

A Regular Board meeting held by the Town Board of the Town of Allen, located at 4949 Klein Road in the Town of Allen, County of Allegany was held on April 11, 2023.

Present	Supervisor	Erica Torrey
	Councilman	Edgar Allen
		Dale Gelser
		Judith Allen
	Town Clerk	Jame J. VanDewalker
	Dept. Hwy Sup	Raymond Dennis
Absent	Councilman	Todd Krzeminski

Others Present 18 Townspeople

Supervisor Torrey called the meeting to order at 6:30 pm.

NEW BUSINESS:

Two quotes have been received for the repair of the replacement of the garage door. Lewis Door and Martin Door. Overhead door of Olean and Canisteo have both been contacted. Clerk will reach out to them again before the next board meeting.

A Resolution for a resident in the Town of Geddes has been sent to the Town. They are asking that Town’s pass the resolution in opposition to the Governor’s New York Housing Compact. The Compact directly infringes on local authorities having control over their own zoning and land use.

Resolution 28-2023

On a motion made by Councilman Gelser, seconded by Councilman J. Allen, the Town Board of the Town of Allen will pass a Resolution in Opposition to the “New York Housing Compact”

WHEREAS, Governor Hochul’s FY 2024 executive budget includes the “New York Housing Compact”; and

WHEREAS, the aforementioned bills are Article 7 bills wrongly include in the NYS 2023/2024 budget, which due to their inclusion as such, eliminates proper legislative process that will make for better legislation, and

WHEREAS, the housing issues outlined in the bill are not of statewide concern and are focused on New York City and the surrounding suburbs and do not meet the level allowing the State to overrule Home Rule Law of zoning regulations; and

WHEREAS, the Governor claims that the “New Home Targets and Fast-Track Approval Act” is necessary in order to forestall restrictive land use practices that inhibit and limit housing development; and

WHEREAS, as proposed the “New Homes Targets and Fast-Track Approval Act” amend General Municipal Law and will override Town land use regulations as adopted in town zoning codes and potentially disregard town Comprehensive Plans; and

WHEREAS, the “New Homes Targets and Fast-Track Approval Act” requires towns to meet or exceed a Residential Growth Target or enact by local law two of five “preferred actions” in order to be considered in “Safe Harbor” status; and

WHEREAS, except for Accessory Apartments/Accessory Dwelling Units, the majority of the “preferred actions” require extreme and substantial amendments to local zoning including but not limited to, no restrictions on minimum lot size, height limits, setbacks, parking and no environmental review, planning board review and aesthetic review; and

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WHEREAS, appeals under the Housing Compact by Developers or Builders whose applications for creation of housing are denied by a town, will be brought to a new “State Housing Review Board” usurping the Home Rule Authority of local land use boards who better understand the local community; and

WHEREAS, the proposed amendments would require new local zoning to be exempt from SEQR review which would prohibit the study and evaluation of impacts on traffic and roads, impacts on stormwater, impacts due to building on steep slopes, impacts on volunteer emergency services, impacts on police department staffing, impacts of additional school age students and the schools ability to absorb them, increase for the necessity of additional sidewalks and mobility connectivity and all standard evaluation criteria typically provided in a generic environmental impact statement; and

WHEREAS, local zoning laws and land use laws are in place to address matters of public safety and health, which include police, fire protection, public works, density, traffic, school capacities, parks and recreation and more, all of which local officials are intimately familiar and best suited to access and determine; and

WHEREAS, the State historically and consistently fights wrongful interference by the Federal Government in matters which fall under State Rights (Federalism), this State Budget Housing Compact wrongfully interferes in zoning and land use matters which belong to the Local Governments under the NYS Constitution; and

WHEREAS, the proposed amendments to Town law would prohibit Municipalities adopting reasonable and appropriate development. Regulations to ensure the development is compatible with the surrounding uses, Such as lack coverage, open space, building height, setbacks, floor area ratios, or parking requirements; and

WHEREAS, This board is not opposed to the general goal of creating more affordable or below market rate housing, Especially where independent and reliable data establishes such a need but cannot condone state interference in zoning and land use issues; and

WHEREAS, residents of this town have had a voice and participated in land use decisions for decades from creating and updating the town's Comprehensive Plan, participating in public hearings and volunteering on town boards and committees; and

WHEREAS, the Governor's Housing Compact is passed as is or with negotiated changes that still infringe on the Town's ability to oversee and enforce its zoning and land use laws, the residents of our town will be disenfranchised from their local elected officials, local volunteer boards and render all the residences input meaningless; and

