8-A-1

MEMORANDUM

TOWN OF PONCE INLET, PLANNING AND DEVELOPMENT DEPARTMENT

The Town of Ponce Inlet staff shall be professional, caring and fair in delivering community excellence while ensuring Ponce Inlet obtain the greatest value for their tax dollar.

To:	Jeaneen Witt, Town Manager
From:	Michael E. Disher, AICP, Senior Planner MD
Through:	Aref Joulani, Director, Planning & Development Department
Date:	April 12, 2016
Subject:	Inlet Harbor Residential Development Plans

Request:	To approve the proposed development plans for a bikepath, intersection improvements, drainage swale, and landscape buffer pursuant to the Inlet Harbor Residential Development Agreement.
Location:	North of Inlet Harbor Road, west of S. Peninsula Drive
Applicant:	James S. Morris on behalf of Inlet Harbor, Inc., property owner
Recommendation:	***Approval***, subject to the resolution of outstanding technical comments prior to construction

MEETING DATE: April 21, 2016

AUTHORITY AND PROCESS

At its April 16, 2015 meeting, the Town Council approved the Comprehensive Plan Amendment ordinance (no. 2015-01), Rezoning ordinance (no. 2015-02), and Development Agreement for Inlet Harbor, Inc. The Development Agreement spells out the specific parameters, conditions, and requirements for a future 10-lot single-family residential subdivision. The Agreement requires the construction of certain infrastructure improvements to support the future subdivision, including a new 6'-wide bikepath along Inlet Harbor Road; replacement of the existing 6'-wide bikepath on S. Peninsula Drive with a new 8'-wide bikepath; safety improvements to the intersection at Inlet Harbor Road and Peninsula Drive; a drainage swale to relieve ponding at the west terminus of Inlet Harbor Road; and a landscape buffer between the existing boat storage stacks and the closest future residential lot. These improvements were planned to coincide with the Town's water and sewer line upgrades for this segment of Inlet Harbor Road.

The Inlet Harbor Residential Development Agreement required the subject plans to be submitted to the Town for review by December 15, 2015, and for the improvements on the plans to be installed by June 15, 2016. The construction deadline ensures that the bikepath and drainage improvements will be available and useable in a short time frame. It also ensures that the

landscape buffer will be well-established before the property is actually subdivided and the first houses are built.

The plans have been reviewed in accordance with the Agreement and with LUDC Section 6.6.6 (Development Plans and Subdivisions). In accordance with these documents, the Park Board reviewed the landscape plan on March 1, 2016, and the Planning Board reviewed the entire set of plans on March 29, 2016. Both Boards recommended approval. The Planning Board's recommendation was subject to conditions that will be discussed further in this report. The meeting minutes from both boards are provided on **Attachments A** and **B**.

DISCUSSION

The proposed plan set is provided with this report as **Attachment C**. The plan set consists of three separate documents, which are discussed separately below.

Bikepath Plan

The Bikepath Plan (Sheets C1-C10) shows the future location of a new 6'-wide bikepath on Inlet Harbor Road and a new 8'-wide bikepath replacing the existing 6'-wide bikepath on S. Peninsula Drive. As required by Paragraph 9.F. of the Agreement (**Attachment D**), the 8' bikepath replacement will extend north past the boundary of the future subdivision to Calumet Avenue. Low spots currently susceptible to puddling will be raised as well. Pursuant to the Agreement, the Town is to reimburse the Developer for the segment between the north property line of the future subdivision and Calumet Avenue, a distance of approximately 500 feet[1]. The bikepaths on both roads are positioned to minimize disturbance of specimen trees, many of which lie within the public right-of-way. The final location of the bikepaths will be determined in the field, and so may deviate somewhat from the plans. It is also expected that it may be necessary to trim low-hanging branches or possibly remove certain trees to create a clear and safe path for cyclists. In certain locations, the bikepath will need to encroach onto private property. The applicant will provide public access easements to allow cyclists and pedestrians to travel over those locations. The bikepath on Inlet Harbor Road will be illuminated by 4'-tall bollards that will be installed at the same time, as per Paragraph 9.G. of the Agreement.

