

**Minutes  
Warrensburg Planning Board  
June 21, 2011**

**Board Members Present:** David Spatz, Shale Miller, Danielle Robichaud (Alternate), Art Healy

**Board Members Absent:** Laura Moore, Alice Farrell, Lynn Smith (Alternate)

**Others Present:** Laura Lane, April Fiorentino, Tom and Linda Apple, Kathy Ferullo, Tom DeCelle, Gary Berman, Bob Neuweiler, Patti Corlew, Chris Belden (Zoning Administrator)

**Meeting Commenced at 7:00 p.m.**

Mr. Miller - Okay, call this meeting of the Planning Board, June 21, 2011. We have quorum. Get I get approval, approval on the previous minutes, meeting minutes. Anybody have any..?

Mr. Healy - I make that motion.

Mr. Spatz - I'll second.

Mr. Healy - All those in favor.

**RESOLUTION #2011-29**

Motion by: Art Healy

Second by: David Spatz

**RESOLVED**, to approve Planning Board minutes of May 17, 2011 (without correction).

**DULY ADOPTED ON THIS 21<sup>ST</sup> DAY OF JUNE, 2011 BY THE FOLLOWING VOTE:**

Ayes: David Spatz, Shale Miller, Danielle Robichaud, Art Healy

Nays: None

Mr. Miller - Okay. Old business, site plan review SPR #2011-2 for tax map #211.18-1-6. I have to recuse myself on this. I'm going to turn this over to Dave Spatz. I'll go sit down for a second.

Mr. Spatz - Mr. DeCelle, do you mind stepping up and letting us know what you got going on here?

Mr. DeCelle - (Inaudible).

Mrs. Corlew - Yep.

Mr. DeCelle - (Inaudible). This is... So anyway, what I did is, as far as the parking situation... I know there was kind of an issue with cars coming in and out.

Mr. Spatz - Right.

Mr. DeCelle - (Inaudible). So I mean, for the most part, ya know, holidays, hot days, weekends, I'm not, ya know, obviously I didn't want to do this (inaudible) come in and out, have two cars here creating stress, I guess (inaudible) for safety. You know what I mean?

Mr. Spatz - Yeah.

Mr. DeCelle - I mean, ya know, like on a weekend or a holiday weekend, ya know, a busy time, ya know. When things trickle, I don't think it'll be a problem, but we'll play it by ear. Ya know what I mean?

Mr. Spatz - So you're planning on doing this...?

Mr. DeCelle - If you want me to do it full time, we'll do it full time, I mean, ya know. It's just, I, we, we live here and I (inaudible).

Mr. Spatz - Right. I understand.

Mr. DeCelle - I think it's, ya know, (inaudible). It's only a seasonable business anyways. Ya know, (inaudible) we're only going to be open until Columbus Day anyways, ya know what I mean.

Mr. Healy - Well, I hope you do good.

Mr. Spatz - Me too.

Mr. DeCelle - Sure.

Mr. Healy - That's all I'm saying.

Mr. DeCelle - I hope so too.

Mr. Spatz - How wide is this part of the driveway?

Mr. DeCelle - Didn't I mark that?

Mr. Spatz - I see five feet there.

Mr. Healy - No, he hasn't got it.

Mr. Spatz - He's talking about the sign.

Mr. DeCelle - 71 feet here. I can figure it out. Well, if it's 71 feet 'til there (inaudible), let me see.

Mr. Healy - I tried to figure it out; I couldn't figure it out.

Mr. DeCelle - One second. (Inaudible).

Mr. Spatz - (Inaudible), Shale?

Mr. Miller - No, I didn't get involved in that part of it.

Mr. DeCelle - (Inaudible).

Mr. Healy - I tried to figure it out (inaudible) 71 but it doesn't... It looked wide enough to me, but I didn't know the...

Mr. Spatz - I was just...

Mr. DeCelle - Put it this way; I'm, I'm actually, I'm going five feet wider than the existing driveway that's there. So what's there now, I'm adding five feet to whatever that is.

Mr. Spatz - Okay.

Mr. Healy - (Inaudible).

Mr. DeCelle - I'm going in here. So I'm going to...

Mr. Healy - (Inaudible) towards the building?

Mr. DeCelle - Yes.

Mr. Healy - Okay.

Mr. DeCelle - I'm going in five feet, so I'm actually extending it. So I, I know it's... I'd say it's 33 feet, but I want to say... I'll just say 33 feet.

Mr. Healy - Okay.

Mr. DeCelle - It was 28.

Mr. Healy - You're going to get back to...

Mr. DeCelle - Okay.

Mr. Healy - ...Chris on that.

Mr. DeCelle - Okay.

Mr. Healy - Please.

Mr. DeCelle - I'll draw it right now.

Mr. Spatz - No, we want to move forward here please.

Mr. DeCelle - Okay. Oh, but anyway, and then the other thing. It's up to... They're coming this week. They're going to put my... They're changing my tanks over right now. So it has to be ten feet from the property line. My tanks right now are on the side of the house.

Mr. Spatz - 'Kay.

Mr. DeCelle - So I'm moving them back (inaudible) traffic driving by, fire pits, ya know. (Inaudible). I'm sorry, in back of this building. This is going to be more like, like trash pickup is. So I'm doing the dumpster...

Mr. Healy - (Inaudible)?

Mr. DeCelle - Excuse me?

Mr. Healy - It's only going to fill, feed that building, that tank?

Mr. DeCelle - Correct, for now, until, (inaudible).

Mr. Healy - It's going to go underground or what?

Mr. DeCelle - Yes, underground, two feet, and (inaudible) this week. (Inaudible). I don't know what you guys want to do about the handicap parking situation. I don't know where, how that works or who handles that.

Mr. Healy - (Inaudible).

Mr. DeCelle - (Inaudible) eight places.

Mr. Spatz - Eight spots?

Mr. Healy - Eight.

Mr. Spatz - You want me to allocate the front ones. Handicapped over here. (Inaudible) close.

Mr. Spatz - Yeah, if you could fit a spot in there, I think that would be...

Mr. DeCelle - Some... Ya know, somewhere close (inaudible). Ya know... As far as, as far as parking spots up in front of the property there, I mean, I, there is a curb cut right here. I don't know how you guys feel about putting a couple of spots up here. I mean, I, ya know, there's a lot of cars going by. I don't know what the old business did, how they had it.

Mr. Healy - Well, there's a lot of cars going by. That's all big traffic there.

Mr. DeCelle - Oh, I know.

Mr. Healy - So it's gotta be, it's gotta be on your property.

Mr. DeCelle - Right, okay. I'm sorry, I thought (inaudible) somehow when I measured, I measured (inaudible) everything.

Mr. Spatz - Okay.

Mr. DeCelle - Oh, you scaled one of these down for me?

Mr. Belden - Yeah, I think when I measured it out, it was somewhere in the neighborhood of like 25, 30 feet.

Mr. DeCelle - (Inaudible).

Mr. Belden - Yeah. That's what I... Yeah, what I measured on the computer, but...

Mr. DeCelle - Okay. I'm going five foot wider... I'm going five foot wider than it is now, so.

Mr. Belden - Yeah.

Mr. DeCelle - So it's even better than what I put there, ya know.

Mr. Spatz - So in the summertime, you don't expect to have this open..

Mr. DeCelle - Oh no.

Mr. Spatz - ...seven days a week?

Mr. DeCelle - Well, no. Like on the weekends and the holidays. The busy... Ya know, (inaudible) during the day if it trickles during the day, I'm not, ya know, but ya know, I'll still be all weekend. As long... I mean, I'll play it by ear. I mean, (inaudible).

Mr. DeCelle - Okay.

Mr. Spatz - It benefits you if, ya know, people can get...

Mr. DeCelle - Yeah, absolutely.

Mr. Healy - That's the only problem I had with this whole project, is in and out, traffic; that's all. Otherwise... There's a lot of traffic on Route 9 going up and down in that particular...

Mr. DeCelle - Right.

Mr. Healy - ...spot.

Mr. DeCelle - Yeah, I mean, if there's a problem, if there's a problem, if you guys see anything going on, I mean, you can monitor the situation.

Mr. Healy - Hm hm.

Mr. DeCelle - Yeah, if you guys want me to just leave it open full time, I have no problem with that. (Inaudible).

Mr. Spatz - No. I was just concerned about the entrance and exits. (Tape inaudible; people speaking at once).

Mr. Spatz - Makes it a lot easier.

