

Town of Stony Point

Department of Planning

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PLANNING BOARD MINUTES

October 24, 2013,

RHO BUILDING at 7:00 P.M.

Present:

Thomas McMenamin, Member

Peter Muller, Member

Michael Puccio, Member

Gene Kraese, Member

Gladys Callaghan, Member

Gerry Rogers, Member

Thomas Gubitosa, Chairman

Also Present:

Turner Miller Group, Principle Planner

By: Max Stach

Kevin Mulhearn, Esq.

Special Counsel

PLANNING BOARD AGENDA

October 24, 2013

RHO BUILDING at 7:00 P.M.

Public Hearing:

1. Hudson River View Industrial Park Building B – Good Luck Auto SBL 20.02-11-25 LI District - Amended Site Plan located at the east end of Holt Drive, 1800 feet East of Route 9W
 - Amended Site Plan

OTHER BUSINESS:

Informal Discussion: FDV Realty Corp - SBL 20.07-3-62

Informal Discussion: Zugibe Lot Line Change – SBL 15.01-5-13 and 15.01-5-14

****DATES FOR NOVEMBER/DECEMBER PLANNING BOARD MEETING

Deadline: November 7, 2013

TAC Meeting: November 14, 2013

Planning Board Meeting: December 12, 2013

Accept minutes of September 26, 2013

Chairman: We are going to move things around a little bit we are going to do the Informal Discussion – Zugibe Lot Line Change, Mr. Zigler could you give us a narrative.

Informal Discussion: Zugibe Lot Line Change – SBL 15.01-5-13 and 15.01-5-14

Mr. Zigler: This is on Bultontown Road it is amending a property line (inaudible) he passed away about a year ago his wife lives here and this is Victor Zugibe that would be her son he purchased this home it has always been Zugibe and Zugibe since the fifties this home was built in the early 70's and what they did was they used the old driveway from the front house and put their driveway in. It is possible that this could be sold later on so I can separate the driveways there is a pretty steep hill right here on the left side standing on Bultontown and looking at the property rather than to move this driveway to the back house in the bank were are moving the property line away from the driveway and basically whatever amount of property that we are moving the property line away from the driveway and basically whatever amount of property that we are moving the property line into the front house the house is going to gain that much going out the back. So it is going to narrow it in the front but gain in the back so when we are finished as proposed both will have the same (inaudible) the lot in the front will meet code we are not asking for variances we are basically we are moving the line 15 foot so the driveway exists Bultontown. The amendment of property line it is family the family attorney is doing it I wanted to get it in quick because of your Thanksgiving and Christmas meeting schedule and if you want to do a site visit you can do that before your next meeting in December. If you wanted to have a Public Hearing for some reason we would request that you set a Public Hearing. I did submit a total application a new SEQRA form short form and the application was signed by both parties so usually we have an application that is signed by the owner and applicant in this case each page is signed by each owner and both owner will also sign the map.

Mr. McMnamin: So they are two separate lots now.

Mr. Zigler: They are two separate lots now and basically you have a driveway that meanders over the property line.

Mr. McMnamin: So they are separate lots already and you are just doing a lot line change on the smaller lot so that there won't be any variances after.

Mr. Zigler: Correct.

Chairman: Do you want to set a site visit?

Mr. Muller: We are not changing anything but the lot line.

Mr. Zigler: We are just changing the lot line so if something ever happens the house in the front the house can put its own driveway up for now we are just going to use the same driveway.

Chairman: Bill do we need to set a Public Hearing for this?

Mr. Sheehan: Actually for a lot line change you really don't.

Mr. Stach: We have a special section for a lot line.

Mr. Muller: I make a motion that we not do a site visit and not do a Public Hearing in this case since nothing is changing we will never see a difference that we just move forward.

Mr. Rogers: I will second that motion.

MOTION: NO SITE VISIT AND NO PUBLIC HEARING ON THIS MATTER
Made by Peter Muller and seconded by Gerry Rogers

Chairman: So we will put you on for next month.

Mr. Stach: I thought we did something with the Type II also.

Mr. Sheehan: A lot line has to be no variances Type II.

Mr. Stach: It is Type II.

Chairman: We will look for a resolution next meeting. Now we will do Hudson River View Industrial Park this is a Public Hearing.

