



The Town of Franklin

P.O. Box 209, Route 3, Vermontville, NY 12989 • 518-891-2189 • Fax: 518-891-6389 • www.townoffranklin.com



The Town of Franklin

P.O. Box 209, Route 3, Vermontville, NY 12989 • 518-891-2189 • Fax: 518-891-6389 • www.townoffranklin.com



The Town of Franklin

P.O. Box 209, Route 3, Vermontville, NY 12989 • 518-891-2189
Fax: 518-891-6389 • www.townoffranklin.com

[Home](#)
[Officials & Contact Info](#)
[Town Clerk/Tax Collector](#)
[Board Meetings](#)
[Town Budget](#)
[Laws & Forms](#)
[Newsletter](#)
[Public Notices & Bid Info](#)
[History, Photos & Maps](#)
[Property Assessments](#)
[Energy](#)
[Events, Recreation & Kate Mtn Park](#)
[Area Businesses](#)
[Town Journals](#)
[Emergency Preparedness](#)

Town of Franklin Board Meetings

Town Board Meeting

MINUTES OF THE PUBLIC HEARING ON PROPOSED LOCAL LAW ON SUBDIVISION REGULATIONS

Wednesday, December 26, 2007 - 5:30 pm

The Town of Franklin held a duly publicized Public Hearing concerning the Proposed Local Law on Subdivisions on Wednesday, December 26, 2007 at 5:30 pm at the Vermontville Town Hall.

Present:

Town Clerk Sandra Oliver (Presiding Officer)
 Keith Silliman, Attorney for Town of Bethlehem Planning Board and President, Loon Lake Homeowners Association
 Supervisor Mary Ellen Keith
 Sandy Hayes
 Donald and Doris Hamm
 Edward and Jean Baltzly
 Richard Jarvis
 John Martino
 Dr. Floyd John
 Bruce John
 Ralph Etienne
 Al Berg
 Councilman Walter Kretser (arrived later)
 Councilman Gene Goff (arrived later)
 Councilman Tim Goff (arrived later)
 Nathan Brown, Adirondack Daily Enterprise

Town Clerk Oliver called the public information session to order. The Pledge of Allegiance was recited, and the rules and regulations governing Town of Franklin public information sessions/hearings were read aloud. She then introduced Keith Silliman, Esq., who assisted in drafting the proposed subdivision regulations.

Mr. Silliman related his experience with the Town of Bethlehem, a long-time agricultural community turned rapidly-growing suburb of Albany, which had no land use regulations. The Town of Bethlehem has an excellent school system, and people with children were anxious to build and settle there. Bethlehem developed a land use code which, like Franklin, had as its main goal the preservation of the character of the community. The proposed Town of Franklin local law on subdivision regulations was drafted in response to the Stickney Point subdivision near Franklin Falls which was approved by the Adirondack Park Agency ("APA"). The Town of Franklin and its residents voiced opposition to the development, but because the Town had no land use regulations, it had no standing to do so. The Stickney Point subdivision consisted of the refurbishment and expansion of existing waterfront single-family dwellings over which APA had no jurisdiction.

The proposed subdivision regulations for the Town of Franklin would be triggered only by a subdivision of five (5) lots or more are proposed to work in tandem with State and County agencies. The creation of a Planning Board is NOT anticipated - authority would rest with the Town Board.

GENERAL COMMENTS

Richard Jarvis was the only attendee who, in compliance with the Town of Franklin rules and regulations for public information sessions/hearings, submitted a written statement, which follows at the conclusion of this section.

