

A regular meeting of the Town of LaGrange Planning Board was held at the LaGrange Town Hall, 120 Stringham Road on Tuesday January 19, 2010. Chairman Alan Bell called the meeting to order at 7:30 p.m. Board members Robert Straub, John Gunn, Stacy Olyha, alternate board member Kevin Donohue were present. Dennis Rosenfeld, Tony Brenner and Joe Zeidan were absent. Also present was Wanda Livigni, Administrator of Public Works, Walter Artus from Stormwater Management Consultants and Greg Bolner from Clark Patterson Lee.

Mr. Straub made a motion to accept the minutes of December 15, 2009, seconded by Mr. Gunn and the motion carried unanimously. MINUTES ACCEPTED.

PUBLIC HEARINGS:

TACONIC CROSSINGS AMENDED SITE PLAN – Proposed site plan located on Rte. 55 containing 10.5 acres (Grid No. 084940, 128948)

Ms. Kelly Libolt of Page Park Associates appeared before the board. Ms. Libolt said this is an existing facility located on Rte. 55, eastern side of the Taconic State Parkway. She said Cellular One was once there. Ms. Libolt said the existing facility consists of 97,000 sq. ft. of space, existing parking lot of approximately 279 spaces and existing access so an ingress and egress right in only off of rte. 55. The applicant is proposing to consolidate the 2 lots and together they are approximately 10 acres and both in the C-2 zoning district. She said Health Quest is relocation their corporate offices to the town of LaGrange so they have an influx of approximately 300 new jobs into the town and as a result of that they are proposing to make some site plan amendments primarily to the parking lot to add additional parking spaces for the new employees. Ms. Libolt showed the board a colored coded plan. She said they were phasing the new parking areas because the new employees were going to be phased in over 3 different periods. Initially they are proposing to add 88 spaces to the west of the existing building, which she showed the board was in the green shaded area. In addition to the spaces, they were also reconfiguring the parking in the back of the building. She said right now Paragon uses the western side of the building and they have tractor trailers coming in and out of the facility. She said it is sort of an odd set up. She said the trailers occupy many of the parking spaces in the back so they are reconfiguring the loading docks so they don't have to pull in and out of the existing parking lot so it's a little more efficient use of the space. Ms. Libolt said once they do they, it will generate approximately 54 parking spaces.

Ms. Libolt said the next phase will generate another 88 spaces and the last phase will generate another 28 spaces. All together on the site there would be a total of 449 parking spaces. As part of the plan, they are proposing to close one of the access points which is the middle access point. She said it's the location that is east of the Hooligan & Lawrence entrance and they will have a primary entrance to the east to allow vehicles and tractor trailers to come into the site and they will use the ingress/egress to the west so that people can come out of the site and make full turning movements. In addition to the proposed parking changes they are proposing a small addition in the back of the building primarily to accommodate some ancillary offices that were needed by Health Quest and

also to provide an area for the water tanks for an updated fire suppression system, which they have shown in the back on the corner. Ms. Libolt said they have shown the addition to be about a 2,000 sq. ft. footprint but they have found out that their water tanks that are proposed to put into the building are going to be slightly larger so they are contemplating adding that red area which is another 1,000 sq. ft. of space. Ms. Libolt said they need to finish their work with the fire suppression specialist and find out exactly what that size is and she anticipated at this point that it would be a 3,000 sq. ft. footprint, 2-story addition to the site plan. Ms. Libolt said in total it's a reconfiguration of the parking area, loading, closing the one entrance, adding the 3,000 sq. ft. footprint and some additional landscaping. Ms. Libolt showed the board a rendering to show what the back of the building would look like with the addition and it is a pretty seamless addition. The brown is the area that will be façade improvements, which will match the existing building as it currently exists. She said that is located to the north side of the building which is screened from Rte. 55. Ms. Libolt said that sums up what they are doing.

Mr. Bell declared the public hearing open and asked if there was anyone in the audience who wished to speak for or against the application. There was no response.

Mr. Straub made a motion to close the public hearing, seconded by Mr. Donohue and the motion carried unanimously. PUBLIC HEARING CLOSED.

Mr. Bell said the board had a comment letter from the County. Mr. Artus said both he and Mr. Bolner submitted comment letters and the applicant is in the process of addressing them.

SMITH SPECIAL USE PERMIT – Proposed Special Use Permit located on Noxon Road containing 6.107 acres (Grid No. 6459-01-138964)

Mr. & Mrs. Smith appeared before the board. Mr. Smith presented the affidavit of public hearing notice and proof of the adjoining property notifications.

Mrs. Smith said they have 2 properties, one with their house and the 2nd one to the north side. She said they are looking to fill a portion of the swale in for that building lot to potentially in the future look to see if they can build a driveway from the road. She said they have clean fill they are looking to move and fill in the swale.

