

SUMMARY OF MINUTES  
Meeting of the 239-Review Committee  
Chenango County Planning & Development Board  
January 8, 2013

Members Present

Paul Thomsen    Dan Palmer  
Joe Woerter     Bob Davis  
Sup. Seneck

Staff Present

Shane H. Butler

Guest(s) Present

The meeting was called to order at approximately 9:07 a.m.

**New Business:**

The 239-Review Committee had one (1) 239-Review proposals to consider. Action was taken as follows:

**13-01 (City of Norwich) Grippaldi Variance**

Mr. Butler stated the applicant would like relief from the zoning ordinance in order to start an auto repair shop. The zoning is currently an R-2. The property is located next to Catholic Charities and the County Highway Department.

Mr. Woerter stated the plan is very detailed. They would like to store autos and do other contracting. He asked about a SPDES permit for the fluids discharge. There should be something to prevent the fluid leaks from storing the vehicles.

Sup. Seneck asked what they were planning to do with the other building. He also referenced State Codes on junk (unregistered) vehicles. Mr. Davis asked if it is in the flood zone. Mr. Butler stated he was not sure. Mr. Palmer stated it passed the City Council.

**Mr. Woerter motioned to approve the application with the recommendations of an oil/water separator for stored vehicles and parts, setting a limit on the number of unregistered vehicles being stored on the property, constructing a privacy fence around stored vehicles and parts, complying with all NYS auto repair standards and specifications, and complying with NYSDOT, seconded by Sup. Seneck. Members voted all ayes, motion carried.**

With no further business, the meeting was adjourned at 9:20 a.m. until our next meeting on **February 12<sup>th</sup>, 2013.**

SUMMARY OF MINUTES  
Meeting of the 239-Review Committee  
Chenango County Planning & Development Board  
January 24, 2013

Members Present

Ted Guinn  
Sup. George Seneck  
Paul Thomsen  
Perry Owen

Staff Present

Donna M. Jones  
Rena M. Doing  
Shane H. Butler

Guest(s) Present

The meeting was called to order at approximately 8:34 a.m.

**New Business:**

The 239-Review Committee had one (1) 239-Review proposals to consider. Action was taken as follows:

**13-01 (Village of Oxford) Village of Oxford Zoning Amendment**

Mr. Butler stated an application for 239-Review was received from the Village of Oxford relating to their zoning ordinance.

Ms. Jones stated their zoning must be in accordance with their Comprehensive Plan. The Village of Oxford is doing it backwards. The Master Plan does not mention natural gas within it. Chairman Guinn asked when the Village of Oxford Comprehensive Plan was last updated. Ms. Jones stated it was in the 1970's. Ms. Jones also mentioned the zoning enabling act of 1922.

Sup. Seneck suggested they update and/or finish their comprehensive plan first. The comprehensive plan needs to be reviewed.

Mr. Butler asked if the language was vague where it states "Any Use Not Specifically Permitted is Prohibited". How can you think of every use you would like to be allowed?

Mr. Thomsen asked if Attorney Slottje wrote the amendments. Mr. Butler stated he is working Pro-Bono for the Village of Oxford.

Ms. Jones stated they will have to get public input from all sides which is the point of a public hearing. Public input is very important. Sup. Seneck asked how many came to the public hearing. Ms. Jones stated it won't be held until Tuesday.

Mr. Thomsen stated the Village of Oxford seems to want to keep the village exactly as it is. Sup. Seneck asked what the Village would do if a company such as EmKey wanted to put a pipeline into the Village. The Committee stated it would not be allowed.

Ms. Jones stated Delaware County denied the Village of Sidney moratorium because they felt it was premature. It could have negative impacts on the entire county and is a regional concern. Mr. Owen asked if it would affect the public hearing if we denied the application. Ms. Jones stated they could still vote in favor with a super majority. Chairman Guinn stated we could use similar or the same language as Delaware County.

Mr. Owen asked if our decision letter would be read at the public hearing. Mr. Butler stated Mayor Stark read the last letter and was sure he would read this one as well.

Chairman Guinn stated the NYSDEC is still in the process of finishing the SGEIS.

Ms. Jones asked if there was a dire necessity to update the zoning where the existing regulations could not handle it.

Mr. Owen recommended sending the letter return receipt to make sure it was received. Mr. Butler stated it would be emailed as well.

Mr. Owen motioned to deny the application, seconded by Sup. Seneck with the following recommendations or concerns;

- The amendment to Article III of the Village of Oxford Zoning Law states:

DISTRICTS AND BOUNDARIES:

***Any Use Not Specifically Permitted Is Prohibited.***

There is concern that the language in this amendment is too vague, unintentionally restricting certain land uses the community may deem to be allowable.

- Page three (3) of "Zoning and the Comprehensive Plan" of the James A. Coon Local Government Technical Series, and made available by the NYS Department of State includes the following statement:

***In New York, the zoning enabling acts continue to require that zoning be undertaken "in accordance with a well considered plan or, in accordance with a comprehensive plan".***

According to our records, the Village of Oxford Comprehensive Plan has not been updated since February 1970. The document is entitled "***The Summary Master Plan, Town and Village of Oxford, N.Y.***".

It is recommended that the Village of Oxford updates its Comprehensive Plan prior to adopting amendments to the Village of Oxford Zoning Law in order to assure both documents are in conformance to each other.

- Furthermore, the action of changing the Village of Oxford Local Zoning Law is not timely because New York State has not yet completed their studies, which would provide guidance for permitting any requirements to be adhered to at the local level. Until these rules and guidance are adopted by the state the executive order prohibiting issuance of permits for gas extraction remains in effect. As such, any local law which would contradict State rules would be superseded by State regulations and therefore become moot. It is recommended by the Chenango Planning & Development Board that any municipality does not take any action prior to the State issuing their rules and recommendations; and will ensure that local actions are taken in compliance with the State rules and guidelines.
- Additionally, amendment to the Village of Oxford Local Zoning law has the potential to have economic impacts throughout the region.

**Members voted all ayes, motion carried.**

With no further business, the meeting was adjourned at 9:05 a.m. until our next meeting on **February 12<sup>th</sup>, 2013.**

SUMMARY OF MINUTES  
Meeting of the 239-Review Committee  
Chenango County Planning & Development Board  
February 7, 2013

Members Present

Chairman Guinn     Perry Owen  
Paul Thomsen  
Sup. George Seneck

Staff Present

Donna M. Jones  
Rena M. Doing  
Shane H. Butler

Guest(s) Present

The meeting was called to order at approximately 8:38 a.m.

**New Business:**

Chairman Guinn stated he wanted to bring the members together who were at the 239-Review Committee meeting on January 24<sup>th</sup>, 2013 in order to respond to the FOIL request from the Village of Oxford dated February 1, 2013. The Village would like clarification as to why the application was denied. Legally the Committee must respond to the FOIL request.

Chairman Guinn read the FOIL request.

Chairman Guinn, in response to FOIL Requests #1 and #2, stated there have been no other comparable reviews done by the 239-Review Committee in the past five years, making this the first time we have had to respond in that matter.

Mr. Butler stated the minutes from the meeting will be attached to the response letter, responding to FOIL Request #3.

