

**Village of Hilton Planning Board
Meeting Minutes of October 15, 2007
Approved November 13, 2007**

Members Present: Chairman Mark Hedberg, Chris Brower, Robert Hunte, Joe Galatio, Dana Brunett

Others Present: Vice Mayor Walt Horylev, Code Enforcement Officer Mike Lissow, see list

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. SITE PLAN REVIEW/PUBLIC HEARING

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.
- b. Chairman Hedberg explained the purpose of this public hearing is to discuss only the approval of Section 8 in the Unionville Station subdivision. He explained that although the adjacent property owner has made it known that he would like to annex his parcel which is located immediately west of Section 8, there has been no formal submittal to either the Village of Hilton or the Town of Parma to begin the process of any development. Mark said there will be no discussion of that property or on the topic of annexation. He stated the Planning Boards only topic tonight is the approval of Section 8.
- c. Chairman Hedberg explained that a handout has been provided by the Village which explains the topic of tonight's meeting and includes a map showing the paved portion of Leith Lane and the right-of-way in Section 8. The map depicts the driveway into the Unity Health apartment building also. The pavement ends approximately 150 feet east of the municipal property line and a 60' wide right of way continues to the property line. Chairman Hedberg explained that this submittal by Unity Health is only to re-approve what exists today, and there are no plans or proposals at this time to extend this road beyond the paved area. He also explained that this proposal was originally approved by the Planning Board in 2003 with an amendment in 2004, however the approval expired as the map was not filed in the Monroe County Clerks office as required by law.
- d. Chairman Hedberg asked for a motion to declare the public hearing open at 6:32 p.m. Dana Brunett made the motion, seconded by Joe Galatio.

Public Comments:

Resident #1, stated he asked Unity Health System why they want Leith Lane extended and he was told the politicians want it extended.

Resident #2, said she has lived in the Hilton Parma community since 1962 and moved into Unionville Station for its tranquil setting and said the traffic on Leith Lane is already busy and does not want the road to continue and add to the traffic. She said she has to be careful exiting her driveway as cars do not stop at the stop sign at Stothard Drive and Leith Lane.

Resident #3, submitted a letter to the Planning Board and asked that Chairman Hedberg read it aloud. The letter states "As a recent widow, I gave up my beloved lakefront home and downsized to fit into Unionville Station. To match my fierce independence, I selected a protected, service provided, atmosphere. Now, less than a year into residency, my planned tranquil, life is threatened by a possible Village acquisition of a land development with many senior living units. If not acquisitioned to the Village, a town residential development using our access roadways, presents the very same problems. I request you, the Planning Board for the Village of Hilton, to deny this proposed plan by Mr. James Beehler because either development would drastically increase our traffic flow on roadways not constructed for this increase; and would very likely jeopardize our sewer and water services due to overload. Every aspect of the proposal's impact on Unionville Station is negative and in some ways unsound and unsafe. There are no positives for us."

Resident #4, submitted a letter to the Planning Board which she read aloud. The letter states, "While this particular Public Hearing is focused on a 2003 issue that needed to be revisited for signatures and filing, it is also an appropriate time to remind you, the Planning Board of the importance is this simple issue. Your decision cannot be lightly arrived at-acceptance of the 60ft. roadway dedication. Your decision holds the possibility of profound change and development issues. In the event that YOU the Planning Board see a NO HARM situation, we ask you to please consider the events that have transpired since 2003. The near possibilities, had they been looked at lightly, could have had disastrous effects on our dear little Village. You now have a little over 100 senior homes, (nearly 50 more to come), 69 apartments in the Unity Health Building and, 42 Condos – nearly all of which have seniors living in them. Yes, we, the Seniors, probably do not need more schools and probably not more sports fields but with the services we do need, we are just paying our way, considering the tax advantages we glean from various sources. So far we have fit into the cultural structure of the village. There are many services available for the well aged but we all grow beyond this. Keep in mind the demographics of a viable, developed community. The size and layout of Unionville Station as it was and has been planned over the last 20 some years will give the community a workable percentage of seniors. Other age categories must complete the population. Please do not consider any plans for this 60ft right of way beyond acceptance of it. Make your decision decisive and final, never to be visited again."

Public Comments continued:

Resident #5, asked that the definition of the right of way be explained.

