



PLANNING BOARD MINUTES

Virtual

October 19, 2021

C. Howard Post, Chairperson, opened the meeting at 7:33 p.m.

Present: C. Howard Post (Chair), Carole Furman (Vice-Chair), Mike Tiano, Robert Hlavaty, Kevin Brady, Ken Goldberg, Len Bouren and William Creen (Alternate).

The draft minutes of the September 21, 2021 Planning Board meetings were reviewed. Goldberg noted that when William Creen is referenced in minutes he should be addressed as an alternate member of the Planning Board and his name should be removed from all votes, unless he is asked to join as a full member. A motion was made by Furman, seconded by Tiano, to approve. Board vote: Furman-Aye, Goldberg-Aye, Tiano-Aye, Bouren-Aye, Brady-Aye, Post-Aye, Hlavaty-Aye. Motion carried.

PUBLIC HEARINGS

A change was made in the order of the public hearings as the representative for the first scheduled public hearing was not present at the time of opening this section of the meeting.

1. Site Plan Amendment, Holmes Memorials LLC, 3785 Route 9W. Presented by Robert H. Schuman, owner. The applicant is proposing an amendment to their previously approved site plan to add a 1,680 square foot storage building behind the current commercial building. The storage building would be located in the rear of the property. The public hearing opened at 7:37pm. Post-is anyone present for this public hearing? Any questions/concerns? None. A motion was made by Furman, seconded by Brady, to close the public hearing. Board vote: Hlavaty-Aye, Brandy-Aye, Bouren-Aye, Tiano-Aye, Goldberg-Aye, Furman-Aye, Post-Aye. Motion carried.

Board comments: Hlavaty-none. Bouren-noeo. Brady-none. Goldberg-none. Furman-none. Tiano-no electric is being proposed in the proposed storage building, correct? A note should be added to the resolution that if lighting is to be added in the future that it must be angled down and shielded. Post-none. Beltrani-received the referral response from the UCPB that there are “no county impacts”.

A motion was made by Goldberg, seconded by Furman, to approve the site plan amendment. Board vote: Hlavaty-Aye, Bouren-Aye, Brady-Aye, Tiano-Aye, Goldberg-Aye, Furman-Aye, Post-Aye. Motion carried.

2. Major Subdivision, Catskill Terraces/HV Contemporary Homes LLC, Ralph Vedder/Manorville Road. Presented by Jeffrey Hogan, Praetorius & Conrad, P.C. The applicant is proposing a 10-lot subdivision with access via Ralph Vedder Road and Manorville Road. Revisions to the sketch plan to reflect the relocation of “Laurel Ledge Lane” as requested at the last public hearing. This will move the previously proposed road location 400’ to the northeast and position it between proposed lots 3 and lot 4. The upper road was moved, also, 25’ to the north to provide a building envelope for lot 7 have been made to the middle road for. A negative declaration was approved at the last August meeting. The Public Hearing was opened at 7:44pm. Post opened it up for public comments/concerns:

- Brent Buell, 135 Ralph Vedder Road-was never notified about the public hearings and lives across the street from where it is being proposed. (note: this was reviewed after the meeting and Mr. Buell was notified via certified mail, return receipt as required for both public hearings that this project has had-there are receipts in the Planning Board file with delivery dates of October 8, 2021 and August 20, 2021) There are wetlands on this property that can not be developed. The runoff will continue into the culvert on my property. Question the aquifer disruption, the parcels are mapped within the aquifer protection overlay district. How will neighbor's wells be affected and how will the digging affect that? What will be the depth of the wells? Will the taxes increase for the neighbors with the new homes that will be built? Hogan-the wetlands have been delineated and the applicant is not proposing to touch them, except for one small disturbance on Section 2, Lot #8, which is the northern tip of the wetlands, to install a driveway. The wetlands have been marked and flagged, shown on the subdivision maps where they are included in the greenbelt areas. The area being encompassed in the greenbelt areas is about 50 acres that include the wetlands, except for that section for access to Lot #8. The Army Corps of Engineers will be involved with that section, as required. The average lot size that the applicant is proposing is 9 acres and 10 wells on 90 acres should have little to no impact on the neighboring wells. As far as tax increase, we can not answer that. Moriello-tax questions are not something that the Planning Board can consider when reviewing a proposed subdivision. The determination of taxes is for the Town Board not the Planning Board. The developer can not use that argument either. Taxes can not be under consideration. Buell-water collection, how will it be affected by the lawn grooming and pool maintenance? Hogan-required by NYSDEC to provide a Stormwater Pollution Prevention Plan that will be reviewed by the Town Engineer. This will address the treatment of run off and areas that are clear for quality and quantity. Stormwater management areas/bioretenion areas will be required. Buell-access on wetlands? Moriello-activities circumscribed by declaration and are limited. Wetlands governed under the Army Corps and published. No one will be able to operate without a permit.
- Alice Maceyak, 248 Ralph Vedder Road-neg dec? Beltrani-a negative declaration is required for SEQ. The Board reviewed the project for adverse impacts to the land, wetlands, impacts to the area, traffic, endangered species, ect. The reasons are listed that support why there are no impacts within the negative declaration. This is not an approval, just a NYS requirement prior to approval. A negative declaration is a positive for the project.
- Stephen Jones, 277 Ralph Vedder Road-are street lights proposed? Will the private roads be paved? Are there restrictions to clearing? Hogan-no street lights proposed. The private roads will not be paved but do need to meet the Town requirements for driving surface. There will be deed restrictions regarding clearing, no clearing will be allowed within the greenbelt areas around the perimeter of each lot. Jones-noise during construction, beeping machines when backing up, earth moving machines, hammering. Will each lot be sold and then developed or does the applicant plan to build and sell? Are their spec houses? Marica-a little bit of both, there will not be an HOA (Homeowners Association). We intend to design the houses for the buyers through HV Contemporary Homes. There is no intention to build a spec house at this time. With any development that we have done we have never had 15 to 20 machines on a project at one time. We plan to start the roads immediately but that can not happen prior to October 31st due to environmental restrictions. No blasting will occur. Hogan-the beeping is required by law when the machines/construction vehicles are backing up. Jones-stop signs? Ponds? Hogan-the Highway Department determined the road entrance/exit for each of the three proposed access roads has a good site distance. Beltrani-sight distance analysis with clearing fro sight view. Hogans-pons can not be within the greenbelt.
- Bob Luke, 541 Manorville Road-who will monitor the greenbelt areas? Marica-when speaking to prospective buyers we are noting that these areas are part of a deed restriction so they are purchasing the land knowing this. Most prospective buyers are seeing this as a positive as it helps with privacy. It will be upheld with legal documentation. Moriello-a buyer can not violate the covenants of the deed. The restriction will be noted in the chain of title and map, which will be filed with the Ulster County Clerk's

Office. It can be enforced by the Town but it is a legal obligation. The neighboring property owners tend to watch. In essence the area in the greenbelts is protected by a legal document that is filed for record.

- Patricia Cronin, 235 Ralph Vedder Road-will the Central Hudson poles be moved? Will the utilities be underground? Stormwater maintenance? Responsibilities of homeowners or the Town? Hogan-legal documents to address responsibilities of homeowners, the roads will be privately maintained. Marica-the utilities on-site will be underground. Not sure about the Central Hudson poles.
- Rich Samalin, 138 Ralph Vedder Road-since the West Saugerties Bridge has been closed Ralph Vedder Road has taken on significant additional traffic, concerned with safety issues and speed.
- Wendy Blank, 47 Mayfield Estates-are the lots spoken for? Marica-there is interest in the land but we can not move forward with anything until approvals are obtained.

Post-any further questions? None. A motion was made by Brady, seconded by Furman, to close the public hearing. Board vote: Hlavaty-Aye, Bouren-Aye, Brady-Aye, Tiano-Aye, Goldberg-Aye, Furman-Aye, Post-Aye. Motion carried. Public Hearing closed at 8:28pm.

Beltrani-the revised roadways were reviewed. The Stormwater agreement, SWPPP approval, and build improvements will be required for final approval. Covenants to be approved by the Planning Board attorney, George Redder. Preliminary approval for next month, can draft a resolution to review. Board Comments: Hlavaty-no, Bouren-no, Brady-no, Tiano-no, Goldberg-no, Furman-no, Post-no.

