

**Minutes
Warrensburg Planning Board
September 20, 2011**

Board Members Present: David Spatz, Alice Farrell, Shale Miller, Laura Moore, Lynn Smith (Alternate)

Board Member Absent: Art Healy

Others Present: Kathy Ferullo, Heidi Baker, Dominic and Mary DiFalco, Joyce Reed, Devin Dal Pos, Lou Ackley, Dan Ackley, Jon Alexander, William Thomson Randall, Dean Ackley, Peggy Cavanagh, Terry Needham, Warren Rosenthal, Kevin Geraghty, Austin Markey, Bryan Rounds, Danielle Robichaud (Alternate Board Member), Patti Corlew, Chris Belden (Zoning Administrator)

Meeting Commenced at 7:00 p.m.

Mr. Miller - ...to order. We have quorum. Approval of previous meeting minutes... We have a missing page with July 19th, so with this and the other ones we were submitted before, do you want to motion to approve July 19th?

Mrs. Moore - I have a motion to accept July 19th minutes.

Mrs. Smith - I second it.

Mr. Miller - All those in favor.

RESOLUTION #2011-41

Motion by: Laura Moore

Second by: Lynn Smith

RESOLVED, to accept Planning Board minutes of July 19, 2011 (without correction) by the following vote:

DULY ADOPTED ON THIS 20TH DAY OF SEPTEMBER, 2011 BY THE FOLLOWING VOTE:

Ayes: David Spatz, Alice Farrell, Laura Moore, Lynn Smith

Nays: None

Abstention: Shale Miller

Mr. Miller - Okay. On August 16th, any comments or amendments? Can I get a motion to approve?

Mrs. Moore - Motion to accept minutes from August 16th.

Mr. Miller - Second? Oh, you weren't here. Okay. So we...

Mrs. Smith - I'll second.

Mr. Miller - All those in favor.

RESOLUTION #2011-42

Motion by: Laura Moore

Second by: Lynn Smith

RESOLVED, to accept Planning Board minutes of August 16, 2011 (without correction) by the following vote:

DULY ADOPTED ON THIS 20TH DAY OF SEPTEMBER, 2011 BY THE FOLLOWING VOTE:

Ayes: Shale Miller, Laura Moore, Lynn Smith

Nays: None

Abstention: David Spatz, Alice Farrell

Mr. Miller - Okay. Alright. Old business, I'm going to open the public hearing for subdivision 2011-3. It is tax map number 168.-2-6.5, West and East Kelm Pond Road. The applicant is Kathleen and Carl Ferullo, to allow a two lot subdivision. Kathy, you want to tell us a little bit about it again?

Mrs. Ferullo - (Inaudible). I, I don't have the Mylar because Tracy needs to have this in hand to say that it's okay, but it's been, whatever they say, PDF'd, so.. And it's basically (inaudible). On this one, if you look at the little one better, just so that you get an idea. It's basically, this is a three acre piece. The remainder that's here is going to be retained by my husband and I.

Mrs. Moore - Okay.

Mr. Miller - That's how many acres left over?

Mrs. Ferullo - I think that's around 14.

Mr. Miller - Okay.

Mrs. Ferullo - And the way that this was many years ago, when Mrs. Raymond owned it and she broke it up. These were two separate lots. And with these two separate lots, on one of them, I was allowed, there was allowed three, actually between the two of them, there was seven lots allowed. So we broke it up to three in the front. This one (inaudible) one, two, three, four, five, six, seven. Now this has to be joined, so it's the 7th one and this is going to be considered by the APA non-buildable because we've done a couple of digs and there we were not able to go down deep enough to find an area to put a septic. So that's going to be considered non-buildable. However, we would be allowed to put hunting and fishing cabins, which would mean, that's all it would be. There's no electric. There's no water. There's no facilities, except for if you wanted a privy, which we're not going to have. It's going to be.. If, if we choose to do it, it's a potential, okay? Proposed. It'll be a self-contained, carry in, carry out. Same thing with the water.

Carry in, carry out. And with this, this is on West, where you see this little indentation, and then you can go over here where you'll see where the road comes in and cuts through. It would be on both sides of the road. And then you could see at the top here, the proposed building lot, they've done a test pit with the APA present and it'll be like a, considered a building envelope where they can build. (Inaudible) here is on the other side where they, it only goes to... Well, it includes a little bit of wetland. But this is (inaudible) drier. This part does not have any access to Kelm Pond. However, this part does. This is all Class I wetland and cannot be an access road. However, on this (inaudible). And that's...

Mr. Miller - So if you were to have (inaudible) hunting camps on there, they would have access to the lake?

Mrs. Ferullo - Yes. You have questions?

Mr. Miller - This gentleman has.

Mr. DiFalco - Yeah, I gave you a list of questions.

Mr. Miller - Uh huh.

Mr. DiFalco - Could I ask, is there a copy of this map available?

Mrs. Ferullo - No. Once it's filed, you could get a copy of it.

Mr. DiFalco - Okay. Can I at least take a look at it?

Mr. Miller - Yes.

Mrs. Ferullo - You can give him one of yours. I don't have (inaudible).

Mr. DiFalco - (Inaudible) map that I have which is a small version (inaudible) that what you have here. Would you mind just kind of orienting me as to just..?

Mrs. Moore - Sir, if you could ask, direct your questions...

Mr. DiFalco - Yeah.

Mrs. Moore - ...more to the Board, and then we'll...

Mr. DiFalco - On the map, there's, there's a "Y" (inaudible).

Mr. Miller - Right out... Yep, it's right there.

Mr. DiFalco - Okay. And the property that we're talking about is...

Mr. Miller - Bisected by the road. The road cuts right through the property.

Mr. DiFalco - Which road are you referring to?

Mr. Miller - The, which would be the...

Mr. DiFalco - West Kelm Pond?

Mr. Miller - West, yeah, the West Kelm.

Mr. DiFalco - You got West goes off to the right on this map.

Mr. Miller - Yep.

Mr. DiFalco - And the other, where I live is, goes down this way.

And the property... So, so the West Kelm will bisect...

Mr. Miller - This lot, yes.

Mr. DiFalco - ...this new lot.

Mrs. Moore - Hm hm.

Mr. DiFalco - And, my questions, if, if they're... This is the time to ask these questions (inaudible), I don't know. Do you want to tell me how I get them answered?

