

TOWN OF COVERT
SENECA COUNTY
REGULAR TOWN BOARD MEETING
JULY 10, 2017

The regular monthly meeting of the Town Board of the Town of Covert was held Monday, July 10, 2017 at 7:00 p.m. at the Town of Covert Municipal Building, 8469 South Main Street, Interlaken, New York.

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| Roll Call: | Supervisor Michael Reynolds | Present |
| | Councilman Gary Hunt | Present |
| | Councilman Jeffrey Vann | Absent |
| | Councilman Leon Anderson | Present |
| | Councilman William Bishop | Present |

Others Present: Town Attorney Patrick Morrell, Town Clerk Colleen Freese, Highway Superintendent Jeffrey MacCheyne, Reporter Aneta Glover and other interested citizens.

Call to Order: Supervisor Reynolds called the meeting to order at 7:00 p.m. All rose for the pledge of allegiance.

Public Hearings:

1. Anderson moved, seconded by Hunt , to open the first public hearing at 7:03 for a variance request for John Yaw, Lodi Covert Townline Road, which is short of the required 50 ft setback from the road. He is replacing a 1890 Carriage House that was damaged in a storm. The Planning Board recommended the building be turned 90 degrees and move it closer to the Yard and that setback will be over forty foot. The Planning Board recommended approving the variance request with the changes. The Town Board agreed with the new plan to turn it 90 degrees and approve the variance request. Hunt moved, seconded by Anderson, to close the Public Hearing at 7:05. Aye-Bishop, Aye-Hunt, and Aye-Anderson.

2. Anderson moved, seconded by Bishop, to open the second public hearing at 7:06 for variance request for Matt & Tera Stagg, where the property does not meet the flag lot requirement of 50 foot width as required in The Land Management Ordinance. The Planning Board recommended approving the variance request and did not see how the six inches would have any effect on the Town, therefore, they recommended the Town Board grant the permit. The Town Board agreed it was undeveloped land and six inches short; they could see no reason not to approve the variance request. Hunt moved, seconded by Anderson, to close the Public Hearing at 7:15. Aye-Bishop, Aye-Hunt, and Aye-Anderson.

3. Anderson moved, seconded by Bishop, to open the Public Hearing at 7:16 to hear any comments on **Section Three A : Regulations For Multiple-Family Dwelling** that the Board presented to be added to **Land Management Ordinances**. The LMO explains the different dwellings and that special permits are needed; there will be a \$250.00 fee for special building permits.

Bishop moved, seconded by Anderson, to close the public hearing at 7:25 and return to the regular Town Board Meeting . Aye-Bishop, Aye-Hunt, and Aye-Anderson.

Presenter:

Lawrence Reverby, attorney for Richard Westbrook and Janet Diehl. Mr. Reverby shared that the Board's only concern is to approve or deny the variances request. There are no issues with

the neighbor and Mr. Westbrook has removed the deck. Town Attorney Morrell asked what he is asking the Town Board to approve. Mr. Westbrook replied that the deck has been removed from the water, it is no longer an issue now, so, he asked for the shed and the decking in front of the shed to be approved.

Ms. Cumming asked the Town Board to please adjourn on discussion of the variances request and give Ms. Cumming and Mr. Moro the opportunity to have their legal representative to present the matter to the Town Board.

There was much discussion on variances requested and Code Enforcement Officer shared points to consider in making a decision on the variance request: 1. First Deck - 16' couldn't be approved. 2. Shed is still existing. 3. Shed roof where it extends over the roof could have been approved with a permit.

The Planning Board recommended the Town Board approve Mr. Westbrook's building permit.

A concerned citizen shared that if you approve these variances after the fact, you are setting a precedent that we can all do this. If you have an ordinance, you should be following it and enforcing it.

Councilman Anderson shared that his feeling is that to go around and do 100% enforcement on every variance, you are never going to have a variance. You have to have discernment and weigh all the options. You have to have flexibility in Laws and weigh the facts.

Councilman Anderson suggested the Town Board consider having tablets to receive board meeting items and e-mails instead of using private computers. It could also display the agenda on the screen so the public could see it. The cost would be around \$1,200.00.

Supervisor Reynolds shared that he is still working on a NYSERDA grant for the town. The Town has to show it's saving money; there are four criteria to meet in order to qualify for the NYSERDA Grant. The town has time to meet these requirements. One idea is to put in a car charging station at the Town Hall. Another is approving Solar permits and proving the town has saved money on energy. The town is saving seven percent with the insulating that's been installed in the town hall and that goes toward meeting the grant requirements. The charging station will cost around \$1,000.00 but the town would get \$800.00 back.

