

VILLAGE OF BALDWINSVILLE
PLANNING BOARD MEETING MINUTES
Tuesday, February 7, 2006, 7:30 P.M.
Approved 3/28/06

PRESENT: Chris Savacool, Chairman
John McFall
David Arthur
Edward Rock
Evelyn Mercer
Larry Barnett

NOT PRESENT: Russ Lucy

ALSO PRESENT: Dan Faldzinski, Village Engineer
Susan LaQuay, Secretary

GUESTS: Tom Scuiga, B.S. Enterprises
James Trasher, P.E.

REGULAR MEETING - 7:30 P.M.

APPROVAL OF MINUTES

Upon motion by L. Barnett and second by J. McFall that the minutes of the January 24, 2005 Planning Board meeting be approved as submitted. Motion passed.

OTHER BUSINESS

Chairman Savacool stated he attended Municipal training on Tuesday and found it to be helpful. He noted a change in law that will take effect on July 1, 2006 requiring a notice of hearing be sent to adjacent towns or municipalities within 500 feet of a municipal boundary. He stated he feels this is good practice.

OLD BUSINESS

Golden Legacy Adult Living Facility Site Plan Review– Meigs Road

Chairman Savacool stated that the Board has received a SOCPA resolution, OCPB Case Z-05-430 dated December 20, 2005. This was based on this Board's submission to SOCPA. SOCPA's resolution determined that this will have no significant adverse affects and may be acted on by the referring board.

Upon motion by J. McFall and second by E. Mercer that SOCPA's recommendation be accepted. Motion passed.

D. Faldzinski stated he had received revised plans last week and has additional comments regarding them. He outlined his new comments put forth in a memo dated February 6, 2006 as follows:

New Review Comments

1. A forebay area to collect the stormwater run-off from Oakcrest Road should be provided.

Mr. Trasher stated this comment was addressed in the new plans, which were delivered to Plumley today and include an additional forebay to collect the stormwater for treatment.

Chairman Savacool noted for clarification that comments were initially made by D. Faldzinski who then met with Mr. Trasher today. Newly revised plans based on these comments are being reviewed tonight as well. Mr. Trasher provided this new plan to the Board and noted that Phase 1 is shown outlined in bold and Phase 2 is shown in lighter gray to differentiate what will be completed in each of the phases.

2. The drainage culverts proposed across each facility entrance should be 15 inches in diameter. Based on the proposed grading, these culverts are shown to have between 4 and 6 inches of cover. Cover over the culverts should be 18 inches where achievable, and at a very minimum 12 inches from the outside wall of the pipe to the surface of asphalt.

Mr. Trasher stated that all the information on the storm systems for both phases is on the new plans.

3. The proposed 25-foot drainage easement running along the northern property line should be extended to Meigs Road to give the Village sufficient access.

Mr. Trasher noted that the plan shows what they are proposing based on previous comments and this comment as well. He showed on the plans where the easement will be located. This will provide access from Meigs Road and from Oakcrest Road.

4. A fairly level surface at a width of 20 feet should be provided along the eastern side of the stormwater management basin in order to provide sufficient room for maintenance.

Mr. Trasher noted page C5 of the drainage plan shows shelves in certain locations for equipment to access and maintain the micropool and 4 bay areas.

5. The Oakcrest Road right-of-way is the only means available for the Village to gain access to the rear of the property and the stormwater management basin. Therefore, the roadway improvements will need to be completed and the right-of-way conveyed over to the Village prior to acceptance of the stormwater management system unless an alternate means of access to the SWM area can be provided.

Mr. Trasher noted page C4.1 to show the right-of-way. He stated they had spoken with Mayor O'Hara and J. C. Engelbrecht regarding some of the Village Board issues regarding this. He stated they will construct the entire roadway and the water main, which is on another page, and all the utilities within the right-of-way during phase 1 and phase 2 will really only be site work related issues. He stated they have been dealing with this Board the Village administration regarding turning over all the utilities. D. Faldzinski stated this is sufficient.

