

Village of Hilton
Planning Board Minutes of November 13, 2007
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Members Present: Chairman Mark Hedberg, Chris Brower, Robert Hunte, Joe Galatio

Members Absent: Dana Brunett

Others Present: Vice Mayor Walt Horylev, Code Enforcement Officer Mike Lissow,
Parma Supervisor Rick Lemcke, Alex Pirnie, Peter & Elizabeth Sorensen,
Leonard & Joyce Parzynski

1. Called the meeting to order at 6:30 p.m. with the pledge of allegiance to the flag.
2. Chairman Hedberg explained the Planning Board's responsibilities and functions.

3. FINAL REVIEW & SEQR

Proposed Action- Re-Approval of Site Map
Applicant- Kris Schultz, as agent for Unity Health
Location- 100 Leith Lane, Section 8 Unionville Station

- a. Kris Schultz was present to represent this application. The applicant is seeking final approval of Section 8, Unionville Station.
- b. A public hearing was held on October 15, 2007 and several residents expressed their opposition to this approval.
- c. The applicant provided a letter stating the SEQR form dated Aug 30, 2007 was to be reviewed by the Planning Board. The board deemed this an Unlisted Action. The Planning Board declared themselves the Lead Agency on this project, and further determines that the project will not have a significant impact on the environment. Therefore, a negative declaration is made. Motion was made by Bob Hunte, seconded by Joe Galatio, approved 4-0.
- d. Chairman Hedberg read the following statement, which was also submitted to the Recording Secretary as follows:
This site plan review has no direct effect on future development of adjacent properties. The end of the pavement is clearly marked on the site plan. If there is any proposal to extend the pavement beyond that point, that action would be subject to a new and separate review by the Planning Board. The right of way shown on the site plan is consistent with standard planning practices, and is consistent with a similar right of way in this same development – both of which have been indicated as part of this development since it's inception. Removal of this right of way would unnecessarily prohibit future Planning Boards and future Unionville residents from the possibility of a future development that is beneficial for the community.
- e. Joe Galatio said that he believes the action should be approved as it is presented for two reasons. One, this exact plan was approved previously by the Planning Board. Secondly, the development should be accessible to adjacent parcels in the event the property owner proposes a viable plan in the future.
- f. Chris Brower said if any additional submittals for further development are proposed, the Planning Board will review them at that time. She agreed that approving this plan as submitted is the proper action to take on this application.
- g. Resident #1, said the Planning Board is making it possible to continue a road that the residents have spoken out against and it is not the board's privilege to approve this application. Chairman Hedberg explained that this approval has no direct effect on future development. This resident disagreed saying the road itself stops where the pavement ends now, but the right of way continues to the end of property.
- h. Bob Hunte explained that the board has looked at this application carefully, and needs a reason not to approve the application. He said a property owner has the right to develop

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their property, and the board owes them the consideration to review their request. He went on to say the applicant has met the criteria for an approval.

