

WEBSTER TOWN PLANNING BOARD MINUTES

PLACE: Webster Town Board Meeting Room 1002 Ridge Road

TIME: 7:00 p.m.

DATE: 4 May 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

TABLED MATTERS:

WEBSTER GOLF TEE SELF STORAGE FACILITY

Applicant: Matt Newcomb

Drawing: N/A

Dated: N/A

Revision: N/A

Status: **Approved as Presented**

Mr. Casciani welcomed everyone to tonight's meeting of the Planning Board of May 4, 2021 and Webster Golf Tee is the only one on tonight.

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 / FINAL 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.

Mr. Casciani: Public notice was published in the Webster Herald. Last meeting, we tabled it to this evening, and we didn't close the public hearing, so the public hearing still holds.

Appearing before the board was Matt Newcomb from Passero Associates. Also, here with me tonight is the developers representative Brian McKinnon and Jim Rinsenth form our office Passero. The last meeting there was a few final items that we needed to obtain preliminary and final approval which was previously submitted. One being a cut sheet of the fence the second being a cut sheet of the lights and the third being the elevations attached to out site plans which I think we have everything.

Mr. Casciani: That's good.

Matt Newcomb: We also updated the elevations to show the brick and I also have a big example if anyone is interested into looking at it, but it is pretty close of what is shown on the color elevation. So, with that, I will open up to any additional questions and hopefully there is not many.

Dave Malta: My first question is this, you just said, you are showing the brick and you said it is pretty much what the color is shown on here . Showing on the face of the building or shown on the example?

Matt Newcomb: So, the brick is on the street side of the building and it is a metal building, but the front façade is brick.

Dave Malta: on the north side?

Matt Newcomb: Correct

Dave Malta: Ok. The color that you have is not the color of the brick that you sow over here, ok. So, I want to be clear that the brick is going to be a red type brick.

Matt Newcomb: The brick is going to be concord blend and it's right here.

Dave Malta: That's it?

Matt Newcomb: Yes

Dave Malta: Can I see that? Can you bring that over here?

Matt Newcomb: (brought sample piece over to Mr. Malta)

Mr. Casciani: You are actually showing it wrapped around to. Onto the west side. All that front area, which is nice . It is not just a veneer.

Matt Newcomb: (not using the mic) It is also INAUDIBLE as well

Mr. Casciani: Well that from the road, it is so low anyway that is insignificant. I think what we were looking for on it was the appearance because 3 stories high is quite high from the road to look like something that is presentable, you know. Yes, these are nice. (viewing brick samples) I don't like touching those things anymore (laughter) got away from that years ago.

Derek, I know you had some concerns and I am lost with it.

Derek Anderson: I just don't want to...

Mr. Casciani: Just go through with it and see where it goes.

Derek Anderson: I just want to clear up the issue with the access road and the easements. We have your drawing here from 2015. So, when preliminary approval was given for the subdivision in 2015. Listed on here, mobile easements that were intended for the access road and it says on there and it says on there, proposed access easement from lot R1A to proposed lots R1C and R1B and it connects it over to more to the west.

Matt Newcomb: Yes, and not to interrupt we did go through this initially at one of the first meetings we had, and we talked about how the easements were never filed. Those easements were never filed. So, I guess what I am wondering and it kind of leaves us in a situation that this drawing while it was signed off on by all the parties and we go back and look at our minutes, we never gave final approval. So, somehow or another, this thing got filed without final approval and the intent was to have not to have these things as proposed easements but to have actual easements and when you go back to the minutes from when preliminary approval was given for this project, Item 15 says approvals are subject to drawing S100 revised site plans C103, sheet 3 drawing C101 as modified to show an access road so that was one of the requirements of the preliminary approval on this and so here are the easements and when these easements were laid out there was a design that worked for the road to tie this development over to the west over to Shoecraft and so my question is, why were those easement never filed?

Matt Newcomb: It was 2015, I don't know. All I can say is that the Planning Board Chairman and Commissioner of Public Works and the Town Assessor signed off on the plans and again, this is before my time so I can't come up with...

Derek Anderson: It doesn't sit right with it and particularly what you submitted September 21st 2020 the concept plan for the development and that concept plan shows the exact same INAUDIBLE with the proposals on it and then any submittals after that, they were taken off of.

Matt Newcomb: Because that is when we found out that they were never actually filed so.

Derek Anderson: So, it leaves us in a situation that we never gave final approval for this subdivision. We have gone through the minutes and the only thing that was ever given was preliminary. The final approval was never given by the board. Why is was sign off by the chairman, I couldn't tell you and I don't even know what the thought process was at the time or even why or the Town Commissioner or Town Assessor why all they all signed off when the board never completed an approval on it.

Matt Newcomb: Is it possible that the town has record of the final approval? All I can say is it was signed off on by the Planning Board chairman.

Derek Anderson: Well, that leaves us with a situation that we are suppose to have the easements that were suppose to be approved, it said that you have to have the access road and the easements on them and we didn't give the easements so we have with us now and here is the development before us and for what ever reason, the easements were never filed,

Matt Newcomb: Well, they wouldn't have been because the MOU was predicated on the size of the development

Derek Anderson: No there was supposed to be filed and that was the intent

Matt Newcomb: INAUDIBLE

Derek Anderson: It is showing the access road on it so they go back and say, oh well whatever we didn't file the easements because it was going to be triggered by the MOU and the intent and I am just saying by the way it is written up when you go back to the minutes is that this was suppose to be filed with easements. Why is wasn't done, I really don't know but it comes across as trying to gain the system . We put proposed on there and we are going to argue these kinds of words , doesn't matter. The reality was that this was promised and was not delivered so we have before us a new development that is going on this parcel that was supposed to have been filed with easements as the original preliminary approval and again, we went back through the minutes before and after that meeting and going up to the date that this thing was drawn and there is nothing in the minutes about final approval.

So, we are stuck in a situation that promises were mad that were clearly not given, and they were taken off for what ever reason. The document was filed without having the final approval and unfortunately it was signed off undenounced why and we can't understand it and it wasn't final approval and I can't say that right now. We are in the situation that we need the road to go over and it has been on the books as part of the discussion for this overall development since 2010 so it is not like something was unknown and being kept, OH SURPRISE, you have to put a road in it now. All of this was to be in place since 2010 for the overall entire development and here is 2015 when we had this come in there was a layout that showed the road going in and everybody agreed to it as part as preliminary saying that ok, the road looks good and can be built and we are finally going to get this connection on it and now we found out who ever did the ultimate filing on this thing, didn't file the easement and that is just wrong. We are stuck with it. We have to figure out how to make it work so the question that ultimately comes up is, was this ever valid and I don't know. If we didn't do final on it and we can't find any record on it. Is this thing that was filed with the county actually a valid document. I don't know the answer to that myself. I do know that these were the conditions laid out at the time and have not been met.

