

- the elevation of the side of the building facing Elm Avenue now has the stone up a little higher than previously shown, not all the way up, appeared to heavy.
- another identification was placed on the side of the building

Mr. Behuniak

- did applicant want the additional sign – Reply – Yes
- explain the environmental testing done and results

Mr. Morelli

- the tanks and lines were tested; results done were that they both were acceptable

Mr. Smolinsky

- thought an easement was necessary along Delaware Avenue for a future potential sidewalk

Mr. Ritz

- Delaware Avenue is a sixty-six (66) foot right-of-way. All utilities are within that right-of-way
- existing sidewalk is on the northerly side of Delaware Avenue
- Mr. Deyoe, Town Engineer, didn't see any need for an additional easement for utility purposes

Mr. Morelli

- with the existing right-of-way, sufficient lands exist for a future sidewalk, without taking land from applicant.
- property is about ½ mile from a sidewalk connection on southerly side of Delaware Ave.
- previous determination was that a sidewalk on the southerly side was not wanted.
- pedestrian friendly intersection including ped buttons

Mr. Smolinsky

- right-of-way is NYSDOT owned; does Town have leverage if we wanted to place a sidewalk there.
- with Towns adoption of the Complete Streets issue and possible use of NYSDOT amenity funds in future – thought it was poor planning not to have an easement

Mr. Morelli

- all of the existing sidewalks on Delaware Avenue are within the NYSDOT right-of-way
- easement would only be taken by Town if it was determined additional lands were needed for improvements; not in this case

Mr. Smolinsky

- site plan has car wash shown; wants notation used in approval document indicating it is not part of the approval put onto the site plan drawing - Will be changed
- call out the colors on the elevation

The Board reviewed the draft SEQR Resolution Negative Declaration prepared by staff.

A motion to approve the SEQR Resolution as drafted was offered by Ms. Motta, seconded by Mr. Smolinsky and approved by all Board members present.

The Board reviewed the draft Site Plan Approval SP-157 prepared by staff.

A motion to approve Site Plan Approval SP-157 as amended was offered by Mr. Smolinsky, seconded by Ms. McCarthy and approved by all Board members present.

Devonshire Hills – Section 2

The applicant was not yet present.

Mr. Lipnicky

- originally subdivision was approved in 1990, 25 lots
- in 1996 Section 2 with 8 lots was approved; that approval expired and was re-approved in 2000
- applicant now wants to merge 6 of those 8 lots into 3 lots in order to mitigate wetlands
- original subdivision didn't have wetlands, the current probably created when Crystal Lane was developed, there were a number of drainage problems in the area

Chairman Leveille

- lots back up to lands that front on Orchard Street
- significant grade differential
- asked if more vegetation would be left on the lots because more of the front of the lot would be used

Mr. Lipnicky-

- the original approval had the proposed homes at the front setback line
- now proposed homes will be built to the rear of the lot because of wetlands, vegetation will need to be removed in the rear of the lots for building and grading purposes with more being maintained to the front of the lots
- significant item was the original approval required a 20 foot no cut zone off the property line but this plan shows a little intrusion into that area

Chairman Leveille

- steep slopes to the rear
- possible retaining walls
- lots on south side Crystal abut built homes on Orchard St.

Mr. Smolinsky

- Mr. Lipnicky had given him a history of the wetlands on the site; referenced a ACOE permit
- Town typically requests copy of permit; may contain useful info for the Board

Mr. Lipnicky

- wetland areas shown on map already have restrictive covenants filed on them in response to ACOE requirements

A motion to table the application was offered by Ms. Powers, seconded by Mr. Smolinsky and approved by all Board members present.

Russell Road Partners

Chairman Leveille

- Board received letter from the applicant, requesting and consenting to an extension of review time

A motion to accept and approve the applicant 's letter was offered by Mr. Behuniak, seconded by Ms. Powers and approved by all Board members present.

Minutes

The Board reviewed the draft minutes of September 1, 2009 prepared by staff.

The Board discussed the changes requested by Mr. Smolinsky.

A motion to approve the minutes as amended was offered by Mr. Behuniak, seconded by Mr. Smolinsky and approved by all Board members present except Mr. Coffey who abstained.

The Board discussed the format of the minutes.

Mr. Smolinsky

- thought format was not useful to the public, too short
- wanted attribution of comments

Mr. Behuniak

- liked the format, he thought it was a clear summary of what was covered
- he would be comfortable with attribution of comments

Chairman Leveille

- asked why this format for the minutes is being used

Mr. Silliman

- when the Planning Board had own secretary, minutes evolved into almost verbatim, very lengthy, alluding to verbatim, but not
- very time consuming
- as attorney, he didn't like that format
- what is legally required of minutes is the vote on resolutions
- Town has thorough records for each file, submissions, reports and memos; to defend decisions
- as a member he might want to know who commented on what to refer to
- Town is confronting issue of timely posting of minutes on WEB and consistency with the Boards
- Boards are much busier than before, support staff is limited and support staff handles 2 Boards
- ZBA has more legal issues than this Board
- legally this format is more than needed

