

A regular meeting of the Town of LaGrange Planning Board was held at the LaGrange Town Hall, 120 Stringham Road on Thursday 17, 2014. Chairman Stacy Olyha called the meeting to order at 7:00 PM. Board members John Gunn, Robert Straub, Frank Sforza, Marc Komorsky, Joe Zeidan and Tony Brenner were present. Dennis Rosenfeld was absent. Also present was Wanda Livigni, Administrator of Planning and Public works, Walter Artus of SMC, Greg Bolner of CPL and Rob Blass of VanDeWater & VanDeWater.

Mr. Gunn made a motion to accept the minutes of June 19, 2014, seconded by Mr. Straub and the motion carried unanimously. MINUTES ACCEPTED.

PUBLIC HEARINGS:

DALEY FARMS DEVELOPMENT – Proposed subdivision and site plan located between Titusville Road and Colleen Court containing 233.36 acres (Grid No. 6360-03-081270, 099220, 22931010)

Ms. Livigni said there are conditions on the Special Use Permit for consideration for the Board. Ms. Olyha said Walter's notes are still asking for the length of the driveway and Mr. Artus said he was looking for the location of the emergency pullovers. Mr. Dan Wheeler appeared before the Board. He said he revised the plans and haven't submitted them to Walter so they will do that. Ms. Livigni asked Mr. Wheeler if that was submitted to the Planning Board? Mr. Wheeler said they did it and he thought it had been submitted to Walter but apparently they haven't. He said they do have it done. He said he reviewed the SMC letter dated 7-14-14 and the only issue that he saw, they've got the new approval block, turnoffs, length of driveway and the only outstanding issue is the water and sewer from the Department of Health. He said that wasn't part of their contract so he is tracking it down. He said he has been assured that it was obtained but he is in the process of getting copies. He said the Health Department has it archived and to un-archive it you have to fill out a F.O.I.L. Mr. Wheeler said we have it but as a condition he had no problems with it being a condition of final and said he would get it. He said the maps with the changes that Mr. Artus he has no problem with providing those. Ms. Olyha asked if the changes were on the map before the board now and Mr. Wheeler said yes. Mr. Wheeler then said he was mistaken and they were not on the map because they had a plotter problem. So he said he would provide them to Walter tomorrow. Ms. Livigni corrected him by saying to the Planning Board. Ms. Livigni said to Mr. Wheeler there is no deadline for that, submit it to Eileen. Ms. Livigni asked the Board if they would consider an additional Special Use Permit approval based on the conditions of emergency pullovers, correct Planning Board approval block, engineer's/surveyor's signatures, the owner's consent signature, acknowledgement of coverage from the NYSDEC for SPDES general construction permit, establishment of escrow in accordance with the storm water management fee for inspections and any other outstanding fees. He said the Health Department would be a condition of a building permit. Ms. Livigni said she would add any escrow accrued from the Planning Board process as well. Ms. Olyha asked about the N.O.I. Mr. Artus said that is a Notice of Intent. Ms. Livigni said she was holding the MS4 acceptance form until escrow monies are received then she said she would submit it to Mr. Wheeler. Mr. Artus said the SWPPP has been reviewed and approved, he has given the MS4 acceptance form to Wanda, which she will endorse at such time she has her fees and escrow.

Ms. Olyha asked about erosion control plans and Mr. Artus said he had them and the report.

Mr. Straub made a motion to grant a Special Use Permit subject to the above mentioned conditions, seconded by Mr. Gunn and the motion carried unanimously. SPECIAL USE PERMIT GRANTED.