Hudson River View Industrial Park Building B – Good Luck Auto SBL 20.02-11-25 LI District Amended Site Plan located at the east end of Holt Drive, 1800 feet East of Route 9W

- Amended Site Plan

Michael Puccio has recused himself from this application.

Chairman: Mr. Zigler could you give us an update.

Mr. Zigler: Dave Zigler from Atzl, Scatassa and Zigler we have been here before on what we call the Insl-X building and it was approved as Good Luck Auto and that would have been the two buildings on the south end of the property that would be right here and they are basically up against Haverstraw (inaudible) the proposal now is the same thing is to put an addition or expanding on both buildings. If you remember when we did Good Luck Auto only this area is an approved site plan with the possibility of this parking being a part of this site plan most of this is phase one and two phase three was everything else on the property so if something happens with the rest of the property we would have to come back into the Planning Board because we proposed to use this phase two parking which is almost all the parking on the site as a part of Good Luck Auto. With this application we are not changing any of that we are not asking for any change of the facing or anything else we are just asking to put an expansion on Building A we have an expansion of about 10,000 square foot and 5,000 on east and 5,000 on west and then on Building B we are looking at about 5,000 square foot and that will only be the east. So what we are proposing to do is take out macadam pavement or gravel arrears and replace them with buildings it is really not changing the impervious coverage of the site and being that they are warehouse type of facilities it is not increasing any parking needs. When we were discussing phase II that was really just storage for Good Luck Auto. That is the proposal the maps were circulated and we got back comments from Rockland County Planner so I did modify these maps to respond to some of those comments. I would like to go over them now if you have it in front of you I did email to Mary the comments response sheet because we only received it on Monday but we wanted to reply to all the items. In the first comment they had was about basically they are back on to the at grade crossing and their comment is since the site is proposed to be developed in three phases will the access in phase one be provide by at grade crossing via the underpass. It is not three phase process it just phase one and two is good luck auto phase 3 is something else that is going to come back to this Planning Board. This must be clarified if the main access is at grade crossing then safety issues cause by the increase traffic especially truck traffic must be considered. This crossing currently does not have any warning devices except railroad cross signs this crossing should be up graded to include railroad gates railroad signals and if these improvements are not made the Planning Department recommends closing this crossing except to emergency vehicles. Basically again with the truck traffic and any other traffic there is no traffic equal to what was there prior. Insl-X being in operation and Tracy working in the back and Bruce Smith has a shop in the back there so there is no increase in traffic and the Site Plan for the Warehousing has a motion in it to have that applicant apply for improvement of the crossing grade. So we are not ignoring the situation we are just saying this amount of traffic that is going to come to this commercial establishment isn't going to be increased and we also agreed to previously that this would not have any kind of retail to bring consumers in we agreed to that so we are not increasing the traffic so I am asking the Board to override that because we can meet some of the criteria but basically we are not going to close that at grade crossing down. So we are going to ask you to override that. The second comment is limit boundary between phase one and two basically we put a description on rather than the dark line we will amend the map so we don't have a problem with item two. Item three is proposed to be subdivide or contain multiple tenants so the access cross easements must be necessary for the site. Right now there is cross easements for the site and that was established by a subdivision map previously back a long time ago. It was in the late eighties and that map is referenced on here on map note nine I think it is. All that is already filed documents in the County so we do not have a problem with that. The fourth comment is any response from CSX if they have any response or await their decision we don't have a problem with that. The fifth one has to do with the under crossing and basically when we were discussing that with the warehouses we were talking about even when we had the baseball fields back there we were