Mr. Robichaud - (Inaudible) handicap parking closer, (inaudible).

Mr. Spatz - Exactly.

Mr. DeCelle - Alright. Okay. Okay.

(Tape inaudible).

Mr. Spatz - And...

Mr. DeCelle - How many, how many spots do I have to have?

Mr. Healy - I don't know. You'll have to ask Chris on that.

Mr. Belden - I think one per 20. So that's...

Mr. DeCelle - (Inaudible).

Mr. Belden - The building, I think Building Codes would be the ones to...

Mr. DeCelle - Okay.

Mr. Belden - ...to regulate that.

Mr. DeCelle - Okay, so just one spot?

Mr. Belden - One spot.

Mr. DeCelle - Okay. Alright.

Mr. Spatz - Any other questions?

Mr. DeCelle - I have none.

Mr. Spatz - Me neither. So we need a motion to accept site plan review 2011-2, tax map #211.18-1-6.

Mr. Healy - I'll make that motion.

Mrs. Robichaud - Second.

Mr. Spatz - All in favor.

### **RESOLUTION #2011-30**

Motion by: Art Healy

Second by: Danielle Robichaud

**RESOLVED**, to approve application #SPR 2011-2 by Thomas DeCelle, for tax map #211.18-1-6, located at 3675-71 Main Street, to allow the new use of popcorn and ice cream sales in the rear building.

### **DULY ADOPTED ON THIS 21<sup>ST</sup> DAY OF JUNE, 2011 BY THE FOLLOWING VOTE:**

Ayes: David Spatz, Danielle Robichaud, Art Healy

Nays: None

Mr. DeCelle - Thank you, everyone.

Mr. Spatz - Thank you. Sorry.

Mr. DeCelle - No, (inaudible).

Mr. Healy - Have a good day.

Mr. DeCelle - Is this yours?

Mr. Belden - No. We'll take that.

Mr. Spatz - You'll take that.

Mr. DeCelle - You'll take that?

Mr. Spatz - Do you have to stamp that?

Mr. Miller - No.

Mrs. Corlew - No.

Mr. Belden - No. Tom, I'll keep that copy there.

(Tape inaudible).

Mr. Belden - Yeah.

Mr. Spatz - Good luck, and thank you for coming to Warrensburg with your business.

Mr. DeCelle - Okay, thank you. (Inaudible).

Mr. Miller - Okay. Next business, public hearing for subdivision 2011-2, tax map is 168.-2-6.4 & 6.5, Kelm Pond Road. Applicant is

Kathleen and Carl Ferullo, to allow a three lot subdivision. This is two lots which are going to end being three lots. Do you want to come up and...

Mrs. Ferullo - I have the maps. I have the permit from the APA. The map that I gave you the last time was (inaudible). This one (inaudible).

Mr. Healy - Good, Kathy. Thank you.

Mr. Miller - Is this Kelm Pond Road? Okay, Kelm Pond.

Mrs. Ferullo - This is Kelm Pond Road and this is the, the lot here. On the map that I showed you at the last meeting it did not show the, the test pits. So there's a test pit. The APA has approved that. So this is the final map and I have the, the permit. And that's basically all it is. The remaining lots, which would be the ones on the bottom there...

Mr. Miller - Here and here?

Mrs. Ferullo - ...are the ones on a retainer at this time.

Mr. Miller - Oh, okay.

Mrs. Ferullo - Now I don't know what you need.

Mr. Miller - This isn't, this isn't (inaudible). This is already done.

Mrs. Ferullo - That was done.

Mr. Miller - Okay.

Mrs. Ferullo - Done and gone.

Mr. Healy - (Inaudible).

Mrs. Ferullo - I have the copy of the permit. I don't know if you folks have seen a copy of that.

Mr. Miller - Chris, do you need that?

Mr. Belden - We've got a copy of it.

Mr. Miller - You've got a copy?

Mrs. Ferullo - So it's basically the same as what it was, except that's the new map.

Mr. Miller - This comes around over to this lot, so this isn't, this isn't landlocked or anything like that, right?

Mrs. Ferullo - No, there's a road that...

Mr. Miller - You can get to...

Mrs. Ferullo - See where the, the...

Mr. Miller - Ya know, this kind of starts to turn like this, so.

Mrs. Ferullo - See how this is that and then this is like the, the "V". You can go either to the east of Kelm Pond...

Mr. Miller - Oh okay, right. Alright.

Mrs. Ferullo - ...or you can go to the west of Kelm Pond.

Mr. Miller - So it cuts through your property?

Mrs. Ferullo - So it cuts through my property and it goes all the way around...

Mr. Miller - Okay. Alright.

Mrs. Ferullo - ...the west side of Kelm Pond (inaudible). And that's the building envelope.

Mr. Miller - Hm hm.

Mrs. Ferullo - That's... But rather than put the spot on... The APA allows me to do a building envelope so the people can build within...

Mr. Miller - Within that space.

Mrs. Ferullo - ...within that spot. And I don't have it all the way back to the (inaudible) 'cause I already (inaudible). If they wanted to increase it or change, they can go to the APA themselves.

Mr. Miller - Hm hm.

Mrs. Ferullo - But I always think who wants to plow all the way back, ya know, so.

Mr. Miller - (Inaudible).

Mrs. Ferullo - (Inaudible) they wanted to do, they would have to go through the APA.

Mr. Miller - They, they couldn't... Actually, now, the way it is, they couldn't build back here.

Mrs. Ferullo - No, they cannot.

Mr. Miller - Without making it fully fire accessible. 'Cause you have to be, you have to have full fire access within 300 feet of the, of your house. So this is over, this is 277, two, 269 feet right to here. So the house that, when it gets built, has to be within that accessible space. So they're going to almost have to be in this area here. Unless they want a big driveway with a turnaround cul-de-sac and everything.

Mrs. Ferullo - Right.

Mr. Miller - That's a, a new one, as of January 1<sup>st</sup>, so.

Mrs. Ferullo - I the fellow that's building here and doing just that. He's making the...

Mr. Miller - Is he? Making it accessible.

Mrs. Ferullo - Hm hm. And actually what's she supposed to do is, unless she wants to make a new test pit, she's supposed to have...

Mr. Miller - ...be within a certain area.

Mrs. Ferullo - Within a certain area, the house has to be within a certain, so. I mean, she can have somebody come up with the APA, dig another test pit and if that's acceptable to them.

Mr. Miller - Hm hm.

Mrs. Ferullo - But this is the way it stands right now.

Mr. Miller - Oh, I'm sorry. I missed that. This is the public hearing.

Mr. Healy - Yes, it is.

Mr. Miller - Whoops. I wasn't at the last meeting. Okay. So I'm going to up open a public hearing for this. I'm sorry. 7:15. Is there anybody here for this application? I noticed we had a letter from the association saying they were fine with it.

Mr. Healy - Yes.

Mr. Miller - Yep, okay.

Mr. Healy - I have it too.

Mr. Miller - Alright. I'm just going to leave that open for five minutes, and then we'll close that. Anybody have any questions?

Mr. Healy - None from me. No.

Mrs. Robichaud - No.

Mr. Spatz - I'm all set.

Mr. Healy - I'm all set.

Mr. Miller - Do you mind..? Kathy, do you mind if we move... We'll leave it open for a few minutes...

Mrs. Ferullo - That's fine.

Mr. Miller - ...in case anybody shows up. We'll move on to the next thing and as soon as we're done with that, we'll close it, okay.

Mrs. Ferullo - (Inaudible).

Mr. Miller - Okay. New business, site plan review SPR 2011-7 for tax map 183.4-1-5, is 4498 State Route 9. The applicant is Douglas Muha. Is that how you..?

Mr. Barnum - That's (inaudible), but I'm not Doug.

Mr. Miller - Oh, you're not. Okay. You're his representative?

Mr. Barnum - I'm his representative.

Mr. Miller - Okay. To allow the operation of a propane storage facility. Alright. This is on your property, right, Kathy? You want to come up and tell us a little bit about it?

