

Testimony of a public hearing of the Town of Union Planning Board held at the Town Office Building, 3111 East Main Street, Endwell, New York, Tuesday, July 10, 2007, at 7:07 P.M.

PRESENT: Sue McLain, Chairman
Ada Elwood
Lisa Miller
Beth Seliga
Ralph Signorelli
Paul Nelson
Marina Lane
Alan Pope

Theodore Lauve, Keystone Associates
Patti Pomeroy, Self
Perri Hart, Self
Dennis L. Rivenburgh, Self
Quirino Paniccia, Self
Jamison, Self
Mary Ann Sincavage, Self
Kay Perkins, Self
Ron Feher, Self
Herbert Kline, Patti Pomeroy and Perri Hart
Nancy LaBare
Jim Walsh, Self
Bill Walsh, Walsh & Sons
Joe Moody, Self

MS. MCLAIN: I'll read the notice of the public hearing and after that we'll have a presentation and members of the Planning Board may ask questions. And afterwards we may entertain some questions from the visitors. But if you do speak, you're asked to limit your questions to just one per person and limit your remarks to three minutes.

The Town of Union Planning Board will conduct a public hearing relative to an application by Patti Pomeroy and Perri Hart for a Preliminary Subdivision Plan to subdivide approximately 9.826 acres at 1001 Prescott Avenue (property tax map number 141.31-1-1) into eight single-family lots.

The subject area is zoned RS-7 Residential Suburban Low Density, and AGR Agriculture. Single-family housing is a use permitted by right subject to the dimensional requirements of the RS-7 and AGR zoning districts.

Copies of the proposed subdivision drawings are available for review at the Town of Union Planning Department during regular business hours (8:00 AM to 4:00 PM) at the address listed below.

The public hearing will take place on Tuesday July 10, 2007 at 7:00 PM in the Town Board meeting room on the second floor of the Town of Union Office Building located at 3111 East Main Street, Endwell, New York. Would the applicant like to speak?

MR. KLINE: Let me just start out Ms. Chairman. I'm Herbert Kline attorney with the firm of Coughlin & Gerhart in Binghamton. I'm here representing Johnny Hart's two daughters, Patti and Perri Hart. Johnny and his wife purchased this property in 1965, held it for development and they transferred it to their two daughters two years ago. Ted Lauve with Keystone Associates is going to give the formal presentation on the subdivision plan and with your permission after he completes that, I'd like to address some concerns which have been raised by your Planning Department about certain archaeological matters. I'd like to put that into your record as well. Why don't I let Ted talk first about the plan itself if that's all right with you?

MS. MCLAIN: Yes, Absolutely.

MR. LAUVE: I'm Ted Lauve, Senior Engineer at Keystone Associates. I'm preparing the subdivision plans for our clients, Patti Pomeroy and Perri Hart. And as you can see on the drawing and as Marina gave a very lengthy description, which I'm not going to repeat, but I'm just going to add to it with some of the high points on some of the issues that would directly affect any adjacent residents. As Marina indicated, it is an eight-lot subdivision on a ten-acre parcel of land on west side of Prescott Avenue. It's fully wooded. There's woods on the north, on the west, on the south, a single family home on the south and Prescott Avenue and single family homes on the east. There is a high point on the project here and drainage flows towards Prescott Avenue to the

east, to the southeast and also to the west toward the NYSEG right of way and Nanticoke Drive and eventually to Nanticoke Creek over here. There are two existing catch basins along Prescott Avenue in front of the property, one between 5 and 6 and one between 7 and 8. There's also one down here in front of a single-family home which currently takes the drainage from the property now. And as Marina indicated, they'll have water and sanitary sewers from existing mains on Prescott Avenue will be constructed when homeowners develop the lots. We did develop Storm Water Pollution Prevention Plan in accordance with the New York state regulations. Patti Pomeroy has signed the Notice of Intent for coverage under the New York State Storm Water Discharge Permit System. However, since they're not developing their properties, each property owner will have to comply with this plan on their own and usually with this one plan one copy is given to each property owner in their mailbox and would be required to have it on their site during construction and comply with all the sediment and erosion control measures such as silt fence and any temporary sediment traps, construction entrance control, everything to control storm water during construction during their property development. I guess that's it unless anybody has any questions and like anything explained further.

