

Berkshire Planning Board  
Meeting Minutes  
January 7, 2014 – 6:30 pm

Members with term expirations:

Ken Ceurter	Chair	2015
Sarah Albrecht	Vice Chair & Secretary	2018
Tim Pollard	County Planning Board Rep. (through 2016)	2014
Frank Kunik		2016
Marty Mattrazzo		2017
Vacant Alternate		2014
Vacant Alternate		2014

A) Call Meeting to Order at 6:39 p.m.

- 1) Pledge of Allegiance
- 2) Roll Call/status of membership: Kunik excused due to extreme cold temperatures.
- 3) Secretary's minutes: Pollard moved to accept. Mattrazzo seconded. Carried.
- 4) Privilege of the Floor: None

B) Meetings & Committee Update

- 1) Summary of Town Board meeting—Ceurter reported the results of our org meeting which was summarized in a letter to the Town Board from the Planning Board about proposal of member assignments, fee schedule, bylaws, priorities and training. The Town Board approved appointments of Albrecht, Mattrazzo and Kunik. McEwen mentioned a concern that our laws might say the CEO can collect building permits but by law that is not allowed so we should look at our laws. A contract with Stray Haven has been approved. A resolution was approved in support of Tioga Downs for a Casino license. They also approved to purchase a computer for the Town Clerk to replace one that the state took back. Their year end meeting was scheduled for Dec. 30 at 6:00 p.m.
- 2) County Planning Board Update—Pollard reported a 239 for the new beautician shop in Newark Valley and 2 parcels in Apalachin to rezone from residential to commercial so that they can be developed (between E. Main and 434). All were approved. Elaine Jardine will be out for about 6 weeks for surgery. Candor is also looking to revise their comprehensive plan.

C) Unfinished business:

- 1) Org Mtg follow-up – All appointments were approved.
- 2) Townwide Planning Survey update and coordination – had one meeting so far, and a draft has been started and distributed. There will still be a lot of discussion about format of the questions and answers in order to get the best results. The next

meeting is January 9.

- 3) Snowmobile routing discussions – Ten signs are available. Possible locations are: Rossens, McKenzies (2), Ball Field Entrance, Rampeys, Howlands, Simmons', apartment bldg next to store, fire station. There is concern that putting the signs between sidewalk and road will both be confusing and put the signs at risk of damage by plows. It would be more clear that the sign pertains to the sidewalk, and less of a problem with snow removal, for the signs to be on the other side of the sidewalk. Albrecht will check with residents to see if they would allow the signs in their yards and get that information to the Town Board so that the signs can be put up by the highway crew.
- 4) 2014 Priorities: RUA, Snowmobile/ATV were approved, and Town Board would also like us to review the Building Permit Law. There is a possible conflict regarding the CEO collecting building permit fees, which the Town Board would like to correct. Ceurter noted that the Town Board approved in 2009 the CEO to collect permits in the absence of the town Clerk, and that should be rescinded. Both the Building Permit Law and Building Code Law say "issue" which should be clarified. They have not yet submitted the formal work request or indicated where on our list of priorities this should be.
- 5) RUA reviews – Ceurter spoke to David Orr from the Rural Roads Program at Cornell, and Ceurter has sent the draft Cortland and Steuben County laws to him for comment. Ceurter also spoke to a friend that is familiar with road maintenance, and got access to the Deputy Commissioner of Tioga County Department of Transportation, Gary Hammond. Mr. Hammond disagreed with the TING information in that it targets a specific industry, which will not hold up in court. The County feels they will be able to deal directly with individual drilling companies on a one-on-one basis. He was not familiar with any road classifications from DOT or any other. Still no word from Karl, and we do feel that his input will be important as far as current road conditions and road type definitions. Ceurter has spent some time correcting formatting issues with the draft law, and he will send that out to everyone.

#### D) New Business

- 1) Training – if anyone hears of anything available, please let everyone know. Pollard reported that Elaine Jardine may have misplaced the training certificate Pollard submitted for October 24 training and requested Albrecht send her a copy.
- 2) Brief review of the list of local laws. A few minor updates will be made and filed in the Local Law book.

Next Planning Board meeting is scheduled for Tuesday, February 4, 2014.

Next monthly Town Board meeting is scheduled for Monday, January 20, and workshop is Tuesday, January 14.

Pollard moved to adjourn. Mattrazzo seconded. Carried at 8:55 p.m.

Berkshire Planning Board  
Meeting Minutes  
February 4, 2014 – 6:30 pm

Members with term expirations:

Ken Ceurter	Chair	2015
Sarah Albrecht	Vice Chair & Secretary	2018
Tim Pollard	County Planning Board Rep. (through 2016)	2014
Frank Kunik		2016
Marty Mattrazzo		2017
Vacant Alternate		2014
Vacant Alternate		2014

A) Called meeting to order at 6:34 p.m.

- 1) Pledge of Allegiance
- 2) Roll Call/status of membership – all present
- 3) Secretary's minutes – Mattrazzo moved to accept the January 2014 minutes. Pollard seconded. Carried.
- 4) Privilege of the Floor – None.

B) Meetings & Committee Update

- 1) Summary of Town Board meeting – Ceurter reported that the snowmobile signs are in and will be posted once locations are determined. Supervisor expressed desire for more organization and planning regarding CEO issues and suggests regular meetings, Attorney Canizio suggested a new form/process/system will help, Canizio unsure of the status of pending cases. Ceurter noted that Spoonhower has not yet provided input on Road Use, but Town Board was not concerned about the status of our progress given that nothing is happening at the county level either. The survey was discussed at the workshop, and their initial thoughts are to distribute to all Berkshire addresses and possibly providing a return envelope with postage paid (not stamped) and will provide Albrecht with some specific issues they would like covered. The Town Board is looking at the possibility of transferring ownership of the community hall from the fire district to the Town. There will be a Town Hall meeting with Rep. Tom Reed January 23 at Newark Valley Municipal building.
- 2) County Planning Board Summary – Pollard reported one 239 review for plans for an expansion of the veterinary clinic on Day Hollow Road. The existing use pre-dates the zoning, so even though it didn't quite meet all the requirements, it was approved. Elaine Jardine is out for shoulder surgery for approximately 6 weeks. Eric (Southern Tier East Planning Commission) will cover in her absence. Town of Barton is looking at requirements for Ag exemption for family farms vs. corporate farms.

