

A regular meeting of the Town of LaGrange Planning Board was held at the LaGrange Town Hall, 120 Stringham Road on Tuesday August 17, 2010. Chairman Alan Bell called the meeting to order at 7:30 p.m. Board members John Gunn, Bob Straub, Stacy Olyha, Tony Brenner were present. Dennis Rosenfeld and Joe Zeidan were absent. Also present was Kevin Donohue, Alternate board member, Walter Artus from Stormwater Management Consultants, Rebecca Valk from VanDeWater & VanDeWater and Greg Bolner from Clark Patterson Lee.

Mr. Bell announced that Mr. Donohue would be a voting member.

Mr. Straub made a motion to accept the minutes of July 20, 2010, seconded by Mr. Gunn and the motion carried unanimously. MINUTES ACCEPTED.

PUBLIC HEARINGS:

ROGER REALTY AMENDED SITE PLAN - Proposed amended site plan located on Rte. 55 (Grid No. 6560-01-473908)

Mr. Mike Gillespie of M. Gillespie & Associates appeared before the board and presented the notice of public hearing.

Mr. Gillespie said the property is located along Rte. 55 just west of the intersection of Rte. 82 and is known as Roger Realty. He said they are proposing a small addition off the rear of the building, a little over 700 sq. ft. to allow for additional room for offices. He said there is no increase in employee count. He said this was actually a part of the original Eberhard building and there was a site visit by the board about 2 months ago. He said he researched the town file and found out the Eberhard site plan didn't look exactly like the Roger Realty plan so from about the front parking area all the way to the rear they detailed existing conditions because it was important for the board to have an established record as to what was out there. Mr. Gillespie said the intent of this project is a small addition off the back. He said they appeared before the ZBA to obtain a variance because the zone changed from the time it was approved as a contractor's yard to the point where it became Roger Realty. It went from C-1 to C-2. He said the ZBA granted them what they needed.

Mr. Bell declared the public hearing open for comment and asked if there was anyone who wished to speak.

Ron Spadafora of 12 Alley Road spoke. He showed the board his property. He said he had noticed some debris back there and indicated he called Mr. Rodriguez to point it out to him, very large bags of concrete that came from some of their construction sites. He said it looked like a dump. Mr. Spadafora said fortunately in a short amount of time Mr. Rodriguez cleaned it up. He said he was impressed by Mr. Rodriguez's company, they are building part of the world trade center was very impressive and asked them that if there are wetlands back there to be considerate with the concrete, powdery, sooty material that comes back from the sites, that they there is some kind of run off plan so

that material doesn't end up in the wetlands, which are literally 200-300' from the edge of the property. He said he didn't know if that was a requirement but he was requesting that. The wetlands are a NYS designated wetland. Mr. Spadafora re-submitted the same letter he submitted back in June, 2010. Mr. Spadafora asked for a buffer of evergreens and again repeated that a runoff plan was key. Mr. Spadafora said he noticed the fill was neater, a ridgeline of the fill and requested that the ridge is done neatly and visually appealing. Mr. Spadafora said this is a major operation on a very small piece of property and said if the construction debris is not contained it will ultimately end up clogging the area back there. He asked the board to consider the long term impact on the area.

Mr. Gunn asked Mr. Spadafora how far his house was from the property line. He replied whether his house is 1,000 feet or 50 feet, he didn't think it mattered and added his house was probably 800 feet. He said he has plans in the relatively near future to put a parcel back there and there will be a house much closer to that area. He said he has already spoken to the DEC about gaining access.

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

Mr. Artus said when the applicant had first come in, he asked for a number of waivers from the site plan regulations and based upon the board's site inspection, they were going to provide the applicant with more direction on that. Mr. Gillespie said he issued a letter on May 4th which indicated the waivers. He referred to the waiver to show topography from the building to the front of the building. Mr. Bell said the board agreed to that at the site visit. The board granted the waiver. Mr. Gillespie referred to location of trees with a diameter greater than 8" and added they were not taking anything down so asked for the waiver. The board granted the waiver. Mr. Gillespie referred to the request to identify proposed landscaping and buffered screen areas and said they were not changing it. Mr. Bell said then it shouldn't be difficult to abide by that and since there is no change, they shouldn't have to provide anything and asked the board if they wanted the applicant to add the existing. Mr. Bell said the board doesn't need to grant a waiver for something they don't plan to do.

