

December 3, 2013

Supervisor Michael Kasprzyk  
Town of Holland  
Holland Town Hall  
47 Pearl Street  
Holland, New York 14080

Dear Supervisor Kasprzyk:

A few months ago, the Industrial Development Agencies of the Coalition for Community Building (CCB) communicated with you about a new legislative proposal that would greatly increase the flexibility local governments have in addressing issues of blight, abandoned buildings and suburban business district revitalization, reinvestment and reuse.

This new approach is in the form of state legislation called the "Community Choice Act" (CCA). This bill is being sponsored by Sen. Gallivan and Assemblyman Gabryszak and would give Erie County towns, without their own IDA, the ability to choose working with a local IDA (Amherst, Concord, Clarence, Lancaster and Hamburg) rather than the current approach which mandates that only the Erie County Industrial Development Agency (ECIDA) can provide economic incentive programs for projects within your municipality.

The reason this legislation is needed is a result of a decision by the ECIDA to apply incentives for "adaptive reuse" of deteriorating building ONLY to projects within the City of Buffalo. We believe this approach is both unfair and shortsighted in that many of our suburbs are dealing with long term vacancy issues, especially within commercial districts, similar to issues within the City.

We helped design the CCA to insure that local governments would have far more representation and input into economic decisions within their boundaries than currently exists.

The CCA gives a local Town Board partnering with a local IDA **absolute veto power** over any proposed project within its borders **and** stipulates that only projects that have the proper zoning in place and meet the town's master plans objectives could be brought before that IDA.

After circulating a detailed description of the CCA, we received encouraging feedback and suggestions. The most common suggestion we heard was a call for an even higher level of representation on the board of a local IDA that would be the new partner organization. Based on this input we have worked with Sen. Gallivan and Assemblyman Gabryszak to revise the legislation to include the provision that any town that currently does not have its own IDA would be guaranteed that its Supervisor would hold an **ex-officio seat** on the IDA board they would be working with. This would guarantee that the Town Supervisor would have **voting privileges** on projects within their municipality. When this provision is combined with the veto power and the stipulation for local zoning and planning compliance, the level of representation, input and control over local economic development policy vastly exceeds the current arrangement you have with the ECIDA.

We hope this new provision would encourage you to consider passing a Home Rule message in support of the CCA in early 2014. As town officials we all understand how municipalities in New York must deal with mandates and a lack of choice and flexibility when designing solutions to problems. We believe the CCA maximizes your town's options when it comes to designing the right economic strategy for your needs and providing the most effective tools for implementing and achieving those policy goals.

We look forward to hearing from you and have provided another copy of the revised "FAQ" sheet on the CCA. Thank you.

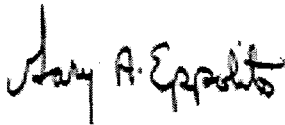
Sincerely,  
Sincerely,




Steve Walters, Supervisor  
Town of Hamburg



Dino Fudoli, Supervisor  
Town of Lancaster



Gary Eppolito, Supervisor  
Town of Concord



Fredrick Vilonen, Chair  
Amherst IDA

## FAQ's about the "Community Choice Act"

- **What is the "Community Choice Act"?**
  - The Community Choice Act (S.5271, Gallivan/A.7722, Gabryszak) is a proposed law that would allow towns in Erie County that do not have their own Industrial Development Agency (IDA), to team up with a local IDA, other than the Erie County Industrial Development Agency (ECIDA), for the purpose of encouraging economic development projects within their municipality.
- **Why is this legislation necessary?**
  - Currently, the ECIDA has decided against using incentive programs for redevelopment and "adaptive re-use" projects outside of the City of Buffalo. Suburban communities are experiencing many of the same issues Buffalo has in the areas of long term vacancy and deteriorated buildings, especially within major business districts. Local IDA's regularly incentivize redevelopment and adaptive re-use projects and would allow towns, currently reliant on the ECIDA, to have access to this valuable economic tool.
- **What are the advantages for my town teaming with a local IDA as opposed to the ECIDA?**
  - There are two major advantages to this proposal. First, just having access to the tools necessary to engage in redevelopment and adaptive re-use would be very valuable to town's that are experiencing evidence of blight, deterioration and long term vacancy. Second, you would be teamed with a local IDA that understands the unique problems and perspectives of suburban communities and also shares many of the characteristics and demographics of your municipality.
- **Would my town have more input in the approval process of a proposed economic development project dealing with a local IDA versus the ECIDA?**
  - Absolutely! The local IDA's have agreed that town's would have an **ex-officio seat** on their partner IDA's boards that would allow them **voting privileges** on any project within the boundaries of their respective municipality. In addition it would be agreed that a local town board would have **absolute veto power** over any proposed development within its boundaries. This will afford far greater input and control than currently exists with your relationship with the ECIDA.
- **Would my town's zoning law and master plan be recognized in the approval process?**
  - YES. In addition to having representation on the local board and veto power over projects, local IDA's would **not** consider any project that did not have the proper zoning in place at the time of the application.
- **Could a town that decided to team with a local IDA later decide to return to doing business with the ECIDA?**
  - Yes. The law would not change the operational boundaries of the ECIDA which would still have the authority to incentivize projects within the boundaries of Erie County.
- **What steps would be needed by my town to have the Community Choice Act become law?**
  - Sometime before the start of the 2014 legislative session, your town board will need to pass a Home Rule message in support of the law OR an "op-out" resolution stating that you do not wish a change in your relationship with the ECIDA but would not stand in the way of other towns having this option. Samples of both these actions will be sent to you shortly.