Ms. Livigni said if you look at parcel access, it doesn't appear to be a separate parcel. She said it appears to be one. Ms. Livigni said this was brought to her attention and she discussed this with the applicant and they get 2 different tax bills with 2 different grid numbers. She said there may just be mis-information on the web page so she said she wanted to clarify that. Ms. Livigni said she could also confirm this with the tax office downstairs.

Mr. Bell asked if the county needed to get an updated map. Ms. Valk said they have been split into 2 lots years ago and never merged back together by way of deed. Mr. Bell said the town's tax records say it's two lots, but the county appears to think it's one.

Mr. Donohue said he plugged in the grid number in to the parcel access system to find the lot and what came up was the house lot. A .74 acre lot. The lot that this application is for is the lot that surrounds it which is 6.29 acres and different grid number. Mr. Donohue said he looked at the plan on file and they do show the fill being located on the north-west corner of the property along Noxon Road.

Mr. Bell asked if the county appeared to have both those grid numbers. Mr. Donohue replied yes. Mr. Donohue said the point being is that the advertisements were made on the house of .74 acres/

Mr. Bell declared the public hearing open and asked if there was anyone in the audience who wished to speak for or against the application. There was no comment.

Mr. Donohue made a motion to close the public hearing, seconded by Mr. Gunn and the motion carried unanimously. PUBLIC HEARING CLOSED.

Ms. Livigni said she didn't see a problem with recommending to the Planning Board approval of the Special Use Permit with 2 conditions; that the Planning Board puts in the permit that all debris larger than 6" in diameter needs to be removed as discussed with the applicant. The 2nd condition is they need to put silt fence on the down hill side until grass is installed to stabilize the fill. She said she would be happy to go out into the field and meet them.

Mr. Donohue asked Ms. Livigni if they were adopting a map and plan with this Special Use Permit. Ms. Livigni said in this case what has been submitted is adequate unless the board sees fit to do something else. Mr. Donohue said that is why he raised the questions, there are a number of things that are to appear on a site plan and the one that was submitted does show limited depth of fill, the area that it is being done in and asked procedurally if the board had to grant a waiver.

Mr. Bell asked Ms. Valk if this required a full development plan. Ms. Valk said usually each particular use will specify whether a site plan is necessary.

Mr. Donohue referred to code section 240-45 (c) which stated the applicant shall state the purpose of the site alteration and shall demonstrate through submission of a grading plan if deemed necessary by the Planning Board that the proposed filling and re-contouring will not result in erosion.....

Mr. Donohue said he didn't remember the housekeeping of the "deemed necessary". Mr. Bell said it's the site alterations he is talking about and Mr. Donohue said yes.

Ms. Livigni said her recommendation is that she thinks what they submitted is sufficient for the site with the conditions she mentioned. She said it is not a tremendous amount of fill and any negative impact would be on their own property and they have already discussed keeping the swale in for the road drainage and for something like this to go

through that much engineering work seems extensive for this. Mr. Bell asked Ms. Livigni if she was recommending the board waive the any other requirements beyond what their submitted plan has. Ms. Livigni replied yes. Mr. Donohue said his reaction is that he heard there was a house going up on the property, and that they are developing a building lot so when that comes in for a subdivision a closer look should be taken at all the fill and how it interacts with the site. Mr. Bell asked the applicant if it was their intent to turn it into one building lot. Mr. Smith said they were keeping the 2 lots. Mr. Donohue said the plan represents another lot. Mr. Bell asked the purpose of the grading. Mr. Smith said for a driveway entrance and for a front lawn area. Mr. Donohue said if they subdivide they will have to get a plan approved by the board and if they don't subdivide they can build a house on that one lot. Mr. Donohue said ultimately the fill on the lot is being placed to have a nicer front lawn so one could consider that the lot may be sold to a new resident at some point in time so the question he said he raised was are we waiving that plan for no plan at all or are we accepting that plan and he's adhering to it with that depth of fill. He said if that is his intent, that's exactly what he's going to do then we can abide by it and adopt the plan with the special use permit or just waive it.

Mr. Donohue said they are not talking a great deal of fill or impact. Mr. Bell said just to be clear, he asked Ms. Livigni if he was recommending the board accept the current plan and waive any other requirements that aren't included. Ms. Livigni said she would recommend that they accept the plan for the sole purpose of putting this fill in that location with no implication of any other approvals other than for the Special Use Permit. Mr. Bell said and if they wanted to subdivide they would have to come back in and if they wanted to build on it, they would have to get a building permit which would come with requirements to make sure it goes where it is supposed to go.

Ms. Olyha said the new driveway is going on the property that doesn't have a house on it. Mr. Bell asked Mr. Smith if that driveway was for his current house and Mrs. Smith said no, it was for the proposed house. Ms. Livigni asked if that lot was approved as a building lot. Mr. Smith said they were going through that now. Ms. Livigni said if they were to proceed with this and it was deemed to be a buildable lot, they would have to get a highway permit from Mike Kelly and a grading permit from her. Mr. Donohue said they just flushed out that there is going to be no impact and if there was, it would be caught in the next permitting process.

