

A regular meeting of the Town of LaGrange Planning Board was held at the LaGrange Town Hall, 120 Stringham Road on Thursday, March 19, 2015. Chairman Stacy Olyha called the meeting to order at 7:00 P.M. Board members Robert Straub, John Gunn, Dennis Rosenfeld, Tony Brenner, Frank Sforza and Marc Komorsky were present. Board member Joe Zeidan was absent. Also present was Wanda Livigni, Administrator of Planning & Public Works, Walter Artus of Stormwater Management Consultants and Greg Bolner of Clark Patterson Lee.

Mr. Komorsky was appointed as a voting member in the absence of Joe Zeidan.

Mr. Rosenfeld made a motion to accept the minutes of February 19, 2015, seconded by Mr. Straub and the motion carried unanimously. MINUTES ACCEPTED.

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); adjourn to April 16, 2015

Ms. Olyha opened the public hearing and asked for public comment. There was none. Mr. Gunn made a motion to adjourn the public hearing, seconded by Mr. Straub and the motion carried unanimously. Ms. Olyha asked are they going to be re-advertising and Ms. Livigni said it has been made clear to them that when they are ready to come back in they will have to re-advertise.

FRANK FARM SUBDIVISION PHASES 4, 5, & 6 The entire subdivision 1-6 was granted final approval on June 21, 2004. Seeking re-approval for the three remaining phases 4, 5, & 6 of the Frank Farm Subdivision which is due to expire on April 17, 2015.

Ms. Livigni said there is no one here to speak on it. It's really about the Planning Board considering sending this to the Town Board for their opinion and that's the only action the board could take tonight. Ms. Olyha said in the past few re-approvals we have asked them to come in. Ms. Livigni said if you like they can come in to the next meeting. Ms. Olyha asked how does the board feel about that. Mr. Straub said that's a good idea and the Board agreed. Ms. Livigni said she will notify the pages to have someone present. Ms. Olyha said yes, present at the next Board meeting to give us an update and tell them how everything is going. Mr. Artus said he did review their re-approval application submission and everything seems to be in good order and if you do recommend re-approval of the subdivision you will also want to extend Special Use Permits for Ridgeline Protection Overlay Zone and Wetland Permits. Ms. Livigni said it all gets re-approved at the same time as long as it gets mentioned. Ms. Livigni asked Ms. Olyha are you going to request this get recommended to the Town Board and Ms. Olyha said weren't we going to do that after they come in. Ms. Livigni said you are not going to re-approve it until the next meeting anyway and if they don't show up you don't re-approve it anyway. Ms. Livigni said it's up to you guys and she said she didn't see why holding it up from the Town Board was necessary unless that is the way the Board wants to go. Ms. Olyha said it's not really holding it up because their meeting is April 17 and our meeting is April 16th. Ms. Livigni said ok you can not do it, that's fine. Mr. Gunn said so we are only going to give the Town Board 24 hours and Ms. Olyha asked how do you feel about that and Mr. Gunn said he thought they should refer it to them now. Ms. Olyha asked and if they don't show up? Ms. Livigni said then don't grant the re-approval. Ms. Olyha asked if all was in agreement and the Board said yes. Ms. Olyha asked any comments to go with it? Mr. Straub said we've done that before. There were none.

LAGRANGE CREAMERY AMENDED SITE PLAN AND SPECIAL USE PERMIT –

Proposed amended site plan and Special Use Permit located on Rte. 55 (Grid No. 6460-02-715925); discussion/update; (*Bolner*)

Mr. Brian Stokosa from M. Gillespie & Associates was present. Also present was Mr. Robert Ferris and Ms. Kathleen Ferris.