The Bikepath Plan also depicts proposed safety improvements to the intersection of Inlet Harbor Road and S. Peninsula Drive (see close-up view, Sheet C5). These improvements, which were worked out with the Town Council in detail as part of the Development Agreement review and subsequently refined at the December 17, 2015 Council meeting, are intended to:

- Dedicate additional right-of-way to the Town for the proposed bikepath and other improvements;
- Increase the radius of the right-turn movement from the south-bound lane of S. Peninsula Drive west onto Inlet Harbor Road;
- Restripe the pedestrian crosswalk across Inlet Harbor Road and add detectable warning pads;
- Preserve existing trees at the northwest corner; and
- Remove the non-conforming Town directory sign, which will be replaced with a smaller sign at the southwest corner.

[1] It should be noted that the Agreement does not provide an arrangement or timeframe for the reimbursement to occur. These must be determined by the Town Council.

Buffer Drainage Plan

The buffer drainage plan, Sheet 1 of 1, shows a planned stormwater drainage detention area to be constructed on the north side of Inlet Harbor Road, immediately east of the easternmost boat storage stack. The drainage facility is required by Paragraph 8(b) of the Agreement (**Attachment E**) to transport and manage stormwater which currently ponds at the western end of Inlet Harbor Road. The facility will be constructed within a 40'-wide parcel running the depth of the subdivision from Inlet Harbor Road to the adjacent canal to the north. The parcel will not be a developable lot, and will be owned and maintained in perpetuity by Inlet Harbor, Inc and any subsequent owners. The improvement includes creating a shallow, 1'-deep sodded detention area and regrading the front 25 feet of the property from the existing edge of road pavement to encourage drainage flow. The site is currently used for overflow boat storage (**Attachment F**), which will cease once the facility is constructed. Note that the Agreement designates the northernmost 50' of the buffer parcel abutting the Inlet Harbor Canal as a wetland shoreline buffer easement, which will not be encroached upon for the buffering and retention purposes of this property.

Landscape Plan

Landscaping buffering is required between the future subdivision and the existing boat storage stacks by Paragraph 3.E of the Agreement (**Attachment G**) and by the LUDC Section 4.10.3. Planting location, specifications, and installation details are shown on Sheets LA-1 and LA-2. Irrigation plans and details are provided on Sheets LA-3 and LA-4. The proposed landscape buffer is intended to be planted along the eastern side of the drainage facility described above. Installing the plantings on the east side will create an immediate and effective buffer screen for the future owners of the adjacent lot, and also leave sufficient access for fire-fighting apparatus if necessary to reach the east side of the boat stack. The plantings will be located outside of the drainage detention area for ease of maintenance.

The10-foot wide landscape vegetated buffer will contain, in order of layering from west to east: 13 (10-foot high) Sea Breeze Bamboo; 54 (20-inch high) Florida Privet; 4 (18-foot high) Magnolia, spaced 35-feet apart on center; and 4 (8-foot high) Sea Grapes between each Magnolia, spaced 35-feet apart on center. This arrangement meets the minimum standards of LUDC Section 4.10.3.C, Table 4-16 "Landscape Coverage Requirements." Mulch will be installed in all landscape planting areas, which will each be bordered with raised timber to prevent washout of ground cover onto adjacent properties or the right-of-way, per LUDC section 4.10.3.D.3.c. Irrigation will be provided to all planting areas of sod and vegetation. Pursuant to Section 4.10.5.A.1.b of the LUDC and Paragraph 3.E of the Agreement, the Park Board reviewed and recommended approval of the proposed landscape buffer plan on March 1, 2016 (**Attachment A**).

Pocket Park

Not included in these plans is the design of the proposed "pocket park." The park, pursuant to Paragraphs 3 and 4 of the Agreement, must be designed and built by the Developer, after which it will be maintained by the Town. Last November, the applicant trimmed the vegetation at the intersection in order to improve visibility, highlight a specimen tree at the corner, and facilitate design of the pocket park and sign location. The identification sign for the development will also be located within the park. The park is to be built and turned over to the town in conjunction with the eventual subdivision of the property.

REVIEW CRITERIA

Pursuant to LUDC Section 6.6.6.B.5.b(2), the Town Council shall conduct a public hearing and consider six criteria in its review of development plans. These same criteria were considered by the Planning Board at its March 29, 2016 meeting (**Attachment B**). The criteria and staff's response are provided below:

(a) Characteristics of the site and surrounding area, including important natural and manmade features, the size and accessibility of the site, and surrounding land uses.

Staff response: The 4.48-acre property is currently vacant, with the eastern portion heavily wooded. The western half lies in the Coastal High Hazard Area. The properties to the east and south are developed as single-family residential. The properties to the west are all commercially zoned and are occupied by Inlet Harbor marina and restaurant. To the north is a canal and wetlands. The property is accessed from Inlet Harbor Road and S. Peninsula Drive.

