

**TOWN OF DARIEN
GENESEE COUNTY, NEW YORK 14040
Planning Board
Meeting Minutes
July 20, 2020**

MEMBERS PRESENT: Brandon Calmes, Pam Trowbridge, Shawn Shanahan
Donald Koepf

MEMBERS ABSENT: Tom Dougherty, Larry Stabell, Jay Blatchley

OTHERS PRESENT: Jerry Yoder ZEO, Members of the Public

The meeting was called to order at 7:30 p.m. Everyone in attendance recited the pledge to the flag. Pam Trowbridge made a motion to approve the minutes from the February 17, 2020 meeting; Donald Koepf second; all ayes, the minutes were approved.

Miller's Sonshine Farms: Daniel Miller submitted an application at 9590 Simonds Road, Tax Map # 4.-1-7 for a land separation of 47.72 acres. It is an application that is being reaffirmed due to the Covid-19 shutdown. It was approved via e-mail. Shawn Shanahan made a motion to reaffirm the approved application; Donald Koepf second; all ayes, the application was reaffirmed.

Barbara Capwell: Barbara Capwell submitted an application located on Simonds Road, Tax Map # 8-1-7.11 for a land separation. This application requires merging with parcel 8-1-8 to create a compliant lot with Darien Zoning Law. It is approximately one acre. It is an application that is being reaffirmed due to the Covid-19 shutdown. It was approved via e-mail. Donald Koepf made a motion to reaffirm the approved application including the contingency that requires merging with parcel 8-1-8 to create a compliant lot with Darien Zoning Law; Pam Trowbridge second; all ayes, the application was reaffirmed.

John Pfalzer: John Pfalzer submitted an application at 10078 Harper Road, Tax Map # 7.-1-24.211 for a special use permit for Ax Men Tree Service, LLC. The Special Use Permit is required at the request of the Zoning Officer. The tree service has existed since 1995, however, The Town did not have Zoning Laws to allow its existence. The Town has updated the Zoning Law with the addition of a definition of: "Landscaping and Horticultural Service"; and the addition of a SUP for: "Landscaping and Horticultural Services and Related Activities". These additions to Town Law resolve the inconsistencies and allows oversight by the Town and protection to the landowner for permitted uses. The public hearing opened at 7:35 p.m. Nothing was discussed by the public. The SEQR was read. Pam Trowbridge made a motion to approve the negative SEQR; Shawn Shanahan second; all ayes, the negative SEQR was approved. Don Koepf made a motion to close the public hearing; Pam Trowbridge second; all ayes, the public hearing closed at 7:48 p.m. Shawn Shanahan made a motion to approve the application with the contingency required stipulation to move the wood pile near the building by the road in 180 days; Don Koepf second; all ayes, the application was approved.

Draves Arboretum: Thomas Draves submitted an application at 1815 Sharrick Road, Tax Map # 11.-2-10.12 for a special use permit for an arboretum. The Special Use Permit is required at the request of the Zoning Officer. The arboretum has existed since the 1990's, however, The Town did not have Zoning Laws to allow its existence. The Town has updated the Zoning Law with the addition of a definition of: "Landscaping and Horticultural Service"; and the addition of a SUP for: "Landscaping and Horticultural Services and Related Activities". These additions to Town Law resolve

the inconsistencies and allows oversight by the Town and protection to the landowner for permitted uses. It is an educational facility dedicated to use and study trees and shrubs. It's by appointment only for tours up to 50 people. It fits with the agriculture and low density character promoted within the comprehensive plan. The public hearing opened at 7:50 p.m. There was one gentleman from the neighborhood that supported Thomas Drave's business. The SEQR was read. Pam Trowbridge made a motion to approve the negative SEQR; Shawn Shanahan second; all ayes, the negative SEQR was approved. Donald Koepf made a motion to close the public hearing; Shawn Shanahan second; all ayes, the public hearing closed at 8:02 p.m. Shawn Shanahan made a motion to approve the application; Pam Trowbridge second; all ayes, the application was approved.

