

**Minutes
Warrensburg Planning Board
February 5, 2019**

Board Members Present: Sharon Sutphin, Suzanne Tyler, Laura Moore, Rich Larkin, Susan Miller (Alternate)

Board Member Absent: John Franchini

Others Present: Patti Corlew (Zoning Administrator), Jim Hull (Code Enforcement Officer)

Meeting Commenced at 7:00 p.m.

Mrs. Moore - Tonight we'll call the meeting to order, February 5, 2019, 7:00 p.m. We do have quorum this evening. I do have two new members, Susan is our alternate that is present. John is absent tonight, and Suzanne is a new appointed full member. So that establishes our quorum this evening. Under approval of previous minutes, I believe there's three of us here. Does any, either of the three of you, or the two of you have any questions or comments or..?

Mr. Larkin - I have no questions.

Mrs. Moore - So they're approved as submitted?

Mrs. Sutphin - I'll make a motion we approve the minutes.

Mr. Larkin - I second that.

Mrs. Moore - All those in favor.

RESOLUTION #2019-1

Motion by: Sharon Sutphin

Second by: Rich Larkin

RESOLVED, to approve the Planning Board minutes of October 2, 2018 as submitted.

DULY ADOPTED ON THIS 5TH DAY OF FEBRUARY, 2019 BY THE FOLLOWING VOTE:

Ayes: Sharon Sutphin, Laura Moore, Rich Larkin

Nays: None

Abstention: Suzanne Tyler, Susan Miller

Mrs. Moore - Okay, the first part of our meeting is an organizational meeting and since I have two new members, the

idea behind this is that it's organizational. We appoint a Chairperson every year, a Vice Chairperson and a Secretary and confirm meeting nights and times. At this time, I'll start with the bottom, which is confirming nights and times, and I apologize... My work schedule... The first Tuesdays of every month still work for me and I'm open to some suggestions if there's anybody else who has a conflict on that night. Alright. So we'll need a motion to confirm our meetings will be the first Tuesday of each month.

Mr. Larkin - I'll make that motion.

Mrs. Sutphin - I'll second it.

Mrs. Moore - All those in favor.

RESOLUTION #2019-2

Motion by: Rich Larkin

Second by: Sharon Sutphin

RESOLVED, to conduct the Planning Board meetings on the first Tuesday of each month at 7:00 p.m.

DULY ADOPTED ON THIS 5TH DAY OF FEBRUARY, 2019 BY THE FOLLOWING VOTE:

Ayes: Sharon Sutphin, Suzanne Tyler, Laura Moore, Rich Larkin, Susan Miller

Nays: None

Mrs. Moore - I'll start with the Secretary's position and I'll give a brief description. There's not... There's minutes that are taken and written up by Patti and then in the past I think they've had, the Secretary's maybe had an overview of that at some point or shared with them? No. So the Secretary's duties are, are...

Mrs. Corlew - Very minimal.

Mrs. Moore - ...very light. And then the Vice Chairperson would obviously take over the position of the Chairperson if the Chairperson's not present, so there's not too much other than giving some guidance to the board or the community about how the zoning works in the town that the Vice Chair as well as the Chairperson does. So I'll start with Secretary, is anybody interested in the Secretary's position? If you're not, I'll suggest somebody. Anybody want to volunteer? No?

Mrs. Tyler - I'll do it.

Mrs. Moore - Okay. Alright. So one nomination is for Suzanne to the Secretary of the Planning Board for the year 2019 and we can accept the nomination and then I'll have someone make a motion. So the two of you since I have new board members, one of the two of you should make a motion so they understand...

Mr. Larkin - I'll make the motion.

Mrs. Moore - ...that Suzanne is appointed as a full, as the Secretary of this year's...

Mrs. Sutphin - I'll second.

Mrs. Moore - ...Planning Board. Thank you. All those in favor.

RESOLUTION #2019-3

Motion by: Rich Larkin

Second by: Sharon Sutphin

RESOLVED, to appoint Suzanne Tyler as the Planning Board Secretary for the year 2019.

