

**WEBSTER TOWN PLANNING BOARD MINUTES**

PLACE: Webster Town Board Meeting Room 1002 Ridge Road

TIME: 7:00 p.m.

DATE: 6 July 2021

**PRESENT:**

Anthony Casciani, Chairman

Dave Arena, Secretary

Derek Meixell

Mark Giardina

John Kosel

Raja Sekharan, Attorney

Josh Artuso, Director of Community Development

Katherine Kolich, Recording Secretary

**ABSENT:**

Derek Anderson; Dave Malta, Vice Chairman

**Summary overview of outcome:**

**Coastal View Subdivision Section 5**

Applicant: Lake Landing LLC

Drawing: N/A

Dated: N/A

Revision: N/A

Status: Approved: Modification of original plans. Final Approval: Must join HOA within 6 months; allow Coastal view residents passage along shoreline.

1. Subject to PRC comments.
2. Subject to Preliminary Approval Conditions.
3. Subject to all applicable governmental fees.
4. Subject to Department of Public Works approval
5. Significant construction shall occur within one year, as deemed by the Planning Board, to expire on 7.6.22
6. The conditions of Preliminary and Final approval are depicted on the cover page of the final designed plans.
7. A Letter of Credit to the Town for the project shall include the fee for the Engineer's final certification inspection of the site.
8. All storm water facilities are to be constructed first
9. All downspouts to be connected to the storm sewer system.
10. Subject to resolution of the final approved minutes.

### **Amending Coastal View Subdivision-Coastline Properties**

Applicant: HOA residents

Drawing: N/A

Dated: N/A

Revision: N/A

Status: Preliminary Approval: pending the map showing the original lot configuration of lot 125; to acquire HOA lands as an extension of their parcels to the Lake Ontario shoreline.

1. Subject to PRC comments.
2. Subject to Preliminary Approval Conditions.
3. Subject to all applicable governmental fees.
4. Subject to Department of Public Works approval
5. Subject to resolution of the final approved minutes.
6. Approvals are subject to Drawing No: VS101

### **Dock Installation**

Applicant: 1008 Glen Edyth

Drawing: N/A

Dated: N/A

Revision: N/A

Status: Approved Preliminary and Final: DOCK

1. Subject to PRC comments.
2. Subject to Preliminary Approval Conditions.
3. Subject to all applicable governmental fees.
4. Subject to Department of Public Works approval
5. Significant construction shall occur within one year, as deemed by the Planning Board, to expire on 7.6.22

APPROVED LWRP: Applicant received all DEC permits; there are no impacts to environment; meets all Zoning and Building requirements and is consistent with LWRP.

### **Westwood Estates Section II**

Applicant: Mike Damico

Drawing: N/A

Dated: N/A

Revision: N/A

Status: APPROVED FINAL: Eliminate paved access drives, stone will be sufficient; take bridges out.

1. Subject to PRC comments.
2. Subject to Parks and Recreation fees (if applicable)
3. Subject to Preliminary Approval Conditions.
4. Subject to Department of Public Works approval
5. Significant construction shall occur within one year, as deemed by the Planning Board, to expire on 7/6/22.
6. The conditions of Preliminary and Final approval are depicted on the cover page of the final designed plans.

7. 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.
8. A Letter of Credit to the Town for the project shall include the fee for the Engineer's final certification inspection of the site.
9. All storm water facilities are to be constructed first
10. All downspouts to be connected to the storm sewer system.
11. Subject to resolution of the final approved minutes.
12. Approvals are subject to Drawing No: CO1

Mr. Casciani welcomed everyone to tonight's meeting of the Planning Board of July 6, 2021.

Pledge of Allegiance / Roll Call

Mr. Casciani: We have 4 items on and actually the Coastal View for Section 5 and then amending the Coast View for the homeowners and Glen Edyth dock and Section 2 for Westwood Subdivision. Dave, do you want to go ahead and start with Coastal View.

**Dave Arena read the first application:**

**COASTAL VIEW SUBDIVISION SECTION 5:** Located at western end of Coastal View Drive. Applicant Lake Landing LLC is requesting **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 board was Mike Ritchie from Costich Engineering. Thank you, board members. We were last here; I believe in May when we presented the project and we were granted preliminary approval and we were directed to work with the Town and work on PRC comments and come back for a final. We have revised the plans based to the Town and PRC comments and submitted those back for review and as of this date, I have not heard anything new, in terms of comments. We have also submitted plans Monroe County Water Department and Monroe County Health Department, have received their comments, and have revised the plans based on their comments.

We are here seeking Final Subdivision and Final Site Approval and would be happy to answer any questions that the board may have.

Mr. Casciani: I guess the only reason we held it up you know from final was just to complete all the issues with PRC and you had everything else. Everything that is in these PRC notes, do you want to run through them quick, you can just for the public. (hands Mike Ritchie list of PRC comments to read out loud in case of any question)

Mike Ritchie: Number one is listed as a hammerhead as a 100 feet, should be 120 feet north and south and we have revised that hammerhead to be 120 feet north and south, per the Towns requirement. The revised configuration works better now. Noted.

Grading comment, median guiderail assessment now that the grading and setbacks have changed. We have added a guiderail along the southern portion of the right of way and I believe it is a 150 feet or so just kind of where that embankment gets a little steeper. We don't expect much traffic because I think it is a dead end cul de sac, but it is a good safety measure. Stormwater, there is no information about the pond, need to know the capacity. The stormwater pond was constructed in 2003 and expanded in 2006 based on full build out of the entire subdivision. The final section is proposed as 9 single family homes instead of the preliminary design which consisted of 35 townhouses which in our conclusion is a reduction below the preliminary design so in our opinion, no further design or improvements are required. Another comment, the back of the lots needs to be drained towards the lake or guarded towards the road. Should be addressed in a SWPPP and does not have the town does not have this SWPPP for this section yet. The response is the back of the lots will sheet flow north and the front of the lots will sheet flow to the road and the house will be directed to the storm sewer via downspout connections and in other conversations with Mary, we had provided her the original SWPPP and the amendments just noting the changes in this final section. Another comment, are there easements around the pond or are they HOA maintained? And easement has been added on the pond and the easement is to both the Town and the HOA . Comment: Is the path open space or is it going to be developed we will need to have grading and erosion plan. Based on comments from the developer we have decided to remove that path from the plan so that comment is no longer valid. Another comment, a silk fence crossing the boundary line, the grading there is concerning and should not have silk fence around that protected area. The grading plan has been revised to keep silk fence out of that protected area and we also pulled back our grading even further from that 25-foot buffer to give us more room. Appendix D of the fire code is what dictates the dimensions of the turn around and our response is, the turnaround has been revised to meet the appendix of the fire code and then a couple sewer comments. The existing sanitary vault now going into S12 recommend that instead of having an inside drop just bring it right to the bench wall and make it a smooth transition and we have made that change to the plan. Then finally, can we make them move the force main that is there since it will not be used, it could be a future issue if people dig in that area. We have shown that the existing force main should be removed on the utility plan.

