

## OGDEN PLANNING BOARD

March 25, 2010

### Members Present

Gary Parker  
Marc Robinson  
Mary Lou Hetzke  
Tom Coburn  
Linda DelRegno  
Tony Halaris  
Jim Marshall

### Members Absent

### Others Present

Jack Crooks, Building Inspector  
Dave Widger, Highway  
John Freel, Town Engineer  
Harry Ewell, Conservation Board  
Michele Hankey, Building Clerk  
Joel Humphrey  
Millie Dibble  
Karen Rakoski  
Frank Rakoski  
Jim Case  
Kara Brown  
Terry Brown  
Peter Rivoli  
Wesley Galligan  
Barb Hinton  
Teresa Fletcher

### ***I. PLEDGE OF ALLEGIANCE***

### ***II. PUBLIC HEARING***

#### ***Square at Ogden Center Lot 1***

***2330 Union Street***– application of Andrew Gallina, Gallina Development Corp., 1870 South Winton Road, Suite 260, Rochester, New York 14618. Requesting preliminary and final site plan approval for construction of a 12,970 sq. ft. building to be used as a substation for the Monroe County Sheriff's Office. This property is located at 2330 Union Street. The site will be serviced by 4" combined water service and private septic system.

*Tax Acct #102.01-1-5.11*

Mr. Parker: I believe as you know it, this is a public hearing this evening. The procedure will be that we will have the representative of Square at Ogden Center present the project. Then we will have the various Board members comment on the project, and then we will open the floor to the hearing.

Mr. Gallina: Good evening Chairman Parker, members of the Board and staff. My name is Andy Gallina, and I am representing Gallina Development Corp. We are here this evening as Mr. Crooks described the application. We are looking for preliminary and final approval for a single story masonry facility located at 2330 S. Union Street. The site plan is as prepared by Corneles Engineering. With me this evening is Chris Martin, our consultant from Corneles Engineering. Also with me is Rob Gallina, my son, who will be functioning as project manager, and also Peter Rivoli, the current landowner, who will actually be the developer of the balance of the Ogden Square property. We are here this evening, and we will answer any questions further beyond the specific application this evening. Once again, we are seeking approval for the construction of a single story masonry building. The building will be housed by the Monroe County Sheriff Department Zone C. They have specific requirements about location in terms of regional access and this is a location that satisfied their location requirements. So we proceeded with discussions with them over the past number of months and we are very close to finalizing our agreement. The agreement is subject to approval not only by Monroe County Sheriff but County Legislature, which we are in the process of obtaining as we speak. Specific to the site, we are not asking for any variances at this point. We are meeting all of the criteria of the Code in the Town of Ogden. We are proposing a private road oriented as the site plan shows. It will be accessed onto Union Street, right at the signalized intersection. So we think it is an appropriate design and we have adhered to the recommendations of Mr. Widger and Mr. Freel in terms of the orientation of the road. So I think we have satisfied those requirements. We have shown 75 parking spaces on site that exceeds the Town requirement per Code for the parking requirements. A little bit more about the use as I stated, it will be a substation for Monroe County Sheriff. They will be running three shifts, as you would expect, 20-25 employees per shift. This will become their central hub in this part of the County. In regard to the site, I am going to ask Chris to come up and you will probably want to talk a little bit about some of the specifics with the engineering, the design, the drainage, etc. So Chris, I am going to ask you to come up and use the microphone here.

Mr. Martin: Sure. I will take a drawing up with me. Again, my name is Chris Martin and I am with Corneles Engineering. I will talk about the site first, and then I will talk a little bit about the subdivision. The site itself is lot 1 of the Ogden Square subdivision. As Andy had mentioned, there is a private drive, which is right opposite Colby Street, off of Union, which is at the signalized light. We meet the necessary parking requirements. We are going to have metal halide lights around here, with less than 1' candle spread on the adjacent property. So all the light is contained within the site itself. As far as the utilities are concerned, there is an existing 16" water main located along Union Street. We are going to tap into that with a 4" combined water service that will serve not only our domestic service, but also our fire as well, because we are going to have sprinklers

