

WEBSTER TOWN PLANNING BOARD MINUTES

PLACE: Webster Town Board Meeting Room 1002 Ridge Road

TIME: 7:00 p.m.

DATE: 7 September 2021

PRESENT:

Anthony Casciani, Chairman

Dave Arena, Secretary

Derek Meixell

John Kosel

Raja Sekharan, Attorney

Josh Artuso, Director of Community Development

Katherine Kolich, Recording Secretary

ABSENT:

Dave Malta, Mark Giardina

Mr. Casciani: Welcome to the September 7, 2021 Planning Board meeting. We have two scheduled matters.

Pledge of Allegiance/Roll Call

Summary overview of outcome:

JIFFY LUBE

Applicant: Bohler Engineering

Drawing: N/A

Dated: N/A

Revision: N/A

Status: **APPROVED: Modifications w/conditions: subject to addressing all unresolved PRC comments.**

SOLIMANO SUBDIVISION

Applicant: Megan Solimano

Drawing: N/A

Dated: N/A

Revision: N/A

Status: **Planning Board will send letter to Town Board regarding dedication of lands and applicant will return to Planning Board on October 19, 2020.**

Dave Arena read the first application:

JIFFY LUBE: Located at 1161 & 1171, Ridge Road & 974 Jackson Road. Applicant Bohler Engineering is requesting a SITE PLAN MODIFICATION (PUBLIC HEARING) associated with the construction of a 3,000 SF Jiffy Lube auto care facility on a proposed .84-acre parcel consisting of the above referenced addresses having SBL #'s 080.13-2-1, 080.13-2-2, 080.13-2-

3.1, & 080.13-2-52 located in an MC Medium Intensity Commercial District under Section 228-8 of the Code of the Town of Webster.

Appearing before the board was Chris Boyea and I am with Bohler Engineering and we back in front of the board tonight a slight modification so an amendment to our previous site plan approval.

So, the project hasn't changed much. It is a proposed Jiffy Lube, and it is still at the corner, same shape, same size, same orientation. The reason why we are back is because since receiving the approval from the town, we did proceed with the rest of our approvals which include NY State DOT as we are on a state road and during that review process DOT was not too kind to us and they not only said no, but they also said not only do we not like your access, but they also said no we don't like the right in, we don't like a right out, how about nothing. (laughter) So we ended up removing the access and just having the sole access on Jackson and so that is the modification that we would like for the board to consider tonight and I am here to answer any questions or comments.

Again, same project, same building, same parking, green space actually went up a bit because we got rid of a driveway as just an access off of the side street. So, with that, I am here to answer any questions that the board may have.

Mr. Casciani: Well, I was kind of caught by surprise. I am looking at the PRC comments that we received.

Chris Boyea: I just got a copy of it now.

Mr. Casciani: Is there anything on there that you can address. Were these items that were not completed or what Josh?

Josh Artuso: Yes, when the project originally came before the PRC back in May there were several comments from the various departments that were sent to the Engineer and apparently were not addressed in the plans. Mainly relating to the sewer; the existing shed that is in the easement on the other property to the south and some issue with the storm water pond.

Chris Boyea: Yes, it doesn't look like much here, but it looks like some technical comments for a detailed stormwater pond and labeling of a pipe so nothing that I see of any concern.

Josh Artuso: Yes, and there is nothing that materially that would change the design of the site but just some things that need to be INAUDIBLE up on the final drawings.

Mr. Casciani: Oh boy, I am looking at some of these things and maybe it's me... The town believes it would be beneficial to relocate the sewer manhole. Ok, why wasn't this brought up by whoever made this comment at PRC, 3 months ago?

Josh Artuso: I was not at the meeting last week but

Mr. Casciani: No, I know. These are the things to me... The existing shed is encroaching on the existing sewer easement. Were these comments from earlier on or are some of these new now?

Chris Boyea: I think some of these are new. I did review it but again, I am not seeing anything substantial. Again, it's kind of like clean up items.

Mr. Casciani: Alright. As far as the road and the curb cut out onto Ridge Road that is NY State and we have no control over that. We thought we had a good thing going there but the changed that. The flow of traffic it doesn't interfere with anything, you are still ok with that.

Chris Boyea: Yes, we would prefer to have that obviously, but this is not a large volume business and that is one of the reasons why it is a good fit for this intersection so. We are still alive, and we can make it work.

Mr. Casciani: That is why the board originally agreed to all this in that district because of the low volume. Ok, anybody have any questions or anything?