Vice-Mayor Walt Horylev introduced himself to the audience. He stated that Resident #1's conversation with Unity Health was incorrect as four of the five Village Board members do not want the road to continue. He went on to ask those in attendance by a show of hands, who does not want the road to continue. It appeared that most everyone in attendance raised their hands. Trustee Horylev explained that the Planning Board and the Village Board should act in the best interest of the community they represent. He said the Planning Board should listen to those in attendance tonight as they have spoken and wish to be heard that they do not want Leith Lane to continue.

Rick Lemcke, Supervisor, Town of Parma, said that Mr. Horylev's statement is not what a public servant usually does, and it is a true testament of Mr. Horylev's good character. He said that he and the Mayor do not always see eye to eye but that is ok, too.

Pat Buskey, 24 Hill Road, said to Chairman Hedberg, you stated that the road in question leading off the property is not on the map, is not being proposed at this time and is not necessary for the site plan approval. If the road leading off the property is not necessary, then why is the right-of-way necessary? It is clear by the people attending this hearing that the right-of-way is not desired by the people. If the road is not necessary, then neither is the first step of putting a right-of-way in place. Bob Hunte explained that this is a forum for the public comments and concerns, it is not a question and answer session in itself.

Bob Maguire, 22 Gursslin, asked why Unity Health never attends these meetings? Mr. Kris Schultz stated that he has attended a number of meetings and represents Unity Health. Mr. Maguire said he wants to know why the applicant, Unity Health, wants Leith Lane to continue? Betty Sorensen stated that Mr. Don Felter from Unity Health was in attendance and asked him to speak. Bob Hunte said it is inappropriate to force the applicant to stand up in front of an audience and answer questions. Mr. Felter introduced himself and said that he didn't feel this was an appropriate forum in which to discuss the application, but would be happy to attend any Homeowners Association meeting and address the topic. The audience agreed that they would appreciate his attendance at a meeting in the very near future.

Betty Sorensen, asked how and why the filing of the map error was discovered? Chairman Hedberg could not recall however, Kris Schultz explained the error was discovered when Mr. Beehler approached the Town of Parma regarding the possibility of annexing his property.

Mary Eichas Gavigan asked how it came about that Certificates of Occupancy were issued? She also asked if any other items that may have been overlooked are being double checked?

Public Comments continued:

Don Wasielewski, 7 Shirleen Drive, asked why is the right-of-way defined beyond Unity Health? Mr. Schultz explained that subdivisions have right-of-ways as an option to continue a road in the event that a development is extended or to join two developments as a means of travel. Mr. Schultz also said that approval of this right-of-way is not an automatic approval of any future road or pavement, it is for any future development even if it is 50 years from now. He continued that any requests or proposals for development on any adjacent property, which include using Leith Lane for travel, would require Hilton Planning Board approval.

Resident #6, addressed the Planning Board. He stated he realizes the board is not here to answer questions, but there is one question that you need to ask yourselves as you consider this site plan approval. That question is why do you need to have the right-of-way on the site plan? Again, you have said the road is not necessary to the site plan approval, so you do not need the right-of-way (laying the ground work for) extending Leith Lane to the edge of the property. By placing the right-of-way on the site plan, it makes it much harder to deny a roadway in the future without a lawsuit against the Village (most likely ending in a loss because the right-of-way was created specifically for future development). By not putting the right-of-way on the site plan, you will be signaling the courts in any possible law suit that future development was not planned to be extended past the current end of Leith Lane resulting in a win for the Village. And more importantly a win for all the residents of Unionville Station. Please listen to the will of these people that are in attendance tonight.

Resident #7, stated another access road possibly to West Avenue is necessary for an emergency exit. She said that about one month ago the apartments in the Unity Health building experienced a gas leak and the residents needed to be evacuated. She continued to say that residents could not get in or out from Leith Lane.

e. With all persons heard, Chairman Hedberg asked for a motion to close the public hearing at 7:37 p.m. Chris Brower made the motion, seconded by Bob Hunte.

