

WEBSTER TOWN PLANNING BOARD MINUTES

PLACE: Webster Town Board Meeting Room 1002 Ridge Road

TIME: 7:00 p.m.

DATE: 20 April 2021

PRESENT:

Anthony Casciani, Chairman

Dave Malta, Vice Chairman

Dave Arena, Secretary

Derek Anderson

Derek Meixell

Mark Giardina

John Kosel

Raja Sekharan, Attorney

Josh Artuso, Director of Community Development

Katherine Kolich, Recording Secretary

ABSENT:

APPEARANCE BEFORE THE BOARD

SCHEDULED ITEMS:

WEBSTER GOLF TEE SELF STORAGE FACILITY

Applicant: Matt Newcomb

Drawing: N/A

Dated: N/A

Revision: N/A

Status: **TABLED TO MAY 4TH, 2021**

COASTAL VIEW SUBDIVISION SECTION 5

Applicant: Lake Landing LLC

Drawing: N/A

Dated: N/A

Revision: N/A

Status: **TABLED TO MAY 18TH, 2021**

Mr. Casciani welcomed everyone to tonight's meeting of the Planning Board of April 20, 2021 and we have 1 tabled matter and 1 scheduled matter.

Pledge of Allegiance

Roll Call

Dave Arena read the first application:

WEBSTER GOLF TEE SELF STORAGE FACILITY: Located on south side of Ridge Road between Shoecraft Road and Webster Commons Boulevard. Applicant LS Webster Ridge Road LLC is requesting **PRELIMINARY SITE PLAN APPROVAL (PUBLIC HEARING)** to allow the construction of a self-storage facility consisting of (8) 1-story and (1) 3-story buildings on a 5.93-acre site having SBL # 079.08-1-14 located in an MC (Medium Intensity) Commercial District under Section 228-5 of the Code of the Town of Webster.

Appearing before the board was Matt Newcomb from Passero Associates. I have been before this board 3 or 4 times for this project so I will try and keep this as quick as possible and painless as possible.

At the last meeting we were asking to resubmit some new materials addressing some of the comments from Mary Amatto who is the owner of Bruster's. So, after the meeting we went out and spoke to Mary and we were able to resolve everything which and I am sure she can confirm because she is here tonight and I will go through those items with you and some of the changes we made on the site plan from the last meeting that really addressed those concerns.

The first item is a formal easement over the roadway, driveway, which ever you want to call into the development that allows Brusters' to tie in and any future development to tie in. The second being we located the access driveway location for Bruster's. If any development is to happen to the west, we spotted a location for that to occur so that it is a 4 way, and everything is lined up. Beyond that which you won't see on your plan but you will see on our final submission, the developer agreed to pave up Bruster's curb cut 5 foot onto the property line just so that it is more concrete as to where the location of that is.

The other comment that had come up was in regard to the light pole in the corner. We show that on the sight plan and we also have a note that is to remain. Another thing that had come up was how much are you removing of the area that would be used for parking. So, the developers agreed to remove only what he needs to construct the buildings; put the fence around and then will allow Bruster's to encroach if they need to as much as we are able to.

The last thing that the developer worked out with Bruster's with Mary was to put together a cross access easement for Bruster's driveway because the developer owns the parcel to the east of Bruster's as well and this is a really good benefit because of the limits they need for a curb cut if anything goes on, on that parcel and it also put a formal agreement in place for Bruster's and whatever does eventually happen in that parcel and also helps with the development and improvement that entrance as well. So, there will not be a need for a curb cut when the parcel to the east is developed because they can share the one that is on Bruster's because if you look at the plan it goes really right over the top of the property line so it somewhat encroaches now but we will formalize an easement so that it is no longer an encroachment it's an agreement. I know there was some question about property lines and stuff like that, those were all verified and confirmed. It was more a question about some stray notes that we had on the plan and we removed and worked everything out with Mary.

With that said, there is a few other things. One was Mr. Casciani had requested a brick material on the front which it may be difficult to see but it is there and then also Mr. Anderson asked for some additional landscaping in front of the building, so we doubled up the green landscaping. It's an evergreen tree rather and it will help block the façade of that so there is twice as many trees there as there were before. So, with that said, I will open it up to any questions .

Mr. Casciani: Sure, you have brick on there Matt, but it doesn't show it on the legend. Shows it as dryvit.

Matt Newcomb: I am sorry where?

Mr. Casciani: On the front of the building we talked about the 3 story and about putting brick on that . There is nothing there saying it or showing it.

Matt Newcomb: If you look close enough you will see

Mr. Casciani: Yeah well, my eyes, I can see a couple little lines, but I don't see anything that says it's brick.

Matt Newcomb: Ok

Mr. Casciani: Your legend says it's something else

Matt Newcomb: It says dryvit that is definitely a type o on our end. It's just the legend didn't get updated.

Mr. Casciani: And the other thing going through this unless there is another drawing that you have. For Preliminary approval there are requirements this doesn't meet it. There are no elevations or anything in here on the actual drawing. This looks like something you might build in California or Las Vegas or whatever you know. This is what you are proposing but it has to be in the drawing sheet. It should be in a full set of drawings. Like all your drawings have.

Matt Newcomb: Yes, we submit a separate elevation

Mr. Casciani: Unless we got one. Have you got one Josh? Maybe there is a separate drawing.

Matt Newcomb: Anytime we made a submission and I don't know if things are different right now but we submitted our civil plans and typically architectural plans and elevation plans are separate so we submit elevation separately not actually within our civil engineering plan set because it doesn't really include so much. That is how we have done it in the past and I don't know .

Mr. Casciani: We always get the drawings for preliminary and final . Preliminary and final are pretty much the same thing. See if you have it Josh, I don't.

Josh Artuso: No, I have the same thing that you have.

Mr. Casciani: So, there is no set of drawings ?

Josh Artuso: You mean including this?

Mr. Casciani: There are no elevations of the building and they need to be on that sheet. Isn't that normally what you get on a drawing or plan?

Josh Artuso: I have seen it done both ways.

Mr. Casciani: I mean when you go file this or when you go sign for final approval or sign for the mylars this would have to be attached with it or something

Matt Newcomb: We can certainly attach **INAUDIBLE**. The thing is with the mylar, the mylar isn't going to put this in color and that pretty. That is the only thing. We typically so separate civil engineering plans and separate building plans and the building plans usually come along with elevations. That is how we have done it in the past . So, we will make sure it is included as part of the submission or final signature.

Mr. Casciani: I think you should your elevations, your drawing elevations showing brick or whatever you are proposing. If you have dryvit on the other side, metal whatever it is showing it and spelled out. Again, if we are going along with something and I look at this, it says dryvit.

Matt Newcomb: Yes, so this shows the metal and it shows this. It's difficult to see the brick.

Mr. Casciani: I know it, but it doesn't say it. Says dryvit it doesn't say brick.

Matt Newcomb: OK

Mr. Casciani: So, if we approve it and you come back and say oh no, you guys approved this. This has dryvit there it is. Then what do we do? We have already been that route with some other things so that is why I don't want to get into that. The fencing, you have fencing going around . I am still upset that we can not get this road connected somewhere in here. Help me out with Brusters again, Brusters is going to go where now? Will they just keep their exit going out?

Matt Newcomb: (not using the mic) Yes, they are going to keep the exit going out to Ridge Road because they need it for tractor trailer drop off and they are also going to tie in here with us in this driveway here (showing on the plans) **INAUDIBLE** property line and there will also be access for the property to the east. There won't be a need for a curb cut to the property to the east.

Mr. Casciani: OK

Matt Newcomb: The one that is currently there will go away

Mr. Casciani: You should have some documentation for your lights that you are proposing on the buildings to because that is something that we required on other projects. The one on Phillips

Road, the one out on Ridge Road. I believe they are all showing. There is something that goes into the file that says this is the lighting we are using.

Matt Newcomb: Ok, so you want a cut sheet of the lights?

Mr. Casciani: Yes. Something that is showing what it is looking like so it is not glaring out . I am sure you know that. You are good with that. Does anybody have any other issues?

