

PLANNING BOARD MINUTES

Wednesday April 16, 2003

WORK SESSION **6.P.M.**

Roll call Miscellaneous
Minutes Agenda items
Sign review Communications
Update on pending items
Committee reports

7 P.M. GREEN PRINT UPDATE

AGENDA **7:30 P.M.**

ITEM I

Kevin Aiken
Agricultural

REQUESTS TEMPORARY CONDITIONAL PERMIT
FOR CONCRETE BUSINESS AT 6305 TRANSIT
ROAD.

ITEM II

Waterford Village LLC
PURD

REQUESTS SITE PLAN APPROVAL FOR PHASE I OF
WATERFORD COMMONS AND PHASE I OF
WATERFORD ESTATES.

ITEM III

Robert Lowe
Commercial

REQUESTS CONCEPT PLAN APPROVAL FOR 10,964
SQUARE FOOT ADDITION PLUS PARKING LOT
EXPANSION AND DRIVE TO SHIMERVILLE ROAD.
AT 8800 SHERIDAN DRIVE FOR ERIE NIAGARA
INSURANCE.

ITEM IV

Scott Crist
Major Arterial

REQUESTS SPECIAL EXCEPTION USE PERMIT FOR
CONCRETE LOADING/SALES OPERATION AT 4811
TRANSIT ROAD.

ITEM V

Douglas Klotzbach
Major Arterial

REQUESTS DEVELOPMENT PLAN APPROVAL FOR
CONSTRUCTION OF A NEW FIRE HALL FOR
SWORMVILLE FIRE CO. AT 6971 TRANSIT ROAD.

ITEM VI
Thomas Johnson
Major Arterial

REQUESTS CONCEPT PLAN APPROVAL AND
RE-ZONING AND SPECIAL EXCEPTION USE PERMIT
FOR AUTOMOTIVE DISPLAY AT 4891 TRANSIT ROAD.

ITEM VII
Floyd Benzing
Industrial

REQUESTS CONCEPT PLAN APPROVAL FOR
CONSTRUCTION OF A 6000 SQUARE FOOT
ADDITION AT 6204 GOODRICH ROAD.

ATTENDING:

Joseph Floss
Christine Schneegold
Reas Graber
Roy McCready
Patricia Powers
Frank Raquet
Henry Bourg

INTERESTED
PERSONS:

Councilman Scott Bylewski
Supervisor Kathy Hallock
Deputy Supervisor Anne Case
Sean Hopkins
Kevin Aiken
Steve Carmina
Douglas Klotzbach
Albert Weiser
Garry Daigler
Tom Johnson
Brett Rawdin
Frank Kennedy
Fred Secor
James Callahan
Kathryn Tiffany

ITEM I

REQUESTS TEMPORARY CONDITIONAL PERMIT

Kevin Aiken
Agricultural

FOR CONCRETE BUSINESS AT 6305 TRANSIT
ROAD.

DISCUSSION:

Jim Callahan described the location of the project. It is on the east side of Transit Road, just north of the Peanut Line. The first 300 feet of property is zoned Major Arterial, and the remainder of the property is zoned Agricultural. In terms of the Master plan, the area is identified as acceptable for commercial along the Transit Road frontage as long as the residential property to the south is properly buffered. The applicant is operating a residential flat work business at this location. The Planning Board first reviewed this request on February 5, 2003 and it was tabled at that time to seek a more detailed site plan. The item is here to consider a Temporary conditional permit to operate this business at this location. Chairman Floss asked Patricia Powers to read the minutes from the February 5, 2003 meeting to update what has already been said by the neighbors and the applicants responses. Chairman Floss said they are not intending to table this tonight, they will either recommend an approval or a denial. There was a letter received in regards to code enforcement concerns. Senior Building Inspector David Metzger is here tonight, in the event we have to ask his opinion on those items. The Planning Board members have made several trips to the site. Sean Hopkins represented Mr. Aiken who was also there to answer any questions. Mr. Hopkins said "The first point I want to clarify is if this is truly a business. There is no doubt it is a commercial activity, and we need to go before the Town, and obtain whatever is required in the way of approvals. To characterize this as a business, is really a stretch. The extent of the activities that will take place on the site if it is approved with the conditions that we are proposing will be limited to the following: There will be storage of equipment - mainly three trucks , two dump trucks, one larger, one smaller, one covered box truck, and the storage of materials, drain tile, and supplies. It is important to note that the storage of those materials will be limited to the indoors. That is the extent of the activity that will take place. Mr. Aikens family has owned that property since 1920. Primarily, the property is zoned Agricultural. Given that zoning, there is an assortment of much more intensive land use that could take place on that site today, tomorrow, or anytime in the future. It was

