

A regular meeting of the Town of Victor Planning Board was held on March 8, 2016 at 7:00 p.m. at the Victor Town Hall at 85 East Main Street, Victor, New York, with the following members present:

**PRESENT:** Jack Dianetti, Chairman; Ernie Santoro, Heather Zollo, Al Gallina

**ABSENT:** Joe Logan, Vice Chairman

**OTHERS:** Wes Pettee, Town Engineer Consultant; David Hou, Town Attorney; Katie Evans, Director of Development; Kim Kinsella, Project Coordinator; Cathy Templar, Secretary; Kate Crowley, Conservation Board; Matthew Oates, John H. Palomaki, Babette Huber, Gary Pooler, Cynthia Howk, Joe Limbeck, David Nankin, John Shields, Scott DeHollander, Kathryn Hart, Jerome Hart

**APPROVAL OF MEETING MINUTES** – There were no minutes to approve at this time.

### **CORRESPONDENCE RECEIVED**

- Jerome/Kathryn Hart re: Scout Ridge Subdivision
- Kav Malli re: Victor Crossing's proposed building
- Chip Testa re: Victor Crossing's proposed building

### **BOARDS/COMMITTEES UPDATES**

Planning Board reported by Kim Kinsella

- March 22<sup>nd</sup> meeting
  - Public Hearing
    - AT&T at 701 High Street
  - Tabled from February 23<sup>rd</sup> meeting
    - Benderson Development (Victor Crossing) – modification of 6,004 sf building.

Chairman Dianetti – I had an email from Tim Maher who is our representative to the Ontario County Planning Board regarding the County meeting and it was forwarded to all of you.

Victor Historical Advisory Committee reported by Babette Huber

- Introduced John Palomaki and Ann Aldridge the liaisons from the Historical Advisory Committee
- Also introduced Cynthia Howk from the Landmark Society.

Ms. Huber – Last year the Town Board hired the Landmark Society to do a historic resources inventory of all of our bldgs, our built in environment which includes monuments, bridges, overpasses, etc. This was done as part of the Comprehensive Plan so that when we look at these bldgs that are over 50 years old, you will have a better idea of how to do the planning in the future. *Ms. Huber handed out a report.* This report tells you the process that was done for this survey. It does not include the 500 bldgs that were done by Cynthia with photographs. I will

have a copy of this available for you.

Before Cynthia talks, once Katie gets the total package of all of the bldgs that were surveyed and this was just a reconnaissance level survey which means Cynthia drove around every road and evaluated every building that she felt was 50 years or older. She evaluated them as to high historic significance, medium and low. They have different colors and Katie will have them put on a map so that you'll be able to quickly see where the bldgs are.

Ms. Cynthia Howk from the Landmark Society - I'm on staff at the Landmark Society of Western NY, one of the oldest preservation planning organizations in the United States. We do not designate landmarks. Our name has been around for almost 80 years and it confuses everybody. We work in the planning sector. We are part of what you do, we are preservation planning. This is something that more and more town/villages/cities are using. There is a Federal law that was created in 1966 and in 1980 the State of NY created a preservation law. This is to encourage communities as part of their planning process to take into consideration both their natural resources, you have a Conservation Board and what we call Cultural Resources, and the built environment.

All of our regulations and how we do these studies come from the National Park Service. The United States Interior National Park Service sets up our professional criteria. So if you were the Planning Board in Copper Falls, Idaho or Silver City, Texas, I would be giving you the same presentation in terms of doing these studies which we call Historic Resources Surveys but actually they are an inventory. We have methodology and it's to be as subjective as possible. This is not a beauty contest. We're not looking for the prettiest building or the fanciest, largest, or oldest. Inside the booklet handed out is a list of the building structures, objects and sites are the categories that we look at and then the types and examples. It's everything from residential, educational, industrial, commercial, or funerary, you name it. What would you find in a built environment whether you are in Victor, NY or New Mexico? So you may see some things on this list that are not in our area.