C) Old business:

- 1) Newsletter article – Albrecht distributed the newsletter article for comment via email and sent the approved final version to Fraser Williams by the deadline. Items included were: Planning Board appointments, survey committee update, and snowmobile signs.

- 2) Townwide Planning Survey update and coordination – Albrecht reported that meeting last week had to be postponed due to the birth of her grandson. The Town Board has discussed how it will be distributed and returned. The committee meets again this Thursday, Feb. 6.
- 3) Snowmobile routing signs – where to post – Albrecht got permission from McKenzies and Rampeys on Depot Street. Still needs to check with others.
- 4) Local Law List – Updated and shared with everyone. Albrecht will file copy in the notebook.
- 5) RUA review – How to make progress? Kunik shared copies of some road classification information he found on the internet. The author is listed as affiliated with Homeland Security through L3 Global Security and Engineering Solutions. Albrecht noted that she contacted Charlie Davis in Richford, who was open to the idea of working together for something that would serve both towns. Albrecht will invite him to attend our March meeting. If he is not able, maybe we can set up a special meeting at another time. Discussion regarding who should hire an engineering firm to classify roads; consensus was that it should be in the law that the developer wishing to use the road be responsible for that expense. Albrecht suggested that we start at Section III and go back to review the definitions after we look at the law. We quickly decided that there was informatory information missing that should precede the information in Section III. Albrecht will draft up an introductory paragraph, and Ceurter will draft a section regarding the application process, and those will be distributed to everyone via email prior to the next meeting.
- 6) Next – Snowmobile & ATV and Bldg permit/code laws. Ceurter has asked McEwen if the Assessor is notified in some way when a building permit is completed. He has not heard back yet, but feels that it should be noted in the law if that should be a formal part of the process.

D) New Business

- 1) Ceurter shared some suggestions for training topics as requested by the County. Each person should look at the list and provide feedback, including additional items that they think of (such as consolidated plans) to Pollard by February 15 (in time for their next meeting).

Next Planning Board meeting is scheduled for Tuesday, March 4, 2014 at 6:30 pm.

Next monthly Town Board meeting is scheduled for Mon. Feb. 17<sup>th</sup> and workshop is Tues. the 11<sup>th</sup>.

Mattrazzo moved for adjournment. Kunik seconded. Carried at 8:47 p.m.

**Berkshire Planning Board**  
Meeting Minutes  
March 4, 2014

Members with term expirations:

Ken Ceurter	Chair	2015
Sarah Albrecht	Vice Chair & Secretary	2018
Tim Pollard	County Planning Board Rep. (through 2016)	2014
Frank Kunik		2016
Marty Mattrazzo		2017
Vacant Alternate		2014
Vacant Alternate		2014

A) Called meeting to order at 6:32 p.m.

- 1) Pledge of Allegiance
- 2) Roll Call/status of membership. Mattrazzo excused. All others present.
- 3) Secretary's minutes – Ceurter moved to accept. Pollard seconded. Approved.
- 4) Privilege of the Floor – Charlie Davis (Richford Planning Board) attended at our invitation to talk about Road Use and other matters we may have in common. Richford's Planning Board maintains the town website and distributes the town newsletter. He is happy to include us all on the distribution, so Albrecht will send him everyone's email addresses. Regarding Road Use, their review of the situation lead to an initial recommendation to their Town Board to hire Delta Engineering, but the cost of that was prohibitive and was rejected. He has also talked with a representative from Gutchess Lumber for their perspective and found them to be very conscious of the potential for damage to the road. They then looked at a law from a town in Schoharie County that looked like a good start because it didn't target gas drilling specifically, but it did put a lot of responsibility on the highway superintendent and code enforcement officer. John Schwartz is working on revising it to fit the needs of Richford. They are also focusing primarily on "high frequency, high impact" usage. Richford is also working on their comprehensive plan and a survey. Victoria Nuzzo (environmental consultant) is on their board, and she has proven to be a good resource. He has been drafting an Ethics law, which has just gone to the Town Board. They are also working on a law regarding conduct at public meetings. Davis extended an invitation for us to join their meeting as well. They meet on the first Wednesday (no one from our Board is available to attend in March on such short notice, but we may try for April.)

B) Meetings & Committee Update

- 1) Summary of Town Board meeting – Ceurter reported support of Tioga Downs, survey progress, continuing work on Road Use. Virtue was away and not in attendance. Canizio will be meeting with Virtue when he returns.
- 2) County Planning Board Report – Pollard reported three 239 reviews: Johnson Pools and Spas water filling station near Price Chopper in Owego (approved unanimously), Farmhouse Brewery tasting room in former Hansen School of Dance building in Owego (approved unanimously), and Austin Excavating new pole barn to store equipment in Waverly

(approved unanimously but with a note to check code for possible required addition of sprinklers in plans). Officers were renewed: Chair Doug Chrzanowski (Tioga), Vice Chair William Dimmock III (Waverly), and Secretary Pam Moore (Nichols). Leann Tinney requested letters of support for Tioga Downs to receive one of the casino licenses; Newark Valley is looking at lighting regulations; Tioga is working on a site plan review law; and Eric Miller (STERPB and heading the meeting in Elaine Jardine's absence) noted that the Ag Section of a Comprehensive Plan does not require review by NYS Ag and Markets.

