

**TOWN OF FORESTPORT
PLANNING BOARD MEETING MINUTES
For
January 13, 2014
Planning Board
6:30 P.M.**

**12012 Woodhull Road
Forestport Town Hall**

PLANNING BOARD MEETING MINUTES

January 13, 2014

6:30 P.M.

MEMBERS

Don Graff, Chairman

Daniel Gilmore, Co-Chairman

Brad Smith

Kim Kratzenberg, Secretary

1. Call Meeting to Order:

- The January 13, 2014 Regular Planning Board Meeting was called to order at 6:30 P.M. by Chairman Graff.

2. Pledge of Allegiance:

- Recited

3. Review and Approve Minutes:

A. December 9, 2013 Regular Planning Board Meeting Minutes:

** A motion was made by Member Gilmore and seconded by Member Smith to approve and accept the December 9, 2013 Planning Board Meeting Minutes as presented. The vote went as follows: YES – Don Graff, Daniel Gilmore and Bradley Smith

4. Subdivision / Parcel Line Adjustment Activity / Merge:

A. Bear Marlow – 50.000-1-15:

- Proposed 2 lot subdivision
- Andy Bailey of LaFave, White & McGivern was here to represent this matter.
- A packet was given to the Board by Mr. Bailey.
- Mr. Bailey is proposing a two lot subdivision of an approximate 2.351 acre parcel of land. Parcel “A” being 62,300 sq. ft with 200’ of road frontage. Parcel “B” being 40,088 sq. ft. with 141.40’ of road frontage. Parcel “B” is being proposed as a non-conforming lot according to the Town of Forestport Site Review Law – Section 6.3 – Frontage Requirements because of only having 141.40’ road frontage.

- The Planning Board Secretary will research the old Planning Board Meeting Minutes to see if there are any specific directions on the property.
- Being that the Planning Board's duties are to administer the rules and regulations of the Town of Forestport Site Review Law, under these proposed circumstances, the Planning Board does not have the authority to approve the proposed two lot subdivision because it does not meet the required road frontage.
- The Planning Board advises Mr. Bailey to move forward with requesting an area variance from the Town Board. The Planning Board is hopeful that the Town Board will do the appropriate research to see what transpired when the properties were merged and the cabin built.

** A motion was made by Member Smith and seconded by Member Graff to deny the proposed two lot subdivision of tax parcel 50.000-1-15 because it does not meet the required 200' of road frontage as depicted in the Town of Forestport's Site Review Law – Section 6.3. The vote went as follows: YES = Don Graff, Daniel Gilmore, Bradley Smith.

B. Dick Bird – 12968 St. Rte. 28 – 8.003-2-29:

- Subdivision
- 3.43 acre parcel
- No one was present for this matter.
- The Birds have a proposal to purchase the Stumble Inn.
- They are proposing to subdivide the residential house from the Commercial building.
- They have submitted a survey/subdivision map done by Duane C. Frymire, LS - #050224 dated December 8, 2013.
- The northern most proposed parcel having 100' of road frontage along St. Rte. 28 with an area of 1.29 acres to house the residential structure along with the sewage disposal system. The residential structure accesses its water from the commercial building.
- The southernmost proposed parcel having 200.31' of road frontage to house the commercial building, storage shed, septic tank and grease tank with an area of 2.13 acres.

- Chairman Graff read Section 6.3 – Frontage Requirements of the Town of Forestport Site Review Law. The proposed northernmost parcel does not meet the minimum frontage requirements of 200’.
- The residential structure appears to set back 114’ from the edge of St. Rte. 28.
- Will there need to be a driveway cut in permit even though there is already an access to the residential structure?
- Chairman Graff spoke of the possibility of creating a private road that leads back to the residential structure but having to build it to Town standards. Possibly by doing this they could obtain the required 200’ of road frontage.
- Chairman Graff did speak to the Town Attorney on this matter. Attorney Riley stated that the building of a private road/driveway constructed to the Town specs would not be allowable because he felt it would circumvent the “spacial dimension”.
- It was discussed that the residential structure and the commercial structure share a well.
- Chairman Graff asked the Town Supervisor if the Planning Board could get a second opinion from the now newly appointed Attorney for the Town, Ted Earl. Supervisor Snead stated that Chairman Graff should call with specific questions regarding this matter.
- The Board will wait to hear what Chairman Graff brings back from Attorney Earl.

