

**\*\*DRAFT\*\*TOWN OF SMITHVILLE  
PLANNING BOARD MEETING MINUTES  
WEDNESDAY, JULY 7, 2021**

**PUBLIC HEARING:**

Shane Butler, Chairperson of the Town of Smithville Planning Board, called a Public Hearing to order at 6:59 p.m. Chairperson Butler read the Public Hearing Notice the purpose of which was to consider and hearing all interested persons concerning the Application of Piscitelli Subdivision, Tax Map ID 192.-1-19.2 for a 3-lot minor subdivision on County Road 3.

The proposed subdivision has passed the County 239 Review and has a negative declaration on the SEQR documentation. Chairperson Butler asked if there were any comments regarding the proposed subdivision. Chris Neville, attorney for the Piscitellis', stated that he was present just for any needed clarification or questions. There being no other comments, motion made by Board member Heisler to adjourn the Public Hearing at 7:02 p.m. Motion seconded by Board member Brooks. All members present voted aye, motion carried.

**PLANNING BOARD MEETING:**

**Call to Order:** Chair Shane Butler called the meeting to order at 7:02 p.m.

**Planning Board Members Present:** Chair Shane Butler, Dakota Warren (arrived at 7:03 p.m.), Fred Heisler, Jr., Bob Brooks, Marie Kehl, and Donna Marie Utter, Clerk.

**Planning Board Members Absent:**

**Others in Attendance:** John Cammarata, Supervisor, and Alison Owens, Town Clerk

**1. REVIEW/APPROVAL OF MINUTES:**

- A motion to approve the minutes of the previous meeting held on June 2, 2021 was made by Board member Heisler, seconded by Board member Kehl. All members voted aye, motion carried.

**2. NEW BUSINESS:**

**Piscitelli Subdivision Application:** No concerns were raised at the prior Public Hearing.

- Motion made by Board member Brooks, seconded by Board member Warren, to declare a negative declaration on the SEQR for the subdivision. All members voted aye, motion carried.

- Motion made by Board member Brooks, seconded by Board member Heisler, to approve the proposed Piscitelli Subdivision located on County Road 3 – Tax Map ID 192.-1-19.2. All members voted aye, motion carried.

**Greene Site Plan Review:**

Dan Greene presented his plan to building a 1,046 square foot ranch house at 1330 County Road 2. The house will be situated 25 feet from adjoining property boundary line. He indicated that he has met with the County Inspector, Steve Fox, and Bruce Kinney regarding the septic permit which has been completed. The property will be submitted for a County 239 Review. Site plans were submitted to the Planning Board for their review and approval after the County 239 Review has been completed.

**Vance Site Plan Review:**

Cassandra Vance and Steve Buchanan were present to discuss their Site Plan Review for Black Barn at Harvest Moon located at 120 Marvin Road, Tax Map ID 201.14-1-11.1. They are proposing erecting a 40 feet by 26 feet pole barn mainly as a shelter for their event site. Propose use is for small weddings, family gatherings, birthday parties, etc. Catering would be done off-site as the pole barn will not have a kitchen but will have electric.

- Board member Kehl asked if they are planning on holding events which last longer than one day. Response – no, currently looking at 1-day events.
  - Board member Heisler stated that concerns regarding parking and traffic on the seasonal road were raised by neighbors.
  - Cassandra Vance indicated that there are about 28 parking spots designated on the property, as well as an area where over-flow parking would be accommodated.
  - Board member Brooks asked if this will be a seasonal event site. Response – yes it will be seasonal (May to October) as there is no heat in the pole building.
  - Board member Kehl asked if there would be individuals coming in with campers.
  - There are currently 3 pre-constructed camp sites in the woods.
  - Board member Heisler asked how the site is monitored and what is to keep it from escalating into multi-day events.
  - Chairman Butler stated that the Planning Board cannot zone areas but only make recommendations. If they follow state, federal and town laws and be respectful to the neighbors regarding noise and parking, there should be no problems. If there are, the Planning Board may review the site plan in the future.
  - Supervisor Cammarata stated that seasonal roads are repaired and maintained in the Spring and then the Town does not revisit those roads until the following Spring. He asked about the use of contracts for rental of the Pole Barn which would allow for restrictions to be listed there.
  - Motion made by Board member Heisler for approval of the Site Plan Review for Cassandra Vance and Kevin Tripp for Black Barn at Harvest Moon, 120 Marvin Road, Tax Map ID 201.14-1-11.1 as submitted, with the understanding if the event site expands further, a re-evaluation should be done by the Planning Board, and also the additional recommendation of no on-road parking for events. Motion seconded by Board member Brooks. All members voted aye, motion carried.
- Fee for review - \$50 will be paid to Alison Owens tonight.