Mr. Gillespie referred to location and design of lighting communication facilities. He said there is no change. The board agreed the lighting met code. The board granted the waiver to include existing lighting. Mr. Gillespie referred to waste handling facilities and said there would be a dumpster on site. Character and location of power distribution of transmission lines and said there is overhead wires going to the building and said they would put that on. Landscape grading and landscaping plan – no grading – no landscaping. Cut and fill – not doing it. Stormwater Management – there is nothing changing as it exists. Mr. Bell asked if they were building up or out. Mr. Gillespie said they are increasing the footprint but not doing anything on the bottom floor. It will be open underneath. Mr. Bell asked if that changed the amount of impervious surface. Mr. Artus asked if was impervious before and Mr. Gillespie replied not to the extent that it was but they were well under the threshold required. Mr. Artus agreed – there would be

no requirement under the state SPEDES permit. Mr. Bell asked Mr. Artus if he had any reason to believe it would change. Mr. Artus replied no. The board granted the waiver.

Mr. Bell said the applicant needed to submit a written response to the public comment. Mr. Artus said he observed the height and drop off down to the property line and asked if the board wanted fencing or barrier. The board discussed the issue of the jersey barrier with fencing on top of it. Mr. Gillespie said he spoke to the owner before the meeting and he said it was more of a safety issue because there is such a significant drop off. The owner has agreed to provide for a concrete barrier around the perimeter, approximately 3 feet high and he would provide detail. Ms. Olyha brought up the fence. The board discussed the issue and Mr. Bell said it seemed to him that a 3-foot concrete barrier should be adequate. Mr. Straub agreed. The board agreed also.

Mr. Gillespie said they would detail the perimeter on the plan. Mr. Spadafora said they are going to put a concrete perimeter around, could they add a line of trees somewhere down the ridge. He said this is a residential property with a major operation. Mr. Bell told Mr. Spadafora his request was in the record and also in his letter and the applicant will respond to this in writing.

NISI SPECIAL USE PERMIT – Proposed Special Use Permit located on Todd Hill Road (Grid No. 6460-04-5734598)

Mrs. Nisi appeared before the board. She said they are requesting a special use permit to build a garage at 68 Todd Hill Road. The garage will be within 100 feet of the center of Sprout Creek. She said her family has lived here for several generations. She said they have 3 young children and her parents are there several days a week with baby sitters coming and going causing her existing driveway to be a bottleneck. She said they are driving on the lawn and would like to build a garage and update the driveway plan to accommodate them. She said the house was built in 1820- 1856 before the building codes existed which means they had no control over the location and therefore difficulty was not self-created. She said they are requesting a Special Use Permit because the proposed garage cannot be located elsewhere on the property. She said they are not changing the existing curb cut and the proposed garage will not affect the water retention capacity or buffer areas because all construction will be above the 308 foot flood level. She said they are also proposing several rain gardens to help with water absorption. Ms. Nisi said they are proposing to have the garage down spouts face away from the stream and run direction into the rain gardens. She said in summary granting the permit will not adversely affect Sprout Creek, it conserves the essential character of the neighborhood. She said they are working diligently to mimic the architecture of the existing home down to the corbels and the brick façade. There is no significant detriment or impact to public health safety and welfare of the neighborhood and community purposes for which the special use permit was implemented.

Mr. Bell said the reason they need the special use permit is because they are building in the stream protection corridor.

Mr. Bell declared the public hearing open and asked if anyone wished to speak.

Mr. Gary Beck Sr. of 30 Todd Hill Road said what they have done on that property is remarkable and said he was in favor of it.

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

Mr. Artus said he looked at the plans and had no comments. He said he also reviewed the EAF and the board could grant a SEQR determination and issue the Special Use Permit.