MS. MCLAIN: OK. Thank you. Any questions from members of the Board? No, excuse me, we'll entertain questions from the Board members first and I'll tell you when it's time for the visitors.

MR. PANICCIA: I misunderstand on the sediment control issue, you mention....

MS. MCLAIN: I'm sorry. You didn't understand. Would you wait until I ask for the visitors to speak. Thank you. Any questions from members of the Board?

MR. SIGNORELLI: I just had one on the sanitary sewer.

MR. LAUVE: Yes.

MR. SIGNORELLI: It's tied into the municipal system.

MR. LAUVE: Correct.

MR. SIGNORELLI: Is there any requirements to have pumps in the houses or is the grade such that it...

MR. LAUVE: No the grade is such that you'll have gravity discharge into all the services going into Prescott Avenue.

MR. SIGNORELLI: OK

MR. LAUVE: Because all these sites are higher than Prescott.

MR. SIGNORELLI: OK. So no pumps.

MR. LAUVE: Correct.

MR. SIGNORELLI: And head pressure is okay with the water. There's no issue with that either with the way the tank is on....

MR. LAUVE: No. Rick Miller looked at that.

MS. LANE: And actually what was mentioned is that there is so much water pressure that the future property owners may wish to have pressure reduction, whatever it's called.

MR. LAUVE: Pressure reducing valves.

MS. LANE: Valves, there we go. So that there is plenty of water pressure. There is a significant amount of water.

MR. SIGNORELLI: Thank you.

MS. MCLAIN: Anyone else?

MR. NELSON: Ted, on Lot No. 1, I know you don't typically do the layouts for the actual foundations and driveways, you leave that up to the ultimate property owners, but you're going to have some kind of conflict with that turn that's right there trying to get your driveway a significant distance away from the end of the radius of that curve so that they're not pulling out at the radius.

MR. LAUVE: That's correct.

MR. NELSON: That's not the driveway you're showing there, that's just the setback?

MR. LAUVE: Yes, this is just the setback line for the homes. The driveway would most likely go here away from the intersection, not directly off the intersection.

MR. NELSON: Right.

MS. MCLAIN: Anyone else? OK very well then, Mr. Kline, you wanted to say a few things?

MR. KLINE: Yes. I know that your Planning Department has expressed some concerns relating to archaeological issues because you have had those issues raised with other larger projects that have come along before you recently. I'd like to point out first of all that what we are dealing with here in terms of the footprints themselves of the homes that will be built is less than 1/3 of an acre and if you added to that the lawn areas that will be affected by planting the grass we're talking about 2-1/2 acres, so about, let's say, a little under 3 acres of the 10 acres is all that will be disturbed, the rest of it remaining pretty much as it is now. Now when you're dealing with these archaeological issues under SHPO there is no requirement for having an archaeological review, if there is no funding coming from the federal government or from the state government and in this case there is none. There will be absolutely no reason why SHPO would require archaeological review. I understand your thoughts of perhaps having some consistency when you deal with sub-divisions because many of them are quite a bit larger than this. But if you took this to the logical conclusion of requiring archaeological review for a subdivision of this size, then the question is where do you draw the line? Will you require it for every site plan review of every property that requires site plan review in this huge area? That's going to be your difficulty is going to be trying to draw the line in the sand as to what if anything you're going to require. Just to point out one thing, this could have all been avoided if my clients

