

OGDEN PLANNING BOARD
March 13, 2008

Members Present

Lee Sinsebox
Marc Robinson
Linda DelRegno
Tom Coburn
Tony Halaris
Gary Parker

Members Absent

Mary Lou Hetzke

Others Present

Keith O'Toole, Planning Board Attorney
Jack Crooks, Building Inspector
John Freel, Town Engineer
David Widger, Highway Superintendent
David Pulhamus, Conservation Board
Carol LaBarbera, Secretary
William Webber
Jackie Swett
Amanda Acita
Bob Davies
Nancy Wolk
Jeanne Johnson
Bob Garlick
Kate Fairbrother
Tom Fairbrother
Julie Dunn
Sandy Maluta
Jonathan Barnard
Paul Krebs
Mike Loopiest
Ange Maluta
Brian Shannahan
Debbie Carrier
E. Franchise
Doug Brown
Dominic DiVincenzo
Tom Agnes
Elizabeth West
John Sciarabba, Land Tech Surveying and Planning
Dan Visca

PLEDGE OF ALLEGIANCE

I. PUBLIC HEARING

1. ***Canal Pines Business Center*** - application of Land-Re, LLC, Spencerport, New York, to obtain SEQR approval for the rezoning of approximately 51.6 acres into a 26.8-acre parcel, proposed to be zoned restrictive business and approximately 24.8 acres proposed to be zoned Senior Citizen. This public hearing is to assist the Planning Board in completing the State Environmental Quality Review. The property is located on the east side of North Union Street (NYS Route 259), approximately 335 feet north of Big

Ridge Road. It will be serviced by public utilities and will be titled **Canal Pines**. (t.a. #087.01-01-24)

Mr. John Scriarabba with Land Tech Survey and Planning. I am here representing Land Re Corporation. It is important to point out Land Re Corporation is an entity formed by four local businessmen. They all reside in the town and work in the town and they own this property. As the public notice states, our plan for this evening is to request that the Planning Board make a determination among them to be Lead Agency and submit some work out to other agencies so that we can have a SEQR Review done. Our goal is to walk away this evening with a clear direction from this Board, and hopefully to come back on April 24 to review the comments made by the outside agencies and, hopefully, at that time the Planning Board can deem themselves lead agency and possibly make a SEQR Determination on rezoning. The plans that I am referring to that I can describe tonight have a lot of details; a lot of site plan questions that this Board is usually in charge of reviewing. Our scope is a little narrow tonight. We are asking just to think about the rezoning and if the rezoning moves forward, we will then make application back to this Board for site plan. The SEQR determination will have to be made on that issue. There is a 30-day notification to those outside agencies so April 24 puts us in a good spot.

As the Public Notice states this project consists of approximately 52 acres located on the east side of Union Street, north of Big Ridge Road. Our proposal is to rezone approximately half of this parcel to "senior citizen", and the western portion to restricted business. The concept, as shown, has 94 senior units in this area. We show in the middle a medical component with about 10,000 sq. ft. of medical offices, and in the front portion facing Union Street are a professional office area and other uses that are required within this restricted business.

A couple of points to point out... there are going to be 2 different HOA's that will encompass these uses. That is important because all the roads that are in this project will be private so they will be dedicated facilities to the Town of Ogden. The Public Notice also stated that this would be serviced by public utilities. We are also proposing to access the new Monroe County facility on the village property immediately east of us.

A quick overview... we were last here back in September for an informal review to see if this project had merit. We did make application to the Town Board for rezoning. We also had an informal presentation to the Ogden Zoning Board of Appeals for their input. We had a public hearing with the Town Board on January 23, where we had input from the neighbors, input from the Town Board, and at that time we made application to this Board this evening.

Another point that has come up during this process that we have already started addressing is traffic. A traffic study has been prepared by SRF Associates. It has been submitted to the town staff. One of the points that we always thought might be evident is some kind of turn lane or facility on the Union Street entrance. That did come true. Right now in the traffic study, they do feel that there is going to be a turning lane required from the southbound direction. As the plan evolves, plans will be submitted to New York State DOT for their review and also town staff. I should have some input on that configuration as well.

Issues of the neighbor's... comments to this Board, drainage and traffic, the impacts of this open space. I feel we can work with those neighbors. We are looking forward to getting comments from any outside agencies and having the ability to review those at upcoming meetings. As I said earlier, the site plan process will bring to light more issues.

Lets have a brief overview of where we have been and then I can address any comment from the Planning Board.

Mr. Sinsebox: I want to explain where we are at in this process. Before any Board, whether it is the Town acting on the rezoning as proposed here or this Board acting on any approvals for site plan, we have to address SEQR. SEQR is a State Environmental Quality Review. We have to flush out any impacts that might be presented by this project with respect to the environment and the Town Board has commissioned this Board to review those issues before the Town Board is going to take any action regarding the rezoning. There won't be any approval tonight. We are anxious to hear from the public that will help us focus on the SEQR issues. There will be many more meetings after this regarding the site plan assuming the SEQR process takes its course. I think at this time I would like to have any one in the audience who has questions to come up. We have looked at this conceptually. We don't have all the answers yet. Mr. Sciarabba can probably answer questions about what they are proposing.

