

TOWN OF WARWICK PLANNING BOARD

May 6, 2015

Members present: Chairman, Benjamin Astorino
Roger Showalter, Vice-Chairman
Dennis McConnell, Beau Kennedy,
Christine Little, John MacDonald, Alternate
Laura Barca, HDR Engineering
J. Theodore Fink, Greenplan
John Bollenbach, Planning Board Attorney
Connie Sardo, Planning Board Secretary

The regular meeting of the Town of Warwick Planning Board was held Wednesday, May 6, 2015 at the Town Hall, 132 Kings Highway, Warwick, New York. Chairman, Benjamin Astorino called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

PUBLIC HEARING OF HOMARC, LLC.

Application for Preliminary Site Plan Approval and Special Use Permit for the construction and use of a commercial site Plan of a 21,900 square foot professional and office development on a 5.1 acre site, situated on tax parcel S 51 B 1 L 5.231; project located on the northern side of NYS Route 94S near the intersection with Warwick Turnpike (152 NYS Route 94 South), in the CB zone, of the Town of Warwick, County of Orange, State of New York.

Representing the applicant: David Griggs, ERS Consultants. Paul Canivari, Applicant.

Connie Sardo: Mr. Chairman, we have received the certified mailing for the HOMARC public hearing.

Mr. Astorino: Thank you.

The following review comments submitted by HDR:

1. Planning Board to discuss SEQRA.
2. Applicant to discuss project.
3. Conservation Board – 10/16/12: no comments at this time
4. Architectural Review Board – **10/16/12:** (1) request similar conceptual view of all four sides, (2) provide materials of construction, (3) determine front(s) of building, & (4) perspective rendering of nearby buildings; **08/11/14:** see separate comment letter dated 08/11/14
5. OC Planning Department – pending
6. NYSDOT – connecting to the proposed Marginal Access Road; Applicant applied to NYSDOT for temporary construction access, letter dated 04/07/15 requesting an updated traffic study.
7. On Sheet 1, the note to abandon the existing well should be clarified that it will be abandoned in accordance with OCDOH/NYS DOT requirements.
8. On Sheet 1, the proposed sign needs a detail.

9. On Sheet 1, the forward slash “/” from the call out for the Alternative Construction/Site Access shall be removed to clarify that this entrance directly from NYSDOT is temporary.
10. A note shall be added to Sheet 1 stating that the Applicant agrees to connect to the Marginal Access Road and will remove the temporary access to Route 94 (Applicant should specify when the temporary access will be removed).
11. Applicant to add relevant Town of Warwick Standard Notes: notes for all projects, lighting, agricultural, aquifer, signs, access to Highway, etc.
12. Add a note to Sheet 1 stating that a sign permit must be obtained from the Building Department prior to installation of any signage.
13. Add a note to Sheet 1 stating that the proposed retail usage shall comply with §164-46.J(139) of the Town Code.
14. Add a note to Sheet 1 stating that the operation of the facilities shall comply with the Performance Standards in the Town’s Zoning Code (§164-48), including allowable noise levels.
15. The proposed uses, including use number, from §164-40M Table of Uses must be added to the plans.
16. An animal barrier note must be added to the plans stating that a fence with mesh or other approved barrier shall be provided to prevent small animals from reaching paved areas. The owner is responsible to have the barrier swept or raked out once a year, in early December, to remove litter and debris. The property owner is responsible for maintenance of the animal barrier.
17. An environmental monitoring note shall be added to the plans stating that monitoring shall be performed by the Owner with confirmation of completion issued to the Building Department:
 - a. Surface water quality monitoring once every three years for a nine year period after construction completion.
 - b. Monitoring of water table and wetland vegetation for a ten year period after construction completion. Monitoring of wetland buffer plantings for a five year period from the date of planting.
 - c. Bog turtle monitoring in the vicinity of the project site during construction and for a period of ten years after construction completion.
 - d. Monitoring reports shall be forwarded to NYSDEC and USFWS with a copy of all correspondence and reports forwarded to the Town of Warwick Building Department.
18. A note shall be added to the plan stating that the owner is responsible to ensure that all parking areas and driveways will be vacuumed at least three times per week as a standard operating procedure for the commercial building.
19. A biodiversity construction overlay district note shall be added to the plan: the Town of Warwick Planning Board was Lead Agency for SEQRA review for the Homarc Project. A final environmental impact statement (FEIS) was prepared and adopted by the Planning Board. In the FEIS, potential impacts and mitigation measures were studied relative to the biodiversity at the project site. The Planning Board adopted a SEQRA Findings Statement on April 15, 2015.
20. A note shall be added to the plans stating that outside storage of any quantity of pesticides and/or herbicides is prohibited.
21. All pavement markings, including parking lot striping and handicapped striping (including color, width) must be shown on the plan.
22. Details for all pavement markings must be shown on the plans.
23. A note shall be added to the lighting plan stating that Overnight Lighting Conditions: From midnight until 6am lighting levels of the entire site shall be reduced by 20%.