On the flip side though, we do have a development that has come in does not have nearly the traffic as the original one and it has its own perks to it but I think the ultimate intent was to have the connection going over and the original was going to be a shopping center in there and heavier traffic in and out but it would still benefit for people to use this thing and also the people who use

Bruster's and the dentist if he ever gets in and we know that it is impossible to make a left hand turn out of existing driveways up here. So, there is a benefit to having the road and it was something that was always planned on and intended to have and now we are seeing that mistakes were made and you can't have it so how do we go about fixing that?

Matt Newcomb: I can't speak for what happened and why the plan was signed off. Again, it was before my time

Derek Anderson: So, this lot 3 the ultimate ownership, this thing is coming in as Webster Ridge Road LLC is requesting so it is coming in as if it is a new development but the ultimate owner of these other properties from the original concept development so when they were sold off.....

Matt Newcomb: Correct

Derek Anderson: And so, when they were sold off, those parcels even though they were supposed to have easements on them were never granted or put into the deeds for those parcels.

Matt Newcomb: Again, I don't know. I only know this particular project INAUDIBLE

Derek Anderson: It's your drawing, Passero Associates and it shows the easements on the neighboring projects so you as the representative of the company have done the research on it and you do know it.

Matt Newcomb: Yes, I did the research and the easements were never filed.

Derek Anderson: Did you find out why?

Matt Newcomb: I don't know why.

Derek Anderson: That is the key question, why weren't they filed? I think we have to find...there has got to be some kind of remedy in there. At least that is my opinion if the others on the board think otherwise then that is fine to. They can express their opinion on it.

Dave Arena: Raja, what is your opinion because we only did preliminary on this. Does it make it final on it then?

Raja Sekharan: I don't know the answer to the question to be quite honest. I would have to research it because I think in the 20 years that I have represented this board ; this is the first time this has ever come up.

Mr. Casciani: If somewhere along the way from the minutes of 2015 we are not finding a final approval for final is it that there was none or is it that we don't have a record somewhere. Did it get misplaced, in a file someplace or in storage.

Raja Sekharan: I don't know I would have to research it.

Mr. Casciani: See I don't know.

Raja Sekharan: I would have to research it, I don't know the answer to it because normally, in the normal process, in the final approval, all those easements would have been required to be filed but here we got preliminary and no minutes to reflect any final approval yet we have drawings which were signed off upon by town officials and ultimately with a time stamp on it so it clearly was filed. How did that occur? I can't answer that. I don't know what the affect is for filing a map which has not been given final approval by the Planning Board but preliminary approved that would be the question, what legal affect does that have.

Mr. Casciani: Well, we have got that it did receive preliminary approval; we do have that is was filed with the County Clerk but we don't have where it shows as a final approval to allow that to happen so is that and I am referring back to what I just said really. Is it somewhere in a file that we have it that we just don't have it recorded or what, I don't know what the answer is to this thing.

Matt Newcomb: So, traditionally when town officials sign off on the subdivision map and I can't debate whether it had final approval or not all I can say is for us to file the map with the county the signatures needed on the plan in order to file with the county which is the Planning Board Chairman; the Commissioner of Public Works and the Town Assessor. That is pretty standard with every town.

Mr. Casciani: Just for the record, I was not the chairman back then...(laughter)

Matt Newcomb: Correct. And then it goes to the health department for review and signature and then it finally goes to the County Clerks office for their final approval so that is the process. Whether or not the project was approved, or the subdivision was approved with final approval if there are minutes out there that we are not aware of or the town is not aware of that, I don't know but it is a legit map, there are tax account numbers that have been devised for each on each one of these parcels. So, the subdivision is accurate. The fact that the town can either not find record or did not final approve it, I can't INAUDIBLE

Mr. Casciani: I see Derek's point though. These other parcels were subdivided, and it was all subject to having those easements across those pieces we have to continue that road through. They were sold without those easements without on those segregated parcels. So, I have no idea what ... Does anybody have any thought?

Dave Malta: Can't go any further as far as I am concerned until he gets that straightened out. If you got preliminary and signed off on that map but you never filed the easement that was part of the preliminary approval, things are not done.

Matt Newcomb: You may want to keep in mind that, the easements are proposed easements for an access road when hit a threshold, a square footage threshold so my thoughts on why the easements were never filed is if you did not build 35,000 square foot of commercial retail space and if he built 34,000 square foot they road would go away and it would be no need for the easement.

Mr. Casciani: Well, that is a pipe dream because reality is, the parcels should have been, as Derek said, should have been noted on there that, that easement is there even if nothing was built on those parcels. It should have should have showed the easements on the parcels to show one day that it will happen so, when it did reach it, whichever area, if it reached 35,000 the road is to go in

Matt Newcomb: If you were under 35,000 square foot

Derek Anderson: What you end up doing by not filing the easement is you have created a situation we have right now. There are parcels that are owned by different people because that easements do not exist on the parcels there isn't there isn't an easy way to go back in to put that easement on it. It should have been put on those parcels when it was subdivided out. That is the ultimate error that was made that those easements were not filed, and they should have been filed and frankly someone made that decision not to file those easements. You were told by somebody that someone made that decision and you will never find out who that was. It's too long ago and you will not find that at all. The reality is now that those easements are supposed to exist on the neighboring parcels that are giving us the ability to have the road constructed. Since they were not filed and the fact that you are being triggered INAUDIBLE oh by the way, the neighboring property when it reaches this threshold this easement magically appears on your parcel. That easement had to be filed when that parcel was sold and it wasn't and so for me from the development standpoint, it wasn't done in good faith to meet our requirements for this overall subdivision.

Mr. Casciani: How many parcels are between there and where it would connect to the other side? Like 3?

Matt Newcomb: I believe there is along Ridge Road there is ...

Mr. Casciani: The back way like we originally

Matt Newcomb: I think there is 2 parcels because there is a large parcel and....

Mr. Casciani: Who owns the parcels now?

Matt Newcomb: I don't know. 962 is INAUDIBLE

Mr. Casciani: Is that part of Morgan, Krista whoever...

Matt Newcomb: No

Mr. Casciani: So not part of you guys?

Matt Newcomb: No

Mr. Casciani: Who would buy a piece of land back there? Is my next question which is almost basically short of being land locked because it is just in a field in the back. How is that going to get developed in the future? I don't have that map in front of me but ...

