

Supervisor Sheila M. Meegan called the meeting to order at 7:00 P.M. with 30 seconds of silent prayer followed by the Pledge of Allegiance led by the West Seneca Auxiliary Police.

**ROLL CALL:** Present - Sheila M. Meegan Supervisor  
Eugene P. Hart Councilman  
William P. Hanley, Jr. Councilman

Absent - None

Supervisor Meegan read the Fire Prevention Code instructing the public where to exit in case of a fire or an emergency.

Chief Denz recognized the work of the West Seneca Auxiliary Police and stated the unit is retiring after 66 years of service. Supervisor Meegan distributed certificates of merit and town pins to all members of the West Seneca Auxiliary Police.

The meeting was dedicated to the memory of Edwin Klubek, Gayle Cryan and Sandra Mayer.

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**9-C COMMUNICATIONS**

3. Town Attorney re Auxiliary Police Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the attached resolution withdrawing the Town Board's grant of authority to the West Seneca Auxiliary Police to act on behalf of the Town of West Seneca as auxiliary police officers.

Ayes: All                      Noes: None                      Motion Carried  
\*APPENDICES\*

**9-A MINUTES TO BE APPROVED**

- Motion by Supervisor Meegan, seconded by Councilman Hart, to approve Minutes #2016-08 of April 25, 2016.

Ayes: All                      Noes: None                      Motion Carried

**9-C COMMUNICATIONS**

1. Supervisor Meegan re Appointment of part-time clerk Motion by Supervisor Meegan, seconded by Councilman Hart, to appoint Shauna Sorrentino as part-time clerk at a rate of \$14 per hour effective May 10, 2016 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

**9-C COMMUNICATIONS**

1. (continued)

On the question, Councilman Hart questioned if Ms. Sorrentino will be working in the secretarial pool. Supervisor Meegan responded she will be working with various departments as needed on a per diem basis.

Ayes: All

Noes: None

Motion Carried

2. Councilman Hanley re Appointment of Sean Greene as laborer in Building & Grounds department

Motion by Supervisor Meegan, seconded by Councilman Hanley, to appoint Sean Greene as provisional full-time laborer in the Buildings & Grounds Department, Group 1, Step 1 at a rate of \$20.41 per hour effective May 16, 2016 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting this appointment is contingent upon negative results of drug and alcohol testing with the provisional status expiring April 5, 2017 at 12:01 AM.

On the question, Councilman Hanley stated this is filling a vacancy created by a town employee that took a leave of absence to become a NYS Trooper. The leave of absence expires in one year on April 4, 2017 at which time this appointment will become permanent.

Ayes: All

Noes: None

Motion Carried

4. Highway Sup't re Disposal of equipment

Motion by Supervisor Meegan, seconded by Councilman Hart, to authorize Highway Superintendent Matthew English to dispose of vehicle #1072, VIN #1WBPACBDGGU301918 as it is no longer in service.

Ayes: All

Noes: None

Motion Carried

5. Highway Sup't re Title change for Daryl Krawczyk to Sewer Maintenance Worker

Received and filed.

6. Highway Sup't re Title change for James Alba to Highway Motor Equipment Operator

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate James Alba as Sewer Maintenance Worker and appoint him as Highway Motor Equipment Operator at a rate of \$28.17 per hour effective May 9, 2016 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

**9-C COMMUNICATIONS**

7. Highway Sup't re Department change for seasonal part-time laborers

Motion by Supervisor Meegan, seconded by Councilman Hanley, to change part-time seasonal laborers Jeremy Krawczyk and James Deppeler from the Buildings & Grounds Department to the Sanitation Department at a rate of \$9 per hour effective May 10 - October 28, 2016 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

8. Chief Denz re Police garage expansion

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the expansion project of one additional garage bay to the current police garage structure at Town Hall, noting the total cost of the project will not exceed \$25,000 and funds are allocated in the Police Department's 2016 Budget.

