

TOWN OF UNION VALE PLANNING BOARD

MINUTES OF REGULAR MEETING

November 16, 2016

Board Members Present: Chairperson Kevin Durland, Board Members Pasquale (Pat) Cartalemi, Michael (Mike) Mostaschetti, Alain Natchev, Scott Kiniry, John Rapetti, Karl Schoeberl and Ralph Mondello

Members and Alternate Members absent:

Others present: Alternate member Kaye Saglibene and James Horan, Town Attorney (retained for the East Mountain application); Lawrence Paggi, Town Engineer

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. A motion was made by Board member Pasquale Cartalemi, seconded by Board member Alain Natchev and adopted by unanimous vote of the Board members present to accept the Minutes as submitted by the Secretary for that meeting.

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

Announcement / Next Meeting. Chairperson Kevin Durland welcomed and introduced Liz Axelson, AICP, Morris Associates to the Board members present and the public as the new Town Planner as of October, 2016.

Chairperson Kevin Durland asked for a motion to move the regular scheduled meeting from December 21, 2016 to December 14, 2016 due to the conflicts of attendance of the board members to attend the December 21, 2016 meeting, motion by Scott Kiniry, seconded by Pasquale Cartalemi, unanimous vote of the Board members present.

REGULAR SESSION (APPLICATION SUBJECT OF PUBLIC HEARING)

None scheduled.

REGULAR SESSION (OLD BUSINESS)

None scheduled.

REGULAR SESSION (NEW 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.

Chairperson Kevin Durland welcomed the Richard Rennie, Jr. P.E. from Rennie Engineering, whom is representing the owner, his client, Mr. Arthur Demoulas. The clerk confirmed that there was a consent letter on file for Mr. Rennie to represent Mr. Demoulas.

Mr. Richard Rennie stated that his client is proposing a minor subdivision of two (2) lots to create three (3) for 3 single-family lots. The site is in the RD10 rural development zoning district. Mr. Rennie stated that lot 1 contains approximately 78 acres and has road frontage on Clove Road, the existing lot line cuts across the existing house porch and through a detached pool building. The proposal is to re-align the lot line, pull it back and create an additional lot. The proposal is to have lot 1 have 60 acres, lot 2 have 27 acres and lot 3 would have 44 acres.

Mr. Rennie explained that when the survey was done, the first the lot line went almost through the house, and part of the existing driveway went through the gun club property, after much discussion between his client and the adjoining neighbor, it was mutually decided that the adjoining neighbor (Clove Valley Gun Club) and his client decided to do an easement for access to my clients driveway.

Chairperson Kevin Durland had no further comments he asked Liz Axelson, Town Planner for comments.

Liz Axelson, Morris Associates, Town Planner for Town of Union Vale made the following comments:

First, more information is needed about the proposed use of the resulting lots prior to Planning Board consideration of: the SEQR Short Environmental Assessment Form (Short EAF); the classification of the subdivision; a recommendation on the Open Development Area (ODA); and related zoning and subdivision standards and requirements. The ODA would provide for access via easement for proposed lot 3, which has no frontage. It appears that the proposed subdivision with the ODA may be suitable on this site; and would be generally consistent with the intent of the RD10 zoning district. Refer to the Short EAF and Subdivision comments in the project review letter.

Second, the conclusion of Sketch plat review, the subdivision's classification and the path of this review depends on more clarity about what type of subdivision is proposed. Based on the submitted application for sketch plat review, the proposal may be consistent with the definition of a "Minor", "Conservation Density Subdivision", which is a permitted use subject to subdivision plat approval in the RD10 zoning district. Refer to definitions in subdivision regulations section 192-3 and zoning section 210-86. This classification depends on the degree of permanent open space preservation with conservation easements and limited further subdivision provisions. Under this classification **no** special use permit would be required or alternatively, the proposal would be classified as a "Minor", "Conventional Subdivision" requiring a special use permit application. Refer to supplementary standards in zoning 210-54 C.

Mr. Rennia commented that the subdivision proposed is "conventional", for we had to prove these lots out to be residential building lots and show that a septic system can be built there, which we have completed for all three of the proposed lots.