1. Most expressed disappointment and displeasure that the entire board was not present to hear their comments; some questioned whether the public information session/hearing was legal.
 1. Coun. Gene Goff, upon arrival, stated the Board did not have to be present; the concerns of citizens would be voiced to the Board through minutes taken.
2. Many attendees voiced concern that they had no knowledge of the proposed subdivision regulations.
 1. o Supv. Keith, Coun. Kretser and Town Clerk Oliver each in turn explained that the Board had been working on subdivision regulation since May 2007 and that the discussions were memorialized in the meeting minutes of the Town Board. Town Board meeting minutes are posted on the Town's website and are available at the Town Hall.
3. Some present wondered if the proposed local law would stand being tested in the courts.
4. Some asserted the local law should be placed on a referendum
 1. Supv. Keith replied that for some local laws, NYS does not allow referendum votes.
5. Several decried another level of bureaucracy was being formed and wondered if a planning board would be required in future.
6. Concern was also expressed that members of the Town Board were not experts in the fields of architecture and engineering.
 1. Mr. Silliman responded that if expert advice was needed, the Town Board would make a determination to contract with experts in the field; the developer would be responsible for payment of the experts' fees.
7. Dissatisfaction was expressed concerning additional expenses for developers causing delay in construction.
 1. Coun. Kretser stated if approval was already in place by APA, DEC and Dept. of Health, the Town Board would probably not question a developer's experts. However, the proposed law would give the Town and resident taxpayers a voice in large projects.
8. Concern regarding time limits was mentioned; how long would the Board drag the approval process.
9. Reservations were expressed concerning factors influencing a waiver.
10. Concerns that the language of the regulations was too complex, that only an attorney could understand it. Suggestion made to redraft the proposed law into plain English or prepare a simple pamphlet.
11. Questions were proffered concerning the fee structure of the proposed regulations.
 1. Coun. Kretser replied that a fee structure had not yet been created.
12. **Comments by Richard Jarvis.** Mr. Jarvis, retired from APA, attended each workshop on subdivisions and had obtained a draft copy of the proposed regulations.

"Thank you for the opportunity to review and comment on these important regulations. I strongly support and commend the Town of Franklin Board for this effort, particularly Councilman Kretser and Mr. Silliman.

The drafting and implementation of these regulations for this wonderful township is important part to the future character and qualities of life of the town and its residents. Although it is a small step, it is overdue. Hopefully, the Town will expand its efforts to plan its future, with eventually undertaking a comprehensive planning process. There is a large

misperception that the APA regulates everything and the town should accept its responsibility to provide for smart, sustainable, quality growth in the town.

I submit these comments based on my 28 years of experience performing regulatory site planning for the APA, my training as a professional forester, and as an interested citizen in the town. I am not an expert in State municipal law or SEQR. Please consider these comments in your writing of the final regulations for adoption (**[for deletion]** and **bold underline** for addition to text).

- 1) Add reference to State of New York on the cover
- 2) Carefully check the page references in the final; conservation subdivisions begin on page 15, not 14. It may be helpful to also add section numbers to table of contents
- 3) Carefully edit the final version to remove reference to "major" subdivision since this appears to only apply to 5 or more lots, parcels or sites. Also should be consistent to make proper reference to "preliminary" and "final" plat throughout regulation.
- 4) Under section 4. Purposes, I suggest retitling to "General Purposes" since there is also section 11. Conservation Subdivision which provides further and very important policies. Suggested additional edits include:
 - a. The intent of these regulations is to encourage [the most] appropriate, **wise and sustainable** development of the land...
 - b. In B regarding access, add ending phrase, **including emergency vehicles** .
 - c. In C To minimize the destruction of the natural character of the land and promote the conservation of all elements of **natural resources including but not limited to** topography, flora and fauna which contribute to the natural beauty of the land **rural character**
 - d. In D: "...for the privacy of family residents while **maintaining and** enhancing the general appearance of the community **and preventing or minimizing adverse impacts**.
- 5) In the definition, since this effort is solely subdivision controls and does not yet include zoning, two terms and references should be deleted that apply only when accompanied by zoning regulations: buildable yield and official map.
- 6) Under section 2 authority and defined term subdivision, an additional rule should be added how creation of lots, parcels and sites are counted over time for jurisdiction for review of 5 or more lots. Consider that the counting of lots shall be the cumulative sum of lots, parcels or sites created since the effective date of this law from the parent parcel.
- 7) Add a defined term and role for the town code enforcement officer similar to the Town Board, Secretary of the Town Board and Superintendent.
- 8) Add a sentence at the end of section 9.9 Agricultural Data Statement: **The applicant shall provide reasons how the proposed subdivision will not adversely impact existing and future farm operations.**
- 9) Under section 9.11, add County and **State Agency**. Referral. Add: **At the discretion of the Town Board, a copy of the application and preliminary plat may also be referred to APA, DEC, DOH or other appropriate state agencies for review and comments by a date certain.**
- 10) Under section 11 Conservation Subdivision, a number of edits:
 - a. he Town of Franklin hereby establishes, in addition to the general purposes in section 4 of this chapter, a policy...
 - b. b. These principles allow the Town Board to modify the **proposed subdivision layout [applicable area and bulk provision of this process]** in order to preserve open space and encourage more sensitive and efficient development patterns **[than would be possible by strict adherence to the conventional specifications.]** The deletion is intended to remove implication that there are also zoning regulations.
 - c. Section 11.2 Purposes **and Standards**. This section encourages... For the benefit of **community identity and character, environmental health and quality of life** of present and future residents. A conservation subdivision plan ... and modifying **[the minimum lot, area, setback or frontage requirements] the subdivision layout** in order to achieve.
 - d. Provision of adequate setbacks and visual buffers from adjoining propertie **and public roads and designation of building envelopes, limited clearing and grading limits..**