Derek Anderson: Well I am actually looking at these notes of the meeting minutes from way back when and I am seeing it as that you had a preliminary site approval with conditions, and I didn't see minutes for the final approval.

Mr. Casciani: For?

Derek Anderson: The current subdivision

Matt Newcomb: For this project? We haven't gotten preliminary approval yet.

Derek Anderson: Well no, for the subdivision of taking out Bruster's land and subdividing the other thing because the minutes from April 2, 2015 say, your summary is approved revised preliminary and site plan with conditions and I don't see notes after this that talk about final approval.

Matt Newcomb: I don't know in 2015

Derek Anderson: Even going back to the minutes from back then there was suppose to have been a condition for final approval which now it is appearing that it never and will have to find out if it was made but INAUDIBLE DOT to talk about the access road in and out of the property and also a condition at such time that building permits were issued for whatever development was going on that the Bruster's driveway would be closed. That is actually one of the conditions and that was for preliminary approval.

Matt Newcomb: OK

Derek Anderson: And now I don't have before me any record of the final approval for this particular subdivision.

Brian McKinnon: I am representing the developer. I can authorize the withdraw of that application because that was hypothetical . The project that, that was done for never happened.

Derek Anderson: OK, so Bruster's subdivision never happened

Brian McKinnon: The project that you are referring to where the developer was preempting the potential for development where we are now doing the life storage, that never materialized. So, I wasn't involved but

Derek Anderson: Part of the whole process with the preliminary approval that had the subdivision. Well you see here that the subdivision here is a preliminary. I don't see minutes of that every being a final and so the issue I see now is that we have before us an application that no one can find the final approval that this has never been subdivided.

Brian McKinnon: We already went through this already.

Derek Anderson: I don't have the minutes and we pulled the minutes for this project and the only one that comes up is preliminary .

Matt Newcomb: We went through a final subdivision approval and I recall meeting with Josh and...

Derek Anderson: Do you have a copy of that map then?

Matt Newcomb: I don't have it with me, but you can see the property boundary right on here because it's what we did.

Derek Anderson: Well, what we need to see is a copy of the map

Matt Newcomb: What you see in the plans we have submitted including the project boundary because we did the subdivision.

Derek Anderson: I am saying for the original subdivision.

Matt Newcomb: You want a copy of the map?

Derek Anderson: There should have been a filed plat map that has all the final approvals on it.

Matt Newcomb: There definitely is

Derek Anderson: With all the approvals on it and the signatures on it but looking at the minutes, the last time this came up was April of 2015. This is just preliminary.

Matt Newcomb: I can provide a copy of the filed map that is not an issue, but we just filed it 6-8 months ago.

Derek Anderson: Again, when was final approval though on it?

Matt Newcomb: It didn't need it because it was less than threshold there was 3 lots. Brusters was already subdivided out so Brusters was not part of this subdivision but we are subdividing these 2 out (showing on the plans)

Derek Anderson: No, I am talking about these minutes go back INAUDIBLE

Mary: My understanding is back when everything went through in 2015 that was based upon when the dentist bought the front lot and they had planned on taking the roadway all the way to

Shoecraft but I guess there is wetlands or something back there and the roadway cannot go through there so that was put in place back in 2015 if the roadway ever went to Shoecraft .

Derek Anderson: This approval that I am looking at to for 2015 talks about that road being built and there was a route developed to get it over to Shoecraft so it's not an issue that it can't be built its just that is was never built .

Mary: And that is what I know if that road wasn't going in then I lose the driveway but now I keep

Derek Anderson: The memorandum of understanding talks about putting in the access road and at such time there is a certain square footage and the development is beyond that square footage amount and as far as the condition for issuing any kind of permits for any kind of development is that your driveway goes away and this driveway has to go in and this was just preliminary approval.

Mary: I would rather keep my driveway

Derek Anderson: We have to go back to the resubdivision that was made back in 2015 and find out if it was ever finalized for one thing.

Matt Newcomb: But don't' your approvals only last a year?

Derek Anderson: Well then, the property is probably not subdivided. So that is the problem.

Mary: It was subdivided because we purchased what we are on.

Audience member speaking not using the mic...INAUDIBLE

Josh Artuso: The recent one, yes. I can speak to what happened to the Bruster's site back then.

Derek Anderson: Yeah, I have no knowledge of INAUDIBLE

Mary: INAUDIBLE (talking at the same time)

Derek Anderson: Do you own the land to the west of the development to?

Audience member speaking not using the mic...INAUDIBLE

Derek Anderson: Not to the west of Bruster's to the west of the storage

Audience member speaking not using the mic...INAUDIBLE

Applicants all talking at once...INAUDIBLE (not using the mic)

Derek Anderson: Where the wetland is. That parcel right down there who owns that?

Matt Newcomb: This parcel?

Derek Anderson: Yes

Matt Newcomb: I don't know

Derek Anderson: Because that is the parcel that is supposed to have the road on it and that is part of the overall subdivision, the overall concept for the site.

Mr. Casciani: Those were the comments that were made way back when too and reading through this the road had to go in and that has been repeated over and over.

Brian McKinnon: Can we try and get this back? If we can just try and look at where we are today. That was based upon over 35,000 feet of construction. This MOU apparently, which we are aware of, had nothing to do with it but we are aware of it. We have 80,000 feet and we generate 10 car of traffic a day we could have built a 34,900 square foot medical office building back there with hundreds and hundreds cars a day and the road would have not been required. None of that would have mattered because we would have been under 35,000 feet. It was originally 50 and Tony and I worked on it 11 years ago and somehow it got to 35. So, at 34,900 we could have a parking lot on Ridge Road and not had to put that road.

We are now before you with a phenomenal project, we have great cooperation with Bruster's as a staple in this community, we worked out a great situation for them including to allow them to use our surplus land, we moved or fence closer to our buildings so they can park on our land if the whole football team shows up after a game. The parcel to the east is owned by our team, our developer because they could curb cut right there. Right now, the service is that acreage. That has been subdivided. We are not asking for a curb cut. We are working with Mary and Mr. Snyder to improve her curb cut she has now that she uses and needs and we are going to be conditioned by having to develop that 1.25 acres or whoever does and they are not going to get a curb cut and the first thing you are going to ask for is where is my curb cut to my parcel and we are going to say we don't have one. Why? Because it's an overall part of the master plan and it would make more sense for the town, the community, and circulation to cooperate with our neighbor so when we develop that, we are going to repave that and we are going to make it all nice, nice and then the parcel to the east is going to have to go in that driveway to access their parcel because they will not have a curb cut to Ridge Road so we are actually eliminating a curb cut.

So, I am just trying to bring it back to today, 2021. In their site the developer made a mistake in 2015. I think they thought they had a project; in fact, I know they did. They preemptively came into the town and got out over their skies. The market turned and there was no demand and we all know what happened the last 5-6 years hence we got our variance from the Zoning Board and I apologize that we have confused you because even for Matt and I it has taken us several months to figure it out. So, I apologize but the reality is today that we have much, much better project then we would have had 5 years ago. Much less intensity, no demand on the school district virtually, no fire, police or ambulance and we are going to pay our taxes and we are cooperating with our neighbor. I am just asking the board to please consider where we are today, and we do

have a subdivision file as you see here today. Technicalities I won't speak to its beyond my pay grade but I am confident in Passero, Josh and staff that if there is a nuance that we need to figure out, we can figure it out but the 2015 project is not on the table today this one is and it is a much better project.

Mr. Casciani: That was some of the questions even going back then going through the minutes related to that. What happens "if" and all the "if" did happen and that's literally, plan English, screwed out of the roadway. It's not able to happen now. so, I guess we can say goodbye to that part and deal with what we have now. I am not happy with it either and I think this is some how should have been handled differently back then.

Derek Anderson: Well I guess to me; the ultimate question is the current configuration that the Brusters parcel is subdivided out ; the dental parcel is subdivided out; the current shape of this parcel. How did that happen since it didn't get final approval?

Mr. Casciani: You've got a map that shows it?