actually actively farmed until approximately 1995. The land uses that would be expressly permitted are set forth in section 30-24 of the zoning code, and they include customary agricultural purposes such as the raising of livestock, planting of vegetables, and any other types of nursery materials. Of course accessory uses to a farm include a lot of heavy duty equipment. There would be no limitations whatsoever in terms of the agricultural activities or even the hours of operation. That is in accordance to the zoning code. You could also have a greenhouse with a lot of customers coming and going, and a nursery. It is also important to know that along the southern property line next to the Peanut Line, Mr. Aiken could build a structure within ten feet of that property line. I think there have been concerns raised by the neighbors previously, with respect to the proximity of vehicles, the proximity of equipment. Mr. Aiken is well aware of that, and I think he has taken a lot of steps to address those issues. He has moved the equipment, and I think the Planning Board members have been out there and seen how he plans on using the property in the future. The other point that I would like to make is that we would hope that if a recommendation is made in favor of this that conditions are clearly specified. It is the best case scenario for everyone involved, Mr. Aiken, the Town, but also the neighbors. If the conditions are clear everyone will be put on notice, this is what he has to do, this is when he has to do it, and if he violates those conditions he risks losing that permit and jeopardizing his business. When I say business, it is important to keep in mind he primarily goes to job sites and does work. He has approximately ten employees, typically one or two park their cars on the site during the day. The reason for that is, those are the ones who drive the equipment. The other employees meet him at the site. Mr. Aiken has been in operation for approximately ten years. Obviously we are willing to acknowledge that to some extent he has been in violation to the Zoning code. I don't think Mr. Aiken knew that. Since it has been brought to his attention, I do think that he has made a good faith effort to address the outstanding issues. Since those four pictures have been taken, each of those four things have been addressed. The stone pile has been removed, a lot of the junk on the property has been

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removed, the diesel fuel tank is no longer being utilized, and if it is going to be used in the future, he will obtain any

necessary permits. Mr. Metzger or anybody from his office will be welcome to come out before he brings it into operation. All the stone pile has been removed, and there will no longer be any stone operation there. I believe that is one of the activities that triggered this complaint. I think Mr. Aiken would agree that wasn't the best of judgement, but he has taken care of that. Mr. Aiken has also removed the coils, the dirt piles on the site will be graded, we need to give it time to dry out, but it will be graded. All the equipment has been moved away from the property line. There are several automobiles that will be removed within a short time. I think we have made a great effort to address the outstanding concerns. We will be happy to answer any questions from the board with respect to the present use or any future use, we will be happy to answer them. But I would ask before making a recommendation, look back at the zoning code and keep in mind his family has been there since 1920. People move in after, and to a certain degree they want the rural character. But sometimes with the rural character come some activities that are a little more intense.

We would ask that you make a favorable recommendation, and we ask that you would clearly specify conditions so that all parties are on notice as to what Mr. Aiken needs to do. Chairman Floss asked if the Planning Board members had any new questions or comments regarding this project.

Henry Bourg asked what the conditions would be. Sean Hopkins said "There would be limitations on the hours of operation, two dump trucks, and one covered box truck. There is a loader there too. I don't know if that was disclosed in the application, I was on the site today and I noticed it. If it wasn't included, we will have to amend it to include that. We would limit in terms of no outdoor storage of supplies. If there are other outstanding issues that need to be addressed, as long as there is a reasonable time frame, we will bring those into compliance. The other thing that we would agree to is that, otherwise the use has to comply with all applicable conditions in the building code, the zoning code, and any other code that applies whether it is a Federal or State regulation. We will work with Mr. Metzger to make sure that is the case." Henry asked where the trucks will be parked. They will be parked in close proximity to the garages behind the house. Henry