Mr. Miller - Well, question #1, for one thing, I don't... I'm not sure where you're getting 27 acres. Is that the original lot size, total lot size?

Mrs. Ferullo - One of them was 30 acres and the other one was 27.

Mr. Miller - Okay.

Mrs. Ferullo - That was originally...

Mr. Miller - But the new lot you're creating is only 7 acres?

Mrs. Ferullo - The new lot that I am creating is 3 acres.

Mr. Miller - 3 acres, okay.

Mr. DiFalco - Where will the cabins be?

Mr. Miller - The cabins would be on your lot, which is how many acres?

Mrs. Ferullo - About, I think it was 14, 13 or 14.

Mr. DiFalco - 14 or was it 27?

Mrs. Ferullo - No, it is not... I'm telling you that it's 13 or 14 acres. The original lot was 27 acres (inaudible).

(Tape inaudible).

Mr. Belden - 18.75 acres.

Mr. Miller - 18.75?

Mr. Belden - That's on the application.

(Tape inaudible).

Mrs. Ferullo - Okay. So you're down to a little less than 15.

Mr. Belden - No, no, no. That's what's going to be retained. 21.75 is, is the total. Three acres will be this new lot and, and the remainder of it will be the 18.75.

Mr. Miller - 18.75, okay.

Mr. Belden - Which is where the cabins could potentially go.

Mr. Miller - The... I don't know where this information is coming from. It says... I'm referring to specific wording that states that inpr... Ah, man I can't even talk tonight.

Mr. DiFalco - In perpetuities.

Mr. Miller - Yes. ...the restriction that only one structure of 500 square feet will be constructed on this new 18.75 lot.

Mr. DiFalco - It came from the Adirondack Park.

Mr. Miller - Are you aware of that?

Mrs. Ferullo - This is the way it's... Back when I bought the property from Mrs. Raymond, I bought a 30 acre piece and a 27 acre piece. Those two pieces of property, I was allowed to break it up into seven, seven lots. Okay? Seven, seven subdivisions, and they were to be within 500 feet unless I went back to the APA.

Mr. Miller - 500 square feet buildings?

Mrs. Ferullo - No, 500 feet from Forest Lake Road.

Mr. Miller - Okay. Alright.

Mrs. Ferullo - Unless I went back to the APA requesting it differently. So what I did is, on the, the Forest Lake Road, I brought it up into three, the lots that you see there, to the rear of those, I made a ten acre lot. To the rear of that, I made a nine acre lot, and now this is the last one that I can possibly make.

That's why we have to merge the rest of it, because that will create the last subdivision that I can do. Now the three acre lot is the one piece that is going to be divided by West Kelm Pond Road and a portion of it on East Kelm Pond Road. And the other I am retaining.

Mr. Miller - Okay. The 500, the structure's limited to 500 square feet, is that in a deed anywhere or anything or is that part of your APA application? That's a pretty small structure.

Mrs. Ferullo - I, I believe that he's giving misinformation. The...

Mr. DiFalco - I'm just...

Mrs. Ferullo - The cabin, the hunting and fishing cabin can only be 500 square feet or less.

Mr. Miller - Okay. That's for those, but not, not the house that's being...

Mrs. Ferullo - The structure...

Mr. Miller - ...built on the new struct, on the new lot.

Mrs. Ferullo - What I did with the, the new lot, it would be about 3,500 square feet. Because of the size of the lot, I didn't want to have, they said 5,000 and I thought that was too large for that lot, so 3,500 square feet sounded more reasonable to me.

Mr. Miller - Okay. So just to answer his question then, number one, there are APA restrictions to the size of the cabins, the type of cabin, the foundation...

Mrs. Ferullo - To be considered...

Mr. Miller - ...the septic and all that stuff will be, is outlined in the APA.

Mrs. Ferullo - Yes. To be considered a hunting or fishing camp or cabin, without having to go back to the APA, they can only be 500 square feet or less.

Mr. Miller - Right.

Mr. DiFalco - And that's what will go on the...

Mr. Miller - Larger...

Mr. DiFalco - ...14 acre lot?

Mr. Miller - Yes.

Mrs. Farrell - Hm hm.

Mr. Miller - If they decide to do that.

Mrs. Moore - If they decide to do that.

Mrs. Ferullo - If we decide. We want to have the option.

Mr. DiFalco - You keep talking about cabins.

Mrs. Moore - No, not cabins, not with an "S".

Mrs. Ferullo - No, it could be cabins, but they could be, they have to be 500 square feet or less.

Mr. Miller - Is there a limit to the number?

Mr. DiFalco - According to the APA, just one.

Mr. Miller - One?

Mr. DiFalco - Right.

Mrs. Ferullo - Well. Have you been talking to the APA?

Mr. Miller - Okay. Here's, here's... Okay. The APA will be the lead jurisdiction in that, so that's out of our hands. Okay, so, anything she does on there will have to be approved by the APA. So, and the County and the Town and, as far as the zoning permit and all that stuff, will all have to be done. So you're covered there. So that covers number two, as to who's going to enforce it.

Mr. DiFalco - So the APA does enforce it?

Mr. Miller - Well they would not necessarily, but...

Mrs. Ferullo - (Inaudible)... When I get the permit, it'll indicate in the permit what I am allowed to do.

Mr. Miller - Right. Then you'll be, you'll be bound by that. Number three would be, how would household garbage be disposed. That's going to... Like she said, in and out. It's carry in; carry out. And that covers everything. That's human waste, garbage, food, water, everything.

Mr. DiFalco - How is that monitored?

Mr. Miller - I'm sure that it would be monitored by...

Mrs. Ferullo - By Kathy.

Mr. Miller - Yeah. By the owner.

Mrs. Ferullo - Kathy does what Kathy says she's going to do.

Mr. DiFalco - I'll make a note of that, Kathy. Thank you.

Mrs. Ferullo - You're welcome.

Mr. DiFalco - Kathy will monitor.

Mr. Miller - And the no lake rights refers to the new lot that we're creating.

Mrs. Ferullo - Correct.

Mr. Miller - And...

Mrs. Ferullo - The three acre lot.

Mr. Miller - ...the existing larger lot will have lake rights still.

