

PLANNING BOARD MINUTES

February 5, 2003

AGENDA 8:00 P.M.

WORK SESSION 7:00 P.M.

Roll call Miscellaneous
Minutes Agenda items
Sign review Communications
Updates on pending items
Committee reports

ITEM I

Dennis James
Commercial

REQUESTS CHANGE IN USE & CONCEPT
PLAN
APPROVAL FOR RESTAURANT / ICE CREAM
PARLOR AT 5840 GOODRICH ROAD.

ITEM II

David Glian
Commercial

REQUESTS CHANGE IN USE & CONCEPT PLAN
APPROVAL FOR COMMERCIAL OFFICE SPACE IN
ACCESSORY BUILDING AT 10080 MAIN STREET.

ITEM III

Roy Jordan
Agricultural

REQUESTS FOUR (4) LOT OPEN DEVELOPMENT
WITH TWO FRONTAGE LOTS AT 8441 COUNTY
ROAD.

ITEM IV

Jerry Ritch
Major Arterial/Agricultural

REQUESTS CHANGE IN ZONING IN REAR OF
PROPERTY FOR DEVELOPMENT OF A FOUR LOT
PATIO HOME RESIDENTIAL PROJECT AT 6449
TRANSIT ROAD.

ITEM V

Jerry Gradl
Major Arterial

REQUESTS A SPECIAL EXCEPTION USE PERMIT
FOR AUTOMOTIVE SALES & SERVICE AT 6755
TRANSIT ROAD.

ITEM VI

Alan Ohloeft
Agricultural

REQUESTS AMENDMENT TO EXISTING OPEN
AREA DEVELOPMENT TO ADD ONE LOT AT 4980
WINDING LANE.

ITEM VII

Kevin Aiken

REQUESTS A TEMPORARY CONDITIONAL PERMIT
FOR SITE CONTRACTING BUSINESS AT 6305

Major Arterial/Agricultural

TRANSIT ROAD.

ATTENDING:

Joseph Floss
Patricia Powers
Frank Raquet
Reas Graber
Christine Schneegold
Henry Bourg

INTERESTED
PERSONS:

Dennis James
Christina O'Brien
Paul Herendeen
Roy Jordan
Sharon Siminiski
Jerry Ritch
Marsha Ritch
Councilman Bylewski
Gerald Gradl
Joe Weber
Carol Weber
Alan Olhoeft
Sue Olhoeft
David Sweet
Jane Sweet
Dr. & Mrs Jacob Steinhart
Joseph Salvatore
Tom Kaminska
Sharon Alexander
Janet Secor
Fred Secor
Michael Rosen
Sue Moshides
John Moshides

ITEM I

REQUESTS CHANGE IN USE & CONCEPT

PLAN

Dennis James
Commercial

APPROVAL FOR RESTAURANT / ICE CREAM
PARLOR AT 5840 GOODRICH ROAD.

DISCUSSION:

Jim Callahan gave a brief history of the project. The Board of Appeals granted a variance for the front porch setback. Traffic Safety and Fire Advisory had no significant concerns to report. The property is currently zoned commercial, and is in conformance with the master plan. It is an unlisted action involving rehabilitation of an existing structure. A review of the site plan and environmental assessment form, and considering the comments from Traffic Safety and Fire Advisory no significant environmental impacts are identified in developing this project. Architect Christina O'Brien from Architects Unlimited presented the changes that have been made to the plan. Pat Powers asked about the front porch setback. Ms. O'Brien stated that they received a variance to allow the porch a 30 foot setback. The total amount of green space is calculated at 51%. Reas Graber asked how they were going to screen the neighbors behind on Martha's Vineyard Drive. The applicant lives behind the proposed project, and there are stands of pine trees. The barn will be re-located to the rear on the southwest side of the property.

Frank Raquet asked about the fence for the neighbors to the south. They will install a chain link fence, and plant large bushes in front of the fence, to further screen the neighbors and provide for their privacy. Christine Schneegold said she is concerned for the privacy of the neighbors who live on Martha's Vineyard. Mr. James said that he lives there, and the neighbors are fully aware of the project. Christine asked about the size of the dumpster. Mr. James said he believes it is a nine yard dumpster. Henry Bourg asked if there will be tables on the porch. There will be seating for 20 people on a seasonal basis. Joe Floss asked if they have any plans for the future to have outdoor music, or to obtain a liquor license. Mr. James said he has no present plans for either. Joe Floss asked about the lighting in the parking lot and the hours of operation. Mr. James said they would use high pressure sodium lights that have a yellow cast. They would like to have a sign on the rooftop of the porch that would be put on a timer. The sign will be a separate review by this board.

