

Planning Board 2024-11-12

Meeting minutes

Attendees: Dr. Paul Ziarnowski, Dr. Jim Liegl, David Stringfellow, Jay Jackson, Gary Stisser, Elizabeth Schutt, Anthony Braunscheidel

Absent: Arlene Weiss, Jessica Yuhas, Town Liaison Jennifer Lucachik, Attorney Ryan McCann

1. CALL MEETING TO ORDER

Meeting called to order by 730pm

2. APPROVAL OF MINUTES

October meeting minutes – no additions or corrections

Motion made by Mr. Jackson to approve October meeting minutes

SECOND BY: Mr. Liegl

All in Favor

APPROVED/PASSED

September meeting minutes – one correction to be applied

Motion made by Mr. Liegl

SECOND BY: Mr. Stisser

All in Favor

APPROVED/PASSED

3. OLD BUSINESS:

Discussed below after 'new business'

4. NEW BUSINESS:

- a. Christopher and Leah Weitig - Requesting Preliminary Plat Approval of a 2-lot minor subdivision to be located at 8046 Lower East Hill Rd.
- b. Simmeth - 8010 Boston State Road – Requesting Preliminary Plat Approval of a 2-lot minor subdivision to be located at 8010 Boston State Road (SBL 226.02-5-44).

PAT SHEEDY/Carmina Wood Design: Project engineer speaking on behalf of applicant. Here to present a 2-lot subdivision. The existing lot has an existing home on it. That area would be parceled off to an approximate 3-acre site. The remaining 26.7 acres would become the second lot intended for a single-family home.

MR. ZIARNOWSKI: We have a new board member so I will talk outload. Mr. Ziarnowski talked about the steps and duties of the Planning Board regarding zoning, acres and frontage, encroachments.

This is RA and have to have 3 acres. They have 3 acres on the existing lot. Then they need to have 75 frontage. Encroachments, if any. 30ft is required in RA. One structure is close but acceptable per the Code Enforcement Officer.

Next, need a motion to schedule a public hearing for December on the 10th.

Motion by Mr. Jackson

Second by Mr. Ziarnowski

All in Favor

APPROVED

SIMMETH 2-lot minor subdivision

CARL SIMMETH: That property has been in our family since 1925. Were my great grandfathers, grandfathers, and then it was my dad and uncles and everyone has passed. It got passed down to me, my brother, my other brother and sister and we decided. My brothers utilize all the buildings and the land and we sat down and decided that we would deed all the buildings and 13 acres to my two brothers. Then my sister and I would take the remaining land with no buildings. We are just splitting it half and half, trying to keep it as fair as possible. Nothing nefarious going on; no building, no ill will. Nothing is going to change. Meyers is going to still plant his sweet corn. It's just going to be a line; my brothers own half and my sister and I own the other half.

MR. ZIARNOWSKI: You are not really planning on building anything on that second lot. RESPONSE: No.

MR. ZIARNOWSKI: Sarah, if they wanted to build two houses in there, they couldn't, right?

MS. DESJARDINS: They could build one house on the vacant property.

MR. ZIARNOWSKI: That's it because of the frontage.

MR. SIMMETH: Right.

MR. ZIARNOWSKI: Ok, as long as you knew that because you said you and your sister were going to do something.

MR. SIMMETH: Nothing close. My sister doesn't really want to move out here; she lives in Williamsville. I am not going to say that nobody is ever going to build down there but if I do decide to build down there, I will buy the property off her; buy her out. Then I will have it all in my name, if that makes sense.

MR. ZIARNOWSKI: This is a bit of a goofy lot because the front is R2 and the back part is RA.

MR. BRAUNSCHEIDEL: I see he has 75-feet on the one subdivided lot, that meets.

MR. ZIARNOWSKI: And he must maintain at least 75-feet on his other lot also, on pre-existing lot.

MR. BRAUNSCHEIDEL: He has 354 feet, so he is good. The zoning I am not clear on.

MR. ZIARNOWSKI: It doesn't make a whole lot of difference for that front part because the only concern would be the frame barn that is 11 feet from that property line that goes down.

MR. STISSER: Instead of 30 feet.

MR. ZIARNOWSKI: Yes, instead of 30, but R2 allows for 10 feet. And even if it didn't, we spoke to CEO/Murphy before that and he said it was driveway, you are not going to build anything there. It doesn't mean a whole lot.

MR. SIMMETH: That road down there is for the farmer to get down there and work. I asked the surveyor to get me the 75 feet.

MR. ZIARNOWSKI: The frontage is good, the size of the lot is good with 11 acres, anything over 3 acres is good, no impingement on any existing structures.

Why did the surveyor highlight the building next door to you on the survey? I got a colored survey and he highlighted the car storage place right next to you. That has nothing to do with your property, right?

MR. SIMMETH: No. That's the property next door.

