

TOWN OF UNION VALE PLANNING BOARD

MINUTES OF REGULAR MEETING

JULY 20, 2016

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

Alternate Members Absent: Rallph Mondello, Kaye Saglibene

Also Present: Planning Consultant Art Brod

CALL TO ORDER / DETERMINATION OF QUORUM

Chairperson Kevin Durland called the meeting to order at 7:30 pm. and determined a quorum was present and conduct business.

BUSINESS SESSION

Acceptance of Minutes. Chairperson Kevin Durland asked for a motion to accept the June 15, 2016 Regular Meeting Minutes. A motion was made by Board member Pasquale Cartalemi, seconded by Board member Scott Kiniry and adopted by unanimous vote of the Board members 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 Karl Schoeberl 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 stated the next Regular Meeting will be on August 17, 2016.

Town Planner, Art Brod and Board member Pasquale Cartalemi noted that the there will be upcoming courses offered by the Dutchess County Federation of Planning School this Fall regarding Planning/Zoning and the NYS Agricultural and Markets Law. He reminded the Board to take advantage of these courses to fulfill their yearly hourly education requirements to serve on this Board.

REGULAR SESSION (APPLICATION SUBJECT OF PUBLIC HEARING)

Dennis Catalano on behalf of Paul Courtien, Owner – 136 Oswego Road – Special Use Permit

Chairperson Kevin Durland opened the public hearing and the clerk read the legal notice into the record.

Mr. Catalano and Mr. Paul Courtien were present and made a brief presentation to the public and board members present. Mr. Catalano explained that they will be removing a bedroom from the upstairs converting the space to an office and that permitted bedroom will become the new bedroom within the addition. Mr. Catalano stated he is aware that Dutchess County Health Department approval will need to be secured and has spoken the Code Enforcement Officer, George Kolb, about this.

Chairperson Kevin Durland asked for feedback from the Board members that visited the site. Board member Scott Kiniry stated that there were no issues with ingress/egress; the parking spaces were adequate. Board member Scott Kiniry did note that the property slopes significantly where the addition is being proposed and asked if there is going to be a full foundation. Mr. Catalano explained the foundation will extend out, and it will be block and there will be a deck off of the addition.

With no further questions from the Board or public, Chairperson Kevin Durland made the motion closed the public hearing, seconded by John Rapetti.

With no further questions or concerns from the Board members present, Chairperson Kevin Durland read the below Conditional Approval Resolution:

Resolution under Town Code Chapter 210, Zoning
Conditional Approval of Application by Dennis Catalano on behalf of Paul Courtien
Special Use Permit (Accessory Apartment within Principal Dwelling)

“The Town of Union Vale Planning Board hereby acts as follows in the matter of an Application by Dennis Catalano on behalf of Paul Courtien, Owner, for Special Use Permit under Zoning Law Sections 210-10 and 210--56(B)(1) for 1-bedroom Accessory Apartment within Principal Dwelling proposed to be created through combination of conversion of existing enclosed garage area and construction of 280 s.f. addition to single-family dwelling on 1.08-acre TMP 18-6661-00-271994 at 136 Oswego Road within the RA-3 District, as described or otherwise depicted within supporting information including a Short EAF Part 1 affirmed by Mr, Catalano, a prior Survey Map of May 11, 2001, by The Chazen Companies, and an unattributed Floor Plan and being the subject of an Application for Area Variances submitted to the ZBA on June 1, 2016, which resulted in the ZBA's grant on July 6, 2016, of requested relief in the matters of minimum required lot area, maximum foundation area ('footprint') of additional to accommodate proposed

use, and maximum square footage of accessory apartment as a percentage of the square footage of the principal dwelling:

1. Determines the proposed use to be consistent with each of the General Standards for special permit uses set forth within Town Code Chapter 210 at Section 210-55.
2. In consideration of the above-cited Area Variance granted by the ZBA (see attached ZBA Decision of July 6, 2016, 2016) further determines the proposed use is consistent with each of the Additional Standards for an Accessory Apartment within Principal Dwelling Caretaker's Cottage set forth within Town Chapter 210 at Section 210-56, subsection B(1), paragraphs (a), subparagraphs [1] through [10], and will further be confirmed by the Town Code Enforcement Officer as to its consistency with subparagraph [11] in the matter of required Dutchess County Health Department approval for sanitary sewage and water supply facilities prior to the issuance of 'any permits' for the Accessory Apartment. See CEO's attached March 21, 2016, zoning determination.
3. Grants the requested Special Use Permit conditional upon requirement that documentation of consistency of the Accessory Apartment with above-cited subparagraph [11] be both presented to and found the satisfactory by the CEO with copy of said documentation forwarded to the Planning Board so as to remove the stated condition and permit the Planning Board's close-out of its project file.

Attachments: ZBA's Decision and CEO's Determination

A motion to adopt the above-stated Conditional Approval Resolution was made by Board member Pasquale Cartalemi and seconded by Board member Alain Natchev.

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
Chairperson Kevin Durland	Aye

whereupon the Chairperson declared the Resolution:

Adopted 7 Defeated 0

Resolution certified and filed:

Joan E. Miller
Planning Board Secretary / Clerk

Date

REGULAR SESSION (NEW BUSINESS)

Bryan and Katie Zittel – 35 Patrick Drive – Special Use Permit

This Agenda item involves initial consideration by the Planning Board of an Application for Special Use Permit for establishment of an Accessory Apartment on a single-family dwelling premises within the RA3 District.