Mrs. Moore - But it does not mean... Like with no lake rights, that doesn't mean someone, if there's some other access point and someone says you can come in and use the lake, then you can. I'm concerned how he's worded this "no lake rights", meaning the owner will be restricted from Kelm Pond. If someone offers...

Mrs. Ferullo - Well, if I, if I say to these people that...

Mr. Miller - Well, if they're a guest of one of the owners, then...

Mrs. Ferullo - ...(inaudible) and they want to come and ya know, I befriend them and they want to come, I'm not going to say, no, you can't come onto Kelm Pond Lake.

Mrs. Moore - Right. Does that answer your question?

Mr. DiFalco - No. In other words, you're saying they can come on to Kelm Pond through your property?

Mrs. Ferullo - Correct.

Mr. DiFalco - Okay. So the APA is under, is under the impression that they have no lake rights.

Mrs. Ferullo - Ya know, I find this really odd that you're asking this question because you have like a gazillion members of your family that use the, the, and I... This is a single family dwelling, and you have how many grandchildren and family members?

(Tape inaudible; people speaking at once).

Mr. Miller - Sir, sir. This is a... Obviously this is an association problem.

Mr. DiFalco - No, it's not an association problem. It's a personal problem.

Mr. Miller - Okay. Well, that's...

(Tape inaudible; people speaking at once).

Mr. DiFalco - The gazillion kids that she's talking about are my grandchildren, okay.

Mr. Miller - Okay. And you have rights to that lake through that. She also has that because she does own property on the lake and if, and if she sells this property to somebody and she becomes a friend and she wants them to be guest on the lake, just like you can, that's her right. And that's your guys' problem. Not ours.

Mr. DiFalco - (Inaudible) understand that. So it is, they have lake rights...

Mr. Miller - No, they do not have legal...

Mr. DiFalco - ...through, through...

Mr. Miller - ...any if she wants them to.

Mr. DiFalco - ...Ferullo's.

Mr. Miller - Only if she takes...

Mr. DiFalco - Okay.

Mr. Miller - ...them there as a guest. Is that how it works?

Mr. DiFalco - We're talking about my children or my guests (inaudible). Okay, sorry. There was another question.

Mr. Miller - That was it. That was the lake rights. That was number four.

Mr. DiFalco - Okay. And the APA becomes the... APA and Kathy...

Mr. Miller - She is restricted by the APA regulations. How the APA chooses to enforce that is their problem.

Mr. DiFalco - And she will monitor or is responsible...

Mr. Miller - Yeah.

Mr. DiFalco - ...for...

Mr. Miller - Just like any homeowner.

Mr. DiFalco - Same thing if my kids are up there, I'd want to make sure that when they left the place, they left it the way it came.

Mr. Miller - Exactly.

Mr. DiFalco - Okay. Thank you. When, when is it possible to get a copy of this?

Mrs. Moore - You can FOIL...

Mr. Miller - Once it's filed, you can FOIL for. The Freedom of...

Mr. DiFalco - Will we be notified when it's filed or?

Mrs. Ferullo - Go to the County and check with them. That's where it would be filed.

Mr. DiFalco - Do you know when it's going, when it will be filed approximately.

Mr. Miller - Do they list them in the paper?

Mr. Belden - Warren County?

Mr. Miller - Yeah. The subdivisions? They're not listed in the paper anymore?

Mr. Belden - No, I don't think so.

Mrs. Corlew - No.

Mr. Belden - No. I mean, you'll just have to check with the Town Hall or the County, and there's a procedure for...

(Tape inaudible).

Mr. Belden - Yeah. You'll have to... You'll have to FOIL for it. There's a ya know, time period that the Town has, the Town or the County has to secure it for you.

Mr. DiFalco - How long?

Mrs. Corlew - Can't say.

Mr. DiFalco - I can call the Town and what, do I ask for the Planning Board or...?

Mr. Belden - I would ask... I would speak to the Town Clerk's office.

Mr. DiFalco - Okay. Thank you. Thank you.

Mrs. Ferullo - Do you want to wait until I get the Mylar.

Mr. Miller - Well, no, we can approve it and I just come in. Once you, once you bring the Mylar in, I can just come in and, and sign it.

Mrs. Ferullo - Okay. 'Cause Tracy's just waiting. She needs a copy of it 'cause (inaudible).

Mr. Miller - If anything changed or anything.

Mrs. Ferullo - She doesn't foresee a problem. Once I, she gets that, then she can (inaudible). He'll be getting a letter from them as well.

Mrs. Moore - Okay.

Mr. Miller - Okay. Is there anybody else with questions or comments on this subdivision? Okay. I'm going to close the public hearing.

Mrs. Moore - I'll make a motion to close the public hearing.

Mrs. Smith - Second.

Mr. Miller - All those in favor.

RESOLUTION #2011-43

Motion by: Laura Moore

Second by: Lynn Smith

RESOLVED, to close the public hearing for application SUB #2011-3 by Carl and Kathleen Ferullo for tax map #168.-2-6.5, for a two lot subdivision.

DULY ADOPTED ON THIS 20TH DAY OF SEPTEMBER, 2011 BY THE FOLLOWING VOTE:

Ayes: David Spatz, Alice Farrell, Shale Miller, Laura Moore, Lynn Smith

Nays: None

(Tape inaudible).

Mr. Miller - Any questions or comments from us, from anyone here about this?

(Tape inaudible).

Mrs. Moore - Does anyone have any questions of Kathy?

Mr. Miller - Yeah, is there any questions for the applicant? No?

Mrs. Moore - I can move on a motion then?

Mr. Miller - Yep.

Mrs. Moore - Make, motion to approve subdivision 2011-3, tax map is 168.-2-6.5, West and East Kelm Pond Road. Applicant is Kathleen and Carl Ferullo, to allow a two lot subdivision.

Mr. Spatz - I make a motion.

Mr. Miller - You mean second it.

Mr. Spatz - I'll second it.

Mr. Miller - All those in favor.

RESOLUTION #2011-44

Motion by: Laura Moore

Second by: David Spatz

RESOLVED, to approve subdivision application SUB #2011-3 by Carl and Kathleen Ferullo for tax map #168.-2-6.5, located on East and West Kelm Pond Road, for a two lot subdivision.