DULY ADOPTED ON THIS 5TH DAY OF FEBRUARY, 2019 BY THE FOLLOWING VOTE:

Ayes: Sharon Sutphin, Laura Moore, Rich Larkin, Susan Miller

Nays: None

Abstention: Suzanne Tyler

Mrs. Moore - Vice Chairperson. Are you interested in that, or you're going to pass it over to Sharon? Sharon, would you be interested in being the Vice Chair this year?

Mrs. Sutphin - I could.

Mrs. Moore - Okay. I appreciate that. Alright. So we need a... We have a nomination for Vice Chair at this time is Sharon, and I need a motion to...

Mr. Larkin - I make a motion for Sharon to be the Vice Chair.

Mrs. Moore - I'll second that. All those in favor.

RESOLUTION #2019-4

Motion by: Rich Larkin

Second by: Laura Moore

RESOLVED, to appoint Sharon Sutphin as the Planning Board Vice Chairperson for the year 2019.

DULY ADOPTED ON THIS 5TH DAY OF FEBRUARY, 2019 BY THE FOLLOWING VOTE:

Ayes: Suzanne Tyler, Laura Moore, Rich Larkin, Susan Miller
 Nays: None
 Abstention: Sharon Sutphin

Mrs. Moore - Thank you. Chairperson..
 Mrs. Sutphin - I make a motion for Laura to be the Chairperson.
 Mr. Larkin - I'll second that motion.
 Mrs. Moore - Alright. All those in favor.

RESOLUTION #2019-5

Motion by: Sharon Sutphin
 Second by: Rich Larkin

RESOLVED, to appoint Laura Moore as the Planning Board Chairperson for the year 2019.

DULY ADOPTED ON THIS 5TH DAY OF FEBRUARY, 2019 BY THE FOLLOWING VOTE:

Ayes: Sharon Sutphin, Suzanne Tyler, Rich Larkin, Susan Miller
 Nays: None
 Abstention: Laura Moore

Mrs. Moore - Okay, so that establishes our organizational meeting for 2019 and quickly, maybe at the end of the meeting, I'll go over a little bit of some planning and zoning processes and then maybe set up another time that we can meet and go through maybe a bit of a training session so that my new people have some guidance behind some of the motions and things like that. Okay. So under other business, we have a report from James Hull, the Code Enforcement Officer, in reference to Thomas Duffy, Maple Tree Books. This is at 3812 Main Street, and I believe everybody has written, has seen the information Jim has provided to us. And so I have a response, comment that I'd like to share.

Mr. Hull - I'm not sure if you have all these pictures. Maybe you do. The ones that are dated December 21st.

Mrs. Moore - I do.

Mr. Hull - You do, okay. Why I'm here is because I think that the Planning Board should rescind Mr. Duffy's variance or whatever you gave him. He's obviously never going to comply. He's back in court now. He was supposed to have those tents

down in October. He was in court on January 16 (inaudible). He said he wanted to (inaudible) court to get a lawyer and so he came back. They adjourned it. He was there on the 30th. So when that happened and then the town had the expense of hiring a town attorney to come here for the Town. He has until the, 14 days from then to straighten up, remove those tents over there.

Mrs. Moore - There's 14 days from the date...?

Mrs. Corlew - From the last court date.

Mr. Hull - The 30th.

Mrs. Moore - The last court date.

Mr. Hull - (Inaudible) would be February...

Mrs. Corlew - His next court date is...

Mr. Hull - Well, she's not going to be here. It would've been the 13th.

Mrs. Corlew - No, that's in March that she's not going to be here.

Mr. Hull - Oh, okay. Well...

Mrs. Corlew - She's here next week.

Mr. Hull - Okay. These are pictures that I took there today at 2:00 this afternoon. He was told a week ago by the court... He pled guilty to the two violations. That's the deal he made with the town attorney. And he pled guilty without any reservations, so to speak. He was told by the Judge that he had to have the mess cleaned up over there in two weeks. We're into, starting into the first week, so next week will be the second week and those are the pictures that I took today. It makes no difference to me. I'll keep writing him citations and, but he is... If you keep approving him, it's nothing more than saying what he's doing is fine. Either one of two things is going to happen. He'll either run out of money or he'll be in jail because he is not, he doesn't adhere to anything that he's told you people he's going to do. None of it.

