

**Town of Phelps
Planning Board Meeting
Minutes**

March 24, 2011

MEMBERS PRESENT Ron Allen, Chairman, Dan Hurdle, Collett Barnard, Steve McCarrick, Kenny Sontheim, Ed Clark, Code Enforcement Officer.

CALL TO ORDER Chairman Ron Allen called the Planning Board Meeting to order at 7:00 p.m., at the Town of Phelps Courthouse.

The Pledge of Allegiance was said by all.

Introductions of the Board Members were made. Judy Manntai, the new secretary for both the Planning Board and Zoning Board, was introduced and welcomed.

Appreciation was expressed to retiring secretary Dori Crawford. Mrs. Crawford expressed her gratitude for the opportunity to serve and for the patience of the Board over the past year.

MINUTES The Minutes of the February 24, 2011, meeting were considered. No corrections were noted.

A motion was made to approve the Minutes as submitted. The motion was seconded. The motion to approve the Minutes carried unanimously.

APPLICATION 31511 Requested Action: Subdivision of 1- 8.762 acre parcel from north east corner of
NORM S. TEED 52.8 acre parcel.
SUB-DIVISION OF
1-8.762 ACRE
PARCEL

Norm Teed indicated that the request is for a simple subdivision of vacant land to use for a future one-family dwelling.

Opportunity was given for questions.

A Public Hearing was opened for consideration of this request at 7:12 p.m. There was no public comment. Public hearing was closed at 7:13 p.m.

Ms. Barnard made a motion to approve Application # 31511 - Norm S. Teed to subdivide 8.762 acres as a Type 2 action per SEQR 617.5 (17) and (26).

The motion was seconded by Mr. McCarrick.

The motion carried unanimously.

The Mylar map was signed by Planning Board Chairman Ron Allen.

APPLICATION 030711 Requested Action: Kennel Permit for a maximum of eight (8) dogs for hunting
SITE PLAN REVIEW purposes.
JOSH COLF

Josh Colf was given opportunity to address the Board regarding his application.

It was noted that Mr. Colf met with the Zoning Board on March 17 regarding his request to have a permit for eight hunting dogs. He currently has five dogs, but needs to train young dogs. Mr. Colf submitted the following statement signed by six neighbors.

"I do not object to Josh Colf having a kennel to house eight dogs at 823 County Road 6, Phelps, NY 14532."

Mr. Allen read Kennel Regulation 145.20.

Members of the Board agreed that the 300 ft. set-back from dwellings is to be interpreted as the dwelling of "neighbors," not the property owner's dwelling.

A motion was made by Mr. Hurdle to recommend to the Zoning Board that Josh Colf's Application #030711 and site plan be accepted as written for a maximum of eight (8) dogs with the understanding that the distance from the kennel to the property dwelling is interpreted as the dwelling of neighbors.

The motion was seconded by Ms. Barnard.

The motion was approved unanimously.

By general consent it was agreed that there would be no problem with a dog house located near the property owner's dwelling for the household pet dog.

LEON ADAMS -
REZONING
PROPERTY FROM
RAG TO
INDUSTRIAL OR M1

The Phelps Town Board has asked the Planning Board to consider the request of Leon Adams, dated September 8, 2009, for rezoning of 68± acres on the east side of Lester Road, Town of Phelps, which was tabled in 2009 by the Town Board.

Lengthy discussion took place regarding this request, including the current moratorium on mining, suggestions for the Mining Committee, costs of rezoning and involvement of lawyers, etc.

Mr. Sontheim submitted the following recommendation for consideration:

The Town of Phelps Planning Board recommends the Town Board deny the request from Mr. Leon Adams to rezone his property dated September 8, 2009. The following are the findings and recommendations to the Town Board:

Findings:

- a. Mr. Adams's request to rezone 68 plus or minus acres is dated September 8, 2009.
- b. The request is to rezone the property from Agricultural Residential (RAG) to Industrial (M-1) for the purposes of mining.
- c. Two maps accompany the letter (USDA-FSA Map , and Map dated 11/21/05 entitled Figure 3, Mine Sequence Map of the Geneva (Oaks Corners) Quarry.
- d. The Town of Phelps enacted a Moratorium on Mining Operations effective February 17, 2009, for a period of one year; the Town established a second one-year Moratorium effective March 16, 2010; the Town adopted a resolution on March 14, 2011, establishing a third moratorium on mining

operations for a six month period.

e. The language of the Moratorium on Mining Operations states:

“It is therefore, the intent of the Town Board to suspend the approval of all expansions to existing such operations and approval of new such operations. This will afford the Town sufficient time to draft amendments to the Town’s Zoning Code.”

“Based on the foregoing, the Town Board wants to ensure that any such expansions to existing such operations or approval of new such operations are reviewed under the new regulations and not under existing laws.”

Furthermore, Section 3, part D states in part that, “Pursuant to this moratorium, the Planning Board shall not review any applications for any expansions to existing mining operations...”

Furthermore, part F states in part that: "no applications for variances, special use permits or other approvals involving any expansions to mining operations...shall be processed or granted..."

Based on these findings, the recommendation to the Town Board regarding this rezoning request is to inform Mr. Adams that his request to rezone his property cannot be processed and acted upon until the Moratorium on Mining no longer exists. Rezoning of this property from Agricultural– Residential to Industrial for the purposes of mining is prohibited under the spirit and intent of the Moratorium.

While it is unfortunate that Mr. Adams’ desire to rezone his property took place after the establishment of the Moratorium on mining, clearly this case shows the need for improvements to our existing laws and regulations. Information as to the scope of mining activities, plans for the property when mining ends, effects on the natural and man-made environments, impacts on the surrounding residential neighbors are just a few of the questions that an applicant should answer within an application for this type of rezoning. It is desired and hoped that changes to the existing laws of the Town will address such critical and essential information needs to adequately process and assess such future requests.

The applicant’s letter with the accompanying two maps is insufficient information to do a proper and thorough State Environmental Quality Review (SEQR).

Rezoning of this property now while the Moratorium is in effect undermines the entire spirit and intent of the Moratorium and the understanding and expectations of the citizens within the Town. To act now does not pass the test of reasonableness.

A motion to submit the recommendation to the Town Board was made by Ms. Barnard. The motion was seconded by Mr. Allen.

Chairman Allen conducted a roll call vote of the Board:

- Dan Hurdle - Yes
- Collett Barnard - Yes

Kenny Sontheim - Yes
Steve McCarrick - Abstain
Ron Allen - No

The motion to approve the recommendation carried by a 3-1-1 vote. The recommendation to the Town Board on the request of Leon Adams will go forward as a denial.

RECOMMENDATION
ON
DRILLING/MINING

A motion was made by Mr. Sontheim that the Planning Board recommend to the Town Board of Phelps that a moratorium be put in place prohibiting well drill fracturing of any kind in the Town of Phelps for a period of one year to give the planning Board time to review this type of drilling.

The motion was seconded by Mr. McCarrick.

The motion carried unanimously.

APRIL 14 MEETING -
ROUTE 14 OVERLAY

A meeting was scheduled for Thursday, April 14, 2011, to discuss the Route 14 corridor overlay, lighting and "Dark Skies".

PUBLIC INPUT

There was no public input.

ADJOURN

A motion to adjourn was made by Mr. McCarrick. The motion carried. The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Judy Manntai
Secretary