This is a very important study for you to have because you are the first municipality in Ontario County to do this process and have it as part of your Comprehensive Plan. We can't congratulate you enough for doing this process and having this information. This study is available for your use. The studies are usually updated about every 5 years or so, things change over time. When we are looking at properties we are asking the question; "What is a historic resource?" Typically, it is that which is 50 or more years old. We feel that 50 years is a sufficient amount of time that you can look at a building or structure objectively and say what does this represent for your community in terms of residential, commercial or religious architecture.

As Babette mentioned, we looked at over 500 addresses, not only in the town but the village was included as well and that's wonderful because really the village and town developed as a unit. The shopping and cultural area was the center of the village and then the town was around it. We have 87 properties of high architectural and historic significance, 138 properties of medium and the rest were low significance. Now, I want to be very specific; low does not mean "0". There is really nothing that we looked at that had "0" architectural or historic importance, so I really do want to make a point of that.

What can you use this for? This is the kind of project that I've been working on for over 30 years because I know these are used. These studies are very helpful, they are on and off of the shelf all of the time. It's photographs, part of the planning process and we do field work,

data collection, we evaluate and report on the historic resource whether it's a building, a structure, a monument, a site or a district. We identified those properties that appear to be eligible for listing in the National Registry for historic places. We don't promote that they have to be but we want owners to know that they could be eligible and there might be some benefits to them. So that's part of the survey because the town does not yet have its own landmark program.

It's a systematic project and as it asks why do you conduct a survey? It's background information for project and land use planning. It increases the public awareness and appreciation of their properties. It gathers information that could be helpful for educational purposes such as tourism. It can identify properties that could benefit if they were listed in the national registry. You have a number of national registered listed properties. But one thing you don't realize is that every time the DOT does a project in your town, on that road they identify bldgs and properties eligible for the national register but they don't tell the local municipalities. If you call the State Preservation Office, they'd be glad to hand you that list but there are dozens of properties unbeknownst to you in the town and village that have already been reviewed for eligibility for the national register. I think that is an incredible important piece of information for you as the Planning Board to know about but it is not required of the DOT to give it to you.

Surveys are a working document just like a Comprehensive Plan. You're updating, I believe, an existing Comprehensive Plan. Surveys obviously, as we move forward in time, there will be additional bldgs that will meet that 50 year old rule and will need to be looked at. I did not review bldgs that were done in the 1970's, 80's, 90's or more recent. They could eventually have historic significance and you'd want to know that. The City of Rochester has done a survey and it's gone back about 6 decades and right now they are about to update for a third time for the historic properties and the Landmark Society will be doing that project.

So just like your Comprehensive Plan, it's information that should be helpful for you. Having it on the map so that you have a ready reference has always been helpful. Again, this survey can be used for so many different purposes from planning to promotion to encouraging owners to have pride and interest and maintain their properties. Certainly that is one of your foremost goals, to keep a good tax base in the town.

Do you have any questions? If later you have any questions, you can email or call me. Again, we congratulate the town for doing a study like this because you are the first municipality in Ontario County and we're very happy to hear that the Mayor of Shortsville has now considered a similar project because he heard about you and feels it would be helpful for his community. Thank you from the Landmark Society for this opportunity and again, we're so pleased to have the study include both the village and the town. We think this information will be something you'll get a lot of use out of.

Chairman Dianetti to Babette Huber and Kate Crowley – There was discussion about incorporating this into the Natural Resource Inventory. Has anything happened with any of that?

Ms. Crowley – Babette and I emailed about a year and a half ago when we were finishing up the Phase 3 of the NRI and my suggestion to Babette was to use two cultural references in the NRI and then have her website and documentation as the authoritative source. In that way, there is one place where we keep everything current and Babette agreed.

Ms. Huber – The Comprehensive Plan should have a reference to the Historic Resource Inventory as well. I'm assuming that will happen in the future.

Chairman Dianetti – The easier things are to find, the more likely they will be used. Once we have this list incorporated, would it eliminate what happened a short time ago with the Fisher's Fire Hall?

