

**Regular Meeting
Town of Watertown Planning Board
October 27, 2009**

Members Present: Tom Boxberger, Co-Chairman
Pam Desormo, Co-Chairman
Terry MacAdam
James Smith
Randy Vaas

The rescheduled regular meeting of the Town of Watertown Planning Board was called to order at 7:00 p.m. by Mr. Boxberger.

Motion 109-09: Motion by Mr. Boxberger, seconded by Mr. Smith to accept the minutes of the October 5, 2009 meeting as written and distributed with the following correction.

Page 3 – Subdivision – Paul & Carolyn Morgan

Mr. Morgan waived the 62-day *period for action*.

Ayes All: Motion Carried.

Motion 110-09: Motion by Mr. Boxberger, seconded by Mr. Smith to reschedule the regular December meeting of the Town of Watertown Planning Board to Tuesday, December 1, 2009 at 7:00 p.m.

Ayes All: Motion Carried.

Motion 111-09: Motion by Mr. Boxberger, seconded by Mr. Smith to schedule a special meeting for the Town of Watertown Planning Board with the Tug Hill Commission for Tuesday, December 1, 2009 at 4:00 p.m.

Ayes All: Motion Carried.

Public Hearing – Paul & Carolyn Morgan – 3 Lot Subdivision – 21514 Fox Ridge Road – Tax Map #90.20-1-32.7 & #100.08-1-16.2.

Legal notice has been posted in the newspaper and evidence that adjacent property owners were notified.

The public hearing was opened at 7:02 p.m.

Chris Tibbles, 15895 County Route 155, addressed the board regarding his concerns with water availability.

Jim Burrows, Attorney for Paul & Carolyn Morgan, gave a summary of the background for this proposed subdivision and addressed key concerns raised at the first public hearing on this proposed subdivision and how the Morgan's have addressed these concerns.

Mr. Morgan had a well pump test completed by O'Rourke Groundwater Developing and submitted O'Rourke Groundwater Developing Certification (**Attachment #1**). A statement of the pump test results, dated 9/22/09 (**Attachment #2**) was also submitted. The Morgan's had an additional well drilled on proposed Lot 20C by Converse Well Drilling and submitted a Water Well Completion Report dated 7/4/09 (**Attachment #3**). Additionally, Mr. Morgan had Thomas Excavating, LLC conduct a percolation test on proposed Lot 20B & 20C, dated 9/28/09 (**Attachment #4**).

Mr. Burrows addressed the issue of ensuring that the proposed 3-lot subdivision is consistent with the character of the neighborhood by submitting An Affidavit of Mailing (**Attachment #5**) with notice of this public hearing to additional neighbors above and beyond what was required, and proposed deed restrictions for Lot 20A, 20B & 20C (**Attachment #6**).

Fred Genter, 21399 Fox Ridge Road, corrected Mr. Burrow's summary. Mr. Morgan did not construct this house after purchasing the property; it was already there when he bought the land. Mr. Genter had looked at this property prior to Mr. Morgan and was informed by the realtor that this property fell under all restrictions as the rest of the development. Mr. Genter wanted to know why it no longer carries these restrictions.

Mr. Boxberger stated that review by the Town's Attorney; found that in the course of filing, this property was deemed to be free from the covenant's restrictions.

Mr. Burrows summarized the time line of why this property is not included in the restrictions that the rest of the development has to follow. Mr. Burrows also stated that Mr. Morgan is trying to be a good neighbor by going the extra measure and imposing restrictions on these proposed subdivision that are consistent with the development.

Judy Genter stated, for the record, that Mr. Morgan was picking and choosing which of the many restrictions he wanted to apply to these proposed lots. Acreage size is not one of the restrictions he is applying.

Mr. Boxberger reminded everyone that the testimony from neighbors given tonight as well as the testimony from the public hearings held December 1, 2008 & January 5, 2009 will be part of the review process.

The public hearing was closed at 7:26 p.m.

Subdivision – Paul & Carolyn Morgan – 3 Lot Subdivision – 21514 Fox Ridge Road – Tax Map #90.20-1-32.7 & #100.08-1-16.2.

