

**BOVINA PLANNING BOARD
APRIL 10, 2009
SPECIAL MEETING MINUTES**

RESOLUTIONS: 2009-29 - 2009-35

BOARD MEMBERS: Ann Bonné, Roberta Burgin, Chris Ingvordsen, Lynne Resch: Secretary, Ed Weber: Chair & Carrie Hewitt: Planning Board Clerk

ABSENT BOARD MEMBERS: None

GUESTS: Tom Evans: Del. Co. Planning Dept. Representative, Chuck McIntosh and Evelyn Stewart: Town Board Members, Cathie Hewitt: Zoning Board of Appeals Member, John Behrer and Joe Burgin.

Public Hearing called to order at 7:41 p.m.

2007-10 - BEHRER SUBDIVISION PUBLIC HEARING:

John Behrer gave the Board the Certified Mailing receipts and Preliminary Plat Maps. The Board received a letter from the Delaware County Planning Board denying approval of the subdivision due to the following reasons: 1) the lot appears unbuildable, 2) the owner entered into contract with New York City without prior planning board subdivision approval, as is required under the local board's regulations 3) a waiver request was not provided for a one-lot survey. They did note that they would like to see the parcel opened up for fishing, as a recreational use for the property, after City purchase. The Bovina Planning Board can make that recommendation when they receive notification that the City is buying the property. **2009-29** - Motion to close the Public Hearing was moved by Ingvordsen and seconded by Bonné. All in favor, 5 ayes, 0 nays.

Regular meeting called to order at 7:46 p.m.

2007-10 - BEHRER SUBDIVISION:

There is a Perimeter Survey Waiver Request on file that the Board has approved. The Board filled out their portion of the Short Form EAF and signed the maps.

2009-30 - Motion to accept the presented map as Final Plat was moved by Burgin and seconded by Bonné. All in favor, 5 ayes, 0 nays.

2009-31 - Motion to waive the Final Plat Public Hearing because the Preliminary and Final Plat are in substantial agreement was moved by Ingvordsen and seconded by Burgin. All in favor, 5 ayes, 0 nays.

2009-32 - Motion to issue a Negative Declaration for SEQR was moved by Resch and seconded by Burgin. All in favor, 5 ayes, 0 nays.

2009-33 - Motion to override the County Planning Boards decision of disapproval was moved by Burgin and seconded by Ingvordsen. All in favor, 5 ayes, 0 nays.

2009-34 - Motion to approve the subdivision as presented was moved by Ingvordsen and seconded by Bonné. All in favor, 5 ayes, 0 nays.

The Board discussed the Town Attorney's proposed Local Law regarding Road Dedication in Subdivisions to decide whether to recommend it to the Town Board for adoption. Dedications that have been historically required in subdivisions were only for new parcels that were being created. This law requires a 30-foot R.O.W. be dedicated on all of the parcels that border a Town Road in a subdivision, i.e. parent and new parcels. Dedication will also be required along private roads in a subdivision if the Town is going to accept the road as a public road. There is a waiver provision for extraordinary and unnecessary hardships resulting from compliance with this law. Lynne Resch asked if a landowner had stonewalls within a dedication area is there a provision in the law to protect the walls. Tom Evans replied that they would probably remain as long as they are not causing a problem with the town road at perhaps a driveway or intersection, but they could be removed, there is no guarantee. The Board can always recommend that the walls be protected if at all possible. The Town will work with the property owner(s). This law talks about a dedication not a deeded R.O.W. Evans believes that the words dedication and deeded are interchangeable with respect to this law, but he will ask Joe Castiglione for clarification. Chuck McIntosh thought that when a R.O.W. is deeded, the property owner doesn't pay taxes on that land, but when it is dedicated, they do. Resch asked about requiring an easement instead. Evans will ask Castiglione about these ideas also. Most towns do not own their roads; they work within the R.O.W. limits. With an easement the

Town Highway Department would have to find and ask permission from each property owner before any work or maintenance can be done outside the historically maintained area. Evans has found that other towns in NYS are doing dedications and he will look into how they address the taxes in a dedication. The Town Board will address any tax issues surrounding this law prior to adoption. McIntosh said that all the old roads had big trees and stonewalls along them and they were taken out when the Irwin roads came in. Some things have to go when a road is upgraded. This may become more common in more Towns.

2009-35 - Motion to recommend the Local Law Governing Road Dedications for Subdivisions to the Town Board was moved by Bonné and seconded by Burgin.

Bonné - Aye

Burgin - Aye

Ingvordsen - Aye

Resch - Nay

Weber - Aye

With no further business, the meeting adjourned at 8:29 p.m.

Respectfully Submitted,
Carrie Hewitt,
Planning Board Clerk