they don't have to cross Route 16 to get there, this project would have to cross Route 16.

**MOTION \_\_\_\_\_#**by Supervisor Rickey Venditti, second by Councilman Gerald Klinck to set a Public Hearing for March 9<sup>th</sup> prior to the scheduled board meeting. **CARRIED**

**2. S.U.P. application from Thunder Hill Storage to amend their current permit at 13014 Big Tree Road.**

(pending receipt of revised S.U.P. and site-plan from Applicant.)

Supervisor Rickey Venditti stated the SUP Application for Thunder Hill Storage needs to amend their current permit.

Attorney Charles Ritter: on behalf of Thunder Hill Storage and property owner. There have been a number of e-mail communications that I think I had with all the Board members. I don't know all your e-mails except they were on there, except Mr. Raichel. This afternoon he communicated to me after we had some clarification and I guess this is being recorded for the record. The property owner had been dealing with Mr. Bender, the prior building inspector. This application was originally filed in October. There were some east-west boundary issues identified and at the request of Mr. Bender, the feedback that was provided by Mr. Bender, there was a piece of

property deeded to the project owner. That deed is filed in record. There were some other boundary issues that were discussed with Mr. Bender, he indicated that the application was complete. I am prepared to answer any questions anybody has about those boundary issues. I have a packet of information here. I'm going to leave 3 copies with the Town Clerk. I can hand copies to any of you if you want to look at them. They include the site plan, which includes the original boundary of the property, the new current legal boundary of that property, that is in full compliance with all the Zoning in the Town for this project. With Mr. Raichel, he inherited this, so he is trying to get up to speed, I understand that and initially he had asked for a new application, provided a copy of the one that was on file, the one that I came and discussed with the Board on January 12<sup>th</sup>. And as I understand from the most recent email communication I had with Mr. Raichel after I provided him with some documentation last Friday, he indicated that he had confirmed from the County that the transfer of the property to create the business parcel for the project was complete however, there is no documentation for combining the business yet. I'm not frankly sure what that means, and I would submit to the Board at this time that the application as determined by Mr. Bender and is now confirmed by Mr. Raichel, has been submitted, it is complete. As I've been out here before, I know that it is often customary for you to refer applications like this to the other supporting Boards for their review and consideration. I would ask there either be a vote to approve this or be referred out at this time. What I quoted you is the only open issue that Mr. Raichel has identified and as a lawyer I can tell you I don't have any idea what it means. I'm not trying to be insulting to him, it's that I know there was some things done with this real estate to comply with requests that came from the Town. And the property owner did everything which included which included multiple surveys, multiple drawing that were filed, a new deed that was filed, a proposed new deed description that was provided to Mr. Bender. There is a way that this project can get approved and it should be approved, because this has been a long-standing business in the community, they hadn't created problems. It's a very clean presentable property and the owner has done everything that was asked of him last year to submit this application in a way that Mr. Bender communicated to him, that the Town wanted it. I had recent updated communications with Mr. Bender, and he'll willing to come forward all confirm all of what I just said. So, at this point... Supervisor Venditti: I find that funny, I shouldn't say funny. I find that questionable because Mr. Bender had told me that there are two problems. One being that the additional property that this new building was on an undersized third lot. It wasn't combined with the actual business and he also told me there was a side lot clearance problem and I think I told you that, at the last meeting that Mr. Bender told me that. Attorney Charles Ritter: Just to be very clear about this. If anybody took the time, to read the surveys and the deeds, would see the original survey, you would see that plainly in there, is the deed that was granted from the easterly property owner into the project which was discussed with Mr. Bender to bring the side lot clearance. Supervisor Rickey Venditti: Is it a separate lot? Wally Raichel: The deed shows that it is 1.826 acres. It is a separate entity. You need a legal lot to work on. Supervisor Rickey Venditti: The issue that I was told by Mr. Bender and I think Wally confirm with me, or Wally has given me the same response. That is an illegal size lot that was created. Don't get me wrong. Jim Cornell, the applicant is working with us. But what should have happened is that piece of property being deeded off separately it should have been deeded off to the business. Because now it is an undersized building lot. You can deed another sized lot, but we can't give you a permit to build on it. Attorney Charles Ritter: Excuse me. To everyone on the Board, very respectfully. That is legally incorrect. The property. And you know what, I can tell you why, I know that you guys have done this. When you did the cell tower over on Warner Hill Road, there were two different lots that were not combined, and you granted approvals for both buildings and special use permits in the last six months. Supervisor Rickey Venditti: I want to ask you a question. Were any of those lot created as illegal sized lots? Attorney Charles Ritter: They were different ownership. Supervisor Rickey Venditti: It doesn't make any difference. Attorney Charles Ritter: There is not an illegal sized lot here Mr. Venditti. Tell me why it's illegal. He hasn't sighted that in the e-mail to me. He did not say, it's an illegal lot. Supervisor Rickey Venditti: That's what I've been told you both. Attorney Charles Ritter: Could anybody please tell me went this Town, that building inspector, Mr. Bender, anybody on this Board, the Town Clerk, would have written to me and said that? This application has been pending since October. Supervisor Rickey Venditti: I stated that at the January meeting. Attorney Charles Ritter: You said there was a side lot issue. Supervisor Rickey Venditti: There was a side lot issue and a third issue. That's what I got from Dave Bender, and that's what I don't understand when you're saying that Dave told you that everything was in compliance because this is what Dave told me. I'm not the building inspector. All I do is work off the information they give me. Attorney Charles Ritter: The application was deemed complete. That means it comes to this Board. I'm sorry I raised my voice because I blew my back out today and I can barely stand but let me be clear on this. Is the concern that is being expressed by Mr. Raichel and the Town Board, that there needs to be one single lot? Supervisor Rickey Venditti: To the best of my knowledge, one single lot, with the proper side lot clearance to the adjoining property. Councilman Donald Butcher: We just went through this with NateMeg Farms, they had the same initial problem and had to merge into one deed. Attorney Charles Ritter: What I'd like to propose then, is if you would please, refer consideration of this to the various Boards, they can drill down and clarify this issue, because I have the deed right here. I have the deed right here that will fix the issue you want. If you want a combined deed, this is it. But here is the problem. The deed that was filed in November by Mr. Cornell to deed this land in was done based on the input and feedback from Mr. Bender the building inspector. He told Mr. Cornell he had been talking to the Town Board about this. And look, I'm not trying to get into the past history for the purposes of saying who did right and who did wrong. What I'm saying is going forward, I think we are all on the same page. I think what you want, you're telling me, **you** want to take what are per deeds, to be two separate parcels owned by a single owner, merged, which operates by law in my opinion, that can write a deed that says parcel a is merged into parcel b and it's done. But rather than me sitting here getting wound up about it, I would much rather, present that to Mr. Raichel, let the Town Board or the Planning Board, consider it, and then part of the reviewing process, come back to me and say, we will recommend this on the following conditions and then I can take care of this. Supervisor Rickey Venditti: Let's handle it this way. I will make a motion to approve this application to the applicable agencies because we want to get this done just as much as you do, pending the receipt