Mr. Boxberger announced that at the October 5, 2009 Town of Watertown Planning Board meeting, the board requested that the deed restrictions submitted by Mr. Morgan be clarified and/or modified. This updated information has been submitted. At both the December 1, 2008 and January 5, 2009 Town of Watertown Planning Board meetings, the board requested that Mr. Morgan submit well criteria and data consistent with regulations imposed through a combination of The Departments of Environmental Conservation and The Department of Health regulations to address the concerns of neighbors. As a part of that request, the board asked that data be submitted on the existing well and that an additional well be cited on one of the other proposed lots by a certified well driller and that the certified well driller does a yield test in conformance with DOH standards. Certification has been submitted that this has been done. In addition, the board requested that a contractor be hired with the appropriate certification to provide documentation that onsite wastewater treatment systems (septic tank and leach field) could be provided for at least one of the undeveloped lots. This request is consistent with good engineering practices. It is not normally required that every lot be provided with the engineering service but rather a representation of those properties. All information requested is in compliance by certified individuals and the appropriate documentation has been submitted, dated 10/23/09. This information was to be cited on the plat.

The results of the yield test, percolation test, and soil test was available to the neighbors. It is the Planning Board's legal responsibility to accept these tests as presented.

Motion 112-09:

Motion by Mr. Boxberger, seconded by Mr. Vaas to approve a 3-lot subdivision for Paul & Carolyn Morgan located at 21514 Fox Ridge Road in the Town of Watertown identified as 2 parcels. Parcel #1 being #90.20-1-32.7 and Parcel #2 being 100.08-1-16.2. The two parcels being divided into three parcels designated as Lot 20A consisting of 9.25 acres, Lot 20B consisting of 3.65 acres, and Lot 20C consisting of 4.31 acres as shown on a plat prepared and signed by Robert Busler, Professional Land Surveyor, dated 11/20/06 with revision dates of 1/2/07, 5/15/08 & 10/20/09 consisting of 1 page, File #9-3 conditional upon submission of the revised plat showing the location of the percolation test as completed on Lots 20B & 20C also conditional upon inclusion of the 8 Deed Restrictions as indicated in the letter from Jeremy Paul Morgan to the Town of Watertown Planning Board, dated 10/23/09 consisting of 8 restrictions.

The board was polled individually:

Mr. Boxberger – In Favor
Mrs. Desormo – In Favor
Mr. Vaas – In Favor
Mr. Smith – In Favor
Mr. MacAdam – In Favor

The motion was unanimously approved with all Planning Board members present and in favor as this subdivision conforms to all Town Zoning Laws and preserves the character of the community as a whole.

The plat will not be signed until 3 signed and stamped copies of the revised plat showing the location of the percolation test has been submitted along with 1 Mylar.

Subdivision – RJ Roux – 2 Lot Subdivision – County Route 155 – Tax Map #91.13-1-36.

No one was present.

Subdivision – James Cavellier – 2 Lot Subdivision – 16233 County Route 155 – Tax Map #100.08-1-26.

Mr. Cavellier presented plan for a 2-lot subdivision at 16233 County Route 155 – Tax Map #100.08-1-26.

The board requested that a yield test, adjacent property owners, and lot descriptions be submitted.

Mr. Cavellier has accepted a purchase offer on this property and tentatively has a closing date of November 23, 2009.

Motion 113-09:

Motion by Mr. Boxberger, seconded by Mr. Vaas to schedule a public hearing for a 2-lot subdivision for James Cavellier, 16233 County Route 155 for Monday, November 9, 2009 at 7:00 p.m.

Ayes All: Motion Carried.

Subdivision – John Bellanger – NYS Route 3 – 3 Lot Subdivision – Tax Map #82.11-1-33.1.

Mr. Boxberger and Mr. Vaas met with Mr. Bellanger informally on October 20, 2009 to discuss his proposed 3-lot subdivision.

Mr. Bellanger submitted a letter dated October 27, 2009 (**Attachment #7**) with his proposed plans to the board.

Zoning requirements changed after Mr. Bellanger designed his existing parcel in full conformance with zoning laws as they applied at the time. He no longer has enough road frontage to conform to the new zoning regulations.

