

A regular meeting of the Town of LaGrange Planning Board was held at the LaGrange Town Hall, 120 Stringham Road on Thursday August 20, 2015. Chairman Stacy Olyha called the meeting to order at 7:00 PM. Board members John Gunn, Robert Straub, Tony Brenner, Dennis Rosenfeld and Joe Zeidan were present. Alternate board member Marc Komorsky was present. Frank Sforza was absent. Also present was Wanda Livigni, Administrator of Planning & Public Works, Walter Artus of Stormwater Management Consultants, Greg Bolner of CPL and Ron Blass of VanDeWater & VanDeWater.

In the absence of Frank Sforza, Marc Komorsky was a voting member.

Mr. Gunn made a motion to accept the minutes of July 17, 2015, 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, 229310)

Mr. Straub made a motion to adjourn to September 20, 2015, seconded by Mr. Rosenfeld and the motion carried unanimously. P.H. ADJOURNED

WOLERT SPECIAL USE PERMIT – Ground mounted solar panels, Proposed Special Use permit located on Rte. 82 (Grid No. 6561-04-850194)

Mr. Carl Johnson appeared before the Board. Mr. _____ also was present. He said they are going to install a ground mount solar electric generating system on the property, which at its highest point will be 10 feet tall and 16 feet by 81.90 feet long and there will be trench dug from the house to the array and sit on the ground. He said it really shouldn't be any kind of obstacle for anyone.

Ms. Olyha declared the public hearing open. There were no public comments.

Ms. Olyha reminded the board of this application. She also commented that Marc was a voting member in the absence of Frank Sforza. The board discussed the neighbor's property and the visual effects. They talked about existing bushes and trees. Mr. Gunn said lately the board has seen the ground mounted arrays at 7.6' in height and he asked about the 10' and asked what it looked like. Mr. ____ showed him. Ms. Olyha said according to parcel access there are trees along the back property and trees along where she pointed to. She said there are no trees separating this parcel from the array.

Ms. Livigni said the Planning Board's obligation as part of SEQR and as part of how it appears in the neighborhood you have to look out for the property owners' that about this property and the placement of these and the visual impact. She said the Board has the right to recommend other locations or to put up vegetative buffers or any combination of the 2. Ms. Olyha said her suggestion would be a vegetative buffer along the back edge of the property. Mr. Johnson said they planned on it. Ms. Olyha said they have it approved first through the office of what kind of vegetation and spacing. Mr. Johnson said he wanted to see how tall it was and then go from there on what they are going to need there to block it. He said it goes at a slight slope and asked if he puts forsythia will it be tall enough. Mr. Rosenfeld said forsythias are deciduous and they will lose their leaves so it needs to be evergreen. Ms. Olyha said we've done a few of these in the town so far and asked Mr. Artus what do we usually suggest. Mr. Artus said we usually go with Spruce and you can keep them trimmed so they don't get out of hand and he said 5-6' height. Ms. Olyha said you can keep them trimmed so they don't get in the way of the array. Ms. Livigni said she would have the applicant submit a sketch showing the layout along there for approval by her, if the Board felt comfortable with that. The Board agreed that would be fine. Ms. Livigni say prior to doing anything out there in relationship to this should the Board grant them approval, you need to submit

the plan with that layout along that property line, the Evans property line, so she could approve it before they do any work. She said it's right time of year to be planning them this fall. She said if the trees come down and are not maintained the Special Use Permit will be conditioned on that. Ms. Olyha said before you can get the building permit to build the system you have to have a plan submitted that shows where the center line of the trees are going to go and usually they are staggered back and forth. She said draw where you are putting the trees and once Wanda approves it the building permit can be issued. Mr. Artus said every 6-8 feet, 5 foot spruce trees on a plan. Mr. Gunn asked has the Board decided that we are putting up Spruce? He said last month there was a discussion with another application suggesting Mayberry and Boxwood and he said there was mention of a Horticulturist. Mr. Artus said Hemlock is fine too. Ms. Olyha said so the options are Spruce, Hemlock. Mr. Artus said Cedar would be fine. Ms. Livigni told Mr. Johnson to look at the spacing on each to make sure that what you pick will provide the necessary coverage and spacing. A woman who did not identify herself said they had a good relationship with their neighbors and she said she wanted to ask them if they wanted it at the property line or not. Mr. Johnson said he would do Spruce.

Mr. Zeidan made a motion to grant the Special Use Permit conditioned on the submittal of a vegetation buffer plan and that the buffer be maintained. The motion was seconded by Mr. Brenner and carried unanimously. SPECIAL USE PERMIT

ADLER TIMBER HARVEST SPECIAL USE PERMIT – The applicant requested that this public hearing be held on September 17, 2015

The Board set the public hearing for September 17, 2015. Mr. Straub made a motion to circulate for Lead Agency, seconded by Mr. Gunn and the motion carried unanimously. CIRCULATE FOR LEAD AGENCY.

