

MEMBERS PRESENT: Harold Fabinsky, Chairman/Paul Bodden/Joseph Liberti/Philip Murray/  
David Kaczor/Henry Heppner/Nicholas Baich, Alternate

OTHERS PRESENT: John P. Bernard, Planning Coordinator  
Len Berkowitz, Deputy Town Attorney  
Andrew Geist, Building Inspector  
Thomas Ostrander, Assistant Town Municipal Engineer  
Rose Messina, Secretary

EXCUSED: Nicholas Taneff

The Chair called the Planning Board meeting to order at 7:00 P.M. by stating that if anyone appearing before the Board has a family, financial or business relationship with any member of the Board, it is incumbent upon that person to make it known under State law and the Town Code of Ethics.

The Chair stated that the Alternate, Mr. Baich will be voting this evening due to the absence of Mr. Taneff.

Upon a motion duly made and seconded, the reading of the Planning Board April Meeting minutes was unanimously waived as each Board Member had previously received a copy.

Mr. Murray made a motion, seconded by Mr. Bodden, to accept the April 12, 2018 meeting minutes as presented.

**THE VOTE ON THE MOTION BEING:**

FABINSKY	AYE
BAICH	AYE
BODDEN	AYE
HEPPNER	AYE
KACZOR	AYE
LIBERTI	AYE
MURRAY	AYE

**THE MOTION BEING UNANIMOUS, THE MOTION IS PASSED.**

1. P.B. File#07-18, Murray One-Lot Subdivision, Vacant Land located on the south side of Ashwood Lane west of Chestnut Ridge Road, Zoned R-2. Requesting Planning Board Pre-Application Findings on a One (1) Lot Subdivision.

APPEARANCE: Mr. Murray, Petitioner

Mr. Murray explained the history of the property, noting that when the subdivision known as "Chestnut Ridge Village" was approved there was a remaining, long narrow strip of vacant land that was non-developable. Mr. Murray is the owner of the lot behind this remaining lot. He and Chestnut Ridge have come to an agreement to join their two properties and divide it into two Building Lots. He is appearing before the Board to get a sense if they are comfortable with this or not.

The Chairman established that the members had no further questions, or concerns regarding this project.

Mr. Bodden made a **MOTION**, seconded by Mr. Kaczor, that regarding Planning Board Subdivision File #07-18, the following Pre-Application Findings are made based on the submitted sketch plan received 04/17/18 and the applicant has detailed:

- The total acreage is 0.46 +/- acres.
  - The desired zoning classification is R-2.
  - The number of possible stages of completion is 1.
  - The applicant's position with respect to title is Property Owner.
1. The zoning will remain as is.
  2. Access to surrounding properties is through Chestnut Ridge Road.
  3. Recreation fees will be provided in accordance with Section 144-70E of the Town Code and shall be paid, or provided, prior to the Final Plat Plan Public Hearing.
  4. Subdivision Development fees, per Section 144-70D of the Town Code, shall be paid prior to the Preliminary Plat Plan Public Hearing.
  5. Public Hearing fees shall be paid prior to the Preliminary Plat Plan Public Hearing.
  6. One (1) Street Tree per the Conservation Board's Street Tree Plan shall be provided for each lot per Section 120-3F of the Town Code.
  7. The applicant shall complete and submit the Short EAF, Part 1 for this Unlisted, SEQR action.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
BODDEN	AYE
HEPPNER	AYE
KACZOR	AYE
LIBERTI	AYE
MURRAY	AYE

THE **MOTION** BEING **UNANIMOUS**, THE **MOTION IS PASSED**.

Chairman Fabinsky made a **MOTION**, seconded by Mr. Heppner, to **AUTHORIZE** a public hearing when the project is ready.

THE VOTE ON THE MOTION BEING:

FABINSKY	AYE
BAICH	AYE
BODDEN	AYE
HEPPNER	AYE
KACZOR	AYE
LIBERTI	AYE
MURRAY	AYE

THE **MOTION** BEING **UNANIMOUS**, THE **MOTION IS PASSED**.

The Chairman verified that there were no outstanding issues or comments from other Town Departments.

- 2. P.B. File #37-14, Miranda Holdings, 4956 & 4968 Chestnut Ridge Road, Zoned B-2. Requesting a SEQR Recommendation to the Town Board to construct a 3,900-sq.ft. Building. A Tim Horton's 2,000-sq.ft. Restaurant with a drive-thru window, and a 1,900-sq.ft. Retail space.

APPEARANCE: Mr. Sean Hopkins, Attorney  
 Mr. Chris Wood, Carmina • Wood • Morris

Chairman Fabinsky stated that the Board's purpose is only to recommend a SEQR Determination. Issues relating to Site Plan will be considered subsequent to that and not at this meeting. He feels that at this point, we have found ourselves at a fairly complex process, involving this Board, the Town Board and the Court. The Board is prepared to make a motion on SEQR at this time.

Mr. Fabinsky made a **MOTION**, seconded by Mr. Heppner. "Based on the project's building's gross square footage footprint falling within the size range that mandates a Type II determination under the provisions of the State's SEQRA Law, this Board recommends that the Town Board make that determination."

ON THE QUESTION:

Mr. Murray commented that he believes this project, as presented, has at least one significant adverse environmental impact, that being negative and perhaps unsafe traffic.

**THE VOTE ON THE MOTION BEING:**

FABINSKY	AYE
BAICH	AYE
BODDEN	AYE
HEPPNER	AYE
KACZOR	AYE
LIBERTI	AYE
MURRAY	NAY

**THE MOTION BEING SIX (6) IN FAVOR, ONE (1) AGAINST, AND NO ABSTENTIONS, THE MOTION IS PASSED.**

Chairman Fabinsky directed the Petitioner to contact Planning Coordinator John Bernard, and the Town Engineering Department for direction and coordination in moving forward with the Site Plan. He stated that traffic is a very serious substantial concern due to its public safety implications. The traffic study previously submitted is four-years old and will need to be updated. The Board's members will be polled for additional thoughts and will convey exactly what is required as a minimum in the study hopefully within 10 to 14 days maximum.

Mr. Hopkins established with Deputy Attorney Len Berkowitz that the typical process will be followed, with the whole recommendation provided to the Town Board at the same time. He further established that the Planning Coordinator will provide and share information requests with the Petitioner.

There being no further business, the Chairman adjourned the meeting at 7:19 P.M.

DATED: May 14, 2018  
 REVIEWED: June 22, 2018

Harold T. Fabinsky, Planning Board Chairman

Respectfully submitted,  
 Rosemary M. Messina  
 Planning Board Secretary