That was comments that were written May 25 and we sent the letter and revised plans on June 3.

Mr. Casciani: They have all be implemented into the drawing?

Mike Ritchie: They are all on the final plan and of course if the town has any house keeping comments whether it be letter of credit; signatures; we will make sure we work with Josh and Mary and get anything they need prior to construction.

Mr. Casciani: Ok, on the other side now has this now been determined to be part of the HOA?

Mike Ritchie: I will defer to Stacey. Is that correct that this section is part of the HOA correct? Yes, it will be.

Mr. Casciani: ok, we will make that a stipulation in the resolution then.

Unknown: it has been agreed that they will join the HOA and to do that, they have to send an amendment to CPS7 to the Attorney Generals office which the attorney is working on now so they have 30 days and once they get it, it will probably take a couple months to get it. So, it is in the process and they are working on it and I guess the stipulation that you are going to put in there , I guess we have to be careful how we word it because you can't stipulate that they can't start construction until you get it because that is a few months off.

Mr. Casciani: Well by the time you put the road in... so if you take a year would that cover it? Another words, within a year it becomes part of the HOA? Because nothing much is going to happen in the next 3 or 4 months .

Unknown: Planned on doing construction in the fall. A year is fine. It will probably be done in 3-4 months.

Mr. Casciani: Ok, so we will say 6 months. Will something like that work?

Unknown: Yes, should be fine.

Mr. Casciani: Asks the board if they are fine with this agreement in regard to joining the HOA.

Unknown: The attorney has been hired

Mr. Casciani: One other question I am thinking about and this is along with the other section over there and I don't know where that is going to do. Your properties run down to the water, right? Ok, if it is agreement with everyone for the other section that there is access and I don't want to say mean high water or mean low water but whatever the water level is, 10 feet from the given day when water is here, there is a 10-15 foot strip that people can go down there. They are already having a path going down there but if everyone owns their own what are they going to do with it? They are going to say I don't want you on my property. Would you be agreeable to allow people just to walk the shoreline?

Unknown: I'm fine.

Mr. Casciani: It really doesn't impact anything.

Unknown: I think the property line might stop before that anyway .(INAUDIBLE...people talking at the same time)

Mr. Casciani: You are going to stop at mean low water, right?

Mike Ritchie: Mean low water at 243 so it depends on the time of the year.

Mr. Casciani: That is what I am saying so wherever it is, would you have an issue? Forget mean high or low would you have an issue with people walking along the shoreline?

Unknown: I will double check that, but I think that is probably fine.

Mr. Casciani: I don't know what they are going to say but for whatever comes to these guys it going to be the same question . You have a pathway going down now , the HOA does to the water . If you go down that pathway and all those properties are sold then technically no one has any access other then that one little strip, do you know what I am saying? So, if I walk down there and I live in there somewhere, I am going to walk down, can I walk along and skip stones or whatever .

Unknown: It affects the current residents more because that is where the path is but the time it gets down to this end , I think it's probably not an issue.

Mr. Casciani: I don't see it as an issue

Mike Ritchie: I don't think you are going to stop people anyway.

Mr. Casciani: Exactly my point. Who is going to know what someone is doing but I want to make sure we do it legally so somebody can't put a sign up that they can't walk on it.

John Gonzalez: 1030 Lake Road. I would be concerned about extending that right to anyone in the subdivision in particular if everyone is a property owner there. So your giving them a right to walk, you give them a right to swim, you give them a right to sit on the rocks and lit a bon fire or you give them a right to kayak and sit up there or make noise there at 10:00 at night. I think you are negatively impacting the property rights of the new owners that own down to the lake and I think you want to be a little bit careful with that. Getting down to the lake and enjoying it right from the walk down and taking a kayak out there or doing whatever you want to do in that area should be sufficient but I think you might want to be careful about impacting the property owners rights and then you start running into right ways

Mr. Casciani: I don't think we are impacting INAUDIBLE you talking about INAUDIBLE (both parties talking at the same time) We did this at the bluffs, and it works, that is all I am trying to do here. There is no issue. You are coming up with things that will be 1 in a million.

John Gonzalez: Walking is one thing but that right gets extended to other things that the home owners that are sitting there watching the sun set and there is a little party going down on the lake in front of their house, it's a legal right of anyone... I don't know, I would just be concerned

Mr. Casciani: Well the access John, I believe, is just strictly for the homeowners correct?

John Gonzalez: Correct

Mr. Casciani: So, it is a private access, would you feel some of these people are going to come down to one of those houses and lit a bon fire in your yard?

John Gonzalez: Well, if you give them the right legally to have them walk all the way down then you could be creating some negative relationships members.

Mr. Casciani: We are not looking for trouble. If we say no that means you own X lot in the middle of somewhere and you could put a sign up down there and say, NO TRESSPASSING. You could block the access all the way down.

John Gonzalez: That is just my opinion.

Mr. Casciani: Lets see what happens with it.

Mike Ritchie: I think the HOA could have something to say about that to. Like you say, it is for the residents of Coastal View and I am sure they could have signs up saying, no bonfires, no damage to personal property and that sort of thing.

Mr. Casciani: It's up to them. The goal is to let them people go down and not be confined to that 25 feet or whatever or whatever it is at the bottom of the hill.

Mike Ritchie: I agree, and I think the HOA is a pretty tight group.

Mr. Casciani: Well we can get into that more. I just wanted to see if you are amendable to doing this, that's all. That is my question and that is all I want to know and everything else you have completed. Does anyone have any questions at this point?

Steve Terrigino at 1261 Coastal View Drive: Just a question on the HOA. When we were here last time and I believe its noted in the minutes that they had to be part of the HOA. While it may take 6 months or however long to get the CPS7 amended, I just want to make sure during that time frame if they do start construction, can they be held to at least the architecture standards and all the rules and regulations as they relate to the CPS7. I just don't want that gap between the CPS7 being amended and them starting construction where they are basically saying we are not officially part of the HOA. We just want to make sure that all the standards and all the rules and regulations are being met at that time.

Mr. Casciani: It's government INAUDIBLE and that is what is holding them up so I don't feel comfortable saying you can't do anything until we actually see that document, but we also can't say you can't go rebuild a house. They a go and start building and then by then they will have the paperwork so the goal we can put in, no C of O's or building permit or something until all the paperwork is in order and they become part of the HOA.

Steve Terrigino: Sure, and we are fine with them starting construction and we are amicable with an agreement that they are going to at least follow the rules. Hypothetically, if we have to wait 2 years to get this amended, are they allowed to put 3 or 4 homes up?

Mr. Casciani: No. That is why we are saying we have them 6 months are something.

Steve Terrigino: Ok, thank you.

Mr. Casciani: Actually, you know what we should do with this, they are here for final approval but I was talking to Raja and I think what we should do to have a motion because we are

modifying that original subdivision and we should probably have a resolution that we are approving the modification

**RESOLUTION 21-064**

Mr. Casciani made a motion for **MODIFICATION TO THE ORIGINAL APPROVED SUBDIVISION** which was seconded by Mr. Giardina.

