

TOWN OF UNION VALE PLANNING BOARD

MINUTES OF THE REGULAR MEETING

May 17, 2017

BOARD MEMBERS PRESENT: Chairperson Kevin Durland, Board members Pasquale (Pat) Cartalemi, Alain Natchev, Michael Mostachetti, Karl Schoeberl, Kaye Saglibene Scott Kiniry and Alternate Ralph Mondello

Alternate Members and Members absent: Alternate John Rapetti

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 posted, motion by Board member Scott Kiniry, seconded by Board member Pasquale Cartalemi, accepted unanimous vote of the Board members present.

• **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 defer the acceptance the Minutes of the Regular Meeting of April 19, 2017 to the June 21, 2017 meeting, motion by Alain Natchev, seconded by Kaye Saglibene and unanimous vote of the Board members present.

REGULAR SESSION – APPLICATION SUBJECT TO PUBLIC HEARINGS:

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 4,032 gross square foot (SF) legally pre-existing, noncomplying 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.

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Town Planner Liz Axelson, discussed with the applicant and the Planning Board members that there was an issue with the publication for the legal notice in the Poughkeepsie Journal. The notice was emailed to the paper on May 3, 2017 and a notice was sent back on Thursday, May 4, 2017, stating the account was disabled and to contact the finance department. The clerk's next scheduled day to work was Wednesday, May 10, 2017, the clerk re-sent the notice and notified the Town Clerk of the issue, the notice was published on Saturday, May 13, 2017, according Town code, the notice needs to in the paper five days prior to the hearing, not the day of hearing; therefore it is my suggestion to direct the Planning Board to continue this public hearing to the June 21, 2017 Planning Board meeting and re-notice in the Poughkeepsie Journal for such date.

Town Engineer, Larry Paggi outlined the format how the meeting was going to be conducted, the applicant would make their presentation, everyone in the public will be given an opportunity to comment that has signed up and will be limited to three minutes, those comments will be received, then given to the applicant, the applicant will then respond to them, and they will become part of the public record. This is not an opportunity to be a discussion between the public and the applicant, it is only receiving comments.

Tanna Kiniry made a presentation regarding the proposed gas station/convenience store. Mrs. Kiniry stated that is opened in 1933 and was a gas station car repair shop. Mr. Hitsman died, and they stopped selling gas, the tanks were removed in the eighties, and it continued on repairing cars. Ms. Hitsman determined it was not financially feasible to continue with repairing cars there, so she closed the shop last year and we purchased the property. What we are proposing is to have a gas station and convenience store, it makes sense, and car repairs do not. We are going to keep the property the same, the colors of the proposed building are going to blend with the Neighborhood District Zoning, keeping it quaint. The only things that we are adding/changing to the site is the garage bays will be changed to windows, and a canopy over the gas pumps, that will protect the patrons from the inclement weather. There is plenty of parking, with 20 spaces and it will be compliant with ADA accessibility, including bathrooms. Most of the landscaping is already there, these are mature trees that were probably planted in 1933, and we will keep the trees, keeping with the spirit of the Hamlet. The illuminated lighting be cast downward, not interfering with adjacent properties. To the South of this property is the Union Vale Fire Department, along the boarder there is a 6 foot high stockade fence, that will separate our property from the parking lot of the Fire Department. To the rear of the property, there is woods, through the corner of the woods, you see one residential house, owed by Billen, behind the mature trees, and the rest surrounding border of the property is a hedge row with mature trees. Other surrounding properties are commercial, a Post Office, restaurant and a retail pool shop. We would like to see this property cleaned up and become an asset to our Town, a convenience for our residents and bring revenue to the tax base.

Mr. Donald Feegan, Engineer for the project, spoke briefly regarding preliminary soil testing, it has been determined that there is sufficient space for a septic system, and will be going through the Dutchess County Health Department to get formal approval. The underground gasoline tanks will be dealt with according to the NYSDEC regulations, and we have already been in contact with them and they have explained the process to us. All of the work that needs to be done, will be done under the jurisdiction of the proper authorities. We met with the NYSDOT engineer and discussed the driveway entrances and have achieved conceptual approval with the NYSDOT. Mr. Feegan explained that there are several existing catch basins in place, and does not believe there will be any drainage issues. Mr. Feegan reiterated that they will be working closely with all the involved agencies to ensure all the proper procedures are implemented and followed.

Chairperson Kevin Durland asked for a motion to open the public hearing, motion by Alternate member Ralph Mondello, seconded by Kaye Saglibene, and unanimous vote of the board members present.

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Chairperson Kevin Durand called, Lisette Hitsman.

Lisette Hitsman, Verbank, NY.