24. A note shall be added to the lighting plan stating that all lights shall be full shielded.
25. A detail must be added for the maintenance access road for the stormwater features as shown on the plans.
26. On Sheet 5, the Marginal Access Road detail must be modified to be in compliance with the Town Code §A168, Attachment 1 Typical Road, Half Section, Figure 1A.
27. The location of the bench and the bench detail must be added to the plan.
28. Additional information should be provided to the Roughed Rough Cut Two Rail Wooden Bog Turtle Fence detail on Sheet 6: the size of the opening and size of the wood fencing should be added to the plan. Also, the plans should include information that the wire fabric should be vinyl coated to prevent rust.
29. The plans should describe the plan to use the water collected in the cisterns. Applicant to clarify if electric service is required to pump the water out of the cistern.
30. Maintenance notes for all green infrastructure practices must be added to the plan, including winter maintenance of permeable pavers.
31. The estimated water and sewer usages must be shown on the plans.
32. An overall signage plan should be added to the plans.
33. Each proposed sign requires a detail, including height, size, words, and/or symbols.
34. Applicant to clarify how proposed water and sewer traverse the wetland area.
35. On Sheet 1, Note 10, the date of the John McGloin field survey should be added to the plans.
36. The required amount of parking spaces needs to be determined and added to the plans.
37. An existing conditions / survey drawing should be added to the plan set.
38. On Sheet 2, the top of wall and bottom of wall elevations must be called out at several points along the proposed retaining wall.
39. A detail must be provided for the bicycle rack.
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42. OCDOH and NYSDEC will be reviewing the proposed water and sewer line connections.
43. The collection vehicle approach detail on Sheet 2 should show the four wheels tracking as the vehicle turns.
44. Sheet 3, Landscape Note #4 shall be revised to state that all plants are guaranteed for three years.
45. Sheet 4, Applicant to clarify if the in-ground well sign light is considered uplighting (and is in conformance with the Town Code).
46. Sheet 5: water and sewer profiles must be added to the plans for all proposed improvements (on-site and off-site).
47. Applicant to confirm the horizontal and vertical controls of the Marginal Access Road to ensure that the roadways will line-up during construction.
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49. Applicant to clarify if there is a space at the bottom of the stockade fence enclosure for the dumpster area.
50. Applicant to consider adding a service door to allow convenient access.
51. The grass paver detail states that the depth of the drainage layer varies; Applicant to state a minimum depth required.
52. All dimensions must be called out on the Handicapped Parking Detail.
53. A note should be added to the Handicapped parking and sign details that the plan will comply with the must current ADA standards.
54. The permeable paver detail appears to be on both Sheet 5 and Sheet 6.

