

A regular meeting of the Town of LaGrange Planning Board was held at the LaGrange Town Hall, 120 Stringham Road on Tuesday February 16, 2010. Chairman Alan Bell called the meeting to order at 7:30 p.m. Board members Robert Straub, Dennis Rosenfeld, John Gunn were present. Tony Brenner, Joe Zeidan and Stacy Olyha were absent. Also present was Kevin Donohue, alternate board member, Wanda Livigni, Administrator of Public Works, Walter Artus from Storm water Management Consultants, Greg Bolner from Clark Patterson Lee and Rebecca Valk from VanDeWater & VanDeWater.

Mr. Bell said Mr. Donohue e-mailed a typo correction to Eileen and he asked if any other board member had any corrections. Mr. Gunn made a motion to accept the minutes of January 19, 2010, seconded by Mr. Straub and the motion carried unanimously. MINUTES ACCEPTED.

**PUBLIC HEARINGS:**

**BILLINGS WEST LOT LINE REALIGNMENT** – Proposed lot line  
Realignment located on Rte. 82 containing 173.41 acres (Grid No. 6561-04-643134;  
835340)

Mr. Paul Doherty gave a description to the board regarding this project. He referred to the small gray area on the map that is a 3-lot piece of property that they are splitting off and it is being attached to Ritchie Ryan's piece of property, which he pointed to.

Mr. Bell declared the public hearing open for public comment 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. Gunn and the motion carried unanimously. PUBLIC HEARING CLOSED.

Ms. Livigni said this was cleared by the Zoning Office so the project was ready for approvals.

Mr. Donohue made a motion to deem the project 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 preliminary subdivision approval, seconded by Mr. Gunn and the motion carried unanimously. PRELIMINARY SUBDIVISION APPROVAL.

Mr. Gunn made a motion to grant final subdivision approval conditioned on the payment of all fees, seconded by Mr. Straub and the motion carried unanimously. FINAL SUBDIVISION APPROVAL.

**REQUEST FOR TIME EXTENSIONS:**

**ROLLING MEADOWS SUBDIVISION.** – Mr. Straub made a motion to grant a 90-day extension from re-approval of final subdivision approval, seconded by Mr. Donohue and the motion carried unanimously. 90- DAY EXTENSION

**WHISPERING PINES** – Mr. Gunn made a motion to grant a 90-day extension from re-approval of final subdivision approval, seconded by Mr. Straub and the motion carried unanimously. 90-DAY EXTENSION

Ms. Valk said she recommended something a little different with the 3<sup>rd</sup> upcoming extension because there has been some outstanding escrow pending since the re-approval was given 6 months ago. Ms. Valk asked the board consider making the 90-day extension conditioned upon replenishing the escrow within a reasonable time.

Mr. Straub made a motion to grant a 90-day extension from re-approval of final subdivision approval, conditioned on the replenishment of the escrow no later than February 26, 2010. The motion was seconded by Mr. Gunn and carried unanimously. 90-DAY EXTENSION.

**OTHER BUSINESS:**

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

Mr. Bell said the Planning Board had comment letters in their packets from CPL and SMC. Ms. Kelly Libolt was present. She said last month the public hearing for this Project was opened and closed. She said they received the comment letter from CPL and there was a subsequent submission with respect to the SWPPP that was provided after the last meeting and the applicant has reviewed that which she said was represented in the current comment letter they received. Ms. Libolt said she did not make a significant submission between the last meeting and this meeting because there are some paperwork issues needing discussion, with respect to requirements or recommendations that are in the code, particularly with parking and lighting and landscaping. She was hoping to go through those items to get some clarification from the board as to what is required and then between now and the next meeting, she would make another submission.