Liz Axelson noted that the rear parcel in the back does not have frontage now, it's a land locked parcel, it would have access via easement, and in order to have access to the road without actually having frontage, the applicant has asked the Town Board to do an open development area, the Town Board would adopt a resolution for all of the land in the subdivision to determine that it's an open development area, which would allow them to create a lot that does not have road frontage and have access via an easement. It's based on a New York State Town Law statute.

Board member Scott Kiniry asked about the creation of a flag lot and what about having a common driveway.

Board member Pasquale Cartalemi stated that even if there was flag lot created, an easement would still be needed for access to lot 3.

Liz Axelson agreed, it would be less disturbance and a maintenance agreement would be created amongst the owners.

Mr. Renna stated that was discussed with his client but they did not want to do that.

Board member Ralph Mondello asked what the road frontage is on lot 1.

Mr. Renna stated it is 375' for lot 1, which has the house on it and lot 2 has 999.23 road frontage.

Further comments that Liz Axelson discussed with Mr. Renna is that the proposal appears to be an Unlisted Action under NY SEQRA. The submittal materials and plans should be revised to further address subdivision regulation and zoning requirements and standards, specifically short EAF questions and/or other aspects of the project. The application is not ready for circulation of Planning Board's intent to be lead agency and/or any recommendation on the proposed Open Development Area; or for Sketch Plat Designation or Classification (as per 192-6, B. and C.) or any procedural steps in Subdivision review.

With no further questions or discussion from the Board members present, Chairperson Kevin Durland offered to defer the application to the next meeting for the following:

- a. That the application(s) are incomplete for the initiation of SEQRA review, pending further elaboration on the proposed development and its potential effects; to include some environmental issues, such as layout of streams, topo;
- b. and defer action on the Sketch Plat Designation or Classification of the subdivision and any recommendation on the open development area;
- c. and direct the applicant to respond to comments of the Planning Board and those received from Town consultants, departments and agencies.

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, one of the owners on the application.

Board member Scott Kiniry excused himself from the Board.

Applicant Tanna Kiniry and her Engineer Mr. Fegan were present. Mr. Fegan displayed a Sketch Plan for the Board to consider.

Tanna Kiniry read a five page letter for a special use permit submitted on behalf of her husband, Scott Kiniry,

(Letter insert)

I would like to address the application for a special use permit for Union Vale resident Scott Kiniry. He is seeking a special use permit in the NC zoning district for a change of use from a gasoline station to a convenience store. Both of which are currently permitted in the NC district zoning laws. The site has been a gasoline station in the Town of Union Vale since the 1930's. Its use was modified during the 1980's with the removal of the fuel storage tanks and it continued on as a vehicle repair shop until last winter. According to our zoning regulations it was still classified as a gasoline station under our current codes.

We would like to change its use to also include a convenience store. After interviewing many residents in our Town this is the one thing they feel is lacking. Especially for our seniors, where going to the market for just a few items is becoming increasingly difficult. They also have stated to us that it would be extremely helpful to have access to fuel closer to home. Currently there is no place to get fuel in all of Union Vale. Our site will make access much more convenient and safe for them. Working residents have also expressed how much easier and more convenient it would be for them to be able to stop so much closer to home and to avoid the traffic on busier roads.

Upgrading this structure would also have the benefit of adding to the town's tax base. I am sure over the years you all have driven by the garage site on Route 82. Being honest, as it now, it does not look good. I don't believe it sends the proper message to any one visiting the Post Office or the Restaurant next door. It sends the message that our town is declining. That is not the place to be or live. We would like to change that. Improving this site would project a different message, a better message. Which inadvertently transfers to all who own property in Union Vale. As you are all aware, the greater the tax base, the less the tax rate needs to be. For any new buyers looking to purchase in our area this is a factor in where they choose to live. Lower tax rates mean lower taxes. If they chose to buy in a neighboring town because they have lower taxes than Union Vale, it drives the price of our real estate down. This affects all of us who own property here. Or widowed neighbor sold her home this summer. Without her husband she could no longer afford to live there. She had to keep reducing the price to find a buyer. But when the appraisal came back from the purchaser's bank, it did not appraise for as much as the purchase price they had agreed to, so she had to reduce the price again for the sale to go through. She needed to sell so she had no choice. This is not the spot any of us want to find ourselves in. The bank would only consider comparable home sale values that have been sold in the previous year, and home sales in our town have not been strong. And now again, we have added another undervalued home sale in our town. This is driving the price of all real estate in our town down. We need to reverse this trend. We need to build a vital growing community so that like our