Mr. Gunn made a motion to deem the project as 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 incorporated on the plans and/or in the reports. The motion was seconded by Mr. Straub and carried unanimously. NEGATIVE DECLARATION.

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

FIGA SPECIAL USE PERMIT – Proposed Special Use Permit located on Smith road.

This public hearing was not held because the adjacent property owners were not notified. The hearing was rescheduled to September 21, 2010.

OTHER BUSINESS:

PINE HILL ESTATES II SUBDIVISION & SPECIAL USE PERMIT – Proposed subdivision and Special Use Permit located on Cramer Rd., declare Lead Agency.

Ms. Olyha made a motion to declare Lead Agency, seconded by Mr. Brenner and the motion carried unanimously. LEAD AGENCY

TACONIC CENTER – Proposed site plan located on Rte. 55 containing 14.58 acres (Grid No. 6460-02-9609601; 957922); updated/discussion.

Mr. Ken Casamento and Jason Page were present. Mr. Bell noted the comment letter from CPL. Mr. Bell said the first couple of pages said comments were satisfied except what said, the intermediate contours on GU-1 was improperly printed and Mr. Casamento said he would take care of it. Mr. Bell talked about Department of Health – Mr. Casamento wanted to update the board. He said as the project has been identified as Phase I and Phase II, through working the time frames for the sewer treatment plant for the whole project is going to take longer than the time frames they are looking to get the building built. He said they have talked to the Department of Health and DEC, the Dec issued a SPEDES permit for the temporary septic system to be located underneath the

bank pad location and a temporary SPEDES permit for the stormwater. He said they have had some review with the Department of Health and have done deep tests. He said plans were submitted this morning after a discussion on Friday, as this just occurred with the contractor, to show that change on the grading plan, site plan and erosion control plans. He said they are putting a temporary septic system on Phase I and the same sewer treatment plant will be operation for the whole facility.

Mr. Bell asked if the temporary septic system was Part of phase I. He asked if there was a conflict with that approach and the new town phasing law. Mr. Artus said not that he was aware of. Ms. Valk said that was for subdivisions.

Mr. Artus said he prepared a memo on Saturday based on a meeting from last week re: the submission last Friday. He said the last meeting the board granted permission to proceed at their own risk and Wanda granted them a grading permit. Part of that was receiving their SPEDES permit coverage before construction. Initially they were going forward with the sewage treatment plan which another SPEDES permit is required for that. One of the conditions of the stormwater SPEDES permit is any other departmental permits under the uniform procedures act. When it became apparent a couple of weeks ago they were not going to get their sewage treatment plant SPEDES permit in the very near future, they went back and designed a septic system as part of phase I and they did get SPEDES permit approval from the DEC for the septic, which they may or may not build. He said it is in phase I and phase I does stand alone.

Mr. Bell said tell me why they may or may not build it. Mr. Artus said they may get their approval for the whole site but it stands alone if nothing else ever happens. Mr. Casamento said the purpose was to allow Phase I to stand on it's own.

Mr. Casamento said they have had comments back and forth with the board with the Department of Health and there are some minor, small comments left and they hope to receive approval. He said Mark Day's office is responding right away because of the speed in which we want to make sure everything is in order. Mr. Bell asked if they hoped to get approval from the board of health and Mr. Casamento replied yes, within the week for the temporary septic.

Mr. Page said he would like to move forward with architectural review which was submitted to the board back in May. Mr. Bolner said his memo and his comments are primarily are in relation to building A which is in the far rear of the site. He said it is a large building with a flat roof and there are architectural comments which are included in the C-1 requirements of the town code. He said because they are in the code they are restating them for the board's awareness. Mr. Bolner said given the way the building sits back on the property he would see that as a valid reason for the board to waive those requirements should they feel it is justified in that it is not a building in the front but rather way in the back.