Mr. Barnum - Well, what we propose to do is install and (inaudible) a 30,000 gallon propane tank for our own use, obviously, located on Kathy's property behind the, the car dealership on Route 9. We are not planning on building any buildings there. I did make mention of, of a shed. It's probably going to be 10 x 12. It's just something that we can put a little desk and a little computer, ya know, filing, paperwork, a place to store that kind of stuff. The outdoor lighting, we will have to some kind of outdoor lighting. It will be limited and certainly will not pointing towards the road at all. Probably something on a motion sensor type thing (inaudible) right now. There's not going to be someone there all the time. Our initial plan is to hire one person full time to work out of that facility. That would come in the morning, drop off their car, get their truck, go out and deliver and then bring the truck back. Drop it off, finish their paperwork, get the car, go home. We also have a couple other drivers or couple other routes in this area over in Chestertown and North Creek (inaudible) Glens Falls, as well as Lake George and those guys would be coming up here, refilling during the day and returning to their domicile which is in Johnstown. So that's kind of what we're looking at right now. That's our plan. We...

Mr. Miller - So no retail sales out of there?

Mr. Barnum - No retail sales out of there. No, I can't afford that. What happens five years from now? We'll cross that bridge when we get there. But given the location, I don't foresee it being a large retail customer walk-in type of..

Mr. Miller - Right.



Mr. Barnum - ...type of location. Ya know, we chose this site... A couple of things, it's fairly easy access of the Northway. We have a fairly good customer base in this area already. This particular site, tank should probably be 80% hidden from the road, unless (inaudible) want even know that we're there.

Mr. Miller - So the entrance is going to come through Discoveries?

Mr. Barnum - Yes.

Mr. Miller - Then across, behind Maltbie's...

Mr. Barnum - Yes.

Mr. Miller - ...or Krystal and then...

Mr. Barnum - Yes.

Mrs. Ferullo - The road, the access road for when we had the salvage yard (inaudible)...

Mr. Miller - Okay.

Mrs. Ferullo - ...and the body shop.

Mr. Barnum - Yeah. (Inaudible) won't be... We'll be at the far end of that lot.

Mr. Miller - Hm hm.

Mr. Barnum - Beyond that last storage building. We do have (inaudible), an engineered site plan in the works, as well as geological survey and land survey.

Mr. Miller - And that's for the State.

Mr. Barnum - What's that?

Mr. Miller - That's, the state requires that or?

Mr. Barnum - The County requires it.

Mr. Miller - The County requires it, okay.

Mr. Spatz - Now, is there a fire repression system involved with this?

Mr. Barnum - No. There won't be any fire suppression system. They will be a series of emergency shutoff valves and... Series of (inaudible) shutoff valves. It's a very controlled environment as far as quelling any type of ignition source. Open burning certainly is just unacceptable. Well, it is in some circumstances, but there are, there are codes that we follow to avoid that electrical, excuse me, (inaudible) explosion proof FPA 54 is very, and 58 are very, very specific on what is required. So at this point, there is not a suppression system planned.

Mr. Miller - Are you guys purchasing this or are they leasing it from..? Leasing it?

Mr. Barnum - It's a long-term lease. We will own the... We'll own the facility, ya know, the tank and the building and...

Mr. Miller - Hm hm.

Mr. Barnum - ... that type of stuff (inaudible).

Mr. Miller - What happens if your, your other two lots sell? Are you going to do a deeded right-of-way for it or are they going to have to do a new entrance.

Mrs. Ferullo - (Inaudible). Right now, we're going to (inaudible).

Mr. Miller - Right. Okay.

Mrs. Ferullo - But we, it's no longer... We're not... We took, we changed the sign from "for sale" to "lease".

Mr. Miller - Alright.

Mrs. Ferullo - Except for the one that's hanging in the tree.  
(Inaudible).

Mr. Miller - Alright.

Mr. Barnum - Now you do have a propane facility here in town, so...

Mr. Miller - Yep.

Mr. Barnum - ...I'm assuming you're fairly familiar with how things work.

Mr. Spatz - (Inaudible) took a look was getting a fire truck in there. In fact, I got a hold of the Chief and we went up and took a look and he, ya know, said it was tight, but he said, ya know, it is what it is, ya know. If something happens, we won't be putting the fire out. You'll be probably just...

Mr. Barnum - Well, if something happens, you're not going to be putting the fire out unless you, you control the leak. If you can't control the leak, it's basically going to burn until the fuel's gone.

Mr. Spatz - Right.

Mr. Barnum - Now, I'm assuming you're referring to the entrance where it goes between the two buildings. Our plan is there is, you noticed that little drainage ditch. The plan is to move, either a) move that drainage ditch up closer to the property line and level all that out and create a wider, a wider swing for the trucks, or b) eliminating the drainage ditch and putting in some kind of drainage culvert, piping. Something to divert the water.

Mr. Miller - Right. So there's going to be tractor trailers going in there, delivering...

Mr. Barnum - Yeah.

Mr. Miller - ...fuel. So you'll have to get... Yeah.

Mrs. Ferullo - The whole thing is, prior to, I mean, when I had the salvage yard, I had tractor trailers going in there. I had crushers going in there. I had the (inaudible) nobody had any issues. I also offered it to, to Gary and his company that they can widen that opening. That's no problem because the one building is a storage building...

Mr. Spatz - Hm hm.

Mrs. Ferullo - ...with the metal roofing. So we can take that off, making the building shorter, so the access can be a wider opening. Also where the curb is on the driveway, there's are several trees that are going to come down to make it... It's not going to be a like a tight turn at all.

Mr. Spatz - Right.

Mrs. Ferullo - And the APA did visit this already. They came down, Tracy Darrah and I think his name is Greg, the engineer from the APA, and they saw no issues. In fact, everything's in their hands now.

Mr. Spatz - (Inaudible).

Mrs. Ferullo - Pardon me?

Mr. Spatz - Chief also said he didn't see...

Mrs. Ferullo - Right.

Mr. Spatz - ...much of a problem.

Mrs. Ferullo - Right. I mean...

Mr. Barnum - There is 14 feet in between those buildings.

Mr. Spatz - Okay.

Mr. Barnum - From roof to roof. It looks a lot narrower. We measured... 'Cause that's certainly a concern that we had and we don't want to spend all this money, install this tank and then not be able to get out trucks in there.

Mr. Spatz - (Inaudible) other time, you're going to have to deal with the snow and...

Mrs. Ferullo - (Inaudible) still do some work there. So we keep that open anyway.

Mr. Spatz - Okay.

Mr. Miller - And you know I have to ask this question. Where's the shooting range going? That's gone?

Mrs. Ferullo - Well, you see I was approved by the Town, but I never, I never went through the process with the APA.

Mr. Miller - Oh okay.

Mrs. Ferullo - So that's not...

Mr. Miller - That's not there, okay.

Mrs. Ferullo - That's not there.

Mr. Miller - Hm.

Mrs. Ferullo - I have a letter from the APA to show you that I did have to apply for that if I was going to do that.

Mr. Miller - Okay.

Mrs. Ferullo - If you want (inaudible).

Mr. Barnum - (Inaudible) aerial photo two of (inaudible).

Mr. Miller - Yeah, it's not real clear, but...

Mr. Barnum - Yeah, it didn't come out very well (inaudible).

(Inaudible) the idea that it's beyond the, the little shooting range there and, paintball (inaudible).

Mr. Miller - Oh no, no, no. There's another, there was another one, a test firing range.

Mrs. Ferullo - Yeah, it was... Yeah.

Mr. Miller - (Inaudible).

(Tape inaudible).

Mrs. Ferullo - This is the letter that, from the APA that after I got the approval from the Town for the test firing that I would have to apply for that and I, I never went through the process.

Mr. Miller - Okay.

Mrs. Ferullo - So I can't do anything there.

Mr. Miller - Do we have any other questions?

Mr. Healy - I have. First of all, for the record, could you state your name?

Mr. Barnum - Oh, sorry. My name is Gary Barnum.

Mr. Healy - Okay. Thank you. It says 10 x 16 shed. That's what you got written here.

Mr. Barnum - Well, it probably will be a little smaller.

Mr. Healy - Okay.

Mr. Barnum - At the time we were planning this...

(Tape inaudible).

Mr. Healy - That's what you're stating...

(Tape inaudible; people speaking at once).

Mr. Healy - ...be smaller than 10 x 16. The only other thing... Are you going to do anything about a road in there?

Mr. Barnum - A road?

Mr. Healy - That's soft sand.

Mr. Barnum - It is soft sand.

Mr. Healy - I wouldn't want to drive a truck in there.

Mr. Barnum - We will have to do some excavation work...

Mr. Healy - Okay.

Mr. Barnum - ...and bring in some probably, ya know, item 4 stone.

Mr. Healy - Yeah. You're going to have to, a hard time with sand in there.

Mr. Barnum - Yeah, we saw that. It doesn't get soft (inaudible) that far end.

