

**TOWN OF SCHUYLER
PLANNING BOARD MEETING
SEPTEMBER 6, 2017**

PAUL THOMAS, CHAIRMAN

Chairman Paul Thomas called the meeting to order at 6:00 PM in the Board Room at the Schuyler Town Office, 2090 State Route 5, Utica, NY 13502. Other Planning Board members present were Vice Chair Donna Salamone, Victor Costanza, Michael Ritter, Jean Finster and Daniel Tripoli (who was not seated since there was a quorum of the membership). Absent were James Digrisina and David Fusillo. Other Town officials present were Codes Officer Philip Green, Town Attorney Michael Misiaszek, Esq., Supervisor Kenneth M. Dodge, Councilman/Deputy Supervisor Anthony J. Lucenti, and Bette Szesny, who serves as Recording Secretary.

Other persons present (seated in the audience) included the following: Joseph Serbaniewicz, Richard Finster, Robert Bushey & David Bushey.

MINUTES: AUGUST 2, 2017 REGULAR MEETING & PUBLIC HEARING — Motion by Donna Salamone, seconded by Victor Costanza to approve the minutes of the August Regular Meeting and Public Hearing as presented; all in favor. Motion carried.

DISCUSSION RE: PROPOSED WESTGATE HEIGHTS SUBDIVISION — Mr. David Bushey, applicant for the proposed Westgate Heights Subdivision project, stated they are awaiting responses to their engineer's correspondence from the NYS Dept. of Health and the Herkimer-Oneida Counties Planning Program.

The NYS Dept of Health has expressed the following concerns with regard to the project plans, as follows:

Extent of the Flood Plain □ The applicant's Engineer, Donald Ehre, maintains there will be no flood plain on any of the thirty one properties; although Lot #11 had a very slow perc test, he maintains this would only require an alternate system, either a raised bed or a sand mound. He states they tested half of the lots and #11 was the only one that had problems.

Herkimer-Oneida Counties Comprehensive Planning Program has expressed the following concerns to the project plans with regard to the segmentation of the project, as follows: Mr. Ehre said they tried to purchase some additional property that would allow for an additional egress to/from the subdivision, but they were unsuccessful in doing so; the only other option would involve constructing a roadway at the backside of the property where a creek runs through. Unfortunately, the great expense of remediating this obstacle would not be cost effective. He said the only other option involves providing emergency access into the new subdivision through the entrance of G&I Homes. This entrance would be available for emergency use only, and would be closed at all other times and secured with a chain fence. Maintenance would be the responsibility of the company. Should the company be unable to provide the required maintenance at any given time (i.e., snow removal, road work, etc.), the company would reimburse the Town of Schuyler for performing same. All specifications regarding final details of the emergency road, such as width of the pavement, would be engineered and undertaken upon approval of the Town of Schuyler. Mr. Bushey maintained his position that the proposed Westgate Heights subdivision is not part of a 2-phase build-out; the existing Westgate Subdivision and proposed Westgate Heights Subdivision are two separate projects, developed by two separate companies.

Report by Councilman-Deputy Supervisor: Councilman-Deputy Supervisor Anthony J. Lucenti then stepped up to the podium to provide the Town Board's input generated at a special meeting held on August 11, 2017, when a discussion regarding the above concerns were discussed with Mr. David Bushey. Also present at that meeting were Planning Board Vice Chair Donna Salamone and Highway Supt.

Donald Sroka, along with Barbara Boulia, Town Clerk. Mr. Lucenti stated this was a very productive discussion with a meeting of the minds between Town officials and the applicants.

With regard to the stormwater issues, Mr. Lucenti stated that he had contacted the Association of Towns who suggested that the Town could set up a Special District and charge each homeowner a fee to cover inspections and maintenance; however, the Town attorney suggests the Town might well prefer performing the inspection

and maintenance of the stormwater area. Mr. Lucenti stated a Special (Stormwater) District could then be set up in the Town Budget that would provide funding to cover the costs of inspection and maintenance of the stormwater area. Homeowners in the new Stormwater District would fund the budget item through levies which would appear on their annual Town/County tax bills, as is the case with the Water, Sewer, and Light Districts.

Mr. Bushey stated that the company will likely mow and maintain the lots until 90% are sold; then a Special (Stormwater) District can be implemented. He said that fencing around the retention ponds will be installed.

Mr. Bushey stated their engineer (Donald Ehre) is still awaiting responses from the above two agencies regarding the outstanding issues at hand that are under debate. Town Attorney Michael Misiaszek therefore suggested the Planning Board table any decision on the final approval of this application until such time as the responses are received and the Planning Board has had an opportunity to review them. It was therefore decided to table any action on the part of the Planning Board to send a recommendation on this project to the Town Board until the responses are forthcoming and their

review is accomplished.

MASS GATHERING LAW — Codes Officer Philip Green had stated at a previous meeting that the next challenge of the Planning Board might well be to develop a Public Gathering Law to provide legal leverage that would provide legal methodologies for control of huge gatherings where lewd and disruptive behavior prevail. The secretary has gathered and submitted to the membership a library of several adopted Mass Gathering Laws from other municipalities throughout NYS. Planning Board members agreed it will take some time to read and digest all the information; therefore, this item was tabled until next month's meeting.

FY 2018 BUDGET REQUESTS — The secretary informed the Planning Board members that HOCPP ("Herkimer Co. Planning") has indicated the Town needs to update its zoning ordinance; therefore a budget request for funding extra costs involved in this venture have been submitted to the Town Board for discussion and action at their upcoming Budget Meetings. It was noted the last update was accomplished in the year 2000.

RESIGNATION — Mr. Thomas stated he will be resigning his officership as Planning Board member and its Chair as of December 31, 2017, creating a vacancy on the Board, as well as the need to appoint a new Chair. Ms. Salamone stated Mr. Daniel Tripoli is our alternate member and suggested he would be a good choice to fill the vacant seat, upon approval of the Town Board. Mr. Green stated in that case, the search for a new alternate Planning Board member should then be entertained by the Town Board.

ADJOURNMENT — There being no further business to come before the Board, Mr. Thomas adjourned the meeting at 6:38 PM upon a motion by Jean Finster, which was seconded by Michael Ritter.

— *Bette Szesny, Recording Secretary*