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**Planning Board Minutes**  
**September 7, 2017**

**Planning Board Members Present:** Brad Bennett, Karl W. Smith, Daniel Compton, Matt Rogers, Fran Overmoyer, Fred Fink

**Absent: Julie Pellett**

**Others Present:** Kimberly Rayburn (Secretary) Jim Kier (Code Enforcement Officer) William Outlaw (Applicant) Terry and Faye Brocklebank (Owner), Kelly Fogarty (Applicant)

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

**I. TS5-17 Parcel line Adj.** Owner, Terri & Faye Brocklebank. Lands located on 2292 Brace Road Bloomfield, NY 14469 tax map # 68.00-1-30.100 of 3.589 acres annex 0.115 acres into 68.00-1-27.000 .693 acres owned by William Outlaw giving him .808 acres

Bennett asked for questions from the Board, Fink asked about the side setback for a primary structure Overmoyer stated it was fifty (50) feet. Compton stated that it doesn't meet the setback as the lot is pre-existing non-conforming. Outlaw stated that they have an approved Variance for the addition on the house for a family in law apartment. Overmoyer asked about the origin of the crushed stone driveway located on the portion to be annexed into Outlaws property. Outlaw stated that it is currently being used as a 2<sup>nd</sup> driveway for his property for the in-law apartment with the approval of Brocklebank. Outlaw stated that there is a creek and a natural barrier of woods on the other side of the gravel drive and the Brocklebank's could not use this portion of land for anything so they allowed them to install the driveway. The portion being annexed will remain the use that it is currently but will now be owned by Outlaw.

Compton made a motion and Fink seconded the motion to declare SEQR and unlisted action with a negative declaration, all Board members present voted Aye.

**Planning Board Decision:**

**Smith made a motion and Rogers seconded the motion to approve TS5-17 Parcel line Adj.** Owner, Terri & Faye Brocklebank. Lands located on 2292 Brace Road Bloomfield, NY 14469 tax map # 68.00-1-30.100 of 3.589 acres annex 0.115 acres into 68.00-1-27.000 .693 acres owned by William Outlaw giving him .808 acres

Rayburn and Kier advised the Board that they have recently learned that the maps should not be signed until a deed that is ready to be filed is provided to the Planning Board Chairman, as the County assigns a tax parcel to the portion being annexed right away when they receive signed maps to be filed. If the deed is not filed for any reason the tax parcel is still created by the County and is non-conforming in size to our regulations, which was not approved by the Planning Board. The acreage does not get put back into the parent parcel unless requested by the original owner through the Assessor's office.

The Board will sign the maps after Outlaw returns with the deed and Mylar to be signed.

**Record of Vote:**

**Bennett Aye Smith Aye Compton Aye Rogers Aye Overmoyer Aye Fink Aye**  
**All Board members present voted Aye, Vote was carried.**

**Julie Pellett arrived at this time.**

**II. TV4-17 Area Variance, Site plan review, Owner Kelly Fogarty tax map # 94.00-1-72.020** Kelly has applied for an Area Variance, to erect a 56 x 40 pole barn in front of existing single-family home. A Variance to the front setback is requested Per Article III section 135-11 subsection C paragraph 5. She will encroach on the front setback by 15 feet the garage will set 60 feet back from the right of way where 75 is required.

Bennett reiterated that the Planning Board will review the site plan for placing the accessory structure in the front line of the house first, then look at the variance request based on the comprehensive plan. Bennett stated that basically Fogarty would like to place the structure where proposed do to the layout of the property, Fogarty agreed and stated that they would also like to keep the mature trees that would prevent them from moving the structure farther back than proposed.

Overmoyer stated that he is questioning the accuracy of the documentation provided, and that will be forwarded onto the Zoning Board. He also stated that it is difficult to make a decision when the Board does not have accurate information to go on. Bennett stated that he believes the Planning Board has enough information to go on for their review as the request is to place the accessory structure forward of the principal structure, and stated if the Zoning Board does not feel they have enough or accurate information for the variance they can decide that in their review. Overmoyer again stated that he feels the information we are given is not always as good as it could be, the Board should be provided a map to scale and have accurate information (even if it is drawn). Overmoyer stated that he feels that variances have been given without a clear understanding of what is happening on the site and feels that the Board should exercise more rigor in the documents they accept. He stated there are means to provide an accurate map without hiring a professional.

