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Planning Board Members Present: Melanie Eggleston, Lisa Black, Brit Basinger, Chad Reinemann, Holly Rippon-Butler and Chair Susan Martindale

Members Absent: Jeff King, Mary Beth McGarrahan and Vice Chair James Heber

Town Employees Present: Dave Brennan, Town Counsel, Charles Baker, Town Engineer, Richard Colozza, Code Enforcement Officer and Tia Kilburn, Clerk

Chair Martindale opened the Public Hearing meeting and addressed all in attendance and asked them to stand and salute the flag at 7:04 pm.

Board members and Town Attorney introduced themselves. Quorum established.

First Public Hearing for Application #0001-21, Centerline Communications / AT & T Cell Tower @ 5 Blue Heron Ter. Chair Martindale asked if anyone in attendance from the public had any comments on the application. None were noted. A member from the public asked if they could get a summary of the plans for the Cell Tower.

Ms. Brenda Blask-Lewis explained they propose building a 199' cell tower for AT & T on the property at 5 Blue Heron Ter next to the existing Verizon Tower. It is to provide added coverage along Route 50 & 32 toward Terrill Hills, it won't provide full coverage to Terrill Hills. It was asked what the height of the existing tower was, Ms. Blask-Lewis replied 120'. It was asked if it would be closer to the neighborhood or further away, Ms. Blask-Lewis said it will be right next to the existing Tower, side by side not closer. She explained when they did the balloon fly it could only be seen from 3 locations (inaudible).

Chair Martindale asked if there were any additional questions or comments for this application, none were noted. She said they would move to the next item on the agenda.

Application # 0002-21, Mining Permit for Angelo Rosse, Mr. Donald Zee introduced himself as Attorney for the applicant and Mr. Brian Norensky, Geologist for the applicant. Chair Martindale asked if they had something to present to the public. (The following is credited and adopted from the Transcript prepared by M-F Reporting, Inc, with corrections made by the Planning Board Clerk)

Chair Martindale stated the members would state their names for the videographer's record. MS. EGGLESTON: My name is Melanie Eggleston. MS. McGarrahan: Marybeth McGarrahan. MS. MARTINDALE: And I'm Susan Martindale. MR. BRENNAN: I'm Dave Brennan, the Planning Board Attorney. MS. RIPPON-BUTLER: Holly Rippon-Butler. MS. BLACK: Lisa Black.

Chair Martindale asked the representative for the application to state his name please? MR. ZEE: My name is Donald Zee. I'm the attorney for the applicant. MR. NORENSKY: Brian Norensky, geologist. Chair Martindale: Do you have something to present to the public? MR. ZEE: Yes, I do. CHAIR MARTINDALE: Thank you. MR. ZEE: My name is Donald Zee. I'm the attorney for the applicant. We are seeking a mining permit pursuant to the Town Law on Lot Number 1 in Phase 2 of Homestead Estates. When we appeared before this board at the last meeting, there was some questions with regard to whether this was, in fact, a permitted use due, in part, because of the belief that there was possible arrangement when the Homestead Estates Phase 2 was approved, that in -- in consideration of granting conservation subdivision or cluster subdivision, that there was a restriction placed on Lot Number 1 of Homestead

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Subdivision. He displayed a map and said: What I have here is, in fact, SY Kim approved subdivision map that was duly filed in the Saratoga County Clerk's office. This is showing some of the lots. I have the remaining lots on the rear. The reason why I wanted to specifically point out to this side of the mapping is because of the notes located in this area here. And I know the board won't be able to read it unless you have super eyes, so I have copies of those restrictions and notes on the plans. (He gave the Board members copies) Also attached to this, in fact, my client's deed that he received when he purchased this property, and I want to note that item as well. So the notes, it says, "Deed Notes, Phase 2." And note number 4 specifically says, "Land use of said parcels, Homestead Estates, Phase 2." And now the next, and I've highlighted it, it says, "Lots 2, 3, 4, 5, and 6. Areas described on the subdivision map is restricted for use as follows:

- A: No building or structures are being constructed within this area;
- B: No equipment or debris shall be stored or disposed in this area; and
- C: Any and all other restrictions placed on this area by the current owner."

As you will note, it specifically does not include Lot 1, which is the lot owned by my client. There was also discussion that I had prior to the last meeting with your town counsel with regard to which maps apply to this subdivision and my client's piece of property, so I have, as I said, the copy of the warranty deed with lien covenant. And you can see on the bottom right of the first page attached that this is the map/deed that was duly recorded in the County Clerk's office. I've highlighted the section being the conveyance, and it says Homestead Estates, Phase 2, dated November 14, 1991, made by SY Kim Lance, Surveyor PC, and filed in the county clerk's office. Now, the reason why I highlight this is because at the same time this map was signed and approved and filed in the County Clerk's office, there was another map that the town has referenced, but that subdivision map was never filed in the County Clerk's office, and that map was prepared by CT Male. We've done a search of the County Clerk's records and the SY Kim map is the only subdivision map that was filed for this subdivision. Number 2, the subdivision map, as I highlighted right here, does not reference the restrictions placed on this lot. The note dealing with any other restrictions described in the subdivision by the current owner before my involvement in this project, there are, I believe, residents raised questions with regard to a declaration of covenants and restrictions which encompass this subdivision, and that declaration of covenants and restrictions, in fact, had lapsed prior to my client submitting this application for the permit. Since our last appearance, this application was submitted to the Saratoga County Planning Department and they deferred determination for local consideration because they found no significant county-wide or interim community impact. I also want to point out that we've done a search of the town's records and we find no information, meeting minutes, agreements or any written documentation which reflects a agreement between the former developer of this project and the town planning board with regard to restrictions by reason of the creation of this conservation subdivision. At this time, I'd like to have our engineer come forward so that the members of the public can hear generally what our plans are for this project. MR. BRENNAN: Before you do that, you keep saying "this lot." What number lot? MR. ZEE: Lot number 1. It's 7.69 acres. MR. BRENNAN: What about note 3 right above the one that you read that talks about restrictions and the use of outline? MR. ZEE: It was, as I said, with regard to the fact that in -at times the subdivision was approved, there was, in fact, a town zoning code ordinance adopted in June of 1977. As we indicated in our last presentation, our last appearance, there have been two new zoning ordinances adopted, the most recent is February 15, 2006. And in the bulk standards under the agricultural zone, mining is a permitted use subject to a special needs permit. MR. BRENNAN: But not under the June 1977 MR. ZEE: That is correct. MR. BRENNAN: that references. MR. ZEE: That's right. In 1977, it was not a permitted use. And, in fact, it was my understanding under the bulk standards or anything, there was no parcel of land, even though mining was listed as under the definitions, there was no parcel of land in the town where mining could occur, but since that time, the

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town, in both 1995, I believe, as well as in 2006 permitted mining in agricultural zoned parcels. MR. BRENNAN: Sure. After this map was approved. MR. ZEE: That's right.