3. Major Subdivision, Robert Gelb & Norma Hill, 269 Wilhelm Road. Presented by Chris DiChiaro, Engineer. The public hearing has been held open from the August 17, 2021 meeting. The applicant is proposing a 4-lot subdivision of a 54-acre parcel located on Wilhelm Road. There will be three new lots created and the residual land, 37-acres, will remain with the existing house. Board of Health approvals are pending, the Fire Chief and the Town Engineer are good with the proposed improvements to the road and the SWPPP is being reviewed. Post-any comments/concerns from the public: None.

A motion was made by Furman, seconded by Tiano, to close the public hearing. Board vote: Hlavaty-Aye, Brady-Aye, Bouren-Aye, Tiano-Aye, Goldberg-Aye, Furman-Aye, Post-Aye. Motion carried. Public hearing closed at 8:36pm. A motion was made by Goldberg, seconded by Furman, to approve the neg dec based on the documentation supplied by Beltrani. Board vote: Hlavaty-Aye, Brady-Aye, Bouren-Aye, Tiano-Aye, Goldberg-Aye, Furman-Aye, Post-Aye. Motion carried.

Beltrani-can create a resolution with conditions of survey, they can come back for final approval once the survey is completed. DiChiaro-to approved the Road Maintenance Agreement. Beltrani-it can be included as a condition of the final approval. Post-Board questions/comments: Hlavaty-none. Brady-none. Bouren-none. Goldberg-none. Tiano-what was the final grade agreed upon? DiChiaro-proposed new grade is 12% and the existing grade will be decreased from 20% to 13.5%, as agreed upon with the Town Engineer. Furman-none. Post-none. Beltrani-does the applicant propose to build those improvements? DiChiaro-yes.

4. Site Plan/SUP, Denier Car Wash/Duncan Properties, LLC, 2891 & 2897 Route 32. Presented by Scott Ouimet (Kaaterskill Associates) and Mike Moriello, Esq. The proposed car wash is located in the General Business zoning district with an Aquifer Overlay. It currently is not an allowed use in that zoning district or overlay district. The applicant is currently before the Town Board for a zoning change for this property and others within the same districts. Post opened the public hearing at 8:40pm. Comments/Concerns from the public? None. The purpose of this public hearing is to get the public's input regarding the proposed zoning changes. The proposed zoning change is to allow car washes in the General Business and Aquifer Overlay Districts of the Town. Currently surface water discharge car washes are prohibited in the districts. This would allow it in the General Business districts with site plan approval and within the Aquifer Overlay district with site

plan review and compliance with all requirements to protect the aquifer. Beltrani-this public hearing is for comment to the Town Board and SEQR determination. There will be more opportunities for the public to voice concerns in the future as it will require a site plan with a Special Use Permit public hearing. A motion was made by Tiano, seconded by Brady, to close the public hearing. Board vote: Hlavaty-Aye, Brady-Aye, Bouren-Aye, Tiano-Aye, Goldberg-Aye, Furman-Aye, Post-Aye. Motion carried. Public hearing closed at 8:46pm. Goldberg-this proposed use will affect the entire Town within the proposed areas of interest. Ouimet-there is one existing well on site, will just require water to operate the washing equipment, everything will be run on reclaimed water. Board Comments: Hlavaty-would like to await a professional consultant's comments regarding the effects on the aquifer. Brady-how will the build up of sediment be handled? Ouimet-it will be pumped out by an approved facility regularly. Bouren-would like an actual sketch of the proposed reclamation system. Post-would like to get opinion from the consultant prior to making recommendations to the Town Board. Goldberg-there was a reason that this was removed from the allowed uses when the zoning was amended, maybe our consultant will be able to work with the Town Board as well. Post-will forward all information to the Town Board. Ouimet-a schematic of the internal system can be submitted. Beltrani-the recent memo regarding Aquifer Overlay restrictions, they do apply. Continue the site plan elements. SEQR will be contingent on information received from the consultant. The more information on the site plan the better. Post-does the Board agree to await review by consultant prior to making recommendations to the Town Board: Hlavaty-yes, Brady-yes, Bouren-yes, Tiano-yes, Goldberg-yes, the bigger issue is it will be one of many car washes that will come before us. We are not looking at just this car wash in the GB/Aquifer. Furman-why not request a use variance for this particular facility? Moriello-the standard for a use variance is hard to meet. Absent the use variance the land is useless. A variance is not necessarily appropriate in this case. What type of car wash will be specific under local law. Brady-this will be effective across the Town w/criteria. What is the difference in cost from a typical car wash? Will this be required to be a town road? Reclamation system safety? Ouimet-the system uses a double layer protection to ensure that there is no leakage, dual wall tank with sensors. Post-need consultant ASAP. Beltrani-just waiting on the hydrologist, applicant should respond to comments on site plan, Aquifer Overlay restrictions and Gateway Overlay requirements. Post-we will be in contact with a consultant and get the review going prior to the next meeting. Need more information on phases of the application.

