Meeting called to order: 7:05pm

Members present: Chairman Serotta, Barry Sloan, Dot Wierzbicki, Jackie Elfers, Konrad Mayer, Carl D’Antonio

Absent: Bob Conklin

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

Next meeting of the Planning Board is scheduled February 7, 2018.

**Ridgeview Estates– 90 Day Extension**

Chairman stated that they got the road bed in and some of the curbing, so obviously they will need an extension.

Motion made to grant the 90 day extension by Konrad. Second by Carl. Motion carried 6-0.

**Hudson Solar– 90 Day Extension**

Hudson solar requested an extension. They are still working on decommissioning.

Motion made to grant 90 day extension made by Barry. Second by Dot. Motion carried 6-0.

**Marciano/Byrne– Public Hearing**

Dan Yanosh engineer for the applicants. 2 existing lots with 2 existing houses on it. They received a variance from ZBA. No new properties. No new building lot. No new buildings are proposed. Mr. Byrne would only like the extra land so he can increase his yard space for gardening and animals.

Ms. Marciano ‘s current lot is 3.09 acres and will go to 1.82 acres. Mr. Byrne is currently 1.33 acres and will go to 2.6 acres.

Al Fusco was satisfied with everything that was requested from the last meeting.

Polled the board for questions. Board had no further questions.

Let the record reflect that the legal notice was printed in the Times Herald Record and the certified mailings have gone out.

Roy Zucca- 4 Stacey Lane: Only wants to know what exactly is being done. Just wants to make sure this is only a sub-division and not expanded into something else. Make sure there is no buildable lot. What about an easement.

Dave Donovan stated that if they wanted to create a buildable lot they would have to come back to this boar. He can’t say what an easement would do or not do for them, don’t know what’s behind them.

Daryl -5 Valerie Drive: Daryl stated he was approached about asking for an easement which runs along the backline. He stated he said no. And doesn’t know why they were asking for an easement.

Roy re-approached the bench. Stated the reason he asked about the easement is because he was approached this summer by the people that own surrounding property that want to build an access way across Stacey Lane and up Goosepond Mtn Rd. So the acquisition of that property would maybe allow them to break through and build an access.

Chaz Byrne: Stated he just wanted to clear the air. He is not affiliated with any other properties he is just looking for a piece of property that Marciano was not currently utilizing to give more land to his animals and gardening.

Let the record reflect no one else spoke for or against the application.

Motion to close the Public Hearing made by Dot. Second by Barry. Motion carried 6-0.

Will be put on the agenda for the February 7th meeting for possible decision and resolution.

**Barnsider/Sugar Loaf Tap House– Architectural Review**

Marco Solari new owner of the old Barnsider.

Request for the new sign for the restaurant. Sketch of sign was pulled up on the projector screen. Some replacing of siding and windows. Replacing rotted wood on the façade of the building under the windows to match existing wood siding.

Poll board for comments.

Barry: Matching the colors of the siding? Marco stated everything is going to be the same just upgraded.

Dot: Asked if the sign was going to be all filled in blue? Marco the center will be that cobalt blue color. The letters (Tap House) will be silver other lettering white. Rest of the sign brown to match the building.

Motion made to grant architectural review for the sign and improvements made to the outside of the building. Motion made by Barry. Second by Jackie. Motion carried 6-0.

**Lewis Sign– Site Plan Review**

Chris Lewis and Liz Manning . The plans that were re-submitted were the same plans as when they first appeared before the board. They are proposing the signs moved now. The sign tucked in the corner will be eliminated. There is 501 feet in between the existing electronic sign to the proposed STATIC sign. And 501 feet from the STATIC sign to the proposed digital sign. And it’s over 1000 feet from digital to digital.

Al Fusco letter 12-27-17:



Revision dates need to be put on the plans. All detail pages need to be submitted with the plan. NYS DOT permit prior to CO.

Poll Board for comments and questions:

Carl: Stated he is a little confused, thought originally when the project first came in front of us that if the sign was to move that it would no longer be grandfathered. Chairman explained that the zoning law changed that if the planning felt it benefits the Town to be in a different location that planning had the power to do that.

Jackie: Just the structure. We will see the structure of them correct? Chris: Yes, they all meet the wind load and have technical drawing on them.

Dot: Middle static board? You’re moving it? Chris: yes so they can create the spacing.

Chris will put flags out on poles to show where the boards will be placed so the board can visualize the placement.

