

Planning Board Minutes
July 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, Ms. Robin Severance, and Mr. Ken White. Also in attendance was Mr. George Hainer, Building Codes/Zoning Officer. Guests in attendance: Brenda Beutel and Richard Nicholas.

Chairman Maron: The first thing is to approve the minutes from May 22, 2019.

Ms. Fitzgerald: I'll move to approve.

Mr. White: Second.

Chairman Maron: All in favor? Approved

- **Resolution 2019-16 Minutes Approval**
Resolved: To approve the minutes of the May 22, 2019 meeting.
Moved by: Ms. Fitzgerald
Seconded by: Mr. White
In Favor: Mr. Anson, Ms. Fairbanks, Ms. Fitzgerald, Mr. Hipps, Ms. Severance, Mr. White, Chairman Maron
Opposed: None

Chairman Maron: And we have the minutes from June 26, 2019.

Mr. White: I'll move we approve.

Ms. Fitzgerald: I second.

Chairman Maron: All in favor? Approved.

- **Resolution 2019-17 Minutes Approval**
Resolved: To approve the minutes of the June 26, 2019 meeting.
Moved by: Mr. White
Seconded by: Ms. Fitzgerald
In Favor: Mr. Anson, Ms. Fairbanks, Ms. Fitzgerald, Mr. Hipps, Ms. Severance, Mr. White, Chairman Maron
Opposed: None

Chairman Maron: Let's move on to **Brenda Beutel, Tax Map No. 65-4-2-6.000** – Application for two side-yard variances. The ZBA meeting is tomorrow. Please explain your situation.

Ms. Brenda Beutel: I appreciate you meeting and discussing my issues. I'm building a small home for myself on a small plot of land (0.9 acres). I need a variance for the two sides because my house is 24 feet and the frontage is 66 feet. That's why it's going to the Zoning Board.

Mr. White: It doesn't meet the setbacks?

Ms. Beutel: Right. It'll be 21' on each side instead of 30'.

Mr. Hainer: It's a pre-existing lot; it has a building right. There is a power line easement.

Ms. Beutel: I'm 26' back from that easement.

Chairman Maron: The easement goes parallel to the road?

Ms. Beutel: Yes.

Ms. Severance: Louis LaRose is on one side. Who's on the other?

Mr. Hainer: James O'Brien bought it in a tax action last year.

Ms. Fitzgerald: Will you be here in winter?

Ms. Beutel: I'll be living here permanently.

Chairman Maron: So we'd be giving a Special Permit to allow the building there?

Mr. Hainer: Unfortunately this is a Special Permit and a Class B Permit. The APA is involved with the Class B and can comment on it. They can reverse the variance that will be decided on tomorrow night.

Mr. White: Can we do anything before the Zoning Board?

Mr. Hainer: I don't know if you can set a public hearing based on the information you have tonight. The ZBA, I think, is going to require a determination on the power line easement and exactly where it is.

Chairman Maron: Maybe we can have a site visit between now and the next meeting. I'd be okay with setting a public hearing, if that wouldn't be stepping too far ahead.

Mr. White: I think that can move things along. Why don't we set a public hearing for our next meeting?

Mr. Hipps: We can do the SEQR at the public hearing?

Mr. Hainer: You can do the SEQR and the Class B findings.

Chairman Maron: Let's have a motion to have a public hearing.

Mr. White: I move that we have a public hearing at our next meeting.

Mr. Hipps: Second.

Chairman Maron: Any discussion? All in favor. Approved.

- **Resolution 2019-18 Public Hearing**

Resolved: To hold a public hearing on August 28, 2019 at 7:00 p.m. on Brenda Beutel's (Tax Map No. 65.4-2-6.000) Special Permit/Class B project to construct a single family dwelling in the Forest Lands District (Land Use Law Section 31.030).

Moved by: Mr. White

Seconded by: Mr. Hipps

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

Opposed: None

Chairman Maron: If we do a site visit is there a time that's good for you?

Ms. Beutel: I can be available any day; I don't start work until August 22nd.

Mr. White: If we do a site visit, perhaps we should do it at 6:00 and then come right to the meeting at 7:00.

Chairman Maron: That sounds good to me.

Chairman Maron: The next item is **Bobby McGee, Tax Map No. 66.2-21-24.200 & 66.2-2-24.120**. We had a site visit.

Mr. White: Obviously he has a problem with drainage. I would think that we should send a letter to the county asking them to address the drainage and maybe the speed limit. It's 45 there and maybe that's too fast.

Mr. Fitzgerald: What about the stop sign coming off Sherman Road?

Ms. Severance: I think that whole area needs to be visited.

Chairman Maron: We'll send a letter to the county. Other thoughts?

Mr. Severance: I know that we went there to check up on the project and bring ourselves up to date. He has a permit that seems to be open-ended.

Chairman Maron: He has a Special Permit that has conditions. We received a couple letters of complaint. We needed to look at the property with the conditions in mind and see if he is complying with them.