Mrs. Moore - Okay.

Mr. Hull - Zero.

Mrs. Moore - So, I had a statement that I was going to read, but I'll skip to the end of the statement, only because I think it's, it's, I think you need to understand... I'm assuming the... the town needs to understand the, the Planning Board doesn't have any enforcement authority. I don't have the, this board doesn't have the ability to rescind a motion. We don't... It's not in general municipal law and it's not in our own town code, so we don't have the ability to do that. All's I can tell you is that we will see him in November of 2019 and your, some information that you share with us is extremely useful because

that's obviously used, saying every month you're going to give him one, every...

Mr. Hull - He'll be out of business before then.

Mrs. Moore - Right, so the other, the other... Something else that I pulled and I, and which you've already used the 211-64. 211-65, I think that's where you're probably in the middle of and that's Alternative or Additional Remedies. The Town can and Town Board, take the basis of a lien charge attachable to the premises as a special assessment on the individual's tax bill. That's one of them. The other one that I think it might be useful in this case would probably be the stop work order. If he's not in compliance, so...

Mr. Hull - He's not working... He's in violation of property maintenance is what he's...

Mrs. Moore - Right. Is the other one, but he's also in violation of the site plan, so these are, they're, these three sections, the 64...

Mr. Hull - He pled guilty to all of them.

Mrs. Moore - 64, 65 and then 66 is the stop work order, which I think may be useful and I'm not sure if it's been done. So this is the... The Zoning Administrator may suspend the book sales operation, meaning that he can no longer operate book sales from that property at all.

Mrs. Corlew - The Zoning Administrator or the Code Enforcement Officer?

Mrs. Moore - It says here the Zoning Administrator. It says whenever the Zoning Administrator has reasonable grounds, shall notify that owner to suspend all work. There may be language in there about the agent and I think you... There's an opportunity to say that you're maybe the agent that's responsible to do that and I believe Jim is that. So it's just something that I think we should look at. I, I was... So that way he's, he can't operate his business. Like, he can't sell, meaning that he would have to potentially put a cover over that sign. He's not in business. He's in compliance; he's not in business.

Mr. Hull - Well, if he was in compliance back to what he was originally said he was going to do was sell stuff from the front porch and his living room.

Mrs. Moore - He could make that arrangement with you. I mean, that would, that... You...

Mr. Hull - With the court.

Mrs. Moore - With the court.

Mr. Hull - He's past... He's way beyond me.

Mrs. Moore - Okay. So...

Mr. Hull - He's, he's in there with the Judge.

Mrs. Moore - Right, so if he makes that arrangement with the court, then he would also come back in 2019. My guess is... We forced him to come back in 2019 and with your information and the Town Board's information from the Court information, we could, we would obviously review that application, may be not in favor of things that happen outside.

Mr. Hull - I certainly would hope so.

Mrs. Moore - Right. I get that.

Mr. Hull - Because he is, has no regard for anything. I mean I've been in court with this guy..

Mrs. Moore - That's disappointing.

Mr. Hull - ...three times.

Mrs. Corlew - It is.

Mr. Hull - He has no regard to anything he says he's going to do.

Mrs. Moore - Okay.

Mr. Hull - He made the deal out in the hall with the lawyer for the town on his own admission, yeah, this is, yeah, yeah, yeah. When he got in here with the court, he said yeah, I plead guilty to the two charges and the Judge said to him, then you need to, you've got two weeks to get that mess off your property. And the first thing he did was start off with well, ya know, it snowed and well, and she said, I don't care whether it's snowed or it's not snowed. The stuff's gotta come off there. So when he comes back into court, I don't believe that she's going to tread lightly..

Mrs. Moore - Right.

Mr. Hull - ...at this end of the arena.

Mrs. Moore - Right, so do you think there's a possibility that this, this one section where it's, 65, where, if that court order, that we would go in as a town and clean it up for him and then put that lien on his property?

