

**TOWN OF FORESTPORT
PLANNING BOARD MEETING MINUTES
For
February 9, 2015
Planning Board
6:30 P.M.**

**12012 Woodhull Road
Forestport Town Hall**

PLANNING BOARD MEETING MINUTES

February 9, 2015

6:30 P.M.

MEMBERS PRESENT:

TJ Entwistle, Chairman

Paul Rejman, Co-Chairman

Thomas Althoff

Mary Rieth

Ginger Swasey

Kim Kratzenberg, Secretary

1. Call Meeting to Order:

- The February 9, 2015 Planning Board Meeting was called to order at 6:30 P.M. by Chairman Entwistle.

2. Pledge of Allegiance:

- Recited

3. Review and Approve Minutes:

A. January 12, 2015 Regular Planning Board Meeting Minutes

** A motion was made by Member Rejman and seconded by Member Rieth to accept and approve the January 12, 2015 Planning Board Meeting Minutes as presented. The vote went as follows:

Mary Rieth – YES

Ginger Swasey – YES

Thomas Althoff – ABSTAIN (due to absence)

Paul Rejman – YES

TJ Entwistle - YES

4. Guest Speakers:

A. Attorney, Ted Earl

B. Phil Street, Tug Hill Commission

- Guest Speakers Attorney Ted Earl and Phil Street were present to discuss the ongoing matter of “illegal subdivisions”
- Ted Earl is the attorney for the Town of Forestport

- Phil Street works with the Tug Hill Commission
- Chairman Entwistle spoke of the need to prevent illegal subdivisions and the fact that once a deed is filed for subdivision without planning board approval, how very difficult it is to rectify the situation.
- Chairman Entwistle stated that he and Kim Kratzenberg attended a meeting with Sandra DePerno the Oneida County Clerk regarding this matter. While they were there, Ms. DePerno spoke of how the cities of Utica, Rome and Sherrill handle this matter – their local assessor’s office stamp every deed to be filed with the Oneida County Clerk before the Oneida County Clerk’s Office will file any of their deeds. This has been done for many years this way.
- The Planning Board Secretary spoke with Attorney Samuel (Attorney for the Oneida County Clerk’s Office) and he stated that the “deed stamping” is a provision within the Utica City Charter in which the County Clerk has respected.
- Phil Street stated that “illegal subdivisions” are a problem with many rural communities and that there definitely is a loophole within the process. He feels the loophole falls at the county clerk’s level who by all means should be the “gatekeeper” of properly approved subdivisions.
- The Form RP-5217 was discussed and the fact that that Form is not always completed and the Deputies for the County Clerk’s Office do not really review that form thoroughly. The Oneida County Clerk told the Planning Board Chairman and Secretary during their meeting, that her Deputies do not have time to review the RP-5217.
- Phil Street stated that a possible formal municipal agreement with the County Clerk’s Office for deed stamping would be a tremendous step in the right direction to rectifying “illegal subdivisions” before they even start.
- Mr. Street also spoke of penalties issued after the fact (once the deed has already been filed but the subdivision was never brought before the Planning Board or approved). There is the possibility of withholding building and septic permits for all pieces illegally subdivided. There could be fines issued to the person who created the subdivision. He also stated that possibly working to create more voluntary compliance and simplifying the process might help.
- Attorney Earl spoke of the Town’s Subdivision Law being one of the strictest laws that he has seen. He stated to possibly redefine “subdivision”. He also spoke of the local Assessor as being the

“gatekeeper” by notifying the Planning Department when she receives the RP-5217 and notices that an illegal subdivision was created.

- The Planning Board Secretary stated that this is how the Planning Board finds out about the illegal subdivisions now. Chairman Entwistle and the rest of the Board were really hoping to see preventative measures put in place so that the illegal subdivisions are not created to begin with.
- Chairman Entwistle asked Mr. Earl if we were to come to stamping every deed could the Planning Board Secretary be the stamper instead of the Assessor being that the Planning Board Secretary knows of the approved subdivisions and she also has access to the “read only” portion of the Assessor’s current real property information.
- The Town’s current Subdivision Law already has fines in place (page 37 of the law)
- The Board discussed the possibility of an informational letter being sent to Attorneys, realtors, surveyors, etc. to inform them of the existing subdivision law and the fact that subdivisions need Planning Board approval.
- Chairman Entwistle asked Mr. Earl to please check to see if the Town can legally request that either the Assessor or the Planning Board Secretary stamp deeds before they are filed in the Oneida County Clerk’s Office.
- This matter will remain on the Agenda for further research and discussion.