Mr. Rutledge was present and explained both he and his wife are retired which would allow them with the addition of the accessory apartment to watch and otherwise care for his daughter and son-in-law's young children while they both work full-time. The proposed addition is 26' x 34'. It will contain a living room, kitchen, bath and one bedroom. It will be constructed on a full foundation; the garage space under the living unit will be utilized for parking their three vehicles. Mr. Rutledge stated that some variances were required and the Zoning Board of Appeals accepted the required variance(s) application at their July 6, 2016 meeting and are up for public hearing on August 3, 2016.

Board member Pasquale Cartalemi asked if they were removing the 4th bedroom from the principal dwelling. Mr. Rutledge stated yes; we are removing the closet from that room, which was utilized as a den, not a bedroom. Board member Karl Schoeberl asked what is the height of the roof, it is pitched high. Mr. Rutledge stated it is a one level ranch with a full basement. Board member Alain Natchev asked why you are proposing this addition. Mr. Rutledge stated that is to help out our daughter and son-in-law, who work full time and childcare is very expensive, so being retired, my wife and I offered to care for our grandchildren, all living under one roof.

With no further questions from the Board members, Art Brod offered the commentary including a recommended draft Procedural Resolution for the Board's consideration:

The CEO's Zoning Determination of June 6, 2016, as revised on June 15, 2016, clearly identifies the requirements that must be met prior to securing a Building Permit to carry out the proposed construction, being (1) request for and grant of relief by the ZBA from minimum lot area in that the existing lot is a non-complying lot, (2) maximum square footage of addition to accommodate the proposed Accessory Dwelling in that the addition exceeds the authorized 150 square feet in building footprint, (3) maximum percentage of floor area of the accessory dwelling in comparison to the principal dwelling in that the 35% standard will be exceeded. In addition the CEO cites the requirement that one of the four bedrooms within the Principal Dwelling be eliminated to compensate for the water supply demand / sanitary sewage load of the proposed one-bedroom Accessory Dwelling and permit the existing facilities to serve both the principal and accessory dwelling units. The CEO also identified the requirement for approval of a Special Use Permit for the Accessory Apartment, as subject of the present Application, by the Planning Board.

Chairperson Kevin Durland then offered the following Procedural Resolution for the Planning Board's consideration:

**Resolution under Town Code Chapter 210, Zoning
Processing of Application by Bryan and Katie Zittel, Owner
Special Use Permit (Apartment Accessory to a Principal Dwelling)**

"The Town of Union Vale Planning Board hereby acts as follows in the matter of an Application by Bryan and Katie Zittel, Owner, for Special Use Permit under Zoning Law Sections 210-10

and 210--56(B) for a 1-bedroom Apartment Accessory to a Principal Dwelling proposed to be created through a 884 s.f. addition to a single-family dwelling on 1.82-acre TMP 18-6761-00-022032 at 35 Patrick Drive within the RA-3 District, being the subject of an Application for Area Variances submitted to and accepted for processing by the ZBA on July 6, 2016, and as described or otherwise depicted within supporting information including a Short EAF Part 1 affirmed by Mr.Zittel, a prior Survey Map of August 17, 1995, by J, Charles Boolukos, and several unattributed drawings including sketch site plan, floor plans and elevations depicting both the location of the Principal Dwelling and the proposed Accessory Apartment and the layout / design of each:

1. Accepts the Application under Town Code Chapter 210, Zoning, as adequate for Planning Board, consultant and public review upon acknowledgment by the Applicant the Planning Board may not approve the Application unless the requested Area Variances are first granted by the ZBA.
2. Declares the Application be part of a Proposed Action within the classification of a 'Type II Action' for which further environmental quality review is precluded under SEQRA.
3. Schedules a Public Hearing on the Application for Wednesday, August 17, 2016, at 7:35 p.m., and directs the Chairperson with assistance of the Secretary to provide or otherwise cause the noticing in the Town's official newspaper and posting thereof, including on site and with for individual notice to certain adjoining and/or otherwise adjacent owners.
4. Delegates Planning Board members Alain Natchev and Chairperson Kevin Durland to conduct a field visit to the site and report their observations concerning the Application at the time of Public Hearing particularly as concerns (a) the adequacy of existing parking area on the premises to accommodate the additional demand created by the Accessory Dwelling, (b) the proposed vehicular and pedestrian access to the Accessory Dwelling and (c) the location of the proposed construction in relation to any environmental features and the likely effect of the construction / use on those features.
5. Without prejudice to any input that may be received in response to referral, formulated based upon observations during field visit or otherwise received at the Public Hearing, authorizes the Town Planner to prepare a draft Approval Resolution with any appropriate condition or conditions for the Board's consideration on August 17, 2016, or at such later occasion as may be timely. Stated conditions shall include but not necessarily be limited to requirement for implementation of the 'trade-off' cited in the CEO's Zoning Determination, as revised to June 15, 2016, and attached hereto, concerning the total number of bedrooms to be served by existing water supply and sanitary sewage facilities on the premises."

Attachment: CEO's Determination

A motion to adopt the above-stated Approval Resolution was made by Board member Scott Kiniry and seconded by Board member Alain Natchev.

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
Chairperson Kevin Durland	Aye

whereupon the Chairperson declared the Resolution:

Adopted 7 Defeated 0

Resolution certified and filed:

Joan E. Miller
Planning Board Secretary / Clerk

Date

OTHER BUSINESS

None scheduled.

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 Alain Natchev 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 8:15 p.m.

Respectfully submitted,

Joan Miller
Planning Board Secretary

Annexed document: public hearing notice, Poughkeepsie Journal, Courtien Zoning Determination(s) from CEO, George Kolb, for Courtien and Zittel