talking about alternating lights one way traffic making a straighter access into the tunnel and all sorts of improvements they would like to see other than repaving and regarding of the tunnel which has been done some of it they would like to see traffic signals two phase operation and green lights and again asking for the Town to override that because at this point with this application we really don't need to get into the traffic lights and the straight access into the tunnel for this user. It is still the same user we are just making the buildings a little bit bigger so that is another comment we are asking the Planning Board to override. Right now it is number 1 and number 5. Number 6 is in order to minimize truck traffic over CSX Railroad right of way we recommend that consideration be give to installing a railroad spur so that the rail lines can be used to bring in the vehicles. That is a great idea but we are going to ask the Planning Board to override that first of all if they did install a spur were the spur was it would be more of an obstruction to the at grade crossing because the spur actually splits the at grade crossing so that spur would never work for where we are going because it would never reach the property. The spur over here to service these two buildings that is not feasible for the size of this project. That is comment number 6 and we are asking the Board to override that so it is 1, 5 and 6. Last the seventh comment has to do with 30 foot easement egress and again all of the easements are on the filed map and it is referenced on here. The eight comment has to do with the referral to the Town and the Village and us I don't know if we have received any comments from them and we don't have a comment with that. The ninth is the comment from the park because we are next to the park so the park should make comments if they have anything to say we have no problem with that. Number 10 is a review by the County Drainage agency and we have no problem with that lighting for the site should be shown and verified the lights have been out there it shines on no one else is property I don't think anybody can see the lights unless you get out in some higher point and look back so the lights exist and they work. Number twelve is the state and federal wetlands there is a potion of wetlands on this north end but it is beyond any construction there it is actually in the FEMA it is in the channel line everything that would stop you from getting into the federal wetlands exists from Drainage agency to the Town of Stony Point we did not have them flagged because we can't go over there and work anyway. The last comment had to do with the parking spaces so we turned the parking spaces on - on your map they are actually not shown so that detail space is here another thing that we did that the County was kind of mentioning but didn't say it we actually put the building areas on the map and we also did some tables we made tow columns one as it exists today and then the column what is proposed so the only two things that are changed on the proposed column is this but at least you have a comparison that you can see. So that is the only problems that we have with the Rockland County Planners and it basically has to do with the Railroad and that would be number 1, 5 and 6 and we would hope that the Board would override that.

Mr. Stach: Number 6 it say this Board gives consideration and I don't know if we have to over ride that.

Mr. Zigler: That's fine if you believe that you don't have to I will agree to that.

Mr. Stach: I think as long as this Board gives consideration to that possibility I don't think you need to override it.

Chairman: Bill do you have any comments on the two that they want to override?

Mr. Sheehan: I looked through them today and they pretty much covered it.

Chairman: Does the Board have any comments.

Mr. Muller: Even though there comments are good I don't think they take into account the amount of time we have looked into this project. Whereas the under trestle if that would ever become commercial or you would bring consumers back there which we are not at this point then we would want lighting and signals as we discussed but for what it is being used for it is not necessary at this point. As far as the upgraded crossing we have looked at that in many different ways we want two ways out if there is an emergency people need to get out in case of any emergency. When that property gets developed we already have in place what we need for the signals and the crossing grades that is going to be done so where they are thoughtful in their ideas we have looked at this and have taken it in great consideration and I do not think they are necessary at this point.

Chairman: Does any other Board members have questions?

Mr. McMEnamin. The original approval is for building A, B and C.

Mr. Zigler: No just A and B no not the little guy in the back you are correct.

Mr. McMEnamin: These two when we did this was in case phase one the work got so successful that you needed more space to store things and you would include phase 2 in phase 1. I forgot the original wording but is this original wording.

Mr. Zigler: Yes I think that is the original note. That was quite a discussion during the Planning Board at that time we are not looking to change it we are not looking to modify it we are hoping the Board would indorse that same note.

Mr. McMEnamin: So right now all this property is the same owner.

Mr. Zigler: Yes it is still the same owner.

Mr. McMEnamin: So if A, B and C with these additions grew into a big operation they would just start parking cars there or storing cars there whatever they needed for their operation. I guess the what I have in my head is let's say it does not develop that fast and something else happens on phase three area that requires the tweaking of phase 2 and phase three for some other activity I don't know. So that means you have to in phase 1 limited to that area and you would have to address that and whatever happed on the other side.

Mr. Zigler: It all would have to be addressed in a Site Plan to this Board.

Mr. McMEnamin: So and to develop like this they grew they need phase 2 they need phase 2 they are using phase 2 but 3 went off in a different direction and need phase three then phase 1 would have to contract back down its limited site there in order to make changes.

Mr. Zigler: It is like what Bill said at the workshop if phase 1 grows so big and eats up phase 2 phase 3 might not be available unless we provide parking for whatever use it is. Right now it is majority a warehouse but that whole front building is office which I think requires 60 spaces so we would have to address that at the Planning Board with another Site Plan.

Mr. Sheehan: That is why we did the original application the concern of the Planning Board to basically sterilize the 17, 000 square foot building that is why there is a map note and they can't do anything to that building unless they come back to the Planning Board. So at that time you can say Good Luck Auto has expanded so much they need to do something and give it to the applicant.

