PLANNING BOARD
MINUTES
January 27, 2016 – 7:00 P. M.

Chairman Maron Opened the Planning Board Meeting to Order at 7:03 P. M., with the following members present: Mr. Alan Hipps, Vice Chairman, Mr. Dwight Anson, Excused, Ms. Cynthia Fairbanks, Ms. MaryLou Fitzgerald, Mr. Ken White and Alternate, Mr. Dave Reckahn. Mr. Reckahn was appointed "Member" at the Town Board Organizational Meeting of January 5, 2016, with a term expiring 31 December 20121. Also in attendance, Mr. George Hainer, Building Codes/Zoning Officer.
Guests in attendance, Mr. Robert "Bobby" McGee and Mr. Eric Arnold, Real Estate representative for Ms. Gina Brandolino.

Chairman Maron – The first Order is to appoint Chairman and Secretary of the Planning Board.

Ms. Fitzgerald – I'd like to say first of all, I'd like to thank Chris as Chairman over this past year, I think he's done a real good job, I think we've had some up and downs, I appreciate you taking on the job. Secondly, I'd like to keep our Secretary as is. Thirdly, I'd like to make three (3) appointments, you all may like to deny them. I'd like to appoint, Dave Reckahn and Alan Hipps and Chris Maron, you may need to take some time and think about it, or turn it down tonight. That's my idea.

Chairman Maron – Ok, so to clarify, it sounds like my term is up, is that what you're saying –

Ms. Fitzgerald – Yes –

Chairman Maron – and then David and Alan, ok – I'm ok with that.

Ms. Fairbanks – I don't understand, you mean as co-chair people?

Ms. Fitzgerald – Those three people as chair people, to remain as they are. Not to have three people as chairman, just pick one of the three. Maybe, all three would deny it.

Ms. Fairbanks – I think Chris would continue.

Chairman Maron – I would continue,

Ms. Fairbanks – I nominate Chris to continue as Chairman.

Mr. White - I would second that Motion.

Chairman Maron – The Motion is seconded that I would continue on.

Ms. Fairbanks – Yes.

Chairman Maron – Ok, I would like to be Chairman again.

Mr. Hipps – I don't think I ever have been.

Chairman Maron – You're Deputy.

Mr. Hipps – Yes.

Ms. Fitzgerald – I'd like to hear what David has to say.

Mr. Reckahn – I don't think, this would be my first month as permanent.

Chairman Maron – I've been really happy being Chairman this year, it may have been a little bit more than I thought it would be, thank goodness Rolling Hills didn't take place. For me, I think about Dave and maybe a year of being on the Planning Board, maybe we could have a change, I would be happy to do that. I'd be happy to serve again this year, look forward to next year, maybe a rotation would be great.

Ms. Fairbanks – I just think continuity for now.

Ms. Fitzgerald – My only comment is, it's close to being a conflict of interest at times, you have the Trail there, I suppose in some ways each of us could have a conflict of interest at some time or another since we're such a small unit in such a small area, we have to deal with that. Those are just some comments, you want comments, so those are my comments. But, I'm happy with the Motion to approve or vote on.

Chairman Maron – Ok. I would like to say too, about conflict of interest. There are certain times, if you're making reference to Bobby's project, really all my considerations for that really don't have anything to do with the Trail. I think it's more about the visual screening for the people coming in and out of the Town. The people that might go on the Trail are not going to park there anyway, so I don't think it's going to make much of a difference.

Mr. White – I think in a small town anyone of us who is going to have a conflict or seemable conflict at one time or another –

Mr. Reckahn – I will probably have more of a conflict than anybody.

Chairman Maron – I guess there's a Motion on the table to have Chris Maron be the Chairman for the Planning Board for this next year and you mentioned Secretary, Barbara –

Ms. Fitzgerald – Yes, Barbara.

Chairman Maron – Ok, all in favor, no opposition, carried. Thank you. And thank you for you honesty and forthright and everything else, I think it's fabulous.

