



if they have any comments or questions. They do not.

Cynthia asks Mr. Gioffre if he or his Representatives have any comments or questions.

Mr. Gioffre states his firm submitted materials which addressed comments made by MDRA. Cynthia states that will be discussed in the Regular portion of our Meeting.

Cynthia closes the Public Hearing. The Board is all in favor.

### **REGULAR MEETING:**

Prior to the next item, Karen Kurrasch states she missed the last few Planning Board Meetings and came tonight for check on the status of Salem Hunt. Cynthia states there are quite a few conditions for the Applicant to meet, such as obtaining outside agency approvals and comments. More than half of their documentation has been submitted. The Planning Board will not continue the Public Hearings until all the concerns and conditions have been satisfied. Cynthia suggests Ms. Kurrasch call the Planning Board Office first if she sees this project on an Agenda to confirm the continuation of the Public Hearings.

3. **MetroPCS New York, LLC:** Anthony Gioffre (owner – Heziha Sulcevski)  
**Con. Use Permit/Site Dev. Plan** (location – 73 Crosby Road)

- Consider Draft Resolution of Conditional Use Permit/Site Development Plan Approval.

Cynthia states that two Meetings ago, when the co-location was being proposed at approximately 130 feet, she recommended the Board send the proposed documentation out to a specialist for review. That motion passed by a vote of 3 to 2. At the last Meeting, the Applicant's Representative stated the proposal for the height of the tower had been lowered to approximately 110 feet. Cynthia forgot to ask the Board at the last Meeting if they would like to undue the referral as it may not be necessary for a specialist to review the documentation due to the proposed lower height. The Board agrees to undue the referral.

Cynthia refers to the MDRA two-page Memo and states that if everything is in place, the Board has a Draft Resolution which they could consider tonight. Cynthia refers to the Memo and asks Mr. Gioffre if he has any questions about complying with all of the conditions. Mr. Gioffre states no, with the exception of Page 2, Item 2, regarding the property survey. Mr. Gioffre states that as they discussed at the Work Session, they referenced a prior survey in with their submittal, hoping it would be sufficient. Cynthia asks Mr. Gioffre if that survey was done at the time of the Subdivision. Mr. Gioffre believes they referenced a survey from 1996 in their submittal. Cynthia states she spoke with the Building Inspector to see what his requirements are for issuing a Building Permit. Cynthia states that when issues are well away from any setback lines, the Building Inspector is satisfied with a non-current survey. Cynthia asks the Board how they feel. Roland asks Mr. Gioffre if the survey may be brought up to date by an inspection by a title company and states that may be a perfect solution. Mr. Gioffre does not have an answer. He states the tower is away from any property line. Roland states that an updated survey would give the Board satisfaction that there haven't been any encumbrances or encroachments along the way. Mr. Gioffre states his firm will investigate this suggestion.

Cynthia states that the next Applicant tonight, has a proposal on the same property, and will also have the same issue regarding a survey. Cynthia states that Applicant will receive the same comments.

Cynthia states the Draft Resolution will be amended to include language regarding the request of a Title Report in order to bring the survey up to date.

Cynthia confirms the Board would like to move the Draft Resolution forward. Cynthia states the Board received highlighted versions of the Draft Resolution. Cynthia refers to Page 3 in the Draft and states she asked the Applicant to hang colored flags on the tower so the Board could go out at their convenience. Cynthia states she did go out to view the tower from several different spots on several different occasions. Cynthia asks if the Board Members had time to do that. Charlotte states she did drive around to view the tower from a distance. Cynthia asks the Board if they are comfortable that a sufficient Site Visit was conducted. Mr. Gioffre states that the safety vests that were placed on the tower were not visible. Instead orange/red bed sheets were placed on the tower at 135 feet and 110 feet. Cynthia does not think it is proper to state in the Draft that a Site Visit was conducted. The Board discusses changing the language in the Draft to reflect that the Board investigated the visual indicators.

Cynthia refers to Page 7 in the Draft regarding the timer for the lights and confirms with Mr. Gioffre that the timer is set for 60 minutes not 30 minutes as originally thought. Cynthia asks if the timer may be changed so the lights stay on for 30 minutes. Mr. Gioffre states it is a 60 minute timer and he would like it to say at 60 minutes. Mr. Gioffre states that generally the maintenance is done only once a month. He does not want to be in violation in case the visit goes past the 30 minutes. The Board agrees.

Cynthia refers to Page 8, 2(b) and confirms Mr. Gioffre has no concerns about that item. Cynthia refers to Page 8, 2(c)(1) and states that language will be changed to reflect the request for a Title Report to bring the survey up to date by an inspection.

Cynthia asks the Board if they have any further questions, comments, or corrections. They do not. Cynthia confirms Mr. Gioffre does not have anything further.

**Chairwoman motions that the Planning Board Adopt the Draft Resolution SEQR Negative Declaration, Conditional Use Approval and site Development Plan Approval as Amended for MetroPCS New York, LLC. Charlotte Harris seconds. All in favor. No opposed.**

4. **Sulcevski: Peter Festa** (owner – Heziha Sulcevski)  
**Site Development Plan** (location – 73 Crosby Road)

- Consider Draft Resolution of Site Development Plan Waiver.