At this time Mr. Sinsebox opened discussion up to the audience.

Tom Agnes, 2255 N. Union Street: We live across from the pasture. A couple of questions that came to mind for me for this is concerning the traffic study. It is not just the volume of traffic, but also the speed of the traffic. Where we live now there is quite a bit of traffic, and I was wondering if you were able to work with the DOT on changing the speed limit. We notice the speed by which people fly by and hope that that may be taken into consideration. The other thing I am concerned about is the Senior Citizen housing that is proposed. What would the range of prices be?

Jeanne Johnson, 2094 N. Union Street: I am north of this proposed property. I have a couple concerns. I have lived in my home for about 20 years and I have a view of background on this road. I was there before Route 531 and have seen, as more development happens in our community and north of us, what the traffic has been like. I would like to open with out of the Town of Ogden Open Space Framework for Community Wide Open Space Conservation Effort booklet, the page about protecting scenic use. Community character has a great deal to do with perception. For many the community character most open experience is at roadside glances through the windshield on the way to work and home again, when there is more to the actual makeup of the town's character such as the presence of working farms and ecological resources.

My main comment about this is that it is currently R1 (residential single-family). That is what we expected and I live in an R1. I also noticed this development is very, very dense. Route 259 (Union Street) is one of the main corridors of people traveling to and from our town and to me this looks like Ridge Road. It looks like a few houses here and there and then we have this business area and then a few more houses, etc. I would like us to really look at what this is going to look like. This is across from the park. This park is used in nice weather and it is used a lot. I think we really need to look at the traffic area when the traffic study is done. There is going to be a big difference if you do it March vs. if you do it in June, July or August.

Drainage is my second really big concern because the school drainage comes down in-between my property and the school property and then comes down Route 259.

My other concern is... do we need this bigger space. I drove around before the last Town Board meeting and it doesn't take long to see how many "for rent" signs there are for business space and the new development you see going up on Lyell for additional business space. They always say they are going to develop as they fill the space. I don't think the first tenant is the hardest to find, but when they move out and you are trying to refill the space, you end up with all these buildings that just sit. I think we really need to take that into consideration. I also feel it a little odd about the mixture of the Senior Housing behind the business district in that they would have to come through a business district to get out onto Route 259 (Union Street). I don't find that a good mix.

The other concern I have is about the sidewalks. I am told that the Town of Ogden does not want to have the sidewalks because they do not want to maintain the sidewalks, etc. If you are talking about seniors and they want to walk to this business area, they are either going to be on the other side of Union Street and have to cross or they have to be on the other side of Big Ridge Road and they have to cross. If you are going to have a development like this, they should have to put in sidewalks.

Elizabeth West, 36 Big Ridge Roads: A couple of concerns I have were concerns I brought to the meeting previously. One is whether there is that much need for senior housing. I see that there are already three areas that you are rezoning for senior housing here in the Town of Ogden. I am curious as to how many areas of senior housing are really needed in this town? It seems to me, and I asked questions about why we are doing business with senior housing only, and I was told by the builder that is because the Town specifically requested senior housing and not residential housing. It is because of not wanting to have more school age children in the area. As the parent of school age children, I have to tell you that part of my preference would be if they were going to develop that land that it be residential homes with a substantial amount of land in between each house so that it keeps up with the property values in the area. It is also able to contribute to the neighborhood appeal that we already have in that area. I have lived in my home going on 4 years now. I am open to change and I am open to things changing, but I really don't think we need this kind of unit in the village, first of all because of all the issues that have been mentioned already. Just the general looks and feels of Spencerport, because Spencerport is some place special. We are not Greece for a reason. I do not want it in my backyard. I am open to that being able to be developed and do what they need to do with their land. I am not trying to block them from making a profit, but I would like it to be something that they are looking at a half-acre between each home. When I asked about how much land is going to be between units, there isn't any. There plan is to be unit, to unit, etc., which is 94 homes with absolutely no property between. I don't think we need more business space in the village. I think the Village of Spencerport and the Town of Ogden are having enough trouble filling the business space that is already there. Let's look at creating more community. That is what is increasing; our property values and increasing the small town feel that we have already.

Doug Brown, Big Ridge Road: The traffic thing is a big thing on this whole deal. I think that Mr. Freel said they were trying to buy the property that comes out on Big Ridge Road. There is so much traffic on that road. Buses go down that road 4 or 5 times a day. There are 2 sessions at BOCES. The kids are endangered sometimes. If they have an access road, you know everyone is going to go that way and go through there.

Dominic DiVincenzo, 3604 Big Ridge Road: I live east of the access road and I would like to inquire about that road. That is not a road. It is a driveway.

Mr. Sinsebox: I am hearing traffic several times. Traffic is going to be considered an environmental issue. We did receive a report from the applicant's engineer. We will be going into that in a little more detail later. That is one of the items that is going to be examined very closely through the SEQR process should the rezoning take place. Your input is very important to us and not really surprising because a project of this magnitude can generate a lot of traffic, can have an impact on the network in the area, and we have asked them to start addressing that. Drainage is a fairly routine thing that is reviewed under SEQR. Putting in additional pavement does create additional runoff and can have a pretty big impact on the overall drainage and there is ways that it can be mitigated and handled. I think that the applicant's engineer already knows he's got a task there. This is all good information.

