

**MINUTES**  
**Eden Planning Board**  
**February 24, 2009**

**MEMBERS PRESENT:**

Mark Agle  
Frank Meyer  
Bill Mahoney  
Anthony Weiss

**MEMBERS NOT PRESENT:**

Juanita Majewski  
Dennis Brawdy  
Bill Zittel  
Kevin O’Gorman  
Andrew Romanowski

**GUESTS:**

Doreen Baumgardner – Kennel Permit  
Thomas Lamoreaux – Kennel permit  
Ann George – Kennel permit  
Pam Sticht – Kennel permit  
Rainer Sticht - Kennel permit  
Dr. Owen - Rezoning  
Scott Henry – Building inspector  
Ed Krycia – Town Board  
Joe Ghosen – Town’s GIS Consultant

Chairman, Mark Agle called the February 24, 2009 Planning Board meeting to order at 7:05 p.m.

Everyone received their October meeting. It’s been awhile since we’ve had a meeting. Happy New Year!

Mark asked if anyone had any corrections or additions to the October 2008 minutes.

**Motion to approve as printed by Bill Mahoney, seconded by Frank Meyer, hearing no further comments or corrections. Vote: all “Ayes” motion carried.**

For the record our alternates will be empowered as regular members tonight to fulfill our quorum.

~~~~~  
**NEW & UNFINISHED BUSINESS:**

***1. Pre- Submission Conference- Commercial Dog Kennels***

First on the business tonight: We have actually two applications for a pre-submission conference for dog kennels: the Stichts and Baumgardner/Lamoreaux. We’ll give you some information as to the steps you need to go through to obtain a special use permit from the Town Board. They will issue special use permits for dog kennels or requires a special use permit. It’ll be up to their discretion whether or not they ultimately would

issue that based on several things: a public hearing, your site viability to house what you're proposing, and a SEQR review. I do have some information packets for each one of you.

Basically, you can kind of follow along as the packet lays out the procedure that is required. As I said, this use does require a special use permit, which involves a pretty structured set of procedures to be followed. It requires a public hearing, site plan approval by this board, a coordinated seeker review which is the State Environmental Quality Review Act, and ultimately if the Town Board elects, a special use permit issued by them. Because both of these proposed dog kennels are located on or near County roads, we have to make a 239-m referral of the SEQR to Erie County for their review and any comments.

You'll see that the site plan would accompany any application. The application is in your packet as well as the short form Environmental Quality Review [SEQR] form. It's a pretty simple form. The site plan itself would have to be prepared by a licensed design professional – a surveyor, engineer, or architect and anything that's on that [SEQR] form that you wouldn't understand, can be answered by them. They will have seen these forms a thousand times because they're required on virtually every project these days so any questions you wouldn't know the answer off the top of your head they would be able to provide. The site plan itself does have to conform to the requirements in the Eden Town code and that information is also in your packet. It gives all the side yard, the front yard, and set back requirements. Also because of it's a commercial dog kennel it does require some background information to accompany the application. Information such as: how many dogs, what breed, what size because all the spacing requirements to house the animals are based on that information under our code and that information is also in that packet on the second page and the additional consideration of 10,000 square feet for 100 pounds of animal body weight. That's all in the Town code so your design professional can read through that and make sure that your dog runs, the interior kennel spaces where the dogs will actually be housed all conform to those requirements as well as complying with all of the setback requirements. So you need a fairly large lot, obviously, to support this use to begin with. If you can't make it conform, then zoning variances are required to be obtained from the Zoning Board of Appeals. This obviously lengthens the process because it involves another board. Since I don't know the size and configurations of your lots and the location of any existing or proposed buildings on the lot, this something that your design professional needs to consider when preparing a plan that conforms to those code requirements.

Mark: A licensed professional engineer, surveyor, and or architect could prepare the plan that you need. All of the information contained in the packet is also in the Town code. It was just our code enforcement officer and secretary pulled that all out to make it simpler to follow. As far as the role of the Planning Board in the process, we review the site plan for compliance with the foregoing as well as other considerations. Some such considerations are: where the dog runs are located, relative proximity to neighbors, whether we feel any screening might be required, and feedback received at the public

hearing. It all depends on your setting, like I said, without seeing the plans it's hard to comment, other than just saying that in general those are the types of issues that we deal with here.