Chairman Guinn asked how CNG cars would come into play. Mr. Butler stated they have exempted the roadways for use in transportation. They have not said anything, however, about the railroads which would have an inter-community and countywide impact if the railroads were restricted by these amendments. Ms. Jones asked who controls the railroad. Mr. Butler stated he would ask Commerce Chenango and NYSDOT. Ms. Doing stated they wouldn't be able to put a pipeline down the railroad right of way which would reduce the impact on other landowners. Mr. Thomsen stated there is already a NYSEG line going through the Village.

Mr. Owen asked if they had updated the Comprehensive Plan. Mr. Butler stated the last update in our file is 1970 and it is a joint plan with the Town of Oxford. Mr. Owen stated we are looking at this regionally and how it could affect other towns. Mr. Butler stated because the Comprehensive Plan has both the Town and Village, shouldn't each reflect their views on natural gas exploration in the Plan. The Town may or may not agree with the Village's decision on this.

Mr. Owen asked if the amendments could be overturned. Mr. Butler stated the Dryden and Middlefield cases are still going through the courts. Depending on the outcome of those, the Village of Oxford amendments, if someone should file a lawsuit, could have the same outcome.

Mr. Butler stated ECL Law was put into effect to extract the natural gas without waste and protect the rights of all landowners. Sup. Seneck stated they would be in violation of this.

The Committee asked the Chenango County Planning Department to draft a response letter in response to the FOIL Request to bring to the Chenango County Planning Board meeting for further discussion and approval.

With no further business, the meeting was adjourned at 9:17 a.m. until our next meeting on **February 12<sup>th</sup>, 2013.**

SUMMARY OF MINUTES  
Meeting of the 239-Review Committee  
Chenango County Planning & Development Board  
February 7, 2013

Members Present

Chairman Guinn     Perry Owen  
Paul Thomsen  
Sup. George Seneck

Staff Present

Donna M. Jones  
Rena M. Doing  
Shane H. Butler

Guest(s) Present

The meeting was called to order at approximately 8:38 a.m.

**New Business:**

**13-03 (Town of Bainbridge) Page Site Plan**

Chairman Guinn stated the building would be located within 500 feet from NYS Route 7.

Mr. Butler sent the application to NYSDOT and they had no concerns. Madison Vinyl is located right across the road. Mr. Romahn asked if a better road would be needed. Chairman Guinn stated they would need a driveway permit from the town. He also recommended all lighting be faced downward.

**Mr. Beadle motioned to approve the application with the recommendations to obtain a driveway permit, face all lighting downward, and to comply with NYSDOT recommendations, seconded by Mr. Thomsen. Members voted all ayes, motion carried.**

**13-04 (Town of New Berlin) Warren Pizzeria Site Plan**

Chairman Guinn stated the applicant completed a long form SEQR.

Mr. Beadle stated the well is fine but needs to be routinely shocked. This would be a Department of Health or County Public Health issue. The septic would need to be redone. Mr. Butler stated he notified Isaiah Sutton from Chenango County Public Health about the application. Mr. Thomsen stated the septic has been redone.

Mr. Thomsen stated the Town of New Berlin was OK with the application as long as they received all necessary permits. Mr. Beadle stated there isn't much we can do about this application. Chairman Guinn stated they probably won't get a lot of business due to their location.

Ms. Tavares asked if there were any concerns with the applicant not having financing or a business plan. The Committee agreed these were out of their control.

**Mr. Palmer motioned to approve the application with no concerns, seconded by Mr. Romahn. Members voted all ayes, motion carried. Mr. Thomsen abstained.**

With no further business, the meeting was adjourned at 9:20 a.m. until our next meeting on **March 12<sup>th</sup>, 2013.**

SUMMARY OF MINUTES  
Meeting of the 239-Review Committee  
Chenango County Planning & Development Board  
April 9, 2013

Members Present

Chairman Guinn     Bruce Beadle  
Paul Thomsen     Joe Woerter  
Sup. George Seneck  
Paul Romahn

Staff Present

Donna M. Jones  
Rena M. Doing  
Shane H. Butler

Guest(s) Present

William Pryor

The meeting was called to order at approximately 9:22 a.m.

**New Business:**

**13-06 (Town of Greene) Empire Energy Site Plan**

Chairman Guinn stated this is an existing business on a town road. Mr. Butler stated it would be a new building.

Mr. Woerter stated the owner sells electricity and gas. Currently the business is being run through his personal home. The town has asked for an archeological study to be done. Mr. Beadle suggested approving pending an archeological dig.

**Sup. Seneck motioned to approve the application with the recommendation of completion of an archeological study, seconded by Mr. Thomsen. Members voted all ayes, motion carried.**

**13-07 (Town of Guilford) Barnes Subdivision**

Sup. Seneck stated the property is a subdivision of 2 acres from a parcel of approximately 196 acres. The Town of Guilford Planning Board has no issues with the proposal. Mr. Woerter asked if there was enough room for a well and septic system. Chairman Guinn stated the 2 acres should be plenty.

**Mr. Romahn motioned to approve the application with no concerns, seconded by Mr. Thomsen. Members voted all ayes, motion carried. Sup. Seneck abstained.**

**13-08 (Town of Guilford) Graziano Subdivision**

Mr. Beadle asked if there is adequate road frontage. Mr. Butler stated there are three roads which have access to the property.

**Mr. Beadle motioned to approve the application with no concerns, seconded by Mr. Thomsen. Members voted all ayes, motion carried. Sup. Seneck abstained.**

**13-09 (Town of Norwich) Nassar Site Plan**

Chairman Guinn stated the property is now being used to sell lawn mowers and equipment. They would like to put storage sheds in the back part of the property. Mr. Butler stated NYSDOT had no concerns with the project as long as it isn't in the right-of-way.

**Sup. Seneck motioned to approve the application with the recommendation to comply with NYSDOT, seconded by Mr. Woerter. Members voted all ayes, motion carried. Chairman Guinn abstained.**

**13-10 (Town of New Berlin) Warren Cabinettes Site Plan**

Mr. Butler stated it is basically the same project as was approved before but they have removed the pizzeria. Public health was notified. Chairman Guinn stated the cabinettes were the original plan. It is not within the City of Norwich watershed. Mr. Beadle stated he was glad to see they were improving the septic. Mr. Thomsen stated the Town has no

issues with the project. Mr. Woerter asked if there were any close neighbors. Mr. Beadle stated there are not.

**Sup. Seneck motioned to approve the application with no concerns, seconded by Mr. Romahn. Members voted all ayes, motion carried. Mr. Thomsen abstained.**

### **13-11 (Town of Smyrna) Pryor Subdivision**

Sup. Seneck stated it is a gravel driveway. Mr. Pryor stated it is a legal right of way. The rest of the property will be donated to Wolf Mountain. The 5.4 acres being subdivided will be willed to Wolf Mountain as well. Mr. Beadle asked how wide the driveway is. Mr. Pryor stated a tractor trailer can fit up the driveway but didn't recommend it. Roughly two cars can fit. The application has gone to the Town Board.

Mr. Beadle recommended delineating the width of the driveway. You want enough room on the sides in order to widen the driveway should it be needed in the future; also for future work. Mr. Pryor stated this was also suggested by the attorney. Mr. Romahn stated the minimum in Oxford is 50 feet.

**Mr. Thomsen motioned to approve the application with the recommendation to delineate the width of the driveway, seconded by Mr. Beadle. Members voted all ayes, motion carried.**

### **13-12 (Town of Greene) Berean Bible Church Site Plan**

Chairman Guinn stated the project is at the corner of NYS Route 12 and County Road 2. They are adding a gymnasium and nursery. Mr. Woerter stated they are expanding the parking lot as well.