DULY ADOPTED ON THIS 20TH DAY OF SEPTEMBER, 2011 BY THE FOLLOWING VOTE:

Ayes: David Spatz, Alice Farrell, Shale Miller, Laura Moore, Lynn Smith

Nays: None

Mr. Miller - Okay. Get the Mylar in, and Chris will let me know and I'll just stop in when I can and sign in.

Mrs. Ferullo - Okay. Thank you.

Mr. Miller - If there's any rush or anything like that, just let me know, but...

Mrs. Ferullo - (Inaudible).

Mr. Miller - Okay.

Mrs. Ferullo - Thanks.

Mr. Miller - Usually have to get in when I can, so it's...

Mrs. Ferullo - That's no problem. There's no rush.

Mr. Miller - 'Kay. Okay, site plan review SPR 2011-11, for tax map 211.18-1-9, for 3685 Main Street. The applicant is Heidi Baker.

Heidi, do you want to come up and tell us about it?

Mrs. Baker - You'll have to walk me through this. It's my first time.

Mr. Miller - Basically let us know what you want to do.

Mrs. Baker - Basically just changing my location. I sold the building in January and I was offered this spot down here. It has a parking lot, and it's perfect.

Mr. Miller - Okay. Do you have a, do we have a map or a plot plan or anything?

(Tape inaudible).

Mrs. Moore - Chris, do you have one you can share?

Mr. Belden - Yeah. It should be...

Mr. Miller - I didn't get one in my packet.

Mrs. Smith - No, me neither.

Mr. Belden - No?

Mrs. Moore - It was a previous month's...

Mr. Miller - Oh...

(Tape inaudible; people speaking at once).

Mrs. Baker - I was here. A little bit early, but I was here last month.

Mrs. Moore - Sorry about that.

Mrs. Smith - Sorry.

(Tape inaudible).

Mr. Miller - Are you changing the lighting or anything like that outside (inaudible).

Mrs. Baker - Yeah, I'm just going to put a sign up.

Mr. Miller - Okay.

Mrs. Baker - And I'm going to put a barber pole up, of course.

Mr. Miller - Is that going to be on the building?

Mrs. Baker - On the building.

Mr. Miller - On the building.

Mrs. Baker - And that's it.

Mrs. Moore - Is your entrance (inaudible) to the front of the building, that's going to remain the same? Or is it to the side?

Mrs. Baker - It's on the side.

Mrs. Smith - Where's the parking, Heidi, on the side?

Mrs. Baker - On, to the, if you're going south, it's on your southern end of the, the building.

Mr. Miller - There's also on-street parking in front, right?

Mrs. Baker - Yeah. Right across, National Grid, and I just spoke to Eddie Pennock to ask him if he would put an ap in to the State for a crosswalk there possibly.

Mr. Miller - Is there parking on your side or not?

Mrs. Farrell - The sidewalk's on the other side of there.

Mrs. Baker - Both sides.

Mrs. Moore - Both sides?

Mrs. Baker - Both sides.

Mrs. Farrell - Okay.

Mr. Miller - Is there parking on your side or not?

Mrs. Baker - No, not much. No.

Mr. Miller - Not much.

Mrs. Baker - But the eyeglass place, I spoke to on the phone and they have that, the southern part of theirs is not used a lot, so we thought maybe a couple of our workers that don't leave the place.

Mr. Miller - Right.

Mrs. Baker - And I'll park on the other side. I don't care. To let people know there's parking there because I actually didn't know there was until I went down there and I go, oh my God, there's ya know, all that there. So that's good.

Mrs. Farrell - It is good, yeah.

Mrs. Moore - Do we need to know (inaudible) where you're going to put the barber pole?

Mr. Miller - On the building, she said.

Mrs. Moore - On the building. Okay.

Mr. Miller - There's a sign on the building too? It'll be on the front?

Mrs. Baker - Yeah.

Mr. Miller - Alright. So there's no sign on the land anywhere? Okay.

Mrs. Moore - Hours of operations remaining the same?

Mrs. Baker - Exactly.

Mrs. Moore - I don't have any other questions.

Mr. Miller - Dave, you got anything?

Mr. Spatz - I'm all set.

Mr. Miller - 'Kay.

Mrs. Moore - 'Kay.

Mrs. Baker - Do I sit down or?

Mr. Miller - For right now. Heidi, this is yours. You can take this back.

Mrs. Baker - Thank you.
(Tape inaudible).

Mr. Miller - Could I get a motion?

Mrs. Moore - I'll make a motion to approve site plan 2011-1, tax map is 211.18-1-9, located at 685 Main Street. The applicant is Heidi

Baker, to allow conversion of use from retail sales to a barber/beauty shop with plans as submitted.

Mr. Spatz - I'll second.

Mr. Miller - All those in favor.

RESOLUTION #2011-45

Motion by: Laura Moore

Second by: David Spatz

RESOLVED, to approve site plan review application SPR #2011-11 by Heidi Baker, for tax map #211.18-1-9, located at 3685 Main Street, to allow conversion of use of retail sales to a barber/beauty shop.

DULY ADOPTED ON THIS 20TH DAY OF SEPTEMBER, 2011 BY THE FOLLOWING VOTE:

Ayes: David Spatz, Alice Farrell, Shale Miller, Laura Moore, Lynn Smith

Nays: None

Mr. Belden - I think, was there was a...

Mrs. Moore - SEQRA.

Mr. Belden - ...SEQRA application or SEQRA.

Mr. Miller - Oh, is there SEQRA for that?

(Tape inaudible).

Mr. Miller - Short form?

Mrs. Moore - Yes.

Mr. Miller - Good.

Mrs. Moore - I'll read through the SEQRA application. Typical answer is no, and if anybody has any questions, please let me know. Part II, environmental assessment a) does action exceed Type I threshold in 6NYCRR Part 6.17.4? No. b) will action received coordinator review as provided for unlisted actions in 6NYCRR Part 617.6? No. c) could action result in any adverse effects associated with the following c1) existing air quality, surface or ground water quality or quantity, noise level, existing traffic pattern, solid waste production disposal, potential for erosion, drainage or flooding problems? No. c2) aesthetic, agricultural, archeological, historic or other natural cultural resources or community or neighborhood character? No. c3) vegetation or fauna, fish, shellfish or wildlife species, significant habitats or threatened or endangered species? No. C4) community's existing plans or goals as official adopted or a change in use or intensity of use of land or other natural resources? No. C5) grown, subsequent development or related activities likely to be induced by the proposed action? No. c6) long-term, short term cumulative or other effects not identified in c1 through c5? No.

