

ITEM # 1:

The meeting was called to order by Planning Board Chairman Kenneth Zittel at 7:00 p.m.

ITEM #2: Roll Call

Present:

Kenneth Zittel, Chairman
George Donhauser
Bruce Luno
Joseph Edbauer
Jim Jozwiak
Julie Zybert
Lawrence J. Kelly, Jr.

Also Present:

Darlene Schweikert
Ethan Waterman

ITEM #3: Citizen Participation

There was no one for Citizen Participation.

ITEM #4: Approval of Minutes

a) February 7, 2012

Chairman Zittel asked for comments or questions regarding last month's minutes. J. Jozwiak made the motion, seconded by J. Edbauer, to approve the minutes as presented. All in favor. Carried.

ITEM #5: Waterman's Gravel Special Use Permit

Chairman Zittel asked the members for questions or comments. Darlene noted that she had spoken with Mike Meyer of the DEC to see if anyone had contacted him since our February meeting and no one had called to discuss their concerns. Mr. Meyer also advised that when the application form is submitted to the DEC, the applicant lists on the application their proposed hours of operation. There have been public comment periods held by the DEC and that is when this should have been discussed. It is controlled by the DEC pursuant to the NYS Mining Law. Mr. Meyer also noted that the Supervisor's Office receives a copy of the final NYS Permit. It is a state policy that NYS is the lead agency. The only way the Town of Concord could become lead agency would

be to petition to become lead agency and this is very difficult to do. Mr. Meyer also noted that the documentation on this matter is very thorough and because of the contingency in the documentation about the water matter, the NYS DEC has no issues with this project.

J. Jozwiak noted that the documentation noted that there was a possibility of 30 houses. Is that in case Waterman can't do the underground mining? E. Waterman noted that the DEC requires the applicant to give Options A, B and C. J. Jozwiak wanted clarification of the depths of the project. Will it be 109 feet from the existing top to the bottom of the lake? E. Waterman noted that that is correct. 67 feet is what they can mine into the water. J. Edbauer asked if E. Waterman had found out the dollar amount of the bond and E. Waterman noted that it recently went up to \$85,000. That amount is controlled by the DEC. J. Edbauer noted that he is concerned about the 1000 foot distance on the water. He thinks it should be 2000. J. Edbauer noted that Greens noted that they were 1003 from away. E. Waterman noted that he clocked from the corner of Genesee Road just behind the Green's property by the Fire Hall, all the way to the edge of the Waterman property next to Smith's, and that distance is ½ mile.

Chairman Zittel asked the members if they wanted to make a motion. B. Luno made a motion to recommend to the Town Board to proceed with the Special Use Permit, seconded by J. Jozwiak. J. Jozwiak, B. Luno, L. Kelly, J. Zybert and Chairman Zittel voting aye. G. Donhauser and J. Edbauer voting nay. Carried. Darlene noted that this matter will go to the Town Board March 8th and the Public Hearing will be held on Tuesday, March 27th at 7 p.m.

ITEM #6: Code Changes

5. Mining Permits: After discussion, the members agreed to leave it as is.
6. Fee Schedule: The members would like all fees on one schedule which would include the fees for telecommunication. Include the new fees on Farm Buildings as noted in No. 1. Discussion about the demolition permit but agreed to leave it as a fee because the CEO has to do paperwork.
7. Application fees Letter G & H: Delete G and increase H fee to \$100.
8. Sheds: Much discussion about what a shed is; what if it is on skids? Is it assessed on their taxes? Tabled for further discussion. (NOTE: Darlene spoke with Ruby at the Assessor's Office and sheds are taxable even if on skids)

ITEM #7: Business from the Floor

1. Chairman Zittel noted that he had received a call that Austin Kephart is conducting his business on his property on Sharp Street. L. Kelly noted that he had advised CEO Atkinson to call NYS because if he has a repair shop, he needs to have a NYS sign up and if Kephart puts the sign up, then he would be in violation with the Town.

2. Chairman Zittel noted that Braun of Ridgeview is asking the town to take his parcel out of the subdivision because of the sewer units that he is being assessed for. This matter is being reviewed by Town Attorney Barone and Town Engineer Alianello and will eventually come to the Planning Board.

3. Chairman Zittel reminded the members that there will be a training session at the Town Hall Court Room on Thursday, March 15th from 6:30 to 8:30 regarding Affordable Housing Land Use Tools. This is sponsored by Erie County Environment and Planning. Members do not have to pre-register.

ITEM#8: Motion of Adjourn

J. Jozwiak made the motion, seconded by J. Zybert, to adjourn the meeting at approximately 8:15 p.m. All in favor. Carried.

Darlene G. Schweikert