

SEPTEMBER 11, 2013

PUBLIC HEARING was opened at 8:00pm – regarding Local Law 1-2013 – Supervisor stated that most of the work was on the zoning to clean up language. Proposed changes were on the Section of dogs was to have the owner clean up after their dog(s). Farm animals – farm with less than 10 acres needs a special permit more than 10 acres is considered a farm, and also instead of prohibited less than 5 acres the proposed change to prohibited less than 3 acres but allowable with a special permit. As there were no comments from the public the supervisor closed the Public Hearing at 8:03 pm.

Supervisor Michael Kasprzyk called the Regular Town Board Meeting to order at 8:03 pm at 47 Pearl St. Holland.

Officials Present Were:

COUNCILMAN GEOFFREY HACK  
COUNCILWOMAN ROBERTA HERR  
COUNCILWOMAN KAREN KLINE  
COUNCILMAN WILLIAM KOLACKI

Other Officials Present Were:

TOWN ENGINEER DAVID PRATT  
TOWN ATTORNEY RONALD BENNETT  
BOOKKEEPER JILL ZIENTEK  
PLANNING BOARD CHAIRMAN MARTIN REGAN  
BOARD OF APPEALS CHAIRMAN WILLIAM O'DELL  
DEPUTY TOWN CLERK BELINDA ERSING

**COMMENTS FROM THE PUBLIC** – Sherry Fisher from Arty Drive asked the Board about an assessor building being put on a piece of vacant land on Arty Drive. Back in 2012 this person was given a building permit for a shed. She just recently received a letter regarding a variance for this same property for a shed. Her question to the board is why this person was given a building permit back in 2012 if the law stated no assessory buildings on vacant land. Supervisor suggested that she attend the Board of Appeals meeting.

#### **RESOLUTION #67**

Motion made by Councilman Hack and seconded by Councilwoman Kline, resolve the Town of Holland approve the minutes of the August 14, 2013 meeting. ALL AYES. CARRIED.

**SOUTHTOWN'S RURAL PRESERVATION** – the Town of Holland is a part of the consortium of nine town and villages. This is state and federal funding to help home owners to improve or preserve their property. The criteria are low income, and it's a sliding scale depending upon the number of people in the family etc. The consortium is always looking to serve our community.

**MEALS ON WHEELS** – January 1, 2014 the consortium of five towns will disband and the county is awarding the contract to administer that to a group called Western NY Meals on Wheels. Encompasses everyone except Buffalo.

#### **TOWN HALL HEATING/COOLING PROJECT –**

Councilman Kolacki has gotten proposals for the air conditioning project. Total cost is \$31,000.00. Board room is \$8750.00. Will start in the board room to see how the workmanship etc. is with the contractor they have chosen and then proceed with the other rooms.

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**RESOLUTION #68**

Motion made by Supervisor Kasprzyk and seconded by Councilman Hack, resolve the Town of Holland approve the contractor Solly Industries, Inc. to install the air conditioners in the Town Board Room for \$8750.00. ALL AYES. CARRIED.

**AMERICAN LEGION POST #607**

**RESOLUTION #69**

Motion made by Councilman Hack and seconded by Councilwoman Herr, resolve the Town of Holland authorize the Frank H. Brink American Legion Post #607 the use of the Community Center and to sell alcoholic beverages on November 9, 2013. ALL AYES. CARRIED.

**SNOW PLOW CONTRACT** – the contract negotiating committee on behalf of the Town Supervisors and Town Highway Superintendents and the county of Erie is still dead locked. The towns have unanimously agreed that they will not accept the counties proposed 1%.

**BUDGET AMENDMENTS**

**RESOLUTION #70**

Motion made by Councilman Hack and seconded by Councilwoman Kline, resolve the Town of Holland approve the following budget amendment:

**GENERAL FUND**

FROM:	A1990.4	Contingent Acct.	\$1,587.36
TO:	A1680.4	Central Data Processing	\$1,587.36

RE: to cover expenses incurred

**HIGHWAY FUND**

FROM:	DA5110.4	Road Repairs Contractual	\$3,202.09
TO:	DA5130.4	Machinery Contractual	\$3,202.09

FROM:	DA9060.8	Hospitalization	\$1,591.68
TO:	DA9040.8	Workers Compensation	\$1,591.68

RE: to cover increase to rates

**WATER FUND**

FROM:	SW9060.8	Hospitalization	\$3,490.60
TO:	SW9040.8	Workers Compensation	\$3,490.60

RE: to cover increase in rates

FROM:	SW8320.4	Power and Pumping	\$1,027.59
TO:	SW8330.4	Purification	\$1,027.59

ALL AYES. CARRIED.