Other impacts, including changes in use of either quantity or type of energy? None. Letter d, will the project have an impact on the environmental characteristics that cause the extinction of a critical environmental area? No. e) is there or is there likely to be controversy related to potential adverse environmental impacts? No. Motion that this proposed action will not result in any significant adverse environmental impacts as, as provided on (inaudible).

Mr. Miller - (Inaudible).

Mrs. Smith - I make a motion that we do that.

Mr. Miller - Seconded? Someone second the motion.

Mrs. Farrell - Oh, second.

Mr. Miller - All those in favor.

RESOLUTION #2011-46

Motion by: Lynn Smith

Second by: Alice Farrell

RESOLVED, to deem application #2011-11 by Heidi Baker, for tax map #211.18-1-9, located at 3685 Main Street, for site plan review, as not having any significant environmental impact as a matter of law.

DULY ADOPTED ON THIS 20TH DAY OF SEPTEMBER, 2011 BY THE FOLLOWING VOTE:

Ayes: David Spatz, Alice Farrell, Shale Miller, Laura Moore, Lynn Smith

Nays: None

(Tape inaudible; Laura completing SEQRA form).

Mr. Miller - All set?

Mrs. Moore - Yep.

Mr. Miller - Heidi, you're all set.

Mr. Belden - Get the permit and sign permit, then you're all set.

Mrs. Baker - Okay.

Mr. Spatz - Thanks for coming in, Heidi.

Mrs. Baker - Thank you.

Mr. Miller - Okay. That is it for new business, other than we were approached by the people that might be doing a commercial development up in behind the post office. And we've extended some time to them to kind of present to us what they want to do. So that's what we're going to do now.

Mr. Dal Pos - My name is Devin Dal Pos. I'm with Warrensburg Properties, LLC. We are proposing to develop the property adjacent to Oscar's. Most people here know where Oscar's is, and the post office. I'm sure you all know where that is too, and the post office being right here. I apologize to those in the rear, who can't see

yet, but you will. And then the Oscar's is right here, and the property is, it's this property behind it and then to the rear. The property (inaudible) that are involved are on this plan as well. What we're proposing is basically two items; one is a grocery store between 33 and 35 thousand square feet, roughly and the reason being, and both of those are actually shown in here, the 33,000 is this building here in orange. The 35 and change is this one that's actually (inaudible) superimposed, and the reason being that both of 'em are on here is because we're actually dealing with two different grocery stores at this point, and neither one are signed yet, so as soon as one signs, it'll flip one direction or the other. But in essence, the, the circulation, the drainage, the parking, the grading, all of those items are, are virtually identical between the two. Same thing with parking. This shows roughly 200 spaces; one would be slightly less, but we need roughly a minimum of about 165 spaces or five per thousand to accommodate the grocery store. We're also showing a bank or credit union out here, approximately a three quarter acre parcel of property, which is part of our piece here, and that's, it's got roughly 20 spaces with it as well. The post office would remain as is. We would not touch it at all. We've had discussions in the past with the post office to either accommodate 'em, relocating 'em, a number of different options, but unfortunately as everybody knows, the post office is having difficulties these days, and they don't even have enough manpower to review something like we we're suggesting. This is the, the basic proposal and layout that we're proposing. To give you a little background of history, we came to Town quite some time ago looking for an opportunity to develop this type of use in the township. So we had been in discussions with, ya know, grocery stores about this area and the fact that it isn't served, or I should say, it is served, but it's, there's an opportunity here that there could be better, ya know, better service perhaps. So we took a look at the whole area, the surrounding area on what, what might make some sense, and what we found with this particular location was numerous items that we needed in order to make a successful development. One of them was zoning, two it's in the hamlet district, three it has utilities. The proximity to the post office and Oscar's is certainly a plus because it permits pedestrian cross access between these, these uses and additional land that's associated with this parcel that we're requiring, it, it does ramp up as far as height, but there may be some opportunity for further development. Back here there's roughly 25 acres a piece of property back here and believe or not, it's zoned commercial. I'm not sure why, but it is. Not...

Mr. Miller - (Inaudible) know why.

Mr. Dal Pos - What's that? You know why? Not to say that it makes sense to develop this commercial, but there could be an opportunity for some type of housing or something to that effect, ya know, like

perhaps senior apartments; something along those lines that might make some sense. But this is the, this is the basic idea that we're proposing and what we wanted to do tonight was to present this to you, get some feedback, some concerns, suggestions before we make the formal application to the town. Can you all see it?

Mr. Miller - Hm hm.

Mr. Dal Pos - (Inaudible). Swing it so the folks in the audience can see it as well.

(Tape inaudible).

Mr. DiFalco - Excuse me?

Mr. Dal Pos - Yes, sir?

Mr. DiFalco - (Inaudible) Oscars?

Mr. Dal Pos - Oscar's is this building right here.

Mr. DiFalco - (Inaudible).

Mr. Dal Pos - Yep. Right next door. There's a decent amount of grade difference between the two, and this is kind of splitting the difference between this... This property or this area slopes from a lower area here up to Oscar's here, and then it also kind of dips down, comes back up and then climbs the hill here, as well, so...

Mr. Miller - There's some green area there. It looks like it's encroaching on some of the properties which I believe is Kreinheder's?

Mr. Dal Pos - Yeah.

Mr. Miller - (Inaudible).

Mr. Dal Pos - We actually control this property here.

Mr. Miller - Oh, okay.

Mr. Dal Pos - As well as this property here. We do not control this piece right here.

Mr. Miller - What are the plans for that property, nothing?

Mr. Dal Pos - We haven't made a decision at this point. I think at this point, we want to try and first get this going, get it under way and then take a look a complementary development with that.

Mr. Miller - Okay. Are you, are you all the way out to Mountain?

Mr. Dal Pos - Here?

Mr. Miller - Yes.

Mr. Dal Pos - Yes. We have control out to there.

Mr. Miller - On Hackensack?

Mr. Dal Pos - Hackensack, yeah.

Mr. Miller - Yeah, okay.

Ms. Cavanagh - Can I say something?