had not gone by the book. They could have sold off four lots individually, transferred the other four to me and then I could have gone and sold the other four and there wouldn't have even been any need for subdivision approval but they thought that this was the right way to do it and that's why we're before you tonight. I did talk with a Dr. Versaggi, who does the archaeological review at SUNY Binghamton to get some sense of what the cost would be for doing something like this and she explained to me that there are two parts to Phase I of archaeological review. The first part is mostly a paper trail, they look at the literature, they talk to people in the neighborhood, they look at local universities if there's any records at all about this particular area, they look for ground disturbance. Then the second piece of it is more intense. They will actually do a surface survey, they'll be testing, they can do remote radar screening so that they don't have to disturb the surface....

MS. MCLAIN: Excuse me but did the Planning Department suggest that we not require the SHPO? I believe that they did.

MR. KLINE: We were in discussions today.

MS. LANE: And as you probably heard me read out loud, that SHPO doesn't require any further archeological survey.

MR. KLINE: But, you could. And what I'm trying to do is to avoid this Board from imposing any additional...

MS. MCLAIN: Well, I don't think that was part of the recommendation of the Planning Department.

MR. KLINE: All right. Let me say this then, that I'll be quiet. But if you decide that you are going to at a later point in time require some sort of archeological review here, I've got a number of other points which I would like to bring before you. Is that fair enough?

MS. MCLAIN: Thank you. Any other questions from the members of the Board? OK. We'll open the floor to visitors' questions and, if you would, please stand up and give your name and address.

MR. PANICCIA: My name is Quirino Paniccia and I live at 814 Oneida Street. And I'm going to take a guess, the drainage is going to be on the east side right?

MS. MCLAIN: The drainage is going to be on the east side is it?

MS. LANE: Of the road?

MR. PANICCIA: Yes.

MS. LANE: No I'm not saying it's on the east side of the road, what I said was that...

MR. PANICCIA: Will the storm sewer be on the east side or the west?

MS. LANE: There's a hill peak right here...

Mr. PANICCIA: No I'm talking about the road.

MS. MCLAIN: Storm sewer.

Mr. PANICCIA: Storm sewer.

MS. LANE: Mr. Lauve can help you with that.

MR. LAUVE: Yes there is an existing storm sewer on Prescott Avenue with catch basins here...

MR. PANICCIA: I understand, but it's on the east or on the west?

MR. LAUVE: It's on both sides, yes.

Mr. PANICCIA: I've got a little farm to the right and every time I come back in the fall or winter I got a soggy, wet hill already. If you've got water coming across the road on the east side, it's going to be a mess.

Mr. LAUVE: Well, it shouldn't be. The road should be crowned so that all the water that comes down on this side....

MR. PANICCIA: Yes, but it has to come across the road to the east side to the storm sewer, right? That's what I'm worried about.

MR. LAUVE: No. There's catch basins on both sides of the road along the curb so that all the water that comes down to the west side of the road from the east side....

MR. PANICCIA: That answers my question. Thank you.

MS MCLAIN: Thank you. Are there any other questions from the visitors?

MR. MOODY: I just have one question. Joe Moody, 1100 Irving Avenue. Just confirming, I missed part of this, single family residential only, no duplexes, no twin family, twins or anything, correct?

MS. MCLAIN: Is that correct? Are those zero lot lines, the last three ones? Are they zero lot lines?

MR. LAUVE: No they are. They'll meet all the setbacks for side, front and back.

MS. PERKINS: May I say something please?

MS. MCLAIN: Excuse me, would you give us your name and address please.

MS. PERKINS: My name is Kay Perkins and I live at 1119 Daisy Drive in the Town of Union. I know that this property is a fully wooded property that is absolutely beautiful. It has great wildflowers in there and there's lovely paths too and it's the only thing like that on the north side of Endicott and I feel it would be a shame to destroy this property. I feel that perhaps the Town of Union could buy that as a park and I'd be willing to put the first \$1000 down for it.

