

PLANNING BOARD

JANUARY 8, 2013

7:00 PM

MEMBERS PRESENT:

J. Pat Rice

Louis Rieg

Mr. Warner

Richard Johnson

Walter Geist

Steve Senske

J. Phil Strand

OTHERS PRESENT:

Sally Carlson, Supervisor
Planning

Lynn Smith

Paul Potter, Engineer

Brad Lawson, Zoning CEO

Helen Emick, Alternate ZBA

Louise Ortman, ZBA Member

Don McCord, Small Town

Clayton Emick

John McGraw

Mr. Rice opened the meeting and Mr. Lawson reported as expected for this time of year, things have been slow. Mr. Lawson said he is inspecting ongoing projects and there have been no new projects started. He said in 2012 6 new homes were built and the approximate estimate of \$3,000,000.

Mr. Rice asked Mr. Potter, engineer for John McGraw if he had all the information the board requested of them during the December 2012 meeting. Mr. Potter approached the board with copies of a map of the proposed project of Mr. McGraw's and explained the detail which included; wetlands, buffers for both lakefront and rear parcels, proposed locations of homes plotted on lots as well as setbacks. With regard to the proposal for the Power Boat Club, Deed Restrictions and Height Limitations, Mr. Potter said these items would be better defined when Mr. McGraw knows whether or not a variance is granted and said he will contact the Core of Engineers to update the expired outline of the wetlands and said the Power Boat Club's lease will not be renewed prior to phase two of the proposal.

Mrs. Emick stated during the last meeting the board asked Mr. Potter for these requests to be in writing and in detail so the board would have something to refer to and that it was to be inclusive for the entire property as is proposed. She said the board also requested that the proposed deed restrictions also be in writing so the board would have something to refer to when working out the details. She asked the board if they received anything in writing from either Mr. McGraw or Mr. Potter. Mr. Rice said at this point what they have received is verbal, other than what is outlined on the maps provided. Mr. Senske said as discussed earlier, Mr. Potter explained to the board these items would be in available once they find out whether or not the variance is granted. Mrs. Emick asked in regard to the location of the homes, as outlined on the map, where will the septic systems be located. Mr. Lawson and Mr. McCord said Chautauqua County Health Department handled all permitting for septic systems.

Mr. Lawson said this board is recommending board to the town board; he said the town board will then take the recommendations and final materials of the applicant for their review, if there are any type of variances required the town board will then send the applicant to the Zoning Board of Appeals. Mr. Lawson explained this board can only make recommendations. Mr. McCord suggested this board will review in detail the site plan and make recommendations based on this boards findings, he suggested this board make recommendations to both the town board and the zoning board of appeals and concluded by saying he thought this board should make a recommendation to the Zoning Board of

Appeals as to whether this board thinks it would or would not be a good idea to grant the area variance to reduce the lot width.

Mr. Emick asked if there was a time frame for this proposed project. Mr. Rice said it may take some time as each lot would be developed individually. Mr. Emick also asked if there would be minimum values to homes that may be built. Mr. Potter said they have not set a minimum value as of yet.

Mrs. Ortman asked why it has not been suggested to rezone this area to an R-1 District and securing the rights of the people who might purchase and develop the lots. There was discussion and members of the board said it was not good practice to spot zone and again explained if this was an R-1 District this project would be able to move forward without a variance.

Mrs. Ortman said she wanted to review for herself and let the record reflect what the actual reasons for the developer who wants to put in these homes and not adhere to the zoning restriction of the widths of lots and why the board is discussing the proposal. Mr. Senske said the applicant has every right, as any other individual does, to come before this or any other board and make a request. Mr. Rice added the applicant feels he can maximize the use of his property by having more lots.

Mrs. Emick said a lot of time and effort has been put into the comprehensive plan and in the comprehensive plan came up with 125' lot width and said there had to be a reason for that restriction. She said she understood economically the board thinks it would increase property taxes etc., but she said the taxes are based on lakefront frontage and does not think it would make a difference. The board explained that by adding more homes it would add more tax revenue to the tax base. Mrs. Emick asked if Mr. McGraw has paid his taxes. The board said that is irrelevant to this application. Mrs. Emick said if this application is granted and Mr. McGraw is successful in doing whatever it is he wants to do will the restrictions be restricted to just him or will the restrictions follow the property. Mr. Rice said the restrictions would follow the property.

For the record, Mr. Lawson said the permitting board has not received a completed application in order to have the 60 day time table stand. He said the planning board is still waiting on more information in to order to make its recommendation on the project.

After discussion, Mr. Rice said Mr. Potter is looking for the board's view of the widths of the lots and the funneling and once he is clear on that he will provide the board with the balance of the information the board has requested.

Mr. Warner made a motion to recommend to the Zoning Board of Appeals that they accept Mr. McGraw's request for an area variance of 25', allowing the lot size to go from 125' to 100' lot width with the following reasons; the proposed location of the homes and the amount of distance between the homes and the lakefront makes good use of the land, the proposal is comparable to Sunrise Cove's lot sizes, the proposal has more merit than a hotel/motel, the proposal fits in with the comprehensive plan and adds to the tax base without negative impact on the lake. The board also recommends careful consideration be taken with lake buffers to protect the lake and buffers to the back of the development to protect potential lot owners. Louis Rieg seconded this motion. A roll call vote was taken and all were in favor.

Mr. Senske made a motion to recommend to the Zoning Board of Appeals accept the request of Mr. McGraw for an area variance of 4' on the area of the current location of the Power Boat Club,

allowing only the proposed 7 back lots to use this 101' lakefront for lake access and providing the Power Boat Club be eliminated once one of those back lots are sold. Mr. Warner seconded this motion and all were in favor.

The next regular meeting is scheduled for February 12, 2013 at 7:00 PM

The meeting concluded at 8:53 PM

Respectfully Submitted,
Penny Best
Planning Board Clerk