## **SPONSORS MEMO:**

### **NEW YORK STATE SENATE INTRODUCER'S MEMORANDUM IN SUPPORT submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S6122

SPONSOR: GALLIVAN

TITLE OF BILL: An act to amend the general municipal law, in relation to the town of Concord industrial development agency

PURPOSE: To expand the corporate limits of the town of Concord industrial development agency to the towns of Brant, Colden, Collins, Holland, North Collins, Sardinia, and Wales

#### SUMMARY OF PROVISIONS:

Section 1 expands the ability of the Town of Concord Industrial Development Agency to exercise its powers to include property within the corporate limits of the towns of Brant, Colden, Collins, Holland, North Collins, Sardinia, and Wales, provided that such town boards pass a resolution in support of the exercise of such powers.

Section 2 states that this law shall take effect immediately.

EXISTING LAW: The exercise of powers of the town of Concord industrial development agency is limited to the corporate limits of the town.

JUSTIFICATION: On September 26, 2012, Senator Gallivan held a public hearing regarding Industrial Development Agencies in Erie County. One of the concerns at this meeting was that many towns in Erie County lack an IDA and consequently are at a competitive disadvantage when businesses choose where to locate. One suggestion on how to address this issue was to allow towns without an IDA to access the IDA of a town with one. After further consultation with the towns in Erie County, both those with and without IDAs, a regional plan for IDA expansion emerged as the consensus plan for creating a level playing field for all towns in Erie County.

This bill expands the corporate limits of the town of Concord industrial development agency to the towns of Brant, Colden, Collins, Holland, North Collins, Sardinia, and Wales. This system will require that towns work together to advance projects that are in the best interests of the region and Erie County as a whole. The cities are left the exclusive territory of the Erie County IDA, which is where the ECIDA has chosen to focus its energy. Projects in small towns, which are meaningful to the town in question but not critical to the county at large, are often put on the backburner by the ECIDA as it focuses on revitalizing the city

cores. This new approach will give small towns greater opportunities to pursue these projects while allowing the ECIDA to continue to focus its energy in the areas most in need of its resources.

LEGISLATIVE HISTORY: New bill.

FISCAL IMPLICATIONS: Minimal

LOCAL FISCAL IMPLICATIONS: The increased property values and future property tax revenues that will result will pay for tax abatements.

EFFECTIVE DATE: Immediate.

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](http://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, January 14, 2014 at 7 p.m.  
Members present: Willie O'Dell, Barbara Reinagel, Jim Crowley and Keith Schuessler. With a quorum present, the Board met to hear the request of the following applicant:

**Eric Smith, 261 South Main St, Holland, NY 14080.** Applicant has requested a variance to erect an accessory building forward of the primary structure. Provisions of the Zoning Ordinance Section 120-59A state that in any residence district no accessory building shall be erected to be in any front yard. Mr. Smith showed proof of notification to all property owners within 200 feet of his property and an explanation was given as to where the 42' x 63' Morton Building would be located on his property. The building would be used to store equipment and a shop. Windows will be placed on the front side and doors on the back and side. The flooring will be concrete and stone. There were no major concerns from the Board. After discussion, a motion was made by Barb Reinagel, seconded by Jim Crowley to grant the variance as requested. The Board vote was unanimous.

Respectfully submitted,

  
Diane R. Doyle  
Secretary



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](http://www.townofhollandny.com)

Town Justices  
CHRISTOPHER O'BRIEN  
WILLIAM J. FRANZAK

Council  
WILLIAM KOLACKI  
GEOFFREY HACK  
ROBERTA HERR  
KAREN L. KLINE

Tax Collector  
JUNE E. McARTHUR

October 28, 2013

Re: James Peacock

Meeting Date: October 8, 2013

Details of Mr. Peacock's tabled variance request will be presented to the Holland Planning Board by Scott Hess.

The Board of Appeals was unable to finalize the request due to the lack of code information on seasonal homes/cabins.