Mr. Dal Pos - Yes.

Ms. Cavanagh - I'm Peggy Cavanagh. I own Jack's Liquors over there. I have concerns. I've spoken to this gentleman many times. Part of the property they have control of is a common law property. They don't have control over my building but it is controlled by the common (inaudible). That's where my concern was.

Mr. Miller - There will be a public hearing at some point on this, so I appreciate your concern, but I think tonight, we're just going to let them talk. We're going to ask a couple questions and... Excuse me; I got a cold. When we get back into the full official public hearing, we'll take public comment and all that. So everybody'll have a chance to, to speak, and mark their concerns, but...

Mrs. Moore - What's the entrance..? You have two entrances. What's the width of those? Are those two-way or one-way?

Mr. Dal Pos - They're two-way, and they're typical street width.

Mr. Miller - (Inaudible) same as the...

Mrs. Moore - Post office?

Mr. Miller - ...post office.

Mr. Dal Pos - Yeah.

Unknown - Could you show where they are?

Mr. Dal Pos - The entrances?

Unknown - Yeah.

Mr. Dal Pos - Right here.

Mr. Miller - The retaining wall up on Oscar's side, is that going to be...?

Mr. Dal Pos - We don't touch anything outside of our property line.

Mr. Miller - Okay.

Mr. Dal Pos - Ya know, we don't...

Mr. Miller - Pretty steep grade lines right there.

Mr. Dal Pos - There is. Yeah. Right in here?

Mr. Miller - Yeah.

Mr. Dal Pos - And then...

Mr. Miller - Will that be done... Is that going to be just natural grading or is it going to be retained or?

Mr. Dal Pos - I think in this area is natural grading. Back here, it's kind of steep, although the way they have it is natural grading with, ya know, slope protection but, ya know, (inaudible) the engineer, they're going to determine what makes the most sense.

Mr. Miller - I'm just thinking if you go down to Home Depot and there's that big retaining wall behind there.

Mr. Dal Pos - Oh yeah.

Mr. Miller - That's something that I don't think we would...

(Tape inaudible; people speaking at once).

Mr. Miller - You're going to want something that's going to look a little more natural, I think.

Mr. Dal Pos - Sure.

Mr. Miller - But...

Mr. Dal Pos - Yep.

Mrs. Farrell - So at this moment, you're planning on having all your traffic spill out to Route 9 at the front of the development?

Mr. Dal Pos - Oh absolutely.

Mrs. Farrell - Do you have any plans for using either streets, such as from where the bank is or your potential for whatever that other building to have exits bear onto Raymond Lane?

Mr. Dal Pos - Oscar, you mean? Oscar Avenue.

Mr. Miller - They changed it.

Mrs. Farrell - And we changed it, sorry. Been here too long.

Mr. Miller - (Inaudible).

Mr. Dal Pos - The way it's drawn here, no, but not to say that it couldn't. I, I don't know as if that's actually a public street. I'm not sure. If it's not, then no. If it is, then possibly.

Mr. Miller - It's a Town road, right.

Mrs. Corlew - Town road.

Mr. Miller - Yeah.

Mr. Dal Pos - I'm not sure... I'm not sure if that would be... I've got to check with this tenant once that's secured before we, ya know, find out if that's something they'd be interested in having, access over to that street.

Mrs. Moore - (Inaudible) this community, we have, the traffic includes RV's and tourists and things like that, so I'm curious, the entrance ways, I know you're going to be, have them wide enough for truck deliveries and things like that, but just to ensure yourself that they're able to handle the RV, the boat trailers and things like that as well.

Mr. Dal Pos - That's a good point.

(Tape inaudible).

Mr. Dal Pos - Good point.

Mr. Miller - The way it is right now, you've got a road that runs all the way back to the back, which I assume is service.

Mr. Dal Pos - That's right.

Mr. Miller - With a pretty, 90 degree, almost, turn there.

Mrs. Moore - Right there.

Mr. Dal Pos - Right, yep.

Mr. Miller - So...

Mrs. Moore - And as usual, it might be, I also suggest having bus, access for bus unloading and loading.

Mr. Dal Pos - Okay.

Mr. Miller - Fair amount of ski buses come up through and, and may choose to stop there for...

Mr. Dal Pos - The woman here had a question. Is it okay to (inaudible).

Mr. Miller - Very briefly. We're trying to keep this...

Unknown Speaker - I just wanted to know... I'm very new to this procedure. Do you have a box store, do you have a store lined up and (inaudible)?

Mr. Dal Pos - We can't tell ya.

Unknown Speaker - Okay.

Mr. Dal Pos - And we are working with, with two different ones.

Unknown Speaker - Yes.

Mr. Dal Pos - (Inaudible).

Unknown Speaker - You said grocery store?

Mr. Dal Pos - Yes, sir. Yes.

Mrs. Farrell - Do any of those properties that are currently not outlined, but you have control over, have access to Hackensack Avenue?

Mr. Dal Pos - This one's right on Hackensack.

Mrs. Farrell - Okay.

Mr. Dal Pos - Zoning-wise, I'll just kind of give you a brief review. From my understanding... Chris, you can correct me if I'm wrong. ...I believe this is... I can't remember. I don't think this piece, this one piece is zoned for commercial.

Unknown - That'd be residential.

Mr. Belden - That's the only one that's not.

Mr. Dal Pos - And I don't think this piece is zoned commercial, although I can't recall. I know this...

Mr. Belden - That's right.

Mr. Dal Pos - ...is here, but if this is commercial, this is commercial, this is obviously commercial back here, and this line does go like this, this piece here, ya know, depends on how this is developed here, and whether Ms. Cavanagh is, ya know, how we structure something over here, how this may or may not get used. The reason why we did get this under control was the possibility of making a connection. And the reason for that is to better serve these neighborhoods over here so they don't have to go out onto Route 9. They can just come to and from the neighborhood, so that's kind of the reason for having that, so. And as far as using this as access and not for a commercial use, I don't know. I guess I'd have to, we'd have to collectively go through the code and see if that's something that could be done because it wouldn't necessarily be used commercially.

Mr. Miller - It would be more of a right-of-way then anything.

Mr. Dal Pos - Yeah. And this, this piece (inaudible) clear, this piece is also under contract (inaudible). So that's, it is something that we've thought about as far as, quite frankly, senior housing and things and bigger picture, bigger idea, thought process, but...

