

TOWN OF DARIEN GENESEE COUNTY, NEW YORK 14040

PLANNING BOARD
MEMBERS PRESENT:

December 18, 2017
Tom Dougherty, Pam Trowbridge,
Jay Blatchley,
Brandon Calmes, Dave Krzemien
Larry Stabell, Shawn Shanahan
Jerry Yoder & members of the public

MEMBERS ABSENT:
OTHERS PRESENT:

The meeting was called to order at 7:30pm. Everyone present recited the pledge to the flag. The minutes from the November 20, 2017 meeting were read. Jay Blatchley made a motion to approve the minutes as read; Dave Krzemien second. All ayes; the minutes were approved.

Darien Lake: Darien Lake has submitted an application for a site plan review. The location of the property is 9993 Alleghany Road, Darien, NY, Tax Map #7.-1-5.12. The board tabled a decision awaiting more information. Darien Lake submitted larger drawings, additional paperwork and went over concerns the board had with Zoning Officer Yoder. Tom Dougherty re-read the referral from Genesee County Planning Board. Jay Blatchley made a motion to approve the Site Plan Review; second by Brandon Calmes. All ayes; site plan review approved.

Breissinger: Thomas Breissinger submitted an application for a Temporary Special Use Permit. The location of the property is 1133 O'Conner Road, Darien, NY, Tax Map #14.-1-35. Mr. Breissinger is looking to live in a RV camper while he has a house built. The location does not have power yet; but it is in progress and is using a tank for black water/grey water and takes to 77 to get rid of. Mr. Breissinger is living in the camper by himself. Jay Blatchley made a motion to forward the application onto County Planning; second by Pam Trowbridge. All ayes, the matter will be forwarded to County Planning. A public hearing is set for January 15, 2018 at 7:45PM.

Balduf: Daniel Balduf has submitted an application for a special use permit to operate a motor vehicle repair shop. The location of the property is 10030 Harper Road, Corfu, NY, Tax Map #7.-1-24.112. The public hearing opened at 7:45PM with a reading of the notice as it appeared in the official newspapers. Tom Dougherty read the referral from County Planning. County Planning recommended approval with the following modifications: that the applicant shall apply a hard surface to the entire area of the site traveled by motor vehicles; install a vegetative buffer to the north unless the immediate property owner waives the requirement; signage must comply with the town's zoning regulations; no vehicles intended for dismantling or use for parts shall be stored on the property; any lighting shall be installed so as not to shine directly onto neighboring properties or cause a hazard for motorists; and the storage and disposal of all new and used waste oils, lubricants, fuels, coolants and other hazardous materials shall be conducted in a manner consistent with all applicable State and Federal laws. Zoning Officer Yoder gave a brief history of the parcel and the processes Mr. Balduf has gone through to get to this point. Mr. Balduf owns the trucks and leases them to Cope Bestway in Depew and he has no employees in his shop. The Planning Board went through the County modifications and determined they would not require a hard surface on the entire area; Mr. Yoder has become familiar with the parcel and has seen no problems with the surface Mr. Balduf currently has. The vegetative buffer; Mr. Balduf must get a signed and notarized letter from the neighbor waiving the requirement. Mr. Balduf has stated there will be no signs, he has no issue complying with the modification of no vehicles intended for dismantling or use for parts and the lights will be the same as they have been for the last 20 years and the oil waste is used in a furnace. Zoning Officer Yoder submitted a letter with additional modifications to the SUP and the Planning Board went through those with Mr. Balduf. Item 1, restrict the number of truck tractors on site to what can be stored inside with the addition of one allowed outside by the Zoning Law; Mr. Balduf stated he can get three inside and have one outside

