

## MINUTES OF THE PLANNING BOARD 6-26-13

Members present: Jim Haskell, Tim Coyne, Maureen Knapp and Barb Albro. Jim Seamon is absent. Also present Town Attorney Don Armstrong, Al and Rose Socha, Deb and Ken Brock, Terry and Donna Orr and Tony George. Mr. Goddard arrived later.

Review of the minutes of the 5-22-13 meeting. Motion to approve the minutes made by Tim Coyne, seconded by Maureen Knapp, all in favor, the motion carried.

Old Business: Song Lake View subdivision. Don Armstrong stated that he had been advised more well information must be provided to County Health by Shute's. We are waiting for County Health to approve the last proposed map. Two test wells have been drilled and Don is not certain exactly what information the County still needs. He called Mike Ryan at County Health who was on vacation. Maureen Knapp asked about the 2.44 acre requirement for well and septic. Don explained the applicant needs a waiver as a few of the lots are under the 2.44 acre requirement for the permit. Discussion was had as to whether there had been a significant change in the application since the SEQR review. The Board still needs the final map as part of its preliminary plat approval. The prior negative declaration can be amended. Don Armstrong has provided the Board with a memorandum concerning the criteria to amend a prior negative declaration. Mr. Harris stated the applicant could be directed to note and fully document on the final map any changes since the first presented map and the negative declaration. Don Armstrong stated that the board has discretion as noted in his hand-out. It is also noted that the Board has changed in members since the initial SEQR was made. Tim Coyne said the board should review as a whole the entire process from the original review until now. Jim Harris noted that the applicant has paid the engineer bill and has shown progress.

Public Comment: Terry Orr asked if the memorandum was similar to the memo he had provided previously concerning the SEQR review process. He reiterated his belief the Board must consider the potential for future development on lot 3 by the applicant. Mr. Harris stated the Board could put restrictions on lot 3, following a deed in perpetuity prohibiting any further subdivision of lot 3. Mr. Orr stated that the development would be very different if more houses were to be built on lot 3. Don Armstrong stated the Board cannot speculate as to what future development would look like and finds no clear authority for that consideration. Maureen Knapp noted that the applicant would still need to go through the subdivision process for any future development. Mr. Orr reiterated his belief that the Board needs to look at the whole picture and that the initial review did not take into account future development on the mountain. It was noted that the Board could stipulate that only one house could be built on Lot 3, which would take future development out of consideration. Maureen asked Don Armstrong's opinion of whether the lot could only be approved for one single family house and he stated that its implicit that the lot is only approved for one house. Further, the Board cannot make a decision on a myriad of possibilities that might occur. He stated the Board should not ignore such possibilities but there is a limit to the scope of board review. Mr. Orr stated his belief that the clearing that has occurred could accommodate a future roadway. Don stated he is more concerned about easements to the lake as the Town's keyholing legislation occurred after an easement was granted to the applicant. Deb Brock stated her understanding that the law would prevail. Don Armstrong stated

that Mr. Shirley has stated he is not going to allow access through the easement and if he then permits it, that is a misrepresentation that could result in a lawsuit. Terry Orr said he hopes the board will impose restrictions/conditions as part of any approval and noted significant changes to lot 3 since the initial presentation. Jim Harris again noted that the Board can require Mr. Shirley to show all changes clearly noted on the final map, from what was initially presented, and that the board will take all the time it needs to be satisfied. Tony George wants the board to be aware of all the changes to lot 3, and that it was initially stated by the applicant to be a widening of the existing snowmobile trail, but the actual work was much more substantial than that, involving bulldozing, grading and widening of the trail.

Other business: Tony George asked if the board has any authority on the proposed pipeline running from Binghamton through Preble and beyond for the transportation of natural gas. Don Armstrong said he believes this will be governed by federal regulations and possibly the use of eminent domain. Deb Brock requested a formal opinion from Don on whether the town has any authority in the matter.

Motion to adjourn made by Barb Albro, seconded by Tim Coyne, all in favor the meeting adjourned.

Respectfully submitted,

Mary Anne McCloskey, Secretary