Mr. Healy - Yeah.

Mr. Barnum - (Inaudible) actually get soft (inaudible)...

Mr. Healy - Yes.

Mr. Barnum - ...be where the tank is when (inaudible) driving there anyway.

Mr. Healy - Okay.

Mr. Barnum - There will be some holes dug and we'll have pre-cast concrete piers that the, this (inaudible) will be (inaudible).

Mr. Healy - Okay. Thank you. That's all I have.

Mr. Miller - Do SEQRA on this?

(Tape inaudible).

Mr. Miller - Oh, okay.

Mrs. Corlew - That's the short form.

Mr. Miller - Okay. Alright. Anybody have anymore questions?

Mrs. Robichaud - No.

Mr. Healy - Nope.

Mr. Barnum - Propane is a green fuel and it's not regulated by DEC and doesn't have (inaudible) ground and it's non-toxic. (Inaudible) but, ya know, following code, taking the proper procedures (inaudible) safe product to work with. (Inaudible).

Mr. Spatz - (Inaudible) they don't many other facilities.

Mr. Barnum - Because of the reason that you don't want to put the fire out unless you can control the leak because it's actually safer to burn than it is to have it...

Mr. Healy - Yeah.

Mr. Barnum - ...leak...

Mr. Healy - It'll explode.

MR. Barnum - Yeah, 'cause you end up with this big cloud and depending on where the wind's blowing, it could blow it down to the village. It'll find the ignition source and woof. We certainly don't want that.

Mr. Miller - Okay. We just have to do a short form SEQRA and we'll be done.

Mr. Barnum - Okay.

Mr. Miller - (Inaudible). Okay. We have to do the environmental assessment, short form SEQRA. A) Does action exceed any type I threshold in 6NYCRR, Part 6.7.4. If yes, coordinate review process and use of full environmental form. No. Okay. Will action receive coordinated review as provided for in listed actions in 6 NYCRR Part 617.6? If no, a negative declaration may be superseded by another involved agency? Yes, that's a "no". Alright. Could action result in any adverse effects associated with the following: C1, existing air quality, surface or ground water quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? No.

Mr. Healy - No.

Mr. Miller - Aesthetic, agricultural, archeological, historic or other natural or cultural resources or community or neighborhood character? No.

Mr. Healy - No.

Mr. Miller - Vegetation or fauna, fish, shellfish or wildlife species, significant habitats or threatened or endangered species?

Mr. Healy - No.

Mr. Miller - No. The community's existing plans or goals as officially adopted or a change in use or intensity of use of land or other natural resources? No.

Mr. Healy - No.

Mr. Miller - Growth, subsequent development or related activities likely to be induced by proposed action? No. Long term, short term, cumulative or other effects not identified in C1 through C5? Other impacts, including changes in use of either quantity or type of energy. In a way, but no. Will the project have an impact on the environmental characteristics that cause the establishment of critical environmental area? No? Is there or is there likely to be controversy related to potential adverse environmental impacts?

Mr. Healy - No.

Mr. Miller - Determination of significance. (Inaudible) adverse effects identified above. Okay, so there were none. Okay. Alright. All set.

Mrs. Corlew - Motion and second.

Mr. Miller - Yep.

Mrs. Corlew - ...to...

Mr. Miller - Approve. Okay.

Mr. Healy - We haven't made...

Mrs. Corlew - (Inaudible)...

Mr. Healy - We haven't done it yet.

Mr. Miller - Hah?

Mrs. Corlew - You just did it.

Mr. Miller - Yeah. We need a motion to approve this.

Mr. Healy - We haven't done that yet. But we are now?

Mr. Miller - Can I get a motion to approve this?

Mrs. Robichaud - I make a motion to (inaudible).

Mr. Healy - (Inaudible).

Mr. Miller - Okay, second it?

Mr. Spatz - I'll second it.

Mr. Miller - Thank you. All those in favor.

#### **RESOLUTION #2011-31**

Motion by: Danielle Robichaud

Second by: David Spatz

**RESOLVED**, to deem application SPR #2011-8 by Douglas Muha for tax map #183.4-1-5, located at 4490 State Route 9, for site plan review, as a having no significant environmental impact as a matter of law under SEQRA review.

#### **DULY ADOPTED ON THIS 21<sup>ST</sup> DAY OF JUNE, 2011 BY THE FOLLOWING VOTE:**

Ayes: David Spatz, Shale Miller, Danielle Robichaud, Art Healy

Nays: None

Mr. Miller - Okay. So that was just for the SEQRA. We need to do one for the approval.

Mr. Healy - That's right. We have to do that.

Mr. Miller - Okay. So, can I get a motion?

Mr. Healy - I make a motion on one eighty... 183.4-1-5, to approve.

Mr. Miller - Second?

Mr. Spatz - I'll second it.

Mr. Miller - All those in favor.

#### **RESOLUTION #2011-32**

Motion by: Art Healy

Second by: David Spatz

**RESOLVED**, approve application SPR #2011-8 by Douglas Muha for tax map #183.4-1-5, located at 4490 State Route 9, for site plan review, to allow the operation of a propane storage facility.

**DULY ADOPTED ON THIS 21<sup>ST</sup> DAY OF JUNE, 2011 BY THE FOLLOWING VOTE:**

Ayes: David Spatz, Shale Miller, Danielle Robichaud, Art Healy

Nays: None

Mr. Healy - Thank you.

Mr. Miller - Okay. Now one last time, is there anybody with, any, on the public hearing, any input on the subdivision for tax map #168.-2-6.4. & 6.5? Right. Okay. Can I get a motion to close the public hearing?

Mr. Healy - I'll make the motion we close the public hearing.

Mr. Spatz - Second.

Mrs. Robichaud - I'll second.

Mr. Miller - Okay. All those in favor.

**RESOLUTION #2011-33**

Motion by: Art Healy

Second by: David Spatz

**RESOLVED**, to close the public hearing for application SUB #2011-2 by Kathleen & Carl Ferullo for tax map #168.-2-6.4 & 6.5, located on Kelm Pond Road, to allow a three lot subdivision.

**DULY ADOPTED ON THIS 21<sup>ST</sup> DAY OF JUNE, 2011 BY THE FOLLOWING VOTE:**

Ayes: David Spatz, Shale Miller, Danielle Robichaud, Art Healy

Nays: None

Mr. Miller - Okay.

Mr. Healy - I make a motion to accept 168.-2-6.4 & 6.5, to accept it.

Mr. Miller - Second?

Mr. Spatz - I'll second that.

Mr. Miller - All those in favor.

**RESOLUTION #2011-34**

Motion by: Art Healy

Second by: David Spatz

**RESOLVED**, to approve application SUB #2011-2 by Kathleen & Carl Ferullo for tax map #168.-2-6.4 & 6.5, located on Kelm Pond Road, to allow a three lot subdivision.

**DULY ADOPTED ON THIS 21<sup>ST</sup> DAY OF JUNE, 2011 BY THE FOLLOWING VOTE:**

Ayes: David Spatz, Shale Miller, Danielle Robichaud, Art Healy

Nays: None

Mr. Miller - Okay. Do you have a Mylar for me to sign tonight?

Mrs. Ferullo - I have a Mylar and I have three other..

Mr. Miller - Okay.

Mrs. Ferullo - I'll wait.

Mr. Miller - You'll hang out?

Mrs. Ferullo - Yeah.

Mr. Miller - Okay.

Mrs. Ferullo - (Inaudible).

(Tape inaudible).

Mr. Miller - Okay. Last order of business, site plan review SPR 2011..

(Tape inaudible).

Mr. Miller - Oh, okay.

Mrs. Ferullo - Thank you.

Mr. Miller - Okay. 2011-8, for tax map #210.12-3-42, 72 Hudson Street.

Mrs. Robichaud - 72.

Mr. Miller - 72, not 53.

Mr. Belden - 72, yeah.

Mr. Miller - The applicant is Robert Neuweiler to allow conversion of an existing building into three apartments.

Mr. Neuweiler - Good evening.

Mr. Miller - Okay. Do you want to tell us a little bit about this?

We, the last time we saw you, this was going to be a pizza place.

Mr. Neuweiler - Yeah, I figured it'd be easier to do it this way.

It's less work.

Mr. Healy - And you are?

Mr. Neuweiler - Hah?

Mr. Healy - You are?

Mr. Neuweiler - Robert Neuweiler.

Mr. Healy - Thank you.

Mr. Neuweiler - Last I knew, I was, at least.

