

Chairwoman motions that the Planning Board Grant a Second Extension of the ten-year Renewal for the 2000 Conditional Use and Final Site Development Approval With Conditions for ninety-days from December 2, 2010 to March 7, 2011 per Written Request from Leslie Snyder. Gary Jacobi seconds. All in favor. No opposed.

**3. Friends of Karen: Kevin Ambrosio (owner – Judith Factor)
Amended Site Development Plan (location – 118 Titicus Road)**

- Consider Conditional Waiver of Amended Site Development Plan Approval.

Cynthia states that Kevin Ambrosio, Landscape Architect, and Paul Smadbeck, Friends of Karen Board Member are here tonight. Cynthia states this Application is for a Waiver of Amended Site Development Plan Approval for landscaping and lighting improvements. Cynthia drafted a Resolution of Conditional Waiver of Site Development Plan Approval for the Board to consider tonight. Cynthia states she has a couple of questions regarding the proposed lighting. Cynthia spoke with Mr. Ambrosio this afternoon to inquire how often the up-lights of the trees would be used, whether or not the wattage may be lowered, and whether the lights may be on timers. Mr. Ambrosio states he did some research on the type of bulb that could be used in this particular light fixture, which is a Par20 halogen lamp. We could go from a 50 watt bulb to a 35 watt bulb. Mr. Ambrosio states these lights are very low voltage. Cynthia believes the bulbs at Salem Golf Club are 20's. Cynthia asks how far the light will travel on a 25 foot tree. Mr. Ambrosio states the light will travel at a maximum of approximately 12 feet. Mr. Ambrosio states the rest of the lights are all step lights that are six inches off the ground. Cynthia asks Mr. Ambrosio if the lights are being proposed to be lit every evening, or be on timers. Mr. Ambrosio states they are proposing the lights be on timers with a motion sensor. Mr. Ambrosio states that currently the flood lights on the building are on a motion sensor. One fixture works properly and one doesn't. Mr. Ambrosio states that during the winter months, they would like to have the lights go on at 4:00 p.m. and shut off at 8:30 or 9:00 p.m. They will be on a timer and motion sensor as well. Cynthia mentions the light over the entrance way that shoots out over Oak Ridge Road, and asks if there is anything that may be done with that. Mr. Ambrosio states he just drove by and the only lights that were on are on the corner of the house. Mr. Ambrosio didn't see any other lights. Cynthia shows on the Plan where the two sets of lights are that direct light towards Oak Ridge Road. Cynthia states that when driving West on Titicus Road, the light she is speaking about shines in the eyes of people driving. We are trying to avoid lighting from leaving individual properties. There is a discussion about directing the lighting downward. Mr. Ambrosio talks about changing the light fixtures. Cynthia asks if the lights will be kept after the improvements are done, or if they will be eliminated. Mr. Ambrosio states they would like to keep the parking lot lights. Mr. Ambrosio states that shields will be added to the fixtures so they will have less glare. They will also be on a timer and sensor as well. Robert asks Mr. Ambrosio to show on the Plan exactly where the proposed perimeter lights are being proposed. Mr. Ambrosio shows where the two trees will have up-lighting, in addition to the staircase having lights built into the retaining wall. There are three or four lights on the top of the stone wall. Cynthia asks if the trees near the residential perimeter line will be lit. Mr. Ambrosio states this may be a different phase. We may eventually light those trees as well. Cynthia states we are addressing all of the lighting tonight, so the Applicant will not have to come back. Robert confirms there will be no lighting on the west side. Cynthia states there is a row of trees along the property line near the existing woods. Mr. Ambrosio states that any trees above the wall screen out the house that is above them.

Cynthia confirms the Board is comfortable granting a Waiver of Site Plan. Cynthia states that she will clean up the third whereas in the Draft Resolution regarding the drainage. On Page 2, Item 3, Cynthia states the language will be changed regarding the wattage from 50 to 35, as well as be on timers and motion sensors. Mr. Ambrosio states that if someone pulls up into the parking lot, or if a deer is on the property after 8:00 p.m., the motion lights will go on. Robert confirms that the up-lighting will go off at 8:30 or 9:00 p.m. The

timer for the motion sensor is all the time. Mr. Ambrosio states the tree lights will be on a timer. The flood lights on the building will be on a motion sensor. Cynthia confirms the time to be 4:00 p.m. to 8:30 p.m. There is a discussion about possibly not needing the lights during the summer unless a function is held.