Barry stated and questioned the amount of faces and the span between the faces if it was allowed. Chairman stated that it will be looked into and discussed for the next meeting.

Scheduled to reappear at the next meeting February 7th.

**Baroda – Site Plan Review**

Mark Siemers from Pietrzak & Pfau representing applicant. Was last before the board in May of 2016, during that meeting presented the revised layout.

Located on Black Meadow Rd. proposing 29 homes. The project area is approximately 170 acres. The property is bissected with Baird Cross Rd. There is a railroad track right of way that runs across the back of the property. Baird Cross Rd is mostly Army Corp of Engineers wetlands there is a couple of small pockets that are upland, where they propose to have the stormwater detention basins. There is a area of NYS DEC wetlands on the northern most portion of the project. There is a location is here that has a potential bog turtle habitat. To address that, there is a 300ft buffer put around the DEC Wetlands. And will go nowhere near that wetlands with the proposed development. Previously in the project they did a conventional yield plan, they did soils showing that the sewage disposal system could work. And also did profiles and graded out the roads and showed where the home sites could work. The yield plan proved that they could get 30 single family lots on the 170 acres. They then designed a cluster sub division of 29 single family lots. Located in the lower portion of the project. There is a tree line that they kept the development away from to minimize as much tree clearing as possible. The original cluster plan had a slightly different road and lot configuration. The way it was configured would require they run the road at 12% they met with Anthony LaSpina the highway superintendent and discussed the section 12% road with him. Even though 12% it is allowed by code he did not like it he requested that they keep the road at a 10% grade. That plan was presented at the May 2016 meeting. There was discussion at that meeting ultimately the planning board gave the nod to that layout and to go ahead with a full design. At that meeting the board declared intent to become Lead Agency. After that meeting they went back and designed the plan, the roadways, the grading plan, sewage disposal systems, well separations, erosion control plan, street tree plan, everything that a preliminary sub division requires. They submitted that plan with an updated application and updated full EAF. When it was submitted back the Town had already entered a moratorium. So nothing has been done since that time which was November 2016. Now the Town is out of the moratorium they have review the design and project against the zoning revisions and determined the project would not be affected by the zoning revisions that were enacted by the Town.

Tonight bringing the plan back in front of the board to re-familiarize yourselves with it. Discuss any questions on the design. To bring the board up to date, Mark stated he is currently wrapping up the SWPPP and will be utilizing the conservation/cluster design a conservation easement to meet the green infrastructure practices as well as tree plantings. And will be using the pond locations that were pointed out for peak flow stormwater mitigation and release it to the wetlands. That will be ready for the next meeting. Also tonight wanted to verify the Lead Agency notices were circulated and that the board, its been 30 days so the board should now be lead agency and wants to move the project forward towards a public hearing. Counsel Donovan stated that he would have done that it was a long time ago so he will have to check.

Chairman asked if lot #29 was originally supposed to under a conservation easement? The way it shows here there is a boundary or is this a separate lot? Mark stated that it is not a separate lot. Just the hatch is the easement area. The lot is 130+ acres. The line is just the easement line. The easement will be he believes broken up into 2 separate easements. 1 will be a forever conservation easement which will be provided to protect the bog turtle habitat. The other section will be an agricultural easement.

Chairman also pointed out the 100’ wide on the side which will be dedicated to the town because Anthony requested it so a shoulder can be put in on the side of the road on Black Meadow.

Poll Board for comments:

Barry: So this is the same plan from last year? Mark: Correct.

Konrad: There are no other buildings going into the area where the shaded area is? Chairman stated no, that’s the easement.

Chairman Serotta suggested he look at some of the visual impacts. So that the board can take a look at that too.

Al Fusco Letter 12-27-17:





Need to resupply the SHPPO. Al would like permission to meet with Anthony and Mark to go over the road specifications. There are some specs that Anthony would like changed. Some of them are fabric between the sub grade and the item #4 now. There and 12” of item #4. Also a tack coat between the binder and the top.

Also need a note on the plan that there are no trees and fences in the street scapes in the right of way. Also Al requested a little chart for the site distance on the plans.

Al stated, just so the board knows we will require and the Health Department as well, well testing so we have some well test results on the project. Mark Asked if that can be done in conjunction with the Health Department review? Al stated it could and he would re-review the language we had because he believes we require a little more than the Health Dept. he will recheck the ordinance. The OCDOH will review the sanitary and the water.