Mr. Reckahn – Do we do Vice Chairman, or not?

Chairman Maron – That's a good idea, too, I'll take a Motion for Vice Chair.

Ms. Fitzgerald – I move that we keep it as is, Alan.

Chairman Maron – Ok,

Ms. Fairbanks – Second that.

Chairman Maron – Ok, comments, none, all in favor, no opposition, carried.

MINUTES: The Minutes of December 16 , 2016. Quite extensive Minutes. Are there any comments? I have a couple, one is on Page 4, I would like to clarify, quotes Bobby McGee, is saying, "I eventually wants to get gas up here", and in a conversation with him, I asked him about that and he felt that shouldn't be interpreted that he's going to have a gas station up there or sell gas or have gas on the property, I think he might have been saying he wants to make sure there isn't any gas on the property.

Ms. Fitzgerald – I didn't hear it as such.

Mr. White – we omit it?

Ms. Fitzgerald – Yes.

Chairman Maron – And, that's the only correction I had, any other comments? None voiced. Ok. Is there a Motion to accept the Minutes?

Mr. Hipps – So moved.

Ms. Fitzgerald – I'll second.

Chairman Maron – All in favor, no opposition, carried. Thanks.

The first Order of Business is the **Gina Brandolino After-the-Fact-Subdivision – Tax Map No. 58.1-1-4.120** – The parcel is located within the "Resource Management" APA, Land Use Classification. Subdivision was deemed Non-jurisdictional by the APA. Jurisdictional Determination J2015-0735, dated December 31, 2015 – I guess George if you might or if there is anybody in the audience –

Mr. Arnold -- My name is Eric Arnold, I'm the listing Agent for the property and Gina could not be here. I'm here as an observer and to answer any questions you might have.

Chairman Maron – Ok.

Mr. Hainer – This basically was a property back in 1997 (referred to map included in file). It was transferred from the Evens family to Jim and his daughter, they put the house there, it's really a subdivision in Resource Management under the APA's jurisdiction. This was part of a bigger lot of the Even's farm, it was transferred to the daughter, Tina and Jim Burke and then Jim transferred it to his daughter, who is Gina Brandolino in 2009 I believe it was. As I said, it would have been an APA permit requirement because it's in Resource Management, it was never done, it probably would have been done under the "gift provision" or "transfer between relatives". Since then the Even's farm sold and the conservation easements and all the building rights on that farm and since then that farm has taken over the entire parcel. So, all the building rights Chris, I believe, you would know more about that, all the building rights are tied up except what was assigned. This parcel was created long before that and it was filed before the County – everything was done, it just didn't go through the subdivision process. The APA signed off on the project that they said was in violation but they weren't going to pursue it because they feel that it's a simple done deal, it's been almost 18, 19 years. At this point, in the interest in moving the property along and making it legal and everything, the best thing would be to just approve it. There's a SEQR there, you can run through that quickly, there isn't any – it's a very nice spot. SEQR attached, page 3A & B, --

Ms. Fitzgerald – So, we're approving this whole area –

Mr. Hainer – That 7.42 acres, it already has a separate tax map at the County and everything else.

Chairman Maron – It's a subdivision that has already taken place, it just hasn't had the proper paperwork filed and we're just formally approving it.

Mr. Hainer – Right.

Chairman Maron – Ok. So we'll go over the SEQR. Part 2 – Impact Assessment – numbers 1 –11. All answers "No, or small impact may occur". So we have a "negative declaration", signed and dated on Page 3B. I will take a Motion to accept this subdivision.

Mr. White – I move we accept this subdivision.

Ms. Fitzgerald – I second.

Chairman Maron – Is there discussion, none voice.

