

Minutes for the Town of Preble Planning Board December 17, 2009.

Board members present were; Beth Brill, Jim Harris, Jennifer George and Barbara Álbro was absent.

OLD business- Nate Shirley subdivision

Chairman, Beth Brill called the meeting to order at 7:12 PM and opened the public hearing

Nate surely explained his plans for major subdivision to the board and the public along with maps. Mr. surely stated that he has new maps due to the Cortland County planning Department's recommendation. Mr. surely stated that there were 3 lots that were too narrow and are now corrected on the new map which contains 12 new lots.

He states he has been approached by people on the lake who show interest in purchasing these lots. Mr. Shirley has not resolved his issues with the Cortland County Health Department in regards to the two lot subdivision in 1992. His next step is the perk test advised by the Cortland County Health Department Mr. Shirley also stated that there is an issue with 2 acre lots versus 2.4 acre lots, that is a County issue, he states that he will need to meet the proper setbacks for wells and set backs in a 2 acre lot plan.

Board member Jim Harris asked if the County has seen the new maps? Nate Shirley stated that they have not.

Interested member and president of the Song Lake Association Rhea Jezer, stated that this is not the map that the Cortland County planning Department saw last night, although not much is different we are very concerned that this area not be a major subdivision. Neighbors on song Lake are careful and want to protect their Lake we really keep this Lakes quality.

This lake is at a tipping point all the town of Preble residents use this lake. I sat and listened to the planning department last night and feel as others do that this is not the place for a major subdivision. Mrs. Jezer then submitted letters and signatures of residents who could not come.(signatures and letters are on file)

The Planning Board's attorney, Francis Casullo, recommends that the Planning Board deny the approval as did the Cortland County Health Department and the County Planning Department. Mr. Casullo read the letter of recommendation from the Cortland County Planning Department to the public. Which is also on record.

Song Lake Association member Barbara Frier asked what are the easements for?

Mr. Shirley responded and stated that he would like to retain a right of way as owner of this lot I will be granting a right of way to my self.

Barb Frier asked if these lots are found on song Lake Road but don't access the lake? Mr. Shirley stated they do not access the lake.

Association member, Tarkie Health stated that she has concerns for the issues of runoff water, phosphorus, blue-green algae, we are trying to reduce inputs into the lake by good management by the lakes residents. Algae can become deadly nutro- toxins . Song Lake has no tributaries therefore it is just like a big bowl and everything that runs into it stays in it. It is overdeveloped a bell 30 structures per mile, a 1.4 mile stretch has 48 structures.

Tammy Anderson of Little York Lake Association and the Kettle Lake Association stated it's a matter to the town and county. They should be concerned with the effects of building and the health Department's approval should weigh heavily for consideration. Song Lake Association is welcomed to contact her.

Al Socha read a long letter to the board and the public, which states he has wanted to live on this lake on his life and moved in some time in August 2009. He stated that waterfront owners pay 30% of the property taxes for the town of Preble, he wants the town officials to consider this small body of water which is under a large amount of environmental issues in flow outflow that cannot be managed. Mr. Socha's letter is part of public record.

Attorney, For the Song Lake Association, and also member, Joseph Heath, submitted three documents to the public hearing and stated that this public hearing is illegal and it should not continue that this public hearing violates zoning law and subdivision regulations.

Mr. Heath. Documents our also on file and part of public record.

Mr. Heath stated smaller lots violate the Cortland County health departments codes and that lots are not grand fathered in. And he is concerned for the storm water runoff and retention basins are not addressed. Mr. he stated his concern for the residents Wells and stated that this is a type 1 action, Mr. he stated that this is an improper application and should not be heard there are no waiting or landscape plans no listing of neighbors. Mr. he hopes the board will read and consider the recommendations from the Cortland County planning Department.

Jim Millis of the Song Lake Association stated, that he had worked on the town of Preble's zoning ordinance. Mr. Millis stated that Nate Shirley has a process to follow and then he is not against Nate Shirley developing his land, but has to follow the ordinance.

Nate Shirley stated that he submitted a sketch plan but it seems that he should know every Town and County rule. We are in the process to see how to make this work, if the County Health Department requires me to change things, then I will change it, but I went by the zoning law the best I could find to get this started. The code officer gave me a building permit application three time I asked for subdivision application. I got the subdivision application from Sharon Flint. I expect to get the right information when I go to the Town employees, this could go on for 10 years Iam looking for guidelines from the Planning Board, I thought this process was to work with me.

Joseph Heath stated that this is not a proper application and the Town lawyer and the Town Board should sit down with the applicant.

RESOLUTION

Jennifer George motion to close the public hearing and Nate Currie seconded the motion, vote was:

Jennifer George	Aye
Nate Currie	Aye
Jim Harris	Aye
Beth Brill	Aye
Barb Álbros	Absent

MOTION carried.

Attorney, Francis Casullo stated, at the Cortland County Health Department's letter was more of a narrative. The Cortland County planning Board recommended denial of the Shirley application.

The Cortland County Planning Department's recommendation has a strong impact on the approval or disapproval of the application. Approval of the proposed application would mean a super majority. You will get more information from the Cortland County Health Department. Mr. Shirley did receive the recommendations from the Cortland County Health Department and from the Cortland County Planning Department.

Mr. Shirley agreed to waive the 45 day timeline decision, but not for an indefinite time. Mr. Casullo stated he cannot advise the board to approve this application. Mr. Shirley will waive the timeline until the February 25, 2010 meeting.

Francis Casullo attorney for the Board, stated that, Mr. Shirley's amended application is considered a new application, and that we are going on what was sent down by the Cortland County Planning Board recommendation. Board Chairman, Beth Brill stated that if you change the maps then it changes the application.

RESOLUTION

Board member Nate Currie motioned to accept the time line waiver offered by Mr. Shirley until February 25, 2010. Jennifer George seconded the motion. Vote was; Jennifer George, AYE, Beth Brill, AYE, Nate Currie, AYE, Jim Harris, AYE and Barbara Álbro, ABSENT.

Board discussed the special joint meeting on Wednesday, January 20, 2010 requested that all board members attend so they can clear up some issues and start the new year on track.

RESOLUTION

Jennifer George motion to approve the December 2009 planning board minutes and Jim Harris seconded the motion.

Vote was;

Jennifer George	AYE
Barbara Álbro	ABSENT
Jim Harris	AYE
Nate Currie	AYE
Beth Brill	AYE

Motion to adjourn Nate Currie and seconded by Jennifer George,

Vote was:	Barb Albro	ABSENT
	Nate Currie	AYE
	Beth Brill	AYE
	Jim Harris	AYE
	Jennifer George	AYE

Sharon Flint