

MINUTES

WARSAW TOWN BOARD

PUBLIC HEARING FOR (PUD) PLANNED UNIT DEVELOPMENT

JANUARY 27, 2022

Supervisor Rebecca Ryan calls the meeting to order at 3:00 p.m. at the Warsaw Town Office located at 83 Center Street Warsaw, NY 14569 at which time and place the following were:

PRESENT:

Supervisor:	Rebecca Ryan
Councilman:	Chris Lonneville
Councilman:	Dave Mateer
Councilman:	Steve Perkins

ABSENT:

Councilman:	Travis Jones
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ALSO PRESENT:

Town Attorney:	Dave DiMatteo
Town Clerk:	Cathy Smith
Zoning Officer:	Bob Martin

GUESTS:

Conable Way residents: Deb Baker, Gloria Rafferty, Don Reed, Nancy Snyder, Fortia Schneider, Sheila Tisdale, Carol Gea, Mary Nichols, Calamar Attorney: Cheryl Green, County Building and Code Officer: Don Roberts

Pledge of Allegiance

Supervisor Ryan opens the Public Hearing. Town Clerk Cathy Smith read the advertised notice. Supervisor Ryan asked Cathy Smith if there were any comments. Ms. Smith answered there were none.

Attorney DiMatteo notes that the (PUD) Planned Unit Development was approved in August of 2016 and consisted of 7 acres with 2 outer public thoroughfares and is known as Conable Way.

Attorney DiMatteo continues that the Town Highway Superintendent and construction Engineer voiced the problems and hoped that they would be rectified to take ownership of the road.

In 2021 the Town Board felt the problems were not going to be addressed and did not accept the road. S&J Capital and Burleys private right of way have ingress and egress.

The Calamar sight originally started out as 7 acres but will now be 8.2 to include the road. RM4 will continue with ownership of the road.

Attorney DiMatteo added that the final version of the (PUD) Planned Unit Development will be a private thoroughfare to include the road.

Supervisor Ryan noted that the process was a long road with many meetings. The Town was dedicated to the project and thought it was a good project as it made the best use out of the property as a whole.

Calamar Attorney Cheryl Green thanked the Town and Attorney DiMatteo adding that she met with Attorney DiMatteo a few weeks ago. Calamar is trying to move forward with the mechanics, meter pit but walked into a number of lawsuits. Ms. Green walked the property and notes that she is in agreement that the lights are too close to the road.

Attorney Green wants to move forward with rezoning. The new map will show the road as private. Maps were handed out. Bob Martin indicated that he would like a larger map for the records and to sign off. The agreements with Scott Nichols will remain the same. Mr. Burleys rights will not be impaired, there are no issues with adjacent owners to access. An indemnification agreement will be done.

Attorney Green notes that there is an extensive amount of work to get the road up to speed and would cost 6 figures. Financially this can not be done now. Looking to get the permanent COO as they will need it to refinance in February. Calamar is willing to give \$75,000 to be put into an escrow for the meter pit.

Don Roberts added that the fire department does have required access and has signed off. There were concerns on the access and service ability. The state has signed off.

Attorney Green added that she would be willing to do a resolution with the town to hold \$75,000 in escrow with the town Attorney.

Chris Lonneville asked if anyone had looked at the new drawing. Attorney DiMatteo indicated that the original map showed the road as what looks like a stick being owned by the town. The new map shows that Calamar owns the stick and increases the acreage by 1. The far line of the roadway, north and south is where they are gaining the acreage. Lots 1,3 and 4 will remain the same. After the meter pit is installed, an easement will be given.

Attorney Green noted that the PUD needed to reflect as a private road, the permanent COO is needed to refinance. The \$75,000 will be deposited with 10 days of getting the permanent COO.

Supervisor Ryan stated that she was expecting the \$75,000 to be brought to the meeting. Attorney Green indicated that she was not told that.