Ayes: All                      Noes: None                      Motion Carried

9. Chief Denz re Purchase of rifle sights for weapons systems

Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve the purchase of five (5) AimPoint Red Dot rifle sights for the AR-15 weapons operation systems from Amchar Wholesale, Inc at NYS bid pricing for a total cost of \$3,580.55 with funds available in police budgetary line item #001.3102.0409, noting the current equipment will be traded in for \$3,600 so there will be no cost to the town for the new equipment.

Ayes: All                      Noes: None                      Motion Carried

10. Chief Denz re Resignation of part-time Court Security Officer Mary P. Caulfield

Motion by Supervisor Meegan, seconded by Councilman Hanley, to accept the resignation of Mary P. Caulfield and terminate her as part-time Court Security Officer effective May 2, 2016 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All                      Noes: None                      Motion Carried

**9-C COMMUNICATIONS**

11. Senior Code Enforcement Officer re Electronic message board for Elma Animal Hospital

Motion by Supervisor Meegan, seconded by Councilman Hanley, to approve an electronic message board for Elma Animal Hospital located at 3180 Transit Road, noting the sign meets the requirements of the electronic sign ordinance and will be approximately 525 feet from the nearest residential house.

On the question, Councilman Hart questioned if this approval remains if the property is sold. Senior Code Enforcement Officer John Gullo responded that approval of the electronic sign stays with the property and restrictions will still apply.

Ayes: All

Noes: None

Motion Carried

12. Town Justices re Status change for Rachel Nalewajek to part-time seasonal

Motion by Supervisor Meegan, seconded by Councilman Hart, to change the status of Rachel Nalewajek to part-time seasonal effective May 16 – 27, 2016 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

13. Youth Service Coordinator re Odenbach Soccer Tournament agreement

Motion by Supervisor Meegan, seconded by Councilman Hanley, to authorize the Supervisor to execute the necessary documents to enter into an agreement with Robert L. Campagna of the New York State West Youth Soccer League for the annual Odenbach tournament at the West Seneca Soccer Complex on June 11 – 12, 2016.

Ayes: All

Noes: None

Motion Carried

14. Highway Supt. re Title change for Donald Schultz to Sewer Maintenance Worker

Motion by Supervisor Meegan, seconded by Councilman Hart, to terminate Donald Schultz as Highway Crew Chief and appoint him as Sewer Maintenance Worker at a rate of \$28.17 per hour effective May 9, 2016 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel.

Ayes: All

Noes: None

Motion Carried

**9-C COMMUNICATIONS**

15. Highway Supt. re  
Appointment of Patrick  
Keane as part-time seasonal  
laborer

Motion by Supervisor Meegan, seconded by Councilman Hanley, to appoint Patrick Keane as part-time seasonal laborer in the Buildings & Grounds Department at a rate of \$9 per hour effective May 10 – September 15, 2016 and authorize the Supervisor to complete and sign the necessary forms for Erie County Personnel, noting this appointment is contingent upon passing of drug and alcohol testing.

Ayes: All                      Noes: None                      Motion Carried

**9-D REPORTS**

- Jacqueline A Felser, Town Clerk’s report for April 2016 received and filed
- John Gullo, Senior Code Enforcement Officer’s Building and Plumbing reports for April 2016 received and filed

**9-E APPROVAL OF WARRANT**

Motion by Supervisor Meegan, seconded by Councilman Hart, to approve the vouchers submitted for audit, chargeable to the respective funds as follows: General Fund - \$436,897.07; Highway Fund - \$103,662.71; Special Districts - \$148,835.42; Capital Fund - \$86,294.00 (vouchers 93543 - 94207); Trust Fund - \$42,379.36 (vouchers 94059 – 94090)

Ayes: All                      Noes: None                      Motion Carried

**9-B LEGAL ITEMS**

2. Motion by Supervisor Meegan, seconded by Councilman Hart, that proofs of publication and posting of legal notice: “OF A PUBLIC HEARING TO CONSIDER A REQUEST FOR A REZONING AND SPECIAL PERMIT FOR PROPERTY LOCATED AT 140, 144, 154, 158, 160 & 162 SLADE AVENUE, BEING PART OF LOT NO. 292, CHANGING ITS CLASSIFICATION FROM C-1 TO C-2(S) FOR CONSTRUCTION OF A 3-STORY, 27,700 SF MIXED USE BUILDING TO HOUSE RETAIL/RESTAURANT, COMMERCIAL OFFICE AND RESIDENTIAL SPACE” in the Town of West Seneca, be received and filed.