Ms. Hitsman stated she is very much for the project, there is no gas anywhere in Verbank, and we had pumps there for years, but had to take them out. I think it is a well thought out plan, consultants have reviewed it many times, and Mr. Kiniry has responded to those reviews very favorably. It's about time we get something in Verbank to add to the assessment roll, I feel that this is a very applicable thing to do, gas station and convenience store.

John Welsh, Town of Union Vale

Resident most of my life, we have 37 square miles of town here and no gas station. We have very little commercial property in this Town, nobody likes to pay property taxes, and right now we are only collecting \$13,000 dollars a year from commercial properties. This would help offset some of that, it will go a long way to relieving some taxes for the residents. I am a long standing member of the rescue squad, we need gas, we are there day and night, and it would be very helpful to have gas and a convenient store available for members of the rescue squad and fire department and residents. I would like to see this get approved as soon as possible and move forward. This is nothing new, it has been a gas station for 84 years, and let's get it done.

Steven Frazier, Lagrangeville, NY

I have been an advocate of our commercial zones since I took seat on the Town Board. I think this is a good project, very pleased that they are maintaining the retro look of the building and surrounding area, I think that is very fitting for the Verbank hamlet. I support this fully and I think the residents need a spot between Millbrook and Billings for gas/convenient store, and would like to see this move forward.

Jane Geisler, Verbank, NY

I wrote letters in January/February outlining my concerns, 1) Pedestrian accidents with the increased traffic, 2) Electric charging station would be appropriate 3) Traffic study in regard to speed limits, and 4) is the drainage on Route 82 discharging into Sprout creek.

John McKee, Verbank, NY

Nobody has mentioned, but the current building is an eyesore. No offense to the previous owner, but we have a new owner that is willing to put some money into it and fix it up. I am a runner and run out here all the time, I drive through this area on my way to work and it would be great to have a place to get gas, it was a gas station, keep it a gas station. It would give this area a sense of community.

Dan Richards, Verbank, NY

Lived in the Verbank area for approximately 30 years, I lived in four different locations. At the time when I was on Milewood Road, I was also on the Town Planning Board, in that Planning Board stage I was involved in the Fountains of Millbrook expansion, and Waterbury Meadows, Brookside subdivisions and the Links of Union Vale, I was involved in all those big projects, and they went fairly smoothly through the process. Rightnow I am the Chairman of the Union Vale Fire District and Chairman of the Union Vale Fire Advisory Board, one of the things that bothers me the most, is back in the day when I was on the Plannning Board, Paul Heslin the former Chairman, would never allow the consultants to conduct the meeting, he was Chairperson for, and I can't understand why the Consulants were discussing how this meeting is going to run, when you are the Chairperson for the Planning Board. I also dropped off a letter from the Union Vale Fire District that was received by the clerk and we are 100% in support of the project.

Michael Myers, Verbank, NY

I've lived in the Verbank for quite a long of time, I live On the Green within sight distance of the proposed project. I am in support of the project as long as the applicant follows all the rules and regulations according

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to all the involved agencies, I see this as a good opportunity for the Hamlet. We have seen a restaurant, NeJames pools and the Post office get refurbished/facelift that look spectacular. The firehouse is always in very good condition, and the application for a gas station/convenient market just seems to make sense.

Rhett Myers, Poughkeepsie, NY

I am a local golf professional and commute quite frequently from Union Vale. I can't tell you how many times I have commuted through Union Vale on Route 82 and there is a need for a gas station exactly where this one is being proposed and I am in support of the project.

Jeff Sendrick, Union Vale, NY

I am completely in support of this project. Aesthetically, I believe it is going to be a great improvement over the existing garage, we need gasoline and from the convenience standpoint, we could use a convenience store to pick up items without going to Millbrook or Billings.

Peter Rossi, Millbrook, NY

It would be great to have diesel and gas to fuel my vehicles and I am in support of this project.

William Sadler, Verbank, NY

I have some concerns, 1) the NC Zoning, it is primarily supposed to be preserved, savoring the hamlet community, I can see where a convenience store might answer that requirement, but gas station, feels like that anyone that goes by will be getting gas and will be bringing an increase in traffic to the Hamlet, which does not meeting with the NC Zoning, keeping with the spirit of the Hamlet of the area. 2) The Type II action, which means there is no environmental impact, but there is a stream across the street, and some 80 years of accumulated oil and transmission fluid in the ground, has anyone done an independent Site assessment of the soil, water before you go ahead digging it all up and exposing whatever has been dumped there on the last Century, rain will wash all of this downstream and in the wells downstream will be affected. 3) We came here because of the quiet rural antique nature of this Town, and a canopy does not fit, it will stick out like a sore thumb and once you've lost the charm, you've lost it. There is gas four miles in one direction and five miles in the next, with both mini marts.