Town Clerk  
SANDRA SMITH

Highway Superintendent  
PATRICK F. JOYCE

Town Attorney  
RONALD P. BENNETT

Assessors  
MARK HERETH, Chairman  
TAMMY ADSIT  
DONALD WILSON

# TOWN OF HOLLAND

MICHAEL KASPRZYK - SUPERVISOR  
47 Pearl Street, Holland, New York 14080

Office (716) 537-9443

Fax (716) 537-9454

Web Site: [www.erie.gov/holland](http://www.erie.gov/holland)

Town Justices  
CHRISTOPHER O'BRIEN  
WILLIAM J. FRANCAZAK

Councilmen  
WILLIAM KOLACKI  
GEOFFREY HACK  
ROBERTA HERR  
KAREN KLINE

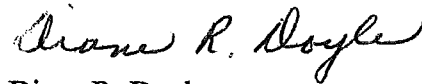
Tax Collector  
JUNE E. McARTHUR

## MINUTES – BOARD OF APPEALS

The Town of Holland Board of Appeals met on Tuesday, September 17, 2013 at 7 p.m.  
Members present: Willie O'Dell, Jeremy Peirick, Gene Hoffman, Jim Crowley and Keith Schuessler.  
With a quorum present, the Board met to hear the request of the following applicant:

**James Peacock, 1648 Bailey Rd, East Aurora, NY 14052.** Applicant has requested a variance to build a log home approx. 800-900 sq.ft to replace existing cabin. Provisions of the Zoning Ordinance Section 120 Attachment 1, Schedule of Area, Lot and Bulk Requirements show that in the R-A District a one family dwelling is required to have a first floor minimum of 1,120 sq.ft. Mr. Peacock showed proof of notification to all property owners within 200 feet of his property and a diagram/pictures were available to show the location of the replacement home. The intention of Mr. Peacock is to improve the existing "cabin" which would include 2 bedrooms on his 63 acres of land. In attendance was Patrick Penfold who showed support for Mr. Peacock's request. After discussion by the Board, questions were posed regarding cabins and seasonal homes. A motion was made by Willie O'Dell, seconded by Jim Crowley to table the variance request in order for Board Chairman O'Dell to get more information from Mr. Hess regarding cabins/seasonal homes.

Respectfully submitted,



Diane R. Doyle  
Secretary





## Request to be Listed on Town Board Meeting Agenda

To be listed on the agenda of, and addressing, the Town Board of Holland:

"Rule 11.

"Anyone wishing to make a presentation to the Town Board must file notice of same with the Town Clerk by the Friday before the monthly meeting. The determination to permit the presentation is in the discretion of the Town Board. All permitted presentations are limited to five (5) minutes, unless extended by the majority of the Board, but in no case longer than ten (10) minutes. All presentations shall be directed to the Town Board, and only Town Officials and persons listed on the agenda may address themselves to the particular presentation."

Date: 1/2/14 Time: \_\_\_\_\_  
Name: Jim Peacock Phone: 652-0694

I, Jim Peacock, of 1648 Bailey Rd, E. Aurora  
request to be listed on the agenda for the Town Board meeting, (regular or  
special), scheduled for 1/8/14.

Subject and brief explanation: specific property/building  
variance issue

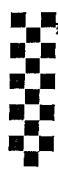
Signed: (attached)

Town Clerk: [Signature]

Date/Time Filed: 1/2/14

Jim Peacock of 1648 Bailey Rd,  
EA, 652-0694, would like to  
speak before the Town Board during  
its January 8 meeting, regarding a  
property variance issue.

James Peacock



REQUEST TO BE ON TOWN BOARD AGENDA

Rules and regulation for the purpose of being listed on the Agenda and addressing the Town Board of the Town of Holland.

RULE 11.

Anyone wishing to make a presentation to the Town Board must file notice of same with the Town Clerk Friday before the monthly meeting. The determination to permit the presentation is in the discretion of the Town Board. All permitted presentations are limited to five (5) minutes unless extended by the majority of the Board, but in no case no longer than ten (10) minutes. All presentations shall be directed to the Town Board and only Town Officials and persons listed on the agenda may address themselves to the particular presentation.

DATE: 12-9-13  
TIME:  
PHONE: 716-537-2616

I, DAVID BLENDINGER request that I be listed on the Agenda for the Town Board Meeting, (Regular) or (Special), on DATE 12-11-13.

Subject and Brief Explanation: \_\_\_\_\_  
LIGHTED SIGN ON RT 16  
\_\_\_\_\_  
FOR STORE FRONT  
\_\_\_\_\_  
\_\_\_\_\_

Signed: [Signature]  
Address: 7687 Olean RD  
HOLLAND NY 14080

Town Clerk: Sandra Smith  
Time Filed: 3:08 pm  
Date Filed: 12-9-13

**Request to be Listed on Town Board Meeting Agenda**

To be listed on the agenda of, and addressing, the Town Board of Holland:

"Rule 11.

"Anyone wishing to make a presentation to the Town Board must file notice of same with the Town Clerk by the Friday before the monthly meeting. The determination to permit the presentation is in the discretion of the Town Board. All permitted presentations are limited to five (5) minutes, unless extended by the majority of the Board, but in no case longer than ten (10) minutes. All presentations shall be directed to the Town Board, and only Town Officials and persons listed on the agenda may address themselves to the particular presentation."

Date: January 8, 2014 Time: 7:24 pm  
Name: Christine Hausauer Phone: 537-9335

I, Christine Hausauer, of Holland Garden Club, request to be listed on the agenda for the Town Board meeting, (regular or special), scheduled for Feb 12, 2014

Subject and brief explanation: Placement of a Blue Star Marker in the cemetery on Rt 16

Signed: Christine Hausauer

Town Clerk: Mike O'Dea

Date/Time Filed: 1/8/14 @ 7:28 pm