

TOWN OF UNION VALE PLANNING BOARD

MINUTES OF REGULAR MEETING

December 14, 2016

Board Members Present: Chairperson Kevin Durland, Board Members Pasquale (Pat) Cartalemi, Alain Natchev, Scott Kiniry, and Ralph Mondello

Members and Alternate Members absent: Board members John Rapetti, Karl Schoeberl, Michael Mostaschetti and Alternate Board member Kaye Saglibene

Others present: Lawrence Paggi, Town Engineer and Liz Axelson, Morris Associates, Town Planner

CALL TO ORDER / DETERMINATION OF QUORUM

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

BUSINESS SESSION

Acceptance of Minutes. Chairperson Kevin Durland asked for a motion to accept the October 19, 2016 Regular meeting minutes as submitted by the secretary/clerk, motion by Board member Alain Natchev, seconded by Scott Kiniry, and unanimous vote of the Board members present.

Chairperson Kevin Durland asked for a motion to defer the acceptance of the November 16, 2016 meeting minutes to the January 18, 2017 meeting date, motioned by Board member Alain Natchev and seconded by Pasquale Cartalemi, unanimous vote of the board members present.

Acceptance of Planning Consultant's Meeting Notes. Upon motion by Board member Alain Natchev, second by Board member Pasquale Cartalemi 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.

Announcement / Next Meeting. Chairperson Kevin Durland stated the next regular scheduled planning board meeting will be January, 18, 2017.

REGULAR SESSION (APPLICATION SUBJECT OF PUBLIC HEARING)

None scheduled.

REGULAR SESSION (OLD BUSINESS)

2130 Clove Road Subdivision Review and Open Development Area;
2130 Clove Road, Lagrangeville, NY 12540; Parcel Grid # 6861-00-199211 &
370133;
Owner: Arthur Demoulas;

This proposal involves Subdivision and SEQR Review and a Recommendation to the Town Board regarding an Open Development Area for lot access via an easement for subdivision of two (2) lots to create three (3) for 3 single-family lots. The site is located in the RD10 (Rural Development 10) zoning district. The 132.57-acre-site is 2 lots; and the proposed action is an Unlisted Action under SEQR.

Town Planner Liz Axelson stated that she has had offline conversations with the applicant and the applicant's Engineer, Mr. Richard Renna, P.E. and they don't seem to have any issues with the comments that were brought up with the review of this application.

Town Engineer, Lawrence Paggi, P.E. stated he reviewed the application as well, and submitted a comment letter to the Planning Board as well as the applicant and they have to address them. Lawrence Paggi stated the big point in my review is that there are driveway regulations, that don't believe that they are applicable to the existing site, because there is an existing Certificate of Occupancy, but that's not what the applicant is here for, but if he intends to make the driveway a common driveway someday, which he is proposing, they have to demonstrate that they meet the standards or make improvements to have to meet the standards. My recommendation to the Planning Board is that you make those conditions of approval, and notes on the Plan that when they come for house on the back lot, they have to demonstrate performance to Town driveway for common access, including any stream crossing and erosion sediment control.

Board member Scott Kiniry questioned shouldn't the plan show that the driveway goes in each lot at the building envelope, such as site distance at each driveway. Chairperson Kevin Durland stated that he should demonstrate that on the plan that it is feasible to get or bring access to the third lot, which Board member Scott Kiniry believes may not be, it has a steep slope.

Town Planner, Liz Axelson brought up that the third lot near the road has frontage, Board member Scott Kiniry stated that the note on the bottom of the plan reads that

access to Lot 3 be 25' access. Town Engineer, Lawrence Paggi stated it has to be at least 30', which Board member Scott Kiniry agreed.

Chairperson Kevin Durland asked Mr. Renna to clarify, Mr. Renna, Engineer for the applicant explained that the note was a mistake, it was from a previous submittal, which has been changed to reflect a 30' access on the plan being submitted tonight and more notes will be reflected in the final submittal according to the Town Planner and Town Engineer comments.

Mr. Renna stated that all the proposed separate lots have had test holes done, to prove that they would be sustainable building lots. Mr. Renna stated that he did some research on the County Maps and there used to be an existing house, (dated 1981) when an initial subdivision was done, on the front lot corner by the road, which showed two driveways accessing the house, which no longer is in existence.

With no further comments, Chairperson Kevin Durland offered the following draft resolution for the Board members consideration:

D R A F T

**Resolution: SEQRA Intent to be Lead Agency; Sketch Plat Designation; and
Recommendation on Open Development Area (ODA)
2130 Clove Road Subdivision & Special Permit**

“The Town of Union Vale Planning Board hereby acts as follows in the matter of an Application known as 2130 Clove Road Subdivision for Subdivision and Special Use Permit under Town Code Chapters 192 Subdivision of Land and 210 Zoning for creation of 3 lots for single-family development at a site located at 2130 Clove Road in the Rural Development (RD-10) Zoning District, as described or otherwise depicted within supporting information including subdivision plans prepared by Richard Renna, Jr., PE, Principal, Renna Engineering Design, PLLC dated November 30, 2016:

1. Determines that the Proposed Action is an Unlisted Action as per the New York State Environmental Quality Review Act (SEQRA) as per the regulations in NY CRR Part 617.
2. Declares its intent to act as Lead Agency for a coordinated review under SEQRA; and to circulate a notice of its intent to Involved Agencies, including the Town of Union Vale Town Board.
3. Makes a positive recommendation to the Town Board on the proposed Open Development Area (ODA) for lot access via an easement.
4. Designates the subdivision depicted on the Sketch Plat to be a “Conventional Subdivision” requiring Special Use Permit Review; and classifies the subdivision to be a “Minor Subdivision”.
5. Makes a referral to the Dutchess County Department of Planning and Development under General Municipal Law Section 239 l, m and n.
6. Sets Special Use Permit and Minor Subdivision Plat concurrent public hearings to be held on January 18, 2017, at 7:35 pm.

7. Delegates Planning Board members Pasquale Cartalemi and Chairperson Kevin Durland to conduct a field visit to the site and report their observations concerning the Application at the time of Public Hearing.”

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

The below roll call vote was taken by Chairperson Durland:

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

and the Chairperson declared the Resolution:

Adopted 5 Defeated

Resolution certified and filed:

Joan E Miller

Joan E. Miller

Planning Board Secretary / Clerk

Date December 15, 2016

Kiniry Special Use Permit Review; 3389 Route 82, Verbank, NY 12585; Parcel Grid # 6663-20-850049; Owner: Scott Kiniry;

This proposal involves a Special Use Permit and SEQR Review to use the existing 3,164 gross square foot (SF) building and to construct a 984 SF canopy. The site is located in the NC (Neighborhood Commercial) zoning district on a 0.76-acre-site; and the proposed action is a Type 2 Action under SEQR.

Chairperson Kevin Durland welcomed Tanna Kiniry. Board member Scott Kiniry recused himself from taking action on this application.

Tanna Kiniry stated that she has been through a lot of communication and comments with the Town Planner, Liz Axelson. Tanna stated that she did have another survey done last week, and the canopy will be 20' from the building and 40' from the road, we will just make it, and if need be we could go for a variance for that. Liz Axelson stated that George reached out to her and some of information in code is appropriate for me to comment on as a planner, but certain things the Code Enforcement officer has to make determinations so, a number of these things may end up pre-existing non-conforming

things that don't need variances. Tanna Kiniry stated that is right, this site was actually larger, when built in 1933, and when we talk about open space, such as in the code, there technically is no open space, and when the Fire Department annexed the land adjacent to this property, made our lot non-conforming which was done for the good of the Town because the Fire Department using their building as a voting place, and there was not adequate parking, so the solution was to take the land from this lot and give it to the Fire Department. The other adjacent land owners lots, such as the post office and residential lot behind the building were all done after the garage was built in 1933, which was pre-existing to all these other buildings being built.

Tanna Kiniry stated that handicapped parking was added to the side of the building, atop of the cement storage tank, a five foot walkway will go around the building for access to the building. The site vehicular circulation needs to be both access/egress in both directions off Route 82, for not all cars have access to their fuel tanks on the same side of the car.

Tanna Kiniry stated that a lawn area has been added in the back of the building, and over the septic tank, and a bike rack has been added on the plan as well.

Town Engineer, Lawrence Paggi asked what direction will the delivery truck go, will it go around the building. Tanna Kiniry stated, no, the delivery tank will pull in from the northerly entrance and go in, back up into a designated area, approximately 25' width.

Town Planner, Liz Axelson stated to the Board that she suggested that the entrance/exit be a one way, it is her recommendation, but it is up to the Planning Board to accept that or make any other recommendations that need revision on the plan.

Tanna Kiniry did not address the paved or gravel surfaces, the only part of that I did address was the five foot walkway that goes around the building, the area above the storage tank, and around the island will be concrete. The Town code reads that it is in support of not paving the whole site and leaving some say green space. We would like to put down some hard pack gravel then a coating of stone over that.

Town Engineer Lawrence Paggi stated he is not sure if you can do that, it is considered a "hot spot", but I'm not sure at this time if the threshold is being met to trigger an MS4 stormwater management concern. Board member Pasquale Cartalemi agreed, it would come under the stormwater management, because hot spots that are vehicle/fleet storage all need to comply, which I would assume a gas station would be under the same regulation. Also, hot spots only came into regulation about five or six years ago, so they are relatively new, so if they were built prior the regulation that might have been the case.

Town Engineer Lawrence Paggi stated the storm water from off the canopy would be a concern. Board member Pasquale Cartalemi mentioned one other thing that may be needed is an oil/water separator that should also be shown on the plans, because of it being a hot spot, which is considered storm water and regulated by the DEC. Tanna

Kiniry stated that the storm water from the canopy will be directed off the canopy into an existing catch basin.

Tanna Kiniry proposed that we will comply with what needs to be paved in order to comply with DEC and other involved agencies, but we don't want to pave the entire thing, because it does not go with keeping the Town's rural character.

