

Darien Town Board Meeting

August 5, 2026

Agenda

Open Meeting @ 7:30 p.m. & Pledge of Allegiance to the Flag

Approval of minutes

Resolution to terminate sewer billing Clerk as of June 30, 2026.

Resolution to terminate assistant sewer treatment operator as of June 30, 2026.

Resolution to terminate Sewer Treatment Operator as of August 14, 2026.

Resolution to eliminate the positions with Sewer Plant operations currently held in the Town of Darien from the Genesee County Civil Service list.

7:40PM - Open the Public Hearing on proposed LL 1 of 2026 - Prohibition on Illegal connections to Public Sewer system with a reading of the notice as appeared in the official newspaper and reading of the proposed Local Law (LL attached).

Resolution to appoint Jerry Yoder as Zoning Clerk at \$20.00 per hour for the rest of the 2026 Calander year.

Resolution to close public hearing on proposed LL 1 of 2026.

Resolution to adopt LL 1 of 2026 - Prohibition on Illegal connections to public sewer system. (attached)

7:50PM - Open Public Hearing on Rezone application at 0 County Line Road with a reading of the notice as it appeared in the official newspaper.

Resolution to add Invoice Number 26581010077 Pace Analytical to June abstract for 300.00 dollars clerical error; new total for sewer in June 3058.27

Resolution to close public hearing on Rezone application

Resolution to complete SEQR parts II and III and accept (SEQR parts II & III attached).

Resolution to approve Rezone of 0 County Line Road property. (attached)

Resolution to authorize the Supervisor to sign NYS Snow and Ice Supplemental Agreement No. 4 Contract No. DO14839 with New York State.

Notifications:

- 2026 Budget process will begin this month with Department input and special Budget work sessions to be announced in September and October
- This year's notification on sales Tax distribution and discussion.

Department Reports

Highway

ZEO

Planning Board

Town Attorney

Assessor

Building Inspector

ZBA

Town Engineer

Town Clerk

Tax Collector

Historian

Treatment Plant

Council Reports

Abstract – Motions to approved payment of Bills

Comments from the Public

Motion to Adjourn

TOWN OF DARIEN
LOCAL LAW NO. 1 OF 2026 ENTITLED
“PROHIBITION ON ILLEGAL CONNECTIONS TO PUBLIC SEWER SYSTEM AND
INSPECTION PRIOR TO TRANSFER OF TITLE”

BE IT ENACTED by the Town Board of the Town of Darien as follows:

SECTION I. TITLE

This local law shall be known as Local Law No. 1 of 2026 entitled "Prohibition on Illegal Connections to Public Sewer System and Inspection Prior to Transfer of Title".

SECTION II. AUTHORITY

This local law is adopted pursuant to New York Municipal Home Rule Law.

SECTION III. LEGISLATIVE PURPOSES AND OBJECTIVES

The Town Board of the Town of Darien enact this local law to promote the general welfare of its constituents by:

- a. Ensuring that public sewer connections for all property owners within the Town are safe, adequate, and properly connected to the public sewer system;
- b. Preventing illegal connections to the public sewer system which, among other things, will further incentivize legal connections to the system and avoid unanticipated flow capacity into the sewer system;
- c. Promoting the marketability of property within the Town;
- d. Providing assurances to any potential purchaser of a property in the Town that sewer connections are safe, adequate, and properly connected to the public sewer system; and
- e. Otherwise promoting the health, safety, and welfare of the residents of the Town.

SECTION IV. PROVISIONS

The Town Board of the Town of Darien hereby enacts the following provisions with regard to public sewer system connections:

- a. Permit Required

No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town.

b. Connection Permit

The owner of a parcel seeking connection shall make application to the Town, with said application to be submitted to the Town, along with supplemental plans and specifications, in such form and content as the Town may from time to time require.

c. Costs Borne by Owner

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the property owner. If the Town performs the sewer tap to the public sewer, a fee as set forth from time to time by resolution of the Town Board of the Town of Darien shall be paid to the Town upon completion of the tap. The owner shall pay the Town for any loss or damage (including claims of others against the Town) that may directly or indirectly be occasioned by his installation of the building sewer.