Mr. Morelli

- support staff was not posting Board minutes under state time frame

Chairman Leveille

- not meeting time frame because the standards were being exceeded
- to meet deadline, content needed to be reduced

Ms. McCarthy

- what is deadline

Mr. Morelli

- 2 weeks, the next meeting is one day off

Ms. McCarthy

- asked if the problem was lengthy minutes and then changes after

Mr. Morelli

- support staff could not get the minutes done in the longer version in a timely manner
- with the budget constraints, support staff could be further reduced
- support staff maintains all records for both Boards, which had previously been done by 2 separate people
- the bulleted approach might not be the answer; Mr. Silliman's suggestion for only resolution votes might be the answer

Ms. McCarthy

- are the recordings held and can the public assess them

Mr. Morelli

- they are held and new technology is being explored

Chairman Leveille

- asked how the Town Board was handling minutes

Mr. Morelli

- they were also accused of not meeting the time frames; Ms. Newkirk is starting to do summary minutes

Ms. Powers

- clerked for the appellate division and they reviewed Planning Board cases; reviewed whether a certain issue was considered, if they had, the appellate division wouldn't step in, if they hadn't considered it, they would step in. She recommended more detail for controversial cases.

Mr. Silliman

- he thought if the Board has the detailed staff memo of the analysis, that's part of the record and would be part of the appeal
- site plan approval, SEQR determination, minutes should reflect the Board received the memo from staff and it was considered

Mr. Behuniak

- he thought the Board covered more than what was in the memo

Chairman Leveille

- the staff memos are not referenced in the minutes
- he thought it should be indicated that the memo was received

Mr. Coffey

- he agreed that it had to be a hard look by the Board
- a standard line could be placed in the minutes referring to the memo

Ms. Powers

- wants attribution because of Planning Board liability, and if it's controversial

Mr. Behuniak

- this format is condensed versus the lengthier transcript type, which he had a problem with
- he would rather not have just the minimum required, but is OK with bulleted version which is more than the minimum required

Mr. Morelli

- after the article in the Spotlight about our timeliness, new technologies are being looked at by the Town Clerk and staff that does minutes
- asked to postpone till next meeting so board staff can inform the board of the new technologies being looked at by the Town's IT staff

Chairman Leveille

- see if there's any feedback from the public

Mr. Smolinsky

- when he met with the HOA in Walden Fields who were interested in Kendall Square, they had printed and highlighted the minutes
- he wondered how people could learn about what is done except for the minutes

Chairman Leveille

- he has been involved with public process for the past 10 years, and he noted how few people come to the meetings; not 1 public person present
- only time residents are vocal is if it directly affects them
- major cost, time and effort to create lengthy minute documents
- the residents of Walden Fields have their homes and recognize there are development rights across the street, they are trying to prevent that from occurring.
- people don't like their life style to change, they will look at record to see how to use it to their advantage, he wasn't sure that was productive

Ms. McCarthy

- wanted to see attribution

Mr. Coffey

- wanted to see attribution

Mr. Silliman

- keep the minutes shorter with attribution

Chairman Leveille

- Board members could still amend the minutes

Mark Ravin

- has seen minutes done both long and shortened
- followed board meetings all over state
- maybe audio can be posted on WEB site

Devonshire Hill - Section 2 – Subdivision Amendment

The applicant's representative for the project had arrived, Mr. Esposito.

A motion to reopen Devonshire Hills Section 2 application was offered by Mr. Smolinsky, seconded by Mr. Coffey and approved by all Board members present.

Mr. Smolinsky

- ACOE permit background and give copy to Planning Board

Mr. Esposito

- owner is Ted Cillis
- Bagdon Environmental did the paper work for the application

Mr. Lipnicky

- Town received copy of covenants filed, wants copy of wetland permit

Mr. Esposito

- won't receive that until the application is concluded

Chairman Leveille

- looking for copy of existing permit referenced in covenants

Mr. Esposito

- if not submitted, he didn't receive it, will look into it
- one lot not buildable
- one lot identified as mitigation area
- six lots will be reduced to three lots
- surveyor had sheets on the defined wetlands; only disturbing the buffer on one driveway
- lot 43 has a home currently being built
- last six lots from the original approval

The Board reviewed the draft SEQR Resolution Negative Declaration prepared by staff.

A motion to approve the SEQR Resolution as drafted was offered by Ms. McCarthy, seconded by Ms. Motta and approved by all Board members present.

Chairman Leveille set the public hearing for October 6, 2009.

Chairman Leveille

- 2 pieces of information had been distributed to Board in packages; for Russell Road Partners and Kendall Square

Presentation: Review of the Site Plan Process

Mr. Leslie, Senior Planner, gave a presentation to the Board on Site Plan Process as part of required training for the Board.

A motion to adjourn was offered by Mr. Coffey, seconded by Mr. Smolinsky and approved by all Board members present.

The meeting adjourned at 8:08pm.

Respectfully submitted,

Nanci Moquin