NOW THEREFORE BE IT RESOLVED, that this Town implores the legislator to permanently remove the Housing Compact proposal from the FY 2023/2024 budget, and future budgets and engage Local Governments in dialogue and address our common goals and be it further;

RESOLVED, bills of this type be removed from the budget as an “Article 7” and follow the regular legislative process which will produce better legislation; and be it further

RESOLVED, The NYS Environmental laws including SEQRA and a municipality's Home Rule of zoning as defined by the NYS Constitution and General Municipal Law should not be limited by any legislation unless the legislation is truly of Statewide concern; and be it further

4 AYES – Torrey, Gelser, Allen, Allen

0 NOES

MOTION CARRIED

Supervisor Torrey has reached out to Attorney Degnan and has started to discuss the process of selling the gravel pit.

The Justice Audit has been completed by Supervisor Torrey.

The outside lights and switch in the garage have been repaired.

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HIGHWAY REPORT:

The Mack accident: the adjusters have seen the truck the bill is submitted for payment. The bill is \$15,772.26. The town must pay \$1,000 for the deductible, the insurance check is for \$14,772.26. This is without the cost of two new tires, which will be needed. It is estimated that the tires will be another \$1,600.

Deputy Hwy Superintendent Dennis is requesting that the board look at the financials, he would like to hire another employee. Typically, there are at least four including the Superintendent.

He will require that they have a CDL that is not restricted. He will also try to go to DMV and see what the procedure is for a restricted license to become unrestricted.

The Sterling sander that was already once repaired is past the point of repair. Last year there was a quote of \$6500.00 to fit the purchased box to the truck, the highway dept has done some work, more needs to be done and they do not have the time themselves. Dept. Hwy Sup. Dennis will contact more welders for updated quotes to have the box fitted and installed.

Brine is going to be difficult this season.

Stone and culverts have been purchased.

Dept. Hwy Supt. Dennis has talked to another pit about purchasing bank run gravel, Doug Banes is selling bank run, it will not be screened.

Dept. Hwy Supt Dennis will look into having the road closed sign placed for the end of Muckle Road where the road has been abandoned.

CLERK REPORT & MINTUES:

Clerk VanDewalker presented the monthly report and statements for the month of March.

Clerk VanDewalker also presented minutes for the March 21, 2023, meeting. The tax warrant has been turned into the County. A total of 88% of taxes were collected the Town received \$359,326 with an interest check for \$1,673.21.

RESOLUTION 29-2023

On a motion made by Councilman Gelser, seconded by Supervisor Torrey, the minutes are approved.

4 AYES – Torrey, Gelser, Allen, Allen

0 NOES

MOTION CARRIED

RESOLUTION 30-2023

On a motion made by Councilman Gelser, seconded by Councilman J. Allen, the Town Clerk report is approved.

4 AYES – Torrey, Gelser, Allen, Allen

0 NOES

MOTION CARRIED

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SUPERVISOR REPORT:

Supervisor Torrey has submitted the Supervisors report for the month of March.

RESOLUTION 31-2023

On a motion made by Supervisor Torrey, seconded by Councilman J. Allen, the Supervisors report for the month of February has been accepted.

4 AYES – Torrey, Gelser, Allen, Allen

0 NOES

MOTION CARRIED

NEW BUSINESS:

Councilman Gelser would like to bring attention to the fact that the board needs to approve the rules and procedures to town board meetings. It is also stated in the NY Town Law manual on page 37 section 3-9 that voting over the phone is not allowed.

Supervisor Torrey has received phone calls about the rocks on Old State Road. Work on the property had been in the roadway for a small span of time. Code enforcement has been called and the town attorney has been contacted. The rocks that are there are within the right of way.

Supervisor Torrey has name Zach Badgley as her Deputy Town Supervisor

Councilman Gelser has raised the question of changing the Town meeting time back to 7:00 pm.

RESOLUTION 32-2023

On a motion made by Councilman J. Allen, seconded by Councilman Gelser, the meeting time will be moved back to 7:00pm. An Advertisement will go in the paper and placed on the website.

3AYES –Gelser, Allen, Allen

1 NO - Torrey

MOTION CARRIED

AUDIT OF CLAIMS:

Resolution 27-2023

On a motion made by Supervisor Torrey, seconded by Councilman J. Allen, the Town Board has approved the Highway fund, voucher #31-41 and authorized for payment \$39830.44 and for the General Fund, voucher # 41-48 and authorized for payment \$3,767.14.

4 Ayes- Torrey, Gelser, Allen, Allen

0 Nays

MOTION CARRIED

With no further business, on a motion made by Councilman J Allen, seconded by Councilman Gelser, the meeting is adjourned at 8:04pm unanimously.

