

## Minutes

### **Town of Richford Board Meeting February 14, 2017**

The regular Town of Richford Board Meeting was called to order at 7:35 p.m. by Supervisor Davis. Councilman Holcomb, Supervisor Davis, Councilman Miller, Councilman Thayer, Superintendent Hunt, Attorney Canizio, and two townspeople were present.

We began the meeting with the pledge of allegiance led by Councilman Miller.

#### **Announcements and Proclamations:**

Longtime resident of Richford, Betty Woodard, passed away due to a car accident in Tennessee.

January 12, 1981 was the date Emilie Stuhlmiller began her tenure with the Planning Board. Thank you to Emilie for your service.

#### **Public Comment:**

None

#### **Review of Minutes:**

The minutes of the January 10 and January 17, 2017 Town Board Meetings were presented.

Councilman Holcomb, seconded by Councilman Miller, made the motion to accept the January 10 and 17, 2016 Town Board Meetings minutes as amended. With 3 ayes, minutes are approved as amended.

#### **Abstract of Vouchers:**

Councilman Miller, seconded by Councilman Holcomb, made a motion to pay the vouchers on Abstract #2. With 3 ayes, vouchers will be paid.

#### **Supervisor Report:**

Supervisor provided the Board with the 2017 Appropriations thus far.  
Recheck on State Retirement amount in case we need to transfer funds.

#### **Town Clerk Report:**

Presented

#### **Highway Superintendents Report:**

- Plowing Roads
- Repairing Equipment

Mike submitted his Remittance for Expenditure of Highway Funds.  
Councilman Miller, seconded by Councilman Holcomb, approved the Highway Superintendent's Remittance of Highway Funds. With 4 ayes, motion was approved.

**Justice Report:**

- Check for \$3,155.00 was presented to the Board

**Dog Control Report:**

- One Dog picked up and held for two days at Dog Control Officers home and dog was picked up

**Code Enforcement Report:**

	<u>Current Month</u>	<u>Year to Date</u>
Building Permits Issues	2	2
Building Permit Renewals		
Building Permit Renewals Notices		
Building Permit Inquiries	4	4
Closed out Permits		
Certificates of Occupancy Issued		
Certificates of Compliance Issued		
Temporary C of O Issued		
Violations/Complaints/Postings	4	4
Stop Work Orders Issued	1	1
Plan reviews	11	11
Total Permits, Notices, etc above	<b>22</b>	<b>22</b>
Fees Collected	\$ 425.00	\$ 425.00
Construction Cost	\$ 215,000.00	\$ 215,000.00

<b>Inspections:</b>		
Site visits/ inspection / soil	14	14
Foundations/Footers/Post Holes	1	1
Framing / Structural inspections	2	2
Plumbing inspection		
Insulation inspection		
Final, Pre-final Inspection		
Chimney / solid fuel burning devices		
Swimming Pool inspections		
Fire and Safety inspections		
<b>ANNUAL INSPECTIONS</b>		
<b>TOTAL INSPECTIONS</b>	<b>17</b>	<b>17</b>
Training Class Credits		
Submitted by : Kevin McMahan		

**Town Planning Board report was presented:**

- The sale of 4 parcels on Valley View was discussed. This property was removed from the Market. However, the entire piece of property is still available for sale as one parcel.
- The Planning Board was informed that a piece of swamp land being sold to the State.
- Discussions on the residents taking care of the sidewalks that were repaired by the state.
- The Board will hold a Special Meeting on Tuesday, February 21, 2017 at 7:00 pm to discuss the Subdivision Law .

**Rawley Park:**

The picnic tables need to be secured.

**Old Business:**

**EMS:**

A meeting with Maines EMS about the contract will be setup. Attorney Canizio will handle setting up a meeting. Councilman Miller will speak to Bangs. Supervisor Davis will contact Harford and Dryden. Councilman Thayer will find out the number of EMS calls for Richford in 2016.

**Stray Haven:**

New contract should be coming in soon.