Dave Arena: So, the ingress and regress is the same on Jackson Road, it didn't get any bigger, everything is the same?

Chris Boyea: Yes, that is correct, it's the same.

Derek Anderson: Just following up with that, did you get comments back from the county about that access?

Chris Boyea: The county didn't comment on it initially so certainly the county was involved in the 239M review, but it was left to DOT NY State devices so.

Mr. Casciani: Ok, so these comments are just going to have to get addressed.

Chris Boyea: Correct

Mr. Casciani: We can still move forward approving the modification to the site but before any drawings are signed and passed on this is all going to have to be to the satisfaction of each department.

Chris Boyea: Understood.

Mr. Casciani: We should do a SEQR on this again because this changes everything

Derek Anderson: No, it is just the driveway the scope of the project hasn't changed.

Dave Arena: On the drawings it has a signage table with allowed and proposed sign, I don't recall that. Is that proposed sign the freestanding sign.

Chris Boyea: Yes, the signs were reviewed and approved and so I think the signs table just reflects what the town approved

Dave Arena: Ok as long as everything has been squared away on that

Mr. Casciani: Ok, does anyone want to make a motion on this. Just a simple modification to a site drawing. If there is anyone wishing to speak for or against this application and public notice was published in the Webster Herald also.

RESOLUTION 21-082

Dave Arena made a motion for **GRANT APPROVAL FOR THE MODIFICATION JIFFY LUBE**: Located at 1161 & 1171, Ridge Road & 974 Jackson Road. Applicant Bohler Engineering is requesting a **SITE PLAN MODIFICATION (PUBLIC HEARING)** associated with the construction of a 3,000 SF Jiffy Lube auto care facility on a proposed .84-acre parcel consisting of the above referenced addresses having SBL #'s 080.13-2-1, 080.13-2-2, 080.13-2-3.1, & 080.13-2-52 located in an MC Medium Intensity Commercial District under Section 228-8 of the Code of the Town of Webster which was seconded by Mr. Meixell.

CONDITIONS:

1. Any/all PRC comments need to be addressed prior to any signatures going on the final drawings.
2. Subject to all of the original preliminary and finals also

VOTE:

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

Dave Arena read the second application:

SOLIMANO SUBDIVISION: Located east of Chigwell Lane North. Applicant Megan Solimano is requesting **PRELIMINARY / FINAL SUBDIVISION APPROVAL (PUBLIC HEARING)** associated with the subdivision of a 13.4-acre parcel into (2) lots having SBL 050.040-01-51.13 located in an R-3 Single Family Residential District under Section 192-18 of the Code of the Town of Webster.

Appearing before the board Al LaRue with McMahon Associates. This is a 2-lot subdivision. One lot is 3 ½ acres that the Solimano's want to build a home on and lot 2 is the remaining 9.92 acres that is slated to be donated to the town. The current owner John Nacca, attorney John Nacca is here and can speak to that and so are Megan and Matt. Lot 1, all the utilities are there and sanitary, water and we will need a bridge access along the tributary 99-1. We are proposing a 10-foot-wide utility access easement to lot 2. The slopes for a single-family driveway off of that strip of land that goes out to Chigwell. It meets all the criteria there is nothing about that driveway that is unusual, and it will be a great site. The town owns to the north and to the east of this development so that issue of the ownership changing to the town I guess the conversation was that it would be without access, but it would appear to me being adjacent to the remaining town lands it would fit right in at this point I would like to turn it over to John Nacca and he can talk more about his plans and why he would like to turn this over to the town and will answer any questions you might have. It's a pretty simple project actually.

John Nacca: I pretty much agree with everything that was just said. Previously, I think we need to be more specific on the easement and I am not sure if it is going to be 10 feet or 20 feet, but it needs to be for ingress and egress and utility purposes. I do plan on donating it to the town and I would donate it the same day that we close with the Solimano's. I think it is a practical matter because it fits in with lands that the towns already own. The utility easement would be of no benefit to the town, and I would propose in addition to what has been said before, simply as a condition of me deeding the property over to the town that the town renounce the utility easement and cancel that out. I think that dovetails in what the Solimano's want to do and basically keep that as a single lot and the balance of the property being transferred over to the town. From a procedural point of view and I don't know how, to reach out to your attorneys and I never actually donated land to a town before so I don't know if it is as simple as saying here's the deed and transferring it to the town or if there is something in addition that needs to be done at the town level but whatever needs to be done, I'm willing to do it.