6. A hammer-head/turn around should be provided at the end of Oakcrest Road for the first phase of construction and eliminated during the second phase.

Mr. Trasher stated that the plans show the road will be continued rather than a hammer-head. Mr. Scuiga noted this is 30' wide. D. Faldzinski stated he is concerned that a plow, for example, may not be able to make that 3-point turn and he suggested constructing the entrances shown on phase 2 during phase 1. Chairman Savacool noted this will be less of an issue than he was initially concerned about as this will be entrance only. Mr. Trasher stated they will change this area from gray scale to dark to show that it will be constructed during phase 1. D. Faldzinski agreed this is acceptable.

7. The Village is requesting that the stormwater management basin be sized to a minimal depth, sufficient to retain the required portion of Water Quality Volume only. Assuming that 50% retention and 50% detention of the Water Quality Volume is proposed, the inlet rims to the infiltration systems should be set at the 50% of the WQv retention stage/elevation. Storage above this elevation should only be provided to accommodate the infiltration volume requirement. The Village would like to keep the depth below the inlet rims to the infiltration system to less than two feet. Also, in light of the moderately slow infiltration rates encountered in the area of the basin, we do not see the need for clay lining. We recommend that grass and topsoil be placed in all areas of the SW basin.

D. Faldzinski stated that the bottom line is that the Village anticipates some liability in owning and operating this facility and as a result they want to see a minimal amount of standing water in the basins. The water depth should be controlled to 2' of standing water during non-storm periods. Mr. Trasher stated they have accommodated this. They took out the bottom 2' and, based on D. Faldzinski's comments, the Village is looking for only 50% of the required pretreatment to be taken care of. He noted they are still doing 100% of the pretreatment to avoid a 60-day review with the DEC. He noted they have accommodated the Village for a shallower depth for liability purposes. Mr. Trasher also noted there is also the need to recharge the aquifer. D. Faldzinski stated he feels this is sufficient and is reflected in the revised drainage report as well.

8. At the minimum, the proposed infiltration system design should be based on recharging the 10-year, 24-hour storm. The currently proposed infiltration system with a surface area of 13,000 square feet should be sized to recharge the required volume within approximately 48 hours. Based on the 1-inch/1 hour infiltration rate provided, the proposed system can recharge approximately 44,000 cubic feet of water in 48 hours. More information and detail should be provided within the report to demonstrate that the recharge requirement is being met.

D. Faldzinski stated this has also been sufficiently addressed based on his most recent review. Chairman Savacool noted this is specifically dealing with the amount of infiltration volume to be recharged back into the aquifer. Mr. Trasher noted that D. Faldzinski had requested a certain amount and they accommodated it based on their tabulations. He noted they had done the perk tests last week, the results of which are provided in the new drainage report.

9. The infiltration system section (detail) should include a note requiring a minimum 12-inch separation between the seasonal high groundwater elevation and the bottom of the trench.

Mr. Trasher stated this detail has been provided. D. Faldzinski noted that systems work better when the bottom of the trench is not in the high groundwater elevation. It is a requirement of DEC that there be separation in the trenches and he wanted to make sure the note explained this. He noted this is shown on page C10 and is part of detail #8.

10. The larger of the two infiltration systems should be relocated or redesigned to avoid conflict with the proposed sanitary sewer line.

Mr. Trasher stated he had discussed this with D. Faldzinski this afternoon and gave some additional depth to the sanitary line. D. Faldzinski requested a 5th header line and reorientation of the piping. Mr. Trasher stated this will be taken care of. D. Faldzinski noted this is more of a plan detail, as they will not be changing the amount of infiltration.

11. Lighting details should be added to the plans. The light poles shown at the facility entrances and at the entrance onto Meigs Road should be relocated to the other side of the roadway to allow lighting to cast inward, creating less back lighting. The photometric plan should be updated to include these lights.