Matt Newcomb: (not using the mic) To develop, when we subdivided these pieces out, we had all the information here (showing on the map) and I believe we had all the information for this lot, so I am very confident...

Derek Anderson: I am not interested in that one, I am interested in the original map that was filed to get those 2 parcels subdivided out in front and I am also very curious about the parcel to the west of the self-storage area where the wetland is if that is an independently owned parcel this is actually part of this.

Matt Newcomb: (not using the mic)No, this is owned by the senior facility INAUDIBLE this is

Brian McKinnon: (not using the mic) Senior community building the 1-2 story they have back there INAUDIBLE I don't believe that ever got built INAUDIBLE original developer and I don't know that . I think INAUDIBLE another building though INAUDIBLE the current road that services Webster and use that same access so INAUDIBLE on Ridge Road and they would be able to use our curb cut INAUDIBLE and self-storage

Derek Anderson: So, INAUDIBLE Place of Webster, they actually own the wetland area there

Mr. Casciani: Ok what it is, it is, I guess. There maybe a final approval somewhere that we never got and never actually got recorded or filed, I don't know but if you have a map showing that it was filed, present that.

Matt Newcomb: I can just go to the County Tax maps

Mr. Casciani: Look why don't we do this; I am going to suggest we just table this right now and you can move forward and do a preliminary and final. You are just here for a preliminary anyways so if we move forward with preliminary and final all in the same night if everything is in order . I think the plans need to be completed and show some of these things that we just

mentioned and have your elevations on there. I am looking at the drawings here and I really don't really know what the front is looking like from Ridge Road, do you know what I mean?

Matt Newcomb: Ok, so you want a perspective drawing?

Mr. Casciani: Yes, a regular

Matt Newcomb: (not using a mic) this is the elevations

Mr. Casciani: Yeah that's pretty and it's colorful, it's nice but the ones that go with those sets of drawing is the approval, for the approval.

Matt Newcomb: That is typically what we submit.

Mr. Casciani: Separate? I have never.... I mean we have gotten stuff like that, but we get drawings showing the elevations in the sheets

Matt Newcomb: (not using the mic) the ones in our actual plans INAUDIBLE

Mr. Casciani: I agree

Matt Newcomb: (not using the mic) I could submit black and white ones. This is how we always handled it

Mr. Casciani: Then someone has to remember to staple this to this to call it complete where it should al be in one thing

Matt Newcomb: (not using mic) What I will propose doing is, I will take the elevation sheets that you have and include them in the plan set

Mr. Casciani: That is fine.

Matt Newcomb: (not using the mic) INAUDIBLE

Mr. Casciani: Yes, show the elevation and what this is looking like from Ridge Road basically there is the front elevation and the north elevation basically with the brick on and then so on and so forth.

Brian McKinnon: Can I just ask a technical question Tony... So, the elevation is mis labeled. I looked at it and it says dryvit, but it is drawn as masonry and we are going to do masonry just like you asked for so my question for the board is that elevation is mirrored after an elevation that we think is appropriate for the use and the color scheme from Life Storage whose the operator. Other then labeling it brick, which it is,

Mr. Casciani: All it has to have is a label saying brick.

Brian McKinnon: it the total package so you have all 4 elevations, front, back and side.

Mr. Casciani: It just says brick where it says dryvit . What ever it is going to be but this way here if someone goes to look at the drawing down the road and it is saying something different so just change the word that's all. That is all I looked at . Josh showed me and said it looks like they are putting brick on. We were just talking today, and I am looking, and I am saying, yeah it looks like brick and it is small print, which is acceptable, but it says dryvit, that's all.

Matt Newcomb: It was dryvit before and it never got revised.

Dave Malta: What color is the brick? Is it going to look like dryvit ?

Matt Newcomb: It will look like this color because this is the color that this kind of goes along with the color scheme in like with the storage correct, so that is why we picked that color brick. It is an earth tone color.

Mr. Casciani: Any chance changing that to something that is more pronounced from the road? Because you are back 175-180 feet back from the road you know. Something that shows some color, something that makes it look like a nice building. We don't want it to look like adjika or something.

Brian McKinnon: I think it is going to look pretty nice. It's a color theme that we are trying to model after their branding. Like U-Haul is orange this is a less traffic then U-Haul.

Mr. Casciani: Brian, we have been there. Remember they used to like the arches at McDonalds too, but we didn't like the arches, change it. They can do things. They don't all have to.

Brian McKinnon: So. you would like to see a darker brick?

Mr. Casciani: Yes. I think so. Dave, is that what you are referring to?

Dave Malta: Yes

Mr. Casciani: I would agree with that.

Dave Malta: Brick that looks like brick.

Mr. Casciani: Guys, what do you think of that? Something that shows brick from the road that way it would look like nothing really. Think about it alright.

Derek Anderson: Is this the same color that they have over in the village? Do they have the same building in the village? Or off of 250 kind of behind

Brian McKinnon: (not using the mic) They are in Webster now, but they have INAUDIBLE construction and they have a couple different themes but the color scheme, the template if you will, they asked us

Derek Anderson: Because that is back off the road where you really can't see it other than the sign in the front

Brian McKinnon: It might be tough to see this at some point too but that depends on whether Mr. Giangreco does with his lot there in the front.

Mr. Casciani: Think about it and if there is a reason that you can't do it , I'll just explain whatever. I would like to see it like Dave said, a darker color that would show up a whole lot better, I think . Alright what else, anything?

Derek Anderson: In some respects, I keep thinking about the property line. You made a comment about it being subdivided because it was less than a certain number and it didn't
INAUDIVABLE (applicant speaking at the same time)

Matt Newcomb: (not using the mic) We subdivided these 2 lots out here recently and we did not need board approval and I am pretty confident we didn't

Josh Artuso: When you added the line making 1 into 2?

Matt Newcomb: (not using the mic) We did not come for Planning Board approval because it was only a 2-lot subdivision

Derek Anderson: Do you remember when?

Matt Newcomb: I don't

Derek Anderson: So, the dentist

Matt Newcomb: It was well before my time at Passero, so I have no idea. I know that it was done because we had to get all the information to create the subdivision map, so I know that they are the correct property lines. I just don't know when it was filed. I can look and research.

Derek Anderson: Because I guess what I am saying, it was a parcel of and I don't know how big it was to begin with, I mean it has been subdivided out a few times. Do you remember the overall development ?

Mr. Casciani: I don't remember the acreage it was. It was Castor Spink, that was a few years ago....(laughter)

Derek Anderson: I am talking about when this first came in and they did the initial review and all that on it.

Mr. Casciani: I don't recall...

Derek Anderson: Bits and pieces have been carved out over time

Mr. Casciani: Well that is what killed it. That is what killed the whole program. Pieces of it were sold off and once it was sold off there was no way of accessing those properties that is why

Derek Anderson: And it appears too that even though final wasn't given, it kind of falls under that same thing of well it is less than 4 parcels then it ended up getting subdivided out anyway to end up with a lot line configuration that's here and what you are saying is that this is not a continuation of any previous projects on this site. This is stand alone and independent property however the rest of it was approved way back when for overall development. Is that accurate how it sounds?

Matt Newcomb: Correct

Derek Anderson: Stand alone property that you have purchased because you don't have any business relationship with the previous owner correct?

Brian McKinnon: (not using a mic) the previous owner is the same owner

Derek Anderson: Is it. I question more for the board. Can this be considered effectively a new application or is this really....

Mr. Casciani: I think

Derek Anderson: INAUDIBLE (both parties talking at the same time) before

Mr. Casciani: We are seeing that as such because there are no minutes for a final approval but if you have a drawing showing whatever you filed.

Matt Newcomb: I will see what I can find

Mr. Casciani: That's the thing to dig up and say here. You couldn't have gotten that unless you received a final approval

Derek Anderson: It is more of an administrative thing

Matt Newcomb: I will see what I can dig up . I am sure there is something in the county clerks office.

Derek Anderson: I guess what goes into play we have to find out the validity of the memorandum of understanding or any of the conditions of approval of the original overall development.

