

A regular meeting of the Planning Board of the Village of Cooperstown was held in the Village Office Building, 22 Main Street, Cooperstown, New York on September 16, 2014 at 4:30 p.m. Members in attendance were Chair – Charles Hill, Eugene Berman, Richard Blabey, and alternate – Paul Kuhn. Members Chuck Knull and Richard Sternberg were absent. Zoning Enforcement Officer – Tavis Austin and Deputy Village Clerk – Jennifer Truax were also present. There were seventeen members of the public present.

Mr. Hill called the meeting to order at 4:36 p.m.

Public Hearing

Lakeview Drive South (Reberta O'Neill Keiler for the Weinstock Family) – Public hearing for final site development plan, Lot 19, for a single family residence in the waterfront overlay district, referral on a Special Use Permit by the Board of Trustees

Mr. Hill reviewed the application explaining that this project was referred to the Planning Board for review and approval of the site development plan by the Trustees due to requiring a special use permit due to construction being located in the waterfront overlay district. He then explained the procedures for the public hearing and opened the public hearing at 4:39 p.m.

Mr. Mike Dennis, 12 Lakeview Drive South read a written statement to the board and provided the statement for the record. See attached.

Mr. Rick Hulse, 9 Pioneer Street, stated that his family owns the home occupied by his mother directly behind Lots 18 and 19. He further stated that they have always expected that at some point the lots will be sold and homes will be constructed but they had big concerns when they read the notice in the paper regarding the construction of a two story residence. Mr. Hulse stated that since initially finding out about the construction on Lot 19 him and his family have met with the Weinstocks and most if not all of the concerns have been cleared up. He explained that his mother's view has been drastically impacted by the construction on Lot 18 mostly due to the construction not being as designed. He explained that the foundation was placed approximately 4 – 5 feet higher than proposed and the roof was given an 8/12 pitch when a 4/12 pitch was proposed. He explained that due to these two errors the view has been drastically affected. He again stated that although they always expected the lots to be built on these "minor" building changes have had a major impact on the neighbors.

Mr. James Forbes, Oneonta, NY asked if any of the Zoning Law has been modified or changed since the Tietz family got approval for their construction on Lot 18.

Mr. Hill stated that there have not been any changes to the Zoning Law during that period. He continued to explain that the Zoning Law has set requirements regarding maximum height and minimum setbacks. He stated that these standards have not changed and that although Lot 18 was not built as proposed it is not in violation of the Village requirements for height and setbacks. He continued to state that it is his understanding that the Lakeland Shores Homeowners Association has additional regulations and larger required setbacks but the Village has no legal authority to enforce these regulations.

Mr. Austin concurred with Mr. Hill and stated that properties within the Lakeland Shores community have the unique situation in that they are bound by Village Zoning and in addition they are also bound by any deed restrictions or regulations of the Lakeland Shores Homeowners Association. He continued to state that the Village Boards have no authority

beyond Village Law and have no legal right to review, make decisions on or enforce any restrictions set forth by the Homeowners Association or as a deed restriction. He further explained that the only reason that a public hearing is required for this property is due to its location in the Waterfront Overlay District. Mr. Austin stated that the Planning Board has the authority to review the site development plan to ensure it fits inside the envelope created by the Village Zoning Law and only the Village Zoning Law. He explained that although Lot 18 complies with the Zoning Law it is not currently in compliance with the approval granted by HPARB. He stated that HPARB has the authority to review the aesthetics of the structure and its compatibility with the neighborhood. Mr. Austin further explained that Lots 18 & 19 are reviewed and given approval based on the same requirements as a property on Main Street would be; however these are both brand new structures being built on empty lots with vinyl siding. He explained that where vinyl siding may be allowed on a historic structure, approval for these lots will likely include vinyl siding, trex and other new more modern materials.

Mr. Austin stated that due to the fact that Lot 18 does not look as it was proposed he has issued a stop work order. Each of the items in violation will be reviewed by HPARB and a decision made either to grant a field change or make the owner come into compliance with the original approved plans. He further stated that erosion control is being addressed.