Mr. Trasher noted page C14. He stated that after the last meeting they had received information from D. Faldzinski regarding what kind of lighting fixtures the Village is looking for. They have now included the 3 locations along the roadway and there is coverage at the entrances and the intersection of Oakcrest and Meigs Road. D. Arthur asked if there will be any lighting on the walkway behind the buildings as there is a new added walkway between the phases. He feels this is a security issue. Mr. Trasher stated they will install lighting on the back of the community center.

12. The water line extended from Meigs Road should be 12-inch ductile iron. The plans and connection details should be revised accordingly.

Mr. Trasher noted page C8. There will be a 12-inch water main as requested by the Planning Board and Claude Sykes. He stated they really only need 8" so the Village will make accommodations for this.

13. Dead end signs shall be attached to (located above) the proposed road barricade. In addition, beyond the barricade, red colored end of roadway markers should be provided. These signs shall be identified on the plans to indicate where each belongs.

Mr. Trasher noted this is shown on the site plan on page C11. D. Faldzinski stated this has met the requirements and he would like them to get Claude Sykes' final approval. Mr. Trasher stated they will coordinate with him to make sure it is what he has envisioned. He stated they will have a pre-construction meeting with Mr. Sykes prior to beginning.

REMAINING COMMENTS FROM PREVIOUS REVIEW

Existing Site Data

1. An updated boundary and topographical survey of the property has been provided. The survey acknowledges that a current abstract was not reviewed and that the survey is subject to easements and encumbrances one would discover in the review of the current abstract.

Mr. Trasher stated they are currently working on getting the current abstract. He stated if they find an easement their legal counsel will deal with that at the time. He noted they do not anticipate any issues with this and the abstract will be provided as soon as possible.

Utilities

1. The applicant shall obtain authorization for the sanitary sewer line connection from the County and obtain off-site easements for the proposed connection.

Mr. Trasher stated that Mr. Robert Germain and Syracuse Home signed two agreements, one for the sanitary easement and one for the road right-of-way. Chairman Savacool stated the Board will make this subject to legal review and approval.

2. All proposed easements and right-of-ways to be conveyed to the Village of Baldwinsville will require the Village Board of Trustees review and approval prior to acceptance.

Chairman Savacool stated this will be a contingency. Mr. Scuiga noted they will only transfer back a portion of the sewer line and road. Mr. Trasher showed this in the plans on page C7. The Village will have to take over this easement as a result of there being multiple connections.

Miscellaneous

1. Roadway lighting a minimum level of 1-foot candle should be provided immediately above the pavement surface to illuminate the proposed access points along Oakcrest Road, including the intersection with Meigs Road and driveway connections.

D. Faldzinski noted this has already been addressed.

Chairman Savacool stated the long form environmental assessment form/SEQR needs to be reviewed. D. Faldzinski stated he reviewed this and feels it is satisfactory. He noted there are corrections on the newly submitted form. The corrections were in regard to the traffic count on page 5 of 21 under Project Description, Item 1g. This was initially shown as 85 and after trip analysis was completed this number came down significantly. Mr. Trasher noted they also added some information under Part 2 - Archeological section.

Chairman Savacool asked D. Faldzinski to review part 2 of the SEQR form. D. Faldzinski reviewed it and agreed with the answers to part 2 with the exception of the following with comments:

(all answers not noted below were marked “No.”)