MR. NORENSKY: My name is Brian Norensky, geologist out of Clifton Park. We are coming forward before the town board prior to the state. We usually go to the state first to get their approval. They'll scrutinize the plan thoroughly and go through all of their hoops basically jump, and then usually come to the town board. In this case, Angelo would like to come to the town board first and work with the local public and get their approval and consent, and then we'll go to the state, which will, again, go through all the standards and state regulations to approve this site. So this site is approximately -- the property is 7.69 acres, the mining site is 6.3. He had already used a little gaboro (phonetic) pick for the town of approximately half an acre; as a matter of fact, it's for grading from this local subdivision as well as from the town uses, so it's already called a cut existing there on half an acre. He is only going to mine 1.5 to 2 acres at one time where following him mining the 2 acres he will go into reclamation and proceed to the next 2 acres, turning about -- it's not really a phase, but two to three sections, and then the mine would be done and completed. This is over a five-year period of time. I'll put up the map. Like I mentioned before, there's your first cut that's been used in the past by the town, I believe, made this dig as well, and some of the grading plans for the property is here, so he's already got an existing entranceway. It's already been stabilized with construction and rock and stone. It's already has some storm water drainage features existing there, too. So if you would just take this half acre and go into the next proceeding one-and-a-half acres, which is adjacent to these sides right here, everything is off of Virginia Place which is connected to Homestead Road. This entranceway is already previously existing, so no curb cut would have to be installed. Line of sights are good there for the DOT, and we don't want to affect Homestead more by a heavily traveled route. So the routes have been established. Some traffic studies have been preliminarily done, and so far, looks like there's no problem related to traffic. Also have done some noise work and some viewshed work, too. As the mine site goes down a little bit in the depression, they'll be blocked by the faces and the contours, topography, and then a large swath of trees exists around all properties, so visual's been blocked, noise will be attenuated and buffered due to all the, again, the depression and the high wall face. And there's only one piece of equipment going to be operated throughout the site. Other than a haul truck coming to pick up material, one fellow, per se, will be using a loader, grabbing some sand and putting it in, and they will load it in an area very inconspicuous to neighbors to cause any disturbances, load and do that, go park in an inconspicuous area as well. So you really won't shouldn't be able to see the so-called little one-vehicle traffic in this site at this depression just going around as a kind of a one-man show taking sand loads and loading up some haul trucks that go off site. The maximum depth is 19 feet, plus or minus, but the majority of depth is averaging around 12, maybe 13 or 14 would be the highest depth. There's basically just one decent sand nod here, and the rest is more of a, you know, level, but somewhat undulated grade where they'll take down 6 feet in some areas, 8 feet, 12 feet, 14 feet, but it's really not going to be up to the 19 feet. Just a small area here will have that depth. This depth is approximately 11 to 12 feet above the water table, which is noted by the wetland across the way here. We've also done some test pits to establish a water table, and I've done some further wetland and soil water hydraulic studies, so we're going to be high above the water table. Near state standard is 5 feet, so we're going over two times their allowed standard. So we're going nowhere near the water table. It's all sand, so it'll perc back into the ground water, no effect. Sand is usually a filter for most things, you know, sand filters, so it just will -- the water will hit, percolate back down and go right into the groundwater. Any storm water runoff will be collected. There's berms. They're going to be placed adjacent to both streets here; a roadway is Virginia Place and Homestead Road, and that berm will now block visual and noise, but also contain storm water runoff until it percs into the ground. It will retain waters. I can pull up the reclamation plan map to kind of show you what it will look like. Usually, this depression will help that storm water, which will help to reduce some irrigation to the crop fields. They're going to come as reclamation following his mining. That will be done per half acre or acre. Once he's done, the farmer's going to come in and plant his crops, so A, B, C, from a

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tebiated (phonetic) bond back per acre, because he puts up money per acre, and then the farmer can continue to have a large amount of land to grow his crops. So this is the reclamation plan now. It's stapled together. You can see from your distance the blue area of the drainage that we're going to keep in the site just showing the pattern of the storm water if you get, you know, flash flooding or anything of over 100. Your storm event is heavy storm water. One to 2 percent slope is going towards the north. Everything will be retained in here. And it's hard to see, I'm sure, from your distance again, but they're showing the reclaimed contours just with light slopes, gentle slopes going back into the site. State requires two on one, just a gentle slope. So that's really it. I mean, again, it's a minimal depth, it's a minimal area, and it's a minimal amount of time to be mined. I work for large agricultural mines, excuse me, not agricultural, industrial and aggregate mines. They're there sometimes for up to centuries. They go and quarry down into bedrock. They have, you know, lots of traffic and workers and people. And this is a small operation just for agricultural purposes to supply stall sand to farmers among maybe a few other contracting projects, but a five-year period over a minimal amount of depth and area. I mean, it's kind of an in-and-out thing, in my opinion, one man's opinion in the overall scheme of mining for local industry, so... MR. ZEE: In addition to limiting the scope of the mining to five years, we also talked about placing security measures on the property to make sure that there are no trespassers or anybody going onto the property for security purposes. We talked about with regard to putting signage along the property to designate, to make the public aware of what's occurring at this place. And we've also agreed to limited hours of operations, in fact, no operations during Sunday. And -MR. NORENSKY: Holidays. There are limited operations on weekends. They're just going to cut short on those days, and this is even if they operate that day. If it's a slow season, then we won't even be operating, so... or a slow day or week, or whatnot. MR. ZEE: Some of the things that our client has already talked to the planning board with regard to as part of the site plan and special use permit that we will be seeking. We're more than happy to answer any questions that the board or the public have. Thank you.

CHAIR MARTINDALE: This is the public time. So if there's anybody who would like to speak on this project from the public, we're ready to hear your comments now. When you do start, please state your name and do you want addresses, too, Tia, or just names? MS. KILBURN: Just names are fine. CHAIR MARTINDALE: Okay.

MR. BOWEN: I'd like to start. My name is John Bowen, 132 Virginia Place. First of all, just a couple things. My property is the first property along the road there that butts up to the mine project; correct. MR. NORENSKY: For one. MR. BOWEN: yeah. Couple of things: One, I don't know -- Who informed you that the dig that's there presently right now was done with the sole purpose for county and/or state purposes to establish this as a valid dig? MR. NORENSKY: There were letters from Stanley Koenig from 2005, he's retired a long time ago, that stated some of the indication of this pit and I believe using some of it for maybe town or state purposes, I believe mostly local purposes. MR. BOWEN: All right. I'm not sure the degree to I'm sure there's a level of inaccuracy on that. But secondly, we have we have, with area dirt bikes and motorcycles, we have actually had to file claims, noise ordinance claims that have been in violation. I really question whether or not you can say that the buffering of the noise that at least I can speak to my individual property is going to hear based on based on a guess given the fact that what we do know which is we have had issued with motor bikes out there and sand, et cetera, where we've had to shut our windows. We've not been able to sit out on our porches because of the sand, and the prevailing wind that commonly runs through there is a west-to-east wind. That's how that comes across Homestead Road and through our particular development. There have been many cases where we've seen -we've seen the dust stirred up coming through there. And, again, this is something that I just, I have a hard time with you minimizing the effect of those, those in particular areas. And I understand what you're talking about, because you are dealing with large-scale projects and this is a very minor one in the grand scheme of what you deal with, and I'm not refuting that whatsoever, what I am saying is I think the impact that you -- and you got a letter here with MR. NORENSKY: I'll just respond to just one aspect. I've been into sites where the bikes, when I want to