Matt Newcomb: The memorandum of understanding was never filed or any of the potential easements either

Mr. Casciani: See that's it all that stuff somehow slipped through the door

Derek Meixell: it is too bad because it is like 10 pages of single-spaced deliberations from the board that are a giant waste of time. I feel bad for whoever was here for that.

Mr. Casciani: That is why you have heard me get so frustrated with this from the beginning. What have you got?

Matt Newcomb: (not using the mic)She's got INAUDIBLE page of when it was subdivided

Mary: (not using the mic) The subdivision for a piece of the rock which is Bruster's . The subdivision was filed June 26, 2015 liber 350 maps page 47. All sign offs occurred in June 2015.

Mr. Casciani: And that was 2 months after the preliminary approval then, ok. It is somewhere and it just may not have gotten posted, that is all I can think. Ok, thank you.

Matt Newcomb: Ok, just to recap Mr. Casciani, you are looking for us to update the elevations into the plans

Mr. Casciani: Yes,

Matt Newcomb: Sure, and was there anything else?

Mr. Casciani: Your lights, need the cut sheet of the lights. Your fence, what kind of fence?

Matt Newcomb: It would probably be aluminum. The picket fence that is going around

Brian McKinnon: (not using the mic) it's like a poly plastic INAUDIBLE I think it's black

Mr. Casciani: It's a neat and clean modern fence ok so it's not barb wire or something . Show a piece of something of what you are doing with it. That way we have everything and that goes in the file INAUDIBLE (talking at the same time)

Derek Meixell: INAUDIBLE light poles from Bruster's if that is getting updated should that match the rest ...The light pole on the Bruster's property, should that match the rest of the light poles that are going up?

Mr. Casciani: I think there is only one pole in the back.

Matt Newcomb: Mary had just mentioned, just for the record, the pole that is on the corner of the property matches all of her light poles on her property.

Mr. Casciani: Ok and then whatever lights are going on the building, just down lit so they don't cast out. Alright, so you want to table this then? To when?

Matt Newcomb: 2 weeks and then also, we would be able to get preliminary and final at that next meeting?

Mr. Casciani: Yes, if everything is going well. You can't get preliminary tonight but if everything is in order . We have that additional paperwork and then you should be good . What's the next meeting, May 4th so your stuff has to be in by April 19th?

Matt Newcomb: I know last time I was here it was 7 days prior to the meeting . So, May 4th meeting?

Mr. Casciani: So, May 4th is the next meeting.

RESOLUTION 21-032

Mr. Kosel made a motion to **TABLED APPLICATION TO MAY 4TH, 2021** which was seconded by Mr. Meixell.

VOTE:

Mr. Anderson	AYE
Mr. Arena	AYE
Mr. Kosel	AYE
Mr. Malta	AYE
Mr. Meixell	AYE
Mr. Casciani	AYE
Mr. Giardina	AYE

Dave Arena read the second application:

COASTAL VIEW SUBDIVISION SECTION 5: Located at western end of Coastal View Drive. Applicant Lake Landing LLC is requesting **PRELIMINARY/FINAL SUBDIVISION AND SITE PLAN APPROVAL (PUBLIC HEARING)** associated with the subdivision of land and construction of (9) single family residences on a 30.86-acre parcel having SBL # 036.03-1-1.21 located in a WD Waterfront Development District under Sections 192-19, 225-22 and 228-8 of the Code of the Town of Webster.

Appearing before the Mike Ritchie from Costich Engineering and I am here representing Lake Landings LLC and I am requesting Preliminary/Final subdivision site approval for section 5 part of Coastal View Subdivision. Just a little over view on this, the preliminary plan was approved in 2002 and this is the last section of subdivision and under the preliminary plan it was actually proposed to be 35 townhouse units and based on the market it has been determined that single family residential makes more sense so at this point the plan that you have is for 9 single family lots and in terms of utilities, water, sewer storm water are all available under preliminary approval. Generally, I spoke to the developer and he is agreeable to all the comments and I think we can address

We had previously met with Mr. Casciani and Mr. Artuso to go over the project and I think generally it was sell received at that time. We did receive late last week some PRC comments the rest of these I would be happy to go down through if the board wishes to have more detail on it but with that I will open up for questions that they board may have.

Mr. Casciani: When we looked at it, it looked pretty simple now it's got complicated I don't know. Before we get into to the development of it, I know there are a couple of spots on the waterfront side on the bank that are seriously washing out.

Mike Ritchie: And I did see on the grading plan there is a couple and I would say existing gully's and I talked to Josh about that and obviously we are not proposing any development within the DEC buffer area but we would propose to add some drainage inlets, capture that water in there by significantly reduce the amount storm water runoff reaching the bluff.

Mr. Casciani: There is an area, I believe in the center that has a wet area it would be like where the roadway would go back

Mike Ritchie: Yes, and in general that area is going to be infilled to make sure we eliminate any wet area. The site will be lifted up generally about a foot over existing grade to avoid any wet areas.

Mr. Casciani: The way you are proposing this now, I have 2 different maps I am looking at here. One is showing what was originally and I don't know if it is HOA or just the open space area, the hashed area that goes along the shoreline that goes around the project

Mike Ritchie: Right, so I can speak to that a little bit. Original under the preliminary plan there was a certain amount of open space that needed to be provided and the original thinking was to make it open space along the bluff because obviously you can't develop in that area. A few things have kind of caused this revised thinking one being this area, the lots and the property line (not using the mic) small and the INAUDIBLE drop off to the south so you can't move this road any further south so these roads are very compact so if we had to add and HOA and a setback it wouldn't really be a developable area really for adequate lots there and another part of it is based on the 2017-2019 high water events, we felt it was important to give the homeowners ability to manage their properties instead of having to go through an HOA which would be a little bit in cumbersome so for those reasons we have decided to relocate some of the open space which you can see kind of in the hashed area right here (showing on the plans) still complies with the amount of open space that was required for the preliminary plan and in this area you can see the existing ponds and wooded areas that won't be disturbed in the future.

Mr. Casciani: Anyone have questions?

Dave Arena: Yes, can we go over the items that he received from PRC.

Mike Ritchie: I would be happy to run through these. The first one was a couple comments from the Highway Department it says it needs a true T style hammerhead turnaround at the end of Coastal View. (not using the mc) On the plan that we proposed and I am calling it a half hammerhead with the entrance going south and the reason for this, we didn't want to have to push this any further west then we needed to and if we did a T style hammerhead it would be impeding on this western lot and I spoke to Josh about that. We are proposing to bend the road a little bit to be able to get a true T style hammerhead but not impede on the future lot. So, I think we found a way to make that work.

The other comment from the Highway Department, the last lot driveway should remain on the eastside, so it is not incorporated into the turnaround due to snow removal needs, we agree with that, it's good design. Another comment, from Tony, the near washouts over the bank shoreline needs to be addressed and Mr. Casciani you brought that up and we are in agreement even with our plan as presented, we significantly reduced the amount of stormwater going into that bluff vs. what goes in today but we will take another step and add a couple drainage inlets to further reduce of what can get to the bluff.

And then there is a few comments from the Sewer Department. The first one, existing force main coming from the cottages why are they tying into manhole S11 rather than the turnaround S12? We agree and I think our thought was not to back track where the pump station was but to continue on, but it is a shorter distance, so we are agreeable to tie into manhole S12. Next comment, they are basically asking that we tie into that manhole S12 with no inside drop, I mean an outside drop and we are agreeable to that and finally, the existing 2 x 2 sanitary vault, we don't know what that is for that is at their pump station and it is shown on the map 40 feet of east 12 and they need to explain it. Again, that is a pump station for the cottages and a series of them going up the hill. There have been, even going back to Section 4 they had to cut that force main and tie in so this will be the final one and that existing vault is right around lot 507-508. So, we are agreeable to address all these comments and I think we can do that relatively easy.

Mr. Casciani: Is this still part of Coastal View? The paper I am looking at here, Lake Landing LLC .

Mike Ritchie: Correct.