**VOTE:**

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

**RESOLUTION 21-064**

Mr. Casciani made a motion for **FINAL APPROVAL** 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 which was seconded by Mr. Giardina.

**VOTE:**

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

**CONDITIONS:**

1. Final Approval: Must join within 6 months of HOA; allow passage along shoreline.
2. Subject to PRC comments.
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 7.6.22.



7. The conditions of Preliminary and Final approval are depicted on the cover page of the final designed plans.
8. A Letter of Credit to the Town for the project shall include the fee for the Engineer's final certification inspection of the site.
9. All storm water facilities are to be constructed first
10. All downspouts to be connected to the storm sewer system.
11. Subject to resolution of the final approved minutes.

Mr. Casciani: Is there anything else we need in there?

John Kosel: I have a thought on that, allowing people to walk on your property along the shoreline. Could you put a stipulation that says during daylight hours only because there was concern about a bonfire and wild parties at night?

Mr. Casciani: Well, I find it hard to believe that homeowners are going to go down in front of somebody's house and lit a bonfire. Anything is possible I suppose. I don't know. That is going to be the homeowners. They are going to want some stipulations in there. This is totally off the wall with you guys because I have 2 factions in here. Are you guys ok with something like that? (asking the HOA) You guys work it out. I don't want to get in a dictating something that comes back and bits us. Ok, that simplified that. What else do we need here. Alright, that would be the motion for final approval for Section 5.

**Dave Arena read the second application:**

**AMENDING COASTAL VIEW SUBDIVISION (COASTLINE PROPERTIES):** Located on the north side of Coastal View Drive. Kurt & Alimae Odenback #347, Ryan & Amy Cole #349, Alex & Kaley Odenbach #351, Lawrence & Susan Gamer #355, Lillian & Timothy Kelley #357, Bryan & Michelle Trombley #359, Steven & Annetta Terrigino #361, Frank & Marilyn Lane, #363, Lou Fico #365, Megan & Sharda Patel #367, Anthony Gibbons & Sonia Tumminelli #369, Robert & Jacqueline Nasso #371, Joan Elliot #373, David & Diane Bernardi #375, Deborah & Steven Murray #377, Christian Johnson & Vicki Clevenger #379, Michael & Susan Mortillaro #381, Thomas & Jacqueline Polito #383, Michael & Sharon Roemer #385, Eric Mertz #387, Douglas & Janet Krasucki #389, Ronald & Kim Tweedle #391, Trust of Haydon & Kathleen Mead #393, Carole Bubb #395, Lance & Hyacinth Drummond #397, Lloyd & Gina Cuyler #399, Gary & Margaret Figler #401, Patrick & Christine Pergolizzi #403, Kirk Simon #405; All applicants located on Coastal View Drive, are requesting **PRELIMINARY / FINAL SITE PLAN AND SUBDIVISION APPROVAL (PUBLIC HEARING)**, for the applicants to acquire Homeowner Association lands as an extension of their parcels to the Lake Ontario shoreline. Located in a WD Waterfront Development District under Sections 192-18 and 228-8 of the Code of the Town of Webster.

Appearing before the board was Mike Ritchie with Costich Engineering. I am requesting final site plan approval. This is for a total of 30 properties and 29 of them of which are current residents of coastal view and one is the existing HOA existing land. The resub division would allow these 29 homes residents to own the portion of land to the north of their property between them and the lake.

There will be a portion of the HOA land that the path down to the lake that will remain. We did receive comments from the town requesting that we revise the planning board application and submit a long form EAF and we have done that and it additionally there were some comments on the long form EAF which we have revised and resubmitted back to the town. Additionally, one of the comments for the long form EAF is that we do a SHPPO review, which we have done, and we received our response back from SHPPO today and stating that there is no affect and no further action is required. Additionally, this was sent to the county and we received a comment letter from them INAUDIBLE and pending this boards approval we would work with the town on any conditions that are set; obtaining Planning Board Chairman signature; obtain Health Department signature and then file the map to allow these homeowners to obtain that property. I would be happy to answer any questions that the board may have.

Mr. Casciani: Probably right now, my biggest issue that I am going to have with this... I am good with what you guys have and what you did with it all and cooperated that was great, and it helped us a whole lot, believe me. It was in your court to do this. One issue, that is lot number 125 right next to the easement going down . We received a letter from Mr. Merce and actually got it this morning and I went over and walked that with him and looked at the site back there and I am wondering why his property line has changed so drastically.

Mike Ritchie: That was at the request, I think of Mr. Polito. I guess there is an existing, in this area here and I haven't seen it, an existing deck and gathering space for some of the residents and they wanted to ensure that, that would remain HOA land as opposed to being on private property.

Mr. Casciani: Well, the way it was laid out the original lay our of it, I am ok with that and I think that is acceptable. This, there is a big chunk missing out of it and I don't know if you can see it up on the map there, but it totally destroyed that lot.

Mike Ritchie: Yes, this lot here, they still have access

Mr. Casciani: Yes, but that is hokey as all hell. If that was mine, I would be in here complaining, I tell you. I prefer to see that right back where it originally was that property line. No need to be taking that piece of property. That is devalued that piece of property tremendously . If everyone is buying their frontage full width, 90 – 100 feet whatever it is and this one here has a strip of land to get to his little 41-foot piece out there by a 10-15-foot-wide easement, that is bologna.

Mike Ritchie: I understand, and I will defer to the HOA President on that. INAUDIBLE. I would think that would be acceptable as long as that deck and gathering space was still owed by HOA whether it is an easement or not .

Mr. Casciani: Isn't there currently an area there now that has some benches in there somewhere

Mike Ritchie: Yes, I think the goal is that the residents would still be able to use that, and it wouldn't be on private property.

Mr. Casciani: I don't think that comes to big an issue

Someone from audience speaking out loud: that piece of land is not in question INAUDIBLE

Mr. Casciani: I guess the question is going to be is the homeowners know Mike, if that goes back to the original design of what the gentleman had which looked like a lot, this looks like INAUDIBLE. Have you guys got the drawing; can you see it there? (speaking to the board members) There is a big chunk missing. Let me just pass this along. I want to make sure you guys know what I am talking about here. (talking amongst themselves regarding lot) So, what do you want to do?

Mike Ritchie: I would be happy to work with the HOA and return it to the way it was previously shown. If the board would approve this final, it can be contingent upon providing a map that meets the Planning Boards intent and that map would not be signed by yourself until that lot configuration was to your satisfaction.

Mr. Casciani: Alright, does that work with you folks too?

Raja Sekharan: I have a little bit of a problem with that. We need to know upfront what we are doing. We can't be like whatever the people decide. It has to be what we decided.

Mr. Casciani: I want it to work for this gentleman and make his yard right.