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leave, I'm surveying, and I see these bikes coming out of the woods and I'm like, Oh, my God, I think there's a rally going on here, right when I get out of here, you know, either and for in. I've seen a lot of cases for big aggregate mines like Cranesville had to put up fencing and dump things to keep these guys out. I know you're saying that's not particularly your problem. You're saying as a relevance to noise -

MR. BOWEN: Yeah, I'm not worried about the dirt bikes. I'm more concerned about the minimizing of the construction vehicles that are going to be coming and going from there. MR. NORENSKY: That's what I was going to comment to you. Those are on the surface. Those high throttles are probably at 120 decibels. I'm going to guess without -- I know those motorcycles and everything go up to 115, 120. An excavator, the highest excavator is 93. Most of them go from 76 to 82 decibels. The state won't allow this if it goes any more than 6 decibels above the limits around the ambient; otherwise, they'll go to positive depth ratio and we'll be here for a century trying to get this approved. So they won't allow anything above 6. And I bet you we can get -- My staff are some of the biggest noise experts in the state, sincerely, and with that high wall face when you get really depressed down under and the new mufflers and the new white noise broadband beepers, you know, we've changed the game on the noise issue really of noise coming out of the surface. MR. BOWEN: The issue is April, May, early June, and then when we lose the leaves in the fall. I mean, there's a significant difference when those leaves are on the trees versus when they're not on the trees as well as far as from a dust buffer, from a noise buffer. MR. NORENSKY: Sure. MR. BOWEN: You know, and I'm sure those are months that the mines is going to be intending on running. MR. NORENSKY: Yeah, as long as that face is up, you know. And right adjacent to your property is the highest point of the 19 feet, so I'd say 17 as you get a little closer to you or 16. MR. BOWEN: Well, Sherman, I think the next property in gets to a higher -MR. NORENSKY: Yeah, the highest is going to be one up from that, but I see 12 to 14 feet. And excavators are anywhere from and they can go up to 19, I don't think he's going to use a big one, I'd say average 15, 16. It'll be below that. Also, we can we can talk about progressing the mine away during certain seasons. They say, now, okay, if that season is really bothering you, it's really dry, you know, he can definitely mine in various areas and really be respectful, which I know he would be, towards property, seasons and timing of mining where he begin to and the placement of the mines. And again, the DEC, the state is going to really make sure you aren't affected by this or they have a problem and you do as well. So a little different when you really use the mitigation techniques and start to get that high wall face up and start to really use that as an attenuation to barriers and buffers. And he hasn't done that, as well as putting a spray tank up, which I'm showing on stilts that he does around with some water on dry days to -MR. BOWEN: The benefit to agriculture and the benefit to farming that property, where is that information coming from? Who is presenting that information? Where is that information from talking to several local farmers with regards to this, they've essentially said that that is not accurate, not accurate that we're going to be gaining an agricultural advantage by doing this, by mining this field. MR. NORENSKY: So, I'm sorry. Restate it MR. BOWEN: That we're that local farmers have spoken to me that there is not going to be an agricultural advantage to mining this field as was presented. MR. NORENSKY: I would say two advantages, and I just permitted one for an 80-acre mine in Schaghticoke. A lot of it goes to stall sand. They're saying that the cows produce a lot more dairy milk if they're on sand, soft sand, which is more sanitary than hay. So I've been getting a lot of big demand for stall sand. That's the product at least in this case. MR. BOWEN: Okay. So that's the mine taking that sand and go use -MR. NORENSKY: Right. MR. BOWEN: Not this property. MR. NORENSKY: I'm just saying, the local aggregate, that's one point. The agricultural industry use sand as very sanitary for dairy, as well as the water drainage, containing the water drainage, as well as flattening the field so he can plow and till much easier. Right now, it's undulated and high up in here. So level it down a little bit, give you a little grade so the water can irrigate the field you see how all the water comes in as opposed to run off the sides, you're running down this way now, you know, off the area, so it will create some irrigation. It's not a huge irrigation plan, don't get me wrong, but it would benefit with the water draining inward towards the crop fields and leveling it for the tilling and that. CHAIR MARTINDALE: In the lieu of time, this isn't really a debate. We need to hear from more of the public of what

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their comments are. So if they bring up a concern, we need to address it during regular part of the meeting. CHAIR MARTINDALE: Actually, this isn't going to be decided this evening. MR. BRENNAN: To set the expectation there's not going to be a vote tonight hearing this much back and forth, you know, the Planning Board is not in the position of taking a vote and MR. NORENSKY: It's more for informational purposes. MR. BRENNAN: I'm just saying that procedurally we listen to all the comments and the board will proverbially sleep on them. We're not going to make a decision after hearing from a room full of people and applicant and just making a decision. Just so everybody knows where this stands, we will talk about the next steps and that's it. CHAIR MARTINDALE: And the new information we receive from the lawyer today, we need to look into that as well.

MS. BOWEN: I'm Stephanie Bowen, spouse of John, lot 2. I have a letter from about 13 of the 20 residents, 21 residents here with signatures just stating the reasons that we're opposed to it (attached). One of the big things, and I know you're looking to possibly put signs up, I have found out in walking and talking to some neighbors that some children were in the sandpit, and I don't know exactly when and if one of our neighbors is here to say when it happened, but the kids were digging holes inside, like inside of it, and one of the holes collapsed and another kid had to pull a child out. This mine I wouldn't be necessarily opposed to it, but it is at entrance of our neighborhood. And there are so many kids there. And without putting a big, huge fence around there, I don't know how you're going to keep them out. My kids are old enough, they're going to know not to go there, but some of these little ones, like, it's concerning to me, so I have that. I also have a letter from another resident who was not able to be here that he would like me to give it to you. CHAIR MARTINDALE: If you would like to read the letters, and then give the copies to Tia MR. BRENNAN: You don't have to necessarily read the letters. We can distribute them. MS. BOWEN: Okay. MR. BRENNAN: Just so everybody has a chance to speak. I assume we'll read 15-page letters. Everybody will be happy, we will read them, but maybe kind of summarize your points, and then we'll distribute these to the board. MS. BOWEN: Got it.

MR. BUTCHER: My name is Matt Butcher, 100 Virginia Place. I'm against this project completely. Our child is one of the kids that were involved in that cave-in. They were digging, just digging, that's all they were doing. I farmed my whole life. Seven acres of land, what are you going to grow? Hay? Are you going to strip all the topsoil off that first and then put it back? How are you going to get topsoil back to grow anything? How many years are you going to put manure and nitrogen, whatever else on there to create the topsoil? MR. NORENSKY: I think Angelo can respond to that. MR. BUTCHER: He isn't going to seven acres? I wouldn't even waste my time with 7 acres. I farm 80 just in hay mostly. Seven acres isn't going to work. The agricultural messup doing this. If they want to level it up, you could take four piles and level it up real quick, in a heartbeat, if some farmer actually wanted to farm it. But what are you going to do? Are you going to take all the topsoil, clear all that back, and then put it back down there after you guys are done stripping it? MR. BRENNAN: Could you just restate your name? I'm sorry. MR. BUTCHER: Matt Butcher, 100 Virginia Place. MR. BRENNAN: Thank you. MRS. BUTCHER: I'm his wife, Melissa at 100 Virginia Place. I work from home, and I work 5:00 to 5:00 some days, and I've heard every car, every truck, every beep, everything. And like, our neighbors have said I'm hoping that maybe you can have the trucks that don't beep, beep, and beep, but, you know, I'm on calls, I try to concentrate. And unfortunately, the way our house is set up and my office, my window faces that way, so I hear everything. MR. NORENSKY: You're just thinking about noises like it doesn't double in effect, so it only goes up usually 6 decibels if you have one truck, and then that truck is 80 decibels, you have two trucks, you're going to 86, you're not going to 160. So all the traffic that you should warrant or want it to be when it's loud, when the ambient is louder, those are the limited hours of operation that would put it right along with the regular traffic that's going through from. MRS. BUTCHER: Which unfortunately is my working hours. MR. NORENSKY: It's already what it is. (Inaudible.) MRS. BUTCHER: Those big trucks are in and out. So that

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was just my comment, just another person for noise. CHAIR MARTINDALE: It's not a debate.