Joe said the board is prepared to recommend a negative declaration. The second

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motion will be to recommend a change in use and concept plan approval to the Town Board.

ACTION: Motion by Patricia Powers, seconded by Reas Graber to recommend a negative declaration to the Town Board.

ALL VOTING AYE. MOTION CARRIED.

Schneegold Motion by Henry Bourg, seconded by Christine to recommend a change in use and concept plan approval to the Town Board.

On the Question? Patricia Powers told the applicant before he comes back for development plan approval he will need to have an approved landscape plan, he will be subject to the commercial open space fee of 15 cents per square foot, and the sign will require a separate permit.

On the Question? Jim Callahan said outside dining will be covered under a separate Temporary Conditional permit, which will require a public hearing.

ALL VOTING AYE. MOTION CARRIED.

ITEM II
David Glian
Commercial REQUESTS CHANGE IN USE & CONCEPT PLAN APPROVAL FOR COMMERCIAL OFFICE SPACE IN IN ACCESSORY BUILDING AT 10080 MAIN STREET.

DISCUSSION: Jim Callahan read a brief history of this project. The zoning on the property is commercial. Master plan 2015 identifies this parcel as one that would remain commercial, so it is in conformance. This would be considered an unlisted action - the rehabilitation of the existing structure shows no significant environmental impacts have been identified in the review. Paul Herendeen is the architect for the project. The existing barn has been vacant, his clients intention is to renovate the building and rent it out as professional office space. There will be six parking spaces, it will be landscaped, and the property will be much improved. There will only be one tenant, there is only 1000 square feet of space. The lot is 300 feet deep, there is

approximately 200 feet from the barn to the property line. Henry Bourg asked if the applicant could not rent it out as office space, would he have to come back to the board for

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another use such as retail. Joe Floss said yes, he would have to return to the Planning Board for a change in use. The parking requirement is five spaces, and they have six spaces altogether. It is a one story building with a loft, and it probably will be changed to a cathedral ceiling. The garage door will be eliminated, and replaced with windows.

They are intending to buffer the rear of the property, that will be shown on a landscaping plan. The Planning Board would rather see this property renovated, as opposed to demolishing buildings with character, and replacing them with a big box type of business. Joe Floss said Traffic Safety has approved the plan, and commented that they prefer the access on to the side street, rather than on to Main Street. You will be subject to obtaining an approved landscape plan. We intend to do a motion recommending a negative declaration. We will then ask for comments from any concerned citizens.

ACTION: Motion by Reas Graber, seconded by Christine Schneegold to recommend a negative declaration to the Town Board for this project.

ALL VOTING AYE. MOTION CARRIED.

Comments Jane Sweet of Pineledge said her concern is the entrance of the parking on to Pineledge. What is not on there are the pillars, which are on site already. The D.O.T. has approved the entrance on Pineledge, but there are two driveways off of Main Street already to the adjacent properties. She would like to see their driveway connect to the existing driveways so they wouldn't have to come out on a residential street. Mr. Herendeen said that the pillars are not going to be touched by his client. Joe Floss asked Mr. Herendeen if there were any plans to put sidewalks in to connect with the sidewalks on Main Street. Mr. Herendeen said he could look into that. Joe Floss said he would like him to do that. Joe asked what the pleasure of the board is.

ACTION: Motion by Patricia Powers, seconded by Henry Bourg to approve the change in use and concept plan approval for office space at 10080 Main Street with the condition that

there will be no parking on Pineledge Drive.

On the Question?

Frank Raquet asked about the septic system. It will be tied

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to the system serving the other two buildings. Jim Callahan said AJust a point to address Mrs. Sweets comment. The planning board had looked at various alternative ways of providing parking in conjunction with the other buildings. It was determined that because the septic system is in the back, and the residential use of that property, there was no opportunity to connect the parking lot. This was the only alternative if this building was to be utilized.

On the Question?