Mr. Butler stated he would send it to NYSDOT. Mr. Woerter suggested an archeological study although the location may have been dug up already in previous projects. Mr. Beadle agreed it may be disturbed a lot due to NYS Route 12.

**Mr. Romahn motioned to approve the application with the recommendation to have an archeological study and comply with NYSDOT, seconded by Sup. Seneck. Members voted all ayes, motion carried.**

With no further business, the meeting was adjourned at 9:51 a.m. until our next meeting on **May 14<sup>th</sup>, 2013.**

SUMMARY OF MINUTES  
Meeting of the 239-Review Committee  
Chenango County Planning & Development Board  
April 22, 2013

Members Present

Chairman Guinn      Jennifer Tavares  
Paul Thomsen        Joe Woerter  
Paul Romahn         Perry Owen  
Sup. George Seneck

Staff Present

Donna M. Jones  
Rena M. Doing  
Shane H. Butler

Guest(s) Present

Four Guests

The special meeting was called to order at approximately 8:30 a.m.

**New Business:**

**13-15 (Town of McDonough) Town of McDonough Moratorium**

Ms. Jones addressed the public. This meeting is not considered a public hearing and the committee does not have to allow public comment. Normally the committee would ask questions to the applicant regarding the project. Sup. Arrington Canor and Attorney Slottje are not present.

Chairman Guinn and Mr. Thomsen met with the Planning Department to ask questions regarding the Town of McDonough application. A list of questions and comments and the James A. Coon Technical Series Guides titled "*Land Use Moratoria*" and "*Adopting Local Laws in New York State*" were passed out to committee members for informational purposes. Chairman Guinn asked members to read through the comments and questions and then go through the proposed moratorium section by section.

Mr. Owen referenced the "*Land Use Moratoria*" guide asking if there is a "dire threat". Chairman Guinn asked if there were any other comments on the first three sections.

Mr. Woerter referenced Section 4 and asked if the Town of McDonough has any authority over water use. He referenced the Town of Sherburne. Chairman Guinn and Ms. Jones stated the Town of Sherburne was going to sell water to Norse Energy with permit from the Susquehanna River Basin Commission (SRBC). Ms. Doing stated the SRBC controls water withdrawals and releases.

Mr. Owen asked if the Town Justice will have the expertise to address the law. Chairman Guinn referenced Section 6 page 6 which talks about the penalties.

Mr. Woerter asked if the comments had gone through the County legal department. Chairman Guinn stated they had not. They were just questions being raised. Mr. Woerter asked whose assumption was it that the Town of McDonough could not permit drilling. Chairman Guinn stated it is based on the law. Ms. Doing stated the law is vague.

Mr. Owen stated there must be a dire threat to the resident's welfare. There should be a link between the dire threat and how to define it.

Sup. Seneck referenced Section 8. He asked if it was assumed there will be a hardship. The Town does not have the obligation to notify realtors. You must let the buyer beware and the realtor may never disclose the moratorium and could cause a self-inflicted hardship.

Sup. Seneck referenced Section 12 relating to Enforcement. The Town of McDonough does not have a Code Enforcement Officer and uses Chenango County. Ms. Jones stated the Town of McDonough would be required to have a memorandum of understanding in order for the County to administer this law. For the FEMA Flood Zones, the County has a Code Enforcement Officer who is certified as a Floodplain Administrator. Would the County Codes have the knowledge to enforce this law? Sup. Seneck asked if they would have the ability or willingness to do so. Chairman Guinn stated if it is passed by the Town of McDonough they would need someone to enforce the law.

Mr. Owen referenced the Appendix. If the Town of McDonough is concerned with water quality, why don't they have a Residential Wastewater Law? Do they have a Sanitary Code?

Sup. Seneck asked if the Town of McDonough has a Comprehensive Plan. Ms. Jones stated they do not have a Planning Board. It was removed in 1994. A public notice from 1990 was found in the Planning Department files as well as an Evening Sun article from 1991 referencing the Town of McDonough Planning Board being removed. Chairman

Guinn stated the Town Board is acting as the Planning Board.

Sup. Seneck asked when the Public Hearing would be for this law. Mr. Butler stated the application lists the Public Hearing as to be held on May 13<sup>th</sup> at the next Town Board meeting.

Sup. Seneck stated there is no information on what the Town is working on. Ms. Jones sent information to the Town of McDonough in 2011 and 2013 relating to what the Town could do. Nothing has been done with the information.

Mr. Owen referenced Section 8. The hardship exemption is very hard to follow. Ms. Tavares stated even if someone is granted the hardship there is a list of things that would still not allow the hardship. Sup. Seneck stated it is not the role of the Town Board to oversee the appraisals of property. It is not a function of the board to review property holdings and do not have the experience to do a proper appraisal.

Mr. Woerter asked if the moratorium had a limit of time. Mr. Butler stated it is for one year. Ms. Jones stated they have to show they are working on something.

Mr. Woerter asked if the Town submitted how the town voted. Mr. Butler stated the Evening Sun indicated it was three voting for the moratorium and two voting against. Ms. Jones stated the minutes from the meeting were not available at the time.

Mr. Woerter asked how many leases were in the Town of McDonough and if there were any residents of the Town of McDonough attending the meeting. A guest stated she was a resident of McDonough and advised the following; A door to door survey was completed and 80% of those surveyed agreed with the moratorium. There are about 80-90 leases and the moratorium is being put into place in order to complete a Comprehensive Plan and survey. Councilpersons Tracey and Beckwith voted against the moratorium. The meetings have been pleasant for the most part.

Sup. Seneck asked what the role of the 239-Review Committee was for this application. Chairman Guinn stated it was whether or not to approve or deny the application.

Mr. Romahn asked why the Town of McDonough would be allowed to benefit from natural gas drilling should drilling happen and the Town of McDonough pass the moratorium. Children from McDonough attend Oxford Central School. As an Oxford resident he objected to that. Ms. Doing stated this was based on NYS Taxation law. Mr. Owen raised the issue previously and asked if there was a way to prevent this from happening.

Ms. Doing stated there is still no decision from the Dryden and Middlefield cases. Mr. Romahn stated nobody knows what the State will do. He feels it is a waste of tax money without knowing what the State will do. Chairman Guinn stated the State cannot supersede on roads, noise and taxes.

**Mr. Thomsen motioned to deny the application with a list of comments and concerns, seconded by Mr. Romahn. Six members voted aye, one voted nay. Motion carried.**

### **13-13 (City of Norwich) Stiles Variance**

Chairman Guinn stated the applicant is a resident on Mitchell Street in the City of Norwich. They would like to put a twelve foot addition on the existing garage to store equipment for personal use.

Mr. Woerter indicated the existing garage is already five (5) foot from the property line and the addition would be as well. Ms. Tavares asked why the application was being reviewed if the existing garage was already five foot from the property line.

Mr. Romahn asked why there is no pool indicated on the drawing. Ms. Doing stated the aerials are from April 2012 and the pool may no longer be there. Mr. Romahn asked if they are expanding the driveway as well. Chairman Guinn stated the driveway is existing.

Mr. Romahn asked if there was a variance for the existing driveway. Chairman Guinn stated it was probably grandfathered prior to zoning or received a variance. The City will have to have a public hearing.