C) Old Business:

- 1) Planning Survey update and review of draft – Albrecht gave a little background on the work done so far and philosophy behind it and asked for member input. Kunik pointed out that the ranges for amount of property left gaps, so those were changed. We also added “town, county, and state” options for each question regarding “road maintenance” and “snow plowing” to aid the board in addressing the responses better. All in attendance approved the revised draft, and Albrecht will forward to Supervisor McEwen.
- 2) Snowmobile routing signs – The list of locations for posting was given to the Town Board, and we consider our work on that issue now complete.
- 3) County Training Suggestions – We discussed a list of ideas for training that we could suggest to the County (as per Elaine Jardine's request), and decided to forward the list that Ken compiled with the addition of “development of railroad yards.” Pollard will communicate the list to Jardine.  
There is a training opportunity in Cortland on March 24 (Albrecht distributed via email and hard copy to Kunik who has had internet and computer problems). Albrecht, Pollard, and Ceurter considering attendance.
- 4) RUA review – Ceurter and Albrecht drafted introductory information and application information for the beginning of Section III, “Provisions and Requirements,” on the Road Use Law but all agreed to suspend our activity on this until we talk more with Richford Planning Board.
- 5) Next – Snowmobile & ATV and Building Permit/Code laws.

D) New Business

- 1) Met with Charlie Davis from Richford Planning Board (see Privilege of the Floor).
- 2) Tioga Downs Support Letter – Tioga County Economic Development and Planning requested a letter of support from the Berkshire Planning Board for the awarding of the casino contract to Tioga Downs. A draft was distributed via email. Albrecht abstained from inclusion citing a conflict of interest with Traditions at the Glen. All other members were in favor of sending a letter of support, approved via email, which was done on February 19, 2014.

Next Planning Board meeting is scheduled for Tuesday, April 1, 2014 at 6:30 pm.

Next monthly Town Board meeting is scheduled for Mon., March 17 and workshop is Tues., March 11.

Pollard moved to Adjourn. Seconded. Carried at 8:49 p.m.

Berkshire Planning Board  
Meeting Minutes  
April 1, 2014 – 6:30 pm

Members with term expirations:

Ken Ceurter	Chair	2015
Sarah Albrecht	Vice Chair & Secretary	2018
Tim Pollard	County Planning Board Rep. (through 2016)	2014
Frank Kunik		2016
Marty Mattrazzo		2017
Vacant Alternate		2014
Vacant Alternate		2014

A) Call Meeting to Order 6:35 p.m.

- 1) Pledge of Allegiance
- 2) Roll Call/status of membership - All present.
- 3) Secretary's minutes – Pollard moved to approve minutes of March meeting. Mattrazzo seconded. Carried.
- 4) Privilege of the Floor – None.

B) Meetings & Committee Update

- 1) Summary of Town Board Meeting – Ceurter reported that most of the discussion was about the town-wide survey. He did mention that Charlie Davis had been to our last meeting at our invitation to discuss Road Use local law. There has been some action on an unregistered vehicle case. Town-wide cleanup is the week of April 28-May 3.
- 2) County Planning Board Meeting Summary – Pollard reported that he county Planning Board met last Wednesday, March 19. There were four 239 reviews:
  - a) A rezoning request for a parcel in Apalachin that had come before the board a couple of months ago. That request was approved, but the landowner partnering with the developer to get the necessary 5 acres required for rezoning backed out before the request was reviewed by the Town of Owego. This request had the developer partnering with a landowner on the opposite (west) end of his land to achieve the minimum 5 acre parcel. The request this time was to rezone the two parcels to Highway Interchange, from Residential, as Highway Interchange zoning exists to the immediate west of the smaller parcel. The request was approved unanimously.
  - b) Review of the Comprehensive Plan Update for the Village of Owego. There was much discussion about one small section of the plan, which would prohibit hydraulic fracturing for gas. The lawyer for the village was present, but would not directly answer questions (mine) about their discussions on the legal standing of this section. A motion was made to approve the plan, contingent upon removal of that one section. The motion passed by a 5 to 1 margin, but since it was not unanimous, the official result was "no finding".

- c) Special Use Permit, Use Variance, and Site Plan Review - Village of Owego, for construction of a small structure behind and west of Price Chopper to serve as a water filling station for a company in Owego. We had reviewed just the site plan at last month's meeting and approved it. But it turned out that the Village had incorrectly referred the project that time, it required all 3 reviews noted above. We had a very long discussion about this issue, further complicated by the need to use an adjoining parcel by the business. The 2nd parcel is owned by the village, but title came from a FEMA buyout of a flooded home - the title comes with restrictions that the village cannot lease or provide an easement to the water company without FEMA approval. Elaine said this is one of the most technically and legally challenging issues she has seen. After long discussion with the business owner, the mayor, and the village attorney, a compromise was reached. The Use Variance could not be approved, as the owner did not meet one of the 4 tests required (that the hardship not be self-created - the owner bought his parcel at a tax sale without fully researching all issues). So the use variance was denied unanimously, and the other 2 reviews not performed since the first did not pass. This allows the village to seek approval from FEMA to lease their parcel to the business, as well as approve the use variance with a super majority (required to override our disapproval). If these 2 pieces fall in place, then the Special User Permit and Site Plan Review can come back to the county. Elaine will need to carefully check with the county attorney to make sure those 2 are handled correctly. This was a very interesting case.
- d) Special Use Permit - Town of Owego. The same business as case #3 above requested to relocate their outdoor pool display from its current location to the front of the parking lot. This is on 434, across the river from the Treadway. The request was approved unanimously.