Doreen Baumgardner: Whom does the board recommend that we talk to?

Mark: Well, we can't recommend individuals but Scott you probably have a list of engineers and architects that work in the area that you could work from to make contacts.

Scott: I can give you a list of names and numbers as a place to start.

Mark: The Town Board will be what's called the lead agency under the state environmental quality review act, since they're the issuing body that would ultimately be responsible to issue any permits. They then make the referral and send out the application to any agency that may have an interest. There's a 30-day review period in which the agencies would provide comments back to the Town Board. In the meantime, your plan will come here and we will meet with the applicants and go over the plan itself, look at those other issues mentioned earlier and determine if any variances are required, maybe work with your design professional if something can be tweaked, maybe keep you out of having to go to a zoning hearing, kind of look at issues like that, work with the applicant, too, depending on say the number of dogs, maybe if you had a few less dogs, you might not need as much area. You can do the math on the calculations all right, but once we get a plan that's acceptable to us, about that same time, all those feedback comments should be coming in from the agencies. The Town Board then gets a recommendation from us with any conditions that we recommend to them. They will schedule a public hearing, take input from the public. They as lead agency are the only ones who can make a determination under SEQRA. When I say a determination, they have to determine if it has any major environmental impact, typically these uses are not, but it is a formality that has to be done under the act. They will do that and then also decide on the issuance of any permits. Then the last thing that we have to do is once that's all done, is for us [Planning Board] approve the site plan, and then obviously you have to construct the site in accordance with the plan. That's when the code enforcement officer gets involved and makes sure that is done. So typically that's the process, assuming no zoning variances are required, probably a two month process, more likely, three because of the meetings that have to bump in there. Any questions? I know that's a lot of information, there's a lot of stuff in the packet, but like I said your design professional will be able to sort through a lot of the technical jargon.

Ms. Baumgardner: ...about a 100 pounds per what?

Mark: Well, that is a code requirement. Scott, you probably can cite it off the top of your head...

Scott: It's 10,000 square feet per 100 pounds animal body weight.

Ms. Baumgardner: Now, if the pups are only 30 pounds and you sell them, then you're not going by 100 pounds, you're going by the pup's size or the ones that are.

Scott: it's per 100 lbs. so what you do is you take the aggregate number of animals and their average body weight and the area that you set aside for the kenneling or the run or whatever would have to be at least as large as it would be to accommodate that ratio.

Ms. Baumgardner: Then that kind of goes backwards. You're going to breed them, and they're 30 pounds, then six to twelve weeks, they're going to get sold, so, that's all the consideration of weight?

Mark: Right, and then you'll see, too, as I said, the bulk requirements are certain distances for the runs if you're going to have exercise pens, and runways. They can't be within 200 feet from any lot line except they're must to be 300 feet back from the front yard line when it abuts a residential district, and I don't know whether that case applies in either of these situations. Most of these requirements will be applied when your designer looks at your survey and combines it with what you tell him what you want to do with the number of dogs, and how you want it laid out on your property. They can do the calculations, and lay it out so it meets your needs and also conforms to the code. Like I said, if for some reason because of the configuration of your lot or other considerations, they have trouble fitting it on for some reason, which may kick you into a variance requirement. Obviously you want to avoid that if you can, not only because it takes time, but also there's no guarantee that the Zoning Board would grant the variances. It may depend on their public hearing and depending on neighbor comments, they may deny it and that would kind of torpedo the whole project at that stage before it even gets in front of the Town Board. So to the extent that you get your design to conform the better off you are. I don't know if there was anything else that you think we should add, Scott, or Mike, anybody? Did that cover everything from your perspective, Scott?

Scott: we'll get that list to you in the next day or so and then feel free to pick anyone you want to on the names or the public reference that somebody may. ...and then until we get the plan, we don't know what we're dealing with in terms of your particular site and your situation. The place to start is get in touch with someone who's a design professional who can take your goals and interests and kind of look at our code and prepare a plan that's in accordance with what we're looking for and get that back into us on time for us to review and some comments.

