

Planning Board Minutes  
August 28, 2019

Chairman Chris Maron called the meeting to order at 7:02 p.m. with the following members present: Mr. Dwight Anson, Ms. Cynthia Fairbanks, Ms. Mary Lou Fitzgerald, Ms. Robin Severance, and Mr. Ken White. Also in attendance was Mr. George Hainer, Building Codes/Zoning Officer. Guest in attendance: Brenda Beutel.

Chairman Maron: The first order is to approve the minutes of July 24, 2019.

Mr. White: I move that the minutes be approved.

Ms. Fitzgerald: I'll second.

Chairman Maron: All comments? All in favor? Approved.

- **Resolution 2019-19 Minutes Approval**

Resolved: To approve the minutes of the July 24, 2019 meeting as received.

Moved by: Mr. White

Seconded by: Ms. Fitzgerald

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

Opposed: None

Chairman Maron: **Brenda Beutel, Tax Map No. 65-4-2-6.000**, Special Permit application to construct a single family dwelling in the Forest Lands District. Are there any questions or comments on the application? We have to do a short SEQR. Let's go through the Short Environmental Assessment Form Part 2 – Impact Assessment.

- Will the proposed action create a material conflict with an adopted land use plan or zoning regulations? No.
- Will the proposed action result in a change in the use or intensity of the land? No.
- Will the proposed action impair the character or quality of the existing community? No.
- Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area? No.
- 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? No.
- 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? No.
- Will the proposed action impact existing:
  - A. Public/private water supplies? No.
  - B. Public/private wastewater treatment utilities? No.
- Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources? No.
- Will the proposed action result in an adverse change to natural resources? No.
- Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems? No.
- Will the proposed action create a hazard to environmental resources or human health? No.

[Ms. Fairbanks arrived at this time]

Chairman Maron: On Part 3 Determination of Significance, we'll check the box stating that the proposed action will not result in any significant adverse environmental impacts. I'll take a motion to accept the forms and authorize me to sign them.

Mr. White: I'll move.

Ms. Severance: I second.

Chairman Maron: Discussion? All in favor? Approved.

- **Resolution 2019-20 Brenda Beutel SEQR Forms**

Resolved: To accept the determination that the proposed project will not result in any significant adverse environmental impacts and authorize Chairman Maron to sign Part 3 of the Short Environmental Assessment Form.

Moved by: Mr. White

Seconded by: Ms. Severance

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

Opposed: None

Chairman Maron: We'll review the Class B Findings Checklist and determine if the project will result in a small to moderate impact or potential large impact.

- Soils, General – Small to Moderate Impact
- Agricultural Soils – N/A
- Topography – Small to Moderate Impact
- Floodplains – N/A
- Groundwater – Small to Moderate Impact
- Shorelines – N/A
- Aquatic Communities – Small to Moderate Impact
- Vegetation, General – Small to Moderate Impact
- Rare and Endangered Terrestrial Wildlife – N/A
- Terrestrial Wildlife, General – Small to Moderate Impact
- Aesthetics, General – Small to Moderate Impact
- Outdoor Recreation – N/A
- Surrounding Land Uses, General – Small to Moderate Impact
- Adjacent State Land – N/A
- Government Consideration, Service and Finance – Small to Moderate Impact
- Government Consideration, Regulation – Small to Moderate Impact
- Sewage Disposal – Small to Moderate Impact
- Storm Drainage – Small to Moderate Impact
- Water Supply – Small to Moderate Impact
- Shoreline Development – N/A
- Noise – Small to Moderate Impact
- Signs – Small to Moderate Impact

We also need to complete the Special Permit Minor Project Check-off List. Section 5.041 Minor Projects reads: A Minor Project shall be presumed to be acceptable if it complies with applicable health laws and other specific provision of this Local Law and if no credible expert testimony is presented in opposition to it. Before granting a Minor Project Special Permit, the Planning Board shall determine that the criteria for Major Projects listed in Section 5.042 below are generally satisfied.

- a. Will comply with all provisions and requirements of this and other local laws and regulation, and will be in harmony with the purposes of the land use district in which it is located and with the general intent and purposes of this Local Law. Yes
- b. Will not be detrimental to adjacent uses. Yes
- c. Will not adversely affect the availability of affordable housing in the Town. Yes
- d. Will not cause undue traffic congestion, unduly impair pedestrian safety, or overload existing roads considering their current width, surfacing and condition, will have appropriate parking, and will be accessible to fire, police, and other emergency vehicles. Yes
- e. Will not overload any public water, drainage, or sewer systems, or any other municipal facility, or degrade any natural resource or ecosystem. Yes
- f. Will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat, and hydrology, and, if appropriate, its ability to be buffered or screened from neighboring properties and public roads. Yes
- g. Will not result in excessive noise, dust, odors, solid waste, or glare, or create any other nuisances. Yes
- h. Will be subject to such conditions on design and layout of structures, provision of buffer areas, and operation of the use as may be necessary to ensure compatibility with surrounding uses and to protect the natural, historic, and scenic resources of the town. Yes
- i. Will be consistent with the goal of concentrating retail uses in villages and hamlets, avoiding strip commercial development, and locating non-residential uses that are incompatible with residential use on well-buffered properties. Not Applicable
- j. Will comply with the criteria in Section 5.063. Yes
- k. Will have no greater overall impact on the site and its surrounding than would full development of uses of the property permitted by right, considering environmental, social, and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, or glare, or any other nuisances. Yes

Section 5.040 Findings Required: The findings are that the project complies with the local law criteria. Are there any conditions we would set on the permit approval? No. We'll take a motion to approve the permit.

Ms. Fitzgerald: I so move.

Mr. Anson: I second.