MS. BOWER: I'm Marge Bower, 111 Virginia Place. There's two things that I'm concerned about. When you said once the planning is done, you're going to remediate that area, so I'd like to have a little bit better explanation of what that entails. And the second thing is when does -- that area that was being mined earlier this year, the trucks went all the way through Virginia Place. They didn't turn around there, and then go back out. They drove through a residential area where kids are riding bikes, where they're, you know, having fun, running on the streets. It's a very quiet neighborhood, so there's not a lot of traffic, or the traffic that's already there knows that there's kids in the area. And my granddaughters were also involved in that incident where one of the say one of the holes collapsed on a kid. My grandson was the person that pulled him out. So it wasn't a little thing. I mean, it was a very dangerous situation. MR. NORENSKY: If I understand correctly that the incident, I wasn't involved at the time, with just a knowledge of the incident of the trucks going through the neighborhood, I believe all those people were terminated, and a different company as well as Angelo is going to manage it much differently not to let that occur. That's what I understand. He would have to speak on his own behalf. As far as reclamation, or mediation as you called it, they're going to bring in the fertile soils to grow the crops. They're a DEC. State DEC will not give the reclamation bond back unless there's sufficient soils, fertile soils, and reestablished vegetation. And they're very strict about that. The safety issues and concerns about the children are very disconcerting, you know, to say the least. And that would be an issue that would definitely be talked about with this board, and any safety concerns or safety measures that can be made to avoid children or bikers or anyone accessing these areas that are off limits or they're trespassing. CHAIR MARTINDALE: Just to move this along, we just want to MR. BRENNAN: We're going to ask you to sit down. MR. NORENSKY: Okay. MR. BRENNAN: And I appreciate it. MR. NORENSKY: Well, he was looking at me, so... MR. BRENNAN: They're asking you questions. I'm not criticizing you. MR. NORENSKY: Sure. MR. BRENNAN: But I think you're better to hear the comments and write them down and respond in writing so that we have a written response; that will be easier. I know there's a stenographer here with fancy cameras. It will be a little bit easier to get a written response from the applicant afterwards that everybody can see including the public, so they can see how the response is despite your best efforts on the fly not to put you on the spot to answer a question MR. NORENSKY: I was trying to briefly give it address, but not a problem. Thank you for your time. CHAIR MARTINDALE: Okay.

MR. STONE: Jack Stone, 105 Virginia Place. 4 lot removed from where this area is going to be supposedly mined. And going back to the comments about mining that's occurred on that lot previously. The incessant backup alarms and those trucks and loaders is rather annoying at distance. And what I'm hearing here is five years of that noise, which is not a very pleasant thought to look forward to. As far as adhering to whatever rules and regulations and hours of operation and so on and so forth at this site would take place if it were approved, the only thing I'll say on that point is all we have to do is look at the credibility of the applicant and his dealings with everyone else in the past. The town has had issues with him from day one. Every resident in there has had issues with him and so on and so forth. And if you want to look at how nice he takes care of property, go look at the house he's building right now on one of the lots adjacent to this and the trash pile, that if I were trying to sell a house, I think I'd take more pride in the appearance of it. Thank you.

CHAIR MARTINDALE: Anyone else? MR. HIGGINS: My name is Bill Higgins. Just so I'm clear, they're going to be mining -- What are you mining? CHAIR MARTINDALE: They're mining sand. MR. HIGGINS: Mining sand. And is there any environmental pollution caused by mining sand? MR. BRENNAN: Let me just say that the same thing's going to go on for my board as I said for the applicant, which is we'll listen to the comments, the applicant will write it down and prepare a response from their

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perspective. And if your concern is that you're saying you're concerned about the potential for pollution or something like that, or contamination, we'll accept the comment and we'll write it down. We have our own engineer here who's taking notes and we'll look at him for advice on that as well. So I'm not diminishing your comment, but I'm not going to ask my Chairwoman to try and stand up and answer your questions. I'm not being rude, I'm just saying we'll take it under consideration and get a response from the applicant. MR. HIGGINS: I'm just wondering, do you know is there any way -MR. BRENNAN: I just asked him to sit down. I want them to respond in writing so you can all see what the answer is, I'm not letting him off the hook. I'm just saying that that's not the best way to end this meeting. I want what all the concerns are and we'll get answers.

CHAIR MARTINDALE: Anyone else from the public? MS. BOWEN: I have one more thing. Sorry. But right now, the mine that he started prior to this, the entrance is right here. When you are coming into the neighborhood from Homestead Estates, because of the topography of the road here, at a curve, so it's very hard to make a quick right turn. Most of us, even people that have been driving right for a long period of time, we go over to this one side. I have a lot of concerns especially with three teenage boys driving and pulling in and coming up against those big trucks as well. So I just want to put that out there, because that is also a concern that I've had. CHAIR MARTINDALE: Thank you.

MS. LAIL: I'm Kate LAIL. I'm at 110 Virginia Place. And just so you can see on the map, but there's one way in this development and it goes in a loop, and there you join back up at the same road and go out the same way. So the concern is with any larger vehicle, you know, it's a small neighborhood, these are these are big trucks, you know, and we are pedestrians and we have children who bike and scooter, and they're no match for these vehicles.

CHAIR MARTINDALE: Anyone else? (No response.) At this point we will stop taking comments from the public. And if you have anything else that you want to say, please put it in writing and you can send it by mail or you can drop it off to Tia at our planning board office and they will be reviewed before the next meeting. MR. BRENNAN: As we wrap this up, we have another public hearing for the RV park on Route 50 for proposed extension. I don't know if anybody who is still sitting here is here for that or for something else, so we're going to move into that the next public hearing. If you look at the agenda, we have some new business, and then we have old business. And in old business, we have a number of these things like the cell tower are listed again. He asked Chair Martindale if she wanted to address this now, give him old business for the mine and wrap it up and let people go or circle back and recall the matter CHAIR MARTINDALE: With the amount of people here it would be most advantageous if we wrapped things up now.