Tom Fairbrother, 8 N. Union Street: I agree with the comments made so far. I would like to expand on a couple of them. One item that should really be noted is that this is in the Spencerport Electric District and any addition to the load on the Spencerport District will increase the cost of electricity to everybody in the district. The

traffic situation... I specifically request that the analysis include the times that the buses are going by on Big Ridge and the summertime when we have the sports going on at the park. It is not really the drainage that has to be a concern. That property, right now, carries all the drainage from the northern half of the village as far as I can see. I know the storm drain goes down there but I understand it opens into the gully in front of the (inaudible) property, which is barely able to carry the load now. Anything that obstructs that flow or doesn't improve it will result still in the area of the intersection of Big Ridge and Union Street getting flooded when the rains are hard.

Mr. Sinsebox: Could you elaborate on the energy use? Is it a fact that this is going to be using Spencerport Electric?

Mr. Fairbrother: Yes. The mayor stated this.

Nancy Wolk, 3832 Canal Road: I am very concerned about the density of this project and if you looked at our survey about population, everybody was concerned about the integrity of our town and the rural character was very important. This looks very dense, very different from what the general population would have an interest in seeing but to me it more important than anything. If this is really the gateway to our community, this is the gateway to our village. Right now it is very residential. We have some very nice property. What worries me is it shortens our Main Street. If this comes to pass, I hope the Planning Board looks at the site plans and really goes through it with a fine toothcomb. I am also concerned about the traffic that comes off that road.

Mr. Sinsebox: This Board is very accustomed to looking at architectural styles and what is proposed for the buildings and we asked for a lot of information on that.

Ms. Wolk: If we are looking at a development like this, with the amount of traffic you are talking about, the size of the lot... put it up on Route 31. It really suits that type of a structured land much better than coming into our small little village.

Brian Shannahan, 54 Maida Drive: This project does not directly impact where I live. It indirectly impacts on a lot of comments that we have heard and I echo a lot of those same things. When my wife and I were looking for a place to live, there were a lot of communities that turned us in the other direction. This is a great town and a great place to live with the environment here.

Debbie Carrie, 56 Big Ridge Road: Just to touch on the traffic. I have sat trying to back out of my driveway for literally 4 to 5 minutes because of the amount of traffic, more so between the hours of 10 and 3. There is traffic coming both ways. The other thing that concerns me is the Community Senior Citizen Housing and the demand for so much. It was mentioned that roads to develop that property maybe residential. My concern is "Senior Citizen" who will bring people in who are going to participate in the community.

Elizabeth West: In the previous meeting with the Town Board it was mentioned that this is going to be done in phases and that one of the first stages would be the strip in the front with the businesses. The next stage would be putting some of the senior housing in. One of the first roads of senior houses that is projected is this road right here. I don't know if this is the proper place to make a request, but it seems to me they are going to have to put in all new electric and drainage, etc. It seems physically more responsible for that (inaudible) road of senior housing off that middle road, off from where the main business line is and keep that one road off Union Street until they find if there is enough need to build more senior housing and then maybe progress out to using the roadway that comes off Big Ridge Road. As a resident, I would request that when they do start to put in the senior housing that it goes off the one road first rather than going to Big Ridge.

Mr. Sinsebox: We do have a procedure for that. They will present an overall preliminary plan if it gets rezoned and then we will look at the nuts and bolts of the whole

project and then they come back with each individual phase. They show us how they are going to phase it. That is a good point because if the project doesn't move forward, you don't want it set up so the balance of the land couldn't change it.

Ange Maluta, 70 Maida Drive: I live in the subdivision east of this proposed plan. My concern is that we have a couple of lots that were never developed. I have been told that this subdivision is going to connect to our subdivision.

Mr. Sinsebox: The conceptual plans that we have do not show any cross connection to the east.

Mr. Maluta: I heard they are in the process of trying to purchase those lots so they can connect eventually.

Mr. Sinsebox: If they have, they have not brought it to our attention.

At this time Mr. Sinsebox closed the public portion of the meeting and asked the applicant's engineer to come back and address some of these concerns you have.

Conservation Board's comments:

Mr. Pulhamus: We want to point out that the developer completed Part II of the long EAF and they were not supposed to do that.

Mr. Sinsebox: We had them do that in the past as a courtesy. We still have to review it and determine if we agree with it.

Mr. Pulhamus: The zoning issues that we looked at... this is a large open space next to the park, which is desired by the town's Open Space Plan and the Master Plan and this will definitely take away from that, which the residents of Ogden did stress as one of things they wanted to maintain. The traffic issue will certainly be an issue. There will be quite a traffic increase. The other concern we toyed with was the appropriate use of the land. We would prefer it to be a little more open but that would come about with the plan when the developer brings it up for review. We look at this as a Type I SEQR project and we did not reach a consensus on a declaration.