Patricia Powers reminded the applicant that this project is subject to commercial open space fees, and signage is a separate issue.

ALL VOTING AYE. MOTION CARRIED.

ITEM III
Roy Jordan
Agricultural

REQUESTS FOUR (4) LOT OPEN DEVELOPMENT
WITH TWO FRONTAGE LOTS AT 8441 COUNTY
ROAD.

DISCUSSION:

Jim Callahan gave a brief history of the project. It is located along County Road to the east of the Manchester Park Development - between Stahley and Green Acres Road on the south side of County. The Master plan identifies this as an area that would remain agricultural, and the land use would be consistent with the large lot single family homes. This is a four lot open development with two additional frontage lots on County Road. Roy Jordan just completed an open development on Stahley Road that backs up to this piece of property. They had a lot less road frontage on that one. Frank Raquet said AThat will be six single family homes - correct? Mr. Jordan said yes - six homes on twenty four acres of land. Frank asked which way the homes on the frontage lots would face. Mr. Jordan would prefer the frontage lots face toward the access road. Frank asked if this wouldn't be considered sub-development more than an open area development. Jim Callahan said AThe amendments to the law that we are considering now, puts a clause into the open development law that allows frontage lots if they meet the requirements of the open development lot size. That is one of the

significant changes we are contemplating to allow this type of development - which allows us frontage lots but maintains the character. We are having a problem with

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some exception lots in past open developments, that really compromise what the open development was all about. They were squeezed in, or had minimal lot frontages, and destroyed the effect of what an open development should be. It is hoped that by maintaining the character of the open development and increasing the lot size, the character of the area would be maintained.@ Frank asked if there were any wetlands on the property. Mr. Jordan said AYes, there are. To the south of the piece is a considerable area of state and federal wetlands.@ They will have to be addressed. Pat Powers asked if there were flood plain issues that have to be dealt with, in addition to the state and federal wetlands. Mr. Jordan said AYes we believe a majority of the piece of property is in the flood plain - but not by much. The flood area there is roughly 594, and most of that land sits at 592 or 593. The parts that are in it are just barely in it, and I believe the sections closer to County are out of it. Joe asked Mrs Siminski if she had any concerns. Mrs Siminski said she is concerned about water, and the ditch that runs all the way back is essential to their drainage as well as the neighbors (Parsons). She is also concerned about mosquitoes if they put in a detention pond. Councilman Bylewski asked if the potential owners would be part of a Homeowner-s Association for the maintenance of the road. Also, the maintenance of the STOP sign that will be installed on County Road in the right of way. Mr. Jordan said the lot owners all will realize they are responsible for the cost of maintenance before they purchase their lots.

Joe suggested that Mrs. Kiminski take a look at Mr.

Jordans

open development at 8430 Stahley Road.

ACTION:

Motion by Patricia Powers, seconded by Reas Graber to refer this project to the Municipal Review Committee and Fire Advisory for review and comment.

ALL VOTING AYE. MOTION CARRIED.

ITEM IV
Jerry Ritch
Major Arterial/Agricultural

REQUESTS CHANGE IN ZONING IN REAR OF
PROPERTY FOR DEVELOPMENT OF A FOUR LOT
PATIO HOME RESIDENTIAL PROJECT AT 6449
TRANSIT ROAD.

DISCUSSION:

Jim Callahan said this is on Transit Road just north of Old Post Road between the Floss building and Wolter=s plaza. There is an existing home with a three car garage on the property. Jerry and Marsha Ritch said they would like to build four patio home - single units - 1800 square feet - 2 bedroom ranches. The entire parcel is about 1100 feet and they would like to use at least half of it. This would require re-zoning an additional 300 feet of the property. The units would have a common driveway on the north side of the property. They will restore the house and use the house for a retail store. Henry Bourg asked what plans they had for the last 500 feet of the property. They have no plans for that area, they would like to leave it in its natural state. Henry said he would like more time to study this, this is the first time they have seen a plan. The homes would back up to Wolter=s plaza, not the homes on Old Post. The patio homes would be in the vicinity of 175,000 dollars or more. Joe Floss asked what zoning he would change the back of the property to. Jim Callahan said there are a number of options, and the planning board will have to make a final determination. The master plan does recommend that this area could be a commercial type of zoning classification, but it also identifies that it should buffer the existing residential uses. This proposed use matches that perfectly. Joe said A I think we are going to need to table this tonight. We feel that it is a fine land use, but we want to be certain the re-zoning request does not give up too much for future changes for future owners. Joe asked if anyone cared to comment. Allen Mann of Clarherst Drive said his major concern is the rear of the property, and he is concerned about traffic back there. Also, parking at the business, and how much traffic that would generate. Tom Kaminska lives in the first house on the circle on Clarherst. It doesn=t

sound like the construction is going to go as far as his house, but he is concerned about something going in behind him, and what could happen five or ten years from now.