C. Howard Gleasman / Lot #164, Snowbird Lake – Subdivision:

- The public hearing was held on January 13, 2014 at 6:15 p.m.
- 51.000-1-69
- Little Beaver Lake Road
- Proposed 2 lot subdivision – 164W = 2.46 acres, 164E = 2.65 acres.
- Mr. Bailey presented the Board with a packet for the proposed subdivision along with a final subdivision map lands of Howard F. Gleasman, Jr. – Lot 164, Lyle Lake Corp., A.K.A. Snowbird Lake dated December 9, 2013, File 12-G2-B done by LaFave, White & McGivern.

** A motion was made by Member Smith and seconded by Member Graff to approve the proposed 2 lot subdivision as shown on a Final Subdivision Map Lands of Howard F. Gleasman, Jr., Lot 164, Lyle Lake Corp. – a.k.a. Snowbird Lake, Town of Forestport, Oneida County, New York done by LaFave, White & McGivern, L.S., P.C. dated 12/9/2013, file 12-G2-B. The Vote went as follows: YES = Don Graff, Daniel Gilmore and Bradley Smith.

5. Old Business:

A. Brian Albert:

- Public Hearing held 6:00 p.m. on April 8, 2013
- Installation of fuel dispensing unit.
- APA Project No. 2011-171 dated January 10, 2013 was referenced and put on file.
- Chairman Graff stated that the Town Engineer has reviewed the project and has sent an email dated May 13, 2013 in which he states “we have technical questions we would like to review and obtain responses to from the applicant’s licensed professional engineer. We contacted the engineering firm that prepared the design and they are no longer in business. Prior to proceeding further, please contact the applicant and determine if they are represented by a licensed engineer, and if so, obtain the contact information”.
- Chairman Graff spoke of the Public Hearing that was held last month (April 8, 2013) and the required 62 days from the date of the public hearing to make a final decision. Chairman Graff referred to page 20 of the Town of Forestport Site Review Law, Section 9.10 – SEQR which reads in part “An application is not complete, and therefore, the review clock does not start, until a determination of no significance has been made or until a final environmental impact statement has been completed”
- Chairman Graff spoke with the Town Attorney regarding the SEQR form and Attorney Riley stated that “under the circumstances the SEQR long form is required.
- Chairman Graff spoke with Mr. Albert in regards to possibly modifying his application for the sale of gasoline from a year round to a seasonal/winter sale only. Mr. Albert visited the Planning Office on Monday, May 13, 2013 and made it very

clear that he was not interested in only selling gasoline during the winter months – he wants to sell it year round. Therefore, because he is proposing to conduct the sale of gasoline within 500’ of a state highway, a 239 Review will need to be done by Oneida County Planning and they will not accept the application without a SEQR being done.

- Member Fleury spoke with Richard Weber from the Adirondack Park Agency and discussed some legitimate concerns (limited access for vehicles, parking area, paving and striping of parking area, etc.) Mr. Weber indicated that, under the circumstances, the Town was obligated to do a full SEQR review.
- Member Gilmore stated that just because the APA dropped the ball on this matter, the Planning Board has a responsibility to review all aspects of this proposal.
- A motion was made at the May 13, 2013 Planning Board meeting to deem Mr. Albert’s application for the installation and sale of gasoline at 12676 St. Rte. 28, tax map no. 13.003-4-7, incomplete at this time because the Board has not completed a full SEQR review. The Chairman has sent Mr. Albert a letter stating the incompleteness of the application along with a SEQR form to complete.
- Chairman Graff read the May 16, 2013 letter addressed to Brian Albert and Donna Lawrence addressing the issue of the incompleteness of this matter.
- Member Fleury stated that he drove by the White Lake Inn on Memorial Weekend and personally viewed the extreme congestion in and around the White Lake Inn parking lot. He feels by seeing this, there is no way anything would have been able to be fueled in that parking lot given the extreme congestion. He also feels that the concerns that have been raised throughout this issue are legitimate and need to be addressed.
- Member Fleury asked the Board if, as far as we know, is there gas being pumped from this location. The Board stated that no one has any insight about gas being pumped from this location.
- The Town Board has taken it upon themselves, at their September 18, 2014 Town Board Meeting to approve the installation and operation of the proposed fuel dispensing unit even though this matter was still in the hands of the Planning