55. On Sheet 6, dimensions of the retaining wall shall be called out; show the largest section of the wall.
56. A sample of the retaining wall surface should be presented to the planning board.
57. Applicant to add a guide rail to the retaining wall detail.
58. A detail should be added for the guide rail.
59. The dry swale detail should include planting notes for the vegetation proposed within the swale.
60. Please verify that there is enough room provided for the trees proposed along the top of the retaining wall, and that roots will not impact the wall. If trees are to be maintained to not encroach within parking areas, those maintenance notes should be included.
61. Please verify types of vegetation proposed on the Landscaping Plan. There are numerous sized symbols for the same plant which is deceiving. Applicant must verify that there is enough room for each plant, given that the sidewalk planting area is only 3ft.
62. Please verify symbols, as there appear to be differing symbols for the same plants. Verify quantities shown. Plants growing to 6-10ft in width are not appropriate for a 3-5ft planting strip. Please confirm. Please verify that there is enough room provided for the trees proposed along the building, along the sidewalks.
63. Applicant must provide a truck movement plan to illustrate how a garbage truck is getting to the proposed dumpster location. It appears that, depending on type of garbage truck used in the Town, that at least one parking space will be impacted. It does not appear that the garbage truck movement shown is adequate. The truck does not have enough space to access the dumpster squarely. Consider rotating the dumpster and enclosure to match the truck movement.
64. The agricultural and aquifer notes must be added to the plans.
65. There should be no woody vegetation within 15' of the toe of the embankment or 25' from the spillway (per the NYS SWM Design Manual).
66. Sheet 6 shows the outfall detail which includes a splash pad. No sign of the splash pad is shown on Sheet 2. Applicant should show the actual limits of disturbance that come from adding this.
67. Applicant should add a limit of disturbance line to the plan and quantify that value.
68. Please provide spot grades at all parking lot corners, at the front and back of all handicap parking spaces, and sidewalk corners to ensure that the minimum and maximum slopes are achieved. Consider provided a blow up of the area to ensure adequate slopes and dimensions are achieved.
69. Please verify the type of handicap ramp provided at each sidewalk location. Side flare ramps may not be necessary. Update the detail to match the style ramps proposed on the site plan.
70. Provide maintenance notes for the long term maintenance of proposed grasspaver sidewalk (sweeping, vacuuming, snow removal). Provide maintenance notes for the pocket pond and meadow areas.
71. Proposed snow removal stockpile area does not seem large enough for the entire parking lot and sidewalk area. Snow removal stockpiles can not be located in the maintenance access path to the pocket pond and the dry swale. Based on the landscaping plan, snow stockpiling is not an option along the building. Consider enlarging parking lot islands for use with snow stockpiles.
72. Please verify that the landscaping proposed for sun/shade needs of the proposed species.
73. For locations where handicap ramps in the sidewalk are located in areas where doors are located in the building, please verify that adequate clear width is provided between the doors and ramps.

74. *Pyrus calleryana* (Callery or Bradford Pear) is proposed. This species is cited as an “emerging, under-reported, target invasive species” by the Lower Hudson Partnership for Regional Invasive Species (PRISM). Consider an alternative.
75. SWPPP (Section 8.1.1 – Pocket Pond) notes “The pocket pond is landscaped with a variety of plantings including emergent and woody shrubs, with each type of planting corresponding to the water depth.” The landscaping plan and the detail inset (pocket pond schematic section) on Sheet 6 show only emergent vegetation (two species of rushes) to be planted on the aquatic benches and no woody shrub species.
76. The landscaping plan also proposes to use white pines along the property frontage on Route 94. White pines are very susceptible to salt spray damage/mortality, Consider an alternative.
77. Lighting Plan. Please verify the use of entrances of the buildings. §164-43.4G requires active entrances have an average maintained illuminance of 5 footcandles. Entrances on the north and south sides of the building do not meet this requirement.
78. A three-ring binder with all color, texture, roofing samples, etc. shall be submitted and retained with the building department after final approval has been granted.
79. The declaration information for the Agricultural and Aquifer Notes must be added to the plans.
80. Payment of all bonds (Landscaping, Performance, Marginal Access Road, Construction Trailer Removal, Construction Inspection fees for Landscaping and Performance, and Traffic Mitigation Fees).
81. Surveyor to certify that iron rods have been set at all property corners.
82. Payment of all fees.

The following comment submitted by the Conservation Board:

HOMARC, LLC. – None submitted.

The following comment submitted by the ARB:

HOMARC, LLC. – None submitted.

Comment #1: Planning Board to discuss SEQRA.