- 1 – Yes. Construction that will continue for more than 1 year or involve more than one phase or stage, marked as “Small to Moderate Impact”
- 5 – No. D. Faldzinski disagrees and he and Chairman Savacool suggested the answer should be “Yes” instead. Chairman Savacool noted in this section the Board points out any potential impacts and will note if they have been mitigated. D. Faldzinski noted the proposed action does require a surface discharge permit. He suggested marking the first box for “Small to Moderate Impact” for the first example and they should note this has been sufficiently mitigated as the stormwater management system has been designed in accordance with the DEC’s design manual. D. Faldzinski also noted the fifth example should be marked “Small to Moderate Impact” as well and this has been mitigated as the Applicant implemented wellhead protection program requirements. D. Faldzinski noted the 8th example should also be marked “Small to Moderate Impact” as well and this is mitigated by the implementation of the erosion sediment control program. He noted the stormwater may make it to the swail between Conifer and Tri-County Mall given a large stormwater event. Mr. Trasher felt this swail may be classified as an offsite channel rather than a water body and thought they may want to note this under Other Impacts.
- 6 – No. D. Faldzinski disagrees and stated it should be marked “Yes”, but is mitigated by stormwater management basin and control structures. Chairman Savacool noted that just because an impact is identified, it does not necessarily mean it is an adverse impact. Mr. Trasher stated the reason they had answered no was because they do not feel this would change the floodwater flows. D. Faldzinski suggested this should be noted in the Other Impacts section that there will be an increase of peak discharge and increase in volume and should be marked “Small to Moderate Impact.”
- 8 – No. D. Faldzinski noted the consulting engineer made a request to the DEC asking them to research their database to determine whether or not any plants or animals presently endangered exist on the site and this process is underway. This is already noted in the Other Impacts section. Mr. Trasher stated they will provide the Village with this correspondence once they receive it.
- 12 – Yes. This is marked as “Small to Moderate Impact” regarding all three examples, which are also marked “No” that the impacts cannot be mitigated by project change. Chairman Savacool noted the comment section stated that “Due to the shopping center and other apartment complexes within the area, the project will not significantly impact archaeological resources.” He felt that the comments should also include that this Board considered the archeological significance of the site, the historic use of the site, and proximity to the river (which is not that close) and in considering all of this the Board determined there would be no significant impact on archeological resources.
- 15 – Yes. It is marked “Small to Moderate Impact” for the example “Proposed action will result in major traffic problems”. The comment section noted that the traffic volume will only slightly increase and Chairman Savacool noted this is borne out by information received from the Applicant. D. Faldzinski feels it should be added that the Applicant had been corresponding with the County DOT and the DOT has acknowledged that the increase in traffic is not significant enough that would require mitigation. L. Barnett stated he does not feel the major traffic problems example should be marked at all as there will not be any major traffic impacts. Chairman Savacool stated they will remove this mark and will and note under “Other Impacts” that there will be minor traffic impacts.

19 – No. D. Faldzinski stated he agrees with this being marked “No,” but he feels there may possibly be need for additional schooling, fire, and police resources, etc. Chairman Savacool felt there would be no impact given the other apartment complex in the area.

Chairman Savacool felt the Board could move forward and declare a negative declaration considering all the answers given and the impacts that have been identified. He noted that many of the impacts have been mitigated by the plans.

Upon motion by E. Rock and second by E. Mercer to authorize Chairman Savacool to sign a negative declaration for this property. **Carried.**

Chairman Savacool noted a February 7, 2006 memo from D. Faldzinski that includes a list of all potential conditions or contingencies that may affect the project. He asked D. Faldzinski to review the comments and identify whether they are contingencies necessary for final approval and which are conditions that will need to be met as the project goes forward.

D. Faldzinski reviewed the comments dated February 7, 2006 as follows:

1. Update of the property boundary survey based on review of abstract.

Mr. Trasher stated this is being prepared. Chairman Savacool stated this will be a contingency for approval of the site plan.

2. Revision to engineering plans based on latest review comments.

D. Faldzinski stated the plans need to reflect a few changes. Chairman Savacool noted these were covered in the February 6, 2006 memo. D. Faldzinski noted that in addition, the Applicant provided a detail for the level spreader and he feels there is room for an upgrade. He asked that they incorporate the channel directly behind the level spreader more in line with DEC standard detail. This will just be a modification to the level spreader detail to conform with the standard detail of the DEC and will catch sediment as the flow runs across the ground surface. He noted this is a minimal change. The level spreader detail (page C10, detail 7) will be revised to include a stone channel.

