

EDINBURG PLANNING BOARD

January 23, 2025

Date of Meeting

Regular Meeting

Type of Meeting

Rich Kedik, Wendy Clark, Steve Arata
and Amber Jensen

Members Present

Chris Murphy

Members Absent

Michael Stewart, Interim Code Enforcement Officer

Others

Regular Meeting:

Chairman Kedik opened the meeting at 7:05 p.m.

Review of Pending Applications:

Application No. 2024-002

**Marvin and Alice Hassell Family Trust
(represented by Deborah Zlotnick-daughter)
Tax Map No. 68.13-1-10 and 68.13-1-9
Boundary Line Adjustment**

Chairman Kedik reviewed the Hassell Boundary Line Adjustment Application:

- Consists of a Boundary Line Adjustment of two pre-existing, non-conforming parcels. The property is in a trust which states the parcels must be distributed equally between siblings Deborah Zlotnick and David Hassell.
- Deborah Zlotnick has appeared three times before the Board. Currently the Zlotnick lot is 12,992 square feet and David Hassell lot is 13,506 square feet.
- The Board requires a notarized letter from David Hassell stating he agrees with the boundary line adjustment as it appears on a survey dated July 9, 2024 or that he appear in person at a meeting with his sister.
- At the December 12, 2024 Planning Board meeting, the Board Members agreed to allow the application to remain open until the February 27th Planning Board meeting. If there is no action taken at the meeting, it will be closed.
- Interim CEO Stewart stated he has been in contact with Mrs. Zlotnick in the days prior to this meeting. She stated her brother agrees with the boundary line adjustment but she is still unable to obtain a notarized letter from him. She further stated he is continually changing attorneys and she believes he is receiving “bad” communication.

The following was discussed by the Board Members:

- Mrs. Zlotnick's parcel would increase and David Hassell's would decrease.
- Chairman Kedik inquired if anything additional would be required other than the notarized letter and two mylars. It was concluded there are no additional items required. It was agreed the County Real Property Office would be responsible for obtaining and filing new deeds; it would not be necessary for this Board to obtain deed information.
- Interim CEO Stewart stated he will find out if this Board would need to retain a mylar in addition to the paper copies which remain in the master files retained in Town Hall upon completion of the application.
- Interim CEO Stewart stated there would be no further delay to approve the boundary line adjustment once the notarized letter is received or David Hassell is present at a meeting.
- There was discussion on whether an area variance is necessary and Board Members agreed it was not due the pre-existing, non-conforming status of these parcels and only a boundary line is being moved.
- Chairman Kedik stated the Town now has legal representation.

Application No. 2012-003
Leland and Janice Robinson
Tax Map No. 80.-3-42
Minor Subdivision of Land

Chairman Kedik reviewed the Robinson Minor Subdivision Application:

- This is an APA approved project.
- At the December meeting, a review of the survey map revealed the additional information required on the survey map and is as follows:
 1. All acreage figures need to appear on proposed parcels along with the addition of "E" indicating the remaining acreage after subdivision.
 2. Each parcel must be labeled more clearly with acreage amounts on the survey map.
 3. There must be clarification of "D."
 4. Setbacks, septic systems, and wells must be located on the map.
 5. Wetlands do not need to be flagged because there is no new construction.
 6. The scale of the survey is adequate.
- Interim CEO Stewart stated there are no new proposed building(s) and the purpose of subdividing this parcel is for estate planning.
- Chairman Kedik stated if the revised map is received by the submission deadline of February 14th; the Application will be on the February 27th agenda for review; and, on the agenda for a public hearing on March 27th. It was discussed that applications will not be moved forward to a Planning Board agenda unless they are complete and meet the submission deadline.

Old Business:

Land Ordinance Review: CEO Stewart stated he prepared a better copy of the existing Ordinance for Board Member use and each Board Member was given a copy. He is currently re-writing this Ordinance for clarity only and not making changes. He anticipated it may be completed within two months. He further stated the existing ordinance is overly technical and

confusing. He would change to a chart format/flow chart grouping corresponding information. He did not believe CT Male addressed everything the Town wanted to be addressed.

Chairman Kedik inquired what steps would be necessary to make changes to the Ordinance. Board Member Arata stated both the Planning and Zoning Boards met to discuss changes months ago with no follow up meetings. Chairman Kedik stated the Town invested fees to C.T. Male and received little more than preliminary proposed changes. Revisions were needed and the lack of action pushes the Board back. Interim CEO Stewart stated there must be APA and County Planning Department review and input resulting in a public hearing which could occur during the same time frame.