Mr. Healy - I know (inaudible).

Mr. Neuweiler - I had to throw that in.

Mr. Healy - (Inaudible).

Mr. Miller - So you got on here that it's one and a half, so you're going to have...

Mr. Neuweiler - (Inaudible) bedroom, a living room, kitchen, bathroom.

Mr. Miller - Okay. So they're single story?

Mr. Neuweiler - Right. And the one's going to be a studio. There's going to be two one bedrooms and one studio.



Mr. Spatz - All on the first floor?

Mr. Neuweiler - Yeah.

Mr. Spatz - Where are you going to enter and exit?

Mr. Neuweiler - There will be an entrance, an entrance here, a door here and a door here. So one goes into the studio and there's a back door here. So there's two doors and there's two doors, two doors for each apartment (inaudible). Right now, there's a back door here and a back door here. Two fronts doors will be here and this one'll be here.

Mr. Spatz - So you're taking that slider off the front?

Mr. Neuweiler - Oh yeah. Unless they want to come in that way.

(Tape inaudible).

Mr. Miller - Are you adding any porches or anything like that?

Mr. Neuweiler - (Inaudible) to add any porches.

Mr. Miller - So the exterior of the building's pretty much staying as is?

Mr. Neuweiler - Yes. Everything... Just going to put some windows in and everything inside (inaudible). Because (inaudible) parking lot (inaudible).

Mr. Miller - You only need...

Mr. Spatz - (Inaudible).

Mr. Miller - What is it, two and a half, Chris, per unit? Or one and a half?

Mr. Belden - One and a half.

Mr. Miller - One and a half.

Mr. Neuweiler - We've got plenty of that.

Mr. Belden - Per residence.

Mr. Miller - Yep.

Mr. Belden - Dwelling unit.

Mr. Miller - So each... So you said each unit's going to be a one bedroom, plus the, plus the one studio.

Mr. Neuweiler - Two one bedrooms and one studio.

Mr. Miller - Right. So probably not a lot of kids or anything like that?

Mr. Neuweiler - No. That's why one bedroom. No kids.

Mr. Miller - You're on town sewer, right?

(Tape inaudible).

Mr. Healy - Both right, sewer and water?

Mr. Miller - Yep.

(Tape inaudible).

Mr. Miller - Well, had sewer, but it wasn't going where it was supposed to. Back then.

Mr. Neuweiler - Yeah, it was going right to the river, wasn't it?

Mr. Miller - Yeah.

Mrs. Robichaud - So now basically you're going to be dividing the building (inaudible).

Mr. Neuweiler - (Inaudible) inside, right.

Mrs. Robichaud - Making rooms, making bathrooms, making the whole...

Mr. Neuweiler - (Inaudible) everything, all the water lines (inaudible). That's already taken care of, so now it's just a matter of just (inaudible).

Mrs. Robichaud - For a three unit, you've just budgeted \$10,000. That doesn't seem like a lot (inaudible). The expense of things today just seems to be...

Mr. Neuweiler - Oh, you mean (inaudible). You were throwing me off for a minute.

Mrs. Robichaud - (Inaudible).

Mr. Neuweiler - You know what? It's a lot cheaper doing what I'm going to do. I got most of it done already. So now it's just a matter of building a couple walls here, couple of walls there.

Mr. Healy - What did you come to us for if you've got it done already?

Mr. Neuweiler - Hah?

Mr. Healy - What do you got to come to us for if you got it done already?

Mr. Neuweiler - Legally.

Mr. Miller - Yep.

Mr. Healy - Yeah, I know what (inaudible).

Mr. Neuweiler - I could've did it and said, hey, (inaudible) just the way it was.

Mr. Healy - Well, that's the way it used to work.

Mr. Neuweiler - I know.

Mr. Miller - Now if I'm not mistaken, the process would be you get a zoning approval and then you'll have to go to the County for a building permit.

Mr. Neuweiler - Right. And I already have a building permit for the pizza place. What, do I have to get new ones?

Mr. Belden - Yes.

Mr. Spatz - Yeah.

Mr. Neuweiler - Oh, okay. That's not a big deal. (Inaudible).

Mr. Miller - Yep. Different code. Whole different code. Alright. I think the cutoff is, is four units for sprinklers, right?

Mr. Belden - I don't know.

Mr. Miller - I believe that is.

Mr. Neuweiler - I think he said it was five (inaudible).

Mr. Miller - Five? Alright. I know Queensbury's four, I think, but... How 'bout garbage, storage, pickup, how's that going to be handled?

Mr. Neuweiler - That's going to be taken care from a dumpster (inaudible).

Mr. Miller - 'Kay. Where's that going to be located on the lot?

Mr. Neuweiler - I guess I'll put it over here, on the side here where the fence is. (Inaudible) out of everybody's way.

Mr. Miller - Okay. And it'll be closed, enclosed?

Mr. Neuweiler - Yeah.

(Tape inaudible).

Mr. Miller - Well, he's, you got to have a place for him to put it at least, whether they have to take care of it or you have to take it, one or the other, but...

Mr. Neuweiler - It's easier to get a dumpster.

(Tape inaudible).

Mr. Miller - Let's see. Anybody else have any questions or..?

(Tape inaudible).

Mr. Miller - Laura's not here tonight, but she had a question about the sidewalk. Will there be any sort of, of division or curbing between the parking lot and the sidewalk to keep the stone from going out onto it?

Mr. Neuweiler - I mean, like, (inaudible)?

Mr. Miller - There's a sidewalk here, you, your parking lot's going to be here, it's going to be stone, I assume, right?

Mr. Neuweiler - It is, it's already stone, yep.

Mr. Miller - Okay. If there's going to be maybe some sort of a abutment or, or curbing that will keep that in there, instead of coming out onto the sidewalk.

Mr. Neuweiler - It wouldn't come out onto the sidewalk anyway (inaudible).

Mr. Miller - Is there a green space between that?

Mr. Neuweiler - Oh yeah. You got a...

Mr. Miller - Okay. Alright.

Mr. Neuweiler - ...three foot grass...

Mr. Miller - Okay.

Mrs. Robichaud - (Inaudible) landscaping (inaudible).

Mr. Neuweiler - Grass.

Mr. Miller - Well, I know on the last application, we talked about fencing and how that was going to be worked out with the neighbors. What did you guys ever resolve with that or..?

Mr. Neuweiler - (Inaudible) fencing 'cause we got the tree, this whole section (inaudible) trees (inaudible) bushes. And this over here is all fence (inaudible) fences.

Mr. Miller - There's fences all through here now?

Mr. Neuweiler - (Inaudible) big white fences.

Mr. Spatz - Do you have any other plans for this area back here?

Mr. Neuweiler - Not yet. I will. (Inaudible).

(Tape inaudible).

Mr. Healy - Right-hand side (inaudible).

Mr. Belden - It depends. I mean, there's...

Mr. Healy - Be on the right-hand side, (inaudible) talking about. Where you're supposed to have the storage sheds.

Mr. Healy - Originally...

Mr. Neuweiler - Yea...

Mr. Healy - ...originally. You have to go by the zone...

Mr. Miller - He'll have to come back through anyways on that.

Mr. Neuweiler - Yeah, anything else, I have to (inaudible).

Mr. Healy - Gotta go back to zoning.

Mr. Neuweiler - We had our talk, didn't we?

Mr. Belden - We did.

Mr. Miller - Well, it's not an official public hearing or anything, but is there any input from the public on this? Come up and state your name...

Ms. Fiorentino - April Fiorentino. I'm actually the neighboring property on the left-hand side. At this point, I'm... This is the first time I've ever had to be at one of these, so. I will tell you that we had spoke with Bob prior to, while he was doing the pizza place and we did ask what was going to be put in between our properties. At that time, he said some shrubs; nothing about a fence. We do have a fence that borders our property to his property.

Mr. Miller - Okay.

Mrs. Fiorentino - So at this point, I guess we are totally opposed to the structure, first of all, a three unit apartment building, especially since he had mentioned that there's no children. That leads us to believe that there's going to be anybody can rent these apartments. We have five children ourselves, a dog, a cat. We have new gardens on this premises, trees that we have just planted. You know, we feel that the area should be zoned for single residential housing instead that could allow children, because there are children on both sides of the property.

Mr. Miller - Well, here's the thing; it's not, and we can't, we can't change that.

Mrs. Fiorentino - Right.

Mr. Healy - The Zoning Board (inaudible). You've got to deal with the Zoning Board.

