

TOWN OF FORESTPORT

PUBLIC HEARING

For

COMPREHENSIVE SUBDIVISION  
LOCAL LAW #2 For 2007

Forestport Town Hall  
August 29, 2007 @ 6:30 P.M.

**Public Hearing  
Comprehensive Subdivision  
Local Law #2 of 2007  
August 29, 2007 @ 6:30 P.M.**

**Members Present**

William Rockhill, Councilman  
Maryann Rubyor, Councilwoman  
Brian Fox, Councilman  
Frederick Ritter, Councilman (arrived 6:42 p.m.)  
Joan Ingersoll, Supervisor

**Members Absent**

\*\* NOTE: Kim Kratzenberg is taking the minutes on behalf of Kathy Schmelzle's absence.

**Guests**

See attached sign in sheet

1. MEETING CALLED TO ORDER:
  - The Public Hearing was called to order at 6:30 p.m. by Supervisor, Joan Ingersoll.
  
2. PLEDGE:
  - Pledge of Allegiance was recited.
  
3. LEGAL NOTICE:
  - Joan Ingersoll, Supervisor read the legal ad; "Notice is hereby given that the Town Board of the Town of Forestport will hold a Public Hearing on August 29, 2007 at 6:30 PM at the Forestport Town Hall, 12012 Woodhull Road, Forestport, NY. The purpose of the Public Hearing is to review and accept public comments on Local Law #2 for 2007 being a Comprehensive Subdivision Law." Dated: August 16, 2007, Kathleen A. Schmelzle, Forestport Town Clerk. Publish Dates – August 20, 2007 and August 21, 2007.
  - Legal Notices were published in the Observer Dispatch and Rome Sentinel on August 20 and August 21, 2007.
  
4. PUBLIC COMMENTS:
  - A. James Ferrari:
    - Owns a large parcel of land within the Town of Forestport along the Black River.
    - Mr. Ferrari stated that he feels the law that was proposed to the Town Board to be discussed at their August 15, 2007 Town Board meeting is not the same law that the Public Hearing is being held on tonight. If that is the case someone could file an Article 78 against the Town.

- Mr. Ferrari stated that the substance of the law gives the Planning Board the power to deny anything that they do not like. By having the words “board may” within the law can effectively kill a project.
- Mr. Ferrari is concerned with the 5’ contour lines (p.18, #7). He feels that this is a very expensive request for the developer.
- Mr. Ferrari is concerned about the length of a dead end road (800’) (p.28). His opinion is that if the Town makes it too costly for a developer, the developer will go away.
- Mr. Ferrari is concerned with the Park and Recreation Area (p.23, #1) – He does not like this proposal. He again feels that a number of indiscriminant items will kill the project.
- Is there an official Town Map?

B. Mike Eagles:

- He understands the basis for the law and states that overall it is not a bad law.
- By leaving the road frontage at 200’ and making the cost of building roads very expensive, developers will do strip lots/ribbon lots.
- There are a lot of substandard roads within the Town of Forestport and if the Town is going to make a developer build a road to the suggested criteria in this proposed law, is the Town going to bring all of their substandard roads up to these new standards in a reasonable amount of time?

C. Larry Ritter:

- Larry read the definitions of major, minor and simple subdivision (p.9).
- He stated that if he wanted to give his child an acre of land out of his existing 50 acres it would not be feasible for him to do so because he would have to build a road to these standards. He stated that he may as well buy a piece of property within the Town of Boonville to give to his child.
- Larry asked how someone appeals this law if their proposed subdivision is turned down.
- Larry stated that the Planning Board is given way too much power within this law.
- Larry does not like the fact about the Park and Recreation Area (p.23, #2).

NOTE: Frederick Ritter arrived 6:42 p.m.

- Larry feels that a dead end road should be more than 800’ in length.
- Larry does not like the public hearing section being opened for 120 days (p.13, #5). He feels that this is just a way to hold up the developer. He feels this is not realistic and not necessary.
- Larry stated that there are a couple of more minor things to address but it is not necessary to mention them at this time.

- Larry read the definition of Major Subdivision and spoke of the wording “or any size subdivision requiring any new road, public or private or extension of municipal facilities.” Again he spoke of his own 50 acres and giving a piece to his child and what an expense that would be. Rick Ritter stated that we have to treat everyone equal and the rules have to be the same for everyone. Rick also stated that no matter what, you will still have to build a road.
- Rick thought that since Larry, who currently sits on the Town of Forestport Planning Board, spoke of his own personal 50 acres so much throughout this public hearing that, in deed, Larry has a personal agenda.
- Larry Ritter feels that by adopting this local law that the Town will stop all subdivisions.

