

Canadice Town Planning Board
5949 County Rd. #37
Springwater, NY 14560
Minutes of the July 22, 2019 Meeting

A. Convocation:

Chairman Mayhood called the meeting to order at 7:00 pm in the Town Hall. Present were Mr. Groet, Chairman Mayhood, Ms. Bentley, Mr. Craig, Mr. Miller, and Vice Chairman Vastola. Also in attendance was Alice and Roger Colegrove, Lois Edwards, Carol fisher, Jaquelyn Paterson, Attn. Mike Ballman

B. Privilege of the Floor – None to be heard.

C. Approval of June 24, 2019 Minutes:

Mr. Craig motioned, Ms. Bentley seconded, and it was unanimously carried to conditionally approve the June 24, 2019 minutes with the necessary corrections **(2019-24)**

Chairman Mayhood –Yes Mr. Groet – Yes Vice Chairman Vastola – Yes Ms. Bentley – Yes
Mr. Craig - Yes Mr. Miller – Yes

D. Town Reports:

Canadice Town Board Meeting – Chairman Mayhood gave a report on the 07/08/19 Town Board meeting.

County Planning Board – Mr. Groet attended and gave a report on the 07/10/19 CPB meeting and the 07/09/19 CRC meeting.

Zoning Board – Mr. Craig attended the 7/10/19 ZBA meeting. There were applications for variances.

Code Enforcement – Copies of the monthly building permits and a list of code violations was distributed.

E. Old Business – None

F. New Business –

1. Preliminary review of subdivision application for Jacquelyn Paterson for property at Count Rd. 36, Canadice, NY – Tax map 164.11-1-43. Ms. Patterson application proposes the subdivision of her 1.109 acres, so that a ½ acre parcel may be sold, and the remaining .609 acres will be annexed to adjoining Lot # 164-11-1-42. All codes are satisfied by this subdivision.

Vice Chairman Vastola motioned, seconded by Mr. Groet to grant preliminary approval of the subdivision application of Jacquelyn Paterson for property at Count Rd. 36, Canadice, NY – Tax map 164.11-1-43. (2019-25)

Chairman Mayhood –Yes Mr. Groet – Yes Vice Chairman Vastola - Yes Ms. Bentley – Yes
Mr. Craig – Yes Mr. Miller – Yes

Public Hearing – was opened at 7:20pm.

SEQR – The SEQR was determined to be an unlisted action. Discussion by Planning Board on questions 1 – 20. Clarification made on questions 10, 11,14 and 16. In part 2 of Impact Assessment Mr. Craig read all the questions, and all were answered No.

Mr. Craig motioned, seconded by Ms. Bentley, to declare that there would be no negative environmental impact on the subdivision of Jacquelyn Paterson for property at County Rd. 36, Canadice, NY – Tax map 164.11-1-43. (2019-26)

Chairman Mayhood –Yes Mr. Groet – Yes Vice Chairman Vastola - Yes Ms. Bentley – Yes
Mr. Craig – Yes Mr. Miller – Yes

Vice Chairman Vastola proposed, seconded by Mr. Craig, and it was unanimously carried to close the Public Hearing at 7:35pm. (2019 – 27)

Chairman Mayhood –Yes Mr. Groet – Yes Vice Chairman Vastola - Yes Ms. Bentley – Yes
Mr. Craig – Yes Mr. Miller – Yes

Final approval – Mr. Craig motioned, seconded by Ms. Bentley, and it was unanimously carried to approve the subdivision application of Jacquelyn Paterson for property at Count Rd. 36, Canadice, NY – Tax map 164.11-1-43, on the condition that she submit the necessary maps for the newly created lot and the existing with changes made by the subdivision. (2019-28)

Chairman Mayhood –Yes Mr. Groet – Yes Vice Chairman Vastola - Yes Ms. Bentley – Yes
Mr. Craig – Yes Mr. Miller – Yes

2. Preliminary review of subdivision application for Roger Colegrove, Lois Edwards, and Carol Fisher for property at 6311 Canadice Lake Rd., Canadice, NY. Tax Map 180.00-1-13.300. Mr. Colegrove is seeking approval to subdivide a 41.8-acre parcel into 3 parcels of approximately 14 acres each.

The preliminary review was opened, and the application was presented by Mr. Mike Ballman, attorney for the applicants. He commented that the Canadice Town Code gives the Planning Board authority to waive or modify the Town Code. Chairman Mayhood acknowledged this and asked him to continue.

Discussion among the board noted that the proposed lots do not have required 250 feet of road frontage (Chapter 120-22-E-2, Chapter 108-14 Definition of minor subdivision).

In addition, one of the proposed lots does not meet the minimum lot width (Chapter 120-22-E-3). The attorney stated that the applicants have received an area variance for this from the Canadice Zoning Board of Appeals, but did not provide a written statement of this.

The attorney stated that there is a New York State granted “right of way” that provides access. This access, however, does not meet the definition of “road or street” as defined in Chapter 108-14.

Chapter 108-2-A was referenced that “the Planning Board shall assure that land to be subdivided shall be of such character that it can be used safely for building purposes”, and without access this subdivision application does not meet this standard.

The Town Code allows for the construction of a private road to provide the access and frontage for new lots.

There was a lot of discussion around the application, mainly repeating earlier comments. The Town of Canadice Code Enforcement Officer commented several times that the Planning Board has the authority to waive any requirements of the Town Code. Some board members expressed their desire to find a workable solution to help the applicants. Others maintained that the Code must be adhered to and the overall safety issue of access is important.

It was suggested that the Town Attorney be consulted for clarification and input. The chairman asked the applicants if they would agree to table the application while awaiting input from the town attorney and they agreed. The chairman then asked for a motion be made to “table” this application while we await input from the town attorney.

Vice Chairman Vastola motioned, Mr. Craig seconded, and it was unanimously carried to table the subdivision application for Roger Colegrove 6311 Canadice Lake Rd., Canadice, NY. Tax Map 180.00-1-13.300. (2019-29)

Chairman Mayhood –Yes Mr. Groet – Yes Vice Chairman Vastola - Yes Ms. Bentley – Yes
Mr. Craig – Yes Mr. Miller – Yes

G. Privilege of the Floor:

1. Mr. Craig addressed the subject of “re-subdivision” of properties. There was discussion among the PB members.

H. Adjournment:

Ms. Bentley motioned, seconded by Vice Chairman Vastola, and it was unanimously carried to adjourn the meeting at 8:40 p.m. (2019-30)

Chairman Mayhood – Yes
Mr. Craig – Yes

Mr. Groet – Yes Vice Chairman Vastola - Yes Ms. Bentley – Yes
Mr. Miller – Yes

Respectfully submitted

Holly B. Poluch,
Canadice Planning Board Secretary