Mrs. Fiorentino - Isn't it zoned for residential?

Mr. Miller - It's zoned both.

Mrs. Fiorentino - So he could put a single family in there?

Mr. Miller - He could put a s...

Mrs. Fiorentino - (Inaudible) apartment building.

Mr. Miller - Right. He could put the pizza place in there, 'cause he's already approved for that.

Mrs. Fiorentino - Right. So well here's our concern, we currently deal with the noise from Ashe's, but purchasing our house, we entered into that knowing and understanding that we would have that noise once in awhile, and we hope that this does not turn into another source of noise or unease. We are a family that's trying to become part of the community. Both my husband and I work in town. We are both volunteers with EMS and the Fire Department. We have kids that participate in school and participate in Town activities and sports. We would like to not become more uncomfortable where we live. Is this really the best structure for, for an old farm? Does the historic zoning for the site allow this type of transformation for

people to actually live there? Is the current structure capable of being transformed into a three family unit? If so, where will the entrances be, which I don't see the map. I don't know if we're allowed to view that or not. Where will the emergency exits be located? Noise and smoking area welcome, are not welcome because we do have children and for health reasons, they should not be around smoke. Where will the garbage be kept. I know he said on the side, so that either borders my property or Mr. and Mrs. Apple's property. So we would ask that the garbage be stored in the confines of the apartment building as to that it's not visible. And the same thing with lighting pollution, nobody's mentioned lights for parking. We would ask that the lights be faced into the property and not out of the property because of light pollution. And I've already mentioned that we have the kids and dog and the cat and the garden and the trees. So we would ask to, that a six foot fence be run the length of our common border, so that this'll stop people from walking onto our property, light, trash, etc. (inaudible) noise, vehicles from driving onto our grass. We also request, are requesting that it be a new solid white fence like the one that already borders the back of our properties. So it's on half of his property already and then our back half is that white vinyl kind of thing, whatever it might be. So that it cannot be climbed, because we do have issues right now on the north side of our house with the property that is over there, the kids climb the fence and it's getting weak. Our kids don't climb the fence. The neighbors' kids climb the fence.

Mr. Neuweiler - That's why I don't have a fence.

Mr. Healy - No, no...

Mrs. Fiorentino - So...

Mr. Healy - You go ahead.

Mrs. Fiorentino - Thank you. (Inaudible) u-shape drive, again this is stuff that you might have on there (inaudible) don't have, which again would be more argument for a fence because of the car lights onto our parking and we're also requesting that if building is going to take place or construction take place, that the fence be up prior to that taking place, and the current tax base suffers from many low value housing units in the village. What will be done to make sure that this structure doesn't fall into dis, disrepair. We currently have two very low value rental units next to us that reduce the value of our home, and we do not want a larger burden on the other side. On top of that, if you come and view the property... I don't know if you have, but there is some garbage left behind that borders our properties right now. They're heavy things that I cannot move, nor should I have to move, but they are piles of them right on our property line. And also the, the house on Horicon Ave. that they own is also falling into disrepair. I have droven, driven by it myself...

Mr. Miller - That, I'm going to stop you right there. That has nothing to do with it, and it has nothing to do with Bob because Bob doesn't own that.

Mrs. Fiorentino - But I believe that his...

Mr. Miller - His partner may, but his partner owns another house and three other things. That doesn't...

Mrs. Fiorentino - It's just a concern that, how they're leaving the...

Mr. Miller - That house... Let me tell you a little something about that house was taken...

Mrs. Fiorentino - I (inaudible).

Mr. Miller - He bought that house. It was in foreclosure. He bought the house. He is in the process of fixing it up. These things take time.

Mrs. Fiorentino - Okay.

Mr. Miller - Okay?

Mrs. Fiorentino - (Inaudible) already garbage and trash like behind...

Mr. Miller - That's... Yes, I agree. That is not correct, but I want to stop you on the other part.

Mrs. Fiorentino - Okay.

Mr. Miller - 'Cause that, that has nothing to do with this process.

Mrs. Fiorentino - Okay. We also ask that... I don't know the allowance of registered offenders or known sex offenders (inaudible) because he'd asked that no kids be on the property, who's he going to rent this, these places to if they're one bedroom apartments?

Mr. Healy - (Inaudible).

Mrs. Fiorentino - I, I didn't (inaudible). I'm sure...

Mr. Healy - (Inaudible) with Chris.

Mrs. Fiorentino - 'Cause it is in, within one mile of the school and it's also down the road from a bar, so I don't think sex offenders are allowed to be...

Mr. Healy - Talk to the Code Enforcement Officer.

Mrs. Fiorentino - Yep. And are there plans for expansion beyond the apartment complex, to construct more housing in the back of the property and if so, then we're opposed to this idea.

Mr. Miller - Right now, all there is on the, our plate is this project. So that's all we can address right now. So... Bob, the, you do have lights on the building? We'll start there.

Mr. Neuweiler - (Inaudible).

Mr. Miller - How 'bout lights in the parking area?

Mr. Neuweiler - Yeah. There, there'll be (inaudible).

Mr. Healy - (Inaudible) right there.

Mr. Neuweiler - Near the building and (inaudible).

(Tape inaudible; people speaking at once).

Mrs. Fiorentino - And where was the trash (inaudible).

Mr. Healy - Trash, he said was going to be over here.

(Tape inaudible; people speaking at once).

Mr. Healy - Right now.

Mr. Miller - Probably, yeah, like you don't want the lights leaving the property line at all.

Mr. Neuweiler - Right. Exactly. They'll be... They'll be facing the middle of the parking lot.

Mr. Miller - Okay. Would you be opposed to moving the garbage to, over...

Mr. Neuweiler - It doesn't bother me. It don't matter where I put it.

Mr. Miller - Okay. 'Cause it has to be accessible...

Mr. Neuweiler - You just asked me and I just...

Mr. Miller - It's going to be...

Mr. Neuweiler - ...said, right there.

Mr. Miller - Right. If it's going to be picked up by a truck, it's going to have to be accessible, so.

Mrs. Fiorentino - Well, I've seen cars drive right through the entire property so... The entire back yard is accessible from the street all the way down to here.

Mr. Miller - I understand that. I'm just...

Mr. Fiorentino - And there was actually a, a tractor trailer parked there for three weeks, so.

Mr. Miller - Okay. Anybody else have any other issues?

Mr. Healy - Thank you.

(Tape inaudible).

Mr. Apple - Okay. My name is Tom Apple, and I live on the other side of the property.

Mr. Miller - You're over here?

Mr. Apple - That would be correct. I don't... I have some of the concerns that she raised. I don't really know the difference, that much between a public hearing and the site review. I'm even a little confused at what the zoning does (inaudible) used to be because of the pizza restaurant application last year. Again, I don't what, what we have here. I do know that the property elevation-wise, is a little bit lower than the property, than my property, at least at the front end of the property and I know that it floods. So I, I don't know if, if the building (inaudible) has a cellar.

Mr. Neuweiler - No.

Mr. Apple - But, but I do know that it gets some water there in the Spring with the Spring runoffs and I just hope that you address that. We, we also would like to have consideration of fencing. I don't really have... I, I understand that this probably falls within the, the allowed zoning that's currently in place. My personal preference is that they would sell it off and have somebody build a commercial/professional office type thing like we have for the local physical therapist and a doc, lawyers offices and things along that line, where people would just come and leave at 5:00. That would be just great. But that's about all I have.

Mr. Miller - Well, I wish the market was a lot better, 'cause we'd have a lot more options than these things, but we don't.

Mr. Apple - And we do have some things, we do have some questions and concerns about what they would do with the back end of the property but that's not being addressed at this time.

Mr. Miller - Right. That'll have, that'll be a whole other site plan review.

Mr. Apple - Okay. Then I'm done.

Mr. Miller - Okay. Thank you.

Mr. Spatz - Anyone else?

Ms. Lane - My name is Laura Lane. I live at 84 Hudson Street; the white house directly across the street from Ashes. I've lived there since 2003. Prior to that, I was a resident of Arbor Hill in Albany for 32 years, so I consider myself to be a very tolerant neighbor. I love Ashes. I love the music they play. I think it's well taken care of, but I concur with all the concerns that Tom and April brought up for this apartment dwelling, and the one thing about kids, I, is it, is it the law? Can you prohibit children from living in a one bedroom apartment?

Mr. Miller - No, it's just...

Mr. Lane - You can't.

Mr. Miller - It's, it's not, but it's, typically people won't rent a one bedroom apartment if they have children. It's just very rare.