5. Subdivision / Parcel Line Adjustment Activity / Merge:

A. Allan Woodruff / Tim Hulser – 2 lot subdivision:

- 13.000-1-13.1
- A public hearing was held on tonight’s date.
- Tim Hulser was present for this matter.
- Mr. Hulser proposed a 2 lot subdivision of 13.000-1-13.1 owned by Mr. Alan Woodruff. Mr. Woodruff has given Mr. Hulser permission to represent this matter.
- The Board spoke of the 49.5’ easement deeded to this piece of property (copy on file).
- This matter was delivered to Oneida County Planning for their review. Awaiting their comments.
- Mr. Hulser provided the Board with a map tonight for their review. After a short review of the map, it was discussed that

there would need to be changes made to the map before final approval.

** A motion was made by Member Rejman and seconded by Member Rieth to conditionally approve the (2) two lot subdivision pending Comments from the Oneida County Planning's 239 review and updates and changes made to the map that was presented titled "Survey Map showing Lands of Alan R. Woodruff, Town of Forestport, County of Oneida, State of New York done by Duane C. Frymire, P.L.S. #050224 dated November 17, 1997". The vote went as follows:

TJ Entwistle – YES
Thomas Althoff – YES
Paul Rejman – YES
Mary Rieth – YES
Ginger Swasey - YES

6. Old Business:

A. Local Government Day:

- All Planning Board Members have signed up for Local Government Day.

B. Sewer Dye Testing:

- Andy Getty was present at the January meeting to discuss the benefits of this program and the positive role it has played within the Town of Webb.
- Chairman Entwistle stated that the White Lake Association has chosen to begin the dye testing on their lake in 2015 but hopes that in the near future the other lake associations and the Town will jump on board with this great program. Water quality is very important to maintain to its highest standards.
- The Planning Board Secretary contacted Bob Decker from MVCC regarding a possible internship program.
- The Board will keep this on the Agenda and continue on with the research of this.

C. Proposed Local Law regarding Illegal Subdivisions:

- This matter was discussed in length at the first part of the meeting with Attorney Ted Earl and Tug Hill Commission's Phil Street.

D. Amend Section 6.3 of the Site Review Law:

- It was agreed upon by the Board at the January meeting that Section 6.3 of the Site Review Law did not need to be amended but what does need to be amended is “Lot Frontage” within the Appendix A – Definitions portion of the Site Review Law.
- Attorney Earl sent the following language back to the Board “In the case where a lot does not have existing road frontage and the lot adjoins a body of water, the lot frontage shall be the portion of the lot abutting the water body.”
- The Board would like to see the above wording added to what is already existing under “Lot Frontage” in the Town of Forestport Site Review Law.
- Chairman Entwistle has provided the wording to all Town Board Members and is hopeful that a decision will be made at the February Town Board Meeting.

E. Certified Mail Reimbursement:

- Chairman Entwistle stated that the Code Enforcement Officer has expressed his concern with the cost of certified mail and serving summons to alleged violators. He would like to see these costs added to the court fees or fines when someone is found guilty. Why should the rest of the taxpayers have to pay for this?
- Attorney Earl was in attendance to discuss this matter.
- Code Enforcement Officer Brad Smith was also in attendance and stated that the Town incurs a lot of costs when certified mail has to be used for enforcement issues and wondered if there was anyway the Town could recoup those costs.
- Attorney Earl stated to raise the fines and then a bigger percentage would come back to the Town.
- Code Enforcement Officer Smith did not know the percentage that the Town receives out of fine money nor did he know how many actual fines get paid in full. Mr. Smith will check into those questions with the Judge’s Clerk.

7. New Business:

A. Appointment of Chairman & Co-Chairman:

** A motion was made by Member Althoff and seconded by Member Rejman to reappoint TJ Entwistle as Chairman of the Planning Board for the 2015 year. The vote went as follows:

Thomas Althoff – YES
Paul Rejman – YES
TJ Entwistle – ABSTAIN (conflict)
Mary Rieth – YES
Ginger Swasey – YES

** A motion was made by Chairman Entwistle and seconded by Member Swasey to appoint Paul Rejman as Co-Chairman of the Planning Board for the 2015 year. The vote went as follows:

Thomas Althoff – YES
Paul Rejman – ABSTAIN (conflict)
TJ Entwistle – YES
Mary Rieth – YES
Ginger Swasey – YES

B. MRWC:

- The Mohawk River Coalition of Conservation Districts is sponsoring a “Post-Flood Emergency Stream Intervention Training” to be held on Wednesday, February 25, 2015 (see attached notice).
- Discussed

8. Open Discussion:

- Chairman Entwistle spoke of the Webinars that are offered by Oneida County for various training opportunities.
- The Planning Board Secretary shared with the Board that she would not be in the Office the week of March 9-13 but she would be attending the Planning Board Meeting on the 9th.

9. Adjourn Meeting:

** A motion was made by Member Rejman and seconded by Member Rieth to adjourn the February 9, 2015 Planning Board Meeting at 7:32 P.M. The vote went as follows:

TJ Entwistle – YES
Thomas Althoff – YES
Paul Rejman – YES
Mary Rieth – YES
Ginger Swasey - YES