**Sup. Seneck motioned to approve the application with no concerns, seconded by Mr. Owen. Members voted all ayes, motion carried.**

### **13-14 (City of Norwich) Broad Street Methodist Church Variance**

Chairman Guinn stated the church would like to put a sign on the side of the building facing the YMCA. It is a changeable sign which is not allowed within the Business Improvement District (BID).

Ms. Tavares stated the church has a changeable sign in the front of the building. Many businesses have the temporary "sandwich signs" as well. The sign is hidden in the parking lot and shouldn't cause any issues. She asked if the sign would cause the Church to exceed the maximum amount of signage on a building.

Mr. Woerter asked if the Town of Norwich has a sign ordinance. Chairman Guinn stated they do not.

Mr. Butler stated the NYSDOT had no concerns.

**Sup. Senek motioned to approve the application with the recommendation to comply with NYSDOT, seconded by Ms. Tavares. Members voted all ayes, motion carried.**

With no further business, the meeting was adjourned at 9:17 a.m. until our next meeting on **May 14<sup>th</sup>, 2013.**

SUMMARY OF MINUTES  
Meeting of the 239-Review Committee  
Chenango County Planning & Development Board  
May 14, 2013

Members Present

Chairman Guinn      Bob Davis  
Paul Thomsen        Joe Woerter  
Paul Romahn         Perry Owen  
Sup. George Seneck   Bruce Beadle

Staff Present

Shane H. Butler

Guest(s) Present

The special meeting was called to order at approximately 9:37 a.m.

**New Business:**

**13-16 (Town of Guilford) Benkovitz Subdivision**

Mr. Davis stated the application is for simple subdivision. The applicant is taking an acre and giving it to a relative adjoining. Mr. Woerter stated this would not need to be reviewed in the Town of Greene. Mr. Thomsen stated it would in New Berlin.

**Mr. Thomsen motioned to approve the application with no concerns, seconded by Mr. Woerter. Members voted all ayes, motion carried. Sup. Seneck and Mr. Davis abstained.**

**13-17 (City of Norwich) Campbell Variance**

Chairman Guinn stated the applicant would like to turn the car port into an enclosed porch. Mr. Beadle stated the overhang gets close to the border. The setback used to be 5 feet but it was changed to 10 feet years later. Mr. Owen stated it would be a general improvement. Mr. Woerter asked if it would be grandfathered. Mr. Beadle stated the car port would not be.

**Mr. Thomsen motioned to approve the application with no concerns, seconded by Mr. Beadle. Members voted all ayes, motion carried.**

**13-18 (Town of Oxford) Ryan Variance**

Chairman Guinn stated the applicant wants to replace a sunroom with a bedroom. Mr. Romahn asked if there was proper setback from the septic. There is a pollution problem at the lake because of the number of seasonal residences being turned into permanent residences. Mr. Butler stated the health department basically advises to do the best you can with the lot you have.

**Mr. Woerter motioned to approve the application with the recommendation the town should start to look at well and septic setback regulations, seconded by Sup. Seneck. Members voted all ayes, motion carried. Mr. Romahn abstained.**

**13-19 (Town of Norwich) Park Outdoor Site Plan**

Chairman Guinn stated the sign is off of NYS Route 12 and is a "V-Style" sign. Mr. Woerter asked if it would have a rolling script. Chairman Guinn stated it would basically just sit there. It does not have any proposed lighting. Mr. Butler stated he sent the application to NYSDOT but they have not reviewed the application yet.

Mr. Woerter asked how far from the road the sign would be. Chairman Guinn stated this was the only map provided. Mr. Beadle stated the curve of the road wouldn't obstruct vision.

**Mr. Beadle motioned to approve with the recommendation to have no lighting and comply with NYSDOT, seconded by Sup. Seneck. Members voted all ayes, motion carried. Chairman Guinn abstained.**

With no further business, the meeting was adjourned at 9:50 a.m. until our next meeting on **June 11, 2013.**

SUMMARY OF MINUTES  
Meeting of the 239-Review Committee  
Chenango County Planning & Development Board  
May 22, 2013

Members Present

Chairman Guinn      Jennifer Tavares  
Paul Thomsen        Joe Woerter

Staff Present

Donna M. Jones  
Rena M. Doing  
Shane H. Butler

Guest(s) Present

The special meeting was called to order at approximately 8:30 a.m.

**New Business:**

**13-20 (Town of Oxford) Town and Village of Oxford Vision Plan**

Mr. Butler stated he sent the application to NYSDOT but they didn't want to review it. As each proposal comes forward they will review. Chairman Guinn stated they have an existing joint comprehensive plan.

Mr. Woerter asked what prompted the Vision Plan. Ms. Doing stated it was the recent flood events. Mr. Butler stated Katherine Korba was doing some studies about flooding in Oxford. Mr. Thomsen stated the Army Corps of Engineers did a flood study as well.

Ms. Jones stated this plan is not a comprehensive plan but has a good foundation. This is only a set of goals for what they would like to see. They do not have an inventory of what is existing. Mr. Thomsen suggested the Town and Village write their own comprehensive plan. Ms. Doing stated a joint vision is fine but have different comprehensive plans. The students who wrote the Vision Plan did not want it to be a comprehensive plan. Chairman Guinn stated it is similar to the 2020 plan. Chairman Guinn stated we should encourage the Town and Village to work together but have the goals separated out. Ms. Tavares stated it is better to work together for grant purposes. NYS is pushing for consolidation. Ms. Jones suggested sending the Town and Village of Schoharie Comprehensive Plan.

Ms. Tavares felt the goals and action strategies were the main useable piece out of the Vision Plan but are very confusing. Ms. Doing stated many of the goals already exist countywide, not just Oxford. Ms. Jones stated they mention program ideas but they are already being done by Quaranta Housing and include Oxford. They seemingly didn't do research on what is already being provided.

Mr. Woerter suggested sending NYSDOS information on comprehensive plans. Ms. Tavares stated the goals have some good points but seems to be very Village centric.

Ms. Tavares asked if they looked at the Route 12 Corridor Study since many of the goals are Route 12 focused. We should continue to encourage the public participation.

Chairman Guinn asked the Planning Department Staff to write a letter based on the recommendations, comments and concerns discussed today and to have it reviewed by those in attendance today.

With no further business, the meeting was adjourned at 9:03 a.m. until our next meeting on **June 11, 2013.**

SUMMARY OF MINUTES  
Meeting of the 239-Review Committee  
Chenango County Planning & Development Board  
June 11, 2013

Members Present

Chairman Guinn  
Paul Thomsen  
Paul Romahn  
Perry Owen  
Sup. George Seneck

Jennifer Tavares  
Dan Palmer  
Sally Chirlin  
Bob Davis

Staff Present

Donna M. Jones  
Rena M. Doing  
Shane H. Butler

Guest(s) Present

Sup. Tom Grace  
11 Columbus Residents

The meeting was called to order at approximately 8:50 a.m.

**New Business:**

**13-21 (Town of Columbus) Site Plan Review Law**

Chairman Guinn asked for public comment regarding the Town of Columbus Site Plan Review Law. Comments should be limited to three minutes each and should not repeat previous comments.

Statements by those in attendance are summarized below along with any comments made by members of the Chenango County Planning Board;

**Tom Grace**, Town of Columbus Supervisor, stated how the Town of Columbus adopted the Site Plan Review Law by a vote of 3-2 prior to submission to the 239-Review Committee. The law currently reads that all single family homes should be reviewed. Area towns exempt single family and multiple family homes depending on the size of the lot. The law is opposed by residents and only those who wrote the law are in favor of it. The law violates the comprehensive plan and puts unduly regulations on the goals of those who wish to construct a home.

