

SPR2021-01 (continued)

Sean Hopkins of Hopkins, Sorgi & McCarthy PLLC presented on behalf of the applicant and stated the applicant is seeking site plan approval for the previously approved and constructed Park Lane Villa project. The project consists of 3.83 acres. The original concept plan has been modified substantially based on Planning Board input. The Planning Board recommended approval of the rezoning and special permit subject to the following conditions:

1. The multi-family dwelling buildings to be constructed be limited to single-story buildings.
2. The maximum allowed density shall be limited to sixteen (16) units.
3. The only permitted use of the property pursuant to R-60A(S) zoning classification shall be limited to multifamily use.

The Town Board issued a Negative SEQRA Declaration, issued a special use permit and approved the rezoning with the conditions at the December 7, 2020 meeting.

The changes to the site plan include the following:

- Number of units is reduced from 26 units to 16 units
- The 2 previously proposed two-story buildings with 10 units per building on the Center Road side of the Project Site have been replaced with 2 single-story buildings consisting of 6 and 5 units.
- Location of the single-story building consisting of 6 units on the rear of the project site towards Brantwood Drive has been changed by increasing the rear yard setback from 30' as to a rear yard setback of slightly more than 130'
- 46 parking spaces for 16 units - additional parking spaces added for visitors per input previously provided by the Planning Board

Landscape Plan includes:

- 113 new trees including 9 different types
- Norway Spruce Trees along rear of both of 945 Center Road and the previously approved project at 965 Center Road
- 6' fence along the rear of both 945 Center Road and the previously approved project at 965 Center Road
- On-site walking trail
- Small dog park area

One of the topics that did come up was the need to comply with DEC stormwater quality and quantity standards for drainage. Engineered plans have been submitted, reviewed, and approved. Runoff from impervious surfaces will be conveyed into the 2 on-site stormwater management areas. The on-site stormwater management system will be designed and installed to handle a 100-year storm event. The engineer's letter did state the following conditions be imposed; 1) Remove catch basin inlet protections from stormwater treatment basin outlet structures – to prevent flooding during construction 2) The applicant is made to be responsible to clean the manhole at the discharge tie-in point of their drainage system as the plans state that the existing inverts were not visible during the survey and are likely partially clogged.

Ms. Bebak questioned the layout of the building from the Center Road view. Pat Sheedy from Carmina Wood Morris replied there is green space and plantings along Center Road for screening. There will be one drive path to connect to phase one. Ms. Bebak requested a modification be considered to the back of the unit like the look of the front.

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Ms. Bebak commented on a drainage easement running through the middle of the property. Phase 2 avoids having buildings encroach on it, yet on the map, Phase 1 is encroaching on it. The easement is on many titles in the area and Ms. Bebak expressed concerns about drainage issues. Mr. Sheedy stated all storm drainage design for the site and Phase 1 followed DEC and town standards and should not have a negative impact on surrounding properties. Ms. Bebak stated encroaching on an easement may cause other issues. Mr. Hopkins stated he will investigate further to ensure compliance.

Chairman Rathmann questioned if there was a resolution to discharging off site. Mr. Sheedy stated the catch basin and drainage system to the west is within an existing town easement, owned and operated by the town.

Chairman Rathmann expressed concerns with additional water. Mr. Sheedy replied the site has been designed to hold and restrict the outflow of stormwater to less than what is currently discharging from the site. The current run off rate is less than a single residential unit discharge. The county was contacted about the storm system and there are no issues or blockages; the county is researching the problem further. The system has been designed that the storm systems to the west have reserve areas to collect more stormwater than required.

Ms. Bebak stated the promise was to work to alleviate some of the flooding and questioned if more has been done. Mr. Sheedy replied that he is still in communication with the county and awaiting their comments/direction. Mr. Hopkins stated the stormwater management system has been over designed to help existing conditions. The water causing the flooding in the area is caused by a large water shed. The biggest problem with the county system is that it takes a 90-degree bend and with a reduction in pipe size causing water to back up. The town did perform video and found no blockage. The 90-degree turn is not on this property.

Chairman Rathmann referred to the center storm water detention and questioned if this will retain water permanently. Mr. Sheedy replied it is a wet pond with water permanently held. Along Center Road will be a dry pond holding and storing water during rainstorms, discharging slowly into the county system.

