

Town of Hounsfield Planning Board
Meeting Minutes of June 5, 2012

Members present: Chairperson Yvonne Podvin, Vice Chair Paul Locy, Mel Castor, Ginny Savage.
Absent: Mary Ann Oliver

At 7:03pm Chairperson Podvin called the meeting to order with the Pledge of Allegiance.
The secretary called the role.
A quorum was established.

05-2012 Stephen & Kelly Harrienger request approval to put up a real estate sign for a home business. The unit will be unlit - 18x24"

Chair Podvin confirmed that the property is zoned for a home business.

Ms. Harrienger will conduct most of her business by phone and off site visits.

Vice Chair Paul Locy moved to approve the application and Mel Castor seconded the motion. Vote 4-0 in favor.

01-2012 B&C

B: Marian Massaro: divide 3.5 acre lot from parcel 81.00-1-93.1

C: Marian Massaro: Right of way application

Attorney for the property owner, Mr. Livingston addressed the board regarding the applications.
The board reviewed the maps to see where the right of way would be.

The project would subdivide an L shaped stripe from the outside edge of the lot and convey it to the interior lot. Then move the Right of Way from the center of the properties, to the L shaped stripe, now acting as a driveway to the furthest lot.

The parties who have access to the current right of way can agree to change the right of way if all parties agree to it.

The deeds will be changed and the abstracts will be updated - per Town Attorney Dave Renzi

The Chairperson summarized that this application is for a lot line change and the new L shaped property be attached to the waterfront lot.

The board discussed requiring the contingency that the prior ROW that crosses the center of the current lots must be abandoned.

Discussion continued about avoiding future land locked property.

Ken Law commented that the Overton property next to the new L shaped division is accessed by the right of way.

Extensive discussion continued regarding a lot line change that would allow for a driveway to be attached to the waterfront parcel.

Property owner, Marian Masasaro spoke to the board regarding her desire to downsize to a small cottage on the water 3.5 acres and sell the rest of the property.

There was discussion regarding access from Rt 180 for the larger section of acreage and only the waterfront lot will be accessible from the Foster Park Road.

Mr. Livingston discussed section 300 in the subdivision law regarding the subdivision or land partition and the need for an environmental assessment form. He does not believe an EAF is necessary for this application.

Chairperson Podvin read the letter from the Board dated 3/20/2012 where the opinion of the Board is stated that an EAF is required for this project

Ms. Podvin reviewed the issues of erosion, change in character of the neighborhood, increase in traffic and potential for adverse impact on the environment.

Discussion continued.

Mr. Livingston said the letter references an application that has been withdrawn.

Town Attorney Renzi recommended the board continue with SEQR, review it as a board and decide if it is to be treated as a subdivision or a land partition.

Ms. Podvin noted that the application is a subdivision based on the opinion of the board and the review of the application. Mr. Livingston asked that an additional letter be generated in reference to the current application not the prior application.

Mr. Livingston and Chairperson Podvin agreed that the new application is almost identical to the old application.

Chairperson Podvin stated that the board has declared the application a subdivision. The board reviewed the SEQR item by item. The new application has to be resubmitted to address the EAF lead agency status.

The Board began on Page 3 of the SEQR form. There were no disagreements on page 3.

On page 4 the DEC has stated that the construction is far enough away that it should not disturb the nesting bald eagles.

There were no disagreements on page 4.

On page 5 - it was agreed there are no public utilities on the 3.5 acre lot and the application was adjusted on the form. This application does not address development or construction plans at this time.

There were no disagreements on page 5.

There were no disagreements on page 6.

There were no disagreements on page 7.

There were no disagreements on page 8.

There was no disagreements on page 9.

Page 10 - The Board asked the property owner if there was any plan to hook into the municipal water system. The water line currently goes to the farm house, but not to the 3.5 acre lot. The property owner may request to hook into the water in the future. If a home is established in the future police and fire services may be needed.

Chairperson Podvin inquired about the materials to be used on the driveway. Per Attorney Dave Renzi, the private driveway is not required to be built to code.

Part 2 of the SEQR was reviewed item by item, there was general agreement that there was small impact to the environment made by the subdivision; most items were not applicable.

Discussion of the impact of a septic system if she builds in the future and impact on property and the potential for erosion of the right of way if where the driveway starts from the Foster Park road. Mr. Renzi noted if a user damages the right of way they are responsible for putting it back into proper manner.

Discussion regarding the access to agricultural land which will be limited to access from Rt 180 but would not sever all access.

Chairperson Podvin noted that the health and safety of the occupants, now and in the future could be effected by the limited access by road by emergency responders.

She also noted that she is taking into consideration not just this application but the use of the property and the future of the health and safety of Town and the community.

Chairperson Podvin stated that small to moderate impact is appropriate and future issues must be considered by the planning board.

Mr. Livingston asked that the SEQR answers be applied to the lot line adjustment application.

Chairperson Podvin polled the board, there was general agreement.

Vice Chair Loce moved to waive reading of the second SEQR and apply the prior one to the lot line adjustment application. Ginnie Savage seconded the motion. Vote 4-0; all in favor.

Mr. Livingston consented the use of the seqr for both applications.

Mr. Livingston asked that the subdivision application be treated the same as the lot line adjustment.

Both section 300 provisions are the same and stipulate that they be accepted as the same.

Chaiman Podvin moved to accept; Vice Chair Locy seconded. Vote 4-0; all in favor.

Attorney Renzi will resubmit the SEQRs to the appropriate agencies.

Mr. Livingston will forward to Mr. Renzi the deed language regarding abandoning the right of way.

Chairperson Podvin will set up a public hearing in July to allow the public to review and comment.

The next regular meeting and public hearing will be set for 7/9/2012 at 6:30pm.

Marlene Lennox - Zoning Enforcement Officer

Reported that she issued 8 zoning permits, 2 demolition permits and 1 variance.

She is working with Attorney Renzi regarding reclassification of storage barn to residential.

Mr. Renzi has asked the owner to comply with town and county laws. Ms. Lennox has also been working with the Department of Alcohol, Tobacco and Firearms regarding selling guns within the town zoning area.

Violation cases are closed as they came into compliance. Ms. Lennox also noted that construction lumber must be stamped and engineered. Unstamped raw lumber can not be used in construction.

At 8:45pm Ginnie Savage moved to adjourn the meeting; Vice Chair Locy seconded the motion.

Vote 4-0 in favor.

Respectfully submitted,

Gertrude Mead Karris

Secretary