

A regular meeting of the Town of LaGrange Planning Board was held at the LaGrange Town Hall, 120 Stringham Road on Thursday, January 15, 2015 at 7:00 P.M. Board members Stacy Olyha, Robert Straub, John Gunn, Dennis Rosenfeld, Tony Brenner, Frank Sforza and Joe Zeidan were present. Marc Komorsky was absent. Also present was Wanda Livigni, Administrator of Planning & Public Works, Walter Artus of SMC and Greg Bolner of CPL.

Mr. Brenner made a motion to accept the minutes December 18, 2014. MINUTES ACCEPTED.

PUBLIC HEARINGS:

DALEY FARM DEVELOPMENT –Proposed subdivision and site plan located between Titusville Road and Colleen Court containing 233.36 acres (Grid No. 6360-03-081270, 099220, 229310)

Ms. Olyha declared the public hearing open. There were no comments. Mr. Straub made a motion to adjourn the public hearing to February 19, 2015, seconded by Mr. Brenner and the motion carried unanimously. PUBLIC HEARING ADJOURNED.

LUCAS SOLAR PROJECT SPECIAL USE PERMIT – Proposed Special Use permit located on Skidmore Road containing 34.2 acres (Grid No. 6561-04-828127)

Mr. Carlos Newcomb of Hudson Solar represented the application. Mr. Newcomb gave the board a brief description, including handing out pictures to the Board. He said this is a poll mounted solar system that is going in the back of the garden. The panels are located almost 300' from the road and they are behind fruit trees. He said the plan is to have 4 poll mounts placed there. He said he wished he could have taken pictures of this in the summer because with the trees and leaves, it's pretty hard to see down that far. He showed the Board a picture which he considered the one part of any possibility of seeing anything and what you would see was the back of the panels. He said he put a set of balloons on the post where the panels will be going to get a height and went in with a 3D program to recreate the panels at location to show how they would look from the road. He said the system is set up to produce all of their electrical usage and the electricity would be trenched back to their house.

Ms. Olyha declared the public hearing open and asked if anybody wished to make a comment. There were none. Mr. Straub made a motion to close the public hearing, seconded by Mr. Brenner and the motion carried unanimously. PUBLIC HEARING CLOSED.

Mr. Newcomb said the picture the board was looking at was of someone else's set up, he just wanted to give the board an idea of how big the scale was. The Board continued to discuss the location of the system, the visual impact and the location of the trees. Mr. Newcomb said this happens to be the worst time because of exposure. Ms. Olyha asked about some building that was next to the panels, Mr. Newcomb said it was a garden shed. Ms. Olyha asked why the panels couldn't be shifted to behind that. Mr. Newcomb said typically they like these things north of the trees and as far away from the road as possible to maximize their solar radiation.

Ms. Olyha asked the Board if they were ok where the panels were located. Mr. Straub said they were fine with him. Mr. Rosenfeld said it made sense to put them where they are because if you move them further back, the tree line would destroy the east sun, east southwest, so that's probably the best exposure for optimum energy production.

Ms. Livigni said for clarification she wanted to remind the Board that something like this is an aesthetic impact to the public, the other option should be explored and she said she hated to

disagree with Dennis but she saw a pretty clear area in the back yard and it is interesting that the choice was close to the house so the lines wouldn't have to be run long, which she said she understood making it economical but there are options, if you look at the entire cleared area there is obviously a grassy area that the gentleman said was the septic, but there is a lot of clear land there and said it was obviously the Board's pervue. Ms. Livigni said the property owner should be feeling the bigger aesthetic impact than the public. She said she thought it was sort of the intent at what they were looking at. She said she didn't think there was a real tree line in front. She said it is the Board's call and she just wanted to point that out. Mr. Gunn asked if the Board could put in a condition to have a tree line put in. Ms. Olyha said if that's what the Board likes or unless the Board wants them to explore any other areas on the property. Mr. Gunn suggested putting trees to the back end/north side of the panels, something that will grow fast 18" a year and that would cover it quick. The Board discussed putting the trees there. Mr. Gunn said the current trees there were scrub cedar. Mr. Gunn and the board continued to discuss the view shed. Mr. Gunn said November through April this is what it will look like, as he referred to the photo. He said they need to plant something coniferous in front of that to block it. Ms. Olyha said what she is hearing is instead of looking at alternate views, put in a tree line that obscures the panels from the road. She asked the Board if it was acceptable for the applicant to come in with a plan that Wanda looks at. The Board said Wanda could approve it. Ms. Livigni asked for types of trees from Mr. Artus. Mr. Artus said he would suggest evergreens, 6' high spaced 6-8' apart. He said he would recommend the Spruce. Ms. Livigni asked him if it should be a continuation of the existing tree line or should it be staggered, and Mr. Artus said staggered would be good. Ms. Livigni asked how many, Mr. Artus asked for the total length which was 50 feet. Mr. Artus recommended 8-10 foot spacing, with 8 trees planted in an arc. Mr. Artus said unless the Planning Board has another evergreen they would prefer to see. The Board agreed with the Spruce. Ms. Livigni said she would be ok with the Board's directive looking at the plan before the actual permit is given. The Board was ok with that

The final result was: 8(eight) 6 foot trees staggered over the 50 foot distance and bowed to the north. Mr. Newcomb asked the best time of year to do the planting. Ms. Livigni asked when they are planning to install these panels. Mr. Newcomb said if the Board had just given them the approval they probably would have started in the next couple of weeks. Mr. Gunn asked Mr. Brenner if he was digging footings this time of year and Mr. Brenner said they are pouring concrete all the time. Mr. Newcomb said they were doing it every day right now, digging footings, farther north.