Mr. Austin stated that it is in the Planning Board's purview to review erosion control and drainage but there is nothing in the law which speaks about view shed and therefore there Planning Board has no authority to review or consider this issue. He continued to state that the Board of Trustees could condition the Special Use Permit on any items they feel relevant including view shed.

Ms. Judy Weinstock, 23 Leatherstocking Street, owner of Lot 19 stated that her family moved to Cooperstown a year ago and have become part of the community. She stated that they want to make this community their home. Ms. Weinstock stated that they should not have to be punished for the mistakes made by Lot 18. She continued to state that in order to help ensure that these types of mistakes are not made on their property, they have hired a designer, an engineer, a professional builder and an excavator. She further stated that they spent a lot of time working to design a home that would blend into the community as they are happy with the environment and want to become part of the community, not detract from it. She explained that they are aware that their new building would affect the views of the neighbors and they have tried to be conscious of this, and work with the neighbors to mitigate any view issues.

Ms. Weinstock stated that upon purchasing the property they spoke with Mr. Zoller regarding the restriction on garages. She explained that they had asked Mr. Zoller if the garage, as they were proposing to attach it, would meet the standards set for Lakeland Shores, and he stated that they would. Being that Mr. Zoller is the person who developed this community, and set most of the regulations, she believed his opinion to be accurate.

Mr. Weinstock stated that this is not a meeting of opinion, and since their proposed home meets all of the regulations, it should not be pushed off due to Lot 18's actions, as they have done everything in their power to ensure they meet both the Zoning Law and the requirements of the Homeowners Association.

Ms. Elizabeth Snyder, 4 Lakeview Drive North, stated that most of the homes in this community were built in the 1960s and are modest homes which are restricted to one story. She explained that the basements often having a walk out area but other two story home have not been allowed. She explained that the road is narrow and there is not sufficient room for on street

parking as even with a car parked only on one side it is difficult for the traffic to move through the community. She expressed that she is concerned with there being adequate parking on the property as she feels that the use of the street for parking would be problematic. She further stated that she understands that the Lakeland Shores Homeowners Association has more stringent restrictions than the Village, and that the Village has no authority to enforce these restrictions, but she asked that the board take into consideration that the homes in the community are small and modest, there is not a lot of room for on street parking and traditionally two story homes have not been permitted.

Mr. Kuhn asked Mr. Dennis to explain his comment regarding the proposed structure on Lot 19 having the appearance of a two story structure.

Mr. Dennis stated that as you view the home from the road it appears to be two stories.

Mr. Kuhn asked Mr. Dennis to clarify this statement regarding Lot 18 being built a story taller than necessary.

Mr. Dennis stated that if the same home had been constructed on Lot 18 as is there but the ground level be brought down approximately four feet and the pitch on the roof had been 4/12 instead of 8/12, the height of the structure could have been decreased by approximately 8 feet or one story. He continued to explain that Mr. Wayne Alexander's view has been considerably diminished but these two changes could have improved his view by 100%. Mr. Dennis further stated that the changes would have also provided a safer driveway, and a more appealing home. He stated that no one should have to give up their view if not absolutely necessary and in the case of Lot 18, the same basic home could have been built without having a drastic effect on the view shed. He pointed out that prior to these two builds the most recent build was adjusted by a mere one foot and it allowed everyone to keep their view.

Ms. Weinstock stated that there are many homes in Lakeland Shores which have a two story look, including that of Dr. Peters, Dr. Franck, and Mr. Zoller's son. She pointed out that although from the front her home may have a two story look, it only one story in height. She further stated that maintaining the view for neighboring properties was a top priority in the design of this home and that a much taller one story home could have been proposed while remaining in the confines of the law. She explained that in addition to the modest height they have hired Mr. Ubner to excavate the lot which will reduce the height of the home by approximately two feet.