Raja Sekharan: I have no problem

Mr. Casciani: It is the homeowner property as it currently stands, so if it is going to become his then, you know the way it shows on the other drawing it's pretty much a straight line going back but if we approve it and I can see what Mike is saying, it's got to go to the HOA to get an approval and we have some of the members here. What do you guys feel about this? (speaking to HOA members in the audience)

Raja Sekharan: I don't care, what ever the board wants to do but I need to know the intent, so the record is clear that this is what we are doing. If it doesn't pan out, then come back and will amend it but there has to be... you can't be ambiguous or ambivalent, it has to be clear on what we are doing.

Mike Ritchie: Well, could I say that the lot line will be shown as the previously submitted subdivision plan and reference the date that it was submitted and that it matches that lot configuration.

Mr. Casciani: So, you guys feel that it will be modified Ok.

INAUDIBLE... someone from the audience speaking

Mike Ritchie: No, one that was done a couple months ago

INAUDIBLE.... someone from the audience speaking. INAUDIBLE submitted in 2018.

Mike Ritchie: It is the same one I believe. It is the same one that was resubmitted initially for this application which was from 2018.

Mr. Casciani: And you guys feel, back there, you feel ok with that? Alright, then why don't we approve it subject to them providing the map and modification of that back to the original drawing.

Raja Sekharan: Do you have a copy of the map that you submitted months ago?

Mr. Casciani: Yes, we do have that. Alright, are there any other issues? Let me ask a question again, homeowners with access along there, you guys go down there you just don't want to be confined to that spot. If you want to take a walk with one of your kids down along the shoreline and somebody puts a sign up that says no trespassing, now what do we do? Then you are going to come back to the town bitching like, *they won't let us walk down there*. So, is it ok to have reasonable with, I don't know, 15 feet – 20 feet that people can walk along without any trouble? I don't know, you guys can

Dave Bernardi at 375 Coastal View: I would like the HOA to come up with some guidelines. The HOA generally comes up with a consensus on issues like this so I don't think it will be a problem.

Mr. Casciani: Ok, so if we put in the resolution that there will be access down there along the waterfront, ok?

Dave Bernardi: I think so.

Mr. Casciani: That gives us a little help and that connects it with their property and it's all one contiguous piece. Is there anything else?

INAUDIBLE-someone from the audience. Liability?

Mr. Casciani: Alright, lets leave it like that and I will let you guys work it out. I personally and I don't think the board really cares one way or another, but common sense, if you live on the water and want to walk along the water and you want to be able to get to it. Josh, any issues?

Josh Artuso: No. Everything has been addressed to our satisfaction.

Mr. Casciani: Alright. This is an amendment actually, it is listed as preliminary so if there is anyone wishing to speak for or against this application, please step up.

INAUDIBLE... someone from the audience speaking. Liability not the same as walking on rocks

Mr. Casciani: You know what, I am going to let you guys work on that. You guys can figure that out amongst yourselves. I hear what you are saying, and I hear what they are saying, so whatever you guys want to come up with. It's to benefit or discourage on your side. So, no one

wishing to speak, we will close the public hearing and bring it back. You guys are ok with everything. SEQR on this I believe has already been done on this.

Mark Giardina: **RESOLUTION**

The Town of Webster Planning Board considered the request by the following 29 Applicants to acquire Homeowner Association lands as an extension of their parcels to the Lake Ontario shoreline. All of the applicants are located on the north side of Coastal View Drive in a WD Waterfront Development District.

Applicant No.	Applicant Name	Coastal View Dr. Address	Ext. Tax ID No.
1	Kurt & Alimae Odenback	347	36.03-3-12
2	Ryan & Amy Cole	349	36.03-3-11
3	Alex & Kaley Odenbach	351	36.03-3-10.1
4	Lawrence & Susan Gamer	355	36.03-3-2
5	Lillian & Timothy Kelley	357	36.03-3-1
6	Bryan & Michelle Trombley	359	36.03-1-72.1
7	Steven & Annetta Terrigino	361	36.03-1-73.1
8	Frank & Marilyn Lane,	363	36.03-1-74.11
9	Lou Fico	365	36.03-1-75.1
10	Megan & Sharda Patel	367	36.03-1-76
11	Anthony Gibbons & Sonia Tumminelli	369	36.03-1-30
12	Robert & Jacqueline Nasso	371	36.03-1-31
13	Joan Elliot	373	36.03-1-32
14	David & Diane Bernardi	375	36.03-1-33
15	Deborah & Steven Murray	377	36.03-1-34
16	Christian Johnson & Vicki Clevenger	379	36.03-1-35
17	Michael & Susan Mortillaro	381	36.03-1-36
18	Thomas & Jacqueline Polito	383	36.03-1-37
19	Michael & Sharon Roemer	385	36.03-1-38
20	Eric Mertz	387	36.03-1-39
21	Douglas & Janet Krasucki	389	36.03-1-40
22	Ronald & Kim Tweedle	391	36.03-1-41
23	Trust of Haydon & Kathleen Mead	393	36.03-1-42
24	Carole Bubb	395	36.03-1-43
25	Lance & Hyacinth Drummond	397	36.03-1-44
26	Lloyd & Gina Cuyler	399	36.03-1-45
27	Gary & Margaret Figler	401	36.03-1-46
28	Patrick & Christine Pergolizzi	403	36.03-1-47
29	Kirk Simon	405	36.03-1-48.1

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

1. The action involves simultaneously subdividing land owned by the Coastal View Home Association, Inc. having Tax Parcel ID No. 36.03-1-65 (commonly referred to as "Open Space E") and margining said lands into existing the parcels identified above thereby extending said parcels to the Lake Ontario Shoreline and leaving the balance of existing Tax Parcel ID No. 36.03-1-65 lands owned by the Coastal View Home Association, Inc.;
2. The action does not create parcels for new construction.
3. The action does not meet the criteria for a Type II Action as defined by Section 617.5 of the State Environmental Quality Review Code.
4. The action does not meet the criteria for a Type I Action as defined by Section 617.4 of the State Environmental Quality Review code since it does not involve the construction of new facilities.
5. The action does not meet the criteria for a Type I Action as defined by Section 97.14 of the Public Health Law as the action does not need Department of Health review and approval.

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 Full Environmental Assessment Form, Part 1, dated June 27, 2021,
2. considered public comments directed to the Planning Board during the Public Hearings on June 2, 2021, and July 6, 2021, and
3. completed Parts 2 and 3 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.

#### NOTICE OF 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 construction of a regulated emission source.
2. The proposed action will not have a substantial adverse change in ground or surface water quality or quantity since the action is for the subdivision of existing lands and does not include new construction.
3. The proposed action will not have a substantial impact on the public water supply since does not include new construction.
4. The proposed action will not have a substantial impact on the public sewer system since it does not include new construction.
5. The proposed action will not have a substantial adverse change in potential for erosion, flooding, leaching or drainage problems since the action is for the subdivision of land that add lands to existing parcels and does not include new construction.
6. The proposed action will not have a substantial adverse change in existing solid waste production since the proposed action does not include construction of new facilities that may generate solid waste.
7. The proposed action will not have a substantial adverse change in existing noise, odor, or light since it does not include new construction.
8. The proposed action will not have a substantial adverse change, or cumulative change in traffic since the action merges existing lands into existing residential parcels.
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 merges existing lands into existing residential parcels.
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.

