

DRAFT  
MINUTES FOR THE  
YATES COUNTY PLANNING BOARD MEETING  
AUGUST 27, 2009

**PRESENT:** Jim Ritter, Kevin North, Alan Snyder, Ron Rubin, Chuck Mitchell, Sandra King, Judy Wiltberger, John Sawers, and Marilyn Scharf.

**Also Present:** Donald House, Yates County Legislator; Fran Dumas; Tom Harvey; Tom Close; Peg Thompson, Dundee Observer; Anne Salisbury; Shawna Bonshak, County Planner, and Karen Phillips, Recording Secretary.

**CALL TO ORDER:**

The meeting was called to order at 7:00 p.m.

**APPROVAL OF MINUTES:**

Mr. Mitchell made a motion to approve the minutes of the July 23, 2009 meeting. Mr. Snyder seconded the motion. All in favor.

**GML 239 REFERRALS:**

**2009-39** – Anne Salisbury & Mary Sujun, State Rt. 54A and Crescent Beach Road, Town of Jerusalem. Proposal to subdivide land with lots to be sold to adjacent/contiguous property owners with a provision of lots to be added and become part of the same parcel they adjoin.

Mrs. Bonshak noted that this is basically to make all the lots conform to their 20,000 sq. ft. lot size requirements. It was asked if there was any affect on the wetlands. There was nothing noted in the application about this. Mr. Ritter said basically they are just adding to the lot size that they already have. It doesn't mean that they can build on it. It was mentioned that if it were a high-grade wetland that there needs to be something in this application that would address that. Mr. Mitchell stated that transferring of ownership shouldn't have any impact on the wetlands. Mrs. Bonshak stated that the SEQR plan says there are no plans to develop.

Mrs. Salisbury stated that in some cases most of these lots will still not be truly conforming. They will be half acre lots or less, but they will be larger than what they were. In some cases there are buildings on their property and this will allow them now to be on their own properties. There are other inferences, such as their immediate next door neighbors who want to build a garage; it won't be on the wetland, but this will help them conform. Mr. Rubin stated he believes some of these were going through the Town individually for variances and other things. He said the ones he was involved with had to get the DEC to sign off on it, which was part of the procedure. Mrs. Salisbury noted that the only one she knows of who was planning to build, had already received DEC approval.

Mrs. King asked Mrs. Salisbury if this addition of land for these lots would benefit the current property owners, as well as herself. Mrs. Salisbury said it wouldn't really benefit herself. The property owners have asked them if they could purchase and they agreed to do that. They are trying to straighten out the line so it isn't so squiggly and this will help them because their lots are pretty small. Even to put a patio on, there is nothing they can do. It still needs to be all in code and meet the DEC and Highway Department's requirements.

Mrs. King asked if any of the additions or buildings would already be regulated by the Town and DEC. Mrs. Salisbury agreed. This just transfers ownership and makes the lots into ¼ acres.

Ms. King made a motion that the Yates County Planning Board has determined that this proposed action only has considerations which are of significance to the Town of Jerusalem. This action appears to have no significant countywide or inter-community impact. Mr. Mitchell seconded the motion. All in favor.

**2009-40** - Justin Jeanroy, 4121 Dundee Himrod Road, Dundee, Town of Starkey. Special Use Permit for the storage of fertilizer and organic feed in an existing building.

Mr. Ritter noted that Mr. Jeanroy has had a truck in operation for some time and they have hauled a lot of organic things, such as grapes and milk, etc. He believes this is just because they are going to bring be hauling it in and distributing it; they have been selling fertilizers and things for two or three years now and they just realized that they are more of a business rather than agricultural. Mr. Ritter noted that he is not sure if they have had things stored there before or not. They have all of the barns and buildings there, so they are not building. It just makes it easier for them to bring things in than it is to have to pick things up and deliver it the same day. He has lots of driveway and runs five or six trucks and/or tractor trailers in and out of there all the time, so it's not a problem. He has a lot of places to get turned around.