Ms. Olyha asked if they already went to Mike Kelly to get the driveway entrance location because what was the sense of doing all the work if it is not in the right place. Ms. Livigni said that is at their own risk if that's how they choose to proceed otherwise they have to remove the fill from the site. Mr. Smith said he already spoke to Mike Kelly and he needs a stamp on his prints from an engineer. Ms. Valk said she would have the resolution state the board is waiving the submission of a formal grading plan and that the plan submitted with the application is acceptable.

Mr. Donohue made a motion to deem the project an unlisted action and to grant a Negative Declaration pursuant to SEQR because the Board finds that the project will not have a significant adverse impact on the environment because the impacts have been

identified and suitable mitigating measures have been identified and suitable mitigating measures have been incorporated on the plans and/or in the reports. Mr. Straub seconded it and the motion carried unanimously. **NEGATIVE DECLARATION**

Mr. Donohue made a motion to grant the Special Use Permit subject to waiving the formal submission of a site plan and accepting the grading plan that has been submitted and on file and no object bigger than 6” and the silt fence installed on the down hill side of the entire disturbed area. Ms. Olyha added “and keeping the swale in for the road”. The motion was seconded by Mr. Gunn and the motion carried unanimously. **SPECIAL USE PERMIT GRANTED.**

PAGE COMMERCIAL CENTER SITE PLAN – (Taconic Center) Proposed site plan located on Rte. 55 containing 14.58 acres (Grid No. 6460-02-9609601; 957922); initial presentation

Ms. Kelly Libolt of Page Park Associates appeared before the board. Ms. Libolt said this site is east of the Taconic State Parkway. She said this is the parcel where everyone parks in for park and ride. She said they recently went through a rezoning with the Town Board and this parcel was in the C-2 zoning district and the other parcel she referred to was in a residential zoning district so they received a rezoning to C-2. Ms. Libolt said they are proposing a clustered plan for a variety of different uses. She said there is an existing wetland to the east of the site, which is a NYSDEC wetland. She said they have had the wetland delineated and Heather signed off on the plan. They have done their Stage 1 Archeological Report, stage 1a and 1b and it was sent to SHIPPO and they have accepted it. She said the board received a letter from them indicating they have received it and accepted it. She said although they are awaiting a formal request from the board under SEQR, their comments indicated there were no further archeology work required and they also believe there will not be a visual impact from the Taconic State Parkway because of the extent of the trees that are on the state property line.

Ms. Libolt said there is a significant buffer that the state owns. Ms. Libolt showed the board the property line and referred to the area that is not developable because it is the Sprout Creek or the edge of the wetland or the wetland buffer. She said the actual developable area is less than half of the actual property. Ms. Livigni said there was also an AE floodplain but they were outside of that as well. Mr. Bell said the folks who indicated that they thought this view shed is protected were whom? Ms. Libolt said she wouldn't say protected, OPRHP indicated that they do not believe there will be any visual impacts of this project on the Taconic State Parkway, based on this plan.

Ms. Libolt said this is pretty high up and then drops way down so at best they figure you would see the top of the building. She said this will be a 20,000 sq. ft. building. It's a health/wellness fitness related facility and it is the only building that they actually have discussions with the tenant on now. She said the rest of the buildings on the site they have shown schematically. Mr. Bell asked what a health wellness center meant. Mr. Bell asked if it was like Gold's Gym and not a rehab medical facility. Ms. Libolt said it was not a medical facility. Ms. Libolt said this is nothing that is cast in stone at this point.

Ms. Libolt said they designed this to use shared parking. She showed another proposed building which consisted of 5,400 sq. ft. one story, no particular tenant, and it would primarily be office. Ms. Libolt said the 2 parcels would be combined so the property line would not be there, they are waiting for the C-2 zone to be filed. She referred to another building which they envisioned to be some type of retail use and the last building she showed was a bank. She said they have had several discussions with 3 different banks and lot of what is driving this is they originally just this planned and nothing else but when they got the Health Quest announcement, they got a lot of interest on this project. She said she originally thought one of the conditions the Town Board has asked us for when they presented this to the board was to show some concepts of what the full build-out of the site would be. So they took it one step further and said it is not a concept, this is what they think they want to build. Ms. Libolt said water would be a well, sewer would be a package plant, a bio-clear system that they are preliminarily designing and they were going to start having meetings with the DOH and DEC. Stormwater at this point is proposed to have an open air detention basin and then another small little area for some of the roof discharge from the building. Access is proposed and just retained John Collins' Engineer Phil Grealy to do an amended traffic study, so they met with the town with your consultants and identified what intersections would be studied.

Ms. Libolt said they were hoping to get that traffic study in for the next board meeting and they are working on their storm water management plan. At this point she said they don't have a design conceptually for the architecture for the buildings because they are concept but they think this is the plan they want to move ahead with. She said they did meet with the town preliminarily as well as far as truck turning templates for fire and emergency vehicles and they gave everyone that plan earlier in the morning and with the exception of 3, what she would call, pretty insignificant hits on a curb that are easily fixable, the WB-40 fire truck has no problem getting complete access around all of these.