Mr. Stokosa said the board has seen this application before and the biggest issues were drainage and site circulation for tractor trailer movement and fire access delivery. He said they shifted the parking slightly and made it more of a circular turn around, trucks can now enter and they steer toward the rear of the building. The hatched area he referred to, the cross hatched in the area in the back of the building, temporary unloading zone for tractor trailer truck delivery. He said there is enough room on the other side of the cross hatched area that if traffic had to swing by there they could. Typically deliveries for restaurants are off peak anyway so the potential for a conflict there is minimal but again now that we have the 2-way through access all the way around the site, even if there is a conflict, they have the ability to go around the other side of the parking lot. He said they provided the green space in between the parking spaces and he said the board was asking for a landscaped island in between the rows of parking in the back. He said there is a 10-foot width they have on there. He said they proposed a couple of maple trees that were similar to what the previous application had and said they had 5 trees across that landscape island. He said they pitched the rear parking toward the center island so everything drains toward the center island and it is also pitched to where there is a refuse enclosure and just past that there is red brick rectangular shaped thing....that's a bio-retention area so he said they tried to sheet flow the parking lot toward that direction to avoid catch basins, pipe, and added let's take advantage of the parking lot that we are trying to create. He said they have a curb break just past the refuse enclosure which it would then filter into a grass swale, gets treated in this bio-retention facility. He said they are kind of a new DEC thing promoting infiltration on the commercial sites now. He said these things pond for a period of an hour or so, 6" maximum and anything above that they overtop into an outlet control structure and the same concept that was used in the previous application they do have some underground infiltrators that would store any peak storms – 100 year plus and anything that did infiltrate through that bio-retention area would then enter the chamber area. He said they took a conservative design approach on it. He said they submitted a SWPPP that basically outlined a 10-minute perk rate that they assumed out there and some sandy gravel soils. He said when they did the SWPPP and ran the numbers on it, it was a preliminary SWPPP and wanted to do some soil testing on the site first. He said they had Walter out on site and they did go through that procedure. He referred to the big triangle in the back which he said was the bigger bio-retention area. He said around each corner of the building they are going to be filtering the roof run off in small bio-retention facilities. Mr. Stokosa said other than that the site characteristics remain the same, the _____ remains the same, just configured slightly different. He said he tried to highlight on the new map where the new impervious pavement is going to be with the darker shade. He said the septic location is pretty much the same. He said now that they have re-configured the parking, the septic got shifted slightly up toward the rear hill and they also lowered the site slightly building elevation wise. He said they are going to have to incorporate a pump chamber for the septic. He said detail wise, those were the major changes as far as the process procedure of the project. He said they identified some of the deviations from town center code in their submittal which he thought the applicant had previously discussed with the Board. He said they are in a TCB zone so they tried to provide some justification for the deviation in trying to promote the theme which is a barn/farm/rural theme on the site. He said one of the big ones was the proximity of the building to the front of Rte. 55 and again he said this site is geared toward serving families and children and that extra buffer space between the road and the building was something that the applicant wanted to encourage.

Mr. Stokosa said County Planning came back with some more tree planting that goes along with what the code outlines. He said the TCB code says every 30 feet there should be a tree planted along Rte. 55. If you look at their frontage it would require 5 trees and what they did is provide 5 trees in the front and rather than mask what the applicant is trying to convey which is a rural farm aspect and guiding the eye toward the site and the building, he moved 2 trees slightly back toward the building just to give it a bit more visual appearance on the building. He said curbing was one of the issues that was brought before the board. He said they provide curbing all the way around the building. He said if you come up where the handicapped spaces are he said he wrapped the curbing up into the space where the spaces terminate toward facing the building and he said he put a couple of bollards before them so it is a gentle walk up toward the front entrance. Mr. Stokosa said across the front of the parking spaces, he doesn't show any curbing there and added he does have some bollards in place in front of those to stop any traffic from going forward. He said curbing then starts again and transitions around toward the back near the delivery area and the fire access area and then it transitions toward the refuse enclosure. Mr. Stokosa said just past that refuse enclosure, the triangle that is hatched in where the grass receiving swale for that bio retention area is, that's where he ends the curbing in the rear parking lot. The entire rear radius of the parking lot he shows as not curbed. From a snow removal standpoint and a plowing standpoint and just trying to control some construction costs he doesn't have curb in that area. He said he slopes the parking lot toward that center landscaped island so you don't really need the curbing along that backside because everything is flowing away from that rear line. He said that was one of the waivers they did request was for some relief in that aspect.