Matt Newcomb: It has access out to Shoecraft, correct. That parcel has access to Shoecraft.

Derek Anderson: Only because the overall development INAUDIBLE (both parties talking at the same time)

Matt Newcomb: It borders Shoecraft. (both parties talking at the same time)

Derek Anderson: Right, Wendy's is and that whole thing. There is a road that Wendy's INAUDIBLE and suppose to be all connecting over to this thing. That was the overall plan.

Mr. Casciani: So how do that get access to that parcel?

Matt Newcomb: All the parcels have right of way access, in this situation.

Mr. Casciani: I don't have a drawing. Do you see what I am saying? If the 2 pieces in the back that don't really front on Ridge Road

Matt Newcomb: (not at the mic-showing on the drawing) This piece over here, that is a very large piece

Mr. Casciani: East of you?

Matt Newcomb: (not using the mic) To the west and all the way up to Shoecraft. The parcel is large enough to go all the way up to Shoecraft and also borders INAUDIBLE the roadway to the north. In this direction, this parcel has access to INAUDIBLE the INAUDIBLE parcel here and the remaining parcels this way (to the right) are the INAUDIBLE and we already have access as well.

Mr. Casciani: So, we don't even know who owns those parcels. Would they be willing to have a road go through which would benefit any development on their properties too in the future. See, we don't know who owns them. I can't believe we don't know who owns them.

Matt Newcomb: I don't know the specific persons name that owns them all I can tell you is that...

Mr. Casciani: I would be curious to say, who the hell would go buy a piece of land in the middle of a field

Matt Newcomb: They all have access. If you are asking... Nobody is landlocked.

Mr. Casciani: I don't have the drawing. Ok so anyways, so the piece going to the west of you

Matt Newcomb: Is not our property

Mr. Casciani: It is not yours, but it goes over and connects to Shoecraft to that parcel. That road could eventually connect. Shoecraft, the one that comes in behind Wendy's and so one and so forth, that could connect to the piece next to you?

Matt Newcomb: Yes, it borders that parcel.

Mr. Casciani: So, it is a matter of getting an easement across that piece of property to make a reality of this whole thing. Is that right here?

Matt Newcomb: And going through a federal wetland

Mr. Casciani: Well the wetland kind of went through that because of the ponds were there.

Matt Newcomb: We can not go through the wetland, a federal wetland with a roadway which is one of the easements that was originally shown. That was one of the initially conversation we had with this board. You know, not only do we feel traffic wise, we are under the threshold that we discussed but also the roadway goes through a federal wetland and it is not our property either.

Mr. Casciani: Alright, as far as I can see with this whole thing for us, is one of two things. Either one, we push it all aside and move forward with the project as it has been proposed tonight as it is showing what they are here for tonight, or the other thing is to try and see if there could be an easement that we have across these properties so on and so forth. So, what is the benefit of moving forward with it tonight? The benefit of that in my opinion would be, it's a low, low impact on the area, minimal traffic because it is not like a shopping center. This was the intent for the roadway in the first place to be able to service all that. If the parcel that is to the west comes in, in the future, it would have to be required that they reconnect the roadway going over to Shoecraft and that is the only way we can get around this. This still exits onto Ridge Road the way you are presenting it and the other parcel would have to connect over to Shoecraft. That is the only way if would have used them. Am I right or wrong?

Brian McKinnon: Correct and the other this is that the rear of our proposed development we have an easement with the apartment community in the back as well as with who used to be Conifer who built the senior housing so by having that easement we can have a rear access to our site so we have 2 accesses to our storage facility, one part through the station around and in the back and the easement we have to this property. That was I guess, good planning and secondly is the Ridge Road curb cut. The other thing that I would like to add is, with working things out with Bruster's which we had multiple discussions with and emails, we are not going to be asking the board in the future for approval for a curb cut for that 1.25 acre parcel on Ridge Road next to ESL that is currently available for development. We have worked it out with Brusters that we are just going to use the current curb cut so they maintain their curb cut and they have access around the back to their property and then back out to the new curb cut that we are putting in and we have an easements. So, again today, for what Matt and I can deal with because we weren't here in 2015, we are just planning what is best for everybody including the town. So, we are not

going to be coming in and asking for another curb cut for the vacant parcel. Bruster's curb cut will service that parcel and I think that is a benefit to the town also in terms of Ridge Road. The reality is that the Conifer Senior Housing Development uses Harmony Station behind ESL and up and around. The Webster Green Apartments, go to the light at Harmony Station and go up and around that go to their 85-90 apartments. That has been going on for 10 years and Bruster's have their own curb cuts and we are asking for a curb cut for our storage facility and the gentleman that bought the parcel to the west, we have no impact on that and we don't own it and nor do we own the funeral home or anything else, so.

We are just trying to plan a nice property around what we have control over and the flow of traffic we completely accommodate right now from Harmony Station and right to the back through the apartments and through the new curb cut to the storage facility of which Brusters gets the benefit of that. But so, does Mr. Giangreco. He gets to benefit the curb. So, the new curb cut will benefit the storage facility, it will benefit Brusters and it will benefit Mr. Giangreco to the extent he will ever develop his. So, I don't want to speak for him, not should I but, you know have potential curb cut that really services 3 projects and in theory could service the one to the west, Mr. Giangreco if the board so chooses to make a decision on with what they want to do with curb cuts in the future.

Mr. Casciani: So that piece that is towards the west is Giangreco's?

Brian McKinnon: Correct

Mr. Casciani: That could connect to your curb cut?

Brian McKinnon: It is. Our road goes right there

Mr. Casciani: Do they have right to use it?

Brian McKinnon: Oh yes. Literally we are going to give them an easement to use, we are giving Brusters and easement,

Mr. Casciani: And an easement would be given to the property to the west of you.

Brian McKinnon: Totally.

Matt Newcomb: (not using the mic) Mr. Casciani, we opened up the easement that is adjacent basically an access easement so if Giangreco comes in for development and he has the ability to or has an easement access the funeral home could access through that so the easement is open for access to neighboring properties is not restricted to just these 2 properties. It is open for if the funeral home ever has the to tie into it, they can as well.

Mr. Casciani: Ok, the best I can see out of this is a compromise and what they are showing and if this is used for a few of the parcels there to utilize that same curb cut, what more can we get out of it. We can table it and go digging into plans, drawings, and minutes and what are we going to find, we don't even know. We have had this project in, and it is a descent project and again, I

think the original savor for it was the fact that is was lower volume operation. Very low operation traffic wise. So, you guys talk, what do you want to do?

