

**TOWN OF DARIEN  
GENESEE COUNTY, NEW YORK 14040**

PLANNING BOARD  
MEMBERS PRESENT:

November 21, 2016  
Jay Blatchley, Pam Trowbridge, Tom Dougherty  
Shawn Shanahan, Brandon Calmes, Joe Satkowski  
Larry Stabell

MEMBERS ABSENT:  
OTHERS PRESENT:

Jerry Yoder, Chuck Haefele, Ben Oles, Irene & Leslie  
Kozma, Jeff & Susan Taylor, Elisabeth Deazley,  
Melinda Williams, Jeremy Radamacker, Brandon  
Bauer, John Reynolds, Penny & Charles Marble, Al  
Stein, Gordon Brown, Esq. (atty for Al Stein)

The meeting was called to order at 7:30pm. Everyone present recited the pledge to the flag. The minutes from the October 17, 2016 meeting were read. Jay Blatchley made a motion to approve the minutes as read. Shawn Shanahan second. It was noted that a lot was opinion and conjecture that was unsubstantiated. All ayes. The minutes were approved.

Marble: Charles and Penny Marble submitted an application for special use permit for a home occupancy to run a home based business. The location of the property is 98 County Line Road, Alden, NY, Tax Map #13.-1-25.11. It was discussed that there is adequate parking and applicants plan to improve parking with additional stone in the spring. They intend to have small gatherings for quilting instruction. There is one restroom area that will connect to the existing septic. Joe Satkowski made a motion to forward to county. Jay Blatchley second. All ayes. There will be a public hearing on December 19, 2016 at 7:45p.m.

Rademacker: Jeremy and Nancy Rademacker submitted an application for a land separation. The location of the property is 2484 Dodgeson Road, Darien, NY, Tax Map #8.-1-21. They plan to separate the house from the remaining parcel which would have adequate frontage and area. There is a contract pending the land separation for the sale of the parcel. Jay Blatchley made a motion to approve the land separation as described on the application with the attached drawing, separating 350' by 625' lot from the main parcel. Pam Trowbridge second. All ayes. Land separation approved.

Bauer: Brandon Bauer submitted an application for a special use permit for private recreational use at 9921 Fargo Road, Corfu, NY, Tax Map #5.-1-15.112. The public hearing opened at 7:45 pm with the reading of the notice that appeared in the official newspapers. Tom Dougherty read the correspondence of Jerry Yoder, Zoning Enforcement Officer addressed to the Planning Board, as well as the approval with modifications of the Genesee County Planning Board. The Board reviewed the maps supplied by the applicant. It was indicated this is an individual property and has nothing to do with past or future applications. There are design and safety measures specific to the nature or difficulties of this application. Enforcement and inspection falls to the zoning enforcement officer and if violations occur a notice is issued. If a violation occurs the remedy is to seek compliance in a timely manner or possibly revoke the supplemental use permit. It was discussed that the noise is a disturbance of the peace, lowers the value of surrounding properties and diminishes the quality of life. There is wetland on the edge of the property. However, there are no stipulations on how to comply with lead removal on private property for personal use. The question was proposed whether the applicant will carry any insurance or if it will come back on the town if something happens. The property owner will be personally liable and the town falls under qualified immunity. Nothing is required and it would become a civil matter. It was discussed whether the Board could impose a liability policy as a reasonable condition to be secured with terms as determined by a qualified insurance agent. Jay Blatchley made a motion to close the public hearing. Brandon Calmes second. All ayes. Public hearing closed at 8:30pm.

Attorney advised a discussion on front of the public. No public input at this time, but questions can be directed toward applicant. A U shaped berm for safety of the camp in back and jogging trail on the corner together with hours of operation were discussed. The applicants disrespectful behavior to the town, his neighbors and his history do not present well that he will be compliant with provisions. Discussion was had regarding limiting the days of the month, times of the day, the type of weapons used. A berm, public safety and adequate restrictions were further discussed. It was indicated it took 1 ½ years to get the applicant before the board. It is important to make people safe and have peace. If the applicant complies with provisions the issue could be revisited and expanded upon. Mr. Yoder will be more specific and draft a proposed decision that meets the consensus to present to the board. It will be run through the attorney to meet any of the legal specifics as well. Shawn Shanahan made a motion to table this matter. Jay Blatchley second. All ayes. The Board will make their decision in accordance with the timeframe allowed.

Stein: Al Stein and Irene Stoller-Velasquez submitted an application for a land separation. The location of the property is 1046 Reynolds Road, Corfu, NY, Tax Map #2.-1-63.1. It was discussed the mylar will not be signed until the merger is complete to ensure compliance. Joe Satkowski made a motion to approve the land separation of the 300' by 300' lot from 2-1-63.1 contingent upon the remainder being merged with 2-1-63.2. Jay Blatchley second. All ayes. Land separation approved with contingency.

Oles: Ben Oles submitted an application for a special use permit for a pond for irrigation of crops. The location of the property is 228 Sumner Road, Corfu, NY, Tax Map #5.-1-36.111. It was noted the DEC has been satisfied with regard to any previous issue and this was confirmed by Jerry Yoder. The pond is for irrigation and will be 15' deep. Tom Dougherty read the November 7, 2016 letter from Genesee County Water and Soil. Jay Blatchley made a motion to forward to county. Joe Satkowski second. Pam Trowbridge abstained. All ayes. There will be a public hearing on December 19, 2016 at 8p.m.

Jay Blatchley made a motion to adjourn the meeting. Brandon Calmes second. All ayes. The meeting was adjourned at 8:40p.m.

Respectfully submitted

Brooke Finkney, Secretary