

Planning Board  
Minutes  
February 26, 2014

Chairman Johnston called the Meeting to Order at 7:00 P. M. with the following members present. Mrs. Evelyn Brant, Mr. Dwight Anson, Ms. MaryLou Fitzgerald and Mr. Chris Maron. Also in attendance, Mr. George Hainer, Building Codes/Zoning Officer. Guests in attendance, Mr. Kevin Hall, Land Surveyor.

Minutes: The Minutes of the January 22, 2013 were approved on a Motion by, Mr. Anson, second, Ms. Fitzgerald. No corrections or discussion, all in favor, carried.

Chairman Johnston - We're up to the **Anna S. Sherman - Tax Map Nos. 57.4-2-11.001, 57.4-2-16.000, 57.4-2-18.000. 57.4-2-20.100, 57.4-2-20.200, 57.4-2-21.000 and 66.2-2-2.000 - Proposed Two-Lot Subdivision** - I noticed on my email, you sent a letter Kevin, answering a lot of questions we had in the minutes.

Mr. Hall - Yes.

Chairman Johnston - If you would like Kevin, I will give you the floor, you can just run through this. Did everybody see this letter?

Mr. Hall - I reviewed the minutes, the draft minutes from the last meeting. I concluded, there seemed to be three questions the Board had asked. Why the lot configuration, was one (1). It is an unusual shaped lot, but there's a reason for it. It was to minimize the size of the farm lot that would be for sale, keeping the "ag land" with the farm, creating the small house lot, a reasonable size house lot on the Hald's Road with an access strip to get up to, what they call number nine (9), which is a wood lot and that's a hundred foot strip there, so there's plenty of room, and I've actually walked it and the grades are so that you could put a wood road in there. That's the reason for it, because, otherwise, the farm would be another hundred acres. She left enough, the other theory was, or the other thought on the subdivision line was to leave some wooded lands with the farm so that farmer would have a potential wood lot. That's what this piece is, this is all wooded in this area in here so there's two sections that are wooded -

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Mr. Maron arrived at this time.

Mr. Hall - that would be able to cut for fire wood for the farm.

That was the one question, the other was "Principle Building Rights (PBRs) and I had laid out the principle building rights, since when we made the application to the APA there was no request for building rights to be transferred, so they would just use the simple mathematics of the acreage of the lot. So the building rights are assigned per acres per each lot. Go back to the previous subdivision where she had her three boys. For Phillip's lot, 40 acres divided by 8.5 you get five (5) principle building rights. Jerry's lot was 60, divide that by 8.5, you get seven (7). David's was 70, divide that by 8.5, you get eight (8). And so the farm lots got 170 acres and that would give us 20 principle building rights and then the Number 8 Lot, is 100 acres, and we get 12 principle building rights. But as far as whether you can exercise those building rights that would be limited, depending on the sites. Each one of those you certainly would be able to sustain, at least one, possibly more, depending on what you wanted to do.

Then the third question, was the Perc test and the deep hole test. They had not been done on Lot 2. I believe the soils, from what I can see on this last fall when we started this project, looked like they would be reasonable, but the perc tests and the deep hole tests still need to be done, to verify it.

But, I'd had asked the Board in my email, was to potentially, at least, deem it complete, subject to the results of the deep hole tests and the perc tests on that lot.

Chairman Johnston - We have not had the Public Hearing yet.

Mr. Hall - Right, you haven't set a Public Hearing.

Chairman Johnston - I think, with this additional information, we can probably set a public hearing, everyone agree.

All in agreement.

Chairman Johnston - So, we will set a Public Hearing for the March meeting.

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Ms. Fitzgerald - Excuse me, we have a perc test for Lot 2?  
We don't have a perc test for Lot 2.

Chairman Johnston - No, we don't. We have 62 days after  
the public hearing closes to make a decision, right,  
George?

Mr. Hainer - Yes.

Chairman Johnston - We probably are getting into the time  
of year when a perc test can be done.

