

Planning Board meeting minutes - Draft

06.14.2022

Attendees: Dr. Paul Ziarnowski, Dr. Jim Liegl, Jay Jackson, Elizabeth Schutt, David Stringfellow, Town Liaison/Jennifer Lucachik, Attorney/Sean Costello

Absent: Gary Stisser, David Bowen

1) Call meeting to order –

Meeting called to order by Mr. Ziarnowski at 734pm

2) Approval of Minutes –

April meeting minutes – to be tabled until next meeting

May meeting minutes – to be tabled until next meeting

3) New Business

a. Boston Self Storage requesting site plan approval of a new storage building at 7849 Boston State Rd  
Mr. Schreiber spoke about plans. Went thru ZBA – said can be 3ft off the line. Changed some items. Made some things a little smaller so would have a better access thru. Need more storage. The new location will not be seen by the road. No neighbors that are affected. Same as some of the other buildings already there. Will look the same. Questions?

Mr. Stringfellow – many things don't need to be there. Was approval given? RESPONSE: Yes, received the variance approval from the ZBA last month.

Mr. Stringfellow - Traffic pattern between the proposed building and the present building looks to be about 20ft wide but needs to be 25 to be 2 way. RESPONSE – 20ft is enough for 2 vehicles to pass for the amount traffic.

Mr. Stringfellow – So, it is not going to be a 2 way traffic? Or it is being said that 2 way traffic will work even though it doesn't meet the zoning. RESPONSE: Want to have it kept as 2 way but the 20ft will be sufficient space.

Mr. Stringfellow – Was the variance given for the traffic pattern? RESPONSE – No. That was not brought up at the ZBA meeting. Not sure if that is a variance or planning board.

Dr. Ziarnowski – If it is not to code, then it would be a variance.

Attorney Costello responded: If it violates the code, then yes, it would need a variance. The Planning Board would be making the recommendation to the Town Board. The Town Board site approval would not eliminate the need of the variance, if one is required.

Question to Code Enforcement Officer, Mr. Murphy – Do they have room for fire apparatus, that would be the main concern. If emergency vehicles fit, it would not be an issue. The customers will figure it out.

Mr. Stringfellow – This was brought up by Mr. Stringfellow and that this is not a case where there is 2 way traffic. People are only there when they are putting stuff in or out of the buildings.

Mr. Ziarnowski says to put up a One-Way sign but would not be enforced. It is going to happen. RESPONSE: Easy enough to do. Can have as One-Way or Do Not Enter. However, the board would like to have it worded. One Way?

Mr. Jackson – Is this traffic pattern or parking lot? Going to have people load and unload. People will be treating it like a garage. Is this really a road or parking lot? How many lanes are required for a parking lot? Mr. Ziarnowski responded that the Code Enforcement officer is present, and it is ok to label as a parking lot, would be ok with that.

Response from Mr. Stringfellow: Agreed with labeling as a parking lot.

Mr. Ziarnowski requested a motion to send applicant to the Town Board.

Attorney Costello recommend that the motion to the Town Board is to approve the site plan as submitted

Motion made by Mr. Ziarnowski.

2<sup>nd</sup> by Mr. Jackson

ALL IN FAVOR by all Board Members

APPROVED

4) Old Business –

- a. Glenn Wetzel requesting pre-liminary plat approval of a 34-lot cluster sub-division, as an extension of Deanna Drive

Attorney Sean Hopkins speaking on behalf of Pat Sheedy and Glenn Wetzel, both present. Handed out the original approval of the pre-liminary plat which was not done by Mr. Wetzel but the previous owner, Daniel Darling. This is just to remind everyone about the history of this site. Received a negative declaration in 2012 by the Town Board.

Mr. Hopkins asking for a negative declaration in consideration of approval of the cluster sub-division. Been numerous modifications to the project lay out over the course of past several months. Mr. Hopkins highlighted them and asked Mr. Sheedy to speak to the board.

Mr. Pat Sheedy talked about the plans (visual). Sanitary was the first item. It has now been extended all the way to the end of Deanna Drive.

Mr. Hopkins talked more about the sanitary plans. From a legal perspective, it was not Mr. Wetzel's obligation. Mr. Hopkins and Mr. Sheedy have been working with Mr. Wetzel for 20+ years and Mr. Wetzel goes over and above compared to other developers to address concerns of residence. Next - Cleaning the offsite ditch.