Board awaiting specific items to be provided to the Planning Board.

- Chairman Graff stated that the Town Board made a determination at their September Board meeting to approve Mr. Albert's application. The Planning Board has been in contact with the APA, Town Attorney and Town Engineer – they all required that the long SEQR form be completed and submitted.
- The Town Engineer previously sent correspondence via email dated May 13, 2013 in which he stated “we have technical questions we would like to review and obtain responses to, from the applicant's licensed professional engineer. We contacted the engineering firm that prepared the design and they are no longer in business. Prior to proceeding further, please contact the applicant and determine if they are represented by a licensed engineer, and if so, obtain the contact information”. The Board sent Mr. Albert a letter dated May 16, 2013 addressing the incompleteness of his matter and to obtain the name and identity of Mr. Albert's new engineer.
- The Town Planning Board contacted Attorney Riley in regards to the decision that the Town Board made at their September Town Board Meeting and Attorney Riley stated that the Town Board acted inappropriately and illegally on this matter.
- Councilwoman Nancy Kardash was asked by Chairman Graff if the Town Board planned on revisiting their decision and Councilwoman Kardash said that the Board had made their decision.
- Code Enforcement Officer Smith stated that the Town Supervisor told him to “issue the permit”. Brad in turn issued the permit to Mr. Albert.
- Frank Fellone, President of the White Lake Shores Association called an emergency Board of Directors Meeting and wanted Chairman Graff to be present for this meeting. Chairman Graff consulted with the Town Attorney and the Town Attorney did not feel that this was the appropriate thing to do at this time. Mr. Fellone spoke of filing an Article 78 against the Town.
- The Planning Board would like to retain this matter on the Agenda until such time as an Article 78 is initiated or the Town Board revisits the matter.
- There are new developments as of November 2013.

- Brad Smith, Code Enforcement Officer stated that Mr. Albert and Mr. Halpin had visited the Codes Office to inquire about what needed to be done to install a 1,000 gallon tank instead of the proposed 500 gallon tank. Mr. Halpin said that he is removing the 1,000 gallon tank from Halpin's Fuel on St. Rte. 28 and would like to relocate it behind the White Lake Inn. Code Enforcement Officer Smith told Mr. Albert that he would need to amend his proposal with the Adirondack Park Agency – to begin there.
- The Planning Board discussed the fact that this matter was still pending with the Planning Board because the Town Engineer had questions regarding Mr. Albert's engineered plan and the Town Attorney had advised the Planning Board to have the Long SEQR Form completed by Mr. Albert. This matter was also awaiting a 239 review from Oneida County Planning.
- The Planning Board feels that there are major concerns that need to be addressed and this change in the size of the fuel tank must be proposed to the Adirondack Park Agency, the DEC, the Town Engineer and the Town Attorney as well. Member Fleury would also like the Town Board to be put on notice about this change also.
- Member Gilmore had recommended that the Town Board reverse their illegal approval, made at the September 18, 2013 Town Board Meeting, of the installation of the fuel dispensing unit at the White Lake Inn. Member Gilmore stated that this matter was still being reviewed by the Planning Board at the time of the illegal approval given by the Town Board.
- Code Enforcement Officer Smith has sent a letter dated November 27, 2013 placing Mr. Albert on notice that the proposed change would need to have a new application done and the proper steps taken with all other agencies.
- Under the circumstances the Planning Board still has outstanding matters with this application – SEQR is needed, 239 review needs to be completed by the Oneida County Planning Board and the engineering approval is still outstanding.
- The Planning Board feels that discussions are continuing on this matter so they would like to retain this matter on the agenda.
- Parker Snead inquired whether or not Mr. Albert had APA approval and DEC approval. Chairman Graff stated that, after