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. Use of the existing land being merged into existing residential parcels is already restricted by the Coastal View Association, Inc. board resolution that limits access to adjacent parcels.
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 21-065**

Mr. Giardina made a motion for an **UNLISTED ACTION** which was by Mr. Arena.

**VOTE:**

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

**RESOLUTION 21-066**

Mr. Casciani made a motion for **PRELIMINARY APPROVAL AMENDING COASTAL VIEW SUBDIVISION (COASTLINE PROPERTIES)**: Located on the north side of Coastal View Drive. Kurt & Alimae Odenback #347, Ryan & Amy Cole #349, Alex & Kaley Odenbach #351, Lawrence & Susan Gamer #355, Lillian & Timothy Kelley #357, Bryan & Michelle Trombley #359, Steven & Annetta Terrigino #361, Frank & Marilyn Lane, #363, Lou Fico #365, Megan & Sharda Patel #367, Anthony Gibbons & Sonia Tumminelli #369, Robert & Jacqueline Nasso #371, Joan Elliot #373, David & Diane Bernardi #375, Deborah & Steven Murray #377, Christian Johnson & Vicki Clevenger #379, Michael & Susan Mortillaro #381, Thomas & Jacqueline Polito #383, Michael & Sharon Roemer #385, Eric Mertz #387, Douglas & Janet Krasucki #389, Ronald & Kim Tweedle #391, Trust of Haydon & Kathleen Mead #393, Carole Bubb #395, Lance & Hyacinth Drummond #397, Lloyd & Gina Cuyler #399, Gary & Margaret Figler #401, Patrick & Christine Pergolizzi #403, Kirk Simon #405; All applicants located on Coastal View Drive, are requesting **PRELIMINARY / FINAL SITE PLAN AND**



**SUBDIVISION APPROVAL (PUBLIC HEARING)**, for the applicants to acquire Homeowner Association lands as an extension of their parcels to the Lake Ontario shoreline. Located in a WD Waterfront Development District under Sections 192-18 and 228-8 of the Code of the Town of Webster which was seconded by Mr. Meixell.

**VOTE:**

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

**Conditions:**

1. Map showing original lot
2. To acquire HOA lands as an extension of their parcel to the Lake Ontario shoreline
3. Subject to PRC Comments
4. Subject to a Letter of Credit posted with the Town of Webster.
5. Subject to Conservation Board comments
6. Subject to Monroe County Water Authority comments
7. Subject to the determination of the ZBA for requested variances.
8. Address any land to be conveyed to the Town.
9. Address any recent subdivision approvals of adjacent lands.
10. All the improvements shall be constructed according to the specification of the Town of Webster.
11. All roadway construction to be in accordance with the specification and regulations set forth by the Town of Webster.
12. All site work is to be in compliance with the standards of the Town of Webster.
13. 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.
14. Comply with all requirements of any Federal, State, County or Town agency.
15. Address drainage, lighting, signage, and landscaping, buffering, berming and snow storage.
16. 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.
17. Approvals are subject to Drawing No: VS101 FOR LOT 125
18. Proceed to Final Approval

**RESOLUTION 21-066**

Mr. Casciani made a motion for **FINAL APPROVAL AMENDING COASTAL VIEW SUBDIVISION (COASTLINE PROPERTIES)**: Located on the north side of Coastal View Drive. Kurt & Alimae Odenback #347, Ryan & Amy Cole #349, Alex & Kaley Odenbach #351, Lawrence & Susan Gamer #355, Lillian & Timothy Kelley #357, Bryan & Michelle Trombley #359, Steven & Annetta Terrigino #361, Frank & Marilyn Lane, #363, Lou Fico #365, Megan & Sharda Patel #367, Anthony Gibbons & Sonia Tumminelli #369, Robert & Jacqueline Nasso #371, Joan Elliot #373, David & Diane Bernardi #375, Deborah & Steven Murray #377, Christian Johnson & Vicki Clevenger #379, Michael & Susan Mortillaro #381, Thomas & Jacqueline Polito #383, Michael & Sharon Roemer #385, Eric Mertz #387, Douglas & Janet Krasucki #389, Ronald & Kim Tweedle #391, Trust of Haydon & Kathleen Mead #393, Carole Bubb #395, Lance & Hyacinth Drummond #397, Lloyd & Gina Cuyler #399, Gary & Margaret Figler #401, Patrick & Christine Pergolizzi #403, Kirk Simon #405; All applicants located on Coastal View Drive, are requesting **PRELIMINARY / FINAL SITE PLAN AND SUBDIVISION APPROVAL (PUBLIC HEARING)**, for the applicants to acquire Homeowner Association lands as an extension of their parcels to the Lake Ontario shoreline. Located in a WD Waterfront Development District under Sections 192-18 and 228-8 of the Code of the Town of Webster which was seconded by Mr. Meixell.

**VOTE:**

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

**Conditions:**

1. Subject to PRC comments.
2. Subject to Preliminary Approval Conditions.
3. Subject to all applicable governmental fees.
4. Subject to Department of Public Works approval
5. Subject to resolution of the final approved minutes.
6. Approvals are subject to Drawing No: VS101 FOR LOT 125
7. The homeowners association to work out an agreement for access along the waterfront.

*Dave Arena read the fifth application:*

**1008 GLEN EDYTH DRIVE DOCK:** Located at 1008 Glen Edyth Drive. Applicant Bill Howard is requesting **WATERFRONT CONSISTENCY REVIEW AND PRELIMINARY/FINAL DOCK APPROVAL (PUBLIC HEARING)** to allow the construction of a 4' x 50' permanent dock associated with a .35-acre parcel having SBL # 078.18-1-80 located in an MHR Medium-High Residential District under section 222-4 and 225-27 of the Code of the Town of Webster.

Appearing before the board was William Howard. I am the sole entity of the Five Star Chili Properties LLC which is located at 3313 Chili Avenue, Rochester, Ny 14624. I am seeking approval, which I hope is the last approval I need from the Town of Webster. I have the DEC permits, I think you have in front of you and the ARMY CORP and then we did do the SHPPO negative dec on that which you should have a copy of that letter so I think the only thing I am at is the mercy of Webster to grant me the permit so I can build this dock.

Mr. Casciani: Well it looks like you have all your homework done, that's for sure. What are you putting in?

William Howard: It is a Treksted . Brandon from Tight side that did the other 2 neighbors deck .

Mr. Casciani: It's floating right?

William Howard: Actually, it is permanent, but I think it will float with the water.

Mr. Casciani: Yes, you have pipes going down, but it just slips up and down.

William Howard: Correct.

