

The Seneca Falls Town Board held an Informational Meeting on Wednesday, February 27, 2008 at the Seneca Falls Community Center, 35 Water Street.

Present were Supervisor Peter Same; Councilpersons Duane Moore, Lucille Cook, Stephen Dougherty and Timothy Snyder. Also present were Patrick Morrell, Attorney for the Town; Jeff Rowe and Paul Legnetto, Town Engineers; Representatives for Maxim Development; several concerned Citizens and a Member of the local media.

Supervisor Same called the Meeting to order and stated the Board agreed at the last Meeting to hold a special meeting just to discuss the Maxim Development project. He said this is an Informational Meeting for the Board, the Town Attorney, the Town Engineers and Representatives of Maxim Development. He noted this is not a Public Hearing, but ultimately, as the project proceeds further, there will be a Public Hearing. Mr. Same stated the purpose of this Meeting is to go over outstanding issues that have been identified by the Town Engineers and the Town Attorney.

Paul Legnetto, Town Engineer, stated over the past months, there have been several pieces of correspondence that have gone back and forth between the Town and the Developer, and possibly review by the Town Attorney. He mentioned a few items that are still remaining, the first being the Homeowners Association Agreement. After review of the Agreement, they noticed there were no considerations for repairs and maintenance for the public or private utilities, i.e. sewer, water, drainage systems, docking systems. These should be included in Section #2 of the Agreement. Section #3: Special Assessments – they think an additional piece could be added where either a separate escrow account or a letter of credit of some sort could be created establishing an amount for an emergency repair service for the future if something were to occur with the water and sewer (\$5,000.00 should be more than adequate). As the Developer sells off units, he can recoup his costs by getting that reimbursement.

Mr. Legnetto reviewed the remaining issues that they see for SEQR and engineering concerns. Under SEQR:

1. They had information from DOT that had to be received; it was received and there is no Board decision that has to be made.
2. As to DEC items, the Town should be copied on the final application to the Office of General Services, and a copy of the permit issued by the OGS accepting the use of docks and water access. This can be done after the Town's approval of the site. No Board decision to be made.
3. This pertains to the SPEDES permit. No Board decision to be made.
4. This pertains to the Imperial moth and the Natural Heritage Program. Correspondence was received today from Fisher Associates which Barton & Loguidice's Scientist reviewed – she feels that the information pertaining to the moth is adequate as requested, and it can be attached as Part 3 of the SEQR process for backup information.
5. This pertains to the Indiana bat and the Fish and Wildlife Service. There is still some correspondence closing the issue with Fish and Wildlife that they either concur or don't concur with the findings statements of Fisher Associates. This is the one that is still outstanding. Mr. Legnetto noted #4 and #5 are outside agency issues, and no Board decision has to be made specifically to those. He added they are issues that have to be resolved before a SEQR determination can be made. Brief discussion followed.
6. This issue was the NYS Office of Parks, Recreation and Historic Preservation – SHPO concurrence. Comments addressed and correspondence clearing the site received from NYSOPRHP. No Board decision to be made.
7. This is the final acceptance and review from the Army Corps permit. They are waiting for the permit acceptance to come back from them. That would have to be done before a building permit could be issued.

Engineering comments and suggestions:

8. Mr. Legnetto stated the Board has requested photos and references of recently developed projects similar to the proposed on Noble Road. Information has not been provided to the Board. This is a Board decision to be made as part of the approval process.
9. Comments were addressed.
10. Comments were addressed.
11. Comments were addressed.
12. Headlight sight distance and stopping sight distance for the roadway should be based on 30 MPH meeting a minimum of 200 ft. This is an advisory comment to accommodate the potential for future dedication of the roadway to the Town and/or need for future Town maintenance. This is a Board decision to be made, part of site plan approval.
13. The minimum vertical curve length should be 50 ft. This is also an advisory comment, and a Board decision to be made, part of site plan approval. Mr. Morrell asked where the specifications that were listed came from; Mr. Legnetto replied the Town follows the current American Standards of Highway Transportation.

14. This pertains to the distance of the first driveway to the entrance of the roadway which, with the low volume of traffic, they conceded to the current layout. The Board needs to understand that this is a situation they need to make a decision on.
15. This is an advisory comment. The private drive does not have readily ability for large snowplows to go in and be able to turn around. This is a Board decision.
16. This has to do with the end of the entrance to the private drive as it ties to Noble Road. They feel there should be a flatter area for vehicles to stop at the intersection before entering on to Noble Road. Board decision to be made, part of site plan approval. Mr. Same asked if #13, #14, #15 and #16 could be eliminated if the interior roads were built to highway standards; Mr. Legnetto replied yes.
17. The sewer main should be an 8" pipe within a 20 ft. easement dedicated to the Town for maintenance purposes. The Village has allowed a 5" sewer system to be designed and tied into it. The Engineers' recommendation is to make it a public system since it services so many dwellings, and it would reduce the need for the HOA to include sewers and water. This is a Board decision to be made, part of site plan approval. Brief discussion followed.
18. The new sewer should have a profile along the center of the 8" main. This is a Board decision to be made, part of site plan approval.
19. They have proposed a 4" water main; the recommendation is an 8" water main. The 8" with a fire hydrant in the back would be better protection for the residents. Board decision to be made, part of site plan approval.
20. A fire hydrant should be provided at the end of the proposed roadway system for flushing and fire protection. Board decision to be made, part of site plan approval.
21. Mr. Legnetto noted the layout was revised to coordinate drainage facility design.
22. NYSDEC GP 02-01 permit acceptance and permit number should be given to the Town. No Board decision to be made.
23. This was addressed in previous comments.

