

MINUTES OF THE PLANNING BOARD 4-27-11

The meeting opened at 7:05 PM with the Pledge of Allegiance. Members Present: James Harris, James Seamon, Barbara Albro, Nate Currie and Donna Doody. Also present: Town attorney, Donald Armstrong and Paul Sheniman, Town engineer.

Nate Shirley was present with updated maps and stated to the Board that he was informed there would be a meeting of department heads in Cortland County who will then make a recommendation on the application to the Planning Board. Mr. Shirley further stated he had spoken with the Town Clerk and she was not aware of any type of application form to comply with Section 568 of the Zoning Law pertaining to a Special Permit in the Aquifer Protection District. Attorney Armstrong referred him back to Section 569 which explains the process for applying for the permit – it is not a form necessarily, but could be done in a letter format to the Town Board and would require a hearing. Mr. Shirley said he had not had an opportunity to review the question the Board had concerning road frontage on the back lot and access to the road. Mr. Armstrong commented that the application might not be approved prior to his obtaining the zoning variance and the road access question. Nate Shirley stated that he had not yet talked with his attorney, but he thinks he may solve the ingress/egress problem by reducing the number of lots and taking the easement off of lot 3, which he had intended to retain.

After discussion, it was decided to begin the SEQR process now rather than to wait on any outstanding issues concerning ingress and egress. The SEQR review began at 7:30 P.M. The Board began with question #1 **Impact on Land:** Will the proposed action result in a physical change to the project? Reviewing the examples given the Board determined that there would be a small to moderate impact because construction would potentially continue for more than (1) year or involve more than one stage. Answer: **Yes.**

Question 2: Will there be an effect to any unique or unusual land forms found on the site? Answer: **No.**

Question 3: Will the proposed action affect any water body designated as protected? Answer: **No.**

Question 4: Will the proposed action affect any non-protected existing or new body of water? Answer: **No.**

Question 5: Will the proposed action affect surface or groundwater quality or quantity? Answer: **Yes.** Examples that the board determined apply: Proposed action will require a discharge permit.

Question 6: Will Proposed Action alter drainage flow or patterns or surface water runoff? Answer: **Yes, with qualifications.** The Board determined that the proposed plan addresses runoff issues and stormwater management.

Question 7: Will proposed action affect air quality? Answer: **No.**

Question 8: Will proposed action affect any threatened or endangered species? Answer: **No.** Paul Sheniman, the Town's engineer stated that he had consulted with the State DEC as there was a question concerning if the subdivision falls into an area where there may be rare plants or animals. It was determined that the subdivision does not fall into any such area around Song Lake.

Question 9: Will proposed action substantially affect non-threatened or non-endangered species? Answer: **No.**

Question 10: Will proposed action affect agricultural land resources? Answer: **Yes.** Reviewing the examples, the Board answers that there will be a small to moderate impact in the following areas: The proposed area would sever, cross or limit access to agricultural land and construction activity would excavate or compact the soil profile of the agricultural land. The Board determined there was a potential large impact given the example: The proposed action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land. Other impacts: Impact on aesthetic resources – found to be small to moderate. The Board agreed to add the following additional comment: While the loss of farmland is recognized, the loss is not recognized as a significant impact given the total farmland in the Town of Preble.

Question 11: Will proposed action affect aesthetic resources? Answer: **Yes.** The Board found using the examples that there would be a small to moderate impact in the following areas: Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource, and further, project components that will result in the elimination or significant screening of scenic views known to be important to the area.

Question 12: Will proposed action impact any site or structure of historic, prehistoric or paleontological importance? Answer: **No.**

Question 13: Will proposed action affect the quantity or quality of existing or future open spaces or recreational opportunities. Answer: **No.**

Applicant Shirley noted that existing snowmobile trails will be re-located.

Question 14: Will proposed action impact the exceptional or unique characteristics of a critical environmental area, established pursuant to 6NYCRR.14 (g)? Answer: **No.**

Question 15: Will there be an effect to existing transportation systems. Answer: **No.**

Question 16: Will proposed action affect the community's sources of fuel or energy supply. Answer: **No.**

Question 17: Will there be objectionable odors, noise or vibration as a result of the proposed action? Answer: **No.**

Question 18: Will proposed action affect public health and safety. Answer: **No.**

Question 19: Will proposed action affect the character of the existing community?
Answer: following examples outlined, **No.**

Question 20: Is there, or is there likely to be, public controversy related to potential adverse environmental impacts. Answer: **Yes.** **Comment: Concerns relate primarily to water runoff into Song Lake.**

The Board then proceeds to Part 3. Part 3 must be prepared if one or more impacts is considered to be potentially large, even if the impact may be mitigated. Answer (10) does identify a potential large impact. Based on the information available, decide if it is reasonable to conclude that the impact is **important**. The Board, following the considerations enumerated concluded that it is not important, included an explanation at the answer to (10), and does not have a significant impact.

The Board had further discussion and made the decision not to make a final determination on the application at tonight's meeting.

Motion by Barbara Albro, on the determination of significance, seconded by Nate Currie, **The project will not result in any large and important impact(s) and therefore, is one which will not have a significant impact on the environment, therefore a *negative declaration* will be prepared.** All in favor, the motion carried. The Board then completed the necessary paper work on the finding of a negative declaration and Chairman James Harris signed as responsible officer.

The applicant, Nate Shirley consents that the additional public hearing will not be scheduled until the regular May meeting, at which time the Board should have a recommendation from County Planning.

Old Business: Application of Kay Vossler for a minor subdivision. County Planning has indicated that they will not review and had referred it back to the Town. They did point out that technically the subdivision creates (3) lots rather than (2). The next step will be a short form SEQR and the applicant will be instructed to attend the May meeting. So moved by Donna Doody, seconded by James Seamon, all in favor the motion carried.

Motion to approve the minutes of the March meeting made by Nate Currie, seconded by Barbara Albro, all in favor the motion carried. Motion to adjourn made by James Seamon, seconded by Nate Currie, all in favor the motion carried and the meeting adjourned.

Respectfully submitted,

Mary Anne McCloskey, Secretary.