

Town Board Minutes of May 11th, 2021

** Face masks and Social Distancing will be required by all those who attend.*

The 5TH meeting of the Wales Town Board was held on the 11th day of May 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:

Present: Supervisor Rickey Venditti
Councilman Kyle Barry
Councilman Daniel Driver
Councilman Gerald Klinck
Councilman Donald Butcher

Also present: Attorney Ronald Bennett, GHD Engineering, and Building Inspector (11)
Residents whose names are on file.

INVOCATION: led by Councilman Donald Butcher

PLEDGE OF ALLEGIANCE: led by Councilman Gerald Klinck

ADOPTION OF AGENDA: MOTION # _____ by Councilman Dan Driver, second by Councilman Gerald Klinck, approving the agenda as presented. **CARRIED**

ACCEPTANCE OF MINUTES: MOTION # _____ by Councilman Gerald Klinck, second by Councilman Donald Butcher, approving the Town Clerk's minutes of public hearings and board meeting from April 13th, 2021, **CARRIED**

PUBLIC COMMENTS:

None

OLD BUSINESS:

1. S.U.P. application from The Broadway Group for proposed Dollar General Store at 6401 Olean Rd.
(Draft S.U.P. submitted by Town Attorney.)

Supervisor Rickey Venditti stated, the Public Hearing was held, The Conservation and Planning board's approval the SUP permit. The Zoning Board approved the parking variance to reduce parking spots , the board reviewed the 8 items in the Town Code. The SEQR had no significant impact. The Town Attorney drafted a SUP permit with the special conditions that were addressed the concerns of the board and residents. Marc Romanowski the Attorney for the Broadway Group wanted to thank the board for all the time and energy they put into the permit, I'm just here to answer any question the board might have. Update Councilman Butcher, we are working with the NYSDOT on a solution are to where to put the crosswalk, and sidewalks we are asked the board that the NYSDOT approves it is in the permit under special conditions. Deanne Hyhce rep for the Broadway Groups, appreciates all the effort the board has put into the projects, it has been a long 4 years. The plans are the same as the 20A store. The Board has struggled with this SUP, the board much make decisions on town code and not on our feelings. This SUP is following the town codes and working with the town on the crosswalk and sidewalk, to resolve the issues with the NYSDOT. Supervisor Rickey said we are ready to read the resolution to approve.

RESOLUTION TO APPROVE THE SPECIAL USE PERMIT
FOR THE BROADWAY GROUP, LLC

WHEREAS, The Broadway Group, LLC has applied for a Special Use Permit for a Dollar General to be located at 6401 Olean Road, South Wales, New York, and

WHEREAS, the applicant has submitted a letter of intent seeking a Special Use Permit and related site plan review and an Area Variance for parking, associated with the proposed 9,100 square foot retail store, and

WHEREAS, the necessary application materials incorporated in the application include site plans, surveys, landscaping plans, utility and construction details, elevation and rendering, traffic reports, grading and drainage plan and storm water pollution prevention plan ("SWPPP"), Deed and landowner authorization, a full Environmental Assessment Form, the Special Use Permit Application form, the Variance Application form, the County Planning referral and an Agricultural Data Statement, which documents the Board has relied upon in its consideration of the issuance of a Special Use Permit, and

WHEREAS, in compliance with the requirements for New York State SEQR, the applicant has submitted a Full Environmental Assessment Form, reviewed the Part II analysis prepared by the Town Engineer and made a determination of non-significance, that the project will result in no significant adverse impacts on the environment, therefore an Environmental Impact Statement is not required to be prepared and this Board has approved a Negative Declaration, and

WHEREAS, the Wales Conservation Advisory Board reviewed the Special Use Permit and at its meeting on February 5, 2021 voted unanimously to approve the Special Use Permit, and

WHEREAS, the Town Planning Board reviewed the Special Use Application and upon review unanimously approved the issuance of the Special Use Permit at its meeting held on the 20th day of January 2021 subject to the construction of an acceptable sidewalk located in the front of the subject property, and

WHEREAS, the New York State Parks, Recreation and Historic Preservation Department issued a letter dated December 8, 2020 in which it understands that no archaeological sites were identified during investigation and therefore is of the opinion that no properties, including architectural and/or historical resources will be impacted by this project, and

WHEREAS, the proposed Special Use Permit to be issued to The Broadway Group, LLC sets forth in detail those Special conditions upon which the permit is contingent and subject to.