Town Engineer's comments:

Mr. Freel: I submitted a letter to the Planning Board dated March 12, 2008. I reviewed the EAF form and also the traffic study. The traffic study is going to need to be resubmitted to NYSDOT for review. What I would like see is whatever the DOT comes up with in their review, we get a copy of the review letter from the DOT so we can see what their concerns are. The report also indicates specific improvements like a turning lane for the southbound traffic on Union Street into the project. Whatever improvements you are proposing, I would like to see them on the conceptual plan so we can figure out the lanes. Whatever improvements you are proposing put those things on the plan. They are proposing a widening of Union Street for the turning lane. You are going to have a turning lane so you are going to push the traffic outside those areas. What we are wondering is, is the area that is going to be widened symmetrical from the centerline or is it all going to be on the side of the project or the side of Barefoot Landing?

As I said earlier, the report recommends a left hand turning lane for the southbound traffic into the proposed project. Not generally significant turning movements into the park during peak hours at the time of their studies, I also tried to get in and out of the park during the months that there are activities back there. If you are going to be widening the road for a turning lane into this project, the road is going to have to taper back. I would suggest you move the taper back and provide a turning lane into the park. I don't have any idea how long a turning lane should be. If you are going to be going through this whole

exercise of providing turning lanes for their project, I think you also need to look at the park also.

The report mentioned that the speed limits on Union Street and Big Ridge Road are 45 MPH and 35 MPH. What they have done is chosen a sign speed of 50 MPH for Union Street and 40 MPH for Big Ridge Road when they were doing the study. There is no mention in there of what the 85% speed of cars traveling on both roads. I think you want to know what the 85% speed is there and consideration should be given for a design speed of 55 mph for the taper on Union Street and 45 mph for Big Ridge Road. Also with the higher design speeds it will provide a little more margin of safety for motorists especially for seniors.

Also, not included in my report but thinking about it later, it does mention in the report that the only new project on Ogden-Parma Townline Road is Stonewall Estates, which is approved. There is another phase of Ashland Oaks that should be considered and I don't think that is included in the traffic study. I don't know if it is going to have an effect or not. Also, there is going to be a "defined intersection" for the Park Road and the project road. Immediately north of the Park Road on Union Street is the Barefoot Landing entrance. You may want to look at that and see if that is going to have any impact on the traffic study and maybe it might be a recommendation for this project or in the future that that entrance be closed off on Union Street and all come out at that one defined intersection. I am not saying to do that...

Highway Superintendent's comments:

Mr. Widger: As far as rezoning, I don't have a whole lot. What I am concerned with mostly is the traffic and the entrances. What I would also like to see is the right turn, left turn going out when you are heading out of the development. There are three proposed and the State DOT wouldn't allow it, so I would just made a wider entrance. The other concern I have is the drainage. We are going to make sure the drainage conveys (inaudible). We are going to try to work with the developer's engineer and see if we can pick up a little more drainage to Northrup Creek rather than going through the Rolling Acres Subdivision. The village has got drainage issues down at the intersection of Big Ridge and we have to make sure we convey that water passed the site where there are already restrictions.

Resident: I think a streetlight would be fantastic there if this development would go through. I heard they would not put a streetlight because we have one at Ridge Road and Union Street.

Mr. Sinsebox: When a project is proposed like this, the traffic study is suppose to identify any impacts based on other studies and other developments. Part of that study is counting cars and figuring out exactly what is going on. The applicant's engineer did submit a report, which identified some areas of impacts and the next thing in that report is suggested improvements to mitigate those impacts. That is what is being reviewed through our engineer. We may not agree with the negation and may want to see it modified. Long story short, Route 251 is a state highway. Whatever is done with this development in regard to upgrades to the highway will be reviewed by the State and also approved by them especially when it gets into traffic lights. My experience with them is that they don't like traffic lights unless they are really warranted because it delays movement on state highways, which is using major corridors and the state wants to keep the traffic moving. That is a little background on what this traffic study is all about. We are making it part of SEQR. We are going to have all of our answers done through that report before we can feel comfortable.

Mr. Sciarabba: The issue of traffic has been a concern. Most of the people are well aware of that. I set up the traffic study last year. That is why there were counts done in August and there were also counts done in February, two different counts at two different

times of the year. We concur with Mr. Freel's concerns and would like to meet with the DOT during this process. That will be our goal and we will have information at that time.

One issue that was brought up numerous times tonight is density. I would like to point out that as a design-engineering firm that came up with this concept that really is how it is. It is the best effort that meets my client's wishes and puts on papers that meet code. The density will probably go down. I could have made my life easier showing 50 units and get to rezoning and then come to the Planning Board for site planning and showed 80. I don't work that way. I would rather show 94 and then come back to you with 85. Enough is going to happen. You take in wetlands, drainage, bedrock, etc. Other design criteria are going to come up in the future. I can promise the number is not going to go higher; it will definitely go down for both the commercial and the senior center. It is a question of phasing, and not in my back yard. I am going to take these things seriously. I have them written down. In the senior area, we want to incorporate a lot of open space and landscaping for them. The units will be close together but they will be independent units. They will have a tremendous amount of common area that they can use for walking and just enjoying the area between them. There will be sidewalks. One of the concerns from early on is the Town Board wants to make sure that these people can get to the village to use the services of the village. We know and are planning that our frontage will probably have a sidewalk. The neighbors mentioned drainage. I am not aware that this site takes all the drainage from the north half of the village. That is a concern Mr. Widger brought up. The Town does have requirements that we have to increase the run-off by 35% and the DEC regulations as well. We will meet those requirements as the plans go on. This project may take 10 years to construct. We don't know. Hopefully, it gets constructed in 3-years, but when you show all of this at one time I want a 200-scale map. It does look very dense but I think the project, if we are destined to move forward will work well for the town.