which gives him a total of 4. Item 2, restrict the number of hours of repair operations because of complaints on repair work and heavy tool operation late at night and on weekends; Mr. Balduf agreed there would be no air tool use after 9PM on week nights and after 7PM on weekends unless there were too many complaints at which time it would be looked at again. Item 3, designate parking for employees whom pick up truck tractors to maintain a neat and orderly neighborhood presence; Mr. Balduf agreed to maintain neat and orderly parking. Item 4, the operation of a repair shop in which employees drop and pick up tractors necessitates a fire inspection every three years. The owner must allow access to the building for SUP compliance and fire inspections; Mr. Balduf stated that is okay. Brandon Calmes made a motion at 8:07PM to close the public hearing, second by Pam Trowbridge. All ayes; public hearing closed. Brandon Calmes made a motion to accept a negative declaration on the SEQR; second by Dave Krzemien; Negative Declaration accepted. Jay Blatchley made a motion to approve the SUP with the stipulations as reviewed and agreed to from the County and Zoning Officer Yoder; Brandon Calmes second. All ayes; the SUP is approved with the conditions listed above.

Brandon Calmes left the meeting at 8:09PM

Taku: Taku Wind LLC has submitted an application for a temporary use permit to construct an MET tower to facilitate potential development of green energy. The location of the property is the intersection of Richley Rd. and Harper Rd., Corfu, NY, Tax Map #4.-1-59.1. The public hearing was opened at 8:10PM with a reading of the notice as it appeared in the official papers. Tom Dougherty read the referral from County Planning. County Planning recommends approval with the following modifications: the temporary use can only be granted for 12 months as detailed in the town's Zoning Law and after that 12 months may be extended for one 6 months period by the ZEO and when the temporary use expires, the MET tower must be removed in its entirety and the property restored to its condition prior to the erection of the MET tower. Steve Thompson with Taku Wind explained why the MET tower needed to go up and that they are usually up for 12 – 18 months to determine if the area would benefit from wind turbines. Mr. Thompson answered some resident questions including that if a MET tower is in a location that a wind turbine does not go in that location and that the MET tower would be set about 490 feet off the road. Dan Miller of Miller's Sonshine Acres requested that the parcel not be taken completely back to its condition prior to the MET tower, he would like the driveway left. Many residents had questions pertaining to wind turbines which is out of the scope of this application; ZEO Yoder explained that this is a first step in the whole process and all residents within 500 feet of a parcel which would have a wind turbine applied for would be notified of the public hearings for that part of the process. Jay Blatchley made to accept a negative declaration on the SEQR; Dave Krzemien second. All ayes; Negative declaration accepted. Jay Blatchley made a motion to close the public hearing at 8:23PM; second by Pam Trowbridge. All ayes; public hearing closed at 8:23PM. Jay Blatchley made a motion to approve the Temporary SUP with the stipulation to retain the improved driveway at the expiration of the temporary SUP; second by Dave Krzemien. All ayes; Temporary SUP approved.

Mecca: Elizabeth and Augustine Mecca of 557 Genesee Street applied for a land separation. Mr & Mrs Mecca previously received an approval for an area variance to a non-conforming lot on ZBA application ZBA-5-17 in order to split one parcel into two to build a new house. ZEO Yoder went over a letter of issues when he went over the application; his issues include how this land separation will alter the future use of the non conforming lot. The current lot is 11.9 acres which is considered a farm in the Zoning Law and would have no limit on the number of animals allowed.

Splitting the parcel and having less than 6 acres on the parcel with the barn means any future use could not have more than 1 unit (1000 lbs) of livestock. Additionally, there shall be no stabling of livestock or storage of manure, fertilizer, or similar odor or dust producing substance within 100 feet of a lot containing a dwelling or other residence and the proposed land separation places the the northern property line at the existing fence line of the horse pasture; while the original lot line proposed to the ZBA allowed for a 163 foot buffer. Mr. Mecca stated that the barn does have the provisions to have 5 stalls, but everything is open right now. Jay Blatchley made a motion to approve the land separation as indicated in the most recent submittal from December 6, 2017; second by Dave Krzemien. All ayes; land separation approved based on diagram from December 6, 2017.

Jay Blatchley made a motion to adjourn the meeting; Dave Krzemien second. All ayes; meeting adjourned at 8:42PM.

Respectfully submitted

Alice Calmes
Town Clerk