Mr. Bolner said a couple of the items go with the landscaping interior to the parking lots with regard to the C-1, C-2 zoning code or in the parking requirements under 240-39 (h) 2B-3, it indicates for parking lots larger than 20,000 sq. ft. a minimum of 10% of the interior parking lot area should be landscaped with trees, indicating that the large parking lot in the rear would have to have 10% curbed landscaped area within side the parking

perimeter. Similarly in the parking requirements under 240-42 e it also states for parking lots with 25 or more spaces, that you have to have 15% curbed and landscaped area. Mr. Bolner said he believed there could be a discrepancy in the code. Ms. Libolt in paragraph b there is actually a reference in the code that 240-42 b under existing structures and uses, structures and land uses in existence for which building permits have been approved at the time of the adoption of this chapter shall not be subject to the parking and loading space requirements of this chapter. She said it would be her understanding that those particular requirements would be waived because this is an existing facility.

Mr. Bell said he would probably defer this to the Zoning Administrator or Attorney, but the way he read it was it was basically a grandfather clause which means they are not planning on inflicting this on existing structures, but if you come in for an amended plan, you need to adhere to all the zoning requirements. Mr. Bell said Ms. Libolt's contention is that none of that would apply. Ms. Libolt said yes. Mr. Bell said the board has the power to waive it and at a minimum it was his inclination to waive requirements for landscaping in the back lot where no body would see it. The board had no objections.

His inclination would also be to waive that requirement for any existing parking lots. Mr. Bell said existing parking lots, especially the one in the back, given that this is a parking constrained environment, taking spots and putting up trees behind the building strikes me as really silly. Mr. Bell said he didn't see the value in that at all. Mr. Bell asked about the phasing and the colors. Ms. Libolt said the green was phase 1, and that is where the item 4 is. She said the orange reflects phase II, which is yet to be built and that incorporates the enclosure of the entrance and added that it was actually an egress and purple is phase III which is in April, 2011. Mr. Gunn asked about the triangle to the east, and asked if they could spruce the foliage up there. Ms. Libolt said they would be more inclined to provide more landscaping along Rte. 55 than have to take away parking spaces. One of the reasons they are before the board for this project is because they are short of parking spaces so every space they have to take away with a tree means they have to find parking somewhere else. Mr. Gunn said he was referring to a different location he referred to on the map. Ms. Libolt said right now she thought it was concrete. She said the value of adding landscaping is from Rte. 55 and screening the area.

Mr. Bell said he liked the trade off of putting the landscape in the front where people will see it. Ms. Livigni said there is something growing in that triangle. Ms. Libolt said there is something in there but there are stones, so it's not all concrete. She said what John is talking about is not taking away parking spaces but try and enhance that. Ms. Libolt agreed. Ms. Libolt said she provided the board with a landscaping plan which was pretty significant along Rte. 55 and added they are trying to tie in some of the same trees. She said she thought the town's zoning enforcement officer likes a certain particular tree so they are trying to carry that all the way through down and enhance the front of the site. Mr. Gunn asked what tree would that be. Ms. Libolt replied the Bradford Pears. Ms. Libolt said they would like to try and continue to enhance this and added she provided the board with a landscape plan and said they were asking to try and keep as many parking spaces as they can.

Mr. Bell said what Ms. Libolt is requesting is the board waive the formal percentage landscape requirements for the parking lots and instead use the landscape plan to determine whether the overall plan meets the board's satisfaction. Ms. Libolt replied yes. She said there were 3 of the board's comments – the 10%, the 25 or more and then one per 6 parking spaces. Mr. Bolner said correct. He said there's one tree for every 6 parking spaces on the interior area of the parking area, so those were 4 items within the parking requirements that he felt important that the board specifically waives. Mr. Bell said there is 3 separate guidelines for landscaping in a parking area with different percentages and different measures. Mr. Bolner said the percentage of landscaping is established and then it goes on further to say that within that specific landscaping, that it be 1 tree for every 6 parking spaces. Mr. Bell added so that has to do with placement and Mr. Bolner replied correct.