Ms. Fitzgerald - Yes, I wanted to bring that up because we  
haven't had public hearing before we had perc tests, that's  
all I'm saying.

Mr. Anson - that would be April, we should be able to get  
it done.

Mr. Hall - It's a fact, the perc tests and deep hole tests,  
that's a matter of fact, so, I mean the public hearing, in  
my opinion, is for the public to voice their opinion. If  
the soils don't meet the criteria for septic then obviously  
it wouldn't be approved. Whether we go through the public  
hearing or not I would like to go through the public  
hearing, I'd like to get everything done, except for that  
test, so when, as soon as we can go out there and get it  
done, then I can have, it will be deemed approved. As  
opposed to, get it done in the middle of April, wait for  
the end of April for the public hearing and then time  
marches on.

Ms. Fitzgerald - I understand all that, I'm just concerned  
if we let it go this time, another time that will come to  
bite us down the road. I have no problem with going ahead  
with the public hearing.

Mr. Anson - I don't either.

Chairman Johnston - Problem, Chris?

Mr. Maron - No. I sort of echo MaryLou.

Mr. Hall - It isn't like it's a small lot, I'm not sure  
what, other than a fact, the perc tests would say, that,  
"yes, the soils were suitable". And, even if they're not  
suitable -- suitable, because we got a letter of non-

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jurisdiction on this, so now that opens up availability for more engineered septic system on that lot.

Ms. Fitzgerald - that's right, I'm fine.

Mr. Hainer - All that information will be filed on the final map, if the Board approves.

Mr. Hall - Right, you need, I agree with you, I fully agree that needs to be done before approval is given because you need that information. Let's say the worse case scenario, you go out there and the soils don't meet per standard septic system, so now, there's going to be a condition in your permit that says, "it's going to be an engineered system". It isn't going to change anything.

Chairman Johnston - I don't think we're doing ourselves irreparable harm by scheduling the public hearing.

Mr. Maron - I'm ok.

Chairman Johnston - You're ok, I know you're concerned, Chris, if it's not ok, you come back with different plans -

Chairman Johnston - and we have 62 days after the close of the public hearing to take action.

Mr. Anson - that will be May, then.

Chairman Johnston - Yes, I don't see that there's any problem holding the public hearing.

The Board agreed.

Could not hear Mr. Maron.

Chairman Johnston - In any event, we just have to take whatever comments are made into consideration and they may or may not have any validity on the decision to be made. Let's schedule the public hearing, March. We're going to need to do a SEQOR on this, right, George.

Mr. Hainer - We have a new SEQOR form now.

Mr. Hall - Yes, it was quite nice to work with.

Mr. Hainer - Yes, it's a lot quicker and more detail.

Chairman Johnston - We don't need to do the SEQR tonight?

Mr. Hainer - No.

Chairman Johnston - Ok, let's hold off on the SEQR, we'll do the SEQR, maybe at the next meeting. I need to study the new form.

Mr. Hainer - there's a publication on the new form.

Chairman Johnston - Do you have one for all of us?

Mr. Hainer - I could make one, I emailed it to everybody.

Chairman Johnston - George wants to -

Mr. Hall - I'm here for Grant and Mudie, too.

Chairman Johnston - Ok, what order do you want to do, George.

Mr. Hainer - Let's do Grant.

Chairman Johnston - \*There's a number of agencies that have the ability to look at this project - (See page 12).  
the stabilization -

**Bruce M. Grosse - Tax Map No. 66.2-2-22.121 - Bank Stabilization Project - There's no new development.**

Mr. Hainer - Not yet.

Chairman Johnston - We will move on to **Paul Mudie and Kathleen Kelley - Tax Map No. 57.3-1-27.120 - Two-Lot Minor Subdivision -**

Mr. Hall - It was originally the Miele Subdivision. The Miele house on the west side of the road. We had two APA land use areas, the Resource Management and the Rural Use. It created the two building envelopes and since then test pits have been done, up here. AES did the original test pits on the southern building envelope.