D. Faldzinski stated that in addition a wall pack will be provided on the back of the community center to address lighting on the walkway. Chairman Savacool noted that ingress and egress for phase 2 will be done during phase 1 and this will also be revised on the plans. D. Faldzinski noted that the infiltration system will be realigned to remove the conflict that it has with the sanitary sewer line (reference pg C6) and Mr. Trasher stated they will move it so it is not over the sanitary sewer line.

The Applicant will provide D. Faldzinski with new plans and D. Faldzinski will provide a letter to Board the stating he is satisfied.

3. Acquisition of access agreement /easement between applicant and Syracuse Home. Commitment letter from Syracuse Home to convey land to Village for future public right-of-way.

D. Faldzinski noted this has been provided. Chairman Savacool noted this will be contingent to J. C. Engelbrecht’s review and approval from the Village Board.

4. Acquisition of sanitary sewer easement from Syracuse Home.

D. Faldzinski stated this should be contingent to J. C. Engelbrecht’s review and approval from the Village Board.

5. Acquisition of permits from the Onondaga County Health Department and Onondaga County Department of Water Environment Protection for water and sanitary services.

Mr. Trasher noted it should not be a contingency, as these agencies will not look at the plan until it is approved. D. Faldzinski stated this should be conditional.

6. Dedication of additional drainage easement to the Village from the phase 1 termination point of Oakcrest Road easterly to the end of the property.

Chairman Savacool noted this comment is irrelevant now as they are now planning full construction of the roadway in phase 1.

7. The top course of asphalt for Oakcrest Road should not be placed until phase 1 site work has been completed. A building permit for the phase 1 construction shall not be issued until the road construction has been completed and a letter of credit is received to cover the cost of installing the top course of asphalt.

Mr. Scuiga stated he is concerned about the requirement for a letter of credit. He stated his attorney, Mr. Germain, told him they will be able to proceed and whatever is not done at the time he is ready for a building permit, he will post security for, not just the top course of asphalt. D. Faldzinski stated they should recommend that the road for phase 1 should be constructed and at a minimum the Applicant should supply a letter of credit for the final lift of asphalt. He noted the Village would like to see all onsite improvements completed first. Mr. Trasher stated the Village Board, as part of the acceptance of the road dedication, would want a warranty period for 1 year with a letter of credit. He noted that if this is made a condition or not, this letter of credit will be done with the Village Board. D. Faldzinski stated they should make a letter of credit in lieu of a final lift of asphalt a condition.

8. Conveyance of the road right-of-way, drainage and water line easements to the Village. Approval of the easements must be granted by the Village Board of Trustees.

D. Faldzinski stated he would like to add the sanitary sewer to this comment and this is conditional.

9. On-site improvements related to Phase 2 construction shall not commence until Oakcrest Road has been constructed and a letter of credit is received to cover the cost of installing the top course of asphalt.

This comment is no longer applicable.

10. State Pollutant Discharge Elimination System permit coverage will need to be obtained prior to construction.

D. Faldzinski stated this should be a contingency.

11. Satisfactory inspection of the roadway and utilities by the Village of Baldwinsville will be required prior to final acceptance.

D. Faldzinski stated this should be a condition.

12. Record drawings based on as-builts of the constructed improvements (Village road and utilities) shall be furnished to the Village of Baldwinsville for review and approval prior to final acceptance.

D. Faldzinski stated this should be a condition.

13. The engineer of record for the project must certify that the project has been constructed in conformance with the approved plans and specifications prior to final acceptance.

D. Faldzinski stated this should be a condition.

14. Inspection fees for the project are anticipated to be \$7,500 for both phases of the construction. Fees for the first phase of construction are anticipated to be \$5,000.