Mr. Hipps: You're right. It is open-ended because we have continuing jurisdiction. The assumption was that in three years time it would all be done.

Ms. Fitzgerald: We had discussed the problems there and that he said the trees wouldn't hold. Maybe we'll end up with that not being able to happen. That little black building is where tires are stored; you normally don't see tires when going by.

Ms. Severance: Maybe we should try to look at it from the perspective of the people filing complaints. What are they seeing that we might not be?

Mr. White: If there's a letter, can we read it?

Chairman Maron: I'm pretty sure it went to the Town Board.

Mr. Hainer: There may be something in the minutes. I don't recall seeing a letter.

Ms. Severance: Are they verbal complaints?

Chairman Maron: I think it's written. I'll check my emails because it sounded like they were sending it to the Town Board. I got one email saying they were happy about the shrub planting and wanted to step back from their complaint.

Ms. Severance: What is the protocol for bringing in a complaint? They need to do more than send an email to one individual.

Mr. Hainer: There is a complaint form to fill out. There's a part that I fill out and from there it goes to the board.

Ms. Severance: So that would be the formal way to address a complaint.

Mr. Hainer: Right from the start we knew the project would offend everybody because it's an open lot. A Special Permit is not compatible in the area. That's why you need a Special Permit with conditions on it to make it invisible to the area.

Mr. Hipps: I don't know the nature of the complaint, but I can image if it was very muddy from the runoff that it looks worse. Maybe that's part of it.

Ms. Severance: It's impossible to please everyone, but it was good timing on our part. Everything looked nice.

Mr. Hipps: Going back to the permit and what has not been done, is it just the screening?

Chairman Maron: I think the screening is the main thing.

Mr. White: From what I saw today, the conditions are being met.

Ms. Fitzgerald: I agree.

Mr. Anson: I agree too.

Mr. White: Hopefully those bushes will prosper.

Chairman Maron: About the screening it says, "The applicant shall install and maintain vegetative screening to the best of his ability so the vegetation limits views of the property from Lake Shore Road and adjoining properties." He's been doing that to the best of his ability and apparently it hasn't worked.

Ms. Fitzgerald: That's why we put that in there; it wasn't a guarantee that he actually could do the screening. You couldn't have it better looking than we saw it today.

Ms. Severance: We have to decide if we're good for six months, if we're satisfied with the way it looks today or if we need to ask them to do anything else.

Ms. Fitzgerald: I'm not so sure about being satisfied for six months. If something happens down the road and we get ten complaints, we need to know how to address the complaints.

Mr. White: If there are complaints in the mean time I think we have to go through the formal form process.

Chairman Maron: How about we communicate via letter and say we looked at the property, we see that they're making an effort, we're satisfied and we'll revisit in a year. We'll write a letter to the county to see if we can deal with the drainage issue.

Mr. Anson: I agree.

Chairman Maron: This might be a step too far, but to also say there might be a better place for the business.

Mr. White: I wouldn't say that, but I would send a copy of the county letter to the McGees.

Mr. Hainer: You should send a copy to the supervisor too.

Ms. Fitzgerald: We've done what we need to do. If there's a complaint it can be reported.

Mr. Hainer: You don't necessarily act on one complaint unless it's something serious. If there are multiple complaints over time that's when you'd get involved.

Chairman Maron: I'll write the letters and circulate them to everybody for review. We'll discuss them at the next meeting.

Chairman Maron: On to other business.

Mr. Hainer: I have a meeting tomorrow with Guy Lever. He's considering building on his lot. I pulled his file and found the document for the big consideration hearing that we had and the determination. I expect that he'll come to the Planning Board and either file a revised subdivision plan or use the old building envelope from the original subdivision. There's been some erosion, so I doubt he'll use the old one. We have to make sure the neighbors are notified and happy with it.

Mr. Hainer: The hamlet expansion was approved by the APA. Now it has to be incorporated into our zoning. Hopefully that will be done by September.

Ms. Fitzgerald: I have a question. The letter you were sending to Sheehans that had some rebuttals – where does that stand now?

Chairman Maron: I already sent that letter.

Ms. Severance: We need to write a letter that just says that we're willing to work with them and understand that they inherited it.

Ms. Fitzgerald: I think you need to start from scratch. You mentioned a letter, but I don't think we approved it. You had comprised a letter and I commented that that's not what we agreed at the meeting.

Ms. Severance: You're talking about the wording in the minutes versus the writing in a letter.

Chairman Maron: It's okay if you want to go through the letter again.

Ms. Fitzgerald: To clarify, you haven't sent them an additional letter?

Ms. Severance: No, there hasn't been an additional letter. I can type one and email it to everybody or we can write it together.

Ms. Fitzgerald: There were too many other items put in the letter.

Chairman Maron: We can work on a letter together. Is there any other business?

Mr. White: I move we adjourn.

Mr. Anson: I second.

Chairman Maron: All in favor? Meeting adjourned at 7:59 p.m.

Respectfully submitted,

Julie Schreiber, Secretary