Marni Bakst, Verbank, NY

I am not in favor of this project. I was horrified that the Engineer stated that the runoff goes into the stream. What happens if gas seeps through the blacktop and what happens with all the run off from the large canopy that is being proposed. Has anyone submitted flood plain map, what happens if the creek overflows, the creek that runs across from our property is down in a ravine that is probably 20-30 feet down, and that creek has overflowed the Road onto our property. I would think that it is good business practice, to do an independent floodplain study or assessment, all respect to the previous owners, there were no regulations, people dumped oil and other stuff into the soil, and once you dig it up it disturbs it. Who is liable for what might happen to people downstream from this project, the owners, the Town or this Board.

Kevin McGivney, Union Vale, NY

I live in the Northeast part of time. The closest gas station for me is a 15 minute drive for me, and I want to reiterate the convenience of this gas station for me. It was a gas station, keep it a gas station, makes senses to me and I am in support.

John McGivney, Union Vale, NY

I have been a Planning Board member for 25 years for the Town of Kent, I looked at a lot of things my whole life, 25 years ago we didn't want cell phone, cell towers and now in today's age none of us could live without a cell phone. Convenience stores and gas stations do a lot for the community, it is where they stop and call to find out if someone needs a container of milk or a coffee. It benefits the Town and it also benefits the residents of the Town having something this convenient.

After discussion between the Board members and the Chairperson, Chairperson Durland offered the following resolution for the Boards consideration:

D R A F T
Resolution: Resubmittal of Referral;
Continue Concurrent Special Use Permit and Site Plan Public Hearings
Kiniry Special Permit & Site Plan

“The Town of Union Vale Planning Board hereby acts as follows in the matter of an Application known as Kiniry Special Permit & Site Plan under Town Code Chapter 210 Zoning for redevelopment of an existing gas station site for use as a convenience store and gas station at a site located at 3389 Route 82, Verbank in the NC (Neighborhood Commercial) Zoning District, as described or otherwise depicted within supporting information including site plans prepared by Donald P. Fegan, PE, dated October 25, 2016, revised April 18, 2017, and May 5, 2017:

1. Continues the Special Use Permit and Site Plan concurrent public hearings to June 21, 2017.
2. Requires publication of an updated Public Hearing Notice in the newspaper for the continued public hearing on June 21, 2017.

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

The below roll call vote was taken by Chairperson Durland:

Member Pasquale Cartalemi	Aye
Member Scott Kiniry	recused
Member Michael Mostachetti	Aye
Member John Rapetti	absent
Member Karl Schoeberl	Aye
Member Alain Natchev	Aye
Alternate Member Ralph Mondello	Aye
Alternate Member Kaye Saglibene	Aye
Chairperson Kevin Durland	Aye

and the Chairperson declared the Resolution:

Adopted 7 Defeated 0

Resolution certified and filed:

Joan E. Miller
Planning Board Secretary / Clerk

May 17, 2017

REGULAR SESSION (NEW BUSINESS)

Clove Valley Rod & Gun Mine Reclamation Plan Special Use Permit Review; 9 Clubhouse Lane, LaGrangeville, NY 12540; Parcel Grid # 6761-00-873563; Owner: Clove Valley Rod & Gun Club; - This proposal involves a Special Use Permit, Site Plan and SEQR Review to continue mining and reclamation activities in a 2.15-acre portion of a 10.29-acre NYSDEC permitted mine area. The site is located in the RD10

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(Rural Development 10) zoning district on a 693.20-acre-site; and the proposed action is an Unlisted Action under SEQR.

Kevin Durland welcomed the agent from Mr. Graminiski representing Clove Valley Road & Gun Mine Reclamation.

Mr. Graminiski’s office displayed a site plan and explained that this is a continuation request to continue mining and reclamation activities in a 2.15 acre portion of a 10.29 acre NYSDEC permitted mine area. The site is located in the RD10 zoning district on a 693.20 acre site; and the proposed action is an Unlisted Action under SEQR.

With no questions from the Board members present, Chairperson Kevin Durland read the following resolution for the Board’s consideration:

D R A F T
**Resolution: Determining No requirement for full Site Plan review
for the Clove Valley Rod & Gun Mine Reclamation Plan Special Use Permit**

“The Town of Union Vale Planning Board hereby acts as follows in the matter of an Application known as the Clove Valley Rod & Gun Mine Reclamation Plan Special Use Permit under Town Code Chapter 210 Zoning to continue mining and reclamation activities in a 2.15-acre portion of a 10.29-acre NYSDEC permitted mine area on a site located at 9 Clubhouse Lane, LaGrangeville in the RD10 (Rural Development 10) zoning district, as described or otherwise depicted within supporting information including site plans prepared by Mark Gramminski, PE, LS, Consulting Engineer and Land Surveyor dated April 19, 2017:

1. Determines that the project does **not** require full site plan review.
2. Requests submittal of an agricultural data statement.
3. Determines: the proposal is an Unlisted Action under SEQR; an uncoordinated review will be conducted; and establishes itself as Lead Agency for the SEQR review.
4. Makes a 239 Referral to the Dutchess County Planning Department under General Municipal Law Section 239 l, m and n.
5. Sets a Special Use Permit public hearing for June 21, 2017.”