**Code Enforcement Contract:**

Attorney Canizio reviewed the Code Enforcement Contract and found it to be acceptable. Councilman Holcomb, seconded by the Councilman Thayer, approved Supervisor Davis to sign the Code Enforcement Shared Service Agreement with Caroline. With 4 ayes the motion was passed.

**County Planning Board Representative:**

Still in search of a volunteer for the County Planning Board if you are interested please contact Supervisor Davis.

**AUD:**

AUD's completed through 2015.

**Labor Department:**

No news on the violations.

**Executive Session:**

At 8:48 pm the Board went into Executive Session to discuss a Human Resource Issue and Holcomb vs Town of Richford (Councilman Holcomb was not in attendance for this discussion), and returned at 8:54 pm.

Councilman Holcomb, seconded by Councilman Miller, made the motion to remove the Highway Employee for being absent for 365 days in accordance with Section 73 of the Civil Service Law. With 4 ayes the motion passed.

**Holcomb vs Town of Richford:**

Councilman Miller, seconded by Councilman Thayer, made a motion to allow Supervisor Davis to sign the settlement agreement for Holcomb vs Town of Richford. With 3 ayes and 1 abstention the motion was passed.

Councilman Miller, seconded by Councilman Holcomb made a motion to adjourn. Motion approved. With 5 ayes motion was passed.

The meeting was adjourned at 9:10 p.m..

Velvet Lyke  
Town Clerk

Joint Meeting of the Planning Board and Town Board regarding updating of the Town Subdivision Law

February 21 2017

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Present: Victoria Nuzzo, John Schwartz, Chuck Merrill, Roberta Holcomb, Doris Caskey, Ken Miller.

The meeting began 7:11 pm

Schwartz began the discussion with a review of questions from the previous meeting.

Discussion about potential problems of building on seasonal Town roads. Nuzzo suggested having an official Town Road map that would designate which roads are year-round roads, seasonal roads, or seasonal roads that cannot/will not be improved. Holcomb stated the Fire Department had a town roads map. Some discussion whether this is the same as an official Town roads map.

Nuzzo presented information from email conversation with Jonathan Kantor, Director of the NY Planning Federation (attached) about having the County be a gate-keeper for unauthorized subdivisions. In brief, The Town Board would adopt a local law designating the Planning Board to review and approve subdivisions. Holcomb stated this was already in the local law [note: Holcomb is correct, the current law authorizes the Planning Board to review subdivisions]. This local law would be provided to the County, who would then approve only those subdivisions that have received Planning Board approval. Schwartz explained this would work but would require that all subdivisions of property go through the Planning Board and presented a flow chart for how this would work.

Discussion about the benefits of having the County be a gatekeeper. Discussion about what constitutes a subdivision. Discussion about the difference between dividing property, and building a 'typical' subdivision with streets and many houses. NYS says a subdivision is any division of property, without regard to intended use. Miller stated that no matter what happens to a piece of land, want to be notified. The benefit of having a County gate keeper is that we will be notified. Nuzzo said the goal is that the County will not accept paper work unless stamped by Planning Board. Miller agrees this is a way to catch these subdivisions.

Discussion returned to the flow chart. The key to have this work is that all divisions of property come through the Planning Board, so can get stamp, and then the County acts as gate keeper. Caskey stated that the Planning Board should ask the Town Board to approve that all divisions of land go through the Planning Board. Schwartz described the process for splitting one into 2 parcels, a process that will not be burdensome to anyone trying to divide a parcel. Filing fees and public hearings would be waived. Caskey asked when would the fees be waived? After the sketch plan or before? Don't want to charge a landowner for just talking it over with the Planning Board. Schwartz agreed this made sense. Nuzzo suggested to wait until after the initial sketch plan but before filing with the surveyed plat. General agreement that this makes sense – charge the fee BEFORE stamping approval.

Concern about outlawing advertising before sale. Miller brought up the question that the current subdivision law bans advertising a parcel for sale prior to subdivision approval. Realistically, a large property could be offered for sale, and the buyer might want more or less acreage than drawn on a map. Possible solution is that the property could be advertised for sale, and after the 'final' boundaries are agreed upon between the seller and buyer, the seller/agent brings the planned division to the Planning Board during a sketch plan meeting. All agreed this would work. The land would be surveyed after the Planning Board confirmed the proposed lot(s) in the sketch plan.