Code Enforcement Officer Jeffrey Schieber stated there is an issue at the current development; the 2-way traffic drive line is being blocked by resident parallel parking. The fire department has notified the town that this does not meet fire lane requirements. The fire department is requesting fire lane signage throughout the entire development, the fire hydrant at the rear to be located to the opposite side for better access, and hydrants painted red. Public hydrants are yellow as opposed to privately owned. The fire department would like site plan with building numbers and hydrant locations for their trucks. Mr. Hopkins assured Mr. Schieber signage will be placed for fire lanes.

Chairman Rathmann suggested moving the dog park to the west to provide a single lane turn around at the dead end. Mr. Sheedy replied the design feature is specific to NYS Fire Code and must be implemented for fire truck turn around.

Code Enforcement Officer Jeffrey Schieber referred to the parking. The zoning code states if you place parking in the front of the building, the requirement is to increase the building setback. The applicant has well exceeded this. Parking in front would be at the discretion of the Planning Board. Mr. Hopkins stated the added spaces were not required by code but based on input from the Planning Board. Mr. Schieber referred to the town code stating no off-street parking shall be permitted in a required front yard except reserved parking spaces may be

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located in such yards as long as they are no closer than 20' to the front property line. They spaces may have to shift inward a few feet to comply.

Chairman Rathmann questioned if additional trees will be removed. Mr. Sheedy replied most trees will be removed; an extensive tree planting plan is being proposed. Chairman Rathmann stated a tree planting plan must be provided. Mr. Hopkins stated Earth Dimensions had conducted an inventory of all previous and existing trees on the site.

Chairman Rathmann stated in December 2019, the site plan showed 117 trees to be planted to accommodate the requirements to the neighbors. Now the plan shows 113 trees, and the court requirement states 70 trees are to be added to the site. Mr. Hopkins stated the applicant is following the court order in terms of trees. The total trees are 113 and if some need to be added back they may be.

Chairman Rathmann stated his understanding that the number of trees should be 113 to satisfy the Planning Board requirement; on top of that the court has ordered 70 additional trees. Town Attorney Tina Hawthorne stated the court agreement does not require an "on top of"; it is additional. Ms. Hawthorne stated she is not disputing the number of trees but clarifying the "in addition to"; the agreement does not use that language. Mr. Hopkins stated the original plan called for 117 trees and 4 will be added back.

Chairman Rathmann referred to areas that have all Norway Spruce screening; the Environmental Commission would like a mix of trees. Groups of three of different types would allow protection in case of disease. The first phase showed trees along the back building. Mr. Hopkins stated the area shows landscaping along with a 6' fence.

Mr. Schieber stated a tree survey was completed by the owner when the trees were removed. The engineer could take the plan and resubmit to Code Enforcement indicating which trees were coming down. Mr. Hopkins replied they will resubmit a plan.

Mr. Nalewajek questioned the dumpsters on site. Mr. Hopkins replied dumpsters are unsightly and the request can be made for more frequent pickup. Code Enforcement officer Schieber concurred with Mr. Hopkins.

Mr. Nalewajek questioned the snow removal/storage. Mr. Sheedy replied snow will be stored on the green space.

Motion by Clifford, seconded by Nalewajek, to close the public hearing.

Ayes: All

Noes: None

Motion Carried

Motion by Bebak, seconded by Sailer, to grant site plan approval for property located at 945 Center Road for construction of three (3) multi-family townhouse buildings and associated site work with the following conditions: 1) compliance with the fire department letter/requests; 2) compliance with the Town Engineer letter/requests; 3) adding 4 additional trees for a total of 117 trees; 4) resubmitting the original tree plan to ensure proper trees are replaced and show additional trees to be removed; 5) comply with 20' setback and parking spaces near Center Road; 6) comply with the diversity of the evergreen trees along the property line.

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On the question, Chairman Rathmann questioned if the county's conditions can be imposed. Mr. Sheedy stated the county's condition is part of Clark, Patterson and Lee's letter. Ms. Bebak stated she would add the requirement.

