

MINUTES OF THE PLANNING BOARD MEETING  
2-26-14

Members Present: Jim Harris, Tim Coyne, Maureen Knapp, Jim Seamon and Barb Albro. Also present was Don Armstrong, Nate Shirley, Jan Kublic and several community members. The meeting opened at 7:00 with the Pledge. Jim Harris noted we are discussing the Song Lake View subdivision and have just conducted a public hearing. He noted many people have spoken, however not all are informed about the process the Board has gone through to reach this stage. He noted one big issue is Keyholing and that the Board has asked the applicant to abide by his word that he will comply and agrees to having the restriction noted on the map. He then asked that Mr. Shirley address that concern, that you agree to rescind the easement? Nate Shirley stated that yes, he will take that out. Jim Harris then spoke to the issue of lake pollution stating the map contains detailed engineering specs, wells have been moved to the front and septic to the back. Mike Ryan from County Health has addressed soil and perc rates and the Board has worked with Pat Reidy from County Soil and Water, all providing input and conditions. Jim further stated the last major issue is the development of Lot 3. The map shows one house, not on the hillside, and the Board has discussed further restrictions on that lot. Don Armstrong said he has spoke to the applicant's attorney, Jan Kublick who has expressed those permanent restrictions could constitute an "illegal taking" and could be a cause for litigation. He said that if a municipality imposes restrictions so very limited that it takes away the ability of a landowner to use the property, this could be considered a taking. Maureen Knapp stated the applicant previously stated that he was okay with that restriction. Jan Kublick said he only stated he had no plans for further development, but he is not okay with a restriction so limited he could never do another thing to what is a 65 acre parcel of land. Don noted the Town can impose restrictions but there are limitations. Jan said that when discussing this, keep in mind that any further development would have to go through the same process, and that even if all criteria were met, the Board is saying he could not do anything further with that land. Maureen noted that when addressing the question of re-opening the SEQR, it was based on the agreement of no further development of the land and that the applicant would not agree to a conservation easement. Jan said that SEQR does not cover all future development in perpetuity; that is not the standard. Maureen said she based her approval of not rescinding SEQR based on no further development of the hillside. Don suggested the Board go into executive discussion for the purpose of discussing potential litigation. **Motion** to go into execution session at 7:20 PM made by Jim Seamon, seconded by Tim Coyne, all in favor, the motion carried.

**Motion** to come out of executive session at 8:05 made by Jim Seamon, seconded by Tim Coyne, all in favor the motion carried. Jim Harris stated the meeting to discuss preliminary plat approval will resume. He said the Board has enough engineering data to approve the preliminary plat. If approved, the next step is final plat approval process. **Motion** to approve the preliminary plat made by Jim Seamon with the following conditions: 1) No further development of Lot 3 beyond what is shown on the map; 2) the applicant must abide by the Keyholing Law and rescind the easement giving access to the (11) homes in the development; 3) all restrictions imposed by the Cortland County Health department in the map dated 12-15-13; and 4) all development will be made in accordance with the stipulations depicted on the map. The motion is seconded by Maureen Knapp, all in favor, the motion carried. Jim Harris then signed the preliminary plat map.

The Board then reviewed the minutes of the previous meeting. Motion to approve the minutes of 1-22-14 was made by Barb Albro, seconded by Tim Coyne, with one revision, all in favor, the motion carried.

Jim Harris then asked for any additional public comment. Tony George asked about rescinding the easement and stated that would not change the deed giving access. Don confirmed to Tony that the applicant has said he would change it. Deb Brock asked if the application will go back to the County for further review. She noted that with all of the changes that have occurred, the County should have a further look. Jan Kublick said he disagreed. Judy Griffin asked when the County approved the application and was advised by Tony that the last review was in December of 2009, at which time they made a recommendation of denial. Jim Harris said they had recommendations to be followed and the board has been going by a more recent letter. The Board will pull the letters together and see about sending it back to County Planning for review. Deb Brock said she would like to know the schedule going forward. Donna Orr spoke concerning the location of the house on Lot 7 which will be out her back window. She asked if the location could be changed. Jim Harris stated he did not think it could be changed and still meet the required criteria.

Motion to adjourn at 8:40 PM made by Tim Coyne, seconded by Jim Seamon, all in favor, the motion carried.

Respectfully submitted,

Mary Anne McCloskey