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Water Bid Opening on October 16, 2013 for the painting of the Water Tank on Holland Glenwood Rd.

**RESOLUTION #71**

Motion made by Councilman Hack and seconded by Councilwoman Kline, resolve the Town of Holland set a Special Meeting for October 18, 2013 at 6:00p.m. regarding the Holland Glenwood Rd. tank painting. ALL AYES. CARRIED.

**COMMITTEE REPORTS**

Planning Board Liaison – Councilwoman Kline: Special Use Permit for Jamie Carney was discussed and the Planning Board unanimously recommends to the Town Board that Jamie Carney’s special use permit be approved.

Town Park & Community Center – Councilman Hack: lights, sidewalks and doors are finished on the Community Center which was done through a Board of Elections grant.

Beautification – Councilwoman Herr: meeting on Friday and will have mums for the planters.

TIME WARNER - still trying to negotiate the town’s contract

BUILDING ZONING OFFICER’S REPORT – Scott Hess: report given

DOG CONTROL OFFICER’S REPORT – Bill Newell: report given

FACILITIES MANAGER – Pat Joyce – no report

GRANT WRITER – Jill Zientek: report given

HIGHWAY SUPERINTENDENT’S REPORT – Pat Joyce: report given

ZONING ENFORCEMENT OFFICER’S REPORT – Michael Sluce: report given

**NEW BUSINESS**

Tentative budget proposed for 2014 – Tax increase – Garbage fee will increase annual basis \$3.24 per household, general fund will increase \$.04/thousand evaluation and the highway budget will increase \$.02/thousand evaluation. Supervisor stated there are salary increases for everyone in town government of approximately 2%.

**RESOLUTION #72**

Motion made by Councilwoman Kline and seconded by Councilwoman Herr, resolve the Town of Holland accept the tentative budget as the preliminary budget for 2014.

**ROLL CALL VOTE**

COUNCILMAN HACK	AYE	
COUNCILWOMAN HERR	AYE	
COUNCILWOMAN KLINE	AYE	
COUNCILMAN KOLACKI	AYE	
SUPERVISOR KASPRZYK	AYE	UNANIMOUS VOTE.

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**RESOLUTION #73**

Motion made by Councilwoman Kline and seconded by Councilman Hack, resolve the Town of Holland set a public hearing for October 9, 2013 at 8:00pm regarding the Preliminary Budget as the Final Budget for 2014. ALL AYES. CARRIED.

LOCAL LAW 1-2013

**RESOLUTION #74**

Motion made by Councilman Kolacki and seconded by Councilwoman Kline, resolve the Town of Holland approve the following Local Law 1-2013:

TOWN OF HOLLAND

LOCAL LAW 1-2013

A LOCAL LAW TO AMEND LOCAL LAW 2-1988 "ADOPTION OF CODE", ADOPTED JULY 13, 1988 BY THE TOWN BOARD OF THE TOWN OF HOLLAND, AS AMENDED, BY AMENDING CHAPTER 120 OF THE ZONING CODE AND CHAPTER 64 AMENDING THE PROVISIONS REGARDING DOGS.

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF HOLLAND AS FOLLOWS:

SECTION 1. LEGISLATIVE INTENT

This Local Law amends Local Law 2-1988, known as "Adoption of Code", adopted by the Town Board of the Town of Holland on July 13, 1988, as amended, relating to the administrative, legislative and general legislation of codes within the Town of Holland as herein set forth.

SECTION 2. CHAPTER 64, DOGS

Section 64-15, Penalties for offenses, is renumbered to be Section 64-16, Penalties for offenses.

The new Section 64-15 will read as follows:

**Section 64-15. Removal of canine waste.**

A. It shall be the duty of each dog owner or person having possession, custody

or control of a dog to remove any feces left by his or her dog on any sidewalk, gutter, street or other public area.

B. It shall further be the duty of each dog owner or person having possession, custody or control of a dog to remove any feces left by his or her dog on any other private property.

C. The provisions of this section shall be enforced by the Dog Control Officer or the Zoning Enforcement Officer of the Town of Holland.

D. The provisions of this section shall not apply to a guide dog, hearing dog or service dog accompanying any person with a disability.

E. It shall be an affirmative defense in any prosecution for a violation of Subsection B that the owner of or person in possession of the private property refuses to allow the dog

owner or person having possession, custody or control of a dog to enter upon such property for the purpose of removing any feces left by his or her dog thereon.

