

**Holland Town Planning Board Meeting
Wednesday, May 1, 2013
Holland Town Hall**

Members Attending:

Rob Lewis
Marty Regan, Chairman
Keith Schuessler
Bill Shimburski
Karen Kline, Town Board Liaison

Members Absent:

Oliver Berry
Joseph Marzolf
Kathy Marzolf-Secretary
David Waligora
Robert Weisner

Meeting called to order at 7:30 p.m.

I. New Business:

- A. The Planning Board received notice from the Zoning Board of Appeals of a request by Cindy Quant of 18 Vermont Street who submitted an application to the Zoning Board of Appeals to build a rear porch less than 10' from the side lot lines. The Planning Board reviewed and has no issues with this request.
- B. Received notification from Oliver Berry that he is resigning from the Planning Board, effective immediately. Members appreciated Ollie's contributions to the Planning Board. Will look for a replacement member.
- C. Marty reported that he is planning on attending the next Erie County Water Quality Committee's meeting which is scheduled for the afternoon of May 15.

II. Old Business:

- A. **Code Book Review** – Discussion on topics to be reviewed by the Town Board for the general code review. Meetings have been set for May 15 and May 22 at 7:30 p.m.

Suggestions/Topics for the Town Board to consider include:

- 1) Farms – define type (livestock vs. tree farms, etc.)
- 2) Chickens/Poultry – more specific (ex: # of chickens allowed; no roosters allowed in Hamlet)
- 3) Horses/Hooved Animals
 - a) Number of acres needed – Change from required 10 acres? Specify pasture size?
 - b) Planning Board would like to review the new code that Wales adopted.
- 4) Greenhouses
- 5) Wind Turbines – review utility scale to see if we're in line with other town codes.
- 6) Required State Training – Do we need to include this in our code book? (ex: requirement for members of Planning Board & Board of Appeals)

- 7) Add definition of Tool Shed: building 10' x 10' or less set on skids 5' from property line to store lawn mowers, etc. Not a permanent building. Needs to be moveable.
- 8) Lot Size – Discuss changing 5 acre lot size in RA. Are we discouraging growth? Consider lowering acreage.
- 9) Swimming Pools (Above Ground) – New type that comes down each year. Is a permit fee required each year it is “put up”?
- 10) Sewer District – running at 100% or less? Encourage more buildings (ex: subdivisions) to tie in.
- 11) Food Trucks – Do we need to address?
- 12) Town Web Site – Do we need to add a Communications section that would include requirements of publishing agenda, minutes, public documents?

III. Meeting adjourned at 8:15 p.m.

Respectfully submitted,

Karen Kline for Kathleen Marzolf

Town Clerk
SANDRA SMITH

Highway Superintendent
PATRICK F. JOYCE

Town Attorney
RONALD P. BENNETT

Assessor
TAMMY ADSITT

TOWN OF HOLLAND

MICHAEL KASPRZYK - SUPERVISOR

47 Pearl Street, PO Box 36, Holland, New York 14080

Office: (716) 537-9443

Fax: (716) 537-9454

Web Site: www.townofhollandny.com

Town Justices
CHRISTOPHER O'BRIEN
WILLIAM J. FRANCAZAK

Council
WILLIAM KOLACKI
GEOFFREY HACK
ROBERTA HERR
KAREN L. KLINE

Tax Collector
JUNE E. McARTHUR

MINUTES – BOARD OF APPEALS

The Town of Holland Board of Appeals met on Tuesday, April 9, 2013 at 7 p.m. Members present: Willie O'Dell, Karl Everts, Gene Hoffman, Jim Crowley and Keith Schuessler. With a quorum present, the Board met to hear the request of the following applicant:

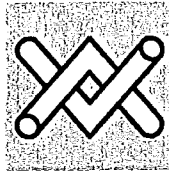
Sue Vogel, 7107 Olean Rd., South Wales, NY 14139. Applicant has requested a variance to keep a 10'x10' shed 1' from side lot line. Provisions of the Zoning Ordinance Section 120 Attachment 2 Schedule of Area, Lot & Bulk require an accessory building to be at least 25' from side lot line. Mrs. Vogel, along with her husband Robert, showed proof of notification to all property owners within 200 feet of their property and a diagram was made available to show the location of the shed which replaced an existing shed at same location. There were no questions or concerns from the Board. A motion was made by Karl Everts, seconded by Jim Crowley to approve the variance request as proposed. The Board vote was unanimous.

