

TOWN OF UNION VALE PLANNING BOARD

MINUTES OF THE REGULAR MEETING

September 20, 2017

BOARD MEMBERS PRESENT: Chairperson Kevin Durland, Board members Alain Natchev, Karl Schoeberl, Scott Kiniry, Kaye Saglibene and Pasquale Cartalemi

Alternate Members and Members absent: Board member Michael Mostachetti, Alternate Board Alternates John Rapetti and Ralph Mondello

Others present: no consultants were in attendance

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 published with one addition under new business, the Matter of referral of opinion from the Zoning Board of Appeals for the applicant, Be Wise, Anthony Costa that is before the Zoning Board of Appeals for two variances, motion by Board member Scott Kiniry, seconded by Board member Alain Natchev.

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

Chairperson Kevin Durland asked for a motion to accept the Planning Consultant's Meeting Notes, motion by Board member Pasquale Cartalemi, 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 June 21, 2017, July 19, 2017 and August 16, 2017 regular meeting minutes, motion by Board member Alain Natchev, seconded by Board member Kaye Saglibene and unanimous vote of the Board members present.

PUBLIC HEARINGS:

Steven and Irene Habiague: 84 Mountain Creek Road, Poughquag, NY 12570; Application for Lot Line Alignment on TMP 6680-00-780454 and TMP 6860-00-679500, merging 13.92 acres with 19.29 acres to create a total of 33.21 total acres on TMP 6860-00-780454, being an unlisted action under SEQRA in the RD10 District.

Chairperson Kevin Durland made the motion to open the public hearing, seconded by Board member Alain Natchev.

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Mr. Steven Habiague was present and briefly explained what he was proposing to the Board and members of the public. Mr. Habiague explained that he and his wife have this property under contract and are proposing to move the existing lot line, and with this lot line change, the property will have a total of 33 +/- acres.

Mr. Habiague stated that he has met the requirements that were outlined in the Town Consultants comments from the last Planning Board meeting, including the easement that was reviewed by the Town Attorney, so he would like the Planning Board to move forward with this application.

After brief discussion between the Board members that were present, Chairperson Kevin Durland asked for a motion to close the public hearing, Motion by Board member Kaye Saglibene, seconded by Board member Alain Natchev, and unanimous vote of the Board members present.

REGULAR SESSION (DECISION ON PUBLIC HEARING/OLD BUSINESS) -

Steven and Irene Habiague: 84 Mountain Creek Road, Poughquag, NY 12570; Application for Lot Line Alignment on TMP 6680-00-780454 and TMP 6860-00-679500, merging 13.92 acres with 19.29 acres to create a total of 33.21 total acres on TMP 6860-00-780454, being an unlisted action under SEQRA in the RD10 District.

Below Chairperson Kevin Durland offered the below draft resolution for the Boards Consideration:

D R A F T

Resolution: SEQRA Negative Declaration; Close Public Hearing; and Preliminary Approval with Conditions of the Habiague Lot Line Realignment/Re-Subdivision

“The Town of Union Vale Planning Board hereby acts as follows in the matter of an Application known as Habiague Lot Line Realignment/Re-Subdivision under Town Code Chapters 192 Subdivision of Land and 210 Zoning for a lot line alteration as a minor subdivision for the continued use of 2 existing lots developed for single-family use at a site located at 80 Mountain Creek Road, Poughquag in the Rural Development (RD-10) Zoning District, as described or otherwise depicted within supporting information including subdivision plans prepared by Joseph P. Berger, LS, Berger Engineering and Surveying, dated March 1, 2017:

1. Determines that the proposed action is an Unlisted Action under SEQR to be considered in an uncoordinated review; and the Proposed Action will not result in any significant environmental impacts (determination of non-significance or negative declaration) as per the New York State Environmental Quality Review Act (SEQRA) regulations in NY CRR Part 617 based on materials submitted in support of this application and the reasoning set forth in the Short EAF Parts 2 and 3 prepared for this project.
2. Closes the Minor Subdivision public hearing.
3. Determines that since no new lots will be created that Town Code Chapter 192, Section 192-18 C.(3); regarding parkland is not applicable to this application.
4. Approves the Minor Subdivision Plat for a Lot Line Alteration based on the following conditions:
 - a. Address any pertinent comments of the Town Consulting Engineer as set forth in the letter of September __, 2017.
 - b. Payment of any outstanding fees;
 - c. Obtain the signature of the Dutchess County Department of Behavioral and Community Health.”
 - d. Satisfactory that the easement gets approved by the Town Attorney for electric and utilities are separate.

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

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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	Aye
Member Alain Natchev	Aye
Alternate Member Ralph Mondello	Absent
Alternate Member Kaye Saglibene	Aye
Chairperson Kevin Durland	Aye

and the Chairperson declared the Resolution:

Adopted 6 Defeated 0

Resolution certified and filed:

Joan E. Miller Date
Planning Board Secretary / Clerk

September 20, 2017

REGULAR SESSION (NEW BUSINESS)

Referral of Opinion from Zoning Board of Appeals for applicant, Be Wise Carwash, Anthony Costa, 2046 route 55, Lagrangeville, NY 12540.

Chairperson Kevin Durland explained the applicant is before the Zoning Board of Appeals for two variances, one that the proposed sign not be built entirely of wood and internal illumination of the proposed sign. The Zoning Board brought up that the proposed sign, 96 square feet, is over the 16 square foot allowed by the code section 210-26B, and without any evidence of a granted variance for the overage, the Zoning Board of appeals referred this to the Planning Board for opinion and comment, since the Planning Board was the Board that approved the Site plan, some 19 years ago and also asked for opinion and comment regarding internal illumination of the proposed sign.

Chairperson Kevin Durland that the applicant was before the Planning Board 19 years ago for a Carwash Special Use Permit and Site Plan, which was approved depicting the location of the existing sign. George Kolb, C.E.O. of the Town of Union Vale wrote a letter (dated September 6, 2017) to Chairperson Jane Smith stating that he and the Land Use Secretary did extensive research in the building department and archives to locate an approved site plan and sign permit with certificate issued, but could not locate any corresponding information for any variances issued for the sign.

After discussion with the Board members present and the applicant, Chairperson Kevin Durland decided that he would respond to the Zoning Board of Appeals with a letter of opinion stating that the Planning Board is in positive opinion for the square footage, height of the size and proposed material that is going to be used, but is in negative opinion with the internal illumination, for it goes against of the code statute of Union Vale.

ADJOURNMENT

Chairperson Kevin Durland made the motion to adjourn the meeting at 8:40 pm, seconded by Board member Alain Natchev, and unanimous vote of the Board members present.

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NEXT MEETING / SUBMISSION DEADLINE

The next Regular Meeting of the Town Planning Board is scheduled to occur on Wednesday, October 18, 2017. The Agenda for the meeting will close on Wednesday, September 27, 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

Annexed document: Public hearing notice, Habiague, Lot Line adjustment