Pursuant to Paragraph 7.D. of the Agreement (**Attachment H**), the Developer was required to submit a Phase 1 Environmental Site Assessment (ESA) for the portion of the property on which boats and vehicles had been parked. Phase 1 ESAs are typically used with commercial real estate due diligence and transactions in order to determine the potential for site contamination and other environmental constraints, along with associated risks and liability. Phase 1 ESA research includes a site visit, interviews, and review of documented records of the property and its surrounding area. Phase 1 ESAs are used to determine if any further environmental investigation is warranted. They are not meant to be a comprehensive investigation based on quantitative or qualitative analytical data. They do not include soil borings or lab work, which is undertaken with Phase 2 or Phase 3 studies if warranted.

The Phase 1 Environmental Site Assessment from Colella & Associates, Inc., dated November 2015, was submitted with the proposed development plans. The study area site map from the report is provided herein on **Attachment I**. Section 9.0 of the report (pg. 32), paragraph 9.1.1 states that a "Recognized Environmental Condition" may exist on the western portion of the property, based on an earlier 2000 soil assessment. According to the report, rezoning the property to residential has lowered the FDEP exposure threshold for arsenic, which was found at depths between 3-5 feet below ground in the 2000 study. The report goes on to say that arsenic is a naturally occurring compound in the soil and, "may reflect natural conditions and not any business activity." Per Paragraph 7.D of the Development Agreement, "if contamination is found and the rules of the Florida Department of Environmental Protection mandate it, monitoring and/or pollutant clean up paid for by Developer will be followed as required." Although the Phase 1 study identified the presence of arsenic based on earlier documentation, it did not state conclusively whether it is present in sufficient levels to pose a concern or whether further study and possible remediation is needed. Staff has requested the applicant provide documentation that answers these questions prior to the April 21, 2016 Town Council meeting. The Chief Building Official is authorized to request any geotechnical data necessary to make this determination as part of the permit application process[2].

[2] Pursuant to Section 107.1 of the 2014 BOAF Model Administrative Code

The applicant has agreed that no development on the Property shall be permitted until the need for treatment has been determined. In the event contamination exists at a level at which Florida Department of Environmental Protection would mandate monitoring and/or pollutant clean-up, the Developer shall pay the associated costs to perform the required mitigating activities. The Planning Board's recommendation of approval was conditioned on the degree of arsenic contamination being further explored and remediated if necessary prior to any construction taking place.

(b) Whether the concurrency requirements of Article 5 of this code could be met if the development were built.

Staff response: The proposed development plan consists of infrastructure to support the future subdivision of the property. The property is not being subdivided at this time, so there will be no immediate impacts on the Town's infrastructure and services until homes are constructed that will use those services. A concurrency review will be conducted as part of the Town's review of the subdivision plat when it is submitted.

(c) The nature of the proposed development, including land use types and densities; the placement of proposed buildings and other improvements on the site; the location, type, and method of maintenance of open space and public use areas; the preservation of natural features; proposed parking areas; internal traffic circulation system; the approximate total ground coverage of paved areas and structures; and types of water and sewage treatment systems.

Staff response: The proposed development consists of new bikepaths, intersection improvements, stormwater detention facility, and a landscape buffer. The bikepath and intersection within the public right-of-way will be maintained by the Town. The landscape buffer and drainage facility will be maintained in perpetuity as per the approved Development Agreement. Natural features will be preserved to the greatest extent possible with the construction of the new bikepath. Any trees to be trimmed or removed as part of this development are within the public right-of-way.

(d) Consistency of the proposed development with the comprehensive plan.

Staff response: The proposed Development Plan is consistent with the Ponce Inlet comprehensive plan. The Plan is intended to support infrastructure necessary for the future 10-lot single-family residential subdivision anticipated by the approved Inlet Harbor Residential Development Agreement and allowed as permitted uses by the property's Low-Density Single-Family Residential zoning and future land use designation.

(e) Conformity of the proposed development with this code and other applicable regulations.

Staff response: The proposed plans conform with the LUDC and the approved Inlet Harbor Residential Development Agreement.

(f) Concerns of surrounding landowners and other affected persons, presented as competent substantial evidence regarding one or more of the criteria of this subsection.