Mr. Casciani: That is, you guys? It's Lake Landing

Mike Ritchie: (not using the mic) Actually, it is the Hegadorns Land Family Trust, so this is.... This whole thing going down to Lake Road is currently all one parcel, so the goal is to subdivide these lots out and the remainder of the land would stay with the Hegadorn family.

Mr. Casciani: So, you are the developer though? Alright, again this is a public hearing. So, I guess there are a bunch of folks here. If you would like to come up INAUDIBLE. Just give us your name and address.

Steve Taritino: at 361 Coastal View Drive and I am here both as a resident of the community and representative, I am president of the Homeowners Association. So, we just received notice of this development about a week ago, so we compiled out questions. First and foremost, we are happy nine homes are going in as opposed to 34 Townhomes but in looking at the design we had a few questions. So maybe the person from Costich or Stacey from the Hegadorn family may be able to answer it.

The first is the open space, again, I think the board is aware that Costal View Subdivision has been around for 18 years and hopefully the development will finally finish in the next year or so with some remaining homes. This is phase 5 and this was suppose to be part of the homeowners association and it appears at this point that it is not going to be so we have 6,7,800 dollar million dollar homes in our community, phase 5 is opening up with 9 lots that is not going to be part of

an HOA so first and foremost we don't know what type of homes are going in so we want to address the fact that we are concerned and want to maintain the value of our property. When I bought into Coastal View, I bought with the intent that we are part of the HOA; the homes around me were going to be part of the HOA; they were going to be in compliance with what the homes are supposed to look like. Size, value so on and so forth. I trust Lake Front Homes will be a proper size and value to maintain that but with respect to the open space there is supposed to be 6.8 acres that when I bought the property and the residents bought the property we relied on CPS7 that, that is what was going to be there. Where, you know we got these maps about a week ago and very little time to look at it. Where is the 6.8 acres in this plan that the homeowners will have access to?

Someone speaking from the audience-INAUDIBLE

Mr. Casciani; Go ahead and finish your questions?

Steve Taritino: No that's fine so whereabouts is that? Could you just point to that?

Mike Ritchie: (Came up to the map and showed resident)

Steve Taritino: And again, we didn't have a lot of time to look at it. And again, who is going to own that and maintain it? Because the common area is within Coastal View and right now the Homeowners Association owns it. We maintain it, we subcontract it, it's mulched; it's mowed and it's gorgeous space so. Who's going to maintain that property and who's going to own that property?

Mr. Casciani: Keep going, he is taking notes and then he can address them after.

Steve Taritino: Is there going to be a plan for a path to the lake? Our community worked and was assessed to get a path down to the lake and we were granted that by this board and the DEC and a number of other agencies. It was incredible difficult but is there a planned path for this phase of the subdivision. Again, with this common area when you go into this part of the subdivision and it's completely built and you are entering into Coastal View which is all HOA land that we maintain and it's manicured, it's perfected. Are these folks going to enjoy it at some extent, sure. Are they going to contribute to the upkeep of the common areas that they are going to have access to? Right now, it is planned that they are not going to do that and part of this too from a budgetary standpoint, when the HOA was put together we were relying on revenue coming in and these additional homes. We want the 9 houses we don't want 34 townhomes but right now they are no plans for contributions from these 9 homes and not only for the common area but they are going to have access to the path that everybody was assessed for and paid for to the lake. No one is going to stand guard and go, *hey you live in phase 5, you don't have access to the lake.* So, that is an issue to. The other question is, and I think he may have mentioned it, what is going to be the setback from the shoreline to where the back of the homes is? Because everyone is aware of the erosion issues and it would be a shame for these folks buying these lots to be too close to the back lot and the other side of that question is how far are these homes from the street because we want to maintain the consistency and the beauty of the neighborhood. So, we don't want houses 30 feet from the street when most of our houses and I don't even know what the

setback was. If it was 55 or 60 feet from the front of the street so we want at least have a consistent view when you are coming down Coastal View all the way to the end and not have 6-8 houses at the end that are sitting right on top of street and I don't know if anyone is really going to buy and I am sure they will but wanting it sitting that close to the street especially homes at that value.

The other concern is too, about 2 years ago, the HOA came to this board and we requested ownership of our property, our bluff due to the erosion. We wanted to have the opportunity to improve it, protect it and right now we don't have that opportunity. With this phase 5 going in it appears as though the folks buying these lots will have the ability to own the bluff and essentially have Lake access if they apply for it and get granted to it so the request would be if they have that same right to do that, our homeowners on our street suffer great damage over the last few years with the erosion and should want the same ability to do that. You know, there have been residents that spent 30,40,50,60 thousand dollars on a street to protect their shoreline and they don't even own it. So, we would at least request the ability to own that shoreline. I think it is only fair that if I am going to invest 50-60 thousand dollars to put stones in, in the back of my lot that I at least own it. And then finally again, I think I mentioned it in lastly is the architectural standard. When we bought our home and Stacey did a great job, but there were standards. You had to put a 3,000 square foot home in; it has to look like this; has to be this color and has to conform. We have a real conforming neighborhood that the houses are of consistent character. Surely everyone has driven down the street, it is a gorgeous street and we just want to make sure that we maintain the character of the street and some obscure architectural homes aren't going in on the other end.

I have bought into that subdivision because the rules and regulation. I am a CP by trade so I like rules and regulations as many other people do and we pay a lot in taxes and we pay a lot for our house and I just want to make sure that those standards are maintained throughout the neighborhood and finally, we only had a week to look at this and again, we support this but this is basically the questions that came from the board and we haven't had a chance to go to the community to see if there were any other issues and again just to reiterate, we support the 9 homes going in and I think Stacey will do a good job but these other concerns, we would like to these addressed prior to getting this approved.

Mr. Casciani: Good questions, thank you. Do you want to go ahead and address them Mike?
Mike Ritchie: I may have missed some of these or I may have them out of order. First one I have on there, who's going to own the open space? It is not going to be an HOA. That property is currently owned by the Hegadorn family so it will be continuing to be owned by them and maintained by them as it currently is right now. Second, is there a plan for a path? And the answer is yes, we do have a path planned to the western edge which is going to tie into Cottages area which again, all part of the Hegadorn property so there will be an easement over that to allow access to get down to that area. We are not proposing any tree clearing, grading or any stone. It is just going to be a foot path to get down and enjoy the water. Setbacks, front and back so the rear setback is 55 feet from the property line but there is also a 25 foot buffer from the top of the bluff and as you can see on the plan the rear setbacks are exceeded and our goal was really to stay as far away from that bluff as we could and the front setbacks are a little bit shorter than they are on other areas. They are consistent with what was approved in the patio

home section and those are 30 feet and really, we wouldn't say it was much of an issue. There was one opposing driveway, so you really don't have the issue of kind of opposing driveways and having pinch points there. So, that is what we have proposed for setbacks.

Architectural standards, I can't speak to them, Stacey can but I know it is in his best interest to have the nicest home go in there as . Stacey you can speak to that if you would like. I think it is the intent that the highest standards will be maintained. HOA lands, people drive through these areas they are not going to pay into the HOA, but they are going to benefit from it. I guess my argument would be that it is a dedicated road and really, we pay taxes and that area will be maintained by the town not the HOA, so I guess that is my response to that.

Mr. Casciani: I guess my question would be, why wouldn't' this be part of an HOA along with the rest of the project?

Mike Ritchie: I think Stacey could answer that better. I think it is easier to keep it out of an HOA and I don't want to misspeak but I would say INAUDIBLE

Mr. Casciani: What the gentleman just said, it made sense to me though. If that whole subdivision, Coastal View is in a Homeowners Association, you are just adding onto the end with 9 more houses and it would seem to me that, that should be part of the original subdivision.

Mike Ritchie: We are proposing to maintain open space but not necessarily be managed by a Homeowners Association. I understand what the homeowner is saying, he feels they should be paying in but I don't think, by paying in for an HOA there is not a lot of benefit that the are getting from it and I understand there are certain standards that would be maintained.

Mr. Casciani: So, are these people getting screwed that have Homeowners Association?

Mike Ritchie: I can't say that INAUDIBLE, but I get your point. Stacey, I don't know if you would like to address that.