Ms. Livigni said the Board can consider if he submits a plan that shows the trees, and added obviously we don't want Spruce trees planted now, that he could proceed with his own risk and if he doesn't plant the trees by mid may they would have to remove the panels and asked if the Board would consider this. She said there is no point in planting plants now. Mr. Brenner said they planted a whole apple orchard a week ago that was moved from across the river, 150 trees to Rhinebeck and they planted them all. He said that's the time of the year to do it. Ms. Olyha said that's because apple trees are dormant. Mr. Artus suggested May 15th

Mr. Straub made a motion to grant the Special Use Permit contingent upon the tree line of 8 foot trees 6 foot high staggered and bowed around on the 50 foot distance indicated on the plan and they come in with the plan showing the trees for approval by Wanda. She said the trees will be looked at by May 15 to make sure they are planted. The motion was seconded by Mr. Brenner and the motion carried unanimously. CONTINGENT SPECIAL USE PERMIT GRANTED.

OTHER BUSINESS:

LANDS OF ARCOS SITE PLAN & SPECIAL USE PERMIT – Proposed site plan & Special Use Permit located on Rte. 82 containing 2.01 acres (Grid No. 6561-04-828127)

Mr. Bill Povall of Povall Engineering appeared before the board. Mr. Povall said they were in the process of gaining Health Department approval. He said they have already submitted and gotten conceptual approval from the DOT on the entrance so the next step with them, once they have site plan approval, we actually apply for a highway work permit. He said the last open item is the architectural on the building. He said Mr. Nemeth requested he come before the Board to discuss the architectural features of the building while they are working on the Health Department. Ms. Olyha referred to the conceptual approval, and added we had received a DOT letter stating they wanted to make sure the entrance was compatible with the entrances and exits that are across the street. She asked if that was addressed in a different letter. Mr. Povall said he believed so and would check with his office. He said his office did address that concern with them and believed that letter came through his office 2 or 3 weeks ago. Ms. Olyha asked him if he gave a copy to the Department and he said he would check with his office.

Mr. Povall showed the board the plan and Ms. Olyha said right now the entrance is in the middle of everything, not across. The Board continued to discuss the different entrances and exits of the other businesses across. Ms. Livigni said even if the configuration of the driveway changed she imagined the architecture would not change. Mr. Povall said they did get the conceptual approval for this entrance as it is shown now. Mr. Povall showed the elevation plans to the Board, including gables, a cupola, barn style roof in the center. It will have asphalt shingles of weathered wood with cedar shakes up in the gables which would be vinyl cedar shakes, he showed some veneer stone proposed around the entranceway, horizontal vinyl siding. He showed the windows, the bump outs and it's broken up for architectural aesthetics. Ms. Olyha asked about colors. Mr. Povall said cedar shakes are clay/grey, a wicker vinyl siding which is a dark beige, weathered wood shingle which is grayish black. Mr. Povall didn't use the microphone and his next comment was inaudible.

Mr. Povall and the Board discussed the visual impact of the building. Ms. Olyha said the idea of Hamlet is to make the front side along the road look like you would be entering a building. Mr. Povall said so you are looking to dress that side up? Ms. Olyha said yes, so it looks like the front of a house or apartment building. The Board agreed. Ms. Olyha suggested moving the utility closet and then it will look like it's an entrance to the building when it really isn't and Mr. Povall said it was certainly an option. Mr. Straub asked how it was being heated, he didn't see a chimney. Mr. Povall said we have not put the utilities on the elevations. Ms. Olyha asked about sidewalks in the Hamlet. A lengthy discussion ensued concerning whether or not sidewalks were necessary and in the code. Ms. Livigni and Ms. Olyha went through the code book. Mr. Gunn made a comment regarding the trees not blocking the building and suggested more trees. Mr. Brenner asked why does the building have to be blocked. Mr. Gunn said what he has heard about Hamlet, they want it to look like the gateway to something. Mr. Brenner said so you want to block everything out. Ms. Olyha said it's gateway to the town or an area. Ms. Livigni addressed Mr. Brenner's comment and said to get to what they are having as the side was the front, it wouldn't matter but because the unfinished side, unarchitectural side is visible from the roadway. Mr. Brenner said both sides are, it depends which direction you are coming. Ms. Livigni said the question is if they put in more buffering or they prettied up the backside are the alternatives. Mr. Gunn said he didn't care if they put more trees in, he realized it was architecturally fine but we keep talking Hamlets and being a wooded community. Mr. Povall said if you look at all of the development that's out there now, this is way more aesthetically pleasing as it stands now compared to anything that's out there.

Mr. Brenner said so the Board likes the other side so if you put a few reverse gables there, it would break it up. Ms. Olyha read a portion of the code concerning Hamlet zoning. Ms. Olyha said so what they are looking for is something that looks like it would have been a part of the original hamlet in this section. Ms. Olyha said that's the idea and the parcels that are existing they are trying to get them to look more like a Hamlet instead of a 1950 subdivision. Ms. Olyha suggested breaking up the back side so it looks more like a house sitting in there instead of one big flat building with the entrance being on the roadside, like the utility room where it will look like this house that goes that way. Mr. Povall said they did break up the back, there's a bump out in the 2nd roof, he said there are architectural features on the back that are over and above the standard colonial flat. Mr. Gunn said that is everybody's back yard and Mr. Povall said yes. Mr. Sforza asked the length of the building and Mr. Povall replied 85 feet. Ms. Livigni interjected that sidewalks are required. Mr. Povall said the problem with that is you end up with sidewalks to nowhere. Ms. Olyha said this was done with Town Center, the sidewalks are on the plan and when they need to be put in, they are. Mr. Povall asked if there was a mechanism for a waiver. Ms. Olyha said the code said "shall" Mr. Povall questioned the sidewalks. Ms. Olyha read the code concerning this. Mr. Povall asked it doesn't mean they shall be required. Ms. Olyha said it says they shall be required. The Board and Mr. Povall continued to debate the issue of putting in the sidewalk. The entire Board agreed that sidewalks were needed, the code clearly said "shall".