Mr. Bell said to Ms. Valk this is not town center so these are recommendations that the board can either request or not or how does it work. Ms. Valk said she was recused on

this application but yes, it would be recommendations because it is not town center. Mr. Bell asked the board's reaction to the building, it doesn't conform to the architecture but it is all the way in the rear of the property. The board discussed the rear building architecture. Mr. Bell asked what the building would look like from the back of the property. Mr. Page said it was all densely covered. The board continued to discuss if they would see the building from various locations, Velie Rd., Skidmore Rd. or driving in the opposite direction coming from the park. Mr. Bolner said they were providing a landscape buffer in the rear of the property as shown on the landscaping plan.

The board and applicant continued to discuss the visual impact on the area. The board agreed they did not have an issue with the architecture of the building. Mr. Bell referred to pitched roofs with gables. Mr. Bolner said he was pointing out the difference in architecture in this building and the other buildings and this building is set further back than the other ones. Mr. Bell referred to rooflines. Mr. Page said the building in the pack is a corporate standard building. He said this is a deviation from what they like and if it was up to them they would be level with the Taconic. He said this building is going to be hidden.

The board talked about the buildings looking differently. Mr. Gunn said he liked the idea of the buildings looking different so they don't look like westage down in Fishkill. Mr. Bell referred to the comment about colors. Mr. Bolner said the color scheme for the building in the rear has awnings that are purple. Mr. Page said it is a corporate requirement for the tenant. Mr. Bolner said he left off page 2 of the comment letter and the one comment that hasn't been discussed is they did add guide rail back into the site plan, the only place they didn't add guide rail was along the perimeter of the pond. It is a 3:1 slope. He said is a straight area, they are providing landscaping but in looking at the code from the standpoint of the town road it took anything that is greater than a 4:1 slope with a 2 foot drop off the edge of the road requires guide rails. This is not a town road but it was a potential safety concern.

Mr. Bell said for a town road if you have a drop-off greater than a certain steepness close to a road, you need a guide rail. Mr. Bolner replied yes. Mr. Bell asked Mr. Bolner to explain what it was, and he said it was a retaining wall which roughly as much as a 10-foot drop and then the 3:1 slope from the road to the top of that retaining wall, he added they do have quite a bit of landscaping but it's not going to stop a car. Mr. Bolner and the board continued to discuss the wall, drop off and guide rail. Mr. Bolner said he wasn't talking about a DOT rated guide rail. Mr. Donohue asked about snow removal.

Mr. Bolner referred to the storage tank and Fire Inspector. Mr. Bell asked if was reviewed by anyone at the fire department. It was given to Ken. Mr. Page said their position was it is a building permit issue and they are working with Mr. Sayles to resolve it. Mr. Bolner said it's not a significant issue. Mr. Bell asked if Ken forwards any of this to the fire department for comments. Mr. Bolner agreed that it was a building permit issue but if the board has a concern and want to see what size tank it is, now it's a 10,000 gallon underground tank. He said it may be larger or smaller. Mr. Bell said they will

have to adhere to NYS Building Code so he didn't see any reason for a double review. Mr. Bolner replied correct.

Ms. Olyha brought up the issue of the guardrail has been re-introduced in both phase I and phase II and will be shown on the next formal submission. Mr. Bolner said they did resubmit and put guide rail along the slope where there is head in parking along the east side of the property. Mr. Artus asked about parking spaces and asked the board if they had any problem with the excess in spaces. Mr. Casamento said at the last meeting, green space parking was discussed. He said when they first went through the iteration of the parking, the code does not have a category for parking count for this facility so they used a higher use of recreation at 200 – 1 per every 200 sq. ft. + 6 employees. He said now that the tenant has been identified, they got a letter from the tenant which was submitted, saying they need all 165 spaces, which puts them 7 spaces under what the exact code is. He said there is some variation to the number of employees. Mr. Bell said it looked like they were classifying this as retail. Mr. Casamento said that was the highest space count. Mr. Bell said that obviously it is not what is. Mr. Casamento said there is no specific code requirement to calculate parking. He said the amount being provided of 165 spaces is the amount needed.