Staff response: Standard notification procedures were followed including letters sent to adjacent property owners, posting the property, and advertisement in the Daytona Beach *News-Journal*. These efforts were made to ensure that the public is aware of the proposed Development Plan and for them to have an opportunity to voice any questions and concerns. At the time of this writing, no public comments have been received. One member of the public commented on the plans at the March 29, 2016 Planning Board meeting (**Attachment B**)

OUTSTANDING TECHNICAL COMMENTS

A meeting of the Town's Development Review Team (DRT) was held on January 28, 2016, during which Staff and the Applicant discussed review comments regarding the proposed infrastructure plans. The plans were subsequently resubmitted on February 12, 2016 and again on March 28, 2016 addressing the outstanding technical comments. All comments on the plans have been addressed. The one issue remaining is with the determination of arsenic safety levels and the need for further testing and/or remediation.

RECOMMENDATION

Based on the findings of this report, Staff recommends ***approval*** of the Inlet Harbor Residential Development Plan. Staff's recommendation is subject to the determination of arsenic safety levels and the need for further testing and/or remediation prior to construction.

Aref Joulani, Director, Planning & Development Department — April 12, 2016 Date

Michael E. Disher, AICP, Senior Planner — April 12, 2016 Date

Attachments:

A. Minutes from 3-1-16 Park Board meeting
B. Draft minutes 3-29-16 Planning Board meeting
C. Inlet Harbor Residential Development Plan (Bikepath Plan, Buffer Drainage Plan, Landscape Plan)
D. Development Agreement, Paragraphs 9F, 9G
E. Development Agreement, Paragraph 8(b)
F. Location of future drainage area and buffer
G. Development Agreement, Paragraph 3E
H. Development Agreement, Paragraph 7D
I. Phase 1 Environmental Site Assessment study area map

JAMES S. MORRIS

ATTORNEY AND COUNSELOR AT LAW

Approved for continuation to May 19, 2016

April 20, 2016

Mr. Mike Disher
Town of Ponce Inlet
Planning and Development Department
4300 South Atlantic Avenue
Ponce Inlet, FL 32127

Re: Inlet Harbor

Dear Mike:

As we discussed over the phone, I wish to continue tomorrow night's (April 21, 2016) delay Council consideration of the Inlet Harbor sidewalk/swale plan. The purpose of the delay is to allow Inlet Harbor to obtain the Phase II evaluation of on site, naturally occurring arsenic contamination recommended by the Planning Board and specified by the staff. That way, the Council will have answers to any questions it may have as it makes a decision on the Inlet Harbor plan.

Inlet Harbor has already discussed the required work with their original consultant, Colella and Associates, as well as other contractors qualified to perform the work. To assure the work meets Town requirements, Inlet Harbor will direct the consultant they choose to provide Town staff for review a scope of contractor services of the work proposed by the selected contractor.

Given the Town's ongoing Public Works' construction schedule and the need to provide answers to the Town Council regarding the proper management of the naturally occurring arsenic, the pending request to extend Inlet Harbor's construction schedule becomes that much more necessary. Accordingly, Inlet Harbor intends to continue onward with its request to extend the construction schedule by six (6) additional months.

In summary, my request is to continue approval of the construction plan for an initial thirty (30) days with an option to allow an additional thirty (30) days if needed to allow the selected environmental contractor to complete their work. All the while, Inlet Harbor will process its extension request.

In the event you think we need to further discuss the scope of the Phase II work to be done, please advise me of the same.

Thank you for your assistance.

Best regards,

JAMES S. MORRIS, P.A.

James Morris, Esq.

JSM/kf
Cc: client

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- Easter Party – Davies Lighthouse Park, Saturday, March 26th
- ECHO Rangers – Ponce Preserve, Saturday, March 19th

She noted that the Basketball and Tennis courts in Pollard Park are closed until March 8th for court re-surfacing.

Mr. Gunter – Reported that Public Works is incorporating the dirt pile on South Peninsula Drive at the Ponce Preserve into the park's trails.

7. NEW BUSINESS:

a. Inlet Harbor Inc. – Landscape plans - Ms. Doster explained that the applicant is requesting approval of a 40-foot wide by 160-foot deep vegetative and landscape buffer on the western-most parcel of the recently approved Inlet Harbor single-family residential development, east of the Inlet Harbor boat stacks and as required by the Inlet Harbor Residential Development Agreement. Mr. Disher explained the process, noting that this is the first step in the review and approval process; the application will then go before the Planning Board for review, comment and recommendation(s), and will finally be brought to the Town Council for consideration.

Chairman Shaffer opened Board comments; seeing none, he closed Board comments and opened public comments.

