

January 17, 2018
Village of Hammondsport
Planning Board Public Hearing

The Village of Hammondsport Planning Board held a Public Hearing on Wednesday January 17, 2018 at 7:00 p.m.

Present: Chairman David Oliver, Members: Lew Hall, Jon Lowin, Paul Martuscello. And Alternate Lorraine Manelis. Absent: Joe Luppino
Others Present: Ron Leonard, Chris Bianco, Neil Bianco, Rachel Treichler, Etta Yartym, Anne C. Green, Edward Stull, Rose Rago, Bee Keck

Chairman Oliver called the meeting to order at 7:00 p.m. with the Pledge of Allegiance.

Jon Lowin made a motion seconded by Paul Martuscello to approve the December 27, 2017 Planning Board minutes.

Chairman Oliver opened the Public Hearing on the Site Plan for the Docking and Mooring Permit Application 2017-38 submitted by Ron Leonard, Keuka Lakeside Inn, 24 Water Street and asked for comments from the public.

Applicant Keuka Lakeside Inn, Ron Leonard, submitted a Docking and Mooring Permit Application and is proposing to increase the docks and docking at his property from 10 slips to 20. Mr. Leonard proposes 12 seasonal rental slips and 8 transient slips for hotel guests.

Mr. Leonard along with neighbor Carole Foster submitted a survey showing proposed Water Rights Lines for their two properties and detail of the proposed docks and slips at the Keuka lakeside Inn.

Attorney Rachel Treichler read a statement from Carole Foster, 26 Water Street, Hammondsport. The statement in its entirety will be part of the record and states that she wants all structures not in compliance with the Docks and Mooring law removed, allowing the regulated 20 feet distance between my water rights line to be in compliance. She is replacing her docks and feels she is justified to require the Docks and Mooring Law be enforced before the expansion of the docks at the Keuka Lakeside Inn.

The following neighbors submitted letters and spoke with concerns about the proposed project.

Christine and Neil Bianco, 53 West Lake Road, and Etta Yartym, 51 West lake Road.

Concerns consisted of safety of swimming from added traffic, congestion, view being compromised, decline in property values. and being boxed in by marinas on both sides. Another extreme concern was that Ron Leonard stated that he is proposing 20 slips but could have as many as 50 under a Marina license. Mr. Bianco voiced his concern that the boats in the Keuka lakeside Inn's proposed slips may get beat up by the boat wakes of the boats going in and out of the cove.

Anne C. Green, 51 Lake Street, spoke with a general concern about development at the end of the lake. The Town of Urbana and DEC are proposing to increase usage of the boat launch which is next door to the Keuka Lakeside Inn.

Letter received from Barbara and Francesco Pierotti, 45 West Lake Road with concerns about congestion and limited access to his property and suggesting the project be a scaled down compromise to address the concerns of the neighbors.

Mary S. White, 47 West Lake Road submitted a letter voicing the concern that the project will negatively impact our view and ability to use the water for swimming, kayaking, and skiing as well as the issues of

congestion, safety, noise, pollution and light pollution. She also thinks the water rights lines proposed by the survey are impossible to enforce.

With no further comments, Chairman Oliver closed the Public Hearing at 7:12 p.m.

The Planning Board reviewed the application and discussed the following:

1. The dock next to Foster property is preexisting nonconforming except for the expansion of 5 feet. The expansion is in a violation as no permit was issued. Mr. Leonard has filled out a Docking and Mooring Permit Application to address this violation. The Board is addressing in the Site Plan Application for the Keuka Lakeside Inn, only the new proposed docks.
2. Water Rights Lines were discussed. Only the lines for Keuka Lakeside Inn and Fosters were drawn on the survey not the entire cove. The board discussed not being able to declare water rights lines unless there is a survey for entire cove. Does the survey proposing the water rights lines fit the parts of the docking and mooring law that is going to be for everyone within the cove? Should there be an equitable survey for the entire cove? Property owners have the right to access of the lake.
3. Discussed concerns of the neighbors such as view, access, property values, noise, and increased traffic. The view will not be affected because the proposed slips will not have lifts or canopies. Any lighting will be safety lighting, no overnight camping, on boats, parking will be on Inn property, there will not be any increase in storage or septic.
4. The Board questioned Mr. Leonard's designation of Keuka lakeside Inn as a Marina. The property does not fit the description of a Marina as defined in the Village Uniform Docking and Mooring Law. The difference is a Marina allows for more docks than a motel classification and one of the concerns of the neighbors is the large number allowed under a Marina classification. This could be a condition of the approval to classify the property as a motel not a marina.
5. The Board suggested a compromise to the plan by moving two docks on the North side to the South of the proposed new docks. Mr. Leonard said there is already boat traffic on the North end to existing slips and the proposed slips are 40 feet from the proposed water rights line between his property and Fosters.
6. The Board agreed that the design of the proposed docks is not sufficient to meet the concerns of the neighbors. The Water Rights Line is not the issue. The concerns of the neighbors must be taken into consideration. The Board would like to see a compromise for the neighbors.
7. The Board went over the General review considerations on the Site Plan application. The considerations on the application were not applicable to the proposed plan. In the Other elements intragyral to the project the Planning Board listed the following: the board cannot approve the proposed water rights to meet the rights of the neighbors without establishing all water rights lines in the cove. Cannot confirm compliance with the Village Code the way the water rights lines are drawn up on the survey. The board discussed approving the project without approving the proposed water rights lines.

The Water Rights Lines as proposed on the survey by Carole Foster and Ron Leonard were discussed. Mr. Leonard reminded the board that they are the ones who asked for the survey showing the water rights lines for Keuka Lakeside Inn and the proposed project. Carole Foster offered to survey her water rights lines to determine what she can and cannot do on her property. Mr. Leonard and Ms. Foster are in agreement with the line between their properties. The Planning Board is inclined to not want to approve the lines proposed on the survey because they will cause more problems within the cove for the other property owners. If all lines were determined, some would block others rights to access the

lake. The Water Rights Lines on the survey only takes into consideration the adjacent properties, the Full site Plan for the project takes into consideration all surrounding properties. The Board proposed a compromise between Mr. Leonard and the neighbors in the cove without approving the water rights lines. If the two northern slips were moved to the south end, there would be no increase in boat traffic from what currently exists.

Jon Lowin made a motion based on the above discussion and Findings seconded by Paul Martuscello that the Village of Hammondsport Planning Board does hereby approve the Site Plan Application 2017-38 Docking and Mooring Permit Application for Keuka Lakeside Inn submitted by Ronald Leonard, President, to expand the docks at the Keuka Lakeside Inn from 10 to 20 with the following condition/modification: that the two northern most slips be moved to the south end of the new proposed dock structure.

ROLL CALL VOTE: Chairman David Oliver – Aye
 Member Lew Hall – Aye
 Paul Martuscello – Aye
 Joe Luppino – Absent
 Jon Lowin – Aye
 Alternate Member Lorraine Manelis - Aye

The Planning Board acknowledged and accepted the 239M Referral from the Steuben County Planning Board that the County review has not revealed any significant inter-community or county-wide impacts.

The Planning Board reviewed the Short Environmental Assessment Form and completed Part 2 as Lead Agency.

David Oliver made a motion seconded by Paul Martuscello to accept the Short Environmental Assessment Form that the Board has determined based on the information and analysis presented that the proposed action in the Docking and Mooring Application 2017-38 will not result in any significant adverse environmental impacts.

ROLL CALL VOTE: Chairman David Oliver – Aye
 Member Lew Hall – Aye
 Paul Martuscello – Aye
 Joe Luppino – Absent
 Jon Lowin – Aye
 Alternate Member Lorraine Manelis – Aye

With no further business before the Planning board, Paul Martuscello made a motion seconded by Jon Lowin to adjourn the meeting at 9:01 p.m.

Respectfully submitted,

Lela Martuscello
Village Clerk-Treasurer