Mr. Fink: SEQRQ has been fully complied with throughout the DEIS, FEIS and the Findings Statement. All of that has been completed and filed by the Planning Board.

Comment #2: Applicant to discuss project.

David Griggs: Nothing has changed with the design and layout of the project since we were last before the Board. We have the current design for the marginal access road. We are making sure that our portion of it ties into the marginal access road that is on the Fairgrounds property.

Comment #3: Conservation Board – 10/16/12: no comments at this time

Comment #4: Architectural Review Board – **10/16/12**: (1) request similar conceptual view of all four sides, (2) provide materials of construction, (3) determine front(s) of building, & (4) perspective rendering of nearby buildings; **08/11/14**: see separate comment letter dated 08/11/14

Mr. Astorino: We have been through this with the ARB. I believe the comments for that have been addressed.

David Griggs: Yes. Everything has been resubmitted to them.

Comment #5: OC Planning Department – pending

Comment #6: NYSDOT – connecting to the proposed Marginal Access Road; Applicant applied to NYSDOT for temporary construction access, letter dated 04/07/15 requesting an updated traffic study.

Mr. Astorino: Make sure you provide that.

David Griggs: That has been completed.

Mr. Astorino: I know we have numerous comments here. Laura, are there any comments here that stand out or needs to be discussed? I believe that most of these comments are technical in nature.

Laura Barca: No. I don't think there are any. Most of them are technical in nature.

Mr. Bollenbach: Dave, are there any comments you would like to discuss?

David Griggs: No. I agree with Laura that most of these comments are technical in nature. We will discuss them with Laura. Some of them are really minor.

Mr. Astorino: Do any Board Members or Professional have any comments? Ted, do you have any comments on your Memo?

Mr. Fink: Most of these comments that I have refer to landscaping, details on lighting, grading, utilities and the Town's Design Standards. They are simply in compliance with those Design Standards. That was something that had been proposed throughout the SEQRA review process. The applicant has committed to that. It is just to insure that the site plan matches up with those Design Standards. Dave, did you have a chance to look at those comments?

David Griggs: Yes. I did. I agree. There are Design Standards on there that I said we would comply to. I will make those changes and add the notes. We will talk to the Lighting Consultants. We will make sure they have a copy of those comments. They will address those.

Mr. Fink: Dave, do you have any comments on the landscaping?

David Getz: No. We have looked at it. We went through your comments. We haven't come up with anything. You are talking about things like the plants and trees.

Mr. Fink: Right. It wasn't just that. It was also about the salt sensitivity.

David Getz: Yes. We will take a look at those. We will address them as far as our comments go.

Mr. Fink: Ok.

Mr. Astorino: Ok. We will list Comments 7 through 82 for the record. This is a public hearing. If there is anyone in the audience wishing to address the HOMARC application, please rise and state your name for the record. Let the record show no public comment.

Mr. McConnell: Mr. Chairman, I would like to ask our Attorney a question.

Mr. Astorino: Ok.

Mr. McConnell: John, with regard to the Design Standards that relates to signage, is there a limit as to how long certain signs could remain in front of a project? I'm thinking specifically of a project. I do not mean that these fellows would do it. It occurs to me that the signage in front of Fairgrounds there is a large sign and flags all over. There are many other signs stuck in the ground. To encourage business, I think the Building Inspector has perhaps, I don't want to say lax, but has been willing to work with an applicant. Is that spelled out in the Design Standards? I think that starts to look a little unattractive. Again, I am not suggesting that these gentlemen are going to do anything to their place that is going to make it unattractive. It just occurs to me because of the proximity.

Mr. Bollenbach: Any type of flags, banners, or pinwheels, etc... That was all deemed to be signage. That was not approved. That is not permitted signage. When you look at the Design Standards, it is much broader in scope. If you look at the signage for the overall shopping center or the adjoining center that was what one of the comments were. How would it all pull together and fit in one package? That is what the Design Standards deal with, a Master Signage Plan.

Mr. McConnell: Right. Is that something we could emphasize on the plans?

Mr. Bollenbach: Absolutely.

Mr. McConnell: Is that beyond our scope?

