

**TOWN OF NORTH HARMONY  
PUBLIC HEARING COMPREHENSIVE PLAN  
TUESDAY, NOVEMBER 30, 2010 6:30 PM**

<b>SALLY P. CARLSON, SUPERVISOR</b>	<b>PRESENT</b>
<b>RALPH WHITNEY, COUNCILMAN</b>	<b>PRESENT</b>
<b>ART THOMAS, COUNCILMAN</b>	<b>PRESENT</b>
<b>FRANK STOW, COUNCILMAN</b>	<b>PRESENT</b>
<b>DICK SENA, COUNCILMAN</b>	<b>PRESENT</b>

**OTHERS PRESENT:** Planning Board Members: Louis Rieg, Mac McNeill, Chip Warner, Wally Geist, Dick Johnson; Penny Best, PB Clerk; Don McCord, Small Town Planning; Louise Ortman, Dave Stapleton, Attorney; Nancy Thomas, Town Clerk

**Mrs. Carlson brought the hearing to order at 6:30 PM.**

**Mrs. Thomas** read into the record the legal notice of public hearing.

---

**TAKE NOTICE THAT,** a SEQR and Public Hearing on the Comprehensive Plan for the Town of North Harmony will be held on Tuesday, November 30, 2010, at 6:30 PM at the Community Building, 3445 Old Bridge Road, Stow, NY. Also to be discussed is the Local Law regarding the Control and Licensing of Dogs.

**Mr. Stapleton** agreed to review the SEQR application prepared by Don McCord dba Small Town Planning and acting as consultant to the Planning Board during the development of the Comprehensive Plan.

**PART 1 – PROJECT INFORMATION – PARTS A. THROUGH E. (pages 2 – 10)**

**Mr. Stapleton** reviewed in detail with those present each statement in the Project Information Section of the SEQRA. The following corrections/additions were made to the SEQRA:

**A. SITE DESCRIPTION**

**16. b. (Underlined portion is an addition) All above are a minimum of 12.4 acres in size**

**PART 2 – PROJECT IMPACTS AND THEIR MAGNITUDE**

**Mr. Stapleton** reviewed in detail with those present each item in the Project Impacts and Their Magnitude Section of the SEQRA. The following corrections/additions were made to the SEQRA:

**Impact on Growth and Character of Community or Neighborhood**

- 19. All impacts were designated as Small to Moderate**
- 20. Answer corrected to “No”.**

**Mr. Warner** stated for the record that the Planning Board had accepted and recommended the Comprehensive Plan to the Town Board on 9/14/2010.

**Mr. Stapleton** addressed the Municipal Zoning Referral letter of response from Mark Geise, Deputy Director of County Planning, dated 11/18/2010. The letter states that the comprehensive plan appears to be a matter of local concern. Following are the review responses of the Town Board to items 1. through 6.

1. The town boards’ intent is to comply with NYS Law.
2. Mr. Geist said the Planning Board has worked on the Comprehensive Plan for several years. Mr. McCord indicated that the Chautauqua Lake LWRP is mentioned on page 9. of the Comprehensive Plan. He said the counties last comprehensive plan effort was undertaken in 1978 and was a general

plan which was never adopted. He said the counties current effort is not yet at the draft stage and

**TOWN BOARD  
PUBLIC HEARING COMPREHENSIVE PLAN  
11/30/10 (Pg. 2)**

would have been difficult for the planning board to take into account. Mr. Johnson commented that members of the town and planning board attended and participated in some of the county comprehensive plan sessions.

3. Mr. Stapleton said a review time period should be established. Mr. McCord said page 59. of the plan states a major overall review of the plan should be done every 10 years.
  4. An executive summary of the plan can be done in the future.
  5. Mr. McCord said in this case the town is the sole entity.
  6. Mr. Stapleton said the questions are part of the town's record and are maintained by the town clerk. Mr. McCord said if the board feels strongly about the issue a copy of the town wide survey could be included in the comprehensive plan document as part of the appendix.
- Correction to page 89 of the Comprehensive Plan (change to one (1) location for fire department)

It was discussed that perhaps corrections to the Comprehensive Plan could be completed by the printer in the next week so that the document would be ready for consideration at the Town Board meeting scheduled for 12/13/10.

**DETERMINATION OF SIGNIFICANCE**

**MOTION #162 OF 2010**

**MR. WHITNEY MOTIONED FOR A NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT ON THE SEQRA FOR THE TOWN OF NORTH HARMONY COMPREHENSIVE PLAN. MR. SENA SECONDED AND A ROLL CALL VOTE WAS TAKEN. MR. THOMAS, YES; MR. WHITNEY, YES; MRS. CARLSON, YES; MR. STOW, YES; MR. SENA, YES. THE MOTION WAS CARRIED.**

**DISCUSSION OF LOCAL LAW CONCERNING THE CONTROL AND LICENSING OF DOGS**

There was lengthy discussion of Section 4., Regulations and Restrictions Upon Dogs, C., as it relates to pit bull terriers.

**Mr. Sena** stated that the restrictions for pit bulls should be tighter. He said that Jamestown requires fencing for pit bulls. He said he understands putting up fence may be a burden to residents and suggested that zoning setbacks be observed in relation to how close to a property line a pit bull might be tied (i.e. front setback is 50', a pit bulls leash can extend only 50' from the roadside). He expressed strongly his view of the dangerous nature of the breed and indicated the law should be made tougher at this time.

**Mr. Stow** felt this might be restrictive to property owners, especially in the R-1 districts. He said such a rule could limit an owner's use of his property.

**Mr. Whitney** agreed.

**Mr. Thomas** stated that that type of restriction is unreasonable and he would not agree to impose it on pit bull owners. He said he has never heard of a case of pit bull attack in the town.

**Mr. Geist** asked what the town's liability would be in such a case.

**Mrs. Carlson** said there would be no liability to the town; it would be strictly upon the owner of the dog.

**TOWN BOARD  
PUBLIC HEARING COMPREHENSIVE PLAN  
11/30/10 (Pg. 3)**

**MOTION #163 OF 2010**

**MR. STOW MOTIONED TO HOLD A PUBLIC HEARING ON MONDAY, 12/13/2010, AT 7:45  
ON LOCAL LAW NO. 3 OF 2010 DOG LICENSING AND CONTROL LAW OF THE TOWN  
OF NORTH HARMONY. MR. THOMAS SECONDED AND THE MOTION WAS CARRIED  
UNANIMOUSLY.**

**The hearing was adjourned at 7:45 PM.**

*Nancy Thomas  
Town Clerk*