The board went back to the architectural renderings and asked if it was going to be fenced. Mr. Povall said no. Ms. Olyha asked if they were going to be rented and Mr. Povall said yes. Mr. Straub said a couple little breaks in the roof line as it shows in the front might be appropriate. The Board discussed how to dress up the back with what they did on the front of the building, and suggested a fake gable. Mr. Povall said they would have to add a bump out. Mr. Povall said he could do something. The board referred to a reverse gable where it is bumped in instead of out. Mr. Povall said he understood what the board was asking. Mr. Povall said Mr. Nemeth wanted him to ask about the potential for them to bring him in shale or fill with the particular site plan because of the storm water. He said the area in the center on the site is a depressed area and to make the storm water work and the various grading with the septic and so forth we have to bring the site between the buildings and parking lot up so we are going to need some fill to make all that work. Mr. Nemeth says he has the opportunity to get some shale at this point in time and is asking the Board's permission to bring some of the fill in now. Ms. Olyha asked if shale was the type of fill that is typically used. Ms. Livigni said I think what they are asking for is a right to proceed at their own risk with the stock piling which would mean they would have to be in compliance with the SWPPP regardless of the material. Mr. Artus asked if would involve any clearing or taking down trees. Mr. Povall said no, there are no trees out there, it's wide open, he said the applicant is aware he would have to follow the SWPPP with all of the erosion control measures. Ms. Olyha said she would say stock pile but not spread. Mr. Artus said it really is a matter for the Planning Board and history tells him that proceeding at your own risk typically doesn't turn out well. He said that's just an opinion. Mr. Straub asked who approves the quality of the shale. Mr. Artus said the engineer would certify to the material being brought in. Ms. Livigni said her concern would be is to make sure there is a stabilized entrance. She said she wasn't overly concerned about the shale making a mess, it is the trucks actually going in and out and making a mess on Rte. 82. She said the other concern is, she assumed they would place it where they would want to be doing fill but she recommended their engineer survey out where the septic fields are supposed to go just so they don't drive over them.

Mr. Gunn said coupled with the fact that you are going to be putting it 200 yards from LaGrange Fire Department 1. Ms. Olyha asked how far they were from getting Health Department

approval. Mr. Sforza asked how much shale. Mr. Povall said they are looking at about 3,500 yards. And he said about half of that would be needed as a base material to make up that grade so they are looking at 1,700 yards, so roughly 100 trucks. Mr. Gunn said so 100 trucks in and out. Ms. Olyha asked if we had an erosion control plan and Mr. Artus said it is in, but it hasn't been approved yet. Ms. Olyha said she felt they should wait at least until that was approved so they can that put out there. She said it has to be in place before they can bring any in. He said he wasn't sure about the process with the SWPPP but his understanding is the final SWPPP would be approved with the site plan. Ms. Olyha said but it hasn't been reviewed yet and she is not comfortable with putting fill out there if we don't have our erosion control measures in place. Mr. Artus said there are not a lot of outstanding comments on this, he said they are pretty much good to go with him, but Greg has a few comments. Ms. Olyha said he had 9 comments under SWPPP and Mr. Artus said most of those are directives. He said Greg's office is actually reviewing the hydrology. Mr. Povall said he said they have addressed all those comments, he just hasn't submitted them back to the Board, and added he thought they would just submit that with the final site plan. He said he could get that in right away and said he would understand that any fill would be subject to final approval on the SWPPP and an NOI in place and the acknowledgment of coverage. Ms. Livigni said proceeding at your own risk with residential construction it reminds her of Harvest Ridge Subdivision and what Dutchess Farms had to look at for so long with the right they had to proceed at their own risk and no deadline. She said if the Board wanted to consider the applicant doing this at some point in time, that there is a time limit to do construction, otherwise he has to halt it out.

Mr. Gunn said the point is well taken but we want to think the applicant is proceeding at their own risk when the reality is we end up with 12 piles of shale and the road is all torn up and the fire trucks are getting flats and people are not happy with that really nasty turn on Rte. 82, so it just became our risk or our consequence.

Ms. Olyha polled the board concerning proceeding at your own risk.

Joe Zeidan He said he could go either way on this, he understood both points, he Said he didn't want to see it out there for many years and added he didn't Think they would do that, so he could go either way

Frank Sforza: Asked what if we limit the amount he dumps down there and Ms. Olyha Said that's a possibility but why only put half of what you want. He said it Is at least a compromise. Ms. Olyha said that's like making half a plan.

Tony Brenner: I think it's a little premature

Dennis Rosenfeld" I think it is premature also.

Bob Straub Too many open issues and he said it's premature

John Gunn Said it was premature also

Stacy Olyha No

Ms. Olyha said the consensus of the board is at this time, we do not condone proceeding at your own risk.

