Meeting called to order: 7:08pm

Members present: Chairman Serotta, Dot Wierzbicki, Jackie Elfers, Bob Conklin, Carl D’Antonio

Absent: Konrad Mayer

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

Next meeting of the Planning Board is scheduled is October 3, 2018. There will be no September meeting.

There are no minutes to adopt tonight.

**Verizon – Discussion**

Verizon submitted a color swatch to use on the water tower. The original swatch was passed around to the board to look at it.

Polled board if everyone was ok with the color. The board unanimously agreed the color was ok. A letter will be drawn up and sent to Allyson Phillips the Counsel for Verizon to let them know.

**191 Lehigh Ave – Site Plan Review**

Amador LaPut from Fellenzer Engineering is present to represent the applicant Joel Schrieber at 191 Lehigh. Ryan Fellenzer is out of town.

Chairman brought up the Fellenzer letter 7-31-18:







This letter is responding to the questions from the last meeting and comments from Al Fusco’s letter dated 7-9-18 that was submitted and discussed also at the last meeting.

Chairman stated that it was very important that the revised plan was supposed to be submitted to Karen Arent so she could review the changes. The plan wasn’t submitted by the engineers until yesterday. Karen had no time to review and could not and did not have a report for us tonight. There has to be agreements. She will be on vacation from September 12-25th. Chairman stated he does not hold Amador responsible he has not known what has been going on, Ryan knew the meeting was coming up they didn’t just go away on a last minute notice. They send you in unprepared. This may push this out till November now. Chairman pulled up copy of the letter on the projector screen and stated to Amador that when anything comes up about landscaping or the fencing just skip it.

Amador reviewed the letter and the plan excluding anything that had to do with Landscaping and fencing. Town ROW still needs to be located so that can be surveyed prior to site plan approval. No tractor trailers backing into the driveway has been added to the note on c-101. OCDP comment was regarding outdoor storage shown and Amador stated that they are not disturbing any trees or existing trees being taken down, it is already an open area and still remain open. They feel there is no impact to any resources based on that. The habitat report also a comment from OCDP a note is placed on the plan regarding the rattlesnake movement March 3oth through October 30th note 4 on the plan. The fence has been reduced to 6ft. Comments on the separations will be part of the building department review. They have included 10 parking spaces on the right side when looking at the map and 2 additional near the entrance with a total of 12 parking spaces. The sewage odor stated was possibly from the septic field, which was tested back in September of last year no sign of failure or malfunctions which is noted on the site plan. There is a guiderail which will prevent anyone from driving over the existing leach field. Hours of operation Monday-Friday and Sunday 7am-6pm closed on Saturday. The typical equipment being stored is electrical contracting equipment. Conduit, conductors, fixtures, roll of wire. No high pile storage is proposed, they are talking 2-3 feet. Maybe a large wheel of wire maybe about 3ft high. All of that would be on the ground and nothing would be on pallets or stacked. The lighting is on it’s own sheet. The are some existing fixtures and are adding some new fixtures to bring the foot candles up to one foot candle across the parking areas and they will be off during business hours. Then there is a security light for the main entrance and for the commercial traffic that might come in and that is from dusk till dawn. The zoning district is the I zone.

Al Fusco letter 8-14-18: 

Al Fusco stated that he understands that they feel they don’t need the SHPO letter because there is minimal site disturbance; however that should be explained to SHPO. You do it on line and tell them the site has already been disturbed, it’s got a building, a parking lot, tree plantings and they take all of that into consideration. But it was part of the DEC mapper that there was archeological considerations so you should send it in to them. You should get an answer back in a week or 2. Al stated he can’t image there being any issues. What they look at is if the site has already been disturbed. Most of the comments have been adequately addressed. Al stated he left out comments regarding the landscaping and fencing for Karen. We are still requiring a survey not only for us but for the Highway Superintendent wants to know where it is.