Mr. Bolner said there was another comment to dress up the paving by having some architectural feature, walkway or other type of feature so it's not just one open asphalt area. Ms. Libolt said they are redefining the entrance for the employees in the back, so in the back they want to have stamped pavement or some sort of pavement. She said if they were to put in pavers, that would mean they would have to soft cut and take all that pavement out and put pavers in, so they were hoping to that in the back and do something similar on the side. Ms. Libolt said the employee entrance was re-located to the area she referred to. She showed the board where Paragon parking would be, the back would be for employees of Healthquest and the DRA parking as well as some residual Healthquest. She said it is not defined but it's an assumed agreement where everybody would park.

Mr. Bolner said his comment was purely discretionary to the Planning Board and added he wanted to bring it to the board's attention early in the process so they can either say yes they want it no. Mr. Bell asked Ms. Libolt if he heard she was going to do some of it. Ms. Libolt said they were doing stamped pavement and asked Mr. Bolner if LaGrange has used stamped pavement. Mr. Bolner said he was not aware of it. Ms. Libolt said the Town of Poughkeepsie does it everywhere now.

Ms. Libolt used Red Robin and CVS as an example of the pavement. She said it is stamped so it looks like pavers so when it is put in, there is a press put on top of it and then colored. Ms. Libolt said it is asphalt that looks like stones.

Mr. Bell asked if the intent in the section of the code for appearance. Mr. Bolner replied yes. Mr. Bolner said this paving would be used to define walkways, instead of just striping it and gives people definition as to where to walk across the back. Ms. Libolt then moved on to the comment regarding the photometric. Mr. Bolner said the photometric plan identifies where they are showing the improvements to the parking and he wanted the board to be clear to that, that they are not showing any photometrics or any modifications to the parking east of the building, w hitch is existing. Mr. Bell said they should request photometrics for the areas that are changing, but they wouldn't provide one for the existing parking. Ms. Libolt replied correct. The board had no objection.

Ms. Livigni asked if the board want to get Steve Gaba's opinion on the percentage of landscaping. Mr. Bell said what they talked about is waiving the specific ironclad requirements within the parking lot and using the landscape plan to determine whether the board is satisfied what they were doing, He said the general idea is they were going to put the landscaping up front where people will see it instead in the middle of the parking lot in the back of the building. Mr. Bell said he believed the board needed to formally waive those 2 requirements.

Mr. Bell asked for a motion to waive the formal percentage requirements for the parking lot landscaping requirements as well as the photometric analysis for the existing parking lot. Mr. Straub made the motion, seconded by Mr. Donohue and the motion carried unanimously.

Ms. Libolt said she would make a formal submission for the next meeting. Mr. Bell said in summary instead of using those specific percentages they were going to look at the parking lot landscape plan as well as the paver plan and see if the board likes it.

Mr. Artus referred to #9 comment in his letter, which referred to the proposed total lot coverage as noted in the bulk requirements table exceeds the maximum coverage allotted in the C-2 zoning district and he was asking that the applicant clarify it., that they have got the correct coverage. Ms. Libolt said they would check it. She said she believed it was an error. Mr. Artus said another comment stated that the site plan shall be forwarded to the Town of Lagrange Fire Inspector for review and comment and he said he would like to get that sooner than later in the process.

Ms. Libolt referred to the County Comment letter that they received and Mr. Artus refers to getting in his comment letter. Mr. Bolner said the amount of parking they are providing is substantially great than the amount of parking that is exists, however when you go by the current code the amount of parking they are providing is 100 spaces less than that required. He said the parking requirement would indicate 544 and the parking being provided is 448. Ms. Livigni said it was her understanding that there is already problems on site with parking. Ms. Libolt said they were not aware that were problems with existing parking. Mr. Straub asked about employee shifts and Ms. Libolt said it was one shift. Mr. Bolner asked if the tenant was occupying the full building and Ms. Libolt replied no, she said full occupancy will be Paragon, Health Quest and DRA. Mr. Bell asked what percentage of the building was currently occupied. Ms. Libolt said as of this morning Health Quest moved into the first floor so everything is occupied with the exception of the 2<sup>nd</sup> floor which is another 30,000 square feet. Mr. Bell asked if there are tenants planned for the 2<sup>nd</sup> floor and Ms. Libolt said Health Quest but it was not occupied yet.