Ayes: All                      Noes: None                      Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hanley, to open the public hearing.

Ayes: All                      Noes: None                      Motion Carried

**9-B LEGAL ITEMS**

2. (continued)

William Paladino of Ellicott Development Company stated their proposal to construct a 3-story, 27,700 sf mixed use building with a restaurant/retail on first floor, office space on second floor and seven to eight apartments (900 sf to 1200 sf) on the third floor. Mr. Paladino presented elevations of the building and stated lighting and drainage will be addressed with the Planning Board at site plan approval.

Supervisor Meegan questioned the type of restaurant being proposed and Mr. Paladino responded they are looking for an American theme with a local operator.

Councilman Hart questioned if they are applying for any aid or government assistance and Mr. Paladino responded they are not.

Susan Kims stated the zoning change for the mixed use building and restaurant compliments the existing hotels and fits with the Comprehensive Plan. She acknowledged the need for a restaurant in that area of town and thanked Mr. Paladino for being a good neighbor and investing in the town.

Motion by Supervisor Meegan, seconded by Councilman Hanley, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hart, to adopt the following resolution:

**WHEREAS**, the Town Board of the Town of West Seneca, as the lead agency acting pursuant to the State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law, has reviewed Part I of the Short Environmental Assessment Form ("EAF") prepared by the applicant in connection with the proposed rezoning for property located at 140, 144, 154, 158, 160 & 162 Slade Avenue ("Subject Property"), changing its classification from C-1 to C-2(S) for construction of a 3-story, 27,700 sf mixed use building to house retail/restaurant, commercial office and residential space, has reviewed the draft completed Part II of the EAF analyzing the potential for the Project to result in any significant adverse environmental impacts and has otherwise taken a hard look at the potential environmental impacts utilizing the criteria specified in 6 NYCRR 617.7(c); and

**WHEREAS**, upon such review the Town Board has not identified any potentially significant adverse environmental impacts associated with the proposed use of the Subject Property, has determined that no Environmental Impact Statement is necessary and that a Negative Declaration is therefore appropriate; and

**9-B LEGAL ITEMS**

2. (continued)

**WHEREAS**, the Planning Board reviewed the Project and adopted a resolution recommending granting approval of the rezoning for the Project as proposed; and

**WHEREAS**, pursuant to the Town Code, the Town Board further finds that granting a rezoning for the Subject Property to allow for the Project is appropriate for the location and will not adversely affect surrounding properties;

**NOW, THEREFORE, BE IT RESOLVED THAT** pursuant to 6 NYCRR 617.7(a), the Town Board does hereby adopt a Negative Declaration with respect to the Project; and

**BE IT FURTHER RESOLVED THAT** the Town Board hereby adopts Local Law No. 7 for the year 2016 granting a rezoning for the Subject Property from C-1 to C-2; and

**BE IT FINALLY RESOLVED THAT** the Town Board grants a special permit for the Subject Property to allow for a maximum of eight apartments.

Ayes: All

Noes: None

Motion Carried  
\*APPENDICES\*

1. Motion by Supervisor Meegan, seconded by Councilman Hart, that proofs of publication and posting of legal notice: "OF A PUBLIC HEARING TO CONSIDER A REQUEST FOR A REZONING FOR PROPERTY LOCATED AT 1926, 1934 & 1954 UNION ROAD AND 1371 & 1377 INDIAN CHURCH ROAD, BEING LOT NOS. 78 & 79 AND PART OF LOT NOS. 80, 81 & 82, CHANGING ITS CLASSIFICATION FROM C-1 TO C-2 FOR A RESTAURANT AND SEPARATE RETAIL BUILDING" in the Town of West Seneca, be received and filed.

