

Chairman Larry Ruth called the meeting to order at 7:35 P.M. Members present were Larry Ruth, Gene Bavis, Deborah Amsler and Pete Schillaci. Elaine Leasue was absent. Also present was Phil Williamson, Code Enforcement Officer.

Chairman Ruth stated that the approval of the August 13, 2007 minutes would be tabled until the next meeting, as there were only two Planning Board members present who could vote on the minutes.

- 1. Concept discussion of application of Steve Stopp for Special Use Permit to operate an auto repair garage at 2310 Wal-Marion Road under the same conditions as the Special Use Permit originally granted 10/17/96. Property is zoned: B-2.**

There was no one present to discuss the application.

- 2. Concept discussion of Heather Calmes for subdivision of land located at 1600 Walworth-Penfield Road. Property is zoned: R**

Mike Green of John Green and Associates was present representing the landowner, Heather Calmes. Mr. Green explained that the parcel is 3.34 acres with a residence and barn located at the southeast corner. The proposal is to subdivide the house (off of the 3.34 acres) and add the remaining piece of land that contains the barn to the adjoining 60-acre parcel also owned by Heather Calmes.

Gene Bavis asked what the dimensions would be for the proposed lot. Mr. Green answered that it would be approximately 180 ft. at the road, 200 ft. deep and 250 feet at the backline. Phil Williamson stated the acreage requirement in an R zone is ½ acre.

Gene Bavis questioned where the septic system was located. Mr. Green stated that it was to the west side of the house. The property is serviced by public water.

Phil Williamson pointed out that this proposal would separate a barn from the principal dwelling and would violate Section 180-21 (E) of the Town Law. Pete Schillaci questioned whether the Planning Board would be able to waive that requirement. Mr. Williamson answered that the Planning Board could not.

Gene Bavis asked how many barns are on the 60-acre parcel. Mr. Green stated that there were three barns. Deb Amsler questioned if there were already three barns which would be a pre-existing, non-conforming situation, why adding a fourth barn would not be allowed? Deb Amsler also questioned whether we are simply changing a lot line, rather than subdividing the property. Discussion ensued about other ways of subdividing the property.

Phil Williamson stated that the Planning Board must comply with the zoning law as it is currently written, but he would check with Art Williamson, Town Attorney for legal interpretation.

Mr. Green stated that he would go back to the owner of the property to discuss other ways of subdividing the property. Chairman Ruth agreed that this would be the first step, along with consulting with Art Williams.

- 3. Concept discussion of Laretta D. Johnson for subdivision of land located at 603 Atlantic Avenue. Property is zoned: RR-1.**

Laretta Johnson's son was present to discuss the concept. Mr. Johnson explained that the parcel, located at 603 Atlantic Avenue at the end of Cream Ridge (on the northside of the road) that his mother owns is 56.46 acres. The intent is to separate off three acres that would include the house, barn and garage from the rest of the property. Laretta Johnson intends to give the 3-acre parcel and the buildings to her daughter, who is currently living in the house. Two rough sketches were presented to the board.

Gene Bavis asked is the barn is used to house animals? Mr. Johnson responded that at the present time it is used for storage. Mr. Bavis suggested that there might be an advantage of making the parcel five acres, instead of three. In the future, if the land was to be sold, there may be a better market if the parcel was five acres. The barn could

then be used to house animals, provided the barn was at least 100 feet from any property line. Mr. Johnson stated that he would discuss this with his mother, but was not sure she would be agreeable to a making the parcel larger.

Chairman Ruth questioned if there were any plans for the remaining land. Mr. Johnson stated that it his mother would probably eventually sell the property. At this time she is more interested in subdividing the property. Her daughter will then own the house and the buildings with the tax associated with it and his mother will then only have the tax burden on the land.

Gene Bavis stated that if the vacant land were to be separated into building lots, one of the concerns might be sight distance of any access road. State Health Department approval would also be needed for subdivisions of four lots or more.

Chairman Ruth stated that the Planning Board did not have any problems with the concept, but the comments of Gene Bavis regarding zoning regulations pertaining to housing of farm animals should be taken into consideration. The next step would be to complete a formal application and provide a set of engineering drawings to the Planning Board for their review.

4. Other

Phil Williamson stated that he is presently working with the Art Williams, Town Attorney to rewriting the scripts used for Planning Board Action under Town Code and Planning Board Action under SEQR. Mr. Williamson stated that consistency in the way the actions are handled is important. Upon completion and review by the Town Attorney, an updated notebook will be provided to the Planning Board.

Chairman Ruth adjourned the meeting at 8:31 P.M.

Gail Rutkowski, Clerk