Mr. Lane - Well, in today's economy, you would have to consider that with the way things are. I mean, besides people get pregnant. They move in together; they get married; they have children. So I don't particularly believe that this gentleman will not rent an apartment to children. Not that I have anything against them because I have five kids living next door to me and I don't have an issue with that, but I do have an issue with this and I really don't have anything to add. I think Tom and April have touched on all the concerns that I had as well. The one thing they didn't is winter and snow and plowing. We're talking a parking area in front of the building, are we going to push that snow here and here or are we going to physically remove it? I mean, where is that snow going to go if we have very...

Mr. Miller - Well, it'll probably be a little bit of both, depending on the type of winter...

Ms. Lane - Yeah.

Mr. Miller - ...we have. I mean, there's area to push snow off over here.

Mr. Neuweiler - Right. We got a lot of area.

Mr. Miller - Yep. And then if, if it does get another winter like that winter I'm sure they'll have to remove some of it. I mean, everybody had to deal with that this winter, ya know.

Ms. Lane - Exactly. It's another concern that wasn't brought up by Tom or April.



Mr. Miller - What's that...

Mr. Belden - Just to speak to that point. It's kind of... It's not too clear on the site plan, but it's kind of in the upper right corner. That's, I think he kind of made a plan to put the snow up that...

Mr. Miller - Oh, okay. Snow removal. Okay. As far back as you can, right. Okay. Alright.

Ms. Lane - And I guess that's about it. Thank you for listening to me.

Mr. Spatz - Thanks for coming in.

Mr. Miller - Okay, the fence issue, Bob, I know we addressed this at the last thing with the, with that, and it was going to be...

Mr. Neuweiler - Shrubbery.

Mr. Miller - It was left up to... Well, I remember it was, and I'm sure Chris and Patti could look this up, but it was that you guys were going to work with the neighbors...

Mr. Neuweiler - Right.

Mr. Miller - ...and make everybody happy, as much as you could. And the if it was going to be an issue, we were going to have to do something. But request for the six foot fence, that in itself, needs site plan review. Right?

Mr. Neuweiler - Right.

Mr. Miller - Or we could handle it...

Mr. Belden - I believe you could handle it here.

Mrs. Corlew - Six foot on the side is allowed.

Mr. Miller - On the side is allowed. It's not on the front though.

Mrs. Corlew - Yeah.

Mr. Miller - Right.

Mrs. Corlew - But front means anything in, in front being on the side...

Mr. Belden - They want it to be in the front.

Mr. Miller - Yeah.

Mrs. Corlew - They want it to be in the front.

Mr. Belden - Yeah, (inaudible) separate meeting.

Mrs. Corlew - But yes, you can, that's not another application if you want to grant a six foot fence on the...

Mr. Belden - Condition of the approval.

Mrs. Corlew - Yeah, you can do that in this application.

Mr. Miller - Okay. Where does the current fence end, right here at the corner of this property?

Mr. Neuweiler - Yeah. (Inaudible) put fences over here. (Inaudible) fence (inaudible) is this area here.

(Tape inaudible; people speaking at once).

Mr. Miller - So there is fence on, on, not...

Mr. Neuweiler - (Inaudible) this place, but not on...

Mr. Miller - Not on her property.

Mr. Miller - Okay. So it ends there then. That's, if that's...

Mr. Neuweiler - Right.

Mr. Miller - Okay. And there's no fencing on...

Mr. Neuweiler - No.

Mr. Miller - ...Apple's side?

Mr. Neuweiler - No.

Mr. Miller - Okay.

Mr. Neuweiler - It's been there for years. It's been that way (inaudible) trees. All there is, is trees, a lot of trees there.

Mr. Miller - How far back does this... I don't have a full map.

Mr. Neuweiler - I think it's 336 feet.

(Tape inaudible).

Mr. Miller - (Inaudible) to put that all on the applicant.

Mr. Spatz - Hah?

Mr. Miller - The fencing, the total cost of it.

(Tape inaudible).

Mr. Miller - That, that section maybe. If you gotta do this whole thing, that's going to be, you're talking a lot of money.

Mr. Healy - What kind of fence, white?

Mr. Miller - White vinyl.

Mr. Healy - Barbwire? What's his expense going to be?

(Tape inaudible).

Mr. Healy - That's why I say.

Mr. Miller - Yeah, I'm not... Alright. Alright, so we addressed the garbage. You're going to put it on the other side so it's not directly on the property line. There's fence there.

Mr. Healy - (Inaudible) that would be his problem, wouldn't it? It would be you.

Mr. Neuweiler - Right.

Mr. Miller - Right. Well, you can, you can put a dry well in there if you wanted to, as far as... Certainly save you in the long run, but that's up to you, I guess, but...

Mr. Healy - Well, if he's going to plow snow in there, that snow's going to melt. So he's got... He'll probably have to do something.

Mr. Miller - We, do we have to set a public hearing on this or not? We don't have to, right?

SIDE ONE OF TAPE CAME TO AN END

SIDE TWO:

Mr. Belden - There, there's three conditions on when a public hearing should be held and that's on the size and complexity, the level of public interest and the possibility to disapproval. Those are the three conditions on when...

Mr. Healy - (Inaudible) Chris? I can't hear you.

Mr. Belden - The, the three, the three times where a public hearing should be held...

Mr. Healy - Yes, I heard that.

Mr. Belden - ...is for, when, there's, it's either a large size and complexity, there's a high level of public interest or there's a possibility of disapproval of the project.

Mr. Healy - Thank you.

Mr. Belden - Hm hm.

Mr. Miller - Alright, does anybody have any other questions?

Mrs. Robichaud - No. (Tape inaudible).

Mr. Miller - Okay, there's a lot of issues brought up. The lighting, there's not going to be any lighting on the parking lot other than from the house and it will not leave the property line. The garbage will be moved over to the other side to try to facilitate keeping it off, ya know, as far away from everybody else as he possibly can and still have it accessible, the fencing, I'm a little reluctant to make that a condition. It's going to... The fencing, especially the fencing that is requested, is going to be a sizable amount, and this, myself and this board, I think, is not in the process or in the business creating extra payment. Now, I think what ought to be discussed between the applicant and the neighbors is the sharing of the cost of that fence. So I am not going to make it... Does everybody agree? A stipulation?

Mr. Spatz - I don't agree with that.

Mr. Miller - You...

Mr. Spatz - The thing is, if he was living in it, it would be a different story. He's renting it out; he's making money on it. The neighbors want the fence, I say go for the fence.

Mr. Miller - And make the applicant pay for it?

Mr. Spatz - Yeah.

Mr. Miller - What do you two think?

Mr. Healy - Well, it is commercial. The only thing is I, I (inaudible). I'd like to have a public hearing.

Mr. Spatz - Yeah, me too.

Mr. Healy - Between you and me. I, I'd like to go for a public hearing...

Mr. Miller - Alright, we'll do that.

Mr. Healy - And with, I'd like to put in those people have a list of things and I think they should provide him with a list of things. So he can address 'em at the public hearing. Could that be done?

Mr. Belden - Shale?

Mr. Miller - Yep.

Mr. Belden - Should we request that any, any concerns or comments be submitted to our office...

(Tape inaudible).

Mr. Healy - (Inaudible) so he can address them.

Mr. Miller - Yes. There should... All public comment... We'll put it out for public hearing. You guys'll send it out. Maybe... You have to send something out to...

Mrs. Corlew - (Inaudible).

Mr. Miller - Five hundred?

Mr. Healy - Five hundred.

(Tape inaudible).

Mr. Miller - 250?

Mrs. Corlew - Okay.

(Tape inaudible).

Mrs. Corlew - ...encompass more people.

Mr. Miller - 250 or 500 foot radius.

Mrs. Corlew - (Inaudible).

Mr. Miller - Everybody in that 250 radius will get notice, and that should cover everybody that's effected by it.

Mr. Healy - (Inaudible) have, you should address our Code Enforcement Officer.

Mr. Miller - Yep. Put 'em in writing and, and submit 'em and then they'll be addressed. Bob, I would ask that maybe a little, if you could take a little bit of time and give a little more plan as to, ya know, any sort of outdoor area that's going to be there.

Mr. Neuweiler - The only outside area (inaudible). What I intend to do is (inaudible) going to be like slate, 'cause ya know, you can walk on the slate.

Mr. Miller - Hm hm.

Mr. Neuweiler - (Inaudible).