Mr. Weinstock, 23 Leatherstocking Street, Owner of Lot 19 stated, that he has concerns about the adversarial feeling which have arisen due to the situation surrounding he build on Lot 18 and the development of his lot. He further stated that his family must live in this community and he hopes that these issues can be worked out and put behind us they do want to be an involved part of the community.

Mr. Austin stated that the Planning Board needs to focus on the items listed for site development plans and not the aesthetics such as building design and number of stories, etc. He stated that they should be reviewing the drainage, the driveway and accessibility of the property and required parking. He stated that one example is that there was a discrepancy regarding the property line which could have affected the setbacks, which in turn could have affected the driveway and parking. He explained that these are issues which should be reviewed by the Planning Board.

Mr. Hill stated that one of the biggest jobs that the Planning Board is responsible for is to make sure there are no discrepancies.

Mr. Dennis stated that he has provided the Weinstocks with a proposed driveway plan that given the topography of the property and the property lines would make more sense than the proposed driveway which is a 12% slope.

Ms. O'Neill Keiler stated that based on the definitions the proposed residence is only one story in height as it only has one story above grade.

Mr. Hill stated that the Planning Board must adhere to the factors which are within the law. He cited section 300-42 of the law stating the seven areas which the Planning Board has the authority to review are (1) Traffic Access, (2) Circulation and Parking, (3) Landscaping and Screening, (4) Compatibility, signs and lighting, (5) Environment, (6) Development, and (7) Nearby Properties. He explained that if the board were to act based on any other factors the court would not uphold the board's decision. He continued to state that the public input along with that of the developer and contractor should make the development of property which the owner and community can be proud of.

Mr. Hill asked if there was any further public comment. There was no public comment and Mr. Hill closed the public hearing at 5:22 p.m. Mr. Hill stated that the board would proceed to the regular agenda and come back to this item at the end of the meeting.

Regular Agenda

59 Pioneer Street (John Ryland) – Proposed new projecting sign

Mr. Hill reviewed the application and indicated that the structure is the old fire station just south of the Smithy. He reviewed the dimensions of the proposed signs as 30" wide by 20.5" high. He explained that it would be attached to the building with a metal bracket. He reviewed the distance of the sign from the building and the sidewalk indicating it is within the requirements of the law.

Mr. Kuhn stated that this is a very historic building as it was the original hose and reel company for the Village. He stated that he was hoping for a sign that would reflect this historic element. He further stated that he has no objection to the sign as proposed but that he was hoping that more thought might be given to the shape and lettering to be more in keeping with the historic nature of the building.

Mr. Hill asked if the proposed background color is black.

Mr. Ryland stated that it is black.

Mr. Hill asked what material the sign would be constructed of.

Mr. Ryland stated that the sign would be made of wood. He continued to state that the property was in poor repair upon his purchase and that he has worked diligently to repair the building and keep the building in its original spirit.

Mr. Kuhn stated that he agrees that the repairs have been for the better, he just was hoping that maybe the font style and sign shape would be more reflective of the historic building.

Mr. Hill asked Mr. Kuhn if he had any specific suggestions or ideas as to the font style and shape.

Mr. Kuhn stated that he feels that the sign is boxy and the lettering is also very plain but that he does not have any specific suggestions.

Mr. Blabey stated that the previous sign was particularly attractive. He continued to state that the proposed sign is acceptable but he appreciates Mr. Kuhn's feelings regarding the historic nature of the building. He further pointed out that it is difficult to enter into a discussion of aesthetics as that is very subjective.

Mr. Berman stated that based on the size limitations set by the law a different shape would make it difficult for the applicant to include all of the necessary information on the sign.

Mr. Ryland stated that he did contemplate other shapes, sizes and fonts. He explained that in order to stay within the parameters of the law and still include the necessary information, the proposed sign was the most efficient use of space. He stated that he feels that the second piece of the sign which hangs off the first piece makes the sign more interesting and that he was cognizant of the color being compatible with the building. Mr. Ryland stated that while the shape of the sign is not very interesting he feels that overall it is a very appealing sign.

