

TOWN OF UNION VALE PLANNING BOARD

MINUTES OF THE REGULAR MEETING

March 12, 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 and 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 February 13, 2020 meeting minutes, motion by Board member Alain Natchev, seconded by Board member Karl Schoeberl and unanimous vote of the Board members present.

• **Correspondence**

Chairperson Pasquale Cartalemi noted the following correspondence were received:

ECS:

DC 239 referral received 2/18/2020, matter local concern w/comments

NYS DOT SEQR letter received 2/26/2020

Willingham Engineer packet received 3/2/2020

RRC Holdings:

DC 239 referral (received 2/19/2020, matter local concern)

PUBLIC HEARINGS:

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

Chairperson Pasquale Cartalemi asked if anyone from the public had any comments.

Peter Platt, Lagrangeville resident that goes to ECS gym, stated that Ed is a great individual with a great business that he is investing in Union Vale and is in support of the project.

With no further comments from the public, Chairperson Pasquale Cartalemi closed the public hearing, motion by Board member Alain Natchev, seconded by Board member Kaye Saglibene.

Chairperson Pasquale Cartalemi read into the record the DC 239 comments, that the project is “matter of local concern” and comments were regarding the driveway, NYSDOT right of way and a highway permit will need to be obtained prior to any work.

Board member Karl Schoeberl questioned the hours of operation, specific to the early opening, due to the use is mixed, and there is a residential house near the entrance, and wanted to ensure that proper screening is in place. Chairperson Pasquale Cartalemi stated the screening on the Site plan looks sufficient and the hours of operation can be a condition on the resolution.

Board member Alain Natchev asked the applicant if any outdoor exercise activities will take place, the applicant Ed Stickler assured that no outside activities will take place, the facility proposed is larger than what he is working out of now and will be able to accommodate all personal training inside.

With no further questions from the Board members present, Chairperson Pasquale Cartalemi offered the below draft resolution:

**SITE PLAN APPROVAL
TOWN OF UNION VALE PLANNING BOARD
ECS REAL ESTATE HOLDINGS, LLC**

DATE: March 12, 2020

WHEREAS, an application for site plan approval was received from ECS Real Estate Holdings, LLC, for a Personal Service Business Use (gym) to be located at NYS Route 55, on Tax Parcel 6660-00-466275, in the Town Center zoning district, and

WHEREAS, the Applicant having appeared at the February 13, 2020 meeting of this Board, at which time a resolution was adopted determining that this was a Type II Action requiring no SEQRA review, and

WHEREAS, this Board, having received confirmation that notice of this public hearing was timely advertised in the Poughkeepsie Journal and mailed to adjoining property owners by certified mail, return receipt requested, opened the Public Hearing in this matter on February 13, 2020, which hearing was adjourned to and continued and closed on March 12, 2020, and

WHEREAS, this Board having received a response from the Dutchess County Department of Planning and Community Development pursuant to General Municipal Law §239-m, that this application is a matter of local concern,

NOW, THEREFORE BE IT RESOLVED, that the Site Plan entitled ECS Real Estate Holdings, LLC, prepared by Willingham Engineering, last dated December 19, 2019, be and is hereby approved, and all necessary building and other permits may be issued upon completion of the following conditions:

CONDITIONS OF SITE PLAN APPROVAL SHALL BE AS FOLLOWS:

1. Compliance with all NYSDOT requirements for access.
2. Compliance with all Dutchess County Department of Behavioral and Community Health requirements.
3. Payment of all fees and escrow balance.
4. Hours of operation, as proposed by applicant to be Monday – Friday (5 am – 9 pm), Saturday (8 am – 4 pm), Sunday Closed.

NOW, on motion of Board member Alain Natchev as seconded by Board member Kaye Saglibene a roll call vote was taken by the Chairman.

