

TOWN OF UNION VALE PLANNING BOARD

MINUTES OF REGULAR MEETING

APRIL 20, 2016

Members Present: Chairperson Kevin Durland, Board Members Pasquale (Pat) Cartalemi, Michael (Mike) Mostaschetti, Alain Natchev and Scott Kiniry

Members Absent: Board members John Rapetti and Karl Schoeberl

Others Present Alternate Board Members Ralph Mondello and Kaye Saglibene:

CALL TO ORDER / DETERMINATION OF QUORUM

Chairperson Kevin Durland called the meeting to order at 7:30 pm. and determined a quorum was present and conduct business. Chairperson Kevin Durland asked for a motion to have the Alternate Board members, Kaye Saglibene and Ralph Mondello, be voting members due to the absence of two regular board members. A motion to this effect was made by Board member Alain Natchev; seconded by Board member Scott Kiniry and adopted by unanimous vote of the Board members present.

BUSINESS SESSION

Acceptance of Minutes. Chairperson Kevin Durland asked for a motion to accept the March 16, 2016 Regular Meeting Minutes. A motion was made by Board member Alain Natchev, seconded by Board member Pasquale Cartalemi and adopted by unanimous vote of the Board members to accept the Minutes as submitted by the Secretary for that meeting.

Acceptance of Town Planner's Meeting Notes. Upon motion by Alternate Board member Ralph Mondello, second by Board member Scott Kiniry and unanimous vote of the Board members present, the Town Planner's Meeting Notes were accepted as guidance in the consideration of matters set forth on this Regular Meeting Agenda.

Nomination of Vice-Chairperson. Chairperson Kevin Durland asked the Board for a motion to appoint Pasquale Cartalemi as the Vice Chairperson of the Planning Board. A motion to this effect was made by Board member Alain Natchev, seconded by Board member Kaye Saglibene, and adopted by unanimous vote of the Board members present.

Announcement / Next Meeting. Chairperson Kevin Durland stated the next Regular Meeting will be on May 18, 2016.

REGULAR SESSION (APPLICATION SUBJECT OF PUBLIC HEARING)

Elizabeth Noonan / Raven Strange – 448 Camby Road – Special Use Permit

This matter was prior to the March 16th meeting the subject of February 26, 2016, zoning determination and referral to the Planning Board by the CEO in consideration of an area variance granted by the ZBA in the minimum required lot area for a Caretaker's Cottage (reduction from 25 acres to 13.98 acres).

Chairperson Kevin Durland opened the Public Hearing and the Clerk read the notice of public hearing into the record. Mrs. Noonan was present and briefly described what she was proposing to the public and the Board members present. Mrs. Noonan also explained that she was in contact with George Kolb, the Town of Union Vale Building Inspector, and the Dutchess County Health Department regarding the requirements for the septic system for this proposed project. Mrs. Noonan handed in a letter from the Dutchess County Health Department dated April 8, 2016 stating that the Department has no objection to a fourth bedroom be added to the existing system through expansion of the existing dwelling.

Alternate Board members Kaye Saglibene and Ralph Mondello commented regarding their site visit to this location. Alternate Board member Kaye Saglibene stated that the property is level and no trees would need to be removed. Alternate Board member Ralph Mondello stated that he didn't notice any issues regarding the septic and placement of the Caretaker's Cottage and he stated the sight distance from the road is good and would recommend approval for this project.

Mr. Art Brod, Town Planner, stated that the letter from the County Health Department dated April 8, 2016, it states that the existing system can serve an additional bedroom created through expansion of the existing dwelling. The letter does not address the matter of a separate Caretaker's Cottage" and the connection of that separate Caretaker's Cottage to the water supply and sanitary sewage facilities serving the existing dwelling. Further, according to the Town Code Chapter 210, Section 210-56, subsection B(3), paragraph (e) the Caretaker's Cottage must be served by water supply and sanitary sewage arrangements approved by the Dutchess County Health Department and "independent" of those serving the principal dwelling.

Mrs. Noonan spoke of her dismay of the whole process. She stated she has been following the direction of George Kolb, and she thought she was following the directions that she heard from the last meeting, that she needed to get Dutchess County Health Department approval for a fourth bedroom, which would be within the Caretaker's Cottage. She explained that from the beginning when she first spoke with George Kolb, the Building Inspector in November, she explained that her intentions were to "hook

into” the existing well and septic to supply the Caretaker’s Cottage and he never raised the issue raised by Mr. Brod. She further explained that she does not have the means to fund this project with the additional cost of an independent well and septic system.