MR. STONE: Excuse me. Before we move on, I just have one question. Adjourning, you're saying we're taking notes for filing or putting this all together, et cetera. Where will we, the public, have access to this? I checked the town's website tonight before I came in here, and the last recorded planning board meeting is July 2019. MR. BRENNAN: Funny, I was on that website today, too, and I saw the same thing. MR. STONE: So what confidence do we have that we're going to get some feedback from all of this taking place? MR. BRENNAN: I would say the confidence is that I expect that you will all show up again at the next meeting, if you can't find it and criticize us for that is usually good motivation. Right, that's not going to happen. So let's talk about it if for next steps and we'll go along with the applicant. They're on the agenda tonight. And I'll ask Mr. Zee and Mr. Norensky if there's anything else you have to add tonight, and then if not, let's talk about next steps about what we're doing with the public hearing responding to comments. And then I think the best thing to do when we have a room full of people is not hold you here for 45 minutes or something else and bounce back to you, let's talk about it, and adjourn the matter until the next meeting. I'll turn it back over to Mr. Zee so

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we can have this dialogue.

MR. ZEE: We're going to have a copy of the transcript that is why we have the videographer here. We'll put that obviously when we have the transcript, we will make a copy available to the town planning board, we'll give it to the town clerk. And I have to say, we've worked with the town clerk over the past couple months that I've been involved in this project, and whenever my client is requested of things, she's been very attentive and we've gotten the things that we've been looking for from the records. I think that if anybody from the public wants to FOIL anything, we've found the town to be very patient working with us and we've gotten the information for both of us. I just want to let the public know that you can get the information from the town. We will make a copy of that available. I am not sure how long it's going to take to convert this into a written transcript, but that's what our next intent is going to be.

MR. BRENNAN: Okay. So then after you do that, then, as we discussed, we've had discussion with you and I, but the next step that we would normally ask for is for the applicant's representative to respond to those comments in writing. Normally the way I do it is I summarize the comment, I have a written response saying here's what we - - you know, as to the contamination question, they'll have a response. That written response we'll get on the website, we'll figure out a way so people can have it. And we'll also go to Charlie Baker, who's a professional engineer representing the town, so he can evaluate that. And normally what we would do is tell everybody this will be back on the agenda for our August meeting, which is the fourth Monday, August 23. We're going to hold the public hearing open and ask for that response. Mr. Zee is indicating it's a bit of a time thing to get the steno, drafted and get it here. We'll see where we are at the next meeting, and we'll have a discussion about those responses, and then we'll go through the process of evaluating the comments and responses. And the board ultimately gets to make a decision, and usually there's no splitting the baby. It is either approved or denied and one side is happy and one is not. I don't know what that will be. We will get to that over the next several months, whatever it takes to go through the process. I invite you all back to the next meeting in August and we'll take it back up. If in the meantime you or your neighbors think of something you didn't have in your comments, please feel free to direct it to Tia Kilburn, our Planning and Zoning Board Clerk, and she'll distribute it to the board as well as to the applicant. And we'll have that summation.

CHAIR MARTINDALE: Thank you all. We really do appreciate your public comments. We couldn't do this right without you.

Chair Martindale announced the next item, public hearing for application #0007-21, site plan review / Phase 2 expansion for Saratoga RV Park located at 4894 Route 50

Tom Hutchins, Hutchins Engineering representing the applicant and Rick O'Brien for Athena Saratoga, LLC owner of the park and Mary Rivers manager of the park. Mr. Hutchins gave a presentation on the proposal, in 2018 Athena Saratoga acquired the park and have made numerous improvements and cleaned it up. In 2003 this project was approved as a PUD, phase 1 was completed in 2008, phase 2 was to expand up to 300 sites, this plan outlines to expand to 297 sites. currently there are 153 sites. It is a 95-acre parcel, currently there are 1.6 sites per acre, at completion there will be about 3 sites per acre. He stated it is not as dense as it could be, they have made an effort to keep things spread out and maintain vegetation, it is not a mobile home park, it is neat and clean and the vehicles that are there are no mobile homes, they are mobile but they are big RVs. All sites will have sewer, water supply and electric. Mr. O'Brien addressed the public and said as owners they take pride in the property, it has been nicely improved, he discussed the improvements and stated at the time they purchased the property rules were not being enforced, now through good management they have been enforcing the rules, he stated they have

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added nice aesthetics for the Community and neighbors, he said they do allow pets however, not aggressive breeds. He discussed the current property with an office, pool, a pickle ball court and horseshoe pits. He said people that visit are on vacation and are happy, they deliver hospitality and they are pleased to be part of the Community. He reiterated they are going from 154 sites to 297.

Sarah Smith, Cardinal Ln, she and her neighbors do not remember getting letters before phase 1, this phase they are cutting down all the trees and how long will it take to complete phase II? Mr. O'Brien said 154 sites for phase 1 predating 2003, Ms. Smith asked if cutting the trees this past year was part of phase 1? Mr. O'Brien said no, the initial site plan was to develop 154 sites that occurred in early 2000, this is phase 2, to develop the additional sites, approximately 12 months. He explained what is involved with phase 2, adding water, sewer and electric they are not paving so it will be gravel so it won't have much of an impact. (inaudible) Mr. Rose asked if there would be deep wells? Mr. O'Brien said there are 5 wells on the site they are all deep, one of them was developed with phase 1 it is towards the center of the site and it is the main well. Mr. Rose is it deep or shallow, because shallow would affect the neighborhood. Mr. O'Brien replied it is a deep well, it is a DOH approved well. Ms. Rivers interjected it is tested everyday which is required by law. Ms. Smith asked if they have figured out if there is going to be an increase in traffic on Route 50 because of the increase in sites? Mr. Hutchins said he can put numbers together to represent that. Mr. O'Brien said an RV park and people tend to stay, they do not go in and out of the park. He discussed the density and stated this park is 92 acres and they will have only 300 sites, they have other parks that have up to 20 sites per acre. Ms. Smith said her concern was also there is not much between their backyards and where the new sites are going, privacy and noise. Mr. O'Brien stated they are willing to work with them on planting or blocking it somehow, he added this is a seasonal park. Ms. Smith stated her children play in the yard seasonally, she is not comfortable sending her kids out to play and having 20 strangers in her back yard, there is nothing between her and the camp ground she can see them and they can see her. She added she understands the expansion and likes the camp ground she doesn't have any problem with it but it seems like the new sites are going to be very close to her. Mr. Rose asked if they could install a buffer, plants or a wall or something to keep the noise out. Mr. Hutchins said they can look at planting a natural barrier. Conversation ensued between the applicant and the public. Ms. Daley stated she lives on Cardinal Land and they have cleared all the trees, she invited the applicant to come into their neighborhood and look.

Mr. Brennan asked if they could get the meeting back to order and stated if anyone has a comment or question for the Board they can ask, if they want to have a neighborhood meeting with the applicant, they can do that. He said they can address the Board tonight and the applicant will take notes and respond. Mr. Rose said his comment is for a buffer zone between Cardinal and the park for noise and smoke and that stuff to protect their backyards and he stated there is a small road in between, Fire Pond Rd. Mr. Colozza explained it is a right of way that belongs to Mr. Marshall, it goes from Route 50 back to Mr. Marshall's property where the cell tower is.