- f. Chairman Hedberg explained that a complete site plan submittal will be required by the applicant, making it very clear which documents are to be reviewed by the Board. If the final submittal differs significantly from the plan we are reviewing tonight then another public hearing will be held and all residents will be invited to speak.
- g. Chairman Hedberg explained that this item will be placed on the November 2007 agenda for a possible decision. He thanked everyone for coming and said their comments will be taken into consideration.
- h. Chairman Hedberg submitted a letter to the Planning Board Secretary, dated July 20, 2007, from Mr. and Mrs. Gary Oakden, 6 Shirleen Drive. The letter states: “We are writing to you to express our opinion about the current controversy in Unionville Station Subdivision over the possible extension of Leith lane for the purpose of developing the Beehler Property. First, we are **not** in favor of closing Leith lane. We feel that our community needs another access road other than the two currently in place which are nearly next to each other on Route 259. The development of the Beehler property would increase the density in the area and would be one more reason that another access road is needed. Increased congestion in the area would be our best opportunity for obtaining another access road. Second, we feel that Mr. Beehler has every right to access to his property and to develop it as the zoning allows. I would encourage the Village and Town to work together to help Mr. Beehler develop his property while keeping it compatible with the senior community in Unionville Station. Last, the Town of Parma is currently seeking input on the preservation of open space in the town. It makes perfect sense to us that new subdivisions should be adjacent to the Village, as the Beehler property would be. This keeps development contained in a central area while keeping the majority of the town open.”
- i. A petition, dated July 2007, was submitted by the residents of Unionville Station. The petition states: “We, the undersigned, agree that we do not want Leith Lane extended as an access road to any other property”. There are 110 signatures. Signatures include residents on Leith Lane, Stothard Drive, Gursslin Lane, Shirleen Drive, and Atchinson Drive.
- j. At 7:45 the Planning Board took a 5-minute recess. The board reconvened at 7:50 p.m.

4. FINAL SITE PLAN REVIEW & SEQR REVIEW

Proposed Action- Construct new condos
Applicant- Howitt-Hilton LLC
Location- 100 Salmon Run, Creek Crossing

- a. Mr. Pat Laber, Schultz Associates was present to represent this application. They are seeking final approval for this proposal of 76 condominiums and 16 buildings.
- b. As discussed at the 9/24/07 Planning Board meeting, there are 4, 6-unit buildings to create more open space and these buildings are offset for a more appealing appearance.
- c. The street will be named "Marple Lane". The street name appears on the final site plan.
- d. There was a discussion regarding a pathway within this section of the development. The Planning Board has been asked by Mayor Larry Gurslin to consider including a public walkway and Mr. Howitt agreed that it would be a good idea. However, a final location has not been determined. The Planning Board feels strongly that a location can be agreed upon and will require both parties agree to pursue a potential pathway.
- e. Chairman Hedberg explained that Mayor Larry Gurslin has recently walked the existing path and questioned those using it as to the reasons they use it. Those he spoke to were high school students using it as a shortcut instead of taking the school bus, a gentleman bicycling for exercise and others taking nature walks. Mark said the Mayor did not witness anyone using the path for any negative activities.
- f. Bob Hunte said when he visited the pathway, there was a young couple enjoying a walk on a warm fall day.
- g. Dana Brunett stated he would like to see a walking trail however he doesn't agree that a right of way is necessary. He suggested allowing foot traffic to create a path and re-addressing the walkway in the future. His concern is that just because a walkway is created, does not necessarily mean that is the path most people will take. He said that the trees and brush that will be removed for this project will improve the visibility of the area and hopefully deter improper behavior.
- h. Resident #11, said there is a real problem in the existing subdivision, Park Place with trespassing, stealing, loitering, littering and speeding cars. He said this problem stems from mostly teenagers that tend to hang out near the abandoned railroad trestle. He is concerned that an additional walkway will encourage more of this negative behavior.
- i. Trustee Horylev stated that as the development of this property moves along, the problems with trespassing and loitering will dissipate. He said the property will become more visible with less brush and trees for people to hide behind.
- j. The board discussed traffic, as it was a major concern from residents on Raintree Lane at the public hearing held on September 10, 2007. These issues were reported to the Mayor and were documented in the minutes. Mark stated that speeding and traffic volume are two different issues. He continued that more vehicles slows the speed of traffic and he isn't certain that adding more residents will make the problem worse.
- k. Trustee Horylev explained that he received a letter from a resident regarding the traffic concerns on Raintree Lane. He said the Village DPW placed the SMART trailer on Raintree Lane last year, and no significant problems were noted.
- l. Chris Brower said the traffic concerns exist today will not be dropped by the residents. She stated the traffic concerns are not a result of Creek Crossing and should be noted to the Village Board in a memo as such.