Barry: Lot 3, 14, & 15 the back yard is in the federal wetlands if he is reading this right. Lot 14 how far is the back of the house to the federal wetlands? Page 6 of 16. Mark: There is a little strip that runs. There is an indentation that the Army Corp connected. It’s not a stream but it can run if it rains I guess. The back of the house is 50ft away, which when they worked with Army Corp in the past they always requested the house be 50ft off the wetlands. It’s just a strip it’s not the whole area 50ft behind the house.

Pictures for the view shed

Barry suggested we get Alan Sorenson opinion on the project.

Polled the board to have Alan review the Plan. All agreed.

Chairman stated it is not a 239 referral. He measured that it was about 1500 feet from Kings Hwy and about 1700 feet from the Village line. Not near any park.

Motion made to set public hearing on March 7, 2018 made by Dot. Second by Jackie. Motion carried 6-0.

**Verizon Wireless – Site Plan Review**

Hyde Clark - Attorney for Young & Somer representing Verizon Wireless.

They are proposing to put antennas on top of an existing water tank next to Kings Estate. Chairman pulled up the site plan on the projection screen

Hyde stated the existing water tank is approximately 95 feet tall. They are proposing to located the antennas on top which are about 8 feet in height. So the top would be about 104 feet. In addition to the antennas within there would be an enclosed fenced compound they would put there supporting equipment. Originally they submitted a equipment platform, Verizon changed that to a concrete slab with cabinets on top of the slab with a supporting diesel generator. That generator only comes on in an emergency when they lose power. It will run once a week for about 20 to 30 minutes just as service. Because they are on existing tower facility there is already an access road. No proposed changes to the access road. There are adequate means to be able to access the fenced in compound. When they go to look and determine where a propose site should be there are 2 steps. First a search ring which was provided in the application materials. There states where they have the need for both coverage and capacity, it’s both. You have areas where you don’t have any service at all and then you areas where you have RF which is radio frequency engineer has made determination that there not sufficient capacity or that they will reach the capacity for a certain facilities. It’s been determined that they had a certain area where they do have a coverage and capacity need. First step is to see if the can co-located which is using an existing structure or an existing tower. This water tank is a little south of their search ring but when you have the opportunity to use an existing structure and not have to put in a new tower, you go to the RF Engineer and say can they provide this service by using this existing facility. And it was determined that it can meet there needs with that height and topography. They would need a few waivers that they also requested in their statement of intent. Most notably the code limits the height of a facility to 100 feet. So they would need a waiver from the planning board. The Planning Board has the ability to waive that height limitation. They would be looking for a minimal of a 4 foot waiver on that. To allow the 104 feet. In the materials they provided a full EAF, a copy of the lease agreement to be able to co-locate. The RF safety report was also submitted under tab 7. Which goes through the fact that the facility will be less than 1% of the allowable RF exposure. Noninterference report. And photo sims for visual.

Chairman asked how Verizon picks an area curious why Kings Estates. There are other areas that have zero coverage. Hyde stated that, that was there first place to go. Because they want to maximize existing facilities without having to build a new tower. So the search ring which should that was an area of need. It was identified that this tank was very close. Then there was an analysis by the RF engineer. Chairman asked is that need met by citizens writing Verizon a letter or Verizon found it in the goodness of their heart found this area. Just curious because there are areas drastic dead zones. Big dead zones. Hyde stated there are all search acquisitions first.

Simulated pictures were passed around to show what the water tower currently looks like then what it would look like with the antennas on top.

Barry asked if anyone was going to paint the water tank. It’s in terrible shape and is rusted.

Jackie: This is Verizon only? There is no one else like sprint or another provider could put on top.

Chairman stated cell tower and cell service is very highly regulated by the Federal Government. There are very strict rules even the amount of time we have to approve or disapprove something. Obviously the tower/tank needs to be painted agrees with Barry. Maybe black. Karen Arent the Landscape Engineer always said it blends better. Can that be subject to approval? Dave: Stated that he doesn’t have enough information, if you are going to say that the tank is unattractive or you don’t like the color I don’t know what the connection is to the application for the antennas. If there is some objective measure that says it doesn’t meet Health Dept. standards then it may not also relate to this gentleman’s application but it may be an issue for the owner of the water tank. Just understand you don’t get a gallon of paint and a roller, to paint a water tower is a substantial undertaking. Barry asked Counsel Donovan what happens to the phase “comprehensive plan” which includes others than just the applicant. Need to consider the whole neighborhood and the whole surrounding area. Dave stated he understands that, however you have the ability to impose reasonable conditions on your approval, but the condition you imposed has to have some connection to a legitimate objective that flows from the application.