The revised zoning law encourages off road development either via town or private road. It was suggested, and Mr. Bellanger addresses in his letter should the Planning Board concur, that he would approach the Town of Watertown Zoning Board of Appeals with plans showing that he would modify Lot 3 to be larger and more in tune with development and also reduce the frontage on residual Lot 1 to provide an adequate width for the roadway to be either town or private drive to allow commercial development and/or single family residential development should it become a municipally maintained road. This is much more consistent with the intent of zoning laws.

The Board has discussed this issue with Mr. Bellanger and they feel there may have been a hardship created because of the change in the road frontage criteria of the zoning law as passed in 2009 and the board feels that by revising the frontage of Lot 3 and maintaining the residual parcel, Lot 1, with a wide enough right of way indicated by 70 feet in Mr. Bellanger's letter that he is meeting the intent of the revised zoning requirements to allow for development in that portion. If Parcel #1 was retained as 100 feet of frontage and any development occurred at all in that parcel, legal access would be restricted and unavailable to Lot 1. The Board requests that the Town of Watertown Zoning Board of Appeals take this into consideration.

The Planning Board cannot take action on this application and referred Mr. Bellanger to the Zoning Board of Appeals for further action.

The next meeting of the Zoning Board of Appeal is Wednesday, November 4, 2009 at 5:30 p.m.

Site Plan – Peter Daly – 18993 Old Rome State Road.

Mr. Daly submitted proposed plans for a landscaping business on property at 18993 Old Rome State Road. A sketch showing the lot lines, designated parking, and a vegetative screening buffer was submitted as requested by board members at the October 5, 2009 meeting. A completed application has also been submitted.

The Board requested that Mr. Daly submit a letter of agreement stating that he will complete the vegetative screening buffer by June 1, 2010 as shown on the schematics.

Motion 114-09: Motion by Mrs. Desormo, seconded by Mr. Boxberger to waive the site plan process for Peter Daly, 18993 Old Rome State Road, because it is an existing building located almost entirely in the Town of Hounsfield and there will be no signage, there will not be excessive travel, and there will be no developed commercial use in the Town of Watertown.

Ayes All: Motion Carried.

Site Plan – Widrick Auto Sales – Construction of a 30’ x 100’ Storage Unit

The contractor presented plans for the construction of a 30’ x 100’ storage unit at Widrick Auto Sales.

Board members stated that the approved vegetative screening buffer has not yet been completed on this site as agreed upon.

The board requested that an updated survey be submitted delineating the blacktopped area, area covered with crusher run, limits of fill showing the embankments, and parking and driving access areas, as they will exist.

The contractor would like to pour the concrete pad as soon as possible due to forthcoming weather conditions.

The board stated that if the contractor were to pour the pad, he does so at his own risk as this project has not been approved. The contractor gave a verbal agreement, for the record, that he understands if he pours the concrete pad prior to site plan approval, he is doing so at his own risk.

Motion 115-09: Motion by Mr. Boxberger, seconded by Mr. MacAdam to schedule a public hearing for Widrick Auto Sales, Route 11, on Tuesday, December 1, 2009 at 7:00 p.m. for the construction of a 30’ x 100’ storage unit.

Ayes All: Motion Carried.

New Business

A letter from Chris Goutremout, Dry Hill Automotive Detail Center, 18851 County Route 165, dated 10/20/09 (**Attachment #8**) was read.

Mr. Goutremout would like to apply for a repair shop license. He wants to know what requirements he needs to meet.

Board members stated that Mr. Goutremout might not be in compliance with site plan approval on the requirements set forth by the Zoning Board of Appeals regarding the screening buffer.

Discussion followed. Mrs. Desormo will invite Mr. Goutremout to participate in the special meeting of the Town of Watertown Planning Board scheduled for Monday, November 9, 2009 at 7:00 p.m. for discussion on the status of his compliance to site plan approval and the conditions set forth by the Zoning Board of Appeals. If it is deemed that he has met those conditions, the board will move forward on his request.

Mr. Boxberger announced that Board members have received a notice about a Land Use Planning Workshop scheduled for Wednesday, November 18, 2009 at JCC. Mr. Boxberger plans on attending and encourages board members to do the same. Mrs. Desormo will RSVP for board members.

Motion 116-09: Motion by Mr. MacAdam, seconded by Mr. Boxberger to adjourn the meeting at 8:45 p.m.

Ayes All: Motion Carried.

Susan Burdick
Secretary