Mr. Hull - I would have to talk to Kevin. I don't know if they would do that or not.

Mrs. Moore - I don't know either, but we're at, we're at a standstill.

Mr. Hull - We have, we mow people's property and put it on their taxes.

Mrs. Moore - Right.

Mr. Hull - I don't know, to clean it up, I'm not sure. We might have to put something in the thing to specify that.

Mrs. Moore - Okay.

Mr. Hull - But going forward, people like him cost the Town a lot of money and a lot of expense, and he is someone who needs specific guidance.

Mrs. Moore - Guidance.

Mr. Hull - Whey they're issuing variances or...

Mrs. Moore - Site plans. This one is site plan.

Mr. Hull - Not, not... I mean, I read all this, not that... Well, (inaudible) put a tent up for Memorial weekend and they said well, it would be taken down at the end of Memorial weekend. His comment back to the Planning Board was, well, yeah, but maybe into June.

Mrs. Moore - Okay.

Mr. Hull - You get where I'm coming from?

Mrs. Moore - Hm hm. He takes, he takes one inch and takes a mile.

Mrs. Corlew - Yes.

Mr. Hull - Well, he put all his tents... See, what started this was somebody came to me and said what's going on with this guy with all these tents, so I said okay, so I've got the file from Patti, read through the file. The only thing he was approved for was to sell books from his front porch and his living room. And now he's got 8, 9 tents up. He had so many tents over there, that he was parking his car in Raluca Sandler's parking lot. That's in the minutes.

Mrs. Moore - Yes, it is.

Mr. Hull - There was an accident up there. That's in the minutes.

Mrs. Moore - Yes.

Mr. Hull - I mean, it's, it's what I consider, out of control.

Mrs. Moore - Right, but I mean, it's, the board, this board is, is (inaudible) town code, so if it's not in there for us to do, then I can't move, I can't, I can't deviate from that.

Mr. Hull - Well maybe this case would be a good case to refer to when somebody down the road comes in front of the planning board and wants to erect tents in the Town of Warrensburg.

Mrs. Moore - So there's an opportunity, if this board sees that or you, in your office, says maybe there's some language change that can come to the town code that gives some directions with, whether a tent is being used for business purposes or being used putting your patio, your, your picnic table underneath.

Mr. Hull - The problem with this situation was he came to the Planning Board for site plan review. The Planning Board's the one that told him he could do this.

Mrs. Moore - Correct, because he met all the elements of site plan review.

Mr. Hull - Right.

Mrs. Moore - There wasn't something... There wasn't... The only trigger was, he was going to do his business outside and inside. In this case, we understand at this point that he can't do that. He doesn't have the ability to maintain his operations outside and in an operable form. I mean, if those tents were to be used as, for the purpose of business and they're not being used for the business anymore, then he's not compliant.

Mr. Hull - Right.

Mrs. Moore - So...

Mr. Hull - Because when he was putting all those up, he had four or five of his friends over there, when I was going up and down Main Street, putting tents up. Now if I had come to the Planning Board, just me, and I had said can I do this and you said oh yeah, from April until the end of October, about the second week of October, I'd had my same group of friends there...

Mrs. Moore - Absolutely.

Mr. Hull - ...taking my tents down, folding my tents up, putting them away and saying thank you very much; I'll see you next year. That's not what happened. He's going to keep...

Mrs. Moore - Yep. And that, and there's applicants that we'll, we'll see again like that and to the (inaudible) that we'll always be cautious.

Mr. Hull - I mean, it's not the taxpayer's fault that he likes books and that he's outgrown his business.

Mrs. Moore - Correct.

Mr. Hull - It's not the taxpayer's fault.

Mrs. Moore - Yep.

Mr. Hull - And that's who's paying the price for this.

Mrs. Moore - Okay.

Mr. Hull - We'll see where we'll go with it.

Mrs. Moore - Okay. Thank you.

Mr. Hull - He'll be in court.

Mrs. Moore - Thank you.

Mr. Hull - Yep.

Mr. Larkin - Jim?

Mr. Hull - Yep.

Mr. Larkin - May I make a comment?

Mrs. Moore - Yes.