Mr. Bell brought up the concern for the problem with the parking there. Ms. Libolt said right now the perceived parking is that historically DPW parks in back of the property and now Health Quest is now occupying some of those spaces so people have to use different spots, but today when she left the entire triangular piece to the east was open. Mr. Bell and the board continued to discuss parking issues, mostly where people would park. Ms. Livigni suggested the town monitor the parking. Mr. Bell said the general

rule of thumb is you don't approve things that are getting worse as opposed to better. He said they are building more parking and yes, it's not the total amount required by code, but it is better than it is now. Mr. Bell said these are the kind of trade-offs they have to make when people are modifying existing structures that were put in when the zoning code was different.

**PAGE COMMERCIAL CENTER SITE PLAN** ( TACONIC CENTER) – Proposed site plan located on Rte. 55 containing 14.58 acres (Grid No. 6460-02-9609601; 957922) discussion & consideration of circulating for Lead Agency) (Gaba)

Kelly Libolt from Page Park Associates was present. Ms. Libolt said at last month's meeting she walked away with 2 action items, one of which was the code prohibited parking or strongly discouraged parking in the front of the facility between Rte. 55 and the buildings so they eliminated the parking that was on the southerly side of the site directly between Rte. 55 and the main access road. Ms. Libolt said the 2<sup>nd</sup> thing had to do with view shed analysis. She said they had an illustrative conversation with respect to view shed analysis and in the end it was determined there is a substantial amount of existing vegetation on the site particularly between the site and the Taconic State Parkway. She said the board suggested the location of the site plan on the aerial photograph so you could see the density and the depth of the existing landscaping. She said she also provided a 2<sup>nd</sup> sheet that shows the landscaping on the site. Ms. Libolt said the purpose was to see that there is a lot of existing vegetation and to see they were adding vegetation along Rte. 55 and along the Taconic State Parkway and that went to whether or not view shed analysis was required and if so where would those views be required from. Ms. Libolt reminded the board that she had a letter from OPRHP that suggested they did not believe there was going to be any visual impact of the project on the TSP. Ms. Libolt reminded the board on the topography of the site. She pointed out the high section of the site, which she said was next to the TSP and everything drops down and their plan is to cut the site down closer to the TSP and level it out. She said this was going to be significantly lower than the TSP and will be screened entirely at best. She said the grade of the Taconic and the grade of the top of the roof are almost about the same.

Ms. Libolt said she has driven along this area on Rte. 55 so many times in the past 2 weeks and the grade actually drops as you travel east on Rte. 55. Ms. Libolt said she has provided a detailed landscape plan showing the smaller growth. She wanted to show the board the trees they were adding along the front to try and create a boulevard appearance to screen the site.

Mr. Bell asked if there was a way they could demonstrate other than fancy and highly expensive renderings, a way to see the view from a southbound coming down the Taconic and the view from the north bound car coming up the Taconic. Ms. Libolt said she could provide something.

Mr. Bell asked whether the board wants actual renderings from in front on Rte. 55 to see what that will look like. Mr. Bell said given that it has been screened with trees

completely, he wasn't sure how he felt about that anymore. He asked if it was the intent that the trees will be such that you won't be able to see anything. Ms. Libolt said they wanted to do a mix but the trees were going to be all Bradford Pears, but they would like to do a mix of evergreen, deciduous and non-deciduous so that they could have a break in that area. Mr. Bell said the board can cover that with the landscaping plan but in any case you are still going to see the building, so he thought the board would want to see what the buildings are going to look like from Rte. 55. Ms. Libolt said these buildings have no tenants proposed at this time so before this project was sent over to County Planning, she would like to provide conceptual renderings of what they think the building would look like. Ms. Libolt that might help the board to make a decision as to whether or not they want to see anything further at that point. Mr. Bell said that was fair.

