

TOWN OF GROTON PLANNING BOARD
Minutes of Public Hearing & Regular Meeting
Wednesday, 26 September 2007 - 7:30 PM
Town Hall – 101 Conger Boulevard – Groton, NY

Members, Groton Planning Board (*Absent)

Barbara Clark, Chairperson
Monica Carey
*Brad Albro
Mark Baxendell
Mary K. Gloster
Janice Haines
Edward Neuhauser

Others Present

Joan Fitch, Recording Secretary
Gary Coats, Town CEO
Victoria Monty, Town Attorney

Applicants & Public in Attendance

Sam Rose, Applicant; Michael Seelman of NY Cemeteries; Charles Swain, Joanne Rose, Crystal & Brandon Young; Town Councilman Don Scheffler, Town Supervisor Glenn Morey.

PUBLIC HEARING

Samuel C. Rose, Applicant/Reputed Owner – Chipman Corners Road – TM #16.-1-32.42 – Proposed Cemetery

Chairperson Barbara Clark opened the Public Hearing at 7:30 p.m. Board Secretary Fitch read aloud the Public Hearing Notice as published. Proof of Publication has been placed on file for the record.

Chairperson Clark recognized Mr. Rose and asked him to comment on his proposed project. The applicant presented a letter from a neighbor “across the road” stating that he/she had no problem with the proposed cemetery. The neighbor next to them also advised the applicant that they had no problem with what Mr. Rose plans to do and, in fact, would even like to purchase a cemetery lot. The neighbor on the north side of the proposed cemetery, “on other side of the hedgerow” also definitely wants to buy some lots. Mr. Rose then stated he prepared a letter which he would like to read, and advised everyone that the proposed cemetery “was not Sam Rose starting a cemetery for profit.” He stated that he and his wife were donating an acre of land to a cemetery which would be a not-for-profit business. (Reference is made to the 16 August 2007 Planning Board Minutes for additional details.) Michael Seelman of the NYS Cemetery Association has assisted Mr. Rose since the initial idea for the cemetery. The cemetery would comply with all State and Federal regulations. The land has been surveyed and, according to the applicant, he has obtained a driveway permit.

A draft sketch of the proposed lot layout was given to the Board by the applicant. Lots sizes were planned to be 4’ by 10’. If driveways are put in, there would be less lots. Chair Clark questioned the size of the lots, asking if they weren’t supposed to be 4’ by 11’. Mr. Seelman responded that there is no State requirement for cemetery lot sizes. He stated that the Division of Cemeteries regulates not-for-profit cemeteries and audits their books. It is usually figured at a density rate of 700 graves per acre, he stated. Cremation is now becoming more popular and some allow two cremation burials per 3’ by 3’ area.

Supervisor Glenn Morey asked about cemetery maintenance, and Mr. Seelman explained same. He also explained the makeup of a Board of Directors, etc. Officers, trustees, lot owners, etc., all take part in administering the cemetery. Mr. Rose stated the only expense in the beginning would be lawn maintenance and then, as lots are sold, there would be income to maintain the cemetery.

Chairperson Clark then asked for public comment, which was received as follows:

James Rose - Thinks it's a great idea.

Charles Swain - In favor of the cemetery.

Crystal Young - Supports the cemetery; lives next door.

Michael Seelman - Div. of Cemeteries - No State law that requires bodies to be buried in active or established cemetery. As long as there's no Town/Village ordinance prohibiting this, anyone can be buried anywhere they want, as long as "they are not charging." Property should be deeded to a corporate entity.

With everyone having been heard who wished to be heard, Chairman Clark closed the Public Hearing at 7:50 p.m.

REGULAR MEETING

At 7:51 p.m., Chairperson Clark called to order the Regular Meeting of the Town of Groton Planning Board.

OLD BUSINESS

Samuel C. Rose, Applicant/Reputed Owner - Chipman Corners Road - TM #16.-1-32.42 - Proposed Cemetery

Board Member Monica Carey asked the applicant "what if you sell ten lots and no more? What happens when the money runs out?" Mr. Rose responded that as long as he was alive, he would maintain it. And if he wasn't around, "the Town will have to mow it three times a year like they do on 242." Mr. Seelman affirmed that Town Law requires that after a cemetery has been used for such for 14 years, then the town becomes vested in the town, and it must be mowed three times a year, and there are also requirements for fencing, etc. However, he stated that no one enforces this. If a cemetery is in really bad shape, there are grants available, based on need. This is why a town's approval is required prior to incorporation approval.

CEO Gary Coats asked if the Town Board had the ultimate say-so with regard to the proposed cemetery. Town Attorney Victoria Monty responded that the Town must approve it. Member Carey asked Supervisor Morey how many cemeteries there were in the Town, and the answer was seven; only one is being maintained by the Town. CEO Coats asked what happens if the Town says no, and the response was "then no cemetery."

Chair Clark acknowledge receipt of a letter from the Tompkins County Department of Planning, dated 19 September 2007, which stated the application was being returned for local determination. She then acknowledged that "under 6 NYCRR Part 617.5(c)(10), (12) or (13) of the State Environmental Quality Review Law, the proposed action is a Type II action and is determined not to have a significant impact on the environment, or is otherwise precluded from environmental review under the Environmental Conservation Law, Article 8."

At the conclusion of the discussion, a motion was made by Member Carey to approve the Preliminary Site Plan for the proposed cemetery and accept the Final Site Plan as complete, with the plan/application forwarded to the Town Board with no recommendation made by the Planning Board. The motion was seconded by Member Mary Gloster, with the vote recorded as follows:

Ayes: Chair Clark
Member Baxendell
Member Carey
Member Gloster
Member Haines
Member Neuhauser
Nays: None
Absent: Member Albro

Motion carried.

This becomes Action #30 of 2007.

APPROVAL OF MINUTES – 16 AUGUST 2007

It was noted by Board Member Gloster that a “y” should be added to “cemetery” in Action #26 motion, and “remembers” should be “members” in the second bulleted item under “Other Matters.”

A motion was then made by Member Carey to approve the Minutes of the 16 August 2007 Town of Groton Planning Board meeting, as corrected. The motion was seconded by Member Ed Neuhauser, with the vote recorded as follows:

Ayes: Chair Clark
Member Baxendell
Member Carey
Member Gloster
Member Haines
Member Neuhauser
Nays: None
Absent: Member Albro

Motion carried.

This becomes Action #31 of 2007.

ADJOURNMENT

At 8:15 p.m., a motion was made by Member Carey to adjourn the meeting. The motion was seconded by Member Neuhauser, with all members present voting in favor.

Joan E. Fitch, Board Secretary

Rev. 10/19/07 & emailed to Town Clerk, Town Attorney,
Chair Clark & Board Members Albro, Gloster, Carey, & Neuhauser.
Originals mailed w/tape.