

TOWN OF RICHLAND
H. DOUGLAS BARCLAY COURTHOUSE
1 BRIDGE STREET
PULASKI, NY 13142

November 19, 2014

The Town of Richland Planning Board held a meeting at the H. Douglas Barclay Courthouse on Wednesday November 19, 2014. Planning Board Members present were Chairman Joe McGrath, Brian Leary, Dave Shipway, Melvin Minot and Don Merritt. Also present were CEO/ZEO J. Howland & 1 member from the public. Chairman McGrath opened the Town of Richland Planning Board meeting at 7:30 PM. Motion by Minot and 2nd by Leary to appoint Don Merritt as an active member for tonight's meeting.

First order of business was a public hearing for special permit application #14-67 submitted by Dale and Mary Bigelow of 227 Hager Dr. for a special permit to operate a home occupation from the existing home. Mr. Bigelow explained that he runs a tax service business and has very few neighbors that are year round residents. There were no persons from the public in regards to the application. ZEO Howland informed the board that 19 letters were sent out to surrounding property owners and that there were no responses from neighbors. Motion by Shipway 2nd by Leary to close the public hearing at 7:37 pm. A motion by Minot and 2nd by Merritt to approve the special permit. All members in favor. A motion by Minot and 2nd by Leary to approve the site plan. All members in favor.

The October 15, 2014 minutes were approved on a motion by Shipway and 2nd by Merritt. Motion for adjournment by Shipway and 2nd Minot to adjourn at 8:05 pm

J. Howland
Acting Secretary

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December 16, 2014

The Town of Richland Zoning Board of Appeals met at the H. Douglas Barclay Courthouse on Tuesday, December 16, 2014.

Zoning Board members present, Marshall Minot, George Harding, Charles Deaton and Kerry LaVere. Also present CEO/ZEO John Howland and Gloria Higby, Clerk. Members from the public were Nate, Ammie, Cody and Owen Hall.

The meeting was called to order by Marshall Minot at 6:33 pm.

1st order of business Application #14-68 by Robert Rude/Nathan & Aimie Hall 4580 US Route 11 for an agricultural use in a R-A Zone. The applicant has only 1 acre lot. This is a continuation of the November 18th meeting.

Marshall Minot thought that the issue came down to a 2 things. 1. If we could justify passing it "which is the biggie" and the conditions and restrictions we can put on it that can make it tolerable with the neighbors Basically all we need to do is go over the 4 things that we are obligated to do consider .

1. Reasonable return for financial evidence in order to find property with 4 acres they would have to go to another place and that's a financial problem.
- 2 Hardship is unique and does not apply to substantial portions of the neighborhood – there are proposing that their son has a medical condition and needs the animals on the property. This condition is unique to them for this reason.

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November 18, 2014

The Town of Richland Zoning Board of Appeals held a meeting at the H. Douglas Barclay Courthouse on Tuesday November 18, 2014 at 6:30 PM. Members present for the Zoning Board of Appeals were Chairman Marty Minot, Charles Deaton, George Harding. Also present were CEO/ZEO J. Howland and there were 5 members of the public.

First order of Business was a public hearing for application #14-68 submitted by Nathan and Ammie Hall of 4580 US Rt. 11 for a use variance to operate an agricultural use on a 1 acre parcel of land that they are purchasing on a land contract. The towns zoning requires 4 acres to have an agricultural use. Chairman Minot explained that there are 4 requirements that need to be met before a use variance can be issued as discussed at the October 21st meeting. Mrs. Hall supplied data about 2 other houses for sale in the area with more than 4 acres. She stated that the price for these homes is a lot more than they are purchasing their home for. Chairman Minot opened the floor for public comment. Gloria Cole who is the neighbor to the North of subject property stated that she and her husband did not have a problem of the Hall's having the animals as long as the animals are controlled to stay on their own property. Public hearing was closed. Board member Harding has concerns that all 4 criteria of the variance cannot be met and is concerned about controlling the animals. Chairman Minot stated that the board can place conditions and have the application expire in 1-3-or 5 years and have to be reviewed and renewed. There was much more discussion on this matter. Motion Harding and 2nd by Deaton to postpone vote until the December 17th meeting and request more information.

There were no minutes available to approve.

Motion Deaton 2nd Harding to adjourn at 8:04 pm

J. Howland
Acting Secretary

3. Variance will not alter the character of the neighborhood. With certain restrictions Mr. Minot thought that they could do this. And would have to consider what restrictions to put on it.
4. Hardship has not been self-created – they did not create the accident that caused the medical importance of the condition of their son.

Mr. Minot asked if anyone else has any questions or concerns about this

Mr. Harding's concern was they need to address the family. Of the four conditions he finds that only three apply. The characteristic of the neighbors, no one has any animals there. A church across the street and found no other form of livestock. Another concern is how to address the health and care of the livestock. The care of the ducks and chickens having them caged and they would not be able to get out. He feels that they could have four chickens or ducks today and down the road they could have 20. What he has seen of some of the places that they are ducks all over the place. He felt that it would take too much time for John Howland to check on this and a justification one financial return 3rd Creation of problem and is very unfortunate on what happened to their son and they have to look to the future of this property. He feels that it would not be good for the community.

Mr. LeVere agreed with George Harding. But 6 months ago we turned down someone with 2 1/2 acres of land. What is going to happen if these ducks and chickens get out again?

Mr. Deaton feels the same as Mr. Harding and Mr. LeVere. It borders agricultural land and because of the medical need it would have to meet restrictions. Mr. Deaton does not want to approve without restrictions.

Mr. Harding feels that the Town Board should be changing the laws. He feels that it is not our job to change it from 5 acres to 1. He feels that the Zoning Officer should not have to go around and check all of these properties to see if they are in compliance.

A motion was made by Mr. Levere to vote on the variance and was seconded by Mr. Harding.

Roll Call:

Mr. Minot –yes – feels that all 4 conditions can be approved. Son with the unique medical condition, will not alter RA Zone and the hard not self created.

Mr. Deaton- yes – as long as conditions were agreed upon.

Mr. Harding – no - 1st condition could not be resolved. The neighborhood with no livestock is a big issue and felt it to be unrealistic and the situation is self-created because of the violation.

Mr. LaVere – no- agrees with Mr. Harding feels we should go by the law

Voted down - 2 yes and 2 no. Mr. Howland advised them that they could go to the Town Board and see if the law can be changed.

Mr. LeVere made a motion that we accept the minutes for October and November and was seconded by Mr. Deaton.

With no further business, Mr. Deaton made a motion to close the meeting at 7:14pm and was seconded by Mr. LeVere.

Next meeting joint with the Planning Board- January 21, 2015

Respectfully Submitted.

Gloria Higby, Clerk