

TOWN OF UNION VALE PLANNING BOARD

**MINUTES OF THE SPECIAL REGULAR MEETING**

**January 23, 2020**

**7:30 pm**

**BOARD MEMBERS PRESENT:** Chairperson Pasquale Cartalemi, Board members, Stephen Diamond, Alain Natchev, Karl Schoeberl and Kaye Saglibene

Alternate Members and Members absent: Scott Kiniry, Michael Mostachetti

Others present: James Nelson, Esq., Town Attorney,

**CALL TO ORDER / DETERMINATION OF QUORUM**

Chairperson Pasquale Cartalemi called the meeting to order at 7:30 pm and determined a quorum was present to conduct business.

**BUSINESS SESSION**

• **Meeting Agenda.**

Chairperson Pasquale Cartalemi reviewed the agenda and accepted as published.

• **Minutes.**

Chairperson Pasquale Cartalemi asked for a motion to accept the December 12, 2020 regular meeting minutes, motion by Board member Alain Natchev, seconded by Board member Karl Schoeberl and unanimous vote of the Board members present.

• **2020 Meeting Calendar Dates**

Chairperson Pasquale Cartalemi made the motion to accept the 2020 Regular scheduled Planning Board meeting calendar, seconded by Board member Alain Natchev.

• **Correspondence**

Chairperson Pasquale Cartalemi noted the following correspondence were received:

Efferen application:

DC 239 response received 12/24/19 - "matter of local concern"

Packet dated 1/3/20 from Steven Rybkin & Dr. Michelle Garcia-Rybkin; rec'd 1/9/20

Letter dated 1/22/20 from Elizabeth Zych; rec'd via email 1/23/20

Bisceglia application:

Letter dated 1/9/20 from George Kolb, CEO of Town of Union Vale

**PUBLIC HEARINGS:**

**Kariann & Joseph Efferen  
103 Cunningham Drive  
Lagrangeville, NY 12540**

**Regular Meeting - 2  
Special Use Permit  
Ground Mount Solar**

Applicant is applying for a Special Use Permit to install ground mount solar panel system located in the rear yard in the R1 zoning district.

Chairperson Pasquale Cartalemi asked for a motion to open the public hearing, motion by Board member Stephen Diamond, seconded by Board member Kaye Saglibene.

Chairperson Pasquale Cartalemi explained that the applicant and/or the representative for Efferen were not available for the meeting tonight, but the Planning Board decided to conduct this special meeting in order to accommodate the public comment, for the public hearing, which will be continued to the February 13, 2020 meeting.

Board member Stephen Diamond asked if the representative for Efferen submitted a “true” picture that depicted the solar panels placement for a more realistic image for the Board to review, Chairperson Pasquale Cartalemi started “no”, but directed the clerk to ask the representative to submit a “true” picture to that the Board & public can review at the next regular scheduled meeting on February 23, 2020.

Chairperson Pasquale Cartalemi asked anyone that would like to speak had three minutes to speak and please sign in.

**Nancy Patrick**, an adjacent neighbor to the Efferen’ s, stated that the Efferen’ s discussed this project with Nancy prior to submitting it to the Town, but after reviewing the special use permit with plans submitted to the Town, it is not the same as what was discussed in person. Mrs. Patrick feels that the 5’ spruces will not be adequate screening and the panels are too close proximity to her backyard swimming pool where her kids swim and she entertains. It really will be an eyesore and wondered why the owner has not considered roof mount.

**Michelle Garcia-Rybkin**, stated she reviewed the special use permit and submitted letters, reference materials and photographs of the site, viewed from her property. The plans submitted are two dimensional and don’t show a realistic image of the proposed project. The panels will be visible from my pool and 5’ trees will not be adequate screening and there is no vegetation on the side of the fence, as shown on the plans, it is deceiving. These solar panels are not characteristic of the neighborhood, and it will decrease property values. Most ground mount solar panels are used for commercial, and most rooftop solar panels are residential, I would be in favor of roof mount solar panels for residential, why hasn’t the applicant considered roof mount.

**Nicholas Natalizio**, stated that he is here to support his neighbors that are in favor of roof mounted panels vs. ground mount panels that the applicant is proposing.

With no further comments from the public, Chairperson Pasquale Cartalemi made the motion to continue the public hearing until February 13, 2020 at 7:35 pm or thereafter, seconded by Board member Kaye Saglibene, all in favor, motion carried.

**REGULAR SESSION (NEW BUSINESS)**

**RRC Holdings, Inc.  
Liberty Way  
Lagrangeville, NY 12540**

**Special Use Permit  
& Subdivision**

Applicant applying for Special Use Permit to subdivide one parcel into two lots in the RA-3 Zoning district.