NOW, THEREFORE, be it

RESOLVED, that the Town Board does approve the Special Use Permit with attached Special Conditions, a copy being attached hereto as Exhibit A, and be it further

RESOLVED, that the Special Use Permit shall become effective upon the written approval of the representative of The Broadway Group, LLC, and acknowledgment approval by the Supervisor of the Town of Wales, and be it further

RESOLVED, that a Certificate of Occupancy shall not be issued until the applicant has completed the project in full compliance with the conditions of the Special Use Permit, and be it further

RESOLVED, that a certified copy of this Resolution shall be submitted to The Broadway Group, LLC for its written acknowledgment.

MOTION # _____ moved by Councilman Gerald Klinck, second by Councilman Donald Butcher approving, The Broadway Group SUP for 6401 Olean Road for a retail store.

ROLL CALL VOTE:

Supervisor Rickey Venditti Aye

Councilman Kyle Barry Aye

Councilman Daniel Driver Aye

Councilman Gerald Klinck Aye

Councilman Donald Butcher Aye

5 Aye CARRIED

2. S.U.P. application from Thunder Hill Storage to amend their current permit at 13014 Big Tree Road. (Town Attorney requested to prepare draft S.U.P. at 4/13/2021 meeting.)

Supervisor Rickey Venditti said we have had the public hearing. The Planning and Conservation have submitted their reports, both Boards were pending a violation from the DEC to be corrected. At the last board meeting we got the environmental assessment form, from the town engineer the only box he checked was, moderate or large impact was drainage or flooding. On page two of the SEQR part three explained it wouldn't have any significant adverse environmental impact on the project. Supervisor Venditti asked if Mr. Ritter had anything to add, the only additional item is that DEC permit, that we did decide to go ahead and file, as you mentioned at this time, we have not received any feedback or asked an additional question since the DEC permit has been filed, I also provided a copy to the town engineer. Town Engineer, Joe Wetzel based on the applicant's stormwater pollution prevention plan that was submitted to the DEC, I would still recommend a negative declaration on the amended special use permit. Supervisor Rickey said he would like to make a motion than, that the project will have moderate to any significant adverse environment impact and that the SERQ with all 10 items have been completed. The special use permit, under special conditions item #4 resolution with DEC before any building permit can be issued.

MOTION# _____ By Supervisor Rickey Venditti and second by Councilman Gerald Klinck, approving that the SERQ has been completed, and the project will have moderate to any significant adverse environment impact.

CARRIED

We also reviewed all the 8 items in the town code and checked that all the conditions in previous amended permits still comply with this amended special use permit and conditions.

RESOLUTION FOR APPROVAL OF AN AMENDED SPECIAL USE PERMIT

WHEREAS, THILL13014, LLC d/b/a Thunderhill Self Storage has applied for an Amended Special Use Permit to construct two additional buildings for self-storage, and

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

WHEREAS, the Town Board has carefully reviewed the Petition to amend the Special Use Permit providing for two additional self-storage buildings, and

WHEREAS, the Amended Special Use Permit incorporates the provisions of the original Special Use Permit granted on November 16, 1999 and a previous Amended Special Use Permit granted in 2020, and

WHEREAS, it has determined the Special Conditions set forth in the Amended Special Use Permit, and

WHEREAS, the Town Board has determined that the proposed action will not result in any significant adverse environmental impacts.

NOW, THEREFORE, be it

RESOLVED, the Town Board approves the Amended Special Use Permit subject to the written acknowledgment by the applicant in regard to the terms of the Special Use Permit, and be it further

RESOLVED, that the Town Clerk shall prepare a certified copy of the Amended Special Use Permit to be acknowledged by the applicant and the Town.

MOTION # _____ moved by Councilman Gerald Klinck, second by Councilman Kyle Barry approving the Amended Special Use Permit to construct two additional buildings for self-storage, if item #4, under special conditions is resolved. CARRIED

3. S.U.P. received from Home Grown Farm L.L.C. to operate a farm-based business at 4807 Reiter (Town Attorney requested to prepare draft S.U.P. at 4/13/2021 meeting.)