d. Certain Connections Prohibited - Sanitary Sewer

No person shall make connection of roof downspouts, foundation drains, areaway drains, sump pumps, floor drains, such as garage or basement, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connection now in existence shall be removed.

e. Certain Connections Prohibited - Wastewater

No person shall make connection to the public wastewater sewer system, or any appurtenance thereof, without first having obtained a written permit from the Town. Any property owner seeking to connect to the public wastewater sewer system must follow the permit application procedures outlined in this local law.

f. Inspection Prior To Transfer of Title

No person shall transfer title to another person, nor accept from any other person the transfer of title to any structure or parcel of land upon which a structure is located, until the Town, through the Superintendent of Public Works or his authorized agency, shall have inspected the wastewater connections, sump pump system, footing drains, yard drains and downspouts of such structure or parcel of land and issued a certificate of compliance stating that the same is found to be in compliance with the provisions of this local law. This section shall not apply to transfers of property by gift, intestacy or testamentary disposition, or transfers made pursuant to the Bankruptcy Code, partition or matrimonial settlement.

g. Costs of Inspection

The fee for an inspection as outlined in Section 4(f) above shall be Seventy-Five and 00/100 Dollars (\$75.00) unless otherwise specified by the Town Board of the Town of Darien in a subsequent resolution or local law. This cost shall be borne by the owner/seller of the property, unless otherwise agreed in a duly executed contract between the purchaser and seller.

SECTION V. SEVERABILITY

The invalidity of any clause, sentence, paragraph, or provision of this local law shall not invalidate any other clause, sentence, paragraph or part hereof.

SECTION VI. REPEAL AND SUPERSESSION

All local laws, ordinances, or resolutions or parts thereof in conflict with any part of this local law are hereby repealed.

SECTION VII. EFFECTIVE DATE

This local law shall take effect January 1, 2027, with said local law to be promptly filed after passage with the Office of the New York State Secretary of State.

TOWN OF DARIEN
RESOLUTION TO ADOPT LOCAL LAW NO. 1 OF 2026 ENTITLED,
“PROHIBITION ON ILLEGAL CONNECTIONS TO PUBLIC SEWER SYSTEM AND
INSPECTION PRIOR TO TRANSFER OF TITLE”

Adopted: August 5th, 2026

WHEREAS, the Town Board of the Town of Darien met at a regular board meeting at the Town Hall located at 10569 Alleghany Road, Darien Center, New York, 14040 on the 5th day of August, 2026, commencing at 7:30 P.M., and thereafter a public hearing was held at 7:40 P.M. at which time and place the following members were:

Present:	Supervisor	_____
	Councilmember	_____
	Councilmember	_____
	Councilmember	_____
	Councilmember	_____
Absent:	_____	_____

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, the Town Board is considering a proposed local law entitled, “PROHIBITION ON ILLEGAL CONNECTIONS TO PUBLIC SEWER SYSTEM AND INSPECTION PRIOR TO TRANSFER OF TITLE” as the Town Board of the Town of Darien recognizes the importance in preventing illegal connections to the public sewer system which, among other things, will further incentivize legal connections to the system and avoid unanticipated flow capacity into the sewer system; and

WHEREAS, on July 1st, 2026, the Town Board of the Town of Town of Darien adopted a Resolution to Authorize Public Hearing set for August 5th, 2026 regarding said proposed local law, at which time all interested parties and citizens for or against the proposed local law would be heard; and

WHEREAS, the Town Clerk published Notice of Public Hearing in the Town’s Official Newspaper on July 21, 2026 and posted such Notice at the Town Hall on July 23, 2026; and

WHEREAS, the Town Board of the Town of Darien held a public hearing on August 5th, 2026, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any part thereof; and

WHEREAS, the Town Board of the Town of Darien finds it to be in the best interest of said Town to adopt said local law; and

NOW ON MOTION OF _____, which has been duly seconded by
_____, now therefore be it

RESOLVED, that the Town Board of the Town of Darien hereby adopts Local Law No. 1 of 2026, entitled, “PROHIBITION ON ILLEGAL CONNECTIONS TO PUBLIC SEWER SYSTEM AND INSPECTION PRIOR TO TRANSFER OF TITLE”; and be it further

RESOLVED, that the Town Clerk hereby is directed to enter said local law in the minutes of this meeting and give due notice of the adoption of said local law to the Secretary of the State of New York.