Bennett asked Fogarty if she has a survey map that she could use as a template to create a more accurate map for the Zoning Board. A brief discussion was held, Compton stated that he believes that if sixty (60) feet is requested and approved than it would be up to Kier to make sure the structure is built at sixty (60) feet. He noted that if this was a commercial building a lot more information would be required and laid out by a design professional, but this is a pole barn on Silvernail Road that will set back the approved distance if approved. Bennett stated that basically the Planning Board is making a decision on whether or not the pole barn can be in front of the house, the ZBA will decide if they have enough information. Compton stated that he does agree with Fran that the Board review should make sure that the information is accurate before forwarding it on to the Zoning board. Smith stated that if Kier feels that more information needs to be gathered for the Zoning Board before they meet then that should be done, but still feels that they have enough information to do their part as far as the structure being in the front line of the house. He also stated that if there is a question regarding the setback from the road then there is a means to figure that out. Kier stated he also visited the a previous property and brought the wheel with him to measure distance if Fogarty needs him to do so, Compton also stated that the building is staked out now as well.

**Planning Board Decision: Site Plan Review to have garage in front line of SF home**

**Bennett made a motion and Fink seconded the motion to approve the site plan to have the garage in the front line of the existing single-family home contingent on ZBA approval of the Area Variance Owner Kelly Fogarty, 3443 Silvernail Rd tax map # 94.00-1-72.020.**

**Whereas:**

- 1. There is a natural buffer at the road**
- 2. The physical characteristics and topography of the property limits the garage location**

**Record of Vote:**

**Bennett Aye Smith Aye Pellett Aye Compton Aye Rogers Aye Fink Aye Overmoyer Aye**  
**All Board members present voted Aye, vote carried unanimously.**

**Planning Board Decision:**

**Compton made a motion and Smith seconded the motion to forward the application onto the ZBA** with the advisory opinion that Area Variance TV4-17 Owner Kelly fogarty 3443 Silvernail Rd tax map # 94.00-1-72.020 does not go against the Comprehensive plan and they suggest approval.

**Whereas:**

**2. The Board advised the applicant to provide more accurate distances and mapping to the Zoning Board**

**Record of Vote:**

**Bennett Aye Smith Aye Pellett Aye Compton Aye Rogers Aye Fink Aye Overmoyer Aye  
All Board members present voted Aye, vote carried unanimously.**

**III. TS6-17 Sketch Plan for a 1 Lot Subdiv, Land Separation Only.** Owner, John Bonanni (Agent) Daniel Holtje, Finger Lakes Land Surveying Lands located at 2212 Brace Road tax map # 54.00-1-34.000 of 4.3 acres separating lands from SF home creating Lot 2 of 2.5 ± acres to be owned by Bonanni leaving the remaining 2 acres with the single-family home on lot 1 of 2. acres also to be owned by Bonanni.

The Board reviewed the maps, the agent did not attend. The separation of land is for tax purposes only Bonanni will retain both parcels. A brief discussion was held on a buildable lot, the lot does not have to be buildable to be subdivided however it does have to meet the size regulations for the district it is in.

Bennett stated that for sketch plan purposes the map is ok. Compton and Overmoyer stated that a notation should be added regarding the fact that lot #2 may or may not be a buildable lot.

**Planning Board Decision:**

**Compton made a motion and Overmoyer seconded the motion to approve the sketch plan application for Owner, John Bonanni (Agent) Daniel Holtje, Finger Lakes Land Surveying. Lands located at 2212 Brace Road tax map # 54.00-1-34.000 of 4.3 acres separating lands from SF home creating Lot 2 of 2.5 ± acres to be owned by Bonanni leaving the remaining 2 acres with the single-family home on lot 1 of 2. acres also to be owned by Bonanni.**

**Whereas:**

**2. It is understood that lot #2 may or may not be a buildable lot.**

**Record of Vote:**

**Bennett Aye Smith Aye Pellett Aye Compton Aye Rogers Aye Fink Aye Overmoyer Aye  
All Board members present voted Aye, vote carried unanimously.**

**IV. Discussion:**

Rayburn informed the Board that a lot line adjustment on Bennett Rd has been applied for and will be reviewed at the next meeting.

Bennett asked if there has been any further communication on the proposed Solar project, Kier has had some conversation on setbacks with them. Bennett stated that the farm trailer has been started to be demolished, and some of the cars have been re-located on the property.

**V. Minutes of July 20, 2017**

**Pellett made a motion and Smith seconded the motion to approve the minutes of July 20, 2017**

**All board members present voted Aye, with the exception of Bennett as he was not present at the 7.20.17 meeting.**

**Vote was carried**

**Pellett made a motion and Fink seconded the motion to approve the minutes of August 17, 2017**

**All board members present voted Aye, with the exception of Compton as he was not present at the 8.17.17 meeting.**

**Vote was carried**

**VII. Meeting Adjourned**

**Smith made a motion and Fink seconded the motion to close the meeting @ 8:45 pm.**

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

Respectfully submitted,

Kimberly Rayburn  
Planning & Zoning Board Secretary