

TOWN OF HENDERSON PLANNING BOARD MEETING
12105 TOWN BARN ROAD, HENDERSON, NY
Aug 1, 2017 AT 7:00 PM

Committee Members: Chairman, Ned Martelle, Robert Ashodian, John Treadwell, Michael Contino, Carol McGowan

CALL TO ORDER and PLEDGE OF ALLEGIANCE

ATTENDANCE:

NOTE:

Subdivision Requests do not have to be referred to the County.

Town Board Resolution adopted September 10, 1992: NOW, THEREFORE, BE IT RESOLVED, that the Town of Henderson hereby agrees that the following actions shall be considered to be of a local rather than of inter-community or county-wide concern and shall therefore be exempt from referral to the County Planning Board pursuant to General Municipal Law, Section 239m: Site Plans/Special Permits for new buildings or additions consisting of less than 500 sq. ft. where the principle use will occur within the new structure; unless the new building or addition will require a new or improved access point onto a State or County roadway; All Site Plans/Special Use Permits for the placement of individual single and two family houses, including mobile homes, or manufactured houses. No applications that fall within these guidelines will be referred to Jefferson County Planning.

Request of Mark & Patricia Hogan

Located at 14878 Snowshoe Rd

On Parcel # 97.15-2-58

In Lake front

Bordering Property Owned Joel & Julie Grimshaw and James McElheny

For an addition of a partial second story of living space to existing cottage

DISCUSSION: Second story within same footprint, two story homes on each side of property no additional kitchen will be added.

PUBLIC COMMENTS: letter of support signed and neighbors

SEQR MOTION: by Michael Contino, second by John Treadwell, declares the proposed action to be a TYPE II action 9 under Article Eight of the NYS Environment Conservation Law, which determines there is no significant impact on the environment and no further review is necessary.

Roll Call voting yes: Ned Martelle, Robert Ashodian, Michael Contino, John Treadwell, Carol McGowan

CLOSE PUBLIC HEARING MOTION by Robert Ashodian, second by Carol McGowan
Roll Call voting yes: Ned Martelle, Robert Ashodian, Michael Contino, John Treadwell, Carol McGowan

DECISION MOTION by Robert Ashodian, second by John Treadwell approved to build a second story of living space on existing cottage.
Roll Call voting yes: Ned Martelle, Robert Ashodian, Michael Contino, John Treadwell, Carol McGowan

Pre-submission: Double JP Ranch, LLC and Grimshaw Dairy Farms assemble parcel # 105.11-1-55 and 56.3
Parcel # 105.11-1-56.3, 5.85acres, to be assembled with parcel # 105.11-1-55 will be a conforming lot.

Eugene & Marie Kardelis possible subdivision 105.14-1-27 lot is unable to be subdivided as two non-conforming lots would be created.

The following e-mail was sent to all Planning Board members for review from fellow member Robert Ashodian concerning a permit application:

Concerns Related to a Permit Application

April 5, 2016 the Planning Board approved the application for the Waterside Bar and Grill. As part of that application a Site Plan was included and it was separately signed on April 6, 2016 by the Planning Board chairman. (Not sure why there is a day difference.)

That site plan, while not to scale, clearly defined a parking lot to accommodate twelve (12) cars to the south of the building.

In addition, a major factor influencing the Planning Board's approval was the assurance that adequate off-site parking would be contracted with nearby property owner(s) and that adequate waste disposal facilities were contemplated on nearby property. There would be a need for a temporary system, although that was not at that time shown on the Site Plan.

April 27, 2016 the Jefferson County Department of Planning provided a letter to the Planning Board indicating the project was of local concern, that a Jefferson County Building Permit and NYS Department of Health Permit would be required.

Their letter also suggested a careful consideration of parking lot side lot setback requirements consistent with our Zoning Law and placement of the Dumpster. See the April 27 letter for specific details. In retrospect the Planning Board would have been better advised to defer the April 5 approval in anticipation of County input.

May 11, 2016 the NYS Department of Health rejected plans for a raised bed waste water treatment facility, reinforced its rejection of a permanent holding tank system and suggested the pursuit of a small packaged waste water system.

June 6, 2016 David Renzi of Brown, Dierdorf & Renzi, Attorneys at Law, provided the Zoning Enforcement Officer with a recommendation confirming the need for a Short Form SEQR, and that the Planning Board not get involved in the analysis of treatment system itself, but that the proposed engineering plan be reviewed to determine if a permit should be issued.