Draves Tree Service: Thomas Draves submitted an application at 1821 Sharrick Road, Tax Map # 11.-2.12 for a special use permit for Draves Tree Service. The Special Use Permit is required at the request of the Zoning Officer. The tree service has existed since 1994, however, The Town did not have Zoning Laws to allow its existence. The Town has updated the Zoning Law with the addition of a definition of: "Landscaping and Horticultural Service"; and the addition of a SUP for: "Landscaping and Horticultural Services and Related Activities". These additions to Town Law resolve the inconsistencies and allows oversight by the Town and protection to the landowner for permitted uses. The public hearing opened at 7:55 p.m. A neighbor that supported Thomas Drave's arboretum also supports the tree service. The SEQR was read. Donald Koepf made a motion to approve the negative SEQR; Pam Trowbridge second; all ayes, the negative SEQR was approved. Pam Trowbridge made a motion to close the public hearing; Shawn Shanahan second; all ayes, the public hearing closed at 8:07 p.m. Shawn Shanahan made a motion to approve the application; Donald Koepf second; all ayes, the application was approved.

Robert Miles: Robert Miles submitted an application at 9564 Fargo Road, Tax Map # 1.-1-38.1 for a land separation. He wants to split out one 2.5 acre compliant lot per zoning requirements. Pam Trowbridge made a motion to approve the application; Donald Koepf second; all ayes, the application was approved.

Doug Diemoz: Doug Diemoz submitted an application at 1415 Broadway Road, Tax Map # 11.-1-14.221 for a site plan review to reopen an existing restaurant. The building is being updated for aesthetics and accessibility is being improved. The use and services will be the same as they were by the previous owner. The public hearing opened at 8:10 p.m. A neighbor had a concern about the land behind the restaurant being developed into a miniature golf course. There was a discussion about adding a contingency that the restaurant is a family style business with operating hours between 6:00 a.m. to 12:00 a.m. The SEQR was read. Pam Trowbridge made a motion to approve the negative SEQR; Donald Koepf second; all ayes, the negative SEQR was approved. Shawn Shanahan made a motion to close the public hearing; Pam Trowbridge second; all ayes, the public hearing closed at 8:23 p.m. Donald Koepf made a motion to approve the application with the contingency that the restaurant is a family style business with the operating hours between 6:00 a.m. to 12:00 a.m.; Shawn Shanahan second; all ayes, the application was approved.

John Zoladz: John Zoladz submitted an application located at the Corner of Mammot and Harlow, Tax Map # 14.-1-53.12 for a land separation. He wants to create four compliant building lots from a 16.4 acre parcel. They are all consistent with the Zoning Law. Shawn Shanahan made a motion to approve the application; Donald Koepf second; all ayes, the application was approved.

Daniel Miller: Daniel Miller submitted an application located at Ridge Road near Brown Road, Tax Map # 4.-1-27 for a land separation. He wants to separate 12.6 acres of unusable ground for recreational use. Pam Trowbridge made a motion to approve the application; Shawn Shanahan second; all ayes, the application was approved.

Battery Energy Storage Law: ZEO Jerry Yoder discussed a proposed Battery Energy Storage Law forwarded from Supervisor Ferry Jr. The proposed law is needed due to improving technologies and request for siting in the State. The ZEO stated he has been working on this project as well as having been forwarded and recommended by the Towns Attorney. The Town Board needs the Planning Board to review the proposed Zoning Law, make recommendations and forward to the Town Board. Once reviewed by the Town Board and Town Attorney, a public hearing will be held and a decision made.

Pam Trowbridge made a motion to adjourn the meeting; Shawn Shanahan second. All ayes; the meeting adjourned at 8:42 p.m.

Respectfully submitted,
Gwen Yoder, PB/ZBA Clerk