MS. MCLAIN: Thank you Ms. Perkins. Anyone else who wishes to speak?

MR. FEHER: I live at 916 Prescott, across the street, and just wondered what kind of housing it's going to be, what's the approximate size.

MR. LAUVE: Well, we don't have a lot of control over the type of housing that goes there because it will be up to the individual lot owner. But we estimated maximum four-bedroom homes and that they're generally similar to the homes that are up there now.

MS. FEHER: OK. That's all I was really interested in.

MS MCLAIN: I'm sorry, did you give your name and address?

MR. FEHER: I thought I did. Ron Feher, 916 Prescott Avenue. I live across the street from there.

MS MCLAIN: OK. Thank you.

MR. FEHER: It would have been nice to keep that the way it is, but it belongs to people and the money is worth something to them. I do question the top three lots are extremely close to the power lines. There's

supposedly health issues with power lines. I wouldn't want to live there. I really question the reasoning to subdivide those and put houses there because it's going to...supposedly power lines cause health issues and those are right on the power lines because I walk that property every day.

MS. ELWOOD: Did you say three or four? The top...

MR. FEHER: The top three.

MS. ELWOOD: The top three. Thank you.

MR. FEHER: I would say the top, from the street to the power lines is less than maybe 100 yards, it's probably about 200 feet.

MR. LAUVE: Yes, this is the power line here...

MR. FEHER: And they're not just power lines, those are serious power lines and I would imagine if I walked out with a fluorescent lamp it would light up.

MR. LAUVE: Yes....

MR. FEHER: I think you're pressing....

MS MCLAIN: Would you please allow Mr. Lauve to address your comment.

MR. FEHER: I'm not engineer, but I wouldn't buy that property.

MR. LAUVE: I know these power lines do create magnetic fields.

MR. FEHER: I just think your pressing. Somebody is going to have a problem with their health in the future if they live there or they raise their children. The top two or three. The others are really very far away.

MS MCLAIN: Thank you.

MR. NELSON: Ted, will there be deed restrictions posed on these parcels once their transferred out for things like square footage, materials and things like that?

MR. LAUVE: Not that I'm aware of. They'll have to have a building permit sent to your code enforcement officer and of course blue prints and site plan and everything else in compliance with all your zoning regulations.

MR. NELSON: But no, quote, private zoning will be...

MR. LAUVE: There's no covenant for this project.

MS MCLAIN: Would anyone else like to speak?

MS. SINCAVAGE: My name is Mary Ann Sincavage and I live at 1012 Prescott Avenue, right across the street. We've lived there for 34 years and I too will miss the wildlife and beauty of it, but I realize you can't keep these things forever, but I just wanted to point out in case you hadn't investigated it that I learned that there are huge tax breaks if you don't develop land like that. If you had the time and you haven't done it, I'd just like to mention that because it could be preserved and maybe, because I think it's economic reasons and maybe it wouldn't hurt to investigate that. That's all I wanted to say.

MR. LAUVE: I just want to point out that only about 3 acres will be developed and 7 acres will remain wooded. So there still will be a lot of woods there.

MS. SINCAVAGE: But there's no control over what people do once they buy that property and I know when we bought across the street we had some rules we had to follow. Ron bought from the same person we did. There were

certain guidelines that we had to follow. But these people could...
Around the corner on Buffalo, they just took down all the trees that
were up there, beautiful pine trees. In fact my daughter, she's an
artist, when she heard that was happening she went up and drew
pictures of the pines because she heard they were coming down.
That's all I had to say.

MS. MCLAIN: Anyone else that would like to speak about this project? Okay, if there
is not, then the public hearing is closed.

Hearing concluded 7:27 p.m.

I, DAWN W. FOTI, do hereby certify that the foregoing transcript of a public hearing of the
Town of Union Planning Board is a true, accurate and complete transcript of my
stenographic notes/tape taken at the above time and place.

DAWN W. FOTI