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lots.

This was not sent for public notice as the Zoning Officer needed site plans and a letter from the Sinacks. The attorney did have everything that had been requested. No further issues were noted.

A public hearing notice will be sent for the October 27, 2011 meeting.

Mr. McCarrick did want to make sure the attorney was aware of the moratorium on mining in effect. The attorney was aware. Mr. Clark verified there cannot be any changes to the land during this period.

APPLICATION PERMIT
#SP921-11 FOR JUAN
BENITO

Application SP921-11: Juan Benito: Commercial/residential Pole barn, parking lot for trucks and trailers and mobile home for office.

Location: 1940 Spafford Road, Phelps

Mr. Clark spoke about the application. He has been turned into commercial property. Mr. Benito has trucking equipment as he is a freight hauler. There is no site plan, so to become compliant the Zoning Officer has been working with the owner to get a site plan put together.

Mr. McCarrick asked where the property was specifically located on Spafford Rd. Mr. Clark thought there may be a variance needed depending what the owner's intended use might be. The new site plan will include all current and future plans for the site. There will be a mobile home where the owner would live. The pole barn would be his workshop. The board reviewed the site plans that Mr. Clark provided. There is a well, but it is unknown if it is currently working or not. There is no septic. No one resides there currently. Mr. Hurdle asked for clarification on the site map. Mr. Sontheim asked if there was any screening between the road and the parking area. Grass is the only screen. Ms. Barnard reminded all that there was no action needed at this time. This was simply a site plan review.

It was clarified that the Town had requested the owner to cease any excavation on the property until a site plan was finalized and approved. There were questions about allowing the property owner to bring in stone, dig and move around current stone. He can level, mow and discontinue excavation. It was agreed that moving existing stone on the property was ok, but nothing new was to be brought in.

There was discussion about the property owner moving trucks in and out of the property. Ms. Barnard made sure that the owner's friends that were there to represent him understood that the trucks should not be moving in and out until the site plan is finalized. It was also discussed that the owner seems to be running a business from that location.

All agreed plans will be reviewed. The owner can resume talks with the town about the culvert. There are two driveways, however a culvert may only be needed on the one.

Final review for these plans will be October 27, 2011.

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APPLICATION PERMIT
#0916-11 FOR LAWRENCE
CONSTRUCTION

Application #0916-11 Lawrence Construction: Demolish existing house and barn and construct a 8,000 square foot Family Dollar store and associated parking, storm water management area, and utilities upon a 4.619-acre parcel of land (created by subdivision) situated in the Village and Town of Phelps.

Glen Thornton was present to discuss the site plan. The County and Village boards have been attended. The majority of the property will be in the Village of Phelps. The building will be set back for level setting. There will be good parking and a green front. Drainage was discussed per what the DOT has requested. The drain will be in the back. There will be code compliance with setbacks and parking spaces per the Village and the Town. Some parking, turn-around, and pond (drainage) will be on the Town property. A storage barn has been added in the back on the site plan. They have complied with access management for both roads. There has been recommendation to keep traffic away from the intersection. The tractor-trailer trucks will be routed through Route 88. All will be dark sky compliant.

Ms. Barnard asked what comments/questions/concerns the Village had. Mr. Thornton responded that they have received no feedback from the Village at all. Mr. Thornton also mentioned that the County Board had provided some feedback. The adjustments to the site map were provided and no further requests/or comments have come back. He believes the County wants a coordinated effort between the Town, County, and Village. Mr. Thornton feels they have worked hard to make this a very friendly option for the Town.

Ms. Barnard read the minutes from last month's County Board meeting held on July 11, 2011. This action was deemed incomplete because the County Board did not have a copy of the subdivision. The second incomplete was due to the lack of coordination between all boards.

Mr. Sontheim commented on the portion of the site map that wasn't part of this parcel in the application; corner piece of property. It is part of the purchase offer, but the owner is trying to keep it out of the site plan. If included financing could become an issue. The previous gas station causes questions.

It was discussed that the storage building in the back will be for Lawrence Construction. It was not on the site plan provided to the board. The pole barn will be for personal use; not storage (rentals). Mr. Clark asked what the distance is from the barn to the village line. 10 to 15 feet. Mr. Clark agreed that was in compliance. Ms. Barnard said the Phelps Planning Board could review every piece of this, but it is the Village Board that needs to take action. Mr. McCarrick restated that there needs to be a coordinated effort between the Town and Village boards to put this in place.

Ms. Barnard asked several questions having to do with construction. A visual plan with colors included was viewed. Mr. Sontheim believed this to be a great addition to Phelps. He said it was hard to comment on details as the Planning Board hasn't seen them yet. Mr. Sontheim hopes the Village will do that homework. Mr. Thornton stated his disappoint-

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ment at the Village Board for returning no feedback on the proposal.