- m. The Board reviewed the SEQR form dated 5/20/07. It was deemed an Unlisted Action. There are no environmental issues to be addressed. The traffic concerns raised by the public is a problem that exists today of which the Planning Board recommends the Village Board needs to address. The Planning Board also determined the affect on Village services is minimal since the only service being provided is municipal water and sanitary sewers. Dana Brunett made a motion to declare a negative declaration; the motion was seconded by Bob Hunte, approved 5-0.
- n. Chairman Hedberg asked for a motion to approve this Site Plan application with the following conditions; 1.) Both the Village of Hilton and Mr. Howitt pursue an agreement regarding a potential pathway to the north. 2.) A pond maintenance agreement be created, this agreement shall be satisfactory to Mr. Tom Tilebein and the DEC regulations. The motion was made by Joe Galatio, seconded by Bob Hunte, approved 5-0.

5. SITE PLAN REVIEW & SEQR REVIEW

Proposed Action- Addition to existing building
Applicant- Schultz Associates as agent for Modern Family Dental
Location- 3 West Avenue

- a. Pat Laber, Schultz Associates was present to represent this application. He is seeking final approval for site plan.
- b. The applicant received a variance from the Zoning Board of Appeals earlier this evening to create a 2060 square foot building. The code states a maximum building size of 1500 square feet is allowed in the Limited Commercial District.
- c. The Board deemed this an Type II action, therefore no further SEQR action is required.
- d. Chairman Hedberg questioned if the proposed grass area will be at grade with the public sidewalk or if a retaining wall will be needed. Pat said there is no wall or steps necessary as the grade will remain basically the same.
- e. Chairman Hedberg suggested the applicant consider a less obtrusive lighting plan than what is existing and suggested either up-lighting or back-lighting on the building. The new lighting details shall be part of the architectural review.
- f. Trustee Horylev questioned Mr. Laber if there are plans for a buffer for traffic that has jumped the curb in years past? Mr. Laber said he wasn't aware of vehicles ending up on this property. He said that the traffic light that is currently being installed should mitigate any concern of that nature.
- g. Preliminary renderings were provided to the Planning Board. Chairman Hedberg stated that Architectural Review and color selections and/or samples will be necessary. Mr. Laber said the applicant is considering earth tones and cultured stone siding at this time but no final decisions have been made. He said that Dr. Dick will agree to the boards recommendations.
- h. Bob Hunte stated this application has minimal impact on the site plan and architecturally is a nice improvement to the building. He agreed that lighting should be addressed during the architectural review process.
- i. Chairman Hedberg asked for a motion to approve the site plan as submitted made by Bob Hunte, seconded by Chris Brower, approved 5-0.

6. SIGN REVIEW

Proposed Action- Sign Review
Applicant- Carol Fratta, as agent for Village II Apartments

Location- 460 Village II Drive

- a. There was no one present to represent this application.
- b. This item was carried over from the September 10, 2007 Planning Board meeting. The applicant proposed a 6' x 6' x 10" sign for this complex. It is proposed to be located on the southeast corner.
- c. At that meeting, it was explained to the applicant that the sign code states signs cannot exceed 5' in height. At that time, the applicant agreed to shorten the posts.
- d. Carol Fratta contacted the Village office on October 3, 2007 to inquire about a variance from the Zoning Board of Appeals. She stated she is considering applying to seek relief of Section 24-602. The applications were mailed to her. To date, the office staff has not received any additional submittals.
- e. This item will be placed on the November agenda.