Mr. Bell said what he was hearing is there is nothing in the code to guide the board with this. Mr. Artus said there has been 3 submissions in the past 3 or 4 weeks and he just got this last one. Mr. Bell said this is clearly not retail and asked if there was a different use that made more sense. Mr. Casamento said he didn't think there was.

Mr. Bell referred to the code for Centers for public amusement would be one for every 100 sq. ft. which would be 214 spaces. Mr. Bell said he really wasn't inclined to reduce the number of parking based on previous experience. Mr. Bell said based on the board's experience with Gold's Gym, the board is disinclined to have less spots than they think they need because Gold's doesn't have enough.

Mr. Page said his tenant was expecting to be in my New Year's. In light of that construction and given the fact the next meeting is at the end of September, they were looking to have this wrapped up with the Board of Health in the next week, they would like to request a conditional site approval contingent upon the BOH approval. Mr. Bell said the board never does that. Mr. Bell said if the board has a letter from the BOH that indicates that they are going to approve it, they will do a conditional and allow the official stamp to come through.

Mr. Gunn said he thought they did it with proceed at your own risk with the credit union. Mr. Bell said that's different than conditional approval. Mr. Donohue said a conditional approval means if they don't get the health department they don't have the approval. Mr. Bell said he understood that and added for 30 years they've never done it with BOH approval and said he was disinclined to start.

The board continued to discuss the issue. Mr. Donohue read a portion of the code out of the site plan approval process, 240-72 which in essence stated the requirements, he said

what he didn't see in the process was anything preventing a conditional final. He said they are looking at a piece of paper from the Health Department. He said they have their SPEDES permit from the DEC. Mr. Casamento said for the stormwater not the sewage treatment plant. Mr. Donohue said he mis-spoke and asked what was submitted from the DEC. Mr. Artus said it was for the temporary septic. Mr. Casamento asked for just Phase I to be approved so they can start it and apply for a building permit. Mr. Donohue asked what was the consultant's position in other municipalities in other areas in Dutchess County on the same issues with conditional final on the same matter. Mr. Artus said most towns do the same as LaGrange. There are some that will provide that as conditions. One of the reasons towns have backed off allowing that is many times you will get your approvals and you don't see Health D department for 6, 9 even 10 months and so many factors change and it becomes another thing the board is keeping track of. It may or may not change the site plan depending on the comments you get from the Health Department. There are various reasons why some towns go one way or another on it.

Mr. Page said he understood Mr. Bolner spoke to Mr. MacDougall and was given an indication it was a procedural issue and it was coming. Mr. Bolner said he did not say when but the indication that was given to him was Mr. MacDougall was reviewing it and indicated they that met with applicant. Mr. Casamento said the septic is located in the fill area, there's not a lot that can change that would change the overall areas of phase I as described. If the septic moved 5 feet to the right the site would never see the difference. Mr. Bell said in the past the board's gotten letters from the BOH indicating that the solution appeared to comply with the various regulations and that we could anticipate a formal approval at some time and that was enough to issue site plan approval. Mr. Bell asked Bolner in his conversation with them, would you say that what they told him is essential equivalent to a letter indicating it applies and that we could expect it or did they just say they are working on it and expect to have an answer soon. Mr. Bolner replied they are working on it and expect to have an answer soon.

The board continued to the issue of the Health Department review and approval. Mr. Bell said his concern was precedent. Ms. Olyha suggested adding this to the meeting for the scoping document for Crystal Lakes on September 16th. Mr. Casamento said they were hoping to file for a building permit first week in September. Mr. Bell said once you issue a conditional approval, it doesn't come back and added that was the point. Mr. Donohue asked Mr. Bell if he signed the site plan and Mr. Bell replied after the conditions are met. Mr. Donohue asked if the only negative was if they never get the Health Department letter and we have to keep track of it. Mr. Bell said on a more general level, it's been the board's practice has been to issue conditional approvals for totally routine things that are expected to be tidied up in a short period of time.

