

A REGULAR MEETING, TOWN OF DURHAM, AUGUST 2, 2011

A regular meeting of the Town Board of the Town of Durham, County of Greene and the State of New York was held at the Town Hall, 7309 State Route 81, East Durham, NY on the 2nd, day of August.

PRESENT:	Gary Hulbert	----	Supervisor
	Linda Sutton	----	Councilperson
	Jerry Cunningham	----	Councilperson
	William Carr	----	Deputy Supervisor
	Jodi Wood	----	Councilperson
	Chris Kohrs	----	Town Clerk

Others present: Alan Beechert-Highway Superintendent, Thomas Sutton-Police Sgt., Patty Handel-Legislator and 18 community members.

Supervisor called the meeting to order at 7:31 PM.

The board reviewed subdivision application from Colleen Murray-Hulbert. Ms. Hulbert wished to subdivide her current parcel into two lots 1-11.321 +/- acres and 1-91 +/- acres. A public hearing is scheduled for September 6, 2011 7:30 p.m.

Proof of Notice having been furnished, the Public Hearing on the Nesson Subdivision was called to order at 7:37 p.m. by Supervisor Hulbert.

The following person(s) spoke in support of the proposed subdivision:

None

The following person(s) spoke against the proposed subdivision:

None

All persons desiring to be heard, having been heard, the Hearing was terminated at 7:39 p.m.

After review of the SEQR form Ms. Wood motioned to make a negative declaration on the SEQR seconded by Mr. Carr, all in favor motion carried. (Hulbert-yea, Sutton-Yea, Cunningham-yea, Carr-yea, Wood-yea)

Ms. Wood motioned to approve the subdivision of Barry Nesson, parcel 21.00-4-68 located at 4178 Route 145, Durham consisting of approximately 4.40 +/- acres to be subdivide into two parcels of 1.7944 +/- acres and 3.7519 +/- acres once the stamped drawings are Mylar with the shared well agreement is received in the Town Clerk's office seconded by Mr. Carr all in favor motion carried. (Hulbert-yea, Sutton-Yea, Cunningham-yea, Carr-yea, Wood-yea)

Proof of Notice having been furnished, the Public Hearing on the Rachubiniski Subdivision was called to order at 7:47 p.m. by Supervisor Hulbert.

As the stamped survey lacked verbiage pertaining to the maintenance agreement on the shared driveway the public hearing was left open until August 16, 2011 at 7:30 p.m. so it could be added. There were no additional comments from the public.

The regular meeting resumed at 7:53 p.m.

Degeyter Subdivision was discussed. The board needs a copy of the DOT permit for the driveway. A letter will be sent requesting a representative be present at the September 6, 2011 meeting.

Proof of Notice having been furnished, the Public Hearing on the Armstrong Site Plan Application to install a 140' wind tower was called to order at 8:01 p.m. by Supervisor Hulbert.

Supervisor Hulbert stated the public hearing will be left open indefinitely as the town board is still searching for a consultant to review the application and advise in the best interest for the town. Also explaining the cost of the consultant would be passed onto the applicant, as it is improper for other taxpayers to share the cost of a project that does not directly benefit them.

It was stated as the current building law is written a variance would need to be approved prior to a building permit being issued as it will be taller than a two story home.

Ed Armstrong clarified for the board that Les Armstrong leases the parcel on which the tower is to be placed from him. He has requested that Les place the tower as close to Les' property while maintaining the town setbacks.

The board was directed to review NYSERDA's guidelines on wind power as a source of information. As the application is being submitted as an agricultural application it is the understanding of the applicant that many of the regulations are not required.

Residents asked the following questions: What happens to the tower when the lease expires and will there be a balloon test as there was with the cell tower? It was stated without the attorney present or a consultant to direct these questions to, the board could not provide answers at this time.

Mr. Cunningham has spoken with someone in Dutchess County who has found that their community has been receptive to the wind tower projects.

The applicant suggested the board and or attorney reach out to the Town of Galeton and the Town of Ancram as they have adopted legislation governing wind power and would serve an affordable resource.

Proof of Notice having been furnished, the Public Hearing on the Stefanko Site Plan Application to install a 120' wind tower was called to order at 8:25 p.m. by Supervisor Hulbert.

The representative for the applicant stated this application is not being submitted as an agricultural project and therefore, will not fall under the Ag & Markets regulations. The location of the tower is near a currently existing 80' tower providing NYAir Internet Service.

It was stated as the current building law is written a variance would need to be approved prior to a building permit being issued as it will be taller than a two story home.

There were no comments from the public. The public hearing will remain open indefinitely while the town searches for a consultant to assist with the review process.

The board has received an approval from Greene County Planning Board for the Greene Bee Greenhouse and a public hearing is scheduled for September 6, 2011 at 7:30 p.m.

Mrs. Sutton motioned that Highway Superintendent Beechert be granted permission to hire a highway person seconded by Ms. Wood all in favor motion carried. (Hulbert-yea, Sutton-Yea, Cunningham-yea, Carr-yea, Wood-yea)

Councilman Carr offered the following resolution and moved its adoption:

RESOLUTION 2011-13 REQUESTING A TRAFFIC STUDY FOR STATE ROUTE 145 IN THE VICINITY OF THE CAIRO-DURHAM JUNIOR-SENIOR HIGH SCHOOL ENTRANCE

WHEREAS, the intersection of State Route 145 and the driveway to the Cairo-Durham Junior-Senior High School has recently been the site of a fatality and

WHEREAS, due to the curve and pitch of the road there is limited sight distance for those pulling out onto State Route 145 and

WHEREAS, due to the curve and pitch of the road there is limited sight distance for those north bound pulling off State Route 145 in to the Cairo-Durham Junior-Senior High School Driveway and

WHEREAS, the posted speed limit is 55 mph and

WHEREAS, there is a passing zone starting in front of the Cairo-Durham Junior-Senior High School driveway and

WHEREAS, the current flashing devices placed a distance from the Cairo-Durham Junior-Senior High School driveway have not prevented numerous accidents at this location

BE IT RESOLVED, that the Town of Durham requests that New York State Department of Transportation conduct a traffic study and propose that the speed be reduced in this area, due to the pitch and curve of the road that turning lanes be installed, that a traffic safety device be placed at the entrance of the Cairo-Durham Junior-Senior High School, and that the passing lane be removed.

Seconded by Councilwoman Sutton, all in favor motion carried.

Hulbert	Yea
Sutton	Yea
Cunningham	Yea
Carr	Yea
Wood	Yea

Ayes: 5 Noes: 0 Absent: 0

In addition Legislator Handel will ask her fellow Legislators to also implore the state to evaluate the traffic situation at the entrance to the Cairo-Durham Jr. Sr. High school.

A resident inquired as to how long the detour on County Route 27 would continue as it is causing a significant amount of traffic on her road. Highway Superintendent Beechert explained it is a county project and he believes it will only be a couple of more weeks.

Ms. Wood made a motion seconded by Mr. Carr to adjourn the meeting at 8:39 p.m.

Minutes approved: _____
Chris Kohrs, Town Clerk