Mr. Bell said he knew Ken McLaughlin had a concern with whether the plan had taken that into account and asked if this was an updated plan based on that concern? Ms. Libolt said there were no changes. The concern he had was last week so they got the truck turning template to him this morning and they all looked at it and agreed it wasn't a problem. Mr. Bell asked if it was Ken's concern that it didn't meet it, but that it was no way for them to determine it. Ms. Livigni said their consultant proved that it did work. Ms. Livigni said she concurred with Kelly's assessment that it could be corrected with mountable curbs, there wasn't much of a conflict. Mr. Bell asked if Ken was now ready to do a zoning assessment of it. Ms. Livigni said she believed Ken was prepared to do the preliminary zoning review. Mr. Bell said it wasn't worth sending out to the consultants until it met basic zoning. Ms. Libolt said Tim Sales was in the meeting also and they talked about other fire related emergency vehicle stuff that could come up.

Ms. Livigni said they also discussed the amended traffic study, it was from the intersection of Stringham and Rte. 55, all the way down just past Velie Rd. and also the movements on and off of the Taconic and they also included the high school. Mr. Bell asked if there were any other places they were concerned about the impact on traffic. The answer was no.

Ms. Libolt went through the description of the turnaround. She said they like the feature because they think from a landscaping perspective, this could be really nice. Ms. Olyha said this is right next to the road. Mr. Gunn asked about landscaping and Ms. Libolt said the plan was very preliminary. She asked the board for suggestions. Mr. Bell said the County is going to ask for the parking be somewhere else other than on the road because that's what the greenway suggests and it is also what the code requires. Ms. Libolt said they can look at that but just recognize that you cannot get all the parking for something like this because they have a cluster development in the back, so understand they can revisit putting the buildings a little bit closer to the road.

Mr. Bell said for whatever reason, they don't seem to mind the parking on the side of the building. Mr. Bell asked about the board's reaction them being told that these are not going to be visually detrimental to the Taconic. Mr. Straub said he was concerned because the board worked on the development below this and they cut all the trees down.

Ms. Libolt said the Town Board enacted a condition to the setbacks in the area she showed the board and that it needs to be 1 ½ times the required setback. Mr. Bolner said under the current zoning they can have their parking within your setback. What this is, it is 1 ½ times the setback is dedicated for landscaping along the Taconic and along the residential and rear. Mr. Bell said his question was what the Planning Board would like to see, if anything, related to visuals from the Taconic for the site. It's great that the Town Board has settled this in their mind for the rezoning, but the board is evaluating a site plan and does the board want to see renderings.

Mr. Bell said his inclination is to think what they want to see it from, is from the southbound lane to the Taconic and added he didn't personally care whether people looking out the back of their car can see this driving north on the Taconic.

The board discussed from what angle they wished to see the rendering. Mr. Donohue offered his opinion by saying those that speed through LaGrange on the Parkway are not really looking at the buildings, most of the people coming through are not the residents. He said the parkway doesn't care about LaGrange.

The board continued to discuss the angles and view points at which they wished to see renderings. Mr. Donohue said when the parkway was built they are the ones that changed the elevations and raised that road over the existing landscape. Mr. Bell asked why he would need to remember that. Mr. Donohue said he wants to make sure everybody is agreeing to this view shed from the parkway. He said he was looking for other members to say what they are thinking. Mr. Bolner said the Town Board conditioned the rezoning on providing this to the satisfaction of the Planning Board. Mr. Bolner said the conditioned zoning did recognize by the Town Board that they did want to see screening for the view shed from the Taconic to the satisfaction of the board. Mr. Bell asked if they conditioned the rezoning on this specific plan. Mr. Bolner replied yes. Mr. Bolner said not to that specific plan, but to the Planning Board. The only conditions they applied were that the Town Board did want to see screening and they did want that

to be addressed to the satisfaction of the board, but that was one of the things, that a traffic study did need to be done. Mr. Donohue said OPRHP doesn't care. They say the features in place are ok with them and he said he looks at the board's role as we are trying to protect the LaGrange residents and he said he put more emphasis on Rte. 55 than he would the parkway. Ms. Olyha said they haven't gotten to Rte. 55 yet, they were only talking about the parkway.

Mr. Bell said he was operating on the assumption that they would see elevations from all of Rte. 55, coming toward the site and away from the site. Ms. Libolt said if you are going east on Rte. 55 you are not going to see anything until you are there. She said in her mind that was a moot effort. Mr. Bell asked the board if they agreed with that and Ms. Olyha replied no. She said she would see the site as soon as she hit the area. Mr. Bell said if you are coming east from the high school you are not going to see it until you are under the bridge. The board and Ms. Libolt continued to discuss the different angles they wanted to see the elevations. Ms. Libolt said they were talking about 3 different renderings within a couple hundred feet of the site. She said they are very expensive for them to do and added they would be getting the affect by putting it at the main intersection when you are coming into the site.

