

Town of Homer Planning Board

Minutes for Wednesday, January 23, 2013

Board Members (absent *)

Eugene Wright, Chairman

Michael McMahon

Betsy Gray

Bruce Crandall

Stuart Young

Chad Butts

Michael Park

Others Present

Lindsay Kemp, Recording Secretary

John Daniels, CEO*

Pat Snyder, Attorney

Public Attendance: Atty. Matthew Neuman, Atty. John Delveccio, and Gary Shiffer, Tim Deline, and Mike Sweeney

Public Hearing

Chairman Wright opened the Public Hearing for **an application by Colleen and David Thomas to subdivide 10.2 acres out of 30+ acres on the west side of Health Camp Road.**

Attorney Delveccio stated that he was at the meeting on behalf of the Thomas' and currently represents them. He stated that Colleen and David would like to subdivide a 10 acre parcel on the southern side of Health Camp Road. He presented each board member with a map which detailed the location and plan for the proposed subdivision. He also stated that there is someone interested in purchasing the property and the purchaser may eventually build a residential home.

With no questions or comments from the public, the Public Hearing was closed.

Chairman Wright opened the public hearing for **an application by Lawrence Jones to subdivide 9.6 acres out of a 420 acre parcel located at 5668 U.S. Route 11.**

Attorney Matthew Neuman stated that he was present to represent Lawrence Jones and would be speaking on his behalf. Attorney Neuman stated that Mr. Jones would like to subdivide 9.6 acres from the existing 420 acres. The large parcel is used for the horse farm and Mr. Jones would like to subdivide a separate lot which the existing paddock for his beef cattle operation is located on. This would separate the beef cattle business from the horse farm.

With no questions or comments from the public the public hearing was closed.

Chairman Wright opened the public hearing for **an application by Jim, Frederick, and Linda Forbes to subdivide a 1.7 acre parcel at 5051 Forbes Road, from a 133 acre parcel.**

Chairman Wright stated that this application had been previously explained by Fred Forbes at the last planning board meeting.

With no questions or comments the public hearing was closed.

Regular Meeting

Chairman Wright opened discussion for the **application by David and Colleen Thomas to subdivide 10.2 acres out of 30+ acres on the west side of Health Camp Road.**

Member McMahon asked if anyone knew what the plans were for the property. Member Parks stated that he knows the potential buyer and believes that he plans to build a residential home in the future.

Chairman Wright read the letter that was received from the county planning department which stated that they had reviewed the application and the request is technically adequate and there are no state or county wide impacts and the application was being returned for local determination.

Member McMahon made a motion to declare a minor subdivision. Member Gray seconded the motion. With all members in favor saying "aye", none opposed and none abstained. The motion was carried unanimous 5,0,0.

Attorney Snyder read each question from part 2 of the short environmental assessment form to the board members and the members answered no to each question.

Member Park made the motion to declare a negative declaration under SEQR. Member Crandall seconded the motion. With all members in favor saying "aye", none opposed and none abstained. The motion was carried unanimous 5,0,0.

Member McMahon made a motion to approve the subdivision. Member Park seconded. With all members in favor saying “aye”, none opposed and none abstained. The motion was carried unanimous 5,0,0.

Chairman Wright opened discussion for the **application by Lawrence Jones to subdivide 9.6 acres out of an existing 420 acre parcel located at 5668 U.S. Route 11.**

Member McMahon made a motion to declare this a minor subdivision. Member Gray seconded. With all members in favor saying “aye”, none opposed and none abstained. The motion was carried unanimous 5,0,0.

Attorney Snyder read all questions from part 2 of the short environmental assessment form to the board members and all board members answered no to each question.

Member McMahon made the motion to declare a negative declaration under SEQR. Member Park seconded. With all members in favor saying “aye”, none opposed and none abstained. The motion was carried unanimous 5,0,0.

Member McMahon made a motion to approve the subdivision. Member Crandall seconded the motion. With all members in favor saying “aye”, none opposed and none abstained. The motion was carried unanimous 5,0,0.

Chairman Wright opened discussion for the **application by Jim, Frederick, and Linda Forbes to subdivide a 1.7 acre residential parcel at 5051 Forbes Road, from a 133 acre parcel.**

Chairman Wright stated that this application had been previously discussed and the 1.7 acre residential lot is less than the minimum requirement. It was determined that the planning board needed approval from the Health Department and the Town of Homer Zoning Board of Appeals prior to approving the subdivision.

Attorney Snyder stated that the request was approved by the health department and a public hearing was held by the Zoning Board of Appeals and they also approved the area variance.