Ms. Evans – One of the items in the Comprehensive Plan, for so many of you that have been involved in that process, is a Green Infrastructure Review process and evaluating how we were going to implement that. We identified that we would have to put someone on providing data full time to potential applicants in order to comply with the recommendations of the Comprehensive Plan. Since we are already very, very busy we thought why not use GIS and mapping technology. So, I've been working with Wes and his colleagues at LaBella to create this web mapper system that will provide all of the information needed in order to follow the Green Infrastructure Review process. It's intended to take the list in its entirety once Babette provides it, we will give it to LaBella and they will populate the new web mapper with that data.

So all reviewers; applicants making an application to any Board or a building permit will have access to that as well as consultants and general public and staff. That's actually coming along a lot quicker than I had expected and I've reached out to the Conservation Board asking for their assistance in recommending appropriate data that they thing would be suitable to include. When this is mapped, all we'll need to do is click on a parcel or do a search of an address, a list of attributes will come up that are on that site or you can turn layers on or off. It'll be very easy to see whether it is high, medium or low.

Ms. Huber – I will have a historic hard copy for you to see when needed for reference. When Wes gets them mapped and we have our Building Dept get a demolition permit application or perhaps a planning application for something, you're going to be able to look at that map to see anything historic on the site.

Ms. Evans – This will also provide us with an opportunity to honor the historic significance of the Victor community so if a new development was to take place in the vicinity of a known structure or that whole list of criteria, the Board may request the applicant to consider honoring that historic significance.

Ms. Huber – I think that with having Wes doing all of this mapping, not only for the built environment but we're going to be able to put those private cemeteries on the map. We even just recently had a concern about a one person burial *somewhere east of the oak tree* on a site. I think this will be a great tool for the Planning Board and for the Building Dept.

Chairman Dianetti congratulated everyone that worked on this. Ms. Huber stated her appreciation to the Town for taking the time and for helping financially to do this.

Ms. Zollo – I appreciate this too because there are so many projects that come before us when the developer is making assertions about how non historic some structure is on the property and we don't have anything to fall back on.

Ms. Huber – Remember, it's only the building environment. We have not done anything with the archeological environment.

Ms. Zollo – So the archeological sites will not appear on this map?

Ms. Huber – Archeological sites are so sensitive. NY State of Preservation Office has a list but they don't always share them with us because they don't want people going on the properties and raiding them. That might be my next phase or adventure!

Ms. Zollo – Maybe it doesn't have to be so public but at least “we” could be aware of archeological sites that might be on the properties that we're looking at.

*There were no other comments on this discussion.*

Ms. Zollo – I have one other comment on the County Planning Board notes. I really appreciate that we received something. But it's rather cryptic and it would really be helpful if we could have some “in person” comments from the appointed person, Mr. Maher.

Chairman Dianetti stated he would pass this information on to Mr. Maher.

### PUBLIC HEARING

The legal notice for the public hearings appeared in “The Daily Messenger”. Post Cards were mailed to property owners within a minimum of 500 ft from location of each application along with “Under Review” signs being posted on the subject's parcels.

*Speakers are requested to limit comments to 3 minutes and will be asked to conclude comments at 5 minutes.*

### POOLER PARK II

749 Phillips Rd

Appl No 4-SP-16

Zoned – Light Industrial Owner – Pooler Park LLC

Acres: 4.40

Applicant is requesting site plan approval to construct a 1500 sf addition to existing 6800 sf building with associated site improvements. This is the first time this application has been before the Board.

John Shields Site Engineer for project addressed the Board along with Gary Pooler, owner.

Mr. Shields – What I just handed out are copies of a response to both the Code Enforcement Officer's letter dated February 19, 2016 as well as LaBella's comment letter on the project. The site is located on the east side of Phillips Road just south of the Auburn Trail and across the street from the Pinnacle project. It's in the Light Industrial district and also in the Route 92/Route 251 corridor overlay district. The proposal is for just under 1500 sf building addition to an existing structure that is 6800 sf. The use of the addition would be similar to what is in the

existing building. Currently it is leased to a landscape contractor and the new expansion are would be utilized by that tenant.

