

Planning Board Minutes  
April 24, 2019

Chairman Chris Maron called the meeting to order at 7:00 p.m. with the following members present: Mr. Dwight Anson, Ms. Cynthia Fairbanks, Ms. Mary Lou Fitzgerald, Mr. Alan Hipps, and Ms. Robin Severance. Also in attendance was Mr. George Hainer, Building Codes/Zoning Officer. Guest in attendance: Paul Mudie.

Chairman Maron: The first order of business is to approve the minutes from March 27<sup>th</sup>. Do I have a motion to approve?

Ms. Fitzgerald: I so move.

Ms. Severance: Second.

Chairman Maron: All in favor? Approved.

- **Resolution 2019-9 Minutes Approval**

Resolved: To approve the minutes of the March 27, 2019 meeting.

Moved by: Ms. Fitzgerald

Seconded by: Ms. Severance

In Favor: Ms. Fitzgerald, Mr. Hipps, Ms. Severance, and Chairman Maron

Opposed: None

Chairman Maron: The next order of business is **Paul Mudie, Tax Map No. 57.3-1-27.121** – Site Plan Review. Paul, lets hear what you have in mind.

Mr. Mudie: We would like to build an approximately 1,500 sq. ft. home right across the road from us, about 250 ft. from the barns. It's single story, full basement, and a lofted area.

[Mr. Dwight Anson arrived at this time]

Mr. Hainer: In your packet is the Site Plan from the survey that was approved during the subdivision. There's a 300-ft APA Critical Environmental Area and if he stays behind that it won't be a Class B project. This proposal is behind that area. There's a house, well, electric service, and driveway. The test pit for septic system is in the fields in the back area.

Mr. Hipps: Your property includes the test pit, right?

Mr. Mudie: Yes.

[Ms. Cynthia Fairbanks arrived at this time]

Chairman Maron: Does it face to the southwest?

Mr. Mudie: The front of the house would face more west.

Ms. Severance: Have you already done the perc test?

Mr. Mudie: We had the deep hole test done, but we need to do a new perc test when we can. The soil tests have been done; Peter Gibbs did those.

Chairman Maron: We need a motion to approve the Site Plan review. Unless anyone has questions or concerns-

Ms. Fitzgerald: How far off the road is it?

Mr. Hainer: It's beyond the 300-ft mark for Class B. It's in the preferred building envelope that was laid out during the subdivision process.

Mr. Hipps: I'll make the motion it be approved.

Mr. Anson: I'll second.

Chairman Maron: I have a question. Are there two north building envelopes? One doesn't have cross-hatching.

Mr. Mudie: I don't know why it has the cross-hatching.

Mr. Hainer: I think there were two designated. The North Building Envelope and Preferred North Building Envelope.

Chairman Maron: Do we know the reason for the Critical Environmental Area?

Mr. Hainer: That's the APA designation from the location of a state highway.

Ms. Fairbanks: How big is the actual site?

Mr. Mudie: Where we're building? Our foundation is 46x28.

Mr. Hipps: Do you mean the total acreage?

Mr. Mudie: I would say that size plus 30 feet on every side.

Mr. Hipps: What's the total parcel acreage?

Mr. Mudie: We had 58 and subdivided. It's about 40 acres on that side.

Chairman Maron: The area marked Preferred is about 1.5 acres. Is there any further discussion? All in favor of the motion to approve? Approved unanimously.

- **Resolution 2019-10 Mudie Site Plan Review**

Resolved: To approve the Site Plan review proposal for Tax Map No. 57.3-1-27.121 as submitted by Paul Mudie.

Moved by: Mr. Hipps

Seconded by: Mr. Anson

In Favor: Mr. Anson, Ms. Fairbanks, Ms. Fitzgerald, Mr. Hipps, Ms. Severance, and Chairman Maron

Opposed: None

Chairman Maron: The next item on the agenda is **Sheehan's Mining Pit, Tax Map No. 76.3-1-11.000**, permit renewal. It's been approved every four or five years.

Mr. Hainer: The packet has the map that they submitted and they're going to be working in the 7.5 acre area. DEC regulates the site and we regulate the road and how the operation affects the town. There are copies of the resolution that was passed that extends the Class B permit to April 8, 2019. What you're doing is either renewing the permit or starting the project from scratch.