Discussion about the proposed 3 categories of subdivisions (2 lots, 3-5 lots, and > 5 lots)?

Miller and Caskey asked why separate 3-5 and 5 or more? Why not just one category?

Nuzzo indicated there should be a way to separate major and minor subdivisions. But what qualifies for a major subdivision? The total number of parcels? Or the size and number?

Discussion about charging fees. Fee should be assessed on parcels being divided off, but not on the portion retained as a residence by the owner (for example, parents keep their house and give some acreage to a relative. The fee should only apply to the new lot being given away). Miller suggested don't charge a fee if no more than 4 parcels when done. The original parcel number does not pay a fee. End goal – the land you retain as your residence is not counted as a parcel and needing to be charged a fee. Nuzzo inquired how to charge if all parcels are offered for sale, for example vacant land?

General agreement of Miller, Holcomb and Schwartz to have just two categories: 4 or fewer lots, and five or more. A simple process for 4 or fewer lots, without a fee or public hearing or alerting of neighbors. Then, 5 or more lots would require a public hearing, alerting neighbors, filing fee, and potentially more complexity.

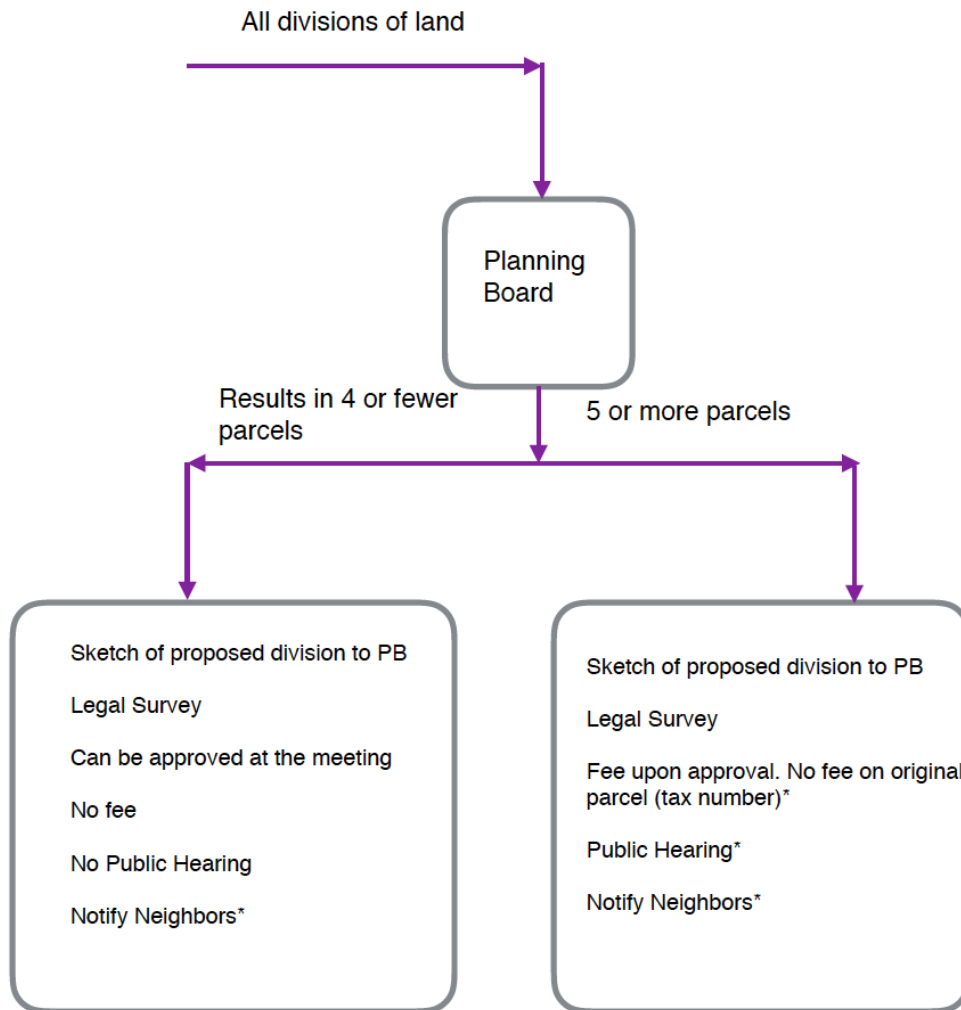
Discussion about requiring road access. Holcomb asked if an easement would be sufficient access. Discussion about the potential problems with easements.

