

**TOWN OF DARIEN
GENESEE COUNTY, NEW YORK 14040
Planning Board
Meeting Minutes
September 21, 2020**

MEMBERS PRESENT: Tom Dougherty, Jay Blatchley, Brandon Calmes, Pam Trowbridge,
Shawn Shanahan, Donald Koepf

MEMBERS ABSENT: Larry Stabell

OTHERS PRESENT: Jerry Yoder ZEO, Alice Calmes, Shawn Calmes, Members of the Public

The meeting was called to order at 7:30 p.m. Everyone in attendance recited the pledge to the flag. Jay Blatchley made a motion to approve the minutes from the August 17, 2020 meeting; Brandon Calmes second; all ayes, the minutes were approved.

Craig Silver: Craig Silver submitted an application at Chick Road, Tax Map # 16.-1-73 for a special use permit to put in a round pond 50 feet from the property line. The size of the pond is 40 feet. He needs to divert water run off on the property. The pond will help with the extra water. The public hearing opened at 7:35 p.m. Nothing was discussed by the public. The SEQR was read. Brandon Calmes 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; Jay Blatchley second; all ayes, the public hearing closed at 7:50 p.m. Jay Blatchley made a motion to approve the application; Pam Trowbridge second; all ayes, the application was approved.

Craig Coffed: Craig Coffed submitted an application at 11090 Ortner Road, Tax Map # 16.-1-48.113 for a special use permit to put in a 30' X 70' pond for habitat management. Jay Blatchley made a motion to forward the application to County Planning; Donald Koepf second; all ayes, the application will be forwarded, and the public hearing will be held at the next Planning Board meeting on Monday, October 19 at 7:35 p.m.

Freedom Fellowship, LLC.: Freedom Fellowship LLC. Submitted an application at 254 Broadway Road, Tax Map # 9.-1-43.1 for a special use permit on zoned commercial land to build a three-bay auto service with mixed use, a print shop and retail sales. The size of the building will be 6,240 square feet. It is being built on a 7.26-acre property. The adjacent road frontage parcels are owned and controlled by the applicant as part of a comprehensive treatment program. The three-bay garage would not see substantial amounts of traffic. Jay Blatchley made a motion to forward the application to County Planning; Brandon Calmes second; all ayes, the application will be forwarded, and the public hearing will be held at the next Planning Board meeting on Monday, October 19 at 7:45 p.m.

Glenn Laben/Flower Creek: Glenn Laben submitted an application at 388 Broadway Road, Tax Map # 9.-1-25.12 for a special use permit to build a gambrel roof barn. He wants to use it as a gathering hall. The building will be 60 X 52 square feet and will hold approximately 220 people. They will respect the rural atmosphere of the neighborhood and plan on strictly enforcing any noise ordinance or curfew that is required. There will also be a parking lot that will hold 85 vehicles. There will be no food prepared on site. The public hearing opened at 7:45 p.m. Tom Dougherty asked if the public had any comments. Karen Rarick, who owns a dog kennel next door was concerned about the noise or pyro technics being used. Jerry Yoder asked if the applicant plans on using pyro technics. They said there wouldn't be any used. As for noise, the music would be finished at 11:00 p.m. Karen Rarick

was interested in evergreen trees being planted in between her property and the applicant because of headlight glare and to help with noise. The applicants plans for the property were to have weddings on the weekends and showers on weekdays in small scale. Karen Rarick was fine with everything that was discussed. The SEQR was read. Shawn Shanahan made a motion to approve the negative SEQR; Jay Blatchley second; all ayes, the negative SEQR was approved. Jay Blatchley made a motion to close the public hearing; Brandon Calmes second; all ayes, the public hearing closed at 8:10 p.m. Jay Blatchley made a motion to approve the application with the following modifications; approval of NYS DOT driveway permit (agreement with GCPB referral, completion of a stormwater prevention plan SWPPP (agreement with GCPB referral), occupancy load of 225 persons, hours of operation are 8am-12midnight closure and premises vacated by 1am, no pyrotechnic display permitted, no outdoor amplified music, no permitted assembly occupancy in accessory/membrane structures and a buffer between the driveway and tax parcel 9.-1-27 to be created to alleviate light glare from existing cars. Minimum of 6' evergreen (pine) trees to be planted on 10' spacing on a berm as needed; Brandon Calmes second; all ayes, the application was approved with the modifications.

David Pfenninger: David Pfenninger submitted an application at 9864 Fargo Road, Tax Map # 1.-1-75 for a special use permit for a roadside service business. He will be running the business with his wife so there won't be any additional vehicles onsite. The public hearing opened at 7:55 p.m. There were no comments from the public. The SEQR was read. Shawn Shanahan made a motion to approve the negative SEQR; Jay Blatchley second; all ayes, the negative SEQR was approved. Shawn Shanahan made a motion to close the public hearing; Jay Blatchley second; all ayes, the public hearing closed at 8:16 p.m. Jay Blatchley made a motion to approve the application; Donald Koepf 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 the need for commercial battery storage. 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 take place and a decision made.

Jay Blatchley made a motion to adjourn the meeting; Pam Trowbridge second. All ayes; the meeting adjourned at 8:27 p.m.

Respectfully submitted,
Gwen Yoder, PB/ZBA Clerk