Ms. Carlson suggested that the board provide some feedback regardless of the board's ability to take action on this application. There were questions about the drainage. Mr. Thornton provided information. The land is very flat and the drainage pond will be made based on the "hundred year storm". There will be a stone apron area so should the the pond overflow the stone will absorb. There may be some run off but very little.

Ms. Barnard asked what the sign will look like. It will be illuminated but will shut off at night. It is a white sign with red lettering.

Ms. Barnard asked if the board would like to move forward with meeting with the Village board. The board agreed that would be the best course of action. The County board wants to see the Town's comments. Mr. Sontheim asked for all the documentation on the project so he can review and help work with the Village to move this forward. Three sets of documentation was requested. Mr. Thornton will also provide sign information and elevation plans. Ms. Barnard asked if there are any site plans that are in color. She felt that would be beneficial for her. Ms. Barnard asked if Mr. Clark would speak with the Village Planning board to see if the two boards can meet. Mr. Clark thought the next Village meeting would be September 26, 2011 at 7:00 p.m. at the Phelps Community Service. Mr. Thornton asked if the board would want him to attend. It was determined that the boards may speak more freely if he doesn't. The County board should also attend. Mr. Clark will let them know the meeting details. Mr. Hurdle wondered if a prior meeting was needed. It was decided site plans would be reviewed and if a prior meeting was needed, it would be set at that time.

PUBLIC COMMENT

Kara Simmons was present and asked about the Ag law that was suppose to come from the Town Board. Carl Beechler was present. He stated that the Town Board said that he wasn't aware of the timeframes necessary so another month would pass before it was presented the Planning Board and passed as law. He stated that the attorney had reviewed and it looked good so far.

John Oaks was present and asked about public hearing notices in the paper. He noticed some of the dates had passed before things had been published for public notice. The board explained the constraints of the paper and what the board was trying to do to keep this from happening again. It was also discussed about putting signs in yards adjacent to the property owners with information regarding application/requests. This would need to be the property owner's responsibility. Mr. Oaks was also informed that the Code Enforcement office would have information about applications/requests currently in process.

**FINAL REVIEW OF
ORDINANCE**

Mr. Sontheim explained what the Planning Board was working on regarding the proposed lighting ordinance. This was sent to the County Board for review and Mr. Sontheim wanted to review their comments with the Planning Board to finalize.

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What are the requirements for a permit? Ms. Barnard provided some suggestions. Add the standards and negate the need for a special permit. Holiday lighting was a concern of the County Board due to possible conflict of religious beliefs. It was suggested to speak with the attorney about this. The question is raised what happens outside the "holiday" timeframe; November through January.

In relation to public parking lots, the word public will be removed.

All lighting today is considered conforming. For the future the new light fixtures need to be applied to the new code. The Zoning Officer has some ability to work with the owner to comply with the law. This allows for discretion on the part of the Zoning Officer. Mr. Clark was comfortable with that.

A County suggestion was to give the owner a time to rectify. The Board decided this was not necessary since they are allowing the owner to remain as it. Adding something to raise to code if a change of hands occurs; residential or commercial. When a business changes hands, a site plan is produced. At this point they would be required to upgrade their lighting prior to site plan approval.

Mr. Sontheim asked where in the code book a site plan is required for a commercial business changing hands. Clarification was requested. If a name change is requested, that must come before the board. If no name change/sign change, there is no requirement for them to come before the board. Ms. Barnard wondered about a sunset clause for businesses; allowing a transition period to become compliant. Ms. Carlson thought a 5-year period would be fair. Mr. Sontheim will give additional thought of how to move forward with issue.

The next Phelps Town Board meeting is October 11, 2011. This proposal will be revised in time for their review.

TRAINING OPPORTUNITY

Fall 2011 Regional Local Government Workshop
Thursday November 17, 2011.

Ms. Barnard instructed those interested in attending to let Linda Nieskes know.

OLD BUSINESS

The issue of no written code about setbacks was discussed. Mr. Clark explained why this has always been done this way. Anything that is in front of the front set requires an area variance. This has been consistent for the past 12 years. The Zoning Board's interpretation has also been consistent. This allows them to regulate what is put in front of a house. Something needs to be added to the code moving forward. The current procedure would stand up going forward because of consistent interpretation of the requirement. Ms. Barnard is not comfortable with the area variance needed for porches and decks. The request from the Zoning Board was clarified. Ms. Barnard doesn't mind drafting something for review.

Mr. Sontheim asked for an update on the progress of the water line coming down Route 14. Mr. Beechler said the Town of Junius is ready to move forward. They are still awaiting something from Geneva.

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ADJOURN

Mr. McCarrick made a motion to adjourn the meeting.
Mr. Hurdle seconded. The motion carried unanimously and the meeting
was adjourned at 9:07 p.m.

Respectfully submitted,
Stephanie Kelly