Mr. Kuhn asked if he has other business offices in neighboring communities.

Mr. Ryland stated that there are offices in Oneonta and Richfield Springs.

Mr. Hill asked if the font used in the proposed sign is the standard font for the business.

Mr. Ryland stated that although there are some differences in the signs from town to town the font is basically the same.

Mr. Hill suggested cutting out the corners of the sign to provide a more interesting shape.

Mr. Ryland stated that he could entertain the idea of a different sign shape but he feels that the proposed sign fits well within the feel of the building, the village, and the law. He further stated that he does not feel it is offensive in any way and that he would like approval tonight as he needs to place a sign as soon as possible to help promote business.

Mr. Hill stated that any changes in the design would need to come before the board which would mean October before action would be taken.

Mr. Blabey suggested that the secondary piece of the sign which hangs below the large sign could be cut to mimic the ribbon. He continued to state that he feels that the board could move to accept the sign as presented and ask that Mr. Ryland take the board suggestions to be considered for the future. He further stated that the improvements to the building have made a huge impact on its appearance.

Mr. Ryland stated that he feels that the given the improvements to the building, even with a plain sign, make the structure a far better asset to the community.

Mr. Blabey made a motion to approve the projecting sign at 59 Pioneer Street as submitted. Mr. Berman seconded the motion and the following discussion was held.

Mr. Hill stated that he likes the black background with gold lettering and feels it is a vintage combination. He continued to state that due to the unusually long business name it would be difficult to fit in a different configuration or on a different shaped sign. He further stated that the incorporation of the ribbon is also a classic feature. Mr. Hill stated that he understands Mr. Kuhn's thoughts but not having any other sign to compare to and the fact that the application needs a decision tonight, he finds many more features to like than dislike about the proposed sign and therefore is in favor of approval.

A vote had the following results:

AYES: Berman, Blabey, Hill, Kuhn Motion carried.

11 Railroad Avenue (G. Marra / M. Manno) – Proposed revision to parking plan for previously approved site plan

Mr. Hill reviewed the proposed amendment to the previously approved site development plan for 11 Railroad Avenue. He explained that the owner has submitted a letter (application) requesting the withdrawal of the original request for restaurant use at this location. He further explained that the withdrawal of the restaurant use would make the building use 100% light manufacturing and therefore reduce the required number of parking stalls. Mr. Hill provided an informational sheet to the members of the board and stated that prior to making any decision regarding the required parking the board must decide if a public hearing is necessary.

Mr. Austin stated that the originally approved parking plan was never installed and technically the operation was never in compliance. He explained that the fact that the owner was not in compliance fell just prior to Hall of Fame Induction Weekend and therefore he felt it detrimental to close the operation of the business. He requested that the tenant or owner either install the approved parking plan or request a change to the original site development plan prior to September 9. Mr. Austin stated that they have formally withdrawn the request for the restaurant use and submitted a new plan based on the required parking for light manufacturing. He explained that the proposed plan indicates parking stalls which are only 8.5 feet in width although a legal space is 9 feet in width but that they have included one more space than would be required. He further explained that it is a rarity to see four or five people there at any one time and generally visitors to the brewery choose to use the on street parking.

Mr. Hill stated that an approved parking plan is necessary and based on the square footage of the building all of which is now being used for light manufacturing, the required number of stalls would be five. He further stated that five spaces can easily be accommodated.

The board reviewed the required number of parking stalls, the proposed parking plan, and the placement of the required parking.

Mr. Blabey stated that he feels that it is important to allow for the required stall width of 9 feet.

Mr. Austin suggested that the board move to require five parking stalls at the legally required size, 9 feet by 18 feet, with the understanding that if there are observed concerns or complaints the required parking will be revisited by the Planning Board.

Mr. Blabey stated that he does not think that a public hearing is necessary in this situation as the change actually reduces the impact of the use to the neighborhood. He stated that if the impact had increased, a public hearing would have been necessary.