inside the building. The sanitary, because there are no sewers out there, what we are proposing is a partially raised fill system. We have had perk tests performed and witnessed by the Monroe County Health Department. Based on those perk rates and the deep hole that we had, it was decided that we had to go with a raised fill system. That is going in front right here. It will be slightly raised, but with the grading around it, it will blend in with the existing lawn. As far as the storm water is concerned, we are collecting it in the existing parking lots, the catch basins. What it basically is, we are bringing it around the building, we are tying in the roof leaders from the building itself and discharging it to an existing drainage swale. That swale carries it through to a proposed storm water management facility that we are putting on a parcel just south of us. That was one of the recommendations that the Town had, was to put the storm water management facility near the existing pond that is located right down here. So the pond itself is designed according to the N.Y.S DEC phase II requirements. Actually, we are throttling the water down less than what is required in order to improve some of the drainage further down stream. From the pond, there is an outlet structure that discharge to an existing swale that was actually part of the swale here, and that carries it through the site to the existing N.Y.S D.O.T pond that is located directly east of our project. So that is basically the site itself. The subdivision portion...what we have done as part of this project, currently there is one lot right here. Orient yourself, the expressway is up here, Union Street is here, and Colby Street is right about in the area as well. As part of our project, we are going to be taking this lot and splitting it in two. Basically, we are taking four lots and we are making four lots. We are changing some of the internal property lines. So our northern lot is here, there is a smaller lot here where there is an existing house. There is a larger lot in the back, and then a bigger lot here. You can see here is that northern lot here and we are dividing it into two. We are also creating a flag lot for the back portion, which will remain undeveloped. Here is the existing house here, which will become part of this bigger lot here. The private drive encompasses part of that flag lot, which we are calling lot 2, and lot 3 as well. This lot here that came out here, we are subdividing that a little bit smaller to keep the barn and there is an existing house there as well. So that is pretty much the subdivision. Andy, did you want to talk about the building at all?

Mr. Gallina: Sure. We do have a rendering of the proposed building. As I mentioned, it is a single story facility. It is all masonry construction. Steel bar joists and steel deck, built up a membrane roofing system. The exterior of the building will be constructed of 12" split face, decorative block units. They will be stained and sealed to the appropriate coloration here. The front panel that receives the signage will be a ground face block, a little more of a decorative look to it. It is really hard to really see it in this sort of colored rendering. It will be an upgraded ground face block that will accept the signage here. It will be similar gray in color, but it will be ground face. Other than that, I think that gives us an indication of the proposed building, the look and the site. Once again, we are not requesting any variances or unique requirements or requests from the Board at this point. I would be happy to entertain any questions.

Mr. Parker: Ok, thank you. I think I would like to next get comments from the various Board members. Are there any comments or input from the Conservation Department?

***Conservation Board- Harry Ewell***

Yes. Conservation Board has several findings here. We found number one, at the bed and banks stream that receives the water from the site, was not shown. Number two; we consider this site the gateway to Ogden and Spencerport pretty much. We are concerned about the appearance of the building from at least three sides, because it is the first thing a person is going to see coming to 259 in Spencerport there. There was not an agricultural data statement. We believe there should be one because it is within 500' of an active agricultural operation. The amount of fill was not shown on the map, and the 83(b) of the SEQR application was not filled out. It also had Little Black Creek, and we believe it is the east branch of Northrop. The use of the other lots at the time of our meeting which was March 2<sup>nd</sup>, the other lots were not mentioned in the information that we had. Our recommendation is that the bed and bank stream receiving all of the water be shown on the map. This project by itself, lot number 1, we have it as a SEQR unlisted and we recommend a negative declaration.

Mr. Parker: Thank you. Mr. Freel, any comments?

***Engineering Comments – John Freel***

Yes. I submitted a letter dated February 24<sup>th</sup> to the Planning Board. Just a general statement a lot of the changes that we see on the plans that we are reviewing tonight, were in response to the concept review that I did in January. A lot of changes were made, a lot of improvements made. I have about 17 comments. The bulk of them are just details. I have met with the engineer. I think you have already made a bunch of the changes.

Mr. Martin: I have made about three quarters of them.

Mr. Freel: I encouraged them not to bring a set of revised plans. It does not work well when someone walks in with a revised set of plans. I think the plans you had at the meeting, reflected a lot of the changes that we have requested. Just a couple of things, one item we also want to see is, when the water leaves the pond, we want to see the whole path all the way over to the D.O.T pond to make sure that there are no improvements that are required. Like if there is high spots or an offsite swale, and if there were any improvements that need to be made, that would be taken care of as part of this project. Second item is, I would like to see a letter of credit posted with the Town for the private drive, storm water management pond, storm water pond as built, erosion management and any other offsite improvements. We do not typically get involved with the inspection of private drives. What we do is get the money put in a letter of credit so as work is done, draws can be made. It is more common that we do this when there is residence along that private drive, just to make sure that the road gets built, and the developer is not going to take off. So, we would recommend a letter of credit. I think that is the only thing for me to discuss with the Board. I will continue working with the developers engineer resolving the issues that we have.

Mr. Parker: Highway Superintendent comments?