Ms. King made a motion that the Yates County Planning Board has determined that this proposed action only has considerations which are of significance to the Town of Starkey. This action appears to have no significant countywide or inter-community impact. Mr. North seconded the motion. All in favor.

**2009-41** – Michael S. Schroeder, 267 Lake Street, Village of Penn Yan. Special Use Permit to amend approved site plan by adding additional signage and sales items to current carwash business.

This will be reviewed next month, per applicant's request.

**2009-42** – Town of Milo. Proposed Comprehensive Plan for the Town of Milo.

Ms. King questioned the section of subdivisions in the zoning plan. She asked if people are going to subdivide if they can subdivide with less than 40 acres. Mr. Harvey, Consultant for Town of Milo, noted that they want to go to density standards. They have had very small lot sizes in the rural areas that require a full comprehensive plan in the agricultural areas. If you're going to shop to buy these small residential lots you would do it in such a way that if you did interfere with the agricultural use of the adjoining property and you give them half of the 5 acre lot, you would disrupt a lot of the corn field or anything else that was around it. It's a density standard on a lot size standard. The Town met with the local Farm Bureau and talked about it and Dale Hullings, the Board member from the Town Board worked on the plan and the whole financial part of it and he has been the one that has worked on this from the beginning with the policies and such. Mr. Harvey noted that when you require large lots in the rural area it really doesn't work well. It just firms up a lot more property with agricultural use.

Mrs. Wiltberger asked if there is anything different about the Town of Milo's requirements than anyone else's. Mr. Harvey noted that there was a lot of community participation involved and this is basically their plan, not his plan. They engaged everyone including business owners, residents, the Mennonite community, other agricultural community, and even the airport. They tried to look at everyone's needs and address them. Even if the recommendations weren't what some of the group wanted in the first place, they sat down and talked about it and talked through it until they came to a consensus before making a recommendation. Some of the other differences are how they are proposing to address residencies on agricultural properties. They looked at the Mennonite population and a lot of the issues that they have is with subdividing. There are a lot of multi-generational farms out there and, as their Mennonite population grows, they want to all keep their role in the agriculture. Right now, as the Government is driven, they have to subdivide their lots. Again, you are starting to separate parcels from the farm and that doesn't make sense. So, t his was looked at there's a lot of multi-generational residents. They also looked at types of businesses and tourism businesses that should be allowed. An overwhelming amount of survey responses that they received supported and were in favor of maintaining the rural character of the town. That was taken seriously.

Mr. North stated that they have worked hard to establish this. Mr. Harvey noted that they received a great response from the survey that was sent out.

Ms. King noted her biggest concern was on the registration of rental properties. We are getting more governmental regulations involving property owner's rights. We have the state property maintenance law that can handle things such as if there is debris or rubbish around these buildings and if there are problems there they can be addressed with this. She said the Town of Milo did a phenomenal job on this but her personal opinion is that there are too many regulations. Mr. Harvey said this was a very interesting and difficult subject, as there were those in the community that really wanted to pass a local law to regulate the opportunity for people to rent their property. It was explained to them that land use can be regulated in a single handedly fashion in a way; with the lot coverage and setbacks and all those things that are prepared to be regulated, we were regulating someone's ability to either live there themselves or rent it out to someone else. The issue was really that there are properties that are rented on the lake front that are over-rented. When you have a 3-bedroom house and you have 20 people renting it, it can be very disruptive for the people that live next door in a permanent residence. It can be very disruptive and the Town is the one that feels those complaints. The compromised situation was to look around the State of New York to see what had been done in other locations. The only thing that can be done is to require people that want to rent out property to register with the Town. There is not a fee or charge, they are just registering; the idea is that the Town wants to require renters names and addresses for when get complaints. The tax role is nice, but there is no homeowner's association with that. There is no way to get in touch of these people unless they are sent an overnight letter. The compromised situation was to make them register so that when there is a problem or they get a complaint, they would know who to call. This has been done successfully in some other communities. Mr. North said that this is working in other areas. Mr. Ritter noted that even if this is in the comprehensive plan, it doesn't make it official. A town plan is a recommendation that the town follows. Mr. Harvey noted that Mr. Ritter was exactly right.