HARVEST RIDGE SUBDIVISION SUBDIVISION – Continuation of discussion concerning proposed solid waste processing o site

Mr. Ernie Martin appeared. Mr. Zeidan recused himself. Ms. Livigni asked Mr. Blass if he had a legible copy of the DEC registration. Mr. Blass said he thought his copy was legible. Mr. Martin said he got a copy too and it was not the best copy but the owner has one and he said he would get one. Ms. Livigni asked Mr. Martin to please get her a legible copy and Mr. Martin said he would.

Mr. Martin referred to the comments made at the public hearing which he said they addressed. Mr. Gunn asked how long they would be doing the solid waste processing on site. Ms. Olyha said the DEC says 2-3 weeks, the comments say 3-4 weeks and the actual said crushing said 5 days. Mr. Martin said they represent in their report 3-4 weeks but the actual processing would be 1 week by days because they are not working on weekends. Mr. Martin said they figure there is probably a week's worth of work. He said it is in the owner's best interest to work as quickly as possible because he pays 5,000 or 10,000 a week to rent it. Mr. Martin said there will be some time for organizing. He said all the unprocessed type material that has been put in dumpsters and taken off the site. He said he thought it was witnessed by some of the town professionals. Ms. Olyha asked what do we do.....it says the material came from the Grand Meadow Subdivision located in the Town of Poukeepsie and said doesn't the town code state that we can't bring material into the town? Ms. Livigni said correct. Ms. Olyha said so what do we do about that material. Mr. Blass asked is there an admission by the applicant that it came from the Grand Meadows Subdivision. Ms. Olyha said in the letter the board just received in their packet it says "also material and rock and shale was imported to the Harvest Ridge site from the Grand Meadow Subdivision located in the Town of Poughkeepsie. Mr. Blass asked if this was in the letter that's responsive to the comments of the public at the public hearing. He said his apologies, he hadn't read that. He said this is a matter of can be characterized as prosecutorial digression on behalf of the town. He said that decision could be made

probably not by the Planning Board but by the Administrators of the code and the Town Board whether or not to do one of the 2: 1) to exercise prosecutorial discretion not to enforce and to leave it in place as part of the remediation plan or to enforce to the extent of requesting removal of that material from the site, raising thus the issue of how you segregate and identify that material from any other material. Mr. Blass said if this is an issue for the Planning Board then he said it should be referred to the Town Board and the Administrators of and enforcers of the code. Ms. Livigni said it's been a fairly well known fact that a portion of the fill came from that subdivision. He said he didn't think the old Dunkin Donut signs and construction debris came from Grand Meadow. She said the town entered into an agreement with the applicant's owner. It was 3 lots that they absolutely have to remove the fill out of because they back filled it into the lots. Ms. Livigni said that is where she thought the Grand Meadow fill had gone. So it's not of the fill that was brought on site. It was classified as unknown by the owner where the fill came from except for that specific one. She said there is no admission of any of it coming from anywhere known. Ms. Olyha said the question that was brought before us is where did the materials come from that is going to be processed so if that's the case.....Mr. Martin said the brunt of the material came from onsite but as many of you know that is all part of an approved subdivision and that lower area was taken out of the floodplain by bringing in tens of thousands of yards of material and that material came from many many locations. Ms. Olyha said but that's not the material being processed, right? Ms. Martin said in our early agreements when we were bringing this material in, they had an agreement that material that was brought in, this is even when Yogi was here. Ms. Livigni said this has been a violation on this many years before. Mr. Martin said the idea is they could get 10,000 yards from a certain site and _____ that's what they did. In this particular case unbeknownst to many people, material was brought in and identified after the fact. He said it's not unusual with the construction and development of this parcel that many of thousands of yards were brought into this site. He said it wasn't all generated on site. Ms. Olyha said that fill was supposed to be documented of how much was coming in and where it was coming from as part of the subdivision. Ms. Livigni said in reviewing Yogi's order to remedy from about 10 years ago, her recollection was his professional was supposed to certify where that fill came from. Ms. Olyha said that's fill that's already in place that we are not concerned about because the processing part is what we are concerned about which has been done after all this initial subdivision stuff came in. Ms. Livigni said correct. Mr. Gunn said there was a letter a few months ago that stated portions of the fill came from Grand Meadow. Mr. Martin said when it was first brought to their attention, Wanda alerted them and they went right out there and sure enough that is where it was coming from. He said not only did he go to the Harvest Ridge site, he went over to the Grand Meadow site and that's where it was coming from. Ms. Olyha said we have to deal with what the law says and carry out the law. She said in this agreement that was done in the beginning of the year, was all this included in the agreement. Do we have to worry about where the fill is at this moment coming from. Ms. Livigni said she believed the Planning Board is alleviated from that burden by the agreement the owner entered into with the town. She said we knew there was a portion of unknown, they have removed the bulk of the stuff that cannot be processed and we knew some of came from Grand Meadow, which is the stuff they have to haul out and get back to grade. She said she thought that has been alleviated by that agreement. Mr. Martin said the agreement said that and Mr. Blass said it doesn't specifically say that but he would say that is not an issue the Board has to concern itself with. He said what the Board has in front of it is an application for reapproval of this subdivision and under the agreement in the context of that application the Board has been given the jurisdiction to review and pass upon the wisdom of this reclamation plan. He said the reclamation plan mapping itself references the fact that some of this material came from Grand Meadow Subdivision so implicit in the agreement and implicit in the remediation plan is the fact that the town is exercising prosecutorial discretion to get this wrapped up and site cleaned up and not to require the exportation of Grand Meadow Subdivision fill. Mr. Blass said there is an issue that the applicant has brought up. The agreement for site remediation does require that the material placed on SDS pads on various lots of the approved subdivision be addressed. The County Department of Health reexamine those SDS sites and re-certify or reapprove them as being suitable to accept the waste despite the intervening compaction. The applicant has raised the point that in order for this testing to occur, the