Mr. Donohue asked how many times this happens to the board. Mr. Bell replied all the time. Mr. Donohue asked is it because the Health Department is backed up and Mr. Bell replied it frequently is. Mr. Donohue asked if we had to send everything to the Health Department or could Clark Patterson review these septic systems. Mr. Artus replied it's the law. Mr. Donohue said well there are some projects that can be reviewed in house like single families and one lot. Mr. Artus said not septic or water. Mr. Donohue asked

if it was a Dutchess County mandatory, he said he thought it was 5 acres, 5 lots. Mr. Artus said any independent septic has to be approved by the Health Department, whether it is 1 lot, 2 lots, 20 lots, commercial ----it doesn't matter. Mr. Donohue asked what happened to the 5-5-5. Mr. Artus asked him if he was talking about non-jurisdictional – if you are over 5 acres and added they don't review it because there is no septic designed at that time but they will review it when it comes back to them as an individual lot. Mr. Artus said every county has a healthy department. Mr. Donohue said every county has different rules. Mr. Artus replied yes. Mr. Straub asked the board's obligation to take the risk. Mr. Donohue asked what was the burden to the board. Ms. Olyha said basically you are going against the code because the code says you have to have these things and Mr. Straub said we shouldn't go against the code. Ms. Olyha said there is nothing in the code about a conditional. Mr. Artus said you could have 60 conditions of approval if you wanted to do all that paperwork or you could have 2.

The board continued to discuss the issue of conditional approvals and what other towns were doing. Mr. Gunn spoke. He said rather than be semi-business friendly, honestly, we're going to grind everything to a screeching halt and that's going to be a good thing, how? Mr. Artus said it's not the board. He said typically the things that hold them up are BOH, DPW and DOT and what towns encounter is approving applications and they drag on. Mr. Donohue asked if this was a good policy. Mr. Bell asked the board's reaction to having a board meeting on August 31st. Mr. Casamento said that would work. Mr. Bell asked if that was the only outstanding issue and Mr. Casamento replied yes.

The board agreed to have the meeting on the 31st at 7:30 p.m. and if they don't have their BOH letter, the meeting would be cancelled.

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

Mr. Jason Page and Mr. Dennis Lynch appeared before the board.

Mr. Artus said this application does have a letter from the Health Department.

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

PRE-APPLICATION DISCUSSION

FULL GOSPEL CENTER – 1138 Rte. 55; discussion re: architectural changes to building (in town center)

Mr. Frederick Leonardi of 144 Wiseman Road, business administrator for the Full gospel center was present. He said he applied for a building permit because they want to change the face of the building. He showed the board pictures. Mr. Gunn said this is town center. Mr. Bell said the law that requires this is relatively new and covers only a limited

stretch of place and told Mr. Leonardi he was probably the first that wanted to change something. Ms. Olyha said the Villas did this too.

Mr. Leonardi said about 8 or 9 years ago they tried to change the front of the structure also and it was denied. He said it wasn't denied, it added about \$50,000 to the project and couldn't afford it.

Mr. Leonardi showed the board pictures. Mr. Bell asked if this needed to be forwarded to Clark Patterson. Mr. Leonardi showed the board the front of the building, what it looked like and what they want. Ms. Olyha asked if this was stucco. The board reviewed the picture. Ms. Valk said she took a look at the town center standards and it applies to anything else. She said this is not a site plan amendment and didn't see any other application submissions here so she believed if Mr. Leonardi gave the board a rendering or some samples to the board's satisfaction, she believed it would be sufficient.

Ms. Valk said it is the board's discretion as to whether they use their consultants on a particular application and the board has that discretion to determine the extent of the rendering that would satisfy the board's inquiry. Mr. Bell asked if this could be seen from the road. The answer was no.

Ms. Valk said she didn't believe a public hearing was needed. Mr. Bell said his take is they are asking for a building permit and they are not doing anything that requires a site plan modification of any kind. He is asking for a building permit and it requires them to have an architectural review because it's town center. The building is not visible from Rte. 55 and it's pretty clear that what they are doing is going to make it look better than it does so his inclination was to say it looks good to him. Ms. Olyha said she thought the board had to waive a lot of things. Mr. Bell said it is not clear to him that they do, based on what their attorney just said. Ms. Olyha said town center has specific things, which includes no flat roofs and it has a flat roof. Ms. Valk said this is pre-existing. Ms. Olyha asked if pre-existing counts and Ms. Valk said it has to, we don't have the authority under New York State law. She said if it is pre-existing the board doesn't need to formerly waive it, the applicant is limited to the extent in which they are intending to change the building, so the changes must conform. Ms. Valk said if they were putting up a new building that would be different.