The public hearing was held in April, the Planning Board and Environmental Board have reviewed and recommended approval and the 8 items in town code were review at the previous meeting. The Erie County

Planning Board reviewed and determined that it was only for local concern. The Town SEQR was not required for this special use permit application.

RESOLUTION FOR APPROVAL OF A SPECIAL USE PERMIT

WHEREAS, Home Grown Farm, LLC has applied for a Special Use Permit to establish the agricultural related activities at 4807 Reiter Road, East Aurora, 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 Home-Grown Farm, LLC to conduct agricultural related activities at 4807 Reiter Road, East Aurora, 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.

MOTION # _____ moved by Councilman Gerald Klinck, second by Councilman Kyle Barry approving Home Grown Farm, LLC, Special Use Permit to establish the agricultural related activities at 4807 Reiter Road, East Aurora, New York. **CARRIED**

4. Request for appointment of replacement Town of Wales Planning Board member.

(Tabled at 4/13/2021 meeting.)

Supervisor Rickey Venditti stated this has been tabled, at the previous meeting. The town has received three letters and resumes of interest in the position, the applicants have been interviewed by Councilman Kyle Barry and Chairman Richard Munn of the Planning Board also Councilman Gerald Klinck. Councilman Kyle Barry stated we anonymously agreed we had one applicant that stood out, with excellent experience and directly on point, also a firm believer of promoting women in the workplace. Britt Donnelly was our choice; she would be a good fit for the planning board. Supervisor Rickey Venditti said he was recusing myself from voting since she is a neighbor and I do business with her company, I have already spoke to her about this.

MOTION # _____ moved by Councilman Gerald Klinck, second by Councilman Kyle Barry approving Brett Donnelly, as the replace for the Planning Board position. **CARRIED** approved by 4 board members and Supervisor Rickey Venditti recused from voting, reasons stated above.

NEW BUSINESS:

1. Town of Wales annual insurance renewal.

Geoff Gunner - of Badger and Gunner represented the town's property and liability insurance cost for the new policy for this year Selective Insurance \$20496.00 HCC Public Risk \$22,1764 and Spriska \$23,220 these quotes are inclusive of Fidelity Bond and Notary premiums. Mr. Gunner recommends continuing with Selective insurance for 2021.

MOTION # _____ by Councilman Gerald Klinck, second by Councilman Dan Driver, approving the renewal of the town's property and liability insurance cost for the new policy for this year Selective Insurance \$20496.00. **CARRIED**

2. Proposed changes to storm water collection system for Dollar General operating at 11184 Rt. 20A.

Building Inspector Walter Raichel said a plan was submitted for a holding tank to be placed in the ground to collect water from the roof and parking lot to accommodate the washrooms, which would require all new plumbing. This change will not affect the handwashing or drinking fountain water supply that will still come from the well. Joe Wetzel the town engineer stated any change to drinking water would need to be approved by the health department. Would this be storm water changes require an amendment to the SUP? Building Inspector, Walter Raichel said it would just be added.

3. Building Inspector/C.E.O. request to expend funds for the renewal of annual Building & Codes software support contract with Williamson Law Book Co.

MOTION # _____ by Councilman Gerald Klinck, second by Councilman Dan Driver, approving the renewal of the Williamson Law Book software at a cost of \$649.00. This is a budget item. **CARRIED**

4. Request received from U.S.D.A. to set up traps on Town properties for a European Cherry Fruit Fly study.

Mark Clark a representative of the USDA requested permission to set-up traps for the European Cherry Fruit Fly on town owned property. The USDA is a self-insured entity and would be covered by federal worker's compensation insurance if injured while performing their duties.