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ACTION: Motion by Frank Raquet, seconded by Henry Bourg to table this item for further study. The board would like to see a detailed site plan.

ALL VOTING AYE. MOTION CARRIED.

ITEM V
Jerry Gradl
Major Arterial

REQUESTS A SPECIAL EXCEPTION USE PERMIT FOR AUTOMOTIVE SALES & SERVICE AT 6755 TRANSIT ROAD.

DISCUSSION:

Jim Callahan gave a brief history of the project. The site is located at the corner of Transit And County and is completely in the Major Arterial zone. This zone allows automotive sales with a special exception use permit. Gerald Gradl is proposing to refurbish the now vacant gasoline station, and install a green buffer on the outside perimeter of the buffer zones. He will blacktop the existing areas. There will be no further expansion at this time for service. They will use the building for an office, and one bay for servicing the vehicles they will sell. They will refurbish the interior and exterior of the building, as well as the lighting. Joe Floss told Mr. Gradl that the Traffic Safety board would like to eliminate the curb cuts closest to the intersection, and relocate them as far south on Transit Road and as far east on County Road as practical. Mr. Gradl told Patricia Powers he will have at least 60 to 70 cars on the one acre parcel. Pat asked what kind of service they would provide. It includes mechanical, detailing and keeping the cars clean, and safety inspections. They will not do collision work. They should wind up with 25% green space, they will do whatever the Town requires. Reas Graber said that he would like to see something similar to what Glen Campbell did at their new facility on Transit Road. They removed the blacktop, and then installed curbing and low landscaping in front that doesn't obstruct the view. A picture was shown of what Glen Campbell did, so Mr. Gradl could see what the board

would like to see there. A letter of opposition from Tom Culligan was read by Chairman Floss. Mr. Gradl said he intends to spend a million dollars purchasing and renovating this vacant property. Frank Raquet asked if the tanks were still on the property. Mr. Gradl said they have been removed, and passed all the environmental requirements. They will

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install new lighting half way back on the property. Christine Schneegold asked the distance between the right of way and the building. She wanted to make sure that he would have enough room for the curbing and landscaping and the number of cars. Henry Bourg asked about the signage. It will be whatever the Town allows. Henry asked about the hours of operation. Mr. Gradl said that they will be nine to nine three days a week, and the rest nine to five, and closed on Sunday. Henry said because this is a traditional neighborhood, it is our responsibility to make sure that anything that goes in there conforms as much as possible to that zoning. I think we are going to want that strip of landscaping on Transit. Joe Floss said he would like to recommend a negative declaration to the Town Board.

ACTION:

Motion by Patricia Powers, seconded by Henry Bourg to recommend a negative declaration to the Town Board, based on the information that the Planning Board has been given.

ALL VOTING AYE. MOTION CARRIED.

On the Question?

At this point Joe Floss asked if there was anyone from the public that had a concern they would like to express. Mary Weber of 8045 County Road lives to the east of this property. They have a spare lot adjacent to the proposed project, and then their home. They built a screened in side porch that they use all summer and fall. They are concerned about looking at a sea of cars. They came in to the Planning/Zoning office and looked at the plan. There is a twenty four foot buffer that allows a four foot berm with blue spruce trees and dogwood trees. It isn't deep enough or dense enough to block out the view. When it was a Mobil station, all they saw was the back of the building and they saw no activity. They are concerned about the impact of the value of the property when they go to sell their house

and the spare lot. They are also concerned about the lighting and the signage. Joe said the concerns will be addressed. We will work to be as compassionate as possible to the resident, and we take our job seriously.

