

**ITEM # 1:**

The meeting was called to order by Planning Board Chairman Lawrence J. Kelly, Jr., at 6:50 p.m.

**ITEM #2: Roll Call**

**Present:**

Lawrence J. Kelly, Jr., Chairman  
Bruce Luno  
George Donhauser  
James Jozwiak  
Joseph Edbauer  
Julie Zybert  
Karl R. Lux

**Also Present:**

Darlene Schweikert  
Clyde Drake, Supervisor  
William F. Snyder, III, Councilman  
Jeffrey Singleton, CEO

**ITEM #3: Citizen Participation**

1. Chairman Kelly asked CEO Singleton if he would like to address the Board at this time in regard to the email the Board received from Councilman Zittel where a resident contacted CEO Singleton with a complaint. The neighbor had several years ago built an addition without a permit. The members feel that it is still on the owner's property and on her side of the fence and it's 17 years ago. CEO Singleton noted that once he receives a complaint, he has to act on it. He may not always agree; but he has to act on it. In this case there are a couple different problems on the property; two of which he can handle and two that he cannot and he has advised the complainant what to do. Number 1: the fence is too high. It is only supposed to be 6 feet. Number 2: The addition was not permitted and it is 3 feet from the property line. It's in violation.

CEO Singleton questioned when does the Town draw the line of violations? He has cases right now where barns were turned into houses and no one did anything. Chairman Kelly noted that to CEO Singleton's knowledge it was not permitted. CEO Singleton said that he had pulled everything. The addition was not permitted. J. Jozwiak noted that in the Town's past, there have been building inspectors that didn't follow through with all the paperwork. CEO Singleton said that he has investigated and can't find it anywhere. He has given them 30 days like the property maintenance code says to give him everything the owner has. He has not received anything. B. Luno said that this has been going on for so long and he has complained about it for years; the codes are not being followed but he doesn't feel that we can worry about changing that today. This is up to the Town to decide how to handle it; it is not up to the Planning Board. J. Jozwiak noted that the neighboring parcel is just a corn field. CEO Singleton advised that right, wrong or indifferent, it is becoming assault; there are police involved. All he is doing is obeying the code. His two violations are that the

addition wasn't permitted that he can find and the fence is too high. CEO Singleton advised that there are other issues involved (drainage) but those issues are civil matters and that is between attorneys. There is also an issue with the septic system and Erie County Health Department is who will need to follow up with that issue. K. Lux thinks that all the Town has to do is have CEO Singleton send a letter with the two issues that the Town can handle. CEO Singleton said he did; it gave the resident 30 days. CEO Singleton said that he will be charging the resident for the addition and the fence. As far as the drainage issue, that is a civil matter. As far as the septic issue, that is a County issue. Chairman Kelly advised that he agrees with B. Luno, this is not for the Planning Board. CEO Singleton noted that he feels that this is that the neighbors just can't get along.

CEO Singleton discussed a where a parcel is only one acre and how neighbors should try to get along and possibly try to purchase more land so the lot size is up to code. The discussion then went into discussing grandfathered lots and if there is such a thing as grandfathered lots or not. CEO Singleton noted that there is no such thing as a grandfathered lot. If the Town wants to enforce it, they can enforce it. Section 184-1 of our Town Code addresses grandfathered lots.

CEO Singleton advised that if the resident applies for a permit, he would have to deny it because it is too close to the property lines and then the owner would need to go before the Zoning Board of Appeals. That would be the process. If the owner does nothing, CEO Singleton will issue a summons.

2. Chairman Kelly had met with CEO Singleton regarding roofing permits. J. Jozwiak noted that he had brought this up previously. He believes that the Town is pretty much the only Town that does not enforce the State Code and International Code. J. Jozwiak noted that this is just standard practice everywhere. Chairman Kelly asked if this needed to be included in our Code book; do we want it in our Code? J. Jozwiak stated that it is not in our Code. J. Edbauer advised that this is state law and that governs this already. J. Jozwiak believes that the Town residents should be required to get a permit for roofing for the protection of the homeowner. Chairman Kelly asked the members to come up with terminology on this. J. Jozwiak said the Town should follow what the Village of Springville has done. B. Luno questioned how this would affect the homeowner doing their own roof; residents would just need to get a permit and follow the regulations. Discussed the dollar amount of a fee and how CEO Singleton would have to inspect these projects. Chairman Kelly and J. Jozwiak feel the fee should be \$50; if the Town makes the cost too high, people will not come in and get the permit. K. Lux advised that the Village looks at the insurance from the contractor before a permit can issue. Planning Board Secretary Schweikert will contact the Village of Springville for their language.

3. CEO Singleton asked wanted the Board to discuss fencing. There was discussion as to how far away from the property line a fence can be placed. There was discussion about maintenance of the fence and trimming the grass/weeds around a fence. J. Jozwiak noted that most Towns are a foot off the property line and good side goes out unless the neighbor provides something in writing that the good side in. Posts on the homeowner's property; not the neighbor. Right now, our Code has fence height requirements.

Chairman Kelly advised that the Board will review the Village of Springville Code with respect to height and property line set-backs.

**ITEM #4: Approval of Minutes**

a) March 5, 2019 – J. Jozwiak made the motion, seconded by J. Edbauer, to approve the Minutes as presented. All in favor. Carried.

**ITEM #5: Photo ID Logo**

Chairman Kelly noted that this was discussed previously when the Board was reviewing Solicitor's Permits. If the Town would have a template, then anyone filing for a permit would be able to get a photo ID. The Planning Board has also discussed previously having photo ID for the members. Supervisor Drake stated that this was brought to his attention earlier today from one of our Court Officers. J. Zybert noted that she does have a catalog from IDville that would work for this purpose. J. Jozwiak noted that the County did theirs for the fire departments. Chairman Kelly noted that if the Planning Board could get something together and present it to the Town Board, then the Town Board could make the final decision. G. Donhauser noted that the Town trucks have an emblem on them. J. Edbauer volunteered to come up with a design. Supervisor Drake advised that the idea of this ID came from the Planning Board but it is the responsibility of the Town Board.

**ITEM #6: Training Hours Update**

Planning Board Secretary Schweikert provided the members with the training log information for their review so the members can attend training sessions as necessary.

**ITEM #7: Business from the Members**

1. Supervisor Drake reminded the members that the PERMA training will be held on Wednesday, April 24<sup>th</sup> starting at 9 a.m. This is mandatory since there were changes in the Sexual Harassment Policy.

2. Supervisor Drake announced to the Planning Board that Town Clerk Schweikert received the Town Clerk of the Year award from the Erie County Town Clerk and Tax Collectors' Association.

**ITEM #8: Motion of Adjourn**

K. Lux made the motion, seconded by J. Jozwiak, to adjourn the meeting at approximately 7:35 p.m. All in favor. Carried.

  
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Darlene G. Schweikert  
Planning Board Secretary