Issues regarding architecture have been brought up briefly by a few folks. We have retained LaCroix Architects. Mr. LaCroix is a resident of the Village of Spencerport. He is involved with issues in Spencerport. We brought him on board because of that and his ability to pick-up the architecture of the village and bring it out to the north. We are going to be working with him. He is part of the design team and will be presented to this Board in the future.

The units are not going to be apartments. It is going to be an active adult community. We are not targeting people that need a lot of support. We are looking at people who have downsized or have two places, one in Florida and one here. That is the marketing. The commercial issue... I am not a marketing person. There is a marketing person on staff with the design team. This plaza is located between Park Ridge Hospital and Lakeside Hospital. It is slated by numerous physicians in their master plan to have a place that is close to those facilities. With a state road, Ridge Road, and Route 531 close by it makes it viable for that activity. Some of the concerns that we told the Town Board and presented last time, a lot of people in Hamlin and Parma have to go to Brighton to have x-rays done. We want to bring that here. That essentially is the market of the project.

Our phasing is to put the access off Union Street first. We would like to have a medical building go up right away. Then start another one. If the senior homes do take off, we do have the other access on to Big Ridge Road. These could be started independently, which could be a good thing. You don't have cluster traffic during construction. The neighbor adjacent to the access point asked how that was going to be handled. Any upgrade that we do on that access road to the village treatment plant would be designed to the town's standards. We are not going to put all this traffic on a little driveway that we use for town staff once a day. That will be upgraded. There is plenty of room for physical pavement to get through that. We have been working with the village. They are going to have us take as much road as we can so they don't have to maintain it.

Mr. Sinsebox: As mentioned, the interior roads of the development are going to be owned and maintained by the HOA. Would that be true for this portion of the road?

Mr. Sciarabba: We will probably maintain it as well. We don't know that but we are having a municipal property involved. Our proposal now is that as soon as we make our turn into our site starting our road network, at that turn there will be a gate and then that will be the village road after that. Where our deed is we don't know, but that is the plan.

Mr. Sinsebox: This is good opportunity for us now to let the applicant know what other additional information we think we may need to do a thorough review in SEQR. I am going to propose tonight after a little more discussion here that we announce that we will be lead agency and instruct Mr. Crooks to send a letter to the involved agencies to see if any of them want the position and if it comes back negative, we will become lead agents.

I would like to take a few minutes now to let the applicant's engineer know, first we should identify definitely where the environmental issues are. We have mentioned traffic, and information we need for the traffic study for our engineer to thoroughly review drainage. I am going to suggest with drainage that you prepare some sketches how you are going to control the drainage. I would expect you to comply with Phase II Regulations. A report outlining exactly what you plan to do as far as drainage control and drainage mitigation should be submitted so that we can review it. It looks like you do have a place on the site to do those kinds of control but I think I would like to see them in a report. If anyone else has any comments or concerns that you would like to see the applicant's engineer address regarding SEQR, now would be a good time to give them that guidance.

Mr. Coburn: I think we have to learn a little more about the effect of the project on town utilities, which could be significant.

Mr. Robinson: I would like to see some kind of report on the usage and how it will affect the energy cost to the rest of the people.

Mr. Crooks: I think it is important that this developer work with the municipal electric, as they stated that this was well within their franchise district. The municipal electric superintendent has made recent developments in the village very clear. For instant heating is not to be done by electric but a certain gas type-heating unit. There is no doubt this will increase electric use in the village. I think this Board would be wise to include the municipal electric superintendent in these discussions because I am sure that they will have concerns that will need to be met.

Mr. Sinsebox: Are you suggesting that that may be something they could propose to do, that they can make a commitment that they wouldn't use electric. It is not something that we can ask or demand that they can do is it?

Mr. Freel: Yes.

Mr. Sinsebox: If that goes to help control the rates at this time, I think that is an excellent idea. Maybe you could make some kind of comments in your report about what your plans are as far as that goes.

Mr. Robinson: There has been discussion on whether some of the residents are slab on grade or full basement. That does have some impact on the drainage. I would really like to find out more on what the thoughts are on that.

Mr. Sciarabba: The information that you are looking for this evening... traffic, drainage, town utilities, basement and topography, you want that report sent prior to the April 24, 2008 meeting?

Mr. Sinsebox: If you could. We know we are going to be waiting 30 days to hear back from the involved agencies. Assuming they say, “no, Ogden Planning Board you go ahead and be the lead agency on this”, then we are in a position where we can process SEQR. I think the sooner we process this information; we have time to study it and review it. Mr. Freel will have an opportunity to review any updates or revisions you make to the traffic study. We will be better equipped to advance SEQR.