Mr. McMEnamin: That whole Site Plan would have to reconsider at that point. It is all one ownership and anything they wanted to change with this the whole thing would be open to it and they would have to redo this whole site plan.

Mr. Kraese: What we are trying to say here is if you change the use of Good Luck Auto you have to come back to the Planning Board.

Mr. Sheehan: If you change the use of Good Luck Auto or if they want to put a user in then they would have to come back to the Planning Board.

Mr. Kraese: Right now we are dealing with Good Luck Auto.

Mr. Sheehan: I am not nit picking Insl-X because it is sterile so to answer your question do they have enough parking for Good Luck Auto and Insl-X today no but the applicant agreed to sterilize it the Insl-X building is the principle building these are accessory uses the money is in the big building. If they had a user that wanted Insl-X and they need x amount of parking Good Luck Auto would be history. The reason this was phased was to isolate the main building and phase 1 was the existing user Good Luck Auto phase 2 would kick in if they expended.

Mr. Rogers: Building A are you going to take that down is it going to be a fresh building over there?

Mr. Zigler: Anytime you talk to him you get a different answer but I think he is trying to fix that building.

Mr. Rogers: That thing is falling down to the ground.

Mr. Zigler: You know who we are talking about it will look like the (inaudible) when he is finished.

Mr. Sheehan: And the ARB looks after lighting and landscaping.

Mr. Kraese: At the TAC meeting we talked about we were in agreement of putting a stop sign up at the end of the building, just for the record.

Mr. Zigler: Basically it is what we are talking about we are going to bring a curb around and put a stop sign here as you exit the tunnel coming into the site you stop.

Mr. Stach: I would have thought you would have brought the curb around the building with the stop sign for traffic traveling north.

Mr. Sheehan: That is what I would have said. I think Max is right.

Chairman: Does the Board have any other questions? Right now I need a motion just to change the SEQRA Status to a Type 1 since there is not going to be any adverse environmental impacts.

MOTION: CHANGE SEQRA STATUS TO A TYPE 1

Made by Gene Kraese and seconded by Gerry Rogers

All in favor

Chairman: Now I am going to read and Amended Negative Declaration then ask for a motion to accept.

State Environmental Quality Review

AMENDED NEGATIVE DECLARATION

Notice of Determination of Non-Significance

PROJECT: Hudson River View - Good Luck Auto

TOWN OF STONY POINT, NEW YORK

DATE: October 24, 2013

This notice is issued pursuant to Part 617 of the implementing regulation pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Planning Board of the Town of Stony Point, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Hudson River View - Good Luck Auto

SEQR Status: Type 1

Condition Negative Declaration: No

Description of Action: Authorization of a Special Permit to allow use of an existing building in the LI zoning district for an automotive recycling business, previously approved for another building on an adjacent lot.

Location: At the end of Holt Drive, just south of the Railroad Crossing from the Bay View Park Industrial Campus. Tax lot is designated as 20.02-11-25

Reasons Supporting This Determination:

The proposed action is not anticipated to result in any adverse environmental impacts based on the following:

1. On or about November 7, 2011 the Planning Board received a Part 1 Full Environmental Assessment Form (EAF) providing project information;
2. On or about December 8, 2011 the Planning Board assumed lead agency status and declared the action unlisted.
3. On or about January 26, 2012, the Stony Point Planning Board adopted a

Part 2 EAF indicating no potential large impacts a potential small impact

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from disturbance of soils within 2000 feet of a property previously used for the disposal of hazardous waste;

4. The applicant proposes to disturb soils only to the extent necessary to improve the railroad underpass to contemporary safety standards, which will improve emergency equipment to the south side of the railroad right-of-way;

5. The DEC continues to work with and actively monitor cleanup activities on this site including evaluating the remaining contamination on site. The proposed use will be conditioned upon satisfying any requirements of the the DEC, should that agency determine that soil vapor in the current buildings requires mitigation, or soil conditions in the area proposed for the special permit require mitigation;

6. There will be no disturbance to site wetlands;

7. All environmental concerns regarding the proposed use have been adequately reviewed and mitigated when approved for the adjacent building, and all conditions imposed on the previous use will be extended to the proposed location, except for screening of vehicle storage areas, which is not required since the site is not visible from any substantial public views;

8. The proposed use will not be open to access by the public and public traffic to the proposed site will be nominal;

9. The Town Engineer has reviewed the application and finds that stormwater controls may be developed to adequately prevent any increase in the rate of runoff to neighboring properties and no stormwater impacts are anticipated;