Chris Lonneville said that he understands but this is a repeated pattern committed to the town that did not happen, which is why we are here today discussing the road.

Attorney Green asked the town to consider 5 days which will be built into or drafted into a simultaneous exchange. \$75,000 to Attorney DiMatteo, will get the permanent COO and Attorney DiMatteo will hold the documents in escrow.

Chris Lonneville added that the issue is that we want this resolved, is grateful for the people that reside in the apartments but we have to represent more constituents than that. Dave Mateer added that once bitten twice shy and is in agreement with Chris Lonneville.

A check will be delivered to Attorney DiMatteo's office on Monday January 31st at noon then deposited into Attorney DiMatteo's IOLA account. Attorney DiMatteo adds that the escrow says once construction starts, they will be asking for draws. Steve Perkins said that was the preferred way. Attorney DiMatteo will be the issuer. Chris Lonneville noted that we are signing off, what if there are other issues? Mr. Lonneville wants Bob Martin to review the maps to be sure they are correct.

Attorney DiMatteo has corrected and provided a new resolution to add "\$75,000 in escrow on January 31, 2022 and to execute the indemnification agreement. A motion was made by Steve Perkins and seconded by Chris Lonneville to adopt the resolution. Carried: AYES: 5, NAYS: 0

**TOWN OF WARSAW
RESOLUTION OF THE TOWN BOARD
TO ACCEPT EXCROW AND RM4 HOLDINGS, LLC FINAL MAP AND EXECUTE
INDEMNIFICATION AGREEMENT**

Adopted: January 27, 2022

The Town Board of the Town of Warsaw met at a special board meeting at the Town Hall located at 83 Center Street, Warsaw, New York, on the 27th day of January, 2022, commencing at 3:00 p.m. and thereafter a public hearing was held at 3:00 p.m., at which time and place the following members were:

Present:	Supervisor	<u>Rebecca Ryan</u>
	Council Member	<u>Chris Lonneville</u>
	Council Member	<u>Dave Mateer</u>
	Council Member	<u>Steve Perkins</u>
	Council Member	
Absent:	<u>Council Member</u>	<u>Travis Jones</u>

WHEREAS, all Board Members, having due notice of said meeting, and that pursuant to Article 7, §104 of the Public Officers Law, said meeting was open to the general public and due and proper notice of the time and place whereof was given as required by law; and

WHEREAS, by resolution dated August 10, 2016, the Town Board of the Town of Warsaw adopted a Planned Unit Development ("PUD") for the Calamar Senior Housing project; and

WHEREAS, the Town Board of the Town of Warsaw is considering an amendment to the established PUD in accordance with Article IX, § 909(N) of the Zoning Law of the Town of Warsaw; and

WHEREAS, since the onset of the project, various modifications have been made to the facility and the original sketch plan for the PUD does not accurately reflect the facility as currently built; and

WHEREAS, RM4 Holdings, LLC and Hunt Engineering have prepared a final map of the Calamar Senior Housing Facility (now known as, Connect55+, Active Senior Living Community), a copy of said map is annexed hereto as **Exhibit A**; and

WHEREAS, the Town Board of the Town of Warsaw held a public hearing on the amendment of the PUD and the final map of the Calamar Senior Housing Facility (Connect 55+, Active Senior Living Community) on January 27, 2022 at 3:00 p.m., at which time all interested parties and citizens for or against the proposed amendment of the PUD and the final map of the Calamar Senior Housing Facility (Connect 55+, Active Senior Living Community) were heard; and

WHEREAS, the Town Board of the Town of Warsaw acknowledges that the Nichols (S&J Capital Properties, LLC), and the Burleys own property in the vicinity of the Calamar Senior Housing Facility (Connect 55+, Active Senior Living Community) and Conable Way; and

WHEREAS, it was previously the intention of all involved parties: the Town of Warsaw, RM4 Holdings, LLC, the Nichols (S&J Capital Properties, LLC), and the Burleys that upon completion of the RM4 Holdings, LLC project, Conable Way would be offered for dedication to the Town of Warsaw, which would therefore make it a public road; and