Mr. Sheedy talked about the portion of the ditch that will be cleaned and re-graded. The ditch by the rear property lines, Mr. Wetzel agreed to clean and grade as one time courtesy.

Mr. Ziarnowski read a letter from Julie Mullins since she was unable to attend the meeting. This letter was read by Mr. Ziarnowski, for the record.

Mr. Hopkins talked more about the preference for the cluster.

Added landscaping. Also agreed to re-pave the road, if needed. SEQR – everything has been submitted. Numerous responses and none of them have objections to this Board being the lead agent or expressed any concerns. Summary – looking for a negative declaration to be issued, consider granting pre-liminary plot approval and answer any questions.

Questions.

Mr. Jackson advised that he had a call from a resident about the retention pond. How quickly does it drain? Mr. Hopkins responded that storm water system needs to be in place to handle a 100-year storm.

Mr. Sheedy talked about more technical info.

Mr. Jackson – This is able to handle a 100-year storm, it is 3 feet deep. How quickly does it fill? RESPONSE: Mr. Sheedy responded. The pond is 3ft deep, quite large. All the info was in the engineer reports.

Ms. Lucachik asked more about the water runoff. Sheedy responded. Legally obligated to meet or lessen the amount of water that runs off the site.

Mr. Stringfellow – Are the calculations done on this area? RESPONSE: Mr. Sheedy - YES.

Mr. Hopkins talked more about the detail about the standards.

Mr. Stringfellow responded more about other subdivisions whose calculation were done the same way but have flooding issues on the properties. We are doing the same here. RESPONSE: Mr. Hopkins responded that the plans meet the technical plans.

Mr. Hopkins asked if any other developments since that previous issue in 2015? RESPONSE: – NO

Mr. Ziarnowski – This is a done deal for the subdivision. The problem/question if the cluster was voted down, is this an automatic? This has been approved. No more engineering, is that correct?

RESPONSE from Attorney Costello: They (applicant) has rights to the map that was filed. Mr. Hopkins advised that it has 'not' been filed. Mr. Costello talked about the previous approvals.

Mr. Ziarnowski – the SEQR was approved, and engineering has since changed, for the better, why should the board question the SEQR. Part 1 was done by the applicant and part 2 & 3 were done by reputable people from this town, not sure what else to say about the plan.

If the SEQR is approved as a negative declaration, they can move ahead. It's not a slam dunk. Mr. Hopkins relayed that further steps cannot be taken until the negative declaration is given. If this SEQR is moved as a positive declaration, the board must be told there is no base for a positive declaration. This can open up the Town without legitimate data to say if it is a legal issue. Directed to Attorney Costello.

Mr. Costello responded about the negative declaration was issued on the prior plan may be a fact to consider. The Board is looking at the new plans. The Board needs to look at everything including the Part

2, etc. A Negative declaration means that the board has, by carefully considering the documents before them, including the environmental forms, as result the project will not result in a significant adverse environmental impact. A Positive declaration means the project may have one or more significant adverse effects on the environment. There are regulations and guidance that explains a significant adverse effect. We get through this by answering the questions. What they are changing, is there an impact on the environment? Making it worse, same or better? More discussion about engineering and drainage. Mr. Sheedy gave a response and Mr. Hopkins advised the standards from DEC regulations. Mr. Hopkins – talked about SEQR. Need to identify the relevant areas of concern. Take a hard look at the information. Need to issue a SEQR determination.

Did conduct a coordinated environmental review and was not required since this is an unlisted action. Did require submission of the environmental assessment form and was not required.

If you look at Type 1 action which have a presumption of environmental impacts verses unlisted action, the threshold would be 250 watts or more. The project is at 34. The board would be hard pressed to issue a positive declaration. The project team has been working with the town consultants. Have done their best in responding to every inquiry in the past 14 months. If anything is missing, lets discuss it.

Sarah asked if we want Chris to make any comments. Chris/LaBella responded: Agrees with Sean Hopkins and is satisfied with the plans, etc.

Mr. Ziarnowski responded on behalf of Mr. Bowen, who was not present. Commented that Mr. Bowen would say that this is a disaster because of the water going all over the place. Specifically, sheet water coming off the west hill and his deal about the 500ft of cut under the road to get the water from west hill to the creek. Mr. Ziarnowski talked to Mike Simon and Mr. Simon said they cannot rebuild the whole town based on a project that is being proposed. Sins of the past. Question to Chris/LaBella: How would it be addressed? RESPONSE: Chris/Labela responded that it cannot be addressed with this project regarding the concerns of Mr. Bowen. Would want to show him on a larger map where his concerns are for the area drainage.