Mr. Casciani: Personally, I would rather see it all under a Homeowners Association and that's my thinking of it.

Stacey: I don't disagree, it's not my call at this point. It's a family call and we reviewed it so we are looking for feedback now and then we can go over it with them and see what they want to do.

Mr. Casciani: Alright. We will let people speak and then we will go from there. Is there someone else wanting to speak .

Steve Taritino: In regards to this map he is pointing to, it's obvious he is the expert, however, when he talks about the rear property lines, they are talking about lines that are going to the lake , so when you look at the rear that he is referring to and I could be wrong, this is the lower side of the bluff. It's eroding so I don't know what they are saying when the setback is from this back-property line. If it's it the back-property line where the lake is, half of that property is in Lake Ontario . The 55 feet he is talking about from in back of the house to the back of the property line, if that is what

Mr. Casciani: I think the number he mentioned was 55 feet from the bluff, right?

Mike Ritchie: (not using the mic) 55 feet from highwater; 25 from the bluff

Steve Taritino: Yeah, 55 feet from the water, it is not land. So, these houses are sitting a lot closer than what this is depicting in this light. Further, these houses are sitting way closer than out houses are sitting right now and they can easily move this road up and have a greater front setback. There is plenty of land here to do that and as far as the HOA goes, yes, we are getting screwed ok. I would ask and suggest that they be part of this HOA. They are coming into this and there are 80-90 homes that are already in this subdivision and the land is maintained and we do pay to have that land mowed, mulched, and flowered.

Mr. Casciani: Let me ask you, address the board.

Steve Taritino: I was addressing him with a response to the HOA, but they should be, and I would respectfully ask, this board to require that these homes be part of the HOA. It would allow us to maintain the architectural standards ; they would pay into the community; they would pay into the common area . There are 9 homes and they are going to be 750 to million-dollar homes.

Mr. Casciani: Yes, I gotcha

Steve Taritino: I think they could pay a 100.00 a month to pay for the common areas. It's not a big deal but it is to us.

Mr. Casciani: Alright. I have a couple more questions that I want to ask him. The way you have your drawing shown here, what is the dimension from the road, 30 foot you said?

Mike Ritchie: 30 feet from the right of way

Mr. Casciani: And then the house but on here it looks like there is considerable depth

Mike Ritchie: Correct. The closest house to the bluff setback shows at 70 feet from the bluffs setback . That is not to the property line and not to the waters edge that is 70 feet from the back of the house to the bluffs setback not even the bluff and that was our goal the whole time. That is why INAUDIBLE (both parties talking at the same time)

Mr. Casciani: So flat land, how far away are you ?

Mike Ritchie: Flat land, how far are we disturbing...

Mr. Casciani: The back of the house to the actual drop?

Mike Ritchie: We are maintaining 30-40 feet from the bluff at the closest point of disturbance and that is just tying grades in.

Mr. Casciani: So, the house would be 30-40 feet?

Mike Ritchie: No, the house would be 70 feet from the bluff but the closest to any earthwork disturbance is going to give us about 40 feet from the bluff . That was our intent to minimize the work near the bluff.

Mr. Casciani: Ok, I understand what your saying. Alright, was there someone else wishing to speak? Just give us your name and address please.

Jacquelyn Polito and I live at 383 Coastal View Drive: I am a resident of Coastal View and a member of the HOA governing Coastal View. Mr. Casciani, you said after a brief moment, are the existing homeowners getting screwed? That was your question to this group after just after a few minutes of listening to this proposal and the answer that was given by our HOA President and the answer given to you by a resident was absolutely yes, we are. They are trying to screw us tonight. Not only are they trying to screw us tonight, but they didn't even give us the courtesy of informing of us of their proposal. We had to learn of it through the notification through the town which is quite disceptive and this Planning Board should take note of the fact that they didn't bother to talk to any of the other residents and we can't even speak for the other residents because we haven't had the opportunity to talk to them about what the proposal is. At a minimum I am going to ask the Planning Board to table this proposal so that they can do their due diligence and come back to the board, but I don't have a couple other things to mention.

One of the threshold issues that I am not sure what the answer is, but I heard a couple of different things tonight. According to the CPS 7 Lake Landing LLC is the entity, the owner and the developer that can come before this board, I have heard Hegadorn Family Trust, Hegadorn Family Partnership. I don't know who owns what and I don't know what the plan is moving forward but the CPS 7 requires Lake Landing LLC . That is the applicant that can come before you tonight to request a change to the Coastal View Subdivision plan which was approved 17 years ago. Now, if you might recall Mr. Casciani in September of 2018 members of the Coast view Community and this town that pay a lot of money in taxes for this town came to this board and said we need to own the bluff and the reason we need to own this bluff is because of the flooding that is occurring in our community and in our property and this board was not supportive of that and so our proposal in September of 2019 damaged and hurt our home owners in that neighborhood and we have individual home owners who had to incur upwards near 50,000 dollars to pay to protect that bluff that they don't own. Because who owns it, the HOA owns it and you know why the HOA owns it because that original subdivision plan of which these people are members, section 5 are members of that subdivision plan required all of the bluff area to be open space property. That was the requirement and that is what we told back in September of 2018 and when they INAUDIBLE we need to change it because we need to be able to protect our property. This board wouldn't do that and now within 7 days' notice you have the same subdivision people coming before you and saying to you, oh, this is a great plan. We are not going to put in condos . I don't want condos but I certainly support 9 homes vs condos oh and by the way, our 9 homeowners that will have the same street address as me, can own the bluff and protect their property but I am not allow to do that. It is in equitable, it's unjust, it is applying different laws to different people that are appearing before you, it's despair of treatment and quite frankly, it would be unlawful to even rule on the application tonight.

In addition, they are asking to subdivide that plan and again, without giving us full notice. Also, on the proposed subdivision there is some discussion about open space and maybe converting it to parkland or town property, I don't understand all that because I haven't had time to look at it. I am raising 3 kids; I have a full-time job. I don't appreciate the short notice to try and understand the impact on my property, but I certainly don't want town land or the public. They don't want to pay, and our board Steve Taritino president works really hard to make our neighborhood look good. They don't want to pay for that and then they also want to donate some of the land to the town so I can have more people from the public coming through our community but I have to pay for the nice signage and everyone else get to enjoy it. That just doesn't make any sense to me. So, I don't understand the full particulars, but I am asking you, it another reason to table their proposal because they just haven't done the work. I don't even know if it is appropriate for a section of a subdivision for a plan that was approved to come before this board without even going to the full subdivision ahead of time. I have not had time to look at it. I certainly will take the time to look at it, but it doesn't see appropriate to me that they can try and carve themselves out and not let anyone else know is going on.

And not are the carrying themselves out as you said, they don't even want to be part of the HOA so you guys did all the hard work for 17 years, you made all these improvements; you fault the fight for late funding you know what, there just going to sneak this application in and they are going to back door it before the planning board and get it approved so we can sale our million dollar lots, to who, I don't even know who because I don't know who the developer is ; don't know who the builder is; I have no idea what the lots are going to look like all that remains unknown.

As you know from the last time we were here. The shoreline erosion is significant, and I am not even here to suggest that I oppose the shoreline ownership or the bluff ownership because I think in 2018 this Planning Board got in wrong. Back then the homeowner should be allowed to purchase and own their bluff to protect their property. It is ridiculous if we are not able to do that but what is more ridiculous is that I can have a Coastal View address where I can't do that yet someone down the street can. There is no way that, that can happen. It is unlawful and we will take every step we can to fight that. I do want to remind the board again that everyone purchased in the subdivision in reliance upon the CPS7 that original Coastal View Subdivision plan which included section 5, which here tonight and everyone relied on that plan when we purchased our property and when we purchased our home. I would like to opportunity for the rest of the neighbors to consider this application and figure out what their issues are and they may have different issues then what I do but I really don't like the back door quick handed deceptive approach of putting this through the Planning Board when the rest of the subdivision was never given notice of this application and our interest was not considered. So, for that reason again Mr. Casciani and the board I respectfully request that you table this application until such time as least they engage into discussions with the rest of the homeowners and the subdivision to talk about how this would impact Coastal View, the street they are going to turn into and drive past every time they build their houses and that this board should not take any action because clearly if you did take action it would result in despair treatment between the HOA that is before you in 2018 and the current application and that would be unlawful. Thank you for your time.