Mr. Robinson: In the traffic study, I would like to see more of how the traffic impact, not just the intersection of Big Ridge Road but of Big Ridge Road in general.

Mr. Sinsebox: I think if the traffic report is updated addressing the things that we have asked for, at this point I think we are comfortable with the SEQR aspect of it, knowing that all through the approval process we will be revisiting these things and looking at this in more detail and seeing the permit from the state, allowing it to happen, before we give approval.

Mr. Sciarabba: There is a procedure issue and how we are going to move forward. There is an attempt tonight to send out to other agencies and hopefully hear back and meet on April 24, 2008. I will be charged with submitting a report to you by April 1. That will detail more of the traffic issues both described by the Board, the neighbors, and Mr. Freel’s comments. I am going to touch on drainage to make sure we adhere to the requirements of the Town and the DEC. I am going to meet with the municipal engineer of the village to discuss utilities and the impact with this project on those utilities and have information to report. I am going to detail the issues of the basements, so I can tell you now that obviously the commercial side, which is one-half the project or half the project, will not have basements. There is bedrock in the area. Some people do want basements. It is nice to have the ability in some areas where bedrock is there so basements can go in there. We want that extra room. It is more a marketing thing and I will detail that further. I will get a letter from the village stipulating that we do have access to the sewer facility and I will get more information from the traffic engineer on Big Ridge Road itself and also identify BOCES for impact.

Mr. Sinsebox: Sidewalks were mentioned several times. It is not addressed on this concept. I know you mentioned you would be looking to do some sidewalk improvement to link with the village sidewalk. It might be helpful to just have a little diagram showing where they are now and where you propose to build them. You mentioned you didn’t plan for them inside the development. I would be interested to talk to the village officials to see how they feel about it.

Mr. Widger: You may want to check with Monroe County DOT. They did a bigger study on Big Ridge Road for the purpose of rebuilding Big Ridge Road. Maybe you would get some helpful information out of that from the engineers who did that work. Another thing, I want you to understand, is with the sewer treatment plant going off line, there is a lot water that is not going to be put into Northrup Creek anymore. The impact will be shutting down some of the waste gate. The flow that is coming out of the canal is in the Northrup Creek. Because of studies testing the water, a lot of the phosphate load that is going down stream is coming from the canal water and is polluting Long Pond Watershed. In a water study that was done a few years back, the amount of water coming down through that side of the creek, north of the canal, will definitely be reduced. I am not sure how many gallons of water get dumped in a day, so that is actually going to reduce the flow because the up-flow is going to be going all the way over to the sewer treatment plant. It will not be dumped in the creek anymore. The water in Northrup Creek will be reducing.

Mr. Sciarabba: One of the neighbors brought up that this subdivision might possibly be connecting to the subdivision to the east. There are no plans at this time. That whole area east of the village treatment road is low. It is in the foot plain. The possibility of us connecting there are minimal but there is a big area there that could be used for some issue of drainage.

Mr. Sinnebox: I would like to ask Mr. Crooks to submit a letter to the involved agencies letting them know that this Board accepts the position of lead agency with respect to SEQR for the rezoning.

RESOLUTION #1

Introduced by Mr. Sinnebox

Seconded by Mr. Robinson

MAY IT BE RESOLVED that the Board classifies this application as a Type I and letters will be sent to involved agencies declaring our intent to be Lead Agency.

Vote of the Board

Ayes: Coburn, Parker, Robinson, Sinnebox, Hetzke, DelRegno and Halaris

Nays: None

Mr. Sinnebox: For the benefit of you folks in the audience, what this means is April 24 is probably the earliest we would meet again on this matter and it would be picking up from where we left off tonight. We have asked the applicant's engineer to give us more information so we can digest the impacts. Some of the impacts are positive and some are negative. We are going to be looking at the negative impacts. We are going to be looking closely to make sure there are plans to mitigate them. If they can't be mitigated, that delays the SEQR process and we have to rethink things. Part of the applicant's task now is to provide us with additional information so we can evaluate the impacts and then he has to tell us in report form what has to be mitigated and how he plans to do it. If we feel comfortable through our consulting engineer and Highway Department that they are practical ways to do it, then we can move forward on SEQR assuming we have all the information. Then we will have to make that decision and we do have to do SEQR. The application will then go back to the Town Board. The Town Board has to evaluate all of the issues regarding the benefits to the Town from the tax standpoint... does it make sense to rezone this and then they will act on the rezoning. It would come back to the Planning Board.

At this time the Board took a short recess.

