

**MEMO**

Date: March 21, 2018

To: Members of the Planning Board

From: John B. Folmer, Esq., Town Attorney, Town of Cortlandville

Re: Leach Review

As I indicated to you at your last meeting, I was awaiting receipt of material from Time Warner in the form of recordings of our actual meetings on video. Unfortunately when that material was delivered to me, the meeting in question, February 21, 2017 was not included.

As a result, I have reviewed the minutes of your meeting, the recommendations of the County Planning Board, as well as the documentation submitted in support of the Leach application and I have attempted to draft a reasoned approach and explanation of your decision to issue a negative declaration.

That proposal is attached to this memo.

I have no true pride of authorship in this document, therefore any revisions that you may choose to make at your meeting on the 27<sup>th</sup> would be more than welcomed and we will include them in the final document.

I hope this is of some assistance to you.

The Board considered the fact that this application involves a parcel consisting of 3 plus or minus acres and does not include the larger parcel situated directly to the South. This is confirmed and is consistent with the comments made by the Cortland County Planning Board.

With regard to the recommendations made by the County Planning Board, this Board adopts all of them with the exception of numbers 2, 3, and 4.

With regard to condition number 2 and number 3, no storm water management plan is required as there has been insufficient disturbance of the subject parcel as included in this request for permission to construct a lean to.

With regard to condition number 4, based upon advice of Counsel and the Zoning Officer no new use variance was required in connection with this application.

The Board has personal knowledge of the surrounding area having dealt with many projects within that region, and based upon that knowledge, the Board concludes that this proposal is not incompatible with the general nature of the surrounding area.

Traffic concerns were considered but were alleviated by the restriction that does not allow entrance to the subject parcel from the larger parcel to the south.

As the minutes of our meeting of February 21, 2017 indicate, each of the inquiries contained in part 2 of the short form EAF were read and discussed with negative responses being received from the Board unanimously.

Upon review of all aspects of the application, the personal knowledge of the Board members, including familiarity with the area in question, a review of the report and recommendation of the County Planning Board together with the information provided by the Zoning Officer and Counsel, the Board approved unanimously a negative declaration with regard to this matter.