

Town of Hounsfield
Planning Board Meeting Minutes
August 7, 2012
Municipal Building – Town Barn
16522 Co. Rt 62
Watertown, NY 13601

Present: Chairperson Yvonne Podvin, Vice-chair Paul Locy, Mel Castor, Mary Ann Oliver, Ginnie Savage. Absent: None

Chairperson Podvin opened the meeting with the Pledge of Allegiance at 7:00pm.

Motion to approve the minutes from the July 30, 2012 made by Mel Castor, seconded by Paul Locy, Vote 5-0; all in favor.

Roll was called and quorum was established.

Chairman Podvin read aloud a letter from Attorney Livingston requesting that Chairperson Podvin recuse herself from the Massaro case. Mr Livingston addressed his complaint to Town Supervisor Tim Scee and Town Attorney, Dave Renzi. Mr. Livingston wrote that the consideration by the Board, of an abstract opinion by Black River Abstract, provided by Mr. Overton at the last meeting, was improper and amounted to false representation. Mr. Livingston said this calls into question the motivation of the Chairman and the Board. He also stated that the Board has exposed the town to needless litigation by refusing to abide by section 300 of the Zoning law.

Chairman Podvin stated that the Planning Board is the entity which shall decide if information is used or unnecessary in a case. She referred the board to the letter sent March 20, 2012, addressed to Mr. Livingston on and describing all the requirements needed to complete the application. This letter meets the requirements as stated in section 300 of the zoning law. Chairman Podvin informed the Board she would not recuse herself.

Chairman Podvin also clarified that she did not state that the property had been sold, but that she had been contacted by Mr. Plant who told her that he was interested in purchasing the property and did not want to complete the transaction until the application was complete. She did not at any time say the property has been sold.

Chairman Podvin informed the Board that Mr. Livingston has also written a letter (dated July 26, 2012) requesting that Chairman Podvin re-sign the mylar pertaining to the application that was approved in March; Ms. Podvin stated that a new application needs to be submitted if a new mylar has to be signed.

Case #01-2012 B: Marian Massaro – Request to divide a 3.5 acre lot from parcel 81.00-1-93.1 Ms. Podvin called for vote to approve the application. Vice-Chairman Paul Locy moved to approve the application; Mel Castor seconded the motion.

Roll call vote: Ginnie Savage – approve, Paul Locy – approve, Mel Castor – approve, Mary Ann Oliver – approve, Yvonne Podvin – approve.

Vote 5-0; all in favor.

Case #01-2012 C: Marian Massaro – Request right of way from Foster Park Rd. to the 3.5 acre parcel in 01-2012B – a total of 0.19 acres.

Mel Castor reminded the board that it has been determined that the applicant is applying for a driveway, not a right of way.

Chairman Podvin voiced her concern that the 1.5 acres will become land locked and suggested that a stipulation be added to the request; access to the 1.5 acre lot shall be provided across the end of the applicant's driveway.

Vice-Chair Locy moved to approve the application with a stipulation requiring access to the 1.5 acre lot across the end of the applicant's driveway; Mary Ann Oliver seconded the motion.

Roll call vote: Ginny Savage – approve, Vice-Chair Paul Locy – approve, Mel Castor – approve, Mary Ann Oliver – approve, Chairman Yvonne Podvin – against.

Chairman Podvin noted that she believes there is an adverse effect to the public health, safety and welfare of the residents of Foster Park Road.

Vote 4-1; motion passed.

Mr. Livingston asked Chairman Podvin to review the original map for the first Massaro application that included the 19 acre parcel transferred to Mr. Fish. He stated that the designation of the other parcels on the map were incorrect and the clerk at the County Land Records department wanted a mylar for filing that showed only the parcel that had the approved lot line adjustment. It is this mylar, that shows only the 19 acre parcel and the correct lot line adjustment, that he is requesting Chairman Podvin to sign.