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ACTION: Motion by Reas Graber, seconded by Henry Bourg to recommend a Special Exception Use permit to the Town Board with the following conditions:
1. An approved landscape plan with a reasonable buffer.
2. Lighting plan approval.
3. Fire Advisory approval

On the Question? Patricia Powers said we need to have more information. Frank Raquet wants a more detailed site plan.

Reas Graber	AYE	Patricia Powers	AYE
Henry Bourg	AYE	Chris Schneegold	AYE
Joseph Floss	AYE	Frank Raquet	NAY

MOTION CARRIED
REQUESTS AMENDMENT TO EXISTING OPEN AREA DEVELOPMENT TO ADD ONE LOT AT 4980 WINDING LANE.

ITEM VI
Alan Olhoeft
Agricultural

DISCUSSION: Mr. Olhoeft said they are requesting a fourth lot on the southwest portion of the property. The road and the development is in, and they have sold two lots. Last Spring behind the barns and to about where the fourth house lot envelope is located, and to the south there were dense pine trees that came down in a wind storm. By the time they cleared all that out, it was all open property. It allows us to move the pasture that was originally designated to be in front of the barns, to be moved back south of where the house is. That lot will be approximately a four plus acre lot. We have changed the property line to the north of that lot, by adjusting it about 20 to 30 feet, but it still meets the requirements of two acres. They have re-routed the horse trail, they have decided to go with a figure eight design instead of going around the perimeter of the property. There was concern expressed by Mr. & Mrs. Sweet about that trail. The more we looked at it, because we had to move it off the property line by 25 feet, that moved it too

close to the back of that house. We intend to build on the new lot, and we are not opposed to that 25 foot restriction on our property. Joe Floss read a letter from Diane Morgante. Her concerns were the development like feel, and the smell of horse manure. Mr. Olhoeft said they have two horses, and the previous owners, the Urbans had

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thirteen horses, so horses are not something new. As far as the smell of manure goes, I am not sure what they are referring to, I will talk to them about that. We do not have any manure near that lot. There will be a maximum of eight horses. They will not be moving or taking down the barns. Frank Raquet asked what they do with their manure. They put it in a pile and compost it with wood chips, and they give it to neighbors or use it themselves. It is kept in the back. They will be moving it, because that lot has been sold. They will put it south of the barn, and if it gets to be too much, they will have it hauled away. The previous owner had a manure spreader, and spread the manure all over the property. Joe Floss said it meets the requirements of an open area development, has the proper zoning, and is in conformance with the Master plan. At this point, Chairman Floss asked if the neighbors had any questions or concerns. David & Jane Sweet live directly west of the property. They expressed concern over the re-location of the horse trail, and their swimming pool privacy. Mr. Sweet suggested tabling this item, until they have more time to study the change. Dr. Jacob Steinhart lives next door to the Olhoefts. He also lives next door to the Morgantes, who are not in Town much, they have spent most of the past two and a half years in Italy. Dr. Steinhart said he didn't understand why he hadn't heard about the change before. He would like time to study this and maybe take some pictures. He would like to state his objections. The increase in the number of lots from 3 to 4 lots, and a deep concern for the loss of privacy. The berm was not two rows of trees but one row of trees. He promised a stockade fence that has not materialized. Chairman Floss said there will not be any additional lots beyond the four, that is the maximum number for an open development area. However, if this would have been a single family subdivision, they could have had 11 homes in the same area. Mr. Sweet wants to know how the manure is going to be treated, it needs to be addressed. Alan Olhoeft said they are committed to take down the deciduous part of the berm,

and make the whole berm a row of pines. The berm is not wide enough to stagger the pines. He will put up a six foot privacy fence where the Steinharts pool equipment is stored, and a privacy fence up from the fire plug up along and make a right turn the north. They will move the deciduous trees that are in the center of the berm, and put