Ms. Livigni asked about the architectural and Ms. Olyha said if he broke up the roof line in the back, moved the utility to the other end to make it look like it's the entrance to a house and then

the sidewalk that goes with it. Ms. Olyha asked if there was anything else she missed and the Board said no. Mr. Povall asked if he should make another submission to the Board for the final approval on the elevation. Ms. Livigni said the Board is not going to approve the architectural separately, Ms. Olyha said it will be one approval. Mr. Povall said he will make those changes and submit it.

RED OAK HOLDING SITE PLAN & SPECIAL USE PERMIT (COMMUNITY GLASS) –
Proposed site plan and Special Use permit located on New Hackensack Road containing 0.73 acres

Mr. Mike Berta appeared before the Board. He said we are back officially with hopes of getting this through now that the Gateway Hamlet has been approved. He said the owner is now looking to go ahead. This is the former Community Glass Building with the glass shop on the lower level with 3 apartments on the upper level. He said they are renovating the lower level for 3 retail stores and they are keeping the 3 apartments, just reconfiguring them. He said the building will be fully renovated. Mr. Berta said they have sidewalks. Ms. Olyha said she knew they had a problem with what they were doing with the bridge when we talked about the sidewalks and asked how they figured that out. Mr. Berta said he met with the DOT Mr. DeNegro a while ago and got his concept. He showed the board where the sidewalks would be and said he didn't want them closest to the bridge because he doesn't want people thinking they can walk that way. He said they are expanding the existing curbs to make them wider to get sidewalks in there. He said figuring if they ever put a crosswalk where he referred to on the map. Ms. Olyha asked is that what the DOT was thinking? A cross walk at that location? Mr. Berta said he wasn't thinking about anything, Mr. Berta said he was explaining to him what the code was, that we had to have sidewalks and said whatever the town wants but here's what the DOT wants and they want nothing toward the bridge because they are never going to expand the bridge to put sidewalks on that side. Ms. Livigni said that's fine that is what he wants and he envisions, however she would think the Board would recommend a note in the event that the bridge is widened then the property owner would have to put sidewalks in. Mr. Berta said the curbed area that is there is wide enough that they could always put it and it is going to be concrete anyway so it's nothing more than a curb cut and it is pressed slab to get it in.

Ms. Olyha asked if there was anything around the rear and Mr. Berta said no; you have a flat area and then it drops. Ms. Olyha said she didn't know if they had a utility road back there. Mr. Berta said the only thing that is going in the back is a community area for the people. Mr. Berta showed the package plant and with their SPEDES that is where they are going to be discharging. Mr. Berta said there will be no Health Department review and approval because we have a SPEDES permit already in place. Ms. Olyha brought up the parking and asked if there would be any parking in front. Mr. Berta showed the 3 spots and Ms. Olyha asked if they were regular or handicap and Mr. Berta said regular. Ms. Olyha asked do we need the 3 spots in the front. Mr. Gunn said to make the coverage they probably do. Mr. Berta said there is no way for me without really going in and starting to fill this bank based on the property and the size to get enough parking. He said they have 23 spaces if you split them up are required and added in the Hamlet zoning you are allowed because of the apartment and the retail use you are allowed to have some overlap. He said the more overlap he is allowed to have, which he thinks it says is at the pervue of the Board on how much overlap. He said if he could get enough overlap and he can eliminate those spots, he will. Ms. Olyha asked and how many do you have now and Mr. Berta replied 21. Ms. Olyha asked Mr. Berta what he envisioned for the retail. Mr. Berta said probably a business ending between 7-8 and added the package system was designed to be able to have a deli, so they are thinking small mom and pop type stores.

Ms. Livigni said when you sized the plant you had to come up with some uses, so what were they. Mr. Berta replied 2 retail and 1 deli. He said he thought it was for \$1,500 gallons discharge a day. He said he had some paperwork from the DEC one of which was about SHPPO.

Ms. Olyha said when she was looking at the parking regs it stated that the front would like to see a 10 foot buffer in from the road to the internal parking lot areas. Mr. Gunn said that's completely not feasible there. Ms. Olyha said she was thinking instead of the 3 spaces just make that a nice buffered area with some landscaping because this is the first thing you see when you cross the bridge. Mr. Berta said that's actually not even our property, it's the state DOT and because the curbs are already in place we can use it now and added he assumed they wouldn't care if they took some of the black top out but on the other hand given where the building is, he wasn't so sure they would want to have landscaping there because of the ingress and egress there it might block the vision/view. Ms. Olyha suggested it be low stuff. Mr. Berta said if it's low and that close to the road, the amount of rock salt they put down there, it would die. Ms. Olyha said it's got curbs and it's not going to jump over the curb. Ms. Livigni said just her opinion, that it's a tough site to do this on. Mr. Gunn said he can't see putting 10 feet of anything in there, Ms. Olyha said not 10 feet but a little bit of a green buffer because right now it's just a sea of concrete and Mr. Gunn said it's going to continue to be a sea of concrete because the road has widened over the past 40 years and won't be anything but. Ms. Livigni said there is some landscaping going around the perimeter which doesn't exist now, which is an improvement visually. Mr. Berta said he was not opposed to putting a couple of landscape planters and added he wouldn't say 10 feet of buffer or planting but he said he was sure they could put in something. Mr. Gunn suggested whiskey barrels (which got a chuckle out of some) Ms. Olyha and the board continued to discuss the issue. Mr. Berta said he has to be concerned with 2-way traffic too. Mr. Berta said he had no problem with taking those spots out as long as the Board would grant him a waiver for the parking. Ms. Olyha said she thinks that parking there is hard because of people coming in and out and people parked right there trying to get in or out of the space. Ms. Olyha said then you will have people fighting over those because they are right in front of the building.