Agency Use Only [If applicable]

Project: Brandolino After Fact Subdivision

Date: 1-27-2016

Short Environmental Assessment Form
Part 2 - Impact Assessment

Part 2 is to be completed by the Lead Agency.
Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	✓	
2. Will the proposed action result in a change in the use or intensity of use of land?	✓	
3. Will the proposed action impair the character or quality of the existing community?	✓	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	✓	
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	✓	
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	✓	
7. Will the proposed action impact existing: a. public / private water supplies?	✓	
b. public / private wastewater treatment utilities?	✓	
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	✓	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	✓	
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	✓	
11. Will the proposed action create a hazard to environmental resources or human health?	✓	

PRINT FORM

3A

Agency Use Only [If applicable]

Project: Brandolino

Date: 1-27-2016

Short Environmental Assessment Form
Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

☐ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.

☑ Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

	1/27/16
Name of Lead Agency	Date
Chris Maron	
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

3B

Mr. Hipps – Do we need a specific resolution –

Mr. Hainer – Yes.

Mr. Hipps – I will move that the Chairman be authorized to sign the Short Environmental Assessment Form.

Mr. Hainer – That it's a "negative declaration".

Chairman Maron – Alan has moved that the Chairman sign this "negative declaration", is there a second.

Mr. White – I will second.

Chairman Maron – All in favor, no opposition, carried.

Mr. Hainer – At some point you have to sign these (maps, submitted), do you know (question to Mr. Arnold). When is your closing.

Mr. Arnold – February 15th, we'll have to get documents to both attorneys, make sure they're all in order. I'm happy to pick them up. I can come in on Monday.

Mr. Hainer – That's good, I will have the CO and all that for the house.

Chairman Maron signed all the maps.

The next item on the Agenda is me – **Chris Maron – Tax Map No. 66.66-2-20.000 &.21.000 – Lot-Line Adjustment** – I will turn the gavel over to Alan Hipps.

Mr. Hainer referred to Mr. Maron's map.

Deputy Chairman Hipps – The Agenda states, Lot-Line Adjustment, I think what we actually call this is a "minor division". Page nine (9) of the Subdivision Regulations, states (attached, Page 4A), that's what we're doing. Chris, you're the owner of the property?

Chairman Maron – Yes.

Deputy Chairman Hipps – You would want to recuse yourself from any deliberation that you have to present.

Chairman Maron – Right.

Mr. Hainer – In your package you have the zoning district with the district regulations with the dimensional requirements, (attached, page 4B).

Chairman Maron – Indicated where the Post Office is located, Orchard Terrace to Harris Lane which wraps around, there's a small house with a real small lot, .1 acre and then there's a large lot. Indicated where he lives and which line they would like to move, so the lot of such property will be like this and there will be no additional building right, there is only one building lot available and retaining the property that has a building right. So, we're moving this one over so it makes a much larger lot. Actually, this lot isn't in compliance with the lot size in this area so the lot the house is on will be in compliance with the area. It creates two lots, this one with the house and this one with the building right.

Deputy Chairman Hipps – So that the parcel that remains with the building right has how many square feet?

Chairman Maron – About .3 acres.

MINOR DIVISION means the division of a parcel of land such that no new building lots are created and not adversely affecting the development of the remainder of the parcel or adjoining property and not in conflict with any provision or portion of the town land use plan or zoning regulations or policy set forth in these regulations.

MINOR STREET means a street intended to serve primarily as an access to abutting properties.

MINOR SUBDIVISION means any subdivision containing not more than four lots, parcels or sites and not requiring any new street.

MOBILE HOME means any self-contained dwelling unit that is designed to be transported to its site on its own wheels or those of another vehicle, may contain the same water supply, sewage disposal and electric system as immobile housing and is used exclusively for either permanent or seasonal occupancy. A dwelling unit that is construed in sections and transported to and assembled on the site is not considered a mobile home.

OFFER FOR SALE TO THE PUBLIC means to make publicly and generally known or otherwise to call public attention to the availablility of a subdivision lot for sale.

OFFICIAL MAP means the map established by the Town Board pursuant to Section 270 of the Town Law.