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

- **Resolution 2019-21 Brenda Beutel Special Permit**

**Whereas**, application Number 06-03-19-01-01 of 2019 has been submitted for a Special Permit to erect single family dwelling as outlined in the project application in the Forest District, a land use requiring a Special Permit; and

**Whereas**, said application is a non-jurisdictional project in respect to the APA Act; and

**Whereas**, in respect to the State Environmental Quality Review Act, the proposed project is an Unlisted Action for which a Negative Declaration has been issued; and

**Whereas**, a no-comment letter was received from the Essex County Planning Board; and

**Whereas**, a public hearing was held on August 28, 2019; and

**Whereas**, a site visit was made on August 28, 2019; and

**Whereas**, the following findings were made as a result of:

- Technical review by the Code Enforcement Officer: Will comply with local surroundings.
- Planning Board:
  - SEQR: No “Adverse Effects” were identified
  - Site Visit
  - Conditions from Planning Board
- Public Hearing: No comments. No public in attendance.

**Now Therefore Be It Resolved**, that said Special Permit is approved subject to the following condition(s): None

**Be It Further Resolved**, that due to the minor nature of this Special Permit use, this Resolution will also serve as the Special Permit for this project.

Moved by: Ms. Fitzgerald

Seconded by: Mr. Anson

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

Opposed: None

[Ms. Beutel left at this time]

Chairman Maron: We’ll now move on to the **Marvin/Preston** Crest Way lot line adjustment.

Mr. White: What is the purpose of it?

Mr. Hainer: To make the driveway accessible. It’s transferring a 0.01 acre triangle to Alan Hipps and Jane Preston at 11 Crest Way. It needs to be classified as a minor division.

Chairman Maron: A 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 the adjoining property and is not in conflict with any provision or portion of the Town Land Use Plan or zoning regulations or policies set forth in these regulations. If the Planning Board determines that a particular division constitutes a minor division, it shall so notify the applicant who may then proceed without necessity of

Planning Board approval or public hearing. Is there a motion to classify this as a minor division?

Ms. Fairbanks: I move.

Mr. White: Second.

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

- **Resolution 2019-22 Marvin/Preston Minor Divison**  
Resolved: To classify the lot line adjustment between Walter Marvin, 8 Crest Way and Jane Preston, 11 Crest Way as a minor division.  
Moved by: Ms. Fairbanks  
Seconded by: Mr. White  
In Favor: Mr. Anson, Ms. Fairbanks, Ms. Fitzgerald, Ms. Severance, Mr. White, and Chairman Maron  
Opposed: None

Chairman Maron: The next item is the **Zoning Amendment** of a 32+/- acre parcel from V-REC to V-RES II-PD(cc).

Mr. Hainer: The Town Board will hold a public hearing next month to amend the Zoning Ordinance. The parcel will be rezoned to incorporate the parcel into the same zoning district as the golf club property. The APA has already approved the amendment. After the town board adopts it, it gets filed with the Secretary of State, and then becomes law. If you have a comment or want to show support, you can write a letter to the board before the hearing.

Chairman Maron: Are there any thoughts or suggestions?

Mr. White: I would like to see us comment in favor of it.

Chairman Maron: Does someone want to make a motion?

Mr. White: I so move.

Ms. Severance: Second.

Chairman Maron: Any discussion? All in favor? Approved

- **Resolution 2019-23 Zoning Amendment Support**  
Resolved: To submit a letter to the Town Board in support of a local law to amend the zoning map to rezone a 32+/- acre parcel from V-REC to V-RES II-PD(cc).  
Moved by: Mr. White  
Seconded by: Ms. Severance

In Favor: Mr. Anson, Ms. Fairbanks, Ms. Fitzgerald, Ms. Severance, Mr. White, and  
Chairman Maron  
Opposed: None

Chairman Maron: **DEC boat launch project.** The DEC plans to dredge along the boat launch area and transport the dredged material to the Munson Pit.

Mr. White: Do you know what their time schedule is?

Mr. Hainer: I think they'll start fairly soon. They still need approval from the APA.

Chairman Maron: Do they need a letter of comment from us or can we just let it go?

Mr. Hainer: You can write a 'no comment' letter. This is just to notify you in case of any concerns.

Ms. Severance: The only question I have is why they would go to Munson's pit.

Mr. Hainer: The way the law is now, the material has to be trucked to certain sites.

Ms. Severance: It might be something to consider that if it has to go to Munson's pit, that they have some kind of commitment to maintain that dirt road.

Chairman Maron: So the letter should ask if they would consider somewhere other than the Munson Pit and that we expect them to maintain the road.

Moving on to discussion of the letters to Bobby McGee and the county. I've sent out drafts.

Mr. White: The McGees were concerned about people coming north on that road. I think it's bad both ways.

Chairman Maron: You're talking about the speed limit being lowered?

Mr. White: I think they would like to see it lowered.

Ms. Severance: It'd be nice if that started at the bottom of Lake Shore Road.

Chairman Maron: I'll add that in to the letter. Cynthia brought up the fact that there are kids there. We might suggest a sign for "Children Ahead."

The next one is a letter to the Sheehans.

Ms. Severance: I thought that was nice.

Chairman Maron: Are there any additions or corrections?

Ms. Severance: I don't think so.

Chairman Maron: Other business: I got a call asking about bright lights at what used to be the Evens farm on Angier Hill Road. I drove by during the day and saw four rented lights from Taylor Rental. I didn't see them on. Does anyone know anything about it?

Mr. White: Are they doing construction at night? I think it's a temporary thing.

Ms. Severance: Someone should drive by at night and see.

Chairman Maron: Is there any other business?

Mr. White: I move we adjourn.

Ms. Fairbanks: I second.

Chairman Maron: Meeting adjourned at 7:50 p.m.

Respectfully submitted,

Julie Schreiber, Secretary