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hanley, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

Attorney Ralph Lorigo and Pat Bittar of Wm. Schutt & Associates represented Silvertip Ventures LLC. Mr. Lorigo stated their proposal to develop approximately 1.3 acres of property at 1926, 1934 & 1954 Union Road and 1371 & 1377 Indian Church Road, noting the property has been vacant for a number of years and although it is currently zoned C-1, a C-2 zoning classification is required for a restaurant. He presented aerial photographs of the site and outlined the plan to demolish three frame structures and construct two new buildings. A 5300 sf building for offices or small retail (i.e. hair salon, barber shop, etc.) will face Indian Church Road. The second building will be a 28 seat Tim Horton's at the south end of the site facing

**9-B LEGAL ITEMS**

1. (continued)

Union Road. The current application incorporates the requested design changes that resulted from the initial proposal made in the fall of 2015. Approval for the changes in design and location was given by Tim Horton's corporate and the buildings will match the look of the Burchfield Nature and Art Center and the credit union. In addition, the retail building will have a clock tower. There will be no ingress/egress on Doster Place and Tim Horton's drive thru will have stacking capacity for 26 vehicles. Mr. Lorigo stated the updated proposal decreases traffic concerns, will add to the town's tax base and will substantially reduce left hand turns into the Tim Horton's at 1481 Union Road. He referred to the results of a traffic study conducted for the project and stated the capacity analysis measured six levels of traffic and concluded there will be no significant changes in levels of service at the existing intersection as a result of the proposed Tim Horton's location. The study also showed that 25,000 cars travel Union Road per day while 7000 vehicles use Indian Church Road per day and 89 percent of the customers that will use the new Tim Horton's is existing pass-by traffic, so out of the anticipated 164 cars that will enter the site during peak hours there will be an addition of only 18 vehicles not already part of the existing traffic. Most traffic will enter the Tim Horton's from Union Road and the peak hours are 7 AM – 9 AM on week days and 8 AM - 9:30 AM on Sunday. The traffic study looked at the 1481 Union Road location and found 159 cars enter that site in the morning with 37 vehicles making left turns into the site. With the addition of the proposed location, northbound traffic will make a right into the 1481 Union Road location and southbound traffic will use the proposed location, which will alleviate traffic congestion at the 1481 Union Road site. Mr. Lorigo stated there are still site plan issues to be addressed with the Planning Board, including the entrance/exit on Indian Church Road and screening for the neighbors, and the owners are willing to work with the neighbors at site plan approval. He further noted there are no tax incentives/breaks on the project and it will add substantially to the commercial tax base.

Councilman Hanley referred to the traffic study and questioned if it indicated which way the 37 left turn vehicles went when they left the site at 1481 Union Road.

Mr. Lorigo responded they did not get that information in the study, but he referred to a traffic study done last year of Tim Horton's locations on Union and Losson Roads and Union Road and William Street in Cheektowaga where left hand turns were studied. Now that the locations are established the traffic congestion has been alleviated.

Councilman Hanley questioned if the petitioner is still open to changes in design at site plan approval and referred to the height of the curbs and the effectiveness of maintaining the desired traffic flow entering and exiting the site. He further expressed concern that vehicles may enter the site from Indian Church Road to cut through to Union Road and avoid the signal.



**9-B LEGAL ITEMS**

1. (continued)

Senior Code Enforcement Officer John Gullo stated Indian Church Road is a county road and there are county requirements that must be adhered to as well as accommodations for emergency vehicles.

Councilman Hart questioned if a second service window could be added to expedite the drive-in service.

Judy Stamm of Silvertip Ventures LLC explained Tim Horton's has very strict guidelines for service times. They have designed the businesses to meet the desired service levels and studies have shown this to be effective. Between 6 AM and 10 AM the service level is 100 seconds from speaker to departing pick-up, with 25 seconds allocated at the pick-up window.

Councilman Hart questioned the possibility of vehicles backing up into Union Road and/or Indian Church Road.