11) Add a general requirement in section 12 as follows: **No proposed structure or land use shall be designed, constructed or operated or used in any manner to create dangerous, injurious or noxious conditions that would adversely impact reasonable use of nearby properties. Noxious conditions could include noise vibration, light glare, odor, dust smoke, atmospheric pollutants, hazardous materials, trash/garbage or manure.**

12) Add to section 13.4: **In order to maintain or enhance the area character or neighborhood or mitigate for impacts, the Town Board may require supplemental landscaping.**

13) Add to section 13.5 the safety consideration that the 75 foot distance may be expanded based on limited sight distance, speed limit, grade, and wet surfaces to provide for adequate stopping distance.

14) Add to section 13.7: All streets shall be named ... **and shall conform to the county-wide 911 system.**

15) Add a section regarding compliance and enforcement of approvals and provisions for penalties.

16) I attach a copy of my marked draft with additional edits.

Respectfully submitted, Richard D. Jarvis"

POLL OF ATTENDEES

Ed Baltzly: OPPOSED
 Jean Baltzly: OPPOSED
 Dr. Floyd John: OPPOSED
 Bruce John: OPPOSED
 Sandy Hayes: OPPOSED (vehemently)
 Richard Jarvis: IN FAVOR
 Keith Silliman: IN FAVOR
 John Martino: OPPOSED
 Ralph Etienne: OPPOSED, as presently drafted
 Al Berg: OPPOSED, as presently drafted

ADJOURNMENT There being no further discussions to be had, the Public Hearing adjourned at 6:38 pm

Town Special Board Meeting Wednesday, December 26, 2007 - 7:00 pm

The Town Board of the Town of Franklin held a duly advertised Board Meeting on Wednesday, December 26, 2007 at 7:00 pm at the Vermontville Town Hall.

Board members present:

Supervisor Mary Ellen Keith
 Councilman Gene Goff
 Councilman Tim Goff
 Councilman Walt Kretser

Board member absent:

Councilperson Janet Ordway

Others Present:

Town Clerk Sandra Oliver, Sandy Hayes, Brad Merrill, Jean Baltzly, Richard Jarvis, Doug Ferris: Earth Science Engineering, Nathan Brown, Adirondack Daily Enterprise

CALL MEETING TO ORDER Supervisor Keith called the meeting to order; the Pledge of Allegiance was recited; the Town Clerk called the roll, and announced the presence of a quorum.

MINUTES OF MEETINGS

The December 10, 2007 minutes were amended as follows:

4. LOWERING SPEED LIMITS ON CERTAIN ROADS IN TOWN.

d. **FLETCHER FARM RD:** from NYS Rte 3 northeast to Norman Ridge Rd., 1.5 miles and from intersection with Franklin Falls Rd southwest to 1.0 mile past intersection of Cold Brook Rd, 1.9 miles - 40 mph. (change per 12/26/07 meeting)

The December 10th minutes were accepted as amended, and the December 17, 2007 were accepted as presented. Motion to accept minutes (T.Goff-G.Goff m/s/p) ALL AYE

INFRASTRUCTURE REPORT

Supervisor Keith stated the purpose of the special meeting was to address the needs of the buildings of the Town of Franklin. She stated the Town Garage had been built in 1981 and was now in dire need of repair and rehabilitation, and further, because of unfunded State mandates imposed on the Town regarding the Justice Court, space currently used for public assemblies would have to be found for the Court. The Town's Building Committee, after eight years of review, discussion and study of alternatives agreed with the conclusions of Yellow Wood Associates, that a new public assembly structure housing the Court be constructed at the Recreation Park and that the Town Garage be rehabilitated. Supervisor Keith introduced Doug Ferris of Earth Science Engineering, Willsboro, NY, the Town's contracted engineering firm. Supv. Keith explained that Mr. Ferris would be presenting estimated project costs to the Board as to whether the Town should proceed with the proposed improvements:

1. ESE studied Yellow Wood's recommendations and conclusions which concluded the Town was facing a 3-part, 4-year project which included the Garage, the Town Hall and the new building at Kate Mountain Rec Park. ESE emphasized the need to keep the costs down and to involve the public as much as possible. To that end, the rehabilitation of the Town Hall was removed from the project.
2. ESE consolidated some features, re-sized the Kate Mountain building to include space for the Justice Court.
3. With respect to the Garage, ESE recommends recycling some building materials, either for use in the redesigned Garage or for summer road work.
4. They also suggested insulated doors from the old Plattsburgh airport - two 50-foot wide doors which can be obtained for \$6,000 (as opposed to \$50,000 new)
5. ESE kept Yellow Wood's strategy to use green technology
6. The estimated cost of the project is \$945,000.
 1. The Garage will cost \$350,000, and the new Kate Mtn. construction \$600,000.
 1. This can be paid off at \$60,000 to \$100,000 per year and can be financed over 30 years.
 2. The increase on a \$100,000 residence at 6% interest would raise the tax bill by \$35 per year; if the financing is at 5%, the increase would be \$20 per year.
 3. Franklin County taxes are being lowered, and the taxpayer may well find their taxes stay at the same rate.
 4. The more grant funds received, the lower residents' tax bills.
7. Coun. Kretser asked if the costs for subcontractors were included and how this would work
 1. Mr. Ferris replied the project would be bid out as a traditional design bid for building and the contracts could be split up.
 2. There are sections of the project where the Town can provide labor and materials, such as deconstruction and earth removal and perhaps putting new blocks up.
8. ESE recommends a lump sum contract with detailed specifications. Mr. Ferris stated that if a contractor substituted materials, the Town should ask for credit.
9. Coun. Kretser asked about a clerk of the works.
 1. Mr. Ferris said ESE can supply one
10. Asked about a presentation to the public, Mr. Ferris stated ESE could be ready in January. The Building Committee also recommended a mailing to all Town residents, plus a 20-minute video for the website and perhaps to be televised on local cable access.
 1. Coun. Kretser stressed the importance of the public being well-informed.
11. Coun. Gene Goff stated when the Garage had been built in the 1980's the Town had been taken advantage of because the construction was not well executed. When the earthen birm had been pushed against the wall, the force used had been too great, and had damaged the foundation. The salt shed had to be rebuilt last year. The Garage has had problems with sewage and drainage issues over the past few years. It is critical that someone competent oversees any work being done.

12. Supervisor Keith commented that Town residents could lose a public gathering space for parties, fundraisers and meetings if the Courtroom is situated in the town hall, as it would be placed in the kitchen. The appliances would be removed, and the rest of the town hall space would be used for offices, which are now overcrowded.

QUESTIONS AND COMMENTS RE INFRASTRUCTURE PROJECT

Need several public information sessions on this as cost totaxpayer will be increased.

1. Are operational and maintenance costs included? If green technology will decrease operational costs, that should be noted in presentation.
 1. Mr. Ferris replied that if green technology is used in the three buildings, the costs of heating and lighting the facilities will remain the same as the current two buildings.
2. Has Town considered thermal heat source?
 1. Mr. Ferris indicated ESE had looked at thermal heat but the Kate Mountain construction is still in concept stage. Mixed results with geothermal.
3. Supervisor Keith stated the pavilion at the Rec Park was built with donations from fundraisers. As the town hall has been removed from the project, funding for rehabilitation of the town hall could be accomplished by donations of money, time and talent.
4. What about schedules for construction?
 1. Mr. Ferris stated ESE is seeking approval from the Town Board to proceed with work on the Garage, to commence spring 2008.
5. Is grant funding part included in ESE estimated project costs?
 1. No. If grant funding is received, it will be a bonus. The Town and ESE are seeking LEEDS certification through NYSERDA. If LEEDS certification is obtained, a substantial amount of construction costs will be reimbursed by New York State.
6. The Garage is too small now. Are you going to include plans for expansion?
 1. Mr. Ferris indicated he would check with the Highway Superintendent.

