

VILLAGE OF CHAUMONT
PLANNING BOARD MEETING
MINUTES
November 13, 2018

CALL TO ORDER: Chairman Hartley Bonisteel-Schweitzer called the meeting to order at 6:00 pm.

PLANNING BOARD ATTENDEES: Hartley Bonisteel-Schweitzer, Robin Grovesteen, Mark Morina and Cathy Munger

OTHER ATTENDEES: Chris Hardy, Tammy Queior (representing George Kovalik), Mike Battista (representing Geordie Magee), Gunther Schaller, Tara Morina, Reggie Schweitzer, Tom Trainham, Andy Williams

MINUTES: The minutes from the July 10, 2018 meeting were presented. *A motion was made by Robin Grovesteen to accept the minutes as written with a spelling correction; seconded by Hartley and unanimously approved.*

NEW BUSINESS:

PUBLIC HEARINGS: Public hearings opened at 6:05 p.m. by Hartley Schweitzer.

#1) George Kovalik represented by Tammy Queior, presented an application for a minor subdivision on NYS Route 12E splitting off a 75' piece of property. Project meets all zoning requirements with the exception of a completed SEQR.

#2) Chris Hardy presented an application for a lot line adjustment application giving Paula Petroske a small triangular piece of property that her dock is built on. Project meets all zoning requirements with the exception of a completed SEQR.

“Local officials and planning board members have an obligation to act ethically, as provided by Article 18 of New York’s State General Municipal Law (GML), New York State Penal Law § 195.00, local codes of ethics, court decisions, opinions of the New York State Attorney General and New York State Comptroller, and rules applicable to the professions. This obligation requires that they avoid conflicts of interest in the discharge of their official duties. In determining whether a conflict of interest exists, “the test to be applied is not whether there is a conflict, but whether there might be.” Conflicts of interest can arise where competing goals make it difficult for government officials to make decisions that protect the common good. Where conflicts of interest exist, board members should disclose the conflicts and determine whether they can fairly make decisions on the issues before the board. Where the answer is “no,” board members should recuse themselves and **not participate in discussions with other board members, vote on the issues, or otherwise influence the decision-making process.** The decision to recuse is solely within the discretion of individual board members – there is no statutory basis for recusal and recusal cannot be compelled by others – but a failure to recuse where necessary can have severe ramifications, including invalidation of the board action and removal of the board member. Therefore, Hartley recused herself from these lot line adjustment decisions.”

#3) Mike Battista presented a lot line adjustment application from Geordie Magee conveying a small piece of property to Andy Willams to square off the lot for the new Wise Guy's restaurant. Map is missing descriptions of the conveyance and of Magee's remaining parcel. SEQR needs to be completed.

#4) Mike Battista presented a lot line adjustment application from Geordie Magee conveying a small piece of property to Hartley Bonisteel-Schweitzer to square off her lot. Map is missing descriptions of the conveyance and of Magee's remaining parcel. SEQR needs to be completed.

Some questions on the legality of the process used regarding the Magee property by Gunther Schaller resulted in much discussion among the attendees. It was stressed by board members that the Planning Board is only involved in the subdivision applications presented on Geordie Magee's behalf and it was the only process they will comment on.

The public hearings will be continued on November 20, 2018 at 6:00 so that the SEQR forms can be completed by the applicants and the final decisions can be made by the Planning Board.

OLD BUSINESS:

Approval of December 2017 and July and September 2018 minutes will be moved to the December 11, 2018 meeting.

Robin Grovesteen made a motion to adjourn at 7:23, seconded by Cathy Munger and approved by Mark Moring.

Respectfully submitted,

Cathy Munger