Chairman stated that we could ask the owners if they would paint the water tower. Hyde said he would pass that request on.

Konrad asked if the antennas are attached to the tank by welding them. They will make sure the interior of the tank isn’t damaged correct? Hyde responded by stating that the design is engineered and the attachments are all looked at.

This is a 239 referral which will be sent over.

Motion made to set public hearing on March 7, 2018 at 7pm or soon thereafter, motion made by Dot. Second by Jackie Motion carried 6-0.

**Dorian DeHaan – Site Plan Review**

Karen Emmerich from Lehman & Getz representing the applicant. Proposed 3 lot sub-division. 1 existing dwelling on lot #1. 2 proposed buildings on lot 2 and 3 for mixed use. Retail space below and residential above. On Lot #2 the retail space is 1400sq. ft. with a 1400sq. ft residential apartment above. On lot #3 the retail space is 1700sq. ft and 1200sq. ft above for an apartment.

Al Fusco Letter 12-27-17:



Water line and sewer easements should be delivered for review. Show invert on sanitary manhole on lot 3. Because they are going to have mixed occupancy they may require a sprinkler. Karen stated she looked into that and they will require a sprinkler for the residential portion. Most likely the whole building will be sprinklered.

This will be a 239 action and referred to DPW as well. Public hearing would have to be set for March because there isn’t enough time.

Karen pointed out a walkway that would be impervious pavers that goes through and around both lots 2 and 3. Because they have shared parking. Chairman stated that if parking is going to be shared between lots 3 and 2 then there has to be some kind of easement.

Counsel Donovan asked the question of the plan are titled sub-division are we also doing a site plan? Karen stated that the board had wanted some more detail on the plans and originally on shown theoretical structures on the lots. There’s nothing technically proposed at this point and time. Dave stated that he doesn’t know if we want to require an easement at this stage, there maybe should be just a note that says future use of the property may require a shared parking easement. If we don’t know what is going to go there, a certain number of parking spaces is shown. They may or may not be required depending on the use that goes in there. There may be more or there may be less. Chairman stated that they did ask them to identify everything and identify where they could park on the property. Dave stated and they have done that, but I don’t know if you need to have an easement that is going to be modified is his only point. Can put a note on the plan that an easement is going to be required for shared parking.

Polled board for comments:

Barry: Why are you proposing lot 2 to be a commercial establishment when it would be a lot easier to get through this board and the community opposition because going to raise concerns for the people on Creamery Pond, sell it off get rid of it. Eliminate all your parking all your access from lot 2 to lot 3. You would eliminate your walkway, fountain with your benches, and this is out of the equation and you sell it off as residential. Seeing all the commercial property that’s in Sugar Loaf now what makes you think that you can attract a commercial tenant which is really in a residential area. You will have all these people up in arms about a commercial piece of property. When you have all the commerce you could ever ask for on Kings Hwy. Barry stated he is just throwing out that idea. Dorian stated she felt it was a good thing for Sugar Loaf. Sugar Loaf needs more activity not less.

Barry stated you have all residents across Creamery Pond. There are kids on buses getting on and off, they line up every morning cars all the way back. Dorian stated that she has been working on this for 12 years now and this is what they decided to do and if becomes a loss or can’t find an investor for it then it’s on herself not on the planning board. Barry stated they he agrees it would be on her but the board is the one who would approve the use and can’t see approving a use for that.

Dave Donovan stated that you are responding to the board’s request telling them what you want to do, how it’s going to layout, where the access is going to be and the parking going to be, at the end of the day this is a 3 lot sub-division with an existing dwelling on lot #1 and something will go on lot number 2 and 3 it may be this. Dave stated that he thinks the answer probably is if there is not a market for what is being proposed then perhaps something else will be done. Karen stated that was correct, and whoever comes in with retail operation is going to have to come to the board for site plan approval at that point and time.

This is a 239 referral and will be referred also to DPW.

Karen is requesting setting a public hearing.

Motion made to set public hearing for March 7, 2018 made by Konrad. Second by Carl. Motion carried 6-0.

Meeting adjourned.

Respectfully Submitted,

Alexa Burchianti

Planning Board Secretary