5. Site Plan/SUP, Tarpon Towers II/Verizon, 17 Industrial Drive. Presented by Scott Olsen, Young/Sommer LLC. At the last meeting the Planning Board agreed that a negative declaration was appropriate so that the Zoning Board of Appeals could move forward with their review process; it was the Planning Board's responsibility since they are lead agency for the SEQR review. The language of that negative declaration has been updated by the Town Planner and a draft was distributed to the Board. There was an change to the date in Item #4 to correctly reference the date as September 21, 2021 not August 17, 2021. Goldberg-has the applicant appropriately looked at other potential sites within a 2 mile radius, as required by our Town Zoning Law, it does not seem that this has been done. Olsen-there have been many statements from neighbors suggesting that there are other locations in which this tower can be installed but unfortunately those statements are not technically accurate. We have asked Mike Crosby, Verizon engineer, to join us for this meeting to address these comments. As it has been suggested that the water tank property that is a mile and a half north was a feasible location, this is not accurate due to the laws of physics. If we looked at properties 2 miles away from the proposed site we would be bumping up to other existing sites. Unfortunately, the law was written many years ago before networks really matured. What was good 20 +/- years ago may not be logical today. The search rings have dramatically decreased in size because the networks have expanded so much. We have looked at every property in the existing search ring and directly outside the search ring and it all led us to this location. The water tank location is too far away to cover the area that is needed. It is actually a full site's worth of coverage area away from the area that we are trying to serve. Goldberg-so the statement in the negative declaration is accurate regarding alternative sites. A motion was made by Goldberg, seconded by Furman, to approve the negative declaration as updated by the Town Planner, Adriana Beltrani. Board vote: Hlavaty-Aye, Bouren-Aye, Brady-Aye, Tiano-Aye, Goldberg-Aye, Furman-Aye, Post-Aye. Motion carried.

The public hearing opened at 9:33pm. Olsen provided a slide presentation demonstrating the "Search Area", which was created by Verizon Wireless FR Engineer, Mike Crosby. This area demonstrates the area in which a new site is needed to accomplish the goals of remedying coverage gaps. The initial proposed site was at the Mt. Marion Firehouse, but this is not a permitted use in that zoning district. The tower that was proposed at that location was 120' in height. Due to the movement of the tower to the new proposed location, 17 Industrial Drive, the height of the tower will have to increase to provide the same coverage area. Industrial Drive is located in the OLI district and Type 5 towers (which the proposed tower is) are expressly permitted within this district with Site Plan and Special Use Permit approvals. Setback variances are required, on two sides of the proposed tower, and the applicant is currently before the ZBA. All parcels were looked at on Industrial Drive and 17 Industrial Drive was the parcel that the applicant was able to come to terms with the owner for lease. There are federal wetlands where the original tower was proposed on this parcel so it had to be shifted down a little bit to avoid those. The hope is that by using this location service can be provided to Mt. Marion Park, Mt. Marion Elementary School and the Thruway. Regarding health effects, the proposed telecommunications tower will be in compliance with omissions as set forth by the FCC. state and local municipalities are absolutely barred from considering perceived health effects as a result of the telecommunications act. This area needs a new facility to close coverage gaps. It will be argued tonight that OLI district is not appropriate but if you look in the zoning it expressly states that these facilities are permitted within the OLI district.