Attorney Morris, representing the applicant, confirmed the information provided by Ms. Doster.

With no other public comment, Chairman Shaffer closed public comment.

Ms. Magrady moved to recommend approval of the landscape plan as submitted by Inlet Harbor, Inc., as it meets the requirements of the approved Development Agreement and the criteria of the LUDC, section 4.10.3, seconded by Vice-Chairman Smith. The motion was APPROVED 5-0, roll-call vote.

b. Sunshine Law & Ethics Training – Attorney Oded provided a review of the Board's duties and responsibilities. The Board watched the training DVD provided by the Town Attorney's office and participated in a brief Q&A session.

8. OLD BUSINESS:

a. Tennis Court Rentals by "for-profit" entities – Ms. Zengotita provided an updated staff report, which included draft versions of a *Tennis Court Use and Rental Policy for Profit Entities* and an *Instructor Agreement* based on the Boards discussion at the February meeting, and a report on court reservations, depicting peak reservation times. She reviewed the criterion indicated in the *Tennis Court Use and Rental Policy for Profit Entities*, and stated that Coach Tom Shea is present to answer the Board's questions.

Chairman Shaffer invited Coach Tom to speak to the Board. Coach Shea indicated that he was approached by several Ponce Inlet parents, asking if he could provide lessons

a. Inlet Harbor Development Application (Inlet Harbor, Inc, applicant) – Mr. Disher referenced the staff report dated March 22, 2016 (*attached*). He reviewed the applicant's request and noted the Development Agreement spells out the specific parameters, conditions, and requirements for development of the future 10-lot single-family residential subdivision. The Agreement did not *create* the subdivision, but rather *established parameters* for how the property must be subdivided and developed in the future. He stated that it is staff's intent to present this item to the Town Council for consideration on April 21, 2016.

He explained each of the provisions in further detail, including the construction of a bike path, a drainage plan, and a landscape buffer plan. Mr. Disher noted that the development plans are intended to implement and comply with the Development Agreement. Mr. Disher also referred to the *Phase I Environmental Site Assessment Report*, performed in November 2015 by Colella & Associates, Inc. of Port Orange, and noted that it indicates a presence of arsenic below the surface, which is noteworthy due to the change of zoning to residential. Due to the limited scope of the Phase 1 study, it is undetermined at this time if it will have to be remediated. He stated that staff is recommending approval of this application as it meets the six criteria in the LUDC. He then reviewed each of the six criteria, noting that the proposal is consistent with the Comp Plan and the Development Agreement, as well as the LUDC. Mr. Disher added that proper legal notice was made and staff has not received any verbal or written opposition or comments about this item. He noted that Attorney Jim Morris is present on behalf of the applicant.

Chairman Cannon asked for Board comment. Mr. Lowry asked if it was necessary for this Board to look at this item again, when the Town Council has already approved it and staff will ensure that it is built correctly. Mr. Disher explained that so far, the Town Council has only approved the Development Agreement. Board and Council review of the development construction plan is part of the process and the Code requires it. He noted that the item is before the Board tonight for recommendation of the (very-detailed) Development Permit, which is necessary for the construction phase of the infrastructure.

Chairman Cannon requested the applicant provide comment. Attorney Morris addressed the Board and stated that this is a quasi-judicial matter, which means that the Board sits in "judgment" to see if the application meets the criteria. He stated that Mr. Disher has confirmed that the application meets the criteria, and he accepts Mr. Disher's testimony. He stated that the infrastructure improvements are the "skeleton of the development." He noted that the sidewalk as shown on the drawings may differ when constructed because it will meander in order to save trees and ensure pedestrian safety, but added that those decisions will be made in the field by staff and the contractors. He addressed the ponding issues at the end of the public roadway and addressed the proposed stormwater drainage improvements. He confirmed that the stormwater swale will not empty directly into the canal, that it stops 50 feet from the canal and a conservation easement to the north. He said the Development Agreement is a balanced agreement between the owner and the Town. He summed-up by stating that the application conforms to the required criteria, so recommendation should be for approval.

Mr. Thompson stated that if there is naturally occurring arsenic present, does it lower the threshold. Mr. Disher said the report states there is a presence, but it does not determine what the source is. Attorney Morris concurred, adding that it could be from material that was taken from the canal, and there are minimum standards, which if exceeded, will be mitigated. Mr. Thompson asked if the lot widths are "locked-in", adding that there are beautiful trees on that property. Mr. Morris said the lot widths are locked-in at the street frontage line, but the lot lines toward the rear are irregular; he noted that their eventual development will comply with the town's tree standards.