Mr. Scuiga stated he has \$13,000 on deposit for engineering and asked for a detailed expenditure report. This was provided by the Village Clerk. He stated he may already have the amount the comment is requesting on deposit. D. Faldzinski stated this should be a contingency for construction. The Board agrees.

Mr. Trasher asked who would sign off on the water line. D. Faldzinski stated that James Trasher, as engineer of record, will do this.

15. Payment of park fees.

Chairman Savacool asked if this issue was still being discussed with Mayor O'Hara regarding the water main. Mr. Scuiga confirmed this. He stated Mr. Germain and J. C. Engelbrecht are working on this. Chairman Savacool asked when this will be resolved and noted this is a Village Board issue. Mr. Scuiga stated there is an agreement already, but it needs to be put together by the Village Board. Mr. Trasher stated he thinks this should be a condition to be met prior to dedication of Oakcrest Road (after construction). Mr. Scuiga stated the exchange would be that they will put in a 12" water line rather than just the 8" that they need. They will also be doing ditch work along Meigs Road when they have their equipment out at the site.

Chairman Savacool stated this should be a condition. Mr. Trasher stated they are looking to start earthwork next week. Chairman Savacool noted he is concerned with this timeframe as this is a Planning Board issue and they are typically responsible to make sure park fees are paid prior to construction. Mr. Scuiga stated the arrangement has already been made and the attorneys are working out the details. He noted that as long as they have the equipment on site, they have agreed to do the ditching on Meigs Road. He stated he would not want to have his work done and then have to bring his equipment back to do the ditch work at a later time.

Chairman Savacool stated he will take a 5-minute break to contact J. C. Engelbrecht to clarify this issue prior to proceeding further.

****Break – 8:55 pm to 9:00 pm****

Chairman Savacool contacted J. C. Engelbrecht. J. C. Engelbrecht indicated this issue can be conditional that the Applicant make payment of park fees or an agreement be worked out. If the agreement is not met, the Applicant will be responsible to pay the park fees. D. Faldzinski stated he thinks the fee is approximately \$350 per unit.

16. Payment of engineering and attorney fees related to the Site Plan application review.

Chairman Savacool stated this will be a contingency for approval.

Referencing the letters from the Village Engineer dated February 6, 2006 and February 7, 2006, Chairman Savacool outlined a motion for approval of the site plan for the site known as Golden Legacy Adult Living Facility as set forth on the plans initially dated November 15, 2005, revised on January 31, 2006, and marked as revised on February 7, 2006 by Chairman Savacool with the following conditions and contingencies:

Contingencies:

1. The Applicant is to provide an update of the property boundary survey based on review of the abstract.

2. Referencing the letters from the Village Engineer dated February 6, 2006 and February 7, 2006, the following revisions are to be made to the plans, which will be submitted to the Village Engineer for his approval:
 - a. Referencing detail 7 on page C10 of the plans, the level spreader detail will be revised to include a stone channel.
 - b. Lighting on the back path/walkway will be provided in an acceptable manner, either by a wall pack or path lighting.
 - c. The plans shall indicate that the ingress/egress of Phase 2 will be constructed for turn-around purposes of emergency vehicles as well as snowplows.
 - d. Referencing page C6 of the plans, the infiltration system will be realigned to remove the conflict with the sanitary sewer line so that it is not on top of it.
3. Village Attorney approval of access agreement/easement between the Applicant and Syracuse Home for the right of way.
4. Village Attorney approval of sanitary sewer easement from Syracuse Home.
5. State Pollutant Discharge Elimination System permit coverage must be obtained prior to construction.
6. Payment of Legal and Engineering fees related to Site Plan Application and Review must be made.

Contingencies for Construction:

1. Inspection fees for the project are anticipated to be \$7500.00 for both phases. Phase 1 fees will be \$5000.00 and this will be required to be paid prior to construction.