discussion with the APA, they admitted that they did not do a SEQR or the equivalent to one and therefore the Planning Board was advised by the Town Attorney to have Mr. Albert complete a long SEQR form. Chairman Graff explained to Mr. Snead the items that the Planning Board has been waiting on from Mr. Albert for months and that the Board has worked diligently to move this matter forward to resolution.

- The Planning Board along with the Town Supervisor feel that because the proposal has now changed from the original request, Mr. Albert needs to begin the process again from the beginning and therefore this matter should be removed from the Planning Board Agenda.

** A motion was made by Member Gilmore and seconded by Member Smith to remove this matter from the Planning Board Agenda because everything the Planning Board has is in respect to a 500 gallon tank and Mr. Albert is now proposing a 1,000 gallon tank. Mr. Albert should contact the Planning Board when he is ready to move forward with his new proposal. The Vote went as follows: YES = Don Graff, Daniel Gilmore, Bradley Smith.

B. Mickey A. Womack – Jason Womack:

- The Board wants Brad Smith, Code Enforcement Officer to visit the site at various times to monitor the situation and if it appears that the repair operation is still being operated he will proceed with the Town Attorney. Mr. Smith did observe the property on August 8, 2013 and did see a boat and a party barge on the property.
- The scheduled Court date was postponed because of the change in the Attorney for the Town. Code Official, Brad Smith has spoke with Attorney Earl who will now represent the Town on this matter.
- Code Official Smith will wait to hear from the Town Judge to schedule a new court date.

6. New Business:

A. Danielle & Greg Mazuy:

- The Mazuys are the owners of White Lake Lodges. They recently purchased an adjacent parcel with a dilapidated residential boathouse. The two properties were merged together to create one parcel. They would like to remove the residential boathouse and replace this with a dock, single family residential structure, picnic pavilion and a garage.
- By adding another structure this would be the 9th dwelling on the Lodge property and the current Town of Forestport Site Review Law, Section 6.1 – Lot Development states “no individual lot will be improved with more than one principal structure”. Also, Section 8.1 – General Restrictions was discussed and Chairman Graff read the update to this section.
- A motion was made at the December 9, 2013 Planning Board Meeting to conditionally approve this proposal under Section 5.1 of the Town of Forestport Site Review Law regulations mandating this proposal to be a permitted use. Also agreeing upon the regulation that the newly proposed single family structure cannot be used for commercial purposes in anyway – it is to be used solely for the owner’s residential use only.
- The Secretary to the Planning Board has sent the Mazuys a letter granting approval with a copy of the approved minutes.

** A motion was made by Member Smith and seconded by Member Gilmore to remove this matter from the Agenda. The Vote went as follows: YES = Don Graff, Daniel Gilmore and Bradley Smith.

7. Open Discussion:

A. Chairman Graff:

- Chairman Graff spoke of the “Appeal” mechanism against the Planning Board being the Town Board. In respect to the Code’s Office, the Planning Board has never been the appeal mechanism for the Code’s Office.

B. The 25th Annual Local Government Conference:

- The Planning Board Members have received notification of the 25th annual local government conference to be held on Thursday, March 27, 2014 at Jefferson Community College.

- As of tonight's date the following will be attending – Brad Smith, Don Graff, Dan Gilmore and Kim Kratzenberg.

8. Adjourn Meeting:

The January 14, 2014 Planning Board Meeting was adjourned at 7:31 by Chairman Graff.