Mr. Casciani: What would be your easement going in, there is the driveway for the house now, would that be the easement that you are referring to?

John Nacca: Correct because the easement going in off the Chigwell is fairly narrow and I am not exactly sure how wide it is. What is it about 60 feet or so?

Al LaRue: This is a 60 foot right away at one point and the driveway that is coming off of it at the north side of it, just because of grading, and so the easement, we have put in a 10-foot access and utility easement, but the town has, and we have the documentation that came in, there is 3 or 4 different places where the town could access this parcel so in our mind, very simplistically, we don't know why they would want access over the Solimano's driveway.

Mr. Casciani: I don't know what the code calls for is there a minimum for a parcel of land that is 60 and has to be easement into a parcel of land for it to for future development?

Al LaRue: Well, this was a stub road at one time and that is why

Mr. Casciani: It is probably 60 feet

Al LaRue: it was a 60-foot formal right of way

Mr. Casciani: Ok so what are you saying, you guys want to make it an easement going into the property at this point, but you are only saying 10 foot, right?

Al LaRue : Well, the 60-foot conveyed so now its not a 60 foot right away anymore, it's a 60-foot ownership of which the north 10 feet of it would be the easement for town access to cover that technicality.

John Nacca: Well, it hasn't been conveyed yet that's the proposal. So, that 60 feet would actually be conveyed to the Solimano's and the town would have...

Mr. Casciani: See, my questions is legally, unless I'm wrong here, maybe Raja can check it out. If you have a parcel of land access to it for future development for acreage, I think it has to be 60 foot, doesn't it?

Raja Sekharan: That is my understanding.

Mr. Casciani: I think that is what I recall from years ago for parcels. What I am trying to say if it is an easement now, it has to be a 60-foot easement going into the parcel, I don't think 10 foot for utilities then. Let's say you were going to develop it, and you have 10 acres and lets say you have the 10 acres back there, 10 acres would be X amount of homes and you would have to have a driveway and 15 foot each unit would have so you would have to have a 60 foot right away going in plus the easement.

Al LaRue: They now have 60 feet that is there now, is owned by John and it is going to be transferred to the Solimano's and what we are doing is inside that ownership on the north end of it to cover that technicality we are providing a 10 easement to the town for access and utilities, and it remains to be seen whether that is a necessity or not because they have several other areas where they have access to the town land which if this was dedicated to the town it would be all

Mr. Casciani: We understand the goal and I know where you are going with this but to get to that point, I don't know what the legality is for the road for the access to the parcel and I don't know if 10 feet meets the requirement or if it has to be 60 feet, I don't know.

Raja Sekharan: INAUDIBLE Why would the town abandon the utility easement ? What would be in it for the town to do that?

John Nacca: The fact that we are giving you the 10 acres of land . If you have land that the town that already owns and adjoins this parcel, that I am giving you, I am just giving it to you so you

Raja Sekharan: I get that part but why would be abandon the utility easement?

John Nacca: Because presuming the Solimano's wouldn't want an easement that they own over and above their own utility easements for their house.

Al LaRue: Solimano's will have the ownership of the 60-foot strip of land that goes out to Chigwell so accompanying that would be a 10-foot easement to the town for utilities and access in the same place where they would have a driveway. So, they own it now, there is no abandonment.

Josh Artuso: But there are currently pipes in the ground and that location, correct?

Al LaRue: On easements, you

Josh Artuso: Existing easements?

Al LaRue: All the pipes and everything that is now there, the utilities have their own easement. At this point, we are not looking to abandon those easements

Mr., Casciani: All the years that I have been here I never run into this I am bewildered, and I don't have an issue with what you are going but I don't know what the legal part of it is.

Al LaRue: Our subdivision plat shows all the existing easements that cover all the utilities, and you may not have a full-size print, but they are there. We had the abstract we looked at it and everything's all the easement and all the utilities are covered that exist in that 60-foot strip.

Derek Anderson: So, the existing easement in this kind of hockey stick shape

Al LaRue: Yes

Derek Anderson: That is the easement that is there?

Al LaRue: Yes

Derek Anderson: And so that existing easement that contains the water, the sewer, the storm?

Al LaRue: Yes

John Nacca: And the easement benefits the entire parcel.

Derek Anderson: Will that easement stay?

Al LaRue: Oh, yes.

Derek Anderson: So that easement stays so what is the INAUDIBLE easement to the town that you are talking about? I just don't see it on the drawing.

Al LaRue: We have a drawing into the town that does have that. If we create lot 2 it's a landlocked parcel.