***Highway Department – Dave Widger***

I only had a few items. One of them is just to get the easements on the plan for the final drainage where it gets over to the State D.O.T. property. At that point, that pond is an on stream pond system for the east branch of Northrop Creek. The only other items that I had was taking care of the street alignment and as far as how the road itself is going to be built; base, binder, top and all of that. I am pretty good with it. They said they would take care of that, and I would see it on the next plan that shows up. I do not have any other issues.

Mr. Parker: Mr.O'Toole, any other comments or input?

***Legal Department – Keith O'Toole***

No comments.

Mr. Parker: Mr. Crooks?

***Building Department – Jack Crooks***

I think the only comment I have and it just reflects on what Conservation said. Andy as you know, the primary frontage on Union Street, we would like to see if we couldn't dress up that building on the final set of plans, and maybe even along 531 the ramp. I am not looking for you to spend a bucket of money, but that is what people are going to see for the most part. So it would be the west elevation and the north elevation.

Mr. Gallina: Well, the north elevation is fairly wooded.

Mr. Crooks: Would most of that stay? If most of that stays, it would be well screened to the north. But if it does not, we just want to make sure that it gets an attractive...

Mr. Gallina: So much of the existing trees are not only on that green area to the north, there is quite a bit of area of vegetation right on the State right of way itself that is existing. We have some very large trees up where Chris was pointing before, up in that area, and further towards Union Street there are some significant pine trees. With regards to that relatively small elevation, I would offer possibly some enhanced landscaping as well. That might do something. That comment did come back to me from Chris and I talked to HBT Architects about that. They said they would rather react to any specific requirements. They thought it was an appropriate design. But, they would be happy to look at any specific ideas. Are there specific ideas?

Mr. Crooks: Yes we do. Gablend or something like you have on your sign out front on the south elevation. Whether you would want any additional identification on the front of the building, just something to break up that wall.

Mr. Gallina: Maybe a panel on that side.

Mr. Robinson: Actually, that is part of the Heritage District and that does not even come close to looking in the historical type look we are looking for. For example, Cams Pizzeria, that type of flair is what the Village or the Town is looking for through that whole corridor. I am not exactly sure what you would do with that particular style of building to make it look like that. But, there are some specific ideas that we have for that.

Mr. Gallina: Part of our challenge was to... and this is kind of a request from the Sheriff, to make it more of a municipal building.

Mr. Robinson: I understand that but, our challenge is to make it look to be able to fit into whatever it be, whether it be the substation or whatever kind of building it is. It is a major starting point for us, and it needs to be something to carry that historical view through that whole corridor.

Mr. Gallina: You mentioned a district. This is part of a specific district?

Mr. Robinson: Yes, it is on the master plan. That whole area up through there is the Heritage District. It is all in the master plan.

Mr. Parker: Another thought that I had also was, that there is basically with the way that the building is situated on the lot, there are two frontages if you will. Possibly you could consider some signage on the west side, also to identify your building that would be similar to whatever your design is on the front of the building. For any traffic traveling southbound on Union Street, there would be no visible signage to anyone going in that direction, until they get past the building.

Mr. Gallina: That is a bit of an unusual request. Usually we are asking for signage and we are cut back on square footage. I am not certain. This is not a retail application. This is a...

Mr. Parker: Well, I might be the only one that shares that opinion. It sounds like it.

Mr. Gallina: The folks that come there are usually brought there, not voluntarily going there.

Mr. Parker: There are people who look for the police, not people who look for them for a negative aspect.

Mrs. Hetzke: I think it would be nice to put some shrubbery in or some landscaping on that west side.

Mr. Gallina: Landscaping is not an issue at all. We would enhance that. What I am much more concerned about is Mr. Robinson's comment about Historical District and changing the look of the building, which is significant. One of the reasons, and I keep stressing that this is a single story masonry building, there are certain requirements for these types of municipal facilities in terms of stability and seismic requirements and all of these sorts of things that we are meeting, with a fully masonry building. So, that was our intention and that was our approach.

Mr. Robinson: And certainly you can do that. But there are a number of facade issues that you can do with it. There are a number of facade things that you can do to make it blend more with this Historical District that we have in place for that. It would be a real shame to put that as the beginning of the Historical District.

Mr. Gallina: We are at the beginning of the Historical District?

Mr. Robinson: It is pretty close. It actually starts up at the corner of 31 and heads south from there. But for the public, it pretty much starts at 531 and heads south. That is a real important corner to do something that we are looking for.

Mrs. DelRegno: Well, we have pictures and samples.

Mr. Robinson: Yes. Mr. Crooks has got some documentation there that he would be glad to share with you. We are working on architectural review stuff. He has some things that he could share with you.