In 2014 the applicant completed a 4800 sf stand alone building which was to the south of this requested addition. With that structure, he also expanded some of the pavement, took out what used to be stone, converted some of that to grass and the dark gray area on the sketch indicates asphalt pavement. So he did take what was stone and converted it to asphalt and took some out and put some topsoil in and basically increased the green area a little bit.

Again, the proposal this evening is for a 1500 sf addition. Just a couple highlights of this proposal. There is no change in the percentage of green area across the site as a result of this proposal. The reason for that is we are taking an area that is currently stoned and building the addition at that location. So basically, we're taking a stoned surface and replacing it with rooftop. There is no change in the green area.

There is a wooden utility pole off of the corner of the existing building. Mounted on that pole are three existing light fixtures. That pole is in the way of the addition so we are going to move that pole and if those light fixtures are not dark sky compliant, we will replace them with dark sky compliant light fixtures that meet the town's criteria. Again, we don't know if the existing fixtures are not dark sky but if they are not, we'll put together a manufactured cut sheet on the new proposed lights. We will submit those to the Building Dept along with a revised site plan that will show the photometrics for those lights.

Additionally, which is kind of a highlight of this proposal, the applicant has applied to the Zoning Board of Appeals for a waiver for the sprinkler requirements that the Code Enforcement Officer pointed out. Just behind the building, where the new addition is proposed, the tenant is currently using that for outdoor storage. This area is very well shielded from Phillips Road by the existing building and is shielded from the Auburn Trail by the very thick, dense hedgerow. This was a good place for outdoor storage at the time but we are going to lose that location and it will no longer be suitable for storage. In the packet that I just handed out to everyone this evening, I show the proposed relocated outdoor storage area. That would be within a chain link fenced in area and is screened from the Auburn Trail by existing vegetation.

That's the short presentation. Again, I have Gary Pooler from Pooler Park LLC with me this evening and between us, I hope to be able to answer any questions you may have on the project.

Chairman Dianetti asked the public for comment and there were none. The public hearing was closed.

Ms. Zollo – You just mentioned the outdoor storage. Are you screening that in some way?

Mr. Shields – The outdoor storage will be inside of a chain linked area. Screening from the Auburn Trail and the Lehigh Trail will come from the existing hedgerow. The sketch that was provided shows the existing vegetation. So it's screened from the trails with the existing vegetation, screened from Phillips Road simply by the distance of how far back it is on the site.

Ms. Zollo – Have you considered putting that green mesh that they put along the chain links to cover it up further?

Mr. Shields – We haven't considered it. The type that is woven in between the chain links? (Yes) I honestly believe the existing vegetation is screening well and I've seen that stuff deteriorate and start to blow around as it cracks and leaves its intended place.

Ms. Zollo – I believe that you can see it from the hiking trail, the vegetation wasn't that tall in that area but I could be mistaken and will check it out again.

Mr. Shields – One of my photos that was included in my original application, was from the trail a little farther west, looking at the site and it's hard to tell what you're looking at. It's basically looking into the side of that hedgerow. But if you have a chance to look at that, please do so.

Mr. Santoro and Al Gallina had no comments.

Mr. Pettee – I just wanted to note that there was a letter dated March 2, 2016 from LaBella in the file. We didn't have to request much of the applicant. We just asked for a little more of a description on the SEQR and it looks like they have provided it so we don't have anything further.

Chairman Dianetti wanted to know if Code Enforcement had any comments and Ms. Templar stated their comments had been addressed.

## RESOLUTION

On motion made by Ernie Santoro, seconded by Al Gallina

WHEREAS, the Planning Board made the following findings of fact:

1. A Site Plan application was received on February 2, 2016 by the Secretary of the Planning Board for a Site Plan entitled Pooler Park II.
2. It is the intent of the applicant to construct a 1,500 sf addition to an existing 6,800 sf building.
3. A public hearing was duly called for and was published in "The Daily Messenger" and whereby all property owners within 500' of the application were notified by U.S. Mail. An "Under Review" sign was posted on the subject parcel as required by Town Code.
4. The Planning Board held a public hearing on March 8, 2016 at which time the public was asked to speak on their application.
5. The application was deemed to be an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and a Short Environmental Assessment Form was prepared.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on March 8, 2016 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Pooler Park II will not have a significant impact on the environment and that a negative declaration be prepared.

