

MINUTES OF THE PLANNING BOARD – 2/27/13

Members present: James Harris, Barbara Albro, Timothy Coyne, and Jim Seamons. Maureen Knapp is absent. Also present is Donald Armstrong, Paul Sheneman, Jan Kublick, and James Doring as well as Ken and Deb Brock, Al Socha, Joe Heath, Tony George and Donna Orr. The meeting was called to order with the Pledge of Allegiance at 7:05 PM.

NEW BUSINESS: Mirabito application for site plan review. Wayne Davis from Mirabito was given the floor. He explained Mirabito wants to install a 30,000 gallon propane tank on land it will be leasing from Paul Bunyon, as a fueling station for its fleet. He showed the Board drawings of what the tank and surrounding area would look like, including fencing and piers to safeguard the tank. There will be an outside shut off valve. Barb Albro asked a question concerning the safety of propane. Mr. Davis said it is very safe, is heavier than air, and is liquid. If there were ever an explosion, the vapor would simply dissipate. Mr. Davis has never seen a problem in his many years working in the industry. A MSDS sheet is included in the application. He further stated he would do a night of training with the local fire department. Jim Harris asked about any barrier between the mulch area of Paul Bunyan and the tank. Mr. Davis said if the Board required it, it could be fenced in. The tank is made of single wall armored steel. Jim Seamon asked how many trucks would re-fuel on a daily basis and was advised approximately two per day.

Don Armstrong that the matter would be referred to County Planning. They would review and send the Board their recommendations. He expects it would be reviewed at their March meeting and we would hear back before the March meeting on the 27th. He advised the Board that Mirabito has already been before the ZBA and no variance is needed. It is a permitted use as of right. He further advised the Board should determine if it wants a Public Hearing as it is not required. The Town Board is waiting on this Board and County Planning before making its decision on the aquifer permit. **Motion** made by Barb Albro, seconded by Tim Coyne to refer to County Planning, all in favor, the motion carried. **Further Motion** made by Barbara Albro, seconded by James Seamon to hold a public hearing on the Mirabito application, all in favor, the motion carried. Don Armstrong will make the referral to County Planning and will arrange for a legal notice.

OLD BUSINESS: Application of Song Lake View. The floor was given to the applicant's attorney, Jan Kublick. As to the issue of County Health asking the Board to sign off on the stormwater and drainage discussed at the February meeting, Don Armstrong stated that Mike Ryan is no longer waiting for the Town's input. The applicant is waiting for approval from County Health as there are two lots that are less than the required 2.44 acres. Paul Sheneman is present to update the Board on his review of the most recent maps and the drainage issues. The final piece needed by County Health is to review the well logs on the two test wells to be drilled, likely in a location that a prospective buyer could utilize. Don Armstrong has had discussions with Mr. Ryan concerning his request that the Board sign off on the drainage plan and he has changed that position and it will not hold up the application. Mr. Sheneman is here tonight to offer technical input as the Town's engineer. The map will be complete per Mr. Kublick once the test wells are drilled and the County signs off on lot size. Mr. Kublick is hopeful that the test well logs will be available for the March meeting. Jim Harris stated the Board needs a complete map

including page (3). Mr. Sheneman stated that the original drainage analysis was adequate and there has been no substantial change that would change the validity of the proposal. Tim Coyne asked about the additional logging and widening of the snowmobile trail. Mr. Shenemen said it is likely that he has slowed the water down by leveling off the trail and nothing has occurred that will change the numbers. Jim Harris stated he had walked the land twice after a rainy period, (not excessively heavy) and noted standing water South of the Brock property but he did not note any standing water on Nate Shirley's land. Mr. Sheneman, who has reviewed page (3) of the map said depressions will be created to accept any run-off and said the applicant's engineer's calculations are correct. Pat Reidy of Soil and Water and Ellen Haun from DEC have also reviewed and are satisfied. In closing he noted that all of the proposed septics and expansion areas are located out of the natural depressions on the flatter area at the base of the hillside and that the existing drainage plan for the subdivision adequately accounts for the topography and will accommodate the proposed construction. A request was made that the Board be provided with a complete copy of the most current map. Joe Heath noted that the map still does not show the required distances of the wells and septics from existing contiguous properties. (Section 520 (b) (3)). Mr. Kublick stated that a change was made to address this requirement and that he is not asking the Board to approve the maps tonight. Don Armstrong noted that progress is being made and he expects the Board will have the final preliminary map within a month or two. Paul Sheneman stated his understanding that the septics were moved far enough away, uphill so that there was no question of being too close to existing wells and septics across the road.

Mr. Kublick will contact Don Armstrong mid-March to give him an update for the next meeting. He will be present for the March meeting. Don Armstrong asked if the County had told the applicant the proposed location for test wells and Mr. Sheneman stated he believed that the applicant and Mr. Ryan have met to discuss. Don Armstrong noted that Mr. Ryan has been responsive and cooperative and he had inherited a big back log of work. Mr. Kublick and Mr. Sheneman prepared to leave at 8:45, however at the request of Donna Orr, who had some questions, they came back into the meeting. Donna is concerned about the area noted for the wells to be dug as she has an easement for a spring. She is concerned her water could be affected as the well could take water from her spring. She intends to use the spring for water. Mr. Sheneman stated he did not believe there would be any ill effect as the wells are cased down 50 feet and thanked her for pointing out her concern. He suggested she write a letter of concern to the Board. Donna further stated that on the application to County Health, there appeared to be language by Mr. Shirley stating that he intended to build on the lots, not just offer the lots for sale. She noted some neighbors may be interested in purchasing a lot. Mr. Kublick stated he did not believe that Nate Shirley plans to do any building. She further asked about changes to the map and was assured the final maps will be available as a public record. Ken Brock asked if County Health is looking at the most current map and was advised yes, and its decision will reference the date of the map.

Al Socha asked if the SEQR would be updated as the map utilized at that time has had many changes. Jim Harris stated it will not be updated but the Board will need to decide if the SEQR process should be re-opened. Hr further asked if restrictive covenants are in place, how a prospective buyer would be made aware. Don Armstrong said we have previously discussed the options and any restrictions

adopted will be recorded on the map, which gives record notice to a buyer, however the Board is not to that point yet.

Old Business: Review of minutes from the previous meeting. **Motion** to approve the minutes made by Barb Albro, seconded by Jim Seamons, all in favor, the motion carried. **Motion** to adjourn at 8:45 P.M., made by Barb Albro, seconded by Tim Coyne, all in favor, the meeting adjourned. The next meeting will be March 27th beginning at **6:30** for the Mirabito Public Hearing.

Respectfully submitted,

Mary Anne McCloskey, Secretary