Mr. Hill concurred that due to the reduced impact a public hearing is not necessary in this situation.

Mr. Austin suggested that the Planning Board state that the restaurant use as part of the special use permit will expire as of one year from today, unless the parking plan is revisited and the required parking as previously established is put into place.

Mr. Blabey stated that he does not feel that the Planning Board has the authority to make decisions regarding a permit that was issued by the Board of Trustees. He stated that he feels only the Trustees have the right to act on their permit.

Mr. Austin suggested that the Planning Board recommend that the Trustees modify the special use permit issued to 11 Railroad Avenue.

Mr. Berman made a motion to approve the revised parking and site plan for 11 Railroad Avenue as requested with the stipulation that the applicant submit a revised site plan showing 5, 9x18' parking stalls in the area illustrated on the submitted plan. The Planning Board Chair will submit a recommendation to the Board of Trustees requesting the revocation of the restaurant portion of their Special Use Permit as the applicant has withdrawn their request for such use and modified the parking plan as such. Mr. Blabey seconded the motion and a vote had the following results:

AYES: Berman, Blabey, Hill, Kuhn Motion carried.

Continuation of Lakeview Drive South (Reberta O'Neill Keiler for the Weinstock Family) –
Public hearing for final site development plan for a single family residence in the waterfront overlay district, referral on a Special Use Permit by the Board of Trustees

Mr. Hill asked Ms. O'Neill Keiler if she had any additional information to add.

Ms. O'Neill Keiler stated that she does not have any additional information. She stated that she provided an updated site plan, as requested, prior to the meeting.

Mr. Hill reviewed section 300-45 of the Zoning Law which explains the process for final site plan review and approval. He stated that at the August meeting the board gave preliminary or concept approval, and now that the public hearing is complete, the Planning Board has 62 days to make a decision or the plans will receive automatic approval. Mr. Hill asked for details regarding drainage and topography.

Ms. O'Neill Keiler stated that the new plans included details on the topography and drainage. She continued to introduce the project team which includes Scott Ubner – Landscaping and Excavation, Karl Dykstra – Contractor/Carpenter, and Jim Forbes – Engineer.

Mr. Hill stated that he did not see subsurface drainage. He further stated that at the August meeting French or curtain drains were mentioned but that they do not appear on the drawings.

Ms. O'Neill Keiler stated that the new drawing indicate those drains. After looking through the drawings in the applicant's folder, she gave the board her copy of the updated plans.

The board reviewed the updated plans.

Mr. Hill stated that he walked the property twice but was unable to locate the property lines. He asked if the property has been surveyed.

Ms. O'Neill Keiler stated that they did not have the property surveyed. She explained that they used the previous survey markers from the neighboring property owners. She continued to point out the location of the property lines. Ms. O'Neill Keiler explained the proposed drainage plan which will move water into two the existing storm drains.

Mr. Hill stated that the plans need to accurately reflect the details of the plans including elevations, drainage, etc.

Ms. O'Neill Keiler stated that the exact elevation has not been determined. She explained that Mr. Ubner will be excavating the property to provide for water to effectively flow to the installed drains. In addition the elevation of the earth for the proposed structure site will be lowered by approximately two feet to reduce the impact on the neighboring view and help to reduce the general pitch of the property. She asked that the board have some flexibility and trust Mr. Ubner to effectively contour the lot for the appropriate drainage.

The board discussed the erosion mitigation plan.

Mr. Hill asked what measures would be taken to control erosion of the driveway if they do not get far enough to pave this fall.

Mr. Ubner stated that if they are unable to pave this fall the base will be prepared for the blacktop and crusher run will be in place. He further explained that the driveway will be pitched towards a drainage pipe which runs along the house side of the driveway.

Mr. Hill asked where the gutters would be discharged.

Ms. O'Neill Keiler stated that there are no plans to put gutters on the home.

Mr. Hill asked why they will not be placing gutters on the residence.