Mr. Artus said that pretty much covers everything. He said the other discussion that was had which the board agreed to was the County had recommended the parking in front of the existing building be relocated to the rear of the building and added they had that discussion and that it would be burdensome on the applicant. Other than that Mr. Artus said Brian pretty much covered it. He said he witnessed the soil test and he said there are very good soils out there. He said they ended up with a percolation rate better than what he designed the SWPPP on but he is going to retain he used for the SWPPP so it's more of a conservative approach. Ms. Olyha said we talked about banking parking and Mr. Artus said yes, overflow parking in the rear. Ms. Olyha asked does he have to show that on the plan. Mr. Artus said he should, at least delineate that area and make sure we keep it away from the septic area, obviously. Ms. Olyha said that's why we didn't have any curbs in the back so we could bank the parking in the back. Mr. Gunn asked about the bio-retention area and asked if it was deep and asked if it was like the ones we've seen in some of these developments. Mr. Stokosa said they cost a little bit more than the approach that's out there but these overall look better plus we have a lot of children on this site. He said they are 1 foot deep so finish grade they come down 1 foot and they have the ability to pond 6" and the maximum the water can ever be is 6" in that basin and there's an overflow structure that controls that. He said within this facility, there's a planting material and said in the front they are going to have a low growth shrubbery because we obviously don't want to block the view from Rte. 55 toward the building so the thought was to have some low growth shrubs in the front and in the back near the bigger bio retention area is, same concept, 6" of ponding 1-foot deep from finish grade to the planting surface. He said there may be some bigger trees in their just to soak up some more water and more nutrients than the water that is entering it. Mr. Stokosa said the concept is to not be an eyesore and not be a safety concern for families that are visiting the site. Ms. Olyha said Greg's letter said something about landscaping specifications that did not adhere to town center specifications. Ms. Olyha asked was it the trees and the actual building itself. Mr. Stokosa said it could be acknowledged it in the resolution that there's a deviation and Ms. Olyha said yes, of the building

itself. Mr. Stokosa said he thought the board was familiar with the rendering and Ms. Olyha said yes. Mr. Gunn said there was a question on the previous plan on the sheet flow over toward Mike Kelly's and asked if that was alleviated with the new stuff. Mr. Stokosa said they split the building in half from a drainage stand point so down the ridge and across the building they separated at the roof leaders and each bio-retention facility will control a corner of that building and these things have been sized to handle up to a 100 year storm within the facility itself. He said they used a 10-min percolation rate before they actually went out there and did the percolation tests. He said after that he determined that they have a 6-minute perc rate so we actually should have some more infiltration than they originally designed for and he said the biggest thing with the previous submission is the 100 year flood overflowed into Kelly's parking lot and what they did was anything above 100 year enters an outlet control structure between both facilities in the front and there is an underground retention system. He said they didn't assume any infiltration within that system so it's very conservatively designed. He said they are open bottom chambers, arched and plastic so there will naturally be some infiltration within there but they did not assume any in their calculations.