Chairman Maron: If we renew the permit do we hold a public hearing?

Mr. Hainer: No, not for the renewal.

Ms. Fairbanks: It's every four years?

Mr. Hainer: Yes. I had them fill out a new application to see if there was any new information. On page 10 of the second form they noted vehicle traffic to be an average of three trucks per day.

Ms. Fairbanks: There may be two trucks running, but how many trips to they actually make? That might be something to consider.

Mr. Hainer: Robin, what's your experience? Do you hear a lot?

Ms. Severance: Yes, we hear them a lot.

Mr. Hainer: I haven't had any complaints; the Town Board hasn't received any.

Ms. Severance: No, it's just the nature of the business they're in.

Ms. Fairbanks: Is there a time of day they're supposed to stop?

Ms. Fitzgerald: Yes. It's on here. They have a notation of 8 a.m. to 4 p.m.

Chairman Maron: Has the DEC permit already been issued or do they wait for us first?

Mr. Hainer: It's in the works.

Chairman Maron: I looked at the property today and took pictures. The property is in violation of town law concerning junkyards. A junkyard is defined as any place with two or more unregistered motor vehicles. Town law doesn't allow any junkyards in town. There are some junk buses and a trailer on the property; they may be remnants left over. The application states that there are no structures on the property, but it looks like there is some kind of structure.

Mr. Hainer: Irwin Barber had a lot of stuff up there from the excavation company. I'm sure that's what it's from.

Chairman Maron: This photo shows a shed on the property.

Ms. Severance: Is that the structure you were referring to?

Chairman Maron: It's one of them. It also looks like there's another - maybe a former house.

Mr. Hainer: I'm sure that was pre-existing.

Chairman Maron: I think this would be an opportunity to have a condition that they clean this stuff up.

Ms. Fairbanks: Do we make it a condition before approval or do we approve it with the idea that they will, in good faith, do it.

Chairman Maron: I'd like to see it cleaned up. If we approve it with condition that it be cleaned later, it may never get done.

Ms. Fairbanks: Exactly.

Mr. Hipps: If they come back every four years it could be a present condition. It doesn't seem like we have a lot of time to act. I don't know if they can clean it in a month.

Chairman Maron: I'm not sure if we do have month.

Mr. Anson: The roads are posted for another month anyway. They can't take any trucks up there.

Chairman Maron: The resolution says the permit is extended to April 8 unless an application for renewal has been filed no later than March 8, in which case the permittee may continue to operate under the terms of this permit until the renew process is completed.

Mr. Hipps: Is that per DEC or the Planning Board?

Mr. Hainer: Planning Board.

Mr. Anson: Due to the fact that the roads are posted, I think we should give them the benefit of the doubt to clean it up after.

Mr. Hainer: I don't think there's anything saying you can't issue a temporary permit for six months and then reconsider the full permit based on cleanup.

Ms. Severance: I don't know if they can do it. This will be their busiest time of year.

Mr. Hainer: I'm sure there are people that could come in and take the vehicles away.

Ms. Fairbanks: Look at number 11 on page 6 of 15: "Will the project involve outside storage of inoperable vehicles, construction materials, equipment, raw materials or finished goods after the project is constructed?" They answered "Yes." Does that mean they planned to have inoperable vehicles?

Ms. Severance: It says, "See attached for description of stock piles."

Mr. Hipps: It's for raw material, I think.

Chairman Maron: I'd be in favor of doing a 6-month renewal to get this moving forward.

Mr. Hipps: If we take no action tonight they can still operate. We're not changing their business in any way.

Chairman Maron: I'll make a motion we extend the permit for six months to have the site cleaned up.

Ms. Fairbanks: You'll put some language together about the cleanup? What the parameters will be?

Chairman Maron: Yes. The language will basically say that the junk vehicles are removed, junk tires are taken away, and trash is removed.

Ms. Fairbanks: I'll second the motion.

Chairman Maron: In the previous resolution for extending the permit it says the permit is extended to April 8 unless an application for renewal has been filed no later than March 8. The date stamp on the application shows April 3.

Mr. Hainer: That was a problem here (Town Hall). That month we had our records torn apart for records management. They requested information, but we were unable to find it.

Mr. Hipps: We should address that by accepting it.

