

PLANNING BOARD MINUTES

Wednesday March 3, 2004

WORK SESSION 6:30 P.M.

**Roll call Miscellaneous
Minutes Agenda items
Sign review Communications
Update on pending items
Committee reports**

AGENDA 7:30 P.M.

ITEM I

**Donald Aubrecht
Commercial/Agricultural**

**REQUESTS CONCEPT PLAN APPROVAL FOR
ADDITION TO BUILDING AND PARKING AREA
FOR HOLY CROSS LUTHERAN CHURCH
LOCATED AT 8900 SHERIDAN DRIVE.**

**CONSERVATION AREAS
DISCUSSION**

ATTENDING: Patricia Powers
 Christine Schneegold
 Tim Pazda
 Jeff Grenzebach
 Wendy Salvati

**INTERESTED
PERSONS:** Donald Aubrecht

Minutes

Motion by Christine Schneegold, seconded by Jeff Grenzebach to approve the minutes on the meetings held on February 4, 2004 and February 18, 2004 as written.

ALL VOTING AYE. MOTION CARRIED.

ITEM I

Donald Aubrecht
Commercial/Agricultural

REQUESTS CONCEPT PLAN APPROVAL FOR ADDITION TO BUILDING AND PARKING AREA FOR HOLY CROSS LUTHERAN CHURCH LOCATED AT 8900 SHERIDAN DRIVE.

DISCUSSION:

Jim Callahan gave a brief description of the project. The property is located on the north side of Sheridan and east of Shimerville. It is zoned commercial along the frontage and agricultural to the rear. The existing church lies on approximately 3.3 acres. The project has received a recommendation for a negative declaration under SEQRA from the MRC and is here for consideration of the concept plan approval.

Donald Aubrecht stated in regards to the discussion on the drive on the west hand side, an alternate to that is not to extend to Sheridan Drive. He would pursue the idea of a left and right exiting lane on the existing side. Christine Schneegold questioned Mr. Aubrecht if he planned to use the western driveway as a construction road during the construction phase. Mr. Aubrecht stated "Yes." Christine Schneegold then asked if the road would be turned back to grass after the construction was completed. Mr. Aubrecht replied that he was considering the possibility of closing off that driveway and using it as additional parking. Christine Schneegold informed Mr. Aubrecht that he also has the option at a later date in which to pursue a cross access agreement with his neighbors. Mr. Aubrecht stated he is aware of that option.

ACTION:

Motion by Jeff Grenzebach, seconded by Wendy Salvati to recommend a concept plan approval for addition to building and parking area for Holy Cross Lutheran Church located at 8900 Sheridan Drive with the following condition:

The western driveway will be used as a construction road during the construction. Once construction is completed, the road shall be restored to its natural state.

ALL VOTING AYE. MOTION CARRIED

CONSERVATION AREAS

DISCUSSION

Concerns from all members is how this item will be enforced.

There needs to be an established difference between conservation easements and conservation areas. The easement is what is set forth in the code book. The conservation area is what is in found in Spaulding Lake via deed restriction. Pat Powers acknowledges the board is powerless in regards to past infractions, but suggests that in the future, the easement or area should be clearly shown on the survey, perhaps with an accompanying written explanation of what is permissible or not.

Scott Bylewski states that the easement is clearly stated in the code what you can or cannot do. He agreed that the conservation area is the unclear subject. Pat Powers questioned Scott Bylewski and Jim Callahan if it is acceptable in the future to enforce additional restrictions on top of the adoptive covenants of restrictions. Scott Bylewski stated that it would depend on the Town Boards approval. He said that the Town Board can state: subject to zoning law or subject to Planning Boards restrictions to conservation areas. Jim Callahan summarized it by stating he does not feel the Town has the right to go back to an existing conservation area and enforce rules, that may or may not have been specific at the time of approval.

The Board members all agreed on the following actions:

1. Obtain copies of all Homeowners Association rules and regulations.
2. Conservation rules cannot be retroactive.
3. If a conservation area is proposed in a development, the Town Board needs to specifically enumerate what those conditions are that must be conserved and must be included in the final approval.
4. Town Board is responsible to include a condition and motion that any approved declarations of protective covenants are in compliance with Section 30-86 of the Town Zoning Code.

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Motion by Jeff Grenzebach seconded by Wendy Salvati to adjourn the meeting.

ALL VOTING AYE. MOTION CARRIED.

Meeting adjourned at 8:30 p.m.
Patricia Powers, Chairman