Mr. Bolner spoke and said he thought they were set on their landscaping. He said he made that comment on the previous comment letter and he said he was perplexed by his response which was this office has identified several deviations in response to the landscaping, so Mr. Bolner said he didn't look at it again. Mr. Bolner said but there is plenty of landscaping around in the rear parking area. Mr. Stokosa said he thought they proposed 16 trees on site and they are required to have 5 along the front from the TCB requirement. He said the DEC does have a credit for tree planting, and he said they took it where they could so at least along the back side they will have 11 trees. Mr. Bolner said the number of trees in the back meets the requirement from the standpoint of the landscaping. Ms. Olyha asked if that will interfere with the banked parking. Mr. Bolner said in a previous discussion of the banking of parking and the location of the septic system he believed previously it was a little bit more of a separation. He said he doesn't know how much of an opportunity they really have for.....he then said we are not talking about banking of parking, the applicant said when they have events, the big difference between banking the parking and the necessity to show it on the site plan and the applicant's desire to have an area with overflow parking in the sense that it may be overflow parking you may need to delineate your septic system so you don't have vehicles parking on your septic system. The board continued to discuss the issue of not parking over the septic and having something to deter people from doing it. Mr. Stokosa said he could talk to Mr. Ferris about a split rail fence to delineate that area. Mr. Straub asked what kind of trees and what about the root systems. Mr. Stokosa said the applicant requested Maple Trees. Mr. Straub was concerned about the root system. Mr. Stokosa said he tried to keep them away from the septic system. Mr. Straub asked what the code was. Mr. Straub said it's basically 10-feet or so. Ms. Olyha said maple trees aren't as bad as pines. Mr. Artus said the applicant has addressed all the comments relative to SEQR and it would be good to go if the Planning Board would like to consider granting a Negative Declaration pursuant to SEQR.

Ms. Olyha asked about notes and details 11 and 12 in CPL's letter and asked Greg if they were ok for later. Mr. Bolner said 11 refers to the valve that was referenced and said he tried looking it up. He said the applicant indicated in his response letter that you would provide an RPZ but he couldn't find that the valve indicated in the detail was in fact an RPZ. He said he tried to google it and didn't come up. He said it just needs to be specified that it's an RPZ. Mr. Stokosa said he thought they were just technical details they could work out. Mr. Bolner said for the water connection the note indicates that they are to provide the town 2 days notice and Mr. Bolner wanted it clarified that it's 2 business day's notice. Mr. Brenner asked about the stockade fence. Ms. Olyha said it was for the neighbor next door who wanted it so the people

from the high school wouldn't cut across his land to get to it. Mr. Brenner asked where it was and Ms. Olyha said it was the dark black one with the x's.

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

Mr. Stokosa asked if the Board would consider granting site plan approval on the information that has been submitted to try and catch the building season. He said he understood that this was his first submission on this to try and catch some concerns. Ms. Olyha said according to Greg's letter there were 36 outstanding SWPPP comments. Mr. Bolner said most of them are technical but obviously until you address them, it could impact or change something. Mr. Stokosa said they did a preliminary analysis on it before we had the soil test done on it. Mr. Artus said according to the code we do need an acknowledgment of coverage prior to the granting of site plan approval. Mr. Stokosa said there's a red flag right there and Ms. Livigni said and Department of Health which they can't get until they get until they got the Neg Dec so she said one more month and she thought they would be ok. Mr. Stokosa said ok, we will submit for next month's meeting and address the outstanding comments.

LANE WETLANDS PERMIT – Proposed Wetlands Permit located on Wildrose Lane containing 2.107 acres (Grid No. 6561-02-609516); declare Lead Agency & consideration of the granting of a Wetlands Permit

Mr. Brian Lane appeared before the board. Ms. Olyha asked the board for a motion to declare Lead Agency. She said the ZBA has no problem with the Planning Board being Lead Agency. Mr. Brenner made a motion to declare the Planning Board Lead Agency, seconded by Mr. Straub and the motion carried unanimously. **DECLARED LEAD AGENCY.**

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

Ms. Livigni asked if there are any other issues that the Planning Board has with this application. Ms. Olyha said she read the minutes since she was not at the meeting, the board talked at length about whether there was a different location this could go. She said it was declared that this could not be, that this was the most logical place for it. She said the reason why they don't have their variance now is because the ZBA was snowed out on their meeting night. Mr. Lane said the ZBA wouldn't move forward until the Planning Board granted the Neg Dec. Mr. Artus asked when is the next ZBA meeting. Ms. Livigni replied the first Monday of the month. Ms. Livigni said it was her understanding that the ZBA did not seem to have an issue with this variance. It was just a matter of having a Neg Dec. Mr. Artus said he did prepare a wetland permit approval resolution and said he could amend it conditioned on that variance and we don't release it until they get the variance. Ms. Olyha said she would be ok with a conditional Wetlands Permit.

