

TOWN OF UNION VALE PLANNING BOARD

MINUTES OF THE REGULAR MEETING

July 19, 2017

BOARD MEMBERS PRESENT: Chairperson Kevin Durland, Board members Alain Natchev, Michael Mostachetti, Karl Schoeberl, Scott Kiniry

Alternate Members and Members absent: Board member Kaye Saglibene, Pasquale Cartalemi, Alternate John Rapetti and Ralph Mondello

Others present: Town Engineer, Lawrence Paggi, Town Attorney, Michael Liguori and Town Planner, Liz Axelson

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

• **Meeting Agenda.**

Chairperson Kevin Durland asked for a motion to accept the agenda as corrected *the inclusion of "Hitsman Garage Kiniry Special Use Permit Review" under the heading "OLD BUSINESS"*; as posted, motion by Board member Scott Kiniry, seconded by Board member Alain Natchev, accepted unanimous vote of the Board members present.

Chairperson Kevin Durland moved the Hitsman Garage Kiniry Special Use Permit Review to the last item on the Agenda.

• **Planning Consultant's Meeting Notes.**

Chairperson Kevin Durland asked for a motion to accept the Planning Consultant's Meeting Notes, motion by Board member Scott Kiniry, seconded by Board member Alain Natchev, accepted unanimous vote of the Board members present.

• **Minutes.**

Chairperson Kevin Durland asked for a motion to accept the May 21, 2017 Minutes of the Regular Meeting of meeting, motion by Alain Natchev, seconded by Karl Schoeberl and unanimous vote of the Board members present.

PUBLIC HEARINGS:

There are no scheduled public hearings.

REGULAR SESSION (OLD BUSINESS) -

Chairperson Kevin Durland welcomed Mr. Richard Renna. Mr. Renna stated that this is a subdivision, which has two pre-existing lots that is being subdivided into three lots. There is a section in the Town of Union Vale code that requires maximum development area and a conservation area, in which restrictions are on the lot, it would be deeded out as to where you could develop or not develop on the lot in the future. This is not something that is we felt would be applicable to this lot, for this particular lot is over 26 acres, another lot is 64 acres and another is approximately 44 acres, and felt that this would be unfair to the owner to put these restrictions on this land, considering the size of the lots and they are approved as single family building lots right now and are asking for a waiver regarding the maximum development envelopes.

Chairperson Kevin Durland noted that the official signed waiver was received at tonight’s meeting for the record and file.

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 Minor Subdivision and SEQR Review and an established Open Development Area by the Town Board 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 received a SEQR Determination of Non-Significance (Negative Declaration) on January 18, 2017; and conditional approval on March 15, 2017. The project is under review for a waiver.

- 1. Planning Board considers action on waiver request regarding maximum development envelopes.

D R A F T

Resolution: Granting Waiver of Requirement to show Development Envelopes for the 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, 2 sheets, prepared by Richard Renna, Jr., PE, Principal, Renna Engineering Design, PLLC dated February 23, 2016 and June 15, 2017, respectively:

- 1. Grants a waiver of the standard for maximum development envelopes as per 192-18 l., based on the reasoning in the Applicant’s expressed request; and summarized as follows:
 - a. Lot 1 does not have a proposed development envelope because it is existing and is already developed; and
 - b. On Lots 2 and 3, that except for wetlands, wetland buffers, and yard setbacks the owner does not feel that restrictions should be placed on the land as there is no plan to develop either lot.
- 2. Notes that the Approval of the Special Use Permit for a Conventional Subdivision and approval of the Minor Subdivision Plat based on the conditions stated in the March 15, 2017 Planning Board resolution remains in effect.”

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

The below roll call vote was taken by Chairperson Durland:

Member Pasquale Cartalemi	absent
Member Scott Kiniry	Aye
Member Michael Mostachetti	Aye
Member John Rapetti	absent

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Hitsman Garage 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 3,688± 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 the Kinirys.

