Meeting called to order: 7:06pm

Members present: Chairman Serotta, Frank Gilbert, Barry Sloan, Ernie Damiani, Steve Denes

Also present: Dave Donovan-Attorney, Al Fusco-Engineer, Alexa Burchianti-Secretary

A motion was made to adopt the minutes from May 4, 2016. Motion made by Steve. Second by Barry. Motion carried 5-0

Next meeting of the Planning Board is scheduled for July 6, 2016

Board updates: Meeting for June 15, 2016 cancelled

**Guaneri Subdivision – 90 Day Extension**

First item on the agenda Guaneri Subdivision needs a 90 day extension still waiting for plans from MJS.

Motion made by Frank. Second by Steve. Motion carried 5-0

**Chesterdale Subdivision – 90 Day Extension**

They are in the works with health department and Highway.

Motion made by Frank. Second by Ernie. Motion carried 5-0

**Zircar Ceramics – Site Plan Review**

Karen Emmerich from Lehman & Getz for Zircar Ceramics – Warehouse expansion off Black Meadow Road. Elevation certificate was submitted.

Al Fusco letter:



You put in some overflow parking, if you so choose not to develop that, as long as everyone knows that is banked parking. Put note on the plan about the shadow parking. The bio retention area. The new roofing area needs some kind of infiltration system. Karen stated that they would like to tie into the current existing dry wells. Al would like to have them certified that they are adequate. The side yard, the addition is not required for ZBA action. The addition is conforming.

Polled board for comments or questions:

Steve: what triggered the engineer to determine the parking, why note it? Dave: it’s a determination by the building inspector and or the town engineer that the parking that is provided is insufficient for the use. So it’s not necessarily a triggering when you get to X number of cars, it’s more of now there is an overflow so the parking is insufficient so its left in some digression but it’s a digression on the towns end, from the towns engineer and or the building inspector.

Motion for Public Hearing made by Barry. Second by Steve. Carried 5-0

**Davidson Drive – Work Session**

David Niemotko for Davidson Drive proposed multifamily town houses. Southern IP District. Have made the presentation twice to the Town Board and apparently are accepting of it and asked for them to come to the Planning Board to get our opinions, and seeking approval to add multifamily to the IP district. The history that they presented to the Town Board is, the project located on Davidson Dr. in the Southern IP district, surrounded by residential. His clients have owned the property for over 12 years without any interest at all. It’s currently a 4 lot sub-division that’s been approved. And in each of the 4 lots a 10-12,000sq ft building with septic and well has already been approved 15-16 years ago. To date the owners have spent over $400,000 improving the area, putting in the road, engineering. They spent over $190,000 in taxes this year it went over 200. They are asking the board to take a look at this and see the reasonability in adding multifamily as an approved or and accepted use under this IP district alone. Unlike the northern IP zone this IP zone is surrounded by residential zones. (pulled up pictures of entrance on Davidson Drive and Upper terrane and Lower terrane) Frank: There is a power line what is the voltage? David: I don’t know but won’t be building anywhere near it. (showing pictures of the floor plan) Each building would be serviced with well and septic. They took machines out the other day unofficially did test pits for perc all along the ridge and got a range of 5-12 minute percs. Which leads him to believe with a delayed system, timed system, they would be able to accommodate 30 families.

The advantage he wants to present to the board is time, time is one of the strongest arguments. They are not here after owning the property for 6 months. It’s been over 12 years with no interest. David states it’s consistent with the comprehensive plan and quotes “hd-38” (which can’t be found in the comp plan)

We are not here to promote adverse population base. We definitely are targeting in on satisfying affordable housing. Thru senior housing or multifamily that would be limited. Each unit would be limited to 2 bedrooms; they are not big units at all they are probably a total of 1500-1800 sq. ft. for the entire townhouse. Consistent design throughout and maximize the views by orientating the bedrooms and decks accordingly. 1st fl. Kitchen, living room, dining room. Ground floor, 2 car garage, storage, and mechanical room.

David understands from Al Fusco’s letter that there are things that need to be done, however it is his understanding that from the Town Board that he is looking to the Planning Board to say “OK we are going to allow multifamily in this particular zone” and allow them to proceed with the engineering.

Al Fusco Letter:



Al: The 2nd point in my letter has substance. Have seen a lot of zoning, this is spot zoning. Not saying it isn’t a good project. It doesn’t seem we can take the IP zone at one end of town and say ok we have multiple dwellings here and the one on the other end of town say no up there you can’t have it. It doesn’t sit well with him to recommend it. It is an issue the attorneys need to look at.

The next issue is a perc test. Any information you have never saw it. Before it’s even remotely possible needs to witness a perc test. However, it goes back to the zoning, I just don’t think we can split up the zone like that in this instance. Create a new zone, there is a lot of stuff to do, but with working with the zone you have now I don’t know if it’s appropriate. That being said, the town board in conjunction with the planning board is looking to redo the entire zoning ordinance. That is going to take some time. Any input we have from board members, developers, town board, zoning board & planning board members, the building inspector. Al & Chairman Serotta are the lead on this and we have a list of things and we would add this to the list but I don’t see us being able to recommend it as requested to add it to this zone.

Dave: Let me explain process, this is an informal presentation to the planning board. Our formal roll comes in at such times when the Town Board decides to make a zoning change. They would prepare a local law, and then refer it to us for a report as required by the town code. We don’t have the authority to change the zoning. And assuming that the town board said well why don’t you go to the planning board and get there input to see if this is a good idea or a bad idea. So any input given tonight is informal based upon their “hey what do you guys think” because that is all this is right now. Our official authority is limited to official zone change has been proposed at the town board level then it comes to us for a report. Just relative to the issue is whether or not can have specific uses called out in 1 IP zone and not in another, you can’t do that. So this would have to be a different district.