Mr. Miller - We've had that property in a few times and I think the biggest problem with that piece of property is that's, is septic.

Mr. Dal Pos - Yeah.

Mr. Miller - Lot of, lot of bedrock and everything like that.

Mrs. Moore - Another question; rear of that building, a lot of grading, looks like.

Mr. Dal Pos - Yes.

Mrs. Moore - Do you anticipate a one story structure, two story structure?

Mr. Dal Pos - Yes. One story.

Mrs. Moore - One story structure. Any idea on height?

Mr. Dal Pos - No.

Mrs. Moore - 'Kay.

Mr. Dal Pos - I will have that for you though.

Mr. Miller - Architectural design?

Mr. Dal Pos - I will have that for you too.

Mr. Miller - Okay.

Mrs. Farrell - This'll be leased property?

Mr. Dal Pos - Yes, ma'am. We would own it and lease it.

Mrs. Farrell - Hm hm.

Mr. Miller - Pretty typical?

Mr. Dal Pos - Yes. And I did check on the post office and it's not on the list, from what I understand. At least no published list as it being potentially closing.

Mr. Miller - Oh, right.

Unknown Speaker - Thank you.

(Tape inaudible).

Mr. Dal Pos - But we like, (inaudible) proximity to the post office and having the proximity to Oscar's, for us, makes a lot of sense. I think there's a lot of (inaudible) that could be done; ya know, people could park here and, and walk to these businesses as well, which, ya know, is something that we're all trying to (inaudible) do these days is come up with that type of thing. Unfortunately, it's only eight, nine months of the year (inaudible).

Mrs. Moore - You're, you're talking pedestrian, but I don't see pedestrian...

Mr. Dal Pos - That's got to be finalized and put into the plan, but yes that (inaudible) something that we need to make sure that we (inaudible).

Mrs. Moore - That goes back to the post office. You had some conversations with them that they're not...

Mr. Dal Pos - Yes.

Mrs. Moore - ...functionality of the site.

Mr. Dal Pos - The functionality, they're fine the way they are.

Mrs. Moore - Okay.

Mr. Dal Pos - That's the way it was kind of put. It's probably twice as big as they need...

Mrs. Moore - They're open to... To the rear of their building, would they would be open to another access to that?

Mr. Miller - (Inaudible).

Mr. Dal Pos - (Inaudible) have nobody that can review.

Mrs. Moore - That can look at...

Mr. Dal Pos - Even something that's, what would seem to us as something simple.

Mrs. Moore - Something simple.

Mr. Dal Pos - And we talked about incorporating, ya know, bringing things closer, incorporating it into the overall plans (inaudible)

and was talked about, ya know, rebuilding or moving it over here, a number of different things that we looked at and, and literally, and these are the folks that are, that are with the national (inaudible) out of Connecticut, where the real estate department is for this part of the country, and they were getting decimated with their employees at the time. (Inaudible). Even they were getting decimated (inaudible) kind of a shame.

Mr. Miller - They also lease that property, right?

Mr. Dal Pos - They do. They do. And from the people that were purchasing this, this piece (inaudible). Any other suggestions, questions, concerns? The, one of the... Probably one of the most important things that I need to make sure that folks understand with respect to the location of this, obviously it's, ya know, basically more or less a green site, if you will. The attractiveness of this site is that it's in the town of the Warrensburg. So it's something that will increase the tax base of the town. And as a grocery store, it's also a very large draw, we expect, to be pulling off of the traffic that goes to, off Route 9 as it is, but undoubtedly there will be folks from east of here that will be coming through town to shop here, which will pull them through town past other businesses that could capture that traffic for their own use and hopefully increase the sales tax revenue for the county and the town as well, but more, most importantly being in the town, ya know, and having the utilities in place is fantastic for us and it also is great for the town because it does bring tax revenue that otherwise would be lost to other towns.

Mrs. Farrell - I have a question for Mr. Geraghty. Kevin, have you taken into consideration the change in the traffic patterns in the King Street subdivision, as a result that, as you talked about folks coming from the east, potentially coming down Schroon River Road, coming across, that it'll make Warren, Oak and King Street a cut-through.

Mr. Geraghty - This is so preliminary, we haven't even looked at that. Chris and I talked; we've looked at a couple things earlier on (inaudible) really haven't looked at any of that stuff.

Mrs. Farrell - Okay. Put it in your date book. (Inaudible).

Mr. Geraghty - (Inaudible) be a lot of... There's some, there's issues (inaudible) Hackensack, but we'll have to be aggressive with (inaudible).

Mrs. Farrell - Right.

Mr. Miller - Right now that is not part of the plan, so if people are coming from the east and they do choose to come that way, they'll have to come out on Hackensack, onto Main Street and, for the time being. The lots that aren't developed right now that you do control, is there a five year plan or a two year plan or nothing or?

Mr. Dal Pos - It's an as-needed plan. So as opportunities arise, ya know, by virtue of having an anchor to pull further interests, then...

Mr. Miller - Right.

Mr. Dal Pos - ...those needs would be served.

Mr. Belden - Can I speak up real quick?

Mr. Miller - Yeah.

Mr. Belden - I just have a question about storm water management. Have you thought about that? Are you going to do it on-site or..?

Mr. Dal Pos - It'll be taken care of... Well, it has to be taken care within the confines of the property.

Mr. Belden - Right.

Mr. Dal Pos - Ya know, how it's addressed, I leave that to my engineer.

Mr. Belden - Okay.

Mr. Dal Pos - Whether it's under, ya know, under pavement or what have you, storm water system, (inaudible) we can avoid that, we always try, so...

Mr. Miller - I don't know how you're gonna.

Mr. Dal Pos - Yeah, I know.

Mr. Miller - That's what Stewart's did, was all underground.

Mr. Dal Pos - Did they?

Mr. Miller - Seems to be working pretty good.

Mr. Belden - Yeah.

Mr. Dal Pos - So, yeah, it's depends on the final grading and how things move and, and perhaps the, the use of the additional properties for, ya know, to address some of that.

Mrs. Farrell - In, in light of some of the recent weather related issues that have taken place in states surrounding us, and, and even locales to the north of us, if that area, the residential area to the, to the south of this with that storm water management plan, you can take into consideration, I'm sure your engineers will, any incidents of high rain or snow melt that could potentially impact the houses along that Hackensack strip there.