Ms. Libolt said they are working on the bio clear system so did they did their deep tests and they are advancing the design of it and getting it to the Health Dept. and the DEC hopefully within the next couple of weeks. Ms. Libolt said they also met with the DOT to discuss the access permit and they are sending them documentation and advancing that as well. She said the traffic report was completed, Phil Greeley was retained, which really was an amended study to the town center traffic study and that was completed and submitted to the town. Ms. Libolt said the study recommended that Velie Road continue to be monitored. He said he recommended that sometime in the future DOT is going to have to look at the ramps for Rte. 55 and the Taconic for some signalization and added that this project is not going to cause a significant impact given the existing traffic that is already on the road. Ms. Livigni said that traffic study did take into account full build-out at Taconic Crossings and full build-out of this project. Mr. Bell asked about tenants and Ms. Libolt said the only tenant they have an agreement with is in the back. Mr. Bell asked Ms. Libolt if that meant they were not going to build those buildings initially. Ms. Libolt said she didn't know. She said if between now and next month they have a tenant, they would build them. She said she would like to get site plan approval for them and she said the next submission to the board would include a phasing plan with respect to construction so that the board knows exactly what will be built.

Mr. Artus said this was a Type 1 action under SEQR and it does need to be circulated for Lead Agency. Mr. Straub made a motion to circulate for Lead Agency, seconded by Mr. Gunn and the motion carried unanimously. CIRCULATE FOR LEAD AGENCY. Ms. Libolt said they were also hoping the board would set the public hearing. The Planning Board set the public hearing for March 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

Mr. Jason Morris of M.A. Day Engineering appeared before the board. Mr. Morris said last meeting the board had questions regarding the pole barn and since then, they have removed the pole barn from the plan. Mr. Bell asked what the barn was going to be used for and Mr. Morris replied storage of equipment. Mr. Bell asked if that equipment was now going to sit on the property. Ms. Livigni asked Mr. Morris if he submitted that plan

yet and Mr. Morris replied no. Mr. Bell asked about elevations and Mr. Morris said he submitted them. Mr. Artus said he had not seen this. Ms. Livigni said this is a new submission could they give the zoning department a chance to look at it. Mr. Bell said the board could wait and see the comments from the Zoning Department or they can set the public hearing for March with the understanding that if the Zoning Department determines that it doesn't comply or not ready, they will get taken off. Mr. Bell said this application had a public hearing in 2007 which was adjourned. Mr. Bell said the board would probably be resuming it.

Mr. Kaminski of 39 Hillview Drive said there is an existing Verizon box on the corner on Rte. 55 and Hillview and Mr. Black is going to be doing some landscaping if the building gets approved with the second floor. He asked what would happen at the verizon thing and what is the landscaping going to look like. Mr. Bell said that was a perfect question to be asked at the public hearing. The Planning Board advised the applicant to submit plans so the Zoning Board could write comments. Mr. Bell said the applicant came in to the board last month showing what they wanted to do. He said it is a proposal that has been before the board many times. He said the last time they had a public hearing in 2007 and they have come back in with modifications because the time it lapsed substantially the board determined they would ask them to resume the hearing to hear comments. Mr. Bell said that appeared to be scheduled for next month at which time people can comment and raise concerns about the project. Mr. Bell said the comments will be recorded and the applicant will be required to respond to all of them in writing.

Jean Kamiski asked if there would be visuals on the wall for the public hearing. Mr. Bell said there would be maps on the wall or Ms. Livigni said they could come into the office

**LAGRANGE TOWN PLAZA** – Proposed site plan located on Rte 55 containing 3.03 acres (Grid No. 6460-02-757853); discussion

Mr. Jason Morris was present, and was not using a microphone, so his comments were not audible.