Mr. Bollenbach: No. They are Design Standards. They are standards. It is required for the applicant to provide all of that information prior to final. If there is some tweaking to be done sometimes perhaps with landscaping, the Planning Board generally approves the site plan and special use with a caveat if the Town Planner deems additional landscaping to be appropriate.

Mr. McConnell: Ok.

Mr. Bollenbach: After the plantings are in, take a look at it to see if supplemental is required or not. It really is that the nuts and bolts are approved by the Planning Board. There are some site specifics where there is a little flexibility later on. Even the Planning Board's approval has flexibility within it.

Mr. McConnell: Ok. How many tenants or retail spaces are you expecting?

David Griggs: We are looking at somewhere between 10 and 14 tenants. That was what we had talked about. We are planning on having a main sign in front of the entire building. There will be signage over each one of the establishments.

Mr. McConnell: Ok. Sure.

David Griggs: Then, we are going to have signage over at the Fairgrounds entrance where the people come in.

Mr. McConnell: Ok.

Mr. Bollenbach: That is our opportunity within the Master Signage Plan.

Mr. Fink: The Zoning actually calls for that for commercial shopping areas like this.

Mr. McConnell: Yes. I thought with Fairgrounds when Subway opened, I could understand for a couple of weeks to have something there. We want them to be successful.

Mr. Bollenbach: Just like all of the Mavis balloons that they have.

Mr. McConnell: Yes. I am personally thinking that it is time that they have been "Grandly" opened long enough.

Mr. McConnell: Ok. Thank you.

Mr. Astorino: Ok. Do any Board Members have anything else? We will list Comments 7 through 82 for the record.

Comment #7: On Sheet 1, the note to abandon the existing well should be clarified that it will be abandoned in accordance with OCDOH/NYS DOT requirements.

Comment #8: On Sheet 1, the proposed sign needs a detail.

Comment #9: On Sheet 1, the forward slash "/" from the call out for the Alternative Construction/Site Access shall be removed to clarify that this entrance directly from NYSDOT is temporary.

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type of planting corresponding to the water depth.” The landscaping plan and the detail inset (pocket pond schematic section) on Sheet 6 show only emergent vegetation (two species of rushes) to be planted on the aquatic benches and no woody shrub species.

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Comment #80: Payment of all bonds (Landscaping, Performance, Marginal Access Road, Construction Trailer Removal, Construction Inspection fees for Landscaping and Performance, and Traffic Mitigation Fees).

Comment #81: Surveyor to certify that iron rods have been set at all property corners.

Comment #82: Payment of all fees.

Mr. McConnell makes a motion to close the public hearing.

Seconded by Mr. Kennedy. Motion carried; 5-Ayes.

Mr. Kennedy makes a motion on the HOMARC, LLC., application, granting Preliminary Approval for Site Plan Approval and Special Use Permit for the construction and use of a commercial site plan of a 21,900 square foot professional and office development on a 5.1 acre site, situated on tax parcel S 51 B 1 L 5.231; project located on the northern side of NYS Route 94 S near the intersection with Warwick Turnpike (152 NYS Route 94 South), in the CB zone, of the Town of Warwick, County of Orange, State of New York.

Seconded by Ms. Little. Motion carried; 5-Ayes.

Mr. Bollenbach: Now that they have their Preliminary Approval, they could go now and get other outside agencies approvals such as the NYSDOT, OCHD, DEC, etc... You have a whole litany of approvals. What it is, you have the Preliminary Approval that is required before you could go ahead for Final Approval.

David Griggs: Ok.

Paul Canivari: Yes.

Mr. Bollenbach: Once all of these issues are addressed, then the applicant could come back for Final Approval.

David Griggs: Ok.

Mr. Bollenbach: Then if there are some incidentals that could be “subject to”, we could still have it as a conditional Final Approval.

David Griggs: Ok. Thank you.

Paul Canivari: Thank you.

Other Considerations:

1. Memo from Michael Sweeton, Supervisor & Town Board dated 4/10/15 addressed to the Planning Board in regards for the Planning Board to discuss giving a recommendation to the Town Board for Zoning Changes. (Emailed to Planning Board on 4/10/15).