**Bob Huot**, Town of Columbus Resident, stated he has had positive experiences with both the Chenango County Planning Department and Code Enforcement Office. The Town of Columbus Site Plan Review Law is an intrusive regulation and hopes the Town of Columbus board members will work with the Chenango County Planning Board and Code Enforcement on enforceable laws. He later indicated none of those speaking were in support.

**William Vantran**, Town of Columbus Resident, stated he was against the Site Plan Review Law because of the regulations on single family residences. He referenced those on the Town Board and Town Planning Board who supported the Site Plan Review law and their positions on other boards and committees. The Town of Geneseo Site Plan Review Law excludes single and two family residences as well as accessory structures.

**Rich Prohaska**, Town of Columbus Resident, stated he has safety concerns with the minimum 10-foot driveway width. Such a small width can be difficult for Emergency Vehicles. He also recommended requiring reflectors at the end of driveways as a matter of safety.

**Dick Anderson**, Town of Columbus Resident, asked what the proper procedure is for submitting a local law and asked if the law is currently valid. He felt the Universal Fire and Building Code was adequate and does not want to live in a gated community.

Chairman Guinn explained the process. Once a law is written it must be reviewed by the 239-Review Committee and have a public hearing before being adopted. Ms. Jones stated a resident would have to file an Article 78 since the Town did not follow proper procedures. No law is valid unless it has been submitted to the NYS Department of State. Ms. Tavares asked if there is a time limit. Ms. Jones stated there is a statute of limitations depending on the type of law. Sup. Grace indicated the law had not been filed.

**Richard Horton**, Town of Columbus Resident, stated he was not part of a coalition. The Site Plan Review Law is a solution without a problem. The Town of Columbus is a poorer town in the county with very little development. Other than Chobani and Golden Artist Colors there aren't a lot of new buildings being constructed. Single and multi-family homes are not a problem. The law will have more costs to the town including more staff effort, possible more employees, etc. There will be an impact on individuals wanting to start a home including new employees at Chobani and Golden Artist Colors.

Chairman Guinn asked for any further comments. With no further comments from the public, the meeting continued.

Chairman Guinn conducted research on other Site Plan Review Laws and they are basically the same except the Town of Columbus is not exempting single family homes under Section 2. Chairman Guinn agreed with the speakers regarding exempting single family homes. The law also talks a lot about Code Enforcement and some specific codes. The Town shouldn't be locked into specifics should the Universal Building Code be updated and changed.

Mr. Owen asked if the law is fully written at the moment and asked who the response should be sent back to. Chairman Guinn stated it is but was improperly adopted. Mr. Butler stated the response is sent back to the Town Board. Sup. Seneck recommended noting the proper procedure.

Ms. Tavares asked about the provisions for manufactured housing. Ms. Jones stated this is all from the Universal Building Code.

Sup. Seneck asked if the law had been reviewed by the Town Attorney. Sup. Grace stated the most recent review had not. The law predates Sup. Grace's term but is basically a model law. The Town of Columbus has not reappointed a Town Attorney. Sup. Seneck suggested contacting the Association of Towns regarding a public hearing for the proposed law.

Sup. Seneck stated the law would have to come back due to changes. Chairman Guinn stated this was not necessarily the case. The Town could vote with a super majority and override the 239-Review Committee decision.

Ms. Doing recommended the law reference state, county and town highway permits. Ms. Jones stated the law can always go above and beyond what is required. Chairman Guinn stated the entity reviewing the driveway permit would be able to decide the width. Sup. Grace stated they have a road preservation law. Chairman Guinn recommended the Site Plan Review law reference the Road Preservation Law.

**Mr. Owen motioned to deny the application referencing the lack of following proper procedure, with recommendations to exempt single and two-family homes and accessory structures, remove Section 3.030 relating to manufactured housing, referencing the Road Preservation Law, a review from the Town Attorney, and to resubmit the proposed law should changes be made, seconded by Sup. Seneck. Members voted 8 ayes, one nay, motion carried.**

### **13-22 (Town of New Berlin) Sapinski Site Plan**

Mr. Thomsen stated the applicant has multiple trailers on the property already and none of them have existing permits.

Mr. Butler spoke with Bob Somers from NYS Agriculture and Markets who provided a letter with additional information. NYSAM has guidelines on farm-worker housing and felt it was within reason for the municipality to have the applicant provide proof of employment.

**Mr. Romahn motioned to approve the application with the recommendation of having the applicant submit documentation showing proof of employment, such as payment of wages, workers compensation insurance, social security and/or unemployment contributions, as advised by NYS Agriculture and Markets, seconded by Mr. Owen. Members voted all ayes, motion carried. Mr. Thomsen abstained.**

### **13-23 (Town of Oxford) Phillips Variance**

Chairman Guinn stated the applicant would like to enclose the porch to add another room to the residence. Mr. Romahn stated his concern with the number of residents turning seasonal homes to permanent homes on Lake Gerry which adds to the pollution problem. Mr. Butler stated the residents have to do what they can with the lot size they have regarding sewer and water.

**Sup. Seneck motioned to approve the application with the recommendation the Town of Oxford begin to look at well and sewer setbacks and regulations to address pollution concerns on Lake Gerry as more residents convert seasonal residences to permanent residences, seconded by Mr. Owen. Members voted all ayes, motion carried. Mr. Romahn abstained.**

**13-24 (City of Norwich) Caputo Variance**

Chairman Guinn stated the applicant would like to construct an addition to the garage. The building will be the same distance from the property line as it is currently. The neighbor submitted a letter of approval. Sup. Seneck stated the garage has probably been there for years.

**Sup. Seneck motioned to approve the application with no concerns, seconded by Mr. Thomsen. Members voted all ayes, motion carried.**

With no further business, the meeting was adjourned at 9:30 a.m. until our next meeting on **July 9, 2013.**

DRAFT

SUMMARY OF MINUTES  
Meeting of the 239-Review Committee  
Chenango County Planning & Development Board  
July 9, 2013

Members Present

Chairman Ted Guinn Paul Thomsen  
Paul Romahn Joe Worter  
Perry Owen Bruce Beadle  
Sup. George Seneck

Staff Present

Donna M. Jones  
Rena M. Doing  
Shane H. Butler

Guest(s) Present

The meeting was called to order at approximately 8:50 a.m.

**New Business:**

**13-25 (Town of Oxford) Palmer Subdivision**

Mr. Romahn stated the applicant would like to do a simple subdivision. The parcel being subdivided would go to the applicant's daughter. The Town of Oxford requires at least 50 feet of road frontage which the property would have. A survey has been done on the parcel.

Mr. Woerter asked if an EIS had been completed. Chairman Guinn stated there is one in the application.

**Sup. Seneck motioned to approve the application with no concerns, seconded by Mr. Thomsen. Members voted all ayes, motion carried. Mr. Romahn abstained.**

**13-26 (Town of Oxford) Kappauf Subdivision**

Mr. Romahn stated the applicant would like to do a simple subdivision. The applicant has been receptive and the Town of Oxford has provided a lot of input on the project. The Town of Oxford does not want to have it become a spaghetti lot.

Chairman Guinn stated the parcel is 56 acres and they would like to subdivide off 3 acres including a garage. There is an EIS included within the application.