Mr. Komorsky made a motion to grant a conditional Wetlands Permit contingent on the applicant obtaining a variance from the ZBA, seconded by Mr. Straub and the motion carried unanimously. **CONDITIONAL WETLANDS PERMIT.**

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); initial presentation

Mr. Bill Povall of Povall Engineering and Glen Lois, applicant appeared before the Board. He said he is before the board for a tool rental business on Rte. 55 just north of Commerce Street intersection. He said it is an existing building, with a second piece of property adjacent to it which is also owned by Spinelli Rentals Inc. Tool Rentals for Durants lease the property for their business and they are before the board tonight to make a few improvements. One being to open up and use the adjacent .7 acre parcel which would be an extension of the yard area to store the equipment. With that they would propose an entrance on to Commerce Street which would be for the employees and deliveries, not for customers. He said that would give them the ability to bring in and deliver out the equipment from that entrance and they would continue to have the customers come in front the way they do now on Rte. 55. He said also being proposed is 11 seed containers in the existing yard area that is fenced in right now to give the ability for closed in storage in the yard. He said the 3rd thing are some displaces for equipment that are similar in size to a vehicle and he said he highlighted them on the plan. Mr. Povall said it would be the 2 end parking spaces and then the one on the north side if you are driving in on the left of the entrance going in, just to have some display of the equipment that they are renting for the people that drive by. He said they are before the Board for an amended site plan approval.

Mr. Gunn said this came up years ago, the small stuff gets put away at night? He said this was here once before and they talked about having lifts out front and the question if they were going to leave it up overnight was discussed. You can display stuff but you can move it in at night. Ms. Olyha asked where is the display now. Mr. Lois said we are supposed to stay behind the building, Ms. Olyha said that's not what the minutes said. She said they said there was a small display area in the front and Mr. Povall showed the board. Ms. Olyha asked is that the existing small display area. Mr. Gunn said the existing small display area is to the left of the building facing the building right behind the cut from the front door. Ms. Olyha said so there was no display area in the front of the parking lot? Ms. Olyha said from the minutes she couldn't determine that. She said the minutes said small display area in the front so she didn't know where the front was. She asked so the existing one is not in front alongside the road? Ms. Olyha asked where is your sign. Mr. Povall showed the board the sign and asked if they had to comply with the new sign law. Ms. Livigni said it wasn't an issue raised by the Zoning Office so she would say if they haven't mentioned it then she would say it's not an issue. Ms. Livigni asked if she could ask a question of the applicant and Ms. Olyha replied yes you may. Ms. Livigni asked about the area they would be putting the equipment on, the undeveloped, the industrial piece, would that have impervious surface on it. Mr. Povall said it will be just gravel. Ms. Olyha asked is it going to be fenced and Mr. Povall replied yes. Mr. Straub asked will it be screened and Mr. Povall said at this point they are just proposing to put the fencing in because that area right now.....he referred to the WFL building.....he said you won't be able to see this from Rte. 55 and Mr. Straub asked how about the back side and Mr. Povall said that's the bus terminal. Ms. Olyha said she didn't check the code for this but when you have a fence for auto bodies and that type of stuff; they want the slats in the fence and asked if this was regulated in that aspect? Ms. Livigni said she was not sure. Ms. Livigni said the reason she asked about the black top is there is a percentage of lot coverage that you are allowed in industrial and it