Derek Anderson: The easement you were just talking about, where is that actually shown on the plans?

Matt Newcomb: (not using the mic) So it is a proposed access easement to the Town of Webster and to INAUDIBLE 1035 Ridge Road and 1031 Ridge Road and 1041 Ridge Road.

Derek Anderson: And that is for utilizing the driveway?

Matt Newcomb: (not using the mic-showing on the plans) so that gives this parcel, this parcel, or this parcel to tie into.

Derek Anderson: So, do we have to take the word proposed out of there?

Matt Newcomb: (not using the mic) Well, we will have to file. We will have to file the easement as part of the approval. So, INAUDIBLE new descriptions INAUDIBLE

Mr. Casciani: So, if we move forward with the preliminary do, we then need to show before a final approval that show these easements onto this property or what?

Matt Newcomb: They are already there. They are already proposed on the map. We need the final approval to be able to file but we also need the final signatures from the town on mylars before we can pull a building permit . So, what typically happens is the easements get filed before we get final signatures from the town to pull a building permit so it going to INAUDIBLE

Derek Anderson: The think that makes me kind of worried about that is we got a drawing that had proposed easements on it but this one says proposed easement

Matt Newcomb: Well it is in the conditions

Derek Anderson: It was in the conditions before

INAUDIBLE

Josh Artuso: We require the proof of easement filing now prior to attending preconstruction meetings and permits. That is our policy so. If you are worried about that, don't

Mr. Casciani: You have that covered

Josh Artuso: Yes

Raja Sekharan- This project originally came in 2010, it was Type I, right?

Matt Newcomb: I have no idea.

Raja Sekharan: The amount of acreage involved here and the water, I would bet my Indian ancestry on it.

Matt Newcomb: I don't know

Raja Sekharan: If that is the case, now you are coming in with a different project with segmented parcels . We should do SEQR all over again.

Matt Newcomb: We did SEQR as part of the use variance

Raja Sekharan: Present it as an UNLISTED ACTION. Re do that to cover out bases here because I am looking at 228-8 and I am not conceding anything on behalf of the town, absolutely nothing ok, I want you to know that.

Matt Newcomb: Sure

Raja Sekharan: But it does say without conceding anything on behalf of my client, that if more then 6 months have at last since the time of the Planning Board action on the preliminary site plan order that the Planning Board finds that condition have changed significantly in the interim the Planning Board may require a re-submission of the preliminary site plan and an additional public hearing for further review and possible revision to accepting the proposed final site plan for review.

Matt Newcomb: We never received preliminary approval.

Raja Sekharan: Right, that is what I am saying we can start fresh. Do an UNLISTED SEQR review but you have to make a decision that things have significantly changed. Which it seems like it has.

Matt Newcomb: It has not significantly changed

Mr. Casciani: Well same exact feel

Matt Newcomb: It is the same exact project.

Mr. Casciani: But the intent for what you are proposing is less impact then what was originally thought to happen anyway.

Raja Sekharan: But that is assuming that there are no final minutes for the original project

Matt Newcomb: But SEQR determination that you are referring to be several years ago, not 6 months ago.

Raja Sekharan: It has been more then 6 months, that is my point.

Matt Newcomb: But we redid it as far as the use variance.

Raja Sekharan: We didn't get that.

Matt Newcomb: INAUDIBLE

Mr. Casciani: Well, they did

Raja Sekharan: You have to resubmit for our board purposes so that our record is clear

Matt Newcomb: Resubmit for what ? So, do SEQR again?

Raja Sekharan: Yes

Matt Newcomb: I don't know why we would. I don't think we can do that.

Raja Sekharan: Why couldn't you do that?

Matt Newcomb: Because we have already done SEQR. We did SEQR as part of the use variance.

Mr. Casciani: They went to the Zoning Board to get a use variance for the project.

Raja Sekharan: That is that board not our board.

Mr. Casciani: Well, we could make a determination here as an UNLISTED ACTION

Raja Sekharan: INAUDIBLE

Mr. Casciani: INAUDIBLE and move on with it. What are we going to do, nothing is going to change. I think that would be adequate.

Raja Sekharan: You can still do it.

Mr. Casciani: Yeah, it might be a good idea just for the record that we did do it.

Raja Sekharan: But that is assuming that there was no final approval on the original project, right? There are no minutes, there is nothing.

Mr. Casciani: No, we are basing it on now forget what we got in the past. We are basing it on what is in front of us right now. That parcel of land as the proposal for preliminary approvals so SEQR would be on what they are proposing for the preliminary approval.

Raja Sekharan: I am ok with that.

Mr. Casciani: Alright. Again, this was a tabled hearing if there is anyone wishing to speak either for or against this project .

Derek Meixell: When this whole project was split up was the Brusters curb cut always supposed to be there?

Derek Anderson: No

Matt Newcomb: I believe so

Derek Anderson: No

Dave Malta: Brusters was supposed to disappear when this access road came in.

Derek Anderson: When you read the conditions for the preliminary approval in 2015 the Brusters driveway was supposed to go away and a new driveway was supposed to be constructed for access to the 2 properties.

Matt Newcomb: Right, but then the one Part of how we are mitigating that if we were to eliminate Brusters curb cut then the 1.25 acre parcel needs a curb cut so what we are trying to do to mitigate that is do a shared access between the 2 of them and there is also a proposed easement which you can build into which you guys have a map and legal description of that provides access for both those parcels.

Derek Anderson: There is a lot R1-2 and that already has a curb cut.

Matt Newcomb: Right. (not using the mic) that is behind Brusters

Derek Meixell: That would have required more substantial access

Derek Anderson: Brusters is R1-B

Matt Newcomb: So R1-C is the one to the left to the east of that.

Derek Anderson: No

Matt Newcomb: (not using the mic) Yes, Brusters is RB-1A and the one to the right of that is R1-C2

Derek Anderson: Alright so here is another problem then. This map that was filed is not the same map that you are showing on here.

Matt Newcomb: It is because what happened

Derek Anderson: The numbers are different

Matt Newcomb: They are different because (both parties speaking at the same time) they are divided out

Derek Anderson: Even this property line is different.

Matt Newcomb: They are different because that parcel since has been subdivided out, that front parcel which is why it is R1-C2 . (showing on the plans) this parcel up here was subdivided out and this whole parcel here was R1-C and this was subdivided out and this is R1-C1 and this is R1-C2 now.

Derek Anderson: When was that subdivided?

Josh Artuso: I think that was back in the fall of 2020 I believe.

Derek Anderson: It was done administratively?