Ms. O'Neill Keiler explained that the residence has been designed to have the feel of a camp and will have exposed rafter tails. She further explained that placing gutters on the residence will defeat the purpose of the exposed rafter tails.

Mr. Hill asked how the run off from the roof will be addressed.

Ms. O'Neill Keiler stated that the water will be mitigated through subsurface drains below the roof line and then routed into the subsurface property drains which will into route the water into the existing Village storm drains.

Mr. Blabey stated that given that the proposed driveway is across the road from an existing driveway he has concerns about the run off from this property flowing down the proposed driveway, across the road and down the existing driveway causing issues for the neighbor.

Mr. Ubner stated that the proposed driveway will be pitched into subsurface drainage that will be installed along the driveway. In addition there will be a slight dip in the driveway just prior to the road which will collect any additional water and divert it into the road drainage system.

Mr. Hill asked how the board would determine that the structure was not built higher than proposed if without knowing the elevation of the basement and first floor. He asked Ms. O'Neill Keiler to provide a frontal view with the base of the structure indicated.

Mr. Forbes stated that the height is not in the preview of the Planning Board.

Ms. O'Neill Keiler stated that the Village law indicates that the structure cannot be over 30 feet in height and the proposed structure is lower than that. In addition they compared their height to the height of the structure on Lot 18 and they will be starting the height approximately 2 feet lower than Lot 18 did.

Mr. Hill stated that the site plan for Lot 18 showed the elevation of the driveway and therefore they know the height over the road. He continued to state that this residence was not built at the height portrayed in the site plan.

Mr. Austin stated out that Mr. Tietz, owner of lot 18 is only in violation of the law due to not building what was called out in the plans.

Mr. Hill stated that he is concerned about the fact that Lot 18 was not built as submitted and this proposal does not provided the details to ensure that they are building as submitted.

Ms. O'Neill Keiler stated that her understanding is that the issues regarding Lot 18 were not in the purview of the Planning Board but only of HPARB.

Mr. Hill asked where the indicated walkways lead.

Ms. O'Neill Keiler stated that the walkways curve and move into lawn. She explained that they wanted to keep a more relaxed organic look.

The board reviewed the walkways, as well as the distribution of earth from the rear to the front of the property.

Mr. Hill stated that all details need to be accurately shown on the site plan.

Mr. Forbes asked if all applications are required to hire someone to provide a topographical map.

Mr. Hill stated that most site development plans are submitted with a topographical map. He shared the map submitted with the application for Lot 18.

Mr. Forbes stated that the cost of obtaining a topographical map is an unnecessary burden on the property owner.

Mr. Hill asked Ms. O'Neill Keiler to provide an accurate and neat site plan which includes all details.

Mr. Forbes stated that the owners have paid for a buildable lot and have complied with all of the zoning regulations. He continued to state that since they are complying with the law it is ridiculous to require Ms. O'Neill Keiler to provide a topographical survey. He stated that the information provided has answered the questions of the law. Mr. Forbes stated that the project is being done responsibly and if the board goes beyond that law it could be questions as to whether or not they were influenced by Mr. Dennis's speech. He stated that much of Mr. Dennis's speech was not relevant to the decisions that the Planning Board is authorized to make.

Mr. Hill stated that the board is obligated to look only at this project and they realize that others are making comparisons to neighboring properties which cannot influence the board's decision.

Mr. Austin stated that as long as the plan provided addresses the surface and subsurface water flow and it is within the law for items such as setbacks and height limitations it should be adequate for a Planning Board decision. He continued to state that HPARB has authority over the structure's design.

Mr. Blabey stated that drainage on this property may well be more problematic than the other properties due to being one of the last ones put up. He explained that the more structures that are erected the runoff is affected.