WHEREAS, the Town Board of the Town of Warsaw acknowledges that the road was not built to the specifications of the Town of Warsaw; and

WHEREAS, the Town of Warsaw has advised RM4 Holdings, LLC, the Nichols (S&J Capital Properties, LLC) and the Burleys that the Town of Warsaw will not be accepting the dedication of Conable Way; and

WHEREAS, Conable Way will continue as a private drive, owned by RM4 Holdings, LLC; and

WHEREAS, the Town Board of the Town of Warsaw has reviewed the proposed Indemnification Agreement, which indemnifies and holds the Town of Warsaw harmless against all and any claims brought by the Nichols (S&J Capital Properties, LLC), the Burleys, and their successors and assigns relating to lack of ingress and egress along the private right of way; and

WHEREAS, the Town Board has reviewed and authorized the Town Supervisor, Rebecca Ryan to enter into an agreement with RM4 Holdings, LLC for \$75,000.00 to be held in escrow by Attorney David M. DiMatteo, as the Town Attorney, for the installation of a meter pit and meters to read the water usage along the private drive.

NOW ON MOTION OF Steve Perkins which has been duly seconded by Chris Lonneville, be it

RESOLVED, that the Town Board of the Town of Warsaw hereby authorizes and empowers Rebecca Ryan, Supervisor of the Town of Warsaw, to execute and enter into the Indemnification Agreement to indemnify and hold the Town of Warsaw harmless against all and any claims relating to lack of ingress and egress along the private right of way; and be it further

RESOLVED, the Town Board hereby authorizes and accepts \$75,000.00 from RM4 Holdings, LLC to be collected on Monday, January 31, 2022, which shall then be held in escrow by the Town Attorney, David M. DiMatteo; and be it further

RESOLVED, the Town Board authorizes the zoning permit, and hereby authorizes Wyoming County to issue a Certificate of Occupancy to RM4 Holdings, LLC; and be it further

RESOLVED, the Town Board of the Town of Warsaw acknowledges the final map of the Calamar Senior Housing Facility and Conable Way (Exhibit A) as the amended PUD, and hereby approves and further acknowledges that Conable Way shall remain as a private right-of-way and will not be owned or maintained by the Town of Warsaw, as it is not a public roadway.

Ayes: 4 Absent: 1 - Travis Jones

Nays: 0

Quorum Present: X Yes No

Dated: January 27, 2022

[SEAL]

Cathy Smith
Cathy Smith, Clerk
Town of Warsaw

EXHIBIT A

WARSAW SENIOR HOUSING COMPLEX

NEW SENIOR HOUSING COMPLEX

CALAMAR, TOWN OF WARSAW, WYOMING COUNTY
NEW YORK

CONSTRUCTION DRAWINGS

LIST OF DRAWINGS

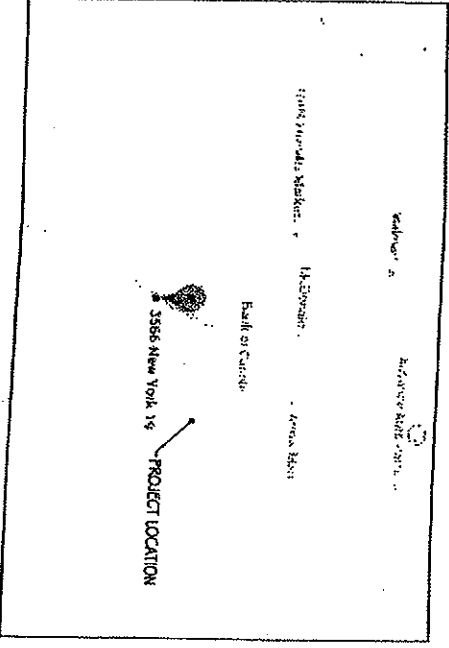
SITE WORK:

LATEST REVISION DATE:

00A - GENERAL NOTES	
01A - EXISTING CONDITIONS	
01A - LOT LINE ADJUSTMENT PLAN	1/26/22
01B - LOT LINE ADJUSTMENT PLAN	1/26/22
01C - LOT LINE ADJUSTMENT PLAN	1/26/22
02A - SITE DEVELOPMENT PLAN	5/21/17
02B - SITE IMPROVEMENT PLAN	5/21/17
03A - SITE LAYOUT PLAN	5/21/17
03B - SITE GRADING PLAN	5/21/17
04A - SITE UTILITY PLAN	5/21/17
04B - SITE UTILITY PLAN AND ROADWAY PROFILE	5/21/17
04C - STORAGE AND SANITARY SERVICES PROFILES	5/21/17
04D - SITE LIGHTING AND ELECTRIC PLAN	5/21/17
04E - SITE LANSCHING PLAN	5/21/17
05A - EROSION AND SEDIMENT NOTES AND DETAILS	5/21/17
05B - EROSION AND SEDIMENT NOTES AND DETAILS	5/21/17
06A - EROSION AND SEDIMENT NOTES AND DETAILS	5/21/17
06B - EROSION AND SEDIMENT NOTES AND DETAILS	5/21/17
07A - SITE DETAILS	
07B - SITE DETAILS	
07C - SITE DETAILS	
07D - STORMWATER MANAGEMENT DETAILS	
07E - STORMWATER MANAGEMENT DETAILS	
07F - SITE UTILITY DETAILS	
07G - SITE UTILITY DETAILS	
07H - SITE UTILITY DETAILS	
07I - FIRE TRUCK ACCESS PLAN	3/23/17
07J - INSPOOT DRIVEWAY PERMIT PLAN-1	
07K - INSPOOT DRIVEWAY PERMIT PLAN-1	
07L - INSPOOT DRIVEWAY PERMIT PLAN-2	
07M - INSPOOT DRIVEWAY PERMIT PLAN-2	
07N - INSPOOT DRIVEWAY PERMIT PLAN-3	
07O - INSPOOT DRIVEWAY PERMIT PLAN-3	
07P - INSPOOT DRIVEWAY PERMIT PLAN-4	
07Q - INSPOOT DRIVEWAY PERMIT PLAN-4	
07R - INSPOOT DRIVEWAY PERMIT PLAN-5	
07S - INSPOOT DRIVEWAY PERMIT PLAN-5	
07T - INSPOOT DRIVEWAY PERMIT PLAN-7	

