

# Town of Homer Planning Board

Minutes for Wednesday, February 24, 2016 at 7:30pm

## Board Members (absent \*)

Eugene Wright, Chairman

Michael McMahon

Betsy Gray

Bruce Crandall

Stuart Young

Chad Butts

Michael May

## Others Present

Lindsay Andersen, Recording Secretary

Kevin McMahon, Deputy CEO

Pat Snyder, Attorney

Public Attendance: David Ames

## Public Hearing

Chairman Wright opened the public hearing for **an application by Riazuddin and Ansaruddin Rahimi for a subdivision in connection with the sale to adjoining owner of 15 acre parcel of the Kevin Walsh living trust.**

Board members reviewed the maps for the proposed subdivision that were provided by the applicant.

Attorney David Ames was present to represent the Rahimi's. He stated the Rahimi's own a total of 18 acres. He also stated that in 2010 the lot that the subdivision request is being proposed for was two lots at one point but he believes they were combined for tax purposes. If the subdivision request is approved there would be two lots created of 5 acres and 13 acres. He believes that the new 5 acre lots would be combined with the purchasers existing lot.

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

## Regular Meeting

Chairman Wright opened discussion for the **application by Riazuddin and Ansaruddin Rahimi for a subdivision in connection with the sale to adjoining owner of 15 acre parcel of the Kevin Walsh living trust.**

Attorney Snyder stated that he received a letter from County Planning Department which stated that they had no objections or recommendations and were returning the application for local review and determination.

Chairman Wright reviewed Part 1 of the short environmental assessment form with the board members. He then read all questions on part 2 of the short environmental assessment form and all questions were answered no.

Member McMahon made the motion to declare a negative declaration under SEQR and ask the Chairman to sign the short environmental assessment form. Member Gray seconded the motion. With all members in favor saying "aye", none opposed and none abstained the motion was carried unanimous 7,0,0.

Member McMahon made the motion to approve the subdivision. Member Butts seconded the motion. With all members in favor saying "aye", none opposed and none abstained. The motion was carried unanimous 7,0,0.

Chairman Wright stated that the \$50 application fee had been received and the applicant needed to submit an additional \$50 lot fee and a \$50 public hearing fee.

Chairman Wright opened discussion **for a proposal by Paul and Lisa Gugerty for the proposal of a possible lot line adjustment.**

The applicant stated that his mother-in-law owns the lot next door to him and is willing to sell them the lot that the pole barn they use is currently on.

CEO Kevin McMahon stated that the total amount of land being transferred would be .8 acres which would be combined with the existing 11 acre parcel and there would not be a separate lot or deed created.

Attorney Snyder informed the applicant that he would need to discuss the proposal with the county health department prior to the board being able to approve the lot line adjustment. The health department would need to verify that there would be enough remaining land left with his mother-in-law's property.

Attorney Snyder stated that if the .83 acres is going to be combined with the 11 acre parcel the lot line adjustment would not have to go to the county for review. Attorney Snyder recommends the board obtain a letter from the county health department stating that they have no objection to the lot line adjustment.

The applicant stated he would contact the county health department.

CEO McMahon stated that he requested information from Lori Tyrrell on Rice Road regarding the old barn that they would like to use as a wedding event center. CEO McMahon explained to her that this is currently a non-permitted use. CEO Daniels initially worked on this and stated that he believed this would be a home occupation which the board did not feel was correct.

CEO McMahon read the definition of a home occupation business. The applicant would also have to apply for a conditional use permit. He stated he feels the building would need a classification change and at the very least the building would need a sprinkler system and a renewable operating permit.

Attorney Snyder stated that in order for a conditional use permit to be issued the building would have to fit one of the categories required for the permit. After reviewing the requirements for a conditional use permit Member McMahon stated that he does not feel the proposal fits any of the conditional use permit requirements.

Attorney Snyder stated that he feels a use variance would need to be obtained for the purpose in which they are trying to use the building.

Attorney Snyder stated that the CEO is responsible for interpreting the zoning law and if the applicant does not agree with the interpretation they can submit an appeal to the zoning board of appeals.

CEO McMahon stated that a water ski school instructor sent an inquiry to the town regarding purchasing one of the ponds on Route 11 to conduct a water ski school. The pond is located on the west side of the railroad tracks and obtaining access to the area may be difficult. Attorney Snyder stated that the applicant may have the opportunity to obtain a use variance.

The next Planning Board meeting is scheduled for March 23, 2016.

## **Adjournment**

The meeting was adjourned at 8:45pm.

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Lindsay M. Andersen, Recording Secretary