

Town of Pomfret
Planning Board
Pomfret Town Hall
9 Day St
Fredonia, N.Y. 14063

May 6, 2024
Hearing # 3-24
6:30 P.M.

MINUTES

APPLICANT: Minor Sub-Division SBL: 164.00-1-24

Eric Vara
8450 Fredonia Stockton Rd
Fredonia, NY 14063

PROPERTY OWNER:

Estate of Diane M. Elliot
8777 Hahn Rd
Fredonia, NY 14063

PRESENT: James Joy (Chairman), Heather Lesch, Robert Dando, Robert Smith,
Ashley Willebrandt, Nicole Waite (Planning Clerk)

PUBLIC PRESENT: Judy Clark, Janice Gee, Anthony Polvino, Bradley Westling, James
D Robbins, Donna Marie Hartnett

1. **CALL TO ORDER:** Chairman Joy called the meeting to order at 6:30 P.M.
2. **ACCEPTANCE OF MINUTES:** Heather Lesch noted that Ashley Willebrandt was not present at Public Hearing #2-24. The minutes were corrected to reflect that. A motion to accept the amended minutes of Public Hearing #1-24 Timothy Eades and #2-24 William Smith was made by Robert Smith and seconded by Heather Lesch. The motion carried unanimously.
3. **NOTIFICATION OF MEETING:** Chairman Joy read the Public Hearing notice aloud.

“NOTICE IS HEREBY GIVEN that a Public Hearing (#03-24) will be held by the Pomfret Planning Board on **May 6, 2024, at 6:30 P.M** at the Pomfret Town Hall, 9 Day Street, Fredonia, N.Y. 14063 to consider the appeal of: **Eric Vara**, whose property is located at **8777 Hahn Rd, Fredonia, NY 14063** for a **Minor Subdivision**.

This property is described on the tax map as

SBL: 164.00-1-24. The proposed action is to divide **two (2) lots within the 82.7+/- acres of land**. The first lot: **42.731 acres**, the second: **42.369 acres**. Under the Town of Pomfret Zoning Code, the land is currently Zoned as AR-1.

This Minor Subdivision application is for inspection at Pomfret Town Hall, 9 Day Street, Fredonia, N.Y. 14063.

PLEASE TAKE FURTHER NOTICE that the environmental significance of the proposed request under SEQRA will be reviewed by the Board at said hearing.

Any person may appear in person, agent, or attorney. Please contact the Planning Office at 672-7496 Ext. 7 with any questions. Communication in writing in relation thereto may be filed with the Planning Clerk or at such hearing. All interested persons shall be heard.”

Robert Dando reviewed the list of neighboring property owners that received a public hearing notification letter, and indicated some who should have gotten one were not on the list. Clerk Waite pulled the property up on Chautauqua GIS and confirmed he was correct. A section of the owners located along Fredonia-Stockton Rd had accidentally been deleted from the mailing list. It was agreed by the Board that a decision could not be made until proper hearing notification procedure was completed.

4. **ADJOURNMENT:** A motion was made by Heather Lesch, seconded by Robert Smith, at 6:49 PM to table the hearing, and resume on June 3, 2024 to ensure all property neighbors within 500 feet of 8777 Hahn Rd, Fredonia, NY 14063 receive proper notice of the hearing. The motion was carried by roll call vote.

ROLL CALL:

| | |
|-------------------|-----|
| Jim Joy | AYE |
| Rob Smith | AYE |
| Heather Lesch | AYE |
| Robert Dando | AYE |
| Ashley Willebrant | AYE |

*June 3, 2024
Hearing # 3-24
6:30 P.M.*

MINUTES

PRESENT: James Joy (Chairman), Heather Lesch, Robert Dando, Robert Smith, Ashley Willebrandt, Nicole Waite (Planning Clerk)

PUBLIC PRESENT: Anthony Polvino, Bradley Westling, Eric Vara, Jamie Hubbard, Diana Hubbard, James Robbins, Donna Marie Hartnett, Carol Wise, Michael Wise, Cindy Bartkowski, Dan Bartkowski

1. **CALL TO ORDER:** Chairman Joy called the meeting to order at 6:30 P.M.