Section 64-24, Amount of fees or penalties, is amended to read as follows:

**Section 64-24. Amount of fees or penalties.**

The amount of any fees or penalties set forth in this chapter may be amended by the Town Board from time to time by the adoption of a resolution setting forth such fees and/or penalties. The fine imposed by the Court for failure to have a license as required by Section 64-6 of this Chapter must be paid to the Holland Justice Court with proof of payment issued by the Court before a license is issued. If a license is not issued within thirty (30) days following the adjudication for failure to have a license, a second action may be initiated by the Town for failure to have a license.

**SECTION 3. SECTION 120-3, WORD USAGE; DEFINITIONS**

Section 120-3(B), Accessory Building, is amended to read as follows:

**ACCESSORY BUILDING** – A subordinate structure located on the same lot with the principal structure, occupied or devoted to an accessory use. Where an accessory structure is attached to the principal structure in a substantial manner, as by a roof, such accessory structure shall be considered part of the principal structure. All accessory structures shall be in compliance with the Building Code as set forth in the Codes of the Town of Holland. No accessory structure shall exceed 1,500 square feet.

Section 120-3(B), Dwelling, is amended to read as follows:

**DWELLING** – A building used as the living quarters for one or more families, not to include a boarding house, rooming house, hotel, lodging house, or motel, and must contain at least one dwelling unit.

Section 120-3(B), Dwelling Unit, is amended to read as follows:

**DWELLING UNIT** – A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Section 120-3(B), Farm, is amended to read as follows:

**FARM** – A parcel or parcels in a permitted district devoted to farming as a primary use which may consist of one or more parcels which may or may not be contiguous to each other.

Section 120-3(B) is amended to add the following definition:

**TOOL SHED** – A moveable structure designed to sit on grade, typically used for garden-type tool storage, lawn mowers and seasonal equipment and to follow the same zoning setbacks as accessory building.

**SECTION 4. SECTION 120-22, DISTRICT REGULATIONS**

Section 120-22(A)(7) is deleted and replaced with the following:

A.(7) Farming and gardening, floriculture and horticulture pursuits, including but not limited to gardens, greenhouses, plant nurseries, truck gardens, and any other crop farming, excluding farm animal operations and housing.

Section 120-22(B)(4) is amended by adding the following:

B.(4) Any above ground swimming pool with a maximum water holding depth of 18" or less will be exempt from zoning requirements.

Section 120-22( C)(7) is deleted and replaced with the following:

C.(7) Farm animal operations and housing of farms of less than 10 acres but no more than 3 acres in one separate parcel of owned or rented land, together with all customary buildings and other structures necessary for the production and storage of the products of such

pursuits, provided that no buildings, pens and runways for the confinement of livestock or poultry shall be within 50 feet of any lot line, and no manure or other dust-producing substances shall be stored within 100 feet of any lot line.

**SECTION 5. SECTION 120-24, MEDIUM-DENSITY RESIDENCE DISTRICT**

Section 120-24(B)(4) is amended by adding the following:

B.(4) Any above ground swimming pool with a maximum water holding depth of 18" or less will be exempt from zoning requirements.

**SECTION 6. SECTION 120-49.2, FARMING OPERATIONS AND ANIMAL HOUSING**

Section 120-49 is amended by adding Section 149.2 as follows:

For purposes of this section, "Animals" are defined as fowl and hooved animals such as cows, horses, pigs, sheep, goats and similar species as determined by the Town Board.

A. Farms 10 acres or more. Within 100 feet of any property line in any A, R or B District, no storage of manure or other odor- or dust-producing substance or use shall be hereafter established and no building or pen shall be hereafter erected or changed in use to house or contain horses or other farm animals, more than 30 chickens or other fowl. Within 100 feet of any residence on adjacent property, no fur farm, hog pen or commercial livestock feed lot shall be hereafter established or extended.

B. Farms under 10 but more than 3 acres. Special Use Permits on a parcel less than 10 acres for animal housing shall be required from the Town Board subject to such conditions as the Town Board may impose regulating housing of animals, storage of manure or other odor- or dust-producing substances and consideration of neighbors and such similar restrictions as the Town Board may deem proper under the circumstances. For farms located within a State and County Agricultural District, the conditions of a Special Use Permit shall not unreasonably restrict or regulate farm operations in contravention of the New York Agriculture and Markets Law unless it can be shown that the public health or safety is threatened.

C. Fowl and Poultry. Special Use Permits are required for fowl and poultry in all zoning districts. Applicants for the Special Use Permit must live in detached, single-family homes and raise chickens for noncommercial purposes. The Town Board may impose such conditions, taking into account the zoning district in which the use is proposed including the storage of manure, consideration of neighbors, and such other restrictions as the Town may deem proper under the circumstances.