MOTION # _____ by Councilman Gerald Klinck, second by Councilman Don Butcher, approving permission for the USDA to setup European Cherry Fruit traps on town owed property. **CARRIED**

5. Request from Town of Wales Kiwanis Club to use Town Park facilities for their Annual Community Night – Out, 6/20/21.

MOTION # _____ by Councilman Gerald Klinck, second by Councilman Dan Driver, approving the Kiwanis Club to use the Town Park for their annual community night-out on June 20th that all current covid restrictions are in place at that time. **CARRIED**

6. Request from Town of Wales Kiwanis Club for donation for their Annual Community Night – Out.

MOTION # _____ by Councilman Gerald Klinck, second by Councilman Donald Butcher, approving the donation of \$600 for the community night out. **CARRIED**

7. Update on the current status of Auctions International S.U.P. compliance.

Supervisor Rickey Venditti stated the previous building inspector told the board that this business was in court over two issues (violations) after speaking with the Judge and current building inspector this is not true. The sign received a certificate of compliance and building did receive a certificate of occupancy is for a warehouse. Walter Raichel stated he can get a certificate of occupancy as a warehouse but would need to amend his permit for the new use of the building and new hours of operation, he also added, Auctions International can hold 3 special events a year, as part of their special use permit.

COMMUNICATIONS:

Historian Pat Spahn is working on the plans for Memorial Day at noon.

Supervisor asked the board if they felt a workshop was need this month, being Grievance Day will be that day so the workshop would need to be moved to South Wales. We have finalized all the current special use permits, that have been pending.

MOTION# _____ by Supervisor Rickey Venditti, second by Councilman Donald Butcher, Cancelling the workshop on May 25, 2021. **CARRIED**

Working on quotes to update the town server.

REPORTS OF DEPARTMENT HEADS: Highway. received additional Chip's money, which will be amended to the highway budget., Building Inspector and Town Clerk

REPRESENTATIVES OF COMMUNITY ORGANIZATIONS:

South Wales Fire chicken BBQ will be May 16th at 11:00 am until sold-out.

Pat Spahn will be working with the Historical Society on the upcoming 200th Anniversary for Erie County.

COMMITTEES

Zoning Councilman Klinck and Supervisor working on zoning updates. Also working a new policy for hiring candidates, Supervisor would like a committee to work on the town invoice vouchers, to see what signatures are necessary or mandated by the state so we can update the monthly town invoice vouchers. Councilman Dan Driver said he will work on that.

Comp Alliance Training Councilman Butcher forwarded to all dept heads the upcoming classes. The town clerk is working on a master list of employees, so they can sign-off after completing the training.

Water Councilman Dan Driver said he received great news from Mr. Winkley who is from the NY Rural Water Association, he prepared the town water protection plan. He stated that the Department of Health would be interested in testing 15-20 wells, in targeted areas within the town. The Water Protection plan strategies were to test areas of concern in the town, the cemeteries and agricultural run-off area were part of the plan. Councilman Dan Driver said he would work with Mr. Winkley on mapping the targeting the area of concern. The homeowners would be sent a survey and asked if they would like to participate in the testing.

SECOND PUBLIC COMMENTS:

Dorothy Carlone Hunters Creek Road. Thrilled about the water testing, I would like to see them possibly test the recently fracked wells and abandoned wells, the maps are in the Supervisor office. Still working with Gallivan's office about the signs for Radamacher Park being installed along Rt400, Hunter Creek Rd and Rt78. Working on a Wales town improvement project like the Unified Court system project so residents can have more of an input as to what is happening in the town. I will not comment on anything else, due to advice of counsel.

REVIEW AND ACTION ON SUPERVISOR'S REPORT:

No report yet with the server being down most of last week.

REVIEW AND ACTION ON TOWN CLERK'S REPORT:

MOTION # _____ by Councilman second Gerald Klinck, Councilman Kyle Barry, approving the Town Clerk's monthly report for April 2021 as presented. **CARRIED**

GENERAL FUND BILLS:

MOTION # _____ by Councilman Gerald Klinck, second by Councilman Dan Driver, approving payment of the 2021 General Fund Abstract # 004 voucher # 130-176 total of \$31,326.87 **CARRIED**

HIGHWAY FUND BILLS:

MOTION # _____ by Councilman Dan Driver, second by Councilman Gerald Klinck, approving payment of the 2021 Highway Abstract # 004 voucher #50-57 total amount \$4727.79 **CARRIED**

ADJOURNMENT:

Motion duly made and seconded to adjourn the meeting at 7:49 pm
Respectfully submitted, Melinda Eaton, Wales Town Clerk