**May 2, 2023**

At 6:45 PM, Mayor Stumpf called the meeting to order.

The following were present:

John Stumpf Mayor

Trista Reisdorf Trustee

Brandon Stearns Trustee

Darwin Dominessy Trustee

Patricia Sherwood Trustee

Clerk Gina Maltby

**OTHERS PRESENT:** Superintendent of Public Works Daren Smith, Code Enforcement/Zoning Officer Chris Lexer, Fire Department Chief Jeff Holmes, Village residents Lonnie Owens, Mary Farrington, Mr. & Mrs. Cook.

*A motion was made by Trustee Reisdorf, seconded by Trustee Sherwood to open the Public Hearing at 6:45 PM. All in favor, public hearing was opened.*

Resident Sandra Cook asked how the zoning changes/updates were decided, who approved them, and how do the changes benefit the community. Code Enforcement officer Chris Lexer went over how the zoning was updated, how the decision was made, presented the updated zoning map and explained the differences between the old and new map.

*A motion was made by Trustee Dominessy, seconded by Trustee Sherwood to close the Public Hearing at 7:04 PM. All in favor, Public Hearing closed.*

**#442 Resolution of Village Board of Trustees of the Village of Delevan to Issue a Negative Declaration pursuant to the New York State Environmental Quality Review Act regarding Local Law 3 of 2023 Amending the Village’s Zoning Law and Zoning Map and to enact Local Law 3 of 2023**

May 2, 2023 – Special Meeting of the Delevan Village Board of Trustees

Whereas, the Village Board of Trustees initiated a Village Zoning Laws and Village Zoning Map review for updating and clarification and directed the Village Code Enforcement Officer, Village Attorney, the Village Engineers and the Village Planning Consultant to review and make recommended changes to the Village Zoning Laws and Village Zoning Map;

Whereas, thereafter, it was determined and recommended to the Village Board of Trustees that Local Law 3 of 2023 which amends the Zoning Laws and Zoning Map be made to reflect that the following changes and amendments be made:

* Reorganized entire law for clarity and consistency
* Integrated all amendments approved after original law adoption
* Updated zoning map to reflect approved changes
* Updated section and table references *(ongoing, to be completed once document is final*)
* Updated Table of Contents *(page references to be added once document is final)*
* Drafted Purpose section for zoning districts (Section 4.1)
* Redesigned Land Use Table (Section 4.2)
* Revised Table of Dimensional Regulations (Section 5.1)
* Eliminated Waterfront District (W-1) zoning district
* Eliminated Agricultural Residential (A-R) zoning district
* Removed fee schedule
* Added use: Dog Grooming or Boarding (allowed with SUP in R-2 district)
* Removed uses not relevant to the Village per Land Use Table
* Revised Article 7 Site Plan Review, per Local Law No. 2 of 2023
* Revised Section 9.4 Zoning Board of Appeals

Whereas, the Village Board of Trustees finds that the enactment of Local Law 3 of 2023 is in the best interest of the Village, Village Residents and Village Property Owners.

Now, Therefore, Be It Resolved, by the Village of Trustees of the Village of Delevan, that:

1. Local Law 3 of 2023 will not result in a significant adverse environmental impact and therefore a Negative Declaration is passed pursuant to the New York State Environmental Quality Review Action; and
2. Local Law 3 of 2023 is hereby enacted.

**Roll Call Vote:**

Mayor John Stumpf  VOTING AYE

Trustee Brandon Stearns VOTING AYE

Trustee Trista Reisdorf VOTING AYE

Trustee Patricia Sherwood  VOTING AYE

Trustee Darwin Dominessy  VOTING AYE

**#443 Resolution of Village Board of Trustees of the Village of Delevan to Issue a Negative Declaration pursuant to the New York State Environmental Quality Review Act; to grant a parking waiver; and to approve site plan for Site Plan Application submitted by the Broadway Group, LLC for a Commercial Retail Development (Version with Olmstead Avenue access)**

May 2, 2023 – Special Meeting of the Delevan Village Board of Trustees

Whereas, the Broadway Group, LLC submitted an application for a parking waiver and site plan approval for the construction of a Commercial Retail Development (Version with Olmstead Avenue Access) located at 10 N. Main Street and VL N. Main Street (SBL No. 13.029-1-14.1 and 13.029-1-14.3); and

Whereas, the Village Board reviewed the Application at its April Village Board Meeting; and

Whereas, the Cattaraugus County Planning Board has recommended approval of the parking waiver and site plan application.