material put over top of the SDS sites needs to be removed. He said the batting order has to be removal of the material, testing of the sites, recertification by the County Health Department and then theoretically reapproval of the subdivision after that element has been satisfied. Mr. Blass said we have a chicken or the egg dilemma in front of the Board as to can the applicant get the remediation plan as a preliminary aspect of Planning Board proceedings then remove the material then test the site and then get the Health Department and recertification so he can get the reapproval of the subdivision. He said he wouldn't be surprised if the applicant was here tonight asking the Planning Board to consider some remedy under which it could get at least a partial approval of the reapproval process to the extent of the remediation plan being approved so it can then address of cleaning up the site. Ms. Livigni if the Board wanted to, just to process on site, it's not anything to do with the subdivision at this point.

Ms. Olyha said the only other outstanding issue is the noise that we want to make sure as part of this process that the noise is not going to adversely affect the neighbors so therefore a time frame during each day of when it can be done, as they have already said it is going to be done during the 5 day work week and the actual sound itself. She said the comments say there is a barn between them and the machine and then a large hill to the west but the hill is more toward the north than to the west where the soccer fields are and she said thought it would keep it bouncing towards us instead of dissipating out away. Mr. Martin said from the existing remaining ban easterly, they are proposing a berm to deflect that. Ms. Olyha asked how high the berm is and Mr. Martin said 10 feet and the machine will be a little lower. Ms. Olyha asked the Board if they were satisfied with the berm, the barn and the hill containing the sound. Mr. Gunn asked about the decibels and according the comments, and she read "an earth berm will be constructed southerly of the processing area, the mitigation together with the adjacent barn and large hill located to the west will minimize the noise to the adjacent neighbors. We believe the mitigation together with the existing site features does not warrant a noise study". Mr. Brenner said from experience he knows the rock crushers he rents are more than 10 feet high set up and running. Mr. Gunn said he was just wondering the db's. There was no answer to the question. Mr. Straub said we are getting too technical here, let's get the project underway. He said let's get the job done and move forward. The hours of operation were 8-4:30 and Ms. Livigni suggested starting at 9:00 and Mr. Brenner said that's too late for construction work. Mr. Straub said HO Penn starts at 5:00-5:30 -6:00 in his neighborhood. Ms Olyha asked what month are we looking at. Mr. Martin said he has to talk to the owner and said it could be September 15-October 15th Ms. Olyha asked if the board was happy with 8:4:30 M-F business days, no holidays or weekends. Mr. Brenner asked what happens if it goes past the 3 weeks. Ms. Olyha said the DEC permit is only good for 3 weeks so they can only do it in that 3 week window according to the permit. Mr. Martin said it's in the owner's best interest to get in, do it, and get out. Mr. Martin said again the actually processing is only a week but the actual time to get it all done is 3 weeks. Ms. Olyha said they said they are going to move everything over and then crush for the week and move everything again. Ms. Livigni asked if it was possible for t he applicant's professional to notify her the day they start the processing and the DEC as well. Mr. Martin said there is also a termination report you also have to file with them. Ms. Olyha asked the Board if they were happy with this and the board said yes.