Mr. Astorino: Do any Board Members have any comments or concerns on this matter? Is the Board ok with that?

Mr. McConnell: Yes.

Mr. Kennedy: Yes.

Ms. Little: Yes.

Mr. Showalter: Yes.

Mr. Astorino: Ok. Ted, will you take care of that?

Mr. Fink: Yes.

2. **Meadowbrook Preserve** – Letter from Dave Higgins, Lanc & Tully, dated 4/24/15 addressed to the Planning Board in regards to Meadowbrook Preserve – requesting “*Re-Approval*” of Final Approval of a proposed Lot Line Change, situated on tax parcels SBL # 29-1-63 & 65.12; parcels located on the western side of Union Corners Rd & Sargent Rd, in the RU zone, of the Town of Warwick. Conditional Final Approval was granted on 3/5/14. *The Applicant is currently working on the conditions of the approval and are waiting for the filing of the deeds.* “Re-Approval” of Final Approval becomes effective on 3/5/15.

Mr. Bollenbach: That one is a little hard to understand. There were no additional lots created. There are no parkland fees. This lot line change was a simple straight forward one. The other declarations that were previously filed for the Nop Subdivision had all been abandoned. The Town Board has abandoned all of the takings, R.O. W., and the dedication strips. There was a lot involved with that. That pretty much has been done.

Mr. Astorino: Has anyone spoken to Dave Higgins?

Connie Sardo: I spoke to him. I think it is a bank/mortgage issue.

Laura Barca: They are painfully close to being done.

Connie Sardo: Yes.

Mr. Bollenbach: Ok. I wasn't aware of that. I will look into that.

Ms. Little makes a motion on the Meadowbrook Preserve application, granting **“Re-Approval”** of Final Approval of a proposed Lot Line Change, situated on tax parcels S 29 B 1 L 63 & 65.12; parcels located on the western side of Union Corners Road & Sargent Road, in the RU zone, of the Town of Warwick, County of Orange, State of New York, subject to the conditions of Final Approval granted on 3/5/14. (See attached).

Re-Approval of Final Approval becomes effective on 3/5/15.

Seconded by Mr. Kennedy. Motion carried; 5-Ayes.

3. **Fair Meade/Miller Lot Line Change** – Letter from John McGloin, PLS., dated 4/27/15 addressed to the Planning Board in regards to Fair Meade/Miller Lot Line Change – requesting a 6-Month Extension on Final Approval of a proposed Lot Line Change, situated on tax parcels SBL # 51-1-7.41 & 41; parcels located on the south side of State Route 94 1000± feet east of Warwick Turnpike, in the RU/CB zones, of the Town of Warwick. Conditional Final Approval was granted on 11/5/14. *The applicant has stated that they are still addressing the conditions of finals approval.* The 6-Month Extension becomes effective on 5/5/15.

Ms. Little: Is this more complicated than a simple lot line change?

Connie Sardo: There is a money issue on the applicant’s part.

Mr. McConnell makes a motion on the Fair Meade/Miller Lot Line Change application, granting a 6-Month Extension on Final Approval of a proposed Lot Line Change. SBL # 51-1-7.41. Conditional Final Approval was granted on 11/5/14.

The 6-Month Extension becomes effective on 5/5/15.

Seconded by Mr. Kennedy. Motion carried; 5-Ayes.

4. Planning Board to discuss ideas on notifying residents earlier about upcoming new planning projects.

Mr. Astorino: We talked about this at the Work Session. This matter came up years ago. Now it is back. To me it would make sense if you were going to do this early, it should be handed in the initial packets that get handed out. Basically it would be to send letters to residents within 300 feet notifying them that there would be a proposed project. I would use the word proposed because they do more something other than usually what is brought to us.

Mr. McConnell: What do the rules say now?

Mr. Astorino: The rules say 10 days before a public hearing in the Town Code.

Connie Sardo: In the Code it states 5 days before I public hearing. I have them mail them out 7 to 8 days before a public hearing.

Mr. Astorino: We had the Pysners Peak thing where it came back and they said they just got it. They were here at the meeting. If the Planning Board would want to do that, the Town Board would have to put it into Zoning.