II. OLD BUSINESS

1. Ashland Oaks Subdivision - application of Ogden Center Development, Spencerport, NY, for approval to subdivide 13.097 acres into 12 single-family residences. These lots will be serviced by public water and private leaching system. It is located on the south side of Ogden-Parma Townline Road approximately 2321 feet east of Union and will be titled Ashland Oaks Subdivision Section II. (t.a. 087.010.01-0009.11)

Mr. David Matt with Schultz Associates representing Ogden Center Development and their application of Ashland Oaks Subdivision Section II. What we have is a 12-lots continuation of Section I, which is Ashland Oaks Circle. This application received preliminary overall in 2001/02. What we had is another 12 lots all on leach beds. We had found sandy soils out there. Most of the perc times were less than 10 minutes but we did find minerals on almost every single lot, so they are all moderate raised systems. We have water through Section I, we will loop that around through Section II. We have storm

sewers throughout most of the site including field inlets and random backyards, about every other backyard, to try to take most of the water in the back and get it out to the storm sewer instead of going through the yards. We also propose in this subdivision that we have a buffer of trees along the outside edges. Most of the comments that I have received through the Town Engineer and Highway Superintendent deal with grading and drainage in one form or another. We did have an opportunity to sit down and discuss most of these. I have gone through them and there is nothing in here that is a showstopper. There is also the proposed pond that is in Section I that is actually across the creek from the existing pond, which is where we can gather 14,400 cubic yards of fill if we need that much for this portion of the site. We will be bringing in some of that fill to even out the yards.

Mr. Sinsebox: Would you be doing that on lot-by-lot basis, or would you be doing that in some kind of master moving?

Mr. Matt: I assume we would lot-by-lot just by the nature of building up this many lots.

Mr. Freel: I would suggest you do it all at once and get it over with. There is going to be a lot of dirt moving and I would just move it and be done with it.

Mr. Sinsebox: Did the Health Department review the septic systems and approve them or are you in that process?

Mr. Matt: They reviewed them and they are almost done.

Conservation Board comments:

Mr. Pulhamus: The main thing is the water and drainage up in that area that has been an issue. When we went up and looked, one of the citizens in Ridge Meadows was talking to us about the draining and the drainage swale between Ridge Meadows and Ashland. They have legitimate concerns.

Town Engineer's comments:

Mr. Freel: I submitted a letter dated March 10, 2008, with quite a few comments. Mr. Widger, Kris Schultz, Mr. Crooks, Dave Matt and myself sat down and went over item by item. There are lot things there that are not showstoppers. All of the improvements with this phase have to be on the plans... pond improvements, road extension. Anything that is with this plan should be included in the Phase II plans.

Highway Superintendent's comments:

Mr. Widger: My concern is the drainage. We are going to have to have a couple of inlets and reduce some swaling to make sure there is no impact on the homes. There are some minor grading issues. We have looked at this quite extensively a few years back.

No comments from the **Planning Board Attorney**.

Building Department had no comments.

Mr. Sinsebox: What is the schedule for getting the road done?

Mr. Widger: We are looking at this summer.

Mr. Lopresti, at this time, asked the Board if he could present an alternate plan to Lisa Lane regarding the stub road. Mr. Lopresti continued on with his presentation and at the end decided to go with the Board's decision.

RESOLUTION

Introduced by Mr. Sinnebox

Seconded by Ms. Hetzke

MAY IT BE RESOLVED that the application of the application of *Ashland Oaks Subdivision Section II* was granted **FINAL** approval with the contingency that all of the Highway Superintendent and Town Engineer's concerns are satisfied.

Vote of the Board

Ayes: Coburn, Parker, Robinson, Sinnebox, Hetzke, DelRegno and Halaris

Nays: None

2. **3900 Buffalo Road** - application of Richard Gilmore, 3910 Buffalo Road, Rochester, New York, for approval to construct a 4,950 sq.ft. building on a 13.71-acre site with two existing buildings. The new building will be constructed between the existing buildings in an existing gravel area. It will be serviced by public utilities. (t.a. 132.02-1-1)

Mr. John Sciarabba with Land Tech Surveying and Planning representing Mr. Gilmore. This application received preliminary approval back on February 14, 2008. At that time we were charged with addressing 2 issues. We had to make sure that the landscaping we were proposing conformed to Town Code Sect. 210-34I, which are the requirements of the landscape malls. The current plans meet these requirements and we think that issue has been met. The other outstanding issue was the detention pond. We did incorporate that with comments from town staff. We had a conversation with the Highway Superintendent and asked if we could augment that pond a little from the plan that you have tonight. We took the tale of this pond, and pushed it up to the east end of the parking lot so that any water that heads south off the parking lot would be captured into this swale. I know Mr. Freel or Mr. Widger have not had a chance to see it but it was a minor change so we made that change this evening. A couple other things have changed on the plans that you saw. There was some conversation about a handicap spot over along the barn, requiring that spot to be moved south and the rest of the area be straight and that was done on this current plan. Another item to note is the dumpster enclosure. We noted that the dumpster was going to be on a concrete base and it will be on stone or asphalt. I just wanted to clarify that. That being said, I think all the issues are addressed and we are looking for final approval this evening.

Mr. Sinnebox: We had a little concern that 6 months or 1-year from now you would come back in and want to do another building next to this. You suggested that in future application, and I don't know how we can manage this, but in future applications we should start looking at the big picture so we don't paint ourselves in a corner. I don't know if a note on the plan would address that or how that might be managed.

Mr. Sciarabba: We did include a resource map on the plan showing the different zoning lines.