Mr. Lorigo reiterated the 26 car stacking capacity and stated the SRF traffic study is 95 percent confident this is sufficient. Ms. Bittar also commented that gaps in traffic will be provided with the signalized location.

Supervisor Meegan commented the building appearance is like no other Tim Horton's and it fits in the Comprehensive Plan.

George Dipiano expressed concerns with traffic problems and congestion at the intersection, noting there is church traffic, a city bus that has difficulty making the turn, children at the school and kids crossing the street. Mr. Dipiano was also concerned the project will force existing nearby businesses like Stop n Go, the nail salon and liquor store out of business.

Mike Wach questioned if a "no left turn" sign posted by a business is enforceable and Chief Denz responded it is not enforceable unless the business asks the town to codify it.

Mike Terhart did not believe this was the place for a drive-thru restaurant as there is too much traffic in the area. Although he wanted to see the corner developed, he asked that the quality of life of the residents of that area be taken into consideration.

Patrick Dalton was not in favor of the project because of the drive-thru and was concerned it will interfere with people going to church.

Nora Mikes commented that Tim Horton's is oversaturated in Canada and Western New York. She thought residents would prefer a sit down restaurant and suggested Tim Horton's meet with the residents and try to solve the issue.

**9-B LEGAL ITEMS**

1. (continued)

George Dipiano questioned why this was brought back to the town after it was turned down last fall. Town Attorney John Fenz responded the previous application was substantially different than the present one and by law the applicant has the right to present their amended plan.

Mr. Lorigo stated the Tim Horton's was moved away from the corner which changed the traffic flow substantially. They also added Sunday to the traffic study and the conclusion is that traffic capacity will not be changed.

Motion by Supervisor Meegan, seconded by Councilman Hart, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Motion by Supervisor Meegan, seconded by Councilman Hanley, to adopt the following resolution:

**WHEREAS**, the Town Board of the Town of West Seneca, as the lead agency acting pursuant to the State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law, has reviewed Part I of the Short Environmental Assessment Form ("EAF") prepared by the applicant in connection with the proposed rezoning for property located at 1926, 1934 & 1954 Union Road and 1371 & 1377 Indian Church Road ("Subject Property"), changing its classification from C-1 to C-2 for a restaurant and separate retail building, has reviewed the draft completed Part II of the EAF analyzing the potential for the Project to result in any significant adverse environmental impacts and has otherwise taken a hard look at the potential environmental impacts utilizing the criteria specified in 6 NYCRR 617.7(c); and

**WHEREAS**, upon such review the Town Board has not identified any potentially significant adverse environmental impacts associated with the proposed use of the Subject Property, has determined that no Environmental Impact Statement is necessary and that a Negative Declaration is therefore appropriate; and

**WHEREAS**, the Planning Board reviewed the Project and adopted a resolution recommending granting of the rezoning and approval of the Project as proposed; and

**WHEREAS**, pursuant to the Town Code, the Town Board further finds that granting a rezoning for the Subject Property to allow for the Project is appropriate for the location and will not adversely affect surrounding properties;

**NOW THEREFORE, BE IT RESOLVED THAT** pursuant to 6 NYCRR 617.7(a), the Town Board does hereby adopt a Negative Declaration with respect to the Project; and

**9-B LEGAL ITEMS**

1. (continued)

**BE IT FURTHER RESOLVED THAT** the Town Board hereby adopts Local Law No. 8 for the year 2016 granting a rezoning for the Subject Property from C-1 to C-2.

Ayes: All

Noes: None

Motion Carried  
\*APPENDICES\*

**ISSUES OF THE PUBLIC**

**WEST SENECA YOUTH BASEBALL**

Richard Schunke of West Seneca Youth Baseball referred to an email that was recently sent to baseball families concerning the fields at Fireman's Park and apologized for the negative statements made about the town. He acknowledged the resources that have been provided in support of the effort to build up the baseball facilities at the park and thanked the town and Ironworkers for the expanded parking lot and fences.

Supervisor Meegan also acknowledged Local 17 for their work at Fireman's Park.