POWERPLANT MOTOR SPORTS SPECIAL USE PERMIT – Proposed Special Use Permit located on Industry Street containing 2.01 acres (Grid No. 6361-03-162267)

Mr. Luke Hilpert appeared on behalf of Gjon Vitaj. He said he also is a member of the LLC that is the owner of the building at 10 Industry Street. Mr. Vitaj was planning on being here but had to be out of town for family. Mr. Hilpert said in reviewing the minutes it appeared to him that there are still a number of items remaining in question. He said Mr. Vitaj has been operating in this space for 10 years and using the machine for 3 years, he said the minutes stated that he had only been present for 3 years. Mr. Hilpert said he was there when the previous owner Mr. Ciancio was there and was operating in the same space and the space has been continually used as an auto-body and automotive. Mr. Hilpert said there was also a lot of discussion last time about the court order and he said he was Mr. Vitaj's attorney at that time. He said he did appear with him and negotiated that agreement with Mr. Bennedetti with Counsel from Mr. Blass' office. He said he then helped put that order on the record.

Mr. Hilpert said the order states that Mr. Vitaj was to comply with by constructing a sound barrier as soon as reasonably practicable. He said how they went about is, that he would do so and continue to operate the outcome here, if he was able to do so. He said Mr. Vitaj determined the cost of installing a barrier would be in excess of \$5,000-6,000 dollars and if his use and his ability to remain is in question, it wasn't reasonably practical for him to do that. He has been complying with the court order in keeping the door closed and continuing to operate as Judge Egitto ordered with the 2 doors closed and the 3rd door open. He said there was a letter sent about complying with the Court Order when they were also discussing complying with the fence and his understanding from that as well as Mr. Vitaj's understanding was that he was in compliance, he was not violating that order. Additionally there has been a lot of discussion on the time and the use of the machine, not so much the hours of the day, but the actual use and the sound it emits. He said there has been discussion whether it's been 44 second at a time or 11 seconds and the record seems to be clear that it has been 11-15 seconds in short bursts and it is up to 12-15 times a day, just over a few minutes of time. He said the decibel readings, a lot of the Board members have gone out there and have had an opportunity to hear the machine work. He said Mr. Vitaj did have an expert initially who did readings at the property and then discussed that those readings were 90 using his iphone map and were almost identical to what the board observed when they were at the property. He noted that a washing machine is 75 decibels and street traffic is 85 decibels.

Mr. Hilpert said the fence was installed and the readings were taken from that fenced area and were not taken from the adjacent neighbors properties. Mr. Hilpert said it was still open as to the barrier and said Mr. Vitaj was asked to bring some information about the barrier to this meeting and said he had some information for the board. He gave the board members a hand out of information concerning the barrier. He said this is a curtain that would be affixed to a barrier and said the company provides specs and information on how to construct the barrier. The curtain would be \$2,200-\$2,600 to purchase it. He said it's an outdoor curtain, their thickest all weather product and it would reduce the sound by 13 decibels. Ms. Olyha said she did some research and gave some information on what she found concerning this. She said the lower the hertz, the more annoying the sound is to the human, which is why a car exhaust is very annoying to people. She continued to explain what she found out about decibels, including for every 3 decibels the sound that a human hears doubles. Mr. Straub said it is expedient. She

referred to the specs on the sheet and went through the technical numbers. Ms. Livigni asked Ms. Olyha if what she was trying to say is that the 13 is more of a drop than it sounds like it is. Ms. Olyha said yes. She referred to a washing machine not being at the same hertz as an exhaust. Ms. Olyha comparing this to the list Mr. McLaughlin gave the board is not comparing apples to apples. She said you have to compare hertz to hertz.

Ms. Livigni said one could potentially say that an iphone app is not the best way to measure decibels. Ms. Olyha said the apps that are on phones, they basically top out. Ms. Olyha said the human range is much different than what an iphone speaker. Ms. Olyha said when you actually use a real meter you can set all that.

Ms. Olyha said there are cheaper mats that have the exact same rating, this 13 rating, that are for indoors and you can put them in front of the door, still have the door closed and the other one open and there would be even a higher reduction. Ms. Olyha said the board's question last month was whether we needed an extra barrier within that area and if it was working fine that way, was it enough of a reduction the board is comfortable that we don't need a mat.

