

Planning Board Minutes
March 14, 2013

The Town of Cambridge Planning Board held its regular monthly meeting, Thursday, March 14, 2013, 7:30 PM, at the Town Hall.

Members present: Eric Pearson, Dan Thomas, Bob Hamilton, Judy Leon, Jerry Moppert, Stuart Ziehm, secretary Sally Eddy

Absent: Earl Horton

Others present: Supervisor William Watkins, Councilman Robin McMurray, Peter Bell, Ted Berndt, Sandra & LaVerne Davis, Frank Ziehm, John Pedersen, Henry Peabody, Charlotte Banzhaf, Bonnie Farrell, Tony Millington and three other people.

Chairman Eric Pearson called the meeting to order and presided.

Minutes

Jerry Moppert motioned, seconded by Bob Hamilton, to approve the minutes of the February 7, 2013 meeting as mailed by the secretary with no additions or corrections.

Vote: 5 – ayes 0 – noes Judy Leon was not present for the vote.

Communications

Chairman Pearson stated he received a mailing from the county but needed more time to look it over before bringing it before the board.

Old Business

Surveyor Peter Bell spoke to the board on behalf of Luther & Lillian Everly. The Everlys were out of town and not able to be present. The Everlys own 65 acres on Duell Hollow Road identified by tax map # 272.-1-2. They are proposing to subdivide, for sale, a 25 acre parcel containing their house, a barn, a shed and pond. A sketch plan was approved at the December 6, 2012 meeting. Mr. Bell explained there is an interested buyer from California who wants to close on the property by May 1, 2013. Mr. Bell asked if the subdivision process could be adjusted to accommodate the May 1st dead line? He said could have the survey completed by the April 4 regular meeting date. Normally, the preliminary survey map would be presented for approval at the April 4 meeting followed by a final plat and public hearing at the May 2 meeting.

Discussion among board members ensued with the conclusion that the board would waive one month of the normal procedure and hold the public hearing on the subdivision at the April 4 meeting. The reason for the waiver is that the subdivision is not a completely new proposal before the board since the Everlys presented a similar one a few years ago involving twenty acres but did not complete it. The board is familiar with the property in question. In addition, a sketch has been submitted and approved by the board.

A motion was made by Eric Pearson and seconded by Jerry Moppert to waive one month from the subdivision approval process and hold the public hearing on the minor subdivision request of Lillian & Luther Everly at the April 4, 2013 meeting.

Vote: 5 – ayes 0 – noes Judy Leon was not present for the vote.

New Business

Jerry Moppert gave a update concerning the activity of the Code Enforcement Department for 2012. The report revealed that 4 new buildings were constructed during the year. Mr. Moppert has not deciphered all the 2012 information from the Assessor's Office, as yet. He did say that the average number of real estate sales in the town for the last 6 years has averaged 12 per year. More information will be given at a future meeting.

Guest Speaker John Pedersen

Chairman Eric Pearson introduced guest speaker John Pedersen and went on to explain why he invited him to tonight's meeting. A few years ago the State adopted a ruling that required planning board members to attend 4 hours of training every year. The county furnished the training classes and members traveled to the county to attend. A large portion of the information covered pertained to the bigger towns/cities and frequently included topics on zoning. Mr. Pearson thought the board would get more out of the training classes if they could be held locally with a qualified speaker discussing planning issues that a small town like Cambridge faces. Mr. Pearson found out at one of the county meetings that training sessions held locally can satisfy the 4 hour yearly requirement but only if the Town Board approves it.

Mr. Pedersen took the floor and stated he served on the Town of Jackson Planning Board for many years and has been a member of the County Planning Board for the past five years. For 25 years he has been attending training seminars in planning matters provided by the Department of State. He owns his own business and has a college education.

He distributed 4 publications to members: Guide to Planning and Zoning Laws of New York State, Zoning and the Comprehensive Plan, Site Development and Plan Review Procedure and Planning and Zoning Introduction. More copies can be ordered.

Mr. Pedersen talked about several topics. First, he addressed the procedure for subdivision approval in NY State emphasizing the importance of the State Environmental Quality Review Act (SEQR) and of closely following the town's subdivision regulations – do not stretch them otherwise you may open yourself up to a lawsuit.

He spoke about boundary line adjustments and boundary line disputes. He recommended both be addressed in the town's subdivision regulations.

He mentioned public hearings saying they can be adjourned to another time or they can be closed.

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When asked about the role of the County Planning Board Mr. Pedersen said the county board does not engage in active planning. That's been given to the LDC. The Board of Supervisors never gave the planning board the power to do subdivisions. They do, however, do site plan review for the towns when asked. He added an interesting fact that of the 17 towns in Washington County only 1 does not have a planning board.

Site Plan Review – Mr. Pedersen commented NY State does not recommend Site Plan Review without zoning and you have to be very specific with the site plan requirements.

Zoning - He spoke more about zoning saying that lot size cannot be set without zoning. Zoning addresses density and usage and can help to control adverse happenings. Developers like zoning because they know what to expect in a community. However, the adoption of a Zoning Ordinance causes the increase in more layers of government because it requires the establishment of a Zoning Board and a Zoning Board of Appeals.

Mr. Pedersen stated the Town of Jackson does not have a zoning ordinance nor a comprehensive plan. He thinks most people want it but they don't understand it. He added the purpose of a comprehensive plan is to provide the evidence or constitutionality to back up a zoning ordinance. A comprehensive plan has no teeth of its own and is not legally binding without zoning. He said he's in favor of community planning but said you have to be careful in what you do. Don't make it so difficult that people don't want to stay or come here. Make your comprehensive plan unique to you, put a lot of thought into it. Know that comprehensive plans lead to zoning.

Mr. Pedersen was asked if there was another mechanism that could be used instead of a comprehensive plan and zoning to prevent things we don't want? His reply was to use Town Law to legislate the things you don't want to happen in your town.

Other topics he spoke about were: storm water and Speedy's permits, Home Owner's Associations, establishing Critical Environmental Areas, Rural Ag Zoning and Board of Health review of certain subdivisions.

There were questions asked of Mr. Pedersen throughout the evening by board members and the public. Chairman Pearson thanked Mr. Pedersen for coming to the meeting and sharing his knowledge.

There being no further business before the Board, the meeting was moved and carried to adjournment at 9:15 PM by a motion made by Jerry Moppert, seconded by Judy Leon, and carried.

Respectfully submitted,
Sally Eddy, Secretary

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