On the question, Mr. Clifford stated the conditional list is too long; there have been problems in the past when this has been done.

On the question, Chairman Rathmann stated conditional requirements become burdensome on the Code Enforcement Office and he would like to have documents resubmitted with the appropriate changes.

Motion by McCabe, seconded by Clifford, to table the site plan approval for property located at 965 Center Road for construction of three (3) multi-family townhouse buildings and associated site work until the March meeting to allow the petitioner to address the issues mentioned for review.

Ayes: (4) Rathmann
Clifford
McCabe
Nalewajek

Noes: (3) Bebak
Frick
Sailer

Motion Carried

SPR2021-02

A request from Dr. Gregory Phillis for site plan approval for property located at 3045 and 3027 Seneca Street for construction of five (5) warehouse type buildings approximately 45,000-sf and associated site work.

Motion by Frick, seconded by McCabe, to open the public hearing.

Ayes: All

Noes: None

Motion Carried

Mike Metzger with Metzger Civil Engineering stated the property is 7.2 acres in size and zoned M-1. Preexisting structures are on the property, including a house and two commercial buildings. The proposal is for an addition to join the buildings and add five buildings to lease out. The existing site is now served by existing sanitary sewer and water; the proposal is to put in new sanitary sewer service for the new builds and extend to the back of the property as well as a new fire line, with private hydrant and domestic water line. Also being added to the site is a storm water management system that includes catch basins to carry the water to the back of the property.

The plan itself does meet the zoning requirements. A flood plain development permit would need to be applied for as the fourth plain extends into a portion of the proposed development. The development would be entirely outside of the limits of the flood land. A special use permit would need to be applied for; one of the smaller structures would be used as an automotive business. There is an existing single-family home that will remain as a rental property.

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The applicant understands this is still during the 30-day comment period for SEQRA. The NYS Office of Parks & Historic Preservation have indicated the site is in an archeologically sensitive area. The applicant is in the process of hiring an archeologist to conduct an Archaeological Study.

Code Enforcement Officer Jeffrey Schieber stated he has fielded numerous calls regarding residents not being notified of the project. The property is zoned manufacturing, the zoning code permits these types of buildings with this specific use. The town does not notify residents of projects unless there is a change in zoning, or a special use permit required for the service of alcohol, any automotive use, or apartment buildings. Generally, those are the things that affect the character of a neighborhood. In this instance, the project is properly zoned, and has the right to do the project. Residents were not notified because this is properly zoned to have such operations.

Mr. Frick questioned if the embankment was removed or left in place. Mr. Metzger stated the embankment has not been removed and is part of the reason for applying for the Flood Plain Development Permit; this will show what was done, the proposal, and show there will be no adverse impact on the flood plain.

Mr. Frick questioned the area of the new detention pond. Mr. Metzger stated the detention pond will be in an existing lower area of the property.

Mr. Frick noticed the excavation is 7' below the existing grade for the detention pond. The pond will be inundated under a 100-year flood. Almost all the buildings are out of the flood plain. The concern was to make sure the new building was not going on an uncontrolled fill.

Mr. Frick commented on the cell tower on the property and questioned whose property this is on. Mr. Metzger stated this is on a lease. Mr. Frick expressed concerns over accessing the cell tower. Mr. Metzger replied the access will remain the same with access from the east.

Mr. Frick referred to the nursing facility adjacent to the parcel and questioned if a fence will be installed along the area used for automotive use. Mr. Metzger stated he believes there is fencing there now and behind the fence is nursing home parking.

Mr. Schieber stated the town was provided communication from the attorney representing the cell tower. They understood the meeting tonight was preliminary and will be reviewing the project. Mr. Metzger stated he welcomes their input.

Mr. Schieber stated the site plan review addresses water retention, utilities, design. If the intent is to proceed with automotive use, they will be before this board again to seek a special use permit. Then the details such as shielding, number of cars, etc., will be scrutinized.

Ms. Bebak stated this was the first the Planning Board heard of automotive use and questioned if this is the plan. Mr. Metzger replied this is the plan. Ms. Bebak suggested moving the car lot away from the rental house. Mr. Metzger stated a brand-new stockade fence is planned between the car lot and the home. Ms. Bebak replied that helps with her concerns.

