

~~~~PLANNING BOARD~~~~  
NOVEMBER 10, 2009  
7:00 PM

Planning Board Members Present; Pat Rice, Walter Geist, Julie Lescynski, John Warner, Duncan McNeill, Richard Johnson

Others Present; Brad Lawson, David Stapleton, Sally Carlson, Mark Stow, Richard Sena, Ralph Whitney, Dan Mangione, Michael Mangione, Denny Vant, David McGraw

Mr. Rice opened the meeting and stated that the board will be discussing the Goose Creek Proposal and John McGraw's Bootey Bay Proposal.

The Mangione's, representing Goose Creek Corporation, are requesting that the town accept 20 non conforming lots as they are divided on a 23 acre parcel that the corporation now owns (a map was provided to board members). Mr. M. Mangione stated that the individuals are already paying taxes on the improvements to the lots that each of them occupy.

Mr. M. Mangione stated that the lots within the corporation use private well and septic with some being shared between lots and they have all been tested and approved approximately a year and a half ago by Chautauqua County. Mr. M. Mangione stated that the corporation has had problems keeping and obtaining liability insurance because the lots are within the 23 acre parcel owned by the corporation. Mr. M. Mangione said Goose Creek Corporation would still own the private road and 23 acres of field, however if the individuals had their own deed (proving ownership) to the parcel that they now occupy, they could obtain their own insurance.

The individuals in the Goose Creek Corporation are also concerned that if someone did not pay their Town and County or School taxes for the improvements on their lot the Corporation could lose the whole parcel as it is now.

Mr. Rice asked Mr. Stow if there were any permits issued for septic systems. Mr. Stow said he was not aware of any permits, however, if Mr. Loomis (the previous owner) began developing the area in 1958, it would have been before the existence of the health department. Mr. Stow did state that all of the systems were tested approximately two years ago and they are all working. Mr. Rice asked Mr. Stow what would happen if someone wanted to put a septic system in when the lots are broken down into the substandard lots as they are now. Mr. Stow said the lots could not be subdivided any further, but an existing structure (if it were a dwelling) would have to correct any system that is already there to comply with zoning codes.

Mr. Johnson asked if the Corporation had rules for its members. Mr. M. Mangione said the corporation did have rules and Mr. Lawson gave the board a copy of the rules. He also asked if the individual lots could hook up to a sewer system and Mr. M. Mangione said that cost was a concern, as it would be approximately \$1,500.00 per hook up. Mr. Rice asked if the Corporation was considering deed restrictions if the town approved its proposal and Mr. M. Mangione said that they would have deed restrictions through the Corporation. Mr. Rice asked that the board receive a copy the restrictions.

Mr. Stapleton stated that he had spoken to Mr. Mangione a couple of weeks ago and asked for a certificate of the corporation and its bylaws and he has not received them.

Mr. M. Mangione stated that he faxed them to Mrs. Carlson, who also said that she has not received the copies.

Mr. Stapleton asked how many dwelling or units have gone in over the last 20 years.

Mr. M. Mangione said that nothing new has gone in over the last 20 years, there have only been improvements.

Mr. Stapleton asked if permits were issued for any of the improvements.

Mr. M. Mangione said that there were no permits issued and the improvements took place when Loomis owned the property.

Mr. Stapleton asked Mr. M. Mangione if there was any geographical reason why the lots (outlined on the map) have to be in the configuration they are.

Mr. D. Mangione said because Goose Creek goes through the parcel.

Mr. Stapleton said that outside of the creek, the lots are very jagged and asked if there was a reason for this.

Mr. M. Mangione said that was just the way Ed Loomis laid them out.

Mr. Stapleton said when Mr. Loomis' estate obtained the title to the property (approximately 6 or 7 years ago) they tried to sell the land, but they could not deed out the individual parcels because they were non conforming. He went on to say that the "problem" has been passed on to the individuals, who created a corporation so that there would be one owner of all the land. Mr. Stapleton asked the Mangione's if the improvements on the lots could be moved.

Mr. M. Mangione said there were two homes that could not be moved.

Mr. Stapleton asked if there was any reason why the map of the lots could not be redrawn into conforming lots with

some sort of leases for current dwellings to stay until they become dilapidated and have to be rebuilt, when they would get moved to a conforming lot.

Mr. D. Mangione indicated that the individuals own their own structures.

Mr. Stapleton stated the corporation is owned by all of the lot owners who are trying to create a unified solution to this situation. He suggested that corporation owners get together and redraw the map into conforming lots, with a temporary easement for the properties that cannot be moved. Mr. Stapleton said that the corporation is asking the town for their permission to start transferring title that have no restrictions as they are now. He suggested that the corporation begin with a comprehensive plan that everyone signs off on, that would be the same as a subdivision where everyone signs a declaration with rights and obligations. He said this would force the individuals within the corporation to plan a solution on their own, rather than asking the Planning Board to recommend that the substandard lots are acceptable.

Mr. M. Mangione said that the Assessor, Randy Holcomb and the people who work with the tax maps suggested that this would not be an issue. Mr. Stapleton suggested that both the assessor and the people working on the tax maps could do the work required, however, the lots and structures are nonconforming to the towns building code.

After further discussion, the board decided to table the request by the Goose Creek Corporation and request that the corporation review some of Mr. Stapleton's suggestions as stated earlier.

Mr. Rice asked that the individuals who were there to represent John McGraw to address the board. Mr. Vant stated that he was there to represent Mr. McGraw, who is requesting a variance for his Bootey Bay property. Mr. Vant gave the board a copy a map that indicates the outline of Mr. McGraw's proposal. He is requesting that several lots along the lake be subdivided into lots where the width would be 100' which is 25' less than is allowed in the zoning ordinance for the R-5 District.

Mr. Lawson explained that Mr. McGraw's project has not been before the Zoning Board of Appeals; however, Mr. Lawson stated that he circumvented that because the Planning Board met earlier. He stated that he met with Mr. McGraw and gave him copies of the Site Plan Check List as well as everything that is required with the application. Mr. Lawson stated that he is concerned about the number of lots (outlined on the map provided) being subdivided, and said this may automatically put the project into the category of subdivision.

Mr. Lawson stated that the LWRP and Chautauqua Lake Watershed Conservancy would have suggestions to the town on particular vegetation and setbacks from the lake. Mr. Lawson suggested that Mr. McGraw's map include more descriptive detail and be stamped by a surveyor. After discussion, the board decided to table Mr. McGraw's proposal until Mr. McGraw returns with the requested material and Mr. Lawson receives suggestions from the LWRP and Chautauqua Lake Watershed Conservancy.

Mr. Johnson stated that he had copies two books, "Diet For A Small Lake" and "Stream Processes" if anyone is interested in borrowing them.

Mr. McGraw was asked to return to the next regular meeting December 8, 2009.

The meeting concluded at 8:44 PM

Respectfully Submitted,  
Penny Best