

**Town of Phelps
Planning Board Meeting
Minutes**

August 25, 2011

MEMBERS PRESENT Ron Allen, Chairman, Steve McCarrick, Dan Hurdle, Collette Barnard, Grace Carlson (Alternate), Kenny Sontheim, Steve Studley, Zoning Officer

Members absent: None

CALL TO ORDER Chairman Ron Allen called the meeting of the Planning Board to order at 6:59 p.m. at the Phelps Town Courthouse.

The Pledge of Allegiance was said by all.

MINUTES The minutes of the July 28, 2011 meeting were considered. One addition was made.

A motion was made by Ms. Barnard to approve the minutes as submitted. The motion was seconded by Mr. Hurdle. The motion carried.

USE OF ALTERNATE Mr. McCarrick stepped down and Ms. Carlson was appointed for the meeting.

APPLICATION PERMIT # AV080511 FOR STEVE'S ELECTRIC Application AV 080511: Steve's Electric Co. LLC, 2372 Route 96, Clifton Springs place existing overhang on front of building; install new overhangs on side of existing overhang and one down right side of building as per drawings. Ms. Barnard asked if there was going to be any additional external lighting added. Mr. McCarrick said yes. Mr. Allen asked if there were any questions from the board. There were none.

Ms. Barnard made a motion to approve application AV 080511 to allow the installation of new awnings around the building as submitted on the drawings. Ms. Carlson seconded the motion. The motion carried unanimously. This is a Type 2 SEQR requiring no further action.

APPLICATION PERMIT # SD081511 FOR LINDA POLLOT Application SD081511: Subdivide mother's estate. 1 acre to go with the house. The remaining acres will be divided equally between the siblings. Mr. David Hanley (surveyor) was present to discuss.

Address of location: 1116 County Road 23, Phelps, N.Y. 14532

Mr. Hanley reviewed the site plans with the board. There will be three parcels in the end. Mr. McCarrick stated that all three parcels will need to have septic and water. Mr. Allen explained why this was necessary. Mr. McCarrick also stated that the drawings should show an estimate of where the septic and water would be. There are dwellings on each of the parcels. Mr. Hurdle did want road footage for each parcel added to the drawings. Mr. Hanley commented he only surveyed the back of the lots since that is all that will change. The road front isn't changing at all from the original survey drawings. Mr. Hurdle did request to see the road footage as to get a complete picture. Mr. Hanley agreed to make the changes, however he would not bold them as they are not part of the "new" boundary.

Mr. Hurdle made a motion to accept application #SD081511 and the map submitted on August 12, 2011 as the preliminary plan. The board will be looking on final plan to see street frontage and location of septic and water. Mr. McCarrick seconded motion. Motion carried unanimously.

Final: 9/22/11

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APPLICATION PERMIT
#VOR081011 FOR
JERRY FRONCZAK

Application VOR081011: Jerry Fronczak, 1460 Maryland Street, Phelps, N.Y.
Build an apartment using an existing garage (bathhouse) for disabled daughter.

Mr. Allen reviewed what was discussed last week at the Zoning Board meeting regarding Mr. Fronczak's request to convert a bathhouse to an apartment. The concern associated with being able to revoke the apartment as an apartment if daughter moves out or property sells was discussed. Ms. Carlson remembers there is a stipulation that allows for something like this. The code book was reviewed. There was a stipulation that had to do with a mobile home or something that was removable. This would not be removable.

Mr. Studley did speak with the Town's attorney. Provisions can be made for this to move forward. Mr. Studley provided some documentation from the Town of Farmington to use as a guide for verbiage. The Zoning Board will need to come up with the correct verbiage for the attorney to use. Ms. Carlson suggested this could be added to the code book so future problems/delays won't occur. Mr. Hurdle commented on the information from the attorney which allowed "reasonable" conditions placed on the permit. Mr. Fremouw stated once again that the concern was not with the current owner, but the new homeowner and what they might be expecting when they purchase the property.

Mr. Fremouw is going to work on coordinating a special Zoning Board meeting so this can move forward in an expeditious manner.

Mr. Hurdle made a motion to make a recommendation to the Zoning Board for them to review the application with attorney stipulations and move forward. Ms. Barnard seconded. The motion carried unanimously. Mr. Fronczak was asked to attend the special meeting once established to discuss. The public meeting will be held September 15, 2011.

DEPARTMENT OF
AGRICULTURE REVIEW

Mr. Allen discussed the response from the State of NY Department of Agriculture and Markets. It was in reference to the proposed amendments to the Town of Phelps Zoning as it pertained to the town's draft lighting ordinance. The letter was circulated and provided some guidance to the lighting ordinance proposal

The Halfway Haus new lighted sign was discussed. Mr. Studley said the owner did get a permit. He also stated that a request was made of the bar owner to "tone" down the lights and that he has complied. Ms. Barnard read the code regarding lit signs and thought something should be added about the LED signs (scrolling/flickering).

There was question about the uniformity ratio. Mr. Sontheim gave an example. They want to create a lighting ratio so that your eyes don't have to "adjust" all the time from both parking and pedestrian locations. Mr. Sontheim agreed he would try and expand the verbiage to help make it clearer; provide a concept to the definition. Ms. Barnard suggested using an example as he had done during the meeting.

Mr. Hurdle asked if the parking area ratio (3 to 1) was to prevent dark areas. Mr. Sontheim said this also prevents the stores from having very illuminated

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frontage. Mr. Hurdle stated that once this passes, the board will need lighting plans for builds as well. Mr. McCarrick said there are codes already in place by the state.

Mr. Allen asked if everyone was happy about the proposed lighting documentation. Mr. Sontheim wondered if there needs to be a penalty clause in each section. The board agreed it would be good to have it in the section. The penalty could be proposed to the town board but they would make the final decision. Mr. Sontheim asked what the penalty would be. Mr. Allen thought money. A residence penalty would be less than a commercial penalty. Mr. Sontheim will use what is currently in our code.

Mr. Hurdle did question the letter from State of New York Department of Agriculture and Markets. He felt the board did have the correct verbiage already in place. The end recommendation was to add the word outdoor to the 92-4 F.

Also an exemption for agricultural areas was suggested in the letter. Mr. Sontheim asked if we could use a variance instead of "exemption". Mr. Studley felt there would be no compliance because there are no penalties for agricultural areas now.

HYDRO FRACTURING

Mr. Allen gave updates. He didn't feel that the town board did anything about the moratorium. He did say the town of Geneva has put a moratorium on it. Most of the board was very upset about the possibility of this damaging our water. The Town Board should have more information next month.

NEXT MEETING

The next meeting of the Planning Board will be September 22, 2011. A special meeting will be held on September 29, 2011. This will be in regards to the Route 14 overlay. It will be held at 7:00 p.m.

ADJOURN

A motion to adjourn was made by Mr. McCarrick and seconded by Mr. Allen. The motion carried. The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Stephanie Kelly
Secretary