You want to share your thoughts and goals with your design professional but when you come back in front of this board, then, certainly, we would get a lot more involved with you know the particulars of your site, and how you're going to configure it and just exactly what you're going to do with it and things like that. The first step is really to get a plan that's substantially in compliance with our code, get your application filled out.

Is that fee refundable if it's denied?

Scott: Unfortunately, not, because there is some fees that we have to cover to actually do the review. Once we get the plan and we have to begin the review there are some costs that we have to offset so the fee simply isn't guaranteed the approval but to help us offset some of the costs that the Town incurs.

Mark: All of the cost for the agency mailings and things like that that we have to send out.

What costs would they [design professional] typically looking for the site plan?

Mark: I can't speak for the design professional.

Scott: You might want to talk to a couple of different ones that you're comfortable with. I mean it might be a matter of one guy has a lot of explaining to do and you can't do it in time and he's going to shoot you a high number and maybe discourage it and the next guy is like well I've got time and so we can get a little better number so it may be worth while to make a couple of calls just to see if they're in line.

Mark: If you have a current survey of your property, I don't know if you've just acquired it, sometimes those larger engineer firms have the ability and have people in house, too, that they already have the basis of the site plan being the survey in there, they can just kick that over to their design staff and have them work on the design. That might save you some time and cost there too.

Just so you know, for timing purposes for us because this is a public meeting, we have to meet the public meetings requirements of publishing what our agenda is and everything else. Diane must have it in to her at least fourteen days ahead of our meeting, which is always the last Tuesday of the month. Just for planning purposes if you want to target a meeting date to get on, you just want to make sure you have your paperwork in two weeks prior to that so we can get it published and get it on the agenda. Good luck. We'll see you back, I'm sure.

## ***2. Dr Owens – Pre-Submission Conference - rezoning***

Okay, next, Dr. Owens, now I understand this got put on our agenda to discuss your proposed plans so I guess the best thing is to let you tell the story from your perspective.

Dr. Owens: I didn't really know where to start with all this so I talked to a couple people and people are like you've got to do this first and that first and I really didn't know where to start so I talked to Rich Ventry and then I went and talked to Scott and then I talked to Glenn so I guess this is where I start, I don't know.

Mark: Well, my understanding is, and you can jump in and correct me at any time if I misspeak, that you are looking at the property that's adjacent to the nursery school as a potential property acquisition for you to house your office and also a multi apartment.

Right now that is zoned HR (hamlet residential) and under the HR zone, the office use is not a permitted use, however multi-use apartment is allowed. So your proposed use doesn't quite conform as presently zoned. The GB general business district zone within the Town Code allows an office use, but only one apartment so that kind of cuts short on the multi-use apartment idea. If you were to request a rezoning and if the Town Board were to consider rezoning this parcel to GB, the rezoning would likely to involve the extension of the current GB zone southerly along Main Street to include this parcel. That would affect about seven other intervening parcels as well. As I understand it, looking at our zoning codes, I didn't see any zone within the Town that provides for both office and multi-use apartment within the same zone. Is that true, Scott?

Scott: No, not really. Multiple dwellings are by special permit in the HR and then once you get into GB, they'll allow an apartment with a permitted commercial space with some limitations.

Mark: I don't know where you are in your thought process at this point. Are you just kind of thinking that this is where you want to go or have put some flexibility in your location criteria?

Dr. Owens: Well, obviously I rent, and I'm looking to buy something. There's not much that fits my needs, but this particular building does.

Mark: Okay.

Dr. Owens: So that's kind of where I'm at, the building's in foreclosure so it's just sitting there and it's an excellent deal. It has three doors to access the place so everything is set where it would work for me and if the Town will allow this....

Mark: The Town Board just asked that we would chat informally with you because they've got a meeting coming up. This is a little out of order from the way we would normally do things; only the Town Board can do a rezoning action. Typically, the way this works is that if you were going to move ahead with a project that required a rezoning, you would make a rezoning application to the Town Board, We are only a board that provides input to them to help them make that decision so I guess we're kind of putting the cart ahead of the horse here tonight. Our goal tonight was to give you the benefit of our input based upon your general intent as to what you want to do. Obviously, we have no plans in front of us other than we know where the property is. You have tried to give us your thoughts and we have our Town Board liaison here that can give the Town Board a little insight for their next meeting. Ultimately if you wanted to go ahead, there is a defined process to go through, and it's an involved process that includes a public hearing. All the way along the process, there are potential pitfalls that could derail your plans too. For example, if there is much public's opposition of this, that is often a deterrent to the Town Board approving the rezoning. We've seen that in the past with cell towers and such.

