

## MINUTES OF THE PLANING BOARD JANUARY 22, 2014

Members Present: Jim Harris, Barb Albro, Maureen Knapp, Jim Seamon, and Tim Coyne. Also present: Don Armstrong, Paul Sheneman, Jan Kublick, Nate Shirley, Al and Rose Socha, Tony George, Deb and Ken Brock, and Terry Orr.

The meeting opened at 7:00 PM. with the Pledge. The first order of business was approval of the December meeting minutes. Motion to approve the minutes made by Tim Coyne, seconded by Jim Seamon, all in favor, the motion carried.

The next agenda item is the Song Lake View subdivision. Jim Harris noted there would be public comment at the end of the meeting, time permitting. He further said it is a privilege to comment at a public meeting, as the Open Meetings Law says the public may attend and listen. Further the board may put a limit on the time to speak to be fair to everyone. The public will be given two minutes to address the board, not to question and answer. Jim stated he had received training at TC3 regarding the Open Meetings Law.

Jim asked Paul Sheneman to attend the meeting in the event of any questions that came up after reviewing the memorandum he prepared outlining the review and changes to the Song Lake View subdivision since the SEQR, including the changes to the subdivision map, the issues with lot 3, logging and stormwater run-off, hillside development and the Keyholing Law. Jim noted the Board has had Mike Ryan in to address any issues regarding well and septic and answered the Board's questions concerning the Health Department's review and approval of the subdivision. Jim said that in order to rescind the SEQR the Board would need to find a significant environmental impact. He further spoke to concern about further development of the hillside, logging and clearing of the snowmobile trail. The Board did not consider it to be significant and noted the applicant worked with the Trailblazers Club to re-locate the trail from its then present location. Jim said that the trail was made about 15 to 20 feet wider to accommodate the grooming apparatus. Jim further stated he had walked the trail and with the vegetation growing, he observed that run-off has slowed. The trail acts as a berm providing for less run-off than before. Jim further noted he is very familiar with the hill, and that back in the 50's, there were less trees and more pasture. Now there is less noise from snowmobiles as the new trail is further up in the woods. Tim Coyne asked about the removal of trees done after the SEQR. Don Armstrong advised the board it would need to consider if that was a substantive change. Barb Albro asked what was the issue and Jim Harris stated it was regarding the snowmobile trail and logging. Don further stated Jim's memo was intended to key in on changes that occurred after the SEQR determination, and to determine if the SEQR should be re-opened or remain as is. Jim Harris stated his opinion that the changes have been positive and Barb Albro agrees. The Board was then asked one by one to state their opinion if the changes was positive or negative. Voting the changes were positive were Jim Seamon, Tim Coyne, Barb Albro, Jim Harris, with Maureen Knapp passing on the vote. Maureen said she was not sure that this is the way to review the changes and said the Board needs to look at the larger picture of the changes to Lot 3 and to determine if there have been substantial changes since the SEQR of April, 2011.

Don Armstrong said the decision to rescind the SEQR findings would be a two-fold review: 1) Were there substantial changes and 2) what is the result of any substantial changes. Maureen said at the bottom of the hill there is a swampy area that she did not think was there before the snowmobile trail, asking if it is a result of the trail or the logging. Jim Harris said his observation is that there is less infiltration than before and less wet spots. He looked at the Millis property after a night of receiving an inch of rain and saw no standing water there. Paul Sheneman stated that the trail acts to slow the water down. Maureen said she had observed a boggy area where the hill meets the flats that was not there when her family used to hay the field. Nate Shirley said there was always a spot when his uncle used the land, where it was damp behind lot 7. He further stated there was one bad year with standing water, however the hill was also logged about eight years ago and there has been no change in the last couple of years. The Board was then asked if the area was improved by the trail and logging. Tim Coyne, Barb Albro, Jim Seamon and Jim Harris state it is improved and Maureen Knapp is undecided.

Next Jim Harris said that Don Armstrong has researched the criteria which would allow the Board to impose restrictions on the lots. Lot 3 is part of the subdivision and only one house is allowed. Any further development of the hillside would require a further subdivision application. Maureen said she would be comfortable with restrictions, as did Jim Seamon, especially as the applicant had stated no plans to develop the hillside. Jim Harris said the Town developed a Keyholing Law to regulate what can be done as far as access to the lake and the applicant has publicly stated he will abide by that law. He further noted that one concern is an increase in the number of boats and the possibility of bringing in invasive species. He said there was more boating activity in the 60's and 70's likely because most of the homes were camps rather than year round homes. He further stated the concern that absent the Keyholing law, each lot could potentially have a boat on the lake. He said the Board can ask that language be added to the map that its approval is subject to the Keyholing Law, and the restriction should be stated when the Board does its final approval. Don Armstrong noted the law is not meant to prohibit casual use by Mr. Shirley, and his friends and family.

Jim Harris, referring to his prepared timeline, then noted the archaeological survey, finding no basis to designate the property a historical site, the review by Cortland County Health Department and Mr. Ryan noting all steps taken in its review, including well casing depth and well and septic locations. Mr. Harris then asked for any additional comments or discussion regarding an adverse environmental impact since the SEQR.. Maureen asked if the Board would impose any conditions on the hillside. Don stated there are existing restrictions on the map and said the Board had discussed imposing restrictions on individual deeds. Don said the Board could record a separate set of restrictions so that each individual lot owner would be aware of the restrictions, noting that it would be a part of the real property record. Further, any building permit issued would have to conform with what is recorded on the final map. Maureen noted her largest concern is that there be no further development of the hillside. Jim Seamon made a motion to let the original SEQR stand with the two restrictions of abiding by the Keyholing Law and no development of the hillside. The motion was seconded by Barb Albro, all in favor, the motion carried.

Jim Harris stated the next step is a Public Hearing before approval of the preliminary plat. Don Armstrong said there needs to be at least 10 days notice and the adjoining landowners must

be notified of the hearing by certified mail, return receipt requested. His office will work on identifying those landowners. Tim Coyne made a motion that the Public Hearing on the Song Lake View subdivision be held on February 26, 2014 at 6:00 PM, seconded by Jim Seamon, all in favor, the motion carried.

The public was then invited to offer comments subject to a two minute limitation. Terry Orr said the wet area behind his house started when the original logging was done and was not present before that logging. He said he has always been concerned about further development but is happy with the enforceable conditions and thanks the Board for its hard work. Al Socha also thanked the board for its thorough work. Tony George noted the applicant has a recorded right of way for owners to access the lake, done before the Keyholing Law, and hopes this will be addressed in individual deeds. Don Armstrong stated the reference on the final map and a separate document to be recorded will be sufficient to restrict access to the lake. Tony said he is concerned that one irresponsible party could bring in an invasive species and although tough to control, is a concern of homeowners. Don said that he thinks this is covered, noting the applicant would have some access through his property and his adjoining property, but no wholesale easement will be granted to owners across the road in the subdivision.

Motion to adjourn made by Maureen Knapp, seconded by Tim Coyne, all in favor, the motion carried and the meeting adjourned at 8:35 PM.

Respectfully submitted,

Mary Anne McCloskey, Secretary