Dot stated to Al if she wasn’t mistaken didn’t he request to see the layout of the house for the caretakers? Al stated they showed up the layout of it, but when you have a mixed use you have to have a separation of the mixed use. Like 2 layers of sheetrock for fire. The building department would deal with it. The 2nd page has the square footage. They could detail that further since they are coming back. Chairman stated are there notes of No children, No family this is for a single person only? Amador stated they have not added that yet. Bob asked if they could hold back on approval pending compliance with the building codes? Dave Donovan stated that they are not going to make the improvements without the approval. Other than fire rated sheet rock is there anything else. Al stated that it’s a system, it’s not just the sheetrock, there is an air gap in between the 2 and there are approved systems by different manufacturers. It’s the national Gypsum organization that puts that forth. Bob stated again that doesn’t answer his question, can we hold back on approval until we receive confirmation that those upgrades have been made. Dave Donovan stated, typically we allow building code to be addressed at building permit. This is obviously an odd situation. Bob, this is an existing situation that continues. Counsel stated he needs to look a little further. Chairman asked can we have them put a detail, submit, get a letter from the building inspector Jimmy Farr? Bob stated that doesn’t seem to hold water, we’ve got the old motel on 17M that is now the Jewish facility and the driveway up there was supposed to be blasted up there wider than what it is, we fought tooth and nail for that and it never happened, and that’s his concern with this. Asked Dave to sleep on it and take some time and think about it and see if we are on legal solid ground with it. If we can hold back on the approval until the improvements are made. Amador asked if there is a current violation there now. Chairman stated they don’t have a caretakers apartment so what Bob is saying is how do we know this is going to get done and how do we know it is going to be the right thing? So they changed this last minute before public hearing, so it’s allowed by code we are not saying it’s not but how do we know this is going to get done? Because as it stands right now you can’t have a caretakers apartment based on building code standard, or we don’t think so. Maybe it has fireproof ceiling or sprinklers, we don’t know. Amador stated he will be happy to add notes regarding all of this.

Jackie: Thinks that the SHPO needs to be done it’s not for you to decide, it’s part of the process. If it is as simple as Al is saying I believe it needs to be done. And the tractor trailers.

Chairman stated he spoke to Anthony regarding the tractor trailers, and they cannot ban tractor trailers from going down Lehigh Ave because that could affect other people who live on Lehigh with deliveries for anything else and that would never get accomplished he said. They can put notes saying they can’t back into the property on be on the property that we can do. Bob: How do we send tractor trailers down that road with no way out? It’s really a dead end for a tractor trailer because of low overhead bridges and stuff. So how do we deal with that and control that, because we are already telling them they can’t back in off of Lehigh. What about backing out? Chairman: Can they go down Greycourt and eventually down Craigville that way. Bob: There you got a bridge situation out there and I don’t know what the clearance is on that. Chairman: They can go up Old Mansion Rd, saw a big tractor trailer on that the other day.

Amador suggested signs no tractor trailers and can request no tractor trailer deliveries. However, but if someone were to deliver something on a tractor trailer without their permission now, what happens. Jackie stated they as business owners are in control of that, how they get there deliveries. Amador: So they request no tractor trailer deliveries but something shows up on a tractor trailer? Chairman: But they already told us they weren’t going to have no tractor trailers, and people run up and show us pictures tractor trailers doing deliveries so you want to know why everyone is a little gun shy on that, there it is. Somehow you have to come up with some kind of solution that they have to live up to. We believe them they showed us pictures.

Carl: Is there currently a weight restriction for tractor trailers? Chairman: I don’t know. Carl: is that something we can look into. Counsel: That would be a Town Board local law.

