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TOWN OF UNION VALE PLANNING BOARD

MINUTES OF THE REGULAR MEETING

October 10, 2019

7:30 pm

BOARD MEMBERS PRESENT: Chairperson Kevin Durland, Board members, Pasquale Cartalemi, Scott Kiniry, Alain Natchev and Michael Mostachetti

Alternate Members and Members absent:

Board members Karl Schoeberl and Kaye Saglibene

Others present:

James Nelson, Esq., Town Attorney, Alternate Board member Lawrence Mattiello

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, motion by Board member Michael Mostachetti, seconded by Board member Pasquale Cartalemi and unanimous vote of the Board members present.

• **Minutes.**

Chairperson Kevin Durland asked for a motion to accept the minutes from the September 12, 2019 regular meeting, motion by Board member Michael Mostachetti seconded by Board member Pasquale Cartalemi and unanimous vote of the Board members present.

PUBLIC HEARINGS:

**Kevin Warren
36 Turkey Run Road
Hopewell Junction, NY 12533
Parcel Site: 58 Pleasant Ridge Road Ext.
Poughquag, NY 12570
TMP# 6859-00-903925**

**Regular Meeting – 3
Subdivision – Minor**

Applicant is proposing to subdivide a 144 +/- acre parcel into two lots, which 116.5 +/- acres within the Town of Union Vale and 27.5 +/- acres within Town of Beekman. The proposed subdivision will create a 5 +/- acre lot (wholly in the Town of Union Vale) and reducing the existing TMP 6859-00-903925 lot to contain 136 +/- acres in the RA5 District.

Chairperson Kevin Durland made the motion to open the continued public hearing, seconded by Board Member Scott Kiniry.

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Kevin Warren, Curtis Warren and his wife were present with their engineer, Peter Sanders, from Rennia Engineering.

Mr. Sanders displayed the Subdivision plan for the Board and public present and briefly described the project. Mr. Sanders explained that the previous submission with the lot being proposed in front of an existing barn required a variance/interpretation from the ZBA, but after discussion with his client, Mr. Kevin Warren decided to reconfigure the lot, so that it would not encroach any setbacks. Mr. Sanders explained that the newly proposed 5 acre lot is currently in the Board of Health process for a single family home, with anticipating approval within three to six months.

With no further questions from the Board or public, Chairperson Kevin Durland offered the following resolution for the Board consideration:

**Approval Resolution under Town Code Chapter 210, Zoning
in the matter of
Processing of Applications by Kevin and Cynthia Warren

Special Use Permit (Conventional Subdivision)
and
Subdivision Plat Approval
Proposed Subdivision of TMP 6859-00-903925 & 960793**

October 10, 2019

“The Town of Union Vale Planning Board subsequent to conformance with the procedures set forth within Town Code Chapter 210, Zoning, Section 210-59, and Town Code Chapter 192, Subdivision of Land, Section 192-7, hereby acts, respectively, as follows on the June 6, 2019, Application by Kevin & Cynthia Warren for Special Use Permit (Conventional Subdivision) and further related June 6, 2019, Application for Subdivision Plat Approval in the matter of the proposed ‘Minor 2-Lot Conventional Subdivision’ of 144.00-acre TMP 6859-00-903925 & 960793 within the Residential Development (RA5) District into a 5.00-acre residential building lot and a 139.00-acre remaining lands parcel, all as depicted or otherwise described on a Engineers Map entitled ‘Warren Subdivision Plat’ prepared by Rennia Engineering Design, PLLC dated 6/4/2019, last revised date 9/19/2019 and being the subject of a Negative Declaration (Determination of Non-Significance) heretofore issued by the Planning Board:

WHEREAS, the matter having come before the Town of Union Vale Planning Board for a public hearing on August 8, 2019, which hearing was closed on October 10, 2019,