D. Gerry Ritter:

- Does the Town have an official map?
- Throughout the entire proposed law it talks about the Master Plan and Comprehensive Plan. Gerry feels that it should be one way or the other.
- Engineering Fees/Escrowed monies (p.27) – Gerry wants to know if it has to be the Town Engineer or if individuals can hire their own engineer. Rick Ritter stated that he encourages developers to hire their own engineer but if there is a discrepancy in any part of the plan, the Town can involve their engineer at the developer’s cost – the rest of the tax payers within the Town should not have to pay for the developer’s request. Rick also stated that the Town Engineer is for the Town’s use when there is a conflict.

E. Dan Gilmore:

- Stated that he is currently a member of the Planning Board of the Town of Forestport and also a taxpayer within the Town of Forestport.
- He is reluctant as a taxpayer of the Town of Forestport, not to have this law adopted because if substandard roads continue to be built within the Town, all of us as taxpayers would have to come up with the money to fix the roads and bring them up to the current standards.
- It is Dan’s understanding that it is the intent of the current Highway Superintendent to bring roads up to current standards.
- Dan feels that this proposed law is a huge step forward for the Town of Forestport in the right direction.

E. Mike Eagles:

- If the highway superintendent places in the budget, bringing existing roads up to current specs, this too, will cost the taxpayers money.
- Rick Ritter stated that there is CHIPS money that is involved in reconstructing roads.
- Mike asked if the road which passes St. Mary’s Church was a reconstruction project or was it just topped. Rick Ritter stated that the road Mike Eagles is talking about is the road which passes St. Patrick’s Church not St. Mary’s and he is not sure how the road was redone and

whether CHIPS money was used for this. Rick stated that all materials used to originally build this road were hauled from Barrett's and he could pull the slips if he has to. A lot of material was put into the base of that road.

- Rick Ritter also stated that the Town does not always use CHIPS money to fix roads. When CHIPS money is not used, it is up to the Highway Superintendent on how he wants to fix the road.
- Mike feels that if the Town does not have to bring current roads up to these standards then why should the developer?
- Rick stated that if it was up to him that all roads within the Town would be reconstructed and not just resurfaced, but at this time, it is up to the Highway Superintendent. The Town Board cannot tell the Highway Superintendent how to spend the money.

F. James Ferrari:

- Mr. Ferrari stated that he appreciates that the proposed road spec is what the Town Board has determined.
- He would like to see the Subdivision Law create certainty and not leave loopholes or questions.
- Mr. Ferrari does not want to quibble with elected officials and what they decide. He just wants to know what the spec is going to be so he can figure the price into his overall plan to see if it is going to be feasible for him.
- He feels that by adopting this Subdivision Law that the Town is going in the right direction but there is uncertainty within the Law.
- He feels that the way the law is proposed that there is no recourse for a landowner to change the plan.
- He feels the Town is leaving the Planning Board with far too much discretion.

G. Frederick "Rick" Ritter:

- Rick Ritter stated that subdivisions have been created in the past and substandard roads have been bulldozed through the trees and lots sold. The developer is long gone when eventually the people who have purchased these lots come to the Town Board and ask what can be done because fire, emergency, delivery and other vehicles cannot pass over these roads. At that time the Town Board has to tell these people that until the current substandard road is brought up to Town specs the Town will not consider taking the road over.
- Rick Ritter spoke of the Blue Waters Estate Road and how the Town eventually took that road over after it was brought up to the Town specs.
- Rick Ritter stated that we have to start someplace and that this law will change with the times as everything does. He stated that himself, Joan Ingersoll and other Planning Board people sat with the Town Attorney on a couple of occasions for many hours to work out the wording of this law to make it binding.

- Rick stated that he did not want such a lengthy law but because the world is the way it is this is what happens.

H. James Ferrari:

- Mr. Ferrari agrees that Forestport does need a subdivision law and that developers have left behind messes.
- He also feels that real estate is becoming so involved with the sale of properties that it is not possible to build a crummy road anymore and Rick Ritter stated that is was until now. Rick Ritter stated that to build a road right only cost approximately 20% more than to build it wrong. Rick Ritter also stated that if a road is built to spec that the Town will take it over, if so approached – he is a man of his word.
- Mr. Ferrari did state again that the Planning Board is going in the right direction.