Mr. Gallina: I guess I was unaware of this, that we are in a Historic District and that there are certain requirements. Are these recommendations or requirements?

Mr. Crooks: I think, with all do respect to Marc, it is part of our Comprehensive Plan. It is not a district that is specifically marked like a commercial zoning, restricted business, or a neighborhood commercial, that type of thing. It is a vision that started a few years ago. I look at the building that we are in and it does not look a whole lot different than the building that you are proposing. I think most importantly, you need to soften that up. Chris can you tell us the distance from the road there, the setback?

Mr. Martin: Yes, approximately around 80-100 feet or so. From the road itself, it is over 100 feet.

Mr. Crooks: I think to support Marc; we would like to soften up that west wall. Whether it is with some split face or something different, some changes in tones in that wall. Or, as Mary Lou indicated, some additional landscaping would certainly soften it up a lot. I think that is something that we can work with along side your architect. I do not see it as a showstopper.

Mr. Gallina: Ok, but we should set the rules if we should come back, or how you would like to address this and just give me a little direction. Do we have an architectural review component here?

Mr. Crooks: No sir. The guidance is primarily presented from the Planning Board.

Mr. Gallina: Ok.

Mr. Crooks: I have no further comments Mr. Chairman.

Mr. Gallina: Thank you.

Mr. Parker: Are you in agreement Mr. Gallina and/or Mr. Martin with the various comments from the Board, Engineering Department, Highway Department and Conservation Board?

Mr. Gallina: Yes we are, and in addition to the Monroe County Department of Planning and Development letter that I think we have comments on. We are addressing those concerns. There weren't too many, but we will be addressing those as well.

Mr. Martin: And some of those have already been addressed on the revised plans.

Mr. Gallina: Yes.

Mr. Parker: Ok, thank you. What I would like to do now is open it up to the public. If you are interested in commenting or you have questions, please raise your hand. We will call you to the front. When you come to the podium, please state your name and your address. Thank you.

Wesley Galligan: 2351 S. Union Street: *Mr. Galligan expressed concerns with what was going to happen to the creek that runs behind his house and down through the pond.*

*Mr. Galligan and Mr. Martin discussed the whereabouts of his house in relation to the pond etc.*

Mr. Widger: They are not touching it.

Mr. Martin: Now that is not a drainage easement...

Mr. Galligan: Yes it is.

Mr. Widger: Drainage easement, it is not actually a creek; it is just a drainage path. There is a State easement and a Town easement over it. The town cleaned it out about twelve years ago. It will not go away, it will always be there.

Mr. Galligan: So it is going to stay?

Mr. Widger: Yes it will.

Mr. Martin: We are not proposing to do anything at this point.

Mr. Widger: They are not even working over in that area.

Mr. Galligan: Well, he is talking about doing something with this pond and that is on the other side of the creek.

Mr. Widger: North of the pond.

Mr. Freel: He is proposing a pond.

Mr. Galligan: Oh, you are going to put a pond in.

Mr. Widger: There is going to be a new pond.

Mr. Galligan: So you are going to stay on the north side of the creek then?

Mr. Martin: That is correct.

Mr. Galligan: *Mr. Galligan discussed his concern for the traffic going in and out of the building and headlights directed at his home.*

Mr. Parker: I believe in the documentation there was an estimate of maybe 20 cars an hour was it? It was minuscule.

Mr. Gallina: If your concern is cars, is it across the street from where you are?

Mr. Martin: No you are down here. The road is up here.

Mr. Galligan: But this hedgerow, the way it works is, I can see that white farmhouse. So, if you are going to open that all up more, is that hedgerow going to stay there where the trees are?

Mr. Martin: Some of them are going to be taken down.

Mr. Galligan: When they come out of that parking lot and turn, those headlights are going to be hitting the houses all of the time.

*Mr. Martin discussed with Mr. Galligan what trees will be staying and what will be going. He also discussed additional landscaping that will be filling in the gap that he is concerned about.*

Mr. Galligan: *Mr. Galligan had questions regarding leach line located in front and why it could not be run down Union Street and tie into the sewer system in front of the school.*

Mr. Parker: Based upon what we have, that can typically be serviced by a leach system. That is something that is typically done I believe with facilities like this. I do not see the advantage. Anyone else?

Joel Humphrey: 2329 S. Union Street: *Mr. Humphrey discussed with the Board that he likes the fact that the Sheriffs property is located horizontally to him. He feels like it is homeland security. His only concern was if they would be extending the road any wider and taking any more of his property.*

Mr. Parker: Regarding the highway, I believe that is maintained by the State. For them to make any changes, we find anyways as a Board, it almost takes an act of congress. I do not personally see that happening.

