

REGULAR MEETING OF THE TOWN OF DARIEN

SEPTEMBER 2, 2026

MINUTES OF THE DARIEN TOWN BOARD: Supervisor Stephen Ferry, Council Members Timothy Benten, Michael Fix, Michael Grant, David Krzemien, and Town Clerk Alice Calmes.

A special meeting of the Darien Town Board, County of Genesee, and State of New York was held at the Town Hall, 10569 Alleghany Road, Darien Center, NY on September 2, 2026

PRESENT:	Stephen Ferry	Supervisor
	David Krzemien	Councilman
	Timothy Benten	Councilman
	Michael Fix	Councilman
	Michael Grant	Councilman
	Alice Calmes	Town Clerk

ABSENT:

OTHERS PRESENT: Members of the public

At 7:30 PM, the meeting was called to order and recited the Pledge to the Flag.

RESOLUTION #108

MEETING MINUTES

Councilman Grant offered a resolution to waive the formal reading of the minutes in lieu of the minutes being posted on the website and approve the minutes from the August 5, 2026, meeting as submitted; second by Councilman Krzemien.

AYES 5 Grant, Krzemien, Benten, Fix, and Ferry

NAYS 0

RESOLUTION #109

SEQR

Supervisor Ferry offered a resolution to authorize the board to complete parts II and III of SEQR for the Rezone application; second by Councilman Benten.

AYES 5 Ferry, Benten, Fix, Grant, and Krzemien

NAYS 0

RESOLUTION #110

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

Adopted: September 2nd, 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 2nd day of September, 2026, commencing at 7:30 P.M. and the following members were:

Present:	Supervisor	<u>Stephen Ferry, Jr.</u>
	Council Member	<u>David Krzemien</u>
	Council Member	<u>Timothy Benten</u>
	Council Member	<u>Michael Fix</u>
	Council Member	<u>Michael Grant</u>

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, pursuant to New York State Town Law, Article 16, Section 262 entitled "Districts"; 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, applications received by the Town of Darien proposing a change in zoning from Low Density Residential (LD-R) to Commercial (C) require Site Plan Review, per the Town of Darien Zoning Schedule A, attached hereto as *Schedule A*; 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 (C) District; and

WHEREAS, the Town of Darien received an amended Application for re-zoning from Mr. Zoladz on or about July 7, 2026, which updated the minimum set back 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 that such application meets the requirements of Section 704 “C – Commercial District” of the Town Code and as such 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, in accordance with New York State Town Law, Article 16, Section 264 entitled “Adoption of Zoning Regulations”; 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 New York State Town Law, Article 16, Section 264 entitled “Adoption of Zoning Regulations”; 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 B*; 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 Stephen Ferry, Jr. which has been duly seconded by David Krzemien, 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 B*); 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 application meets requirements of New York State Town Law, Article 16

entitled “Zoning and Planning” and the Town of Darien Zoning Code, Article V entitled “Establishment of Districts” and Article VII entitled “Requirement by Districts”; and

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 (C) 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: 5

Nays: 0

Abstain:

Quorum Present: ☐ Yes ☐ No

Dated: September 8, 2026

Alice Calmes, Town Clerk
Town of Darien

[SEAL]

SCHEDULE A

TOWN OF DARIEN						Zoning Schedule A			
DISTRICT	TYPE OF USE	MIN. LOT SIZE (SQ. FT.)	MIN. WIDTH (FEET)	MINIMUM YARDS ②			MAX. HEIGHT (FEET)	MAX. % LOT COVERATE	SITE PLAN
MDR	SINGLE-FAMILY	20,000	100	40	20	10	35	30	NO
	TWO-FAMILY	30,000	150	40	20	10	35	30	NO
	MULTI-FAMILY ③	+ 4,000	200	50	30	20	35	35	YES
	NON-RESIDENTIAL	40,000	200	50	30	20	35	35	YES
LDR	SINGLE-FAMILY	80,000	300	50	50	50	35	5	NO
	TWO-FAMILY	80,000	300	50	50	50	35	5	NO
	MULTI-FAMILY ③	+ 4,000	300	50	50	50	35	10	YES
REC	NON-RESIDENTIAL	80,000	250	50	50	50	35	15	YES
C	RECREATION	500,000	500	200	200	200	35 ④	25	YES
	COMMERCIAL	40,000	200	50	30	30	35	35	YES
I	INDUSTRIAL	40,000	200	50	30	30	35	40	YES
PUD	PLANNED UNIT DEVELOPMENT Refer to Section 706								
NOTES: ① Two Family minimum lot size plus 4,000 sq. ft. per family for each additional family over two (2). ② Accessory buildings and structures refer to Section 605. ③ The side yard at a corner lot adjacent to a street shall be considered as a front yard. ④ Building height limit is for those structures, which are habitable or will be used for public assembly.									