Mr. Bill Povall, Engineer for Povall Engineering, was present and did a brief presentation for the Board and public. Mr. Povall stated that the special use permit is an accompaniment to the Subdivision application which has already been before the Planning the last couple months. Mr. Povall stated that a letter of response was sent in November, 2019 and received by the Planning Board on November 23, 2019 regarding the drainage district. Town Engineer Thomas Harvey, stated he would need to further review the plans regarding the drainage district, and will have comment available by the next meeting for the Board. Mr. Povall explained that his client would like the two lots from this Subdivision to be included with the drainage district for Liberty Way subdivision.

Town attorney, James Nelson, asked with these two lots, is it altering the existing drainage pattern? Mr. Povall stated “no” there will be no difference in grading and/or drainage patterns, regarding of if they are in or not in the drainage district.

Chairperson Pasquale Cartalemi, with no further questions from the Board, it is deemed that:

1. Special Use Permit and Subdivision application are complete and;
2. Unlisted actions under SEQR and therefore;
3. Set public hearing for February 13, 2020 at 7:35 pm or shortly thereafter;

Motion by Board member Stephen Diamond, second by Board member Kaye Saglibene, all in favor, motion carried.

**ECS Real Estate Holdings  
NYS Route 55  
Lagrangeville, NY 12540**

**Site Plan**

Applicant applying for a Commercial Site Plan to construct a 2100 square foot building to house a fitness facility in the Town Center zoning district.

Chairperson Pasquale Cartalemi welcomed the Mr. Stickler and his representatives. Mr. Matthew Towne, PE, from Willingham Engineering approached the Board and stated he represents the applicant. His client, is the owner of ECS, a personal service training facility in Beekman that he is proposing to construct a 2100 square foot exercise facility on a 1.8 acre parcel to better suit his clients. The current parcel is vacant land (existing lot of record), and meets the setbacks for the proposed project in the Town Center zoning district. The proposed building will be metal building with stone facade, paved driveway with 27 proposed parking spaces, which exceeds the 14 required. The hours of operation will be M-F 5am-9pm, with Saturday hours of 8am-4pm, Sundays closed. The owner estimates that there are an average of 200 clients per day, with peak time about 30 clients an hour, with up to three personal trainers.

There will be screenings for the property adjacent property to the West and proposed lighting on the property will have no light trespass onto adjacent lots. The sign proposed is within the standards and has LED recessed lights which will be in the roof structure shining downward on the sign.

The soil testing see favorable for waste water and well water supply, and Mr. Towne stated that he has met with Mr. Joe Taylor from the NYSDOT regarding the access/egress to the site and the meeting was “favorable”. ECS will be working to securing the Highway work permit as well.

Chairperson Pasquale Cartalemi stated that the plan seems to be keeping a lot of the mature trees and with additional spruce screenings.

Board member Alain Natchev asked if the adjacent fence encroachment issue has been resolved yet, Mr. Stickler stated that George Kolb, Code Enforcement Officer for the Town of Union Vale is handling that.

Board member Karl Schoeberl asked if there has been a traffic study and expressed concern regarding an already congested intersection. The clerk stated that Dutchess County's last traffic study was done in 2018 and handed the results to Board member Karl Schoeberl. Board member Karl Schoeberl asked about the drainage and did the NYSDOT have any concerns. Mr. Towne stated that they seemed favorable with the project, but future meetings are expected.

Town Engineer, Thomas Harvey, explained that he did his initial review of the project and forwarded his comment letter to the Board dated January 20, 2020. His only outstanding concerns are with DC health department approvals and NYSDOT approvals for the site, which are not within the jurisdiction of this Board.

With no further questions or concerns from the Board members present, Chairperson Pasquale Cartalemi stated;

1. Application is complete and;
2. Type II action under SEQR and;
3. sets the public hearing for Feb. 13, 2020 at 7:35 pm or shortly thereafter;

Motion by Board member Alain Natchev, seconded by Board member Kaye Saglibene, all in favor, motion carried.

## **OLD BUSINESS**

None.

## **ADJOURNMENT:**

Chairperson Pasquale Cartalemi made a motion to close the meeting at 8:30 pm, seconded by Board member Alain Natchev and unanimous vote of the Board members present.

## **NEXT MEETING / SUBMISSION DEADLINE**

The next Regular Meeting of the Town Planning Board is scheduled to occur on **THURSDAY, February 13, 2020 at 7:30 pm**. The Agenda for the meeting will close on **Thursday, January 23, 2020** at noon hour. Both new applications of any type and all continuing submissions regarding site plans, subdivisions, special permits or other agenda items to be considered at the meeting must be received in their entirety at the Planning Board Office in required number, with all required application fees paid and required escrow deposits made, not later than the close of agenda.

*Respectfully Submitted,*

*Joan Miller*

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*Joan Miller*  
*Land Use Secretary*