

Minutes of the meeting of the Planning Board of the Village of Rouses Point, New York, held on Tuesday, 29 May 2012 at Halstead Hall, commencing at 7:00 p.m.

**PRESENT:** Tom Murnane, Michael Tetreault

**RECORDING SECRETARY:** Geri Favreau

**CALL MEETING TO ORDER:** Mr. Cooper called the meeting to order at 7:00 p.m. and began with the Pledge of Allegiance.

**ROLL CALL:** In attendance: Ms. Hall, Mr. Cooper, Mr. Batha and Alternate Mr. Roush. Absent: Mr. Gladd

**APPROVAL OF MINUTES:** Ms. Hall made a motion to approve the minutes of the 23 April 2012 meeting; Seconded by Mr. Batha; Aye Carried

**COMMUNICATIONS:** None

**REPORTS OF COMMITTEES:** None

**OLD BUSINESS:** Special Use Permit – Public Hearing and SEQRA Review for Fairsea, LLC (Lighthouse Marina)

The County has disapproved this application and the DEC has requested more information. Mr. Cooper stated that we do not have a plan to work with because the plan has not been approved by anyone. We have no information from any organizations - DEC, Army Corp, OGS for this Special Use Permit. Mr. Cooper stated we could not open the Public Hearing for people to comment on when we don't have a plan. Mr. Walker stated that there is a plan and that SEQRA can be done before a government agency makes a decision. Mr. Cooper stated that the County and the DEC said that the plan is not complete. The DEC has not determined who the owner is yet.

Mr. Walker stated that the DEC took exception to two things but other than that OK'd the project.

Mr. Cooper inquired if the RP Planning Board could hold the Public Hearing. Mr. Murnane stated that it's up to the applicant if he wants to proceed with the County. The short form SEQRA has been submitted. The Board can request a long form if they feel they need more information. The short form is 2 pages. The long form contains a lot more information and very specific details of the project. There are a lot of issues with this project. The more information the Board has, the better.

Mr. Cooper inquired if the Board should have the Public Hearing without the information being available. Mr. Murnane said that decision is not up to him. Mr. Walker stated that the Army Corp will be the last organization to approve, the DEC had some objection to extra rock being put into the lake. The plan has not changed, the number of slips has not changed, the impact on the environment has not changed, the two questions they had (where the gas pumps will be located and the width of the store), did not have a problem with the Clean Water Act, etc. He stated that an "Unlisted Action" is a short form. Mr. Walker stated that he was asked to provide an agency report that Fairsea was being represented and a document from the Engineer suggesting how many parking spaces are required. The request for long form is at the initial meeting per Town Bylaws. Mr. Cooper asked about the letter stating Mr. Walker can represent Fairsea. Mr. Walker stated that he did but he has not submitted it to the office. Mr. Cooper inquired if the Engineer had calculations for the culvert pipes for this meeting.



Mr. Walker presented the letter stating that he could act for Fairsea. The letter he presented stated that he is the address of agent in New York that can be served with orders, notices, or processes through the DEC or any court of law. It does not technically say that he is authorized to represent Fairsea at the Planning Board. The email sent states that the Engineer has not prepared a parking plan. Discussion followed.

Mr. Cooper stated that we need a Site Plan and we do not have one. It had been suggested that someone from the Lighthouse Point Marina project attend the County Planning Board meeting. No one attended. The County stated that there was a lack of information. The comments were read into the record (see attached).

Mr. Batha stated that there is an existing crosswalk in the location of the Marina.

The Planning Board requested that an Engineer be hired to review the project on behalf of the Board. The Village Board approved this request at one of their recent meetings and this Engineer will be paid by the applicant.

Mr. Murnane stated that the Planning Board is still reviewing the application. Mr. Cooper stated that more information had been requested from the applicant and that it has not been received. Mr. Murnane stated that the Board is entitled to ask for more information and a long form EAF. A full EAF can be required on an Unlisted Action.