Conditions:

1. Acceptance will be provided by the Village Board of Trustees of the public right-of-way/roadway.
2. Permits will be acquired from the Onondaga County Health Department and the Onondaga County Department of Water Environment Protection for water and sanitary sewer services.
3. The road for Phase 1 will be constructed and, in lieu of a final course of asphalt being applied, a letter of credit will be received by the Village to cover the cost of installing the top course of asphalt.
4. Conveyance of the road right-of-way, drainage and water line easements, as well as the sanitary sewer easements, to the Village subject to approval by the Village Board of Trustees.
5. Satisfactory inspection of the roadway and utilities by the Village of Baldwinsville will be required prior to final acceptance.
6. Record drawings based on as-builts of the constructed improvements (Village road and utilities) shall be furnished to the Village of Baldwinsville for review and approval prior to final acceptance.
7. The engineer of record for the project must certify that the project has been constructed in conformance with the approved plans and specifications prior to final acceptance.
8. Payment of park fees shall be made or an agreement shall be worked out with the Village in lieu of those park fees.

Upon motion by J. McFall and second by E. Mercer to approve the Site Plan with the conditions/contingencies above as stated on record by Chairman Savacool. **Carried 6:0**

The site plan is approved with the noted conditions and contingencies.

D. Arthur stated he believes this developer and his group have been diligent in working with the Village and the Planning Board and recognizes they have put a lot of time and effort into this project. Chairman Savacool agreed and stated the Board has tried to be careful with this process and appreciates their patience.

Festa Fairway Final Subdivision Approval

Chairman Savacool reviewed this project. He noted this went through the preliminary approval process and subsequent to that there were drainage issues. To rectify those issues, the Applicant, along with the Village Engineer and Superintendent of Public Works, determined easements along Brooks Place for construction of a drainage pipe would be necessary.

Chairman Savacool noted a letter dated December 12, 2005 from Mastroianni Engineering, which indicated they are seeking final subdivision approval and the walkthrough inspection has been done. Also, there are certain things that needed to be done onsite as well as offsite and in order to get approval they wanted the Village Engineer to come up with an amount to constitute a letter of credit for those improvements to be made on and offsite. Chairman Savacool noted that D. Faldzinski, Mayor O'Hara, Claude Sykes, and J. C. Engelbrecht have been working on this.

Chairman Savacool noted there is a time element of 62 days from the time the applicant seeks final approval and submits the final plan and the Board having to make a determination. Otherwise, it defaults and the developer can proceed. He stated it is this Board's position that the Applicant has yet not satisfied the technical aspect of filing a final plat with the Village Clerk and, therefore, the 62 days have not yet begun.

Chairman Savacool stated the Board cannot consider final approval at this time. Prior to final plat approval, the following is required:

1. All offsite private drainage easements must be obtained by the developer from the residents and these need to be approved by Village Engineer, the Village Attorney, and the Board of Trustees and filed with the County Clerk's office.
2. All offsite work on private property in relation to the drainage plan must be satisfactorily completed and approved by the Village Engineer and Superintendent of Public Works.
3. All onsite work that has not been completed can be secured by a letter of credit, the amount to be determined by the Village Attorney and Village Engineer. The letter of credit must be approved and granted prior to final approval.
4. Payment of all outstanding legal and engineering professional fees must be made prior to final approval.

Chairman Savacool noted #2 above requires that the work has to be done prior to final approval because by law the Village cannot require a developer to do off-site work. Therefore, this needs to be completed prior to approval. There is nothing the Board can do to compel the developer to do this work after it is approved.

J. McFall noted there is no final plat to work with so no approval can be given tonight.

D. Arthur asked, for example, if there are 20 homeowners and just 1 does not wish to give an easement, does this hold up the entire project? Chairman Savacool stated this is accurate and the developer would then have to look for an alternative solution.

Chairman Savacool stated he will send a letter to the developer addressing these outstanding issues.