NOW THEREFORE, be it resolved that the Town of Union Vale Planning Board determines this to be a minor subdivision and, after having considered the application, plat, Environmental Assessment Form, the presentations made during the public hearing and meetings of this Board, as well as all other documents submitted, does determine that:

The application is for an Unlisted Action under the New York State Environmental Quality Review Act, and that this Board will conduct an uncoordinated review, and after considering the Environmental Assessment Form, and the documents proceedings details above, authorized the Chairman to answer “No” to the questions in Part II of the EAF, and determines that granting this

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application will have no adverse environmental impacts, and authorizes the Chairman to execute a Negative Declaration, and It is further resolved , that this subdivision application is approved, subject to:

1. Applicant submitting within 180 days the subdivision plat as a non-jurisdictional subdivision or “for filing purposed only” by the Dutchess County Department of Behavior and Community Health, and
2. Payment of all outstanding fees, including a one-lot driveway fee in the amount of \$1,000, and reimbursable amount due to the Town of Union Vale, and
3. Based on this Boards determination that it would not be appropriate to require that park land be set aside in this subdivision, that the applicant pay a one-lot cash in lieu of land recreation fee to the Town of Union Vale for deposit to the Recreation Trust Fun in the amount of \$ 4,000, which condition is based on the creation of additional burden upon the Town’s recreation facilities caused by residential development, and

NOW a motion was made by Board member Pasquale Cartalemi and seconded by Board member Alain Natchev to adopt the above-stated resolution and;

The below roll call vote was taken by the Chairman:

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

Whereupon the Chairman declared the Resolution:

Adopted	5
Defeated	0

Resolution certified and filed:

Joan Miller, Land Use Secretary

October 10, 2019

**Prosciutto Properties, Inc.
1867-1875 Route 55
Lagrangeville, NY 12540**

**Regular Meeting 3
Site Plan**

Chairperson Kevin Durland asked for a motion to open the public hearing, motion by Board member Scott Kiniry, seconded by Board member Pasquale Cartalemi.

Chairperson Kevin Durland welcomed the applicant, Patricia Campanaro and her son Chris Calgero.

Patricia Campanaro explained to the Board and public present that the original site plan was not able to be located from the early 1990’s, so she presented the Board with a survey map depicting the current site with intended permitted uses, retail sales landscape materials and automotive repair. Ms.

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Campanaro explained that she has been working diligently with the Planning Board and George Kolb, Zoning Administrator to complete this process and feels as though they are near completion.

Mrs. Campanaro distributed to the Board and the file for the record, a new Site plan with the requested changes from the last Planning board meeting. On the new Site plan it depicts the display area on the West side of the building behind the existing fence, which will be screened. Mrs. Campanaro also stated that her son, Chris spoke to George Kolb, Building Inspector, regarding concerns the NYSDOT had with the large boulders that sit in front of the fence on the East side of the property, and she will follow up with George regarding this removal of them.

With no further questions from the Board or public, Chairperson Kevin Durland closed the public hearing, seconded by Board member Alain Natchev, and read the following resolution for the Boards consideration:

**RESOLUTION
SEQR and SITE PLAN
PROSCUITTO PROPERTIES, INC. – OWNER
Tax Parcel 6660-00-0384427, 1867-75 NYS Route 55
TOWN OF UNION VALE PLANNING BOARD**

DATE: October 10, 2019

WHEREAS, the Owner-Applicant operates a commercial enterprise at the above property in the C-2 Zoning District, and **WHEREAS**, by Resolution of November 21, 2001, which was adopted following a public hearing and the adoption of a SEQR Negative Declaration, this Planning Board approved the issuance of a site plan and a special use permit to allow a change of use at the property to include “the retail sale of landscape products, as a type of ‘equipment, storage and sales yard’ . . . “, a copy of which minutes are annexed, and

WHEREAS, despite a diligent search, neither the Town nor the Owner-Applicant has been able to locate an executed Site Plan plat for the November 21, 2001 approvals, and

