

**Town of Phelps  
Planning Board Meeting  
Minutes**

**July 28, 2011**

- MEMBERS PRESENT Ron Allen, Chairman, Steve McCarrick, Dan Hurdle, Collette Barnard, Grace Carlson (Alternate), Kenny Sontheim, Ed Clark, Zoning Officer
- Members absent: None
- CALL TO ORDER Chairman Ron Allen called the meeting of the Planning Board to order at 7:00 p.m. at the Phelps Town Courthouse.
- The Pledge of Allegiance was said by all.
- MINUTES The minutes of the June 23, 2011 meeting were considered. No corrections were noted.
- A motion was made by Ms. Barnard to approve the minutes as submitted. The motion was seconded by Mr. McCarrick. The motion carried. (Kenny Sontheim who was absent from the meeting, abstained.)
- APPLICATION PERMIT # OPB711-11 AT HOME BUSINESS ROBERT AND AMANDA ROLL
- The permit request is for a limousine service. Mr. Allen asked how many limos would be used. There will be two limos. They will be located at the residence. Mr. Hurdle asked if they had the right registrations and insurance in place and they do. Ms. Barnard asked if there were any plans for expanding beyond the two limos. The Rolls' didn't believe so. A question of signage was asked. They may put up a small sign but it wouldn't be any larger than allowed.
- A motion was made by Mr. Hurdle to accept the application. All criteria had been met (as stated on application). Ms. Barnard seconded the motion. The motioned carried unanimously.
- APPLICATION PERMIT # SD711-11 FOR CHARNELL PROPERTIES, INC
- Address listed on application: 15 Kathlyn Avenue, Phelps, N.Y. 14532  
Survey plan was reviewed. Mr. Ray Howard owns all three parcels of land in question. The request is to split one set of parcels and add to another. Mr. Howard spoke to this. If he was to sell the property with the house on it, the parcel behind him would be land locked. Mr. Hurdle wondered how access was granted today to "parcel B". Answer was through Spafford Road.
- Mr. Allen opened the floor for public hearing on application SD711-11 at 7:12 p.m. There were no public comments or concerns. The hearing was closed at 7:13 p.m.
- Mr. Hurdle made a motion to accept application SD711-11 which is to subdivide a portion of land owned by the applicant situated in both the Village of Phelps and the Town of Phelps. Said parcel of land containing 3.764 acres. Said parcel of land will be combined with other lands owned by the applicant containing .855 acres situated in both the Village of Phelps and Town of Phelps and become a single parcel containing 4.619 acres. Ms. Barnard seconded the motion.
- SEQR Type 2 action per SEQR 617.5 (17) and (26), which reads as follows:
- (17) mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns; and
  - (26) license, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities.

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The motion carried unanimously.

APPLICATION PERMIT  
# SD713-11  
MARSFELDER LIVING  
TRUST

Address listed on application: 2031 Route 96 West, Phelps, N.Y. 14532  
This request is to subdivide 3 acres from 12.589 acres located at the above address. 9.543 acres has a single family residence and a 4 car pole barn which is being sold. Ms. Mary Wilson was present and explained how the property needed to be subdivided in order to be sold as prospective owners only want the house and pole barn. Mr. Hurdle questioned the acres as listed on the site plans. Taking 3.046 acres from the overall roughly 12 acres leaves 9.86 acres. All agreed that the maps were accurate. Mr. Hurdle also pointed out a question on the property line. Ms. Wilson clarified.

Mr. Allen opened the floor for public hearing on application SD713-11 at 7:23 p.m. There were no public comments or concerns. The hearing was closed at 7:24 p.m.

Mr. Hurdle made a motion to accept application SD713-11 (as stated above).

SEQR Type 2 action per SEQR 617.5 (17) and (26), which reads as follows:

- (17) mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns; and
- (26) license, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities.

Mr. McCarrick seconded motion.

Motioned carried unanimously.

APPLICATION PERMIT  
# SD718-11  
BEATRICE HAMMOND  
ESTATE

Address listed on application: 657 Preece Road, Geneva, N.Y. 14456  
Application is to subdivide three lots from the parent parcel. Lot 1 containing 1.337 acres. Lot 2 containing 1.535 acres and lot 3 containing 1.371 acres. The remaining lands will contain 28 plus/minus acres. Site plans were reviewed. Her sons are looking to share ownership of the estate. Farmers will still farm the 28 remaining acres.