Cynthia states there is a minor issue regarding the parking lot. When the lot was paved, the required number was met, but all of the parking spaces were not labeled properly on the Plan. Mr. Ambrosio states that right now there are 21 spaces. Mr. Ambrosio states that they are one spot shy. They showed two spaces that couldn't fit, so another space was added. Mr. Ambrosio will add in the extra space.

Cynthia asks Mr. Ambrosio if he has any other questions or issues. He does not. Mr. Ambrosio will provide Cynthia with a revised Site Plan before she signs the Adopted Resolution.

Robert motions that the Planning Board Grant the Waiver of Amended Site Development Plan Approval for Friends of Karen. Charlotte Harris seconds. All in favor. No opposed.

4. Total Energy: Tim Allen (owner – Robert Armentano)
Amended Site Development Plan (location – 2 Hardscrabble Road)

- Completeness Review of Amended Site Development Plan

Cynthia states that we are going to try to make sense out of the history of this property and the varying changes that occurred with the Building Department that did not occur at the Planning level and how we may pull this all together. Cynthia states that we did not find a Site Plan in the Planning Board Office. We did find an old Subdivision Map from 1980 that acknowledged the uses and layout of the property as of that year. In 1987 the Zoning changed. More recently, the Board granted Waivers of Site Plan Approval without looking at an entire Site Plan. The Board had looked at the building as well as small additions to it. Cynthia states that MDRA tried to clarify in their latest Memo where some of the discrepancies are. The main discrepancy is that back in 1980, there was a residence on the property that had a garage that was converted to an office, and another building was converted to an office. At that time, the number of 12 parking spaces made sense, as there were six for each building. Sometime shortly thereafter based on Building Permits and COO's the entire building converted to office use. This is a building in a residential zone. Cynthia does not know why the Applicant was never referred to the Planning Board for a Site Plan. When residential space is turned into office space, it may trigger more parking requirements. Now the Applicant is looking to keep a shed that was recently built approved. There is a small parking lot that has been turned into a much larger parking lot without having Site Plan Approval. We are trying to bring all of these issues up to date with an Amended Site Plan. We need to agree on a starting point and whether the Applicant needs to go over to the Zoning Board of Appeals for any variances.

Mr. Allen asks if the Board has seen a copy of letters written by Bruce Thompson back in the day when the property was transferred. Mr. Allen states the letters are primarily about the buildings, not the Site Plan issues. Cynthia states she had two meetings with the Building Inspector and he is confident in stating that the building from his department's standpoint is completely an office use. It doesn't negate the fact that no Building Inspector ever sent it over for Site Plan Approval. Cynthia asks Roland whether the Board should acknowledge the Use because the Building Department issued Building Permits and COO's. Roland asks if the structure was ever enlarged during this time. Cynthia states no. This was all conversion of interior space. Roland confirms the garage was converted to an office. Cynthia states that with Building Permits and COO's the entire building turned into an office use. Roland states that with the passage of all of this time the Board should acknowledge what the Building Department has already done. Roland states that does not legalize the shed that is already on the property. Roland confirms the shed was constructed about four or five years ago. Cynthia states that when the Board sends over their referral to the Zoning Board of Appeals regarding the

shed, perhaps they should add in language showing the history of all the changes, in addition to providing them with copies of the letters from Bruce. Roland asks Mr. Allen if the shed is being used for office space. Mr. Allen states that Mr. Armentano has very a very exotic fish aquarium in his office, and the shed is used for storage. Mr. Allen talks about the bump out for the back of the building for which a Waiver was granted. Mr. Allen shows on the Plan where the bump out is located as well as the shed. Roland asks when the bump out was done. Mr. Allen states that was approximately eight or nine years ago. Cynthia states that this Board waived Site Plan without looking at the use. Roland states that the shed needs to be legalized, and possibly the bump out, especially if they are interrelated uses. Mr. Allen states that this is all for an aquarium. Mr. Allen states that everything was brought to the Board, and Waivers of Site Plan were granted. COO's were obtained for everything except for the shed. Mr. Allen states that as far as they are concerned, everything is legal. Mr. Allen does not believe the Zoning Board would ask the Applicant to tear everything down. Roland asks if the bump out is usable space. Roland asks if the next owner could use it as it contains office space. Mr. Allen states the next owner would need to come in for a conversion of the area, as it contains pipes and filters. It does not house the aquarium itself. There is discussion about providing a Statement of Use for all of the square footage. The square footage should not include the bump out area. It will be called a utility space. If a new owner wants to use the space for an office, the calculations will have to be redone.