Ms. Valk repeated that she didn't believe a public hearing was needed on this. Mr. Donohue researched the code indicating what materials were allowed and stucco was included.

Ms. Valk said there are some general principles, size the relationship of the project to the site and scale and relationship of the building to those around it. Ms. Valk said even though they are not changing the building, you are changing some of the features so she believed scale would still be relevant, so just making a simple finding that this is altering the size or the scale. Mr. Donohue asked the approximate sq. footage. The board said it was just the whole north side. Ms. Olyha asked about the columns that were being painted red and asked if they were going to make them look like brick. Mr. Leonardi said

it is going to be flat, something brown or beige similar to Amedeos. He said everything is going to be the same color, tan or brown. Mr. Donohue read the façade colors should be low reflectance colors, high intensity colors, metal colors, black fluorescent colors should not be used. Mr. Bell asked the board if they had a problem with the size or the scale. The board had no problem. Mr. Leonardi said nothing was being done to the sides, you couldn't see it. Ms. Olyha asked if the green would stay green and Mr. Leonardi said yes.

Mr. Bell asked for further discussion. There was none. Mr. Straub made a motion to approve the architectural design, seconded by Mr. Gunn and the motion carried unanimously. ARCHITECTURAL REVIEW APPROVAL.

REQUEST FOR RE-APPROVAL

WHISPERING PINES – request the Planning Board to grant a 3rd re-approval of final subdivision approval.

It was determined that the town board responded to the request for this reapproval so Mr. Straub made a motion to grant the 3rd re-approval of final subdivision approval, seconded by Ms. Olyha and the motion carried unanimously. 3RD REAPPROVAL.

ROLLING MEADOWS SUBDIVISION – Request the Planning Board send a memo to the Town Board for comments and or recommendations to grant Rolling Meadows a 3d re-approval of final subdivision approval.

Ms. Olyha asked what is holding up Rolling Meadows up. Ms. Valk said they have some sewer and water infrastructure issues that are being worked on at the town board level. Ms. Olyha asked would a 3rd help them because otherwise they will have to come back. Ms. Valk said it's being actively negotiated and said she was just asking Walter the status of the phasing application was,

LAKE RIDGE SUBDIVISION – Request the Planning Board send a memo to the town Board for comments and or recommendation to grant Lake Ridge a 3rd re-approval of final subdivision approval.

Mr. Straub made a motion to send a memo to the Town Board for both Rolling Meadows and Lake Ridge, seconded by Ms. Olyha and the motion carried unanimously.

Mr. Bell said the reason these subdivisions need these re-approvals is due to economic hardship.

The Planning Board set the public hearing for Verizon Wireless to be held on September 21, 2010.

Mr. Bell said he sent a memo to the Town Board that as a result of the new FCC guidelines regarding telecommunications tower approvals that the board had a couple of

concerns with the code that seemed to be targeted at extending the thing, for example they all need a variance because no one builds cell phone towers that are 28 feet high and he said he asked the Town Board to consider reviewing those parts of the code and recommended they consult with the town attorneys regarding that as well.

Mr. Bell talked about the balloon test. Mr. Bell said he sent them all the requests for where the board wants the pictures taken from and his recollection is public hearing in September and balloon test in October.

Mr. Bell reminded the board of the scoping session on September 16th at 7:00 p.m.

Mr. Straub made a motion to adjourn the meeting at 9:45, seconded by Mr. Gunn and the motion carried unanimously.

The Planning Board re-opened the meeting to set the public hearing for Figa to be held on September 21, 2010 and immediately adjourned the meeting.

Respectfully submitted

Eileen Mang
Planning Board Secretary