PROPOSED TOWN BOARD AGENDA (SUBJECT TO CHANGE) June 10, 2015 at 7:00 P.M. Butler Memorial Hall

I. MINUTES

- A. May 13, 2015
- B. May 20, 2015

II. PUBLIC HEARING

- A. Local Law Introductory "D" of 2015; Unsafe Buildings
 - 1. Action (Adopt, Defer, Reject)
- III. PUBLIC PRESENTATIONS/COMMENTS (Limited to 3 minutes)

IV. REPORTS OF TOWN OFFICIALS BY STANDING COMMITTEE CHAIRPERSON

- A. Zoning (Codes) and Planning Councilman Messa
 - 1. Zoning Board of Appeals Appointment(s) expire June 9, 2015
- B. Parks & Recreation Committee Councilman Reynolds
 - 1. Summer seasonal appointments
 - 2. Surplus equipment 2002 Chevrolet pickup, VIN 1GCEC14W927263782
- C. Public Safety and Court Committee Supervisor Tyksinski
 - 1. Part-time Police Officer appointment

V. MATTERS SUBMITTED BY COUNCILMEN / ATTORNEY

- A. Town Attorney
 - 1. Land acquisition /Bauer
 - 2. Thomas Acres Development, Lot 42 zoning

VI. MATTERS SUBMITTED BY TOWN SUPERVISOR

- A. Financial and other routine reports
 - 1. Audit of Vouchers
- 2. Renewal of Insurance policies
- B. Miscellaneous communications
- C. Unfinished Business
- D. New Business

NEXT TOWN BOARD MEETING IS JULY 8, 2014

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

(Select one:)	☐City ⊠Tow	vn		
of New Hart	ford			
Local Law I	No. Five		of the year 20 ¹⁵	
A local law	to AMEND the Co	ode of the Town of Ne	ew Hartford, CHAPTER 52 thereof	entitled
	(Insert Title) BUILDINGS, UNS	SAFE by REPLACING	G the existing chapter as hereinaft	er set forth.
Be it enacte		Soard Legislative Body)	i	of the
County (Select one:)	_City ⊠Tow	n		
of New Hartf	ord		·	as follows:
Section 1. Chapter read as follows:	52 (Buildings, Uns	safe) of the Code of the	he Town of New Hartford is AMEN	DED in its entirety to
	CHAP	TER 52 BUILDINGS	, UNSAFE	
History				
52-1 Purpose.				
	eason of damage I doorways and wind ell as a point of co	by fire, the elements, dows also serve as a ingregation by vagrar by creating a health m	own of New Hartford. Buildings and age or general deterioration. Vac an attractive nuisance for young charts and transients. A dilapidated because to the community. It is the	ant buildings not ildren who may be uilding may also serve
properly secured at injured therein, as w as a place of rodent to provide for the sa	fety, health protect	tion and general welfa repaired or demolishe		Town of New Hartford

(If additional space is needed, attach pages the same size as this sheet, and number each.)

DOS-0239-f-J (Rev. 04/14) Pane 2 of 4

52-3 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUILDING

Any building, structure or portion thereof used for residential, business or industrial purpose.

CODE ENFORCEMENT OFFICER

The Code Enforcement Officer of the Town of New Hartford or other such person appointed by the Town Board to enforce the provisions of this chapter.

52-4 Defects deemed unsafe or dangerous.

A building is, or may become dangerous or unsafe to the general public if:

- A. It is open at the doorways making it accessible or an object of attraction to minors, vagrants and/or other trespassers.
- **B.** Its interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
- C. Exclusive of its foundation, it shows 33% or more of damage to or deterioration of the supporting member or members, or 50% of damage to or deterioration of the non-supporting, enclosing or outside walls or covering.
- **D.** It has improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
- **E.** It has been damaged by fire, wind or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants or the people of this Town.
- F. It has become or is so dilapidated, decayed, unsafe or unsanitary, or utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease so as to work injury to the health, safety or general welfare of those living therein or adjacent thereto.
- G. It has light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live therein, with particular reference to the requirements of the New York State Uniform Fire Prevention and Building Code as a determinant.
- H. It has inadequate facilities for egress in cases of fire or panic, or has insufficient stairways, elevators, fire escapes or other means of access or egress, again referencing the New York State Uniform Fire Prevention and Building Code as a determinant.
- I. It has parts which have become so detached they may fail and injure members of the public or others' property.
- **J.** Is or may become a place of rodent infestation.
- K. Presents any other danger to the health, safety, morals or general welfare of the public.