10. On or about January 26, 2012, the Town of Stony Point Planning Board issued a Negative Declaration of Environmental Significance indicating that the proposed action was not likely to result in significant adverse environmental impacts;

11. On or about February 23, 2012, the Planning Board of the Town of Stony Point voted to approve the proposed application for Good Luck Auto in Hudson River View Building B;

12. On or about February 23, 2012 the approval for Hudson River View - Good Luck Auto expired;

13. On or about September 26, 2013, the project sponsor appeared informally before the Planning Board to request the scheduling of a public hearing on a pending "re-application" of the previously approved plan with some minor modifications;

14. On or about September 26, 2013, the Planning Board declared itself lead agency and tentatively classified the action as "unlisted;"

15. On or about September 30, 2013, the applicant submitted a revised proposal for "re-approval" that consisted of the original application plus expansion of the existing buildings by approximately 16,320 square feet;

16. On or about September 30, 2013, the applicant also submitted a Full EAF detailing the environmental impacts of the proposed site plan and building modifications;

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17. On or about October 24, 2013, having better understood the application, the Planning Board reclassified the action as "Type 1" due to the size of the expansion proposed as well as the proximity to a County Park;

18. On or about October 24, 2013, the Planning Board considered the proposed changes to the proposed site plan and has determined that no significant adverse environmental impacts will occur for the following reasons:

a. The building area expansion will result in less than a 16% increase in total building square footage, and the total development coverage and floor area ratio will remain well within district requirements;

b. Adequate parking exists to accommodate the building expansion;

c. The building expansion is proposed in the area of the site most

- distant from sensitive environmental resources including the County Park, Wetlands and Floodplains;
- d. The area of the site proposed for expansion is adjacent to the Town of Haverstraw transfer station and former landfill and abuts the CSX rail line;
 - e. No existing zoning non-conformance will be increased as a result of the proposed expansion;
 - f. the proposed expansion will not be visible from any substantial public viewpoint;
19. No other potential large impacts were identified for the site.

MOTION: ACCEPT AMENDED NEGATIVE DECLARATION
Made by Peter Muller and seconded by Gerry Rogers
Roll call vote all in favor

Chairman: Now we will open the Public Hearing if you have any comments please state your name and address for the record. Seeing no comments I make a motion to close.

MOTION: CLOSE PUBLIC HEARING
Made by Gene Kraese and seconded by Gerry Rogers
All in favor

Chairman: Next on the Agenda is FDV Realty

Informal Discussion: FDV Realty Corp - SBL 20.07-3-62

Mr. Zigler: Dave Zigler basically the proposal here is something your new code just introduces is rental over business and the building that we are looking at is the Monty building this map is a little different than the map you are looking at. This is the 7 Eleven that you just recently approved and this is the shopping center in the back and this is 9W. Currently it has 5 units in it and you new code you adopted there is a possibility of having a rental over the top of the commercial buildings and it has 6 or seven items that you have to meet before requirement and it is a conditional use permit so this is the first one you will look at if it does not work on this building it will never work this is like the perfect situation for it. The bottom line is the code allows you to put parking that meets the requirements of 800 square foot and separate access and so on it is in your code. Basically you have to meet the parking requirements so it is not going to allow you to put apartments over a building that does not meet the parking requirements and when you do meet the parking requirements for the rentals that is two per unit they are dedicated spaces meaning that two doesn't count towards this commercial so there is no mixing and no reduction that you can as from the Board. What we have here is a mixture and what I was trying to do is get to this you don't want to end up with the building not working for what it is supposed to be working for commercial. We are trying break the building down and two unites would be able to be at regular commercial use a finger nail and hair salon or something like that and the other three unites would be office so it gives the owner a little bit of the ability to have a mixed use in there or make it all office like it is now. Then we have the apartments the apartments would be a maximum the interior size of the bottom. With that we need thirty one spaces the difference in this map then yours is there was some changes in the parking area over the years since its approval and we are about thirty one spaces now that includes the handicap and that includes this dumpster and access to the dumpster which didn't quite make sense with the map I had given to you with the changes also if you remember you did a proposed interconnection to the 7-Eleven and if that happen it is possible that we could pick up another space to exceed it. So the bottom line is all the criteria that you have for the commercial building to work the parking and everything else with the rental over this does meet. This big green thing here over to the right that is the playground one of the things you do have is square footage for each unit has to be dedicated somewhere on the site other than the middle of the parking lot so you can see that we have room on this site in several areas to put a playground whether we break it up but we have the area basically why I wanted to get in here was to bring it before the Board because it is application under the new code so when we go for a field trip everybody could be out there and then we are going to submit a true application with this. Now with this we would also include the building. So Jorge Lopez is actually doing the building and Carmen representing Jorge

Lopez is here and she has some first work up of the building and she wants to explain how the top is going to work and you can see the whole picture.