Tanna Kiniry stated that the wording tenant does not mean that they will have a tenant apartment, it is meant for the employee space, so it will be reworded to employee parking.

Tanna Kiniry stated that the existing wooden sign in the front of the building will stay, it will be rebuild and will comply with all the sign standards according to the town code.

Lisette Hitsman, former owner of the property on the application, stated that the water that did run off the building, even during heavy rains, all sides of the property, followed the path right into the storm catch basins that are placed around the perimeter of the building. In Ms. Hitsman opinion, the residents she has spoken too, are looking forward to this project being in this vicinity.

Board member Ralph Mondello stated he likes the idea of this project, but does have similar concerns that were raised years ago with another project site within the Town that was proposing a gas station/convenient store that NYS raised issues with the traffic flow and that project never came to fruition.

Town Planner Liz Axelson stated that the NYSDOT will review this, due to the fact that there is a change of use, it is being changed from a repair station to a gas station/convenient store and they will be looking at the amount of traffic that this will be generating in comparison to the previous use. It is a very good purpose for redevelopment for the existing site, Board member Ralph Mondello agreed with the Planner.

A question was asked by an adjoining neighbor if they could review the plans submitted, the clerk stated she would leave the plans on a table in the Planning/Zoning office for review during regular business hours of the Town Hall, for she is only in 3 hours on Wednesday since January, 2016 reduction of hours.

Town Planner Liz Axelson reflected on some final notes, Tanna Kiniry has responded to a number of comments in my review letter, and George Kolb has done the same, and would like to meet with me further to look at some of the Zoning code issues and going to check if the action is a SEQRA action type II.

Chairperson Kevin Durland asked for a motion to defer any action be taken at tonight's meeting on this applicant due to further review is required by the Town Planner and defer action until the January 18, 2017 meeting, motion by Board member Alain

Natchev, seconded by Board member Ralph Mondello, unanimous vote of the board members present.

REGULAR SESSION (NEW BUSINESS)

Prince & Gerschel Special Use Permit Review; Mountain Creek Road, Poughquag, NY 12570; Parcel Grid # 6860-00-692660; Owner: Janet Prince & Lawrence Gerschel

This proposal involves a Special Use Permit Review for certificate of visual compatibility to construct a single family dwelling. The site is located in the RD10 (Rural Development 10) zoning district on a 56.439-acre site; and the proposed action is a Type 2 Action under SEQR.

The applicants were not present for this initial presentation, but Chairperson Kevin Durland stated that the Planning Board could act on this application without the applicants present due to its simplicity.

Town Planner, Liz Axelson outlined the project to the Planning Board members present. It involves a special use permit review for certificate of visual compatibility to construct a single family dwelling, the reason it needs a certificate of visual compatibility is that is it located above 750' feet in elevation. They did submit a site plan application, but they don't need site plan approval, a special use permit application form was handed to the applicant to fill out and submit for the correct approval. Town Planner also noted that this is a private road, not County or State maintained, and it does not require referral to Dutchess County planning.

The submitted materials show that the proposed use is situated over 500' from the road frontage, buffered by 300' plus wooded area, most likely not visible from Mountain Creek Road or Wingdale Mountain Road. The layout of the plans are showing that they have a house, then a little lawn in front, and then a drop off, where there will be a meadow below that.

Board member Scott Kiniry said the site is rolling, but heavy wooded, Board member Ralph Mondello agreed, it will not be visible from Wingdale Mountain Road.

With no further comments, Chairperson Kevin Durland offered the following draft resolution for the Board members consideration:

D R A F T

**Resolution: SEQRA Intent to be Lead Agency; Special Use Permit Designation;
___ Mountain Creek Road, Poughquag, NY 12570**

1. Determine that the proposed action is a Type 2 action which is not subject to SEQRA review, as follows move that the Planning Board determine that as per the SEQRA regulations, sections 617.5 (c)(9) and 617.6 (a)(1)(i) the proposed action is a Type 2 action which is not subject to SEQRA review.
2. Planning Board set a Special Use Permit public hearing for January 18, 2017, at 7:40 pm; and direct the applicant to respond to any comments of

the Planning Board and those received from Town consultants, departments and agencies.

3. Planning Board delegate Planning Board members Ralph Mondello and Alain Natchev to conduct a field visit to the site and report their observations concerning the Application at the time of Public Hearing.

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

The below roll call vote was taken by Chairperson Durland:

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

and the Chairperson declared the Resolution:

Adopted 5 Defeated

Resolution certified and filed:

Joan E. Miller

Joan E. Miller

Planning Board Secretary / Clerk

Date December 15, 2016

OTHER BUSINESS

Scoping Session – East Mountain Subdivision

Chairperson Kevin Durland tabled this item until the January 18, 2017 meeting.

EXECUTIVE SESSION

None.

EXECUTIVE SESSION END / RETURN TO REGULAR MEETING

None.

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 Pasquale Cartalemi and seconded by Board member Alain Natchev. 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 E Miller

Joan E Miller
Planning Board Secretary

Annexed document: none