**AUXILIARY POLICE CLOTHING DONATION**

James Manley thanked the Town Board, Chief Denz and prior Police Chiefs for allowing the Auxiliary Police to serve the town, noting the members volunteered their time to help the community by providing assistance at many town events. Mr. Manley requested that after the patches and badges are removed from the auxiliary police coats and outerwear, the clothing be donated to Altamont House to help keep homeless veterans warm.

Motion by Councilman Hart, unanimous second, to pledge donation of appropriate clothing items of the Auxiliary Police to Altamont House to assist homeless veterans.

Ayes: All

Noes: None

Motion Carried

**MEMORIAL DAY PARADE**

James Manley reminded the public the Memorial Day Parade is Monday, May 30<sup>th</sup> at 10:30 A.M. beginning at Southgate Plaza and ending at the Vietnam Memorial. Supervisor Meegan acknowledged and thanked Mr. Manley for all his efforts with the veterans and the Walkway of Freedom.

**ISSUES OF THE PUBLIC**

**COMPREHENSIVE PLAN**

Nora Mikes referred to the April 25<sup>th</sup> Town Board meeting and her comments that she believes the Comprehensive Plan Steering Committee was created pursuant to Section 272-a of the Town Law. Town Attorney John Fenz confirmed his response that it was not.

**TOWN WEBSITE**

Nora Mikes commented on the need for a webmaster for the town's website and stated she finds the website hard to use and lacking information. Supervisor Meegan responded that West Seneca's website was ranked in the top 10 in New York State.

**INFORMATION REQUEST**

Nora Mikes commented on a recent request for information filed in the Town Clerk's office and the process of requesting information. Town Clerk Jacqueline Felser responded the information Ms. Mikes requested is now available.

**LIBRARY PROJECT**

Nora Mikes questioned how the public can comment on the library project. Councilman Hart suggested Ms. Mikes attend the meetings, noting there are times the public has the opportunity to make comments.

**LIBRARY BOARD**

Nora Mikes commented on availability of Library Board meeting minutes. Councilman Hart responded the Library Board is appointed by the Town Board but falls under the Erie County Library System and library employees work for Erie County, not the town.

**YOUTH THEATRE**

Mike Wach referred to a previous question about Youth Theatre and asked for confirmation that funds received are placed in a trust account. Supervisor Meegan confirmed they are.

**ADULT SOFTBALL LEAGUE**

Mike Wach questioned expenditures for bases, speedy dry and red clay for the adult softball league. Councilman Hart assured Mr. Wach that everything is in order and stated the league does not provide a profit for the town. The town contributes in excess of \$3,000 over and above the fees collected.

**PRESENTATION OF COMMUNICATIONS BY BOARD MEMBERS AND DEPARTMENT HEADS**

**CPR TRAINING**

Senior Code Enforcement Officer John Gullo announced the Disaster Office is hosting a hands-on CPR training on May 18<sup>th</sup> from 5 P.M. to 8 P.M. This is an open training session where people can arrive anytime, be trained and then leave.

**RECREATION PROGRAMS UPDATE**

Youth Service Coordinator Lauren Masset updated the summer programs: Summer Day Camp has some availability; registration is underway for the Summer Fun Program and swim lessons; open interviews will be conducted for summer positions on May 11<sup>th</sup> from 2 P.M. – 4 P.M., and May 12<sup>th</sup> from 10 A.M. – 12 P.M. Information is available on the town's website and social media pages.

**VAN DRIVERS NEEDED**

Senior Recreation Therapist of Senior Services Mary Josefiak stated there is a need for additional van drivers at the senior citizens center.

**POLICE MEMORIAL WEEK**

Chief Denz announced that Police Memorial Week is next week and there are 123 fallen officers from last year being remembered.

**DESIGN STANDARDS ADVISORY BOARD**

Councilman Hart stated they are still looking for applicants for the Design Standards Advisory Board and the Industrial & Commercial Incentive Board.