Mr. Blas said it is probably in the interest of both the town and the applicant to see whether the subdivision will eventually be reapproved. He said the reapproval process is somewhat held up by the need to test and if necessary, remediate the SDS on lots that were impacted. He said it might be a good idea to consider whether or not to impose an additional condition or extract an additional consent that the testing and reporting to the DOH shall occur within a certain outside time frame just to keep the process moving because the town is also a party to an agreement under which the subdivision plat is supposed to be filed by a certain date which has now passed by virtue of the circumstances and the town would like to see the plat filed with respect to its rights under that other agreement. Mr. Brenner said he totally agreed with that. Ms. Olyha said with the other reapprovals we usually gave a 90-day, and asked if that was reasonable. Ms. Olyha said 90 days from the day they are done with their DEC permit. She said when they start the crushing process, it ends at 3 weeks and when the notify the DEC they are done, that's

when their 90-day time clock starts to get everything to the Health Department and the testing done. Mr. Blass said so basically 90 days plus 3 weeks or in that time frame. Mr. Blass said does that put us in a time frame where testing is still possible and Ms. Olyha said yes, it will still be before January. Mr. Brenner asked how many lots were affected and the answer was 4 lots. Mr. Martin said they have already been in touch with the Health Department and they know as soon as this material gets out of there they are going to schedule the depts which chances are they will want to witness and they follow up with a report. Mr. Blass asked can you do that as early as November 15th and Mr. Martin asked you mean to have our testing done? Mr. Blass said yes and Mr. Martin replied oh sure. Mr. Straub asked if they could test bore and the answer was no. Mr. Martin said sometimes you can have frost by Thanksgiving and added if they get done by October 15th they want to get in there and test within a week or 2. Mr. Martin said it could be done. Ms. Livigni asked the board include in the approval, in the documentation to the Department of Health any documentation to the DEC and this whole thing gets copied to our department downstairs. The board discussed the applicant come back to the November 19th meeting and Ms Livigni said in reality they probably won't get a response by then. She said the big thing to consider is that the testing is in place to the Department of Health by a date. None of us have any control on how long it will take the County to review that. Ms. Livigni suggested the board say that testing be done by November 1st. Mr. Martin said it was fine. So testing done and submitted by November 1 and all the reports and submissions get copied to our office downstairs.

Mr. Blass said procedurally, we have received a short EAF and required them to do so and said we are talking about partially approving the reapproval application only to the extent of the remediation plan subject to the conditions that were developed. He said he thinks we need a Neg Dec on the entirety of the action.

Ms. Olyha asked for a motion for a Neg Dec for the subdivision reapproval process and to coincide with the reclamation process which includes crushing and material processing. Mr. Rosenfeld made that motion seconded by Mr. Brenner and the motion carried unanimously. **NEGATIVE DECLARATION.**

Mr. Blass said the board could consider a resolution approving only so much of the reapproval application as it deals with the remediation plans suitability subject to all of the conditions the applicant has agreed upon this evening.

- The work shall be done between 8-4:30 M-F no holidays or weekends
- Planning & Public Works will be notified of when the DEC application goes into effect and when any kind of activity on the site, moving material, etc is to begin
- Give all reports that go to either the DEC upon closing the project and to the Health Department when they start the testing
- Duration to be limited to 3 weeks
- Sound mitigation shall be served by the installation of the berm in conjunction with the topography, which includes the hill in the back and the structure, which means you cannot take down the berm
- The testing of the submission to the Department of Health by November 1st with all copies of such submissions and testing to go to PPW

Mr. Brenner made a motion to that affect, seconded by Mr. Straub and the motion carried unanimously.

HIDDEN POND ESTATES SUBDIVISION – Proposed subdivision located on Bart Drive & Martin Drive (Grid No. 6360-03-478160); update/discussion

Ms. Olyha said the last conversation with the Board, the Town Board recommended a 3-month reapproval which at that time the owner has to decide with the project as is, abandon the project rescinding all approvals or file the amended site plan. Mr. Stokosa said he submitted a narrative of where we are at and what they would like to do. He said they've crunched the numbers left and right and have a bunch of different estimates on the overall 10-lot subdivision with the drainage improvements that were required to support the 10 lots with the configuration they had. He said number wise based upon construction cost and lot prices the constructability end of it, it just wasn't making sense and he said the applicant is equally as frustrated with the process as the Board is. He said the applicant has spent several thousand dollars with his office trying to accommodate the concerns related to it and so he is here tonight to propose a down sized subdivision plan of 5 lots, one driveway off of Bart Drive. He said they tried to save as much information, design, septic locations, well locations, drainage configurations as they could so they peeled off the longer common driveway and right now you have the shorter common drive of 650 feet and 5 lots would access off of that. He said they have a blanket easement for the water, central water service extended in to serve them and the water main will be located on each one and have a direct connection to the water main. He said Wanda wanted to see that happen rather than have water services crossing property lines. He said there will be some sort of small scale drainage improvement would be a bio retention area to reduce any impacts they have related to storm water. He said he is here tonight to propose the concept and the biggest thing is we are not seeking to purchase the municipal water parcel that they had in the original application. He said when they had that in the application they primarily used it to gain frontage for the 5 lots that we had so that now that they are not pursuing those 5 lots, we are also not pursuing the purchasing of that water parcel.