Ms. Olyha said instead of seeing a nice landscaped area, all you are going to see is 3 cars. Mr. Straub asked where does all the snow go. Mr. Berta said in the creek, over the bank. Mr. Berta said there is no curbing so all the snow will go over the bank. The Board continued to discuss the issue of the snow removal. Mr. Berta said they are starting now with the real engineering. Ms. Olyha referred back to the parking. She said you are required to have 23 spaces and you are showing 21 and there's only 3 in the front and if we removed those 3 we would be down to 18. Mr. Artus said you need 17 for the retail. Mr. Artus said that is his question, would the 18 suffice and Mr. Berta said 18 would suffice the retail. Ms. Olyha asked how many apartments were upstairs and Mr. Berta replied 3 and Ms. Olyha said so you are figuring 2 cars a piece? Mr. Berta said they have 5 spaces total for the apartments. Ms. Olyha said you are also figuring at the time the people are home that you have full capacity of everybody that's downstairs. Mr. Berta said he cannot squeeze anymore parking out of this. Mr. Berta said other than the stair tower they are not adding any square footage to the building at all. Mr. Gunn asked if they were enclosing it, and Mr. Berta said they are actually creating, it's an outside stair now. He referred to the other outside stair and said it was enclosed already. Mr. Berta showed the board where the one apartment would have their entrance and the other stair tower which would serve the other apartments. Ms. Olyha asked the Board their opinion. Mr. Zeidan said as much as he would like to see that buffer he thought if that plow truck comes down Rte. 376 those plants are dead, and added he would rather see the parking than the plants. Mr. Straub said those plows come down, they destroy anything in its way. Ms. Olyha said think about where the parking is,

you are going to see 3 cars there, right there at the egress. Mr. Gunn said during the day when you are picking up your food or whatever. Mr. Berta showed the board where they were creating an entrance only and also showed the Board the 2-way out. That was also one of the things the DOT had asked for. Ms. Livigni said this is a preliminary official presentation. The submission has to get reviewed by Greg and Walter. Ms. Livigni said we have an escrow, and Mr. Berta added we started this project 2 or 3 years ago. Mr. Gunn asked did we get a consensus on parking places at this point. Ms. Olyha said 23 is what they need, 21 is what they have, we would need to wave 2 spots if that's ok otherwise they have to find 2 spots squeezed in there. She said since it is a mixed use we have the right to say because of the times of operation and such, that they can share the parking between the 2 of them, that they don't need all 23, they can have less than that. Ms. Livigni said before the board answers that questions, it might make sense to let Walter & Greg take a look at it. She said if the board would like to squeeze in some vegetation she thought that was worth polling the board. Ms. Olyha said the consensus is with the amount of parking spaces that already are not there which is 2, that we may need those 3 spaces. Ms. Livigni suggested Mr. Artus and Mr. Bolner look at this. Mr. Artus said they will need a Wetland permit application because they will be within 20 feet of the Wappinger Creek also it's Type I Action so the Board will circulate to declare their intent to be Lead Agency at some point and circulate to County Planning being it's on 376. The Board voted to circulate to declare their intent to be Lead Agency.

LAGRANGE CREAMERY AMENDED SITE PLAN AND SPECIAL USE PERMIT – Proposed amended site plan and Special Use Permit located on Rte. 55 (Grid No. 6450-02-715925)

Mr. Bill Rohde and Mr. Bob Ferris appeared before the Board. Ms. Olyha said we received a determination from the Zoning Administrator Ken McLaughlin that concrete curbs are required, not wood and Mr. Rohde said we are still asking the Board to consider letting them keep their farm look by going into the pressure treated wood and said that's what they have in front of the realty office. Ms. Olyha said we can't, he said it had to be concrete curbs. Mr. Rohde asked about a variance and Ms. Olyha replied not from this Board and if you want to go that route you have to go to the ZBA. Mr. Ferris asked do we have to go to the ZBA anyway for the distance from the highway? Ms. Olyha replied she didn't think so. Mr. Artus said that was a comment in County Planning's letter. He said when he looked at it the setback they had on the bulk regulations was incorrect but they don't appear to need a setback from the centerline of Rte. 55. Mr. Artus suggested checking with Ken but it didn't appear they needed it. Ms. Olyha referred to Town Center setbacks, which said should not a shall be placed up against the road. She read somewhere that part is a should. They want to keep the area to look the same. Mr. Bolner read "buildings should be brought up towards the right-of-way line consistent with the TCB streets standards as shown in figure 1 for the TCB district" which he read from Site Standards TCB Site Development; and Ms. Olyha said that is a "should" and if there is surrounding buildings, we have the say of incorporating it to make it all look uniform instead of having one stick out. Ms. Olyha read "Architectoral standards, the set back, the relation of the buildings set back should be to it's immediate surroundings". Non residential buildings shall have a maximum front yard setback of 10 feet to encourage interesting pedestrian environment. Ms. Olyha said well that means that they do need a variance. (240-38) Mr. Gunn asked so we want to bring it closer to Rte. 55? The Board realized that was not TCB, it was Hamlet so that last comment did not apply and they were back to the building matching its immediate surroundings. Ms. Olyha said there is a side yard and rear side setback, balconies, the height of the setback but nothing else. It just say it should be in respect to the local area. Ms. Olyha said so the set back she didn't think needed a variance. Mr. Ferris said if we have to put concrete curbs, then we will put concrete curbs.