John Nacca: There is no access. So, the only benefit would be to donate it to the town, which I am willing to do. If we can't do this, then I have a problem transferring lot 1 because why would I do that, I have made 10 acres of land worthless. I can't even get in there. What is the benefit to a utility easement that I can't even get into.

Derek Anderson: I wonder I used the wrong terms. It sounds like what you actually need to do to this parcel is an access easement.

Al La Rue: Yes, that is what we are proposing.

Derek Anderson: But there is an existing utility easement that maintains the access easements needs to be created and the concept of that is that right now that access easement overlays the existing 60-foot right of way to this area and the idea behind it is the parcel is transferred and the other parcel is transferred to the town and that would dissolve.

John Nacca: The egress and ingress easement

Derek Anderson: And the reason towards dissolving it is now this parcel that is owned by the town and is adjacent to land that is owned by the town so therefore it has access from common ownership in that area

Al LaRue: None of the other easements exist today are going to be abandoned they are all going to remain, so we are just supplementing to cover the technicality of the parcel with a 10-foot-wide utility and access easement.

Mr. Casciani: Would that remain then?

Al LaRue: If the town, if it turned out that town was a meanable to this then that could be just abandoned that easement because the town has access 3 -4 other points actually.

Mr. Casciani: Ok, then why would the town want to abandon it?

Raja Sekharan: What benefit is it to the town to do all that extra paperwork. What do we get out of it, I guess?

Al LaRue: That is why INAUDIBLE 9.8 acres

John Nacca: I would think the town would be happy to add another 9-10 acres onto public lands that are owned by the town. You are not going to need it to get into m parcel, you have access at other points to get in.

Mr. Casciani: Ok, so where does the benefit come in. We are all good people, and we donate and stuff so what are you wanting to get out of this? 39:35

John Nacca: Me, I don't need anything from the town. I need the access so that I can get an appraisal because I am just going to write it off on my tax return. Last time I mentioned that the town said they didn't care, which is fine, I do.

Mr. Casciani: Any comments on this?

Derek Meixell: This sounds like a legal review so I don't know what I could contribute to this

Mr. Casciani: Yes, that is right. I don't know what the legality is of the 60 foot.

Raja Sekharan: I have to research it first; I don't have the answer.

Derek Anderson: The next question is, this land is being dedicated to the town and that is more of Town Board.

John Kosel: Do we know if the town wants the land?

Derek Anderson: If they want the land if they want access, an independent access to it.

Mr. Casciani: Lets' do this, why don't we table this and get together with Town Board and see if they are interested in taking the parcel first and how they want to proceed with the easement. What do you think?

Raja Sekharan: I totally agree. We don't have the authority. The Town Board will have to decide.

Al LaRue: I thin what we are looking for tonight is for the Planning Board to either recommend that this is a good idea or no, it's not a good idea to the Town Board to take ownership of it.

Mr. Casciani: That's kind of putting the cart before the horse because personally, I'm ok with what he is talking about doing but I don't know what the legalities of it are and Derek just brought up a good point to take dedication would have to be the Town Board so I think we should consult with them before we do anything. I mean we can't send them a letter saying we are all ok with it because we don't know all the ramifications are.

Al LaRue: I think they wanted us to run it by you guys first to get a flavor for

Derek Anderson: Has the Town Board been approached with this property?

Raja Sekharan: Have you approached Charlie Genese?

John Nacca: Have I, I have emailed Charlie Genese and I spoke to the Supervisor whose suggestion it was, he left me a message stating they were going to put it before the Planning Board, and they said they were all for it, but they just said it needed to go through Planning Board which is why we are here.

Raja Sekharan: Because Town Code section 192-26 *after determination is made that an easement or easements will be required, either for the purpose of ingress to or egress from the subdivision or as a concomitant of any of the improvements districts to be formed therein, the subdivider, or property owner if different from the subdivider, shall submit to the Town Attorney for the Planning Board the proposed easement and a legal description of the property with in said easement.*

Al LaRue: And we have done that.

Raja Sekharan: You submitted the easement ?

Al LaRue: and the description

Raja Sekharan: To Charlie?

Al LaRue: No to Charlie

Raja Sekharan: You submitted it to DPW?

Al LaRue: No

Raja Sekharan: Who did you submit it to then?

Al LaRue: It went to Josh I believe.

Josh Artuso: I don't believe that our office has seen it.

Raja Sekharan: I didn't see it.