Member McMahon made the motion to declare a minor subdivision with the consideration that the ZBA and Health Department had approved the subdivision. Member Park seconded the motion. With all members in favor saying “aye”, none opposed and none abstained. The motion was carried unanimous 5,0,0.

Attorney Snyder read each question from part 2 of the short environmental assessment form to the board members and each of the board members answered no to all questions.

Member McMahon made a motion to declare a negative declaration under SEQR. Member Crandall seconded the motion. With all members in favor saying “aye”, none opposed and none abstained. The motion was carried unanimous 5,0,0.

Member McMahon made a motion to approve the subdivision. Member Park seconded the motion. With all members in favor saying “aye”, none opposed and none abstained. The motion was carried unanimous 5,0,0.

Member Parks asked the board to review plans for his new welding shop which he would like to purchase property for on U.S. Route 11 north of his current welding shop.

Mike Parks stated that he wants to be sure that his proposed business will be allowed at the proposed location prior to finalizing the purchase of the property and building details.

Mike Parks stated that he presented his proposed plan to the acting Code Enforcement Officer Kevin McMahon and he provided the board members with a detailed report that was returned to him from Kevin McMahon. The report stated that his proposed business plan does not present a zoning conflict but the plan is also subject to site plan review.

Attorney Snyder stated that the responsibility of the planning board is to consider and avoid adverse impacts but not to determine allowable uses. He also stated that the request is sent to the Code Enforcement Officer who makes the determination which has already been done. He then stated that anyone could appeal the decision of the Code Enforcement Officer and at that time it would be sent to the Zoning Board of Appeals for review.

Member McMahon stated that he has spoken to acting Code Enforcement Officer Kevin McMahon and he has done extensive research on this proposed application and approval and Member McMahon felt that he had come to a very educated decision. He also stated that at this time Mike Parks is asking if this is an allowed use of the property and the Code Enforcement Officer has determined that it is an allowed use.

Attorney Snyder stated that the planning board does not need to take an action now but it could be appealed to the Zoning Board of Appeals. He also stated that Mike Parks could also request an interpretation from the Zoning Board of Appeals whether his proposed use is allowed in the business district.

Mike Sweeney was present to discuss a potential purchase of a very small parcel of property located on Ayers Road. He would like to determine if he needs a subdivision or if this would be considered a lot line adjustment.

Mike Sweeney stated that he would like to purchase a triangular shaped piece of property which is approximately 20 feet wide from Larry Simon. He wishes to do this because he would

like to eliminate having to use the existing right of way and this purchase would allow him to build a private driveway with access from Ayers Road.

Mike Sweeney stated that he spoke to CEO Daniels and asked him what the requirements were for a driveway and CEO Daniels stated that there were no setback requirements for driveways. He advised him to come to the planning board meeting.

Member Young stated that the board would normally question the road frontage but the substandard lot already exists.

There was extensive discussion about what requires a subdivision approval. The board reviewed the definitions of "subdivision" in the subdivision regulations and "lot" in the zoning law. It was discussed that Mr. Sweeney's proposed purchase of land was a lot line adjustment that did not require subdivision approval. Consequently the planning board was of the opinion that the CEO's interpretation that no permits were needed was a correct interpretation.

Member McMahon made the motion to declare a lot line adjustment and approve the lot line adjustment contingent the lot is consolidated with the existing parcel. This is a type 2 action under SEQR therefore no short environmental assessment form is needed. Member Crandall seconded the motion. With all members in favor saying "aye", none opposed and none abstained. The motion was carried unanimous 5,0,0.

Tim Deline presented a proposal to the board for the purchase of a 7 acre parcel from Bob Chase on Health Camp Road.

The board members stated that Mr. Deline needed to have Bob Chase file an application for subdivision approval. Member McMahon advised him that he may act as an agent for Bob Chase with written permission. Mr. Deline stated that he has spoken to CEO Daniels and was told his plans were acceptable and a building permit would be issued.

Tim Deline was advised to get a subdivision application from the Homer Town Clerk and Chairman Wright also stated that the deadline for the County Planning GML review is February 1, 2013.

Member Young stated that he is also considering constructing a new dairy barn and would like to know if he will need an aquifer permit. The board members reviewed the aquifer map and determined that his property is located in area 3. Attorney Snyder stated that in areas 1,2, & 3 a special permit is needed from the planning board if the building is larger than 10,000 square feet. It would also need to be sent to the county planning department for review.

The next planning board meeting was scheduled for February 27, 2013.

Adjournment

The meeting was adjourned at 9:00pm.

Lindsay M. Kemp, Recording Secretary