I. Joan Ingersoll:

- Joan did state that throughout this whole process the Town has consulted with the Town Attorney and that all procedural matters were done properly.
- Mr. Ferrari stated that the law that he received after the last Town Board Meeting is not the law that the Town has in front of them now. Joan Ingersoll asked if he had the law which has the red line through it and he stated “no”. Joan therefore told him that he did not have the correct paperwork then. Joan also asked Mr. Ferrari if he came by to pick up that information because she had not seen him in the building and he said he did not but had someone come get it for him. She stated that whoever came and got the information did not get the complete information.

J. Gerry Ritter:

- Gerry questioned (p.24, #4 – existing trails) and asked if that meant snowmobile and ATV trails?
- Gerry asked a lot of “what if” questions and Rick stated that we can sit all night and “what if” and it will get us nowhere. We have to start somewhere and then amend the law as we find things that need fixing.

K. William “Bill” Rockhill:

- Current councilman for the Town of Forestport.
- Stated that this law is a work in progress and we have to begin somewhere. If anyone has comments or would like to see changes, they are more than welcome to address them to the Town Board and Planning Board. All Town and Planning Board meetings are open to the public.
- Mr. Rockhill also stated that the Planning Board does not have all the power and that there is an appeal process (p.13, #4 – Area Variance) and all appeals come before the Town Board.

L. James Ferrari:

- Mr. Ferrari stated that Murphy's Law applies to this.
- Mr. Ferrari again discussed the cost of the 5' contour intervals and how costly it will be. Rick Ritter disagreed with this by saying that with the current GPS systems that there is less work and it is done in a more efficient, convenient way.
- Larry Ritter stated that Andy Bailey of LaFave, White & McGivern told him that if there are trees in the way that a GPS cannot be used. Rick Ritter said that is untrue.

M. James Verschneider:

- Is a current Planning Board Member.
- Mr. Verschneider also works with the railroad and while traveling along the railroad to the north he found that there is someone building a road with plastic culverts. It appears that this road may lead access across the railroad tracks.
- Mr. Verschneider also stated that he has recently observed a gravel mine being worked on a particular piece of property without a mining permit. Also on the same site it appears that a house is going to be built and again there is currently no permit visible on the site. Mr. Verschneider made it very clear that this is not within our Town but a neighboring Town.
- Mr. VerSchneider stated that the Planning Board is here for the welfare of the Town and the Planning Board has no personal agendas. They do the best job they can do with what they have to work with. If there is a current law or a proposed law that someone does not like they can sell their land and walk away. Mr. Hasenauer, audience member, stated that this was not an appropriate comment. Mr. VerSchneider told Mr. Hasenauer that he was entitled to his opinion. Again, Mr. Verschneider stated that the Planning Board is here for the best interest of the people and the future of the Town. Good planners look far into the future.

N. William Hasenauer:

- The Town Board handles all appeals and if there is an individual that is not happy they can take their matter to civil court. Rick Ritter agreed with this statement.

O. Mike Eagles:

- Mike stated that he and Rick Ritter have butted heads over the years while Mike sat on the Planning Board and worked on the Master Plan, but Mike holds nothing personal.

P. Joan Ingersoll:

- Joan stated to Mike Eagles that we have learned from him because while Mike sat on the Planning Board he always stated "show me it in black and white" and now we have tried to prepare for the future by adopting laws into black and white.

- Joan also stated that we encourage growth, we want good growth that will encourage families. We want to be able to have school busses, ambulances, fire trucks and other necessary and emergency vehicles travel our roads safely. We want to encourage people with children to come to our Town – we want to keep our school.
- Good planning helps all of this happen and good planners look far into the future.
- The Town Board has taken all comments into consideration. We need to adopt this proposed law now and begin to amend it as soon as possible. If there are loopholes within the proposed law they will be addressed and corrected where need be.

Q. Tom Down:

- Tom is from Old Forge.
- He currently has an approximate 80 acre piece of property within the Town that he would like to subdivide.
- He stated that there are some things that may or may not apply to certain specs and if the Board could make decisions in a timely fashion that would be appreciated.