Mr. Casciani: Why don't we do this for starters, again, this is a public hearing, and I am assuming you folks are neighbors. So why don't we open it up for neighbors . If you wish to comment on it, just keep it short and all that I ask is that you come up and give us your name and address and explain your situation .

1498 Chigwell: which would be near the access road that I am talking about.

John Kosel: What is your name?

Rick Tadder at 1498 Chigwell Lane: I would like them to talk a little bit about the creek because that is a class 5 steel head trout creek that has strict regulations and at least the DEC and Army Corp of Engineers are quite interested in what might be the all the development that is going to go on that steep hill and what that can possibly do. I would like to hear what they told you. It isn't that just that the bridge has to be strong enough to bare all the heavy equipment and that they have to have the easement but there can not be any short term or long-term erosion on that creek. It runs into Four Mile Creek which you know is part of the trail system in Webster

and then goes right into Lake Ontario. So, more power to you if you can do it but no damage to the creek because it is just INAUDIBLE

Mr. Casciani: Don't talk from the audience. When he is finished you are more than welcome to come up and speak.

Rick Tadder: But basically, that is it. That is my wife and I's and several other neighbors, that is our biggest concern and having been involved with the trail group for 7 years, I know how much work we put in to develop the Four Mile Creek Preserve that many of the citizens in not only Webster citizens, but other people use it. Hundreds of people fish there and mostly the lake area but this creek but Saw Creek runs right into Four Mile Creek and it's very important.

Kathy Tadder at 1498 Chigwell Lane : I want to say to Megan, we would like to welcome her to the Chigwell Lane neighborhood. It is growing with young families and it would be wonderful to have her join the community. However, as Rick has pointed out to you, it requires some sensitivity in the way that the creek is dealt with. It is a sensitive area. We moved here 15 years ago and since then, there have been maybe 3,4,5 other developers who have looked at the site and realizing not just the expense but the difficulty of the regulations by the DEC and the Army Corp of Engineers, Monroe County, and a few other levels. They have abandoned their plans. So, we welcome Megan to the neighborhood, but we would like to see that all of the supervision that is required to have a safe as well as a beautiful development be watched over by the Town of Webster.

Mr. Casciani: Ok, thank you. I think along those lines, the DEC would be heavily involved, and it came up early on too.

(not at the mic-Sue Herrmann at 1506 Chigwell Lane: Which is on the edge of this proposed 3 ½ acre lot. As previously people have mentioned, this is all a sensitive area because of the creek. Our back lot line from our home to the creek is like a wetland area and just to the south of our property the creek comes through Briarfield Way. It comes through the roadway there and it comes around and make a sharp turn around along our property and that proceeds to the north end which is where 3 ½ acre lot is proposed. My concern is flooding. It is well known that this is a flood plain area and we get substantial flooding right now because the water coming from the south rushes up so much, misses the curve and floods out the whole back part behind our home which is perfectly acceptable because that is the way it was designed but I have some pictures that I took of the last big storm we had and the large amount of water that collects there now, it's a huge amount of water and it is really moving quite rapidly and the home that is going to be build, I don't know the elevation or how much they have to build the property or how this is going to impact that flow that is now coming across by our back yard and into the other neighbors backyards. So, I have a couple pictures if you want to look at them.(pictures passed around to the board members and discussing with Mrs. Herrmann)

Mr. Casciani: I'm wondering if there is some blockage in the creek in a certain area.

Sue Herrmann: Some of the neighbors have contacted DEC and they say you can't touch it ; you can't do anything about cleaning out blockages. My husband goes back and cleans out recycled

garbage but as far as removing tree limbs or brush or anything that the animals might do . Some of the neighbors have been told that they can't do anything, so that is just a little bit of concern.

Mr. Casciani: That is one of the problems, like she was saying, you get blockage in these creeks and this is happening in other areas of town. You have a stream going through and then they build a bridge and it's standard. All you need is a couple of things piling up in front of it and the next thing you know your creating INAUDIBLE

(someone speaking from the audience-INAUDIBLE)

Dave Voigt at 1512 Fallen leaf Terrace: We have been there from the beginning and built the house there in 98 . We had the house and empty lots on each side of us. We bought the place because of the land. When the creek, it's very important, it's a water shed but that land is a lot more important then that . We haven't talked about the forest INAUDIBLE trees there are 200-300 years old. Once you cut them down, they are gone, and you can't replace that . That land there is really a nature preserve and it's wildlife refuge. I shared, there is deer in there, fox, and last year I seen a couple turkeys in there. I seem them on the side of the road and I seen a flock of turnkeys in there and counted them and there were 20 turkeys. I don't know anything about turkeys, but I thought that was phenomenal. It is a wildlife refuge, wetlands, old growth forest and someone talked about donating some land to the town, I think that is phenomenal, that's great, jump on that. Get some land and protect it. Whatever you do with this development, please try, and keep it small as possible and protect that land back there. That land is very special back there. He didn't talk about an easement he talked about a bridge, that is a big undertaking. I would just try and keep this development as small as possible and protect that land back there.