Interim CEO Stewart stated the Town lacks a Comprehensive Plan which should have superseded the Land Ordinance.

Short term rentals: Regulations were not listed for this use in the discussions for Ordinance changes but the subject was discussed at the meeting with C.T. Male and the ZBA. Board Members would like to see the following items be part of the regulations for short term rentals:

- List of conditions
- Registration of the rentals with the Town
- Institute a fee schedule
- Prohibit off street parking
- Require owner occupied rentals
- Require seven-day minimum rental term
- Limit the number of people who can occupy the short term rental during each rental term.

This is a preliminary list subject to revision as regulations are instituted. It will not address some of the most important concerns property owners have which include noise. The towns of Mayfield and Northampton have short term rental regulations. Since the fire of a short term rental on South Shore Road, Town officials and Planning Board Members have been concerned that regulations are greatly needed.

Issues of Non-Compliance on Tax Map No. 80.16-1-57 and 80.12-1-32:

Board Member Clark inquired of the status of the two small houses located on the parcel in question. Interim CEO Stewart stated he has been in contact with owner Michael Bertone and he has issued a permit for a single family home. Board Member Clark stated that permit would be for the Bertone property located on Tax No. 80.16-1-56.1. Board Member Arata stated this Board was informed by the former CEO that a temporary permit for a garage only was issued for Tax Map No. 80.16-1-57. Interim CEO Stewart stated the file for Tax Map No. 80.16-1-57 did not include any plans but that the former CEO issued a permit and did not do any inspections. He further stated regarding the existing structures, one would be a residence and the second would be for storage on Tax Map 80-16-1-57.

Interim CEO Stewart stated the issue is neither structure meets the requirement for size which is 1,250 square feet. Mr. Bertone intends to apply for an area variance because no

certificates of occupancy can be issued. Board Member Clark stated the perception is other property owners can have the same small houses on their lots in Lakefront Residential district. Interim CEO Stewart stated the property owner would not be able to do so. Board Member Arata stated the issue is it has been done and how does this Board deal with it. Interim CEO Stewart offered no advice on how this non-conformance could be dealt with by either his office or the Planning Board.

Discussion ensued regarding Tax Map No. 80.12-1-32, Fuller's Store on Northville Road which has numerous vehicles and boats, etc. stored on it and it is unsightly. Board Members Clark and Arata inquired what regulations are being violated and could those violations be dealt with to improve that property. Interim CEO Stewart stated there is a regulation on number of unlicensed vehicles but he has not reviewed it completely. He did not believe there were any other regulations that would prohibit other things from being stored on the property. He stated this would be considered a property owner's right to do what he wishes on his property. Board Member Arata expressing his frustration with how much is scattered over the parcel and how it would be classified as "blight."

Interim CEO Stewart stated more site plan reviews of proposed projects needs to occur. He did not believe some commercial projects would need site plan review.

Subdivision Process:

Chairman Kedik asked Interim CEO Stewart what the process would be for subdivision applications coming before the Board. Interim CEO Stewart stated he would require that all items on the checklist be submitted prior to an applicant being allowed to come before the Board. If he had any questions, he would contact the chairperson.

Boundary Line Adjustments for Substandard Lots:

Board Member Clark inquired in regard to boundary line adjustments where one lot is reduced below the requirement for lot size, is an area variance required. She stated in the matter of the Hassell Application, the grandfathering for lot size would stop once the parcels are re-configured. Interim CEO Stewart stated the moving of the property line only would not result in any new lots being created and would not require an area variance. He further stated according to the existing Land Ordinance, it would be his determination whether the property owner is violating the regulations.

Referrals From the Planning Board to the ZBA:

Board Member Clark inquired if the CEO determined a property owner would need a variance, can they appear before the Zoning Board without first appearing before the Planning Board. Interim CEO Stewart stated the applicant could appear before the ZBA initially in the case of a subdivision; without first appearing before the Planning Board thus reducing the number of meetings for a single application; and, then if an area variance is granted appear before the Planning Board. He further stated setback area variances would be handled directly by the ZBA without need for a referral from the Planning Board at their meeting.

New Business: None.

Approval of Minutes:

Board Member Clark made the following motion:

BE IT RESOLVED the minutes for the December 12, 2024 meeting are approved.
Chairman Kedik seconded the motion. All in favor, none opposed. Carried: 4-0.

Motion to Close Meeting:

Board Member Clark made a motion to adjourn the meeting at 8:10 p.m. Board Member Arata seconded the motion. All in favor, none opposed. Carried: 4 -0.

Respectfully submitted,

Diane Byrne
Secretary