#### Local Updates:

Town of Nichols has approved its long-term disaster recovery plan. The supervisor has asked the PB to investigate use of salt brine by the highway dept. Elaine commented that she believes DEC has banned that usage. The supervisor also asked the PB to investigate a drone law. Chair Doug commented that he believes all the air space in the area is restricted due to the 2 airports and Lockheed Martin, and any local law will run into those issues. The village of Nichols is updating its comprehensive plan to sync up with the recent update of the town's plan

Town of Tioga - Site Plan Review local law is proceeding

Village of Waverly - elected 2 new trustees and 1 incumbent

County Updates (Elaine) - she commented that the county attorney has deemed the Cheseapeake Road Use Agreement as insufficient. Reminder - this corporation brought this law to the Berkshire town board at some time in the past and said it is what they use, and they will not use anything more restrictive (this is my recollection, anyway). Elaine also noted that the attorney has advised that members of the TCPB must be

recused from discussions/review of issues coming from their home municipality if they also serve on the local board referring the issue. In the past we have abstained from voting but stayed in the room for any discussions. A new (but former) member has been appointed from the Town of Barton to replace the representative who resigned after relocating to PA.

C) Old Business:

- 1) Charlie Davis (Richford Planning Board) visit follow up – Davis followed up after the meeting with a copy of their draft road use law and Richford’s comprehensive plan. Not everyone has had a chance to read the documents, but those who have thought they were pretty good documents. Their law does put a lot of onus on the Town Clerk and Highway Superintendent. Until we have all looked at the law, we agreed that it would be better to wait to attend their meeting. Everyone will be sure to review it prior to our next meeting so we can discuss in preparation for attending Richford’s meeting May 7.
- 2) Survey status - The Town Board did have some minor changes to the survey including the addition of one question re: alcohol sales. Albrecht is awaiting some clarification before it can be considered final.
- 3) Training suggestions were given to Elaine Jardine at the County Planning Board meeting on March 19.
- 4) RUA – Discussion on Richford and Newark Valley drafts. The Newark Valley law is identical to the Town of Tioga. Kunik suggested we use Richford’s law and include an appendix of the road classifications along with the definitions. Some discussion about the requirement for separate applications for each road. Ceurter still concerned about who will manage escrow and bonds, but this is a concern with all laws. Doesn’t seem to be language about who fixes the roads when the project is complete. There also seems to be heavy reliance on the Highway Superintendent, but we all agree that the Town Supervisor should be the final signature.
- 5) Next – Snowmobile & ATV and Bld permit/code laws.

D) New Business

- 1) Training opportunities and attendance - Albrecht attended SEQRA, Local Law Enactment, and Moratoria training on March 24 in Cortland. There is a webinar available May 15 regarding the new DEC forms. Albrecht offered to sign up and set up her laptop at the town hall for group participation. Ceurter may be able to attend. Pollard will be out of town. Mattrazzo and Kunik did not commit. Albrecht will share the electronic copies of the presentation from March 24 with interested members of the Planning Board.
- 2) Newsletter article (due April 20) should mention our survey work. There were no other suggestions for topics. Albrecht will draft and distribute via email for finalization.

Next Planning Board meeting is scheduled for Tuesday, May 6, 2014 at 6:30 pm.

Next monthly Town Board meeting is scheduled for Mon. Apr. 21<sup>th</sup> and workshop is Tues. the Apr. 15<sup>th</sup>.

Kunik moved to adjourn. Mattrazzo seconded. Carried at 7:36.

Berkshire Planning Board  
Meeting Minutes  
May 6, 2014 – 6:30 pm

Members with term expirations:

Ken Ceurter	Chair	2015
Sarah Albrecht	Vice Chair & Secretary	2018
Tim Pollard	County Planning Board Rep. (through 2016)	2014
Frank Kunik		2016
Marty Mattrazzo		2017
Vacant Alternate		2014
Vacant Alternate		2014

A) Meeting called to order at 6:35 p.m.

- 1) Pledge of Allegiance
- 2) Roll Call/status of membership –Mattrazzo absent; Pollard arrived at 7:20 (excused).
- 3) Secretary's minutes – Ceurter moved to accept. Kunik seconded. Carried.
- 4) Privilege of the Floor – None.

B) Meetings & Committee Update

- 1) Summary of Town Board meeting – Ceurter reported completion of Town Survey and submittal of newsletter article. Training completed by Albrecht 3/24/14 and planned training for Ceurter for 4/30/14 as well as the SEQRA webinar May 15, as well as our submittal of training ideas to the County Planning Board. History Buffs presented town with a panoramic picture of town from around the 1930's. An updated 239 review schedule was distributed (Ceurter shared with Planning Board via email.) Budget on target; received an additional \$11K from the state for road repairs. BCA has proposed transferring ownership of community hall from fire district, but there is not a consensus on that contentious decision. Approved carpeting for Town Hall, mowing contract, and funds to spruce up the welcome signs at each end of town on Route 38. Town Board acknowledged Frank Kunik for his Honor Flight and for serving in Korean War as well as the work of the survey committee. They are considering ways to ensure good participation in the survey, including ice cream social and pre-survey mailing. An ordinance for unsafe buildings was introduced and a public hearing set for May 19 at 6:30 p.m. Dog Control was present and gave a report. CEO was present and gave a report on open cases.
- 2) County Planning Board – Pollard reported review of the 239 for Johnson Pools and Spas in Owego, which was approved. There is still an issue with a need for right of way access across the adjoining property now owned by the Village, which will need FEMA approval. Jardine has had more surgery and will be out for 6 months. Spencer and Nichols are working on Comprehensive Plans.

C) Unfinished business:

- 1) Survey update – Albrecht believes it is about ready to go to print. Submissions are requested to be returned by May 30.