Mr. Casciani: Ok, thank you.

Megan and Matt Solimano: So, from being over in the development and meeting some of you, we respect and understand all of your concerns that you are bringing here tonight and that is kind of why this project is taking the time that it is taking because we are working very closely not only with our Engineer but also with the DEC in regard to the creek . As far as the creek goes, we are following all the DEC recommendations as to what the bridge would need to entail for our driveway to cross the creek without causing erosion or just obstruction to the creek or the water that is in it. We have been monitoring the pictures as well after the storms and we actually have multiple pictures after the creek is actually dry and specifically at the point that we would be crossing. Again, we are following and working closely with the DEC regarding their protocols and their guidelines for us to cross for our driveway. I know it was mentioned about the land and it being wildlife which we also respect and that is why we are working closely with the seller John Nacca to only disrupt as little as possible with the hopes that he would be able to donate the majority of the land to the town to keep as is with nature and wildlife without disruption.

Mr. Casciani: Ok great, thank you. Ok that's a good question, I guess. You folks have been here this evening and everyone discussing this. The gentleman has owned the property for several years. He has paid taxes on this for several years and he is at the point now where he is saying only a certain amount of it is developable. So, let me ask you guys a question, if he were to say

forget it, I am not going to donate the land, a lot of it is wetland but I can find 2 more flat spots in there to build 3 houses back there. What would you rather have ? What would you prefer to have what is proposed or 3-4 houses?

Audience Member: AS PROPOSED.

Mr. Casciani: Now, let me ask you another question. We are debating what goes first here, the cart of the horse but we can send a letter to the Town Board but would you folks be in favor of sending a letter. I have never done this in all my years here. This is the first time I have been in this dilemma; I think. Would you be in agreement to this board sending a letter to the Town Board recommending they proceed forward with accepting this parcel of land with just the one house on it and working regarding the easements and the stuff they are proposing.

Audience Member: INAUDIBLE (not using the mic)

Audience Member: The developer for this Chigwell Lane is Tom Marcello and he has built several tracks and he lived there when we moved there and I have talked to him and I have also talked to the person in charge of Zoning at that time, 2007 I think and we had correspondence too because he wrote to my daughter about this whole issue and he could of built there when he was building all these other houses knowing the difficulties that it was going to take, not just the hoops about the creek and everything but he was saying the cost, and this was in 2006, he said the cost to get a proper bridge and culvert was huge and that was in 2006. If they can do it, that's great but I want them to be aware because they ae going to be spending a lot of money here. Is this worth it for the one property or even two with all the hoops that they have to go through.

Mr. Casciani: Ok, stop that is not our call that is their call. That is how the system works. You can't say we don't want you to do this because the cost . If they are going to do it, they are going to do it by the book and do what is required by DEC, the town, the county and so on and so forth and that is all we can do.

Audience Member: What I was simply trying to reiterate the concerns that Marcello had in 2007.

Mr. Casciani: We are aware of that but there are some people that might want to come in there with a couple million dollars and want to put a house right in the middle of that 13 acres of land. Building a bridge, I guarantee you, you will figure a way of doing it. But my point is, would you just rather have the one house in there that we know is right on the proposal right now or the possibility of him saying well the town doesn't want the property, I'm going to build 3 houses. I think I got your answer, the one house is probably more acceptable.

Audience Member: First of all, we all get visits from the wildlife that is there, and they are trying to live in there so I think one house would be fine.

Audience Member: INAUDIBLE(not using the mic)

Mr. Casciani: We understand that part but that is secondary to the primary. The primary thing is, is the town willing to take this land to begin this process. Once the process begins that is when they step in and have to have everyone involved, DEC and so forth.

Audience Member: INAUDIBLE(not using the mic)

Mr. Casciani: That is the question I am asking. Ok, I think we are all on the same page then. So, lets head in that direction will send a letter to the Town board. Will draft a letter to the Town Board stating that after reviewing the process of the application and comments from the neighbors, it would be very acceptable for the town to take dedication of this parcel and work with the applicants in regard to the easement. Is that ok Raja?