Now, Therefore, Be It Resolved, by the Village of Trustees of the Village of Delevan, that:

1. This is an Unlisted Action pursuant to the New York State Environmental Quality Review Act and a Negative Declaration is hereby issued;
2. The Site Plan provides adequate parking for the proposed use and a parking waiver is hereby approved;
3. The Site Plan meets the criteria set forth in the Village Zoning Laws and is hereby approved upon the following conditions:
   1. The Site Plan being approved is the Site Plan and related drawings, plans and documentation showing vehicular access to and from Olmstead Avenue; and
   2. The two properties shall be merged by the recording of a deed at the Cattaraugus County Clerk’s Office.

**Roll Call Vote:**

Mayor John Stumpf  VOTING AYE

Trustee Brandon Stearns VOTING AYE

Trustee Trista Reisdorf VOTING AYE

Trustee Patricia Sherwood  VOTING AYE

Trustee Darwin Dominessy  VOTING AYE

Chris Lexer also provided updates on the new recreation building. Building has gone up and the roof has been put on. All of the metal for the side walls is in, electric has been roughed-in. Crew is wrapping up beams and will be working on insulation. Prices for materials turned out to be around what they expected; hoping to have the building completed by the end of the month. The garage doors will be in next week and once the building is up and completed, they will landscape around it. The Town of Yorkshire will purchase tables and chairs and there will be a small room in the back for storage of youth supplies.

# MINUTES

Trustee Sherwood, seconded by Trustee Reisdorf, moved suspension of the reading of the Minutes of the previous board meeting April 4, 2023 inasmuch as Board members had been supplied copies. Carried. Mayor Stumpf announced that corrections and alterations would then be heard, and concluding there were none, the minutes stand approved. Carried.

# REPORTS

**Fire Department Chief Jeff Holmes reported there were 31 calls for the month of April:**

**EMS CALLS** **STRUCTURE FIRE**

Village 14 Town of Yorkshire 1

Town of Yorkshire 6

Yorkshire 1

Machias 1 **AUTO ACCIDENT** Town of Yorkshire1Machias 1

**HAZARDOUS CONDITION** **CO DETECTOR ACTIVATION**

Village 2 Village 1

Town of Yorkshire 2

**RUBBISH FIRE**

Town of Yorkshire 1

Also, in other Department matters, Chief Holmes presented the Board with a letter of medical clearance from his doctor; that he may resume his normal activities with the Delevan Fire Department and Cattaraugus County, with exception of no interior duties, effective 4/18/23.

The Mother’s Day breakfast will be held on Mother’s Day, May 14th, and will be served from 8 AM to 1 PM. The Fire department physicals will be taking place on June 26th; it is mandatory that members go through the process. Chief Holmes provided clerk Gina Maltby with a check from the Fire Department for their truck payment in the amount of $5,000. Mayor Stumpf asked Chief Holmes if the Fire Department would be interested in doing Music in the Park next year, Chief Holmes said he will bring it up to the Fire Department.

**Superintendent of Public Works Daren Smith reported the following:**

1. Did follow up and final inspection on water leak at residence. Leak and issue has been fixed by the homeowner; all that is left is some remodeling on the building. Resident had previously sent in letter requesting reduction of water bill.

**#444 APPROVAL OF WATER BILL REDUCTION**

Moved by Trustee Stearns, seconded by Trustee Dominessy, to reduce a resident’s water bill by half of the total amount due.

Trustee Dominessy aye, Trustee Reisdorf aye, Trustee Sherwood aye, Trustee Stearns aye, Mayor Stumpf aye.

5 ayes, 0 nays, 0 absent, Carried.

1. A representative from Lewis Tree Service contacted him; they are the ones who will be trimming for National Grid within the Village. They should be coming back in about a week to go over more information.
2. Went around and patched again. Did not make it to a couple of streets. Let some go since making hot patch. Half left.
3. Chipped a total of 7 loads of limbs/branches in the month of April.
4. Has been crossing kids – did mornings and one afternoon. A week ago Friday, recruited help from the school to help cross on corner by school parking lot.
5. Has two trees that need to come down before summer recreation starts. One is out by Mill Street; the other one is a dead ash tree out back.
6. Had water reports printed and they will be going out. Will include brush chipping schedule with water reports.
7. Will be chipping two days each month through October. Final chipping will be on October 23rd.
8. One light in the parking lot will have to be pulled apart; still is not working.

**Clerk Gina Maltby reported the following:**

1. Prepared Vouchers and Abstract
2. Balance/budget packet provided to each board member
3. Cash receipts provided to each board member
4. Delivered trash stickers to Crosby’s
5. As of 5/2, water bills remaining unpaid $15,630.93

**COMMUNICATIONS**

1. A deposit was made in the amount of $37,738.20 on 04/24/2023 by Cattaraugus County for Sales Tax Distribution – 1st quarter 2023.
2. A notice was received from Cattaraugus County Board of Elections to inform of cost increase in the Memory Cards and I-buttons. Previously, they were $25.00 apiece; the cost has increased to $60.00 apiece.
3. A notification was received to inform the municipality that The Rusty Nail Tavern & Restaurant has applied for their liquor license.

