

DRAFT
MEETING MINUTES FOR
YATES COUNTY PLANNING BOARD MEETING
JUNE 24, 2010

PRESENT: Jim Ritter, Kevin North, Ron Rubin, Chuck Mitchell, Douglas Skeet, Judy Wiltberger, John Sawers, and Marilyn Scharf.

Also Present: Donald House, Yates County Legislator; John Griffin, Town of Benton Zoning Officer; Shannon Christensen and John Hoffman, Town of Potter; Mr. and Mrs. Michael McCrobie, Town of Middlesex; Justin DeMistry, Chuck DeMistry, Katie Tomian, Karen Housekenect, Mary Ann Megley, and Beth Taylor, Town of Middlesex; Karen Bradley, Mark Moon, and Jerry Kernahan, Town of Barrington; Shawna Bonshak, County Planner, and Karen Phillips, Recording Secretary.

Excused: Alan Snyder.

Absent: Sandy King and Jerry Stape.

CALL TO ORDER:

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

APPROVAL OF MINUTES:

Chuck Mitchell made a motion to approve the April 22, 2010 meeting minutes. Judy Wiltberger seconded the motion. All were in favor. Chuck thanked Shawna for modifying the wording. Ron Rubin stated that on the 3rd page, next to the last paragraph, the second sentence needed to have the word "and" deleted.

Chuck Mitchell made a motion to approve the May 27, 2010 meeting minutes. Doug Skeet seconded the motion. All were in favor.

CONSIDER GML 239 REFERRALS:

2010-32 – Shannon Christensen, 4531 Route 364, Middlesex, Town of Potter. Special Use Permit to operate a commercial facility with restaurant, tavern, grocery store and ice cream stand.

Mrs. Christensen stated they would like to reopen the Potter Store. In the past it was a grocery store, ice cream shop and a restaurant and now it will also include a bar. There will be a sit-down restaurant with a bar on one side and grocery store and ice cream stand on the other side. They need a Special Use Permit because the prior business was closed for more than a year. In addition, the law changed in 2006, so a tavern is now legal in the Town of Potter, subject to New York liquor control, etc.

Chuck Mitchell made a motion to approve this referral. Doug Skeet seconded the motion. All were in favor.

2010-33 – Mr. and Mrs. Michael McCrobie, 737 East Lake Road, Rushville, Town of Middlesex. Site Plan approval for construction of a single-family residence.

Mr. McCrobie stated that the existing home is a mobile home on two acres and they are going to remove the mobile home for the construction of their new home, which will be within approximately 165 ft. of the road. They are keeping the driveway exactly the same. They are having a new, raised septic bed put in.

Shawna Bonshak stated she spoke with the Middlesex Code Enforcement Officer who has been working well with the McCrobies and Key Homes. A few changes have been made to the erosion control methods proposed.

Ron Rubin made a motion to approve this referral. John Sawers seconded the motion. All were in favor.

2010-34 – Justin DeMity, 877 Route 364, Town of Middlesex. Site Plan and Special Use Permit to operate 364 Powersports for small engine repair and retail accessories.

Ron Rubin asked if this is a permitted special use. Shawna replied that it is. Doug reported that the DeMity's had spent a lot of time on this – 18 to 24 months. They made a number of building modifications including fire walls. The Zoning Board approved it pending action by the County Planning Board. Mr. Ritter said it looks like they have covered almost everything they have been asked to. This is a new business in a commercial building. The neighbors are all okay with this. They will not be doing any test drives before 9:00 in the morning or after 5:00 p.m. The hours will vary seasonally.

Doug Skeet made a motion to approve this referral before discussion. John Sawers seconded the motion. All were in favor.

2010-35 – Karen Bradley, 724/725 East Lake Road, Penn Yan, Town of Barrington. Variance for both lot coverage and more than one single-family residence on one lot.

Mark Moon stated that the Town of Barrington requires a minimum width off sixty feet. This property has four residential structures on the one lot with 108 ft. of frontage. It is open to interpretation as to how much frontage there is. The current high water line wanders and has so using the mean high water line, is more than 108 feet. This is being presented by the Applicant for this Board to look at it and see what concerns there are prior to the owner going ahead with the survey work and the costs necessary to do that. Mark stated that Jerry Kernahan is present for questions related to septic work required in order to divide the property as proposed. Ultimately, anything that gets approved is subject to Keuka Watershed's regulation and approval. All of the structures today share one septic system with a leach field towards Route 54. They are proposing to divide off the southern-most cottage and the tank that is there today would be a holding tank for that cottage. Ron asked if there are any issues with the three residences on one lot. Mark stated that right now there are four residences on one lot. They are proposing one residence on its own lot and the other three to continue to maintain the shared septic system like they do currently. Shawna stated that the Town only permits one single family home per lot

therefore what they are proposing would create a non-conformity; they need a variance for frontage and another variance to allow more than one single family residence on one lot.