Mark: Typically what we deal with here at the Planning Board once the zoning issue is resolved, would be issues such as screening, parking signage, lighting, and such are the kind of things that we provide back to the Town Board is input. We have discretion to make allowances for on-street parking, make allocations to your business or to your apartments for that to offset the space limitations you may have on the property. I don't know much property is available on that property.

Obviously, you've already done your homework on availability of property because of the deal and it's available now. However there are other properties in Town that come to mind that may work for your needs, although it's not our job to be a real estate broker. For instance some of the properties that are in the commercial zoning district like the former Katherine's restaurant. I don't know if it is even available, but it has the same kind of a layout, a house with an apartment. You could probably put an office in there and not even have to come back here to this Board. I mean, it's almost a turnkey operation from our standpoint.

Dr. Owen: You mean down by where subway is?

Mark: Yes, the old Katherine's.

Dr. Owen: I've been looking at other places.

Mark: See that's a commercial zone down there, but it only has one apartment, but

Dr. Owen: It's not necessarily the apartments I'm looking for. I was just looking to do a house, you know, some storefront. You see, the people I've been dealing with, they buy for a nickel, and sell for \$20, so I'm running into a lot of problem with that. Then you find something that's reasonable and then you find that it's out of the zoning, so then you have issues that way.

Mark: Then all of a sudden you've got to jump through so many hoops with all these potential pitfalls along the way that is maybe not such a good deal after all.

Dr. Owens: It's not so much that I'm looking to be a landlord. I don't really want to do that, but it seems like everything's so limited and this seems like an option. I keep hemming and hawing about it, but it's not what I wanted to do. I wanted to buy a place for an office, but I know what people are paying for these places, and they've asking double, triple for them. I find it hard to understand and this place works.

Dr. Owens: How many parcels are we talking about. Do you know offhand what's zoned HR vs. GB?

Mark: I'm sure we could actually come up with an actual parcel count and everything, but the big map is actually right on the wall behind me there, Scott, you can probably point that out where the office business sits there.

Dr. Owens: In any situation, though, you said it might not even be able to be done because it's a multiple apartment use?

Mark: Well, the multiple apartments are the trick in any zone in the hamlet where you're looking. When I read the zoning code, there are uses that are permitted by right in each zone in the Town and no zone currently supports both office by right and multiple apartments by right which means you have to get special permits from the Town Board. Every time you have to go for a special permit, that means public hearings and everything else. But, there are a couple zones, general business and office business that will support an office and one apartment.

Dr. Owens: Even though it's already existent like across from me, you have where Curves is and then there are two apartments there. Coachstop has two businesses and three apartments, and down the road?

Mark: I don't know. Maybe Scott can speak to that?

Scott: Well, Coachstop was done by variance and so the allowable uses would be unchanged from what we're discussing now, but anymore than one would be authorized by variance, and again, like you said, those aren't guaranteed. There are certain criteria each zoning board looks at given to them by state law as to how to evaluate a particular location so in that particular case, those are by variance and it's a risk. If you don't want to go in blind, and think I need a variance because they may turn around and say you know, you can't get one in this case.

Mark: That's what we were saying before, any time you go for variances, or special use permits, or anything that requires public hearings, those are all variables don't have a certain outcome. You don't know what issues or concerns might be brought up by the public that's why you have the public hearings.

Dr. Owens: So even though there are existing structures like that, that does not mean...

Mark: Well, certainly they may be used to bolster your argument because they are in close proximity to extending that zone to you. You can say hey, you've got it right across the street, therefore I should get extended some consideration and they may think about it that way, but as Scott said, that doesn't obligate them to think that way as each case is decided on its own merits.

Scott: In the cases of variances, they're not precedent setting so well, you may come in and point to somebody else who's got something, the zoning board will say, hey, we're only here to look at your case and your particular circumstances, so you may have some things that you may want to bring up that would support your argument for a variance, but they're not going to say yes because we did it then we also have to do it for you. You just have to be aware of that.