Mr. Hull - Sure.

Mr. Larkin - I, I just want to make the comment that I fully recognize now what the circumstances are and maybe the

shortcomings of the decision of the Planning Board, but I want you to understand that it was, at least from my input, it was well intentioned to, and maybe not...

Mr. Hull - I understand that.

Mr. Larkin - And maybe not well thought through, but...

Mr. Hull - But I'll give you my side of that. He didn't comply with what they told him to do in the first place.

Mr. Larkin - I'm with you 100%.

Mr. Hull - When they told him he could only sell from his porch and his, and his living room. He put tents out there in direct violation of what the Planning Board told him, so when he came in and said he wanted to put up 12 more tents, the Planning Board said, okay, you can do that.

Mrs. Moore - Limited. I mean, there was conditions to that.

Mr. Larkin - There were specifics in there. I...

Mr. Hull - Well you see how, you see where they went.

Mr. Larkin - I think it's been... I think it's been a learning experience, especially for me.

Mr. Hull - Oh, it's a learning experience for me too. I mean, ya know... I mean, I have people in court that think that if they mow their lawn twice in the Summer it's a big deal.

Mr. Larkin - Sadly, that's true.

Mrs. Moore - Hm hm.

Mr. Hull - Right, Patti?

Mrs. Corlew - Hm hm.

Mrs. Moore - Thank you, Jim. I, I do appreciate you coming in.

Mr. Hull - Yup.

Mrs. Moore - Under communications, I'll (inaudible) on to the bottom of the agenda, is an opportunity to go to the Saratoga conference, sorry, the Sagamore conference in April. And again that's a really good conference, if you can make it. There's definitely, there's two days worth of stuff that happens, with some evening... I think the first night, usually they do a mock planning session and if folks are interested in just attending certain, certain days or certain hours, just, I'd like to know that, so I can give them the heads up, because I know everyone has a different schedule and maybe we can work something out with them, so that, because we, we're local. We're only 15 minutes away from them.

Mrs. Corlew - Oh, they'll let... They'll let them...?

Mrs. Moore - I don't know, but I'd be willing to ask.

Mrs. Corlew - We went last year for the Monday one.

Mrs. Moore - Oh for the Monday one? That, that's great. I mean, the Monday is perfect, but I know there's a, the mock

session usually on a Sunday night that if people were interested in that, I would just give them a call and figure out what that is and I'm assuming that we can potentially do that for no cost. But just so folks understand what a mock session is and it's, it's interesting to watch. Then again, there's... Tuesday, I think it goes to noon probably?

Mrs. Corlew - Yeah.

Mrs. Moore - Yeah. But again, and then... So they're all good. I would encourage you to do that. There is definitely other training available on line and there's training available as, as hard copies through the, like the New York Planning Federation, one of the first things I'd probably do is check out the Planning Federation website and take a look at some of the training opportunities that they have on-line that you can just skim through, basically. So that's one of them. And under comments, I understand that maybe it would be helpful if we had all access or access to everyone's emails and things like that and I suggest that we give that information to Patti. You cannot talk about agenda items but if you're looking for training information, that's something that we can definitely discuss through an email. That's fine with me. And I don't know... I don't know if we have any pending items coming up? Nothing.

Mrs. Corlew - Not for March.

Mrs. Moore - Okay, so I'll ask the board..

Mrs. Corlew - The deadline was the other day.

Mrs. Moore - The other day? So I'll ask the board.. It sound.. If, I have two new members. I have some board members that haven't been on very long, and if you're interested in me doing a training session for about maybe 30 minutes, I'd be happy to do that. And just as a note, I've been in it for 20 years, so..

Mrs. Corlew - Longer.

Mrs. Moore - Maybe longer.

Mrs. Corlew - It has been longer.

Mrs. Moore - It has? Okay.

Mrs. Corlew - You were here before me and I've been here for 22 this Summer.

Mrs. Moore - Alright.

Mrs. Corlew - So you've been here (inaudible). I'm sorry.

