

MINUTES OF THE PLANNING BOARD 3-27-13

The regular Planning Board meeting opened at 7:10 PM, immediately following the Mirabito Public Hearing, with the Pledge of Allegiance. Members present: James Harris, James Seamon, Maureen Knapp, Timothy Coyne, Barbara Albro and town attorney, Donald Armstrong. Code Officer Rick Fritz was present as well as community members, Al Socha, Judy Griffen, Tony George, Joe and Tarki Heath and Terry Orr.

Chairman Harris asked where does the Board go moving forward on the Mirabito application. Jim Seamon was concerned that the application does not meet the set-backs. Don Armstrong stated that ZBA did not review the set-backs and its decision was solely related to whether a variance was needed. He further stated he believes the Board would be guided by Article 10 in reviewing the site plan application. Joe Heath stated that if the set-backs are not met, a variance would be needed. Maureen had questions on the application materials which were addressed by the applicant. Jim Seamon asked if the driveway permit had been applied for and Mr. Davis said he needed to meet with the County Highway Department. Mr. Fritz was asked about the set-back questions and he stated there is a 75 ft. requirement from the centerline of the right of way going by NFPA rules. He further stated the set back needs to be 55 ft plus 75 ft. from any structure including a fence. Mr. Davis stated adjustments can be made if necessary and that there is more than sufficient space. Mr. Harris requested a clearer map showing the lay-out, regulations, and clarify that the ordinances are met as well as clearly showing what area is being leased. Rick Fritz was asked to review to ascertain that our regulations and those of NFPA are met.

Don Armstrong stated that the applicant will need to waive any time requirements (60 days of receipt of the application) and Mr. Davis agreed pending clarification of the regulations. Rick Fritz stated all petroleum requirements must be met. He further stated the applicant should provide a tax map survey and exactly what is being leased from Paul Bunyan. Mr. Davis indicated he will comply and will review with Rick Fritz prior to the next meeting. Rick will ensure that the applicant is in compliance and meets code. Mr. Armstrong suggested the board adjourn to the April meeting for a better drawing, locations, and to determine if the set-backs are met according to code. The Town will address the need for an aquifer permit after the site plan review is completed.

Motion to adjourn the Mirabito application to the April meeting with the applicant stipulating to stay time constraints in order to address the following issues/concerns: Leased area, need for a survey, compliance with code and set-backs; made by Barb Albro, seconded by Jim Seamon, all in favor, the motion carried.

OLD BUSINESS: Song Lake View application. Don Armstrong spoke to Jan Kublick, attorney for the applicant. The Health Department has ordered the (2) test wells which will be drilled by Shute well drillers. The applicant is not here as Shute is back-logged and it could take several weeks to complete. The board is still on hold pending HD sign-off of the final map and sign-off on the sub-standard lots, which needs to wait for the test wells. Barb Albro called for a review of the minutes of the previous

meeting. Motion to approve the 2-27-13 minutes made by Jim Seamon, seconded by Barb Albro, all in favor, the motion carried.

Public Comments: As Socha asked if there was anything contained in the lease between Mirabito and Paul Bunyan stating Mirabito is responsible for any leak or problem that might occur. Don Armstrong stated that if there were a problem, we are not bound by their lease and would pursue each party. Al further inquired about the lettering on the tank and believes it should be limited. He was informed that if the sign exceeds the square footage, a variance would be need. Rick Fritz will so inform Wayne Davis. Terry Orr asked if the board had an end-time for the Shirley application as it has been pending for years. He believes the board has been patient but he is running out of patience with the developer. Jim Harris stated that the applicant and the Board had previously waived the time limits but has required that the applicant demonstrate progress, which has occurred. The board cannot set an arbitrary time limit and is trying to work around the requirements of the various agencies involved. Mr. Orr asked when the applicant would appear to answer questions and was advised there will be no meaningful discussions until the board has a complete approved map. Tony George raised the issue of the changes that were made after the SEQR was approved and stated some questions were not properly answered. Jim Harris stated once the board has the final map, it will review to see if the SEQR should be re-opened, based on significant changes. Joe Heath stated the board has the authority to rescind its negative declaration.

Motion to adjourn made by Tim Coyne, seconded by Jim Seamon, all in favor, the motion carried and meeting adjourned at 8:08 PM.

Respectfully submitted,

Mary Anne McCloskey, Secretary