Ms. Daley stated she is concerned about the buffer, it was heavily wooded, there are a few trees left but they have been cleared, from their homes looking into the park it looks like they cut all the way to their backyards. In all fairness she drove through the park and looking back from the gravel road towards their houses it does look like there are a lot more trees. She offered a neighborhood meeting and said they can look at it from their view, Mr. O'Brien agreed, she said the buffer is their biggest concern so campers are not wandering into their backyards. Mr. O'Brien said he understood and they can plant or add a fence or something.

Chair Martindale asked if there were any other comments, none were noted. Chair Martindale said the Town Engineers comments were received and it was sent for County review and returned with No Significant County wide or Intercommunity Impact, she asked Mr. Brennan if they need to process SEQRA, State Environmental

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Quality Review Form on this application. Mr. Brennan said he needed to look into that, it may have been addressed previously he explained he will have to defer to Mr. Colozza and the Clerk to see if that was covered in 2002 with the PUD review. Chair Martindale stated they will wait now for response on the traffic for Route 50, she expects that will be minimal. Mr. Hutchins said they was addressed in the SEQRA form they did submit, Mr. Brennan said they are looking for a synopsis of the comments with a written response.

Mr. Hutchins asked if he could give a brief update on what they have done since the last meeting, most are in response to Mr. Baker's comments. He explained they have retained a wet land consultant there is a small stream that runs through the park, they were there today and they are delineating to determine if there is any impact. They have addressed Mr. Baker's comment on the road layout, they are working with an electrical company to look at the electrical, that is not a Planning Board issue but something did come up so they are looking at the overall distribution of the electrical. Chair Martindale asked about the buffer zone brought up by the residents, Mr. Hutchins stated he and the applicant will address that and respond. Mr. Colozza asked if they got a comment from Mr. Haus, Fire Chief regarding the road? Mr. Hutchins said no, but they clarified the width of the road to 20' which will eliminate that comment? Mr. Baker replied the process is to have the Fire Chief go through it. Discussion ensued on contacting Mr. Haus. Chair Martindale said they will wait for written response from the applicant and see them next month.

Chair Martindale announced the first New Business item, Major Subdivision for Daniel Shaw, application # 0010-21, located on Kobor Rd and is in the agricultural zone with 11.21 acres.

Mr. Shaw addressed the Board and stated he was before the Board the previous year, he explained at that time he did a minor subdivision, this lot was part of that. At this time, he would like to divide it in half, he has a relative that wants to buy it. He had the surveyor do a surveyor to show the layout. He stated he met with Mr. Colozza to make sure the right of way into the back lot was doable. Chair Martindale asked Mr. Shaw to point out the lot on the map, discussion ensued on road frontage and the width of the right of way. Mr. Shaw explained the previous subdivision and the restriction placed on one of those lots. He discussed the water table and soils. Ms. McGarrahan asked if there were existing structures or wells, Mr. Shaw said no, fields. Chair Martindale said it needs to go to County for review because it is in the agricultural zone and they will schedule a public hearing for August. Ms. Rippon-Butler asked if the field will remain in use, is it currently being farmed? Mr. Shaw stated he is farming it. Chair Martindale asked if he was retaining one lot or selling both, Mr. Shaw said no he is selling both. Chair Martindale reiterated both lots will be taken from agricultural, Mr. Shaw responded not necessarily they are young men that are buying it they may farm or he may rent it from them next year, each of the buyers told him they want it for their future investments, they will not be building for several years. There was a note on the agenda questioning the ability to waive SEQRA, Ms. Eggleston asked why? Mr. Brennan said he was going to ask the Clerk and Mr. Colozza. The Clerk said because it is less than a year since it was involved in the previous subdivision and nothing at all has changed with it. Mr. Brennan said but it is a new subdivision. Ms. Eggleston asked if making smaller lots in the ag doesn't make a difference. Mr. Colozza replied no as long as there are 5 acres. Mr. Brennan explained under the State requirements for subdivisions you are supposed to have SEQRA completed, his suggestion is they discuss it tonight and put it on the record because it is a prerequisite for public hearing, so then they can refer it to County and schedule a public hearing. Discussion ensued; it was determined Mr. Shaw would submit a short form to the Clerk to send to County. Mr. Colozza said they may want the long form because of the distance to a farm, Mr. Brennan stated they only need a long form for a Type 1 action and subdividing 11 or 12 acres a short form is fine. He then said they have discussed it and if the Board chooses to issue a negative declaration for the record declaring it a complete application that would then allow you to under the statue to schedule a public hearing and send to County Planning. He explained he is comfortable with the

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Board voting for a neg dec tonight to make a complete application because it was reviewed less than a year ago and they know the property, a short form is sufficient to then allow the Clerk to send to the County. Ms. Rippon-Butler stated if the lots go below 10 acres the Code says they cannot have agricultural pursuits. Mr. Colozza stated they have already dedicated 15 acres out of the previous subdivision he is farming one site, Ms. Rippon-Butler said yes because it is 11 acres currently but if he does the subdivision the lots go below 10 acres. Mr. Brennan reiterated that Ms. Rippon-Butler is asking if he does the subdivision and someone wants to plant on it is it a Zoning Violation, Mr. Colozza replied no, agricultural pursuits would be if they brought animals in, we never stop anybody from farming smaller parcels, they can still plant.

Chair Martindale made a motion to accept a negative declaration on SEQRA, due to the fact it was reviewed and determined on a separate application within the past 12 months.

Ms. Black 2nd the motion,

All in attendance unanimously agreed.

Chair Martindale stated they will send the application to County for review and schedule a public hearing for August 23, 2021.

New application #0011-21, Joe Verdi, Verdi Storage Containers and Versatile Containers located at 46 Pettis Road in the Industrial Zone.

Paul Lubera, Lansing Engineering explained the proposed application, the project is on 11.11 acres currently occupied by NS Associates which manufactures steel, they are looking to expand the gravel parking area to approximately 0.88 acres, they are expecting 8 to 10 employees they have provided for 15 parking spaces for 10 employees and 5 company vehicles. Other improvements include adding an entrance gate and updating the lighting and they will change the sign to the new owners. Chair Martindale asked him to explain what type of product they will be producing. Mr. Lubera explained Mr. Verdi produces storage containers and office containers. Chair Martindale asked if they are manufacturing them there? Mr. Lubera replied yes and maintaining them within the existing building and storing them on the lot. Chair Martindale asked if once they are manufactured, they are sold and transferred offsite? Mr. Lubera said they are sold and they are rented, Mr. Verdi agreed sold or leased. Mr. Lubera stated it is very similar to what is there now, they manufacture steel there and the containers are all mostly steel, it's the same use. Chair Martindale asked where on the map is this on Pettis Road? Mr. Lubera stated it is just south of Gurn Springs Rd, Mr. Bowers, Berkshire Hathaway, representative for Mr. Verdi showed a photo of the current building, the Clerk explained it is close to the intersection of Gurn Springs and Pettis Road before you go down the small hill, on the right. Mr. Bowers showed a photo of a building Mr. Verdi owns in Savanna NY to represent what they are proposing to do to the building, cleaning it up. He showed a large map showing the uses of the property surrounding them, he stated mostly it is farming around them and the other big neighbor is the railroad. Hours would be Monday – Friday with the occasional weekend for when they have to pick up a unit.