Bob: He has a concern with the Sunday operation, especially with the hours. What kind of operations are they going to be conducting? It’s not going to be office hours, it’s going to be business operations, correct? Trucks coming and going, possibly deliveries? Be careful now you’ve already been caught in one bad position, not you, but the prior meeting. Think about what you’re saying before you say it because it’s a trap. Amador: Sunday, they are typically there, any of the stored materials that are outside they would put away. So typically they use Sunday for that. Typically they don’t get deliveries, but they don’t want to restrict being able to get deliveries. Bob: So how do we satisfy the rights of your applicant with the rights of the residents, Sunday is a day of rest for them, they shouldn’t have to be living with business operations at 7:00 on a Sunday morning. How do we handle that? I’m putting that in your lap. Amador: So we would have to know what part of the business operations is a concern. Is it a noise issue? We put a noise restriction. Is it traffic of equipment being delivered? We can restrict that. You can tell us what part of business operation is the issue we can address it. Bob: I would like to hear some comments from the rest of the board on this. Counsel: Asked again what they plan on doing there on a Sunday. Amador explained again. Counsel stated does that take 11 hours? Amador: No. Bob: Why don’t we consider narrowing the hours of operation on a Sunday? I was thinking more like 10. Amador: So what I’m saying is if they are there at 7 inside the office their there during business hours, if that’s an issue I guess we will address it but what part of things happening at 7am is really an issue? Bob: I’m thinking outside noise, trucks coming in, maybe forklifts operating. If an employee or a couple of employees are going to be in working in the office on a Sunday morning I don’t think that is a big issue. But as far as stockyard work, or outside work, that should be restricted to a minimal amount of hours on a Sunday. Amador: Does the board have a suggestion for hours to restrict noise on a Sunday? Counsel: Let’s not make it up tonight, let’s give it some thought. Chairman: Do we have any code in the Town that restricts any of that? Counsel: I don’t know. Chairman: We have C & S that’s open or operating 24 hours a day 7 days a week. Bob: That’s more of a heavier Industrial Park area. Chairman: That’s an IP Zone and this is an I Zone. This is even heavier. We didn’t zone it the Town zoned it. Counsel: Why don’t we give it some thought and you speak to your client and see if we can’t reach an agreement.

Chairman: Whether you can get to Karen prior to her leaving, we are not sure if we are having a September meeting. We will have to let you know. Go back and get some of these answers to the questions and you still have to deal with Karen.

**RYIMK Management – Work Session**

Joh O’Rourke from Lanc & Tully present to represent the applicant.

This was a previously approved site plan for an office building next to Horizon Medical on 17M. It’s in a GC zone. Someone bought it. They are proposing to use it as a lumberyard. John stated that his client is purchasing the property, he went to the building department Mr. Farr looked at it and basically said that it is a permitted use, it’s a permitted site plan, he did not want to make the determination whether he can review it or if it should come in front of the planning board again. Under the code he can coordinate with the engineer as an existing site plan and he can review it and approve it himself or it can go back to this board. They are here in front of the board tonight to find out which way would the board like them to go. They received Al Fusco’s comments and they completely agree. Just a matter of whether they revise the SWPPP through his office and the building department or through this board. The applicant is proposing the building “As is” there is no physical change to the site. Lumberyard is a lot less parking requirement than the original office was. Office was one for 200 Warehouse or retail sales is one for 500. So there is plenty of room on the site as it’s laid out they would basically put some garage doors in and eliminate some parking. But again the building department didn’t want to make that call himself.

Al Fusco letter 8-14-18:

Al stated he did not have any discussions with the building department about it, he has run across this in the past. If a lot of the changes are minor he would suggest the building department and the engineer would take care of that. In the major change in the change of use, he believes it should be brought to the board. He didn’t go into detail about the SWPPP but assumed they did not get a SPEDES permit. John: Stated that they did not at the time and it was designed under the old code so yes he is aware that they would have to redo the dry basin. Al stated he wasn’t sure if it was retail or wholesale it does appear to be within the zoning unless it is considered contractors yard. Al stated John answered a question that there was not going to be outside storage? John stated that was correct. Al stated that was surprising because most lumberyard has it eventually. John: the applicant wanted to get in here as soon as possible so he wasn’t proposing outside storage. If we are to come back in front of the board for a full site plan whether re revisits that I don’t know. John told his client that if he has to go back in front of the board he might as well get everything he wants at this time. Al: I don’t have a problem with outside storage as long as there is proper screening.