NOW, THEREFORE BE IT RESOLVED that the application of Pooler Park, LLC Site Plan entitled Pooler Park II drawn by John F Shields III, P.E. dated February 2016 received by the Planning Board February 2, 2016 Planning Board Application No. 4-SP-16, BE APPROVED WITH THE FOLLOWING CONDITIONS:

**Conditions to be addressed prior to the chairman's signature on the site plan:**

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That the comments in a letter dated March 2, 2016 from LaBella Associates shall be addressed.
3. That comments from Code Enforcement Officer dated February 19, 2016 shall be addressed.

**Ongoing conditions:**

1. That the site plan comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. That a pre-construction meeting shall be held prior to the start of construction.
3. Should an underground stream be encountered during construction, the Developer is to address the encroachment and impact to the underground stream to the satisfaction of the Town Engineer.

AND, BE IT FURTHER, RESOLVED, that the Planning Board Secretary distribute the appropriate standard conditions with the Planning Board's approval letter.

Jack Dianetti	Aye
Joe Logan	Absent
Ernie Santoro	Aye
Heather Zollo	Aye
Al Gallina	Aye

Approved 4 Ayes, 0 Nays

Mr. Santoro wanted to know if Pooler Park had appeared before the Zoning Board of Appeals for the sprinkler waiver. Mr. Shields stated that on March 21<sup>st</sup> they would be in front of the Zoning

Board of Appeals for the waiver. Ms. Evans stated that if the applicant gets the waiver, he won't need to install sprinklers. If the waiver is denied, then he will need to install sprinklers as part of a building permit.

Mr. Shields wanted to know if they did not receive the waiver if they would be before the Planning Board again. Ms. Evans stated the building permit would require that they have the sprinklers installed. This would also satisfy the condition of the Code Enforcement Officer in the resolution that was approved.

#### TABLED PUBLIC HEARING FROM 2/23/16 AGENDA

##### BENDERSON DEVELOPMENT

Victor Crossing  
401 Commerce Dr  
Appl No 3-SP-16  
Owner – Main Street Stop LLC  
Zoned – Commercial/96-251 Overlay District

Applicant is requesting site plan modifications to a previously approved site plan and subdivision to accommodate the construction of a 6,004 sf building with 2,400 sf to be a restaurant where a bank was previously approved located within the Victor Crossing shopping center. This application also includes dumpster enclosures. The public hearing remained open to allow for additional public comments.

Mr. Matt Oates with Benderson Development addressed the Board.

Mr. Oates – I don't have anything new to present this evening. We will be submitting revised plans addressing the Board's previous comments. We're just here to see if there were any additional comments from the public to incorporate into the plans.

Chairman Dianetti asked the public for any comments. There were none. The public hearing was closed.

#### TABLED ITEMS FROM 2/23/16 AGENDA

##### SCOUT RIDGE SUBDIVISION

7346 Dryer Rd  
Appl No 3-MS-15  
Owner: Scott DeHollander  
Acres 9.4 SBL #27.02-1-31.100  
Zoned: R2/B overlay

Applicant is requesting subdivision approval of 6.94 acres into a total of 4 lots. This is a carry over from the February 23, 2016 Planning Board meeting.

Mr. DeHollander – I'm here to give you an update. I received 2 pieces of correspondence; one was from the Conservation Board and one was from a neighbor and I have responses for those. Relative to the neighbors; they presented a very carefully written letter about the concerns they have with drainage and also some buffering. I spoke to the Town Engineer in regards to the drainage and because of the way the house is set on the lot, closer to Dryer Rd and the positions of the downspouts, there won't be any increase in drainage directed toward that property line. So the rate of drainage directed to that property is not expected to increase.

Also relative to the buffering concern; the letter detailed a couple of requests. One was of me and Andria and we have no intent to remove any of the buffering vegetation. We feel we can respond positive to that concern.

Relative to the Conservation Board concerns; they wanted us to double check the separation distances between our septic system for Lot 3 and the intermittent stream. While we had Wes on the phone, we just confirmed that all of the DOH separation distances are met by placement on the plan so we feel confident that that concern is addressed.