Mr. Miller - Any little bit of land, ya know, anything you're going to do in landscaping that's going to show that this is going to be a little, ya know, something that you're going to put some time and effort into.

Mr. Neuweiler - (Inaudible) 'cause that's an expense.

Mr. Miller - Well, we'll, we'll put it out there and, and we're going to...

Mr. Neuweiler - The pizza place, we were going to (inaudible) shrubbery. So (inaudible) pizza place. (Inaudible). This way I don't have to do the...

Mr. Miller - Let, let's see if there are any more comments for the public hearing and then we'll, we'll do that next month and we'll go from there. So I am going to set a public hearing for July 13<sup>th</sup> or 20<sup>th</sup>?

(Tape inaudible).

Mr. Miller - 19<sup>th</sup>?

Mr. Neuweiler - (Inaudible).

Mr. Belden - That's the next Planning Board meeting. That's when the next one would be.

Mr. Miller - So it'd be the 19<sup>th</sup>.

Mr. Belden - We don't have anything as of yet, but that would be the next Planning Board meeting.

Mrs. Corlew - That's, yeah, the (inaudible).

Mr. Miller - July 19<sup>th</sup>.

Mrs. Corlew - Yep.

Mr. Belden - And we're, we're thinking public comments should be in somewhere like 15 days before the meeting, so that we can make sure that it gets out (inaudible).

Mr. Miller - So next week?

Mr. Belden - So the 4<sup>th</sup> of July.

Mr. Miller - By the 5<sup>th</sup>.

Mrs. Corlew - By the 5<sup>th</sup>.

Mr. Belden - By the 5<sup>th</sup>.

Mr. Miller - By the 5<sup>th</sup> of July. Okay, so when you send out notice, which'll be done right away, pretty much?

Mr. Belden - (Inaudible) right?

(Tape inaudible).

Mrs. Corlew - Well, it has to be out ten days before the meeting.

Mr. Miller - But if we're asking for public comment be submitted, maybe if we could get it out...

Mrs. Corlew - Well, that's separate. That's separate. That's for the people here. If that have issues that they want Bob to address...

Mr. Miller - Okay.

Mrs. Corlew - ...they need to have them here 15 days. The other's just, because anybody can come to the meeting and...

Mr. Miller - Okay.

Mrs. Corlew - ...(inaudible) questions.

Mr. Miller - Alright. Okay, so any specific questions can be in, submitted in writing by the 5<sup>th</sup> of July and they'll be given to Bob and he can address them for the public hearing, and everybody else will get notice within 250 feet of the property and we have the public hearing on the, on the 19<sup>th</sup> of July. Can I get a motion?

Mr. Spatz - I'll make a motion we have a public hearing on the 19<sup>th</sup> of July.

Mrs. Robichaud - I second it.

Mr. Miller - All those in favor.

#### **RESOLUTION #2011-35**

Motion by: David Spatz

Second by: Danielle Robichaud

**RESOLVED**, that the Planning Board will hold a public hearing on July 19, 2011 at 7:00 for the application SPR #2011-8 by Robert Neuweiler, tax map #210.12-3-42, located at 72 Hudson Street, for site plan review to allow three apartments.

**DULY ADOPTED ON THIS 21<sup>ST</sup> DAY OF JUNE, 2011 BY THE FOLLOWING VOTE:**

Ayes: David Spatz, Shale Miller, Danielle Robichaud, Art Healy

Nays: None

Mr. Miller - Okay, Bob.

Mr. Neuweiler - Have a good night.

Mr. Miller - Okay. Communications, nothing really, right?

Ms. Lane - (Tape inaudible).

Mr. Miller - They're going to get the notice. It'll be posted in the paper too, right? Yeah.

(Tape inaudible).

Mr. Healy - Anybody can come to the meeting. The only people who are going to be notified are the people that live within 250 feet.

Ms. Lane - There is one neighbor that might come, but I don't know (inaudible).

Mr. Healy - Well, I don't know. I'm just telling you..

Mr. Miller - Anybody can come. It's a public hearing.

Mr. Healy - It's a public hearing. Anybody can come.

Ms. Lane - Thank you for clarifying.

Mr. Miller - Okay. Communications, there's a couple of training workshops coming up. Everybody got those. Anything else?

Mrs. Corlew - (Inaudible) sign the SEQRA and the maps.

Mr. Miller - Yep. Okay. I can do that after I close, right? Okay. Comments? Anybody?

Mr. Healy - I make a motion to close the meeting.

Mr. Spatz - I'll second.

Mr. Miller - All those in favor.

**Motion by Art Healy, second by David Spatz and carried to adjourn the Warrensburg Planning Board meeting at 8:15 p.m.**

Respectfully submitted,

Patti Corlew  
Recording Secretary

Pb06212011

**RESOLUTION #2011-29**

Motion by: Art Healy  
Second by: David Spatz

**RESOLVED**, to approve Planning Board minutes of May 17, 2011 (without correction).

**DULY ADOPTED ON THIS 21<sup>ST</sup> DAY OF JUNE, 2011 BY THE FOLLOWING VOTE:**

Ayes: David Spatz, Shale Miller, Danielle Robichaud, Art Healy  
Nays: None

**RESOLUTION #2011-30**

Motion by: Art Healy  
Second by: Danielle Robichaud

**RESOLVED**, to approve application #SPR 2011-2 by Thomas DeCelle, for tax map #211.18-1-6, located at 3675-71 Main Street, to allow the new use of popcorn and ice cream sales in the rear building.

**DULY ADOPTED ON THIS 21<sup>ST</sup> DAY OF JUNE, 2011 BY THE FOLLOWING VOTE:**

Ayes: David Spatz, Danielle Robichaud, Art Healy  
Nays: None

**RESOLUTION #2011-31**

Motion by: Danielle Robichaud  
Second by: David Spatz

**RESOLVED**, to deem application SPR #2011-8 by Douglas Muha for tax map #183.4-1-5, located at 4490 State Route 9, for site plan review, as a having no significant environmental impact as a matter of law under SEQRA review.

**DULY ADOPTED ON THIS 21<sup>ST</sup> DAY OF JUNE, 2011 BY THE FOLLOWING VOTE:**

Ayes: David Spatz, Shale Miller, Danielle Robichaud, Art Healy  
Nays: None

**RESOLUTION #2011-32**

Motion by: Art Healy  
Second by: David Spatz

**RESOLVED**, approve application SPR #2011-8 by Douglas Muha for tax map #183.4-1-5, located at 4490 State Route 9, for site plan review, to allow the operation of a propane storage facility.

**DULY ADOPTED ON THIS 21<sup>ST</sup> DAY OF JUNE, 2011 BY THE FOLLOWING VOTE:**

Ayes: David Spatz, Shale Miller, Danielle Robichaud, Art Healy  
Nays: None

**RESOLUTION #2011-33**

Motion by: Art Healy  
Second by: David Spatz

**RESOLVED**, to close the public hearing for application SUB #2011-2 by Kathleen & Carl Ferullo for tax map #168.-2-6.4 & 6.5, located on Kelm Pond Road, to allow a three lot subdivision.

**DULY ADOPTED ON THIS 21<sup>ST</sup> DAY OF JUNE, 2011 BY THE FOLLOWING VOTE:**

Ayes: David Spatz, Shale Miller, Danielle Robichaud, Art Healy  
Nays: None

**RESOLUTION #2011-34**

Motion by: Art Healy  
Second by: David Spatz

**RESOLVED**, to approve application SUB #2011-2 by Kathleen & Carl Ferullo for tax map #168.-2-6.4 & 6.5, located on Kelm Pond Road, to allow a three lot subdivision.

**DULY ADOPTED ON THIS 21<sup>ST</sup> DAY OF JUNE, 2011 BY THE FOLLOWING VOTE:**

Ayes: David Spatz, Shale Miller, Danielle Robichaud, Art Healy  
Nays: None



**RESOLUTION #2011-35**

Motion by: David Spatz  
Second by: Danielle Robichaud

**RESOLVED**, that the Planning Board will hold a public hearing on July 19, 2011 at 7:00 for the application SPR #2011-8 by Robert Neuweiler, tax map #210.12-3-42, located at 72 Hudson Street, for site plan review to allow three apartments.

**DULY ADOPTED ON THIS 21<sup>ST</sup> DAY OF JUNE, 2011 BY THE FOLLOWING VOTE:**

Ayes: David Spatz, Shale Miller, Danielle Robichaud, Art Healy  
Nays: None