Ms. Olyha said the County sent a letter referring to the parking also. She asked how many spaces are in front of the Real Estate Office. Mr. Artus said 12 and Ms. Olyha asked for a total and Mr. Ferris said 44 and Ms. Olyha asked what is required and Mr. Rohde said they took some out to be conforming so we don't have any excess ones. Ms. Olyha said we had talked about banking some, Mr. Artus said there were actually 42 total and that is what is needed for both uses. Ms. Olyha said so they have exactly what they need. Ms. Olyha said the county had mentioned instead of having the 12 in front to take some of those out of there and to make that a buffer zone also to match what they are doing in front of the building. Mr. Ferris said that I won't do, he said that is a game stopper. Mr. Rohde said the problem is they would have to put handicap there on the front because we have to be close to the door and we have to satisfy the Building Inspector in terms of fire apparatus access so we are having no parking along where the new barn is going to be, except for the handicap. He said if we have 2 handicaps there and you have fire trucks coming in there, forget it. Mr. Gunn asked is that just a suggestion from the County. Ms. Olyha said it's a suggestion but they say while you have it open to try and make the other site comply to the rest of the Town Center regs. Ms. Olyha said basically they want to get rid of the spots she referred to on the plan and leave the ones she pointed to and make the area the buffer zone that you are supposed to have in this section. The Board brought up Kellys' and Ms. Olyha said they don't have any parking in front of their building. Mr. Olyha said once you work on a property than you can try to bring it up to Town Center Standards. Ms. Livigni said its' their opinion and the Board's decision. Mr. Brenner asked why it would be a game stopper. Mr. Ferris said it's going to be expensive to take the black top out of there, he's been there since 1975 and he said he didn't think it was fair to have to start changing something and it's going to be there if you make me do it and you make me do it because I won't do the ice cream store, it's too much. To put the parking behind the Real Estate Office means people are going to have to walk all the way around because we don't have another entrance. Ms. Olyha said it's only 5 what they are talking about. Ms. Livigni said you want to make the site more compliant however one of the motivating forces in town center is to have shared parking so maybe if they were willing to have shared parking along the front of there it would make it more compliant with Town Center and you could still achieve better compliance and leave that side of the site alone.

Mr. Ferris asked what does that mean. Ms. Livigni said there is language in the Town Center Code that there could be shared parking and Mr. Ferris said he didn't have a problem with that. Mr. Gunn said he would leave the parking spaces. Mr. Zeidan said he had no problem with the way it was right now. Mr. Gunn said tearing it up for that little square footage isn't going to change it. Ms. Olyha said so "should" are discretionary because the code says that where parking lots and drives abut landscaped strips along the right of way evergreen shrubs and 3 foot stone walls as approved by the Planning Board should be provided for screening. Screening should be a plant species as a minimum of 3 feet high and a maximum of 6 feet high and extend along the entire street frontage of the parking lot and added that's a "should". Ms. Livigni said they are creating that New England feel with the split rail fence so the board could make the argument which is why Mr. Ferris said they are asking for an exception to that. Ms. Olyha said we have to make sure we cover all the basis of the code because if we skip something it can come back to us.

Mr. Rohde asked Ms. Livigni if Walter & Greg received his response and Ms. Livigni said no, we do not forward them and we like submissions to come all complete together and Mr. Rohde said I just got them the day before and Ms. Livigni said you don't respond to them right before the meeting. He said they will get them tomorrow.

Mr. Artus spoke and brought his issue up of the curb and added Ken has resolved that. Ms. Olyha asked if the 15% inside had to be landscaped and she also noticed the regulations said the exterior landscaping along the parking lot should be at least 5 feet wide. She asked if that applied to the entire sight? Mr. Artus said it is a "should" and at the board's discretion. Mr. Bolner said they had talked about the "should" with regard to the maximum setback from the sidewalks. He said that may be something that should be addressed in the resolution or be acknowledged. Ms. Olyha said that we are leaving this as is and not providing the 5 feet? Mr. Bolner said as far as the setback we talked about with the maximum from the sidewalk being 20 feet. Ms. Olyha said the 10 feet is the building and there's a 5 foot landscaping around the exterior of the parking lot so if we don't take those spaces out in the front of that building we don't provide a buffer of five feet so therefore we have to say why we are not, so we are keeping it the same. Ms. Livigni said providing more shared parking and said maybe you can throw a tree or two in the back. Mr. Ferris said if we have to put some more trees in, we will put them in. Ms. Livigni talked about banked parking. Mr. Ferris said we have blacktop parking and then grass parking behind it. Mr. Gunn said yes, that's banked parking. Ms. Livigni said maybe compromise on the buffer that we are reducing the impervious surface by them voluntarily doing banked parking. That is a nice trade-off both for the environment and storm water too. Ms. Olyha said they have 42 parking spaces and 42 is what you have to have for both uses. Ms. Olyha said we are banking parking we don't need. Mr. Artus said he thinks they stated they might need it if they have an event and Ms. Livigni and Ms. Olyha said so it's overflow parking. Ms. Olyha so that doesn't justify that. Ms. Livigni said who does this justification have to go to. Ms. Olyha said for SEQR, these are all the regs so why we chose to do the "should" part of it. Mr. Rohde said why don't we let Walter & Greg do their review and then they can advise the Board. The board continued to discuss the difference between "should" and "shall". Mr. Rohde the only one that was a "shall" was the curbs. Ms. Olyha said the curbing was a "shall" and the 15% is a "shall" Mr. Bolner said the landscaper buffer along the 5 foot was a "should" and it just needs to be addressed so it's clear in the record that was accepted and that is the reason why so someone else doesn't come in and use that and that gets into that 35 H 1D which are some of the landscaping standards. Mr. Bolner said in street trees they were talking about street trees, there's a couple of trees which he didn't think met the minimum requirement for street trees but that's because there really is no room in that area, they have street trees in front of the newer portion. Ms. Olyha said that's what the County letter was, to put in that landscaping and to put in the street trees. Mr. Gunn said so they wanted street trees in a spot that cannot accept a street tree. Ms. Olyha said the County's opinion was to take out those 5 parking spaces, put in a landscape buffer and put in the street trees. Mr. Bolner said and the same thing as far as the major design standards, there is the 2nd story which was talked about and having the building up to the road is a "should" but he said he thought they were some of the major design standards of town center having the building up to the road, having the 2 story occupancy and that's been discussed. He said those are some things that should be finalized in a final resolution. Mr. Straub said a lot of those concepts are in the Greenway Pact that we have joined also. Mr. Bolner said correct they are "should" in the code but he thought they were major enough design standards of Town Center that warrants something be in the record of why. Mr. Artus said we did that with Hannaford, we had a findings statement tying everything up at the end. Mr. Straub said he didn't see a need to rip up 5 parking spaces being they have been there that long. Mr. Bolner said yes, it needs to be addressed on the record, same thing with looking at the barn, to add that barn look, it's not going to be 2 story occupancy. Mr. Ferris said it's going to have the window on top, but Mr. Bolner said it does say in the design standards the building should be 2 story. Mr. Rohde said in the back half we have a 2nd story for storage. Mr. Bolner said that's the major design standards. Mr. Bolner said he thought there should be something stated in there with regards to the acceptance of the well remaining in service for the existing building. Ms. Livigni said the Department of Health has requested that,