Mr. Bell talked about disturbance and trees. The Planning Board discussed waiving the requirement to show the trees. The board had no objection. The issue of parking was discussed. Mr. Bolner talked about the parking and said the parking they are showing is greater than the amount of parking required under the town center, however given a couple of circumstances, one being that this somewhat to the easterly extent of town center, the concept of shared parking may not go as well here within town center. He said the applicant clearly feels that based on his current business, he needs the parking and the parking suggested by the code would not be adequate. Mr. Bolner talked about the number of parking spaces and added the number on the plan for the requirement for the restaurant was not correctly reference to the code. Mr. Bell said there is a line item here that says there's a 6,300 sq. ft. restaurant and 1 per every 3 seats = 67 spaces and asked if that was off by 41 spaces. Mr. Bolner said the reason for that is the parking requirements under town center is based on square footage for restaurants rather than seats. Mr. Bolner said he was not suggesting it be reduced he was just stating it was a

matter of fact in the code. Mr. Bell said the town center code things that 26 parking spots is enough for the Daily Planet? Ms. Valk talked about shared parking. She said until the town center is built you've got these outlying uses that are not quite blending in. Mr. Bell said ok. Mr. Donohue said the regulations were designed for one property they've been assimilated outside that one property to other properties so we should use good planning practice and use the regulation for an individual properties, not for what is actually town center. Mr. Bell agreed. Mr. Bolner said that's why he brought up the fact this is the easterly boundary of town center and therefore would not benefit from shared parking. Mr. Bolner and the board discussed photometrics. Mr. Bolner said the current lighting that is provided for the parking area is very tall, downward facing lights that would exceed the height. Mr. Donohue said since they are modifying that they should have the same luminaries across that parking lot. Mr. Bell asked Mr. Bolner if he was saying was while it exists, is being modified and he thought the analysis should basically extend out to the area he referred to. Mr. Bolner said correct.

The board discussed the issue of sidewalks. Mr. Bell said people aren't going to come in to the diner to park to walk to the supermarket. Mr. Donohue asked the use of the new building. Mr. Morris replied retail.

Mr. Bell said the board needed to waive the requirement to show all the trees. Mr. Artus said if the board recalls when they did Hannaford they had requested a number of parking spaces well in excess of the town center code requirements. He said the board gave some but not all, they were banked. Mr. Artus said they also had reasons they put into a findings statement why. Mr. Artus said that might be something the board might want to think about, have a valid reason and justification and then put it into a findings statement. Mr. Bell said Mr. Artus' point is whatever the board decides they want to make sure to include the rationale in the findings statement. Ms. Valk said it is a requirement in town center. Mr. Bell said that statement would come at the end, at site plan approval. Mr. Bell asked for a motion to waive the requirement to show all the trees great than 8" in diameter and to waive the town center parking space requirement because this is an isolated property and there is no concept of shared parking or people walking to these places from other places and to waive the requirement for photometric plan for the existing parking area as delineated. Mr. Straub made a motion to that affect, seconded by Mr. Donohue and the motion carried unanimously. WAIVERS GRANTED.

Mr. Morris spoke about a contract his client has with Hannaford about the construction of the entrance on their private drive and as part of that contract his applicant is\ required to get town approval by April with Hannaford. He said they would also be willing to get a letter of conceptual approval for the entrance locations. Ms. Valk said so it's only on that narrow issue of the 2 entrances. Ms. Valk asked if they have discussed it with Mike Kelly. Mr. Morris said it's not a town road. Mr. Bell asked who would write that. Ms. Valk said it's just a matter of a safety issue then.