Dr. Owens: I understand that.

Mark: So those are some of the factors you have to weigh when you're looking at this proposal. Certainly, we would guide you along the best way we can, but like I said, we're only an advisory board on something like this. The Town Board would really be driving the bus as far as rezoning.

Dr.: What would be the next step?

Mark: Well, if you want to pursue the property you're looking at, then I guess the next logical step would be to get advice from a legal standpoint in entering into your contracts. I wouldn't lock myself into something without a contingency on getting my re-zoning and other required municipal permits to do what you want.

Frank Meyer: Do you plan to put a business in the storefront?

Dr. Owen: Yeah, I'm a chiropractor.

Mark: How many sq. ft are you going to need for your office?

Dr Owen: I could probably do with 900 sq feet. The structure is 3000 sq feet so I can probably do with 900.

Mark: Then you were thinking 2 apartments too?

Dr. Owen: Just because it fit. Not because I was looking to do that but because I understand it used to be a rectory and like you said, there are 3 entrances so everything is set because it is bigger. Parking should be able to be accommodated. What is the regulation on parking? Do you know?

Mark: Well, there are parking requirements for both the business and the apartment usage so you'd have to combine those uses and come up with an aggregate number of spaces to support all uses on the property.

Scott: Is there any chance that the building would be owner-occupied.

Dr Owen: I kind of thought about that, but I have four kids and it's not likely we're going to do that.

Scott: I bring that up because in HR, there's a process whereby one can make application to the zoning board for a special permit and they can authorize one of two special permits: home occupation or resident professional office. For instance, if you came to the residence and lived there and your were the HR zoned, you can go to the zoning board and apply for a resident professional office. There are some limitations to that in terms of the number of square feet you can have for the office usage and such, but that wouldn't require any rezoning and it would permit a limited type of professional business in a

building that's also being used as residential so I just throw that out there that there. It's limited to owner-occupied residences.

Dr Owen: I do understand that the change in the zoning is a long shot horse, but everything to me kind of makes sense. You're right next to the Eden Co-Op, and to turn the office into apartments, nothing would be really out of the ordinary for that area. You've got 3 entrance doors. Everything is perfect for what I want. All I'd have to do is put up walls downstairs. The back apartment is all set. There's an entrance there. There's an entrance in front. There would be an upstairs apartment so all I'd have to do is put up walls in the office and put a kitchen in upstairs. Then, of course, the parking would have to work. But everything is just sitting right there for it to be done and it seems like it wouldn't be out of the ordinary for that area.

Mark: Well, that's something you would want to look at too, before you got too far down the road. It would be another one of those contingency issues, to at least have a design professional look at your proposed uses and make sure you would have enough space to put in parking for the vehicles and comply with coverage minimums for the zone, too. You know you have to have so much green space and everything else so you can't pave everything right up to the fence. You have to think about all of those issues when you're looking at the property.

Dr. Owens: How do I pursue this? What would I do?

Mark: Well, it seems to me that the next step would be an application for zoning change to the Town Board.

Scott: If the Town Board asks you to decide if you want to move forward on the rezoning, and if in fact they do that, you still have the issue of the multiple (more than one) apartment which would be outside what the GB would allow.

Mark: Yeah, that's the double whammy. You get the first half of the loaf with the rezoning and then you still have the issue of supporting the second apartment. You know this potential snag could result in you getting this far and then you are still left saying why did I do all this when I could've bought that property down there and been already in there working.

Dr. Owen: I'd like to have somebody tell me right off the bat; well it's not going to happen. I know you can't say that, but I get the feeling there's no way this is going to be done.

Mark: Well, it's not up to us to say whether it would or wouldn't, that's the whole thing. Zoning is meant to be difficult to change for a reason and the public has to have their say too.

Ed Krycia: As being on the Town Board, if we pursue this, it's going to come down to your seven neighbors [intervening property owners] coming in and speaking their mind [at the public hearing] and that's really what it comes down to and more than likely, somebody's going to have a problem with it. Somebody always does, right?