Mr. Anson - I did the test pits.

Mr. Hall - You did four, but two worked.

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Mr. Hall - And they're showing, and that was my understanding what you needed shown on the map.

Mr. Hainer - Yes, there was that and we got confirmation from Mark Bonfey that the site, that the driveways were fine. What else did they want, did they want the building -

Mr. Anson - You mean that driveway right by the -

Ms. Fitzgerald - the barn?

Mr. Anson - by the curve?

Mr. Hainer - Yes.

Mr. Anson - they approved that?

Mr. Hainer - Yes, we have a letter, that was approved.

Mr. Anson - down here?

Mr. Hainer - Yes, that one there.

Mr. Anson - I thought it was going to be one this, there's one down here near the curve -

Mr. Hall - that's a ROW to get into the, that's right here on the curve across from Miele's house, that's a deeded ROW to get to the wetland, not being proposed as a driveway.

Mr. Anson - Oh.

Mr. Hall - The driveway would be this one and then there would be one where there already is one by the barn.

Mr. Anson - Ok.

Chairman Johnston - Ok, Kevin, now the property, proposed property line is -

Mr. Hall - It's going to be the center of this drainage pit.

Chairman Johnston - Ok.

Mr. Hall - Right here and that's the APA Land Use line.

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Mr. Maron - So, the dark line is the subdivision line.

Mr. Hall - That's correct, that will be the new boundary and that -

Chairman Johnston - Paul is proposing to sell to his brother?

Mr. Hall - That's what I've heard, second hand, he's proposing to subdivide it.

Chairman Johnston - What we need to do then, correct me if I'm wrong, have another public hearing.

Mr. Hall - Set another public hearing, yes.

Chairman Johnston - So, let's do it.

Mr. Hainer - Another public hearing, Barbara.

Chairman Johnston - And, this looks very cut and dry.

Mr. Hainer - This has already been approved, it's just basically this line and doing the test pits.

Mr. Maron - We approved this before, it's just the building lots, he's just basically coming back and saying, "I'm going to act upon that and here's where the subdivision is going to be.

Chairman Johnston - I guess he's drawing the line.

Mr. Maron - Right.

Chairman Johnston - Looks very cut and dry to me.

Mr. Hall - It is, you reviewed both house sites on Miele, when we brought it in, Miele didn't do a three-lot subdivision, because he didn't want to get into -

Mr. Hainer - He didn't want to do the septic for that.

Mr. Hall - Yes, he was doing the very minimum and Kelley and Mudie bought the whole thing and so now they're creating the two-lots.

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Chairman Johnston - So, is Kelley, is he going to do a test pit up here?

Mr. Hall - He already has. These are the locations.

Chairman Johnston - They're ok?

Mr. Hall - and, --

Mr. Hainer - We have a report, Peter Gibbs -

Mr. Hall - He got a report -

Chairman Johnston - So, there's really no issues.

Mr. Hall - No, and we have done test pits previously on this one, so it's, set a public hearing and be done with it, that would be my opinion.

Chairman Johnston - I agree, everyone else agree?

All agree.

Ms. Fitzgerald - I thought there was an issue on this test pit, on one of the test pits that had to go one way or the other, I mean had three choices, one of them didn't, they didn't dig to make sure that the rate of flow and such and such.

Mr. Hall - There's a test pit down here by AES -

Ms. Fitzgerald - Ok.

Mr. Hall - That tested ok, Miele didn't want to spend the extra money doing test pits up here to verify this lot, but he wanted to create the building envelope as part of that permit process. The original permit process, so after Mudie and Kelley buys it, they hired Peter Gibbs to do the test pits to verify that -

Ms. Fitzgerald - And, we have the report on that, I take it.

Mr. Hainer - Here it is.

Ms. Fitzgerald - We have the report and notes on that, ok.