PLANNING BOARD OR BOARD means the Planning Board of the Town.

PRELIMINARY PLAT means a drawing or drawings clearly marked "preliminary plat" showing the layout of a proposed subdivision, as specified in Part V, Section 3 of these regulations, submitted to the Planning Board for approval prior to submission of the plat in final form.

REGIONAL SUBDIVISION means any Class A regional subdivision or Class B regional subdivision. 4A

(amended 2010)

b. Uses allowable by special permit: two-family dwelling, guest house, group home, public utility, major public utility
c. Residential density shall not exceed one dwelling unit for each 1.5 acres. The minimum lot size shall be 7,500 square feet.
d. Each project shall provide not less than 2 off-street parking spaces per dwelling unit.
e. No building shall exceed 30 feet in height, measured from the first floor above the building's foundation to the highest portion of the roof.
f. No building or any portion thereof shall be closer than 25 feet from any lot line, nor closer than 50 feet from the near edge of the road bed of a public highway, except that in developed areas where, among existing buildings adjacent to or neighboring the site in question, there is an established pattern of setback from a public highway, then a new building shall follow the established pattern.
g. No lot shall have any dimension less than 75 feet.

21.020 District V-RES II, including V-RES II(t) and V-RES II(t)(a)

a. Permitted uses: single-family dwelling, public park, church, library, gardens, home occupation, accessory apartment; In districts designated V-RES II(t)(a), agriculture. (amended 2010)
b. Uses allowable by special permit: two-family dwelling, guest house, nursing home, group home; In districts designated V-RES II(t), and V-RES II(t)(a), transient accommodations, guest cottage, public utility, major public utility. (amended 2010)
c. Residential density shall not exceed one dwelling unit for each 1/2 acre, or one transient unit for each 1/10 acre. The minimum lot size shall be 7,500 square feet.
d. Each project shall provide not less than 2 off-street parking spaces per dwelling unit, or 1 space per transient unit.
e. No building shall exceed 30 feet in height, measured from the first floor above the building's foundation to the highest portion of the roof.
f. No building or any portion thereof shall be closer than 25 feet from any lot line, nor closer than 50 feet from the near edge of the road bed of a public highway, except that in developed areas where, among existing buildings adjacent to or neighboring the site in question, there is an established pattern of setback from a public highway, then a new building shall follow the established pattern.
g. No lot shall have any dimension less than 75 feet.

21.030 Districts V-RES II-PD(cc) and V-RES II-PD(a)

a. Permitted uses: single-family dwelling, public park, garden, home occupation, accessory use, accessory apartment, guest cottage; with respect to V-RES II-PD(cc) only, golf course and agriculture; with respect to V-RES II-PD(a) only, agriculture. (amended amended 2010)
b. Uses allowed by special permit: two-family dwelling, group home, nursing home, transient accommodations, industrial spring/well, public utility, major public utility; with respect to V-RES II-PD (cc) only: multi-family dwelling, commercial recreation facility, restaurant/bar; with respect to V-RES II–PD(a) only, self storage facility. (amended amended 2010)
c. Residential density shall not exceed one dwelling unit for each 1/2 acre, or 1 transient unit for each 1/10 acre. The minimum lot size shall be 7,500 square feet.
d. Each project shall provide not less than 2 off-street parking spaces per dwelling unit or 1 space per transient unit.
e. No building shall exceed 30 feet in height, measured from the first floor above the building's foundation to the highest portion of the roof.
f. No building or any portion thereof shall be closer than 25 feet from any lot line, nor closer than 50 feet from the near edge of the road bed of a public highway, except that in developed areas where, among existing buildings adjacent to or neighboring the site in question, there is an established pattern of setback from a public highway, then a new building shall follow the established pattern.
g. Any project involving the construction of one or more buildings shall be deemed to be a subdivision and shall require review pursuant to the Subdivision Regulations.
h. Unless reduced pursuant the provisions of Subsection 21.030(i) below, no lot shall have any dimension less than 75 feet.
i. The project sponsor may elect to override the minimum lot size requirement, but detached buildings shall be at least 75 feet apart. Under this option, no building shall be closer than 100 feet from the near edge of the road bed of a public highway, and no building shall be closer than 100 feet from the perimeter of the development. Not less than 30% of the total project area shall be usable common open space meeting the standards of this subsection. In

Deputy Chairman Hipps – Ok, so about 10, 12 or 13 thousand or so.

