

Town of Smithville
Planning Board Meeting Minutes
May 2, 2018

Planning Board Chair, Shane Butler, called the Planning Board Meeting to order at 7:00 p.m.

Planning Board Members: Chair, Shane Butler, Robert Brooks, Adam Whitbeck, Pamela Holcomb, and Julie Hatfield

Planning Board Members Absent/Excused:

Others in Attendance: Vic Hammond, Angelo Cioffi, Alison Owens

Review and Approval of Minutes

Motion to accept by Robert Brooks, seconded by Adam Whitbeck.

New Business

Mr. Hammond presented his site plan on Water Street. He would like to tear down the attached garage and build an attached room on the same footprint. Only the roofline would be different. Drawings were submitted. Shane Butler stated it would have to go for a 239 Review at the County because of the proximity to State Route 41. Mr. Hammond will coordinate with Ms. Owens to pay the application fee.

Bob Brooks made a motion to approve the application with the contingency of a 239 Review by the Chenango County Planning Board, seconded by Pam Holcomb. Members voted all ayes, motion carried.

Shane Butler stated the Town Board has asked the Planning Board to look into a noise ordinance due to an incident on Collier Road.

Pam Holcomb asked how often the cannon goes off. Mr. Cioffi stated it had not over the past four days. They are building a fence for the cows and assumes that is why. Typically every 10 minutes around the clock it goes off. Overnight for the past 15 days it goes off every 30 minutes. There is no reason for this as there have been no coyotes seen including any other wildlife. He is the sitting judge and is being allowed to do this with no recourse. The State Police, NYSDEC and Environmental Protection have been called but cannot help because there is no noise ordinance in Smithville or Chenango County.

Bob Brooks stated the effort for a noise ordinance would be like paddling uphill. There was a public hearing on a noise ordinance eight years ago and the community center was packed with those in opposition. Shane Butler contacted NYS Ag and Markets who has a mediator. The

mediator has contacted both parties. Shane Butler stated he would contact the mediator to see what the status was.

Mr. Cioffi stated there is also a wetland there and the neighbor was putting a bulldozer through it. He approached the neighbor about the deed restrictions and he was dismissed. He also notified NYSDEC. Shane Butler suggested the Army Corps of Engineers depending on the size.

Mr. Cioffi stated others on the road have also complained about the noise. He invited them to attend but were not present. The cannon is about 400 feet from their home and is not central to the property. If the cannon were further from the boundary it might be acceptable.

Alison Owns suggested having a public informational meeting. No minutes would need to be taken and it would not be a public hearing. Bob Brooks stated we would hope to have this resolved sooner than that. Pam Holcomb stated she hoped the mediator could settle this.

Shane Butler stated nothing would be done tonight. He will contact the mediator to find out the status and let them know that if the cannon were placed further from the line it might be acceptable. Even if something were passed tonight it would take at least three months to have it finalized and then would need to hire someone to enforce it or add it to someone else's responsibilities.

Mr. Cioffi would like to form a Noise Ordinance Committee. Shane Butler stated this wouldn't be necessary and thought the Planning Board could handle it. The Town of Oxford has a noise ordinance built into their zoning ordinance.

Shane Butler stated there are 1300 residents in the Town of Smithville. We don't want to enact a noise ordinance due to one issue which hopefully can be resolved through a mediator.

Old Business

- Shane Butler stated the Clean Energy Community Grant is continuing despite only a \$5,000 grant. Benchmarking has been completed.
- Adam Whitbeck asked about the Cascun project. Shane Butler stated they had a quote from NYSEG for \$60,000 to connect with three phase power which would be difficult to overcome.

Adjournment: 8:05

Respectfully submitted,
Shane Butler - Planning Board Chair

Next Planning Board Meeting is July 11, 2018 at 7:00