Mr. Sheehan: Before we get started can I ask you a few questions? What is the square footage of the existing building?

Mr. Zigler: 4,100 square feet

Mr. Sheehan: So 5 units in 5,000 square feet approximately.

Mr. Zigler: Well yeah they are all 800 square foot.

Mr. Sheehan: How many handicap do you have?

Mr. Zigler: We have two right now.

Mr. Sheehan: And a playground?

Mr. Zigler: Yes this green thing.

Mr. Sheehan: I know it is a thousand square foot what the width is.

Mr. Zigler: It is 20 by 15.

Mr. Sheehan: There is not (inaudible) dimension in that I found I just didn't know. I wanted to make sure it wasn't 10 foot by..... you don't have to designate you have to show that there is.

Mr. Zigler: I don't know we haven't gotten into that.

Mr. Sheehan: Is it designated?

Mr. Zigler: No it just has to be area in use.

Mr. Stach: it is not specific when we wrote it we were thing it not necessarily be playground either because these are one bedroom apartments. If they actually want to build what the floor plan shows and if that is the case and they are doing all one bedrooms they are probably be no kids.

Mr. Sheehan: I understand that I don't think the code defines one or two bedrooms.

Mr. Stach: It just says it can't be more than two.

Mr. Sheehan: I understand that but what I am saying is you need the same amount of parking and you need the same amount of playground.

Mr. Stach: It is recreational area.

Mr. Sheehan: I don't want to see a fenced in dog pen.

Carmen Cruz from George Lopez Architect

Ms. Cruz: We designed a layout of five total five one bedroom apartments they have three separate entrances one on the left is a private entrance then these four will share one. They are open spaces kitchen opens to the eating area. In the front we are keeping very much the same look with the dormers we are just raising the roof making room for the second floor but it is basically the A-Frame.

Ms. Stach: Why did you put the center dormer offset why did you not make it symmetrical?

Ms. Cruz: That is probably because of the layout we are keeping the existing dormers.

Mr. Stach: Why did you choose not to come off the back with a central sort of hallway and one set of stairs?

Ms. Cruz: It was probably because it used too much space.

Mr. Stach: What I was looking at the southerly most unit has 680 square feet so that is not conforming.

Mr. Zigler: He has to work on that.

Mr. Stach: Why do you put a deck walkway back there?

Mr. Sheehan: Because if you put a motel balcony basically you are going to take that much space away from that unit.

Mr. Zigler: Basically what they wanted was stairs up and doors no decks because decks they start having cookouts on them. You have to keep it clean.

Mr. Sheehan: I really didn't want to get into the floor plan and stuff but access to the second story is important it be accessible handicap accessible the second story I am only bringing that up because if we have to bump out the building to accommodate that it is going to affect the site plan. You have to get to the second story somehow and how does that fit in with the site plan. I think you need at least two B units under the code and once you get B units it requires accessibility under the code it doesn't mean it has to be an elevator but how would you get up there it would be a long ramp. Maybe some kind of chair lift or maybe you can find an exception in the code where it doesn't have to be accessible what I am getting at is sometimes we might be able to cut the units down and save the accessibility issue.

Mr. Zigler: Basically what we have here is a site that works for everything if we can keep it contained in the footprint of the building.

Mr. Sheehan: My concern about putting a bump out in the back we are talking setbacks now.

Mr. Zigler: It is very close right here and very close here so if there is some type of bump out it would have to be in the area of our playground or in the area here.

Mr. Sheehan: That is another reason I don't think you need a designated playground I think the playground is a thousand square foot I don't think it has to be 20X50 do you know what I am saying you need 1,000 square foot for a playground. I really think you need to start looking at ...and I rather not see a balcony because it is a hangout and business wise I do not think it is smart because who wants to rent an apartment is someone is hanging out in a balcony next to them.