Mr. Martin: I can add something to that. We have met with the N.Y.S D.O.T and I have had a couple of conversations with them. The only requirement that they are asking us to do in this striped island here is to put a left hand turn lane for our site. There are no plans to widen it at all. We are going to use the existing pavement that is already there and just re-stripe that island and that is it.

Mr. Galligan: I think it is a great idea, I really do.

Mr. Parker: Thank you for your input.

Dr. Peter Rivoli: owner of 2330 Union Street: I have owned the property for several years since 1992. I have been approached by 100's of people to put something on the property. A lot of it was something that I did not feel would fit well in our Town. The first person that I really ever pushed and moved forward with was Andy and I think his project is worthy of our Village and something we could use here in our Town. Our wholehearted endorsement is selling the land to Andy to go and develop. I just wanted to put that on the record.

Mr. Parker: Anyone else?

Frank Rakoski: 501 Washington Street: My name is Frank Rakoski and I live at 501 Washington Street. I have a prepared statement that I will read to you, I will give a copy to Michele first, so that she can look at it.

*Mr. Rakoski read from paper submitted to Planning Board file (see file). He outlined his concerns with this project. Among them are as follows:*

- *This type of business is not consistent with the Comprehensive Plan, which states that commercial and business development will be on sewers and this project is not. Mr. Rakoski discussed that Monroe County does not have any other*

*commercial development on septic systems and that even the town building would not qualify to be built under current regulations.*

*Mr. Rakoski shared some maps about suitability for septic systems with the Board. Some specific objections he has are as follows:*

- *The raised bed shown is undersized and inadequate.*
- *The flows do not match design standards (table).*
- *Even a regular size house requires a 5-acre lot for this type of soil.*

*Mr. Rakoski stated that the purpose of restricting commercial, business, and even large public buildings to lands with sewers is to be protective of that land, and more importantly water, because eventually we are all going to be drinking that water.*

*Mr. Rakoski discussed with the Board two aspects of environmental issues that he has with this project.*

- *One is the regulatory process with EPA, DEC, and local requirements. EPA: Mr. Rakoski stated that from an EPA standpoint, the proposal falls under the Class V well regulation because; more than 20 people per day will use the site. He stated that nothing in the paperwork has addressed this.*

*DEC: Mr. Rakoski stated that while a long form EAF is in the records, there is no indication of the SEQR classification (unlisted or Type I?).*

*Mr. Rakoski stated that because this land is in the Monroe County Agricultural District, this would be a major change in use. Mr. Rakoski stated that this should be a Type I action, with a public review of the long form EAF. He also stated, that the whole parcel needs to be considered in its entirety for future development. He stated that carving out a portion and not considering the rest of the development until later is called segmenting and it is not permitted under DEC SEQR regulations.*

- *The second environmental issue that he has with this project deals with practical design considerations. He stated that it appears that the drawings and reports have low estimates of wastewater usage. Mr. Rakoski went on to discuss that non perking land (clay soil) needs a minimum 5-acre lot size for a septic system for a residential building site and due to this being a public facility, some regulatory agencies indicate a need for larger systems.*

*Mr. Rakoski: With all that said I am not for, or against a Sheriff's substation. This Board and the Town, needs all of the correct information to make a good decision. Each member of this Planning Board need to have a full set of information, and do an accurate, complete, and consistent job of evaluating the impact that their decisions are going to have, both immediate and long term. With so much at stake and so many unanswered concerns, neither the Sheriff's substation nor any building, should not be placed at this location until it is serviced by sewers. Thank you for your time. I am not sure if you have any questions.*

Mr. Parker: Thank you Mr. Rakoski. Mr. Martin or Mr. Gallina would you like to address any of the concerns?