Raja Sekharan: Yes, the problem is he is saying that he submitted an easement to Josh and Josh is saying he doesn't have the easement. I have never seen the proposed easement, so I don't know where the easement is, but I don't have it.

Al LaRue: We will check it tomorrow.

Raja Sekharan: Wait, you are going too fast. How do we approve something when I haven't even seen the easement yet?

Mr. Casciani: We are not approving it we are just sending a letter to the Town Board and we are given them the opportunity to review it .

Raja Sekharan: Ok. That's fine. I'm just saying, I don't want you to approve something when I haven't even seen it.

Bob Shaw at 1494 Chigwell Lane: Mine is more of a question, if this was ultimately approved and you don't donate that land to the town, am I understanding correctly, that there would only be one house there or is there any chance that it would turn into 2,3,4?

Mr. Casciani: No, that is exactly the point

John Nacca: (not using the mic-INAUDIBLE)

Mr. Casciani: Mr. Nacca, we really can't hear you without the mic. To answer your question, once the town has it becomes park land, and that park land is there.

Raja Sekharan: It would be up to the Town Board to decide what they want to do with the land.

Mr. Casciani: Actually, it takes an act of congress if the town wanted to sell it, not to get off the subject but there are pieces of land in the past that the town wanted to sale, they had to go to State and everything else for a minor piece.

Al LaRue: And we have submitted to the DEC in all that and bridge details and all that has gone to the DEC and we are waiting for them to respond. It's a process and it's started but this is the first step.

Derek Anderson: I heard 2 comments tonight though, that I do think need follow up on your part. Looking at the plans the grading plan on sheet 3, I see some cut and I see some fill for leveling out the ground for the house . One thing is not clear on the drawing. It doesn't show the actual extent of the amount to the disturbance of trees that will be taken .

Al LaRue: We know what that is

Derek Anderson: There is a dotted line showing the boundary on it

Al LaRue: 31418 square feet and that includes the lawn on the west side of the creek

Derek Anderson: So, you are less than an acre.

Al LaRue: Oh, less than an acre and certainly less than an acre of the wooded area. Again, I am a graduate of forestry, I like trees.

Derek Anderson: And then the other comment, I heard this statement made about being in a flood plain and I don't see any indication on here whether or not where the flood boundaries may be on this site.

Al LaRue: Yes, the plan does indicate that it is not within a designated floodplain a FEMA floodplain

Derek Anderson: INAUDIBLE

Al LaRue: It is not on the floodplain maps or a designated floodplain map. I think you will find that on sheet 3 that note.

Derek Anderson: Ok, so it is a zone INAUDIBLE it hasn't been

Al LaRue: The house that we are proposing is 15 feet above the creek , the bank of the creek. So, I think we are high enough.

Derek Anderson: So, the house itself is essentially for all intense purposes, when you look at the streams around it , it's an island at some point.

Al LaRue: Yes, it's an island

Derek Anderson: There is cut I see on the entrance driveway and also a cut to create the driveway to go up to the house to provide, presumably reasonable grade for access to and from and the lowest area of that driveway will end up being the bridge going across and so even

though this thing is not in a flood plain I assume DEC and Core of Engineers were consulted for what is necessary of a clear opening.

Al LaRue: Oh yeah, no question.

Derek Anderson: You will be able to provide some kind of comment?

Al LaRue: We will

Mr. Casciani: Looking at that sheet 3 I have a better understanding of why he shaped the lot like he did , it kind of follows the contour of the soil

Al LaRue: Exactly.

Mr. Casciani: Alright, that is what we are going to do at this point. We will address a letter to the town board

Derek Anderson: The last thing to, have you gone out and done the formal wetland delineation for this area?

Al LaRue: We haven't but I have looked at it to say no there isn't any in that area except for that little, small band right where the creek is INAUDIBLE

Derek Anderson: INAUDIBLE looking at the streams and so forth it really seems that should be done for this parcel. It's going to be needed for the Core of Engineers and DEC anyway for the bridge access

Al LaRue: Yes, we are waiting for them to respond

Derek Anderson: Just demonstrating that the wetland and the trees and the impact of that to prove that the area of disturbance is not taken out of Federal Wetlands and if it is then how it is going to be mitigated.