Mr. Allen opened the floor for public hearing on application SD718-11 at 7:31 p.m. There were no public comments or concerns. The hearing was closed at 7:32 p.m.

Mr. Hurdle made a motion to accept application SD718-11 (as stated above).

SEQR Type 2 action per SEQR 617.5 (17) and (26), which reads as follows:

- (17) mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns; and
- (26) license, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities.

The July 12, 2011 plans will be considered the final plans.

Ms. Barnard seconded motion.

Motioned carried unanimously.

APPLICATION PERMIT  
#SP713-11  
VALVETECH  
MIKE MULLALY

Address listed on application: 1391 Phelps Junction Road, Phelps, N.Y. 14532

Jim Denison on behalf of Valvetech.

Application is for an 80 X 80 X 12 metal building addition. The building will be located to the east of the existing facility. Site plans were reviewed. There will be new forced Sewer for new bathrooms in the new building. The company is in need of additional work space. The front will remain the same. No additional parking is needed.

No public hearing required for this application.

Ms. Barnard made a motion to accept application SP713-11 (as stated above).

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The site plan provided on July 28, 2011 will be deemed the final plan. It will be declared SEQR type 2 with no action further action required. Mr. Sontheim seconded motion. Motion carried unanimously.

APPLICATION PERMIT  
#624-11  
AREA VARIANCE  
DAVID RESMUSSEN

Address listed on application: 2346 Wheat Road, Clifton Springs, N.Y. 14432  
8 X 16 deck on front of house. It will be 57' from the edge of the road. Site plan was reviewed. Mr. Allen read the Zoning Board minutes from July 21, 2011 in reference to this application.  
Ms. Barnard made a motion to approve application 624-11 (as stated above).  
Mr. Hurdle seconded the motion.  
Motion carried unanimously.

HALF DUTCH FARM  
WIND ENERGY  
PROJECT

Mark Ferrara spoke to the change in this project. This had been approved last November but there is a need to move the turbine north 874' and increasing the hub height to 140'. This will make the total tower height 174.8'. Electrical issues are causing the need for the move. Mr. Hurdle wondered if the turbine would be visible by the neighbors. Yes it will. With the move is the turbine still within the appropriate boundaries. The answer was yes. It was mentioned that noise was a concern, but the noise is generated from the corn dryers. This won't impact that at all.

State funding requires SEQR short form to be completed. Mr. Allen took from Mr. Ferrara. Ms. Barnard stated that the Town of Phelps will be lead agency in the SEQR review. The form was filled out as a board as Mr. Allen read through and completed. Mr. Allen signed the form upon completion.

Ms. Barnard made a motion to approve the modification of the site plan revision approved November 22, 2010 location and height. Also to approve Part 1 SEQR by applicant and Part 2 by Town of Phelps.  
Mr. Hurdle seconded the motion.  
The motion carried unanimously.

REVIEW NEW AG  
RELATED LAW

Mr. Allen handed out copies for review. He felt the grammar is the only review required. Mr. Allen read a letter that was received from Cornell University. It was in reference to a conversation that Mr. Allen and Ms. Dzula had at the AG meeting. Mr. Allen stated to the board that they need penalties stated in the law if the rules aren't followed. Mr. Hurdle referenced the "enforcement procedures" and felt this needed drastic rewording. He submitted different wording to Mr. Allen (as follows):

"the code enforcement officer shall give written notice to the owner and/or person (s) having control of the property in the town on which a manure storage and/or stockpile facility that exceeds the standards shown in Section C herein (SPECIFICS STANDARDS) is without a valid permit. See Section C for permit requirements."

Mr. Allen will forward the requested changes to the appropriate parties. He will forward for review once corrections have been made. Mr. Hurdle did comment that he would vote "no" for the AG Law if it comes to the planning board.

ZONING OFFICER  
BRIEFS

Mr. Clark informed the board that he will be sending applications electronically going forward. Postage has become very expensive. Mr. Clark will continue to send hard copy to Ms. Carlson.

ROUTE 14 OVERVIEW

Postponed until next month's meeting.

CHAIRMAN UPDATE

Mr. Allen will resend to the Town Board the request for the moratorium on hydro-fracturing.

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NEXT MEETING                   The next meeting of the Planning Board will be August 25, 2011. There will be no special meeting in August.

ADJOURN                         A motion to adjourn was made by Mr. McCarrick and seconded by Ms. Barnard. The motion carried. The meeting was adjourned at 8:24 p.m.

Respectfully submitted,

Stephanie Kelly  
Secretary

Approved: 8/25/11