R. Items Which Need to be Addressed:

- 5' Contour lines (p. 18, #7)
- Dead End Roads (p.28)
- Public Park and Recreation Area (p.23, #9)
- Appeals process (p.13)
- Comprehensive/Master Plan (p.7)
- Official Map (p.7)

5. PUBLIC HEARING CLOSED:

- Joan Ingersoll, Supervisor, closed the Public Hearing at 7:45 p.m.



TOWN OF FORESTPORT  
SPECIAL TOWN BOARD MEETING

For

COMPREHENSIVE SUBDIVISION  
LOCAL LAW #2 For 2007

Forestport Town Hall  
August 29, 2007  
Immediately following  
6:30 p.m. Public Hearing

**Special Town Board Meeting  
Comprehensive Subdivision  
Local Law #2 of 2007  
August 29, 2007  
Immediately following Public Hearing**

**Members Present**

William Rockhill, Councilman  
Maryann Rubyor, Councilwoman  
Brian Fox, Councilman  
Frederick Ritter, Councilman  
Joan Ingersoll, Supervisor

**Members Absent**

\*\* NOTE: Kim Kratzenberg is taking the minutes on behalf of Kathy Schmelzle's absence.

**Guests**

See attached sign in sheet

1. MEETING CALLED TO ORDER:

- The August 29, 2007 Special Town Board Meeting was called to order at 7:48 p.m. by Supervisor, Joan Ingersoll.

2. LEGAL NOTICE:

- Joan Ingersoll, Supervisor read the legal ad; "Notice is hereby given that the Town Board of the Town of Forestport will hold a Special Town Board Meeting on August 29, 2007 following the Public Hearing at the Forestport Town Hall, 12012 Woodhull Road, Forestport, NY to consider adopting Local Law #2 for 2007 – Comprehensive Subdivision Law." Dated: August 16, 2007, Kathleen A. Schmelzle, Forestport Town Clerk. Publish Dates – August 20, 2007 and August 21, 2007.
- Legal Notices were published in the Observer Dispatch and Rome Sentinel on August 20 and August 21, 2007.

3. DECISION:

\*\* A motion was made by William Rockhill and seconded by Frederick Ritter to adopt Local Law #2 for 2007 – Comprehensive Subdivision Law with the following concerns that were discussed (5' contour lines, dead end roads, public park and recreation, appeals process, comprehensive/master plan, official map) to be addressed at the next regularly scheduled Town Board meeting. The vote went as follows: YES = Brian Fox, Frederick Ritter, William Rockhill, Maryann Rubyor, and Joan Ingersoll.

4. MEETING ADJOURNED:

- The August 29, 2007 Special Town Board meeting was adjourned at 7:52 by Supervisor, Joan Ingersoll with all Town Board Members present in favor.

**TOWN OF FORESTPORT**  
**PUBLIC HEARING FOR SOLE APPOINTED ASSESSOR NOT SUBJECT**  
**PUBLIC REFERENDUM**  
**MEETING MINUTES**

**FORESTPORT TOWN HALL**

**AUGUST 30, 2007**

**Public Hearing for Sole Appointed Assessor.  
Not Subject to Public Referendum  
Forestport Town Hall @ 6:30 p.m.  
July 18, 2007**

**PRESENT**

**Councilman-Brian Fox  
Councilman-William Rockhill  
Councilwoman-Maryann Rubyor  
Supervisor-Joan Ingersoll**

**ABSENT**

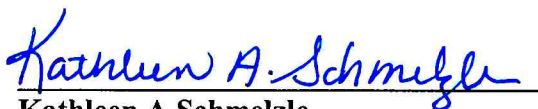
**Councilman-Frederick Ritter**

**1. CALL TO ORDER:**

- Supervisor Joan Ingersoll read the Legal ad
- Harold Siver gave Comments Primarily concerned with how do we maintain 100% assessment rate-as the Board committed to maintaining
- Don Graff- agree need a full time Assessor in the office-outside experience adjuster needed
- Dan Gilmore-in favor of a Sole Appointed Assessor. How is the Assessors chosen? An ad will be placed in the paper and web-site
- Gerry Ritter is working on a salary schedule Vienna appears to be the highest at \$19,200, Trenton \$18,900.
- Gilmore-Shares Services-possibility
- Brad Smith spoke on behalf of Planning and Codes. And stated they are also support of the Sole Appointed Assessor

**Meeting was adjourned @ 7:05 p.m.**

**Respectfully Submitted/ Notes taken by Kathy Bozek**

  
**Kathleen A Schmelzle  
Forestport Town Clerk**