Mr. Brennan asked Mr. Colozza if he had any history or commentary he could share. Mr. Colozza said one of the major problems is when the past place moved out, they removed everything, there is no delineation for the parking and we want to make sure there is enough room for tractor trailer turnaround and he isn't sure if they have the buffer with Gurn Springs Road, there is some natural vegetation but he didn't see any footage listed for a buffer. The road was already opened because that is where the previous owner had his parking but there is no delineation so they have to replot what was there to show they can still get around with the number of employees, he stated he was unsure if it matches the number of previous employees. They are also talking tractor trailer traffic; Mr. Savage did have tractor trailer traffic there most of the time it was difficult because he had them back in off the Road and

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they are suppose to show a loading berth and loading turnarounds on the site. Mr. Lubera said they have showed the tractor trailers and there is a significant buffer between Gurn Springs Road, he will get the footage. Mr. Brennan asked what the rectangle on the map was in the northern corner, Mr. Lubera stated it was the container storage. Mr. Lubera stated they will not be backing in from the road, Mr. Colozza said it created a problem because there is a dip and turn there and the tractor trailers would pull up and have to back in. Chair Martindale stated it will have to be reviewed by the Town's Engineer. Ms. McGarrahan asked if the turn around they are showing is in the existing non wooded part? Mr. Lubera said when they pull in they will go on the expansion area of .88 acres. Chair Martindale reiterated they will be doing some tree clearing for the storage area? Mr. Lubera said yes. Ms. Eggleston asked how many units will be on the property, Mr. Verdi stated they are different sizes, some units are 20' some are 40' and they don't have a set count. Ms. Eggleston asked how frequent would the deliveries be? Mr. Verdi explained it depends where they are delivering to, it could be as close as Saratoga or down to Albany or even Plattsburg, they may be back once a day or once or twice if going to Saratoga. Chair Martindale asked if they were all on wheels like a travel trailer, Mr. Verdi explained some are on wheels and some are ground level. He gave the members photos of the units, some are "office" trailers similar to construction offices. Discussion ensued on the process for loading the units. Ms. Rippon-Butler asked if they are reviewing it because it is in the industrial zone and needs a site plan and everything needs a special use permit? Mr. Colozza explained it is a pre-existing site, Mr. Savage had continuous use of the site but the zoning has changed a little in that area, he stated he did not know how else to rank it besides pre-existing. Mr. Lubera said they submitted a site plan application because of the parking area. Ms. Rippon-Butler stated she just wanted to understand what they were reviewing. Mr. Brennan asked if it is a special use permit or site plan, Mr. Colozza said it is a special use permit and then they have to do a site plan. Mr. Brennan clarified he was asking if they needed a special use permit or is it a review of change in tenant and a change in one fabrication to another, is it so different it is a new permit or is it the same use but a revised site plan? Mr. Colozza said Mr. Savage was fabrication and he doesn't know if there is much difference, Mr. Verdi interjected he does fabricate the units, Mr. Colozza said they are similar except for materials, Mr. Savage made stairs and Mr. Verdi is making containers. Mr. Brennan stated it doesn't really sound much different, it is existing fabrication of metal prior to zoning and saying it already has the special permit for fabrication so it is a site plan to revise it for the new owner, vs. going from fabrication to an entirely different use. Ms. Rippon-Butler asked what kind of noise is involved? Mr. Verdi stated it will be inside the building and there will be some wood tools cutting wood, but it is inside and not outside. Ms. Rippon-Butler stated there is a steel plant that creates substantial neighborhood noise, she asked if they were on that level? Mr. Brennan asked where their other facility was, Mr. Verdi said they are a 4th generation in Savannah NY, Montezuma NY. Mr. Brennan said between Syracuse and Rochester. Mr. Verdi said they started there and have been there 50 years, he explained they have employees that live around here, Hadley, Salem and Lake Luzerne and they want a more centralized location for them so they don't have to travel as far. Mr. Brennan explained the next steps are to refer it to Mr. Baker for review, he asked the Clerk if she had everything to refer it to County, the Clerk responded yes and she asked the applicant if he could forward it electronically to her. Mr. Lubera said yes. Mr. Brennan said if the Board is satisfied it can be referred to County, come back next month to hear Mr. Baker's comments and if the Board is comfortable, we can schedule a public hearing for September. Mr. Brennan asked Mr. Baker, the Clerk and Mr. Colozza if there were anything else? Mr. Colozza asked them to add the distance of the vegetative buffer they are leaving and if you are going to leave any on the Road along Pettis?

Chair Martindale announced application #0012-21, Major Subdivision and Shoreline Overlay for James O'Donnell located at 1439 West River Road, otherwise known as the Solomon Estate.

Kim Bender, Sotheby's International Real Estate, representing Mr. O'Donnell. Chair Martindale stated there seems to be some conflicting information on the original subdivision map. Ms. Bender said yes and she made

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copies of the original map and she can clarify, the original was 11 parcels, she gave copies to the members. She said she thinks the confusion is that there is a note that talks about (additional notes under #10) "No further subdivision without Planning Board approval" and then it talks about no single wide or double wide mobile homes. There are 11 lots numbered 1 thru 11, over to the right it says "other lands" that is not included in the 11 lots, it just happens to be on the map. Chair Martindale reiterated it was all owned by the same entity, Ms. Bender said at one point. Chair Martindale said back in 2006 when this was reviewed that "other lands" was part of it, the Clerk interjected that was the original homestead with the house everything else was with it, Chair Martindale agreed and said all 11 lots was one parcel, yes or no? Mr. Colozza stated he did not remember, he would have to look back, he said they did take a parking lot out of it as an easement. Chair Martindale questioned the parking lot. Mr. Colozza said at the very end of that parcel they took some for all the parcels to get river rights. Mr. Brennan said they can come back to that question, but what is the application for? Ms. Bender said the application is for a 5 lot subdivision from 1439 which is not one of the lots on that map she shared. She said the map they are looking at now that says "other lands" that is the parcel they are requesting a 5-lot subdivision. Chair Martindale stated it is also all in the Shoreline Overlay. The Board reviewed the map.

Ms. Bender stated one lot has the existing structure on it, and then there will be 4 vacant lots for additional residential use. Ms. McGarrahan asked where the access to each of the lots was? Ms. Bender said all West River Rd. Ms. Rippon-Butler asked what the photo copy referring to Lot 2 was about in their packet, the Clerk replied that is off the original map for the subdivision. Ms. Rippon-Butler then asked where were the lot numbers? Discussion ensued on deed restrictions and lot notes from the original subdivision.

