

Planning Board Meeting Minutes  
June 22, 2021  
7:30 PM

**Meeting Called to Order at 07:32 PM EST.**

**Pledge of Allegiance**

**Attendance**

Present: Wendy Spinuzza (CEO), Erica Karrfalt (CEO Clerk), Dan Larish (PB), Dale Carlson (PB), Bob (*Robert*) Patterson (PB), Harold Smith (PB) and One member of the public.

Absent: Dave McIntyre

**May 2021 Meeting Minutes**

**Motion to approve previous meeting**

Motion to Approve (Dale Carlson)

Motion seconded (Bob (*Robert*) Patterson)

Board Vote

Ayes: 4

Nays: 0

**Code Enforcement Report**

Building Permits

- Portland: Sixteen (16) issued
- Brocton: Eight (8) issued

Six (6) New Homes being built in Portland, NY

- Four (4) active homes,
- One (1) has permit but lost contractor,
- One (1) permit application is process for approval.
  - ❖ *Spreadsheet for inspections per project has been created to track each projects progress.*

Two (2) New Businesses in Brocton, NY

- Pizza Shop, Miller's Hometown Pizzeria, opened this week.
- Dinner is ok to open by Brocton Ordinance, but the owner hasn't opened yet. State has given ok for open.

Violations: *No violations have escalated to court proceedings.*

- Portland: Six (6)
- Brocton: Three (3)

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## **Code Enforcement Report Approved**

Motion Made (Bob *(Robert)* Patterson)

Motion Seconded (Dan Larish)

Board Vote

Ayes: 4

Nays: 0

## **Lot Subdivision**

- 4+ acre lot
- Brocton Ordinance states that, [only 1 residential dwelling is allowed per lot.] The property physical address is in Portland, but the mailing address is in Brocton.

Board decided from previous practice of just a year ago there was approval of two (2) residential dwellings on same lot by the lake. They have approved this lot to may have two (2) residential dwellings as well. *If necessary, the board would be able to issue a Special Condition Permit due to size of the lot.*

## **Air BnB**

Discussion of how to appropriately regulate the common occurrence of the Air BnB's or other Transient property.

### **Motion for Packet to me made by CEO Clerk for next meeting**

Motion made (Bob *(Robert)* Patterson)

Motion Seconded (Dan Larish)

Board Vote

Ayes: 4

Nays: 0

## **Solar Projects** *Packets are being made for the companies to follow for their process.*

- Abundant Solar
- Solar Liberty
- Omni Navitas

## **Cassella**

Discussion on Special Condition/Use Permit already in effect for the current property and it's use for the new subdivision. Board has asked CEO to have Cassella come in for the next board meeting. Concerns of visual and noise complaints on the property and how these will be addressed (e.g., Hours of operation, visual barriers, parking of vehicles in a regulated pattern).

## **Motion to Adjourn**

Motion made (Bob *(Robert)* Patterson)

Motion seconded (Dan Larish)

Board Vote

Ayes: 4

Nays: 0

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Written minutes are as the CEO Clerk has recorded while in the meeting and confirmed by the audio recording taken.

- *Town Clerk (Roxanne Sobecki) asked the Town Lawyer (Joel Seachrist) on 06/23/2021 about audio recorded minutes rules/laws. The Town Lawyer stated, “[There is no need nor requirement for a verbatim record of audio recorded minutes. The only rule is the need to keep said recordings for 4 months time before they may be recorded over or trashed/deleted.]”*
- *As sited in the (Op. St. Comp. No. 78-976. Unreported; 1977 Op. Atty. Gen. (I) 281) “the [town] clerk’s duty to keep a complete and accurate record is not a statutory requirement to keep a verbatim record, but rather only requires that the minutes contain all the activities and considerations of the board including votes on all motions, resolutions, ordinances or local laws, whether they were passed or defeated.” (Op. St. Comp. Nos. 82-181; 81-301; 79-220, unreported; 78-976, unreported) Occasionally, the board may direct the town clerk to include a particular discussion, which is of historical or legal significance in the minutes verbatim.*
- *As sited in the ‘After the Meeting Minutes’ in NYS Your Right to Know New York State Open Government Laws Booklet: “Minutes of an open meeting must consist of “a record or summary of all motions, proposals, resolutions and any matter formally voted upon and the vote thereon.” Minutes of executive sessions must consist of “a record or summary of the final determination” of action that was taken, “and the date and vote thereon.” Therefore, if, for example, a public body merely discusses a matter during executive session, but takes no action, minutes of an executive session need not be compiled; however, if action is taken, minutes of the action taken must be compiled and made available.”*