Mrs. Cook mentioned the water and sewer dedication, and asked if the Village also has to give approval that they would accept them; Mr. Legnetto replied yes – Jeff Warrick has already accepted them. Mr. Same asked if it has a fire hydrant within the confines of the facility at the end of the 4" line; Mr. Legnetto replied no – there is one at the entrance which is within the hose-way distance of a fire truck but not one within the facility.

Mr. Legnetto referred to the SEQR, Part 2 – Project Impacts and their Magnitude, and said this will be addressed and reviewed by the Board at the Public Hearing. Mr. Legnetto proceeded to review Part 2 with the Board. After review, Mr. Legnetto stated once the outside agencies have responded and all the questions have been answered appropriately, then it would be up to the Board to declare whether it is a negative impact or not. He added at this point, he would anticipate a negative impact pending outcome as to the bat. Discussion followed. Mr. Legnetto stated there have been a lot of submissions back and forth with the Developer, and he has been responding with new or updated information and making revisions to the plan. They have recently submitted the requested information regarding the Imperial moth and the Indiana bat, and they are close to finishing. He added they want to make sure all the issues that were requested and all the questions that were asked have been answered.

Joseph Picciotti, Attorney from Harris Beach, stated he is representing the applicant Maxim Development, and from what he understands, the only open issue for purposes of making a significant determination is the issue that has been raised regarding the Indiana bat. He recommended that the Board look at the letter dated October 2006 from US Fish and Wildlife Service; there was no request ever made by Fish and Wildlife for a specific habitat analysis. He stated this is not a situation where there was some kind of destruction of habitat. They undertook an analysis of the October letter and corresponded with several agencies, and then provided information to Barton & Loguidice that there is not an issue with the Indiana bat. Mr. Picciotti stated Barton & Loguidice contacted US Fish and Wildlife in February – it was a phone call conversation on which Barton & Loguidice took the position that US Fish and Wildlife needs to have a response. He said from their perspective, they don't believe US Fish and Wildlife needs to respond; the analysis provided states that there is not going to be an impact from the Indiana bat. He added because they are dealing with wetlands at the same time and US Fish and Wildlife is an involved agency, they will continue to have to work with US Fish and Wildlife. Discussion followed relative to Fish and Wildlife responding in written form regarding the Indiana bat. Mr. Dougherty asked if it was common to pass an approval of something with a condition outstanding or is it not usually done. Mr. Morrell replied that he advises the Board that all comments be addressed prior to acting on SEQR. He is not going to advise this Board to go against the advice of the Town's Engineers who the Board has asked for guidance on exactly this issue and this process. He added if this is something that is of such a small scale that it's not going to get on the radar of US Fish and Wildlife without personally getting someone's attention, a quick email response would suffice. Mr. Legnetto explained that they called Fish and Wildlife because the comment was still open; it was never closed. Further discussion followed.

Mr. Picciotti referred to the Homeowners Association Agreement and suggested amendments, and said with

regard to the size of the sewer lines, they have a letter from the Village approving the 4-inch sewer lines. With regard to the turn-around in the roads, it's an issue that the Homeowners Association Agreement can address. Mr. Same stated the PUD law does address roadways – they are suppose to be built to Town specifications. Mr. Picciotti replied this has been discussed in correspondence; these are not highways – they are internal private roads.

Mr. Snyder said the letter they received from Jeff Warrick – he is assuming Mr. Warrick is okay with a 4-inch waterline. Patrick Gawrysiak stated the 8-inch waterline goes down to the end of Noble Road; these are mostly separate residences, and if you have an 8-inch waterline, you are going to have water stagnation. Mr. Dougherty asked if 4-inch lines were okay for the residences; Mr. Legnetto replied from a supply standpoint – yes; they will still have to flush the main annually whether it's 4-inch or 8-inch. Mr. Dougherty asked about fire hydrants; Mr. Legnetto replied there is one near the entrance.

Mr. Same again stated this is not a Public Hearing. He asked if any of the residents had any questions. Robert Krochalis, Noble Road, said it was mentioned that there was a fire hydrant going into the project, and something was said about a flushing hydrant; where is that going to be. Mr. Legnetto replied it will be at the end of their waterline. Mr. Korchalis' concern is water drainage – how is it going to affect his property when they flush the hydrant. Mr. Legnetto replied they will flush that into the drainage system; any drainage within the development is being controlled directly through their storm water retention basin.

Gordon Burgess, Lower Lake Road, asked if the owners of the units would be treated as any other water or sewer user by paying a tax per unit. Mr. Morrell replied if it is part of the Bridgeport Sewer District, it will be assessed for 15 units. Mr. Gawrysiak mentioned that each homeowner will have its own water meter.