**SECTION 7. SECTION 120-51, USE LIMITATIONS**

Section 120-51(B) is amended to read as follows:

B(a). In any Residential District, no private garage or other accessory building shall be erected before the main building has been started, and under no condition shall a garage or other accessory building be used for living quarters unless attached to a dwelling.

B(b) In any Residential District with a minimum of 5 acres, one tool shed not to exceed 500 square feet may be erected prior to the main building, with approval by the Town Building Inspector.

B(c) In any Residential District with less than 5 acres, one tool shed is allowed not to exceed 150 square feet.

B(d) Any and all tools and other items must be stored inside the tool shed when the owners are not present at the property.

Section 120-51 is amended by adding the following:

F. Drainage. No drainage of any kind whether by ditch, tile, pipe or other shall be installed or altered to allow the end of such ditch, tile, pipe or other, to end at property lines or

to create an issue for adjoining property owners. The setback of such drainage shall follow the setbacks of accessory structures for that zoning. The minimum setback is 10 feet.

SECTION 8. SECTION 120-53, PARKING REQUIREMENTS

Section 120-53(B) is amended to read as follows:

(B) For the purpose of this chapter, a parking space shall be an area 9 feet wide and 18 feet long, exclusive of passageways and driveways appurtenant thereto and providing access thereto.

SECTION 9. SECTION 120-64, SIGNS

Section 120-64( C)(2)(b) is amended to read as follows:

(b) Size, detached or freestanding: not to exceed 50 square feet in area nor more than 20 feet in height above ground level, and which advertises only the name of the owner, trade names, trademark, products sold and/or the business or activity conducted on the premises whereon the sign is located and which shall be set back at least five feet from any highway or street. Where a building has frontage on more than one street or public highway, one such sign shall be permitted for each street frontage.

SECTION 10. CHAPTER A126, FEES

Chapter A126, Fees, is amended by deleting Section A126-1, Fees for Services, in its entirety and replacing it with the following:

**A126-1. Fees for services.**

All fees for services shall be determined by resolution of the Town Board, as amended from time to time, with a listing of such fees set forth in one schedule, copies of which shall be available from the Town Building Inspector and Zoning Enforcement Officer.

SECTION 11. EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the New York Secretary of State.

ALL AYES. CARRIED.

JAMIE CARNEY – request for a Special Use Permit at 13501 Ward Rd. to have horses.

**RESOLUTION #75**

Motion made by Councilwoman Kline and seconded by Councilwoman Herr, resolve the Town of Holland approve the Special Use Permit for Jamie Carney at 13501 Ward Rd. with the following conditions:

- There shall be a maximum of three (3) horses for personal use only of the property owners
- Fencing for pasturing of the horses shall be constructed of metal posts and electric ribbons
- Manure generated from the use of the property shall be stored beside the barn and trucked off site on a regular basis

ALL AYES. CARRIED.

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SANDRA BIALKOWSKI – request for a Special Use Permit for a dog kennel at 12440 Pine Valley Rd.

**RESOLUTION #76**

Motion made by Councilwoman Kline and seconded by Councilwoman Herr, resolve the Town of Holland refer Sandra Bialkowski to the Planning Board regarding her request for a Special Use Permit for a dog kennel. ALL AYES. CARRIED.

**RESOLUTION #77**

Motion made by Councilwoman Kline and seconded by Councilman Hack, resolve the Town of Holland pay the following vouchers:

General District Claims as set Forth in Abstract A-9	#335-375	in the amount of \$14,013.90
Highway District Claims as set Forth in Abstract DA-9	#124-131	in the amount of \$5,848.30
Water District Claims as set Forth in Abstract SW-9	#76-84	in the amount of \$1,057.62
Light District Claims as set Forth in Abstract SL-9	#8	in the amount of \$1,394.90
Garbage District Claims as set Forth in Abstract SR-9	#16	in the amount of \$22,204.00
Trust & Agency Claims as set Forth in Abstract TA-9	#16	in the amount of \$6,190.04
Cemetery District Claims as set Forth in Abstract CM-9	#18-19	in the amount of \$650.00

ALL AYES. CARRIED.

**RESOLUTION #78**

Motion made by Supervisor Kasprzyk to adjourn the Regular Town Board Meeting at 8:47pm in memory of: Joyce Byroads. ALL AYES. CARRIED.

RESPECTFULLY SUBMITTED  
SANDRA SMITH, TOWN CLERK