**UPCOMING EVENTS**

Supervisor Meegan announced the groundbreaking ceremony for the SPCA on Monday, May 16<sup>th</sup> at 11 A.M., West Seneca East High School Trojans "Day of Caring" on Friday, May 20<sup>th</sup> and the ribbon cutting ceremony on Saturday, May 21<sup>st</sup> for LA Fitness new Southgate Plaza location.

**ADJOURNMENT**

Motion by Supervisor Meegan, seconded by Councilman Hart, to adjourn the meeting at 9:00 P.M.

Ayes: All

Noes: None

Motion Carried

  
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**JACQUELINE A FELSER, TOWN CLERK**

## Resolution

WHEREAS, the Federal Defense Act of 1950 was signed into law by President Truman with its primary intent to minimize the societal impact of an atomic attack by providing a means to provide domestic welfare services to the citizens of the United States; and

WHEREAS, the New York State Defense Emergency Act of 1951 (the "Defense Emergency Act") was signed into law by Governor Dewey with the intent to provide state and local governments with the resources to protect its citizens in the event of an attack upon the United States, specifically an attack within the borders of the State of New York; and

WHEREAS, pursuant to authority granted local governments under the Defense Emergency Act, the Town Board may confer upon members of the public as "auxiliary police" the powers of a Peace Officer as set forth in Section 2.20 of the New York Criminal Procedure Law; and

WHEREAS, the West Seneca Auxiliary Police (the "Auxiliary Police") was formed in 1960 to provide the residents of West Seneca with the protections contemplated pursuant to the Defense Emergency Act; and

WHEREAS, the Auxiliary Police have performed outstanding community service to the Town of West Seneca as set forth in the Defendant Emergency Act; and

WHEREAS, the Town of West Seneca Chief of Police has reviewed and contemplated the role of the Auxiliary Police in the context of modern police practices and the safety needs of the community, and compared those modern police practices regarding the use of Auxiliary Police units with surrounding jurisdictions;

WHEREAS, the Town of West Seneca Chief of Police, with the input of the Town Attorney, has determined that the Auxiliary Police no longer serve the purpose set forth in the Defense Emergency Act, nor does the use of Auxiliary Police units fit into modern police practices, and therefore may expose the Town to liability.

NOW THEREFORE, be it resolved that the Town Board of the Town of West Seneca withdraws its grant of authority to the Auxiliary Police to act on behalf of the Town as auxiliary police officers as set forth in the Defense Emergency Act, and the Town Board hereby acknowledges the efforts of the West Seneca Police Auxiliary since its inception in 1960, and sincerely thanks the members of the Auxiliary for their dedicated service to the Town.

Please take notice that the following change was made in the Zoning Ordinance of the Town of West Seneca, County of Erie and State of New York, and notice thereof is hereby given, pursuant to §264 and 265 of the Town Law.

Whereas, the Town Board of the Town of West Seneca received a request for a rezoning for the following described property located at 140, 144, 154, 158, 160 & 162 Slade Avenue from its classification of C-1 to C-2 for construction of a 3-story, 27,700 sf mixed use building to house retail/restaurant, commercial office and residential space:

All that tract or parcel of land, situate in the Town of West Seneca, County of Erie and State of New York, being part of Lot No. 292, Township 10, Range 78 of the Buffalo Creek Reservation, more particularly bounded and described as follows:

Beginning at a point in the westerly line of Slade Avenue (formerly Harlem Road) distant 1333.33 feet northerly from the intersection with the northerly line of Ridge Road, said point being the southeasterly corner of lands conveyed in the Erie County Clerk's Office in Liber 11211 of Deeds at page 9901; thence northerly along the westerly line of Slade Avenue a distance of 350.00 feet to the northeasterly corner of lands conveyed in the Erie County Clerk's Office in Liber 11123 of Deeds at page 6056; thence westerly along the northerly line of said Liber 11123 of Deeds at page 6056 a distance of 252.46 feet to the westerly line of Lot 292; thence southerly along the westerly line of said Lot 292 a distance of 350.00 feet to the southwest corner of said Liber 11211 of Deeds at page 9901; thence easterly along the southerly line of said Liber 11211 of Deeds at page 9901 at right angles to the westerly line of Slade Avenue a distance of 251.23 feet to the point or place of beginning, containing 2.02 acres of land more or less.