Public Comments:

- John Greco, 807 Old Kings Highway-co-owner with sister Jeanine Greco. This house has been there since 1960. Under the law the Planning Board is not bound to approve a special use permit. The Board may use discretion as outlined by case law. Legislation has proposed that if any one condition is not met the SUP can be denied. Mr Olsen wants to comment that this is a permitted use in the OLI district however, there is disregard for the other expressed revisions in the zoning law that apply expressed conditions for the issuance of a SUP. Specifically under §245-11 it states that there is a 2-mile search area that must be adhered to, but the applicant limited their search area to ½ mile. There is a disregard for the zoning requirement of a 2-mile search radius. The applicant also states that the area to the north would not work for them and that is interesting because direct contact was made with the owner of that property, which contains the water tower, and he has informed me that Verizon had negotiated an agreement with them to use the property for the proposed tower. However, that deal fell through because of dollars and cents, according to Mr. Green, the property owner. So the applicant found someone else that would allow them to lease their property for less and the applicant does not care that it is in everyone else's backyard. Not only has the applicant failed to meet the requirement of the 2 mile search area but there are a lot of other specific provision under §245-11 pertaining to SUP that this applicant has woefully failed, including: location of tower so not to have negative impacts on the general safety, welfare and quality of life of the residents; sideline and setback requirement in the zoning law is 1.5 times the height of the tower; falling objects addressed, Industrial drive is a busy private road with people coming in and out and the setback requirements are not met to ensure there are no injuries from falling objects off the tower; the facility is not sited on an open field or wooded area, silhouetted on the sky and this is against zoning, the proposed height is 50' or 60' above the surrounding greenery. How did the Board make a determination on the Negative Declaration without comments from the Town Planner? The Board is required to take a hard look at any environmental impacts and a negative declaration was issued without the reasons supporting the determination, and then tonight approved an updated negative declaration to include those reasons. How do you make a neg dec without seeing what the basis is for making the declaration? Members are to look at the impacts of the environmental effects of a project. Mr. Moriello, zoning and planning attorney, brought up to this board last month that SEQRA's fundamental policy is to inject environmental considerations directly into the governmental decision making. A SEQR process conducted through closed bilateral negotiations between an agency and a developer would bypass, if not eliminate, a comprehensive open way of environmentally compatible alternatives, both to the proposed action and any suggested mitigation measures. Why didn't

this Board wait until the public hearing was conducted and heard from all the residents in the area before deciding that there was no environmental impact? The ZBA public hearing is still open, this Board does not even know what it would be voting on at tonight's meeting. The height of the tower in question, the location of the tower is in question, how can the Board approve a site plan? The public hearing should not have even happened this evening until there was a determination by the ZBA. Urge the Planning Board to keep the public hearing open until the zoning board makes a ruling.