Following a detailed discussion concerning placement of the hangar doors on the Garage, the Board thanked Mr. Ferris for his presence, and he left the meeting.

Motion for resolution to move forward with infrastructure project (M.Keith-G.Goff m/s/p) ALL AYE

RESOLUTION NO. 66: PROCEED WITH INFRASTRUCTURE PROJECT BASED ON RECOMMENDATIONS AND ESTIMATES OF EARTH SCIENCE ENGINEERING

WHEREAS, town has contracted with Earth Science Engineering ("ESE") to (1) calculate estimated costs concerning rehabilitation of the Town Garage and constructing a new building at the Kate Mountain Recreation Park and (2) prepare a presentation to the public; and WHEREAS, the estimated rehabilitation of the Town Garage is estimated at \$350,000 and the new construction at the Rec Park is estimated at \$600,000; and WHEREAS, ESE will prepare a public presentation on the proposed project; NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes the preparation of a public presentation on the infrastructure project.

Those voting aye:

Supervisor Mary Ellen Keith
Councilman Gene Goff
Councilman Tim Goff
Councilman Walt Kretser

Those absent:

Councilperson Janet Ordway

Those voting nay:

None

NEW BUSINESS

1. **2008 CONTRACT WITH VILLAGE OF SARANAC LAKE FOR RESCUE/AMULANCE SERVICE.** Coun. Gene Goff stated the agreement with the Village had been negotiated by the Saranac Lake Area Fire Advisory Board. Supervisor Keith requested a motion for a resolution accepting the contract and authorizing her to sign it.

Motion for resolution (W.Kretser-G.Goff m/s/p) ALL AYE

RESOLUTION NO. 67: ACCEPT 2008 CONTRACT WITH VILLAGE OF SARANAC LAKE FOR AMBULANCE/RESCUE SERVICE WHEREAS, negotiations with the Village of Saranac Lake have resulted in a contract for ambulance/rescue service payable in two installments of \$13,707.85, totaling \$27,415.70; and WHEREAS, such service is necessary to ensure the health and safety of residents; NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Franklin hereby accepts the terms of said ambulance/rescue contract; and BE IT FURTHER RESOLVED, that the Supervisor is authorized to execute same.

Those voting aye:

Supervisor Mary Ellen Keith
Councilman Gene Goff
Councilman Tim Goff
Councilman Walt Kretser

Those absent:

Councilperson Janet Ordway

Those voting nay:

None

OLD BUSINESS

- SUBDIVISION REGULATIONS.** The Town Board will review comments contained in the minutes of the public hearing concerning the proposed subdivision regulations. Coun. Kretser advised the proposed regulations will require additional drafting. Tabled.
- ELECTRICAL REPAIR WORK AT REC PARK.** No bids were received. The Board will publish requests for bids again in March.

QUESTIONS AND COMMENTS

Supervisor Keith announced this was the last meeting for Councilmen Gene Goff and Tim Goff. She thanked them both for all the work they had done in the past eight years. Coun. Gene Goff said he's had fun for the past 8 years and recommended more people run for office to serve the Town. He noted the Town needs their expertise. Coun. Tim Goff said he appreciated the thanks and was looking forward to spending more time with his family. He stated he'd had fun and learned lots. to acknowledge their years of service, Supv. Keith presented them with a cake.

ADJOURNMENT

There being no further business to conduct, the meeting adjourned at 8:15 pm (M.Keith-G. Goff m/s/p) ALL AYE

Respectfully submitted, Sandra J. Oliver, Town Clerk

[Click here to see past minutes](#)

[Newsletter](#) | [Town Events](#) | [History, Photos & Maps](#) | [Board Officials & Contact Info](#) | [Board Meetings](#) | [Town Budget](#) | [Laws & Forms](#) | [Real Property Assessments](#) | [Events, Recreation & Kate Mtn Park](#) | [Area Businesses](#) | [Town Journals](#) | [Emergency Preparedness](#) | [Home](#) | [Email the Town](#)
| [Home](#)

Town of Franklin

P.O. Box 209, Route 3, Vermontville, NY 12989 · Tel: 518-891-2189 · Fax: 518-891-6389 · info@townoffranklin.com