A motion to adopt the above-stated Resolution was made by 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	absent
Member Karl Schoeberl	Aye
Member Alain Natchev	Aye
Alternate Member Ralph Mondello	non-voting
Alternate Member Kaye Saglibene	Aye
Chairperson Kevin Durland	Aye

and the Chairperson declared the Resolution:

Adopted 7 Defeated 0

Resolution certified and filed:

Joan E. Miller
Planning Board Secretary / Clerk

May 17, 2017

Dawn Sunn Corp Gas Station Special Use Permit and Site Plan Review; 3122 Route 82, Verbank, NY 12585; Parcel Grid # 6662-00-310831; Owner: Dawn Sunn Corp (Walid Ghannan); - This proposal involves a Special Use Permit and Site Plan and SEQR Review to continue the existing uses on the site: deli, pizzeria and apartment in 2 buildings, including an existing 4,290 gross square foot (SF) building; and to add gasoline pumps and construct a 700 SF canopy. The site is located in the NC (Neighborhood Commercial) zoning district on a 1.0-acre-site; and the proposed action is a Type 2 Action under SEQR.

Mr. Bill Rohde was present representing his client. Mr. Rohde explained that his client purchased the Verbank Deli/Pizza approximately five years ago and would like to pursue expanding this business to include gas pumps. Mr. Rohde explained that his client already has the deli and pizza setup and many of his customers thought it would be a great service to the residents of Verbank if he could provide them with fuel for their cars.

Mr. Rohde explained that the building is in the Neighborhood Commercial zoning district and he is proposing to add gasoline pumps and a 700 square foot canopy on the site on the fronting side of the building.

Alternate Board member Ralph Mondello asked about the grading of the parking lot entering in from Route 82, he explained when pulling in off Route 82 there is a steep incline that firetrucks back bumper drag on the pavement, even cars can drag when entering the parking lot, so is this going to be addressed.

Mr. Rohde stated yes, there is going to be some engineering work done to help with that grade.

Some other discussion ensued between the board members, then Chairperson Kevin Durland offered the below draft resolution:

D R A F T

**Resolution: Determining requirement for full Site Plan review
for the Dawn Sunn Corp Gas Station Special Use Permit and Site Plan**

“The Town of Union Vale Planning Board hereby acts as follows in the matter of an Application known as the Dawn Sunn Corp Gas Station Special Use Permit and Site Plan under Town Code Chapter 210 Zoning to continue the existing uses on the site: deli, pizzeria and apartment in 2 buildings; and to add gasoline pumps and construct a 700 SF canopy on a site located at 3122 Route 82, Verbank in the NC (Neighborhood Commercial) zoning district, as described or otherwise depicted within supporting information including site plans prepared by Wilfred Rohde, PE, Rohde, Soyka & Andrews Consulting Engineers, dated April 20, 2017:

1. Determines that the project requires full site plan review.
2. Directs Applicant to submit a Special Use Permit application and address related supplementary zoning standards and requirements.
3. Directs Town Engineer and Town Planner to set Escrow fee amount and Town of Union Vale Code Enforcement Officer to notify and collect, from the applicant, the required Escrow amount set forth.”

A motion to adopt the above-stated Resolution was made by Board member Ralph Mondello and seconded by Board member Karl Schoeberl.

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The below roll call vote was taken by Chairperson Durland:

Member Pasquale Cartalemi	Aye
Member Scott Kiniry	recused
Member Michael Mostachetti	Aye
Member John Rapetti	absent
Member Karl Schoeberl	Aye
Member Alain Natchev	Aye
Alternate Member Ralph Mondello	Aye
Alternate Member Kaye Saglibene	Aye
Chairperson Kevin Durland	Aye

and the Chairperson declared the Resolution:

Adopted 7 Defeated 0

Resolution certified and filed:

Joan E. Miller
Planning Board Secretary / Clerk

May 17, 2017

ADJOURNMENT

Chairperson Kevin Durland made a motion to adjourn the meeting at 10:30 pm, seconded by Board member Scott Kiniry 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, June 21, 2017. The Agenda for the meeting will close on Wednesday, May 31, 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.