- 2) RUA – Discussion of draft Road Preservation Law from Richford. Albrecht will review the draft for adherence to our local law format, which should help us to be able to then review the law progressively from the beginning without having to go back and forth as much.
- 3) Next – Snowmobile & ATV and Bldg permit/code laws.

D) New Business

- 1) Training – Ceurter attended training in Town of Chenango on April 30, 2014. The focus was almost exclusively on gas drilling. Broome County is having Delta Engineers survey the county roads and offered to pay for the Town surveys in order to have consistency and will work with them and their law firm for road use permits and agreements. There is a webinar on May 15 at 6:00 p.m. regarding SEQR forms. Albrecht and Kunik are planning to attend (at Albrecht's house).
- 2) Town Board meetings May-Sept. – Albrecht will attend or find a replacement.
- 3) Unsafe Building Ordinance – Town Attorney has drafted at the request of the Town Board and will hold a public hearing on May 19 prior to the Town Board meeting (at 6:30). All members of the Planning Board agreed that there was disappointment that the Town Board did not seek our assistance with the drafting of that piece of legislation. We will encourage allowing our input on future introduced laws or ordinances from other sources.
- 4) Richford Planning Board. Ceurter has never heard back from Charlie Davis regarding our attending their meeting, so we will not plan to attend tomorrow.

Next Planning Board meeting is scheduled for Tuesday, June 3, 2014 at 6:30 pm.

Next monthly Town Board meeting is scheduled for Mon. May 19<sup>th</sup> and workshop is Tues. the 13<sup>th</sup>.

Albrecht moved to adjourn. Pollard seconded. Carried at 8:36 p.m.

Berkshire Planning Board  
Meeting Minutes  
June 3, 2014 – 6:30 pm

Members with term expirations:

Ken Ceurter	Chair	2015
Sarah Albrecht	Vice Chair & Secretary	2018
Tim Pollard	County Planning Board Rep. (through 2016)	2014
Frank Kunik		2016
Marty Mattrazzo		2017
Vacant Alternate		2014
Vacant Alternate		2014

A) Call Meeting to Order at 6:33 p.m.

- 1) Pledge of Allegiance
- 2) Roll Call/status of membership – All present.
- 3) Secretary's minutes of May 6, 2014 – Pollard moved to accept. Kunik second. Approved.
- 4) Privilege of the Floor – None.

B) Meetings & Committee Update

- 1) Summary of Town Board meeting – Albrecht reported that public hearing for Unsafe Bldg. law was poorly attended (1 resident who had questions about what buildings were covered, which were answered satisfactorily), and she expressed the Planning Board's concerns about the section heading titles not appearing, but the ordinance was approved with no changes. Frank Kunik attended to thank the Town Board for their support of his service in the Korean War. Town Attorney report was only that he had left a message for the CEO which had not yet been returned. CEO, Highway Superintendent, and Dog Control were not present. Albrecht also reported that the Planning Board is continuing work on the Road Use law/Agreement and still hoping to partner with Richford. The Town Board encouraged us to try to partner with Newark Valley as well. John Stoughton was assigned to assist Jerry Acton in the compiling of the results of the survey.
- 2) County Planning Board Report – Pollard reported that there was no meeting in May.

C) Unfinished business:

- 1) Town Survey – Jerry Acton is compiling results with John Stoughton.
- 2) Unsafe Building Ordinance – why no involvement? Ceurter received no response on that question from Ron McEwen via email. Albrecht will print and add to the law book and share the updated list. Ceurter hopes still to work with Town Clerk to compare her records to our Local Law book.
- 3) RUA – Discussion of Richford draft – Albrecht will move paragraphs around to fit into our format.

4) Next – Snowmobile & ATV and Bldg permit/code laws.

D) New Business

- 1) Our files in Town Hall – Albrecht will go through the files.
- 2) Training opportunities and attendance. None to report. Albrecht will resend the link to everyone for the on-line training through the State website.
- 3) John Gehm Remembrance – we will mention his service in the next newsletter article.
- 4) Other – Pollard reported that Tami Payne was possibly interested in an alternate position. Pollard will officially invite her to our next meeting.

Next Planning Board meeting is scheduled for Tuesday, July 1, 2014 at 6:30 pm.

Next monthly Town Board meeting is scheduled for Mon. June 16<sup>th</sup> and workshop is Tues. the 10<sup>th</sup>.

Albrecht moved to adjourn. Ceurter seconded. Carried at 7:49 p.m.

Berkshire Planning Board  
Meeting Minutes  
July 2, 2014 – 6:30 pm

Members with term expirations:

Ken Ceurter	Chair	2015
Sarah Albrecht	Vice Chair & Secretary	2018
Tim Pollard	County Planning Board Rep. (through 2016)	2014
Frank Kunik		2016
Marty Mattrazzo		2017
Vacant Alternate		2014
Vacant Alternate		2014

A) Call Meeting to Order at 6:35 p.m.

- 1) Pledge of Allegiance
- 2) Roll Call/status of membership: All present
- 3) Secretary's minutes: Pollard moved to accept June 2014 minutes, Kunik seconded. Approved.
- 4) Privilege of the Floor: Bette Johnson, from S Hill Road, and Tami Payne, from McMahan Road, in attendance and possibly interested in alternate membership.

