



3311 Wende Road  
Alden, New York 14004

## Planning Board

### Meeting No. 9 Regular Planning Board Meeting Wed., September 11, 2013

The regular meeting of the Alden Planning Board was held in the Alden Town Hall at 3311 Wende Rd., Alden, NY 14004 on Wednesday, September 11, 2013 at 7 pm. Chairman Witt called the meeting to order. The roll call was taken by the Secretary.

Present: Michael DeWitt      Bill Weber, Town Councilman  
          Ralph Witt                Mark Metz  
          Michael Fleming       Keith Marque, Engineer  
          Gary Wagner  
          Don Stoffel

Recording Secretary: Sue Galbraith

Chairman Ralph Witt called the meeting to order at 7 pm.

#### **Approval of previous minutes**

*\*Motion: to approve the August 13, 2013 minutes by Gary Wagner, and seconded by Don Stoffel. Unanimous. Carried.*

#### **Communications**

Building Inspectors monthly report  
Assoc. of Towns magazine

#### **New Business**

None

#### **Unfinished Business**

Metz Site Plan, 12750 North Rd.

The board took a couple of minutes to look over Engineer Metzger's notes that were handed out by CEO Snyder at the meeting. Members were disappointed that the engineers notes were not distributed earlier, but the CEO just received them today. Engineer Marque reviewed the list and felt that all the points could be easily taken care of.

Councilman Weber questioned why equipment is parked in front of the fence. Metz replied that it is in front of the fence only when it is being repaired, other than that it is parked in the back.

Member Wagner questioned if Metz needed to apply for a variance to not have to pave the back lot, as required for automotive use. Metz said that he will place millings on the back lot.

Member Fleming questioned the County Health Dept. findings with regards to the septic system. He was told that all requirements have been met.

The questions of the need for a SEQR arouse, but the CEO maintained that less than one acre had been disturbed.

Fleming feels the zoning was not legal, and they shouldn't have been given a Variance, the correct procedures were not followed. Everyone should be following the same code requirements. He does not agree with it, and will not vote on it.

Member Stoffel agrees with Fleming that it would be setting precedence. The Planning Board is just an advisory board; the Town Board and Building Inspector have the final say.

Wagner feels the same as his co members. Feels things were done with out following the appropriate channels.

Chairman Witt confirmed that the building does not really fit there, as it is a contractor's yard, but it has been done and it is time to move forward.

Engineer Marque asked if it was at ground zero, would it be approved, the answer being no.

Councilman Weber asked the gentlemen to excuse themselves and wait in the hall, so he could address the board.

Weber, feeling the boards frustration on the granting of the Variance, and the procedures not following code, asked the board to proceed just on the site plan at hand. This board cannot stop this project because they do not agree with the ZBA. Right now it meets all specifications.

Stoffel, stated that the board has to vote on what they see here, not the steps taken to get to this point.

*\*Motion by Gary Wagner, seconded by Trustee DeWitt, This board takes exception, in our opinion, to the Variance granted by the ZBA because it failed to meet any of the 4 requirements needed to comply with New York State Code regarding the granting of a Variance. The Planning Board has been in disagreement of the Variance handed to the Planning Board from the ZBA, but because of their decision, the Planning Board has to consider site and treat as C3Zone. We hereby recommend approval of plans subject to Engineer's report of 9/11/2013. Carried.*

*Vote: Witt – aye*

*DeWitt – aye*

*Stoffel – aye*

*Wagner – aye*

*Fleming - abstain*

2 local laws on the agenda will be addressed at the October meeting.

Subdivision- Cummings, 12447 Lesswing Rd. 85.00-6-7.121

Interested in splitting main parcel into 3 lots.

Preliminary review, didn't arrive by the deadline, all paperwork has not been delivered to the CEO.

### **Business from the Floor**

#### **Town Board Meeting Reports**

1. August 19 - Gary Wagner- nothing pertaining to PB

2. Tuesday, September 3 – Michael Fleming- nothing pertaining to PB

#### **Special Meeting Report**

Member Fleming and Chairman Witt, went to meeting in Marilla concerning Quasar Energy group about processed bio-waste. Town Board is looking at possible resolution concerning digesters, human sewage disposal and regulations, as a majority of the town is still on well water.

**Suggestions from members, consultant and Building Inspector**

**Monthly property progression review**

None

**Representatives to Town Board meetings**

September 16 – Mike DeWitt

October 7 – Don Stoffel

Next scheduled Planning Board meeting – Tuesday, October 8, 2013

Adjournment

*\* Motion – a motion was made to adjourn by Michael DeWitt, and seconded by Don Stoffel. (8:03 pm). Carried. Unanimous*