Cynthia states this proposal is for the same tower as discussed above, except with a different user. Cynthia confirms there currently is one generator, and an additional generator is being proposed. There is a discussion about the generator location. Peter Festa, Applicant Representative states the generator they are proposing is located right next to an equipment cabinet. Cynthia wanted to confirm both users would not be working in the exact same area. Cynthia states that the MetroPCS New York, LLC plan shows an existing AT&T equipment shelter. Cynthia confirms the location of the generator. Cynthia states these generators are big. Gary asks what powers the generator. Mr. Festa states the generators are powered by diesel. Gary asks what the tank size is. Mr. Festa is not sure. He states they generally run for approximately 50 hours. The photographs previously circulated are discussed. The concrete pad is discussed. The location of the nearby homes are discussed.

Cynthia asks the Board if they are in favor of granting a Waiver of Site Plan. Cynthia states that no Site Plan has occurred for this overall Site. The prior approvals were previously handled by the Zoning Board of Appeals. The Application for MetroPCS New York, LLC discussed tonight provided a Site Plan for their units. Cynthia states she spoke with Roland about this proposal not affecting the use or what is happening on

the tower, as far as whether it would trigger a Conditional Use Permit. Roland thought that it was fine for the Board to handle this as a Waiver.

Bernard is concerned about the noise of the generator and asks if there is a way it may be muffled. Mr. Festa states the generator is enclosed in a sound barrier. Bernard confirms there will be no impact to the neighbors. Cynthia states that MetroPCS has a unit right next door.

Cynthia states she did prepare a Draft Resolution for the Board to consider tonight. Cynthia confirms Mr. Festa received a copy and does not have any questions or concerns. Cynthia states the Draft is in line with the Draft Resolution for MetroPCS. A correction will be made to state that this generator is new, and not replacing the pre-existing generator. Cynthia states that this Plan is in line with the Plan from MetroPCS and it is also based on a prior survey. Roland agrees that the same note should be added regarding the Title Search. Cynthia suggests Mr. Festa speak with Mr. Gioffre so that both of them do not perform a Title Search. Cynthia states that a Title Search will be listed as a condition to be met prior to the issuance of a Building Permit.

Cynthia asks if there are any other comments or questions. There are none.

**Chairwoman motions that the Planning Board Adopt the Waiver of Site Development Plan Review as Amended for the Sulcevski Tower Proposed by New Cingular Wireless PCS, LLC d/b/a AT&T. Bernard seconds. All in favor. No opposed.**

After the motion Cynthia confirms the amendment will delete the wording referring to the replacement of an existing generator, take out the requirement for landscaping, and add in the request for a Title Search.

5. **Peach Lake Commons:** Tim Allen (owner – Peach Lake Commons, LLC)  
**Site Development Plan** (location – Route 121/Peach Lake Road)

- Consider Draft Resolution of Amendment to Site Development Plan Approval.

Cynthia states that at the last Meeting the Board adopted a Resolution for Peach Lake Commons. After Mr. Allen had a chance to look at it more closely, he realized there were a few items that needed to be changed. Cynthia states she discussed these issues with Will Agresta at MDRA who advised that rather than change the Resolution that was approved, it would be easier to do an amendment. Cynthia states that one of the issues involved an easement. Roland advised it would be fine to drop that language. Cynthia states that language regarding a NYCDEC SWPPP will be taken out, as it is not required. Cynthia states the legal documents will be handled by Roland. Cynthia talks about the changes to the lighting and confirms the Board will go out and take a look once one of the lights is installed. Cynthia refers to the Library and states Mr. Allen should take a look at the goose neck poles in their parking lot as an example. Mr. Allen talks about having the flexibility of revising the lighting and states the language in the Draft is confusing. Mr. Allen states that they agree to submit either a revised lighting plan or arrange a field inspection prior to the installation of all of the lights. A condition will be added in for the possibility of an alternative light based on the inspection in the field.

**Robert Tompkins motions that the Planning Board Adopt the Draft Resolution of Amendment to Site Development Plan Approval for Peach Lake Commons. Charlotte Harris seconds. All in favor. No opposed.**

6. **Baxter Road:** (owner -- Fred Nigro, Trustee)  
**Wetland Permit** (location – 193 Baxter Road)

Cynthia states that this Application had a condition for the submittal of legal instruments which are still outstanding. The Applicant should have asked the Board for an extension, but didn't. Cynthia would like to ask the Board to consider granting a six-month extension.

**Robert Tompkins motions that the Planning Board Grant a Six-Month Extension of the Wetland Permit Approval for U.S. Chemical Cheese/193 Baxter Road from August 2, 2010 to February 2, 2011. Charlotte Harris seconds. All in favor. No opposed.**

7. **Financial Report:**

- August, 2010

**Chairwoman motions that the Planning Board Approve the Financial Report for August, 2010. Bernard Sweeney seconds. All in favor. No opposed.**

8. **Minutes:**

- August 4, 2010

**Chairwoman motions that the Planning Board Approve the Minutes for August 4, 2010 as Amended. Bernard Sweeney seconds. All in favor. No opposed.**

9. **Next Meetings:**

- Work Session – September 15, 2010 to be rescheduled to September 22, 2010
- Regular Meeting – October 6, 2010

10. **Comments from the Chair:**

- Outdoor Dining
- Wetlands

We will discuss these items at our Work Session on September 22. Comments will be coming to us from the Town Board. Both Peter Kamenstein and Steve Bobolia have comments regarding the number of seats to be allowed. Waivers for Special Use Permits will also be discussed. Cynthia refers to the Wetlands and states she may walk the Planning Board through all of the changes instead of writing up all of the changes first.

11. **Resolution:**

**Chairwoman motions to adjourn the Planning Board Meeting. Bernard Sweeney seconds. All in favor. No opposed.**