

TOWN OF EAST BLOOMFIELD

Planning Board Minutes March 6, 2014

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

Others Present: Andy Hall (Code Enforcement Officer), Kim Rayburn (Secretary), Phil White (owner)

Bennett opened the meeting at 7:30 pm .

I. 7:30 P.M. Waiver of Subdivision- Owner, Phil White of Phillip E. White, LLC Co Rd 39 Rd Bloomfield, NY 14469 tax map # 52.00-3-38.100. Parent parcel of 96.8 \pm Acres, annex of 0.347 \pm acres into 52.00-3-35.000 of 4.37 \pm of Residential making this parcel .784 with existing SF home.

Bennett asked White to explain the proposal, White bought the property with the house on it from Brad Smith years ago and it never had a septic. White had a raised bed septic put it on the adjacent parcel that he owns as one as it would not fit on the pre- existing lot with the house. He would like to join the house and septic onto one lot and is requesting an annex of 0.347 \pm acres from one of his properties to the other to accomplish this.

A discussion was held, White explained that he had originally sent a request to the County for a lot line adjustment and they sent it back stating it would need to have some type of subdivision approval by the Town Planning Board. The Board feels that this proposal is a lot line adjustment and not a subdivision request. The tax map number for the existing parcel with the house is incorrect on the current map and will have to be corrected

Bennett asked if there were any further comments or concerns, there were none.

Bennett made a motion and Pellett seconded the motion to approve the lot line adjustment for owner Phillip E. White, LLC Parent parcel of 96.8 \pm acres tax map # 52.00-3-38.10 , annex of 0.347 \pm acres into tax map #52.00-3-35.000 of .437 \pm making this parcel .784 with existing SF home, leaving 96.76 \pm acres of parent parcel.

Whereas:

- 1. Both properties are owned by the same owner, Phillip E. White, LLC**
- 2. Final maps will have tax map # correction**

Record of Vote:

Brad Bennett Aye
Gene Rogers Aye
Brud Hedges Aye
Julie Pellett Aye
Dan Compton Aye
Karl W Smith Aye
Kip Jugle Aye

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

II. Discussion on proposed zoning changes:

The Board discussed the Special Use Permit for used motor vehicles; they are satisfied with the final draft and would like to add it to the existing list of proposed changes to be reviewed by the Town Attorney and the Town Board.

Bennett asked Rayburn to send the Board a complete copy of all prior proposed changes for their review since it has been a long time since they have seen them.

The Board reviewed the documents provided by Jugle from the Natural Resource Extraction working group. Bennett asked if the documents were sent to Supervisor Crowley, Rayburn stated she did not forward them to her as the email stated the Attorney was going to get with all the Supervisors of the Towns that participated and review them. Jugle stated that he has not heard anything further on it. Rayburn will forward the e-mail to Crowley so she is aware that the working group has completed their tasks.

The Road Use Agreement is an optional document entered into between the Town and the developer or applicant that the Town Board will manage, it allows both parties to work together on the project concerning Town roads, their maintenance and the overall impact the project will have on the community. It is in the best interest of the developer or applicant to enter into this agreement because the proposed Local Law states that if they do not enter into a Road Use agreement and they cause damage to the Town roads they can be liable for treble (3) times, the damages to the roads as authorized by NY Vehicle and Traffic Law.

In the Road Use Agreement Number 3 states *The Town is responsible for the maintenance and repair of its roads and highways within the Town.* Section 1.7 of the document states: *Developer shall be responsible for repairing such damage at its own expense or paying the Town for the cost of such repairs.* Compton stated that he feels that the Town wouldn't want a developer working on Town roads, Jugle stated the document is a template and the Planning Board should make a recommendation on it to the Town Board and they can revise it if they feel it needs to be. Rogers stated that it would be cheaper for the developers to fix any damage themselves, rather than turning it into their insurance The Board would like the Town Board to review these sections and discuss it with the Town Attorney, if a change is made then the document will need to be revised in multiple places where stipulations are in listed in regards to the repairs being done by the developer.

The Board then reviewed the Local Law and definitions provided; The Local Law states that *The Traffic Generator shall be responsible for the cost of any repairs or upgrades required and made by the Town or its agents as a result of the High Impact Traffic* which contradicts the Road Use Agreement above and should be looked at. Also the Board would like to add to **Section (5) – Pre-Existing Activity A, adding (d)** farm equipment exemptions.

Jugle stated that the Comprehensive Plan Committee should add an action item to review all road use regulations. Bennett stated that Highway Superintendent Bernard should review these documents as well.

Review of the Special Use permit and the Floating Zone will be tabled for the next meeting. The Floating Zone should be action item for the Comprehensive Plan Committee and the Town Board to review also.

These documents will need to be modified to have the Town of East Bloomfield entered where applicable.

IV. Minutes of February 20, 2014

Smith made a motion Hedges seconded the motion to approve the minutes of February 20, 2014

All board members present voted aye, with the exception of Rogers who abstained as he was not present at the February 20, 2014 meeting. Vote was carried.

V. Meeting Adjourned

Smith made a motion and Hedges seconded the motion to close the meeting @ 9:25 pm.

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

Respectfully submitted,

Kimberly Rayburn
Planning & Zoning Board Secretary