L. Is unfit for the purposes for which it may be lawfully used.

52-5 Inspections; report to Town Board.

Upon complaint about a building or on his own volition the Code Enforcement Officer will cause to be made or make himself an inspection thereof and report, in writing, to the Town Board his findings and recommend actions as to repair or demolition or removal.

52-6 Consideration of report; order to repair or remove.

A. The Town Board shall thereafter consider such report and by resolution call for a hearing on the report. That resolution, if it seems proper, will direct notice to the owner of the property as listed in the current tax rolls and any other persons that the Board may deem appropriate. The Board shall conduct the hearing, or may by order appoint a disinterested person to do so. After hearing all testimony, the Board or its appointed hearing office shall determine, in writing, if the building is unsafe and if so, whether it is to be repaired or demolished and removed.

B. In the event that the building or other structure shall be unsafe or dangerous under such report, the Town Board may also request the Town Attorney to make an application to the Supreme Court for an order determining the building or other structure to be a public nuisance and directing that it shall be repaired and secured or taken down and removed. The decision of the Town Board to bring such application does not waive its right to call for a hearing on the report.

52-7 Contents of notice and hearing.

The notice shall contain the following:

- A. A description of the premises.
- **B.** A statement of the particulars in which the building is unsafe or dangerous.
- C. An order outlining the manner in which the building is to be made safe and secure or demolished and removed.
- D. A statement that the securing or removal of such building shall commence within 30 days of the service of the notice and shall be completed within 60 days thereafter, unless for good cause shown such time shall be extended.
- **E.** A date, time, and place for the hearing, which shall be scheduled not less than five business days from the date of service of the notice.
- **F.** A statement that, in the event of neglect or refusal to comply with the order to secure or demolish and remove the building, the Town Board is authorized to provide for its demolition and removal, to assess all expenses thereof against the land on which it is located and to institute a special proceeding to collect the costs of demolition, including legal expenses.

52-8 Service of notice.

Said notice shall be served;

A. By personal service of a copy thereof upon the owner, executor, administrator, agent, lessee or any person having a vested or contingent interest in such unsafe building as shown by the records of the Receiver of

Taxes or of the County Clerk; or, if no such person can be reasonably found, by mailing such owner, by certified mail, return receipt requested, a copy of such notice directed to his last known address as shown by the above records; and

B. By personal service of a copy of such notice upon any adult person residing in or occupying said premises if such person can be reasonably found; and

C. By securely affixing a copy of such notice upon the unsafe building.

52-9 Filing with County Clerk.

A copy of the notice served as provided herein shall be filed in the office of the County Clerk of the County of Oneida.

52-10 Refusal to comply; removal by Town.

If the owner fails or neglects to comply with the order of the Town Board within 20 working days (Monday through Friday, excluding holiday), after service as provided in 52-8, the Town Board shall order the repair or the demolition and removal of the building.

52-11 Assessment of expenses.

All expenses incurred by the Town in connection with the proceedings to repair and secure or demolish and remove the unsafe building, including the cost of actually removing such building, shall be assessed against the land on which such building is located and shall be levied and collected in the same manner as provided in Town Law for the levy and collection of a special ad valorem levy.

52-12 Emergencies.

Where it reasonably appears that there is present a clear and imminent danger to the life, safety or health of any person or property, unless an unsafe building is immediately repaired and secured or demolished, the Town Board may, by resolution, authorize the Code Enforcement Officer to immediately cause the repair or demolition of such unsafe building. The expenses of such repair or demolition shall be a charge against the land on which it is located and shall be assessed, levied and collected as provided in 52-11 hereof.