Ayes: ____

Nays: ____

Quorum Present: ☐ Yes ☐ No

Dated: _____, 2026

[SEAL]

Alice Calmes, Town Clerk
Town of Darien

Project:

Date:

Short Environmental Assessment Form

Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept “Have my responses been reasonable considering the scale and context of the proposed action?”

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing:		
a. public / private water supplies?		
b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Project:

Date:

Short Environmental Assessment Form

Part 3 Determination of Significance

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from Responsible Officer)

TOWN OF DARIEN
RESOLUTION TO APPROVE RE-ZONING OF PROPERTY
IN THE TOWN OF DARIEN

Adopted: August 5, 2026

WHEREAS, the Town Board of the Town of Darien met at a regular board meeting at the Town Hall located at 10569 Alleghany Road, Darien Center, New York, 14040, on the ____ day of _____, 2026, commencing at __:__ P.M. and the following members were:

Present:	Supervisor	_____
	Council Member	_____
	Council Member	_____
	Council Member	_____
	Council Member	_____
Absent:	_____	_____

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, Section 104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, the Town of Darien received an Application for re-zoning from John M. Zoladz on or about June 1st, 2026, to re-zone a parcel within the Town of Darien, which includes approximately 2.7 acres of land; and

WHEREAS, said parcel is located at 0 County Line Road, Town of Darien, SBL#: .9-1-34.21, and is described herein as follows:

“ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Darien, County of Genesee, State of New York, being part of Lot 35 Township 11 Range 4 of the Holland Land Company's Survey, and being more particularly described as follows:

BEGINNING at a point in the west line of Lot 35, being the centerline of County Line Road, and being the west line of the County of Genesee, at a distance of 218.00 feet north of the northwest corner of lands of Walter R. Gaczewski and Joan R. Gaczewski as described in a deed recorded in the Genesee County Clerk's office in Liber 384 of Deeds at Page 215, as measured along the said west line of Lot 35;

thence northerly along the west line of Lot 35, a distance of 300.00 feet to a point;

thence easterly at right angles to the said west line of Lot 35, a distance of 396.00 feet to a point in the east line of lands described in Liber 310 of Deeds at Page 562;

thence southerly along the east line of said lands described in Liber 310 of Deeds at Page 562, a distance of 300.00 feet to a point;

thence westerly a distance of 396.00 feet to the point or place of beginning, containing 2.7 acres more or less.”; and

WHEREAS, the applicant proposes a change in the zoning of said parcel from Low Density Residential (LD-R) to Commercial (C) for the purpose of outdoor commercial storage; and

WHEREAS, the nature of the commercial proposal of the applicant is not within the scope of uses allowed for a Special Use Permit in a Low Density Residential District under the Town of Darien Zoning Code Section 1001, et seq., and therefore a re-zoning of the parcel is deemed appropriate for this circumstance; and

WHEREAS, the applicant originally proposed a minimum set back of 25 feet from the neighboring shared property line of a parcel located to the south (SBL#: 9.-1-33.1) zoned Low Density Residential District and said parcel neighbors a parcel located to the North (SBL#: 9.-1-34.1) which is currently zoned Commercial District; and

WHEREAS, the Town of Darien received an amended Application for re-zoning from Mr. Zoladz on or about July 9, 2026, which updated the minimum setback to 30 feet from the neighboring shared property lines, making the property in compliance with the Town of Darien Zoning Code and no longer requiring review and an area variance by the Town of Darien Zoning Board of Appeals; and

WHEREAS, the Town of Darien Planning Board, at a meeting on the 15th day of June, 2026, reviewed the application to re-zone the above-mentioned parcel made by Mr. Zoladz, and has determined to approve the application and make recommendation to the Town Board; and

WHEREAS, the application was submitted by the Town Clerk to the Genesee County Planning Board and reviewed by the Genesee County Planning Board at their meeting on June 11th, 2026 with comments being received by the Town on June 11th, 2026; and

WHEREAS, the Town of Darien Town Board set a Public Hearing at their July 1st, 2026 Town Board meeting for the 5th day of August, 2026, commencing at 7:50 p.m. in the Town Offices of the Town of Darien, to hear all interested parties and citizens for or against the proposed re-zone; and