WHEREAS, Code Enforcement Officer Kolb has determined that the display and retail sale of residential garden sheds at the site is included within the allowed use of “the retail sale of landscape products,” and

WHEREAS, in order to clarify the allowed site layout use and development, Applicant has submitted a March 20, 2019 Site Plan application, an Environmental Assessment Form dated March 22, 2017, and a proposed “Site Plan for Proscuitto Properties, Inc.” last dated July 18, 2019,

NOW, BE IT RESOLVED, that the Union Vale Planning Board finds that this restoration of an existing facility for Code compliance purposes is a Type II Action under SEQRA, is requiring no environmental review, and

FURTHER RESOLVED that the Application to approve this Site Plan plat is granted, which plat may be executed by the Chairperson upon fulfilment of the following conditions:

1. The replacement, and future maintenance as needed, of the slats in the fence along Route 55 with slats of a common color, and
2. Revision of plat Note #10 to reflect the actual parking space county of 28, and
3. Compliance with all NYSDOT requirements, and
4. Payment of all fees and escrow balances.

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OFFERED BY: Board member Scott Kiniry, SECONDED BY: Board member Michael Mostachetti

The below roll call vote was taken by the Chairman:

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

Whereupon the Chairman declared the Resolution:

Adopted	5
Defeated	0

Resolution certified and filed:

Joan Miller, Land Use Secretary

October 10, 2019

REGULAR SESSION (NEW BUSINESS)

**Brian F. Scoralick
312 Pleasant Ridge Road
Poughquag, NY 12570**

**Regular Meeting – 1
Lot Line Adjustment**

Applicant proposing a lot line adjustment between three parcels to meet the current setbacks within the R1 district, TMP # 6859-00-492895, 461905 & 467943, of said parcels, 467943 will remain unchanged, 461905 will decrease by .990 acres to 2.25 acres and 492895 will increase by .990 acres to 8.17 acres.

Mr. Brian Scoralick was present representing himself. Mr. Scoralick stated that all of these properties are owned by his family or relatives and they are proposing this “alignment” to better serve the existing properties with some lines that overlay into adjoining properties. Mr. Scoralick explained that there are no new lots that are being created, two of the three lots will be effected by approximately .99 +/- acres being adjusted to each lot, the third lot acreage will not be affected.

Chairperson Kevin Durland asked Mr. Scoralick if there was an easement for the driveway that is on the Nichols property and yours. Mr. Scoralick stated no, the driveway is a double wide with the property peg in the center of the driveway, so half of the driveway off Pleasant Ridge Road is on my property and the other half is owned and accessed by the adjacent property. The Town Attorney, James Nelson explained that an easement is a good thing to have in place, even if all the properties involved are family, it is a good thing to have incase the properties ever were sold in the future. Chairperson Kevin Durland stated that it is an option to look into Mr. Scoralick.

With no further questions from the Board, Chairperson Kevin Durland deemed the application complete and deemed it a Type II action per SEQRA and asked for a motion to set up the public hearing for

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November 14, 2019 at 7:35, motion by Board member Alain Natchev, seconded by Board member Michael Mostachetti and unanimous vote of Board members present.

James & Erminio Bisceglia
141 N. Clove Road
Verbank, NY 12585

Regular Meeting – 1
Special Use Permit
Accessory Apartment

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

Mr. James Bisceglia was present representing himself. Mr. Bisceglia explained that he was before the Planning Board years ago for a Special Use permit to legally rent the apartment, but never followed up with finalizing the approval. Now years later he explained that he would like to rent the apartment to help supplement income to cover the taxes on the property. Mr. Bisceglia stated that he had intentions of removing the apartment that has been vacant, but George Kolb, Building inspector stated it was really nice and explained that I could go before the Planning Board for a special use permit to legalize it.

Chairperson Kevin Durland asked if there is Board of Health approval for this accessory apartment. Mr. Bisceglia explained that there is a separate septic, but the well is shared from the main house.