He said he spoke to the applicant's attorney, Ken Stenger and he said he wasn't sure if Mr. Stenger reached out to Ron's Office to convey that message but basically they are here to give the board an update.

Ms. Livigni said at the June Planning Board meeting the board went over the Town Board conditions and one of them was to proceed with the reapproval with the project as it stood, or walk away from it or come in with an amended plan within the 3 months. She said there is a Town Board agreement about the same of that parcel, the condition of that being this project receive final approval which it had so the Planning Board really has no action to take. She added this is just a preliminary show, to comply with the first 3 months. She said they really need to go back to the Town Board and decide how the agreement will be handled.

Ms. Olyha asked how wide is the driveway parcel is. Mr. Stokosa said 50 feet. Mr. Brenner asked if all the other lots had 50 feet off Noxon Road. Mr. Stokosa said yes. He said the same way we did the 10-lot subdivision, your frontage for lots 1-4 gain frontage off of Noxon Road. The 5th lot, which they are gaining access for all 5, comes off of Bart. He said it was the same concept with the 10-lot subdivision, lot 6 at the time gained access of what they are showing now.

Ms. Olyha said they have submitted a revised plan and Ms. Livigni recommended they get in front of the Town Board. Mr. Stokosa said they get in front of the Town Board to handle the agreement and then come back to the Planning Board to work it out. Mr. Stokosa asked from a submission standpoint, are we shooting for the September meeting or October for the Planning Board. Ms. Olyha said wait until you hear what the Town Board says. Mr. Blass said back in the June meeting the Planning Board gave a 3 month reapproval so that is going to expire by the resolution on September 19th and it looks like your next planning board meeting is September 17th so this will have to be on the agenda on the 17th at a minimum to deal with the expiration of the re-approval. He said it may be that the reapproval becomes absolutely academic, he had no idea, because this project that was approved no longer exists. He said that is something they will find out and so he said it has to be on September 17th agenda. Ms Livigni asked Mr. Blass if they wrote a letter stating they are no longer looking to pursue that 10-lot subdivision and are

reapplying for an amended subdivision does that take care of that burden? Mr. Blass asked whether they need the reapproval or not? Mr. Blass said correct. He replied if he were the applicant he'd wait to hear from the Town Board before I made my final decision and probably he would ask to be on the September 17th agenda for control purposes. Ms. Olyha asked about the submission that is going to be made, the parcels that head out toward Noxon Road, usually on parcels like that you usually put in the clause of "no further subdivision" and she asked Mr. Stokosa if that was their intent for that too and Mr. Stokosa replied yes. Mr. Artus said given the scale on the partial map, is there any issues with minimum lot width at the front yard setback. Mr. Artus said it was just something for Brian to look at. Mr. Stokosa said he would give Ken McLaughlin a copy of this and if we do proceed with this, he wants clarification that the submission is accurate and meets zoning. He said he laid it out so he believed they do meet those requirements because they had to meet them with the 10-lot plan so he's confident. Ms. Livigni said don't do that yet, wait until the Town Board and when you make a formal submission. Ms. Livigni asked Brian to get one for the Town Board meeting that shows all the way out to Noxon.

Mr. Rosenfeld asked about the driveway coming off of Bart that 's linked into lot # 5, and asked if that was going to be the responsibility of lot #5, and Mr. Stokosa said it will be a common drive with shared ownership and maintenance.