WHEREAS, the Town Clerk of the Town of Darien published notice of such Public Hearing on July 21, 2026 in the Newspaper and on July 23, 2026 at the Town Clerk’s Office, properly posting and publishing as required by law; and

WHEREAS, the Town of Darien Town Board held such Public Hearing on the 5th day of August, 2026, commencing at 7:50 p.m. in the Town Offices of the Town of Darien, to hear all interested parties and citizens for or against the proposed re-zone; and

WHEREAS, the Town Board has considered the proposed project, reviewed the Short Environmental Assessment Form, including the criteria set forth in 6 NYCRR § 617.7(c), thoroughly analyzed the relevant areas of potential environmental concern, considered the potential environmental impacts and their magnitude in connection with the proposed project, and completed Parts II and III of the Short Environmental Assessment Form pursuant to the State Environmental Quality Review Act (SEQR), a copy of which is annexed hereto as Schedule A; and

WHEREAS, in accordance with the same, the Town Board of the Town of Darien finds no adverse long-term or short-term environmental impacts with regard to the proposed project, and authorizes the Town Supervisor for the Town of Darien may issue a Negative Declaration on behalf of the Town Board, in accordance with SEQR; and

NOW ON MOTION OF _____ which has been duly seconded
by _____, be it

RESOLVED, that the Town Board of the Town of Darien hereby authorizes Stephen Ferry, Jr, Town Supervisor, to execute Parts II and III of the SEQR Short Environmental Assessment Form (annexed hereto as *Schedule A*); and be it further

RESOLVED, that the Town Board of the Town of Darien finds that the proposed action does not present any significant short-term or long-term environmental impacts, and henceforth the Town of Darien hereby issues a negative declaration pursuant to the SEQR Short Form Environmental Assessment process; and be it further

RESOLVED, that the Town Board of the Town of Darien finds it in the best interest of the Town of Darien to approve the re-zoning from Low Density Residential (LD-R) to Commercial © for the purpose of outdoor commercial storage, for property located at 0 County Line Road, Town of Darien, SBL#: .9-1-34.21, and described as follows:

“ALL THAT TRACT OR PARCEL OF LAND, situated in the Town of Darien, County of Genesee, State of New York, being part of Lot 35 Township 11 Range 4 of the Holland Land Company’s Survey, and being more particularly described as follows:

BEGINNING at a point in the west line of Lot 35, being the centerline of County Line Road, and being the west line of the County of Genesee, at a distance of 218.00 feet north of the northwest corner of lands of Walter R. Gaczewski and Joan R. Gaczewski as described in a deed recorded in the Genesee County Clerk’s office in Liber 384 of Deeds at Page 215, as measured along the said west line of Lot 35;

thence northerly along the west line of Lot 35, a distance of 300.00 feet to a point;

thence easterly at right angles to the said west line of Lot 35, a distance of 396.00 feet to a point in the east line of lands described in Liber 310 of Deeds at Page 562;

thence southerly along the east line of said lands described in Liber 310 of Deeds at Page 562, a distance of 300.00 feet to a point;

thence westerly a distance of 396.00 feet to the point or place of beginning, containing 2.7 acres more or less.”; and

RESOLVED, that the Town Clerk be and she hereby is directed to enter the approval of said change in zoning in the minutes of this meeting, file the same in the Town Clerk’s office for reference, and make the appropriate changes to the Town Zoning Map to reflect the above noted

parcel as Commercial (C).

Ayes: _____

Nays: _____

Abstain: _____

Quorum Present: ☐ Yes ☐ No

Dated: _____, 2026

Alice Calmes, Town Clerk
Town of Darien

[SEAL]

SCHEDULE A

Contract No.: D014839
Supplemental Agreement No.: 4
Date Prepared: _____

SUPPLEMENTAL AGREEMENT No. 4 to Contract No. D014839

This Supplemental Agreement is by and between:

the New York State Department of Transportation ("NYSDOT"), having its principal office at 50 Wolf Road, Albany, NY 12232, on behalf of New York State ("State"); and the

TOWN OF DARIEN ("Municipality")
Acting by and through the _____.