Mr. Casciani: Thank you and very well presented. I think she has some real good strong points there really. My understanding and I am looking at the application and it does say Lake Landing LLC but then the tax account is the Hegadorn family partnership who owns the parcel. So, I am guessing that is why it is a separate piece, developed separately but I believe Jacquelyn was it, you had some strong points on it. I mean I personally believe it should be part of the homeowners association without a doubt .

Dave Malta: No question.

Derek Meixell: I agree

Mr. Casciani: You guys agree?

Dave Malta: No question. They should not be able to benefit from that HOA and you enjoy all those benefits and not contribute. Absolutely.

Dave Arena: Tony, do you want to finish hearing everybody else and then we can

Mr. Casciani: Yes, just a couple more questions on here that I am not understanding. I'm guessing its... Am I right in saying that? That this parcel is not connected to the original piece?

Mike Ritchie: Yes, it was. All the other lots have been subdivided and this is the remaining lands of the original piece.

Mr. Casciani: But it is a different ownership?

Mike Ritchie: I can't speak to it. I mean, it's Hegadorns

Mr. Casciani: So, if it is a different ownership and coming in with a new game which in that sense should be starting as a sketch plan review not even a preliminary. My opinion anyways.

Mike Ritchie: I think it is... the same people have been involved with the project from start to finish. It was previously Hegadorn property, Lake Landing Property, LLC. Stacey has been involved with the project from start to finish and regardless of who owns it now, it's part of the overall preliminary approval

Mr. Casciani: Well, if it is part of it then lets just use that and make it part of it and make it part of a Homeowners Association also. Partake in what the cost and the expenses are for the whole project. It's my opinion. Derek, what do you think?

Derek Anderson: Yes, that is one of the problems I had when I was looking at this. The nice map that you have up there that has the green space on it, I mean the way the subdivision is it looks like it is done outside the subdivision. It is not clear who actually owns the open space that you have there and who is going to maintain it. All the points that Jacquelyn made and the other thing I am wondering about and I am looking on the site data here, single family and it has a lot of area setbacks and noticing the code and the setback and the only thing that is really defined is

25 feet inland from the highwaters edge and your drawing doesn't have the highwaters edge noted on it but has the low water on there. It has ...

Mr. Casciani: You have mean high water, I think I saw.

Derek Anderson: I seen an actual property line meet low water and I am not seeing high water. I see something that was surveyed on a random date and that doesn't mean squat. The first thing when I look at this, you see this line that is one there and that is under water. I am not even sure how that lot line will serve or established because it looks like it is in reference to a low water and once again it is supposed to be in reference to the high water .

Mr. Casciani: Right in the middle and that is what I am seeing. There is a note and actually property line is mean low water INAUDIBLE (both parties speaking at the same time)

Derek Anderson: INAUDIBLE it's in reference to the water line

Mike Ritchie: I will check survey INAUDIBLE

Derek Anderson: And all the setbacks you have on here, these are things that are established by the Planning Board.

Mike Ritchie: I am sorry, could you state that again?

Derek Anderson: On your site data, drawing VS100, single family, I am not sure where you got the numbers from because the only thing is that 25 feet from the high water but the rest of them when you look at the town code it says, as established by the town Planning Board so I am not sure where those numbers came from that you have because ...

Mike Ritchie: There from the preliminary plan. This development originally had a mix of different setbacks and different uses, so this is all per the preliminary plan in 2002.

Derek Anderson: So, there is other parcels from this development that have this same plan that you are INAUDIBLE so once again, is this a new.... I am confused if this is a new application (both parties talking at the same time)

Mike Ritchie: I would say this is a less intense proposal from what was originally proposed INAUDIBLE

Derek Anderson: Where is the drawing with the original proposal?

Mike Ritchie: (not using the mic) proposed in the same spot

Derek Anderson: I don't have the original drawing. Can you show it to me please?

Mike Ritchie: (not using the mic) The preliminary plan in this exact area 34 townhouses were proposed or 9 single family lots . So, we are much less intense the what was approved at preliminary really.

Mr. Casciani: It looks like though when you look at the drawing where the townhouses were, the road came straight in and the units and the road was further to the south, so it looks like there was a lot more room in here.

Mike Ritchie: (not using the mic) And in part INAUDIBLE that was approved by this board INAUDIBLE has moved over time so that is the current location of where it is now and realistically these grades INAUDIBLE really drop off INAUDIBLE and so the location of the road where it ends and we have it shown, is far south as we feasibly can put it . We put a lot of thought and effort into how that INAUDIBLE

(both parties talking at the same time)

Mr. Casciani: How come that other map shows it more to the south when you had the town houses?

Mike Ritchie: (not using the mic) it wasn't more to the south it was..... it's deceiving because if you look at the INAUDIBLE this line is straight through.

Mr. Casciani: Well, I am looking at the cut.

Mike Ritchie: (not using the mic) See the reverse curve in the road there is actually another reverse curve that brings the road back up so there INAUDIBLE part of some resub divisions that occurred in previous sections. So, if you take a straight projection of what this road is showing going east, it would be a straight line but because of the resubs that occurred, basically the dip that occurs in the road and with this we are getting back on the original lot..... Sorry, I keep forgetting about the microphone.

Mr. Casciani: This is missing something.

Jacquelyn Polito: 383 Coastal View Drive. Members of the Planning Board thank you for the opportunity to let me speak again. When we came here before the board in September of 2018 one of the things the board talked about was whether or not we needed to obtain a full environmental impact statement for the bluff because they were concerned about the bluff as we all are because of the high water so we are asking that the town require a full environmental impact statement for this proposal as well but that the full environmental statement include the entire Coastal View Subdivision because whatever they do on their property is certainly going to impact their neighbors and the rest of the subdivision and again, the subdivision was approved as a whole and they shouldn't be able to piece meal it and just do a full environmental impact statement for just their 9 houses it should be done for the entire neighborhood so that we can all see that impact statement. Thank you.

Mr. Casciani: Ok, thank you.

Mike Ritchie: SEQR was done on this property during preliminary approval in 2002 and we are doing SEQR for this section and we feel it is unnecessary to consider doing existing lots in any environmental impact statements. We are really not impacting any of the existing residences in terms of development and whether it is an HOA or not. We are not impacting any of their properties by this development.

Mr. Casciani: I keep going back to this, the other drawing here.

Mike Ritchie: Are you referring to the preliminary plan is that what you are looking at?

Mr. Casciani: I am looking at your drawing, your current one and this is an older one, I guess. The road comes down and you have a loop in there, not a turnaround, a circle.

Mike Ritchie: That was never developed. This is a preliminary plan. There have been deviations from the preliminary plan and dated back like I said, where the townhouses are shown this alignment is consistent with the preliminary plan but based on purchasing of the properties and resub divisions and different property owners wanting to do different things the road has gone through a jog and that is kind of where we are left with the last piece now and as you can see on the plan it does do a reverse curve and essentially we are just trying to get back onto the original alignment.

Mr. Casciani: What are the setbacks on lots 41-62 ?

Mike Ritchie: From the preliminary plan?

Mr. Casciani: Yes, on the existing

Mike Ritchie: Yes, those were 60 feet but as you can see on this plan those lots have a lot more depth than we have, and you see the other lot s 63 through 86 those are the 30-foot setbacks. So that is why I say we are complying with what was approved at the preliminary plan, so we are not going with anything smaller than what was previously approved, and this is

Mr. Casciani: But the difference is in my opinion that got clustered and smaller lots and everything but look at the green area you have, the open space in the back of it, you know what I mean? There is more on the shore side

Mike Ritchie: Yes, I see what your saying

Mr. Casciani: You know what I mean so there was a benefit to letting that happen to preserve that land but with this.... Why can't that road bend and go to the south a little bit more instead of going north?