David: It’s interesting because the zone allows a bed and breakfasts another residential type feel in the district. And that’s included in both IP districts. So maybe that’s another trigger that can separate the 2 districts. The Northern district is without question industrial, it’s right next to the village, it looks and feels industrial.

Polled board for comments:

Barry: Don’t know where to begin! Is this going to be marketed as senior citizen housing? David: That was one of the things we discussed with the town board. Barry: I have some things, I never heard of senior citizen housing having 3 levels. David: 55 and over Barry: Or 55 and over. I can’t see having residential going through industrial park where you have industrial buildings on both sides. Then all of a sudden you have beautiful townhouses. I can’t see having 30 families. If you had another entrance into the park for these townhouses, then I would say maybe you would want to split this property off from the industrial. And limit the industrial to what already exists. What about other parcels that could be developed as industrial.

Barry: Are these going to be rental units? David: No purchased. Fee simple.

Frank: This is an industrial zone that people have been throwing things at for 15 years and nothing is sticking. It’s beautiful scenery. And think it’s a wonderful idea.

How do you get around spot zoning? The planner would have to come up with some sort of justification, and call it a different zone. There would have to be findings why residential should be permitted in this area, why it’s a good idea. And you wouldn’t be able to call it IP obviously. It defeats the purpose of an IP it’s residential because it’s made for an industrial park. You would have to designate it to a different zone.

It’s so far off the beaten path, the road infrastructure isn’t there to service this are as an IP. And it is 5 miles away from 17.

What happens if you put up these townhouses and someone comes in and puts up more commercial buildings.

Bret Sheldon – 15 Lakeview Drive, Warwick, one of the owners. Davidson Drive goes through to Lake Station but at the end can’t be finished because its wetlands.

Ernie: I think you are packing a lot of density into that little piece of land. The front of the townhouses are facing the awning place. There is a reason why we separate industrial from residential and one of them is security. It’s not fair to these people, you are talking about families. Kids. Kids looking for a place to play now it creates a hazard. A bigger picture a lot of thought went into the zoning, a lot of time, a lot of very smart people put a lot of hard work and time into it. David: Change is hard no question about it, realize that yet time has proven a different track. Ernie: “I understand you’ve had it for 11 years and having a hard time developing or selling it I understand that but if we made an exception for everyone having a hard time selling or developing their property and change the zoning to accommodate them I don’t think that is where we want to go” David: Yes you are right that would be a flux of chaos, but we aren’t talking about a year or 2. There has been a proven track record that this are is not developing commercially. It does give pause. Ernie: And maybe its lack of infrastructure maybe it’s just not the right place but that’s not for us to decide.

Steve: I think we are trying to tackle a large problem. I would need a lot more time to think about this. I see the problem, this is not an easy fix. There are a lot of conflicting factors to waiver. David: Can put up living fence, as barrier between the buildings.

Frank: There are a lot of things wrong here. The legal aspects are the major ones. The music building has been there longer than anyone in this room. Raynor went in and built his garage door business, and that’s what prompted people to try to sub-divide and turn this into an industrial park. Which was completely unsuccessful because of the distance from any major highway. And the narrowness of the roads. I think it is an interesting idea and I think if it is possible I think we should pursue it.

Chairman Serotta: I have mixed feelings. Have been dealing with zoning since I was the zoning chair and on the comprehensive plans. And what we clearly never wanted to do was in any business zone allow residential. I’m not saying a new zone can’t be created. But I think it’s a very bad idea to allow residential in with the I or IP zone. Business zone is clearly designed to be business zones. Whether this was a bad business zone you can make a case to carve out an area. I’m not saying you can’t do that. But I think it would be a terrible idea to do that. I would vote against that. I think you would have to figure out a different route how to do this. There could be other routes. I have mixed feelings. Music sales went out and 5 minutes later we Duracell Awning. Brian Leentjes took a chance and bought property and created a generic warehouse with some restrictions and now the fabricators are going in. Pointed out the other businesses and the brewery that is possibly going in. Frank: I agree with the you on the spot zoning I don’t care for that. We see your point. We try to be as fair with an individual homeowner as we are with a developer. We don’t treat anyone any different. We feel for you.

Bret: I see what you are talking about, I understand what you are trying to say. But I had originally I was the one who got the first lot approved lot for Hudson Valley Welding. It really came down to the road access and found it wasn’t accessible enough to build my building over there. So actually I’m in Goshen and purchased on 17M and that’s the reason why I didn’t build over there it was all to do with the access, it was just to far off of Route 17 unfortunately. It’s very quiet over there. You don’t even know there are businesses over there. Hours of operation are 9-5 and can’t see the buildings really, that’s why the townhouses would not interfere with the access to driveways. To put a warehouse there is a real gamble because the way the land lays out it is a little steeper and don’t think you’d get enough surface area for yard space. That’s pretty much why I didn’t locate there.

Barry: They are showing 5 septic tanks but each unit is going to be a fee simple. Al: the road well and septic would be in common and have an HOA.

Bret: what would happen if the other property that owner that joined our property wanted to do the same thing? If the other property owner wanted to continue the same thing right through? The road ends before Lake Station because it was wet. Barry: That’s what I said if you had another access.

Chairman Serotta: I think the biggest thing is get creative and go back in front of the town board and see if somehow they can carve a slice out and re-zone the area. That’s not spot zoning. If you took some of the other parcels next to you and zone it as multifamily that takes some of the burden off of not changing the IP zone, I think that would be a mistake. We aren’t saying this is a bad idea. We are just saying you need to figure out how you could get this done.

Meeting Adjourned 8:30pm

Respectfully Submitted,

Alexa Burchianti

Planning Board Secretary