Mark Moon stated there was a property near this that had four houses on one lot that was divided a year and a half ago. They did divide their property basically in half and ended up with two residential structures on each lot; the property had a lot more frontage, but they did create two new lots with multiple residences.

Jim Ritter asked about the septic. Mark said that Mr. Kernahan has told them they would have to have a leach field. They couldn't do new construction without a holding tank. Ron Rubin asked what the property with the three homes on it would be sold as. Mark Moon noted that today all of the structures are being used as rental properties. The home on the lot closest to the water is a two bedroom seasonal cottage and behind that is a year around two unit and the third structure back from the lake is a year-round six bedroom, two bath home. Chuck Mitchell indicated that if they could move the south lot line over just a bit it would eliminate a lot of the problem; it would create a larger, conforming lot with a place for the septic, and access to the upper lot. Mark said the intent is to meet the septic setback requirements, so wherever the new line is, it would meet those setback requirements.

Mr. Rubin stated that by accepting that new line, we are creating a nonconforming situation. Chuck said that they would be creating a lot that does not have enough area for a future homeowner to expand; the lot coverage would be so tight they could not even put a deck on the place.

Mark said they have had people interested in the proposed configuration and obviously he is here because the Applicant would like to sell it. Shawna asked if anyone knows what the lot coverage would be on with the proposed new lot. Mark said he does not know that. The line they drew in was based on their understanding of how to keep that line in conformance with setback requirements for the building and the septic system. The line would meet the setbacks of the new tank also. Shawna then asked what Barrington's lot coverage restrictions are. John Griffin stated he believes it is 35%.

Jim stated that he doesn't know what the Town of Barrington thinks about this application so it's hard for us to know whether to approve or disapprove of it. Kevin North stated that the buyers need to be aware of the fact they would be buying a non-conforming lot or a lot with no room for addition to the structure. Jim said that the court house is supposed to inform them of that, but they never do.

Ron Rubin made a motion to disapprove this application on the basis of the creation of non-conforming lots and if the Town wants to do this, it would be up to them. We would have a countywide impact if we showed no objection to this. Doug Skeet seconded the motion. 7 members were in favor of the motion. Marilyn Scharf abstained from the deliberation and the vote.

The Town of Barrington can over-rule this with a supermajority. If there are significant changes made to this application, the referral should come back to the County Planning Board for review.

2010-36 – Town of Torrey. Review of the Draft changes to the Torrey Zoning Ordinance.

Ron asked why they did not have a document that showed the changes made to the original. Shawna stated Torrey code was very old and not in Word therefore they created an entirely new document. All they had to submit was the old code and the new draft, an entirely new document. She noted they don't have a public hearing date set and primarily just asked for this Board to review the document. It does not have to be acted on tonight. Judy Wiltberger suggested that if anything stands out in Shawna's mind, to let the Board know.

Chuck Mitchell made a motion to table this until next month giving the Board time to review the document. Mr. Rubin seconded the motion. All were in favor.

2010-37 – Town of Potter. Amendments to Zoning Law to provide a provision recognizing the Planning Board; setting rules and regulations and for providing alternate members for the Planning Board and ZBA.

Shawna stated these are really by-laws for the Town of Potter's Planning Boards. Mr. Hoffman stated they have done a lot of research on this and it has to be formalized by the Town Board to make it official. They have never had alternates before and over the years they have had problems getting enough people on the Board. Shawna said having alternates also helps when one of the Board members has a conflict of interest.

Chuck Mitchell made a motion to approve these amendments to the Zoning Law. John Sawers seconded the motion. All were in favor.

COMMUNICATIONS:

Shawna reported that Reggie O'Hearn from the Town of Rushville would like to come and speak to the Board in reference to the use variance that we discussed last month. He would like to provide an explanation in reference to the use variance and give the Board information about what back-up material are necessary for granting these variances.

OLD BUSINESS:

Shawna stated that her goal was to have the final draft of the Exemption Agreement reviewed by the Board tonight so she can distribute it to the municipalities. Shawna said the comments from the Town of Italy have confused her, in that it seems they misinterpreted the Agreement. They feel that all future changes should focus on a larger number of exemptions, reduce the number of referrals and simplify the code. Shawna stated that we are not adding to the number of referrals but trying to reduce the number. Shawna stated she will talk to someone from Italy to fully explain the Agreement before sending it on.

Ron Rubin stated the first exemption read like we were stating that accessory structures were limited to a shed, one car garage, and car port. He wonders if in the first sentence we should say "*the accessory structures as defined by the town/municipality.*" In other words, we are not making those things accessory structures if the Town does not currently have them defined as such. Accessory structure may include instead of shall include, and then list them, as it could change per municipality.

Chuck Mitchell made a motion to adopt this exemption agreement with the change that was just discussed. Kevin seconded the motion. All were in favor.

NEW BUSINESS:

Shawna reported that she will be ordering self-study course books for each member. This course book is put out by the NY Planning Federations and has 8 chapters. There are lessons for each chapter that need to be completed and submitted to Shawna for credits.

ADJOURNMENT:

The meeting adjourned at 8:10 p.m.