Mr. Martin: Yes. Again for the record, my name is Chris Martin with Corneles Engineering. When we were first given this project to design, we also shared those concerns as well. One of the first things we did, was we performed perk tests throughout the site. From those perk tests, and believe me; we perked the whole site pretty much. What we found was, it did not perk much over in through here. But it did perk in the front. Our perk ranged anywhere from 9 minutes to 16 minutes. Per Monroe County Health Department standards, we did 3 perk tests, with a deep hole in the middle. The deep hole is what determined that it is a partially raised fill system, and that had to do with mineral deposits that were within a certain distance of the topsoil, and that was about 24 inches down. The next step was to actually design the system and to determine the flow rate. From that, it is a unique building because it does not really fall into the criteria of an office building, because a lot of the employees that are there are not there during the day. They come in, they get changed, and they leave. So they are not on site all the time. So we looked at a couple different ways to do it, and we determined the best way was to use water consumption data. Mr. Gallina has a site in Henrietta on Summit Point Drive that he leases to the Monroe County Sheriff's Zone B. That is almost identical in size to this building. In actuality, they actually have a few more tenants there. So being conservative, which most engineers are, we took the square footage of that building, and compared it to this building, and came up with the 570 gallons per day flow rate for this site, which is equivalent to a six bedroom house. Also, something that we did not take into effect and was a little further factor of safety was that in the newer buildings, you see a lot of water saving toilets in other facilities, which are not in some of the older buildings, that is zone B. So again, that would further diminish the number, but we felt to be conservative, we would keep it at that 570. If it is over 1,000 gallons, then you have to go to the DEC. You are correct. But it does not because the flow rate is under that, and again, this is getting reviewed by the Monroe County Department of Health. They came out and witnessed the perk test and also the deep hole. They also have to review and sign off on the plans. So, I feel comfortable that the system is designed in accordance with what is going here, if that answers the Boards question.

Mr. Parker: Any comments on any of his other issues?

Mr. Gallina: So many of his comments were based on broad assumptions that may not be specific to this site. I think the gentleman's focus was that he wants sewers. Well, we cannot simply push sewers on this Town. Sewers are done by a district. We have a local sewer district here. We actually met with Pure Waters' officials and talked about the design and capacity with the potential of getting sewers to this site. It is very complicated and expensive because it crosses the expressway, and how you get from point A to point B, which is north of the expressway. It requires funding on a local level, a local sewer district. It is not the State. Based upon those, a district charges back the consumers for a fee to pay for ongoing maintenance. Well, they feel that this is probably 5-10 years away in terms of substantiating enough capacity and flow to even ask the district to consider the extension of sewers. This is information right from Pure Waters.

So, we did pursue that. But before we even started, we had called and talked to both folks at the County and the local level about the feasibility of doing a facility like this on a septic system. Everybody was supportive of the concept, as long as it met other criteria and we believe it has at this point. If the whole point was to stop the project, or simply force sewers, it is simply not feasible. Sewers are not going to be a determining factor that they can...if you feel that this is inappropriate, then the project dies. No one can just simply go on a private side and just insist on putting sewers for a number of thousands of feet into the public system. It just does not happen that way. So I do not know what this gentleman's focus is, but I think he is trying to make a statement for someone to put in sewers and it just does not work that way. So we think it is appropriate, we think we have done the appropriate design, we have got the background information, and I think we are confident in the design and the capability to handle this project.

Mr. Parker: Thank you for your input. Are there any more questions from the public? Yes, Mr. Widger.

Mr. Widger: Just so you know...I also met with Monroe County Pure Waters on this issue. In fact, we had a discussion on the possibility for sanitary sewers. Pure Waters called me up and so I had a meeting with them. I think it was after Andy had actually talked to them. We discussed this out numerous different ways. The cost to boar underneath Route 531...the whole site would have to be developed all at one time, to actually be able to afford boaring under 531. The problem is, you cannot gravity that anyways. That would have to be a pump station. There is not enough elevation to get to any nearest sanitary sewer. It is not there. It cannot be sewerred by gravity; it would have to have a pump station. And the boaring underneath 531 would put it way over \$500,000 just for the sanitary sewers. So it is way beyond what is feasible. Just so that you know that I have met with them also and we have discussed this.

Mr. Rakoski: Thank you for allowing me to speak again, Frank Rakoski. I know everything that I said comes across pretty harsh. I do not really have an agenda. I respect Mr. Martin's engineering work as I commented. Mr. Gallina's forms and everything are very well done and very thorough. I think that I am raising a question for the Town and this Board as Mr. Robinson talked about, the Heritage District. If this goes ahead with one lot and you would have septic, without concerning the larger issue of developing the entire parcel, which may be is needed to justify sewers as Mr. Widger just said. I do not know if you want to set that precedent. Certainly it is your decision. But whether down the road, you can insist on sewers when the other parcel gets developed, I am not sure. As far as I can tell, it is not really done in other areas. I do not know, is the zone B station on sewers down there?

Mr. Gallina: Yes it is.

Mr. Rakoski: Ok. Then, it is up to the Ogden Town Boards and Planning Board to decide if this is an initiative that you want to take, or need to take, to have this development. It is a tough question. It is a tough issue. Hopefully, it can be resolved to the satisfaction of all parties somehow. I am just raising it, because I feel that I need to

do that as a citizen. There is a lot of research that I have done on other projects. Thank you.

Mr. Parker: Thank you.

