
**Planning Board Minutes
December 4, 2014**

Planning Board Members Present: Brad Bennett, Gene Rogers, Julie Pellett, Daniel Compton, Karl W. Smith and Kip Jugle.

Absent: Brud Hedges

Others Present: Andy Hall (CEO), Kim Rayburn (Secretary), Russ Repard,

Bennett opened the meeting and the public hearing notice was read by the secretary.

- I. 7:40 pm #TS8-14 Preliminary/Final 1 lot subdivision Owner Russ Repard,** Lands located at 6813 Woolston Rd Bloomfield, NY 14469 tax map # 95.00-1-10.000. Parent parcel of 95 ± acres, subdivide off house with 2.501 ± acres leaving 92.5 ± of parent parcel.

Compton made a motion and Smith seconded the motion to close the public hearing due to no public opposition. All Board members voted aye.

Bennett stated that the maps have all the required documentation and they are to scale. The driveway does have a more detailed description. Compton still questioned the driveway and possible future owners. Repard stated that the purchaser of the house has informed him that they would like first option to buy the remaining farm when Repard gets ready to sell. He does not feel the ingress egress easement of the driveway will ever be an issue. The remaining parent parcel also has significant road frontage.

Bennett asked for any further comments, there were none.

Compton made a motion and Smith seconded the motion to declare SEQR an unlisted action, Neg Dec with no further review. All Board members voted Aye.

Planning Board Decision:

Smith made the motion and Rogers seconded the motion to approve the Preliminary/Final #TS8-14 for a 1 lot subdivision Owner Russ Repard, Lands located at 6813 Woolston Rd Bloomfield, NY 14469 tax map # 95.00-1-10.000. Parent parcel of 95 ± acres, subdivide off house with 2.501 ± acres leaving 92.5 ± of parent parcel.

Whereas:

1. Map has all required documentation

Record of Vote:

| | | | |
|--------------|-----|---------------|-----|
| Brad Bennett | Aye | Karl W. Smith | Aye |
| Gene Rogers | Aye | Dan Compton | Aye |

All Board members present voted Aye, Vote carried unanimously. Pellett arrived after vote.

II. Zoning Review

The Board reviewed the suggestions of the Daniel Bryson, Town Attorney on the proposed zoning changes. The following was decisions were made:

1. Definition: BOARDINGHOUSE (ROOMING HOUSE) Bryson’s suggestion “we have no objection to removing the existing definition and adding the comment “See Rooming House”, however we would propose modifying the definition of Rooming House as follows.”

A dwelling other than a hotel, motel or tourist home, where more than two person are housed or lodged for hire or compensation with or without meals. A rooming house is distinguished from a tourist home in that it is designed to be occupied by longer term residents as opposed to overnight or weekly quests. A lodging house or boardinghouse shall be deemed a rooming house.

The Board agreed to use the above definition from Bryson, the addition was the last sentence.

2. Definition: Sign - Bryson’s suggestion “We would not recommend adding the word speech to the definition and would further recommend deleting any reference to the word “**speech**” in **Article XIII**. It is our opinion that a sign is presumed to be a form of speech and that the additional reference to the word speech is duplicative and as such unnecessary.”

Bennett suggested the Board revisit the Sign definition and regulations after hearing back from Bryson on the rest of the zoning changes. All Board members present agreed.

3. Definition: Start of Construction- Bryson’s suggestion regarding the definition for **Start of Construction** “we would recommend the following modification to incorporate manufactured homes:”

*The initiation, excluding planning and design, of any phase of a project or physical alterations of the property, and shall include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; and excavation for a basement, footings, piers or foundations or the erection of temporary forms. It also includes the placement and or installation on the property of **manufactured homes**, accessory buildings (garages, sheds), storage trailers, and building materials.*

The Board agreed with Bryson’s suggestion and will propose the above definition.

4. 135-14 Variance and appeals procedure Subsection A. item (4). – Bryson suggesting leaving the wording of this as it is in our current code with no changes.

The Board agreed with his reasoning and will not suggest any changes to this section.

5. 135-42 AR-2 subsection B. (6) – Bryson had minor wording changes that the Board agreed to and the new section shall read as follows:

- (d)
- [1] *1-2 horses are required to have a minimum of 2 acres and are subject to a Special Use Permit and Site Plan review.*
 - [2] *3-5 horses are required to have 5 Acres with no review required, an additional acre per horse for 6-10 horses, and an additional ½ acre per horse over 10 horses*

6. **135-76 M.** The Board Agreed with Bryson to change this to read as:

Exterior loudspeakers may be permitted on the premises and shall be installed so as to minimize potential nuisances to adjacent properties.

7. **135-64 Nursery or day care centers** -.A previous discussion was held on this section deciding if this section was needed in the code. Mike Woodruff stated that this was intended to cover the commercial aspect of a Nursery or day care center, not the daycare that is being done by a private person in their home. We have no control over those and they can be in any district so this section needs to stay.

Bryson's suggestion was to add the following definitions to provide greater clarity between home and Commercial Day Care centers. The Board agreed.

***DAY CARE** – Daytime care or instruction of three or more persons away from their own homes for more than three but less than 24 hours per day by an individual, association, corporation, institution or agency, whether or not for compensation or reward.*

***DAY-CARE HOME** – An occupied residence providing or designed to provide day care for not more than six persons.*

8. **135-46 Community commercial-** section C. Permitted accessory uses and structures

The Boards had proposed adding the ability to have more than one commercial permitted use /business on a single lot in the Community Commercial district with Site Plan approval by the Planning Board and get rid of the need for a Use Variance as we have multiple lots/parcels in Town that have more than one business and the Boards feel this has worked out for the Community.

Bryson suggested that the Town require a Special Use Permit for more than one permitted use/business on a lot.

The majority of the Board feels that the Site Plan review would be sufficient; this way they can make recommendations without having specific regulations in place as each proposal could have special requests.

The Board still recommends the following:

A. Section C. Permitted accessory uses and structures – Add number 1. to allow more than one business in a commercial parcel. Move existing 1&2 down make them 2&3

C. Permitted accessory uses and structures

1. *More than one commercial permitted use/business will be allowed on a single lot in the Community Commercial District. Such multiple use/business will be subject to site plan review by the Town Planning Board. Additional use/business has to be compatible with existing use/business on the parcel. Such additional use/business must meet signage and parking regulations within this law.*
2. Private garages and storage buildings which are necessary to store any commercial vehicles, equipment or materials on the premises and which are used in conjunction with a permitted business use.
3. Outdoor storage of products sold on the premises, provided that such areas are not located in the front yard portion of the lot. All outdoor storage areas shall be fenced on all sides, except those immediately adjacent to the side of a building.

III. Discussion:

Bennett would like to Thank Gene Rogers for his 45 ± years of service on the Planning Board, Rogers was one of the first members when the Planning Board was created and has served on the Board from the very beginning. All Board members present thanked Rogers for his commitment and years of service to the Community.

IV. Minutes of November 20, 2014

**Smith made a motion and Pellett seconded the motion to approve the minutes of November 20, 2014
All board members present voted aye, Vote was carried unanimously.**

V. Meeting Adjourned

**Smith made a motion and Pellett seconded the motion to close the meeting @ 9:00 pm.
All Board members present voted aye, Vote was carried unanimously.**

Respectfully submitted,

Kimberly Rayburn
Planning & Zoning Board Secretary