Josh Artuso: Yes

Derek Anderson: So, now we have the town doing administrative subdivisions of a development that was part of an overall development , that doesn't help.

Josh Artuso: The code calls for administrative subdivisions involving.

Derek Anderson: Yeah but this was part of an overall multiple lot subdivision. For the town to take action on its own administratively to piece out one part of the overall development is not consistent with the original plan for the site

Matt Newcomb: That wasn't done to

Derek Anderson: It wasn't done correctly

Matt Newcomb: It wasn't done to stiff arm the town; it was done because this parcel is a lot more marketable for a sale standpoint when it was subdivided out and not part of this

Derek Anderson: No, my point is that this whole development at this point has a significant amount of administrative problems associated with it and this parcel should have never been subdivided out administratively. It is part of the overall development. It is the only way to keep track of the overall development from the original concept and by taking little pieces out without going back to any of the boards that would have knowledge and staff has changed but this should have not been subdivided out in the first place.

Brian McKinnon: (not using the mic) That is beyond our control INAUDIBLE

Matt Newcomb: We followed the process

Brian McKinnon: (not using the mic)We spent many, many years trying to get use of that development with most of this being land locked in the back as you can see with very little access. We had to make a very strong case to the Zoning Board for why we should be granted a use variance even in itself and one of the actions that made sense to them was that by subdividing that parcel in the fall per Josh at least we had a commercial site that was marketable as opposed to 5 acres in the back that you could only get out with a 50 foot curb cut and nobody

wanted it so we were granted the variance. That created a positive in my view for the town which is now a very substantial piece of real estate there that the town might benefit from

Derek Anderson: When did the Zoning Board issue the use variance?

Mr. Casciani: Oh, that was just a short awhile ago. It's been within a year here.

INAUDIBLE (everyone speaking at once)

Derek Anderson: September 21 the original plans that I got for concept here is dated September 21, 2020

Matt Newcomb: (not using the mic) That is when we completed it and when we made application it was probably November. October or November so and I don't believe we got approval until December probably. It has been less than 6 months.

Mr. Casciani: You know what, we can go all night with this thing. We are going to end up making a combination of apples and oranges and I think we need to stick with what we've got right now. Deal with. It has been subdivided whether we like it or don't like it. There is a proposed lot R1A, R1B in the front those are saleable parcels and they are large enough that they are not substandard; they are large enough for a development and we have to deal with what we have. This, I agree with what you are saying Matt, it is in the back; it's a separate piece and it wasn't a highly usable piece because it is just part of the overall. It would be nice if the front was developed with storage or whatever. This is one unit sitting on the back of that property on it's own and the reason we went along with it was again, low volume of traffic and I think we just to need to work with what is in front of us and move on with this thing.

Raja Sekharan: Before we go forward, the Planning Board does not want me to look into the legal significance of the filing of the subdivision map with the clerk, which received preliminary but not final approval?

Mr. Casciani: We don't know if that is a fact. We just don't have a record of that. I mean could it be somewhere in the archives down there INAUDIBLE (both parties speaking at the same time)

Raja Sekharan: INAUDIBLE look into that issue?

Mr. Casciani: I don't think we have to bother. I think we should just move forward with what is presented here right now.

Josh Artuso: I just noticed something in the minutes from the April 21, 2015 meeting. The Planning Board did make a motion for the final subdivision approval not the site plan approval, so it is right here. They did grant final subdivision approval on April 21, 2015.

Mr. Casciani: Ok, so there was record to it then.

Josh Artuso: Yes

Mr. Casciani: That simplifies things a little bit. Alright, anybody have any questions, concerns? What do you want to do with this?

Dave Arena: You know, a lot of other parcels were approved with a memo of understanding about that road

Mr. Casciani: Yes, Raja mentioned that earlier. As far as that memo of understanding and I think with that we just have to discontinue or just abolish that. Just take that right off.

Raja Sekharan: They never filed so

Mr. Casciani: Just discontinue using that

Dave Arena: So different parcels that were approved like for instance Wendy's, that was approved with that road on their map, correct?

Raja Sekharan: Correct

Dave Arena: So how does that all fit in? Does that make it null and void?

Derek Meixell: Do they have recourse of saying, hey, you're not going to build this road you said you were going to build? I would be INAUDIBLE (everyone speaking at once)

Mr. Casciani: You are talking INAUDIBLE (everyone speaking at once)

Dave Arena: Because the road on their site map

Matt Newcomb: That wouldn't have been approved with our particular site in mind because it is 2 different projects and 2 different properties.

Derek Anderson: It actually was.

Brian McKinnon: (not using the mic) How could they have approved something they can't control?

Matt Newcomb: Yes, there is no way that you could approve something that is on someone else's property.

Derek Anderson: Because it is overall development and at the time was tying into that parcel .

Matt Newcomb: I don't know how Wendy's was able to get their approval for their parcel and for approval for a roadway on another road on another parcel that they don't own.

Derek Anderson: This project has always had the access road on it.

Matt Newcomb: Yeah but there is no approval

Derek Anderson: This project predated the Wendy's project.

Matt Newcomb: Right but we are not INAUDIBLE

Derek Anderson: When Wendy's came in this was the overall plan for putting in the access road and so they did their part of building their section on it knowing that it was the overall intent of this project and in time this overall development butted up to their property which would have made it possible to put it through.

Dave Arena: INAUDIBLE from that meeting it shows it going right into their project on the old site map for Wendy's

Mr. Casciani: That was the original intent of it

Derek Anderson: So that's the problem that since that the word "proposed" was put on these plans and as the site has been subdivided and sold off and easements never filed that it has created a situation where it was all promised and said we are going to do it and they never did it. So now we have a gap between the 2 projects because when the original subdivisions were done the people who filed the subdivisions didn't file the easements like they were supposed to

Mr. Casciani: And you are right, and I think it is something that we can't change though.

Derek Anderson: There is nothing we can do about it now because

Brian McKinnon: Again, we are not making excuses but that predated us. We are just trying to work with the project we have in front of us now.

Mr. Casciani: As far as the road that is actually in back of Wendy's over there, that does benefit that parcel because the road is all the way to the south so they have that whole parcel that is all accessible to that road so it isn't like it is a dead end wasted piece of property. I don't even want to get into to Wendy's though.

Derek Meixell: It's too bad that the access road the goal was to have only one road or curb cut there so it's too bad that the curb cut couldn't have been on the Bruster's side and then incorporate because that would have got all your properties.