52-13 Compensation of surveyor.

The surveyor appointed as provided herein shall be paid reasonable compensation as shall be fixed by the Town Board.

52-14 Transfer of title.

The transfer of title by the owner of premises upon which an unsafe building or structure is located shall be no defense to any proceedings under this chapter.

52-15 Penalties for offenses.

Any person upon whom an order as provided in this chapter has been served who fails, neglects or refuses to place such unsafe building or structure in a safe condition as designated in such order or who shall resist or obstruct the Code Enforcement Officer or any other Town employee is carrying out the provisions of this chapter shall, upon conviction, by guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or by both such fine and imprisonment. Each day in which such offense continues shall constitute a separate violation.

SECTION 2. All other provisions of the Code of the Town of New Hartford, and amendments thereto, are hereby affirmed except to the extent that this Local Law shall modify or amend.

SECTION 3. This Local Law shall take effect upon filing with the Secretary of State.

Sent: To: Subject:	james.messa <james.messa@yahoo.com> Thursday, June 04, 2015 5:52 PM Young, Gail Fwd: AGENDA - June 10, 2015 Town Board Meeting</james.messa@yahoo.com>		
Sent from my Verizon Wireless 4G LTE si	martphone		
Date:05/27/2015 9:13 AM To: "Booth, Joe" < JoeB@ Darlene Abbatecola < dar hartford.ny.us>, "Inserra, Mike" < mwj@town.new Paul" < pmiscione@town hartford.ny.us>, "O'Sulliv < dmr100@msn.com>, "F < bschwenzfeier@town.ne "Tyksinski, Patrick M." <	young@town.new-hartford.ny.us>		
· · ·	enda for the JUNE 10, 2015 Town Board Meeting, it will be necessary that I receive from ou feel should be discussed at that meeting.		
Please c heck applicable sta	atements:		
	sidered		
No matters to be con	Committee of the Commit		
No matters to be conx_ Place the following o	on the Agenda:		

This information must be received in my office no later than 4:00 P.M. on Tuesday, **June 2, 2015**. DEPARTMENT HEADS – PLEASE REMEMBER TO DISCUSS YOUR MATTERS WITH YOUR STANDING COMMITTEE MEMBERS, THE CHAIRPERSON OF WHICH MUST SEND ME AN E-MAIL TO ADD YOUR ITEMS TO THE AGENDA.

In addition, due to changes in statute that became effective February 2, 2012, requiring the posting of the agenda and supporting documents on the Town's Website, it will be necessary for you to furnish me with background information related to the subject(s) you are placing on the Agenda, including but not limited to proposed legislation,

LIST OF TOWN OFFICIALS AND BOARDS

Page 4

NEW HARTFORD PLANNING BOARD - Con't

Heather Mowat 111 New Hartford Street New Hartford, NY 13413 Term Expires: 12/31/19 Margaret Rotton 18 Danberry Road New Hartford, NY 13413 Term Expires: 12/31/18

Julius V. Fuks Jr. 111 New Hartford Street New Hartford, NY 13413 Term Expires: 12/31/17

NEW HARTFORD ZONING BOARD OF APPEALS

Randy J. Bogar, Chairman 111 New Hartford Street New Hartford, NY 13413 Term Expires: 6/9/15

Chairmanship Expires: 12/31/15

John Montrose 111 New Hartford Street New Hartford, NY 13413 Term Expires: 6/9/16

Lenora C. Murad 111 New Hartford Street New Hartford, NY 13413 Term Expires: 6/9/16 Timothy Tallman
111 New Hartford Street
New Hartford, NY 13413
Term Expires: 6/9/15

Karen Stanislaus 111 New Hartford Street New Hartford, NY 13413 Term Expires: 6/9/19

Frederick C. Kiehm 111 New Hartford Street New Hartford, NY 13413 Term Expires: 6/9/18

Byron W. Elias 111 New Hartford Street New Hartford, NY 13413 Term Expires: 6/9/2018