looks like it is only supposed to be 60% and said they have to figure that into their site plan because it's a separate lot. Mr. Gunn added of impervious? Ms. Livigni said of an improved lot including buildings, parking, anything like that only 60% of it can be improved. Mr. Povall said that is one of the reasons why they are proposing the gravel, Ms. Livigni said it doesn't matter, it's an improvement. Mr. Komorsky asked if the gravel area and the dirt area in the back create an environmental issue with vehicles being parked on there with equipment that has oil and transmission fluid. Ms. Livigni said that is an interesting question. Mr. Straub said that would be considered a violation he thought. Ms. Livigni said if it is black topped and it goes into a catch basin and it goes into storm water, that's a violation and you get them when a violation is committed. Ms. Livigni said that was a good question. Mr. Straub said otherwise you have to put a big tray there and that's absurd. Mr. Straub said they have to maintain their site to standards. Ms. Livigni said this is a brand new project and you know our policy, the Planning Board sees it before our consultants do so this is the first glance. She recommended the Board open up an escrow and recommended \$500. Mr. Gunn asked about the spot where they are going to re-shuffle the seed containers, because there is 4 or 5 old ones out there now, and added he assumed they would get _____ and stack them up so they are neat.

Mr. Lois said something that was not audible, and Mr. Gunn said so you are getting smaller pods and stacking them up on that right side of the property. Mr. Gunn asked what is underneath that now, once you walk out of the store it's paving for a little while then it drops to soil and asked if they were graveling that part. Mr. Lois said it works fine with the dirt but if that's what you want. Mr. Gunn said the point he's making is it wouldn't be an improvement so it wouldn't go into the 60%. Ms. Livigni said they can manipulate it anyway they like, it's just a question what's approvable or not. Mr. Straub asked about the gate on Commerce Street and asked if it would be big enough to handle fire trucks access into that area. Mr. Povall said yes and added as a matter of fact they did had to bring a tractor trailer in there. Mr. Olyha asked if the fence in the back was existing and Mr. Povall said there is an existing fence that runs along the back property line to where the bus garage is and they are proposing to extend the fence along the existing parcel and the back so he showed the board the section of fence they would remove and propose to continue it out and around to meet up with the existing fence along the bus garage. Mr. Gunn asked is it going to stay 2 pieces of property and Mr. Povall said yes. Mr. Komorsky asked about the large propane tanks and if they were still back there and Mr. Povall said yes and he showed the Board where they were.

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Mr. Artus said the Town Highway Superintendent would have to approve the access from Commerce street as well. Ms. Olyha referred to the minutes of March 16, 2010 she said the Board had talked at length about what the law was and what we were allowed to do with the storing of equipment in the front. Ms. Olyha said she is going to have Eileen send you those minutes for the next time we meet so you can get yourself up to date. Mr. Povall asked what year was that and Ms. Olyha said 2010, March 16 and she added it was discussed at length. She said Chairman Bell went into talking about what the law permits and what is existing and that kind of stuff. She said she thought the way it was left was instead of them amending the site plan they chose to keep the site plan of 1988 which has the storage in the back but it also gives a discussion why we didn't want the storage in the front to begin with. She said it did say that in the storage area they could bring the larger pieces out during the day and take them to the back at night. Ms. Olyha asked if the board wanted to talk about that tonight if they preferred different areas in the front than the ones they are showing so they can put that on their plan for the next time. Ms. Livigni said what you could do is have Eileen forward that to the applicant's professional and have him review it and see what his thoughts are. Ms. Olyha said ok so we will distribute them to the board members and applicants and consultants. Ms. Olyha said to Mr. Povall to check out the back to see what the coverage is and if they hook the 2

properties together, even though one is in the industrial zone and the other is in the commercial zone, can it still use each other or not. Ms. Livigni said she didn't know if that would help them much there because they have a lot of lot coverage. She said you can actually have more lot coverage in commercial than you can in industrial, which is interesting. Ms. Olyha asked Mr. Povall if they were proposing to park employees in that back part or was it only for equipment. Mr. Povall said the employees will park behind the building in the area he referred to on the map. Mr. Komorsky asked is that 2nd lot in the back on Commerce Industrial or commercial. Ms. Olyha said that's the industrial one. Ms. Olyha said the front lot is the commercial.

Ms. Olyha asked the board for any other comments from the Board and there were none.