Mr. Austin stated that there are two Village catch basins at the foot of this property. He explained that DPW Superintendent – Brian Clancy and Street Superintendent – Kurt Carmen have both reviewed the proposed drainage. Although Mr. Carmen would like to see the ditch replaced by sluice pipe the Village does not have the funds to make this change at this time but the Weinstocks already plan to make this change to their property. He stated that ultimately the Planning Board needs to determine that the plan adequately addresses any runoff.

Mr. Hill stated that in addition to drainage there are six other elements which must be reviewed. He stated that the board should review each of those elements and determine if the plan meets each objective.

Mr. Blabey stated that if there is a concern regarding the capacity of the Village drains then maybe they should consider not draining all runoff into the drain but rather have some of the runoff diffused directly into the ground.

Mr. Hill stated that he believes that the lot is very saturated and cannot handle the runoff.

Mr. Ubner stated that the soil condition is very poor and completely saturated.

Mr. Berman stated that the time frame for approval has begun as of the public hearing today but that there is sufficient time for the applicant to make any necessary changes and return with a revised plan.

Ms. Weinstock stated that she would prefer to resolve any issues tonight, if possible.

Mr. Hill reviewed section 300-42.A of the Zoning Law regarding traffic access and asked the width of the proposed driveway.

Ms. O'Neill Keiler stated that the driveway will be 12 feet in width.

Mr. Hill asked if the proposed driveway grade is adequate.

Mr. Austin asked how the board is to determine whether or not the grade is adequate. He stated that the law does not provide any specific regulations regarding grade.

Mr. Forbes stated that the grade will be 10% which is within the standards set by the automotive industry.

Mr. Hill stated that he believes that the driveway grade will be no more than 10% and that this grade will be adequate. He continued to state that it would be best for the driveway to be perpendicularly aligned to the street.

Mr. Blabey stated that although being perpendicular to the street may be the best scenario if it is not practical in this situation.

The board concurred that the traffic access is of acceptable grade and meets standards for width as well as providing safe entrance and exit.

Mr. Hill reviewed section 300-42.B of the Zoning Law regarding circulation and parking.

The board reviewed these areas of the plans and found them to be sufficient.

Mr. Hill reviewed section 300-42.C of the Zoning Law regarding landscaping and screening.

The board concurred that this does not apply to this project.

Mr. Hill reviewed section 300-42.D of the Zoning Law regarding compatibility. He stated that he does not find any proposed exterior lighting on the plans.

Ms. O'Neill Keiler stated that she had not included exterior lights on the plans as they have not made decision regarding these at this time. She further explained that all lighting would be residential in style.

Mr. Hill asked if there would be any flood lights or exterior lights along or at the foot of the driveway.

Mr. Austin stated that he does not believe that the applicants are prepared to make those decisions at this time due to the fact that NYSEG has just begun the process of removing all above ground wires and related poles. He stated that Lakeland Shores Homeowners Association have stated that some of the properties will be putting in street lights but those have not yet been determined.

Mr. Hill asked Ms. O'Neill Keiler to add all exterior light fixtures to the plans.

Mr. Hill reviewed section 300-42.E of the Zoning Law regarding environment and asked if the trees on the south edge of the property are within the property lines.

Mr. O'Neill Keiler stated that these trees are on the property.

Ms. Weinstock stated that the survey flags are well beyond the trees.

Ms. O'Neill Keiler confirmed that the trees are on the property and described the location of the survey markers.

Mr. Hill stated that all of the trees over 6 inches in diameter need to be plotted on the site plan.

Mr. Blabey stated that although the Zoning Law regulates tree removal, trees are one of the biggest criminals when it comes to blocking views.

Mr. O'Neill Keiler stated that the largest tree on the property is the tree that will need to be removed for the construction of the residence.

Mr. Hill reviewed sections 300-42.F and G noting that this is a residential district and the parking, lighting and noise are generally the areas of greatest concern. He stated that any change to the plan would need approval and asked if they intended to include other landscaping.

Ms. Weinstock stated that at some point she would like to plant a seed from a tree which her father planted at her childhood home as well as maybe an apple tree.

Mr. Austin asked if, at this time, the landscaping plan is for grass on all untreated surfaces.