- i. Rick Lemcke said it is obvious this is a no win situation. He said the Planning Board members are appointed by the Mayor and this project is endorsed by the Mayor who is the only Village Board member that supports this application. He stated that Trustee Walt Horylev made a stand at the last meeting contradicting what the Mayor wants. Mr. Lemcke said by denying this application tonight it will put this issue to bed, but he can appreciate the situation that the Planning Board is in. Chairman Hedberg thanked Mr. Lemcke for his comments and answered, and said he is not basing his decision on the Mayor's opinion and is keeping the politics out of it. He said he is judging his decision on the best land use of the development and if the developer decides to develop his property, the residents can oppose that action. He continued that the board cannot eliminate the absolute possibility of development. Mr. Lemcke said the judge handling the lawsuit between the Village and the Town told the lawyers if the Planning Board votes against this right of way, she does not need to make the decision, as this is an issue of access.
- j. Resident #2, stated she produces a newsletter in Unionville, and asked why is this decision being made. She said the residents have been involved in this issue by attending the last 5 meetings, issued a petition against this approval, and have made their objections well known. Bob Hunte explained that there needs to be a concrete reason not to approve the application. He said that a traffic study proved there is not a traffic issue. This resident said the traffic study was flawed, as the equipment was removed prior to a weekend. Bob said that the Planning Board acted on good faith that the traffic information provided was accurate. Bob said if the information was skewed, then the residents would have a case to sway this decision.
- k. Trustee Horylev asked if this application is approved, then if a developer is interested in using the right of way, is another review required? Chairman Hedberg said the Village Board would then have to agree to complete the road. Kris Schultz said usually a deed is provided by the landowner to the Village for ownership of the property, then the Village Board would accept dedication by resolution. Trustee Horylev clarified that the Village Board takes dedication of the road, not the Planning Board. Trustee Horylev then asked if the Village Board refuses to take dedication then what is the next step? Mr. Schultz thinks that dedication could be delayed, the Board could modify the extension of the right of way and reserve another parcel or reverse the ownership back to Unity Health. Mr. Pirnie said the obvious only way to prevent a thru street is to deny the application now. He continued that once the road is dedicated to the Village, it can be paved, becoming a roadway to the adjoining parcel. Bob Hunte asked Resident #1 if the residents are against this now; will they always be? Resident #1 answered he cannot say for sure, but most likely the residents feelings will not change in our lifetime and that Unity Health will not build more in this location. Kris Schultz said there are no guarantees of what will happen in the future – if the property to the west does develop, it will need approval giving another opportunity to review the project. He said there are different types of development that could go there, such as a park. The parcel is landlocked currently; it would not be accessible without a right of way. Mr. Lemcke said there are options, which will allow the Village Board to make the necessary decisions. Trustee Horylev said he supports the residents of Unionville and he will continue to fight a future roadway.
- l. Chairman Hedberg asked for a motion to approve site plan as submitted, Bob Hunte made the motion, seconded by Joe Galatio, approved 4-0.

4. ARCHITECTURAL REVIEW

Proposed Action- Amendment of color selection

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Applicant- Joe Sciortino, Sciortino Developers, LLC
Location- 4 Gursslin Lane

- a. Joe Sciortino was present to represent this application. He is the owner of this property that is approved for office space and storage. He is seeking approval to amend the colors previously approved for the barn.
- b. Mr. Sciortino said he expects to have the office roughed in before winter and the outside work will begin next spring.
- c. Joe explained that he would like to use the following colors:
 - ❖ Almond for the window.
 - ❖ Cypress (moss green) for the siding. The portion of the barn is T1 –11 will be painted to match the vinyl siding.
 - ❖ Trim color is called Wicker.
 - ❖ Roof color is called WeatherwoodThe following is also proposed:
 - ❖ The stone area will wrap around east side and be placed 4' from grade up. The product is a manmade product called Pennsylvania stone.
 - ❖ Ipe is brand of hardwood material to be used on the posts and decking of the covered front porch.
 - ❖ The front door is wood and will be stained to match Ipe product.
 - ❖ These color choices are similar to those offered by the Certain Teed brand. The applicant may choose another manufacturer with similar colors if this brand is not used.
- d. The original plan was barn red with white trim, Mr. Sciortino felt these colors will fit in better with the development.
- e. Chairman Hedberg asked for a motion to approve this revised plan as submitted, Joe Galatio made the motion, seconded by Chris Brower, approved 4-0.

5. DISCUSSION

Chairman Hedberg gathered the information he requested at the November 5th meeting from the Planning Board members. This included the discussed possible sites with each member rating their preference. Trustee Horylev stated the Planning Board's recommendation is urgent as a referendum could be early next year. There is a Village and Town Board joint meeting scheduled for 11/27/07 and would like that information available by then. Mark said it may be possible to have a response for that meeting. Mark said he is waiting on Dana Brunett's response. He said that a workshop meeting won't be necessary, he feels they could correspond by phone.

6. REPORTS

- a. Liaison's Report- Walt Horylev gave his report.
- b. Code Enforcement Officers Report- Mike Lissow gave his report.
- c. Chairman's Report- Chairman Hedberg gave his report.
- d. Member's Report-No report given.

7. MINUTES

Chairman Hedberg asked for a motion to approve the October 15, 2007 minutes with one amendment, motion made by Joe Galatio, seconded by Bob Hunte, approved 4-0.

8. DATES

Next Scheduled Meeting Monday, December 10, 2007
Agenda Deadline Monday, November 26, 2007

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There being no further discussion, the meeting was adjourned at 7:48 p.m.

Respectfully Submitted,

Amy Harter
Recording Secretary