Young, Gail		
From: Sent: To: Cc: Subject:	Jeffery, Mike Wednesday, June O Young, Gail Dave, Reynolds RE: AGENDA - June	23, 2015 2:22 PM 2 10, 2015 Town Board Meeting
Gail,		
Please place the follo	owing matters on the June 10 th t	own board agenda.
Sorry I am a day late	I was out of the office on the 2 ^r	^d . I will request that Dave also contact to confirm this request.
Thank you,		
Mike Jeffery		
Mike; M. Eileen Spelli Woodland Jr. (E-mail	, Herb; Darlene Abbatecola; Dre nan; Miscione, Paul; New Hartfo	miller, Dan; Inserra, Michael S.; <u>james.messa@yahoo.com</u> ; Jeffery, rd Supervisor; O'Sullivan, Janice; Reynolds, David M.; Richard Richard C.; Tyksinski, Patrick M. ing
* *	ne Agenda for the JUNE 10, 2 lich you feel should be discussed	O15 Town Board Meeting, it will be necessary that I receive from at that meeting.
Please c heck applica	ble statements:	by moids.
No matters to l	pe considered	De Remon.
_x Place the follow	wing on the Agenda:	at that meeting. Dave 15 errors 155.01
appointments	<u>Summer Seasonal</u>	60 -

This information must be received in my office no later than 4:00 P.M. on Tuesday, **June 2, 2015**. DEPARTMENT HEADS – PLEASE REMEMBER TO DISCUSS YOUR MATTERS WITH YOUR STANDING COMMITTEE MEMBERS, THE CHAIRPERSON OF WHICH MUST SEND ME AN E-MAIL TO ADD YOUR ITEMS TO THE AGENDA.

Surplus equipment- permission to sell 2002 Chevrolet pick-up SN-

1GCEC14W92Z263782

From:

Michael S. Inserra <msi108@newhartfordpd.com>

Sent:

Wednesday, June 03, 2015 11:37 AM

To:

Young, Gail

Cc:

Schwenzfeier, Barb

Subject:

RE: AGENDA - June 10, 2015 Town Board Meeting

From: Young, Gail [mailto:gyoung@town.new-hartford.ny.us]

Sent: Wednesday, May 27, 2015 9:14 AM

To: Joe Booth; Herb Cully; Darlene Abbatecola; Dan Dreimiller; Michael S. Inserra; <u>james.messa@yahoo.com</u>; Mike Jeffery; M. Eileen Spellman; Paul Miscione; New Hartford Supervisor; Janice O'Sullivan; Reynolds, David M.; Richard

Woodland Jr. (E-mail); Barb Schwenzfeier; Richard C. Sherman; Patrick M. Tyksinski

Subject: AGENDA - June 10, 2015 Town Board Meeting

In order to prepare the Agenda for the **JUNE 10, 2015** Town Board Meeting, it will be necessary that I receive from you any matter(s) which you feel should be discussed at that meeting.

Please c heck applicable statements:

No matters to be considered

_XX____Place the following on the Agenda:

Appointment of a part time Police Officer. Hourly rate set by current PBA Collective Bargaining Agreement. Supervisor Tyksinski has approved this for the agenda.

This information must be received in my office no later than 4:00 P.M. on Tuesday, **June 2, 2015**. DEPARTMENT HEADS – PLEASE REMEMBER TO DISCUSS YOUR MATTERS WITH YOUR STANDING COMMITTEE MEMBERS, THE CHAIRPERSON OF WHICH MUST SEND ME AN E-MAIL TO ADD YOUR ITEMS TO THE AGENDA.

In addition, due to changes in statute that became effective February 2, 2012, requiring the posting of the agenda and supporting documents on the Town's Website, it will be necessary for you to furnish me with background information related to the subject(s) you are placing on the Agenda, including but not limited to proposed legislation, communications, etc. If you have any questions in this regard, please contact me at your earliest convenience. I ask for your cooperation in supplying me with the documents by the Thursday date noted above, as this can be a time-consuming task and must be on the website prior to the Town Board meeting.

Thank you!