Mr. Casciani: Ok, I don't know that there are any issues with it. It goes out and you are not crossing over to the adjoining properties or anything. Josh, are you OK with this?

Josh Artuso: Yes. There was originally some concern. The original proposal had the dock on a slight angle and there wasn't the required 10 feet at the shoreline, so they revised it to comply with that. So yes, we are good with it.

John Kosel: Do they need to have lights on the end of that?

Mr. Casciani: No, I think you have to have them on at a 100 feet isn't it? I think the code is a 100-foot dock that you have to have a light on it. Am I right?

Josh Artuso: Right. Over a certain threshold to meet that.

Mr. Casciani: You can put a light out there. I have one on mine. I have electric there, but the weather just beats the heck out of it, so you just get these solar lights and put it out there and it's lit up a night.

William Howard: And we would do the same.

Mr. Casciani: As long as the sun is out...(laughter) Ok, we have to do SEQR on this.

Mark Giardina:

### MOTION FOR AN UNLISTED ACTION

The Town of Webster Planning Board considered the request by Applicant, Mike Damico to install a 4' wide by 50' long permanent dock on Irondequoit Bay associated with a .35-acre parcel having SBL # 078.18-1-80 in an MHR Medium-High Residential District.

The Planning Board determined that the proposed action is an Unlisted Action under Part 617: State Environmental Quality Review (SEQR).

The Planning Board determined that the action is subject to a single agency review pursuant to Part 617.6(b)(1) 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

4. considered the information contained in the Short Environmental Assessment Form Part 1 dated June 7, 2021,
5. considered public comments directed to the Planning Board during the Public Hearing on July 6, 2021, and
6. 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.

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

The Planning Board has reasonably concluded the following results from 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 the proposed action does not include on site wells or septic systems.
3. The proposal action will not have an impact on the drinking water supply since it will not be served by public water. The action will not utilize water.
4. The proposed action will not have an impact on the sewerage or treatment system since will not connect the sewer system. The action will not product sanitary wastewater.
5. The proposed action will not have a substantial adverse change in potential for erosion, flooding, leaching or drainage problems. Development will conform to NYSDEC for storm water management and control.
6. The proposed action will not have a substantial adverse change in existing solid waste production since the action does not contain processes that will significantly increase the amount of solid waste already generated by the facility.
7. The proposed action will not have a substantial adverse change in existing noise, odor or light since the action is being developed in accordance with Town of Webster standards. A temporary increase in noise levels consistent with normal construction activities is anticipated when during construction.
8. The proposed action will not have a substantial adverse change, or cumulative change in traffic since the proposed action will not generate additional traffic.
9. The proposed action will not have a substantial adverse impact on the criteria listed under Section 617(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(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, no energy use.
14. The action will not create a hazard to human health since the dock will not produce hazardous waste.
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 and with the Town of Webster Local Waterfront Revitalization Program (July 9,1998).
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 involves an addition to an existing building 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(c)(1)(x), (xi), and (xii) of SEQR.

**RESOLUTION 21-071**

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

VOTE:

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

**RESOLUTION 21-072**

Mr. Arena made a motion to **PRELIMINARY APPROVAL TO 1008 GLEN EDYTH DRIVE DOCK**: Located at 1008 Glen Edyth Drive. Applicant Bill Howard is requesting **WATERFRONT CONSISTENCY REVIEW AND PRELIMINARY/FINAL DOCK APPROVAL (PUBLIC HEARING)** to allow the construction of a 4' x 50' permanent dock associated with a .35-acre parcel having SBL # 078.18-1-80 located in an MHR Medium-High Residential District under section 222-4 and 225-27 of the Code of the Town of Webster which was seconded by Mr. Meixell.

VOTE:

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

**Conditions:**

1. Based on all the information we received, the drawings, how it's built, applicant has received all of his permits as applied for.

**RESOLUTION 21-072**

Mr. Arena made a motion to **FINAL APPROVAL TO 1008 GLEN EDYTH DRIVE DOCK**: Located at 1008 Glen Edyth Drive. Applicant Bill Howard is requesting **WATERFRONT**

**CONSISTENCY REVIEW AND  
PRELIMINARY/FINAL DOCK APPROVAL  
(PUBLIC HEARING)** to allow the construction of  
a 4' x 50' permanent dock associated with a .35-  
acre parcel having SBL # 078.18-1-80 located in an  
MHR Medium-High Residential District under  
section 222-4 and 225-27 of the Code of the Town  
of Webster which was seconded by Mr. Meixell.

VOTE:

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

**Conditions:**

1. Subject to PRC comments.
2. Subject to Preliminary Approval Conditions.
3. Subject to all applicable governmental fees.
4. Subject to Department of Public Works approval
5. Significant construction shall occur within one year, as deemed by the Planning Board, to expire on 7.6.22

Mr. Casciani: And since this is in the local waterfront revitalization, we will make a motion since this is in the LWRP and based on a comprehensive review.

**RESOLUTION 21-072**

Mr. Casciani made a motion to **APPROVED  
LWRP TO 1008 GLEN EDYTH DRIVE  
DOCK:** Located at 1008 Glen Edyth Drive.  
Applicant Bill Howard Applicant has received all  
NY STATE DEC permits; there are no impacts to  
environment, sewer, traffic or water; the project will  
not detrimentally impact Town water lands or  
streams, flood lines or shorelines, public utilities  
and services are adequate to meet the needs of the  
proposal. It is not contiguous with any environment  
area that is a problem and will not affect any  
endangered species, plant life or agricultural sites  
and the project is consistent with the Town of  
Websters LWRP and the project meets all Zoning  
and Building requirements and will minimize  
erosion hazards which was seconded by Mr. Arena

VOTE:

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

**Conditions:**

1. Subject to all PRC comments

*DAYE ARENA*  
**(Mark Giardina read the sixth application)**

**WESTWOOD ESTATES SECTION II:** Located on the west side of Salt Road north of Schlegel Road. Applicant Mike Damico is requesting **FINAL SITE PLAN AND SUBDIVISION APPROVAL** for Section II of Westwood Estates involving the development of 32 single family homes / lots on a 20.2-acre area consisting of SBL #'s 050.04-1-71 & 050.04-1-72.11 located in an R-3 Single Family Residential District under Section 192-19 and 228-8 of the Code of the Town of Webster.

Appearing before the board was Matt Thompson with Marathon Engineering and Mike Damico with Combat Construction as well. So, we are here for Section II of Westwood Estates and it's a total of 33 lots. There have been no changes since he came before this board a couple years ago now for preliminary and final of Section 1 with the exception of the modification of lots 218 and 217 to leave the old club house building on that side of the road and create a lot that was in compliance for that parcel. Mike has a buyer interested in buying that building and turning it into a residence there. So, instead of demoing it we made that slight modification to the submitted materials. Section 2 is really in the middle of the property and it extends Alissa Way and Alyson Lane for the secondary access out to Salt Road. We did appear and the PRC meeting about a week ago with town staff and the chairman was there as well to discuss some comments for section 2 specifically and there were a couple of comments that we agreed to make modification on and work with town staff. One of which was modification to a couple of manholes to allow for future connection potentially across Salt Road in the future and the developers agreed to do that. There was also some discussion about removing a couple of drainage easements that maybe superfluous at the rear lots that the Highway Superintendent wants to change so when we bring in the final mylar for signature, we will have that opportunity to have that discussion with him and tailor those easements exactly how he would like them for town easement.