Derek Anderson: It gave access to the dentist directly from the road. There was a parcel where the dentist was going to go in and then they showed on the new plan giving him access to use the driveway and that was the intent of the original plan and they did away and I think the reason they did away with the Bruster's driveway if I remember correctly was something the DOT responded on to the closeness of access driveways and curb cuts along the road so that was something more suggested by them to get rid of that curb cut because if you go back and look at this plan that was filed the parking for Bruster's was really going to go down the entire east side of this development we have in front of us now. It has multiple areas where it says proposed parking and access easement and the eastside of the property INAUDIBLE, they do have a different agreement now for creating their own parking and access agreement in the back of the

lot to use for their driveway. From that perspective it is INAUDIBLE kind of the idea there with the exception that they are keeping the driveway into Bruster's.

Mr. Casciani: Ok, where are we going? I think we need to get back to focus on what we have right here and move with it. Actually, just to play it safe, maybe we should have another SEQR and determine it to be an UNLISTED ACTION . Pretty much what the Zoning Board did anyways. Just reiterate it just so it's on

Derek Anderson: There approval was for a use variance and wasn't necessarily for the overall project itself. It was for a specific variance on it's own.

Raja Sekharan: That is why I respectfully disagree with you . I think we have to have another SEQR

Mr. Casciani: We can just do it can't we?

Raja Sekharan: You can do it and I'm saying you should because their record isn't my record. My record is my record so I should have, and my record should be complete.

Matt Newcomb: How do we take care of that?

Raja Sekharan: How we take care of that is a different question. I am just saying my record is not reflective of the Town Boards record or the ZBA's record. I don't know what they do, and I am not defending that board. My record should be complete, that is all I am saying.

Matt Newcomb: So, you can just act on a Neg. Dec then?

Raja Sekharan: If that is what the board chooses to do, yes. You are absolutely correct.

Mr. Casciani: Again, this was a public hearing and we opened it and no one. We have gotten no calls and no one wishing to speak. We will close the public portion and bring it back for any discussion. Just go with what we got. Derek, do you want to come up with something? Do you have something there, do you want to make a generic one?

Derek Anderson: So, the project itself where all the development is going this is all outside the Federal wetland area is correct?

Matt Newcomb: Correct.

Derek Anderson: And as part of it you do have, let's see you do have bioretention areas . How are and this does kind of follow back from the original approvals on the sight, there is a storm water detention pond , what is the reason behind the bioretention area?

Matt Newcomb: So the stormwater management area is sized to handle the development which we've already addressed in some PRC comments however we still need to meet the NY DEC requirements for info structure because they are newer guidelines so that is the intent for the bioretention area is to cover that.

Derek Anderson: So that is covering new regulations that have come up since the original approval?

Matt Newcomb: Correct

Derek Anderson: Is the bioretention area handling a portion of the flow or all of the flow?

Matt Newcomb: A portion of it.

Derek Anderson: Does it ultimately discharge to the pond?

Matt Newcomb: Yes

Derek Anderson: So that is your water quality

Matt Newcomb: Correct

Derek Anderson: Traffic aspect this is something as a board that we discussed and is clearly lower impact on traffic . Are the gates INAUDIBLE on here? You are being gated off? We talked about access to the back . The access to the back is really just limited to the people who utilize the storage facility .

Matt Newcomb: Correct.

Derek Anderson: It is not the intent and I want to make sure everyone is clear on this. It is not the intent to leave the gates open so that the people that are visiting the businesses of the front could go out the backway to avoid doing a left-hand turn onto Ridge Road

Matt Newcomb: Correct.

Derek Anderson: Ok, it will be blocked off. Lighting on the building, is the whole site lit?

Matt Newcomb: We provided a cut sheet and we also provided a site lighting plan.

Derek Anderson: I see the lighting, is that always on or just a timer?

Brian McKinnon: (not using the mic) we are going to have motion sensors when you drive down the road it will light up that road for the building but if you are not in boarding the property others rows will not light up . The security lighting is on all the time. So, it will be securely lit but it won't be fully lit 24/7 when lights don't need to be on, and they are all down lit.

Derek Anderson: So, the visibility of the development. It is a 3-story building and surrounded by single story lower units and on the back side we do have the apartment complex with a couple of them that look directly towards this development. I see light poles and I believe that is what I see. They are the NS5 that is on your drawing C106 . They are light poles they are not tree right?

Matt Newcomb: Correct.

Derek Anderson: Are those lights always going to be on too or INAUDIBLE

Matt Newcomb: INAUDIBLE

Derek Anderson: And so, any kind of visual barrier between the residential area and the back side of this development there are existing trees are you proposing anything else on the backside?

Matt Newcomb: We are not and part of the reason and I believe when we met with Joe Herbst, we talked and there are some utilities back there and the concern was inundating the utilities with roots so we didn't show anything significant back there. So, we are trying to use the existing trees that are there now.

Derek Anderson: Now it does look like you are putting some drainage structures back there too?

Matt Newcomb: Yes ,that is just too... Currently the drainage goes through the center of the site and just to re-route it around the outside site.

Derek Anderson: And then the drainage easement site that you are in are you proposing to abandon that ?

Matt Newcomb: Well, relocate . Abandon the existing easement and provide a new easement for the drainage.

Derek Anderson: It says remove existing catch basin and storm lines and relocate easements. How is that, I can see it on it but step through it of how that is going to be relocated.

Matt Newcomb: (not at mic) So, it will be on the south side. So, currently the storm water goes just like this (showing on the plans) and connects up with this pond and now it will go around the development, so it won't go underneath the building.

Derek Anderson: Ok, there is adequate space for slope and fall and for bringing on because it does have a 12-inch storm line coming in from off site and you are putting in a 12 inch INAUDIBLE which is technically smaller in the inside but that is neither here or there. So, just to reiterate to it sounds like some of the feedback that the applicant has received for trees for visual barrier along the back is not desirable because of possible conflicts with utilities in the area? Is that something as a board that we are comfortable with? And realizing once this is done this whole site is going to be graded down to a swale that goes to catch basins and will have light poles on it and so effectively the INAUDIBLE that are back there will have 4 trees that are currently on the site spaced widely and that's going to be the only visual barrier between the apartments and the backside of this building? Keeping in mind to that the back side of the building is corrugated steel

Mr. Casciani: Yeah that's plain right

Derek Anderson: So that is something that we are comfortable with?

Mr. Casciani: Well, you got the drainage coming around the backside of it

Matt Newcomb: There is also a water main through there as well.

Mr. Casciani: What does it show on the landscape drawing, anything?

Derek Anderson: That is what I was just saying, on the landscape plan which I believe is your C106 the landscape INAUDIBLE plan, it doesn't show any new trees on there with the exception of 2 on either side of the driveway. You have 2 new ones on either side of the driveway? Am I reading that right?