Mike Ritchie: If you look at the grading plan, it comes on a 1 and 3 slope and it would be uneconomical to build a road further south so we basically have it right now on the plato and then grades really do fall off as you go to the south.

Mr. Casciani: Ok if you say so but I am just looking at it on your drawing and I see where it gets real steep but it looks like you've got from the edge of your road, about 60 feet before it gets to where it drops off

Mike Ritchie: It depends where you are too because if you look at where this lot is yes, sure this road could have stayed a little farther south but at that point you are making these lots so deep that INAUDIBLE

(both parties talking at the same time)

Mr. Casciani: The reason I am suggesting that is to create more either front setback, you know, more standard 30 foot is kind of tight but it gives you a little bit more in the back also and on the north side of the house. Another words, you are making the lots a little bit deeper.

Mike Richie: Correct.

Mr. Casciani: By moving the road south a little bit.

Mike Richie: We can certainly look into that with Stacey (both parties talking at the same time)

Mr. Casciani: I think INAUDIBLE you are jamming it and I think it is well appreciated it's just 9 lots but somehow we have to get this thing to be part of a Home Owners Association and part of same project and there is no in and out anywhere else and it doesn't have another exit. They are all going out on the same road.

Mike Ritchie: Correct

Mr. Casciani: I think there should be one and I am still confused with who owns what and what part of this is being used for open space? You said you transferred it or something?

Mike Ritchie: Correct. So, the intent with not having the open space along the shore because of the lessons that been learned and I think it is better for the homeowners to maintain their property so that is why we didn't propose the open space that was shown on the preliminary plan and we have relocated it in the areas shown in these hatched area which I think it makes sense to have them open space because there won't be any development there and by doing this we maintain the 6.888 acres that we are required.

Mr. Casciani: What is that square I am looking at? It looks like a , in the curve of the road just south of it.

Mike Ritchie: That is a house lot. One house lot on the southside of the road and that is another reason why we didn't keep the road to the south because that is a nice lot and they wanted to get to 9.

Mr. Casciani: So, once you got pasted that house... I don't know, I am just trying to get a little more room on those lots INAUDIBLE

(both parties talking at the same time)

Mike Ritchie: INAUDIBLE we can certainly maybe even 20-30 feet we can certainly look. Maybe once you get past lot 9. The biggest part about the hammerhead I think we need to jog a portion of that road a little further south so we will certainly look at the geometry INAUDIBLE

(both parties talking at the same time)

Mr. Casciani: INAUDIBLE

Mike Ritchie: INAUDIBLE some property further south

Mr. Casciani: Alright, is there anyone else that wanted to speak, I am sorry. Nobody? Ok, we will keep the public hearing open and I am going to suggest that we table this. I suggest you guys get together with the Homeowners Association and see if we can work something out. I mean if you are going to be neighbors in there and Stacey has been there for 17 years, you are just about living there yourself maybe you can get something going and get it on a good path where everybody is together on it.

Mike Ritchie: Understood. Thank you.

Mr. Casciani: Want to do that?

Derek Anderson: I think there is a good point with the consistency along the INAUDIBLE development though with the original development because that was the concept on the plan there and the green space protects along the shoreline.

Mr. Casciani: Yes

Derek Anderson: We also need to see the whole thing and really kind of INAUDIBLE based on the high water level and not the low water level per the code on it and not the one that shows up on FEMA but the actual one INAUDIBLE the data like INAUDIBLE I am almost wondering if this is something we have to talk to DEC about a little more then this just because there are issues with the REDY commission for establishing and protecting shorelines and the development that goes along with it.

(both parties talking at once)

Mike Ritchie: And we maintain the DEC required buffer and then some because we are all sensitive to the effects of flooding.

Derek Anderson: I understand you maintain the buffer, but I am talking about a current conversation with DEC regarding the shoreline protection because there review of that is very different then when this development originally went in. It has changed in the last 2 years

Mark Giardina: So, are you talking about tabling this until May 4th?

Mr. Casciani: Well, whatever they want to do. Two weeks or?

Mike Ritchie: I think we can get these comments addressed and the plans revised and back to you in less than 2 weeks.

Mr. Casciani: You guys together?

Audience member speaking: (not using the mic) Members of the Planning Board to review application and which again, we were not informed INAUDIBLE

Mr. Casciani: I think you should have received letters .

Audience member speaking: (not using the mi) homeowners did not receive notification of this proceeding INAUDIBLE 7 days ago INAUDIBLE notified and received zero notification.

Mike Ritchie: We sent out letters per the town's requirements and I think it is 300 feet from the property and also you may not have been within that 300 feet area, but we did send out mailings.

Audience member: Was there a sign that should have been required with the property that is going to be developed

Mr. Casciani: That is a long story. Yes and no . To have the sign up is not in the code it is something that the Town is working on. Just prior to this meeting we were discussing, and it is something that the town is going to be putting up signs. Right now, the requirement is posting it in the newspaper, the office Webster newspaper , The Webster Herald, it is on the website, and the mailing to everyone within 300 feet more then the requirements for notification but we are all in agreement with the signs and that is the thing the town is working on. It has to be in the code before you can do it and they are working on putting that in now.

Audience member: And the other questions is, I am still unclear if the board is going to require this development to be part of the HOA it sounds like that is what you are working on.

Mr. Casciani: The board is in full agreement and suggesting that they should be.

Audience member: Ok, thank you.

Mr. Casciani: We can't make them in that regard, but we are highly suggesting that they do that. Get together with the homeowners and work something out.

Mark Giardina: Ok instead of May 4th maybe the 18th

Dave Malta: Yes, I think the last meeting in May is more appropriate and I think that for my opinion, number one I would definitely want to see it included in the HOA so the HOA and these people need to get together and that is going to take a little bit of time. I want to see that these properties adhere to the same standards as the rest of the project and I want to see a deeper setback and the minimum at least 45 feet not 30 feet but that is my opinion and that is what I would like to see.

Mr. Casciani: Yes, that is the idea if he moves that road to the south a little bit that will extend the lots

Dave Malta: So, I don't see anyway in the world that they could get all that accomplished in 2 weeks.

Mr. Casciani: Ok so we will make it for May 18th . Ok, so you want to make a motion John.

RESOLUTION 21-033

Mr. Kosel made a motion to **TABLED APPLICATION TO MAY 18** which was seconded by Mr. Meixell.

VOTE:

Mr. Anderson	AYE
Mr. Arena	AYE
Mr. Kosel	AYE
Mr. Malta	AYE
Mr. Meixell	AYE
Mr. Casciani	AYE
Mr. Giardina	AYE

Mr. Casciani: Ok, so you have about a month now. Good luck and hopefully everything works out with everyone. We won't close the public hearing either. It's still open so it will continue on from where we were.

Dale Vance: I have been with Hegadorns for 49 years now and I don't know how many of you know me and been a part of the Hegadorn family for many, many years and Stacey, you all know him. He has been with you and with Hegadorns for many years and I think you all have a fairly high trust in Stacey in being a part of this and it's a different relationship we have with this as we did with Stacey and the first parts of it and I hope you have some faith in Stacey and the Hegadorn family in doing what is right. It may not be perfect, and I am sorry we didn't have open communication. There was no intension for deception or hiding anything. This year with COVID and things it's not the same as it was years ago. So, I apologize for your feeling of being pushed through without proper communication so I understand and I apologize for that but we do try and have meetings every Friday and I am sure we will discuss these issues and hopefully we can work everything out . Ok, thank you.

Mr. Casciani: Ok with that I guess we are all set. Again, we will leave the public portion open and we will continue on where we left off. Ok, thanks for coming in.

With no other applications before the Board this evening Mr. Casciani concluded tonight's meeting at 8:45 pm.

ADMINISTRATIVE MATTER: No minutes were approved.

Respectfully Submitted,
Signed David C. Arena Sec. Dated 6/15/21

David C. Arena, Secretary
Katherine Kolich, Recording Secretary

Dorothy H. Maguire
JUN 16 '21 PM2:00
REC'D WEBSTER TWN CLK
& Filed