of a deed that fits both, the two circumstances that our building inspector has pointed out and we can have it reviewed by our Town Attorney. When we receive that, we will refer it to the applicable Boards and Agencies.

Attorney Charles Ritter: Look, I have both the deeds here. Supervisor Rickey Venditti: Send them to the building inspector, he can review them, provide them to the Town Attorney and then forwarded on Friday then. Or Wednesday or Thursday. I have a problem, with you coming in here and saying Dave Bender told you everything was ok, when he told me just the opposite. For most or December and January.

Attorney Charles Ritter: Mr Venditti, I want to be very clear, I am not calling you a liar or misrepresenting. What I'm saying is Mr Bender deemed the application complete. Which means it come before this Board. And if there is an issue, regarding the deed that was filed, or any further deeds that need filed then it would be considered here rather than him in the field. That's what I'm really asking for.

Supervisor Rickey Venditti: We are acting on the information our building inspector, that those two items need to be corrected. Wally?

Building Inspector Wally Raichel: Correct.

Supervisor Rickey Venditti: And once those two items are corrected, I will make a motion at this meeting right now. I'd like to make the motion to forward this application to all appropriate Boards and Agencies for their review, once we receive the receipt of recorded deed encompassing both parcels.

**MOTION#\_\_\_** by Supervisor Rickey Venditti and second Councilman Gerald Klinck to forward this application to all appropriate Boards and Agencies for their review once we receive the completed sup and receipt of recorded deed encompassing both parcels. **CARRIED**

**MOTION#\_\_\_** by Supervisor Rickey Venditti and second by Councilman Gerald Klinck, to set the public hearing of this Special Use Permit to before the March 9<sup>th</sup> Meeting. It will be heard after the previously scheduled hearing on Dollar General and prior to the meeting. If receipt of amended application is received. **CARRIED**

### **3 S.U.P. application to house large animals at 5527 East Creek Road.**

#### **RESOLUTION FOR APPROVAL OF A SPECIAL USE PERMIT**

WHEREAS, Samantha Grandquist has applied for a Special Use Permit to establish the housing of two sheep at 5527 E. Creek Road, Wales, New York, and