If there are any other concerns or questions, I'll be happy to address them.

Mr. Pettee – I just wanted to follow up on that last comment on the intermittent stream and the separation distance. We're in the process of updating our letter and we didn't get a chance to finish that for tonight's meeting. One thing we would like to have on the plan would be a depiction of that intermittent stream just so we can visually verify that separation distance. I think we have some recognition of where that stream is but if it's on the plan, it'll help everybody feel comfortable.

Mr. DeHollander – The grading that we show along the property line directing that run off around the base of the pond depicts the intermittent stream so we can add some line type to better denote that and maybe some ---- as well would be helpful.

Mr. Gallina, Ms. Zollo and Mr. Santoro had no comments to add.

Mr. Pettee – We do have some outstanding items but don't know if they will be major. We did want an opportunity to call out that we need to work with the applicant on some of the grading as there is drainage that could be directed towards the back of Lot 1's house. So we've got some questions. We want to see more of a depiction of swales on the top side of the absorption areas just so the run off isn't directed on top of the absorption and it's directed around the absorption trenches. That's something we need to work through with the applicant as well.

We've got a couple of items that are a little more technical in nature. We just need to verify some inverts and so forth in our letter. Everything was initially captured in our February 29<sup>th</sup> letter.

Chairman Dianetti – Do you think there is sufficient information lacking to stop us from passing a resolution this evening?

Mr. Pettee – I think I would be more comfortable if the plans were in a state where we were more comfortable with them. But with that being said, it's also something that we could address

after a resolution as well. We might want to take a look at Al Benedict's comments to see if there is anything outstanding there.

Chairman Dianetti asked the Board members if they were comfortable in reading a resolution letter as long as Mr. Pettee was comfortable that things could be worked out. Everyone agreed to read the resolution.

### RESOLUTION

On motion made by Ernie Santoro, seconded by Al Gallina

WHEREAS the Planning Board made the following findings of fact:

1. An application was received on February 10, 2016 by the Secretary of the Planning Board for a Minor Subdivision entitled Scout Ridge Subdivision.
2. It is the intent of the applicant to subdivide 6.984 acres into 4 lots.
3. A public hearing was duly called for and was published in "The Daily Messenger" and whereby all property owners within 500' of the application were notified by U.S. Mail. An "Under Review" sign was posted on the subject parcel as required by Town Code.
4. The Planning Board held a public hearing on February 23, 2016 at which time the public was invited to speak on their application.
5. The application was deemed to be an Unlisted Action pursuant to Section 8 of the New York State Environmental Quality Review Act Regulations and a Short Environmental Assessment Form was prepared.
6. The Conservation Board reviewed the Unlisted Action on February 2, 2016 and provided comments.
7. That pursuant to Section 27-8J of the Town Code, a recreation fee for each lot, or in the event of a multiple dwelling, a recreation fee for each family unit, in lieu of park land shall be paid to the Town before issuance of a building permit.

WHEREAS, the Town of Victor Planning Board reviewed the Unlisted Action on March 8, 2016 and identified no significant impacts; now, therefore, be it

RESOLVED, that the project, Scout Ridge Subdivision will not have a significant impact on the environment and that a negative declaration be prepared.

NOW, THEREFORE, BE IT RESOLVED, that the application of Scott DeHollander for a Minor Subdivision entitled Scout Ridge Project No.000415, Sheets 1 through 5, drawn by DeHollander Design dated July 2015, received by the Planning Board March 2, 2016, Planning Board Application No. 3-MS-25 BE APPROVED WITH THE FOLLOWING CONDITIONS:

**Conditions that must be met prior to the Chairman signing the minor subdivision plan:**

1. That no final signatures will be given on the plans until all legal and engineering fees have been paid as per Fee Reimbursement Local Law adopted November 25, 1996.
2. That before the Planning Board Chairman signs the approved film original(s), the developer should submit two (2) copies of electronic files to the Town. Copies shall be forwarded to the Town Engineer's office to confirm that the data on the electronic files are the same as the approved subdivision plans.
3. That Section 4 Standard Approval Conditions for all Subdivisions (Major & Minor) in the Design and Construction Standards be met.
4. That the comments in a letter dated January 22, 2016, February 23, 2016 and any subsequent comments issued from LaBella Associates shall be addressed.
5. That the comments from Code Enforcement Officer dated January 21, 2016 and February 18, 2016 shall be addressed.