Mr. Straub said he remembered the board asked the applicant to come back in with a plan, a design and define the amount of reduction that would be taking place. It's not for the board to decide or look at a product the applicant wants to buy.

Mr. Zeidan asked what is the number we are looking at for him to get down. Ms. Olyha said our code does not have a number, it just states that can't be objectionable to the neighborhood and Mr. Straub added that's state law and that law has a number. Mr. Gunn said it is 82. The board continued to discuss the barrier, reducing the number. Ms. Livigni said last month Mr. Straub recommended the applicant hire a professional to do this analysis and make a recommendation.

Ms. Livigni said we require applicant to hire professionals to do site plans and architects to do architectural plans, and added it is not an inappropriate request to have a professional. She said it might be time that the board gives a directive.

Mr. Blass said the board has received no scientific evidence with respect to the nature of the sound, the degree of it's annoyance based on the standards that Stacy came across and the actual decibel readings from a certified decibel machine operator of the situation without noise attenuation, the situation with the door closed, the situation with the door closed plus some additional noise attenuation. He said the board has received no opinion evidence either in support of or against this project based on anything other than someone holding up a cell phone at some point along the geography. He said Mr. Straub indicated and asked for was reflected in the minutes "Mr. Straub said he thinks we need a design which shows what is going to be done with some engineering judgment on how good the sound deadening effort is going to be, otherwise we are all guessing". Mr. Blass said he believed the board was in agreement with that proposition. Mr. Blass said what the board has received this evening is a spec sheet and what the board lacks is a design and any sort of scientific evidence of the effectiveness on actual decibel reading and sound annoyance from that design and any scientific evidence with respect to a baseline without the design. Mr. Hilpert said what's included in what he gave the board is a design and there is a design that Mr. Vitaj is going to build. Ms. Olyha said it is actually a detail, not a design. She said a design would show us where he is going to put it and actually show where the shop is and where it would be. Ms. Olyha said this was just a spec on how it should be built. Mr. Hilpert said when the door is up it will be in place with the door. It will be built in the 10 x 12 frame to take the place of the door that is there. Mr. Straub asked if Mr.

Vitaj is going to give the board what the readings are today, officially and what they will be with that barrier in place. Mr. Straub said he would like to see that data.

Mr. Hilpert said the problem is there is no number, the Town Code doesn't contain a number that we need to comply. Mr. Straub said state law does. Ms. Olyha asked if that covers that door, it is still acting like a closed door so you will still have to have bay 1 open because how will Mr. Vitaj get the exhaust out. Mr. Hilpert said it would role in to in place of the door. Ms. Livigni said the bottom line is there is no design, just specs and cut sheets.

The Board continued to discuss the barrier, the dynamometer and exhausting.

The board and Mr. Straub talked about exhausting out. Mr. Straub said he needed to see an engineering drawing and detail and what the number is now and what it is going to be and then we can make a judgment. Mr. Blass asked what does exhaust out mean. Ms. Olyha explained it means large vents in the roof or it can be drawn out. Mr. Blass said at one of the earlier meetings this was raised as a potential alternative and Mr. Vitaj reported that the dynamometer could not be exhausted by that means. Ms. Olyha said it will affect that a little but it's only if you are racing the car, a race car. Mr. Blass said one of the things might want to request is some sort of verification of whether or not this equipment could be exhausted out and still used for the purpose for which it is being used by the applicant and something other than his representation to you and something on the stationary of the manufacturer of the equipment. Ms. Livigni asked does it seem the consensus of the board that you want to see a design from a professional for this. The Board answered yes and Mr. Straub said that was his original request. Mr. Sforza said let's go back to September when this first was an issue. He said his understanding is there was never a summons issued, we don't have a town code as far as decibels and asked if was correct on that. And when the Board went out there it was also his impression that they found that the noise wasn't excessive. He said he went through the minutes for the last 8 months and said he couldn't find anything on that discussion when the board went out there. Based on what has been discussed for the last 8 months that this machine is run for approximately, this has been going on since September 10 minutes a day and we are looking to have his business spend \$5,000 more on a sound barrier for 10 minutes. He said he heard a lawn mower on Scenic Hills running for 5 straight hours and asked if we are going to start banning them too. He said there has to be some reasonable resolution here as far as the neighbors and the business. He said he didn't think 10 minutes a day was excessive for a business zoned in an industrial complex. Ms. Livigni said so your answer is no to a design and Mr. Sforza that's correct.

