

# TOWN OF EAST BLOOMFIELD

---

## Planning Board Minutes May 7, 2015

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

**Others Present:** Andy Hall (CEO), Kim Rayburn (Secretary), Nora Ocque (Agent), Art Babcock (Land Surveyor), Martin Neenan, Joel Steele, William Hillberg.

**Bennett opened the meeting at 7:30 pm and waived the reading of the Public Hearing, there were no objections.**

**I. 7:30 pm Preliminary/Final 2 Lot Subdivision – Owner, Ruth Steele, Agent Nora Ocque/Art Babcock property located at 2886 Co Rd 40 tax map # 80.00-1-10.000**

The original parcel is 99 ± acres and is on both sides of the road. The proposed subdivision is to take the 40± acres on the East side of Co Rd 40 and create lot 3, and take 52 ± acres off the property on the West side of Co Rd 40 creating lot 2 leaving lot 1 (parent parcel) of 5 ± acres with existing house and garage.

Bennett asked if there were any comments from the public, Martin Neenan stated that he was not informed of the meeting but did see it in the paper. Bennett informed him that subdivisions do not require the nearest neighbor to be notified. The notice is published in the paper and on the Town website. **Compton made a motion and Pellet seconded the motion to close the Public Hearing, Vote was carried unanimously.** Bennett then asked the Board if they had any further questions or concerns, Overmoyer pointed out that only one of the markings for the highway boundary was clearly marked he suggested that the second one to the north on the east side be clearly marked as well, as he is assuming it is also a highway boundary but without it being marked its unclear. Neenan stated that there is a drainage ditch South of Randall's property, Babcock stated that what they were looking at is a highway boundary and property lines, the county purchased that property in the 1960's for widening purposes. Jugle stated it's wider than the normal boundary, and Smith stated that there is a culvert there and assumed that is why the boundary is larger than normal. Babcock assumed it was uneven ground and they probably followed the contour as it existed then and they leveled it out and made it flat. Neenan stated that they need better drainage there as it floods every year. A discussion was held, **Overmoyer made a motion and Bennett seconded the motion to request the highway boundary to the north be clearly marked, motion failed as the vote was 5 Nay and 2 Aye.**

A brief discussion was held on the requested data to be added to the final maps, the maps will be accepted as presented. The SEQR form was reviewed and Overmoyer stated that item # 10 on the SEQR form is answered incorrectly; the answer needs to be yes instead of no. The change was made.

**Jugle made a motion and Smith seconded the motion to declare SEQR an unlisted action, negative declaration with the amended answer to question number ten (10).**

**Record of Vote:**

Brad Bennett	Aye		
Julie Pellett	Aye	Karl W. Smith	Aye
Kip Jugle	Aye	Francis Overmoyer	Aye
Dan Compton	Aye	Matthew Rogers	Aye

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

**Planning Board Decision:**

**Compton made the motion and Rogers seconded the motion to approve Preliminary/Final 2 Lot Subdivision – Owner, Ruth Steele, Agent Nora Ocque/Art Babcock property located at 2886 Co Rd 40 tax map # 80.00-1-10.000**The original parcel is 99 ± acres and is on both sides of the road. Subdivision is to take the 40± acres on the East side of Co Rd 40 and create lot 3, and take 52 ± acres off the property on the West side of Co Rd 40 creating lot 2 leaving lot 1 (parent parcel) of 5 ± acres with existing house and garage

**Whereas:**

1. The final maps are accepted for Preliminary/Final.

**Record of Vote:**

Brad Bennett	Aye		
Julie Pellett	Aye	Karl W. Smith	Aye
Kip Jugle	Aye	Francis Overmoyer	Nay
Dan Compton	Aye	Matthew Rogers	Aye

**All Board members present voted aye, with the exception of Overmoyer. Vote was carried.**

- II. 7:45 pm Waiver of Subdivision / Parcel line Adjustment –no new lots Owner William Hillberg property located at 3153 Co Rd 40 Bloomfield NY, 14469 tax map # 79.00-3-11.132** Hillberg is proposing to move lot lines to convey 6.08 acres into his neighbors existing 11.355 creating a 17.436 parcel located at 3151 C Rd 40 tax map # 79.00-3-11.131 leaving remaining parent parcel of 5.275

Bennett asked about the common access for the driveway, Babcock stated that both lots have 25 feet of road frontage/driveway the entire driveway is 50 feet wide, both owners currently share the 50 foot driveway without having an easement; they would now like to have an easement to each other so both parties have a legal use and are legally responsible for the maintenance of the driveway. Compton asked if this will be in the deed, Babcock stated it would. Bennett asked if the driveway had to meet the current Town requirements of 60 feet wide, a discussion was held the driveway is pre-existing non -conforming to the current 60 ‘minimum width and Overmoyer stated that you would need 60 feet if they were going to subdivide the property and create a third lot but they cannot therefore it’s not an issue.