Dr. Owen: I've heard that in the past it was already a multi-use where there was a couple of families living there in the past so that's the way it was before.

Scott: You have an issue, too, that's unrelated to zoning. If you have a building such as the old Katherine's restaurant that was mixed use residential, it might take a minimal number of improvements to comply with the building code. If you take a building that was used as a single-family dwelling and you make renovations and alterations and change how it's being used you are into the commercial code of the building code and so you may end up with fire alarm systems, handicapped accessibility issues, and getting into a whole lot of stuff you didn't even anticipate. So it really goes beyond zoning if you're converting something that was residential into something commercial because now you're into the commercial code which is a much higher standard in terms of fire protection, and egress and construction.

Scott: You can pay an architect to come out and look at it and say: "Dr. Owens, in addition to what you're paying for the property, it's going to be x number of thousands of dollars to comply with the commercial building code". That's something you've got to look at.

Dr. Owen: It is true about my place when I bought it; I didn't have to do a lot of things with it because I really didn't change the use much.

Scott: Right. You grandfathered that space and if you vacated and somebody else comes in and uses it for an office, there's almost nothing you have to do.

Dr. Owen: Right

Scott: But if I sell my house and somebody comes in and puts it to commercial use or activity, that's a whole new ball game.

Dr. Meyer: Well, now that's an important consideration for you because those costs can mount pretty quick and what was a good deal on the surface just to buy the real estate, all of a sudden you realize you could have bought a turnkey property for 3x as much and still saved twice as much in the long run.

Mark: The Town Board would handle the rezoning request. The Zoning Board issue involves the approval of a second apartment and then there's a planning board issue regarding parking and screening and such.

Dr. Meyer: Yeah, if you have to go to the zoning board for a variance to get in that second apartment, that would be a Zoning Board issue. The Town Board would take care of the rezoning. You may want to talk to the neighbors to get their feedback.

Bill M: Yes that way you would have more of an appreciation for the public's opinion. If you were to consult with the architect and/or the design professional, then you can begin to develop a sense of whether your project. You may be able to see how many parking spots, how much lot area, any need for upgrades like fire protection, etc. Then you can begin to factor issues like, I've talked with five of the seven people and they're good with it, we also have x amount of building costs, plus the sale price, plus design costs, etc.

Ed: I just want to interject something if you're going after a rezoning. It's my understanding, and I'm not sure where that came from, that it will not be just a rezoning for your lot, but the rezoning of all seven properties [intervening properties between end of current GB zone and your property], your neighbors, and that's where the rub comes in. It must be an extension of the current zone or otherwise it becomes spot zoning if it was just your lot.

Dr Owen: What is the Kinder Care zoned at?

Mark: I think that's a permitted use in the zone. The Kinder Care, the church is permitted use within the HR, right?

Scott: On Church St., here?

Mark: No, the nursery school.

Scott: Yeah, in HR, you can have some low intensity uses such as churches, parish houses. Those are permitted by right. But outright businesses such as a flower shop; laundry or something is not permitted by right in an HR.

Dr. Owens: So again, I realize this is a long shot, but I'd like to pursue it, what would be the first step, the next step?

Mark: Well, in addition to what we mentioned earlier, I'd talk to the neighbors and see what they thought.

Dr. Owens: Okay.

Mark: Yeah, you'd want to get their pulse ahead of time and see because their property could potentially be rezoned as well, maybe that's viewed good by them, maybe not. I don't know whether that impacts taxes. Frank brought that up. That's another good question to know. I don't know the answer to that.

If they rezone it, will the rezoning impact the other people's taxes.

Dr. Owens: Yeah, I never thought about that.

Dr. Meyer: My property value goes up and it doesn't cost me anything, that's a good idea; otherwise they don't like you.

Ed: You're not suddenly going to have 7 businesses pop up there; it just doesn't happen in this Town.

Mark: No, no, we're not suggesting that.

Ed: Property values are not going to go up or down.