Ms. Bender stated the deed restrictions are for lots 1 thru 11. Ms. Rippon-Butler asked if the lot they are looking at now related to all of the other 11 lots, Mr. Colozza stated it was all contiguous. Ms. Rippon-Butler said so when it says "no further subdivision" they need to look and see if it is referring to this parcel? The Clerk agreed and said there is confusion and they need to look further into it. Ms. Bender said it shouldn't be on this map, but the one that has the notation on it. She said the parcel they are subdividing is not part of the 11 lots, discussion ensued on the lot in the original subdivision. Mr. Brennan interjected if you look in the upper left corner of the map it shows one big rectangle going down to the river. The Clerk said 11 lots were created and there was a total of 12 lots. Mr. Brennan stated there has to be some research on this. Chair Martindale said the Planning Board Minutes of June 19, 2006 for the original subdivision it states; *with the new plan he feels the proposal meets and exceeds the current statue in place, he has shown and outlined the areas that will be protected for conservation purposes to adhere to the request of the SHIPO letter they will make sure the lot not being included in the subdivision where the Colonel Berry Home, historical home is located will have deed restrictions placed so it not be touched due to the historical nature of the parcel of the land, the other 10 lots will be marked as parcels that could envelop horse farms and or agricultural lands preservation on parts of each parcel.* Ms. Bender stated there isn't anything in the deed, it is included in your packet. The Board members reviewed the deed, Chair Martindale stated there will be no decision on this application tonight the Board needs more information and research needs to be done. Mr. Brennan stated they have seen the information and there is additional research that needs to be done. Ms. Eggleston added it is also in the shoreline overlay district. Mr. Brennan asked if it needs to be referred to Mr. Baker, the map has a list of prior maps and deeds maybe someone in his office can tract that and see what the history is here to help with the issue because there is a different note that says there shall be no further subdivision of the lots shown on this map except for #2, there is ambiguity as to what that means because the lot she is talking about is shown on the map. He said after research they can either revisit this or maybe there is a specific reason why it is on the map.

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Chair Martindale stated they would revisit application #0001-21, AT & T Centerline Communications Cell Tower, Mr. Brennan reiterated this application came before this Board, then to the Town Board for the telecommunications development district, zone change at their July meeting then we were waiting for County Planning to respond, it did come back as no intercommunity or county wide impact, at the last meeting of this Board there was a consensus that the Board was in favor of a 199' tower, now we are here for a telecommunications siting permit, a site plan. Chair Martindale stated they did not hear anything from the public today and asked if there were a motion to close the public hearing.

Ms. Eggleston made a motion to close the public hearing,
Ms. Black 2nd the motion,
All in attendance unanimously agreed.

Chair Martindale asked if there were a motion to approve,
Ms. McGarahan made a motion to approve the site plan for application #0001-21, special use permit,
Ms. Black 2nd the motion,
All in attendance unanimously agreed.

Chair Martindale announced application #0010-20, major subdivision for Stephen Spencer. She stated they still need a public hearing, the final plan, County review, the review from Engineer and Highway Superintendent, comments regarding the traffic study and it needs the fire department comments.
Mr. Newman representing the applicant; he discussed 2 topics, the first traffic study, they retained Creighton Manning Engineering to perform the study, a part of the assessment they measured traffic data, he discussed the results of the study. Their conclusions where it meets or exceeds the requirements for AASHTO, American Association of State Highway and Transportation Officials. They did recommend some vegetation clearing on the inside curve within the right of way along Colebrook Road, 15 feet. He stated it was forwarded to EDP, the Towns Engineer and Mr. Baker agreed with the findings. Mr. Baker stated it is important to note the intersection does meet the AASHTO requirements for the posted 40 MPH speed limit, so if there were an accident there it would be due to excessive speed, any kind of accident can happen but if that were to happen it would be because the driver was exceeding the posted speed, he is comfortable with the information Creighton Manning provided in the fact that it does meet the requirements for the posted speed limit short of the 85 percentile. Ms. Eggleston asked what they had to clear? Mr. Newman explained there is some shrubbery that can be removed or trimmed to open up the site distance more within the right of way of the Town and not on private property. He explained after tonight they are going to have the surveyor do a survey of the entire property and they will survey the right of way and the intersection with Lindsay Rd so they will have the survey information. He said he knows there is one tree in there, Ms. Eggleston asked if it is in someone's front yard, Mr. Newman said it is Town property, discussion ensued on the Town right of way and front yards, people responding to the removal of trees and shrubs. Ms. McGarahan asked if they go ahead and clear it then it grows back in a year in a half who will maintain it. Mr. Newman stated he would assume the Town unless there is a different agreement. Mr. Brennan discussed options of placing signs such as reduce speed or intersection ahead. Mr. Baker stated Creighton Manning did an analysis for signage and did not recommend because it is not critically limited. Ms. Eggleston asked if there would be pictures of what is going to be taken down. Mr. Newman said they are getting it surveyed and it will locate the vegetation and trees. Chair Martindale asked if he had another item to address tonight, Mr. Newman said at the last meeting there was a discussion on conservation vs. conventional subdivision. A conventional subdivision will change the plan considerably and he wanted to see what the Board thought about the conservation approach. Ms. Black said it was because he was considering the preserved space as the setback area and wet lands he cannot build in anyway. Mr.

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Newman said it is still a conservation subdivision because even though there are areas that they cannot build on there are areas they can build on and they are not. He stated it does meet the requirements of the conservation and it might look like a conventional but that is because of the characteristics of the property. He added usually a conservation design uses less roads than a conventional. Ms. Rippon-Butler asked what he was asking for? Mr. Newman said at the other meeting it made him concerned that if they were going into preliminary design, it is a lot of engineering, money and time and he would like a better feeling they are going in the right direction. Chair Martindale said there was a question on the length of a couple driveways. Mr. Newman said yes and they are designed with turn outs and turn arounds and they will be designed to support emergency vehicles. Discussion ensued on the road design change to a loop road, no longer a boulevard. Mr. Newman said all the property will be owned by homeowners except for the Town right of way for the road. Ms. Rippon-Butler stated she felt it would be nice to have dedicated green space to be shared like trails. Mr. Newman stated the applicant is avoiding a homeowner association. Discussion ensued on maintenance of public trails and green space.

Chair Martindale asked about the SEQRA form, Mr. Baker asked if they have a decision if the Board is going to accept as a conceptual conservation subdivision because Mr. Newman cannot move forward until it is determined. Then what they will do is generate the detailed plans, road plans, wetland delineations, stormwater management, they have a lot of engineering to do in fairness to them are they doing an engineering design for a conventional or conservation design. Discussion ensued on the changes to the design from previous meetings, Chair Martindale asked Mr. Baker if he liked this design, Mr. Baker stated generally he is fine with it.

Ms. Eggleston made a motion to accept as a conceptual conservation subdivision plan,
Ms. Black 2nd the motion,
All in attendance unanimously agreed.

Mr. Brennan stated the next step is to deal with Mr. Baker and get the next set of submissions, Mr. Newman said they won't be back for a little while. Mr. Brennan agreed and said they will be off the agenda for a couple months.

Chair Martindale stated they are now up to the Solar Farm on Wall Street; Mr. Brennan refreshed the Board and said the previous meeting there was a vote 4 – 1 to write a decision denying it. He stated he has the decision in draft, the Board is down to 4 members tonight and the Board still has to vote to adopt it. He reviewed it with the Board, he said if anyone has anything else to add they can adjust it, none were noted. Mr. Brennan stated he will finalize it and forward it to Mr. Colozza, the Clerk, Mr. Baker and Chair Martindale to review and then Chair Martindale can sign it and it will be filed with the Town Clerk.

Ms. Eggleston made a motion to accept Mr. Brennan's denial for Application #0003-20, GSPP 235 Wall St, LLC.
Ms. Rippon-Butler 2nd the motion,
All in attendance unanimously agreed.

Respectfully Submitted,
Tia Kilburn, Planning Board Clerk