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said "If there isn't going to be any stone work done there, why would the loader stay there?" Sean Hopkins said "It has to be stored somewhere. If he goes to a job site for a

week, it will go with him, but if it is not being utilized he will have to bring it back to the property. The two stone piles that are on the property will be used to finish the driveway. Henry said I don't think you can equate a flat work business with an agricultural use. This is a business. Sean Hopkins said I am not saying they are equal, I am saying look at the intensity. It is a commercial activity, if it wasn't we wouldn't be here. Mr. Aiken said The forms will be stored indoors, or covered up on the north side of the garage. Henry said The concern I have with this, is an issue of credibility. I am having a hard time with how you have handled this in the past. My concern is that if we grant you this permit, there will be a creeping change back to where you were before, and the neighbors will be upset again. Sean said If a recommendation is made that is favorable, if the conditions are clearly specified, he has to act in accordance with those conditions, otherwise he risks losing that permit. Christine Schneegold asked what he has been burning. Mr. Aiken said he has been burning tree branches, no toxic chemicals. He was about 25 feet from the property line. Now he has moved the barrels to 100 feet away from the property line. The pylons indicate where the vehicles will be parked. Frank said Mr. Aikens has made a clear effort to clean up the area, comply with the Town codes, and appease the neighbors. With the amount of property they own there, I don't see where there is a problem with this operation at all. It is seasonal, weather permitting, and the property looks better than it has in the last twenty years with the improvements he has made. I don't have a problem. Reas Graber said I was in there today, and I noticed they were clearing away some of the old machinery around the buildings. Mr. Aiken said they have a dumpster and they are getting rid of it. Reas Graber asked about the fuel tank. Mr. Aiken said it is empty right now, he has spoken to Dave Metzger, and he will not use it until it meets code. He will get a permit through Mr. Metzger's Department. Patricia Powers said Some of us were there yesterday and there were three junk vehicles that were parked off to the left of the driveway. Are those going to be disposed of? Mr. Aiken said yes, they are going to be removed either the end of this week or next week. Pat

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said On March 18th you sent a letter saying you were in the process of obtaining a current survey. Has that been obtained? Mr. Aiken said No, he has to have the whole

property re-surveyed. Pat said AA copy of that survey should be filed with the Planning Board.® Roy McCready said AIn view of the fact that the neighbors are objecting to the unsightliness of the site, would you be willing to build a 3' or 4' foot berm along that area where you have the equipment parked? Could you plant some evergreen trees in there to form a permanent buffer? It would be along the south side of the property adjacent to the driveway going in, not along the whole property line, just where you are parking the equipment.® Mr. Aiken said AYes, that could happen. A berm with trees on it.® Sean Hopkins said AWe could certainly work with this board or the Planning Department, to come up with a berm or fencing or evergreen trees or some combination thereof.

We will just have to review the specific placement. I don't want to agree to something that for some topographical reason or something couldn't be done.® Chairman Floss asked if the neighbors wanted to make any comments. Fred Secor of 8070 Floss Lane thanked the Board for an opportunity to voice his concerns and objections. The wood piles have moved. Some of it has left the property, and some of it has been moved to the other side of the property. Trucks are still being parked back by the barn, supplies have been moved to the far side. The equipment is still there, the fuel tank has been moved, trucks still pass daily, diesel fumes, and the stone piles remain. There are deliveries before 7 a.m. and when the tailgate closes, it makes quite a noise. The fuel tank does not meet code. He is still operating on agricultural land, until today there wasn't any site plan provided. The bottom line is that he is still operating a commercial business on agricultural land, and until we started complaining about it, it was continually getting worse and worse. The first three hundred feet of the property is zoned major arterial, and he can do anything he wants on that part of the property. If he wants to plant the property, and farm it fine. I would like to ask you to deny this permit and enforce the current zoning. Chairman Floss asked Mr. Hopkins to address the concern regarding fumes and how many truck traffic trips. Sean Hopkins said ABased on the representation we are making relative to three trucks and the possibility of the loader, and maybe

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coming back with one truck during the day to pick something up occasionally, if there is an emergency or something else - that adds up to three trucks leaving, three

trucks coming back. On the most intense day the loader could be coming and going, and then maybe someone coming back once during the day. That is nine trips to and from the site. That is not nine round trips that is a total of nine trips. As far as the wood pile goes, there is a good bit of wood, that is actually not on Mr. Aikens property, but on the adjacent property to the north. The wood that is on Mr. Aikens property is for the house, and utilized as a source of fuel. I think that is permitted as a right. With respect to the delivery of stone in recent weeks, it is for the driveway. We apologize for the early delivery. Mr. Secor said the bucket loader never leaves the property. When the stone is dumped the bucket loader moves it around or loads a truck. When it is running there are diesel fumes all over the place. Joe asked for the pleasure of the board, either a denial or an approval.