Ms. Livigni said it looks like the majority said yes, that a design professional was a good idea. Mr. Zeidan said he didn't have a problem looking at that but he also wants to know what the numbers are. Ms. Livigni said she would think that a design professional would go out there and measure it with a meter, not an iphone, get a real reading. Ms. Livigni said even Mr. Hilpert said the professional out there did it with his phone. Mr. Hilpert said Mr. Vitaj said when the board was out there, there was an actual machine. Mr. Gunn said there was a gentleman who had an app on his phone. Mr. Zeidan said we need to see numbers. Ms. Olyha said we need to know the numbers with door closed and the other open. And prior with the doors all open so that we know the reduction with the sound difference. Ms. Livigni asked the board if they would like a recommendation from a professional and Ms. Olyha replied yes.

Mr. Zeidan again said we don't know the number. Mr. Blass said it is not necessarily a quantitative exercise, there's no rule that says this board in reviewing a special permit and looking into the relative degrees of annoyance of a particular activity needs to have a particular mathematical standard. He said there is some subjective decision making in the process

typically on scientific facts which in this case would be decibel readings under alternatives that Stacy just indicated and some measure of professional expert opinion as to the degree of impact of those readings and that type of noise on people. Mr. Gunn said we need to bring in professional help, someone that is certified. Mr. Blass referred to the iPhone app and comparing the reading of 90 and a reading of the traffic on rte 55 on the other side of the residences of 85, the implication being the difference between 85 and 90 is not that big, it's 5 whereas the reality is there's an exponential factor with respect to decibels so at 83 it doubled twice from 85 to 90. Mr. Brenner said if you are going to get a professional to give his input you should see what the decibels are at HO Penn when they start those rocket engines. He said find out what these guys are doing said he didn't think these guys had to be any less to what we already have because that's not fair. Mr. Gunn said basically this is going to set a parameter for a lot of places around here and make a precedent by this and when HO Penn comes in and start a rocket engine or gun range you are going to get this as the baseline. Mr. Straub said the neighbors have to be satisfied because we represent the constituents of our town. Mr. Brenner said but this is an industrial zone and as far as he knows, there's one neighbor this has been about the whole time, maybe 2.

Mr. Hilpert said obviously this board does have a duty to its constituents but they are not just residential home owners and asked the board to include that as well. Mr. Hilpert said when setting limitations on a special use permit he said he believed the law in that area was that the board can set those limits with reference to other zoning regulations. If there is not a specific regulation as to the sound, it makes it very difficult for the applicant. He said this area is an industrial zone and there are other shops in the area that have been granted special use permits. Ms. Olyha said this one was built many years ago and residences were back up literally to the property line. Our code now says there is a buffer zone in between an industrial zone and an industrial zone that can never be built on. Once the trees go up and everything else is in that buffer zone you've got a natural barrier. In this location we are on this side of the parkway which makes us stuck in what was done before us. She said we have to make the fix to make it ok for health reasons, for the industrial place. Mr. Straub said just bring some engineering data forward they can look at. Ms. Livigni said so said it sounds like the board is willing to let go of the design at this point and you want Mr. Vitaj or Mr. Hilpert to hire a professional acoustical engineer and come up with a reading. Ms. Olyha said yes. Ms. Livigni said let's talk about a deadline. The Board asked if Greg Bolner knew of someone, he said he sent out an e-mail during the meeting but knew of no one specific. Mr. Blass said there should be some protocol employed as opposed to just the applicant sending some guy that can operate a decibel machine. He said location in particular has to be designated and the alternative condition the board is interested in is door open/door closed basically to see what the reading is with the door closed. If the reading is reasonably satisfactory with the door closed which is the method of operation since the court proceedings in December, then that may take care of it, setting aside the exhaust issues. If there were exhaust issues between December and now with the operation with the door closed one would think they would have surfaced. The board continued to discuss the court order and the doors being open and closed.