Ms. Desjardins asked about the ditches and if it would help. RESPONSE – Mr. Sheedy referenced the plans with a response about blockage of the ditch and how this project will clean it up. This will be an improvement.

Mr. Ziarnowski commented that this project is an individual entity and how it will help the neighbors and was not required.

Also, commented about Mr. Bowens complaints about the water control on state road is not sufficient to handle the flow of the west hill. This is a separate issue to be dealt later; if they build or not build.

Mr. Hopkins responded on how it is not up to Mr. Wetzal to rectify.

Any other questions?

Mr. Hopkins wanted to note for the record. Talked about subdivision regulation language that says that someone can seek pre-liminary plat approval by default upon, believe it says 45 days of filing the application or the hearing. Want to make it clear, for the record, that they are waiving that requirement and not seeking to enforce. Had talked to Attorney Costello and will submit a letter for the record.

Mr. Ziarnowski wanted to make a motion about SEQR. RESPONSE from Attorney Costello – not appropriate currently.

Motion made by Mr. Ziarnowski to issue a negative declaration pursuant to SEQR based upon a review of all relevant documents, including the EAF Part 1 prepared by the applicant and Parts 2 & 3 prepared by Town personnel.

2<sup>nd</sup> by Ms. Schutt

ROLL CALL

Mr. Jackson

Ms. Schutt

Mr. Stringfellow  
Mr. Liegl  
Mr. Ziarnowski  
APPROVED

#### Open to Public

Residence – Mary Lou Seize – talked about the area being heavily treed and drainage. Talked with Mr. Sheedy and the plans, where the trees are located and the development area. (reviewed the plans) Mr. Hopkins advised 9 acres of permanent open space. Ms. Seize commented – Open or Treed? Mr. Hopkins responded – some will be open, and some will be treed and none of it will consist of roadways. Ms. Seize had further discussion about the conversation about drainage problems and trees being removed. Nothing soaking up access water. Mr. Sheedy talked more about the drainage and the pond. Mr. Ziarnowski asked Ms. Seize if she had seen the previous plans compared to the new plans. Mr. Costello talked about the plans (trees). Mr. Hopkins responded about a letter from June. Comment #9 from Labella from May 3<sup>rd</sup> was read by Mr. Hopkins into the minutes. Mr. Sheedy referenced the plans as well about the trees.

Resident – Ron – spoke. Gave thanks to all involved.

Mr. Hopkins talked about the zoning code about accessory apartments since Mr. Bowen was not present and brought up the concern. It would be restricted.

Mr. Ziarnowski mentioned that Mr. Bowen talked about and wanted deeded elevations.

RESPONSE: Chris/LaBella responded – it will be constructed as designed. This could also become a Code Enforcement issue if neighbors complained.

Mr. Ziarnowski advised that Mr. Bowen filed a FOIL regarding all the drainage from 2010 to present and that Mr. Bowen was going to comment about the inappropriate use of drainage funds in the town.

Mr. Ziarnowski commented that he had a long discussion with Jason Keding about drainage funds and Deanna Drive. Outcome: State law does not permit drainage funds, Municipal Funds, on private property.

Mr. Ziarnowski agreed that the people are getting stuck, but the County says different. If the funds could be used for Deanna Drive, they would but they cannot. Mr. Bowen spent quite some time on research.

Mr. Hopkins would like to be put on the agenda next month for consideration of the pre-liminary plot approval. Mr. Ziarnowski asked Attorney Costello what else is needed. RESPONSE: Attorney Costello commented that all the conditions have not been listed, deed restriction and that there should be a stand-alone document. responded that we have not heard everything yet. Sarah advised that we need Engineering to sign off. Attorney Costello asked if the Highway Superintendent needs to sign off too? Highway needs to get involved in the final, not before.

Mr. Hopkins thanked the neighbors.

#### 5) Reports

- a. Planning Consultant - None
- b. Town Attorney – will have Town Board Liaison talk about the Code Committee meeting
- c. Town Board Liaison – Discussed about the Code committee that met today
- d. Board Clerk - None

#### 6) Motion to adjourn

Motion made to adjourn by Mr. Ziarnowski

2nd by Ms. Schutt

Closed at 817pm