Ms. Hall made a motion to have the applicant provide more information and a long form EAF to include more information, second by Mr. Roush. Roll Call Vote: Ms. Hall – Aye, Mr. Batha, Aye, Mr. Roush – Aye, Mr. Cooper – Aye. Carried

Ms. Hall made a motion requesting application to submit a full EAF to complete SEQRA review of the project, seconded by Mr. Roush. Roll Call Vote: Ms. Hall – Aye, Mr. Batha, Aye, Mr. Roush – Aye, Mr. Cooper – Aye. Carried

Mr. Batha spoke about the schedule of the Planning Board. He stated that a Public Hearing was scheduled for tonight and were anticipating more information from the last meeting prior to this meeting. The information was not provided. This project has to be done legally to the letter of the law with the permits and plans OK. Mr. Murnane stated that the Board would like an Engineer to look at the project on behalf of the Village and there is a certain procedure that has to be followed – the Village Board has to authorize hiring the Engineer, get plans to Engineer, making sure the Engineer's quote is acceptable to the Village Board. This is a significant project. Mr. Cooper stated that paperwork had not been received until the end of April. Mr. Walker stated that the Army Corp will ultimately tell the applicant what can or cannot be done. Mr. Walker has not received anything from the Corp to date.

Mr. Batha stated that he had learned at a seminar that the Village cannot approve a project until the other agencies have approved it.

Mr. Maskell stated his experience with the Army Corp that they will not do anything until the Planning Board and the County moves on this project. Then they will send in their Engineer and the Corp will have the final say. Mr. Murnane stated that the Corp will drive the project. Mr. Batha stated that the Corp cannot say "yes" if other agencies have said "no."

Mr. Murnane stated that the County Planning Board decision only impacts the vote of the Rouses Point Planning Board. RPPB can override the CPB decision by a vote of majority plus one.



Mr. Cooper stated that the applicant's engineer was strongly encouraged to attend the County meeting and they did not and the County denied the application 8-0.

Ms. Reid asked if the application was under coordinated review and that this Board could not make their decision without input from the other agencies. Mr. Murnane stated that this Board can give the other agencies a timeframe to give input. If they chose not to, then this Board can proceed. The only response received so far was from DEC, nothing from Corp or OGS. Mr. Walker stated that the DEC letter said that the application is incomplete until SEQRA is done, they cannot move forward. This was one of a series of issues. The Engineer to be hired by the Village/Planning Board has not received any information to review to date and they need time to look over the application. The long form EAF needs to contain the necessary information for the Board to make a vote for either negative or positive declaration.

Mr. Baker stated that once Mr. Ferris puts his stamp on the project, he is responsible for the whole project. Ms. Reid stated that the Village Board had voted to allow the Planning Board to hire an Engineer within the last two weeks.

Mr. Walker stated that he had not received a copy of quote from RMS Engineers. Carol Hanfield, Village Clerk, had mailed a copy to Mr. Walker on 18 May. The maximum cost quoted is \$2550.

Mr. Roush made a motion to go forward with Robert M. Sunderland, P.C. Engineers, seconded by Ms. Hall. Roll Call Vote: Ms. Hall – Aye, Mr. Batha, Aye, Mr. Roush – Aye, Mr. Cooper – Aye. Carried

Mr. Murnane asked about the timeframe to receive the completed long form EAF. Mr. Walker stated that they would be taking that up in a different venue. He does that feel that this board has the ability to override the bylaws so a short form will be submitted and seeking court approval. Additional information can be provided by the end of the week. Mr. Murnane reminded Mr. Walker that this board had made a motion requesting a full EAF and without that this Board may not be able to proceed. Mr. Walker said that he understands.

Mr. Cooper asked if there were any other comments.

Mr. O'Neill stated his concern about the tires in the lake and would like to see them picked up and see a water flow that protects property owners and marina owners. Mr. Walker stated that when they took over they removed 200 tires.

Mr. Murnane stated that until the Board receives the full EAF, there is not much they can do or for the Engineer to review.

Mr. Batha stated that we want to see the issues addressed by other agencies and other questions that have come up and the Engineer's review. He said that until all these pieces are in place, this Board cannot make a decision. And we should advertise again for a Public Hearing in case all the information is available.

Mr. Murnane requested that Mr. Walker supply this Board with a letter of authorization separate from the DEC form. Mr. Walker asked that Mr. Murnane provide one since this Board will not accept the DEC form. Mr. Murnane will provide a form.

Mr. Batha made a motion to continue the Public Hearing at the June meeting, Mr. Roush seconded. Carried

Mr. Walker asked if the Engineers can talk to each other. He was advised that they can and should.

**NEW BUSINESS:** None

**PUBLIC COMMENT:** None

**ADJOURNMENT:** Mr. Batha made a motion to adjourn at 8:00 p.m.; Seconded by Ms. Hall. Carried

**NEXT REGULAR MEETING:** Monday, 25 June 2012 at 7:00 p.m. at the Civic Center.

Respectfully submitted,



Geri Favreau  
Planning Board Secretary