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them along that fence on their side of the property line. Mr. Olhoeft said he has already invested nine thousand dollars in landscaping that berm as it is. Joe Floss asked how the horse trail has changed from the original plan. Mr. Olhoeft said it still shows twenty five feet off the property line of the Sweets. Mr. Sweet said he would like to have this tabled, so they can work out the details. Mr. Olhoeft said he believes they have tried to accommodate the concerns of the neighbors. His concern is what are the issues that need to be resolved? He would like the Town to be specific about the issues. Joe Floss said he doesn't see where the trail has changed for the worse, maybe it has changed for the better. It did seem to undulate slightly, but materially it is the same as what it had been. Mr. Sweet said there is a substantial deviation in certain places, he would like to get together with the Olhoefts, and the Steinharts, and discuss the issues that have been raised tonight. Jim Callahan said this proposal would have to come back to the Planning Board again at development plan, before it goes to the Town Board. So there is a time frame where these details could be worked out. If the board conditions a conceptual approval of this, with the detail of what issues have to be addressed at development plan, that could work. At this point we do not have a review and approval from the Engineering Department, that has to occur. Joe Floss said the only action tonight would be to conceptually agree with the amendment to the plan, and then you would come back to Town Board. Mr. Olhoeft asked for clarification on what more do they have to do. He will need the review and approval on the drainage of adding the fourth lot from the Engineering Dept. Chairman Floss said he will also need SEQR approval which we are prepared to give you tonight.

The second motion will be either to deny or approve, moving you one step further, meaning we will send it out to the Engineering Department

ACTION: Motion by Henry Bourg, seconded by Reas Graber to recommend a negative declaration for the addition of one lot to the Open Area Development at 4980 Winding Lane.

ALL VOTING AYE. MOTION CARRIED

Page

2003ACTION: Motion by Henry Bourg, seconded by Christine Schneegold to refer the request for an additional lot in the Open Development Area at 4980 Winding Lane to the Town Engineering Department for approval.

On the Question? Patricia Powers said Mr. Olhoeft said he was willing to discuss or do the following : replace the center section of the berm with pines like the two side sections are now. He will also put up a privacy fence at each end of the berm.

On the Question? Mr. Sweet said AAs to our situation Mr. Olhoeft graciously said that he would be willing to discuss with us putting up a privacy fence, if necessary.

ALL VOTING AYE. MOTION CARRIED.ITEM VII

Kevin Aiken
Major Arterial/Agricultural

REQUESTS A TEMPORARY CONDITIONAL PERMIT FOR SITE CONTRACTING BUSINESS AT 6305 TRANSIT ROAD.

DISCUSSION: Jim Callahan gave a brief history of the situation. There has been an issue of storage of materials, and the business operation out there. We contacted the owner, and identified that it is not allowed. The owner subsequently filed an application on January 15, 2003 with the Town requesting a temporary conditional permit allowing him to use the site for his business. The Town Board referred him to the Planning Board. The property is zoned Major Arterial for the first 300 feet, and the rear of the property is zoned Agricultural. The Master plan does identify that a commercial operation on the frontage of Transit Road would be in compliance, but any use should be buffered to the existing residential properties that adjoin the property. Kevin Aiken said AI operate a residential flat work business, not a site contracting business. I understand we were operating illegally, and there was quite a mess there,

and we did clean it up. Anything we store outside now, will be stored inside. We do have a 250 - 500 ton pile of washed stone. Normally, we take out one load a day in the morning, and we work six days a week from 7 a.m. until dark then we come back. We don't operate in and out of there, we are only there for 30 minutes to an hour in the

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morning, and when we come back in the evening we park the trucks and leave. During the day it is not used at all. They do new home construction. There are huge piles of wood that were dumped there by the contractors widening Transit Road. They are working on getting rid of it. Christine Schneegold asked if he stored anything in the barn on the property. There is some equipment in the barn, and their drain tile is stored near one of the garages out there. There are large coils of 4 inch drain tile, they are large and stand out. It was a mess, it was out of hand and it won't happen in the future. Mr. Aiken said there is a 66 foot strip of Town owned land between his Fathers's property and the neighbors on Floss Lane. Frank Raquet asked Mr. Aiken if he would be willing to fence where the coils are so the neighbors don't have to look at them. Mr. Aiken said that could be done, but right now they are out of sight. Frank asked if he would continue to keep he stone piles. Yes, he would. Reas Graber said looking at the photos, it is an eyesore. Mr. Aiken said it will take time to get it cleaned up. Mr. Aiken said In the morning we leave with two trucks, and normally don't come back unless we need to get a roll of coil, or a load of stone. A machine would run to load the stone. Pat asked how they got their stone. They pick it up. They have been in business at this site for about ten years. Joe Floss asked how many acres his father has there. It is a forty acre parcel. There have been complaints from the neighbors. Joe said he is inclined to give Mr. Aiken a chance, but there will be restrictions, and he will have to have a better plan. You will need to know the hours of operation seasonally. You will need a date for the completion of the cleanup of the woodpiles. It would simply be a trial of one year, meaning if there are

valid complaints you will not be renewed again. This is an unlisted action under the SEQR Law, and based on the information and our analysis thereof, that this proposed action of a temporary conditional permit for a flat work business at 6305 Transit Road, will not result in any significant adverse environmental impact. I would ask for a motion to that extent.