WHEREAS, the Town Planning Board and Environmental Board have reviewed and recommended approval of the Special Use Permit, and

WHEREAS, the Town Board has carefully reviewed the application and the reference recommendations, it finds that the application qualifies for the issuance of a Special Use Permit, and

WHEREAS, the Town Board has reviewed and approved the Special Conditions attached to the Special Use Permit,

NOW, THEREFORE, be it

RESOLVED, the Town Board approves the application for the Special Use Permit of Samantha Grandquist to house two sheep at 5527 E. Creek Road, Wales, New York, and be it further

RESOLVED, that the Supervisor is authorized to sign his approval of the Special Use Permit with the conditions attached, and be it further

RESOLVED, that the Town Clerk is directed to provide the approved Special Use Permit with the advisement that it becomes effective upon signing by the applicant.

Supervisor Rickey Venditti stated this application fits the standards of the town code sections 200-36 with conformity with the Master Plan, Conformity with existing zoning regulations, effect on adjacent property values, Aesthetic impact, ecological impact, traffic and parking limitations and presence of odors, dust, smoke, refuse, vibration, noise, outside lighting, safety hazards or other environmental factors incidental to the comfort, peace, enjoyment health or safety of the surrounding area. A SEQR was not required, as per the town attorney.

**MOTION#\_\_\_** By Supervisor Rickey Venditti and second by Councilman Donald Butcher approving

that this application is within the standard of the seven items in the town code section 200-36. **CARRIED**

**MOTION #\_\_\_** by Councilman Donald Butcher, second by Councilman Dan Driver approving the applied for a Special Use Permit to establish the housing of two sheep at 5527 E. Creek Road, Wales, New York.

**CARRIED**

#### **NEW BUSINESS:**

##### **1 Town Clerk request to expend funds to renew Williamson Law Book Co. computer software support contract.**

**MOTION #\_\_\_** by Councilman Donald Butcher, second by Councilman Dan Driver approving the renewal of Town Clerk's computer software support contract with Williamson Law Book Co. in the amount of \$720.00.

**CARRIED**

##### **2 Revision to 2021 Town of Wales Procurement Policy to list newly appointed Department Heads.**

**MOTION #\_\_\_** by Councilman Donald Butcher, second by Councilman Dan Driver approving the 2021 Procurement Policy with name changes of new appointments. **CARRIED**

##### **3 Request to the Girl Scouts to to use parking lot to sell cookies**

**MOTION #\_\_\_** by Supervisor Rickey Venditti and second by Councilman Gerald Klinck approving the girl scouts to sell cookies March 3rd and March 17th in the town parking lot. **CARRIED**

#### **COMMUNICATIONS:**

COVID protocol for travel out of state travel. Mr. Raichel is working on a plan, that we can approve a plan at the next month.

Supervisor Rickey Venditti asked the board if a workshop meeting was needed this month

**MOTION # \_\_\_** by Supervisor Rickey Venditti second by Councilman Gerald Klinck to cancel the February 23rd workshop meeting. **CARRIED**

**REPORTS OF DEPARTMENT HEADS:**

Bldg. Inspector: Rec'd & filed Highway Dept.: Rec'd & filed Town Clerk: Rec'd & filed

**REPRESENTATIVES OF COMMUNITY ORGANIZATIONS:**

S.Wales Fire Co - Councilman Donald Butcher said with the cold weather to please be careful using wood stove

**SECOND INVITATION FOR PUBLIC COMMENTS:**

None

**NO SUPERVISORS REPORT**

**VIEW AND ACTION ON TOWN CLERK'S REPORT:**

**MOTION #** \_\_\_\_\_ by Councilman Donald Butcher, second by Councilman Dan Driver approving the Town Clerk's monthly report for Feb 2021 as presented. **CARRIED**

**MOTION #** \_\_\_\_\_ by Councilman Donald Butcher, second by Councilman Kyle Barry approving payment of the 2020 General Abstract # 002 voucher # 012-040 total amount \$28,477.79. **CARRIED**

**MOTION #** \_\_\_\_\_ by Councilman Donald Butcher, second by Councilman Kyle Barry approving payment of the 2021 Highway Abstract # 002, voucher #001-015 total amount \$6524.54 **CARRIED**

**ADJOURNMENT:**

**MOTION #** \_\_\_ Supervisor Rickey Venditti, second by Councilman Don Butcher to adjourn the meeting at 7:38 p.m. **CARRIED**

IN MEMORY OF: Kenneth Lewandowski

Respectfully submitted, Town Clerk Mindy Eaton