B) Meetings & Committee Update

- 1) Town Board Meeting Update – Albrecht reported that the Town Board would like definitive action on the derelict trailers in town now that the unsafe building ordinance is in place. Potential problems still with the trailer on Phillips Road because the church owns the property, and they are tax exempt. The CEO and Town Attorney committed to having significant progress to report by the next meeting (July 21). Highway Superintendent Spoonhower has been given permission to spend existing equipment funds to purchase a new grader greatly needed for road work and will ultimately be a significant saving to the town. Albrecht will attend the June 28 presentation of the results of the Town-Wide Survey at the request of the Town Board. A Planning Board filing cabinet will be returned for our use. There was confusion about the file and it was taken away but once returned Albrecht will use it to store our records currently being reviewed at her home. The file will be in the CEO office area. The new carpet is in and a couple issues are being resolved. Other minor things with the building are being discussed like lighting, the sign, and finishing work with landscaping.
- 2) County Planning Board Update – Pollard reported five 239 reviews at meeting of June 18, 2014: 2014-10/changes to Village of Waverly zoning, 2014-11/Waverly Discount Beverage and Redemption Center sign replacement, 2014-12/Special Permi & Site Plan Review for proposed Sister's Family Restaurant in Waverly, 2014-13/Site Plan Review for 10 South Main Street in Newark Valley, and 2014-14/Site Plan Review for former Matthews Chevrolet bldg. on Taylor Road in Owego. Newark

Valley is working on their comprehensive plan. Town of Tioga is also working on a comprehensive plan and a site plan review local law. Elaine Jardin is expected to be out on medical leave until October, and Caroline Quidort of the Southern Tier East Regional Planning Board (STERPB) will be covering in her absence.

C) Old Business:

- 1) Ceurter gave an overview of the role of the Planning Board for the benefit of the visitors interested in alternate membership. Bette and Tami were interested in the on-line training program; Albrecht will email them the link. Bette's email is [erjon@frontiernet.net](mailto:erjon@frontiernet.net), and Tami's is [th47@cornell.edu](mailto:th47@cornell.edu). Albrecht will also send Bette the Planning Board overview document.
- 2) Unsafe Building Ordinance – Pollard moved to correct the May minutes per Ron McEwen that the Town Attorney drafted the Unsafe Building Ordinance at the direction of the Town Board. Matrazzo second. Carried.
- 3) Law Book and new files. The 2-drawer file has not yet found its way back to the Town Hall. Albrecht will make sure we get it back or obtain another, and she will make sure that the pertinent files are filed in the cabinet before our next meeting.
- 4) RUA – Continue review of Richford draft with road classes and worksheet. Question for Charlie Davis (Richford Planning Board): what was their purpose in mentioning seismic testing specifically? Albrecht will email him regarding this question.
- 5) Next – Snowmobile & ATV and Bld permit/code laws.

D) New Business

- 1) Survey Results – Albrecht and Ceurter attended the June 28 presentation of the results. Ceurter reported some of the results of the survey where there was pretty overwhelming agreement as well as some of the demographics of the respondents for the benefit of those who were not able to attend the Survey Results meeting or had not yet reviewed the data distributed.
- 2) Training opportunities and attendance: Not aware of any training opportunities coming up, however only Kunik has thus far taken advantage of the on-line training, and others do still hope to be able to do that.
- 3) Newsletter article for August – We'd like to be sure to include a remembrance of John Gehm and appreciation of the survey committee (especially Jerry Acton).
- 4) Albrecht moved to move the August meeting to August 12 to accommodate member vacations and other conflicts. Pollard seconded. Carried. We will meet in the courtroom so that we don't conflict with the Town Board workshop.

Next Planning Board meeting is scheduled for Tuesday, August 12, 2014 at 6:30 pm.

Next monthly Town Board meeting is scheduled for Mon. July 21<sup>th</sup> and workshop is Tues. the 15<sup>th</sup>.

Albrecht moved to adjourn. Matrazzo seconded. Carried at 8:55 p.m.

Berkshire Planning Board  
Meeting Minutes  
September 9, 2014 – 6:30 pm

Members with term expirations:

Ken Ceurter	Chair	2015
Sarah Albrecht	Vice Chair & Secretary	2018
Tim Pollard	County Planning Board Rep. (through 2016)	2014
Frank Kunik		2016
Marty Matrazzo		2017
Vacant Alternate		2014
Vacant Alternate		2014

A) Call Meeting to Order at 6:50 p.m.

- 1) Pledge of Allegiance
- 2) Roll Call/status of membership – Ceurter, Matrazzo, and Pollard were present. Albrecht and Kunik were excused.
- 3) Secretary's minutes of July 2, 2014 were distributed and reviewed by e-mail – Ceurter moved to accept. Matrazzo second. Approved. Planning Board did not meet in August.
- 4) A discussion was held on the correct process to handle correction of meeting minutes in the future.
- 5) Privilege of the Floor – None.

B) Meetings & Committee Update

- 1) Summary of Town Board meeting – summaries of the July and August meetings were reviewed and discussed. Most pertinent item for the Planning Board is the resignation of the CEO effective September 30, 2014.
- 2) County Planning Board Report – Pollard reviewed the items covered in the August meeting. A couple of key issues mentioned were other towns that are working on a comprehensive plan al also working on local laws for regulating large groups, which we should also consider.

C) Unfinished business:

- 1) Betty Johnson's resume and request to serve as an alternate member were reviewed and discussed (Bette not present). Pollard made a motion to request the Town Board appoint her to one of the alternate member positions for the remainder of the year. Matrazzo seconded. All were in favor. Ceurter to ask Albrecht to send a letter to the Town Board regarding this appointment.
- 2) Questions were raised and discussed regarding the Town Board's plans to take action on the Consolidated Plan survey results to draft some kind of a long range plan.
- 3) Significant time was spent reviewing and making changes to the Road Use Agreement draft.

D) New Business

- 1) Training opportunities - Pollard will forward a list of on-line training opportunities he received from the TCPB.

Next Planning Board meeting is scheduled for Tuesday, October 7, 2014 at 6:30 pm.

Pollard moved to adjourn. Ceurter seconded. Carried at 8:50 p.m.