Mr. Sinnebox: This is part of a very big piece of land and has a lot of potential for future development. Normally we don't do individual sites on it.

Mr. Gilmore: We do not plan on building any more buildings or coming back in 6-months until we do come up with another plan. We are just utilizing the existing space that we have now but if we were to put a (inaudible) it would require infrastructure and obviously, we would have to come before the Board with any plans for that. There is not other place, at this time, on there that we can put another building. We are in full agreement.

Mr. Sciarabba: Another thing I forgot to point out in my presentation, there were questions about access for Monroe County Pure Waters. They are located behind the building. Mr. Gilmore has prepared an agreement and at the last minute informed Mr. O'Toole and Mr. Freel for their review.

Mr. Gilmore: I worked with Kevin of Pure Waters and he is already in agreement with this 100 percent, so it is up to Mr. Freel and Mr. O'Toole that this satisfies what they were looking for also.

Mr. Sinsebox: Is that dumpster going to be used by all of the buildings?

Mr. Gilmore: This Board was asking for one, so we are showing one, but currently most people have the tote service. I have an office there myself and I just take my stuff home. There is no large dumpster thing going on there now.

Mr. Sinsebox: Not a big demand but if someone is in one of the other buildings and wanted to use it...?

Mr. Gilmore: Absolutely.

Mr. Robinson: You were going to do something with the overhead doors...

Mr. Gilmore: The overhead doors that we are proposing are what they call "composite" type doors. It is not a regular metal door that is painted to look like something.

Mr. Robinson: You were looking to incorporate that in the future on the building next door.

No comments from the **Conservation Board**.

Town Engineer's comments:

Mr. Freel: I sent a letter to the Planning Board dated March 11 indicating my review comments from my previous letters that have been addressed. I did recommend that a letter of credit be provided for the storm ponds, landscaping, and storm laterals. What you may want to do is just do it with a Certificate of Occupancy.

Highway Superintendent's comments:

Mr. Widger: I had a couple of comments on the drainage and they have actually addressed them. One reason I wanted to grab a little more water from the run-off from this existing parking lot is the State DOT does not do a very good job maintaining the intersection at Buffalo Road and Whittier Road. The intersection floods over all the time. I am trying to take the water the other way, trying to make the impact a little less. Do you have a sanitary lateral? Could you show that on the plans so we know where it is?

Planning Board Attorney's comments:

Mr. O'Toole: I have reviewed this ingress and egress consent form. It is not truly an easement but is going to have what we call conveyance. It seems more like a license or temporary permission to access. It doesn't define the location of the access so I guess the question is "where is the (inaudible)."

Building Department comments:

Mr. Crooks: I am all right as far as the Letter of Credit is concerned, holding those conditions to the Certificate of Occupancy. If he hasn't done it when it is time for the C of O then I will take the escrow to make sure it gets done.

RESOLUTION #1

Introduced by Mr. Robinson
 Seconded by Mr. Sinsebox

MAY IT BE RESOLVED that the Board granted **FINAL** approval to **Ogden Mills (3900 Buffalo Rd)** with the contingency that all of the Highway Superintendent and Town Engineer's concerns are satisfied.

Vote of the Board

Ayes: Coburn, Parker, Robinson, Sinsebox, Hetzke, DelRegno and Halaris
Nays: None

III. CONCEPT - None

III. IV. EXPIRATIONS

1. **Village Pines Final Approval** - 120 day extension (*last extension was November 8, 2007*)

RESOLUTION

Introduced by Mr. Sinsebox
 Seconded by Ms. Hetzke

MAY IT BE RESOLVED that the application of **Village Pines Subdivision** was granted **a 60-day extension** of the Planning Board's final approval to May 15, 2008, when this application may be denied with or without prejudice

Vote of the Board

Ayes: Coburn, Parker, Robinson, Sinsebox, Hetzke, DelRegno and Halaris
Nays: None

2. **Canal Path Section II** - tabled October 26, 2007

RESOLUTION

Introduced by Mr. Sinsebox
 Seconded by Ms. Hetzke

MAY IT BE RESOLVED that the application of **Canal Path Subdivision Section II** was granted **a 60-day extension**. If there is no further activity on this application by May 15, 2008, this application may be denied with or without prejudice.

Vote of the Board

Ayes: Coburn, Parker, Robinson, Sinsebox, Hetzke, DelRegno and Halaris
Nays: None

V. MAPS FOR SIGNING – *Please see map table in the Building Department*

VI. APPROVAL OF MINUTES - *None*

VII. WORK SESSION - *None*

VIII. ADJOURNMENT

RESOLUTION

1. The Planning Board meeting of March 13, 2008 was adjourned at 8:00 PM.

Introduced by Mr. Sinsebox

Seconded by Mr. Coburn

MAY IT BE RESOLVED that the Planning Board meeting of November 8, 2007 was adjourned at 9:49 PM.

Vote of the Board

Ayes: Coburn, Robinson, Sinsebox, Hetzke, DelRegno, Parker and Halaris

Nays: None

Respectfully submitted,

Jack Crooks, Secretary

PBM03/13/08

cjl