

Planning Meeting

Date: Thu, Mar 27, 2014, 6:50 PM - 7:50 PM

Location:

Minute Taker: Stephanie Kelly

Attendees: Collette Barnard, Dan Hurdle, Ed Clark, Kenny Sontheim, Stephanie Kelly, Steve McCarrick

No.	Tag	Title	Remark	Responsible	Due
1		CALL TO ORDER	<p>Vice Chairperson Ms. Barnard called the meeting of the Planning Board to order at 7:00 p.m. at the Phelps Town Courthouse.</p> <p>The Pledge of Allegiance was said by all.</p> <p>Introductions were made.</p> <p>Excused: Mr. Allen</p>		
2		MINUTES	<p>The minutes from the February 27, 2014 meeting were considered. Mr. Hurdle made a motion to accept the minutes. Mr. Sontheim seconded. The motion carried. Mr. McCarrick abstained.</p>		
3		APPLICATION SP-13-1016: MARK REALE	<p>Ms. Barnard made a motion to table until next month as nothing has been received from the state. Mr. Sontheim seconded. Motion carried unanimously.</p>		
4		APPLICATION SP-1108-113: CHRISTINE DZULA	<p>Ms. Barnard made a motion to table until next month as nothing has been received from the state. Mr. Hurdle seconded. Motion carried unanimously.</p>		
5		DUNKIN DONUTS	<p>Mr. Clark stated this is still waiting information/approval from the state.</p>		
6		APPLICATION SP3-14: JOSH SANFORD	<p>Josh Sanford 2136B Rt 96 Phelps, NY 14532</p> <p>Personal use of building and driveway/storage for renters belongings. Personal use of building to work on renters cars/store cars.</p> <p>Mr. Sanford explained how this application came about. These are Mr. Sanford's own cars he works on. Mr. Sanford doesn't hire anyone to work on these cars. It is a hobby for him. There are about 6 cars outside and a couple inside. Mr. Hurdle felt the place looked a little bit like a junk yard and would have a hard time approving a site plan based on that. They are not all licensed.</p> <p>Mr. Hurdle asked what the violation was on this. The violation has to do with running a body shop without a permit. Mr. Sanford assured the board that the cars there are only his and his two friends personal vehicles. It is just a "hang out" for the guys.</p> <p>Ms. Barnard asked Mr. Hurdle why he felt the cars would need to be shielded since the next door business didn't have any of their cars shielded.</p> <p>Mr. McCarrick felt that limited the number of vehicles would help. Mr. Sontheim asked how long the lease was for. It was for six months and</p>		

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			<p>now it is month to month.</p> <p>Mr. Sontheim felt that he could approve the site plan if it was restricted to 6 cars and only personal vehicles owned by Mr. Sanford, Mr. Bounds and Mr. D'amico. Mr. Sontheim also felt he couldn't sell or work on other cars. Mr. Sontheim would like this to be for 1 year. At that point the applicant would need to re-appear before the Planning Board for review.</p> <p>Mr. Sontheim made a motion to accept the application as stated above. There would only be an allowed amount of 6 stored/parked cars there along with the personal vehicles in which the applicant(s) drive there. This is being approved for the term of one year. This is a SEQR Type II requiring no further action. Mr. McCarrick seconded the motion. Mr. Hurdle opposed. The motion carried.</p>		
7		APPLICATION SD14-06: ALAN RUFFALO	<p>Alan Ruffalo 14 Pelis Rd Newark, NY 14513 Subdivide lot 1 (13.094 acres) with existing house & buildings on the east side of Falkey Road from the parent parcel. Lot 1 to be conveyed. The remaining land (70+/- acres) on the west side of Falkey Road to be retained and remain agricultural.</p> <p>Public hearing opened at 7:30 pm Public hearing closed at 7:31 pm There was no public comment.</p> <p>Mr. Hurdle had a question about one of the questions on the new SEQR form.</p> <p>Mr. Hurdle made a motion to accept the application as stated above. It is a simple subdivision and meets all requirements. It is a SEQR Type II requiring no further action. The final site plan will be March 6, 2014. Mr. McCarrick seconded. The motion carried unanimously.</p>		
8		APPLICATION SD14-07: KAREN CANNE	<p>Karen Canne 756 Cty Rd 6 Phelps, NY 14532 Subdivide lot 1 (14.342 acres) with existing house from the parent parcel. Lot 1 to be retained by the owner. The remaining lands (25.258 acres) to be conveyed to the adjoining owner (son of the applicant).</p> <p>Mr. Clark explained the site plan and application request. Mr. Hurdle asked if there was enough room to get to the back lot. Mr. Clark said their was.</p> <p>Public hearing was opened at 7:37 pm Public hearing was closed at 7:38 pm</p> <p>Mr. Hurdle made a motion accept the application as stated above. It is a simple subdivision that meets all requirements. It is a SEQR Type II with no further action required. The final site plan is dated March 10, 2014. Mr. McCarrick seconded. The motion carried unanimously.</p>		