7. SITE PLAN REVIEW

Proposed Action- Change of Use
Applicant- Joe Fertitta
Location- 53 South Avenue

- a. Mr. Joe Fertitta was present to represent this application. He is the new owner of 53 South Avenue. This property is currently being used as Braeview Realty and has a second floor apartment that has been vacant for several years. The second floor has been recently used by the previous owner for additional office space.
- b. Mr. Fertitta explained he would like to update the plumbing in the apartment and rent it out for income. The apartment area is approximately 580 square feet. The real estate office will continue to be used without any changes.
- c. Mike Lissow, Code Enforcement Officer, stated the applicant may be required by building code to install egress windows in the bedroom of the apartment. He will verify this information and inform the applicant of any necessary requirements.
- d. Chairman Hedberg asked for a motion to waive site plan review, pending the project meets the Hilton Zoning Code and the Building Code, as the application requires 1) no increase in services, 2) no subdivision of land, 3) has no adverse effects on the community 4) this waiver does not constitute approval of future structures. The motion was made by Dana Brunett, seconded by Joe Galatio, approved 5-0.

8. SITE PLAN & SIGN REVIEW

Proposed Action- Operate a candy store
Applicant- Salvatore Buscemi
Location- 20 East Avenue

- a. Mr. & Mrs. Buscemi were present to represent this application. They have leased the space formerly occupied by Joey's Barbershop. They intend on opening a candy store.
- b. Mr. Buscemi explained that their items will be pre-packaged and there will be no baking or cooking done on the premises. They will also sell gift items.
- c. Deliveries will be made by UPS, which they expect to receive once or twice weekly. Mr. Buscemi said that there are two refuse carts that he will utilize for garbage and he will dispose of the cardboard he uses on his own.

- d. The hours of operation are expected to be Monday – Thursday 10 a.m. – 6 p.m. Fridays and Saturdays will be 10 a.m. – 9 p.m. and they will be closed on Sundays. He will consider extending his hours if need be.
- e. Chairman Hedberg asked for a motion to waive site plan review stating the application has 1) no adverse effects on the community, 2) no new structures, 3) no increase in services, 4) this waiver does not constitute approval of future structures. The motion was made by Bob Hunte, seconded by Dana Brunett, approved 5-0.
- f. The applicant also proposed a projecting sign for the northwest corner. The sign will have a red background with gold leaf lettering. Chairman Hedberg stated the sign's size exceeds the maximum size of 12 square feet and a minimum height requirement of 9' for projecting signs. Mr. Buscemi stated the sign is expected to be ready for installation on Tuesday October 16th. He explained the cost of the sign is \$500 and he cannot afford to purchase another sign in the smaller size. The Planning Board discussed the options of approving this larger sign temporarily for 60 days so that the applicant may apply for a variance. This temporary approval would not prohibit the business owners from having proper advertisement for their new business. Dana Brunett explained the Planning Board does not want to inflict hardship on the applicants by denying their sign application. Trustee Horylev suggested the applicant could use A-frame signs or banners temporarily as well. Mr. Buscemi stated he does not want to incur any additional expenses for signs.
- g. Chairman Hedberg asked for a motion to approve this sign application temporarily for 60 days as submitted, the applicant may consider seeking a variance or consider a smaller sign. If the applicant is granted a variance from the ZBA for the size and height requirement, the approval for the sign will be permanent. The motion was made by Dana Brunett, seconded by Bob Hunte, approved 5-0.

At this time, Dana Brunett excused himself from the meeting.

9. DISCUSSION

The Planning Board discussed potential sites for the proposed library. The Library Board is looking for 3 ½ - 4-acre sites and hope to have at least a 22,000 square foot building. Chairman Hedberg stated he will try to provide the Village Board with the Planning Board's suggestions prior to the next Village Board meeting. Some sites suggested are 62 Gorton Avenue, Canning Street west of the Co-op foundation and possibly property owned by Frederick Hunte, on Old Hojack Lane.

10. 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.

11. MINUTES

Chairman Hedberg asked for a motion to approve the September 10, 2007 meeting minutes as amended, motion made by Joe Galatio, seconded by Chris Brower, approved 4-0.

Chairman Hedberg asked for a motion to approve the September 24, 2007 meeting minutes as amended, motion made by Joe Galatio, seconded by Chris Brower, approved 3-0-1. Bob Hunte abstained.

12. DATES

Village of Hilton
Planning Board Minutes of October 15, 2007
Page 9

Next Scheduled Meeting Tuesday, November 13, 2007
Agenda Deadline Tuesday, October 30, 2007

There being no further discussion, the meeting was adjourned at 10:40 p.m.

Respectfully Submitted,

Amy Harter
Recording Secretary