Berkshire Planning Board  
Meeting Minutes  
October 7, 2014

Members with term expirations:

Ken Ceurter	Chair	2015
Sarah Albrecht	Vice Chair & Secretary	2018
Tim Pollard	County Planning Board Rep. (through 2016)	2014
Frank Kunik		2016
Marty Mattrazzo		2017
Bette Johnson	(Alternate)	2014
Vacant Alternate		2014

A) Meeting called to order at 6:35 p.m.

- 1) Pledge of Allegiance
- 2) Roll Call/status of membership – Mattrazzo excused.
- 3) Secretary’s minutes – Kunik moved to accept September minutes. Pollard seconded. Carried.
- 4) Privilege of the Floor – Jim Lacey attended (no specific concern, just interested in what we were working on).

B) Meetings & Committee Update

- 1) Town Board activities that pertain to PB – Albrecht sent summary via email: McEwen confirmed CEO resignation of Sept. 30 and appointed Bette Johnson as alternate member of Planning Board. Sharon Brame attended privilege of the floor to further discuss the Swartwood situation. More dog control issues also noted this month. Highway Supt. and CEO not present, so no report from them. Albrecht reported continued work on Road Use.
- 2) County Planning Board Update – Lockheed Martin had two requests; several towns are working on a comprehensive plan; Elaine Jardine’s medical leave has been extended.

C) Unfinished business:

- 1) Welcome Bette Johnson as an Alternate Member - Congratulations!
- 2) Status on survey results or consolidated plan – we are not aware of any further updates regarding action to be taken as a result of the town-wide survey. Resolutions were passed regarding the state of route 38 and lowering the speed limit, but we are not aware of any response to either.

- 3) Local law review:
  - a) RUA – Continue review of Richford draft. We had a question on Richford’s inclusion of specific seismic testing language. Sarah will email Charlie to find out the logic or background for that to see if we want to keep that in our law.
  - b) Next – Snowmobile & ATV and Building permit/code laws.

D) New Business

- 1) Upcoming Meetings:
  - a) 1<sup>st</sup> Tuesday of Nov. is elections, so all agreed to move meeting to 7:00 p.m. to allow everyone time to vote. December meeting will be the second Tuesday to accommodate a conflict for Albrecht. Albrecht will submit a legal notice for each change.
  - b) December meeting will address elections, Bylaws, appointments, fee schedule & training log
  - c) We agreed to trying to stick firmly to ending our meetings at 8:30 p.m.
- 2) October newsletter article is due October 20. Albrecht will draft and include announcement of Johnson’s appointment and a notice about keeping snowmobiles off sidewalks.
- 3) Appointments for January to consider: Pollard for 5 year term and Johnson as Alternate. Both are willing to continue.
- 4) Fee Schedule review and recommendation for December—we discussed trying to get input from the new CEO when that appointment is announced.
- 5) Training opportunities and attendance: Bette is signed up for the stormwater training in Owego October 8, 6:00-8:00 p.m.

Next Planning Board meeting is scheduled for Tuesday, November 4, 2014 at 7:00 pm.

Next monthly Town Board meeting is scheduled for Mon. October 20<sup>th</sup> and workshop is Tues. the 14<sup>th</sup>.

Albrecht moved for adjournment. Ceurter seconded. Carried at 8:30 p.m.

Berkshire Planning Board  
Meeting Minutes  
November 4, 2014 – 7:00 – 9:00 pm

Members with term expirations:

Ken Ceurter	Chair	2015
Sarah Albrecht	Vice Chair & Secretary	2018
Tim Pollard	County Planning Board Rep. (through 2016)	2014
Frank Kunik		2016
Marty Mattrazzo		2017
Bette Johnson	(Alternate)	2014
Vacant Alternate		2014

A) Call Meeting to Order at 7:05 p.m.

- 1) Pledge of Allegiance
- 2) Roll Call/status of membership – Johnson excused (elections).
- 3) Secretary’s minutes – Pollard moved to accept. Mattrazzo seconded. Carried.
- 4) Privilege of the Floor - None
- 5) Met with newly appointed CEO, Rachel Jacobs ([racheljacobsceo@gmail.com](mailto:racheljacobsceo@gmail.com)). She agreed to keep us informed of relevant code-related issues and assist us on code-related aspects as we work on development and revision of local laws. We are looking forward to a good working relationship and were impressed with what she has already done in her first month on the job.

B) Meetings & Committee Update

- 1) Town Board activities that pertain to PB – Ceurter reported re: asking Libous for money to fix Route 38, re-assessment, NYS audit 14 citations almost all re: communication between Town Clerk and CEO, Rachel Jacobs appointment. Sent her documents. The Town Board has plans to use the survey to come up with a comprehensive plan, but has not yet started that process. They asked for copies of other town’s comprehensive plans as examples, and Ceurter has or will forward the Richford and Nichols plans. Town Board is planning action for abandoned trailers on Dimon Hill Road similar to that on Phillips Road.
- 2) County Planning Board issues pertaining to Berkshire–Pollard reported two 239 reviews. Town of Owego zoning law did not allow for the creation of senior care or housing (Riverview preceded zoning) so added wording to allow permitted use of “care home” in the office/park district, and the office park district was added to the site plan review requirements. Tioga Downs requested a variance to put up a 50’x20’ sign facing Route 17 (variance required because it is 5 times the size allowed by Nichols law). This was approved despite many negative comments. Local bits: Town of Barton CEO passed away; Town of NV working on a sign ordinance; Tioga working on site plan local law; Ag is not exempt from stormwater law if they disturb more than 1 acre; STERPC representative shared the ARC (Appalachian Regional

Commission) funding priorities: 1) Improved High Speed Internet for Schoharie County; 2) Milford Central School program (Otsego County); 3) Newman Tech Development E Center in Delaware County; 4) Expanding the Fingerlakes Re-Use Program into Broome and Tioga Counties; 5) A program to certify biomass installers in some counties; and 6) Value added production and marketing program at SUNY Cobleskill - will help farmers direct market their products

C) Unfinished business:

- 1) Plans on survey or consolidated plan – TB wants comprehensive plans from other towns (gave them 2002 Richford plan). Albrecht will forward Nichols plan to Ceurter.
- 2) October newsletter – snowmobile usage and membership
- 3) Training - Bette attended Stormwater Training but was not able to be present to report about it. We will ask her to do so at our next meeting.
- 4) Local law review:
  - a) RUA – Continued review of draft.
  - b) Next – Snowmobile & ATV and Bld permit/code laws.