Matt Newcomb: Yes

Derek Anderson: And then there are 4 other existing trees on the back .

Mr. Casciani: So, what are you suggesting increase the landscaping?

Derek Anderson: I am just pointing it out for board discussion. The backside is going to be quite visible to the apartment . Like it is now. I mean you go up there and you can see to the apartments pretty clearly.

Mr. Casciani: The water retention or swale area covers quite a bit of that. Is there any room? They have to be somewhere in the low part, what is the elevation, 450 the top of , it looks like. So, somewhere between there and the road. That's all you've got right, narrow strip there, correct?

Matt Newcomb: There is a water main through there to, so it goes water, storm and then basically the edge of our pavement

Mr. Casciani: So, then I guess the question is, is there any... Can you put any landscaping in there? Do you see any place that you can put it to increase the landscaping?

Matt Newcomb: Yes, if we can we certainly will but again, at the initial PRC meeting that we had with the Highway Superintendent, he was concerned about the utilities with the trees so that is why we don't show it.

Mr. Casciani: It is showing the trees and they look like they are right in there.

Matt Newcomb: They are existing.

Mr. Casciani: Ok, so will they stay there, or will they be removed?

Matt Newcomb: We intend on leaving them.

Derek Meixell: Are they in front of the berm or behind the berm that are existing right now?

Mr. Casciani: Ok, so where those trees are there are 5 trees and where those 5 trees are is actually are at the lowest depth of that detention area so that won't work well will it?

Matt Newcomb: They are existing

Mr. Casciani: I know that is what I am saying, they are not even going to make it.

Matt Newcomb: They are doing fine now.

Mr. Casciani: Is that swale there now?

Matt Newcomb: Yes, it is there now.

Mr. Casciani: Ok, so that is not going to change.

Matt Newcomb: Correct.

Brian McKinnon: If the board would like for us to work with the gentleman from DPW or Public Works...Joe Herbst. If the gentleman that works for you that said we should stay out of that area wants to meet us on sit and he is comfortable with us putting trees in specific areas, we will gladly do that. I mean we have 90 apartments behind us that might be customers so none of them are here complaining nor is the owner but we are not looking not to be good neighbors so if the town approves of the location of some spruce trees or something that we can put in we will gladly do that.

Derek Anderson: Again, I just pointed it out for board discussion.

Brian McKinnon: I don't want to make a decision that the town said you might want to avoid that area. We are happy to work with the board if it is a condition on your approval with the Public Works I believe.

Derek Anderson: You mentioned, is there a way and I am just not clearly seeing it on the plans for continued foot traffic from this residential building area up to the Bruster's property ? Because right now I am seeing that the fence is going right up to the property line and people cut across there now and it does have the old driving range out there and some other pavement that they tend to walk across and people have driven it. You look ariel footage and it claims it has a road that goes through there and it even has a name

Brian McKinnon: INAUDIBLE secure facility

Derek Anderson: INAUDIBLE so we wouldn't want people going through it.

Brian McKinnon: From a liability standpoint and Mary from Bruster's also made a good point, that the pond to the west with children and what not that might and being between her business

we don't want to encourage people to wander around the property so we told Mary we were going to have a secure facility with fencing as you can see from our submittal and that probably makes sense. There is a lot of places where people could get lost in there and we don't want to encourage any of the loitering.

Derek Anderson: Part of the reason I asked, when it initially came back in and I believe as Mary mentioned it, when they purchased the property they had the understanding that there was going to be a different type of development and there was a concern that there was going to be impact on the business itself. Right now, though, it sounds as though with a secure facility the possibility of people coming through from back there, you are ok with that. I don't want to put you on the spot Mary, I see you sitting back there in the back...

INAUDIBLE. (someone speaking from the audience not at the mic)

Derek Anderson: So right now, there sounds like there isn't a lot of foot traffic coming from that area so there really wouldn't be any kind of justification for a walkway or a trail that goes around the development.

INAUDIBLE. (someone speaking from the audience not at the mic)

Mr. Casciani: You probably answered this before, what kind of a fence, I forgot what you are putting up.

Matt Newcomb: It is a picket and I have a copy of the cut sheet

Mr. Casciani: That's ok, it's not a wire fence or anything like that.

Brian McKinnon: All ornamental.

Mr. Casciani: Alright, I think we beat this one to death. We closed the public hearing on this, so you want to do a SEQR on this, go ahead.

Derek Anderson:

TOWN OF WEBSTER PLANNING BOARD RESOLUTION
1041 RIDGE ROAD – WEBSTER GOLF TEE STORAGE FACILITY
SBL# 079.08-1-14
SEQR – UNLISTED ACTION
5/4/2021

The Town of Webster Planning Board considered the request by LS Webster Ridge Rd LLC, to construct a self-storage facility consisting of eight (8), 1-story buildings and one (1) three story building on a 5.93-acre site having SBL #079.08-1-14 located at 1041 Ridge Road.

The Planning Board determines that the proposed action is an Unlisted Action based on the following:

1. *Action includes approximately 84,000 sf of buildings, which exceeds the 4,000-sf threshold for a type II action as defined by Section 617.5(c)(9) for non-residential structures.*

The Planning Board determined that the action is subject to a single agency review pursuant to Part 617.6(b)(4) of SEQR and that it is the most appropriate agency for making the determination of significance. The Planning Board therefore designates itself lead agency for the proposed action.

The Planning Board has given consideration to the criteria for determining significance as set forth in Section 617.7(c)(1) of SEQR, and has

1. considered the information contained in the Short Environmental Assessment Form Part 1 dated February 16, 2021,
2. considered public comments directed to the Planning Board during the concept review meeting on October 13, 2020,
3. considered public comments directed to the Planning Board during the Public Hearing on April 6, 2021 and
4. completed Part 2 of the Environmental Assessment Form.

NOW, THEREFORE, BE IT RESOLVED that the TOWN OF WEBSTER PLANNING BOARD hereby determines that the proposed action will not have a significant adverse effect on the environment for the reasons set forth in the attached Notice of Determination of Non-Significance; be it further,

RESOLVED that the TOWN OF WEBSTER PLANNING BOARD is authorized to take all actions reasonable and necessary to file the Negative Declaration and discharge the TOWN OF WEBSTER PLANNING BOARD'S responsibility as lead agency for this action, be it further,

RESOLVED that the TOWN OF WEBSTER PLANNING BOARD, based on the information and analysis above, the referenced supporting documentation, and discussions of the action by the TOWN OF WEBSTER PLANNING BOARD as documented by the Minutes for this meeting, that the proposed action WILL NOT result in any significant environmental impacts, be it further,

RESOLVED that the TOWN OF WEBSTER PLANNING BOARD, therefore makes a DETERMINATION OF NON-SIGNIFICANCE, be it further,

RESOLVED, that the TOWN OF WEBSTER PLANNING BOARD, based on the above reasons issues a NEGATIVE DECLARATION as evidence of its determination.