Mr. Rivoli: This is Dr. Peter Rivoli. I will just add a little history on this. I think some people were here way back when we had the first zoning for the Restricted Business. I think the logic on the parcel was that the roadway was still in the Restricted Business, which gave the Town Planning Board control on further development in the area. So we were not allowed to go into the next area because we were still in a Restricted Business zoning, which was sort of the gateway into the rest of the property. That was what was described to me when we did the original zoning on that property, then on the second parcels.

Mr. Coburn: Do you have any plans for lot 2 or 3?

Mr. Rivoli: Not at this point in time. We have been holding on to them for a little while. With the economy, it has not been the perfect time to be doing development. Obviously, without sewers Ogden was one of the slower areas to go.

Mr. Parker: Are there any other comments from the public? If not, what I would like to do is call about a ten-minute recess, so that the Planning Board can caucus for a moment. So if we can meet back here after twenty after eight, we will continue.

Mr. Crooks: Mr. Chairman if you would prior to that recess, if you would close the public hearing portion.

Mr. Parker: Oh I am sorry. Yes, if there are no other questions or comments, we will close the public hearing at this time. Thank you.

*The Planning Board took a ten-minute recess.*

Mr. Parker: Ok, can we reconvene. I apologize; I am a freshman at this job. I understand that through parliamentary procedures, a caucus is not permitted; therefore we did not do such. I am more familiar with running business meetings, and we do not worry about parliamentary procedure. However, it is very different here. So I apologize for any misunderstanding. Is there any discussion by any Board members or any comments?

Mr. Robinson: Jack, if say for example, ten years from now, and the Sheriff's department decides not to be there anymore and a daycare center went in there for example. How would that affect the size of the septic system, or what would be triggered to make sure the septic system was upgraded?

Mr. Crooks: I am not sure anything would trigger that action. However, if the system were to fail, than some kind of repair would be necessary. It is monitored, and if it were

to have an issue, than the current Health Department regulations say that anytime, even to a private leach field system a repair is made, it requires review of an engineer and submittal to the Health Department for their review and approval like it used to be just a few short years ago. I am looking at this system here, our Highway Department that was built, what five years ago David?

Mr. Widger: Yes.

Mr. Crooks: That is on a very similar system and we have nothing but bedrock underneath this building. We are sitting on bedrock. But they were able to design a system that was satisfactory to the Health Department, and build a building that certainly houses more than 20 people on a 24-hour basis sometimes. But again, not unlike this use we are talking about, they are in and out. Guys come in and get changed or whatever. If there is snow on the road, they are in a truck and they are gone. They are back in for maybe lunch and they are out. It is not like you have six families living there 24 hours a day, taking showers, running dishwashers, doing laundry and all of those things that a normal family would do. So that is a little different.

Mr. Robinson: Again, my only concern was, should the use actually change to something else, how would that be handled.

Mr. Crooks: We actually have in this facility, a latch key program that has about 100 kids a day here. With the system that is a raised bed system, not terribly unlike what is proposed for this facility. That is where you see that big mound out front.

Mr. Robinson: I think my only big thing left is the design of the building. Again, it is in that Heritage corridor and I kind of have a problem leaving the building looking like that and fitting into that corridor. Since that was part of the vision of that Comprehensive Plan, I really believe we need to do some more homework on that.

Mr. Parker: Would the developer consider possibly doing something different with the western facing side of the building? We already talked about shrubbery and so on. But something in addition to that, different color pallet...

Mr. Gallina: I am certainly willing to consider enhanced landscaping, and I think we can handle that directly with Mr. Freel and Mr. Widger. From an architectural standpoint, yes I am willing to consider that. But at this juncture right now, I am not sure what I would propose.

Mr. Robinson: And I am fine with that.

Mr. Gallina: Share with me what your hope would be in terms of a process here to resubmit architectural drawings, or proceed on a contingency basis, because you have a couple different things working.

Mr. Crooks: I think if the Board is secure in the actual development of this parcel and what is proposed, then you could move forward with a conditional approval with some further work as we do have some minor engineering things to tighten up, that would be done between Mr. Freel and the developers engineer. But, Mr. Gallina along with his architect, we could sit down and take a look at a couple of options and see if we just cant break up that western façade. It is not a huge wall, and I think it can be done and done tastefully. Maybe with some different colored block, something that just makes it look a little bit different. I think we can do that and reach an agreement.

Mrs. DelRegno: Don't we have pictures...a book of pictures or something that...

Mr. Robinson: Yes, Jack has got some different things. Basically what we are doing is, we are trying to write an architectural review. We are not into saying that it has to be this. What we have offered is a group of pictures to give the developer or the architect a flavor of what we are looking for, for that specific district. Then we leave it up to the architect and developer to come back to us with what their vision would be to meet kind of the pictures that we have offered. That is what I would ask you to do, is to just take a look at what Jack has and go from there.