There was discussion on a 1 year moratorium for solar Energy, wind energy and cellular towers. It was tabled until next month when a public hearing will be held.

Town Attorney Morrell asked that the board would table Section Three A : Regulations for Multiple-Family Dwellings. It has some wording that he would like to change before the board passes it. He will have it ready for the next board meeting.

Anderson moved, seconded by Hunt, to approve John Yaw's variance request to replace his carriage house that was damaged in a storm. The Planning Board recommended a ninety degree turn to allow for a better set back and recommended approval. Aye-Bishop, Aye-Anderson and Aye-Hunt.

Anderson moved, seconded by Hunt to approve Matt & Tera Staggs variance request to build a house on a flag lot that was a little short of the required 50 ft. The Town Planning Board recommended approval. Aye-Bishop, Aye-Anderson and Aye-Hunt.

Hunt moved, seconded by Bishop, to hold a public hearing August 14, 2017 for a local Law imposing a temporary 1 year Moratorium on Approvals for Solar Energy Facilities, Wind Energy Facilities and Cellular Communications Towers. Aye-Bishop, Aye-Anderson and Aye-Hunt.

Bishop moved, seconded by Anderson, to approve the Supervisor's Revenue and Expenditure Report for June 2017. Aye-Bishop, Aye-Anderson and Aye-Hunt.

Bishop moved, seconded by Anderson, to approve the Highway Superintendent's Report for the month of June 2017. Aye -Anderson, Aye-Hunt, and Aye-Bishop.

Hunt moved, seconded by Bishop, to approve the Town Clerk's monthly report for June 2017. A total of \$869.75 was received and \$642.58 was remitted to the Town Supervisor. Aye-Anderson, Aye-Bishop, and Aye-Hunt.

Hunt moved, seconded by Bishop, to approve the Code Enforcement Officer's report for the month of June 2017. Aye-Bishop, Aye-Anderson and Aye-Hunt.

Anderson moved, seconded by Hunt, to approve the Dog Control Officer's report for the month of June 2017. Aye-Hunt, Aye-Bishop, and Aye-Anderson.

Hunt moved, seconded by Anderson, to table the Land Management Ordinance, Section Three for Multiple-Family Dwellings. The Town Attorney wants to make some changes before it is approved. Aye-Hunt, Aye-Bishop, and Aye-Anderson.

Hunt moved, seconded by Anderson, to approve the 2017 Historical Society agreement. Aye-Hunt, Aye-Bishop, and Aye-Anderson.

Bishop moved, seconded by Anderson, to approve the 2017 Interlaken Public Library Agreement. Aye-Bishop, Aye-Hunt and Aye-Anderson.

Town Attorney Morrell asked are you going to act on Westbrook & Deihl variance requests or are you going to postpone as requested by Ms. Cummings & Mr. Moro and their attorney.

It was determined that Westbrook & Deihl's seekers application is a type II Action. The following actions are not subject to review. Construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other building not changing land use or density.

Anderson moved, seconded by Hunt, to accept the seek and designate type II action (6765810) and approve the Westbrook and Deihl variances request for small deck and the shed. Hunt stated we have approved other variances request. Aye-Hunt, Aye-Bishop and Aye-Anderson.

Anderson moved, seconded by Bishop, that Highway Fund Vouchers #86-93 in the amount of \$7,169.22 and General Fund Vouchers #101-113 in the amount of \$4,224.58 be approved for payment. Aye-Hunt, Aye-Bishop and Aye-Anderson.

Hunt moved, seconded by Anderson, to go into executive session at 9:10 to discuss a personnel matter. Aye-Hunt, Aye-Bishop and Aye-Anderson.

Hunt moved, seconded by Anderson, to come out of executive session and return to the regular meeting at 9:30. Aye-Hunt, Aye-Bishop and Aye-Anderson.

Hunt moved, seconded by Anderson, to pay Ed Turk for his accumulated sick time not to exceed 120 days as required in the Town of Covert's Personnel Policy and Procedures. Mr. Turk will need to put in writing that he is retiring December 31,2017. Aye-Hunt, Aye-Bishop and Aye-Anderson.

Hunt moved to adjourn the meeting at 9:40 p.m.

Respectfully Submitted,

Colleen R. Freese, Town Clerk