The board went through scenarios – first being back door closed, 2nd door closed and the furthest away door – open and 2nd scenario – 2 doors closed and dynamometer open. The board discussed the location from where the readings should be taken and the board agreed on the fence line. The board then said property line. Mr. Gunn asked if the person that was there a few months ago for the applicant was certified and Mr. Hilpert said he didn't know but thought he was a building inspector in another municipality that does have sound readings in their code. Mr. Hilpert said he could find out more about his credentials and submit them. Mr. Blass said if the board wanted to pursue some opinion from the manufacturer about the potential for exhausting out. Mr. Blass said one of the alternatives would be the door associated with the

machine would be closed. He said there was something in the record that indicates that the reason that it is not a good idea for the operation of the business because of the exhaust not clearing by virtue of the open garage door so the concept was that the garage door would be closed, somewhat handicap the business until the sound deadening device was installed at which point the garage door would be opened and the sole noise attenuation would be the barrier. He said if there is good noise attenuation from the garage door being closed and the remains probably exhausting out, maybe the applicant can solve that easier by exhausting out and you might want to know if that is a legitimate alternative that would not interfere with the use of the machine. Ms. Livigni said so the board wants a letter from the manufacturer indicating whether or not exhausting out would it affect the efficiency of the testing device. Ms. Olyha said it's not the device it's the car's reaction. The Board discussed what manufacturer they wanted this information from? Ms. Livigni said so then who is going to verify that exhausting out is not an option for Mr. Vitaj in order to run his business. Mr. Bolner said he thought it would be the manufacturer of the piece of equipment that they would provide information on how it should be done. Ms. Livigni said so the parameters are established on how the board wants the readings taken and where, assuming it is the property line perpendicular to the bay in question. Dynamometer manufacturer would have to verify the proper way to exhaust the car. Mr. Blass added that exhausting out would not interfere to the performance of the dynamometer and if it was to what degree. Mr. Hilpert said there was talk about some baseline readings for rock crushing, jet engines, that we would provide those. He asked can they refer to state readings or do they have to test a jet engine. Ms. Livigni said she thought that was more of a philosophical discussion. Mr. Gunn said he wasn't expecting them to test other locations. He said the board has not tested these waters before. Mr. Hilpert said if his client hires a professional to go out there and test and the number is 82, he wasn't sure if they knew what a baseline of 82 really means. The Board continued to discuss the issue of Delta. Ms. Olyha said right now we know the noise is annoying and if we can get it reduced, that's what we are looking to do. Mr. Gunn said we need to define annoying. Mr. Hilpert continued to throw out scenarios concerning the readings. Ms. Olyha continued to explain the number of the "delta" and measurements, hertz and decibels. Hertz is the frequency. Ms. Livigni said none of us here are professionals. Mr. Hilpert asked if the board was saying this is annoying no matter what the decibel reading is. Mr. Blass said you can't answer that question in a vacuum. Mr. Blass reviewed the facts concerning the background noise, as in all neighborhoods. He said traffic, wind, and businesses and there is a certain degree of background noise a human becomes accustomed to, the activity here is a burst, an episodic 11-20 second burst of noise at a certain hertz and at a certain decibel reading which varies according to neighbors dramatically from the background situation. One could roughly analogize it to someone hitting a horn in a football stadium in a lull of activity. Mr. Blass said it is not quantitative which noise consultants would typically be prepared to address and render an opinion on. He said those are the facts that are in front of the board. He said the opinion has to be grounded in the facts. Ms. Livigni said until that until that data is received there is no way to answer the question. Mr. Blass said if you can take an episodic burst of noise type activity as compared to background noise and mitigate it through decibel reduction then you are going in a path presumably that would make a board reasonably satisfied. You are moving toward some degree of compromise and dispute resolution. Ms. Livigni the 2 things that have been asked for is a letter from the dynamometer manufacturer, the parameter for decibel readings 2 different ways, deadline.....The Board decided on a deadline of September 4th for Mr. Vitaj to submit the information. Ms. Livigni pointed out that Mr. Vitaj did not pay the escrow the Board directed him to pay of \$600 which was due prior to this meeting. The Board decided on a deadline of next week, July 24th, the escrow should be received. Mr. Hilpert agreed. Mr. Blass said it's ok to stipulate if there is intervening use of the meter between now and t he next Planning Board meeting, the door will be closed. Ms. Olyha said you should