**Conditions that are on-going standard conditions that must be adhered to:**

1. That the minor subdivision comply with Town of Victor Design and Construction Standards for Land Development, including Section 4.
2. Two-year maintenance bonds shall be provided by the Developer to the Town for all improvements to be offered to the Town for dedication. Maintenance bonds shall be written by a surety licensed to do business in New York State and they shall be in the amount of ten percent (10%) of the final construction cost, as determined by the Engineer or the Town.
3. That approved subdivision maps, including conservation easements, lot consolidations and lot line adjustments shall be submitted in digital format, Autocad 2002, or latest version, effective January 1, 2004 (per Town Board Resolution #193 of June 23, 2003).
4. That a pre-construction meeting shall be held prior to the start of construction.
5. Should an underground stream be encountered during construction, the Developer is to address the encroachment and impact to the underground stream to the satisfaction of the Town Engineer.

AND, BE IT FURTHER RESOLVED, that the Planning Board Secretary distribute the Planning Board's approval letter.

Jack Dianetti	Aye
Joe Logan	Absent
Ernie Santoro	Aye
Heather Zollo	Aye
Al Gallina	Aye

Approved 4 Ayes, 0 Nays

Chairman Dianetti asked if there was anyone in the audience that wanted to comment on this application.

Jerome and Kathryn Hart from Cork Road – Mr. DeHollander already mentioned the letter that we had sent to the Planning Board. I think that he addressed our first question regarding drainage and erosion. We do have a follow up question to that. If for some reason we do encounter any issues with drainage or erosion concerns, who do we follow up with?

Ms. Evans stated the Planning and Building Department.

Mrs. Hart – Our next real question was about the buffer and the woods and we just confirmed with Scott (DeHollander) that they are not planning on taking any trees down. Our second question was if they decide to do that, would he let us know and Scott agreed to do that so I don't think that will be an issue. Our other concern is there is a clear line of sight. It's a mature woods so everything is high so at that 6 ft level and down, you can actually see. When you look at the plans, it says solid hardwoods but if you come out now, you can see right through it especially this time of year, basically 9 months out of the year. I think once the house gets in there, it might be a surprise to them that they can actually see our property, we're an acre or two away but you can actually see. I think as we move through this, there might be a desire to the folks that are living there, we may build up our side of the woods and they may want to do the same on theirs. We were curious whether Scott was interested in doing that now.

The Harts asked Mr. DeHollander – As you are doing that construction, if it becomes an issue or if you'd be interested in doing that, we would certainly welcome that.

Mrs. Hart – We just wanted to make sure that you understand that there definitely is drainage because we were here before and then we followed up with ---- that it doesn't appear that way on the maps but there really is a wet area whether you call it a DEC wetland or not, it's wet all the way through there. I'm glad to hear the drainage is all going to be going to the pond, it sounds like it's more in that direction than towards our property.

Chairman Dianetti – I think the impression that Scott gave the Board is that he is willing to work with you and to make it work. The drainage, I know from working with the Army Corp of Engineers and the DEC that it's not just critical to restrict additional water from flowing on your property, it's also important to not impede the water that is leaving the property now to preserve the wetland that is there. So you need to be careful with both. So given that and his sensitivity

to the environment and to the surroundings, it seems like he is going to be a good neighbor and easy to work with.

Ms. Evans asked the Board members if they thought there was a need to revise the approved resolution with the comments from the neighbors.

Mr. Santoro – These are things that will be followed up during construction and if there is a problem, I'm sure Codes will be notified.

The rest of the Board members had no further comments.

Motion was made by Ernie Santoro seconded by Heather Zollo RESOLVED the meeting was adjourned at 7:55 PM.

Cathy Templar, Secretary