- Julie Desch, 793 Kings Highway-neighborhood property owner of the proposed site. The applicant is before the ZBA for an area variance because there is not enough of a set back from my property. The buffer that is being alluded to are my pine trees that were planted 80 years ago by my grandfather, this house has been in the family since 1940. Those trees are coming to the end of their life, many have already been removed. There is a lot of invasive poison ivy growing in that area, some has also been removed. This has opened up the property with the "greenery" being removed. In the winter/spring there will be no cover from my view of the proposed tower. This proposed use is not in line with the neighborhood and our property values will be decreased. It may be a permitted use in OLI but the intention is primarily offices, warehouses, production, processing and assembly plants that are operated within a building. This is a residential neighborhood and a tower does not belong here. I have submitted a letter with all of my points of concern. The variances that are being requested are for setbacks on two sides of the tower affecting the viewshed more extensively on those sides for adjacent neighbors.
- Eric Amerell, West Hurley Real Estate Agent for 20 years-would like to speak on future impact to the area, the installation of a tower at this location would negatively impact the area for the businesses located there in the future. This will negatively impact the property value in that area.
- Mike Crocitto, 801 Kings Highway- the proposed tower is going to basically be in my backyard. There is an item in the zoning that states "no artificial lighting can be required and the height of the tower has to be below that, which requires artificial lighting. Olsen-no artificial lighting is proposed, it is not required with the height proposed and we are not putting any on the tower. Crocitto-what about the hundreds of properties that are located between Industrial Drive and the water tower, since the water tower is not suitable? Did you lion a and disqualify all of those potential sites? A report is required that studies every single poentail site within that 2 mile radius and describes why they are not able to host a tower. Olsen-we never approached the owner of the parcel where the water tower is located, we tried to reach out but no one got back to us. I have no idea what Mr. Green is talking about. We went to Mt. Marion Firehouse first, even though it was not an appropriate district, that was our 1st choice, we were asked to move to the Industrial Drive area even though we explained that would require an increase in the height of the tower to cover the same service area. If we look at tower placement further out the tower height will go up.
- Ray Smith, 783 Kings Highway-you mention that the tower height will go up the further you go from this site, but if you move further away from residential neighborhoods, do you really think people in those areas are going to mind? It may avoid public confrontation. Olsen-again, we tried to go to the Firehouse first but it was suggested by the ZBA to move to Industrial Drive, as this is an allowed use in that zoning district, even if it would be higher. Crosby-no matter where the tower is located there will always be concerned neighbors. The tower needs to be close in proximity to Mt. Marion residential area, which needs to be served. The water tank is further away from the Ulster Service Area, the next connecting tower, pushing it further would create the need for an additional site. Olsen-looked at many different properties, approx. 28, and detailed why they were not appropriate, all were located within the OLI district.
- Robert Berg, Esq., representing Andi Turco-Levin, 51 & 54 Industrial Drive. Application fails all the criteria of the Comprehensive Plan with the proposed 159' cell tower. Discussion regarding eliminating 28 sites because they are looking to install a Category 5 tower, when the one proposed at Mt. Marion was a Category 4 tower, no analysis was given. Looking at Industrial Drive because of a suggestion from the ZBA. Graiff, ZBA specialist, suggested Industrial Dive because of an ad hoc decision. NO reasonable analysis of other locations presented within a 2-mile radius. Have not met the burden under existing

zoning requirements. On October 4, 2021 Graiff stated that he regrets suggesting Industrial Drive because of it being located in the OLI district. The tower proposed does not have to be 159' in height. It is an unfair burden to the neighbors, affecting property values and viewshed. The proposed tower will be visible to many areas around town. As a matter of law they will need a viewshed variance because of silhouette against sky. The balloon test was from last spring, with new growth. The pictures are misleading pictures of the visibility of balloons. Verizon has 5 towers in Town already, making them the monopoly. Why do they need such a big tower? Put a couple of 30'-40' towers along the Thruway. The applicant is not entitled to the SUP as a matter of law. Just to make everyone aware Tarpon Towers owns the tower and rents out the space on them. Turco-Levin-when considering a SUP I made sure the use I was proposing was permitted. The impact on the other parcels located on Industrial Drive will be negative. OLI should provide a buffer between residential and Industrial Drive. The proposed tower jeopardizes the safety of the existing homes, business, passersby and traffic.

- Quentin Conybeare, 12 Industrial Drive-if you look from Tower Drive, the tower will look even higher than it is because of the elevation difference, you are slightly lower on Tower Drive. Many others will be affected by the tower than just those notified within the 500' radius.
- Tamara Schuppin, 1221 Church Road-there was an error in the notice for this public hearing that was put in the paper and on the website by the Planning Board Secretary, was that under instruction of the applicant? Bertorelli-no, it was actually just an error that I have ensured is corrected, very sorry.

Beltrani-the Planning Board can not make any decisions until the ZAB makes a motion/decision. Post-the intent of opening the public hearing at this time was for a fact finding mission to assist us in reviewing this application and all of its components. No determinations can be made until the ZBA makes a determination. Turco-Levin-if the ZBA denies the area variances what happens to the application before the Planning Board. Beltrani-the tower placement will not be permitted. Post-this public hearing will carry over to the November meeting.