widowed neighbor, when we do need to move and sell, our property will not be worth what we want it to be. As the EPA states on the website, a community that is not growing is declining. We believe improving the appearance and services offered at this site will improve our town.

This site is in compliance with all our zoning regulations now and we will continue to be in compliance with all guidelines and regulations of the Town of Union Vale and Dutchess County. We will ask for no variances or waiver requests. The structure currently complies with all of our Town Codes and Regulations and as I stated previously, we will be asking for no waivers or variances. This is a concrete block structure similar to the building next door. We will make improvements to the building to meet and exceed all Town Codes. As we are using an already existing structure that is in compliance with our current Town Code 210-62 C subsection 1.

As listed under our Town Code in Section 210-56 D (5) Convenience Store. A convenience store selling gasoline in combination with a quick stop retail food store shall be allowed by special use permit in the NC and TC Districts: a) provided that the maximum gross floor area shall be 2000 square feet or below. b) the maximum fuel dispensing nozzles shall be 12. We are proposing no more than 6. Parking due to the size of the building site, we have ample space to provide more than the suggested number of parking spaces recommended. The spaces will not interfere with safe entry and exit from motorists purchasing fuel. Our fuel pumps and associated canopy shall meet the dimensional limitations, design standards and restrictions. The canopy will not be located or project into the side or rear yard and the support posts will not be within 40 feet of the front property. The canopy will not exceed 48 feet in length and 30 feet in width or not meet the minimum height necessary to both accommodate vehicles in accordance with code requirements for vertical vehicular clearance and will provide a pleasing roof design. The canopy will comply with design parameters and will relate in form, use of materials, and color the principal structure. The canopy shall have a non-illuminate fascia and will have no advertising messages or corporate logos. The canopy structure will accommodate concealed State Uniform Fire Prevention and Building Code and pertinent NYSDEC and NFPA requirements. We will show controlled storm drainage from the new canopy. There will only be one canopy. We will comply with all existing codes to maintain a neat and orderly appearance on the site. We will have an enclosed, screened and secured dumpster and trash receptacles for all customers. All heating ventilation, air conditioning units will be away from residential property. We will have no outdoor merchandise. We will have no outdoor vending machines.

When making the improvements to the existing structure we will get permits and install a new septic system in compliance with the Dutchess county Board of Health. We will work closely with the Union Vale Code Enforcement Office. We intend to ask for no relief from any Town Codes or regulations.

Upon getting sketch plan endorsement tonight, we will go forward with our proposed plan and have our engineer begin to finalize drawings for the proposed site. These will include illustration of traffic access ways, site driveways, vehicular circulation and parking spaces for customers and employee's including length and width. We will also illustrate the parking spaces under the canopy. We will label setbacks of existing buildings. We will show locations of fuel

storage tanks and get all appropriate permits for these. We will also label setbacks from proposed canopy and parking from site boundaries. We will show controlled storm drainage from the proposed new canopy. The plan will be sent to Dutchess County Planning per section 239 GML for their review when the application is accepted.

As you are familiar with, the site sits adjacent to the Union Vale Fire Station which is to the South on Rt. 82. Directly adjacent to our site is Fire house parking, which is separated from our site with a fence. Directly to the North is the Verbank Post Office and a Pool installation contracting business. To the front across Rt. 82 is a stream and the 911 Memorial. To the rear of the site is a residential structure separated by a hedge row. Our building predates the construction of the residential dwelling. The finalized plan will also include landscaping, lighting and signage plans all to be in compliance with Town Codes.