There was also a lot of discussion about Section 1, some of the open space and our intention and I think there was some research Josh was going to do potentially relative to. The preliminary overall, again just to leave it exactly the way had it approved. We got SEQR done as part of the preliminary overall and I am sure this board remembers we had quite a bit of discussion with neighbors very interested into the project and I think folks are satisfied with how that turned out and we are looking forward to moving with Section 2 in the near future so Mike can get the info structure in prior to winter conditions and we can move forward with the home builder getting



some homes sold over there. So, with that I would like to open it up to the board for any questions and hopefully we can answer all them tonight.

Mr. Casciani: So, at the PRC meeting there was some discussion about some outstanding issues with the barrels that needed to go in or the manholes.

Matt Thompson: Section 1 manholes yes. There were 2 manholes that needed to be revised to 5 feet in diameter vs. 4 and Mike agreed to do that, and we will have that final revision on the mylars that come into the town.

Mr. Casciani: Ok. Josh gave us a list and I can't find mine. You guys have a copy of that? There is a list of comments. Do you recall what other? Josh, do you recall what else there was?

Josh Artuso: Well, Matt already addressed the backyard easement issue

Matt Thompson: I believe there was one question that we wanted to talk to the board and correct me if I am wrong Josh, but it was relative to potentially leaving stone at the access points to the stormwater management facility vs. paving.

Mr. Casciani: Let me get these guys on board with that. There was something that was brought up. We approved a couple of subdivisions where there was a gravel road going into where the detention ponds are to maintain them. The strength is in the base, meaning the stone and so on. Well on this one and for some unknown reason, which is a lengthier road and it was actually the prior supervisor of highway asked to have to have it blacktopped, well blacktop break up and you don't drive on it every day. It's not like a roadway and then you have grass growing and then it falls apart so then that is another maintenance thing. Why don't we leave it with gravel like we done with the other one? Doe that make sense to you guys.

Board: Yes, absolutely.

Mr. Casciani: Why put blacktop down when you don't drive on but a couple times of year and then it just crumbles up and you have to have someone replace it. Leave the gravel, you can go in and back blade it and turn around like a new driveway. So, I am going to suggest we modify that and eliminate the asphalt. I know there were some issues, but they actually fall on to Ryan Homes, I guess. You guys do the infrastructure and, in our minutes, or our resolution I should say, we always put the infrastructure in place first. Your swales, water, your road, everything that was done. On inspections and I am assuming that stuff is looked at then saying yes, it's done and move on from there before you pull your equipment off the site. Now that it's been sold, there has been issues with the builder building the houses and not grading properly and some of the swales of been filled in; water direction has changed, so on and so forth which has created a whole bunch of issues in that section 1. Where do we stand with that it has to be corrected and it's not your responsibility but how do we get Ryan to?

Matt Thompson: So I know that the Town Engineer reached out and copied our office in on an email to Ryan Homes and Ryan Homes has there own SWPPP in place and there own inspection requirements which they are required to do by DEC and I know she has reached out to Ryan Homes to ask for a meeting to discuss that and a copy of their documentation so our office is

planning on being a part of that meeting because we do inspect for the overall SWPPP on behalf of Mike so I believe those steps are taking place right now in order to resolve that.

Mr. Casciani: So that will be correct then?

Matt Thompson: And from Mike's standpoint for section 2 portion, we have offered and the PRC meeting and we will welcome a condition on there that we walk the site upon final stabilization of the developer side before any lots are transferred to insure that the town is satisfied with the restoration and Town Engineer as the MS4. I believe that is appropriate step to take place once that info structure goes in.

Mr. Casciani: I agree and that should be inspected. It puts you clear and now move on.

Matt Thompson: That is no issue from our standpoint.

Mr. Casciani: I received a call from a gentleman, and he lives on Salt Road and he was one of the ones that was calling all the time when you first started the project. He is saying that there are a bunch of pools that are going in now and people are just taking the waste, the soil banking it and doing all sorts of crazy things; regrading yards and what have you. I have not gone over and saw it personally.

Matt Thompson: On the individual homes it is always interesting on a multi faced project like this because our developer sells to the home builder and then the home builder sells to the individual homeowners. Ultimately the developer can not control pools and sheds and that kind of things. Once the lot is sold, we are more then happy to address anything that is affected in section 2 or in the future section 3 of course. Most of the time that is handled requiring some kind of plot plan and as part of a pool permit package and that is what we typically see in different towns or when we are hired to do individual lots so I am not sure what the towns.

Mr. Casciani: This doesn't fall in your category. I am barking up the wrong tree with you and I am aware of that. It is frustrating to see this stuff happening and Josh is dealing with it everyday it is really not necessary to have to be doing this. This is stuff the developer, the builder I should say, should be looking after. Josh, I don't know the possibility with something like that or Raja, should Ryan be notified that when they complete their stuff there, they get no building permits until this stuff is corrected because it is just creating problems with drainage and they are calling the town and so on. What do you do?

Raja Sekharan: I don't think as a board, we can make approval of contingent sections about compliance or prior sections that were already **INAUDIBLE** because that is an enforcement issue however you don't have to approve the application for section 2.

Mr. Casciani: No, I don't want to do that at all. I mean that

Raja Sekharan: That is your call. You can mix the apples and the oranges. That is my suggestion.

Mr. Casciani: If we approve section 2, that is what they are here for tonight but there are issues with section 1 so what I am saying, before they get any permits in for buildings in section 2 they need to correct their problems in section 1. Does that make it any clearer?

Raja Sekharan: Absolutely clearer. I just don't think we as a board can do that.

Mr. Casciani: No?

Mike Thompson: I don't think that the Planning Board is in preview but building permits would which follow after a couple months after Mike is done with his work and turning the lots over . I think there is 4 or 5 months between now and when section 2 lots are going to be sold to Ryan Homes so I think there is opportunity out there and again I think the first step being the Town Engineer with the SWPPP and the MS4 authorization is taking that step . I don't know, to your point, that it can condition on section 2 approval necessarily in the purview of the Planning Board for an enforcement issue.

Mr. Casciani: So maybe what there needs to be is an inspection needs to be done there to where the drainage issues are. People have called apparently . Right Josh? You have gotten calls . Somebody goes out and takes a look at it and these are the issues, fix them up before we go any further.

Mike Thompson: I think again, the Town Engineer is taking those steps currently from the correspondence I am seeing.