Respectfully submitted,



Diane R. Doyle
Secretary





Erie-Niagara Tobacco-Free Coalition

Michael C. Kasprzyk
Town Hall
47 Pearl St
Holland, NY 14080

April 30, 2013

Dear Mr. Kasprzyk,


Tobacco-free parks, playgrounds, beaches and recreational areas are the new standard for promoting public health and reducing litter. Our youth can now enjoy parks, playgrounds and athletic fields without the influence of seeing adults using tobacco and breathing second-hand smoke.

Each year nearly 24,000 children under the age of 18 begin smoking. The Environmental Protection Agency (EPA) has classified secondhand smoke, as a class A carcinogen – a substance known to cause cancer in humans. Children exposed to secondhand smoke are more likely to suffer from upper respiratory and ear infections. It is especially dangerous for children and adults with asthma and other chronic conditions.

Cigarette butts are the most littered item in the world. They are highly toxic and dangerous to children and animals when ingested. Cigarette butts DO NOT decompose and are costly to taxpayers to cleanup.

If you have been considering or would like more information about making your parks tobacco-free, the Erie-Niagara Tobacco-Free Coalition can assist you. We have worked with cities, towns and villages in your region to implement tobacco-free rules or policies. We have free signage and could help promote your new designation. Jenna Brinkworth will be following with a phone call to answer any questions and/or set up a meeting to discuss further.

Sincerely,


Jenna C. Brinkworth,
Coordinator

Erie-Niagara Tobacco-Free Coalition/Roswell Park Cancer Institute
Elm and Carlton Streets, Buffalo New York 14263

Assessment of Fiber Optic Cable

From the early 1980's when fiber optic technology was first used as a medium to transmit voice and data communications until a recent Appellate Court decision fiber optic cable has been considered real property. And like other utility property either valued by the State Office of Real Property Services as Special Franchise when located in the public right of way or by the local Assessor as Outside Plant when located on private land. In the case of RCN New York Communications versus City of New York the Appellate Division, First Department upheld a lower Court decision to remove fiber optic cable from the Outside Plant assessment. The Court based its' decision on a very narrow interpretation of a 1986 amendment to Section 102 (i) of Real Property Tax Law. We believe this interpretation is contrary to the intent of the amendment which was to expand the statute to account for new technology rather than to limit or remove items from Outside Plant. If the clear intent of the 1985 and 1987 amendments were to remove fiber optic cable from outside plant then why has its inclusion in outside plant gone unchallenged for over 25 years. During this period utility/communications companies and New York State Office of Real Property Services have accepted and included the value fiber optic cable as part of the Outside Plant assessment.

The Courts decision is also inconsistent in its treatment of fiber optic cable for tax purposes. While the decision removes the cable from Outside Plant it leaves the cable in Special Franchise property. Other than where the cable is placed there is no physical or functional difference in the cable, it carries the same types of communications and data. In some case it can be the same cable which crosses private and public land. Although we are outside of the jurisdiction of the Appellate Division, First Department and therefore technically not bound by the ruling the case sets a legal precedent. Companies with fiber optic cable are making a strong push to have it taken out of the Outside Plant assessment. In Erie County Verizon has a large investment in fiber optic cable due to FIOS and telecommunications trunk lines. By itself Verizon's Outside Plant includes approximately \$61 million in assessment for fiber optic cable. Verizon's opinion is that the Court decision pertains to the entire State, leaving the cable in the Outside Plant value is illegal and if left in they will sue the municipality. This problem is not unique to Erie County or Verizon other companies are making the same agreement throughout the State and within Erie County.