David Renzi had been given on June 2, 2016 the complete engineering report prepared by Blue Line Engineering. This report included a detailed site plan, engineering drawings and full specifications. From those drawings it is obvious that the proposed solution, a Rotating Biological Contactor (RBC), was a substantial structure with a concrete footing 8' wide x 16' long, not including additional electrical service and piping facilities which further increased the overall foot print. The RBC is approximately 8' wide, 16' long and 8' high. An enclosing 8' fence was also specified.

The UV Disinfection System assembly is outside and to the south of the concrete footing and is less than 6' from John Killius's property to the south. Note that the Site Plan Key, Document C-101, signed by Jeffrey J. Tubolino, LPE, shows the existing chain link fence approximately 4' south of the property line in this area.

June 7, 2016, the Waterside Bar & Grill reviewed with the Planning Board the need for a Short Form SEQR as requested from the DEC and NYSDOH concerning a waste collection system to be installed for the business. The SEQR was completed and signed June 7, 2016.

A Zoning-Floodplain Permit for a project called Waste Treatment Temporary and Permanent was signed by the Zoning Enforcement Officer July 21, 2016, based on a Town of Henderson Zoning Permit Application dated July 21, 2016. Attached to that application/permit is a not-to-scale diagram dated 7/21/2016 with a cross hatched rectangle showing no setbacks and no dimensions in the general area where the RBC is now located. It also notes that there are a total of fifteen (15) parking spaces. This same parking notation appears on the April 6, 2016 Site Plan as well, although the Site Plan shows twelve (12) parking spaces. Except for showing an (assumed underground) holding tank and a cross hatched area (assumed RBC location) mentioned above, the Site Plan is basically the same as the site plan signed April 4, 2016.

In the spring of 2017, the RBC was constructed as shown in the engineering proposal submitted in 2016 by Blue Line Engineering.

Based on the original Site Plan of 2016 and the slightly modified 2017 version of the Site Plan, there is no clear indication that any part of the RBC facility was other than underground. Both the holding tank and what appears to be the approximate location of the RBC machinery are shown with cross hatching. The related electrical podium platform, the UV Disinfection System pipe assembly, the effluent discharge pipe and its housing and the enclosing fence for the RBC facility are not included on the Revised Site Plan, but are clearly documented in the engineering proposal. The above-water portion of the discharge pipe is shown as on the property line per the Site Plan Key, Document C-101.

The proposal submitted by Blue Line Engineering, as reviewed by David Renzi and provided to the Zoning Enforcement Officer makes it perfectly clear that the Blue Line Engineering proposal required the construction of a major structure, above ground, less than 6' feet from the south property line, and that it would eliminate virtually the entire parking area agreed to in the original Site Plan.

The Site Plan submitted for approval by the Planning Board in 2016 has been totally compromised by the subsequent construction of the RBC facility itself, as is the virtual total elimination of the parking area, agreed to by the Planning Board. The two large dumpsters, not shown on the Site Plan, account for the rest of the loss of parking space. At no time was any referral ever made to the Zoning Board of Appeals or the Planning Board for a review of the modifications made to the original Site Plan.

It is my opinion that on July 21, 2016, the Zoning Enforcement Officer issued a permit in violation of the Town of Henderson Zoning law and in a fashion exceeding his authority.

Copies of the relevant documents and/or portions thereof will be provided at the Planning Board meeting, August 1, 2017.

Therefore, in consideration of the above circumstances:

Bob Ashodian makes a motion declaring that the Town of Henderson Planning Board finds the Zoning Permit issued July 21, 2016 to be invalid for cause and that this declaration be forwarded to the Henderson Town Board for consideration and disposition.

Assuming a second, this issue should be discussed at the August 1, 2017 Planning Board meeting.

There was not a second on this motion presented by Robert Ashodian therefore there was no discussion concerning this matter by the Planning Board.

MOTION by Carol Mc Gowan second by Michael Contino to accept the July 5, 2017 revised Planning Board minutes.

Roll Call voting yes: Robert Ashodian, Ned Martelle, Michael Contino, John Treadwell
Carol McGowan

New Business: Next possible Meeting September 5th
Concerns of Board member

ADJOURNMENT MOTION by Michael Contino, second by John Treadwell, adjourns the meeting.
Roll Call voting yes: Ned Martelle, Robert Ashodian, Michael Contino, John Treadwell, Carol McGowan

Respectfully Submitted
Wendy Flagg, Planning Board Clerk