PINES AT OLD OVERLOOK SUBDIVISION – Proposed 9-lot subdivision located on Old Overlook Road containing 65.98 acres (Grid No. 6361-02-500585)

Mr. John Andrews appeared before the Board. Mr. Andrews said this is located on Old Overlook Road and Overlook Road – 9 lots. He said they have 9 lots, showed the power lines and pointed out where the 9 lots were located. He pointed out the large 20 acre lot that was all by itself. He said it has to cross a portion of the wetland buffer and it also has to cross floodplain. He said at the last meeting (March, 2015) the Board granted preliminary approval following that they made a submission to the Board of Health and received comments from them and revised their plan and responded back. He said they drilled and tested one well on the subdivision and the Health Department allowed them to test an existing well since it was relatively new for a house that exists on another lot. He said the wells indicated satisfactory sanitary quality, no issues in terms of water quality. He said the well was actually a 16 gallon per minute well, pretty substantial and another one tested at 5. He said there was an issue from Ken McLaughlin crossing the floodplain, which they had a meeting with Greg Bolner and Wanda and he said they have that resolved. He said all the septic are relatively standard, they've put metes and bounds on, received comments from Mr. Bolner because they submitted a SWPPP, which Mr. Andrews said there were extensive comments on, He said they resubmitted and addressed most of them. He said they have some minor cleanup on some of the drawings but he thought substantially they have addressed the engineering concerns, the survey concerns have been answered. He said what you see here isn't going to change, this is what they want to do. Mr. Andrews asked the board for conditional final approval, but there are a couple of ancillary things that have to happen and along with that, this is in the Ridgeline Overlay Protection Zone so they will need a Special Use Permit. He said they will also need a permit for crossing the wetland buffer. He asked the Board to waive the final public hearing. Ms. Olyha said we don't have a final public hearing.

Mr. Artus said the majority of his comments could conceivably be conditions of approval. He said typically the Planning Board has not given conditional final approval when we have outside agencies that they need approval from such as the Board of Health. He said there may be something in the file, he hasn't seen it, relative to conceptual approval from the DPW. Mr. Andrews said they had conceptual approval back when they had a driveway there. He said they haven't moved the location of it but he said he didn't think they ever came back with yes you can have a driveway. He said you could have a road but not a driveway. He said it's an issue but he didn't see it to be significant. Ms. Livigni said it is not our practice to give conditions with BOH, DPW or DOT unless they have conceptual letters. Ms. Livigni

said they would count if we had them. Mr. Andrews said he tried to get it from the BOH but had no success with returned phone calls. Mr. Artus said once Greg said it's approved he would do the MS4 Acceptance Form, get it to John. Mr. Andrews said Greg did have some technical engineering issues that they resolved. Mr. Andrews said this is one of those weird subdivisions where we are disturbing very little in the grand scheme of things, 66 + acres and they are disturbing some but by the time you calculate what your increases are, they end up being difficult to calculate because if you recall there is a rather large wetland that bisects the site down the center and it drains off the one side crossing Overlook Road so there is a rather substantial drainage basin and they are staying far enough away that most of their runoff is overland into the wetlands. He said that was the beauty of reducing the number of lots. Ms. Olyha asked Greg for outstanding comments. Mr. Bolner said he didn't have an opportunity to review his response. He said he did respond to all of the comments. Ms. Olyha said well we have BOH, DPW, Greg's comments so if they all come within the next month you can come back to the Board and get everything done and over with. She said there's no sense in giving a conditional when everything will probably come in within the next month. She said you still need a comment letter from Greg and you still need the other things so it can all be ready by hopefully next month. Mr. Andrews said he had a conflict next month. Ms. Livigni said if you have all of the items cleaned up, maybe the applicant could represent the project.

Mr. Straub asked what are we holding up if you don't get it tonight? Mr. Andrews said nothing actually. He said he fully expected to have Board of Health by now and the County, it's one of those things that slipped off the radar since they had road approval. He said honestly it's just a function of that he doesn't have the Health Department in his hands.

Ms. Olyha said it's going to take a month to get everything wrapped up, it is summer and people are on vacation and they are the ones a lot of times that are holding us up. She said since you explained everything to us and we know what is going on and all we need is these 4 things, the applicant can easily come in next month if you have those things and be done.

DURANTS TOOL CENTER SITE PLAN – Proposed site plan located on Freedom Plains Road containing 1.283 acres and 0.730 acres (Grid No. 6361-03-058278; 045301)

Bill Povall appeared and said he responded to the last round of comments which were relatively minor in nature. He said they showed the lighting which included replacing the existing ones to LED's. They adjusted the fence in the back. Ms. Olyha said she noticed in Walter's comments about the outside containers and asked didn't they discuss that a few months ago that they weren't going to say containers, that it is just outside storage. Ms. Livigni said they were supposed to be removed from the plans. Mr. Povall said he can correct that, he misunderstood. Mr. Artus asked about County Planning comments. The issue of outside storage was discussed. It was going to be a box with lines that said outside storage. County Planning's comment was of local concern. Ms. Olyha asked if we got anything from Highway Superintendent. Mr. Povall said he did not. Ms. Livigni referred to the CPL comment letter everybody received. The Board reviewed the comment letter from CPL. Mr. Bolner summarized his comments. He said the parking not permitted in the I or C Zoning districts as a stand alone use. He said Ken already mentioned that's fine as long as they are contiguous properties but he thought there should be something on the site plan that indicates that is parking associated with that property. Ms. Olyha said so you put that on the site plan stating it's for outdoor storage of equipment for that business. Ken had said it was allowed because they are contiguous properties by the same owner. Ms. Olyha asked do you want it to say property or business or owner. Mr. Bolner said Ken would be the one, he's the one who made the interpretation. Ms. Olyha repeated a note should be on the plan that it is contiguous and the parking is for and find out whether he wants it to say owner, business or parcel. Mr. Bolner asked about outside storage, it is in the rear and side yard setback. Is that permitted to be placed in the rear and side yard setback? He said he didn't think there was anything in the code that defined outdoor storage but Ken