The below roll call vote having been taken by the Chairman:

Member Scott Kiniry	absent
Member Kaye Saglibene	Aye
Member Michael Mostachetti	absent
Member Alain Natchev	Aye
Member Karl Schoeberl	Aye
Member Stephen Diamond	Aye
Chairman Pasquale Cartalemi	Aye

Whereupon the Chairman declared the Resolution:

Adopted 5

Whereupon the Chairman declared the Resolution: Adopted 5

Resolution certified and filed:

Joan Miller
Joan Miller, Land Use Secretary

March 12, 2020
Date

Should information presented by the Applicant or its Representatives either written or verbal, be found to be erroneous, the approval granted herein will be subject to invalidation by the Planning Board.

**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.

Chairperson Pasquale Cartalemi made the motion to open the public hearing, seconded by Board member Kaye Saglibene.

Chairperson Pasquale Cartalemi asked if the public had any comments, with comments from the public, Chairperson Pasquale Cartalemi asked for a motion to close the public hearing, motion by Board member Kaye Saglibene, seconded by Board member Karl Schoeberl.

With no further questions from the Board members present, Chairperson Pasquale Cartalemi offered the below draft resolution:

**TOWN OF UNION VALE PLANNING BOARD
RESOLUTION OF APPROVAL
RRC HOLDINGS, LLC
SPECIAL USE PERMIT
MINOR TWO-LOT SUBDIVISION
TAX PARCEL 6660-00-720421, 11 POTTER LANE, LAGRANGEVILLE**

March 12, 2020

WHEREAS, RRC Holdings, LLC, seeks to subdivide the above 34.5 acre parcel located in the RA3 Zoning District in to two lots of 16.74 acres and 17.81 acres, and

WHEREAS, the applicant has submitted a subdivision application dated June 1, 2019, a Short Environmental Assessment Form dated June 19, 2019, an application for a special use permit dated December 19, 2019, and a subdivision plat prepared by Povall Engineering, PLLC last revised November 21, 2019, and

WHEREAS, this Board on August 8, 2019, determined this to be a Unlisted Action for SEQRA purposes, determined to conduct a coordinated SEQRA review, and directed that notice of this Board's

intent to serve as lead agency be circulated, which notice was forwarded to all involved agencies on August 8, 2019, none of which responded, and

WHEREAS, on January 9, 2020, this Board authorized the noticing of a public hearing for the special use permit and subdivision applications, and

WHEREAS, on February 13, 2020, the public hearing on the above applications was opened and adjourned to March 12, 2020 and concluded March 12, 2020, and

WHEREAS, on February 13, 2020, this Board determined that granting these applications would not result in a significant adverse environmental impact and it authorized the execution of a SEQR Negative Declaration; and

WHEREAS, notice pursuant to General Municipal Law §239-m was given to the Dutchess County Department of Planning and Community Development, which on February 19, 2020 determined that this matter was of local concern, and that it had no objection to this Board serving as Lead Agency; and

WHEREAS, if the subject lands are not in a drainage district this Board has no objection to this being included, and if they are currently in a drainage district, it has no objection to the reallocation of the benefit unit assessment as a result of this subdivision,

NOW, BE IT RESOLVED THAT, that this minor subdivision application is approved, and the application for a special use permit is also approved, both approvals being subject to the following:

1. Submission by the applicant within 180 days of a subdivision plat in acceptable form for execution by the Chairperson, and
2. Payment of all outstanding fees, including a driveway fee of \$1,000.00, and
3. Based on this Board's determination that it would not be appropriate to require that parkland be set aside in this subdivision, that the applicant pay a one-lot cash in lieu of land recreation fee into the Town of Union Vale for deposit into the Recreation Trust Fund in the amount of

\$4,000.00, which condition is based on creation of additional burden upon the Town's recreational facilities caused by residential development, and

NOW, on motion of Board member Stephen Diamond as seconded by Board member Kaye Saglibene a roll call vote was taken by the Chairman.