Gail Wolanin Young, CMC
Town Clerk/Registrar/Tax Receiver
Records Management Officer
48 Genesee Street
New Hartford, New York 13413
(315) 733-7500 ext. 2322

From:

New Hartford Supervisor

Sent:

Friday, June 05, 2015 1:38 PM

To:

Young, Gail

Subject:

Land Acquisition/Bauer

Attachments:

Land acquisition-Brad & Kelly Bauer.pdf

Gail - Herb Cully asked that I copy the Board Members on the attached letter from Mr. and Mrs. Brad Bauer and also ask you to include their request as an agenda item at the June 10th Town Board Meeting.

Thank you.

Carol

My family and I reside at 27 Sherrill lane in New Hartford. We are interested in taking over ownership of the adjacent lot. Approximately 25 to 30 feet added on from our property line. We are asking if this could be considered and reviewed by the town.

Sincerely,

Brad Bauer

Kelly Bauer

From:

New Hartford Supervisor

Sent:

Monday, June 08, 2015 8:14 AM

To:

Young, Gail

Subject:

FW: Lot 42 Thomas Acres

Gail –see below a message from Herb Cully. I will place copies in town board members mailboxes as requested.

Thank you.

Carol

From: Calli, Calli and Cully [mailto:firm@callilaw.com]

Sent: Friday, June 05, 2015 4:01 PM

To: New Hartford Supervisor

Subject: Fwd: Lot 42 Thomas Acres

Carol: Please give this to Gail to put on the agenda and give it to the board members.

Herb

Subject:Lot 42 Thomas Acres

Date:Fri, 5 Jun 2015 19:32:14 +0000

Herb:

Per our telephone conversation, below are the following:

A 4-24-2015 note from Tom Van Waes to me referencing the problem with Lot 42 and a summary of his conversation with Joe Booth regarding the same. Below that is my subsequent 4-27-2015 summary to him of my conversation with you shortly thereafter regarding the matter. I think this will refresh your recollection re the details of the matter. If not, let me know. Thanks as always for your help.

Dan

4-24-2015

Dad and I talked to Joe Booth, codes officer for New Hartford about the zoning change needed for lot # 42 in the unimproved section. That is the lot that was mistakenly re-zoned when Preswick Glenn had the land we sold them rezoned for their development. Joe said we would have to apply for a use variance to get it zoned back to the original Medium Density Residential (MDR) that it was originally zoned. It could take a couple of months to go through that process as it has to be published, reviewed by the DOT and the county and then be taken up by the New Hartford zoning board. He suggested that perhaps if you talked to the Town Attorney, who I believe is Herb Culley, that perhaps there might be some resolution that the Town Board could make that would solve the problem. Could you give Herb a call

and discuss the situation to see if there is a quicker way to resolve the issue? When we sold the lots to Preswick Glenn, they evidently supplied a list of lot numbers to the Town in their request for a zoning change and mistakenly included Lot #42 in that request even though that lot was not part of their purchase. Maybe between you and Herb you can come up with a way to get either a variance or a zoning change that would not involve months of waiting.

4-27-2015

Tom:

I spoke to Herb Cully. He then spoke to Joe Booth. Joe is drawing up the resolution for a zonin amendment which will be passed at the next meeting of the Town Board. He was, as usual, very nice about it and apologized for the Town's error. He gave me the date of the next meeting but it has slipped my mind. Sorry. The Clerk or Joe Booth can let you know.

Dan

May 1, 2014

Mr. Fred Cardarelli 1903 Sherman Drive Utica NY 13501

RE: Zone Map Amendment Application

Merritt Place

From: LDR To: MDR

Dear Mr. Cardarelli:

With regard to your inquiry today, the following procedure must be complied with when a property owner seeks to initiate a rezoning of property:

- Submit a Petition (original and 26 copies), duly signed and acknowledged (notarized) from the owners of fifty percent (50%) or more of the acreage thereof; the Petition must include:
 - O The existing zone classification, the proposed zone classification and the intended use of the property after rezoning
 - Location of real property to be rezoned, i.e.,
 - Frontage road name
 - Nearest intersecting road <u>name</u>, <u>direction and distance</u>
 - Tax map parcel(s)