Mr. Donohue said the landscaping on the plan doesn't reflect what is existing at the site because on the on ramp there is a number of trees along on their property and that as you cross the bridge you are going to be in front of the site before you see it. Mr. Donohue said the board could recommend they come back with a landscape plan and then they could ask for renderings from that landscape plan. Mr. Donohue said he remembers the former building on that site.

Further discussion on what the board wanted to see took place. Ms. Olyha said she wanted to know where the trees were, whether they are on their side or the parkway's side. Ms. Libolt asked which trees. Ms. Olyha said the trees along that side. Ms. Libolt said she would provide an aerial photograph with the property on it so the board could see. Ms. Libolt said that was a legitimate request and added she could say with certainty that they are on the Taconic Parkway side. Ms. Olyha said Page said they planted a lot of the trees. Ms. Libolt disagreed, and added they were all pine trees planted by the Taconic. Mr. Bolner said in the conditioned zoning the Town Board gave the disgression to the Planning Board to require additional screening along the Taconic.

Ms. Livigni said what would be helpful is the aerial that shows the trees that are already on the Taconic. She said it's more than you think.

Mr. Bell asked Ms. Libolt if it was her feeling that the view from the direction he referred to would just show trees. Ms. Libolt said yes. Ms. Libolt said the Town Board didn't have an opinion one way or the other. She said it was OPRHP that said they didn't feel there would be a visual impact. Mr. Bolner said the Town Board was of the opinion that if the trees are on the Taconic State Parkway's property, they can cut them down, therefore an additional area was accounted for on the property to allow for dense screening to the satisfaction of the Planning Board. He said the Town Board did try and

recognize that it is a concern to the Town Board and that to give the Planning Board additional authority beyond the current code because that is not currently in the code to give the Planning Board additional setback area to provide additional screening to the Planning Board.

Ms. Libolt said they would do 3 renderings, 2 on the Taconic and 1 in front of the site. Mr. Bell said he would have to give some thought as to whether if the folks who are responsible for the Taconic thought it was ok to cut down the screening, whether he ought to care. He said the board would discuss that when the time comes. Ms. Libolt asked Mr. Bell if he was suggesting they not do a rendering from that location. Mr. Bell replied no. Mr. Bell said what he is saying is the discussion about whether they need to have further screening in there in case the state decided to cut down all those trees. He said he is not sure how he should feel about that. He said it seemed to him that they should care more about that than the board does. Ms. Libolt added that they don't

Ms. Olyha said lower down they are cutting them down because they are trying to get the deer back away from the road. Ms. Olyha asked where Velie Rd. was from there on the map. Mr. Bell said it was on the other side of Sprout Creek and the 2 wetlands. Ms. Olyha asked what the bent out parcel was, if it was Red Wing's trails. Ms. Libolt pointed out the trails. Mr. Donohue said the trails are east of the creek bed and west of Velie.

Ms. Livigni asked if there was going to be renderings done, was the Planning Board directing the applicant to move those buildings to the front. Mr. Bell said they shouldn't do the renderings until the plan is more firm than it is. Mr. Bell said they don't want to ask them to do the renderings more than once. Mr. Straub said the aerial views may show enough before they get into renderings.

Mr. Bell said if he could be convinced that all the rendering is going to show is a bunch of trees, he didn't need to see a rendering of a bunch of trees. Mr. Donohue said maybe a photograph from the top of the hill. Mr. Bell said they could fly balloons that are the size of the buildings and added he was not joking. Mr. Gunn said the board got one of those before where they put the building in and they CGI'd it into the aerial photo. Ms. Libolt said it is somewhat antiquated, more of the updated 3D autocad, you can actually put the model of the building in there and place it on the autocad on the site plan and actually generate the rendering so it's a more factual representation. She said that's what they generally do now. Mr. Bell asked Mr. Artus if he had seen this yet. Ms. Livigni said it came to the Planning Board first.

The Planning Board set an escrow for \$3,000 and the applicant agreed.

LAGRANGE PHYSICAL THERAPY – Proposed site plan located on Freedom Plains Road containing 1.09 acres (Grid No. 6360-02-626880); consideration of site plan approval

Mr. John Burke and Mr. Fred DeBernardo appeared before the board. Mr. Burke said they had DOH approval. Mr. Bell asked if there was any outstanding issue. Ms. Livigni

said the only change the board wanted was the fence to be located. Mr. Burke said he brought in the updated plans and Ms. Livigni agreed.

The board said everything looked ready for an approval. Mr. Artus recommended the Planning Board issue a Special Use Permit.

Mr. Donohue made a motion to grant a Special Use Permit, seconded by Mr. Straub and the motion carried unanimously. SPECIAL USE PERMIT.

Mr. Straub made a motion to grant site plan approval, seconded by Mr. Gunn and the motion carried unanimously. SITE PLAN APPROVAL.