should weigh in on that. Mr. Povall said he thought it had something to do with it being an existing storage yard currently. Ms. Olyha said because you are coming in for site plan it has to be according to code now. Ms. Livigni said there was a grey area because it is existing so she thought Greg was right, it should go back for Ken to say it is existing.

Mr. Bolner referred to the parking in the front. He said it is shown to be 9 ½ x 20 with a 20 ft. aisle way. The code has 2 different places where it states the size of parking spaces and the C section is 18' deep with a 24' aisle way so it's the same 60 feet, but technically, it's a matter of striping. Mr. Povall said they show the striping as it exists so they are not looking to change the striping. Mr. Bolner said there is no handicapped parking shown and Mr. Povall said not that he was aware of. The Board said 1 handicapped space would be fine.

The size, type, inverts, and cover should be noted for the proposed drainage pipe on the plans. Mr. Povall said he thinks it just didn't plot out with the auto cad. He said the asphalt thickness was not noted on the driveway section and it should be reviewed with Mike. Mr. Bolner said the way the code reads, it indicates that parking facilities are to be paved while the proposed parking area is for storage of equipment, the acceptance of this not being paved should be noted in the resolution and of final approval, and a cross section detail for this area should be provided

It says the parcel is located in the Stream Corridor Overlay Zone? Mr. Bolner said he wanted to clarify himself...the note on the plan says it's in the Stream Corridor Overlay Zone and he said he didn't believe it was. He said that should be confirmed. Mr. Artus said he thinks the note needs to be removed. Mr. Bolner said this is in the Manchester Walter District and added there is nothing on the plans that indicates where the water comes in. He said there is a manhole and the location of the existing subsurface disposal system should be noted.

Mr. Gunn said Ken McLaughlin is going to ring in on the parking of vehicles in the back lot so it's going to be determined if it's for the owner as opposed to having 6 Penske trucks. Ms. Olyha said it has to be connected to and pertaining to the business. She said it can say all three, connected to the business, the parcel and the owner and if a new owner comes in they have to switch it to them. Mr. Gunn said he sees is the new owner becomes an LLC and then subdivides the back parking lot and the next thing you know, it's a truck yard. Ms. Olyha said but it's connected to all 3 now. Ms. Olyha said they don't have to go to Ken if it is connected to all 3. Ms. Olyha said the other issue is to make sure they don't have to adhere to the side yard and rear yard setbacks to the as is outdoor storage.

Mr. Povall asked assuming all of this is taken care of is it possible to have a resolution ready for the next meeting. Ms. Olyha said yes, it would be possible.

PAGE SELF STORAGE AMENDED SITE PLAN – Proposed amended site plan located on Rte. 55 containing 21 + acres (Grid No. 6560-01-417899)

There was no applicant present.

Ms. Livigni said the office received a municipal search for this property because the owner is looking to refinance and the Building Inspector wanted him to get his site plan in compliance with some actual uses going on there which includes that whole storage area for Roger & Sons and he has RV's parking in the back. He was supposed to be here to represent that plan to get his property legal. Ms. Livigni recommended an escrow of \$1,000 to start. Ms. Olyha pulled the site up on Parcel Access. Ms. Livigni said you will see a site plan at the September meeting. Ms. Olyha said we want to make sure with RV's and construction equipment it doesn't drain anywhere. She said even though you can't see it from the road, we have to worry about the environment and surround parcels. Ms. Livigni said that is why she put

in a higher escrow request. Ms. Olyha said not only is there vehicles but also construction debris and Ms. Livigni said that came from Roger & Sons. Ms. Livigni said when Ken spoke to the applicant about this he brought up soil mining and activities like that. Ms. Livigni said there should be a full application coming in by August 31st.

SWECK-STROUP LOTE LINE REALIGNMENT – Proposed lot line realignment located on Oswego Road containing .44 acres (Grid No. 6662-03-078069); initial presentation.