MS. DESJARDINS: Sometimes that happens with the CAD program. I have seen that before too.

MR. JACKSON: You draw a straight line along here and it hits Boston Springville. Let's make a nice square shape out of it.

MR. ZIARNOWSKI: Ok. It has nothing to do with that.

MR. BRAUNSCHEIDEL: What was the 3-acre threshold significance again?

MR. ZIARNOWSKI: RA has 3-acre zoning. So, if he wanted to sell 24 acres and leave a little space around the house, he couldn't do it. Has to be 3 and 3 at least in RA zoning.

MR. ZIARNOWSKI: You have a very conscientious surveyor that gave you 75.000 for the frontage.

MR. SIMMETH: He is very good.

MR. LIEGL: Carl, is Robert your dad? RESPONSE: No, Robert is my brother.

Mr. LIEGL: Ok because the property is under Robert.

MR. SIMMETH: Well, it is under all four siblings. I think Robert comes up because he is the executor.

MS. DESJARDINS: Who signed the Environmental form? RESPONSE: I did.

MR. SIMMETH: All four of our names are on the deed. It's just that Bob's name comes up because he was executor and that's where all the paperwork went to. And I believe somehow on the tax bill just his name is listed. I stand corrected. All our names are listed but it just seems any paperwork goes to Bob.

MR. LIEGL: You want to divide it with your siblings, and I assume that is ok. I am just thinking ahead, who's Robert and are you acting on behalf of Robert and all of a sudden you're dividing up this property.

MR. SIMMETH: No. It's in all of our names. When my uncle passed away, he deeded it to all of us because he didn't have any kids.

MR. ZIARNOWSKI: Did he recently pass?

MR. SIMMETH: Uncle Bill has been gone 10 years.

MR. ZIARNOWSKI: Who lives in the house now?

MR. SIMMETH: Nobody

MR. ZIARNOWSKI: I see people cut the grass, who's that guy?

MR. SIMMETH: Bob – His name is the first on the deed. We try to keep that property nice. It's part of the town and we have the sign out there. Bob is down there all the time cutting the grass and try to make it look really nice.

MR. ZIARNOWSKI: We have people fighting/eyeballing over that commercial property next door. The SEQR part will be approved next time. Sarah checks it that you're not doing any development, not doing stream contamination, not doing lighting, noise, dust so it shouldn't be a problem.

Need a motion for a public hearing.

Motion made by Mr. Liegl

Second by Mr. Jackson

All in favor

APPROVED

MR. ZIARNOWSKI: re OLD BUSINESS.

The Horseshoe farm that has been a constant battle has just turned this over to an outside attorney because they are not getting anywhere. I went to the Zoning Board meeting the other night and the neighbors and this guy just butt heads. This is the place on Lower East Hill Road where the guy bought property. He came to us once for advice. He bought a 100-foot piece of property to put a horse ranch on it. You need 100-feet on either side of your barn. It's down across the ski area. It went to an outside attorney Cory Auerbach because the state said the town is too restrictive on agriculture. The neighbors are saying, restrictive, it should have never been there in the first place. There is faux pas in the past that a permit was issued for that property in error. The guy built the house, he has the horses underneath him, has no manure management plan, doesn't have anything. It is just horrible. So, the neighbors are nuts and that's what is going on there.

Not sure what is happening with Foxhill.

Muranda did a nice job on that place.

Not sure what is going to happen with the second property. CEO/Murphy keeps going back and forth with the owner because he wants to subdivide but we don't know why because he can't even have a tenant in the front half.

MR. JACKSON: How much frontage does the second property have? I remember when he came in front of us first and it was miniscule amount of space. Like he had 60-feet and wanted to divide that into 20-foot entrances.

MR. ZIARNOWSKI: Yes. He did some creative frontage math. He was the guy that sued us for the project.

MR. JACKSON: I had the chance to talk with Kevin Monaco and the reason he has put his building on hold because he doesn't have the funds to build right now. He is indeed still interested and attempting to abide by the rules that we laid down for him. He did make the observation that he leased out the first six although, in my opinion, when he talked to us, one or two of the bays that he had set up was supposed to be for his own business. He found he didn't need it. Although he may have discussed what his plans were at the time,

business plans change, and he leased out all the pieces. The way he described it, he only has one neighbor that has any issues with anything he has done. Thought I would share that I had the conversation.

MR. ZIARNOWSKI: Elections next month

MR. ZIARNOWSKI: They are putting in a show house on Deanna Drive

Planning Consultant/Ms. DesJardins – nothing

Town Attorney/Ryan McCann – not present

Town Board Liaison/Ms. Lucachik – not present

Board Clerk – nothing

6. Motion made to adjourn

Motion made to adjourn the meeting by Mr. Stringfellow

Second by Mr. Liegl

All in Favor

APPROVED

Closed at 7:53pm