Alternate Board member Kaye Saglibene explained that she misunderstood from the last meeting as well, she thought that as long approval for a fourth bedroom was secured from the Dutchess County Health Department, the project could be issued a Special Use Permit from the Planning Board and then a building permit, but Kaye stated that she is new to this and there is a learning process involved. Alternate Board member Ralph Mondello agreed with Kaye’s comments; but stated that the Zoning Code is what the Board needs to adhere by when making decisions.

Board member Pasquale Cartalemi asked Mrs. Noonan if she had a copy of the Code requirements that need to be met in order to obtain approval for this project, specifically a Caretaker’s Cottage. Mrs. Noonan stated “yes” I have a copy of the Code, I got it from George. Mrs. Noonan explained that George has been calling the Health Department on her behalf and dealing with them on this matter.

Board member Scott Kiniry asked if there was a “stamped” approved plan on file with the Board of Health for the existing system; Mrs. Noonan responded she didn’t have a copy.

Chairperson Kevin Durland explained to Mrs. Noonan that the Planning Board does not have the jurisdiction over Board of Health approval; the Planning Board has the jurisdiction to do nothing else except follow the Zoning Code and offer grant approvals when all conditions, such as for the Special Use Permit that you are seeking before this Board for, are met.

With no further comments, questions or concerns from the public, Chairperson Kevin Durland asked for a motion to close the Public Hearing. A motion to close the Public Hearing was made by Board member Alain Natchev, seconded by Alternate Board member Kaye Saglibene and adopted by unanimous vote of the Board members present.

With no further questions from the Board members present, Chairperson Kevin Durland offered the below draft Conditional Approval Resolution, as prepared by the Town Planning Consultant, for the Planning Board’s consideration:

Resolution under Town Code Chapter 210, Zoning
Conditional Approval of Application by Elizabeth Noonan / Raven Strange
Special Use Permit (Caretaker’s Cottage)

“The Town of Union Vale Planning Board hereby acts as follows in the matter of an Application by Elizabeth Noonan / Raven Strange for Special Use Permit under Town Code Chapter 210, Zoning, Section 210-10 and 210-56(B)(3) for construction of a 1472 s.f. Caretaker’s Cottage and installation of related site improvements on 13.98-acre TMP 18-6763-00-510089, an existing lot of record with established principal single-

family dwelling, at 448 Camby Road in the Rural Development (RD-10) Zoning District as subject of an Area Variance with respect to minimum lot area granted by the ZBA on March 2, 2016, and as described or otherwise depicted within supporting information including site and architectural plans prepared by Bly Houston, L.S., dated October 2015 and Serge Architects dated November 11, 2015, and a Short EAF dated March 16, 2016:

1. Determines the proposed use to be consistent with each of the General Standards for special permit uses set forth within Town Code Chapter 210 at Section 210-55.
2. In consideration of the above-cited Area Variance granted by the ZBA further determines the proposed use is consistent with each of the Additional Standards for a Caretaker's Cottage set forth within Town Code Chapter 210 at Section 210-56, subsection B(3), paragraphs (a) through (d), and will further be consistent with paragraph (e) therein upon the Applicant's securing of Dutchess County Health Department approval for water supply and sanitary sewage arrangements to serve the Caretaker's Cottage, such facilities to be independent of those serving the principal dwelling.
3. Grants the requested Special Use Permit conditional upon requirement that the aforementioned approval by the Dutchess County Health Department be secured and documentation thereof submitted to the Town Code Enforcement Officer prior to issuance of a Building Permit for construction of the Caretaker's Cottage.

A motion to adopt the above-stated Approval Resolution was made by Board member Pasquale Cartalemi and seconded by Board member Scott Kiniry.

The below roll call vote was taken by Chairperson Durland:

Member Pasquale Cartalemi	Aye
Member Scott Kiniry	Aye
Member Michael Mostachetti	Aye
Member John Rapetti	Absent
Member Karl Schoeberl	Absent
Member Alain Natchev	Aye
Alternate Member Ralph Mondello	Aye
Alternate Member Kaye Saglibene	Aye
Chairperson Kevin Durland	Aye

whereupon the Chairperson declared the Resolution:

Adopted 7 Defeated 0

Resolution certified and filed:

Joan E. Miller
Planning Board Secretary / Clerk

Date April 20, 2016

REGULAR SESSION (OTHER OLD BUSINESS)

None scheduled.