Mr. North made a motion to approve this proposed comprehensive plan as submitted to us. Mr. Mitchell seconded the motion. All in favor.

**2009-43** – Town of Middlesex. Proposed amendments to Local Law #3 of 1999; Stormwater Management and Erosion Control Law of the Town of Middlesex.

Mrs. Bonshak stated that this is a re-write. They submitted the old one, as well as the new. She then noted that she and Rick Ayers have been working with the Town of Middlesex on all of their land use regulations because they have so many new regulations that aren't really streamlined. They have actually gone through them and they now mesh; i.e. some performance requirements may be on the private road standards, but don't match the sediment and erosion control standards. You have to look back and forth between the different laws and this is the first step in getting them all on the same page. This is basically just a clean-up of this law.

Mr. Mitchell indicated that he likes the way they submitted their changes. Mr. Ritter agreed that without the highlighting, we would be lost because we wouldn't know what they had changed and what they didn't change, so it would be hard to comment on it.

Mr. North asked Mrs. Bonshak if she feels that this sort of cleans this up. She agreed that it does. Mr. North stated that a lot of work has been done on this.

Mr. North made a motion to approve these proposed amendments as submitted. Mrs. King seconded the motion. All in favor.

**2009-44** – Town of Jerusalem. Proposed subdivision regulations for the Town of Jerusalem.

Mr. North reported that they had spent some time clarifying statements. Mr. Ritter noted that the parent and the sub-parent statements threw him, because we have done a lot of subdivisions, but have never noticed that noted before. Mrs. Bonshak said they made this up themselves. Mr. Ritter said that when you've dealt with other

subdivisions and plans and then we're looking at this – the definitions are there, but you still have to work hard to figure it out. That is up to the Town.

Mr. Close indicated that the parent parcel is the same as the standard definition – the parcel exists on the tax map the day the regulation is passed. The sub-parent parcel is the consensus of the sub-committee that would allow people that bought a large parcel to sub-divide it and create one residential parcel without review. Anything over 10 acres would be a sub-parent. If you use that lot to create one residential lot, the sub-parent expires and goes away. This was tightened up to say that if you create more than three residential lots in any 10-year period, it is a sub-division. A minor subdivision is four lots in a 10 year period, where a major subdivision is five residential lots in a 10-year period. Mr. Ritter said that someone could sell off three lots before they have to run into a sub-division. Mr. Close noted that the arguments were from the large landowners and they were the ones that had the most interest in seeing how these things worked out. Most of the farms in Jerusalem aren't fine agricultural land for anything much other than hay and grapes. There is some better land up in the northern part of the Town, but when you get on the Bluff it's pretty much for grapes and that is it. Periodically, when the grape market goes crazy they have to sell it in order to stay in business. What they have is a system for that if it's not a subdivision, they can come in and show the CEO that it's not a subdivision according to the definition and then the Chairman of the Planning Board will sign an affidavit that can dissolve with the deed that is with the property. They can either file that affidavit or they can stamp it if they are filing a map. If it doesn't meet subdivision then they would stamp the map that says it's not a subdivision. The Chairman of the Planning Board would sign it. They have the same interest as Milo in preserving their comprehensive plan and their intent is to preserve the rural nature of the Town of Jerusalem.

Mr. North made a motion to approve this proposed subdivision regulation as submitted to us. Mrs. King seconded the motion. All in favor.

#### **COMMUNICATIONS**

The next meeting is scheduled for September 24<sup>th</sup>.

#### **OLD BUSINESS:**

None.

#### **MEMBER REPORTS:**

None.

#### **NEW BUSINESS:**

None.

#### **ADJOURNMENT:**

A motion was made by Mrs. King and seconded by Mr. North to adjourn the meeting at 7:45 p.m. All in favor.