Bennett asked if there were any further questions, Jugle stated the map has the requirements the Board wants for a land transfer/waiver of subdivision.

The SEQR form was reviewed and Bennett stated that item # 15 on the SEQR form was left blank; the answer needs to be no, and the change was made.

**Compton made a motion and Pellett seconded the motion to declare SEQR an unlisted action, negative declaration with the amended answer to question number fifteen (15).**

**Record of Vote:**

Brad Bennett	Aye		
Julie Pellett	Aye	Karl W. Smith	Aye
Kip Jugle	Aye	Francis Overmoyer	Aye
Dan Compton	Aye	Matthew Rogers	Aye

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

**Planning Board Decision:**

**Jugle made the motion and Rogers seconded the motion to approve the Waiver of Subdivision / Parcel line Adjustment –no new lots Owner William Hillberg property located at 3153 Co Rd 40 Bloomfield NY, 14469 tax map # 79.00-3-11.132** move lot lines to convey 6.08 acres into his neighbors existing 11.355 creating a 17.436 parcel located at 3151 C Rd 40 tax map # 79.00-3-11.131 leaving remaining parent parcel of 5.275

**Whereas:**

1. The final maps are accepted for Waiver of Subdivision / Parcel line Adjustment

**Record of Vote:**

Brad Bennett	Aye		
Julie Pellett	Aye	Karl W. Smith	Aye
Kip Jugle	Aye	Francis Overmoyer	Aye
Dan Compton	Aye	Matthew Rogers	Aye

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

**III. Discussion: proposed zoning changes,** The Town Board reviewed the proposed changes to the Zoning code and they will hold a public hearing on Monday May 11<sup>th</sup>. All Board members are invited to attend. Bennett discussed the Town Board had a few questions and he wanted to be clear that the Road Preservation is a Local law, Jugle stated it is and it will go into our Zoning, the road use agreement is part of the Road preservation but is voluntary whereas the Local Law is not. Bennett stated that the Town Attorney did not have too much to say on the Road Use documents, he made comments on the Natural Resource Extraction, Jugle stated that within the Road Preservation it talked about resource extraction so we went back to the zoning and defined what resource extraction is and by implementing that we had to make adjustments to our zoning to cover it.

Bennett stated that today he received an amendment to a Special Use Permit for Joel Steel, the Board will look at it as a concept tonight and add Joel to the Agenda for a future meeting. The Board reviewed the documents, Steele is asking for lighting and a sign. Bennett asked Steele if he was still asking for motion lighting as motion lighting was installed to prevent vandalism, and Steele was asked to come back in front of the Board to amend his SUP to add the motion lighting, however now is requesting dusk to dawn lighting and a sign. Compton stated that if he is asking for static/permanent lighting a plan with the type of fixtures, dark sky compliant, height, approximate lumen's and foot candle's will need to be shown on the plan. Compton is not opposed to motion lighting, but feels that permanent lighting and signage is too much for this corner as he feels that it would distract the eye. Jugle stated that there are a lot of proposed lights on the map provided for permanent lighting; he also noted that the Board is concerned about the house across the street, and around the property. Steele stated that it would be helpful to have a light on the corner for the safety of the intersection and for his lot, but the State would be responsible for that. Neenan stated that the intersection is the second most dangerous in the Town and probably third in the county a traffic light would be ideal, but again that would be the State. Overmoyer asked what type of lighting would be proposed; Steele stated that he didn't have anything specific in mind yet. Bennett stated that if Steele knew the exact lighting he was going to use it would tell him how much area it would cover so he may be requesting more than he needs. The Board needs that information to make an informed decision. The Board asked Steele to get the information requested above on a site plan with the specific layout of the lighting and information on the sign style and lighting if any and return it to Rayburn by June 2<sup>nd</sup> so he could be put on the Agenda for June 18<sup>th</sup>.

Smith advised the Board that the Comprehensive Plan is almost completed; it has been reviewed by the committee members and a few others and are close to holding a Public Hearing on it. Hall stated he reviewed it and gave his comments and concerns to Dan Morley for review.

Compton stated he will not be in attendance at the next Planning Board meeting scheduled for May 21<sup>st</sup>.

**IV. Minutes of March 16, 2015**

**Pellett made a motion and Smith seconded the motion to approve the minutes of March 16, 2015  
All Board members present voted aye, Vote was carried unanimously.**

**V. Meeting Adjourned**

**Smith made a motion and Rogers seconded the motion to close the meeting @ 8:35 pm.  
All Board members present voted aye, Vote was carried unanimously.**

Respectfully submitted,



Kimberly Rayburn  
Planning & Zoning Board Secretary