Chairman stated he feels that they would have to go for site plan, you’ll have trucks, it’s a whole different bag now. Cars, tractor trailers delivering lumber and going back out delivering lumber to clients. And the storm water was all approved prior to the 2009 major changes so all of that will have to be looked at. Does the pad have to be taken down any more than it is? It’s kind of up on a hill now. Is the pad in there now perfect for what he wants? John: He was going to live with it as it is, if we go back in front of the board (which is the feeling he’s getting) he may modify that.

Bob: Strictly lumber yard? Not a hardware store, just a lumber yard arrangement? John: Basically an old fashioned lumber yard. Is he selling nails? Yes. Is he selling as much as Home Depot? No. More like an 84 Lumber. Bob: Not like and Ace hardware. Site plan required, yes.

Carl: Revised site plan…yes.

Chairman, Jackie and Dot all stated yes they feel it needs revised site plan.

**BDA Properties – Sub-Division Application**

Jim Dillin present to represent the applicant. Property is 215 Black Meadow Rd. Same site that the board approved an 8,000 sq. ft warehouse on the front portion for Eighteen-Eight Group. And the solar farm from Clean Energy Collective on the back portion of the property in 2017. Now they want to separate the 2 parts. There is an easement or ROW to get to the back portion of the property. The ROW is set up where the driveway is.

Jim Dillin stated that he is going to superimpose all of the improvements. The building is now under construction. It was sold to BDA Properties subject to the lease in the back portion. It would just suit if the solar was on its own property. Jim is proposing to do a 280A variance which is access over an existing private ROW, which they have and is in place. He would have to go to the zoning board to achieve that.

Dave Donovan stated he’s not sure he could do that, it pretty clearly says that, if access is vie right of way or easement a permit can only issue upon the towns passage of a resolution establishing an open development area. You can get a 280A variance from whether or not, you are supposed to abut a street that is either suitably improved or shown on the official map of the town. You have to have physical access. You physically have to abut that. I had to really analyze this carefully, recently up the street from you on Scotchtown Ave with that road them attempt, if you drive by there, you’ll see that the County’s stop work order, the Village’s stop work order, because the developer of that property is going over property he doesn’t own. The long and short of this is, you can’t get a 280A variance from this. You need local area development from the Town Board. If you want to reach Black Meadow by an easement. Jim stated the other thing they were entertaining is a fee strip. They could do a fee strip they just thought this would be easier. Counsel stated there may be a frontage requirement of 15 ft. we will have to take a look at that for the separate lot you made need a variance for the frontage requirement. Frontage and lot width.

There was discussion regarding flag lots. 98-9 (h) flag lots or rear lots shall only be allowed in AR-3 district. After discussion all parties decided that Jim would have to go to the Town Board for an open development area. Subject to 280A (4) of the NYS Town Law.

Chairman brought up the NYS Town Law 280A(4) up on the projector. Jim will have to petition the town board then come back to the planning board.

Chairman also stated to Jim that he submitted a plan, but you have an existing solar farm in the back, you need to get that mapped out onto the submitted plan, another question is they used a calculation for large scale solar farm for coverage, now you will be shortening this lot size down. You need to make sure it doesn’t make the solar farm non-conforming. You need to prove that the formula still works. Jim Dillin said that he does have that and he will make sure and put everything on the maps. Chairman asked if there is a reason behind why they want to sub-divide this property? Is it going to affect the PILOT agreement? Chairman would like an explanation. Jim stated he doesn’t know that much about it, he will have to find out. There’s a little homework to do.

Al stated an overlay on the map would be good.

Jim stated he will submit in September for the October 3rd meeting.

Quick board update: Chairman submitted a recommendation letter to the Town Board to fill the vacancies. Haven’t heard anything except they are going to interview everyone, so will have to wait and see.

Meeting adjourned.

Respectfully submitted,

Alexa Burchianti

Planning Board Secretary