Map, Block and Lot numbers

- Dimensions/area of property
- o Address and telephone number at which applicant may be reached
- 26 copies of the current <u>legal description</u> (metes and bounds) of the property to be rezoned [PERIPHERAL BOUNDARIES]

- 26 copies of the current <u>land surveyor's map</u> of the property to be rezoned and which map shall contain the <u>surveyor's stamp</u>;
- 26 copies of the <u>sketch of proposal</u> drawn to scale depicting existing and proposed buildings, proposed egress/ingress, internal traffic circulation pattern, designated parking areas, and north arrow;
- Locational maps (see Assessor tax map) 20 copies;
- 26 copies of the <u>Full Environmental Assessment Form (EAF)</u> setting forth impacts the rezoning would have upon the environment;
- <u>\$100 fee</u> to cover the administrative processing of the application, **unless** the rezoning is to one of the various Planned Development Districts (PD), which carries a <u>\$500 fee</u>;

Failure to submit the required information will delay processing your application. Please be advised that the Town Board is in the process of revising the Town's Zoning Law and Map.

For clarification of any questions, please feel free to contact the undersigned during regular business hours at 733-7500, Extension 2322.

Very truly yours,

Gail Wolanin Young, Town Clerk

GWY:s

Cc: Town Attorney
Town Board
Planning Board (Attn: D. Shaw)
Code Enforcement Officer
William Borrill, Esq.

From:

Young, Gail

Sent:

Monday, June 08, 2015 9:07 AM

To:

New Hartford Supervisor; firm@callilaw.com

Cc:

'daniel@cohenlawny.com'; 'tvw4949@hotmail.com'; Booth, Joe; Dave, Reynolds; James

Messa; Miscione, Paul; Richard B. Woodland, Jr.; Tyksinski, Patrick M.

Subject:

RE: Lot 42 Thomas Acres

Good morning Gentlemen:

With regard to the emails below, there are specific steps for a zone map amendment:

- Petition by property owner, to include the existing classification, the proposed zone classification and the intended use of the property after rezoning
- Location of real property to be rezoned, i.e., frontage road name, nearest intersecting road (name, direction and distance)
- Tax map parcel (map, block and lot number[s]), dimensions/area of property
- Address and telephone numner at which applicant may be reached
- Current legal description (metes and bounds) of the property to be rezoned [peripheral boundary]
- Current land surveyors map containing surveyor's stamp
- Sketch of proposal drawn to scale depicting existing and proposed buildings, proposed egree/ingress, and north arrow
- Locational maps (see Assessor tax map)
- Environmental Assessment Form (EAF), short/full depending on plan
- Fee of \$5,000 for Zone Map Amendment application

We ask for 26 copies of the above-referenced documents because of the SEQR referral process.

After Town Board referral to the Town Planning Board and Oneida County Planning Department and interested agencies (SEQR), the Town Board schedules a public hearing and the Town Clerk is required to notify property owners within a 500 foot radius of the property requested to be rezoned. After the public hearing, the Town Board may defer action, approve the request or deny the request.

I'm sending a copy of this to Codes Officer Joseph Booth in case he's aware of any other items needed and required by our current Zoning Law that had been adopted in June 2014.

Gail

From: New Hartford Supervisor

Sent: Monday, June 08, 2015 8:14 AM

To: Young, Gail

Subject: FW: Lot 42 Thomas Acres

Gail –see below a message from Herb Cully. I will place copies in town board members mailboxes as requested.

Thank you.

Carol

From: Calli, Calli and Cully [mailto:firm@callilaw.com]

Sent: Friday, June 05, 2015 4:01 PM

To: New Hartford Supervisor

Subject: Fwd: Lot 42 Thomas Acres

Carol: Please give this to Gail to put on the agenda and give it to the board members.

Herb

------ Forwarded Message -----Subject:Lot 42 Thomas Acres
Date:Fri, 5 Jun 2015 19:32:14 +0000
From:Daniel Cohen sdaniel@cohenlawny.com
To:firm@callilaw.com
CC:Thomas Van Waes tyle="mailto:sdaniel@cohenlawny.com

Herb:

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