BROTHERS COMMUNICATIONS CELL TOWER AND SPECIAL USE PERMIT – Proposed site plan and Special Use Permit located on Sedgwick Road ; consideration of SEQR determination, site plan approval and Special Use Permit.

Mr. Frank Redl appeared before the board. Mr. Bell asked Ms. Valk about a document she reviewed. She said the second paragraph explains there is a particular form with the FCC that they have to be involved with licensing. As a general conditional all FCC regulations and approvals must be complied with.

Ms. Valk said she had extra copies of the resolution she e-mailed out. Mr. Bell asked about the original variance. He said it was granted based on a request to consolidate all the existing antennae on the pole and asked Mr. Redl if that was still their intent. Mr. Redl replied yes and added there were at least 7. Mr. Bell said in the board's packets there were Negative Declaration documents and other documents for the Ridgeline and Special Permit for a telecommunications tower and site plan approval.

Mr. Bell asked if the board had any concerns. Ms. Olyha said the only thing they didn't have last time was the RF emission report. Mr. Artus said that was submitted. Mr. Bell said the response to the public hearing comments were also submitted.

Mr. Straub made a motion to deem the project an unlisted action and to grant a Negative Declaration pursuant to SEQR because the Board finds that the project will not have a significant adverse impact on the environment because the impacts have been identified and suitable mitigating measures have been identified and suitable mitigating measures have been incorporated on the plans and/or in the reports. Mr. Gunn seconded it and the motion carried unanimously. NEGATIVE DECLARATION

Mr. Straub made a motion to grant a Special Use Permit, seconded by Mr. Donohue and the motion carried unanimously. SPECIAL USE PERMIT.

Mr. Donohue made a motion to grant a special use permit for a telecommunications tower, seconded by Mr. Straub and the motion carried unanimously. SPECIAL USE PERMIT.

Mr. Donohue made a motion to grant site plan approval. Mr. Donohue amended the motion to carry the FCC regulations approval and payment of outstanding fees. The motion was seconded by Mr. Gunn and carried unanimously. **SITE PLAN APPROVAL.**

BILLINGS WEST LOT LINE REALIGNMENT – Proposed Lot Line Realignment located on Rte. 82 containing 173.41 acres (Grid No. 6561-04-643134; 8353400); circulate for lead agency.

Mr. Jason Morris appeared before the board. Mr. Bell said the board discussed this last month and the board received a memo from the Building Inspector rescinding the requirement. Mr. Artus said if the Building Inspector rescinded his initial comment regarding this project being in the ridgeline, there would be no need to circulate for Lead Agency. Ms. Valk this project was no longer considered a type I action so circulating for Lead Agency would not be necessary. Ms. Valk said because there were no improvements, it no longer came under the Ridgeline requirements.

The board set the public hearing for February 16, 2010.

FAWN HOLLOW AMENDED SITE PLAN AND SPECIAL USE PERMIT – Proposed site plan located on Freedom Plains Road containing 2 acres (Grid No. 6360-02-655845); update/discussion.

Mr. Jason Morris appeared before the board. Mr. Morris said the Planning Board saw this project approximately 2 years ago and since then it's been revised slightly to include a new entrance and exit off Hillview Drive. He said this project is Black Electric and they are proposing to add a 2nd floor with an additional 5,000 sq. ft. of office to the existing building and also to add a poll barn in the rear, additional parking to the east and eliminate one of the redundant entrance/exits. Mr. Straub asked what the impervious percentage of coverage. Mr. Morris replied 40%, the building was 30%. Mr. Artus requested to meet with Wanda and the consultants a few months ago and they understood they haven't been back in 2 ½ years or so and they are starting from scratch. He said this project is in Ridgeline and they realize there has to be a new public hearing. Ms. Livigni said the applicant needed some clarification because the last time they were before the board there was no clear direction.

Mr. Morris said in Mr. Artus' letter he outlines the requirement for a visual analysis. He said they prepared architectural elevations for the proposed building and they were looking for some input if elevations would be adequate or if the board was looking for something more in terms of the visual analysis. Mr. Bell asked if the elevations were from Rte. 55 and Mr. Morris said they were from all directions of the proposed building. He said this was not new.

Mr. Bell said if at the public hearing there were people who were concerned about what it was going to look like from various people's houses. This is another one of these where there is a mix of commercial and residential right next to each other so the question is what are the people who live near going to see. Mr. Bell asked if they would

be using the upper floor or leasing it out. Mr. Morris said he believed leasing it out. Mr. Bell asked the purpose of the poll barn. Mr. Morris replied storage of equipment and vehicles. Mr. Bell asked where they now. Mr. Gunn said they were outside on the property.

Mr. Donohue asked if there was an area of outdoor storage proposed on the plan. Mr. Morris said it was the poll barn. Mr. Donohue asked about outdoor storage. Mr. Morris said there would be none. Mr. Bell said the applicant would have to give some kind of indication what this would look like from people's yards. Mr. Donohue said elevations.

