

5112 Ridge Road West Continued:

Chairman Ed Fuierer asked the status of the septic system. Mr. Carr stated that they were working on it. Chairman Fuierer reviewed with Mr. Carr that this site has not been in compliance for the past 7 years and was not quite sure why it was taking so long for the owners to get the property in to compliance. A small discussion followed on this and that Board's dissatisfaction with the progress or more accurately stated the lack of progress being made on the site.

A discussion was then held on the fact that the plans still show the storage of mulch, etc in the residentially zoned portion of the site. Mr. Barton then reviewed with the Board that no action can be taken by the Board until the site has been brought in to compliance with Town Code. Which means either they move the storage of the mulch, etc. from the residentially zoned property onto the commercially zoned property or they go to the Zoning Board of Appeals for a use variance or to the Town Board for an application to re-zone that portion of the property to Commercial Zoning. A lengthy discussion followed on this. Mr. Carr stated that it made no sense to move the materials from the residentially zoned property to get an approval then to move it back, it was too time consuming and expensive to do.

After discussing the options, Rick Holden asked if the owner could just chain off the residential portion of the property so that they would not be able to access the materials stored there until such time that the issue is resolved. He felt as a business man that asking them to move the materials until approval can be granted was a burden on the owner economically.

Mr. Barton again reviewed with the Board that until all parts of the property are brought into compliance with the Town Code, the Board could not legally take any action on the application.

After another lengthy discussion the owner felt it was better for him to go forward with making an application to the Town Board for re-zoning the portion of the property that is residential but being used for commercial use.

Mr. Barton again reviewed with the engineer that the set backs for the sign need to be added to the plan.

A motion was made by Tod Ferguson and seconded by Tim Harner to table the matter until the owner could bring the entire property in compliance with Town Code, either by moving the material off the residential property, applying to the Town Board for re-zoning or applying to the Zoning Board of Appeals for use variance. Motion carried 4-0 (Rick Holden abstained from the vote).

A motion was made by Tod Ferguson and seconded by Bob Pelkey to approve the minutes of the October 19, 2009 meeting as presented. Motion carried unanimously 3-0 (Rick Holden and Tim Harner absent).

Jack Barton reviewed with the Board the required 4 hours of training per year.

There being no further business, **a motion was made by Rick Holden and seconded by Tim Harner to end the meeting at 8:45 pm. Motion carried unanimously 5-0.**

Respectively submitted,

Maureen L. Werner
Recording Secretary