I would like to address # 8 of the Town Planners notes. I would reiterate the immediate neighborhood for our proposed convenience store is commercial. Our commercial structure has been located on this site for 90 years. To the south a fire station, accessory building and a parking lot. To the North a Post office, a Pool contractor and a Bar/restaurant. We have been a gas station and auto repair station since the 1930's. With new technology, neighborhood auto repair shops are becoming a thing of the past, as each type of car increasingly needs to be serviced by its particular dealer. We believe a Convenience Store that also sells fuel would much better serve the needs and interests of the residents of our Town.

We have met with George Kolb and our Engineer and our building contractor and we cannot identify any waiver request that we would need as defined in sections 210-55A, 210-56E 5, 210-56 E 6, or in the site plan checklist 210-63 A or 210-64. In closing, I would like to ask the Planning Board at this sketch plan conference, to take the following action, in Union Vale Town Code 210-62 C, I would assert that we have demonstrated we meet the criteria for subsection 1, that our project is limited in scope with computable land use. For the new members on the Planning Board, a special use permit is a permitted use and must be approved if the additional conditions are met. This project meets every requirement. This review should address new improvements only. We are utilizing an existing building from the 1930's that is compatible with all existing adjacent buildings and thus would require no further review under this article and chapter. As stated in the Code "this shall be restricted to intended projects involving exclusively the establishment of permitted uses within complying structure or the limited modification of existing conforming uses and complying structures as determined by the Code Enforcement Officer, wherein no substantial site improvements are either required or proposed and where no existing violations of either this chapter or other laws, rules, and regulations governing building construction site development and/or the related occupancy of related buildings and lands are present."

Again, I would urge the Board to rule that our proposed action meets all of the requirements in Town Code 210-62C subsection 1, being limited in scope, with compatible land use, site and building design characteristics thus requiring no further review under this article and chapter.

Mrs. Kiniry stated that the traffic will enter one way and exit one way off of Route 82.

Board member Pasquale Cartalemi had a question regarding the size of the fuel tanks and will diesel be sold.

Tanna Kiniry stated that she was unsure what size the tanks will be and diesel will be sold as well as gasoline.

Board member Pasquale Cartalemi stated his concern regarding the size of the tanks, for it determines what size tanker trucks will be delivering fuel, and if the tanks are larger, the trucks delivering will be larger and they will have difficulty with ingress and egress radius and blocking the gas pumps.

Board member Ralph Mondello asked where the diesel tanks are going to be located, because you brought up the gas station on Route 55 and Route 82 and the location of the diesel fueling area blocks the traffic flow in and out of the parking area. Could you tell me what is the distance from the canopy to where the cars are going to be parked.

Tanna Kiniry stated that we will not propose that in the design/location of the pumping station, you can see from the plan that there will be some pumps under the canopy, that's it. The distance between the canopy and the proposed parking area for cars is approximately 35' to 40'.

Board member John Rapetti had some concerns regarding three designated parking areas that were located to the side of the pumps, cars at the pumps could block the cars in the parking spaces and vice versa.

Tanna Kiniry stated that on the final plan, parking spaces will be clearly labeled.

Board member Alain Natchev had a question regarding the hours of operation and will there be liquor sold there.

Tanna Kiniry stated the hours would be 5 am to 10 or 12 pm, it will not be open 24 hours. Beer will most likely be sold.

Liz Axelson, Morris Associates, Town Planner for Town of Union Vale had the following comments.

First, the site's existing use appears to be a commercial motor vehicle station. The proposed uses would be a convenience store and a gasoline station, which would require special use permit and site plan approval. Refer to the zoning use regulations for the NC zone and zoning section 210-53, C. A special use permit application was submitted with a conceptual site plan. It appears that the proposed use may be suitable on this site; and would be generally consistent with the intent of the NC zoning district.

Although a site plan application was not submitted, the Planning Board should conduct a Sketch Plan conference as per zoning section 210-62, C. It is recommended that the Planning Board have a discussion with the Applicant about any changes to the existing structure and the proposed use, access, parking and related improvements. Refer to Special Use Permit and Site Plan comments in the project review letter.