Mr. Woerter asked if the road frontage complies. Mr. Romahn stated it did. Chairman Guinn stated the frontage is 82 feet.

**Mr. Thomsen motioned to approve the application with no concerns, seconded by Mr. Beadle. Members voted all ayes, motion carried. Mr. Romahn abstained.**

**13-27 (Village of Bainbridge) Upturn Industries Site Plan**

Mr. Butler stated the application came in yesterday afternoon with a question as to whether or not the project needed to be reviewed again. The project was reviewed in 2001. He advised the Village it would need to be reviewed again. The building was recently burned down and the applicant would like to rebuild.

Mr. Woerter asked if the building would be on the existing footprint. Mr. Butler stated he believed so.

Chairman Guinn stated the site already has commercial businesses around it. Mr. Butler stated there is a medical facility, apartment complex, and bowling alley nearby.

**Mr. Beadle motioned to approve the application with the recommendation to have all lighting faced downward, installation of catch basins within parking area and appropriate grading to reduce runoff, screening, of the Planning Board's discretion, should be installed and maintained between the facility and its loading dock, and, the residential unit to the northeast, and to comply with NYSDOT recommendations, seconded by Mr. Romahn. Members voted all ayes, motion carried.**

With no further business, the meeting was adjourned at 9:02 a.m. until our next meeting on **August 12, 2013.**

SUMMARY OF MINUTES  
Meeting of the 239-Review Committee  
Chenango County Planning & Development Board  
July 9, 2013

Members Present

Chairman Ted Guinn    Paul Thomsen  
Paul Romahn            Bruce Beadle  
Sup. George Seneck

Staff Present

Shane H. Butler

Guest(s) Present

The meeting was called to order at approximately 8:30 a.m.

**New Business:**

**13-28 (Town of Oxford) Weisbrod Variance**

Mr. Romahn stated the Town of Oxford Planning Board has no issues with the project. The property is a larger piece and the house is roughly in the middle of it.

Chairman Guinn stated they are adding a deck. Mr. Romahn stated the deck is too close to the boundary which is why the project needs a variance. Chairman Guinn stated they will need a building permit.

**Mr. Thomsen motioned to approve the application with the recommendation to obtain a building permit, seconded by Mr. Beadle. Members voted all ayes, motion carried. Mr. Romahn abstained.**

**13-29 (Town of Norwich) Cintron Subdivision**

Mr. Beadle stated the owner is selling the property. Road frontage will be 60 feet. The driveway will be better than the current one with a greater sight distance.

Chairman Guinn stated they will need to apply for a driveway permit. A culvert would also be needed.

**Mr. Thomsen motioned to approve the application with the recommendation to obtain a driveway permit, seconded by Mr. Romahn. Members voted all ayes, motion carried. Mr. Beadle and Chairman Guinn abstained.**

With no further business, the meeting was adjourned at 8:42 a.m. until our next meeting on **August 12, 2013.**

SUMMARY OF MINUTES  
Meeting of the 239-Review Committee  
Chenango County Planning & Development Board  
August 13, 2013

Members Present

Chairman Ted Guinn Paul Thomsen  
Paul Romahn Bruce Beadle  
Sup. George Seneck Bob Davis  
Dan Palmer

Staff Present

Shane H. Butler

Guest(s) Present

The meeting was called to order at approximately 8:55 a.m.

**New Business:**

**13-30 (Town of Norwich) Phetteplace Subdivision**

Chairman Guinn stated the property is on Lyon Brook Road and is adjacent to the Town of Guilford border. The application has also been sent to the Town of Guilford Planning Board. There are two lots being subdivided. One is a boundary adjustment so the mobile home is fully on the parcel. The second subdivision is creating a new parcel. The landowner does not want to own the mobile home anymore and is conveying the property to the mobile home owner.

Mr. Davis asked about the frontage of the parcels of Parcel I and III. Chairman Guinn stated those are not going to be subdivided and was unsure why they were listed on the map.

**Mr. Thomsen motioned to approve the application pending comments from the Town of Guilford, seconded by Mr. Owen. Members voted all ayes, motion carried. Chairman Guinn abstained.**

**13-31 (Town of New Berlin) Parks Subdivision**

Mr. Thomsen stated the Parks Farm owns the property and is subdividing to add acreage to the neighbor's property. The property is located on NYS Route 8.

Chairman Guinn asked if the application has been sent to the NYSDOT. Mr. Butler stated he had sent it but they had already had their weekly meeting.

**Mr. Palmer motioned to approve the application with the recommendation to comply with NYSDOT, seconded by Mr. Owen. Members voted all ayes, motion carried. Mr. Thomsen abstained.**

With no further business, the meeting was adjourned at 9:05 a.m. until our next meeting on **September 10, 2013.**

SUMMARY OF MINUTES  
Meeting of the 239-Review Committee  
Chenango County Planning & Development Board  
September 10, 2013

Members Present

Chairman Ted Guinn Paul Thomsen  
Paul Romahn Bruce Beadle  
Sup. George Seneck Bob Davis  
Dan Palmer

Staff Present

Shane H. Butler

Guest(s) Present

The meeting was called to order at approximately 9:12 a.m.

**New Business:**

**13-32 (Town of Oxford) Wilkes Variance**

Chairman Guinn stated the application is on Lake Gerry. The applicant would like to put an independently supported roof over the existing home. Mr. Romahn stated he had done something similar to his house.

**Sup. Seneck motioned to approve the application with no concerns, seconded by Mr. Thomsen. Members voted all ayes, motion carried. Mr. Romahn abstained.**

**13-33 (Town of Smyrna) Road Use Law**

Mr. Butler stated the Town of Smyrna would like the draft law to be reviewed. Mr. Butler and Ms. Doing have looked through and noted comments and questions. Comments include grammatical or spelling errors, enforcement questions, etc.

Chairman Guinn suggested using the comments written by Mr. Butler and Ms. Doing.

Sup. Seneck asked if the Town of Smyrna had a Comprehensive Plan. Mr. Butler stated they do but didn't think it was completed recently.

**Sup. Seneck motioned to approve the application with the recommendations and concerns noted by the Chenango County Department of Planning and Development, seconded by Mr. Thomsen. Members voted all ayes, motion carried.**

**13-34 (Town of Guilford) Schlafer Subdivision**

Mr. Davis stated the application is a simple subdivision. The dividing line will be along Schlafer road, which is a seasonal road. Mr. Butler stated the property is being sold to a neighbor.

**Mr. Thomsen motioned to approve the application with no concerns, seconded by Mr. Romahn. Members voted all ayes, motion carried. Sup. Seneck and Mr. Davis abstained.**

**13-35 (Village of Greene) Raymonds Site Plan**

Chairman Guinn recommended tabling this application until a response from NYSDOT is received. Depending on NYSDOT comments the site plan may change. Mr. Butler spoke with NYSDOT and they indicated it may take a while to get a response. Cutting into a NYS Road can be a lengthy process of approvals.

Mr. Woerter asked where the runoff would be going. This stream commonly backs up during heavy rainstorms. Mr. Butler stated there are storage compartments under the parking areas. They would probably need to be pumped out after storms.

Mr. Romahn motioned to table the decision on the Raymonds Site Plan, seconded by Sup. Senneck. Members voted all ayes, motion carried.

