

## Town of Richford Planning Board

MINUTES – December 4, 2013

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PRESENT – Charlie Davis, Emilie Stuhlmiller, John Schwartz, Victoria Nuzzo, Bill Stell, Kim Stanford

VISITORS – Kristine and A.J. Miller

Meeting started at 7:05 pm. The November minutes were reviewed. Stell moved and Schwartz seconded to accept the November minutes as written; unanimously approved.

### NEW BUSINESS:

Discussion about property owned by the Millers, located at 608 State Hwy 79. The Millers inquired if the one acre lot was a legal lot. Davis had reviewed the history of the lot and it was one acre since at least 1999. Nuzzo stated that it was grandfathered in as a preexisting lot because it was one acre prior to 2003 when the two acre minimum was established. Davis spoke with COE Kevin McManus; apparently the Millers bought a house that had not been certified for electric, plumbing, etc. Since there is no engineered septic on file, the CEO issued a non-occupancy certificate. Now the Millers are trying to negotiate what needs to be done to allow them to occupy. Davis discussed the need to have a working septic system. Nuzzo suggested contacting the County Public Health Department to determine if the existing system is a working septic system or if a new septic needs to be designed and installed.

### OLD BUSINESS:

Discussion about the local citizen who requested information on a lot proposed to be split into 2 parcels. Nuzzo spoke with the Code Enforcement officer about the situation, and also spoke with the Tioga County Real Property Office. Nuzzo summarized the discussion (Attachment 1). Nuzzo sent an email with the Richford legal lot descriptions to the Real Property Office in Owego, which will incorporate those requirements into their process of issuing deeds [NOTE: ADDITIONAL INFORMATION WAS PROVIDED AFTER THE MEETING THAT THE REAL PROPERTY OFFICE CANNOT PROVIDE THIS SERVICE]. Davis took this information and wrote a letter to the land owner.

Davis drafted a letter to Congressman requesting that the Post Office be reopened. The Town Board and members of the Planning Board signed the letter. Congressman Reed responded with explanation for the closure. Discussion about how to remedy this situation. Davis will present the letter to the Town Board.

Discussion about the Public Conduct and Ethics Resolutions. Nuzzo volunteered to edit the two proposed resolutions and return to Davis to be submitted to the Town Board for review. Davis reported that each Town was required to adopt a Code of Ethics in 1991. This can be done by passing a resolution, rather than preparing a Law.

### NEW BUSINESS:

Schwartz described the SEQR meeting he attended Dec 3; it reviewed what is needed to determine if an environmental impact statement is needed for any particular project. The law states " NYS environmental quality review act requires all state and local government agencies to consider environmental impacts equally with social and economic factors during discretionary decision making."

Stell emphasized the need to have emergency 'shelter in place' facilities and preparation, in case of major accident such as train derailment or massive car pileup.

Schwartz requested milage reimbursement for 140 miles of travel to attend the SEQR training in Oneonta on Dec 3 2013.

Schwartz reported that NYS is currently allowing brine from PA unconventional (fracking) gas wells to be applied to roads. This material has higher salt content than regular road brine, and also contains some radioactive materials. He expressed concern that this material might be applied to Richford roads: he will address the Town Board about this.

Next month's meeting will be January 1, 2014, as regularly scheduled.

Stell moved and Stanford seconded to adjourn the meeting. Unanimously passed.  
Meeting adjourned at 9:02 pm.

## Attachment 1:

At the November 2013 Planning Board meeting a discussion on lot sizes, road access, and what constitutes a subdivision was prompted by a request by a landowner to parcel off a lot. Our Subdivision Law is clear about what constitutes a 'lot' :

"Lots shall be a minimum of two (2) acres with minimum dimensions of two hundred (200) feet in width and two hundred (200) feet in depth, and shall be sufficiently large to allow adequate location of septic and well for all lots within the subdivision and on adjacent or distant properties. Excessive depth in relation to the width shall be avoided. A proportion of two and one-half to one (2 ½:1) will normally be considered maximum. Each lot shall have a maximum of one residential building; construction of more than one residential building shall require resubdivision.... All lots shall be located on an existing or proposed road. No lots shall be land-locked."

Lot size is also included in the Town Building Code.

Neither document contains any criteria for minimum road frontage. The Building Code states that "All driveway construction shall conform to State, County, or Town requirements, whichever is applicable. All driveways must allow safe ingress and egress and be able to accommodate emergency vehicles."

Thus, the lot we were discussing at last month's meeting appears to be a legal lot as it is 1) over 2 acres in size, and 2) over 200 feet in width and 200 feet in length. The unknown factor is safe road access, and this can be determined by the owner contacting the State Highway Department. If the State Highway Department determines that a driveway can be placed at the desired location, then the lot is legal.

It is also not a subdivision: a subdivision is defined as "The division of any tract of land into three (3) or more lots, plots, blocks, or sites or other division of land, with or without streets, highways, easements, rights-of-way or extension of town facilities, within a five (5) year period".

This landowner contacted us before dividing the property. In some cases a landowner may be unaware of the Town laws, and may subdivide a parcel, or create a small or land-locked parcel, and sell these lots.

Nuzzo contacted Code Enforcement Officer Kevin McMahan and asked if he had a mechanism to 'catch' these problems before the lots were sold. He said that realtors and attorneys would often contact his office before lots are sold, and he would direct them to the local Town's laws. However, if no one contacts his office, then a landowner could sell one or more lots that do not meet the legal requirement.