

MINUTES OF THE PLANNING BOARD: 12-18-13

Members Present: Jim Harris, Barb Albro, Tim Coyne, Maureen Knapp, and Jim Seamon. Also present: Town Attorney, Don Armstrong, Nate Shirley, Jan Kublick, Deb and Ken Brock, Al Socha, Tony George, Terry Orr, Paul Sheneman Preble Town engineer, and Mike Ryan from Cortland County Health.

The meeting opened at 7:05 PM with the Pledge of Allegiance. First order of business is the Song Lake View subdivision. Paul Sheneman was asked about his October 23, 2013 memo which needed minor corrections. He will correct and mail to the secretary. Jim Harris invited Mike Ryan to explain his review of the changes concerning the depth of well casings. Mike Ryan noted that 50 ft. is the regulation, however after review of the data from the two test wells, 40 ft. was deemed to be sufficient as there was a substantial yield at 40 ft. He further noted his initial concerns, once he stepped in to the position, was drainage, the drilling of test wells to satisfy subdivision law, and depth and well water quality. Mr. Ryan referred to NYS Sanitary Codes 75-A and 5-B, with reference to septic and well separation distances. Under Cortland County Code, water well separation distances shall be increased by 50% whenever aquifer water enters the water well at less than 50 ft. below grade. On August 19, 2013, Mr. Ryan advised the applicant the subdivision had been approved with the following conditions: That separate permits from the Health Department shall be applied for and obtained for each individual lot for the proposed well water supply and on-site wastewater treatment systems; that the developer furnish each purchaser with a reproduction of the approved plans; plan approval is limited to (5) years; and approved plans must be filed with the Cortland County Clerk prior to offering lots for sale and within (90) days of the date of plan approval. Mr. Ryan further noted that there would need to be revisions on the lots done that did not meet the 10 minute perc requirement (over the aquifer). Three lots perc'd too fast and required water quality tests. He noted there has been lots of tests done on wells in Cortland County providing data on nitrate values, a good indicator of contamination from farms and other septic, and those numbers were good on the Shirley subdivision. Mr. Ryan went on to say that certain of the lots will require UV protection, which would be noted on the plans. Given all of that data, Mr. Ryan noted approval on behalf of the Cortland County Health department of the minimum lot size and the subdivision itself. Mr. Harris asked if the (3) lots that perc'd too fast and the (5) lots requiring UV protection were noted on the maps and was advised the applicant has revised maps with that noted. The maps were revised after the meeting of December 15, 2013, attended by Mike Ryan, Jim Harris and Don Armstrong. Mr. Shirley then provided the board members with the most currently dated map with a new page (1) and a new page (2), with page (3) remaining the same. Mr. Shirley stated there are no other changes. Mr. Ryan said that he would be happy to review any specific questions. Maureen Knapp stated, just to clarify, that adding the UV protection and the additional requirements for the other (3) lots mitigates the requirement that separation distances be increased by 50% when water enters at 50 ft. below grade, and asked what is the criteria for when hard gravel is present. Mr. Ryan stated that hard gravel is considered to be chiefly gravel, no loam, silt or sand. He further stated that the perc done in the test pits can be a good indicator of the type of soil, and that there was a good mixture of soils present from the tests done. He noted that Cortland County has a very conservative requirement because of the aquifer and will not allow less than a 10 minute perc. Jim Harris stated there is more gravel present across the road from the subdivision. Don Armstrong asked Mr. Ryan to summarize the

