

PRESENT: David Stringfellow. Chairman  
Jennifer Lucachik, Secretary  
David Bowen  
Mitchell Martin  
Mary Ann Rood

ABSENT Paul Ziamowski

ALSO Michael Kobiolka Town Attorney  
PRESENT: Thelma Faulring Secretary to the Boards and Committees  
Richard Brox Planning Consultant  
Lenny Ciolek Applicant Back Creek Cider Mill  
Tim Van Oss Back Creek Cider Mill, PE  
Ryan Renshaw Back Creek Cider Mill, Architect

Chairman Stringfellow called the meeting to order at 7:30 PM

Mr. Stringfellow asked if there were any corrections or additions to the minutes of June 24, 2014. Being none Mrs. Rood made a motion to accept the minutes, seconded by Mr. Martin and carried,

**CORRESPONDENCE**

Secretary Faulring reported:

- o Code Enforcement Officer Ferguson's June end of month report

**BACK CREEK CIDER MILL SITE PLAN DISCUSSION**

Correspondence:

- Revised site plan (hand) delivered to the Town Hall on Friday, July 18, 2014
  - o Distributed to Planning Board members and associates this evening
- Received via fax on Friday, July 18, 2014: Letter to Chairman Stringfellow from Timothy Van Oss (Schenne & Associates) with letter from Ruth Pierpont (Office of Parks, Recreation and Historic Preservation [OPRHP]) stating: "Based upon this review, it is OPRHP's opinion that your project will have **No impact** upon cultural resources in or eligible for inclusion in the State and National Register of Historic Places."
  - o These letters were distributed to Planning Board members and associates this evening

Comments and concerns were as follows:

For these minutes:

- Planning Board member / associate
  - o Cider Mill applicant / associate
- On the plan you brought tonight there is more landscaping and more shrubs, but still no landscape plan
  - o We've added trees, Black-eyed Susan's, tree islands and additional sidewalks
- On the grading plan, there is a pond that wasn't there before
  - o We added a retention pond that will be used for washing apples; recycled for reuse
- What effect will your drawing water have on the neighboring property owners well water supply
  - o We will be drawing water from the groundwater from Back Creek
  - o Wells in the area are about 1000 feet away
  - o There should be no significant effect on other water supply
- When you refer to Back Creek, are you referring to the 18-Mile Creek?
  - o There are many tributaries off of the 18-Mile Creek that are not named, we are referring to the tributary on this property and we refer to it as Back Creek
- Has the Town Engineer been sent the drainage plan?
  - o Mr. Schenne has been in contact with Mr. Hannon
- Our hands are tied until we receive approval from the Town Engineer Hannon
- Could possibly consider a recommendation contingent on a favorable review from Mr. Hannon
- Have Mr. Schenne get in touch with Mr. Hannon and I (Town Attorney Kobiolka) will also get in touch with Mr. Hannon to see where he is at in his review.

- A site plan review requires drawings to scale with an engineer’s stamp
- On these plans that have been submitted you can’t even read these reduced sized numbers
- We need to have a full page site plan drawn to scale

A very lengthy, and at times somewhat heated discussion followed.

A major portion of the discussion included the size of the site plans that have been provided to the members for their review. Mr. Ciolek was advised repeatedly by Mr. Brox and then Mr. Martin that the plans submitted are not to the 1 inch = eighty feet scale as stated on the plans. One inch on the reduced plans would equal more than eighty feet.

Mr. Ciolek: I depend on other people; I’ve met with you now four times and now we’re at a stalemate which will delay me even longer.

Mr. Ciolek stated that he was never told that the ‘regular’ sized plans needed to be submitted, that he had submitted what was on the check-off list.

Mr. Stringfellow: We face these problems often, people come into the Planning Board and want to be told everything they need to do; come in and do it and get it approved., We don’t catch everything, every time, you need to get the code, read the code and provide what is required in the Code, and your engineer should know that. I don’t think we have ever approved a site plan that we did not have full scaled drawings. You are the, to the best of my knowledge, the first to come in with reduced drawings. We nearly always get full sized plans.

Mr. Ciolek: I would have hoped that back on the (June) 24<sup>th</sup> that when we did submit this particular scale that someone would have made mention to it then, I think that’s the responsibility of the Board to do that, I really do,

Mr. Martin: I am fully in favor of this project and look forward to having this in Town. I suggested that we meet on July 1 specifically to look at these plans.

Mr. Ciolek: Was anyone notified of this meeting?