The below roll call vote having been taken by the Chairman:

Member Scott Kiniry	absent
Member Kaye Saglibene	Aye
Member Michael Mostachetti	absent
Member Alain Natchev	Aye
Member Karl Schoeberl	Aye
Member Stephen Diamond	Aye
Chairman Pasquale Cartalemi	Aye

Whereupon the Chairman declared the Resolution:

Adopted 5

Whereupon the Chairman declared the Resolution: Adopted 5

Resolution certified and filed:

Resolution certified and filed:

Joan Miller
Joan Miller, Land Use Secretary

March 12, 2020
Date

Charles Bilangino
139 Killearn Rd.
Millbrook, NY 12545

Regular Meeting 1
Lot line adjustment

Applicant proposing to convey 12.86 acres from existing 33.46 acres lot, then merge property into their 10.86 acre lot, in the RD10 district.

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

Brian Houston, L.S., was present representing the applicant and did a brief presentation on what the Mr. Bilangino is proposing to do. He is conveying 12.86 acres from an existing 33.46 acre lot to merge into a property consisting of 10.86 acres to be sold to an adjoining neighbor. The neighbor has no intention of developing the lands, but would like to keep it for privacy and hunting purposes.

With no questions from the public, Chairperson Pasquale Cartalemi asked for motion to close the public hearing, motion by Board member Karl Schoeberl, seconded by Board member Kaye Saglibene.

Board member Stephen Diamond asked about access to the land, Town attorney James Nelson stated that if access would be required in the future, there would need to be an easement drawn up, which the applicant is aware of, stated Mr. Houston.

Town attorney James Nelson asked if all the property is in the Town of Union Vale. Mr. Houston stated that all of the property is in Union Vale, the tax bill is in Union Vale, the deed references Union Vale, no part is referenced for the Town of Washington.

With no further questions or concerns from the Board members present, Chairperson Pasquale Cartalemi offered the below draft resolution:

Approval Resolution, Town Code Chapter §192

Application of Charles Bilangino, Jr. & Josephine Mihans – OWNERS

Lot Line Alteration

The Town of Union Vale Planning Board on March 12, 2020, acting pursuant to Union Vale Town Code Chapter 192, Section 192-3(B)(2) hereby acts with respect to the Application of Charles Bilangino, Jr. and Josephine Mihans, for a Lot Line Alteration as to Tax Map Parcels 6863-00-690371 and 764426, being within the R-10 Zoning District, said lands being depicted on a plat prepared by Brian Houston, L.S., last dated February 19, 2020, said Application being a Type II action pursuant to 6 N.Y.C.R.R. 617.5(c)(16), and finds and determines as follows:

WHEREAS, the matter having come on before the Town of Union Vale Planning Board for a public hearing on March 12, 2020, and closed on March 12, 2020,

NOW, THEREFORE, be it resolved that the Town of Union Vale Planning Board determines that this is a Lot Line Alteration, and after having considered the Application, the fact that it is a Type II action for SEQR purposes, the presentations made during the public hearing and meetings of this Board, as well as all the documents submitted, does determine that this Application is approved, subject to:

1. Applicant submitting within 180 days the subdivision plat, and

2. Payment of all outstanding fees

NOW, a motion having been made by Board member Alain Natchev and seconded by Board member Schoeberl to adopt the above resolution, and

The below roll call vote having been taken by the Chairman:

Member Scott Kiniry	absent
Member Kaye Saglibene	Aye
Member Michael Mostachetti	absent
Member Alain Natchev	Aye
Member Karl Schoeberl	Aye
Member Stephen Diamond	Aye
Chairman Pasquale Cartalemi	Aye

Whereupon the Chairman declared the Resolution:

Adopted 5

Resolution certified and filed:

Joan Miller
Joan Miller, Land Use Secretary

March 12, 2020
Date

REGULAR SESSION (NEW BUSINESS)

None.