continue doing it the way you have been, 2 doors closed and 1 door open. John Gunn said according to Judge Egitto.

NISI SPECIAL USE PERMIT – Proposed Wetlands Permit located on Todd Hill Road (Grid No. 6460-04-503405)

Mr. Gary Beck Jr. appeared before the board. Mr. Beck said he is looking for a special use permit for wetlands on Todd Hill Road. Ms. Olyha said we need a plan to show what you are doing in the buffer, the same plan submitted to the DEC. Mr. Artus said that's been submitted and he reviewed it and said everything was good to go so he recommended a Negative Declaration pursuant to SEQR and recommended the Board grant Wetland Permit approval.

Mr. Straub made a motion deem the project as an unlisted action and to grant a negative declaration pursuant to SEQR because the board finds that the project will not have a significant adverse impact on the environment because the impacts have been identified and suitable mitigating measures have been incorporated on the plans and/or in the reports. The motion was seconded by Mr. Brenner and carried unanimously. **NEGATIVE DECLARATION.**

Mr. Straub made a motion to grant a Wetlands Permit, seconded by Mr. Gunn and the motion carried unanimously. **WETLANDS PERMIT**

LITTLE LAMB DAYCARE – Proposed amended site plan located on Titusville Road containing 9.01 acres (Grid No. 6360-03-109390)

Ms. Sophia Pertesis applicant before the board. She said she has been running 2 successful daycares for 18 years. She said they decided to close their 2 home daycares and open up a commercial site located at 266 Titusville Plaza. She said she signed a lease and they have commenced work. She said she needs the board to approve her outdoor playground. Ms. Pertesis showed the board the location. She said she met with Mr. McLaughlin concerning locating the playground and he suggested putting on the side where there were no homes. She said the sites have been approved by the state. Ms. Pertesis said it would be fenced in. Ms. Olyha said it will take away 6 parking spaces. Ms. Livigni said she asked Ken to comment on that but he didn't. Ms. Livigni added that this property is not being fully utilized. Mr., Komorsky asked what happens when there is full utilization of the property. Ms. Livigni said it would be the determination of the building inspector to determine that. Ms. Livigni said she did notice the loss of parking spaces. Ms. Olyha said it's the loss of parking spaces and you are in the middle of a parking lot and trying get daycare students into a playground in the middle of a parking lot that has 2-way traffic in front of it. Mr. Gunn said it's not in the middle, it's in the back. Ms. Pertesis said she called the state for their opinion and they totally agreed with the 2 sidewalks with a crosswalk and there would be 2 or 3 teachers there and the children would walk to the back. She showed the board a stop sign in 2 places. Ms. Pertesis said this is a very small daycare, you are talking about 10

Mr. Straub referred to Golds Gym being very similar. Mr. Gunn said we had this at the old A & P and Hawk Meadow.