Al LaRue: Exactly

Kathy Tadder at 1498 Chigwell Lane: In your letter to the town recommending that we accept the donation from Mr. Nacca would you ask that they accept it as a park district instead of open space, is that possible? The difference between the two being if it is accepted as a park district it will remain as a district. If it is accepted as open space, then the town can sell it at a later date.

Mr. Casciani: No, they can't sell that. Once that..... I don't believe that is the case at all.

Raja Sekharan: My understanding is that the Town Board receives it as open space but then forms a park district so then they would reach out to the residents in that district because there may be some costs of maintaining that park district. I have never seen it and I don't presume to

know everything about the Town Board, but I have never seen it where it is just dedicated as a park district.

Mr. Casciani: My belief is that they would keep it continuous of what was there.

Kathy Tadder: I just don't want to come back here in 10 years and ask you to do it all over again, that's all.

Raja Sekharan: So, you are not going to give preliminary or final?

Mr. Casciani: No, we are not giving anything.

RESOLUTION 21-086

Mr. Casciani made a motion for a **SEND A LETTER TO TOWN BOARD FOR THEIR REVIEW AND RECOMMENDATION ON IT** which was seconded by Mr. Arena.

VOTE:

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

Mr. Casciani: So, do we close public portion?

Raja Sekharan: No because we didn't do SEQR, and my suggestion would be adjourned this to a specific date and you need to submit your easement so that we can review it so that when you do come back, whatever date, we can move it along

Mr. Casciani: They have to get setup with the Town Board first so it's going to be pretty hard to pick a date.

Raja Sekharan: Just pick 30 days out. We need to adjourn to a specific date so there not hanging and everyone knows what is going on.

Mr. Casciani: Ok, Josh do you have a date there?

Josh Artuso: I don't think we can bring it back at the next Planning Board meeting.

Mr. Casciani: No because they have to go to Town Board and they will have to set their schedule to .

Josh Artuso: Would the Planning Board approval and I am just trying to think the logistics of the dedication aspect of it. The Planning Board would have to approve the subdivision first and the dedication of land would...

Raja Sekharan: In the past when the plat was submitted, the subdivision the land to be deeded over would be submitted as a separate deed and then Don Hauza would just go in and look at the deed description to make sure everything was copasetic and then I don't know what happens after that because I am just a low man on the totem pole. It's up to the higher people because we don't have authority except dedication. We can recommend but that is it. We are legislative adjunct to the town. What ever powers we have is what ever they have given to us or town law gives to us. We don't make the law; we just enforce the law.

Mr. Casciani: We could give it preliminary and final but then it would be subject to the actual transmission of the property and that would be the Town Board.

Raja Sekharan: And I can't see why the Town Board would not want to accept 9.98 acres of land I can't fathom but then again, I don't know everything about the Town Board. We can't make the call but at least submit it and then I can run it up to Charlie and then we can talk about it and he can talk to whoever he has to talk to pass down to me before the next meeting so.

Josh Artuso: So, there is a public hearing when the Town Board goes to decide on accepting dedication or not because that would add some additional time .

Mr. Casciani: We would have to set a meeting up for the acceptance of it and then giving a special use permit in that case, but yes

Raja Sekharan: The more ability for citizens to comment is always better. No one will find fault if we give them more opportunity.

Josh Artuso: The first meeting in October would be the 5th and that might still be pretty tight for the number of meetings with the Town Board .

Raja Sekharan: Why not go until the 19th . Solimano's not building till spring?

Solimano's: (not using the mic) We would like to break ground in fall INAUDIBLE

John Nacca: I am not going to sell the lot if I am not able to donate the land because I would shoot myself in the foot. Now I have 10 acres of land that INAUDIBLE (everyone talking at once)

Mr. Casciani: The only thing with us is there is a process, so we have to go through it. We would like to say you can start but we don't know how it's going to go. Just go step by step and do the bet we can .

Raja Sekharan: I don't know that we will be able to accommodate you, it's a slow process to get all these boards on board

RESOLUTION 21-087

Mr. Casciani made a motion to **TABLED APPLICATION TO OCTOBER 19, 2021** which was seconded by Mr. Kosel.

VOTE:

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

With no other applications before the Board this evening Mr. Casciani concluded tonight's meeting at 8:15 pm.

ADMINISTRATIVE MATTER: Minutes were approved for August 17, 2021.

Respectfully Submitted
Signed David C. Arena Sec. Dated 9/21/21

David C. Arena, Secretary
Katherine Kolich, Recording Secretary

SEP 24 '21 AM 8:03
FILED WEBSTER TWN CLK

Dorothy M. Maguire