Ms. Sweck appeared before the board. She said they started building their house in 1995 themselves and the hired Hayward & Pakan to do the original subdivision. The house is done and they were made aware that there was a problem with the lot line. In 1999 they hired Hayward & Pakan to rectify the situation and she said she has the records from that process. She said they went as far as the public hearing and then they didn't come to it. She said at that point they have no idea what happened in the process other than it got dropped. She said they were again made aware of this issue last year in August when her parents had a purchase offer on their home and they hired a surveyor to do it after they found all of the Hayward & Pakan records from Spectra who bought them out. She said she attempted to find the records and were unable to so they hired another surveyor who prepared plans and hired an attorney to file a deed or a boundary line adjustment and he recommended we do that through the county. She said now that we know that it was not the correct process, we are in a tough situation for her parents because they are trying to sell their home with another offer. She said she had a letter from her attorney saying that he advised them a year ago that it was the way that needed to be done. Jon Adams was their attorney. She said they tried doing it the right way and sincerely apologize for not taking care of back when they should have.

Ms. Livigni said this isn't that deep and it will take at least a month because we need a public hearing which could be set for next month. The Board set the public hearing for September 17, 2015. The board set an escrow for \$300.

REQUEST FOR REAPPROVALS:

SLEIGHT FARM SUBDIVISION PHASES 5 & 6-Requesting re-approval. Sleight Farm Subdivision six (6) phases was granted final subdivision approval on June 21, 2004. Subsequent reapprovals were granted on May 18, 2009 and October 18, 2012

Ms. Livigni said this was ready to go the Town Board for a recommendation. Mr. Artus recommended they move forward to the Town Board. He said all was up to date.

John Corroda was present for the applicant. Ms. Olyha asked why do you need this. Mr. Corroda said the market isn't there. Ms. Olyha asked how far phase 4 has gotten and it was determined 3-40% Ms. Olyha asked which ones are 5 & 6 and Mr. Carroda replied across the street.

Mr. Straub made a motion to send this to the Town Board for a recommendation, seconded by Mr. Gunn and the motion carried

ROLLING MEADOWS SUBDIVISION – REQUESTING ANOTHER RE-APPROVAL OF FINAL SUBDIVISION APPROVAL. NEED TO SEND TO TOWN BOARD FOR A RECOMMENDATION

Ms. Livigni said the property owner submitted the update on the status of the project. Ms. Livigni asked would you like them to attend in September. Ms. Olyha said we have some conflicting information here. They said they were held up by the Town Board and the Town Board said they are ready to go forward. Ms. Livigni said they have signed a petition to enter into a sewer district. And added the hold up is most likely the economy. Mr. Straub said this would be the 9th approval. Ms. Livigni said the sewer issue is done. The Town Board only gave them 6 months last year so they now have the sewer issue resolved.

The Planning Board voted to send this to the Town Board for a recommendation for another re-approval.

Ms. Olyha said what we are looking for is to make sure everything is up to date which it is and they have a tangible reason why they are not moving forward.

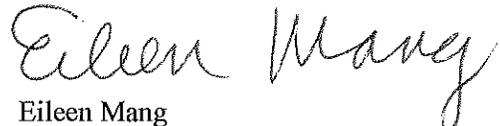
LAKE RIDGE SUBDIVISION – REQUESTING ANOTHER RE-APPROVAL OF FINAL SUBDIVISION APPROVAL NEED TO SEND TO TOWN BOARD FOR A RECOMMENDATION.

Mr. Larry Paggi was present and asking for a reapproval. He said this project is definitely moving forward but not as a subdivision but they are in pursuit of the alternate senior housing overlay district. It is very active with modular companies and investors. He said the reapproval is very much needed. He said last time they were before the board there were conditions that needed to be met which they were including Army Corp of Engineers approval, copy of approval for access to MacGee from the Highway superintendent, DOT approval for connection to the proposed drainage system which were all provided. Containment around the oil tanks is no longer necessary as the plan is to bring gas to the property. He said 2 conditions were removed from the resolution, the irrevocable offer of cession and update of title policy for roads because the project that is actually being planned there will be no dedication of roads. He said he believed everything is current. Ms. Olyha said the reason they need the reapproval for the other project is because the code states to do this alternate senior housing that the project has to remain current in their approvals.

Mr. Straub made a motion to send this to the Town Board for a recommendation for reapproval, seconded by Mr. Zeidan and the motion carried unaimoulsy.

Mr. Gunn made a motion to adjourn the meeting at 9:00 PM, seconded by Mr. Straub and the motion carried unanimously. MEETING ADJOURNED

Respectfully submitted



Eileen Mang
Planning Board Secretary