Sonja refers to the residence on Lot 12 and asks why it does not look like the building shown on the only existing Subdivision Map that also back then served as a Site Plan. Cynthia states that the residence is now in a Professional Office Zone. The larger foot print of the building is discussed. Mr. Allen states that when Robert bought the property he received a pre-date letter, as well as clarification on the use for both 2 and 4 Hardscrabble Roads. Mr. Allen submits copies of the letters. Cynthia states there is no mention of the building getting larger and asks when that happened. Mr. Allen does not know. Mr. Allen does not have that survey. Roland asks if maybe the scale is different. Cynthia asks if someone expands a residence in a Professional Office Zone, wouldn't there be the same issue? Roland asks if the Professional Office Zone allows residential. Mr. Allen states yes it does. Mr. Allen confirmed this with Bruce. Cynthia asks Mr. Allen to check with Bruce regarding all of the Building Permits. Sonja states that whatever is shown on the existing Approved Plan should have an authorization note. Mr. Allen states they will provide a history chart. Cynthia states that the square footage and uses need to be tied down, as that is what triggers the requirements for the parking spaces. Cynthia states that if someone converts interior space into another use or more uses that require additional parking, those individuals should be sent over to the Planning Board so the specific issues may be dealt with. If square footage is used for storage, and an Applicant changes the space to office use, it will be necessary for the Applicant to come to the Planning Board for an Amended Site Plan. Mr. Allen states that Mr. Armentano intends to, and recently received a Building Permit, to change the interior space while working with the same footprint. Cynthia states that Maureen called her about this to confirm Mr. Armentano, in good faith, is moving forward with the Planning Board in order to clean all of this up.

Cynthia states that so far the only use that has been clarified to need a variance is the shed. Mr. Allen will clarify the bump out is used for a utility room, so the trigger for additional parking will be taken out. Mr. Allen takes a look at an older Plan Cynthia brought with her tonight. There is discussion about the parking lot not receiving approvals. The 1980 survey shows a different Plan than what is located on the property now. There is a discussion about the gravel driveway. Cynthia questions the need for such a large parking lot. There is a discussion about how many parking spaces are used today. Mr. Allen will come up with a reasonable amount of parking spaces. The parking spaces along Route 22 are discussed. There is discussion about eliminating the row of spaces along the DOT area. Glare from the headlights is discussed. Mr. Allen states the slope is fairly large and any headlights would shine over Route 22. Mr. Allen states that this area is very wooded.

Roland asks Mr. Allen if the shed is technically movable. Mr. Allen is not sure if the shed is on a foundation. Roland states that Bruce may have an opinion as to whether the shed would require a variance. Cynthia

believes the way the Ordinance is written a shed would be a structure. Roland confirms with Cynthia that all sheds regardless of size require building permits.

Cynthia states that for the record, having the Applicant go over to the Zoning Board of Appeals to receive their rubber stamp on all of this will tighten all of these issues up. Mr. Allen states he will speak with Bruce about items that were not shown on the 1999 or a later Plan, such as the addition of a patio of the side office. Mr. Allen understood that through the waiver process, a landscape architect submitted Plans that should be on file. Mr. Allen states that the question is whether the patio was actually part of that waiver. Cynthia suggests Mr. Allen make the patio part of the Amended Site Plan. Mr. Allen states also that drainage had been moved at one point. Mr. Allen states that Mr. Armentano has done a beautiful job. Cynthia suggests we address this as part of the Amended Site Plan, such as landscaping improvements. Cynthia wants Mr. Allen to address any variances that may be needed. Cynthia would like Mr. Allen to acknowledge what is on the property now, and where the Applicant is going. Mr. Allen needs to acknowledge that there was no parking area originally, but now there is a new parking area. The landscaping improvements need to be acknowledged. The Board agrees about moving forward. Cynthia asks Mr. Allen to speak with Bruce about the residence.