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			<p>DeBoover Family Farms, LLC</p> <p>Subdivide lot 1 (4.912) acres with existing house and buildings from the parent parcel. Lot 1 to be conveyed. The remaining lands (55.394 acres) to be retained by DeBoover Family Farms, LLC and remain agricultural.</p> <p>Mr. Dave Clark was present to explain the application and review the site plan.</p> <p>Public hearing opened at 7:25 pm Public hearing closed at 7:26 pm</p> <p>There were no comments.</p> <p>Mr. Hurdle made a motion to accept the application as stated above. It is a simple subdivision and meets all requirements. It is a SEQR Type II requiring no further action. The map dated February 28, 2014 will be the final site plan. Mr. Sontheim seconded. The motion carried unanimously.</p>		
10		<p>APPLICATION SP1-14: LAWRENCE CONSTRUCTION</p>	<p>Lawrence Tillack 274B Main St Phelps, NY 14532 Construction of a 2500 square foot single story pole barn with stone apron and driveway.</p> <p>Mr. Tillack was present to discuss the current proposed site plan. He wants to build this new building to rent. He is unsure who will be renting at this point.</p> <p>Mr. Hurdle asked if the same driveway would be used for all three buildings on this property. Mr. Tillack felt that would be fine as long as the traffic permitted. Mr. Sontheim felt the problem may be when people getting to the building are accessing through the parking lot. Mr. Sontheim doesn't feel comfortable having this new building with the traffic pattern the way it is. Mr. Sontheim would like to see a traffic study done. Ms. Barnard was worried about access as well. There are safety concerns. Mr. Sontheim read some code to the board regarding parking regulations and why he feels this won't allow the board to approve this as presented today. Mr. McCarrick asked if a driveway would be built behind the facility. Mr. Tillack says he doesn't own that property. Ms. Barnard agreed with Mr. Sontheim.</p> <p>Mr. Tillack stated this wouldn't increase traffic if he used it for his own use. Ms. Barnard thought it would be more beneficial to have the traffic study before Mr. Tillack starts marketing his property for lease.</p> <p>Mr. Sontheim asked if there was a landscaping plan. There was one to review. Ms. Barnard asked if the building would resemble what is already there. Mr. Tillack said yes.</p> <p>The landscaping plan was reviewed. Mr. Sontheim wasn't satisfied with the landscaping that currently exists. Mr. Hurdle suggested leaving the shrubs where they are and adding some on the other side versus moving them. Mr. Sontheim felt landscaping between buildings was essential. Mr. Sontheim doesn't want to see this area become all gravel parking areas.</p> <p>Mr. Hurdle asked about the increase in the pond due to the addition of the new building. The pond can accommodate the new building but would need to be increased as the buildings increase on the property.</p> <p>Mr. McCarrick would like to see elevations as well. Mr. Clark reviewed</p>		

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			<p>the elevations with the board. Mr. Sontheim asked if some windows could be added. Mr. Tillack agreed.</p> <p>The board explained to Mr. Tillack the requests for next review; more landscaping.</p> <p>Mr. Sontheim felt an attorney's opinion would be helpful in how to move forward with Mr. Tillack's verbal revision at the meeting that instead of having the building be rented out that it be for his personal use only in order to avoid dealing with potential traffic and parking related issues that he and other Board members had brought up. Mr. Sontheim raised the question of balancing individual property rights with the rights of the public and how to address that in some form of action by this Board.</p> <p>Ms. Barnard felt looking at the original traffic plan might be helpful.</p> <p>Mr. Clark said the SWIPP needs to come back as well before approval.</p> <p>Mr. Hurdle made a motion to table this application until next month once an attorney has been consulted and an appropriate motion has been written. More landscaping has also been requested.</p> <p>Mr. Tillack felt this was a waste of time and he will be withdrawing his application.</p>		
11		OLD BUSINESS	<p>Ms. Barnard wanted to discuss the Landscaping changes that were proposed due to the Town of Phelps Board meeting. The Planning Board felt the changes were acceptable. Mr. Sontheim would like the memo from Jeff Graff included in these minutes and it be clear that the Town Board requested that the Planning Board revise its language to have the amount and size of landscaping be in the terms of guidelines to be negotiated rather than standards to be applied. Mr. Sontheim will take the new changes to Ms. Nieskes for Town of Phelps Town Board approval/public hearing. Mr. Sontheim made a motion to accept the changes and move forward. Mr. McCarrick seconded. The motion carried unanimously.</p> <p>From: Jeff Graff Sent: Tuesday, December 03, 2013 10:01 AM To: 'LINDA NIESKES' Subject: RE: Landscape Review Local Law</p> <p>Hi Linda,</p> <p>The only issue I see is the potential claims by applicants that the PB can not "require" those items listed as "guidelines" or "recommended minimums". Laws, and in this case a local law, really should be definitive and not mere guidelines or recommendations so that if the PB wants to require something, they are on firm ground in doing so. In practice, the PB would need to consider what would happen if they "require", for example, a certain number of trees that are only "recommended" and the applicant objects to that number. If the applicant challenged the PB determination, it becomes problematic if this went to court in that the PB's ability to enforce a number they think is appropriate becomes sketchy when the law does not set out "requirements".</p>		

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			<p>That is really just something to think about. The PB will have to work with this language so perhaps the law moves forward as the PB is requesting it and then the PB can let the Town Board know after a year or so whether they are encountering any issues with enforcing the "guidelines" or "recommended minimums". If they aren't, then there would be no need to change the law. But if they are hearing complaints or objections from applicants, then, perhaps, the Town Board can look to amend this language back to definitive wording.</p> <p>I show that I previously sent you all the resolutions, legal notices and instructions for adoption on this law. Do you still have those documents?</p> <p>Jeff</p> <p>Mr. Sontheim handed out the attorney copy of the Rt 14 Overlay legislation. The Planning Board will need to review for further action/comment.</p>		
12		NEW BUSINESS	<p>The board has begun review of the water documentation/legislation that Mr. Sontheim had provided. Mr. Sontheim felt it was divided into (3) topics.</p> <p>The board decided to schedule a separate meeting for a philosophical discussion on water preservation.</p>		
13		PUBLIC COMMENT	None		
14		ADJOURN	Ms. Barnard made a motion to adjourn. Mr. Hurdle seconded. The meeting was adjourned at 8:46 pm.		
15		Revised: April 8, 2014	Draft: March 27, 2014		