Mrs. Moore - At any rate, I've been doing it for a long time and I'm happy to do training and I'm happy to bring some pamphlets and give you an overview of what, what happens in the planning and zoning world outside of here and maybe in other communities 'cause everyone has, almost everybody in New York State has some

sort of planning and zoning component to their community, so is that... Is next... Is March something that everyone's going to be able to attend? What do you think? When is March... March 4th, 5th?

Mrs. Corlew - It'll be March 5th.

Mrs. Moore - March 5th, okay. Alright. So let's do, I guess it's a workshop session. I don't know if we have..

(Tape inaudible).

Mrs. Corlew - Alright.

(Inaudible).

Mrs. Moore - Okay.

Mr. Larkin - At this location?

Mrs. Moore - Here, yeah. I can't think of another..

Mrs. Corlew - I'll do an email to remind you 'cause if we don't have anything..

Mrs. Moore - Pending, yeah.

Mrs. Corlew - ...we don't have a meeting then. I mean, if something comes in within the next couple of days, then you'll have something on the agenda, but..

Mrs. Moore - Okay.

Mrs. Corlew - ...it doesn't sound like anything's going to happen.

Mrs. Moore - Alright.

Mrs. Corlew - So I'll just send you guys an email to remind you about the workshop.

Mrs. Moore - Alright, that sounds good. So, we have no further business, unless other, anybody has any questions, and you're welcome to ask any questions if you wish. Okay. None? So we can adjourn. It's 7:20. So a motion for adjournment.

Mr. Larkin - I'll make that motion.

Mrs. Sutphin - I'll second it.

Mrs. Moore - All those in favor.

Motion by Rich Larkin, seconded by Sharon Sutphin and carried to adjourn the Planning Board meeting at 7:20 p.m.

Respectfully submitted,

Patti Corlew
Recording Secretary

Pb02052019

RESOLUTION #2019-1

Motion by: Sharon Sutphin

Second by: Rich Larkin

RESOLVED, to approve the Planning Board minutes of October 2, 2018 as submitted.

DULY ADOPTED ON THIS 5TH DAY OF FEBRUARY, 2019 BY THE FOLLOWING VOTE:

Ayes: Sharon Sutphin, Laura Moore, Rich Larkin

Nays: None

Abstention: Suzanne Tyler, Susan Miller

RESOLUTION #2019-2

Motion by: Rich Larkin

Second by: Sharon Sutphin

RESOLVED, to conduct the Planning Board meetings on the first Tuesday of each month at 7:00 p.m.

DULY ADOPTED ON THIS 5TH DAY OF FEBRUARY, 2019 BY THE FOLLOWING VOTE:

Ayes: Sharon Sutphin, Suzanne Tyler, Laura Moore, Rich Larkin, Susan Miller

Nays: None

RESOLUTION #2019-3

Motion by: Rich Larkin

Second by: Sharon Sutphin

RESOLVED, to appoint Suzanne Tyler as the Planning Board Secretary for the year 2019.

DULY ADOPTED ON THIS 5TH DAY OF FEBRUARY, 2019 BY THE FOLLOWING VOTE:

Ayes: Sharon Sutphin, Laura Moore, Rich Larkin, Susan Miller

Nays: None

Abstention: Suzanne Tyler

RESOLUTION #2019-4

Motion by: Rich Larkin

Second by: Laura Moore

RESOLVED, to appoint Sharon Sutphin as the Planning Board Vice Chairperson for the year 2019.

DULY ADOPTED ON THIS 5TH DAY OF FEBRUARY, 2019 BY THE FOLLOWING VOTE:

Ayes: Suzanne Tyler, Laura Moore, Rich Larkin, Susan Miller

Nays: None

Abstention: Sharon Sutphin

RESOLUTION #2019-5

Motion by: Sharon Sutphin

Second by: Rich Larkin

RESOLVED, to appoint Laura Moore as the Planning Board Chairperson for the year 2019.

DULY ADOPTED ON THIS 5TH DAY OF FEBRUARY, 2019 BY THE FOLLOWING VOTE:

Ayes: Sharon Sutphin, Suzanne Tyler, Rich Larkin, Susan Miller

Nays: None

Abstention: Laura Moore