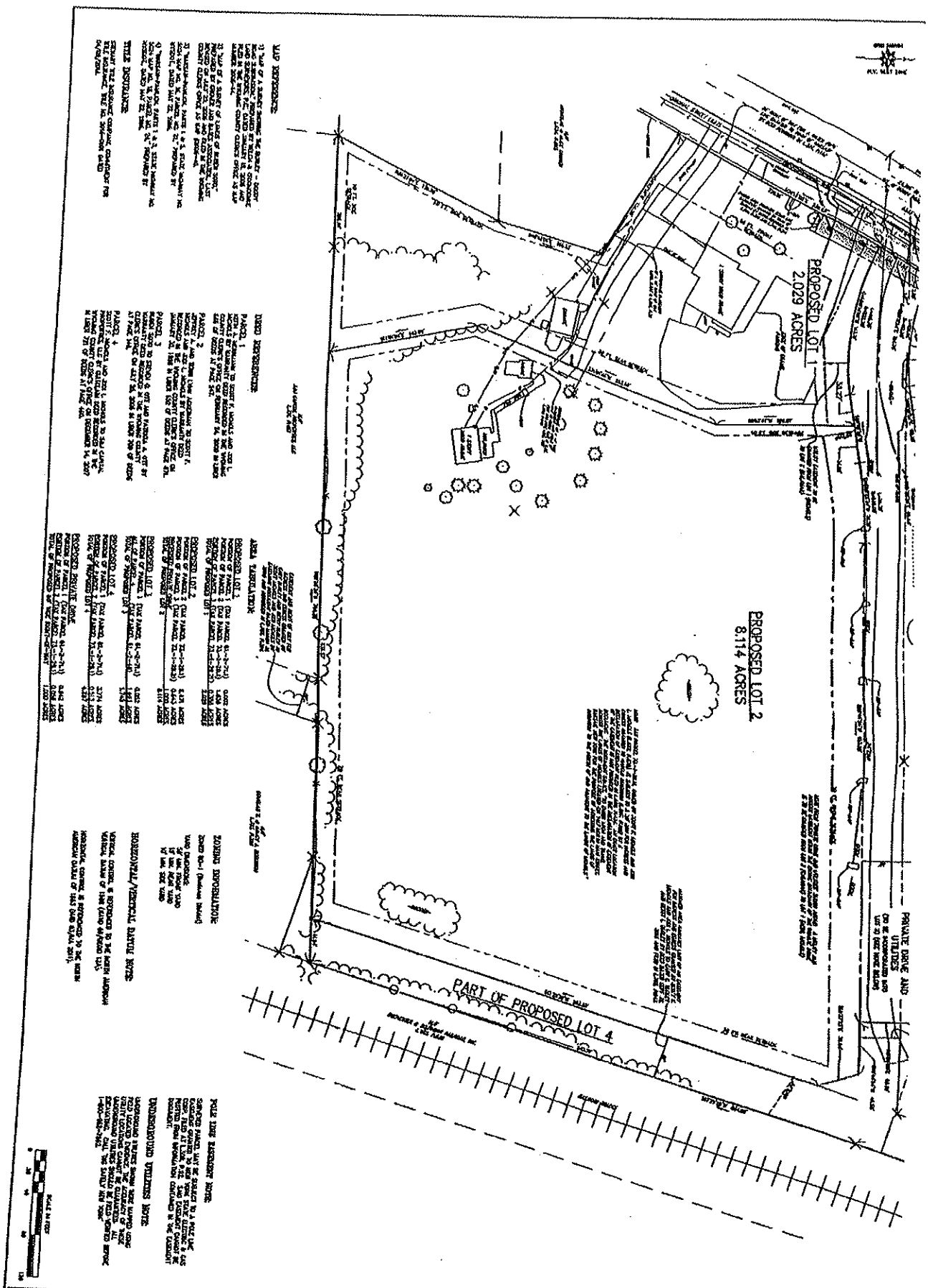
THIS IS TO CERTIFY THAT TO THE BEST OF OUR KNOWLEDGE AND BELIEF THESE PLANS AND SPECIFICATIONS ARE IN ACCORDANCE WITH APPLICABLE REQUIREMENTS OF THE BUILDING CODE, FIRE, EROSION AND SEDIMENTATION, AND ENERGY CONSERVATION CONSTRUCTION CODE OF NEW YORK STATE.

PLANNING BOARD CHAIRMAN	DATE	TOWN ENGINEER	DATE
TOWN SUPERVISOR	DATE		DATE



MARCH 03, 2017
HUNT NO. 2778.034

HUNT ARCHITECTS
4 COMMERCIAL STREET
SUITE 300, 3RD FLOOR
ROCHESTER, N.Y. 14614
NY 585 • 327 • 7950
NY FAX • 327 • 7849
ROCHESTER, NY
TOWANDA, PA



AREA 1 - EXISTING
 1) Part of a 2.029-acre parcel, the same as shown on the 1980 zoning map, containing the site of a proposed 200-unit assisted living building. The parcel is bounded by the 100-foot wide road to the north, the 100-foot wide road to the east, the 100-foot wide road to the south, and the 100-foot wide road to the west.