Brief discussion about having more than one residence on a lot, for example a main residence and a guest house. Current subdivision law does not allow this. Nuzzo related her conversation with Code Enforcement Officer. Other towns allow two residences that can share a well and septic but only if the septic is designed to handle both houses. The CEO emphasized that both houses should be owned by the same person

Meeting closed at 9:03 pm.

**DRAFT Proposed Richford Subdivision Process V2/21/2017**

**Also do what is necessary to have County check for PB approval**



**\* means topic still open, no recommendation**

Emailed questions from Victoria Nuzzo (VN) and response from Jonathan Kantor (JK). Mr. Kantor was a staff member of the New York Planning Federation (NYPF) through the end of 2016, at which time he resigned in order to be re-appointed to the NYPF Board of Directors. He is a professional planner for over 35 years dealing with municipal planning and zoning issues.

VN: My first question concerns County filing of deeds. The Subdivision Review in NYS manual has the following sentence (on page 64): "First, it is mandatory under Town Law §276, Village Law §7-728 and General City Law §32 to notify the county clerk when plat approval authority is granted to the planning board. This will put the county clerk on notice to stop the filing of deeds and plats that have not received local planning board approval." We would like to implement this, and want to know how to proceed. From my reading, it appears that the Town Board can formally grant plat approval authority to the Planning Board (which we currently have but will formalize in a resolution), give it to the County Clerk, and then the County will be required to stop filing any deed or plat that has not received Planning Board approval. Is this the correct approach to take? If not, what is the correct approach?

JK: In response to your first question below, yes, the town board is authorized under Section 276.1 of the NYS Town Law to authorize and empower the planning board to review and approve subdivision plats. This is commonly done through the town board adopting a local law providing such authorization to the planning board. Adoption of such a local law requires the holding of a public hearing and an appropriate environmental review pursuant to the State Environmental Quality Review Act (SEQRA). Upon such authorization, the clerk of the town shall file a certificate of that fact to the clerk or register of the county in which such town is located (Section 276.3 of the Town Law). It is also a good idea for the town clerk to file the actual subdivision regulations adopted by the town with the county clerk, so that the county clerk is aware of how the town has defined "subdivision" for the purposes of the planning board review and approval process. It is also a good idea to circulate the subdivision regulations with local attorneys, realtors, developers/contractors, etc. so that those dealing with the subdivision process will be aware of the town's regulations, and to place the subdivision regulations on the town's website (if one is available) so that residents and others can easily refer to the regulations.

VN: My second question concerns an appropriate way for landowners to appeal a Planning Board subdivision decision. We do not have zoning, so we do not have a Board of Appeals. How can the Town establish an appeal process? Would the Town Board take on this role?

JK: In response to your second question, Section 282 of NYS Town Law states that review of decisions of the planning board or other officer or department of the town can only be done through an article 78 proceeding pursuant to the civil practice law and rules in the supreme court (county court). Such court filing must be commenced within 30 days after filing of the planning board decision in the office of the town clerk. This is the only way for an aggrieved landowner or other aggrieved person(s) to appeal a subdivision decision of the planning board. There is no internal town review of a subdivision action taken by the planning board, neither by the town board, zoning board of appeals (if there is zoning), or other town agency or official. However, the town's code enforcement officer and/or attorney for the town (or the planning board's own attorney) is often involved during the subdivision approval process to assist the planning board in ensuring that proper procedures are being followed. So, no, the town board would not be able to take on the role of an internal appeal process.

Notes taken by V. Nuzzo