**Local Laws Review:**

**Site Plan Review Regulations Law #1:** The Planning Board members reviewed the law for any needed revisions. Chairperson Butler proposed the following changes to aid in clarification of the law:

Article I – Section 1.3 Intent and Purpose (add “while also maintaining the rural, small-town character.”)

Article II – Section 2.1 Applicability of Review Requirements:

Add: 1 a-e to aid in clarifying what activities DO NOT need to be reviewed.

2 & 4 – add: specific examples for clarification purposes.

6. “or flashing” to description of signs

Inclusion of review “under the Town of Smithville Subdivision Regulations.”

“Any other land use activity not mentioned as part of exceptions must be reviewed under this law.”

Article III – Section 3.1 Procedures – Generally

Add: statement referring to specific activities in section 2.1 to aid in defining land use activities requiring planning board review.

Article III – Section 3.3 Application Requirements

Add: further explanation of when a General Municipal Law 239-Review is required.

Article IV – Section 4.2.7 Drilling Sites

Add: 1. Incorporation of wording for complying with Road Preservation Law and Road Use Agreements.

- Motion made by Board member Brooks, seconded by Board member Warren, to approve the proposed revisions to the Site Plan Review Regulations Law 1 of 2021 as presented. All members voted aye, motion carried.

**Subdivision Regulations Local Law #2:** The Planning Board members reviewed the law for any needed revisions. Chairperson Butler proposed the following changes to aid in clarification of the law:

Article 1 – Section 101 Adoption

Add: ...cited as the “Town of Smithville Subdivision Regulations,” ...

Article 2 – Definitions

Add: 3. Highway Superintendent – “The Town of Smithville Superintendent of Highways or a duly authorized or designated representative.”

Add: 23. Subdivision, Minor – specify those subdivisions containing “three or four” lots.

Article 3 – Procedure for Submitting Subdivision Applications

Section 301. Sketch Plans

Add: 2. – Second paragraph and bullets pertaining to General Municipal Law 239-Review requirements.

Section 303. Preliminary Plat for Major Subdivision

Add: 2. - Second paragraph and bullets pertaining to General Municipal Law 239-Review requirements.

Add: 4. The "Chairperson of the Planning Board, or their designee" as the person presenting a copy of the Plat to the County Planning Agency for review.

- Motion made by Board member Warren, seconded by Board member Kehl, to approve the proposed revisions to the Subdivision Regulations Local Law 2 of 2021 as presented. All members voted aye, motion carried.
- Chair Butler stated that the Planning Board will review the Wireless Telecommunications Facilities local law at the August meeting.

**Cincinnatus Dam:**

- Supervisor Cammarata stated that the DEC did an inspection of the dam and are proposing a \$250 assessment and form a Lake Association to cover the costs associated with maintenance of the dam. Supervisor Cammarata has asked that the "Cincinnatus Watershed District" be removed from dam maintenance as it will be the Lake Association's responsibility going forward.

**Junk Yard Law Violations:**

- Supervisor Cammarata is still working on who will be used by the Town to write tickets for junk yard law violators. He has been assured that the Town Justice will enforce any tickets issued.

**3. ADJOURNMENT:**

- There being no other business to come before the Planning Board, Board member Heisler moved to adjourn the meeting at 7:51 p.m. Motion seconded by Board member Warren.

**Next Planning Board Meeting is Wednesday, August 4, 2021 at 7:00 p.m.**

**Submitted by:** Donna Marie Utter, Planning Board Clerk