they don't have an objection to the private well being solely used for the Real Estate building. She said she spoke to Dave herself and she told him she would write him a letter on that but it probably makes sense to make that note on the plans so we should add the note that the well will be used solely for the Real Estate Office and Mr. Ferris said irrigation. Ms. Livigni said right, that's a private well so to write that on there that will be no connection between the 2 systems and she would write a letter to Dave. Mr. Ferris said he understood that.

Mr. Straub said as far as that curbing, can't you make it look like treated, when you form it and then paint it to get the look you desire. Mr. Gunn said you have to pour the concrete and then dye and stamp over it so you are talking about 2 jobs. Mr. Rohde asked about using pavers for curbing, and the Board said they could use Belgian Block. Mr. Rohde said that's a good compromise. The Board suggested to Mr. Ferris he compare the cost. Mr. Bolner said with the concrete curbing resolved he thought on the back portion of the parking lot, he thought there was some desire to have it open where you could have banked parking, so obviously you can't have a curb there. Mr. Rohde said we are just thinking curbs around where the 2 island are right? Mr. Bolner said the 2 islands and curbs along the property.....that may already be proposed as curb. Ms. Olyha said it would be all along the front entrance that goes to your bricked area, handicapped and around that island and the 2 islands in the middle of the parking lot. The issue of sheet flow was brought up. Mr. Rohde showed the board where it sheet flowed. Ms. Olyha identified the islands. Ms. Livigni said the problem we are encountering here is that Mr. Rohde anticipated the sheet flow to come this way and he was counting on it for his storm water. Ms. Olyha asked into your area where you want to hold parties? Mr. Rohde said not when it's raining. Ms. Olyha asked are you going to have big parties right where you are having a drainage detention? Mr. Rohde described the sheet flow path and talked about a percolation test which was 1 inch every 4 miles, it just goes down. He said it is sort of like an enlarged septic system, it acts the same way. The Board discussed amongst themselves the sheet flow. Mr. Rohde showed the board the direction of flow. The issue of putting in a curb, raising the fill, and sheet flow were discussed. Included in the discussion was the concern for a tripping hazard with filling. Ms. Olyha explained with the parking lot there is no step up onto the building. Mr. Zeidan said when he puts that curb can't he fill it in with soil or make it all grass.

Mr. Artus said I think you have to go back to ken's memo. Ms. Olyha said did it say in Ken's memo that you had to have curbs in pedestrian areas. Ms. Livigni said the Board has to think about this because we are not going with the County thing ripping the sidewalks in front so there has to be some give and take here. The Board referred back to ken's memo where it stated curbs are called for. Ms. Olyha said we have to make delineative separation between parking lot and pedestrian area and to do that you put a curb in because a car has to jump a curb to hit a pedestrian walking on a sidewalk. When you have a sidewalk, if this all flat a car can just come in here and drive across, even though it's grass, and hit pedestrians but if it's a curb the car has to jump the curb before it hits somebody and she said it was the same with the area she referred to that a car can miss coming in here and drive right up that into the building but the curb separates it from where the pedestrians are so that when the car hits the curb that should like be like a barrier. The issue of the curbing and the post and rail fence was discussed and Mr. Ferris asked why they needed the curbing if they had the fence and Ms. Olyha said by doing that you also get your 15% that you have to have. Ms. Olyha said it says a shall under Landscaped area should be curbed. Ms. Livigni said in order to handle the sheet flow you have this coming this way and Greg talked about making a depression in the curbing so you could allow it still to get in there which is not different from happened at Titusville Plaza to get the sheet flow from the parking lot to their storm water pond and the high point is here and this will all travel along the curb and parking lot to where you wanted it to go and this will be grass and when you get here you will have to put in another depression to get people out safely so it will