2. **ACCEPTANCE OF MINUTES:** A motion to accept the minutes of Public Hearing #4-24 Dustin Schauman was made by Robert Dando and seconded by Ashley Willebrandt. The motion carried unanimously.
3. **NOTIFICATION OF MEETING:** Chairman Joy read the Public Hearing notice aloud.

“**NOTICE IS HEREBY GIVEN** that a Public Hearing (#03-24) will be held by the Pomfret Planning Board on **June 3, 2024, at 6:30 P.M** at the Pomfret Town Hall, 9 Day Street, Fredonia, N.Y. 14063 to consider the appeal of: **Eric Vara**, for property located at located at 8777 Hahn Rd, Fredonia, NY 14063 for a Minor Subdivision.

This property is described on the tax map as

SBL: 164.00-1-24. The proposed action is to divide two (2) lots within the 82.7+/- acres of land. The first lot: 42.731 acres, the second: 42.369 acres. Under the Town of Pomfret Zoning Code, the land is currently Zoned as AR-1.

This Minor Subdivision application is open for inspection at Pomfret Town Hall, 9 Day Street, Fredonia, N.Y. 14063.

PLEASE TAKE FURTHER NOTICE that the environmental significance of the proposed request will be reviewed by the Board at said hearing.

Any person may appear in person, agent, or attorney. Please contact the Planning Office at 672-7496 Ext. 7 with any questions. Communication in writing in relation thereto may be filed with the Planning Clerk or at such hearing. All interested persons shall be heard.”

4. **CORRESPONDANCE:** None
5. **SEQR PART 1 REVIEW:** The board reviewed the SEQR Part 1 submitted by the applicant. #13b was left blank. The board discussed and agreed the answer was ‘No’. #13a & b were left blank. The agreed upon answer for both is ‘No’. #14 had only ‘Agricultural/grasslands’ checked, however the board agreed ‘Forest’ should also be checked based on the current conditions of the parcel.
6. **PROJECT DISCUSSION:** Chairman Joy read aloud the cover letter from Attorney Donna Marie Hartnett.

“My clients, Eric Vara, Anthony Polvino and Bradley Westling are currently under contract to purchase 42.369 acres of vacant land from the Estate of Diane M. Elliot, James D Robbins as Executor.

The current parcel, as referenced above, is 82.7 acres and contains a residence on Hahn Road. My clients wish to purchase acreage to the south, which is vacant and fully wooded. They intend to use the property for hunting and recreational purposes.

I have attached an updated survey showing the entire tax parcel and showing the proposed new parcel to be conveyed. I have also included an aerial printout showing the

location of the house with respect to the parcel to be conveyed. There is access to the property from Fredonia-Stockton Road.”

The board reviewed the application and supplemental attachments. The proposed action meets the minimum 2 acre and 200 frontage requirements. They had no further questions.

7. **PUBLIC COMMENT:** Diane Hubbard, 8651 Fredonia-Stockton Rd, commented that everyone in attendance is in support of the minor subdivision.
8. **SEQR DECLARATION:** A motion was made by Robert Smith, seconded by Heather Lesch, to declare a Negative Impact for the proposed Minor Subdivision. The motion carried unanimously.
9. **DECISION:** A motion was made by Robert Dando, seconded by Robert Smith, to grant a Minor Subdivision with conditions to Eric Vara, for sub-division of 82.7 acres into two parcels: 42.721 acres, and 42.369 acres, as presented with a Planning Board application for property located at 8777 Hahn Rd, Fredonia, NY 14063 SBL: 164.00-1-24. The motion carried unanimously by roll call vote with the following conditions:
 - The sub-division of this land shall be recorded by deed in the County of Chautauqua within 90 days of the filing of this resolution.

ROLL CALL:

| | |
|--------------------|-----|
| Jim Joy | AYE |
| Rob Smith | AYE |
| Heather Lesch | AYE |
| Robert Dando | AYE |
| Ashley Willebrandt | AYE |

10. **ADJOURNMENT:** Robert Smith made a motion to close the public hearing, seconded by Heather Lesch at 6:49 P.M. The motion carried unanimously.

Respectfully Submitted,

Nicole Waite

Nicole Waite
Planning Clerk, Town of Pomfret