Judy Morehouse, Lower Lake Road, asked if they were going to put a gazebo on the lakefront side; Mr. Gawrysiak replied that has not been decided. Ms. Morehouse asked about a retaining wall; Mr. Gawrysiak replied they haven't talked to DEC about that yet.

Thomas Crocker, Lower Lake Road, stated Maxim was asked for examples of other projects that they have completed, and they referred people to their website. As of noon today, he looked at their website and he was unable to find any projects that have been completed. He has not seen any demonstrative performance here in terms of actually having achieved everything. Mr. Crocker has some concerns, and asked how the Board plans on dealing with that – perhaps with a performance bond or something like that. Mr. Same replied it's a question the Board has asked, but has not received an answer. Mr. Morrell stated the Board has not specifically addressed the idea of a performance bond. He thinks Mr. Crocker's point is well taken by the Board. He doesn't know if the idea of a performance bond might come up for negotiations; it may be that the Board would see fit to include that as a condition of approval. Mr. Dougherty asked if this is something that is frequently done; Mr. Morrell replied it's not uncommon. Brief discussion followed.

Mr. Same asked if all the zoning requirements apply because this is a PUD. Mr. Morrell replied a PUD is taking a piece of land from a zoning district and applying a new set of rules to accommodate what can be done and what the plans are with a planned unit development. He further described a planned unit development.

Mr. Krochalis asked what is being proposed for the wetlands. James Sprague, Engineer from Fisher Associates, stated they redesigned the project to stay out of the wetlands; the wetlands will stay there.

Mr. Burgess asked if the driveways were evaluated with relationship to the Red Jacket Fire Department being able to get their fire equipment in. Mr. Legnetto replied yes, they are accessible to fire equipment.

Virginia Cirillo, Lower Lake Road, stated given the proposed size of the docks, is there anything planned for lighting. She also mentioned the size of the docks. Mr. Sprague replied in relation to the docks, a permit is in to the Office of General Services - they have to be licensed by the OGS; the connection to the shoreline has to be approved by the DEC, and the Corps of Engineers has to approve the fact that they float them in their water. Mr. Sprague added they are down to two docks and only 16 boat slips to match the 15 units proposed. The docks have been moved in slightly from the property line on each side to areas where there are no wetlands. He has not received any feedback from OGS who will not act until all the other permits and approvals are in place. Mr. Sprague stated he cannot give any feedback as far as any lighting.

Larry Schmidtgall, Noble Road, stated he has recently purchased his home and has not seen any plans regarding this project. Mr. Same gave Mr. Schmidtgall a copy of Maxim's application.

Mr. Snyder asked if the homes are going to be pre-sold or will they go up for sale when completed. Mr. Gawrysiak replied they will be for sale after approval from the State. Mrs. Cook said so they will be pre-sales – pre-construction. Mr. Gawrysiak replied yes.

Mr. Crocker stated he is under the impression that there are State requirements relative to condominiums that are very specific in terms of disclosure of funds or disclosure of a number of things relative to condominiums, and there also is impact on assessments. He has a large concern about that. Discussion followed relative to condominium agreements. Mr. Crocker requested that the Board look into condo assessments vs. homes or other types of arrangements. Mr. Morrell replied it might be worthwhile for the Board to ask the Assessor to review the project. Mr. Same indicated this will be done.

Mr. Same asked what the approximate value of each condo would be; Mr. Gawrysiak replied approximately \$400,000.00. Mr. Snyder asked if there was a demand for \$400,000.00 units in this area; Mr. Gawrysiak replied yes.

Mrs. Cook stated in the original application, it states that the applicant is Maxim Development Group, and the owner is the Estate of Calvin and Mary Brainard; has that changed. Mr. Gawrysiak replied yes – they are the owners. Mrs. Cook noted that has to be changed.

Mr. Picciotti stated they don't believe the issue of the Indiana bats is an issue. They believe they have satisfied their obligation; they have done what they had to do and what the Board asked them to do. Mr. Same stated the Board will meet on March 4th and it is on the Agenda. This was an Informational Meeting to clear up all the outstanding issues. Mrs. Cook stated she respects Barton & Loguidice, and if they are saying more information is needed and Maxim representatives agree to disagree, she is saying they are in default as far as she is concerned. She agrees with what Barton & Loguidice is asking for. Mr. Picciotti said the Board can still make a determination. Mr. Same reiterated that it will be discussed on March 4th.

Jim Courtright, Lower Lake Road, stated there is a possibility that this whole thing could be sold in two years after it's built; that could change everything. The specs Barton & Loguidice is asking for should be followed. . Mr. Same stated when these units are sold, the builders are out of the equation; the Individuals will own the units. Mr. Courtright asked who owns the land; Mr. Legnetto replied the homeowner.

Being there was no further business, a motion was made to adjourn the Meeting by Lucille Cook and seconded by Stephen Dougherty. No questions. Motion carried 5 ayes, 0 nays.

Meeting adjourned at 6:50 P.M.

Respectfully submitted,

NICALETTA J. GREER
Secretary

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Present