be at a slight pitch from the building to there and you are good to go. Mr. Rohde said he would like to not have any curb in front of the handicap. The Board went through the curbing on the plan and the sheet flow. Mr. Rohde said we have Department of Health approval, DOT conceptual approval and he modified the plans to Chuck Walters, he sent the revised EAF long form. He asked if they could proceed at their own risk. He said as long as they can do the clearing now, we don't have to worry that much about the turtles. Mr. Ferris said we can't bring in fill with the frost. Ms. Olyha asked about the stockade fence they were putting up alongside the neighbor, does that just go along the neighbor and it's open in the back? Mr. Ferris said there's trees in the back. Mr. Artus said at the previous meeting they were told they would need SPEDES coverage Ms. Olyha said no proceeding at your own risk until the SPEDES came in. Mr. Rohde asked how can we get that quickly. Mr. Artus said you will get a comment review letter from Greg and he already did one and there will be some comments generated that you will have to address. Ms. Livigni said there are still some significant comments and issues as far as drainage from what the consultants have told us so she thought quickly isn't the optimal word, correctly is the optimal word. Mr. Artus said you are showing infiltration and we need deep test results in those areas and Mr. Rohde said he responded. Mr. Artus asked him if he already did deep tests and Mr. Rohde said no, the whole site is like a big gravel pit and Mr. Artus said you need tests. Mr. Artus said unfortunately it is New York State Regulations which we as a town have to abide by. Mr. Ferris said so that means we have to wait until March or until we get rid of the frost. Mr. Artus said he can't say how long they have to wait but you do need soil tests in the area of your storm water management facilities and there is no way to get around it. Ms. Livigni said maybe what is more effect for the Planning Board is that these issues get worked out at a consultant meeting so she recommended to Mr. Ferris and Mr. Rohde that after the both of them are able to complete their comment letters why don't we set up a meeting to go over this and work out the technical stuff. Mr. Artus said as a regulated MS4 we get audited and they now want to see comment review memos. Mr. Ferris said well there is no hurry now.

Ms. Livigni said to Mr. Ferris she would like to see them come up with an actual list so you know what your punch list is to get done and what needs to be corrected and maybe you don't come in next month, but maybe when you come in the 2nd month you're all done which is the goal to get you done as quickly as possible. If the frost leaves the ground and you can get it done quicker, that's great and if that's the only thing holding you up it's better than a whole bunch of other stuff. Ms. Olyha said so we will get the comment letters in and set up a meeting and create this punch list and go from there. Ms. Livigni said she will give the consultants his response letter tomorrow and Mr. Rohde said can't they have them tonight. Ms. Livigni said what we do we log things in and it goes into the computer so we know what they have and when they have it and added she is not trying to be difficult.

LANE WETLAND PERMIT – Proposed Wetlands Permit located on Wildrose Lane containing 2.107 acres (Grid No. 6561-02-609515) initial presentation and set public hearing

Mr. Lane said he wants to build a garage and said he has 2 acres half of which is Federal Wetlands and the other half is wetland buffer. He said when he constructed his house with the setback for the septic, setback for the house and the other side the house pretty much fits where it is and in his opinion there is only 1 other place to put the garage and it is still going to affect the wetlands buffer area. He gave the Board pictures of where the garage was going and what it would look like, and it would match the existing home. He said he is going into the wetlands by 25 feet, he said the closest house to him is about 300 feet away and to the left there is a 15 acre lot and the house would be far away. He said he needs a variance because he won't have the proper setbacks on the side. Mr. Lane said it was a 3 car garage. Ms. Olyha

asked if there would be plumbing and Mr. Lane said no water just electric. Ms. Livigni asked if it will be 2-story and Mr. Lane said yes it would be a story and a half. Mr. Lane said this was a federal land with 100 foot buffer and Mr. Artus said there is no buffer on a Federal Wetland, and it was determined it was a town buffer. Mr. Artus said as long as it is not a state regulated wetland. Mr. Lane said it was a flagged wetland, flagged before he built his home. Mr. Artus looked at the plan and said yes it is a federal wetland and there is no buffer and he is allowed to disturb 1/10th of an acre and you do not need an Army Corp permit. The Board set the public hearing for February 19th. Ms. Livigni said they also need a variance so it can run concurrently. Mr. Lane said with the zoning variance even if he does do away with the one bay, he is still going to need a variance because he won't come in to the 25 foot setback.

REQUEST FOR TIME EXTENSION

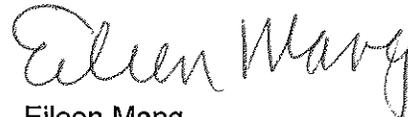
HIDDEN POND ESTATES SUBDIVISION – Request for a 90-day extension of final subdivision approval previously granted on June 19, 2014. Effective December 19, 2014 to expire on March 19, 2015 (1st one)

Ms. Olyha said according to their letter they are working with the Town Attorney and engineer to get a water parcel.

Mr. Zeidan made a motion to grant a 90-day extension effective December 19, 2014 and due to expire on March 19, 2015, seconded by Mr. Straub and the motion carried unanimously. 90-DAY EXTENSION GRANTED.

Mr. Straub made a motion at 9:30 PM, seconded by Mr. Zeidan and the motion carried unanimously. MEETING ADJOURNED.

Respectfully submitted,



Eileen Mang
Planning Board Secretary