But if they're [the neighbors] all on board with you, you'll probably have a lot easier sailing. If you've got a couple who say there's no way in hell they're going to let you do that, you're kind of screwed right off the bat. From a business sense, Scott pointed out pretty valid considerations regarding building upgrades would be needed for converting a residential property. We've seen in the past, where applicants have actually taken a little petition around, had people sign it, you know and ask them if they would come and speak on their behalf. It all depends on what kind of a relationship you build with them when you put a knock on their door. If they were willing, presumably they would come and speak for you at the public hearing.

Dr. Owen: What's the formal procedure to get in front of the Town Board? I just wrote up informally. I was on vacation last week and I got a call saying I should show up tonight ...

Mark: Yeah, it was just suggested that you come here just to meet informally to get some input from us which is hopefully what we've given you, but certainly the whole process would formally start with some sort of an application to the Town Board requesting a rezoning to GB and then they would get the ball rolling.

Dr. Owen: Okay, I'll take it under advisement. All set?

Mark: Yes, I think you've got some information to chew on anyway.

Dr. Owen: Okay, I appreciate your time. Thanks.

Mark & others: Good luck!

Dr. Owen: I'll need it, right?

Mark: Yes! Now, Ed, are they [the Town Board] expecting to get anything from us?

Ed: I got what I need. That was a necessary step. Sorry to put you on the spot.

Mark: No, it's nothing. There's nothing that we could do other than provide him feedback tonight.

## **REPORTS**

Mark: I have a few things. I excused Kevin tonight. He's got an authorized absence. He's attending a PDR (purchase of development rights) training session tonight in West Seneca and he's going to report back to this Board.

Any of the other PB members that are lacking any of their training requirement, make sure you follow up on that. There is one you can do online.

Diane: I logged on and I printed it off.

Mark: Can you do it manually, then, on paper copies, and mail it in?

Diane: Well, there are quizzes after each chapter if you want me to print you off a copy, I could submit it for you. It looks like a 30 question exam.

Mark: Yes, let's do that. That would be good.

Diane: Okay.

Mark: Yes, then you could just submit them, in fact anybody who's lacking the training, send it to him or her in the mail along with a cover letter stating that they are in need of training credits to fulfill their obligation.

Diane: Okay.

Mark: Tell them I said to authorize the mailing to fulfill this requirement. That's one way for them to get it done.

Anthony: They did have one online, but I was busy at that time.

Mark: From time to time, they do seminars that suffice for training. We try to keep our eyes open for these opportunities. If Diane or Scott hears of them, we'll make them available.

Bill: Are we going to do the same thing as last year?

Mark: Yes, potentially, maybe we could have an in-house training session again for both zoning and planning. That's always a possibility. That worked out well. I thought that was pretty good for the question and answer thing specific to some of the things we go through.

Mark: Another thing that is that apparently Orchard Park was successful in enacting a LED sign ordinance. It curtails LED signs. I don't know if the Town Board has an interest in looking into something similar for Eden? Just like with the windmills and the cell towers, you proactively put those ordinances into place before something comes up. It might be something they [TB and Town Attorney] want to consider.

Ed: It looks like Hamburg is going the opposite direction; converting boards to electronic signs.

Mark: Certainly the electronic signs are here to stay. You see them popping up all over the place. It is something to think about.

Ed: What is that LED sign?

Mark: Like Pegasus restaurant?

Ed: Yes, that sign is awful to have. It looks like Las Vegas.

Mark: But that's exactly the point. Maybe you want that, maybe you don't. That's something that was brought up. I guess we would suggest the Town Board consider putting this issue on their docket as something to discuss. We can make up a little memo to scoot over to them recommending they look into this matter. Who does our code? We still have Code Publishers doing our code updates and such?

Ed: Yes, basically they're going to just catch up with the laws that we have passed.

Mark: Yes, but we might be able to get a copy of whatever was passed in Orchard Park, and I don't even know if it was even Orchard Park. I was just told this in passing and it just seemed like something to think about because you do see these types of signs popping up all over.

Are there any other announcements, anybody? We need a motion to adjourn, then.

**Mark Agle made the motion to adjourn the meeting at 7:50p.m. Seconded by Bill Mahoney. All "Ayes" motion carried.**

The next meeting is tentatively scheduled for March 31, 2009 @ 7:00p.m.

Respectfully submitted,

Diane Herzog  
March 9, 2009