Mr. Gallina: I am certainly willing to do that. Unfortunately, I was not aware of this vision let's say.

Mr. Robinson: Sure. It caught you off guard.

Mr. Gallina: We are certainly willing to consider that.

Mr. Crooks: Having worked with Mr. Gallina on a number of other projects, I do find him to be cooperative. He is sincerely interested in what the community needs and wants are. I am confident that we can find a reasonable agreement to move forward with it.

Mr. Gallina: Thank you.

Mr. Coburn: I am a little bit concerned as to why you put the private road on it's own property or it's own parcel.

Mr. Crooks: We are changing that Tom.

Mr. Martin: Yes actually...again Chris Martin with Corneles Engineering. When we first submitted the plans, it is actually part of this bigger lot right here. Per one of the Town comments, we made this point here an access point as well. So there is a 25' strip that connects lot 2 to Union Street. So it was never on its own lot. With all the line work and everything else, it was difficult to read, so we have corrected that.

Mr. Coburn: Ok, so the road is now going to be part of lot 2.

Mr. Martin: It is part of lot 2 and 3. There will be an access easement to this lot and some of the other lots as well.

Mr. Robinson: So I am assuming that sooner or later, that driveway road will end up servicing that whole property.

Mr. Martin: That is a possibility yes. There was a conceptual plan that was done by another consultant, which was in your packet. It is a big part of the rezoning. That was kind of like a basic concept of what this area could be. Again, there are no plans for any of this right now, just the front part.

Mr. Crooks: The concern the Highway Department had was to make sure that there was access to all of those properties and none of them, by this subdivision would be left land locked. That is why we did some elevations Tom, but good question.

Mr. Parker: Are there any other comments from the Board members? Would anyone like to make a motion for SEQR approval?

***RESOLUTION #1***

***SEQR Determination***

Introduced by Mrs. Hetzke  
Seconded by Mrs. DelRegno

**MAY IT BE RESOLVED** that the Planning Board classifies this action as an unlisted action, with a negative declaration.

**Vote of the Board**

Ayes: Robinson, Hetzke, Halaris, DelRegno, Coburn, Marshall, Parker  
Nays: None

Mr. Parker: Is there a motion to grant conditional preliminary approval for the Square at Ogden Center project?

***RESOLUTION #2***

Introduced by Mr. Robinson  
Seconded by Mrs. DelRegno

**MAY IT BE RESOLVED** that at a meeting of the Ogden Planning Board held on March 25, 2010, the application for Andrew Gallina, **preliminary overall approval was granted with the following contingencies:**

- Satisfy the concerns of the Highway Superintendent;
- Satisfy the concerns of the Town Engineer;
- Provide west elevation design options, not to exclude additional landscaping.

**Vote of the Board**

Ayes: Robinson, Hetzke, Halaris, DelRegno, Coburn, Marshall, Parker  
 Nays: None

Mr. Parker: The conditional preliminary approval is carried, congratulations.

Mr. Gallina: Well the request was preliminary final. So, conditional preliminary you will require us to appear before this Board again.

Mr. Parker: That is correct.

Mr. Gallina: So that is the decision. Will we be able to appear...let's see here, did we miss the cutoff date? Is this going to put us back 60 days or 30 days?

Mr. Crooks: Thirty days, we meet twice a month.

Mr. Gallina: Thank you.

Mr. Parker: Thank you.

**III. OLD BUSINESS- None**

**IV. CONCEPT- None**

**V. EXPIRATIONS -None**

**VI. MAPS FOR SIGNING- None**

**VII. APPROVAL OF MINUTES**

**RESOLUTION #3**

Approval of the Planning Board meeting minutes of **January 28, 2010** as presented.

Introduced by Mr. Coburn  
 Seconded by Mrs. Hetzke

**MAY IT BE RESOLVED** that the minutes of the Planning Board meeting of **January 28, 2010**, stand approved as submitted.

**Vote of the Board**

Ayes: Robinson, Halaris, DelRegno, Hetzke, Coburn, Marshall, Parker  
Nays: None

**VIII. WORK SESSION- None**

**IX. ADJOURNMENT**

Introduced by Mrs. Hetzke  
Seconded by Mr. Coburn

**MAY IT BE RESOLVED** that the Planning Board meeting of March 25, 2010 was adjourned at 8:29pm.

**Vote of the Board**

Ayes: Robinson, Halaris, DelRegno, Hetzke, Coburn, Marshall, Parker  
Nays: None

Respectfully submitted,

Jack Crooks, Secretary