Chairperson Kevin Durland stated that the well needs to be separate from the main house, and the first step is to contact the Board of Health and verify that the separate septic is approved and get well approval, which may incur drilling a new well to facilitate the apartment separately.

Board member Pasquale Cartalemi asked if the current driveway has parking for four vehicles, it is not depicted on the plan and needs to be depicted. Mr. Bisceglia stated it does have enough parking and will get it noted on the plan.

Chairperson Kevin Durland and the Board members briefly discussed the application and noted some incompleteness, including the survey map was not up to date and asked that the driveway be depicted on the plan parking spaces for four vehicles. Chairperson Kevin Durland referred Mr. Bisceglia to contact George Kolb, specific to code section 210-56 1b5, regarding separate sanitary facilities and have Mr. Kolb interpret.

Steven Habiague
Owners: Janet Prince & Lawrence Gerschel
124 Route 22
Pawling, NY 12564

Regular Meeting – 1
2 Lot Subdivision
Quinlan Rd

Applicant applying for a 2 Lot Subdivision of TMP 6860-00-692660 (56.439 acres), proposed lot 1 to contain 26.408 acres and proposed lot 2 contain 30.031 acres in the RD10 district.

Applicant Steven Habiague and Deane Leonard were present. They displayed a map of a proposed larger subdivision off Mountain Creek Road, which would be accessed through Quinlan Road from the two lot subdivision that is being proposed from the lands of Janet Prince & Lawrence Gerschel.

Mr. Habiague explained that they sold the property to Janet Prince and Lawrence Gerschel in 2016, but on the transfer of sale it was subject to reconvey 26.44 acres at a nominal price. Mr. Habiague stated

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that he has purchased the 26.44 acres of property back and would like to proceed with the two lot subdivision of this property.

Chairperson Kevin Durland stated that a comment letter was received by the Town Engineer, Thomas Harvey, today, October 10, 2019 and gave a copy to Mr. Habiague.

After much discussion between the applicant, Board members and the Town Attorney, it was explained by Chairperson Kevin Durland to Mr. Habiague that in order for the Planning Board to move forward, the applicant needs to address the comment letter from Thomas Harvey dated October 10, 2019, and submit a complete application for Subdivision, including all the required documents, before the Planning Board can move forward.

REGULAR SESSION (OLD BUSINESS)

**RRC Holding Inc.
11 Potter Lane, Lagrangeville, NY 12540
Site: Liberty Way, Lagrangeville, NY 12540**

**Regular Meeting 2
Subdivision**

The clerk stated that Povall Engineering submitted to the Zoning Board of Appeals for the September 3, 2019 meeting for two road frontage area variances, but there could not be any representation at the meeting, therefore the ZBA deferred action on the application until the October 1, 2019 meeting.

The clerk stated Povall Engineering will not be present at tonight’s meeting due to a scheduling conflict, but the applicant has made an application to the Zoning Board of Appeals for two area variances for the road frontage, and the ZBA determined the applications are complete at the October 1, 2019 meeting and set up the public hearing for November 5, 2019.

Chairperson Kevin Durland explained that the Engineer will not be at tonights meeting due to a scheduling conflict, but after receiving a comment letter from the Town Engineer, Thomas Harvey dated today, October 10, 2019, Chairperson Kevin Durland asked the clerk to forward the comment letter to William Povall, RRC Holdings engineer to address and submit before the next Planning Board meeting agenda deadline of October 24, 2019 to be on the November 14, 2019 Planning meeting.

ADJOURNMENT:

Chairperson Kevin Durland made a motion to close the meeting at 9:30 pm, seconded by Board member Michael Mostachetti 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, November 14, 2019**. The Agenda for the meeting will close on **Thursday, October 24, 2019** 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,

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Joan E. Miller
Planning Board Secretary / Clerk

Annexed documents:
Public hearings: Warren Subdivision
 Prosciutto Properties