Mr. McConnell: It seems like what you end up doing is requiring an applicant to wait longer before they would appear before us. The rule is now that 5 days before they are notified.

Mr. Astorino: That is for a public hearing. This would be done at the initial. That would be when an applicant picks up an application packet. When they would submit an application, they would have to mail out a letter to residents within 300 feet that a project is being proposed.

Mr. Bollenbach: It would just be a notice that a sketch application has been filed. It would say something like please be aware. It is posted on the Town's website. It is also posted in the Warwick Dispatch which is the Town's official newspaper. It is your obligation to be aware. You will be notified again by a Legal Notice 5 days prior to a public hearing.

Mr. McConnell: If the Town is already going through the trouble by putting it on its website and publishing it in the paper along with sending notices out, why is it that we are going to burden an applicant with an additional cost?

John MacDonald: What the people are saying is that it wasn't enough notice.

Mr. McConnell: I am sorry. I can lead a horse to water. But if it is there on the website and they choose not to look at it that is not our problem.

Ms. Little: Ok. But how many people routinely read the Town's website?

Mr. Bollenbach: Or the Dispatch.

Mr. McConnell: Then the Town Board should do more about educating the people. I just don't see that it is appropriate to cause the applicant to tell people about their rights to see what is going on.

Mr. Astorino: I would not have them send out letters registered or certified. They could send it out regular mail. Ted, we were talking about it. This would be for the applicant to send out. It would be up to the Planning Board.

Connie Sardo: Also, all of our meetings are advertised on the Town's TV Municipal channel.

Mr. Kennedy: But the idea with Psyners Peak was they had 5 days. Then they get the letter. They all work. They don't have the time to come and review a file.

Ms. Little: Right. If there was a tremendous legal issue pertaining to them, they don't have time to retain an attorney to do their research. I agree with them 100%.

Mr. McConnell: How much time do you think they should have?

Ms. Little: If it goes out at the very beginning of the application process, then it is 100% upon them to look at the Town's website and the newspaper for notices. If they don't take a look at that which I could say about 99% of the people in this Town does not look at Town's website or watch Municipal meetings on TV or notice a notice in the Dispatch. They are going to miss it.

Mr. McConnell: I guess if I lived next to a cellular tower and I had concerns about the impact of the cellular tower on my health, I would be watching things pretty closely.

Ms. Little: I hear you.

Mr. Astorino: This was brought up years ago. You know it has. It is the same argument.

Mr. McConnell: I know it has.

Mr. Astorino: It is the same argument that gets thrown back. Our thing is that we follow what is in the Code.

Mr. McConnell: Kick it to the Town Board. Let them deal with it.

Mr. Showalter: I say leave it alone the way it is. It has worked this long.

Mr. McConnell: Yes.

Mr. Showalter: I agree with Dennis on the fact about dragging something out any further for an applicant. I also agree with John and Christine on their point of view about people do need to be notified about things. But, it has always been that way.

Connie Sardo: I also have to say when I receive a submittal, I am the first one that sees it way before the Board has seen it and it is a sketch. I wouldn't have the applicant send something out at least until it gets to its first work session for the Board to know about the project. This way you are aware of what is going on.

Mr. Showalter: Yes.

Mr. Astorino: I think that is wrong. If this is done or whatever is recommended to the Town Board because we have no call to put it into the Zoning. I think it has to be consistent for every application.

Mr. Showalter: Absolutely. Dennis brought up a great point about the cell tower issue. They all find out. The word spreads.

Mr. McConnell: The other thing is that communications are much quicker today than it was 5 years ago. There is nothing that could happen within the 5 days since they received the letter that would require them to have a lawyer to prevent some disastrous from happening. That is sort of a specious argument. I didn't have time to hire a lawyer to stop this. There was nothing to stop. Nothing was going to be decided.

Mr. Astorino: It is perception. They could always file an Article 78 within so many days of an approval.

Mr. McConnell: Communication is so fast today. They are actually in a better position today than they were 5 years ago.