ACTION:

Motion by Frank Raquet, seconded by Roy McCready to recommend a Temporary Conditional permit to the Town Board for a concrete business at 6305 Transit Road with the following conditions:

1. Indoor storage and covered storage to the north of the building.
2. Hours of operation - Nothing earlier than 7 a.m. nothing later than 9 p.m. A two hour window in the morning, and a two hour window in the evening. There may be an occasional truck during the day. This is a storage location for his operation.
3. This permit will be for one year.
4. No other contractor will be allowed to occupy this property.
5. Berms and planting to the satisfaction of the landscaping committee.
6. The loader will be used off site after the property is remediated., taken to a job site, or sit in place at the property, not to be used in the course of routine business.
7. No open burning.

On the Question?

Patricia Powers said she would like a copy of the survey submitted to the Planning & Zoning office. He also should be subject to a follow up inspection before being placed on the Town Board agenda.

Joe Floss asked Patricia Powers if she wanted Frank and

Roy to amend their motion, or just understood in the minutes? Joe said AI don't know if that serves any good. This has been delayed a couple of months because of our schedule. I don't think making it sit in limbo before it goes to Town Board. Pat asked for a deadline to complete the remediation of the property. The board agreed on sixty days.

On the Question?

Sean Hopkins told the board a new survey would cost approximately \$3500 - \$4500 dollars. They would like to take a full size copy of the tax map and put dimensions on it to avoid the additional expense. Pat said that would be satisfactory.

ALL VOTING AYE. MOTION CARRIED.

Henry Bourg said AI didn't vote.@ Joe said ADid you abstain? Henry said AI am going to vote aye, but I still have reservations. I am only voting aye, because the Town Board still has a chance to look at it. You have made a lot of progress, but I still have reservations.@

ITEM II
Waterford Village LLC
PURD

REQUESTS SITE PLAN APPROVAL FOR PHASE I OF
WATERFORD COMMONS AND PHASE I OF
WATERFORD ESTATES.

This item was removed from the agenda, the engineering was not complete.

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ITEM III
Robert Lowe
Commercial

REQUESTS CONCEPT PLAN APPROVAL FOR A
10,964 SQUARE FOOT ADDITION PLUS PARKING
LOT EXPANSION AND DRIVE TO SHIMERVILLE
ROAD AT 8800 SHERIDAN DRIVE FOR ERIE

NIAGARA INSURANCE.

DISCUSSION:

Jim Callahan gave a brief description of the property. The project is located on the north side of Sheridan Drive between Shimerville Road and the intersection with Wenner Road. In terms of zoning on the property, the Sheridan Drive frontage is zoned Commercial, the Wenner Drive frontage to a buffer along Wenner is zoned Restricted Business, and the Shimerville frontage is zoned Agricultural. The Master plan identifies that the area may continue in a Commercial classification. The property was re-zoned in 1997 to accommodate an expansion as depicted. The proposed addition was reviewed by the Planning board on March 19, 2003. The applicant has received a recommendation for a negative declaration from the Municipal Review Committee, and they are here tonight for concept plan approval on the submitted site plan. Steve Carmina, Architect and Engineer for this project presented the plans. The addition will be on the east side of the building with some additional parking. They will have more parking than they need for here, now, and the future. Chairman Floss asked the board if they had any questions.

Notices were sent out to the residents along this stretch of Shimerville Road who might not have been aware that a driveway was being planned. We thought it was a good idea to have the driveway there, especially to allow people to make a safe left hand turn on to Sheridan Drive with the signal to assist them. Chairman Floss asked if there were any questions from the residents. One resident wanted to know the location of the driveway. Mr. Carmina said it is about 400 feet from the intersection, about 200 feet to the north of the gas station. The resident asked if the homes on Shimerville Road would be exposed to the building. Are they going to see it? Mr. Carmina said the existing trees will remain, and they also will plant some additional trees up along the roadway. They have not submitted a formal landscape plan for review yet. The Municipal Review Committee has recommended a negative declaration.

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ACTION:

Motion by Henry Bourg, seconded by Reas Graber to recommend concept plan approval to the Town Board for an addition to Erie Niagara Insurance at 8800 Sheridan Drive contingent on negative declaration approval from the

Town Board. There will be an open space fee.

ALL VOTING AYE. MOTION CARRIED.

ITEM IV
Scott Crist

REQUESTS SPECIAL EXCEPTION USE PERMIT FOR
CONCRETE LOADING/SALES OPERATION AT 4811
TRANSIT ROAD.

This item was removed from the agenda, it was denied by
the Town Board at the meeting held on April 9, 2003.

