

ITEM # 1:

The meeting was called to order by Planning Board Chairman Lawrence J. Kelly, Jr., at 6:55 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

ITEM #3: Citizen Participation

a) Michael Quinn – Zoar Valley Road property

Mr. Quinn purchased the property on Zoar Valley Road about two years ago. Mr. Quinn displayed a survey of the parcel. Soil composition is a challenge but it is pretty down there. There are currently two cottages on the parcel. Cottage #1 is located where there has been significant erosion it seems it is about to fall in and would like to see if the Town would allow him to move the cottage back. He showed two locations where he would like to put the cabin. He would like to put the same thing up but maybe add a second story loft up on top. With the challenge of the erosion, he doesn't want to put a lot of money into this place yet until he sees year by year what it will do and what he will have to do to try to stop it. Eventually he would like to retire and perhaps build an actual residence on the parcel. This is not why he is before the Board tonight; he is mostly here to discuss moving the cabin. He would like to bring the cabin in about 50 feet more and either put it in the clearing or the forced clearing made by trees falling down and erosion. Just something simply to get out of the weather. There would be a composting toilet and to shower he would collect rain water. He is also thinking about putting a garage up on the parcel also because he has equipment he would like to store; for now, wants to move one cabin. Mr. Quinn noted that he would pretty much tear it down and move it and rebuild it by using the same dimensions but would put in a nice knee-wall before the roof so beds could be put up there. Chairman Kelly advised that even though he is going with the same footprint in a different location, he would need a demolition permit to get the one off the tax roll and a building permit to put the other one

on the tax bill. That permitting process would go through CEO Singleton. B. Luno noted that as long as he is within his distances from property lines and gets his permits, there is nothing that this Board has to do. J. Jozwiak advised that Mr. Quinn that he will have to build it by today's Code specifications not how this cottage was built; because he is tearing it down. Mr. Quinn noted that these are cabins without foundations; they are on cinder blocks. J. Edbauer noted that that would not work. J. Jozwiak advised Mr. Quinn to discuss this is CEO Singleton. Mr. Quinn noted that he is trying to keep the costs down since this is for recreational purposes for his family and friends. J. Jozwiak noted that this is a little different than just picking it up and relocating the existing structure compared to tearing it down and rebuilding it. Mr. Quinn may decide just to relocate the existing structure then depending on costs. Mr. Quinn noted that when he purchased the land the owner had advised that two cabins on one parcel was grandfathered in. J. Edbauer noted that there can only be one residence on each parcel. His parcel was originally 20 acres but the creek has taken out some much land that the survey shows 17 acres. Mr. Quinn asked the Board if it would be possible to put a third cabin on the parcel; rebuild this cabin and then put another one on? K. Lux and J. Zybert said this could be done if Mr. Quinn split his lot. J. Edbauer noted that it when you put it on one lot where it becomes an issue. Mr. Quinn has electric on the parcel but the pole came down in one of the ice and wind storms a year ago so he is going to try to bury it underground from the top of the hill down. The electric company is willing to put another pole there but this would be the last time without charging him for the pole. There is no septic and this may be an issue being close to the creek. K. Lux said he'd have to talk to the Health Department about that matter. There is natural spring water coming through the property. He is not sure that he could use that water; there were lines going up to a holding tank that ran to the cabins from the spring. Mr. Quinn hasn't gotten that far; he is still working on the driveway. B. Luno asked if the creek is still eating away at the land. Mr. Quinn said he is not sure if it is the creek or more of the rain because the land up high not even touched by the creek will slide down the hill. His parcel is located right at the Concord border. Mr. Quinn questioned the Board if he would be able to put a garage up and the Board said yes, with the appropriate building permit. Chairman Kelly welcomed Mr. Quinn to come back to the Board at any time if he has any questions as he moves along in this process. Mr. Quinn asked if the Board knew of any grants; the Board did not. Mr. Quinn has CEO Singleton's contact information and will reach out to him. Mr. Quinn thanked the Board and he left the meeting at 7:06 p.m.

ITEM #4: Approval of Minutes

a) April 2, 2019 – B. Luno made the motion, seconded by J. Jozwiak, to approve the Minutes as presented. All in favor. Carried.

ITEM #5: Roofing

Chairman Kelly noted that this is a follow up from the April meeting. Secretary Schweikert had contacted the Village of Springville on this matter. The Village does not have anything in their Code because they use the State Code. The only mention in the Village Code is the permit fee of \$50. J. Jozwiak made the motion, seconded by B. Luno, to recommend to the Town Board that a permit and a fee of \$50 be charged for roofing following NYS Code. All in favor. Carried.

ITEM #6: Fences

Chairman Kelly met with B. Luno about fences and how the fencing is used by farmers. Farmers put fencing on the line and the fence posts are on the outside so that if an animal pushes against it, the animal can't push it out. The Town is a farming community with a Right to Farm law. Discussed how property owners maintain fence lines whether it is on the property line or set back at different distances. J. Edbauer does not feel that the Town needs anything additional in our Code; we are a family community and what the Town has right now is sufficient. We are not a Village. As long as it is on your property. Chairman Kelly reviewed what CEO Singleton had asked the Board to review in March: CEO Singleton wanted a fence setback from the property line. The Board agreed that the fence can be on the line or wherever the owner wants a fence on their property. CEO Singleton also wanted the finish side facing the neighbor's property. J. Edbauer said this should be up to the property owner; the owner may want the good side towards them. J. Jozwiak said that if he is paying for it, the owner gets to decide. Some towns do require the neighbors' permission to have the good face facing the owner and not the neighbor. B. Luno questioned if this should be addressed. J. Jozwiak did not think so. It would be just one more thing to add to the Code. In some cases, a fence is put up to block off a neighbor so obtaining permission may not be something that can be achieved. J. Jozwiak said different setbacks would be necessary if the fences were in a subdivision but we are the country. K. Lux noted that our Code already discusses obstruction of view on the road setbacks. J. Jozwiak made the motion, seconded by K. Lux, that the Town continue with the zoning ordinances already in our Code with regard to fences. All in favor. Carried.

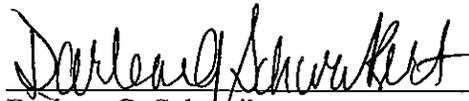
ITEM #7: Business from the Members

1) Supervisor Drake advised the Board that there will be a Local Government Training session provided by Erie County Dept of Environment and Planning and NYS Dept of State Division of Local Government Services on Thursday, May 30th in Orchard Park in the evening. If interested, you will need to register following the instructions in the email provided.

2) Supervisor Drake asked the Board to review the Town's Solar Energy Law. When this was completed in 2017, the Town was rushed to get a law written. Now that the Town is working with Solarize campaign, Supervisor Drake stated that there is a Unified NYS Solar Permit that our Law does not cover. Supervisor Drake reached out to Colden for their law because one of their members is involved with Solarize and knew that their law would be pretty detailed. Supervisor Drake noted read their law and it is detailed. Supervisor Drake advised that the Town should go after something with the 25kw in the law. Colden's law also includes panels on buildings. Supervisor Drake would like the Board to review our Law with the one from the Town of Colden and maybe review this next month with the hopes to get the law revised by June for the Town Board meeting.

ITEM #8: Motion of Adjourn

K. Lux made the motion, seconded by B. Luno, to adjourn the meeting at approximately 7:30 p.m. All in favor. Carried.



Darlene G. Schweikert
Planning Board Secretary