Mr. Casciani: Ok that's good. Alright well that's it. Other than that, I don't have any issues and you guys are clearing things up in section 1 and there is nothing big that is really outstanding. You are eliminating the asphalt in there. Anything else in their Josh that needs to be addressed?

Josh Artuso: the only other thing I can think of I guess is part of the open space area some existing paths from the golf course and there was some discussion at PRC whether or not the Town wants those to continue to be there or not. I don't think we can do a definitive conclusion on that but it's just something to think about because that is a maintenance thing for the town in the future.

Mr. Casciani: You mean taking dedication to it?

Josh Artuso: Correct. The open space portion of this section has some existing asphalt walking paths from the old golf course .

Mr. Casciani: Right, that is where the bridges were and stuff.

Josh Artuso: Right. So, there was some talk about potentially having that removed so that it is not a future maintenance obligation for the town.

Mr. Casciani: Ok, would they be walking those paths when the project is complete? I don't know how that will work out.

Mike Thompson: The open space I believe is just defined as passive open space. Mike is currently mowing it and I know there was discussion about taking those bridges down because it could become a safety issue in the future. Some of the bridges that are over the creek where the paths use to cross them, my opinion and I think Mike's preference would be to leave them and if they break down over time and turn into gravel over time to walk on, so be it vs. ripping them out planting some grass. Section 2 open space is connected to section 3 that decision could be deferred to the future. We are not going to have the town INAUDIBLE (not at the mic) because it is all connected to each other. Section 1 which is up in this area Bushwood Circle and Falling leaf Terrace that piece is isolated and all comprised by section 1 so and we are going to be working with Mike's attorney helping the town's attorney to turn that piece over in the very near future. The section 2 open space really won't be dedicated to the town until section 3 goes through so we will be back again before this board if there is a strong feeling one way or another

Mr. Casciani: So, what should we do with that. Should we wait until section 3 comes in to determine that.

Raja Sekharan: I think that is a pure set up for failure. Because what is going to happen when section 3 comes in, either you are going to take it down or you are going to leave it. If you are going to leave it and the repairs need to be made, who's going to be make those repairs, the town we wouldn't do it prior too dedication.

Mike Thompson: The town would have to have to take acceptance of the open space in the matter that satisfies whatever was written in the overall preliminary so.

Raja Sekharan: Why don't you just take it down now? Why do we need that? We need those bridges why?

Mike Thompson: The bridges have been agreed to be taken down

INAUDIBLE... someone from the audience speaking.

Mike Thompson: The old car pads are used by people from the neighborhood or people walking through or the new home buyers that kind of thing.

Mike Damico: Combat Construction. There is only one small where the existing box culvert was where you go over the out-fall pipe where there was a little area that had maybe 30 feet of asphalt and we could very easily take it out. It would maybe take us 10 minutes to pull it off that asphalt and just put grass in there or topsoil. It is really not a huge.

Mike Thompson: Most of the other pads were broken up or gravel.

Mike Damico: There is one piece in the 3<sup>rd</sup> section though and it's a small piece and maybe it's 40 feet long.

Mike Thompson: So maybe a moot point, there was just some discussion as mentioned at the PRC.

Mr. Casciani: Then what does this do. Mike, both of you what is your plan B to do with that property? is that turn over to the town?

Mike Thompson: Open space is turned over to the town and that was part of the preliminary approval for the cluster division that was approved.

Mike Damico: The town has to make the decision of whether to continue to mow it the way I am, and it still looks like a golf course or the are going to let it over grow.

Mr. Casciani: How many acres is it actually green grass area?

Mike Damico: Close to 50 acres of green grass

Mike Thompson: Other then the portions of the ponds and wetlands that went through the gold course originally.

Mr. Casciani: So, grass area is how many?

Mike Thompson: Close to 50 acres and it is spread around the subdivision, this on the north side and then 3 different chucks through sections 2 and 3.

Mike Damico: We have 50 acres and that would be totaling the whole subdivisions to their house areas so the whole parcel is 88 acres and we will probably use 30 ish of it in the first section and then 50-60 acres in the second and third section and maybe 20-30 acres of open space that normally we would leave that as open space but this was actually a golf coarse so it is very nicely taken care of by them so. If I continue to do that, I am sure the residents would, and everyone would love the town to continue to do that. Not only the residents of this subdivision but all the residents that are all around there and using it. Going to that existing pond and fishing and doing all those kinds of things. Some of them mow a path there if it gets overgrown from us and we didn't get to it fast enough , they go out and mow a little path out there themselves and that is what they walk on.

Mr. Casciani: Ok

Raja Sekharan: How come this issue was not resolved at PRC? What was the holdup?

Mike Thompson: It was a question raised by a staff member that really got a lot of traction in the discussion so. Again, if there is a desire to have those stripes of asphalt taken out, we can do it, but the bridges were pretty straight and forward, yes, we will take them out type thing. We really deferred INAUDIBLE

Mr. Casciani: It is not impacting anything at this point. Ok so I guess we are done. So, what have we done, we have eliminated the asphalt driveway

Mike Thompson: To the stormwater facility

Mr. Casciani: Yes right, not the road.

Mike Thompson: The are small wood structures that are for the golf cards for the gold carts to cross over back and forth and we take take those out.

Mr. Casciani: Bridges are coming out and we are eliminating the asphalt. Does someone want to move on with this. It for final subdivision n approval.

**RESOLUTION 21-072**

Mr. Casciani made a motion for **FINAL APPROVAL TO WESTWOOD ESTATES SECTION II:** Located on the west side of Salt Road north of Schlegel Road. Applicant Mike Damico is requesting **FINAL SITE PLAN AND SUBDIVISION APPROVAL** for Section II of Westwood Estates involving the development of 32 single family homes / lots on a 20.2-acre area consisting of SBL #'s 050.04-1-71 & 050.04-1-72.11 located in an R-3 Single Family Residential District under Section 192-19 and 228-8 of the Code of the Town of Webster which was seconded by Mr. Giardina.

**VOTE:**

Mr. Anderson	ABSENT
Mr. Arena	AYE
Mr. Kosel	AYE
Mr. Malta	ABSENT
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 7.6.22
7. The conditions of Preliminary and Final approval are depicted on the cover page of the final designed plans.
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.
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. All downspouts to be connected to the storm sewer system.

- 12. Subject to resolution of the final approved minutes.
- 13. Approvals are subject to Drawing No: CO1
- 14. The asphalt topping for the drive exit entrance to the detention facility be removed and just allow to be stone gravel.
- 15. Leave the gravel
- 16. Eliminate asphalt
- 17. Take bridges out

With no other applications before the Board this evening Mr. Casciani concluded tonight's meeting at 8:20 pm.

**ADMINISTRATIVE MATTER:** Minutes were approved for June 15, 2021.

Respectfully Submitted,  
Signed David C. Arena Sec. Dated July 20th 2021  
David C. Arena, Secretary  
Katherine Kolich, Recording Secretary

JUL 22 '21 AM 9:18  
FILED WEBSTER TWN CLK  
Dorothy M. Maguire