Ms. Olyha said maybe some pictures from the property line. Mr. Bell said there is a fair amount of screening. Mr. Bell said the neighbors were concerned before without the poll barn. Mr. Donohue asked how tall the poll barn was. Mr. Morris replied 1 story, about 20 feet. Mr. Morris said he would get elevations for the poll barn as well. Mr. Donohue said if the poll barn looked like a poll barn, like a farm building, it would be more pleasing than it looking like a steel building. Mr. Donohue asked if it would be heated. Mr. Morris said he didn't believe so.

The Board agreed building elevations would be good. Mr. Donohue asked if they use the same elevations in the construction drawings. Mr. Morris replied yes. Mr. Donohue said that is what he envisioned, that the drawings they would show the board would be the drawings that would be incorporated in the construction drawings. Mr. Donohue said sometimes when you do the photographs, it does make it look nice, but you have to take that into a construction drawing to actually produce it on site and he did find some difficulty in his past experience with it being exact to the satisfaction of the neighbors.

Ms. Olyha asked why the poll barn was so far away from the other building. Mr. Morris said there was a meeting and that is where the planning board wanted the barn. Mr. Bell said he didn't remember this being on the plan the last time they were before the board. Mr. Morris said the barn is new. Ms. Livigni said she thought it had something to do with the topography because it went up hill from there. Mr. Bell said it wasn't flat there.

Mr. Donohue said maybe the applicant can supply the board with a comment on why it is located there. Mr. Bell said he felt the farther away from the people it would be, the better off they would be.

Mr. Morris referred to Mr. Artus' comment regarding Indiana Bats. He said they got a hit from the National Heritage Foundation for Indiana Bats and asked the Planning Board if they wanted them to prepare a Habitat Assessment. Ms. Olyha asked where the hit was because if it was town center, it could be. She said there are known Indiana Bats there. Mr. Donohue asked the date of the report. Mr. Morris replied February '07. Mr. Donohue said it didn't sound definitive enough for a study.

The board agreed a Habitat Assessment would not be necessary.

Mr. Gunn made a motion to circulate for Lead Agency, seconded by Mr. Straub and the motion carried unanimously. The board suggested Mr. Morris come back in February with an explanation of why the poll barn was placed where it was.

WRIGHT FARM SUBDIVISION - was not discussed.

ROLLING MEADOWS SUBDIVISION RE : PHASING

Ms. Livigni said on November 24, 2009 the Planning Board sent a memo to the Town Board requesting their recommendation for the phasing of the Rolling Meadows Subdivision, as per the local law. Mr. Bell said the board got a note back from the Town Board in response to the board's request for comments regarding the phasing. It's a rather lengthy one. Most of it is simply quoting our law and the bottom line is what they are saying is there are some outstanding issues which would prevent them from writing us and saying they have no concerns with the phasing and so his recommendation is that the board take into account the concerns the Town Board has outlined, all of which are in the works and being worked on between Wanda, VanDeWater and the applicant. When those issues are resolved to the satisfaction of the town, they will come back and tell us so.

Ms. Valk said it was her understanding that the Town Board is concerned to make sure these issues are resolved before the Planning Board issues any approval as they go hand in hand. She said there was a meeting in the next few days.

Mr. Bell said all of the issues outlined are directly in the code and were issues that the Planning Board was discussing anyway. He said the Town Board didn't highlight anything that the Planning Board hadn't thought of. Ms. Valk said the resolution of the sewer issue, she thought, the ball hadn't started running yet. Mr. Bell said the board knew it was an issue that needed to be resolved before they could vote on it. Ms. Valk said she thought this referral put that back into the Town Board's hands. Mr. Bell said the process for this is when somebody comes in for phasing, the town law requires the board to send a note to the Town Board asked for their comments. He said he believed they had 45 days to respond. These issues were not going to get resolved in 45 days and so they sent the board a note back saying that they cannot tell the Planning Board that they object to it and they can't come back and tell the Planning Board that it is ok because these issues are outstanding and our recommendation is that you keep an eye on them and make sure they are resolved properly before granting approval.

Ms. Livigni said the board didn't need to get those issues resolved and then ask for their recommendation again. Ms. Valk said the board doesn't need to get the Town Board's recommendation again and also she believed the Planning Board would be informed of the Town Board because likely there will be communication when these issues are getting resolved. She said that's her guess on how the future will go, for example when the Manchester District, if that is how that particular administrative agency is going to be formed, she could see that notice would be going to the Planning Board to advise that this particular matter has been handled.

Mr. Bolner said it was his recollection that the Town Board basically said we agree conditioned upon the fact that you pointed out all that stuff. Mr. Bell said the Town Board doesn't get to give the Planning Board any conditions under which they act at all, they are an advisory group. The code requires that we send them a letter and ask for their thoughts. They don't get to tell the board under what conditions they can approve the application.

Mr. Bell said this is similar to the county and when send us comment letters and quote the town code and recommend we follow it. Ms. Valk said it is a little different because the town board has to approve the formation of these entities so there's a different dynamic, so they are advising you.