AREA 2 - EXISTING
 2) Part of a 2.029-acre parcel, the same as shown on the 1980 zoning map, containing the site of a proposed 200-unit assisted living building. The parcel is bounded by the 100-foot wide road to the north, the 100-foot wide road to the east, the 100-foot wide road to the south, and the 100-foot wide road to the west.

AREA 3 - EXISTING
 3) Part of a 2.029-acre parcel, the same as shown on the 1980 zoning map, containing the site of a proposed 200-unit assisted living building. The parcel is bounded by the 100-foot wide road to the north, the 100-foot wide road to the east, the 100-foot wide road to the south, and the 100-foot wide road to the west.

PROPOSED LOT 1
 2,029 ACRES

PROPOSED LOT 2
 8,114 ACRES

PROPOSED LOT 4

AREA 1 - EXISTING
 1) Part of a 2.029-acre parcel, the same as shown on the 1980 zoning map, containing the site of a proposed 200-unit assisted living building. The parcel is bounded by the 100-foot wide road to the north, the 100-foot wide road to the east, the 100-foot wide road to the south, and the 100-foot wide road to the west.

AREA 2 - EXISTING
 2) Part of a 2.029-acre parcel, the same as shown on the 1980 zoning map, containing the site of a proposed 200-unit assisted living building. The parcel is bounded by the 100-foot wide road to the north, the 100-foot wide road to the east, the 100-foot wide road to the south, and the 100-foot wide road to the west.

AREA 3 - EXISTING
 3) Part of a 2.029-acre parcel, the same as shown on the 1980 zoning map, containing the site of a proposed 200-unit assisted living building. The parcel is bounded by the 100-foot wide road to the north, the 100-foot wide road to the east, the 100-foot wide road to the south, and the 100-foot wide road to the west.

BOARDING DEVELOPMENT
 2000 sq. ft. (maximum allowed)

HOBBY/RECREATIONAL DEVELOPMENT
 2000 sq. ft. (maximum allowed)

RECREATIONAL DEVELOPMENT
 2000 sq. ft. (maximum allowed)

UNDEVELOPED UTILITIES
 2000 sq. ft. (maximum allowed)

SCALE IN FEET
 0 50 100

C1.1B <small>PROJECT NO. 274-34</small>	LOT LINE ADJUSTMENT PLAN CALAMAR - WARSAW SENIOR HOUSING COMPLEX <small>TOWN OF WARSAW, WYOMING COUNTY, NY</small>	 4 COMMERCIAL STREET SUITE 300, 3RD FLOOR ROCHESTER, N.Y. 14614 716 • 257 • 7950 716 • 257 • 7949 <small>HUNTSMEAD, NY ROCHESTER, NY TORONTO, ON</small>	DATE: 11/28/18 DRAWN BY: J. J. JONES CHECKED BY: J. J. JONES APPROVED BY: J. J. JONES	SHEET NO. 1 TOTAL SHEETS: 1	SCALE: AS SHOWN	PROJECT NO. 274-34
	<p><small>THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS SUBJECT TO THE REVIEW AND APPROVAL OF THE LOCAL ZONING BOARD AND THE LOCAL HEALTH DEPARTMENT. THE LOCAL ZONING BOARD AND THE LOCAL HEALTH DEPARTMENT MAY REQUIRE CHANGES TO THIS PLAN. THE LOCAL ZONING BOARD AND THE LOCAL HEALTH DEPARTMENT MAY REQUIRE CHANGES TO THIS PLAN. THE LOCAL ZONING BOARD AND THE LOCAL HEALTH DEPARTMENT MAY REQUIRE CHANGES TO THIS PLAN.</small></p>					

Calamar Manager Mary Nichols thanked the town for working with them and is looking to move forward with a great relationship.

Supervisor Ryan asked if there were any questions or comments? There were none.

A motion was made by Dave Mateer and seconded by Steve Perkins to close the Public Hearing.

A motion was made by Dave Mateer and seconded by Chris Lonneville to adjourn at 3:48 p.m.