D) New Business

- 1) Training opportunities and attendance. No one present was aware of any additional training opportunities coming up. We are hopeful that when Elaine Jardine can come back to work that there will be more trainings offered through Tioga County.
- 2) December or special Organizational meeting preparation:
  - a) Elections
  - b) 2015 appointments –reappoint of Tim as regular for 5 years and Bette as alternate for 1 year.
  - c) Bylaw Review – changes necessary? Albrecht will send to everyone for review prior to the December meeting.
  - d) Fee Schedule review – remains the same.
  - e) Submit materials to Town Board by their regular meeting of Dec. 1 probably take action at their year end meeting.
    - Cover letter 2015 appointments,
    - Cover letter and fee schedule (finalize & approve),
    - Share revised Bylaws or recommend no change
    - Cover letter with training worksheet
    - Local Law Review priorities for 2015??

Next Planning Board meeting is scheduled for **Monday, December 1, 2014 at 6:30 pm. – note date/time change.**

Next monthly Town Board meeting is scheduled for Mon. November 17<sup>th</sup> and workshop is Tues. Nov. 11<sup>th</sup>.

Albrecht moved for adjournment. Mattrazzo seconded. Carried at 9:05 p.m.

Berkshire Planning Board  
Meeting Minutes  
December 1, 2014 – 6:30– 8:30 pm

Members with term expirations:

Ken Ceurter	Chair	2015
Sarah Albrecht	Vice Chair & Secretary	2018
Tim Pollard	County Planning Board Rep. (through 2016)	2014
Frank Kunik		2016
Marty Matrazzo		2017
Bette Johnson	(Alternate)	2014
Vacant Alternate		2014

- A) Call Meeting to Order at 6:38 p.m.
- 1) Pledge of Allegiance
  - 2) Roll Call/status of membership – all present
  - 3) Secretary’s minutes – Kunik moved to accept. Pollard second. Carried.
  - 4) Privilege of the Floor - None
- B) Organizational meeting called to order at 6:40.
- 1) Elections – Pollard nominated current slate of officers to continue. Kunik seconded. Carried unanimously.
  - 2) Appointments for 2015
    - a) Tim reappointment for 5 years with appointment ending Dec. 31, 2019. Albrecht moved. Matrazzo seconded. Carried.
    - b) Bette reappointment in Alternate position for 1 year ending Dec. 31, 2015. Albrecht moved. Ceurter seconded. Carried.
  - 3) Bylaw Review – no recommended changes.
  - 4) Fee Schedule review – keep same per Town Board and work with new CEO for 2015.
  - 5) Submit materials to Town Board prior to their meeting of Dec. 15 (may wait action till year end meeting).
    - 2015 appointments
    - Recommend no change to fee schedule
    - Bylaws require no change
    - Cover letter with training worksheet
    - Local Law Review priorities for 2015 (RUA completion then Snowmobile & ATV, Building Permit/Codes)

Closed organizational portion of the meeting at 7:00 p.m. (Pollard moved, Matrazzo seconded, and carried)

- C) Meetings & Committee Update
- 1) Summary of Town Board meeting – CEO reported taking action on several issues and asked for firm direction on Swartwood case from Town Board. Stray Haven contract signed. Review of budget.
  - 2) County Planning Board Summary – Pollard reported that the County Planning Board met on November 19, 2014, and discussed a site plan review in the town of Waverly for Granite Works, a granite and stone business, who wants to erect a large pole barn on their

property. The pole barn will be used to store palletized granite that is currently stored outdoors. There was little debate and the review was quickly approved. Other news: Elaine Jardine may be back in the office as soon as Jan 15. Town of Nichols has put on the back burner a drone local law. They never actually approved the Comprehensive Plan that we have a copy of. They are also working on a refuse/junk law. There was a rather lengthy debate between the two members from Nichols about the need for this law to regulate junk stored outside in the flood plain. Town of Newark Valley plans to put in effect this month a new signage law. The need for the new law was apparently realized when a business on Route 38 decided to install a large new lighted sign. Newark Valley has a comprehensive plan.

D) Unfinished business:

- 1) Comp plans shared with Town Board – Richford and Nichols
- 2) Local law review:
  - a) RUA – There was some confusion about which version of some sections of the law are the current draft since there have been multiple documents circulated. Secretary will merge versions together into one document and distribute prior to our next meeting.
  - b) Next – Snowmobile & ATV and Bld permit/code laws.

E) New Business

- 1) Training opportunities and attendance – not aware of any at this time.

Next Planning Board meeting is scheduled for Tuesday, January 6, 2014 at 6:30 pm. (Matrazzo notified us that he will be away and unable to attend that meeting.)

Next monthly Town Board meeting is scheduled for Mon. December 15<sup>th</sup> and workshop is Tues. the 9<sup>th</sup>. I believe the year-end closing meeting if needed is Dec. 31.

Albrecht moved to adjourn. Ceurter seconded and it carried at 7:53 p.m.