

TOWN OF SANFORD

PLANNING BOARD MEETING

JANUARY 14, 2026

PRESENT:	Kermit Mott	Chairman
	Paul VanSlyke	Member
	Cassie Woodford	Member
	Barbara Marko	Member
	Nadine Bell	Attorney
	Deborah Proffitt	Clerk

Chairman Kermit Mott called the Planning Board Meeting to order at 7:00pm at the Town Hall, 91 Second Street, Deposit, NY 13754.

Chairman Mott reviewed the December 10, 2025 Minutes. On a motion made by Barbara Marko and seconded by Kermit Mott and all approved the Minutes from December 10, 2025. CARRIED: JANUARY 14, 2026

Chairman Mott asked if there was any Public Comment on any other issues other than the ZBA Appeal, and there was not.

Chairman Mott proceeded with the ZBA Appeal, Application # 8-25 Vandermark Paving. Planning Board Member Paul VanSlyke was excused due to a possible conflict of interest, and Attorney Nadine Bell was introduced as the Conflict Counsel in the matter of ZBA Application#8-25, Vandermark Paving, 200 Farnham Road. Chairman Mott stated there would be no formal decision/recommendation made by the Planning Board this evening as required by Local Law under Special Permits Section 611-2, of which he reviewed.

Attorney Nadine Bell confirmed a quorum was present and proceeded to place on the record Attorney Sarah Campbell's objection. Attorney Campbell and her client, Applicant Jay Vandermark were not able to be present.

Chairman Mott established Applicant's ownership of the property, located at 200 Farnham Road, as 12/12/2024, and that the Business, Vandermark Paving, was established as of 5/13/2016.

ZBA did not request a 239 Review. This is a process where the Application is brought before the Broome County Planning Board for review and for them to render advisory opinions on land use proposals. It was noted that the Broome County Global Information System(GIS), which consists of a Property Detailed Summary, stated "yes, within 500 feet of Ag District" to the 239 Review. Attorney Bell stated that the Applicant's Attorney is requesting a 239 Review, for those reasons. Chairman Mott will refer to Code Enforcement Officer Pete Hathaway to proceed with the 239 review. Chairman Mott stated that currently, mixed Use of a parcel is not allowed under our current zoning. A Parcel where the owners were requesting a "Second Primary Use", in a prior case, had to be subdivided. This could be a possible recommendation to the ZBA.

Problems with the ZBA Application were discussed.

- 1.) Applicant's Attorney requested an Interpretation and not a Special Use Permit. The Application is marked for a Special Use Permit. Ask Attorney Campbell what it is they actually want the ZBA to consider.**
- 2.) On Application sec. 1e, there is no answer given. This needs an answer.**
- 3.) Item 2 on the Application, (Type of Appeal), no answer is given. Attorney Bell said to determine the legality of the Notice, she stressed the importance of confirming the purpose of the Application. If the Applicant is requesting an Interpretation or a Use Variance. Chairman Mott will follow up with a letter to the Applicant's Attorney, Sarah Campbell requesting clarification of said application.**
- 4.) Under section 4. Reasons for Appeal: Interpretation of the Law, a. does not state what section of law they want Interpreted. Under b. Special Use Permit, no specific Article number was filled in, if it is to be a Special Use Permit. Under d. Use Variance, #1 does not rise to a level of Economic Hardship. This needs to clearly state, why they cannot make a reasonable return on the Property. #2 Hardship is Unique. It must not be self-created. Due to the dates of Business established; 2016, and land Purchased; 2024, it is of my opinion this is a self-created hardship on the Applicant. #3 Variance will not alter the essential character of the neighborhood. By the definition of Neighborhood stated earlier, the Board will not be looking at the Town in its entirety but rather that particular "neighborhood" and characteristics of that particular area. Under e. An Area Variance is requested for the following reason: #1 If granted, the Applicant will have the following benefit; Storage of Construction Equipment, no Retail. An Area Variance is usually dimensional (property setbacks, height of buildings, etc.), this does not pertain to storage of equipment. The answer given, does not apply to the question of why you are applying for a Variance. #2 Refers to: Why there would not be an undesirable change to the character of the Neighborhood (what would be the impact if it remains?) #3 The Applicant cannot attain the benefit of having a Variance by any other method because; and the application states, "a contractor storage yard does not exist." Again, this type of Variance has to deal with Dimensions. This answer does not fit the Area Variance requirement.**

There are definitely some issues with this Application. At the very least this would have to be refiled or amended so the ZBA and the Planning Board may proceed in the proper direction.