**UNFINISHED BUSINESS**

**#445 APPROVAL OF RECREATION HIRES**

Moved by Trustee Dominessy, seconded by Trustee Reisdorf, to approve the following hires for the 2023 Summer Recreation program:

Tori Lane, Noelle Norton, Hanna Vacinik, Christian Kolasny and Christie Vacinik.

Trustee Dominessy aye, Trustee Reisdorf aye, Trustee Sherwood aye, Trustee Stearns aye, Mayor Stumpf aye.

5 ayes, 0 nays, 0 absent, Carried.

**#446 APPROVAL FOR CLOCK SERVICE**

Moved by Trustee Stearns, seconded by Trustee Reisdorf, a motion to have the Village clock located on the corner of Route 16 and Grove Street cleaned and serviced. The clock has not been working properly; Mayor Stumpf to follow up with company that will be doing the work.

Trustee Dominessy aye, Trustee Reisdorf aye, Trustee Sherwood aye, Trustee Stearns aye, Mayor Stumpf aye.

5 ayes, 0 nays, 0 absent, Carried.

**NEW BUSINESS**

1. Clerk Maltby informed the board of crossing guard Joan Moore’s verbal resignation that was received on 4/24.

**#447 CROSSING GUARD APPLICATION**

Moved by Trustee Reisdorf, seconded by Trustee Stearns, to hire Jeff Holmes as a part-time crossing guard at a rate of $10.43 per hour. Clerk Maltby informed the Board of the previous crossing guard’s verbal resignation that was received on 4/24.

Trustee Dominessy aye, Trustee Reisdorf aye, Trustee Sherwood aye, Trustee Stearns aye, Mayor Stumpf aye.

5 ayes, 0 nays, 0 absent, Carried.

**#448 PART-TIME HELP APPLICATION**

Moved by Trustee Reisdorf, seconded by Trustee Stearns, to hire Carl (Ted) Decker as part-time help with Village upkeep (lawn mowing, weed eating, etc.) at a rate of $15.00 per hour.

Trustee Dominessy aye, Trustee Reisdorf aye, Trustee Sherwood aye, Trustee Stearns aye, Mayor Stumpf aye.

5 ayes, 0 nays, 0 absent, Carried.

**#449 RELEVY OF DELINQUENT WATER ACCOUNTS**

Moved by Trustee Sherwood, seconded by Trustee Reisdorf, to approve the adding of delinquent water account balances to Village tax bills.

Trustee Dominessy aye, Trustee Reisdorf aye, Trustee Sherwood aye, Trustee Stearns aye, Mayor Stumpf aye.

5 ayes, 0 nays, 0 absent, Carried.

1. Clerk Maltby advised that she checked with MRC and received notice from them that they will be doing appliance pickups on Tuesday, May 23rd. Clerk will place ad in the paper.
2. Village received estimate from Bob Herman on an addition/shed off of Superintendent’s building. The structure is going to have a garage door towards the front and a doorway from Superintendent’s building into new structure. Estimate total: $15,502.09.

**#450 NEW STRUCTURE**

Moved by Trustee Reisdorf, seconded by Trustee Sherwood, to approve the addition by Bob Herman on the Superintendent’s building.

Trustee Dominessy aye, Trustee Reisdorf aye, Trustee Sherwood aye, Trustee Stearns aye, Mayor Stumpf aye.

5 ayes, 0 nays, 0 absent, Carried.

**#451 PUBLIC HEARING; LOCAL LAW #4**

Moved by Trustee Stearns, seconded by Trustee Sherwood, to hold a Public Hearing on June 6th, 2023 at 6:45 PM regarding the Management and Custody of Village of Delevan Properties.

Trustee Dominessy aye, Trustee Reisdorf aye, Trustee Sherwood aye, Trustee Stearns aye, Mayor Stumpf aye.

5 ayes, 0 nays, 0 absent, Carried.

# PAY CLAIMS

The bills for the previous month of April were presented and audited. It was moved by Trustee Stearns, seconded by Trustee Sherwood to make payment of $26,072.48 Abstract #012, $24,407.21 in General Fund Claims and $1,665.27 in payment of Water Fund.

Trustee Dominessy aye, Trustee Reisdorf aye, Trustee Sherwood aye, Trustee Stearns aye, Mayor Stumpf aye. 5 ayes, 0 nays, 0 absent, Carried.

**ADJOURNMENT**

At 7:55 PM it was moved by Trustee Reisdorf, seconded by Trustee Stearns to adjourn. Carried.

Village Clerk Gina Maltby