
**Planning Board Minutes
January 16, 2020**

Planning Board Members Present: Fred Fink, Julie Pellett, Daniel Compton, Matt Rogers, Steve Lester, Michael Donohoe.

Absent: Michael Woodruff

Others Present: Kimberly Rayburn (Secretary), James Kier (Building & Zoning) Peter Tuttobene (Applicant)

Fink opened the meeting at 7:30 pm

I. TW2-20 Parcel Lot Line Adjustment. 3337 Co Rd 40 owned by Peter Tuttobene parcel with existing house is 5.5 +/- acres of tax map # 93.00-3-29.200. Second parcel 93.00-3-29.100 also owned by Tuttobene. Annex 1 +/- acres into 93.00-3-29.100 and adjust road frontage

Fink asked Tuttobene to explain his proposal, Tuttobene stated that he plans on selling the smaller parcel with the house and would like to move the property line to the tree line so it clearly defines the property line between the two parcels. At the road he wants to decrease the road frontage to the required minimum of sixty (60) feet, this area is required so the parcel is not land locked. The driveway for the house is located on road frontage in West Bloomfield. The proposed is to take 1.228 +/- acres out of the south east corner of 93.00-3-29.200 and annex it into 93.00-3-29.100, and another 0.272 +/- acres at the road leaving 4.340 +/- acres of the parent parcel with the house and making 93.00-3-29.100 a total of 85.287 +/- acres.

Rogers made a motion to declare SEQR a type II action with no further action required, Donohoe seconded the motion. All Board members in attendance voted aye.

Rogers made a motion and Pellett seconded the motion to approve the Lot line adjustments TW2-2020 for Tuttobene land located at 3337 Co Rd 40. To take 1.228 +/- acres out of the south east corner of 93.00-3-29.200 and annex it into 93.00-3-29.100, and another 0.272 +/- acres at the road leaving 4.340 +/- acres of the parent parcel with the house and making 93.00-3-29.100 a total of 85.287 +/- acres.

Whereas:

1. map accepted for land transfer only.

Record of Vote:

Fink Aye Pellett Aye Compton Aye Rogers Aye Lester Aye Donohoe Aye

All Board members present voted Aye, Vote was carried unanimously.

II. Discussion on County comments regarding industrial signage and aging in place, (Planning Boards response to County comments are in red.

Industrial signage:

1. The proposed maximum sign size of 10 SF is likely sufficient to identify the name of the development and/or the address, but may not be suitable for listing multiple business names. The Board stated that the County mis-interpreted the code. The code states: *individual signs shall be no larger than 10 square feet in size and can be double sided*, and it also states: *The total height of the sign shall not exceed 20 feet and shall be 3 feet above grade.* The Board did not give a total size limit of the entire sign as the number of business (individual signs) is hard to predict on property such as the Industrial park due to the size of the property therefore they feel it will self-regulate itself.

Aging in Place:

2. What is required for removal of an accessory dwelling if the garage or carriage house is not removed? Removal of kitchen appliances? Bathroom fixtures? Are mobile homes or modular homes allowed as temporary accessory residential dwellings? A discussion was held and it was determined that the Board did not feel right telling someone they had to remove the kitchen or bathroom out of a structure that will remain on their property. It potentially cost them a lot of money and could still be used for their own personal use. The proposed code covers the allowable use in sections A & H listed below and C covers the mobile or modular home.

- A. At least one owner of record shall occupy either the primary dwelling unit or the accessory dwelling unit and must be family by the following definition, not more than two persons, whether related by birth, blood, marriage or adoption living together as a single housekeeping unit in the dwelling unit and related to at least one or more residents of the primary or accessory dwelling.
- H. certificate in the form of an affidavit which verifies that the owner continues to reside on the premises and that all other conditions met at the time of the original application remain unchanged shall be submitted to the Code Enforcement Office by January 31 of each year. The Town may require a fee for such residential accessory use and any fees so required must also be paid by January 31 of each year.
- C. Accessory dwellings shall be at least 500 square feet in total gross floor area, but no more than 850 square feet in gross floor area and shall contain at least 2 rooms and private sanitary facilities with hot and cold running water, and cooking and food storage facilities.

3. **Are accessory residential dwellings allowed on lots with a principal use other than a residence such as a farm**
The Board stated that they are allowed anywhere a single family home is allowed as stated in the 1st paragraph of the proposed code: The Planning Board may approve a special use permit for an accessory residential dwelling in the AR-2 Agricultural Rural Residential District and the RR-1 Rural Residential District, provided that the following standards and provisions are maintained and that all activities are necessarily and customarily incidental and subordinate to the principal uses that are allowed in such zoning district.

4. **The proposed amendments do not indicate where in the zoning code they are to be inserted.** The signage code states: in addition to the signage requirements specified in this chapter therefore since it pertains to industrial it needs to be inserted into Article XIII section 135-104 B (3).

The Aging in place code is a new Special Use Permit which needs to be inserted at the end of Article X 185.83.3

III. Other Business: Kier updated the Board on the notes he took at the Town Board meeting regarding the solar moratorium. The Town Board requested a list be compiled of items that need to be looked at. The Board held a discussion and it was decided that Kier and Fink would make up a list of action items for the Town Board and for the Planning Board. Some of the items on the list consist of the following:

- Investigate environmental/toxic concerns of panels when being decommissioned
- Use of/protection of Ag Land
- Limits on number of farms/megawatts and the substation limits including more knowledge of border substations that are in neighboring towns
- Decommissioning cost/bond. Discussion with Town attorney
- Taxation
- More research on the cesir report, discuss if the cesir application is sufficient or do we need to wait until the application has been accepted by the utility before starting the review in order to make sure the project is viable

Rayburn will supply the Board with a current list of Special Use permits at the next meeting.

IV. Minutes:

Minutes of January 2, 2020

Pellett made a motion and Lester seconded the motion to approve the minutes 1/2/2020

All board members present voted aye, with the exception of Donohoe who was not present at the 1/2/2020 meeting. Vote was carried.

V. Meeting Adjourned:

Woodruff made a motion and Lester seconded the motion to close the meeting @ 8:24 pm.

All Board members present voted Aye, Vote was carried unanimously.

Respectfully submitted,

Kimberly Rayburn
Planning & Zoning Board Secretary