ITEM V
Douglas Klotzbach
Major Arterial/Agricultural

REQUESTS DEVELOPMENT PLAN APPROVAL FOR
CONSTRUCTION OF A NEW FIRE HALL FOR
SWORMVILLE FIRE CO. AT 6971 TRANSIT ROAD.

DISCUSSION:

Jim Callahan gave a briefing of the project. It is located at
the site of the current Swormville Fire Department on
Transit just north of the Stahley Road intersection. The
Master plan identifies this area as a potential mixed use or
traditional neighborhood, which would allow this service
type of use as designed. The Planning Board recommended
concept plan approval and a negative declaration to the
Town Board on January 29, 2003. The Town Board issued
a negative declaration under SEQR on February 12, 2003,
and the project is here tonight for a recommendation for
development plan approval. Chairman Floss asked the
Planning Board if they had any questions or concerns.
Henry Bourg asked if anything had changed since concept
plan approval? Douglas Klotzbach of K2M Architects said
AWe have changed a few things. Basically, the biggest
concern was the County drainage situation along Stahley
Road, which we drain into. The first time we had the
drainage mostly flowing to the New York State D.O.T.
right of way along Transit. We are re-routing the entire
parking lot, plus the new parking lot now down, and this
was in the original, but it is changing a little bit in the
submittal that we submitted last week. We are looking at

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adding a detention pond along the west side of that parking
lot going from the north of that island and going in that
area.. Perhaps we are losing 20 cars on the west side, but
we are still above the requirement of the 50 and the 35 that
were originally required. We also have the landscaping

plan. Overall, it has pretty much stayed the same.@ Frank asked if they were going to add any additional lighting in the back parking lot. Yes, they are. They are putting light standards in the yellow island. They are putting lighting on the side of the building, and also on the back of the building. It will be downcast type of lighting. It doesn't shine out, it lights up the ground. Pat Powers said she would move to recommend development plan approval to the Town Board. The Town Board elected to waive the open space fee. They have approval from the Town Engineer with some conditions. Roy McCready said he and Jim Burkard have reviewed the landscaping plan and they had no adverse comments other than to move the dumpster.

ACTION: Motion by Patricia Powers, seconded by Roy McCready to recommend development plan approval to the Town Board for construction of a new fire hall at 6971 Transit Road.

ALL VOTING AYE. MOTION CARRIED.

ITEM VI
Thomas Johnson
Major Arterial

REQUESTS CONCEPT PLAN APPROVAL,
RE-ZONING, AND SPECIAL EXCEPTION USE
PERMIT FOR AUTOMOTIVE DISPLAY AT 4891 TRANSIT
ROAD.

DISCUSSION: Jim Callahan gave a brief description of the project. Lia Honda is located on the east side of Transit Road just north of the Sheridan Drive overpass. It is located in the Major Arterial zone, but the portion proposed for development is located in an Agricultural zone. In terms of the Master plan, it is designated to remain in a commercial classification. It was initially reviewed by the Planning Board on March 5, 2003. The Town Board issued a negative declaration on March 26, 2003. The project is here tonight for concept plan approval, a recommendation for re-zoning, and a recommendation for a special exception use permit for automotive storage. Christine Schneegold said "The only concern I have is the connectivity to the property to the north of you. Access management is a high priority. Has anyone approached Benderson to see if you can get access? Mr. Johnson said his client is talking to Benderson Development to have a connection there, to load and unload cars as they come in. There is quite a grade difference between the two

properties that would have to be worked out, but the talks are ongoing. Reas Graber asked if the catch basin is going to be mowable. Yes, it will be mowable. The area they are developing is not for display, it is for stacking the vehicles, they will be parked tightly. Frank Raquet asked how they will differentiate between the display area, and the stacking area. Mr. Johnson said the display area is all out front. This area will not be for customers. The display area is for the customers. There will only be two light standards. Pat Powers asked if they were successful in obtaining an easement from the property owner to the north, to bring the water to the street? Mr. Johnson said AThat is still ongoing.@ Pat said AThat are is strictly for stacking, no sales will be conducted from there? Mr. Johnson said ANo sales.@ Joe Floss asked for two motions from the board. The first would be for concept approval, and the second would be for a recommendation for re-zoning and a special exception use permit. The Town board has granted a negative declaration for this project. If the motions are passed a public hearing will have to be set. What is the pleasure of the board?

ACTION: Motion by Reas Graber, seconded by Christine Schneegold to recommend concept plan approval for 4891 Transit Road.