To maintain the tax base and avoid costly litigation we are looking to the State Legislature to amend the law, to clearly include fiber optic cable in the value of Outside Plant as has always been the intent. We are asking you to pass a resolution requesting the State Legislature to clearly define fiber optic cable as part of Outside Plant. We are also asking that you contact your State representatives requesting their support. Across the State there are hundreds of millions of dollars of assessment in jeopardy. If this decision goes unchecked it sets the stage to lose hundreds of millions more in assessed value when the utility/communication companies seek to have fiber optic cable removed from Special Franchise as well. Again we ask for your support.

Respectfully Submitted

Erie County Assessor Association

Spotlight on...

Marty Regan

by Adam Zaremski
Staff Reporter

Marty Regan grew up about three hours east of Holland in a town along the Oswego River. He spent his early years exploring the local fields and forests, camping with his family and playing in the river.

"I was always out in the country, interested in nature, science, always fishing and exploring," Regan said.

Over time his interests in the Earth sciences would lead the way to Holland with his wife, Nanette. It's where Regan became involved in community groups and functions and started a family. It's also a place where he still finds time to play in a creek or two.

While wandering around the Town of Phoenix, north of Syracuse, Regan said he became fascinated in pursuing a science career. He wavered for a bit as to which direction to take. At first, Regan went to Long Island University for the marine biology department. He was quickly told that there were few jobs in that field, and the education was too expensive to not have some sort of guarantee after graduation. Regan found his way to the geography department at the University at Buffalo and focused his curriculum on soil testing.

It is also where he met his wife, a speech pathologist who now works at Depew Union Free School District. The two married in 1994 and now have a son, Grady, 10, and a daughter, Molly, 8.

The couple moved to Holland when they sought out a place that would be a good middle ground for both their jobs. Regan is a geo-technical specialist at the West Valley



Marty Regan with his daughter Molly (left) and son Grady (right).

Demonstration Project and has been there since 1992.

"I took a leave of absence from teaching a lab course at UB when I got the offer in West Valley. I took it and guess I haven't looked back," he said.

The couple moved to Holland in 1995, purchasing 26 acres to build a home. In the back of the property are ravines and a creek, a main attraction for him and now his children.

"We like to go out and explore. Pointing things out to my kids is fun, explaining why [the rocks] formed and why they are like they are."

The West Valley project started as a nuclear fuel reprocessing center in 1966. Documents from the U.S. Department of Energy website state that the site generated 660,000 gallons of liquid radioactive waste, and it was stored in several locations in underground containers. Water infiltrated the trenches near the storage areas, and the burial operations stopped. The water was treated and released

back into the streams.

A year after Regan started, the documents show, highly contaminated water was detected in the testing field and mitigation efforts were increased. His job is to investigate and sample the leaks and continue testing, whether in the Cattaraugus Creek or through the air or wildlife regions. Since 1995, the agency in charge of the project has pumped and treated 70 million gallons of water.

It is part-time work at this time, and he's looking at what his future options are as the project turns into a more passive maintenance. He has a teaching certificate for high school earth science, but budget cuts across the local districts has made it difficult to jump into that career.

Regan has also helped the Holland Boys & Girls Club with the new building construction. He and several other parents took tractors down last year to help backfill the new structure, and they later worked together to add a new roof on the older

section of the building on Vermont Street.

He is also busy with the town's planning board and was appointed chairman a few years ago. He said Keith Schuessler, a planning board member, worked on him for several years to join.

Schuessler said it was good to get someone with Regan's knowledge on the board and to get another perspective when determining permit requests or property issues.

Regan said he was glad to join, as it has given him a chance to meet people he never would have met and have an ear to the news around town.

"Thought it was a good opportunity to get involved with the community. It lets you know what is going on around town... you feel like you are providing a service," he said. "It's a nice town. A quiet town."

Whom should we spotlight next? Email eanews@eastauroany.com.