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Mr. Hainer - We have all the information.

Ms. Fitzgerald - Ok.

Mr. Hainer - They even designed a septic system and everything else.

Mr. Maron - Kevin, how come these areas aren't critical environmental areas? I mean they're in the building envelopes, any views (?) or on the road?

Chairman Johnston - It's a statutory thing, Chris.

Mr. Maron - Really, ok.

Chairman Johnston - Yes, any yellow area of -

Mr. Hainer - Yellow, is a 150 feet (per APA Land Classification) from the State Highway, 300 feet for Resource Management. Not to be confused with the CSA's and the SEQR, that we don't have any.

Chairman Johnston - Ok, now we're going to need to do a SEQR on this, right George?

Mr. Hainer - Yes, and a matter of fact, he filled out the old form, but that was with the application, so we will have him fill out a new form -

Chairman Johnston - I think we can do that next meeting, also.

Mr. Hainer - Yes.

Mr. Anson - We're going to have a public hearing, next meeting.

Mr. Hainer - Yes.

Chairman Johnston - Hearing, SEQR.

Mr. Hall - You'll get in touch with Paul and let him know he needs to do the new SEQR?

Mr. Hainer - Yes.

Mr. Hall - Or, do you want me to.

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Mr. Hainer - You could fill it out, it's two pages -

Mr. Hall - The new form is excellent.

Ms. Fitzgerald - What's the reason on the public hearing on this minor subdivision?

Chairman Johnston - I think it's a Statutory Requirement.

Ms. Fitzgerald - Ok.

Chairman Johnston - We don't have the ability to waive the public hearing, do we, George?

Mr. Hainer - No.

Ms. Fitzgerald - But, we're not having a public hearing on Sherman?

Chairman Johnston - Yes, we are.

Ms. Fitzgerald - Ok, Sherman, all three, ok.

Chairman Johnston - We're going to do hearing on Sherman, we're going to do SEQR, hearing on Grant, Class B Review and we're going to do the hearing and SEQR on Mudie, right, George.

Ms. Fitzgerald -- Ok.

Mr. Hainer - Correct.

Chairman Johnston - And, we're going to do a site visit on the 7<sup>th</sup> at 9:00 A. M. (Grant)

Ms. Fitzgerald - Right. On a Friday, Dwight.

Chairman Johnston - Ok, I got good news, I'm going to let you guys go home early tonight.

Ms. Fitzgerald - Where are we going to meet on the 7<sup>th</sup>, Kevin.

Mr. Hall - The best place, probably park over there on that Mullen Bay Road, if we can't drive up through the driveway.

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Couldn't hear Mr. Maron.

Mr. Hall - Is there enough space to park on the road, there.

Mr. Hainer - No.

Mr. Hall - It's pretty tight. We parked on the other side of the road and just walked up, before.

Chairman Johnston - Should we meet here and car pool, so we minimize the number of vehicles.

Ms. Fitzgerald - No. Someone may want to get off the hill faster. I'll drive.

Chairman Johnston - Ok.

Mr. Hall - There's enough room on the other side of the road.

Chairman Johnston - Ok.

Mr. Hall left at this time.

Chairman Johnston - George, wants me to remind you of Local Government Day, everybody get it?

Ms. Fitzgerald - I asked Barbara if she was going to send them in, she mentioned if we completed the forms, she would send them in for us.

Brief discussion on the workshops available.

Ms. Fitzgerald - I move we adjourn.

Chairman Johnston - There's been a motion to adjourn, second.

Mr. Maron - Second.

Chairman Johnston - No discussion, all in favor, carried.  
Meeting adjourned, 7:45 P. M.

Respectfully submitted, Barbara A. Breyette, Secretary

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Note: On page 5 there seemed to be a break in the tape, but where Chairman Johnston states "there's a number of Agencies that have the ability to look at this project". That appears to be the only discussion on the Grant project and then it moved on to Bruce M. Grosse.