Mr. Zigler: I just wanted to get this in front of you and hear some of your first comments and set up a field trip to look at the site and then we basically have till the first meeting in December to answer some of these questions and come back and proceed.

Mr. Sheehan: I think because the code is new I didn't look at I didn't research it but as far as I can (inaudible) it meets all of the criteria the way it sits. Bottom line it meets all the (inaudible) the way it sits right now.

Mr. Kraese: The only two questions that you have right now is that one apartment that is undersized square foot wise accessibility for handicap.

Mr. Zigler: Unless there is something in there that allows....

Mr. Sheehan: There might be an exception for the handicap accessibility.

Chairman: Would they need any type of screening for the back since it is facing the shopping center?

Mr. Sheehan: You mean as far as code or being a good neighbor.

Chairman: Two things per code and I know for the ambulance corps when we did them in the back.

Mr. Sheehan: There is no buffer required because there is a use by right actually this is a conditional use but it doesn't matter.

Chairman: With the ambulance corps we backed up to residential.

Mr. Sheehan: So they needed a buffer commercial there is no buffer.

Chairman: But since they are putting apartment we got the shopping center we got the bar and if you are going to have a play area back there you are going to have to probably...

Mr. Stach: You can require a fence.

Mr. Sheehan: You might want to include the ARB on this one.

Mr. Zigler: I think because of the time lapse between the meetings maybe this Board could give us a resolution to go to the ARB.

Mr. Sheehan: Yes you don't have to go tomorrow but at least you have a right to go because if we are going to needs accessibility the ARB is going to play a big part and that might change the footprint.

Chairman: Maybe when we do our Site Visit we can invite the ARB.

Mr. Stach: One of the things we talked about as far as streamlining the process was allowing the applicant to go early because if he is looking to make a schedule it doesn't keep this Board from requiring changes for the ARB to look at it the same time.

Mr. Zigler: I think he is ready to go and talk to the ARB this is the first one of its kind so I think we have to get going with it.

Mr. Sheehan: If you don't refer him he will have to wait till next meeting to be referred.

MOTION: REFER TO ARB

Made by Peter Muller and seconded Michael Puccio

All in favor

Mr. McMEnamin: This is a conditional use permit and a whole new site plan.

Mr. Sheehan: Well you do the site plan and conditional use at the same time conditional use has a couple of more steps.

Mr. Stach: The conditional use means that they must me certain special specifications to be considered a permitted use.

Mr. McMEnamin: So you are doing a whole other site plan for this lot.

Mr. Sheehan: If this was a use by right you still have to do site pan.

Mr. McMEnamin: It has gone business to mixed use now but just doing that requires a whole new site plan so every element of the site plan that is approved has to be either included or changed or readdressed.

Mr. Sheehan: If you have an issue with the existing site plan then you have the right.

Mr. McMEnamin: Then we should do everything we did for site plan.

Mr. Sheehan: You have to do that the conditional use the Town Board just added another layer to make sure. I think there are four or five points you have to hit.

Mr. McMenamain: According to this you have to do these things as well.

Mr. Stach: Do you for see any problem with interconnecting that parking lot.

Mr. Zigler: No.

Mr. Sheehan: Would you want to do that?

Mr. Zigler: No.

Mr. Stach: If somebody from that office building is going to Dunkin Donuts they are going to walk.

Mr. Zigler: It is 7-Eleven.

Mr. Sheehan: In this situation if it was commercial on both sides I would say yes but with residential I do not know if you want to mix them.

Mr. Zigler: Basically we are talking 2,000 square feet office and retail at 2,700 square feet but basically if we have problems with parking we can just switch the use. I am just trying to get retail in there so he would have the ability to (inaudible) with the rental on top. Once it is on this piece of paper and approved that is the max it could be less but that is the max.

Chairman: Set a site visit for November 2, 2013 at 9:00 AM at the site.

MOTION: SITE VISITE NOVEMBER 2, 2013 9:00 AM

Made by Tom Gubitosa and seconded by Michael Puccio

All in favor

Chairman: Motion to accept the minutes of September 26, 2013.

MOTION: ACCEPT MINUTES OF SEPTEMBER 26, 2013

Made by Gerry Rogers and seconded by Tom Gubitosa

All in favor

MOTION: CLOSE PLANNIG BOARD MEETING

Made by Tom Gubitosa and seconded by Gerry Rogers

All in favor

Respectfully submitted,

Mary Pagano, Clerk to the Board