Mr. Hainer – And at least 75 feet in any direction –

Chairman Maron – It's 80 feet from here to here, so the width distance is long enough and it's about 200 feet from here to here and about 198 from there to there.

Ms. Fitzgerald – Usually we move the line from here to here, but now you're moving the line from here to there.

Chairman Maron -- The house that has paving over here and hardly any land can have a patio and so forth which actually could have been on this lot.

Deputy Chairman Hipps – Chris, that one long line could run east west –

Chairman Maron – This is the proposed line, which doesn't exist now, but I put the line so you can see where it will be.

Mr. White – The property with the house is quite small and the other was almost double the size – ok, I don't see any problem.

Mr. Hainer – We just have to do the Short SEQR.

Deputy Chairman Hipps – I don't think you have to leave for this, Chris. If there was anything at all contentious –

Ms. Fitzgerald – the legality states, you must leave the room.

Dep. Chairman Hipps – It does, it's probably a good idea.

Mr. Maron left the room. (Approximately 7:20 P. M.)

Dep. Chairman Hipps – Our next step would be to do what we just did for the other property (Brandolino). Short Environmental Assessment Form, Part 2 – Impact Assessment – numbers 1-11. All answers "No, or small impact may occur". We don't have to have a Part 3, because nothing was moderate to large impact. I will check the box "that the proposed action will not result in any significant adverse environmental impacts".

Mr. Hainer – Do you want to have a motion to declare a "negative declaration".

Dep. Chairman Hipps – Sure.

Mr. White – I move that we declare a "negative declaration".

Ms. Fairbanks – I second.

Dep. Chairman Hipps signed and dated the Short SEQR and asked for a motion to pass the Minor Division.

Mr. White – Motion to accept the Minor Division.

Ms. Fairbanks – Second.

Dep. Chairman Hipps – All in favor, no opposition, carried.

Chairman Maron returned to the Meeting (Approximately 7:30 P. M.)

Dep. Mr. Hipps – Mr. Porter is to do the design for the Minor Division. Deputy Chairman Hipps will also have to sign the final map.

Chairman Maron resumed his duties as Chairman.

Next item, **Robert McGee – Tax Map Nos. 66.2-2-24.120 & 200** – We went through the Short SEQR at the last meeting.
It was decided that the documents discussed, Special Permit Draft and Part 3 Determination of Significance (SEQR), that these documents are the Minutes. Per Chairman Maron, there was broad discussion over all the findings, conclusions and these documents are the Minutes.

Chairman Maron – I'll take a Motion to approve the Special Permit with Conditions that we have discussed.

Mr. White – So moved.

Ms. Fitzgerald – I'll second.

Chairman Maron – Any discussion, none voiced, all in favor, carried. Roll call, Ken White, aye, David Reckahn, aye, Cynthia Fairbanks, aye, Alan Hipps, aye, Mary Lou Fitzgerald, aye, Dwight Anson, absent, Chris Maron, aye.

Motion by Cynthia Fairbanks to Authorize George on behalf of the Planning Board for Mr. McGee, will compose a letter for the State that this is project is approved

Second by Ms. Fitzgerald.

All in favor, carried.

Motion to adjourn by Mr. White, Second, Ms. Fitzgerald, all in favor carried. Meeting adjourned 9:20 P.M.

Respectfully submitted,

Barbara A. Breyette, Secretary