ACTION:

Motion by Patricia Powers, seconded by Reas Graber to recommend a negative declaration to the Town Board.

ALL VOTING AYE. MOTION CARRIED.

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Residents comments

Fred Secor of 8070 Floss Lane bought his home in 1993 . There was the peanut line and the fields behind him. About five or six years ago, they began to see trucks and cars. A couple of years ago the field was cleared and stoned for a parking lot. All the trucks and cars are now parked in that lot, but they have added a ten wheel dump truck, fuel tank for the diesels, and a large panel truck. There are used pickup trucks and cars accumulating on the land. There are racks out of the trucks, septic tank hose, drain tile, and concrete forms. They were stored along the tree line until very recently. The wood piles are still there, he works on them from time to time. Last summer he obtained a large wheeled bucket loader to move the piles of stone that are delivered in eighteen wheel semi dump trucks. That bucket loader is operated in the morning before 7 a.m. and after they have come back there at night. In the last five years my neighbors and I have installed stone walls. We planted evergreen trees on the Town right of way, to beautify and buffer our properties. We began to question the Zoning Department in April of 2002 about the property. The Zoning Department found him in violation, and he was asked to correct the condition. After numerous deadlines passed, he was subpoenaed to court in this Town and failed to appear not once but twice! Thereby, thumbing his nose at us, you, some Town Justice, and now he seeks absolution from you folks for this Temporary Conditional permit to bring him into compliance with the law. If he is approved, I will tell you the Town Assessor may expect the residents of Floss Lane to appear magically to schedule hearings on large reductions in their assessed values and their tax bills. I and my wife Janet respectfully ask you to deny the application. We have lots of pictures

we would be happy to share with you. In fact, we have a complete set that you may have. Thank you for your time. Janet Secor said he delivers stone in the morning and wakes them up, he does come back in the afternoon and delivers or picks up stone. He works Saturdays and Sundays. There have been times when the diesel fuel exhaust is so strong, I cannot use my backyard.

Mr. Aiken said he missed going to court, because he didn't know about it. The summons was delivered to his father, and delivered to him after the fact. I then went to Mr.

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Callahan's office to straighten this out. Some of the vehicles belong to my sister who lives back there, and they are her concern. Chairman Floss told Mr. Aiken he wants him to work with the neighbors. Mr. Aiken said he would like someone to tell him what they would like, and where they would like it moved to, so it is out of their sight.

Chairman Floss said he is going to list some conditions:

1. Hours of operation from 7 a.m. until 9 p.m. seasonally.
No Sundays.
2. Removal of the wood pile and relocation of the fuel tank by June 1st 2003.
3. This is a one year trial, and will be revoked if you are not a good neighbor.
4. No other contractor can use this site.

Henry Bourg said he had concerns about this, and the way it has been handled in the past. It should be moved as far away from the neighbors as possible, so that is not objectionable to them. Patricia Powers asked if Mr. Aiken ever considered gating the property up front on Transit Road, so unwanted materials such as the wood, could not be dropped off on his property. Mr. Aiken said it is possible he would re-consider moving the operation away from the neighbors.

Chairman Floss would like to table this and have Mr. Aiken draw up a detailed site plan showing the changes he will make. Sue Moshides of 8080 Floss Lane said that the stone could be re-located, his wood piles can be re-located, but we are still going to have the diesel trucks driving by. She is more concerned about the mini-explosions that occur with a bonfire to follow. She doesn't know what they are burning. She is not comfortable with this operation. It is not in the proper zone.

ACTION:

Motion by Patricia Powers, seconded by Henry Bourg to table this item. The applicant is instructed to submit a detailed site plan.

ALL VOTING AYE. MOTION CARRIED.

Motion by Reas Graber, seconded by Chris Schneegold to adjourn the meeting at 11:15 p.m.

Joseph Floss, Chairman