Chairman Podvin asked for input from the Board; the mylar was reviewed. Ms. Podvin would like to review the issue with Town Attorney Renzi. Mr. Livingston will forward the mylars for the applications that were approved tonight, to Chairman Podvin for signature.

Case #06-2012: Chelsea & Harold Nohle – Pre-submission conference - Request to build a family entertainment center (i.e.) go-karts; mini golf and batting cages on tax parcel 88.16-1-16.1 on County Rt 75. This parcel is approximately 9.8 acres.

The property is currently owned by Patricia and Dennis Marcello. The owners have written to authorize the Mr. Nohle to speak to the planning board on their behalf.

Mr. Nohle stated he is looking for input from the Board before investing in the necessary surveys and engineered drawings for structures, lights, sewer and water.

Marlene Lennox, Zoning Enforcement Officer of the Town of Hounsfield noted that the property is zoned “multi-use”. The board reviewed where the property was located between Co. Rt. 75 and Co. Rt. 3 and discussed how the property would be accessed (from Co. Rt. 75, or from Co. Rt. 3). The property is 300ft wide along Rt. 3. Since the property is on county highways the completed application also has to go to the County Planning Board. Chairperson Podvin confirmed the family entertainment center is a permitted use on that parcel and explained that a completed application must be turned in before the board can make any other type of evaluation.

Zoning Enforcement Officer, Marlene Lennox

- Reported 9 zoning permits, 1 demolition permit and 2 stop work orders were issued this month.
- She spoke with the applicants who are interested in building the family entertainment center off Rt. 75.
- Discussed the steps for site plan review with property owners on Rt. 3.
- Attended special planning board meeting on July 30, 2012

Old Business

Nothing further

New Business

Lori Sheer – Ridge Road – Wants to know what is happening at the old Trading Post at the corner of County Rt. 3 and County Rt. 75. She questioned if a permit has been issued for the repair reconstruction or restoration of a non conforming structure that has not been operating for 12 consecutive months. Per Zoning Enforcement Officer, Marlene Lennox, no permit is needed for repair of the roof and a paint job.

Mrs. Sheer discussed Section 705 paragraph c and d of the zoning law where non conforming structures require an application to the zoning officer.

Ms. Lennox re-iterated that she does not need an application for a roof and paint job, and there is a pending application for a zoning permit.

Chairman Podvin noted that the Planning Board can not address the issue until an application is submitted and she would defer to the Zoning Enforcement Officer in this matter.

Mrs. Sheer had a copy of the law and showed the section she referred to, to Chairman Podvin. Chairman Podvin stated that non-conforming use is addressed in this section of the law, not a non-conforming lot. Chairman Podvin reviewed the law regarding non-conforming use and non-conforming structure.

Mrs. Sheer also mentioned her concern about the safety on that corner. Chairperson Podvin noted that the town has put in several requests to the Department of Transportation for either a four way flashing light (either stop or reduced speed); the applications have been denied.

Sherry Rogers – Co. Rt. 3 – expressed concerns about the fees incurred by the Town during the Massaro applications.

Chairperson Podvin stated that Town Attorney Renzi instructed the Board not to bill the applicant for those fees and referred her to the Town Council for further information or action. Sherry Rogers also suggested having tax maps available during the planning board meetings.

Vice-Chair Locy moved to adjourn the meeting at 7:49pm; Ginnie Savage seconded the motion. Vote 5-0; all in favor.

Respectfully submitted,
Gertrude Mead Karris

Addendum to the minutes per 9/4/2012 Planning Board.

Chairperson Yvonne Podvin moved to void the approvals for case #01-2012B and #2012C, due to discrepancies between what the board approved and what the applicant's attorney has presented on the mylar to be signed. Vice Chairman Paul Locy seconded the motion. Roll call vote: Ginnie Savage – approve, Paul Locy – approve, Mary Ann Oliver – approve, Mel Castor – approve, Chairperson Yvonne Podvin – approve. Motion carried 5-0; all in favor.

For more information see minutes from Planning Board Meeting held 9/4/2012 –
Gertrude Karris - Secretary