SCHEDULE B

Agency Use Only [If applicable]

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?	☒	☐

PRINT FORM

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SEAF 2019

Agency Use Only [If applicable]

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.	
Town of Darien	09/02/2026
Name of Lead Agency	Date
Stephen Ferry, Jr.	Town Supervisor
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)

PRINT FORM

TOWN BOARD MEETING

SEPTEMBER , 2026

Mrs. Pam Henry asked why Mr. Zoladz was doing it (the re-zone) now after 2 years of storing stuff there, if there is some kind of fine, and if it is over an aquifer. She stated that there has to be some kind of repercussion. Mr. Don Langiewicz stated that the board did the environmental study; but none of it considered how it affects residential property and it is something we shouldn't have to look at every day. Mr. Paul Henry stated that this is something they look at every day off of their front porch. Supervisor Ferry explained that this is just changing a designation on a piece of paper and the next step will be for the property to go through a Site Plan review with the Planning Board. Mr. Bruce LeRoy asked if other issues can be brought forward to the Planning Board, if the Planning Board can reverse this decision, and if the Planning Board can stipulate items? Supervisor Ferry explained that other issues can be brought up to the Planning Board, the Planning Board can not reverse the decision of the Town Board on changing the Zoning of the parcel, and that the Planning Board can stipulate items like lighting, driveways, etc. Mr. Don Langiewicz again stated that none of it represents what they see. Mr. LeRoy asked if the arguments they brought forth today can also be brought to the Planning Board. Supervisor Ferry stated that yes, these arguments can be brought up to the Planning Board for them to consider in the site plan review; this decision was just changing a designation on paper. Mrs. Henry asked if they would get a list of Planning Board items.

Notifications

Highway – report read: Everything is in good working order. Paved Richley between Harper and Simonds Roads. Oil & stoned Lippold Rd. Almost done with the second pass mowing roadsides. Have been helping other towns & the county paving and oiling. Sumner Road will be closed for 2 months. Salt has been hauled in, and they are mixing it now.

Attorney – Reviewing the FEMA wetlands paperwork

Town Clerk – offices will be closed on Labor Day

Historian – will be changing the displays again in a week or two

RESOLUTION #111

WELCOME SIGNS

Councilman Grant offered a resolution to spend \$6,000 for four welcome signs from the 2026 budget; second by Councilman Krzemien. The highway department is going to handle the installation.

AYES 5 Grant, Krzemien, Benten, Fix, and Ferry

NAYS 0

Councilman Krzemien asked about utilizing the Genesee County speed sign, if a letter could be sent to Chief Hale requesting it on Route 77 between Broadway and Erie. Supervisor Ferry announced that he was looking into getting one of our own but needs to talk to Neil to see if they are able to handle moving it around.

Councilman Krzemien volunteered to look at prices. He also asked about Broadway near Tinkham/Colby; with the Dollar General, the gas station, and Foss Livestock on Tinkham, there are quite a few vehicles pulling onto Broadway and the traffic is going quite fast. Supervisor Ferry said he would write a letter to the County Highway to look into lowering the speed.

Councilman Benten will look at the employee benefits

RESOLUTION #112

CASH REPORT

Councilman Fix offered a resolution to accept the Supervisor's Cash Report dated July 2026; second by Councilman Grant. Supervisor Ferry announced that they should see line A200.9 which is from the timber sale.

AYES 5 Fix, Grant, Krzemien, Benten, and Ferry

NAYS 0

RESOLUTION #113

ABSTRACT

Councilman Fix offered a resolution to pay the bills in accordance with the abstract; second by Councilman Krzemien. Special Zoning 1 for \$10,890.97; General Fund 209 – 231 for \$23,095.72; Highway Fund 112 – 125 for \$135,878.49; Sewer 48 – 50 for \$39,839.76; and Capital Checking – Sewer 25 – 27 for \$237,076.85.

TOWN BOARD MEETING**SEPTEMBER , 2026**

AYES 5 Fix, Krzemien, Grant, Benten, and Ferry

NAYS 0

PUBLIC COMMENTS

Mr. Bruce LeRoy commented that the culvert/dip along Broadway by the gas station & Dollar General is low, even when you check and don't see anything by the time you get through the low dip there is someone speeding by. He also stated that the issue on County Line is emotional for them due to having run-ins with Zoladz before. Supervisor Ferry stated that they can't base decisions on personalities. Mr. LeRoy stated that the other people thought they could speak again.

Supervisor Ferry asked Highway employee, Curt Lamb, if we got our own speed sign, could the highway move it around? Curt stated that if it is diesel, Neil has it on the back of his truck and doesn't see any issues.

RESOLUTION #114**ADJOURN**

At 8:17pm, Councilman Benten offered a resolution to adjourn; second by Councilman Krzemien.

AYES 5 Benten, Krzemien, Grant, Fix, and Ferry

NAYS 0

Alice E. Calmes, Town Clerk