NOTIC EOF DETERMINATION OF SIGNIFICANCE

The Planning Board has reasonably concluded the following results for the proposed action, when compared against the criteria in Section 617.7(c):

1. The proposed action will not have a substantial adverse change in air quality since it does not include a regulated emission source.
2. The proposed action will not have a substantial adverse change in ground or surface water quality or quantity since it incorporates water quality control measures for runoff.
3. The proposed action will not have a substantial impact on the public water supply since it does not include water use.
4. The proposed action will not have a substantial impact on the public sewer system since it does not include sanitary facilities beyond the existing septic system that serves the existing residence.
5. The proposed action will not have a substantial adverse change in potential for erosion, flooding, leaching or drainage problems. Construction practices will conform to accepted storm water management and controls.
6. The proposed action will not have a substantial adverse change in existing solid waste production since the proposed action is for storage facilities do not produce significant amounts of solid waste.
7. The proposed action will not have a substantial adverse change in existing noise, odor or light since the structures are consistent with the character of the surrounding area and lighting is directed to the interior of the site, between buildings. A temporary increase in noise levels consistent with normal construction activities is anticipated during construction.
8. The proposed action will not have a substantial adverse change, or cumulative change in traffic since the proposed action is for storage and will not attract high volumes of traffic.
9. The proposed action will not have a substantial adverse impact on the criteria listed under Section 617.7(c)(1)(ii) of SEQR because no habitats or threatened or endanger species were identified on or contiguous to the proposed site.
10. The proposed action is not located in an area designated as a Critical Environmental Area by the Town of Webster or New York State pursuant to subdivision 617.14(g) of SEQR.
11. The proposed action is not in material conflict with the Town of Webster 2008 Comprehensive Plan.
12. The proposed action will not create an impairment of the criteria listed under Section 617.7(c)(1)(v) of SEQR since the action is not located in or adjacent to the listed resources and is in character with the surrounding community.
13. The action will not result in a major change in the type or use of energy since the action is for storage space that uses small amounts of energy.
14. The action will not create a hazard to human health since it does not contain nor is it located adjacent to existing sources of hazardous substances or contaminants. The project does not contemplate the use or storage of hazardous substances or contaminants. The site is located within 2,000 feet a NYSDEC listed remediation site; site ID #828178, which is an active RCRA site at the Xerox facility, north of the site, across NYS Route 104.

- 15. The action will not create a substantial change in use of the land since the action is consistent with zoning for the land, the existing community character, and the Town of Webster 2008 Comprehensive Plan.
- 16. The action will not attract a large number of people for more than a few days when compared to taking no action since the action is for private use. and does not create areas that will attract a large number of people.
- 17. The action will not create a cumulative impact on the environment as listed under 617.7(c)(1)(x), (xi), and (xii) of SEQR.

RESOLUTION 21-034

Mr. Anderson made a motion to **UNLISTED ACTION** which was seconded by Mr. Arena.

VOTE:

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

RESOLUTION 21-035

Mr. Casciani made a motion to **PRELIMINARY APPROVAL TO 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 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 which was seconded by Mr. Arena.

VOTE:

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

CONDITIONS:

1. Subject to PRC Comments
2. Subject to a Letter of Credit posted with the Town of Webster.
3. Subject to Conservation Board comments
4. Subject to Monroe County Water Authority comments
5. Subject to the determination of the ZBA for requested variances.(which were received)
6. Address any recent subdivision approvals of adjacent lands.
7. All the improvements shall be constructed according to the specification of the Town of Webster.
8. All roadway construction to be in accordance with the specification and regulations set forth by the Town of Webster.
9. All site work is to be in compliance with the standards of the Town of Webster.
10. Preserve all mature trees on site, where possible, and mark said trees by the developer's engineer prior to the commencing of any site work.
11. Comply with all requirements of any Federal, State, County or Town agency.
12. Address drainage, lighting, signage, and landscaping, buffering, berming and snow storage.
13. The landscape, hardscape, site accessories, and associated finished grading design for the development must be prepared by a NYS licensed Landscape Architect. The final landscape plans shall bear the seal and signature of the Landscape Architect.
14. Approvals are subject to Drawing No: # C101 to C106 and C200-C201

Mr. Casciani: Ok I just want to clarify somethings with you:

- The curb cut it will eventually connect over
- The property east of Bruster's that will be going will be connecting into that parcel over there
- The western access, going over to the west, there is connection for them to come into your parcel then. There will be an easement to the western properties for the curb cut for the storage facility.

Matt Newcomb: Correct, the easement

Mr. Casciani: Ok, that is what I had for notes there. Anything else?

Dave Arena: Yes, the Highway Superintendent is going to go out there about the trees and see what could be put back there.

Mr. Casciani: Oh, investigate additional landscape to the southside of the property. Ok, anything else. Ok, that would be a motion then.

RESOLUTION 21-036

Mr. Casciani made a motion to **FINAL APPROVAL TO 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 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 which was seconded by Mr. Arena.

VOTE:

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

CONDITIONS:

1. Subject to PRC comments.
2. Subject to Parks and Recreation fees (if applicable)
3. Subject to Preliminary Approval Conditions.
4. Subject to all applicable governmental fees.
5. Subject to Department of Public Works approval
6. Significant construction shall occur within one year, as deemed by the Planning Board, to expire on 5.4.22
7. The conditions of Preliminary and Final approval are depicted on the cover page of the final designed plans. This is the important part because now there will be a new building inspector coming on and I want to make sure we cover this right from the ground up.
8. **The Engineer for the proposed project shall provide a Letter of Certification that all proposed work was completed, as per Planning Board resolution of final approval, before a Certificate of Occupancy will be issued.** This is very important in my opinion because things get by and we are playing catch up later on.
9. A Letter of Credit to the Town for the project shall include the fee for the Engineer's final certification inspection of the site.
10. All storm water facilities are to be constructed first
11. Subject to resolution of the final approved minutes.
12. Approvals are subject to Drawing No:

With no other applications before the Board this evening Mr. Casciani concluded tonight's meeting at 8:15 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 M. Maguire
 JUN 16 '21 PM 1:59
 REC'D WEBSTER TWN GLK
 & Filed