Chairman Maron: In the resolution I'd say that due to complication with town operations, the application was filed after the deadline, but we accept the application as is and extend the permit for six months with the condition that the property be cleaned of junk. Cynthia seconded that.

Ms. Fairbanks: I do.

Ms. Fitzgerald: I don't agree with six months. I'll vote no on that part; I think it should be lengthier. There's a lot of junk up there that we can see. When they start digging, there might be quite a bit.

Chairman Maron: I wouldn't dig. I would just say surface materials.

Mr. Hipps: Is 12 months better?

Mr. Anson: I would suggest 12.

Ms. Fitzgerald: I'd rather go with 12 and have it done.

Ms. Severance: I agree that six months would be tough with their schedule.

Mr. Hainer: If you give them a year, do you want them to submit a progress report in six months?

Ms. Fairbanks: I think that's a good idea.

Chairman Maron: I'll change the motion to a one-year permit with a progress report after six months.

Ms. Fairbanks: I'll second that.

Chairman Maron: The motion is: we accept their application and extend the permit for one year to allow time to clean up junk automobiles and other junk on the property. They are to report back in six months with their progress. Any further discussion? All in favor? Approved.

- **Resolution 2019-11 John W. Sheehan & Sons Permit Extension**  
**Whereas**, John W. Sheehan & Sons, Inc. was issued a Class B Permit extension on May 22, 2013 to operate the Barber Sand & Gravel Pit on Stevenson Road until April 8, 2019, unless an application for renewal has been filed no later than March 8, 2019, in which case the permittee may continue to operate under the terms of the permit until the renewal process is completed; and

**Whereas**, the application submitted by John W. Sheehan & Sons, Inc. on April 3, 2019 has been accepted as on time due to complications caused by records management organization at the Town Hall; and

**Whereas**, the Code Enforcement Officer has advised the Planning Board that nothing has changed in their operation and that he has not received any comments or complaints on the operation; and

**Whereas**, the permit will be extended for one year, allowing time for the removal of junk vehicles, tires, and other trash from the property.

**Whereas**, John W. Sheehan & Sons, Inc. is required to submit a six month progress report of the aforementioned cleanup.

**Now Therefore Be It Resolved**, that the Class B Permit issued on March 25, 2009 is hereby extended to April 9, 2020, unless an application for renewal has been filed no later than March 9, 2020, in which case the permittee may continue to operate under the terms of this permit until the renewal process is complete.

Moved by: Chairman Maron

Seconded by: Ms. Fairbanks

In Favor: Mr. Anson, Ms. Fairbanks, Ms. Fitzgerald, Mr. Hipps, Ms. Severance, and Chairman Maron

Opposed: None

Chairman Maron: Is there any other business?

Mr. Hainer: We received a complaint about Bobby McGee's. It'll probably go to the Town Board at their next meeting. I think it's time to write another letter asking about the screening.

Ms. Severance: What is the complaint?

Mr. Hainer: The permit required screening. It's been two or three years and there isn't any.

Mr. Anson: Some people don't understand what he's going through there. This spring, the water from the county road came into the property again and created a lot of mud.

Chairman Maron: Maybe the thing to do is look at a copy of the permit at the next meeting and evaluate the progress that's been made. We can send a letter advising him of where he is in regards to that and how we'd like him to proceed.

Ms. Severance: Has he been presented with options to pick from and a set time to get it done?

Ms. Fitzgerald: He started with some shrubs, but they died. Having a fence too close to the road creates a sight problem for traffic. It's complicated.

Ms. Fairbanks: I feel like, in a way, we've failed because we didn't hold him to the agreement. We kept giving extensions, but nothing has been done.

Mr. Anson: On the other hand, the county is part to blame. All the runoff is hard to deal with.

Chairman Maron: Are we the enforcer of the set conditions?

Mr. Hainer: It's your permit; you have the power to revoke it.

Mr. Hipps: We have continuing jurisdiction.

Chairman Maron: At the next meeting we'll look at the permit and decide how to move forward. Is there any other business?

Ms. Fitzgerald: I move we adjourn.

Mr. Hipps: Second.

Chairman Maron: All in favor? Meeting adjourned at 7:55 p.m.

Respectfully submitted,

Julie Schreiber, Secretary