Mr. Dal Pos - Yeah, there's standards by which, ya know, we have to design by, guidelines. I'm not sure if it's a 50 year or a 100 year storm event that we have to plan for. Certainly, there are certain areas that are prone to, to flooding and things that fortunately, I don't believe this is of a nature that (inaudible) that I'm talking about.

Mrs. Farrell - Right.

Mr. Miller - Just run-off from the mountain is the only thing that (inaudible).

Mrs. Farrell - Yeah, that's the (inaudible).

Mr. Miller - The, the other properties, are you, are they going to, are the buildings that are there now going to stay there now or..?

Mr. Dal Pos - For now.

Mr. Miller - For now? Okay. (Inaudible) questions for now or?

Mr. Dal Pos - Is this a, is this a use that at least from the Planning Board's prospective, is it something that's welcome to the Town?

Unknown Speaker - Definitely.

Mr. Miller - I, personally I think so, yes. I, I think there's a lot of things that need to be addressed and looked at, certainly with something this size, but, ya know, it's something that we, that I feel is a good thing, but again, it's not just up to me, but...

Mr. Belden - Any idea on... I mean, I know you won't know what tenant would go in there, but this proposed future building, do you know what it would house, retail, restaurant?

Mr. Dal Pos - I expect it would be retail.

Mr. Belden - Retail?

Mr. Dal Pos - Yeah. You mean over in this, this area here?

Mr. Belden - Yeah. That undeveloped area.

Mrs. Farrell - And I, I think it's something that we've all, many of us have looked at in our long-term plan for the community as far building tax base and having appropriate services, but also what we are concerned about it having it well done.

Mr. Dal Pos - Sure.

Mrs. Farrell - So the Town does not continue in its, way that it has been of sometimes being a victim of a developer and any developer who is doing something that is eye-catching, pleasing and raises the tax base is certainly a welcome addition to the community. So we just want to make sure that we meet those standards as we go forward in the growth of the community.

Mr. Dal Pos - Sure. Thank you.

Mr. Alexander - Time-frame, time-frame idea?

Mr. Miller - That's a good question.

Mr. Dal Pos - As far as application?

Mr. Miller - Yeah.

Mr. Dal Pos - You may see something next week.

Mr. Randall - Sorry, I didn't hear.

Mr. Dal Pos - You may see something as, as early as next week, as far as the formal application. Okay?

Mr. Miller - Yeah. Appreciate your coming up.

Mr. Dal Pos - Thanks, folks. I appreciate the time.

(Tape inaudible).

Mr. Miller - Okay. Any other communications or, you got anything on your..?

Mrs. Moore - Nope.

Mr. Miller - No, okay. Comments?

Mrs. Farrell - No.

Mr. Miller - No. 'Kay. Can I get a motion to adjourn.

Mr. Spatz - Make a motion we adjourn.

Mr. Miller - Second?

Mrs. Farrell - Yes.

Mr. Miller - Seconded. All those in favor.

**Motion by Dave Spatz, second by Alice Farrell and carried to adjourn
Planning Board meeting at 7:54 p.m.**

Respectfully submitted,

Patti Corlew

Pb09202011

RESOLUTION #2011-41

Motion by: Laura Moore
 Second by: Lynn Smith

RESOLVED, to accept Planning Board minutes of July 19, 2011 (without correction) by the following vote:

DULY ADOPTED ON THIS 20TH DAY OF SEPTEMBER, 2011 BY THE FOLLOWING VOTE:

Ayes: David Spatz, Alice Farrell, Laura Moore, Lynn Smith
Nays: None
Abstention: Shale Miller

RESOLUTION #2011-42

Motion by: Laura Moore
 Second by: Lynn Smith

RESOLVED, to accept Planning Board minutes of August 16, 2011 (without correction) by the following vote:

DULY ADOPTED ON THIS 20TH DAY OF SEPTEMBER, 2011 BY THE FOLLOWING VOTE:

Ayes: Shale Miller, Laura Moore, Lynn Smith
Nays: None
Abstention: David Spatz, Alice Farrell

RESOLUTION #2011-43

Motion by: Laura Moore
 Second by: Lynn Smith

RESOLVED, to close the public hearing for application SUB #2011-3 by Carl and Kathleen Ferullo for tax map #168.-2-6.5, for a two lot subdivision.

DULY ADOPTED ON THIS 20TH DAY OF SEPTEMBER, 2011 BY THE FOLLOWING VOTE:

Ayes: David Spatz, Alice Farrell, Shale Miller, Laura Moore, Lynn Smith
Nays: None

RESOLUTION #2011-44

Motion by: Laura Moore
Second by: David Spatz

RESOLVED, to approve subdivision application SUB #2011-3 by Carl and Kathleen Ferullo for tax map #168.-2-6.5, located on East and West Kelm Pond Road, for a two lot subdivision.

DULY ADOPTED ON THIS 20TH DAY OF SEPTEMBER, 2011 BY THE FOLLOWING VOTE:

Ayes: David Spatz, Alice Farrell, Shale Miller, Laura Moore, Lynn Smith
Nays: None

RESOLUTION #2011-45

Motion by: Laura Moore
Second by: David Spatz

RESOLVED, to approve site plan review application SPR #2011-11 by Heidi Baker, for tax map #211.18-1-9, located at 3685 Main Street, to allow conversion of use of retail sales to a barber/beauty shop.

DULY ADOPTED ON THIS 20TH DAY OF SEPTEMBER, 2011 BY THE FOLLOWING VOTE:

Ayes: David Spatz, Alice Farrell, Shale Miller, Laura Moore, Lynn Smith
Nays: None

RESOLUTION #2011-46

Motion by: Lynn Smith
Second by: Alice Farrell

RESOLVED, to deem application #2011-11 by Heidi Baker, for tax map #211.18-1-9, located at 3685 Main Street, for site plan review, as not having any significant environmental impact as a matter of law.

DULY ADOPTED ON THIS 20TH DAY OF SEPTEMBER, 2011 BY THE FOLLOWING VOTE:

Ayes: David Spatz, Alice Farrell, Shale Miller, Laura Moore, Lynn Smith
Nays: None