D. Faldzinski stated that after the Board accepts the final subdivision plan, this will allow the developer to go in and develop homes. Any time impervious materials are constructed, drainage issues will occur. If these houses are constructed without the drainage improvements, there will be additional drainage problems downstream. D. Arthur stated he agrees, but also understands that the developer has put a lot of money into developing this property. This really has become a problematic property and he is concerned this may become a dead project. D. Faldzinski stated he believes the developer has secured commitments from all the affected property owners and just needs to get easement agreements signed. It will take time for the Village Board, engineer and attorney to be presented with these easements for approval.

Upon motion by J. McFall and second by E. Rock to authorize Chairman Savacool to send a letter to the developer that the above is the Planning Board's official position. **Carried.**

NEW BUSINESS

Discussion/Recommendation regarding Zone Change Request - 5, 7, and 9 Mechanic Street

Chairman Savacool noted this issue was sent to the Planning Board from the Board of Trustees for recommendation. The developer is seeking a zone change from residential to B1. He noted this will need to be sent to SOCPA.

Upon motion by J. McFall and second by D. Arthur to authorize Chairman Savacool to send this issue to SOCPA.
Carried.

Chairman Savacool noted a public hearing will be required and suggested this be held by the Village Board.

Chairman Savacool stated that the preliminary plan for the site(s) is for a 5,000 square foot commercial building with parking behind it. The home on 5 Mechanic Street will be demolished. The developer indicated they have tried to do something with this property in the past. In 1994, there was a proposal to rezone 7 and 9 Mechanic Street to commercial and this was denied due to fact that the owner of 5 Mechanic was against it. The Board considered this spot zoning and denied the request. In 2000, there was a proposal to put a parking lot on 7 and 9 Mechanic Street. This was also denied. Mr. Hovey, the developer, has stated he has tried to sell this property but has not been able to due to its zoning.

Chairman Savacool noted the Board cannot make any decisions today, but asked for comments. E. Mercer stated that the ARB met last night and this was discussed briefly. She stated the prevailing feeling at this meeting was that the ARB members were against this request because there are so many empty sites in the business district already and they cannot see a reason to make more commercial sites at this time.

D. Arthur noted there are 3 lots in question. He asked if they will be combined. Chairman Savacool stated he believes they will have to be combined. D. Arthur feels this site is very close to the business district, but is indeed in a residential area. He feels this is too large and too boxy of a building to put in this area. Chairman Savacool agrees. He stated it may be acceptable if there were 3 smaller buildings designed to blend in better with the neighborhood. D. Arthur stated he feels the proposed building will take away from the character of the neighborhood.

E. Mercer noted that Mechanic Street is a small street and already gets a lot of traffic. She feels a business at this location may be problematic.

Chairman Savacool stated he understands the developer is having difficulty doing anything with the property, but stated he would prefer to see not this large building.

D. Arthur asked if it is rezoned, how could the Board insure that the character of the area be preserved? Chairman Savacool stated that the site plan process and the ARB could address this. He stated he feels it is important to get the developer in to discuss his plans for the property. E. Mercer stated she knows Mr. Hovey is a great developer and she hates to turn him down, but she does not feel this is a great use of this particular piece of property.

J. McFall suggested the Board wait to hear what SOCPA's resolution is regarding this and then go from there. He suggested inviting the developer to the next meeting.

L. Burnett asked what would constitute a compelling reason to change the zoning as requested. Chairman Savacool stated the developer has not been able to market the site and it has been in same condition for some length of time. He noted the lots have been empty for probably 15 years.

Chairman Savacool noted the next meeting scheduled is on the same day as SOCPA's meeting and suggested they move the February 28, 2006 meeting to March 14, 2006 to give SOCPA time to review this issue and receive their recommendation.

Upon motion by J. McFall and second by E. Rock, the meeting was adjourned at 9:40 p.m. The next Planning Board meeting is scheduled for Tuesday, March 28, 2006.

Respectfully Submitted,

Susan A. LaQuay
Planning Board Secretary