The proposal appears to be a Type 2 Action under NY SEQRA, which means it would not be subject to SEQRA review. Refer to Short EAF comments in the project review letter. The submitted materials and plans should be revised, as per the review letter comments, to address special permit standards and zoning requirements and standards; to consider what site plan elements might be needed; and other aspects of the project.

In conclusion, the planning board members believe that this is a good proposed project, but details need to be worked out.

With no further questions or discussion from the Board members present, Chairperson Kevin Durland offered to defer the application to the next meeting for the following:

- 1) accepts sketch plan information prior to making a determination regarding the applicability of the full site plan review and approval procedure to the proposed project as per zoning section 210-62, C.;
- 2) and direct the applicant to respond to comments of the Planning Board and those received from Town consultants, departments and agencies.

OTHER BUSINESS

Scoping Session – East Mountain Subdivision

Chairperson Kevin Durland welcomed Mr. Steven Habiague and referred the matter to the Town Attorney, James Horan.

Mr. Horan looked at the scoping document that was submitted by the applicant during the mediation process, after the planning board had rescinded the negative declaration from 1987 and handed out a memo that was dated July 22, 2014 which came about as a result of the mediation, and during the review process, we have met with the applicant, their engineer the Town engineer as well as the Town Planner and Town attorney and went through some to the outstanding environmental issues that were discussed. A list has been generated to address the environmental issues and some subdivision issues, which are more minor this streamlines what was originally in the resolution that rescinded the 1987 negative declaration, this was subsequently amended further by the parties, which came about as a result of some further

discussion regarding the project, particularly respect to phasing the project to reduce some of the impacts on Mack road.

Purposes of the scoping document, the applicant had submitted a scoping document, annexed to it a brief description of the project, the resolution that rescinded the negative declaration, CAC report and some information from some of the submissions from the court proceedings, etc.

With respect to the scoping document that was submitted, under the SEQRA regulations there is no real format for a scoping document, just descriptions, but the DEC is much more detailed, so the typical scoping document is set up as a table of contents as what will be in the environmental impact statement. The final document is prepared by the Planning Board, so at this point of time we are in a position to circulate the draft scoping document, which will have a cover letter attached to it that will be sent to the involved agencies and request comment from them prior to January 6th, 2017, at least ten days prior to the public hearing set for the January 18, 2017. Mr. Deane Leonard formally verbally agreed to have the public hearing held on January 18, 2017, which is over the 62 days required by statute.

The clerk stated at the meeting, she did not a copy or copies of the proposed draft scoping document, therefore she could not forward it.

Town Attorney, James Horan stated he will forward a copy of the draft scoping document in PDF format to the planning clerk, to publish on the website, and forward to the involved agencies.

Chairperson Kevin Durland requested the applicant submit an escrow amount of \$10,000 to be satisfied by the applicant, prior to the next scoping session to be set on December 14, 2016, if such monies are not received, the scoping session will not commence.

Mr. Deane Leonard verbally agreed to post escrow in the amount of \$10,000, as soon as his fellow applicant(s) return from out of the country.

Chairperson Kevin Durland asked for a motion to accept for publication the draft scoping document to be submitted by the Town Attorney, to the planning clerk, and forward to the involved agencies and public hearing at the January 18, 2017 regular scheduled planning board meeting. Board member Pasquale Cartalemi and seconded by Board member Ralph Mondello.

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	Aye

Member Karl Schoeberl	Aye
Member Alain Natchev	Aye
Alternate Member Ralph Mondello	Aye
Alternate Member Kaye Saglibene	not voting

whereupon the Chairperson declared the publication:

Adopted 7 Defeated ____

Resolution certified and filed:

Joan E. Miller
Joan E. Miller

November 16, 2016
Date

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 Scott Kiniry and seconded by Board member John Rapetti. The motion was adopted unanimously by the Board members present. The Chairperson declared the Planning Board meeting adjourned at 9:45 p.m.

Respectfully submitted,

Joan E. Miller
Joan E. Miller
Planning Board Secretary

Annexed document: Morris Associates Review letters, dated November 9, 2016