With no further business, the meeting was adjourned at 9:25 a.m. until our next meeting on **October 8, 2013.**

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SUMMARY OF MINUTES  
Meeting of the 239-Review Committee  
Chenango County Planning & Development Board  
September 17, 2013

Members Present

Joe Woerter  
Paul Thomsen  
Jennifer Tavares

Staff Present

Shane H. Butler  
Rena M. Doing

Guest(s) Present

Lou Callea - Raymonds

The meeting was called to order at approximately 8:30 a.m.

**Old Business:**

**13-35 (Village of Greene) Raymond's Site Plan**

Vice-Chairman Woerter stated the parking lot is the focus of the review. He thought the Raymond parking lot was already built on a wetland previously and asked if test bores were expected to be done. Mr. Callea advised test bores have been done. There is a group of eight people providing the engineering work. There will be giant underground storage tanks for water runoff. The tanks will be gradually discharged. This has been done for the parking lot on Wheeler Street and worked well.

Mr. Woerter asked about a SPDES permit. Mr. Callea stated the Public Hearing and Village Board meeting are on the 18<sup>th</sup>. Raymond's has spoken with other agencies already. The engineers, McFarland, will get the SPDES permit. Agencies have been concerned about the aesthetics. Part of the plan is to plant over 700 plant species.

Mr. Woerter asked where the tanks will drain and what happens when the river floods. Mr. Callea stated the water will drain into the stream next to the parking lot. The State has done some work on the stream. There isn't much you can do to control it. They have created a retention pond near NYS Route 12 and the parking lot will also act as a retention pond due to its concave shape. Mr. Woerter asked if the underground tanks auto release. Mr. Callea stated it will leach out.

Ms. Tavares stated employees are already parking in unsafe areas of the facility. There is no choice but to park downtown due to lack of parking. Mr. Callea stated when the 1<sup>st</sup> and 2<sup>nd</sup> shift workers are both at the facility at times. Fire lanes are blocked due to limited parking.

Mr. Woerter asked why there would be a new driveway into Raymond's. Mr. Callea stated the plan is in three phases. Phase three will entail the new driveway. It can be a bad situation on Wheeler Street due to tractor trailers, employee vehicles, and pedestrians being outside at the same time. The goal is to keep some of the traffic out of the Village.

Mr. Woerter stated the main office building was designed to have a second story. Is it possible to create a parking area? Mr. Callea stated it had been considered previously as well as a stand-alone parking ramp. Cost and maintenance is very high for a parking ramp. The Village did not want it either because it was big and ugly.

Mr. Woerter asked where people will park during the construction. Page Street is already filled with workers parking. Mr. Callea stated the workers are very resourceful and will find somewhere else to park. The only displacement is short-term during Phase I.

**Mr. Thomsen motioned to approve the application with the recommendation to Comply with NYSDOT, seconded by Ms. Tavares. Members voted all ayes, motion carried.**

With no further business, the meeting was adjourned at 9:03 a.m. until our next meeting on **October 8, 2013.**

SUMMARY OF MINUTES  
Meeting of the 239-Review Committee  
Chenango County Planning & Development Board  
October 8, 2013

Members Present

Ted Guinn  
Dan Palmer  
Sup. George Seneck

Bruce Beadle  
Perry Owen  
Paul Romahn

Staff Present

Shane H. Butler  
Rena M. Doing

Guest(s) Present

The meeting was called to order at approximately 8:05 a.m.

**Old Business:**

**13-36 (Town of Greene) Vanderbunt Site Plan**

Mr. Butler stated the NYSDOT responded with the recommendation to contact them regarding the signs to obtain a permit. The signs have already been installed at all three locations.

Chairman Guinn stated the sign at Brisben is portable and the sign on the Corner of County Road 3 and NYS Route 12 is a permanent sign. They appear to be tasteful signs.

**Mr. Palmer motioned to approve the application with the recommendation to comply with NYSDOT, seconded by Mr. Beadle. Members voted all ayes, motion carried.**

**13-37 (Town of Oxford) Davis Subdivision**

Mr. Romahn stated the applicant is subdividing the land to give to his children. The subdivision will be along the road and is an operating farm north of Brisben. The father will have survivor's rights.

Chairman Guinn stated NYSDOT had responded. Mr. Romahn stated the property already has a driveway.

**Mr. Owen motioned to approve the application with the recommendation to comply with NYSDOT, seconded by Mr. Palmer. Members voted all ayes, motion carried. Mr. Romahn abstained.**

**13-38 (Town of Oxford) Ace Farm Subdivision**

Mr. Romahn stated the applicant is subdividing a small piece to the neighbor. The Town of Oxford is asking for a survey of the parcel and for the subdivided piece to be merged with the existing piece.

Mr. Beadle stated there is no change in the number of parcels.

**Sup. Seneck motioned to approve the application with no concerns, seconded by Mr. Beadle. Members voted all ayes, motion carried. Mr. Romahn abstained.**

**13-39 (Town of Oxford) Town of Oxford Zoning Amendment**

Mr. Romahn stated the law will include telecommunication, noise, and zoning. The noise ordinance was patterned from the Town of Windsor with some modifications.

Ms. Doing asked who would enforce the law. You would need a memorandum of understanding if the County were to enforce it. Mr. Romahn stated the Town Zoning officer would be the enforcement.

Chairman Guinn stated the noise ordinance is basically to deal with the compressor stations should it be placed in the Town.

Mr. Butler asked what map would be used for the zoning law since it was not attached.

**Sup. Seneck motioned to approve the application with the recommendation to adopt and attach a zoning map, seconded by Mr. Owen. Members voted all ayes, motion carried. Mr. Romahn abstained.**

**13-40 (Village of Bainbridge) McGraw Site Plan**

Chairman Guinn stated the application is in downtown Village of Bainbridge. The property is next to Bob's Diner and Bob's submitted a letter with no concerns regarding the project.

Mr. Beadle stated there is plenty of parking in the area with streets on both sides of the structure.

**Mr. Beadle motioned to approve the application with no concerns, seconded by Mr. Romahn. Members voted all ayes, motion carried.**

With no further business, the meeting was adjourned at 8:24 a.m. until our next meeting on **November 13, 2013.**

SUMMARY OF MINUTES  
Meeting of the 239-Review Committee  
Chenango County Planning & Development Board  
November 13, 2013

Members Present

Ted Guinn  
Perry Owen  
Sup. George Seneck

Paul Thomsen  
Paul Romahn

Staff Present

Shane H. Butler  
Rena M. Doing

Guest(s) Present

The meeting was called to order at approximately 9:07 a.m.

**Old Business:**

**13-41 (Town of Oxford) Hollings Subdivision**

Mr. Romahn stated the parcel is all well marked out. The applicant wanted a joint driveway with only a right of way but the board told them they would need a separate 50 foot wide driveway. They are considering other subdivisions as well. Mr. Butler stated they are supposed put all of their proposed projects into one application. Mr. Romahn stated there are two others. Chairman Guinn didn't think it was necessary to do all of them at once.

Mr. Butler loaded the flood maps and the property is not in the flood zone. Chairman Guinn asked what side of NYS Route 12 Wilcox Road is on. Mr. Romahn stated it is on the East side.

Mr. Romahn stated the Town of Oxford would like the parcels to be combined once sold.

**Mr. Thomsen motioned to approve the application with no concerns, seconded by Mr. Owen. Members voted all ayes, motion carried. Mr. Romahn abstained.**

**13-42 (Town of Norwich) Nassar Site Plan**

Chairman Guinn stated the sign has already been constructed. The business sells outdoor power equipment.