On the Question? Frank Raquet asked if the entire parcel would be Major Arterial zoning after this portion is re-zoned? Yes, it will all be one zoning - Major Arterial.

Jim Callahan said the landscaping plan will be critical, and should be required for the development plan approval. Chairman Floss told Mr. Johnson if concept plan approval is granted a landscape plan must be submitted for approval by the Landscape Committee.

ALL VOTING AYE. MOTION CARRIED.

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ACTION: Motion by Henry Bourg, seconded by Roy McCready to recommend a re-zoning from Agricultural to Major Arterial and a Special Exception Use permit for Automotive display at 4891 Transit Road.

ALL VOTING AYE. MOTION CARRIED.

ITEM VII
Floyd Benzing
Industrial

REQUESTS CONCEPT PLAN APPROVAL FOR
CONSTRUCTION OF A 6000 SQUARE FOOT
ADDITION AT 6204 GOODRICH ROAD.

DISCUSSION:

Jim Callahan said that the property is located on the west side of Goodrich just north of the Peanut Line and adjoining Pine Breeze Lane. The property is zoned Commercial along the frontage and Industrial in the rear of the property. The Master plan identifies that this may remain in a commercial classification as long as adequate buffering is provided to the adjoining residential property. Jim Callahan said a short form SEQR has been submitted for review, and the applicant is here tonight for concept plan approval. Brett Rawdin represented the project. He is a tenant of the space. Henry Bourg said he thinks it is clear cut - a nice project, a nice addition. Christine Schneegold said she agreed. Frank Raquet asked if there would be any additional businesses, or is this just room to grow for the three businesses that are already there? Mr Rawdin said it is for the businesses that are already there. Frank said AIs this for one of the businesses that is in the existing building to move into the new section and open up, is that the plan?@ Mr. Rawdin said AExactly.@ Frank asked if there would be any outside storage for any of the businesses? Mr. Rawdin said ANot that I am aware of .@ Will the hours be standard like they are now? Mr. Rawdin said AYes.@ Patricia Powers said she had no additional questions, they met with Mr. Benzing yesterday. He explained there is a total of seven employees in the three businesses. We told him we are not in favor of a road out to Pine Breeze. Roy McCready said this project will have to have an approved landscape plan. Chairman Floss said there are two motions that are in order. First, a short form SEQR has been completed for this unlisted action. Based on the information analysis provided by the applicant and the supporting documentation that the proposed action will not result in any significant adverse environmental impacts.

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ACTION:

Motion by Frank Raquet, seconded by Roy McCready to recommend a Negative Declaration to the Town Board.

ALL VOTING AYE. MOTION CARRIED.

ACTION:

Motion by Henry Bourg, seconded by Reas Graber to

recommend concept plan approval to the Town Board. The applicant will have to submit drainage plans to the Engineering Department, and submit a landscape plan to the Landscape Committee. It will be subject to the open space fee.

On the Question?

Pat Powers said AIf there ever is a change of use in the building and one of the tenants left, they would have to come back to the Town Board.

ALL VOTING AYE. MOTION CARRIED.

Motion by Patricia Powers, and seconded by Christine Schneegold to adjourn the meeting.

On the Question?

Frank Kennedy asked if he could speak for a moment. He is trying to find the answer to a question. With regard to Roxbury - he has heard all the promises, but who follows up? For three days they have been pumping and no one questions it, and no one follows up. Who do I turn to? Who do I talk to ? They were supposed to have a 25 foot easement, and it is 60 feet. They have abused it. No one seems to be overseeing any violations, who do I turn to? Chairman Floss said he appreciates Mr. Kennedy's concerns. The Planning Board is not a regulatory branch. Ultimately, I don't know where the code enforcement officers lie - we certainly don't have enough resources to have someone stationed at each project all day long. There are regulatory agencies that are beyond the Town of Clarence, that should be doing some things in conjunction with the Town of Clarence. Everything I am telling you is strictly a response to your request. Where does it lie? Ultimately, I think it lies on your elected officials to give you answers. Not for them to be there, to be at the site, but if you are looking for answers ultimately you should get them from your elected officials. Henry Bourg said AI

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guess it would first be appropriate to bring it to the attention of the Engineering Department. Ultimately, the Chairman is right, it has to be enforced by the elected officials to take care of any violations that are occurring. If it were me, I would start with the Engineering Department.@Frank Raquet said AWe do put a lot of conditions on the projects, so we do have some sort of a tool, if they don't comply.@

Meeting adjourned at 9:00 p.m.
Joseph Floss, Chairman