Art Brod, representing the Kinirys, spoke to the Board regarding Tanna Kiniry will reply to questions, comments and concerns that arose from the public hearing comments from last month. Mr. Art Brod explained that he believed the suggested 20 parking spaces to be excessive, 16-17 parking spaces would be more than adequate and also would be more beneficial when his client has to consider dealing with the landscape buffer between adjacent land owners property. Mr. Art Brod also stated the 62 day timeline to make a decision from the close of the public hearing date, June 21, 2017, and not the subsequent date of May. Mr. Brod also noted that the ZBA has the application for the variance for a 7 foot front yard setback for the canopy.

Town Planner, Liz Axelson stated she would not have a problem decreasing the number of parking spaces, but she calculated 20 spaces as per stated in the code, but as long as the parking spaces are 9' x 19', I certainly would rather see few parking spaces.

Liz Axelson noted that most of her comments are similar in reference to previous comments, the one thing that is consistently brought up is the front setback for the building, measurement of minimal horizontal distance between the street line and the principle building on the lot where it is closest, it is either 46' or 47' feet, that is not a problem, the only issue I have is that it keeps being labeled as 60'. Tanna Kiniry stated that George Kolb, CEO of Town of Union Vale, physically measured the site and emailed her the measurement either in December, 2016 or January, 2017, Liz Axelson stated that email never went to the Planning Board, Tanna Kiniry stated that Mr. Kolb deemed it to be 59 feet, and then a 3' buffer, that is a measurement of 62' that George Kolb stated in his email, that is why it is labeled that. Liz Axelson stated that the plan is not accurate and a new plan needs to be submitted that is accurate, that can be measured with a scale to reflect the correct measurements, because this is going to be used as a construction plan at some point.

Town Engineer, Lawrence Paggi, P.E. stated that there is an issue regards to plans being accurate, and Don Fegans seal on them testifying there accuracy, I think the State Education Department might have a problem with that. This needs to be an accurate document, which is going to be certified. My comments are the same comments I've had in previous correspondences, we have had a meeting with the applicant and his engineer came to my office, we went through the comment list, and it was acknowledged that some of the comments could not be addressed or corrected before the submission deadline, so I mentioned to the Chairperson of the Planning Board, that my comments could be a condition in the approval resolution. My final thoughts are that another meeting is needed between the applicant, applicant's engineer and George Kolb to resolve outstanding comments.

The Town Attorney, Michael Liquori spoke and reiterated that the general consensus of the board and its consultants is that the Plans need to be corrected and re-submitted by the agenda deadline in order to be on the August 16, 2017 meeting.

Chairperson Kevin Durland stated that he received two letters from residents (Patricia Billen, dated 7/12/2017 and Katherine McMillan, dated 7/12/2017) and opened discussion between the board members present and the applicant to address concerns noted in the two received letters.

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Tanna Kiniry stated that they are very amicable to accommodate whatever concerns are stated in the received letters, and if putting a fence up with evergreens on a berm, will help achieve what the adjoining property owner wants, we can make changes to reflect this on corrected plans.

Town Attorney, Michael Liguori quoted the code from 210-37 B, 2b; regarding the buffer.

After discussion between the Board members, Town Planner, Town Engineer and Town Attorney, Chairperson Kevin Durland made the motion to defer action on the application until the August 16, 2017 meeting, for further review of two new comments presented at tonight's meeting and a new set of plans be submitted by the deadline for the August 16, 2017 regular Planning Board meeting, seconded by Michael Mostachetti.

REGULAR SESSION (NEW BUSINESS)

There are no new applications.

ADJOURNMENT

Chairperson Kevin Durland made the motion to adjourn the meeting at 8:50 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 Wednesday, August 16, 2017. The Agenda for the meeting will close on Wednesday, July 26, 2017 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 E. Miller
Planning Board Secretary / Clerk