Chairman Cannon referred to the swale - there is about 40 feet of space between the road and the swale, what material will that be made of? Atty. Morris said natural ground, grassy areas, with a taper up to the landscape materials and mulch in order to retain the water. He noted that Inlet Harbor Inc. will be responsible for the maintenance of the landscaping and the swale.

Chairman Cannon referenced the Development Agreement, and asked if the "stormwater collector in the public right-of-way" is depicted in these plans? Atty Morris said no, it is in the public improvements portion; it will be treated similar to a driveway apron and the roadway will be contoured to force water to travel towards the swale. Chairman Cannon asked Mr. Disher if he was comfortable with what is being presented, noting that he wants to know what the stormwater collector is. Attorney Morris stated it's like putting food into a can - the "collector" is the funnel that you would use to put the food in the can. Chairman Cannon asked if Mr. Disher was comfortable with that explanation, to which Mr. Disher said yes.

Chairman Cannon asked about the area which contains arsenic. Attorney Morris explained the area tested and possible sources, including naturally occurring, drainage, spoil materials, boat storage, etc. Chairman Cannon asked if the study determined the level of contamination. Attorney Morris said he will rely on what the report said, which is what Mr. Disher just read, since he does not have a copy of it with him; they determined a presence, but not at what level.

Chairman Cannon expressed concerns about putting in a swale and not knowing the level of contamination. Attorney Morris stated the Board is exceeding the scope of its authority; stating that there are steps we have to take, and if remediation is necessary, we (the applicant) will comply. He suggested that it be made part of the motion, noting that the owner must have permission from the Town before they can build. He added that this is not part of the Planning Board's responsibility.

Mr. Lowry said the ten lots can't be re-platted until they have the OK from the Town. Chairman Cannon said he's not concerned about the lots at this point, and asked Mr. Disher if he is comfortable with the sequence of events at this point. Mr. Disher said yes; and stated that the study area was the entire grassed-area, the scope of the study is all that is required for a Phase 1 study; Phase II is where drilling is done and soil-samples are taken. He noted that before any lots are created and any homes built, the owner will be required to test the soil.

Chairman Cannon said his concern is about the 50-foot wide swale and the possible contamination. Since it won't come back before the Board, how is that issue going to be

addressed? Mr. Disher said the report didn't make any specific recommendations; and since he is not an environmental expert, he's not comfortable offering an opinion. He added that the Board can make that as part of its recommendation that this issue be conclusively resolved.

Attorney Morris stated that the applicant can't go any further nor do any work, including applying for permits or testing, without first getting this Development Permit. He requested that the Board make this as part of its motion, and again expressed concern that the Board is exceeding its scope of jurisdiction. Mr. Disher said making that as part of the motion would be appropriate, but that staff and the building official will address these issues during their reviews. Mr DiCarlo asked if there is a difference in levels of contamination at the retention pond area as compared to the building lots. Mr. Disher said it is all part of the residential area.

With no other comments, Chairman Cannon closed Board comment and asked for public comment.

Robert Bullard, 4802 S. Peninsula Drive, expressed concerns about the intersection, noting that the curve of the roadway blocks the view of the intersection until it's too late, as evidenced by several accidents and near-misses. He suggested "creative landscaping" be used during the development of lots 8, 9, and 10 in order to save trees and provide better visibility of the intersection. He commented on the different levels associated with arsenic investigation and contamination.

With no other public comments, Chairman Cannon closed public comment.

Mr. Lowry moved to recommend approval of the proposed Inlet Harbor residential Development Plan, subject to resolution of outstanding comments, as it meets the six criteria, includes a bikepath, a drainage swale, and a landscape butter, with the understanding that the degree of arsenic contamination be further explored and remediated prior to construction; seconded by Mr. DiCarlo. The motion was APPROVED 5-0, roll-call vote.

9. PUBLIC COMMENT: Chairman Cannon asked for public comment; hearing none, he closed public comment.

10. BOARD DISCUSSION:

a. Annual Sunshine Law & Quasi-judicial training – Attorney Oded presented the Sunshine Law DVD as provided by the Town attorney's office. There were no questions.

11. ADJOURNMENT: The meeting was adjourned at 7:00 PM.

Next meeting date/time: April 26, 2016 at 5:30pm.

Prepared & submitted by,

_____

Peg Hunt, Town Board Secretary