Ms. Olyha said she would extend the crosswalk all the way to the steps alongside the building. Mr. Gunn said a precedent has already been set in the town. The Board continued to discuss the other daycares in town with similar circumstances. Mr. Zeidan asked is this permanent and Ms. Pertesis said yes. The detention was pointed out. Mr. Gunn said so our Building Inspector said this would be the better spot for the playground and Ms. Pertesis said yes.

Mr. Sforza said the state saw this and they approved it. Ms. Pertesis said yes. Mr. Zeidan asked how big the playground was and Ms. Pertessis said 1,100 sq. ft. She said this is a very small daycare and there will only be 12 children max going to that area at one time. Mr. Zeidan asked about blacktopping and Ms. Pertessis said no by state regulations it would be rubberized, ASTM approved. Mr. Zeidan asked about inclement weather and taking the children out and Ms. Pertessis said the children will go out.

Mr. Straub asked about the coolers in the back and the board said Frat Franco's was gone. Ms. Olyha asked if anyone recalled the required spaces and Ms. Livigni said that was not addressed in Mr. McLaughlin's letter. Ms. Livigni said Mr. McLaughlin can be available for the next meeting if the Planning Board tells him to. Ms. Olyha explained the parking space code. Ms. Pertessis gave the board her history of this site concerning the zoning. Ms. Olyha explained about changes in the code and this was a part of the change. Ms. Olyha said this is the middle of the summer and her parents don't have a place for their children to go. Ms. Olyha said there are certain deadlines and timelines for the Planning Board process. The Board discussed sending a referral to County Planning and setting the public hearing. Ms. Livigni said it is up to the Board but she wouldn't have a problem doing referrals and setting the public hearing for August. The Board set an escrow of \$200.00 for reviews.

The Planning Board set the public hearing for August 21st. Ms. Olyha explained the process to Ms. Pertessis. If nobody speaks, and everything is ok, the Board may approve it, if there are people who speak, you have to respond to them in writing. Mr. Komorsky asked about restrictions on the type of fence. Ms. Pertessis said it has to be follow the state and be 4 feet high. The State will be the one who tells her if she can open or not.

Ms. Livigni asked if the asphalt would be removed and Ms. Pertesis said no, the material would go over it. Mr. Artus asked if this would physically block the drainage. The board discussed the issue of the drainage being blocked by the fence. Ms. Livigni said that needs to drain still and you've put an obstacle there. Mr. Artus said he could drive there to see. The Board continued to discuss the issue of the drainage and the pitch. The Board looked at the map and discussed moving the fence out a foot. The Board decided to let Mr. Artus go out to the site to determine what can be done by moving the fence out.

Ms. Livigni said that could be a condition, if all goes well with everything else. Mr. Artus spoke and said he was concerned the water could ruin the playground. The other location was discussed but the outcome decision was to leave the playground where it is shown and see if it can be moved.

Ms. Pertessis asked the board if she could get a letter for her landlord indicating the Planning Board is ok with the project. She said he needs it to get the doors going. Ms. Olyha said the daycare is not a problem, it's the playground area and that's a Walter issue. Ms. Livigni added it's a SEQR call. Ms. Olyha asked can we give them a letter stating we are waiting for details and Ms. Livigni said she felt it was premature. It was determined she would have to wait until after the public hearing. Ms. Olyha said we can't give a letter until we have looked at the SEQR law and look at everything before approvals. Ms. Livigni said the only letter that can be given is a letter stating that you have appeared before the board, an application has been submitted and setting a public hearing for August. Ms. Livigni said she didn't have a problem writing that.

There were no referrals from the Town Board.

Mr. Straub made a motion to adjourn the meeting at 8:30 PM, seconded by Mr. Gunn and the motion carried unanimously. PUBLIC HEARING ADJOURNED.

Sincerely,

A handwritten signature in cursive script that reads "Eileen Mang". The signature is written in black ink and is positioned above the printed name and title.

Eileen Mang
Planning Board Secretary