Ms. Weinstock stated that to be correct. She further stated that she would like a fence in the future as well but does not know when or what the design might be. She continued to state that they have been very open with the neighbors and have answered all of the questions which were emailed to them by Mr. Dennis.

Mr. Weinstock stated that the more open they have been and more questions they have answered the more their plans have been questioned and ridiculed.

Mr. Hill questioned the trees to be removed, asking if there were just two trees being removed one in the middle of the lot and one in the rear of the lot.

Ms. O'Neill Keiler stated that was correct and explained that the tree in the rear of the lot appears to be in poor health.

Mr. Kuhn asked Ms. O'Neill Keiler is she had an accurate list of what she needs to bring back to the board to complete the plans.

Ms. O'Neill Keiler stated that she needs details on the lighting and light fixtures.

Mr. Austin asked the board if it would be more appropriate to just make the motion to approve with the condition that all lighting on the property will be shielded and no light may spill over onto neighboring properties.

Mr. Forbes asked if approval for the site plan could be given with all the additional requirements being conditions of the motion.

The board reviewed the conditions which would need to be part of the motion including lighting, plotting of trees, location of retaining walls, roof and curtain drains, flow of surface water, width of the driveway, landscaping (lawn), and silt fence until a mature stand of grass.

Mr. Blabey left the meeting at 7 PM.

Mr. Hill asked Ms. O'Neill Keiler about the use of gutters.

Ms. O'Neill Keiler stated that due to the architectural design with open rafter tails they do not intend to have gutters.

Mr. Hill stated that when he purchased his home in the Village it did not have gutters and he had problems with water in the basement. Once he placed gutters on the home and directed the downspouts into the appropriate drainage his basement has remained dry.

Ms. O'Neill Keiler stated that they may place gutters on the rear of the structure but they intend to leave the front untouched. She stated that all water will be directed into the proposed drains.

Mr. Hill stated that no surface water may run onto adjacent properties. He continued to review the location and on site duration of erosion control mitigation measures.

Ms. O'Neill Keiler asked how long the silt fences should be left up.

Mr. Hill stated that they should remain in place until there is a good stand of grass.

Mr. Austin stated that the silt fences need to remain until the earth is stabilized.

Mr. Hill asked Ms. O'Neill Keiler to add title and signature blocks to the plans. He continued to review all items which need to be added to the site plan.

Mr. Berman made a motion to approve the final site plan for Lakeview Drive South tax map # 115.19-1-35.00 with the condition that a revised "clean" copy of the final site plan with the modifications and details discussed added which include details on all exterior lighting which will be shielded to prevent any light from spilling on to adjacent properties, all existing trees over six inches in diameter will be plotted on the site plan with those to be removed noted, the location of all retaining walls and drainage be accurately recorded, erosion control methods be shown and/or described and all setbacks be accurately depicted. In addition title and signatures boxes will be added. No work will commence until the final copy is submitted, for the record, to the ZEO and signed by the Planning Board Chair. Mr. Kuhn seconded the motion and the following discussion was held.

Mr. Hill stated that any changes to the plans will require a field change.

A vote had the following results:

AYES: Berman, Hill, Kuhn Motion carried.

Minutes:

Mr. Berman made a motion to accept the August 19, 2014 minutes as presented. Mr. Kuhn seconded the motion and a vote had the following results:

AYES: Berman, Hill, Kuhn Motion carried.

Other Business:

Mr. Berman asked Mr. Hill to review the guidelines he composed for "Site Development Plan Drawing."

Mr. Hill reviewed the guidelines with the board.

Mr. Berman made a motion to adopt the Site Development Plan Drawing Guidelines to be provided to applications as part of any Site Development Plan application. Mr. Kuhn seconded the motion and a vote had the following results:

AYES: Berman, Hill, Kuhn Motion carried.

Meeting adjourned at 7:26 PM

Respectfully submitted,

Jennifer Truax
Deputy Clerk