Mr. Donohue said the board would just write a letter saying that's where we would like to see the drives. Mr. Bell asked about the solution to the stormwater management issues on this site. He said if that is not resolved this is not going to get approved by April of

2048!. Mr. Morris said it was his understanding that Wanda contacted the neighbor and she's not interested in granting an easement. Ms. Livigni said that is true. Mr. Bell said there is no solution to this. Ms. Livigni said she believed the way they left it after the consultant's meeting, Mark Day's office was going to look into whether that could be considered an infiltration basin. Mr. Artus said what they are going to attempt to do, and it is going to be challenging, he said he thought they were going to try and utilize that as infiltration basin, they likely do have good soils there. Since they are stating they cannot obtain an easement through lands of Kustas or an easement through Hannaford to discharge from the stormwater management basin they cannot have a points source discharge from that site onto either one of those properties, they can have sheet flow so they have to design something and they have to back it up and maybe utilize a level spreader. Ms. Livigni said historically the water has always shed toward the back toward the wetlands. Mr. Bell asked how they were going to deal with stormwater management for the new portion of the site. He said that we cannot handle through the normal planning process at the appropriate time. He said somebody will determine if the storm water is being managed adequately. The second issue has to do with resolving the long standing dispute on the property. He said there was a law suit. Mr. Morris said it was settled. He said his client was exonerated and added he believed the board had documentation on it and if not, he could get it for the board. Mr. Bell said he wanted a copy.

Mr. Bolner referred to his comment letter and talked about 10% interior landscaping and asked Mr. Morris if he check those numbers to see if he complied with it. Mr. Gunn asked Mr. Bolner if the area he was referring to would be considered interior off the private driveway. He said the way he read the code it would not be considered interior because it's talking about the interior perimeter of the parking and it is encouraging the raised island landscaping. He they are providing it and they may not meet the percentage but he thought they were doing a relative good job of providing that interior to the parking area. Mr. Bolner said they are approaching the intent and didn't know if they met the percentage.

Mr. Artus said they have got to resolve the drainage before it moves forward. Mr. Gunn asked where they stood on the agreement and asked if Wanda was going to draw that up and the answer was yes.

**JACK'S POOL HOUSE PROPOSAL** – Pre-application discussion to  
Discuss a possible amended site plan for Kind Pools located on Red Oaks Mill Road

The applicant for this proposed project was not present.

Mr. Bell said in the board's packet there was a proposal for the project. He said Kind Pools is asking to use a building on the property which he thought was currently being Used for storing stuff and they want to use it to put in pool tables, lawn furniture. He Said they are changing the use of the property from just pools and spas and expanding

It because their business is down. He said he wants to put pool tables in the building and allow people to play there. Mr. Bell said he may be selling pool tables as well, but the main change in the use has to do with the fact that it won't be purely a retail use anymore. It would include pool tables, a league, selling food and arcade. Mr. Bell said the board had a note from the Zoning Administrator's office suggesting the board can either ask for an amended site plan or waive the requirement. Mr. Bell said his understanding of the code was the board doesn't have the authority to waive site plan approval. The zoning administrator can determine whether an amended site plan is required or whether just a building permit is required but the board cannot. Mr. Bell said given that, they are on the board's agenda and he was going to interpret that to mean that he has already made that determination and that what is required is an amended site plan. The board does have the ability to waive various requirements and given they are not building any buildings or changing the site, his guess was the board would be able to waive a lot of things, like of the current plan doesn't show every tree that is 8" in diameter, he didn't think he needed to show it and Mr. said the board probably wouldn't require an aerial photo and a wide variety of other things, but at a minimum the board would want to see a parking analysis. He said Mr. Kind's note says there should be plenty of parking but Mr. Bell said he thought the board needed than that.

Ms. Livigni said the larger concern on this site would be the volume of vehicles going in and out of those 2 existing entrance and exits. Ms. Livigni said traffic could potentially be a problem. Ms. Livigni said this is a dramatic change in use. Ms. Valk asked what use in the town code did this fall under because Ken doesn't appear to have addressed that issue. Mr. Donohue asked if there was an existing site plan on file. Mr. Bell replied absolutely because the board reviewed and approved an amended site plan for them 5 years ago. Mr. Donohue said it would have been nice to have that as a part of the packet. Ms. Livigni said this was just a pre-application. Mr. Bell said this application is to determine what he needs to provide. He needs to provide an amended site plan application but at this point the board is not waiving the entire site plan approval because the board can't. Mr. Artus said there should be some sort of narrative provided as to what he is doing so the board can make sure it's a permitted use in this zoning district.