REGULAR SESSION (NEW BUSINESS)

Richard Mackey – NYS Route 55 opposite Wisseman Road – Pre-Submission Conference

This Agenda item was previously calendared for the Regular Meeting of March 16, 2016; Mr. Mackey did not appear and no discussion was held.

Chairperson Kevin Durland stated that this meeting is addressing the below comments that have been prepared by the Town Planner:

“This matter is the subject of a February 19, 2016, zoning determination and by the CEO, including call for the Applicant to schedule a conceptual meeting with the Planning Board to discuss an intended Business Office / Storage Building (20,000 s.f. building footprint) on a 25.279-acre parcel in the Town Center (TC) District.

Upon initial review the CEO has stated ‘it appears ... this use is a permitted use in the TC Zone’. Until I learn more about the proposed use, as I communicated to the CEO a couple of weeks ago earlier, I am not sure however this is the case; my examination of the Zoning Law’s District Schedule of Use Regulations identifies, among many others, ‘self-storage warehouses’, ‘warehousing or distribution facilities independent of production facilities’, and ‘wholesale business establishments’, as prohibited uses in the TC District.

In addition to looking at the above issue, the session should be helpful to both the Planning Board and the Applicant in identifying at least on a preliminary basis the various Town, County and State permits, approvals and compliance determinations (most importantly including under SEQRA with the Planning Board being the appropriate Lead Agency for the conduct of coordinated environmental quality review) that would be required for this project. Further, the Applicant might be directed to carefully examine the Zoning Law, including the statement of purpose of the TC District found within Article II, the Supplementary Regulations set forth throughout Article V, both the General Standards for all Special Permit Uses and the Additional Standards for Certain Uses set forth within Article VI, and the Site Plan Design Criteria set forth within Article VII when progressing with site civil, architectural and landscape plans so as to ensure these plans conform with at least the minimum Town design standards that would apply to the intended project.

The Applicant should also be encouraged to return to the Planning Board with preliminary ‘in-progress’ plans for a sketch plan conference with the Board and review by its consultants prior to making a complete submission of application documents.”

Mr. Mackey was present and Chairperson Kevin Durland welcomed him. Mr. Art Brod, Town Planner first explained to the applicants that uses that are not permitted within the TC District are self-storage, warehouses and wholesale establishments; but from what was submitted to the Code Enforcement Officer regarding this site, it looks like

Mr. Mackey's proposal involves uses that would be permitted by the Town Code subject to compliance with the Town's area and bulk regulations and site plan design standards.

Board member Pasquale Cartalemi asked what intended type of building and business use. Mr. Mackey stated that they are looking into putting up some office/commercial rental space with a "Butler-type" building. They own a construction business and are looking into operating it out from this location and leasing space to other businesses. They would keep the trucks in the rear of the property and keep the office space access in the front of the building. Their sketch plan depicts almost three acres of parking area that they could either expand or decrease according to the Town Code requirements.

Alternate Board member Kaye Saglibene stated that seems like a lot of parking area for a 20,000 square foot size building.

With further discussion regarding the "potential" application, Mr. Art Brod, Town Planner, made some further observations for the applicant to pursue before formally applying to this Board to include:

- First, the extent of wetlands within and adjacent to the site as well as the proximity to Jackson Creek make it prudent for the prospective developer to have the boundaries of these wetlands flagged by a qualified wetlands delineator (and the flagging set forth on a survey map) prior to investing too heavily in the site plan documents.
- Second, and relatedly, careful consideration of stormwater management measures would appear to be an important component of any site plan developed for this site.
- Third, visual impact of both building and site should improvements should be carefully considered at this NYS 55 frontage and Town "gateway" location.
- Fourth, related to NYS 55 location, NYSDOT should be contacted at an early time to identify a preferred commercial driveway access location for the site.

Mr. Mackey thanked the Board and Planning Consultant for their comments and stated they would be returning with more specific plans for their recently-acquired parcel.

OTHER BUSINESS

None scheduled.

ADJOURNMENT

There being no further business to come before the Planning Board, the Chairperson asked for a motion to adjourn. A motion to do so was made by Board member Alain Natchev and seconded by Board member Michael Mostaschetti. The motion was adopted unanimously by the Board members present. The Chairperson declared the Planning Board meeting adjourned at 8:45 p.m.

Respectfully submitted,

Joan Miller
Planning Board Secretary

Annexed document:
Legal Notice, Poughkeepsie Journal, Noonan / Strange Application 3/31/2016