This amends the existing Municipal Snow and Ice Agreement between the parties in the following respects only (*check all that apply*):

- ☐ Amending the contract end date ONLY
- ☐ Amending the number of lane miles/specific roads covered under Paragraphs 7 and 9 of the Original Agreement (revised map attached)
- ☒ Amending the estimated expenditure for the 25/26 season by:
 - ☒ adding funding due to exceeding the Estimated Expenditure for the above-mentioned season (required Amendment B attached with a copy of the final snow & ice voucher, if applicable)
 - ☐ adding funding to adjust the Estimated Expenditure to account for increases in labor, materials, equipment, and/or overall costs, per the terms in Paragraphs 9 and 10 in the Original Agreement (Adjustment Worksheet and Municipal Resolution attached)
- ☐ Extending the Agreement attached hereto and incorporated herein for an additional 5-year period (Extension No. ____ of a maximum of 3)
- ☐ Amends a previously adopted Agreement by replacing the Appendix A dated October 2019 with the Appendix A dated June 2023
- ☐ Other: _____

Contract No.: D014839
Supplemental Agreement No. 4
Date Prepared: _____

IN WITNESS THEREOF, the parties have caused this Agreement to be executed by their duly authorized officials as of the date first above written.

THE PEOPLE OF THE STATE OF NEW YORK

MUNICIPALITY:

By: _____
For Commissioner of Transportation

By: _____

Print Name: _____

Date: _____

Title: _____

STATE OF NEW YORK

)ss.:

COUNTY OF _____

On this _____ day of _____, 20____ before me personally came _____ to me known, who, being by me duly sworn did depose and say that he/she resides at _____; that he/she is the _____ of the Municipality described in and which executed the above instrument; that it was executed by order of the _____ of said Municipality pursuant to a resolution that was duly adopted on _____ and which a certified copy is attached and made a part hereof; and that he/she signed his/her name thereto by like order.

Notary Public

APPROVED AS TO FORM
STATE OF NEW YORK ATTORNEY GENERAL

APPROVAL BY NYS COMPTROLLER'S OFFICE

By: _____

By: _____

AMENDMENT B

Contract #	Municipality	Current Ext. Season	Region #
D014839	TOWN OF DARIEN	25/26	4
Beginning Date of Contract Period	07/01/2024	Ending Contract Period	06/30/2029

AMENDMENT TO CHANGE THE ESTIMATED EXPENDITURE FOR SNOW & ICE AGREEMENT

Due to the severity of the winter during 2025/26 the MUNICIPALITY requests that the Municipal Snow and Ice Agreement estimated expenditure be revised to reflect the additional lane miles of state roads that were plowed/treated during the winter season. All the terms and conditions of the original contract extension remain in effect except as follows:

ADDITIONAL S&I OPERATIONS					
J-Mile Base	25/26 J-Miles	S&I LM Base	25/26 LM	Pay Factor ¹	Original Estimated Expenditure
170699	231,201.30	552	552	1,354	\$ 263,044.56
Pay Factor ¹ = (2526 J-Miles/(25/26 LM))/(J-Mile Base/S&I LM Base)					
Fixed Cost ²		Adjusted Estimated Expenditure ³		Index Adjustment ⁴	
\$ 1,497.36		\$ 261,547.20		\$ 92,587.71	
Fixed Cost ² = Salt Storage (Barns), Snow Fence					
Adjusted Est. Expenditure ³ = Original Estimated Expenditure – Fixed Cost ²					
Index Adjustment ⁴ = (Adjusted Estimated Expenditure ³ * Pay Factor ¹) - Adjusted Est. Expenditure					
TOTAL REVISED ESTIMATED EXPENDITURE					
Original Estimated Expenditure		Index Adjustment ⁴		Revised Estimated Expenditure ⁵	
\$ 263,044.56		\$ 92,587.71		\$ 355,632.27	
Revised Estimated Expenditure ⁵ = Original Estimated Expenditure + Index Adjustment ⁴					

IN WITNESS WHEREOF, this agreement has been executed by the State, acting by and through the duly authorized representative of the COMMISSIONER OF TRANSPORTATION and the MUNICIPALITY, which has caused this Agreement to be executed by its duly authorized officer on the date and year first written in the original contract extension.