Mr. Astorino: This was brought up years ago. If the Board so chooses, my recommendation would be to the Town Board is if you want to go forward with it, then it should be put into the initial packets. When you get it as a sketch plan, it would be a generic letter that would go out for all applications. Once it is out, it is out. The Town Board wants to talk about this Thursday night. One way or another, the Planning Board is going to make a recommendation tonight.

Laura Barca: I could see both sides. The two things that I could see in favor of it are, I could be on vacation and miss the whole thing. The other big advantage I could see is that when someone comes in front of the Planning Board, the Planning Board has done all of their work in the Work Shop. That is where all of the work takes place. By the time it is up here, you already know what is going on. You are ready to make your decision. When it comes to the public hearing, it doesn't allow the public to see the planning process that has already taken place.

Mr. Fink: I could see both sides of the argument also. What were if we were to do something like publish the agenda after the Work Shop meeting? This way we actually have everyone with a name of the project and the number of lots or what it is about. It could just be a one line description of it and its location. We could also put that in the Dispatch.

Connie Sardo: I do post on the Town's website right after the Work Sessions a Tentative Planning Board Agenda.

Mr. Astorino: It is going to get pricy to put it in the Dispatch.

Mr. Showalter: It is posted on the website.

Mr. Fink: Ok. You said it is posted on the website. Does it have a description?

Connie Sardo: It is the same exact agenda that looks just like this but it has the word "Tentative" at the top of it.

Mr. Fink: Ok. You already have been doing that.

Mr. Astorino: I am going to go down the line and ask the Board what you want to do with this. John, what do you want to do?

Mr. MacDonald: I think we should do it with a prior notice.

Ms. Little: With the caveat that the prior notice is not certified to save expenses for the applicant.

Mr. Astorino: It would just be standard mail.

Mr. MacDonald: Right.

Mr. Astorino: Dennis, what do you want to do?

Mr. McConnell: At what point do you make them do it?

Mr. Astorino: At the initial outset. When an applicant picks up a packet and they submit it. That would be when they would send a letter out. When you submit it, it would be a checklist item. If that hasn't been done, then it wouldn't get on a Work Session. That is what I would do. You cannot do it any other way.

Mr. McConnell: I will abstain. I don't think it is necessary. With the communication that we have with the ability to put it on the website and to put a Tentative Agenda on the website, I think that ought to be sufficient. I object to putting another burden on an applicant.

Mr. Astorino: I will give my opinion. I am a little indifferent on both ways. I don't know if it would make a difference one way or another. For the sake of being more transparent, I think we could give it a try. I will say yes. But, if this goes through and the Town Board puts it into the Code, it will have an effect on every project. John, Ted, and Laura, please get together and write up some sort of a form letter for the Town Board. Give it to the Planning Board first so we could take a look at it before it goes to the Town Board. Please email it to us.

Mr. Bollenbach: Yes.

Laura Barca: Yes.

5. Planning Board Minutes of 4/15/15 for PB Approval.

Mr. McConnell makes a motion to Approve the Planning Board Minutes of 4/15/15.

Seconded by Ms. Little. Motion carried; 5-Ayes.

6. Planning Board to discuss Cancelling the 5/11/15 W.S. & 5/20/15 PB Meeting.

Mr. McConnell makes a motion to cancel the 5/11/15 W.S. & 5/20/15 PB Meeting.

Seconded by Ms. Little. Motion carried; 5-Ayes.

7. Planning Board to discuss changing the date of 5/25/15 W.S. to Tuesday, 5/26/15 due to the Memorial Day Holiday on 5/25/15.

Mr. McConnell makes a motion to change the date of the 5/25/15 W.S. to Tuesday, 5/26/15.

Seconded by Mr. Kennedy. Motion carried; 5-Ayes.

Correspondences:

Mr. Astorino: Connie, do we have any correspondences this evening?

Connie Sardo: No.

Privilege Of The Floor For Agenda Items!!

Mr. Astorino: If there is anyone in the audience wishing to address any of the agenda items, please rise and state your name for the record. Let the record show no public comment.

Mr. McConnell makes a motion to adjourn the Planning Board Meeting of May 6, 2015.

Seconded by Ms. Little. Motion carried; 5-Ayes.