Mr. Bell said he understood that it was something the Zoning Administrator determines. Mr. Artus said this was in a C-2 zone. Mr. Bell said retail goods and services requires a special use permit in a C-2 zone. Ms. Valk recommended the board get an opinion from the Zoning Administrator that this is a use that is permitted in this zone before proceeding any further and following up on Walter's comment the board is going to need that narrative to make that determination. The board continued to discuss the issue of this being a permitted use and Ms. Valk repeated that the board needed Ken McLaughlin to weigh in on this. Mr. Bell said he would ask for Mr. McLaughlin's judgment on this.

#### DALEY FARMS FEIS

Mr. Bell asked the board if anybody planned on sending him comments who has not done so already. Mr. Donohue questioned the process. He said he would like to make comments with the board but necessarily did he have an individual comment about how it

is drafted. Ms. Valk said right now the board is essentially reviewing this to make the determination as to whether they are going to accept it and make it the Planning Board's document and told the board they have to be comfortable with what is in the document. Ms. Valk said there are timelines that run after the acceptance but there really isn't a timeline to the acceptance. Ms. Valk said she spoke to the applicant's attorney and they were drafting this since May so they are really not pushing the board. Mr. Donohue said it will be scheduled for a meeting for acceptance of final where as a board they could discuss certain issues in it. Mr. Bell asked if those discussions would result in the document changing. Mr. Donohue said no, he thought it would result in the findings statement and they will have a discussion about it. He said he has seen the comments that have been submitted and he doesn't have anything like it but he would like to talk about some of the aspects of the report.

Ms. Valk said it is a good idea to talk about some of the content of the findings statement at the same time as the board is discussing to accept the FEIS just because you are looking forward to the end of the process. Ms. Valk said anything the board wants to give her that they want to put in the findings statement...Mr. Donohue said if he was to mention one thing, they said they are in discussions with the Highway Superintendent about a possible mitigation and it's not explained what that is in the document and particular issue was sensitive to the public and it hadn't been addressed, is it appropriate now or is it during the discussion with the board. Ms. Valk said this is the appropriate time before the board accepts the FEIS to be the Planning Board's document, to determine if there is anything the board feels is not adequately covered in the document.

Mr. Donohue said he would like to ask for a day or 2 so he could do some phraseology and get it in real quick. Ms. Valk said the findings statement is to take any environmental impacts and to bring it all in to one document and basically disclose how all environmental impacts have been mitigated to the greatest extent practical which is the standard under SEQR. Ms. Valk said the findings statement should pull everything from the process and put it together. Mr. Bell said what he would like to do is to take the comments that he gets back and make a determination as to whether there were grammatical errors or whether there are things that really require the board to discuss and if there are things that they need to discuss amongst themselves as well clarify with the applicant, he planned on doing that at the meeting. If they were just typos and tidying up then he said he probably would have passed it on and said they didn't really need to talk about it.

Mr. Bell said he would like to see the board draft their comments and send it to him and plan on having a discussion at next month's meeting with the applicant.

Bob Wagner of the audience asked when they had the hearing back in May, he thought it would be published online and asked how the public can get a copy of it to look at. Ms. Valk said the planning office has a copy he can look at.

Mr. Wagner asked how the comments and concerns from the public hearing were addressed in the FEIS. Mr. Bell said the document was in the planning office and he could look at it there.

Mr. Straub made a motion to adjourn the meeting at 9:10 P.M., seconded by Mr. Gunn and the motion carried unanimously. MEETING ADJOURNED.

Respectfully,

Eileen Mang  
Planning Board Secretary