THE 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 of Rohde, Soyka & Andrews appeared before the Board. Mr. Andrews said he is before the board on behalf of the developer Old Overlook Developers LLC. He said it's a project that's been before the board in various forms over the years and added the last time they were here was in December, 2014 at which time the Board granted a Negative Declaration. He said this subdivision is 9 lots served off of 2 common driveways, and showed the board each driveway one being off Old Overlook Road serving 2 lots and the other off of Old Overlook Road serving 5 lots, an individual driveway serving 1 lot and then an individual driveway serving another lot which is off Overlook Road. He said they are proposing the common drives to avoid having to construct a town road given the variations in the town that required them to get a number of variances. He said they were able to and appeared at the ZBA and on January 5th 2015 they obtained all the necessary variances for what is shown on the plat. Mr. Andrews said we have made a re-submission and received comment letters from both consultants and he thought the bulk of the issues were resolved. He said there are still some issues relatively minor and he said they are now seeking is to get to preliminary so that they might move to the Board of Health. Ms. Olyha said Walter's comments mentioned Department of Health, DPW, which they have conceptual approval, they need a Wetlands Permit from us and asked if they needed one from anyone else and Mr. Artus said no. Ms. Olyha mentioned _____ You had some drainage on there and then send this to the Highway Superintendent for comment. Mr. Artus said he spoke to the Highway Superintendent on Monday and John and Mike are going to reach out to each other. Ms. Olyha asked Mr. Artus if he was good with preliminary and Mr. Artus said yes. Ms. Olyha asked if the Board had any other comments. There were none. Mr. Straub made a motion to grant preliminary subdivision approval, seconded by Mr. Gunn and the motion carried unanimously. **PRELIMINARY SUBDIVISION APPROVAL**

FEED PLUS PRE-APPLICATION DISCUSSION – Ms. Livigni said the applicant's engineer reached out to her about doing some tree clearing at the Kind Pool site. She said she asked if it was in conjunction with some kind of a new site plan. She said she gets hesitant with people doing tree clearing without the Board seeing something and giving the blessing. She said that is why they are here tonight. Mr. Michael Berta, architect for applicant appeared before the board. He said this is the former Kind Pool site and he said Feeds Plus is in Red Oaks Mill right now. He said they have purchased the property and they are planning on moving their business from Vassar Road to here. He said they are proposing to knock the existing building down, all the buildings on the property down. He said before they even got to this point they went to SHPO and they have done a lot of due diligence before coming to this point. He said they are looking at an approx 5,000 sq. ft. foot print with his store down below and probably 4 apartments up above – two – 2 bedroom and two 1-bedroom apartments upstairs. He said the required

parking is 35 spaces and right now he is proposing 29, and added it's a quick draft and could get more, he just didn't want to show a sea of parking, knowing there could be some overlap. Mr. Berta said he is getting the building close to the road. He talked about the setbacks in the gateway district on a county and state road and said it was 10 feet and he said he has the building back 16 feet and pushed it into the corner so it's a great site line for the building as you are coming from Red Oaks Mill in that direction. Mr. Straub asked where the parking was and Mr. Berta said it was in the back. Mr. Berta said they are going to re-use entrances on both roads. Ms. Livigni said that is going to be a problem. Mr. Berta asked which one is the problem. She either the DOT will tell you. Mr. Gunn said it creates a short cut. Mr. Berta said as a Board, which entrance do you feel comfortable keeping. Mr. Berta said site line on Rte. 376 is a little bit better and then closing the other entrance. Mr. Gunn said if you are coming out and looking left toward the light, it's already a problem for that road coming out. Mr. Berta said he was thinking of keeping that for truck access and added they were thinking entrance only and described the way the trucks would go. He said but if the Board wants us to eliminate one of the entrances she will re-work the site. Ms. Olyha said technically you could flip it, the loading zone on the other side and make that the exit only for that truck. She said the truck is probably going to have to go back 376. Mr. Berta and the Board continued to discuss the path of the truck and added he figured the Board wouldn't want both entrances. Ms. Livigni said she happened to know from both agencies they are very passionate on that topic on that parcel. Ms. Olyha said she thought that was part of the reason why Kind Pools was having problems because they were told no to both entrances.