Mr. Donohue said the minutes of the town board meeting should be attached to that document for our file. He said he concurred with Greg. Ron Blass had total control of what was happening. He was on top of it and knew this district has to be established, and fees collected and the board said ok. Mr. Gunn added with commentary. Mr. Bell asked the reason the Planning Board needs all that rather than waiting for Wanda and Rebecca telling the board that everything is settled is why? Ms Livigni addressed Mr. Donohue and commented that it was not concrete because she just had a meeting with Ron, Greg and herself about which district and she said the bottom line is the Planning Board, as in all cases will follow the code and once there is an agreement in place and approved by the Town Board, then the Planning Board can take action. Ms. Livigni said regardless of what district it was or how much money it costs, all the requirement says is that the sewer district has to be placed on the parcel.

Ms. Valk said she didn't think that particular concern is that the developer's position in a February 20th letter was very contrary to the local code and VanDeWater is not in tune with any conversations that have occurred since then. She said it was Mr. Blass's position to make sure that Mr. Gueron understands if he wants to be phasing, he's also taking on these obligations. Mr. Bell said in general terms all this was things they have discussed multiple times during the review. Mr. Bell said the phasing requires that infrastructure improvements be done up front or as needed in the phases. In the case of the stormwater management, that probably means that each phase can stand on its own because the system isn't being designed to handle storm water from any place else in the town, but in the case of the sewer and water, it is dependent on other areas of the town, so it can't be done in pieces it needs to be done upfront.

Ms. Valk said the purpose of the referral is to make sure the Planning Board is aware, in this particular project, which is now laid out as phase 4, is a connector that will eventually help serve town center for water. Ms. Livigni said the last time Rolling Meadows was in here Mr. Gueron made the comment that the water would be put in phase I and anything else Wanda wanted and the sewer too. Mr. Bell said the sewer and water solutions have to be put in place for phase I or phase I houses aren't going to have water or sewer.

Ms. Valk said she didn't think anything in this communication has anything to do about whose jurisdiction and who's happy and who's what, it's about communicating between the boards and that is the point she was trying to reflect. Mr. Bell said he agreed.

Mr. Bell asked the board if they picked up their FEIS for Daley Farm and asked Ms. Valk the schedule for it. Ms. Valk responded she believed it was a 30-day period. Mr. Bell asked if they could then ask for an extension. Ms. Valk said they had their public hearing in May and she didn't think they were going to give significant push back to the board needing an extension of time. She said she received a call from their attorney and didn't have a chance to return the call to ask to discuss some specific issues with her regarding it. She said the feeling from Mr. Blass is there may be some concerns at the Town Board level regarding some other issues she was not privy to.

Ms. Valk said she will get herself briefed better and report back to the board. Ms. Livigni said her understanding from the Town Board level is that if the PDD has been approved by the Town Board and if public benefit has been determined. Mr. Bell said they wouldn't be acting to either approve or deny the PDD until the Planning Board is done approving the FEIS. Ms. Valk said she thought their question was whether or not the public benefit to be sought by the PDD is provided. Mr. Bell said if they don't wait for the Planning Board to do that, then SEQR wouldn't be done and they would be violating state law. Ms. Livigni said public benefit is discussed in the FEIS. Mr. Bell said the Planning Board has to finalize the FEIS before the Town Board can do anything. Ms. Valk said if the public benefit issue is going to somehow be modified that may need to be addressed in the FEIS.

Ms. Valk said the Town Board is looking at the site plan and what the developer is offering as the public benefit because to get that PDD zoning designation from the Town Board you have to offer a public benefit. On the Town Board level, she believed there was concern as to whether or not they are receiving a public benefit in the nature of the way the code provides.

Mr. Bell said that negation needs to take place so whatever is agreed to is in the FEIS. Ms. Valk said yes. Mr. Artus said they had no cover letter. Mr. Bell said just to be clear, was somebody from the Town Board going to look at this and give the Planning Board some sort of comments. Ms. Valk said it was her understanding that the consultants have been asked to weigh in for the Town Board. She said consultants meaning her office. She also said Wanda is included in her meaning of consultants.

Mr. Bell asked the board for a time frame to get comments back to him. The board agreed by the next meeting. Mr. Bell told the board if they were going to have a problem getting comments back to him by the next meeting, to let him know so he could request an extension from the applicant.

Mr. Bell said he was not planning on doing anything at the next board meeting. He was just asking for comments to be ready for the meeting. He said the board could e-mail them to him and/or print them out.

Mr. Bell and the board agreed that the members would send their comments to him and he would collect them.

The board discussed the issue of schooling and asked the board if they completed their required 4 hour training.

Mr. Gunn made a motion to adjourn the meeting at 9:15 p.m., seconded by Mr. Straub and the motion carried unanimously. MEETING ADJOURNED

Respectfully submitted,

Eileen Mang
Planning Board Chairman