OLD BUSINESS

1. Site Plan/Lot Line Revision, Glasco Apartments, 260 Glasco Tpke., 2964 & 2966 Route 9W, Rt. 9W, 30 Belknap Ln./off Glasco Tpke. Presented by Chris LaPorta, Passero Associates. An updated site plan was received. Will serve letters to Central Hudson expected. The 45-day timeframe for response has elapsed regarding wetlands, should be authorized to move forward but will follow up. The NYSDOT permit application to be submitted this week. UCPB and Planner comments were received. Building plans with elevations to be submitted. Changing the temperature of the lighting as suggested. A pull off for ys parking will be made clearer. 8' sidewalks proposed. UCPB comments can be addressed with the current site plan, they were reviewing the initial site plan that was submitted. The updated site plan will be submitted to the UCPB for review/reference. Will provide more details on the sidewalk and landscaping as requested. The UCPB required Mary's Street as a full access to site, we would like to keep that as an emergency access so as to preserve the neighbor's privacy and stop through traffic. Revised some Stormwater Mgt. to provide additional buffering on the Mary's Street side. A Traffic Impact Study was submitted to the Planning Board with the NYSDOT permitting application. Beltrani-the Board will be hiring a consultant to review the submitted Traffic Study. Department of Public Works, not sure about jurisdiction. Why is the UCPB requesting a full movement driveway? Did the Town Engineer say anything about this? Will follow up. LaPorta-in regards to the Planner's comments, LED lighting will be reduced. A population analysis was completed by the Planner. There will be 81 one-bedroom units at \$1,000/month and 81 two-bedroom units at \$1,200/month. There will be 318 potential individuals, children between the ages of 5-17 children, creating 18 new students. The community will consist of a 25-44 year old average adult. Impacts to the community and character may not potentially impact the elementary school population. The Town Engineer review of disturbance, waste and water use. Pull off for the bus lane, is that enter - circle and then come back through? Should be located on the outward bound roadway. LaPorta-move further to the East and on the other side of the road. Beltrani-would like to make sure the children are safely getting the bus, maybe locate the school bus stop between where buildings 11 & 12 are proposed. LaPorta-will look at the different areas to see what works best for safety. Beltrani-closer to crosswalks would be better for

safety. George-if we open up Mary's Street it opens up the development for cut through traffic creating safety issues. The clubhouse is in the right place for the layout proposed.

Post-questions from the Board:

Hlavaty-none. Brady-none. Bouren-none. Tiano-there was a traffic study done in this area in 1989 and it received an "F" rating, the Glasco four corners continue to be an issue for accidents. There are already water pressure problems in the development across Glasco Tpke. with only one house built, what will the water pressure be like when all the houses are completed in that development. A concern regarding the refuse that will be created by the proposed site. Goldberg-appreciate Tiano's comments. There are still a number of items to be addressed. The items sent by the UCPB are required modifications not suggestions. Agree that we need the traffic engineer consultant to review the Traffic Study submitted. Furman-need a way to calm traffic on Mary's Street if it is required to be opened. Post-until comments are addressed a public hearing should not be scheduled. Board comments on whether to hold off on scheduling a public hearing at this time: Hlavaty-yes, Brady-yes, Bouren-yes, Tiano-yes, Goldberg-yes, Furman-yes, Post-yes. Post-should the board retain a Traffic Consultant to review the Traffic Study submitted: Hlavaty-yes, Brady-yes, Bouren-yes, Tiano-yes, Goldberg-yes, Furman-yes, Post-yes. A consultant will be contacted and retained.