steps taken by the Department leading up to approval. Mr. Ryan stated the developer had complied with all changes to meet septic distances; that the two test wells required had been dug; a storm water drainage plan had been prepared; deep hole tests were conducted; the holes had perc tests done to indicate how fast the water was moving; Pat Reidy from Soil and Water had approved the stormwater plan; Ellen Haun from DEC had approved water quality; all culminating in the approval by Cortland County Health on August 19, 2013, with conditions to be noted on the map; and a lot by lot review for the Planning Board meeting of today's date. Jim Seaman asked if Mr. Ryan was satisfied with the conditions set and he stated, yes, as to water and sewer and general subdivision requirements. He further noted that he has given full FOIL disclosure to Joe Heath. Jim Harris asked about storm water run-off. Mr. Ryan said the applicant's engineer had noted specific infiltrations, there is no run-off through septic, and those infiltrations are noted on the plan. Jan Kublick said that Mr. Ryan had looked at nitrate and sodium levels which were found to be low which suggests there is not a connection between surface water and wells, and no evidence of contamination. Jim Harris further noted, and Mr. Ryan agreed, that each purchaser of a lot would need to get approval from the Health department for well and septic. Paul Sheneman added that a licensed surveyor would be required to stake out each proposed location. Terry Orr asked if the SWPPP (stormwater pollution prevention plan) done by DEC was based on no further development of the mountainside and Mr. Ryan said he did not know. Jim Harris said that Cortland County has addressed that any additional development would need to go through the same approval process. Mr. Orr then commented that the approval by the Health Department does not prohibit any future development. Mr. Harris asked Mr. Shirley if he intends to further develop the mountainside. Mr. Shirley stated he has no plans to do so; that he would need to start all over with what has already been a four year process, and he is not interested in jumping back into it, as even one lot would be considered a major subdivision in terms of what would be required if he were to further develop. Mr. Shirley went on to state there is not going to be anything else up there. Mr. Orr then asked if the mitigation for the 50% increase is based on 100 ft. separation on a 2.4 acre lot? Mr. Ryan said some lots are in different situations and would require 200 ft. of separation and that the 200 ft. requirement is designed to protect the well, not the aquifer. Aquifer protection comes from the perc tests. Maureen Knapp asked why 50 ft. is the magic number – is it the same water at 40 ft.? Mr. Ryan said it's a somewhat arbitrary call and is not a perfect number but rather a guideline for the engineer and based on all data collected. Jan Kublick noted that the septic distance is designed to insure a well will not be contaminated by a neighbor's well and has nothing to do with the aquifer, and that the well casing is to protect your water from your septic. Mr. Ryan went on to note that it is recommended that wells get tested every couple of years for that reason, to test for coliform. Mr. Orr thanked Paul and Mike for their work and noted he is happy to hear that Nate Shirley is not planning to build on the mountain. Mr. Ryan left the meeting at 8:00 PM.

Barb Albro asked what is the next step in the process. Jim Harris said he wants to make sure the board members have enough information to move forward given the changes since SEQR and the questions raised by members of the public. He has compiled a timeline of changes since SEQR was done in April of 2011. The board needs to determine if the changes are significant, and the options would be to amend the SEQR, rescind the SEQR, or keep the negative declaration. Jim provided the members with his review timeline. Barb Albro said her opinion is that all changes have been for the better. Jim

Harris suggests reviewing each item, change by change, noting if it is positive or negative. He further stated that the Board will not get through that review tonight. Tim Coyne agrees that he would like to review all of Mike Ryan's review materials, left with the board tonight as well as Paul's updated engineering memo. Jim then briefly went through his memo/timeline which will be reviewed at the next meeting. Don Armstrong said that we have a new final map and that any legal timeline's would run from tonight's meeting. Jim Harris said the next step would be approval of a preliminary plat, then the board would get a map marked final, followed by final plat approval. There would a public hearing on the subdivision application followed by a decision of a final plat. Don Armstrong pointed out that the board first needs to make a decision on the SEQR which can be decided at the January 22, 2014 meeting. Maureen asked Nate if he intends to sell lot 3 and he said no, he intends to keep this lot which is across the street from his home.

Al Socha stated he felt water issues had been addressed, reiterated the applicant states he does not intend to develop the hillside while he owns it, and was happy to hear he intends to adhere to the keyholing law, noting that in his original easement filed with the county, he wanted the ability to give egress to family, friends and lots across the street. Mr. Shirley answered he wanted the ability to grant to family and friends and never intended it to be for the lots across the road. He further stated that as far as he was concerned, the use of the right of way was for friends and family only. Mr. Socha asked Nate to clarify, if he will let lots use the right of way, and Mr. Shirley said this has been addressed by the keyholing law. Jim Harris then stated it was time to move on as this was not a public hearing. Terry Orr asked that the minutes clearly reflect Mr. Shirley's statement of no intended further development of the hillside. Mr. Shirley said that should be defined as meaning no additional lots but he does not want to limit himself as to his personal use and additional logging. Mr. Orr said the board can put conditions on lot 3 and Mr. Shirley noted further development would require a new application and SEQR review. Jan Kublick said the possibility of future development is not the standard. Jim Harris read from a prior memo prepared by Don Armstrong, that there has to be a strong or stated presumption, not just a possibility. Mr. Orr gave his opinion that the presumption exists given the work that has been done on the hillside and noted his opposition to any further development of the mountainside. Deb Brock requested a set of maps to be available to the public and Town Board. She also requested a copy of the timeline prepared by Jim Harris.

There being no further new business, the board asked for a motion to approve the minutes. Motion to approve made by Barb Albro, seconded by Jim Seamon, all in favor, the motion carried and the meeting adjourned at 8:30 PM.

Respectfully submitted,

Mary Anne McCloskey, Secretary