Cynthia refers to the engineering and drainage and asks whether the Town Engineer will need to review it. Sonja states that as far as she can tell, no one ever looked at the drainage. There is discussion about the Town Engineer looking at the entire Site. Mr. Allen states they are not going to start ripping out all of the drainage. Cynthia asks Mr. Allen if he has documentation that shows how the drainage is functioning now. Mr. Allen states that it is mostly in-kind drainage. Mr. Allen states that the new parking area will remain gravel. There is a discussion about the ditch in the back. Sonja states this is the first time she has seen the ditch on a Plan. A confirmation of the wetlands is discussed. Cynthia will go out and take a look. There is discussion about the catch basin being located near the telephone property. Mr. Allen states that a wall was redone.

Cynthia refers to the sign and states that it looks like the proposal will work without the need for variances.

Regarding a Wetlands Permit Cynthia states the Board may want to acknowledge the shed is located within the buffer. Mr. Allen will file for a Wetlands Permit.

Sonja talks about the access driveway and cross easements. Mr. Allen states that Don Rossi is on retainer. Mr. Allen will speak with Mr. Armentano about checking all of the deeds. Mr. Allen states that there may be a need for several easements and a shared parking agreement. Cynthia states that the driveway for the house on the right crosses two neighboring properties. Mr. Allen shows where the line is straddled. Roland states there is one easement, the Applicant may want to keep the second easement in place. Cynthia states that the second easement is between two other parties, and have nothing to do with the Applicant. Roland understands. He thought there was a second easement for the residence. Mr. Allen shows the strip of land, and the property line. Cynthia asks if Mr. Armentano owns the entire length of the easement. There is a discussion about the access. Cynthia asks Roland what the minimum requirement is that we would expect the Applicant to bring to the table for Lot 12 having their parking on Lot 79. Roland states that so long as there are joint uses, the parking would be recorded against the properties and run with the land. Cynthia understands that if the parking is lost, it would directly impact the buildings.

Sonja discusses the Applicant providing a Full EAF, not only a Short Form. Mr. Allen talks about providing a quick Part III on the parking, as well as a narrative. There is discussion about the shed being located within 100 feet of the ditch, and not having an impact.

Cynthia asks Mr. Allen if he has any other questions. He does not think so.

There is a discussion of the lighting that is on the property today. Mr. Allen states the lighting is not

offensive.

5. **MetroPCS New York:** (owner – Heziha Sulcevski)
Cond. Use Permit/Site Dev. Plan Approval (location – 73 Crosby Road)

- Removal Bond Referral to Town Board

Cynthia states that there are supposed to be bonds for the removal of towers and equipment. The Planning Board never had any involvement with the Sulcevski Tower, so we do not have a bond for the tower or equipment removal. Robert asks what the \$40,000.00 is being proposed for. Cynthia states that amount is being proposed as a bond amount for the removal of the MetroPCS New York equipment. Cynthia states the amount is high. The engineer for MetroPCS New York has stated that it will cost \$16,700.00 to remove their equipment. Cynthia states that normally we would send this over to the Town Engineer for his comments prior to making a recommendation to the Town Board. Cynthia asks the Board and Town Attorney if they are comfortable with the amount of \$40,000.00 as an appropriate amount. The Board and Town Attorney are comfortable with the amount.

Chairwoman motions that the Planning Board Recommend the Town Board Accept a Bond in the Amount of \$40,000.00 for the Removal of the Equipment from MetroPCS New York. Gary Jacobi seconds. All in favor. No opposed.

6. **Financial Report:**

- October, 2010

Chairwoman motions that the Planning Board Approve the Financial Report for October, 2010. Robert Tompkins seconds. All in favor. No opposed.

7. **Minutes:**

- October 6, 2010

Chairwoman motions that the Planning Board Approve the Minutes for October 6, 2010. Robert Tompkins seconds. All in favor. No opposed.

8. **Next Meetings:**

- Work Session – November 17, 2010
- Regular Meeting – December 1, 2010

9. **Comments from the Chair:**

Cynthia states the Town Board has given us a directive to start looking at Chapter 189 and try to get that in sync with the Freshwater Wetlands Law as well as the Fill Law. We will start working on Chapters 89 and 189 at the November 17th Work Session. We may receive a referral from the Town Board to discuss signs, such as campaign signs. Sonja will prepare an outline for Chapter 189.

10. **Resolution:**

Chairwoman motions to adjourn the Planning Board Meeting. Charlotte Harris seconds. All in favor. No opposed.