4. Site Plan/SUP, Rust Free Motors, LLC, 2 Simmons Drive. Presented by Steven King and Brian Morris, owners of Rust Free Motors, LLC. King-screening and landscaping have been added. Parking and sales parking added as projected, metes and bounds shown, lighting will be downward facing and shielded. Beltrani-there are still technical issues still outstanding and defer to the Board. King-the site plan was added to a John Mullen site plan that was completed previously. Beltrani-the wooden fence needs screening details, what is being screened within. Shrubs not to scale in the same way as the parking is scaled. It is mixed, and needs consistency. Gateway Overlay requires that there be landscaping for a portion of the front yard. Spoke about functionality of site with access and egress. Parking lots screen to the maximum extent possible. Illumination and light details need to be given. The access provided from Simmons Drive only, show site circulation. Will require a public hearing. Brady-it is difficult to follow the overall plan, what would the site look like when completed? King-the screening is not translating. We have spoken to neighbors and created a storage area for unsightly items as requested by adjacent property owners. There is a greed area within the 10' setback in the front, just grass. The Highway Department has approved the entrance on Simmons Drive. Customer parking will be in the front of the building and then walk around to the back parking lot to look at cars. Lot is gravel. The bushes proposed are for screening to the neighbor on the north side. The front of the back parking lot is not inviting to enter from 9W. Morris-what can be put in that area that will not be ruined every winter by the salt and plowing? Bouren-think about a split-rail fence in the front or big boulders. Morris-good recommendations. Post-clean up the drawing a bit. Morris-can hire an engineer for the drawing. Tiano-make a suggestion to stop working so late with the doors open, creating a noise issue for neighbors. Brown-have received numerous complaints, the applicant has started screening and work on the site while they are in front of the Planning Board for review, which should not be done. Will need a building permit if the fence is to be over 6' in height. Containers need to be noted on the site plan if they are staying on-site. Beltrani-the wood fence height needs to be indicated. No work can be done at this time while in front of the planning Board. The noise is to be addressed, landscaping can act as a noise barrier.

A motion was made by Furman, seconded by Tiano, to set the public hearing for next month. Board vote: Hlavaty-Aye, Brady-Aye, Bouren-Aye, Tiano-Aye, Goldberg-Aye, Furman-Aye, Post-Aye. Motion carried.

PRE-HEARING CONFERENCE

1. Minor Subdivision, Lawrence & Melinda Herzog, 38 Snyder Lane. Presented by owner/applicant, Lawrence Herzog. The applicant is requesting to subdivide an existing 9.5-acre parcel into two parcels, one 2.5-acres with an exciting house and the second with the remaining lands to stay as an undeveloped parcel to be used for hunting. Ken Keefe is the surveyor for this project. The total frontage is 250.76' on Lot 1 w/house.

Bletrani-straight forward minor subdivision. Confirm no development proposed for remaining lands. Herzog-no proposal. The Highway Department supports the curb cut if needed. The Engineer's report submitted for waste management feasibility. Beltrani-this is an Unlisted Action under SEQR. A public hearing may be scheduled. Post-questions from the Board: none. A motion was made by Goldberg, seconded by Furman, to declare this an Unlisted Action under SEQR. Board vote: Hlavaty-Aye, Brady-Aye, Bouren-Aye, Tiano-Aye, Goldberg-Aye, Furman-Aye, Post-Aye. Motion carried. A motion was made by Brady, seconded by Tiano, to set the public hearing for the November meeting. Board vote: Hlavaty-Aye, Brady-Aye, Bouren-Aye, Tiano-Aye, Goldberg-Aye, Furman-Aye, Post-Aye. Motion carried.

ADDITIONAL ITEMS

1. Gambino Amended Resolution. There was confusion regarding the applicant's understanding of what was expected with the Private Road buildout, whether it was to be bonded or built prior to final approval. The Town Engineer proposed to file the subdivision in two phases, the first one being the two lots that do need the private road/improvements and the second to include the private road. The resolution has been amended to highlight this information to separate conditions and phases. A motion was made by Tiano, seconded by Furman, to approve the amended resolution as written by the Town Planner. Board vote: Hlavaty-Aye, Brady-Aye, Bouren-Aye, Tiano-Aye, Goldberg-Aye, Furman-Aye, Post-Aye. Motion carried

2. Winston Farm Zoning Petition NOI. The Planning Board received a "Notice of Intent to Serve as Lead Agency" for SEQR review from the Town board regarding the zoning petition before them at this time. The Planning Board has no approval authority at this moment regarding the proposed change. The applicant will come before the Planning Board prior to approval of zoning. The Planning Board agrees with the Town Board serving as Lead Agency.

ADJOURNMENT

Since there was no further business to discuss, a motion was made by Hlavaty, seconded by Tiano, to adjourn the meeting. Board vote: Furman-Aye, Goldberg-Aye, Tiano-Aye, Bouren-Aye, Brady-Aye, Post-Aye, Hlavaty-aye. Motion carried. The meeting was closed at 12:10 am.

Respectfully Submitted by,

Becky Bertorelli
Planning Board Secretary