REGULAR SESSION (OLD BUSINESS)

**James & Ermino Bisceglia
141 N. Clove Rd.
Verbank, NY 12585**

**Regular Meeting – 3
Special Use Permit
Detach access. Apt.**

Applicant applying for a Special Use Permit to utilize an existing accessory apartment in an existing garage located in the R 1.5 district.

Chairperson Pasquale Cartalemi welcomed Mr. Bisceglia and stated that he received a letter from George Kolb, Zoning Administrator dated February 25, 2020 regarding the owner occupancy and issuing a Special Use Permit for an accessory apartment. Chairperson Pasquale Cartalemi understands that the home is unoccupied at this time and Mr. James Bisceglia has no intentions of residing there, and Chairperson Pasquale Cartalemi emphasized his concerns that this would be against what the Union Vale code requires for issuing a Special Use Permit for an accessory apartment.

Board member Stephen Diamond asked that maybe a transfer of deed could be done at the time of sale to have enforcement of this type of situation.

Mr. James Biscelgia stated that he doesn't see how this changes the outcome, George Kolbs letter stated that a signed affidavit would need to be signed by the new owner stating that the main dwelling would be owner occupied, he just does not see why it can't be marketed as a home with an accessory apartment.

Chairperson Pasquale Cartalemi stated that it could be marketed as a home with an accessory apartment, but the potential new owner would need to come before this Planning Board and complete the process that has already been started to "legalize" it, your application could be amended to include the new owner that would occupy the primary dwelling.

Chairperson Pasquale Cartalemi made the motion to adjourn this application to an indefinite date until a buyer for the property and proper amendments are made to the Biscelgia application to the Planning Board to move forward with the Special Use Permit, seconded by Board member Alain Natchev and unanimous vote of the Board members present.

**Steven Habiague & Lawrence Gerschel/Janet Prince
Mountain Creek Rd & Quinlan Rd
Poughquag, NY 12570**

**Regular Meeting – 3
2 Lot Subdivision**

Applicant applying for 2-lot subdivision, TMP 6860-00-692660 consisting of 56.43 acres to be subdivided into two lots, lot 1 containing 26.43 acres and lot 2 containing 30.31 acres in the RD10 zoning district.

The applicant Steven Habiague was present and made a brief presentation to the Board stating that he is proposing to subdivide a 56.43 acre lot into two lots, lot 1 containing 26.43 acres and lot 2 containing 30.31 acres, which then allows access to a larger parcel in the rear from Quinlan Road. Mr. Habiague stated that he wants to subdivide two lots to "eliminate the need for access off Mack road."

Chairperson Pasquale Cartalemi stated that this is for a 2 lot subdivision, intended to for two single family houses, but after your presentation, it appears you are subdividing the land in order to have access to a larger parcel that you have been trying to develop for years, that is segmentation and cannot be done. Chairperson Pasquale Cartalemi stated that the Planning Board needs a full plan for subdivision and needs to include the larger parcel of 500 acres included.

Steven Habiague stated that doing a small lot subdivision is not segmentation and the parcel can be repeated again as per SEQR, say as per a 2 lot subdivision.

Chairperson Pasquale Cartalemi stated also it appears that both Quinlan Road and Deer Hollow Road are at, or above the 12 lot cul-de-sacs restrictions, therefore you may need variances in order to proceed with even the smaller subdivision of 2 lots.

Chairperson Pasquale Cartalemi stated that depending on which way the application is are going to proceed, it is prudent that the applicant submit:

1. Statement of exactly what the application intends to do;
2. Where/what roads the driveways for the two single family homes will access the lots;
3. follow guidelines for 192-20 A & B 1-16;

4. completed EAF

ADJOURNMENT:

Chairperson Pasquale Cartalemi made a motion to close the meeting at 9:00 pm, seconded by Board member Kaye Saglibene 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, April 9, 2020 at 7:30 pm**. The Agenda for the meeting will close on **Thursday, March 19, 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

Joan Miller
Land Use Secretary

Annexed documents:
Poughkeepsie journal – public hearing – Bilangino/Mihans