The Board reviewed Highway Superintendent Leo Shew's response to the questions presented to him with regard to the increased traffic and the impact it might have on the town roadways. Shew's report included minimal impact, with a possibility of shoulder damage more likely to occur in Spring depending on the weather conditions.

The Board continued to review the State Environmental Quality Review Form (SEQR) submitted. This form is a mandated process requiring state and local agencies to assess environmental impacts of discretionary projects such as Permits, funding or approvals early in the planning stages. Under 13a, page 2; Does any portion of the site of the proposed action, contain wetlands of other waterbodies regulated by a federal, state or local agency? It was noted that the Applicant's response differed from the DEC EAF Mapper Program Summary Report. Chairman Mott stated the Applicant may need to present additional information.

Attorney Bell suggested another item to bring to the Applicants attention is that as of January 1, 2025, the DEC approaches wetlands differently. There is now a 100ft set back, that cannot be determined solely by the EAF mapper. A jurisdictional determination from the DEC is now required to determine that what is proposed, is not within the 100ft set back. This is required of the Applicant.

Chairman Mott continued with the SEQR Form. #3c Total Acreage/project site has a discrepancy. Broome County GIS has the acreage for 200 Farnham Rd as 12.95. the Acreage listed on the Applicants Form states 34.97 acres. Applicant must be asked for clarification.

ZBA is the Lead Agency. Chairman of the ZBA John Alfano asked the Planning Board to continue the review of Part 2 on the SEQR Form and give their recommendation.

Chairman Mott stated he would schedule another meeting as the Planning Board was not prepared at this time. He was also aware of a DEC complaint made in reference to this property and the subject of Marsh Creek. It was recommended the ZBA request a copy of this report from DEC. The concern is that the state has identified Wet Lands and that this may or may not be of reference for future decision making.

Chairman Mott continued with a review of the Regulations for Agricultural Zoning Chart. It was noted that a Site Plan Review is required if a "Special Use Permit" is requested.

Under section o; which might be considered a "catch all", what the Applicant is searching for is not listed there. In addition to what is on the Zoning Chart, Land Use Management Local Law sec 611.3 E.; The land use or activity will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood. This must be considered as well. It is the opinion of this Planning Board Chairman that this is a rural neighborhood community. Once the character of the neighborhood is established, this will help to define the granting or denial of the Application for a Special Use Permit.

A review of the site plan will be contingent upon the granting of the "Use Permit." (Once the ZBA makes a decision)

Temporary Storage versus Permanent Storage; defined by the length of the Project, and being able to distinguish between the two, will assist in the recommendation process.

The Board will meet again once the information requested of the applicant is received.

Attorney Bell stated that in reviewing the Land Use Management Local Law, based on the information to be received back from the Applicant, whether Interpretation, Special Use Permit and/or Use Variance...all are referred to this Board for comment/referral, if that is what is confirmed on their Application. If it is decided that a "Special Use" Permit is appropriate then there is no need for a Use Variance. Under the Local Law Use Variance and Special Permit are similar. Both require that the ZBA refer to the Planning Board 30 days before the ZBA holds a Public Hearing. The Planning Board is to make recommendations at least 10 days prior to the scheduled Public Hearing. If the Planning Board does not return a referral within this time, it is deemed a recommendation in favor. The process for Amending an Application to Appeal may be filed at least 15 days prior to the Public Hearing. The Applicant may clarify items brought to question by tonight's meeting. If the Application is Amended, she recommends that it be returned to the Planning Board. If a New Application is filed, it could still go back to the Planning Board for recommendations.

Chairman Mott shared pictures for Board review, submitted by Julie Beyer, of what is occurring on the Property. He stated when the Board meets again, with all parties present, it will be open for Public Comment. The Boards job is to provide sound reasoning for the making of its recommendations.

The Board proceeded to review Old Business which included,

- A. 421 Oquaga lake Rd/No response to a request for Information**
- B. Short Term Rentals**
- C. Battery Energy Storage Systems**
- D. Town of Sanford Local Law/the repair or removal of unsafe buildings and collapsed structures.**

The Board review notes on the Town of Sanford Board Meeting and scheduled their next meeting for February 11, 2026

Since no further business was at hand, on a motion made by Barbara Marko seconded by Cassie Woodford and all approved that the Meeting be adjourned at 8:31 PM.

**Deborah Proffitt
Town Clerk**