Mr. Berta said from experience this winter, the owner got there a number of times to plow after a storm and somebody had already plowed it for them. Ms. Olyha said yes because they want to cut through. Mr. Berta said so he wound up starting to plow and block it but they would come at night and clear it out. Mr. Berta said right now what they are looking to do, there are a number of trees and a bunch of trees around the building and they are looking to get rid of them, and added they know they have to come down. He referred to the septic area and showed the board some of the trees as well as some outside the building and said they are the trees they would like to take down right now. Ms. Olyha counted 10 trees to be taken and Mr. Berta said there were a couple others and added there's about 14 trees. Mr. Berta said any of the trees they are taking down are not worth saving anyway, some scraggly pines and maples that are half dead anyway. Mr. Berta said they are going to re-plant anyway. Mr. Berta said they have the 25 foot buffer to the residential and they are going to end up planting some pines back there. He talked about the parcel being lower in one spot, saying the grade slopes up so they will be below and anything they plant will be planted on the hill. Ms. Olyha asked is there other existing trees on the site too? Mr. Berta said yes, there are other ones here but they were small enough that the engineer didn't pick up. Mr. Berta said anything within this 25 foot buffer they are not touching because they are going to try and keep that and clean it up down the road.

Mr. Berta and the board discussed the properties close by, residential, the dentist, the lawyer. Mr. Berta said they don't need a permit to cut. We just didn't want to clear cut the property with the town's knowledge. Ms. Livigni said she was concerned with the action going on without the Board being aware of it and also being an issue for them with their site plan when they do come in. Mr. Gunn said it is also gateway. Ms. Livigni said if they cut them down and it was trees that the Board wanted to save, it could almost be interpreted as segmentation. Mr. Artus asked what is the proposed area of disturbance. Mr. Berta said the site is just over an acre and added they are going to be disturbing less than the acre. Mr. Artus said if it less than acre, it is ok but if he was going to disturb 1.3 acres, taking trees down is considered commencement of construction activities. He said if they were proposing some construction activity that would exceed an acre by taking down trees that would be considered commencement of construction

activities. He said it wouldn't necessarily be considered clearing and grading but commencement of construction activity and then you would need a SPDES permit. He said since he is under an acre. The Board continued to discuss the neighbors and the trees. Ms. Olyha asked Mr. Berta what his time frame is for coming before the Board with the actual plan. Mr. Berta said probably May. Mr. Gunn said we are technically pulling a business from the Town of Poughkeepsie. Ms. Olyha asked the Board how they felt about the project and the response from the Board was positive. The Board said they were ok with the tree clearing.

Mr. Berta talked about sidewalks and added he knows they need them. He asked the Board do you want me to follow the property line or follow the side of the road. Ms. Olyha said she didn't think he could follow the side of the road. Mr. Straub asked what's the safest, if you can have them back off that road and Mr. Berta said then we will follow the property line and put them right on the property line. The Board agreed. Mr. Berta said he will figure out next time shutting off the other entrance or making it at least entrance only possibly. Ms. Olyha said or exit only. Ms. Livigni said and she's not even sure they are going to go for that; she was bringing it to attention as something that was brought to hers. Mr. Straub asked is it authorized by us just deciding here to allow him to cut trees official enough. Ms. Livigni said that is all she needed. Ms. Olyha said it is all he needs because it's a hamlet and commercial and that the Board was aware. Mr. Berta said they just didn't want to cause any issues.

Ms. Olyha said she got the local law in the mail and it was given to the Board and asked the Board for comments by April 1st because the public hearing for April 22nd and then we can collectively give information from the Planning Board. Ms. Livigni described what the topic of the local law was.

Mr. Straub made a motion to adjourn the meeting at 8:15 P.M., seconded by Mr. Sforza and the motion carried unanimously. MEETING ADJOURNED.

Respectfully submitted


Eileen Mang
Planning Board Secretary