Whereas, this Town Board held a public hearing on the 9<sup>th</sup> day of May 2016 at 7:00 P.M., EDT in the Town Hall, 1250 Union Road, in said town, to consider granting a rezoning for the above-described property; and

Whereas, at such time and place this Town Board did meet to hear any and all persons interested in the subject thereof concerning the same.

Now, therefore, be it resolved, that a rezoning is granted and the same is hereby rezoned from C-1 to C-2; and

Be it further resolved, that a special permit is granted to allow for a maximum of eight apartments; and

Be it further resolved, that the Town Clerk is hereby ordered and directed to make such change on the zoning map and to enter a copy of this resolution with the zoning regulations in a book appropriate for its use.

Please take notice that the following change was made in the Zoning Ordinance of the Town of West Seneca, County of Erie and State of New York, and notice thereof is hereby given, pursuant to §264 and 265 of the Town Law.

Whereas, the Town Board of the Town of West Seneca received a request for a rezoning for the following described property located at 1926, 1934 & 1954 Union Road and 1371 & 1377 Indian Church Road from its classification of C-1 to C-2 for a restaurant and separate retail building:

All that tract or parcel of land, situate in the Town of West Seneca, County of Erie and State of New York, being Lot Nos. 78 and 79 and part of Lot Nos. 80, 81 and 82 as shown on map cover 102 (Village of Middle Ebenezer) Township 10 and Range 7 and subplot 5 and part of sublots 1, 2, 3 and 4 as shown on map cover 1188, bounded and described as follows:

Beginning at the point of intersection of the north line of Doster Place (50' wide) at the southwest corner of a parcel of land acquired by the State of New York Map No. 249, Parcel No. 242 for the reconstruction of Union Road; thence westerly along the north line of Doster Place a distance of 111.0 feet to the east line of subplot 5, as shown on map cover 1188; thence northerly along the east line of said subplot 5 a distance of 156.75 feet to the northeast corner thereof; thence westerly along the north line of said subplot 5 and its westerly extension also being the north line of Lot 81 as shown on map cover 102 a distance of 52.7 feet to the southwest corner of Lot 78, as shown on map cover 102; thence northerly along the west line of said Lot 78 a distance of 213.33 feet to a point on the south line of Indian Church Road; thence easterly along the south line of Indian Church Road a distance of 153.0 feet to the northwest corner of a parcel of land acquired by the State of New York, Map No. 250, Parcel No. 243 for the reconstruction of Union Road; thence southeasterly along the southwest line of said lands acquired by the State of New York Map No. 250, Parcel No. 243, a distance of 37 feet more or less to a point on the west line of Union Road (width varies); thence southerly along the west line of Union Road being the west line of lands acquired by the State of New York Map No. 250, Parcel No. 243 and Map No. 278, Parcel No. 277 a distance of 258.0 feet to a point of curvature; thence continuing southerly along the west line of Union Road being the west line of lands acquired by the State of New York Map No. 278, Parcel No. 277 and Map No. 249, Parcel No. 242, having a radius of 34,422.47 feet, an arc distance of 72.76 feet to an angle point therein; thence southwestwardly along the northwest line of said lands acquired by the State of New York, Map No. 249, Parcel No. 242, a distance of 17 feet more or less to the point of beginning.

Whereas, this Town Board held a public hearing on the 9<sup>th</sup> day of May 2016 at 7:00 P.M., EDT in the Town Hall, 1250 Union Road, in said town, to consider granting a rezoning for the above-described property; and

Whereas, at such time and place this Town Board did meet to hear any and all persons interested in the subject thereof concerning the same.

Now, therefore, be it resolved, that a rezoning is granted and the same is hereby rezoned from C-1 to C-2; and

Be it further resolved, that the Town Clerk is hereby ordered and directed to make such change on the zoning map and to enter a copy of this resolution with the zoning regulations in a book appropriate for its use.