Secretary Faulring: It was scheduled as a Work Session and I am not required to...That was your plan to review what you had just received that evening, to go through a list...

Mr. Ciolek: You received stuff on the (June) 24<sup>th</sup> that you didn’t review on the 24<sup>th</sup>, so you did that on the (July) 1<sup>st</sup>...

Mr. Brox: The minutes of February 11 at which you attended – Town Engineer Hannon wanted to see drainage; also ‘you need to file at least what is listed under ‘conceptual plot plan showing all adjacent properties, streets, buildings and things within 50 feet of your property; get your engineer on Board and maybe have him attend a meeting with you.’ Then we didn’t hear from you until June.

Discussion continued between Mr. Brox and Mr. Ciolek.

Discussion followed regarding about making a motion contingent upon receipt of 10 to scale copies, and the engineer’s approval.

Mr. Martin: I will make a motion to approve it contingent upon the 10 copies according the Code, and the (Town) Engineer’s approval.

Mr. Stringfellow: Is there a second?

Mrs. Lucachik: I’ll second.

Mr. Stringfellow: Please do a roll call vote.

Secretary Faulring:	Mr. Bowen:	nay
	Mrs. Lucachik	yes
	Mr. Martin	aye
	Mrs. Rood	aye
	Mr. Stringfellow	nay

Mr. Stringfellow: It must have a majority of all the Board members.

Mr. Ciolek: Quorum.

Mr. Kobiolka: The motion doesn’t pass.

Mr. Ciolek questioned why.

Mr. Kobiolka: It’s not a majority of the membership.

Mr. Ciolek: You have 5 members here and it’s a 3 to 2 in favor.

Mr. Kobiolka: This is a 7 member Board and it has to be a majority of the membership, not just those present.

Mr. Stringfellow: I’ll make a motion to table until we have everything we need to approve.

Mr. Martin: Second

Mr. Ciolek still challenged the vote. Discussion followed on the proper voting procedure.

All were in favor of the motion.

Mr. Kobiolka: Get all the information to Mr. Hannon; we need his recommendation.

Many discussions being held at the same time around the table.

Mr. Ciolek: I'm perplexed over this whole thing. First you were considering making a recommendation and now it's being tabled, which is putting us off even more.

Mr. Renshaw: How many copies do you need and when do you need them?

Secretary Faulring: 10 copies is sufficient at this time and the sooner the better, so I can get them in the mail to the members for their review.

Discussion followed regarding having a 'special meeting' – no agreeable date was reached by the members, in time to make the Town Board agenda for August 6, 2014.

Mrs. Lukachik: We need a full set of everything together; signage has been a very big part of our meetings and this Town is not in favor of electronic messaging.

Mr. Renshaw: Not at all. It will be a stone base with a wood sign and a light, ground light facing up.

**CHAPTER 95 – SIGNS**

Mrs. Lucachik presented the members with a draft letter and proposed revisions discussed at previous Work Sessions.

Minor changes and additions were made to each. With these changes and additions agreed upon by the members present, Mrs. Lucachik made a motion to send the letter and revisions to Town Clerk Mulé for inclusion on the Town Board agenda for August 6, 2014, seconded by Mr. Stringfellow and carried

**LIAISON COUNCILMAN BOARDWAY – TOWN BOARD UPDATE**

Mr. Boardway was not in attendance this evening.

**TOWN ATTORNEY KOBIOLKA**

Mr. Kobiolka reported:

- Summer recreation has started
- Working on several water projects

**EXECUTIVE SESSION**

Mr. Stringfellow made a motion to go into Executive Session to discuss the appointment request made by Joe Gallagher, seconded by Mrs. Rood and carried.

Mr. Stringfellow made a motion to return to Regular Session, seconded by Mr. Bowen and carried.

Mr. Stringfellow: I will make a motion that we invite Mr. Gallagher back to meet with us 15 minutes before the start of our regular meeting on August 12, is there a second?

Mrs. Rood: I will second.

All were in favor of the motion.

Mr. Stringfellow asked that a letter be sent to Mr. Gallagher asking him to meet with the Planning Board on August 12, 2014 at 7:15 PM.

The reason being that all members were not present at the interview in June; and he wants to give all the members a chance to meet Mr. Gallagher and vice versa, before making a recommendation to the Town Board.

Mr. Stringfellow asked if there was any further business for this evening, being none Mr. Martin made a motion to adjourn (9:24 PM), seconded by Mrs. Rood and carried.

Respectfully submitted,

Thelma Faulring  
Secretary to the Boards and Committees