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Planning Board Minutes  
February 19, 2015

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

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

**Bennett opened the meeting at 7:30 pm.**

**I.** Hall advised the Board that a resident had approached the Town Clerk in regards to a burial on private property. He has had multiple discussions with the resident and the Funeral Director as well as doing research at the State level. The existing State regulations of setback requirements from a registered cemetery to a dwelling is 1,600 feet, regulations would need to be put in place for setback requirements from the burial site to a dwelling, water source and septic if the Town board is willing to allow private burials. The Board discussed how the burial site would be marked as once it becomes a burial site it has to be protected and remain marked forever. The Board feels that if this is allowed a note should be put on the deed so all future owners of the property are aware of the site and its location. The Town Attorney should look into the legal rights of any new owners of the property as the site cannot be disturbed. Bennett stated the Board will wait to hear from the Town Board to see if this is something they are willing to allow before they look into this further and create guidelines and regulations for it.

**II.** Bennett went through the suggestions from the Town Attorney on the proposed sign regulations and the Board held a discussion the following was decided.

- **Section 135-99 Intent** -suggestion to add a new paragraph E was rejected as the Board felt this was currently covered in other sections and the size of the signs are determined by the size of the building and each review is based on its own merits.
- **Section 135-100 Compliance**-suggestion to Amend and restate section A was rejected as this is covered in another section; the current sign definition is satisfactory and does not need to be added to the sign regulations section as well.
- **Section 135-102 General Regulations**, suggestion to replace the abbreviation of “ CEO” with the wording “**Code Enforcement Officer**” The Board felt this made sense.
- **Section 135-101 Sign Permits** suggestion to use a more reasonable time frame
  - D. Certain temporary signs that do not require a permit.
  - (1) c** *No sign erected pursuant to this section shall remain after 12 months from the date of erection, the issuance of a certificate of occupancy or termination of work on the project, whichever occurs first.* The Board feels that changing the wording to 12 months from issuing the building permit is satisfactory as the building permits expire 1 year and need to be renewed.  
**Change to: (1) c** *No sign erected pursuant to this section shall remain after 12 months from the issuing date of building permit, the issuance of a certificate of occupancy or termination of work on the project, whichever occurs first.*
- **Section 135-110 Prohibited signs; signs not requiring a permit.** Suggestion to change time’s
  - B. *Signs not requiring a permit. The following types of signs are permitted in all districts and shall neither require a permit but shall otherwise be subject to the provisions of this chapter:*
  - (3)  
*Sale, lease or open for inspection signs.*
  - (b)  
*The following signs may be placed on a Saturday and Sunday between the hours of 12:00 noon and 6:00 p.m.:* The Board decided to take out the hours.

**Change to:** The following signs may be placed on a Saturday and Sunday.

- **Section 135-114 Enforcement ; penalties and fees.** Suggestion to add provisions written by Town Attorney. The Board feels that these suggestions are covered by existing paragraphs and are acceptable with no change.

**III.** Bennett then reviewed the Road Preservation Local Law document that the Town Attorney prepared using the proposed Local Law the Board asked him to review. The new document has an index, definitions and a worksheet that were not part of the original. It covers all the points the original has plus more. They feel this document is structured better than the original and would like to have the Highway Superintendent review the document before passing it along to the Town board for their review and approval.

Overmoyer had some questions regarding the worksheet and the purpose of the documents they are reviewing. Jugle explained to him and Rogers that he was part of a committee that met with Board members from five (5) municipalities on the need to have regulations in place for items such as hydrofracking. The committee came away with three (3) documents that deal with any type of heavy truck traffic and excavation not focusing on hydrofracking to protect the Towns infrastructure and roads. The three (3) documents were the Road Preservation Local Law, the voluntary Road Use Agreement that a developer would enter into with the Town in case of any damages caused by their proposed operation, and regulations to put into Town code to cover any Commercial Natural Resource Extraction. This Board combined those regulations with the existing Special Use Permit for Commercial Excavation Operations to protect the Towns infrastructure and roads from all heavy truck traffic dealing with extraction and or excavation such as clay, water, tree logging, gravel, gas ect. The Board feels this combined Special Use Permit is what the Town needs and will propose the document to the Town Board for their approval. The Board also feels that the current definitions for excavation as listed in sections 112-5, and section 135-8 of Town code are satisfactory and they will not be suggesting a change to them.

#### **EXCAVATION**

Any activity which removes or significantly disturbs rock, gravel, sand, soil or the natural deposits.

#### **DEVELOPMENT**

Any storage of equipment and materials or man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations.

**[Amended by 2-24-1992 L.L. No. 1-1992]**

#### **EXCAVATION**

The process of the removal or stockpiling of sand, gravel, soil (including topsoil) or other natural deposits by stripping, digging or other means.

#### **EXCAVATION SITE**

A parcel of land used for the purpose of extracting stone, sand, gravel or topsoil for sale as in industrial or commercial operation (see also "mining permit").

**IV. Minutes of February 5, 2015**

**Smith made a motion and Pellett seconded the motion to approve the minutes of February 5, 2015  
All board members present voted aye, with the exception of Jugle who was not present at the  
February 5, 2015 meeting. Vote was carried.**

**V. Meeting Adjourned**

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

Respectfully submitted,

*Kimberly Rayburn*

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Planning & Zoning Board Secretary