Chairman Guinn asked if NYSDOT had any comments. Mr. Butler thought the property was off of a County road. Chairman Guinn thought it was NYS 990 L. Mr. Butler stated he would ask NYSDOT if they would like to review the application.

**Mr. Romahn motioned to approve the application with the recommendation to send the application to NYSDOT and to comply with their recommendations, seconded by Sup. Seneck. Members voted all ayes, motion carried. Chairman Guinn abstained.**

**13-43 (Town of Oxford) Wilkes Variance**

Chairman Guinn stated an application for this project was approved recently. They put a roof over the entire mobile home. They now want to put a roof and ramp on the porch. Mr. Butler stated it is located on Gerry Lake.

**Mr. Thomsen motioned to approve the application with no concerns, seconded by Mr. Owen. Members voted all ayes, motion carried. Mr. Romahn abstained.**

**13-44 (Town of Greene) Sprately Can and Bottle Redemption**

Mr. Butler stated the application is located on NYS Route 12 across from Airport Road in Greene. They have another facility on Route 12 north of Lowes in Norwich. They will be renting the building. Chairman Guinn stated it is the former G+L Building.

Mr. Romahn stated they do a nice business. Chairman Guinn read the NYSDOT comments.

**Sup. Seneck motioned to approve the application with the recommendation to comply with NYSDOT, seconded by Mr. Romahn. Members voted all ayes, motion carried.**

#### **13-45 (Town of Oxford) Oxford Zoning Amendments**

Mr. Butler stated the only changes are on Page 30. The Planning Board will be making the decision instead of the Zoning Board. Mr. Romahn stated the Town and Village will be having a joint comprehensive plan meeting soon.

**Sup. Seneck motioned to approve the application with no concerns, seconded by Mr. Thomsen. Members voted all ayes, motion carried. Mr. Romahn abstained.**

#### **13-46 (Town of Smyrna) Blanchard Two Lot Subdivision**

Mr. Butler stated there are actually two parcels being subdivided off in two separate parts of the parcel. The applicant submitted them separately but Mr. Butler thought it would be best to have them under the same application. One of the parcels will be sold to the hired help and the other will be sold to a daughter.

Mr. Romahn asked if each had road frontage. Mr. Butler stated they have plenty.

**Sup. Seneck motioned to approve the application with no concerns, seconded by Mr. Thomsen. Members voted all ayes, motion carried.**

With no further business, the meeting was adjourned at 9:35 a.m. until our next meeting on **November 13, 2013.**

SUMMARY OF MINUTES  
Meeting of the 239-Review Committee  
Chenango County Planning & Development Board  
November 13, 2013

Members Present

Ted Guinn  
Perry Owen  
Bob Davis  
Sup. George Seneck

Jennifer Tavares  
Paul Romahn  
Dan Palmer  
Bruce Beadle

Staff Present

Shane H. Butler  
Rena M. Doing

Guest(s) Present

Alan Lord

The meeting was called to order at approximately 8:04 a.m.

**Old Business:**

**13-49 (Town of Norwich) Matts Subdivision**

Chairman Guinn stated the project is located on County Road 33 and is for a divorce settlement. The lot will be split in half. Ms. Doing stated the husband owns a parcel across the road as well.

Chairman Guinn stated the Town of Norwich does not have any issues with the project.

**Sup. Seneck motioned to approve the application with no concerns, seconded by Mr. Owen. Members voted all ayes, motion carried. Chairman Guinn abstained.**

**13-48 (Town of Pitcher) Oak Hill Major Subdivision**

Mr. Butler stated the application is for a 23 lot subdivision. Only one parcel is less than 5 acres so this is not considered a realty subdivision. Multiple lots are only slightly over 5 acres. Chairman Guinn stated percolation tests were done and it is very shallow to bedrock. He asked if the Town of Pitcher has subdivision regulations. Mr. Butler stated they do.

Sup. Seneck stated there was a subdivision from Land and Lakes in Guilford and all but one lot has been sold. Mr. Beadle stated all of the parcels have road frontage.

Ms. Doing stated Environmental Health has been made aware of the subdivision but since it is not a realty subdivision there is nothing they can do.

**Sup. Seneck motioned to approve the application with no concerns, seconded by Mr. Beadle. Members voted all ayes, motion carried.**

**13-49 (Town of Butternuts) Prohibition of Natural Gas Drilling Law**

Chairman Guinn read the full title of the law. Mr. Beadle stated his opinion is the law is unconstitutional. Ms. Doing stated they are jumping the gun.

Chairman Guinn asked if Gilbertsville was a village and Sup. Seneck stated it was. Mr. Butler was unsure whether or not the Town of Butternuts had zoning. He emailed the Town Clerk to find out if they had a Code Enforcement Officer, zoning or any other type of land use regulations but did not receive a response.

Chairman Guinn recommended writing a letter similar to the decision we sent to the Town of McDonough. Sup. Seneck stated they did not follow proper procedure by not sending notification to any of the Towns regarding the first public hearing and did not send a notification to the Town of Norwich for the second public hearing. They also did not provide a SEQR.

Chairman Guinn stated the Town of Norwich will copy the County letter.

**Mr. Owen motioned to deny the application with the below recommendations. Members voted all ayes, motion**

carried.

The Town of Butternuts did not follow proper procedures in adopting this local law due to the following;

- No notification given to the adjacent Towns of Guilford, New Berlin, Norwich, or Chenango County regarding the timing of the first public hearing.
- Notification given to the Town of Norwich regarding the timing of the second public hearing was not done in a timely manner.
- A SEQRA document was not completed or provided along with the application. The adoption of local laws is subject to the completion of a SEQRA document per NYS ECL 617 § 3-0301(1)(B), § 3-0301(2)(M) and § 8-0113.
- Otsego County Department of Planning and Development did not forward the application to Chenango County for review under General Municipal Law 239-M.

We find the adoption of the proposed law unnecessary at this time based on;

- The New York State Court of Appeals having not yet ruled on the legality of adopting such a law as is proposed by the Town of Butternuts.
- NYSDEC having not released a final SGEIS on the Oil, Gas and Solution Mining Regulatory Program for the Well Permit Issuance for Horizontal Drilling and High-Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low-Permeability Gas Reservoirs.
- NYSDEC is not currently issuing permits for the exploration of natural gas using the high volume, hydraulically fracturing process, nor have any applications ever been submitted within the Town of Butternuts.

Section 6, Part C, on Page 5 of the proposed law states;

**“Any enforcement officer (Building Inspector, or Code Enforcement Officer) may issue stop work orders or compliance notices relative to any violation of this Local law.”**

**An email was sent to the Town of Butternuts Clerk Ms. Cheri Magazian by Mr. Shane Butler on November 25<sup>th</sup> to gather information regarding whether or not the Town of Butternuts has a Code Enforcement Officer. Although Mr. Butler did not receive a response, it is our understanding the Town of Butternuts relies on the Otsego County Department of Code Enforcement for their Code Enforcement needs. Does the Town of Butternuts have a Memorandum of Understanding (MOU) with the Otsego County Department of Code Enforcement stating their willingness to enforce the proposed law?**

**The adoption of the proposed law has the potential to have negative economic impacts to neighboring municipalities including the Towns of Guilford, New Berlin, and Norwich, and Chenango County.**

With no further business, the meeting was adjourned at 8:20 a.m. until our next meeting on **January 14, 2014.**