

TOWN OF UNION VALE PLANNING BOARD

MINUTES OF THE REGULAR MEETING

**JANUARY 18, 2017**

**BOARD MEMBERS PRESENT:** Chairperson Kevin Durland, Board members Pasquale (Pat) Cartalemi, Alain Natchev, Kaye Saglibene, Michael Mostachetti and Alternate Board member John Rapetti

Members and Alternate Members absent: Karl Schoeberl, Scott Kiniry

Others present: Town Engineer, Lawrence Paggi, Town Attorney, James Horan 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, and called upon Alternate Board member John Rapetti to be a voting member at tonight's meeting.

**BUSINESS SESSION**

• **Meeting Agenda.**

Chairperson Kevin Durland asked for a motion to accept the agenda as posted, motion by Board member Pasquale Cartalemi, seconded by Board member Alain Natchev, 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 Alain Natchev, seconded by Alternate Board member John Rapetti, accepted unanimous vote of the Board members present.

• **Minutes.**

Chairperson Kevin Durland asked for a motion to accept the Minutes of the Regular Meeting of November 16, 2016; and December 14, 2016, as transmitted by the Secretary, motion by Pasquale Cartalemi, seconded by Alternate Board member John Rapetti, accepted unanimous vote of the Board members present.

**REGULAR SESSION – APPLICATION SUBJECT TO PUBLIC HEARINGS:**

**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 asked for a motion to open the public hearing, motion by Board member Michael Mostachetti, seconded by Board member Pasquale Cartalemi.

Mr. Richard Renna, P.E. was present representing the applicant. Mr. Renna approached the Board and displayed a map of the proposed subdivision. Mr. Renna briefly explained the project to the Board and the public. The project involves dividing two lots into three, considered a minor subdivision.

Chairperson Kevin Durland described his site visit as having no issues, the existing house(s) are going to be on one lot, not divided onto two lots as they were before. Board member Pasquale Cartalemi sited no wetlands are in the front of the lot, the lot with the driveway was fine and the applicant is in the process of acquiring the necessary easement to access the back lot.

No comments were offered by members of the public during the public hearing.

Town Planner, Liz Axelson stated that the SEQRA determination is of Non-Significance (Negative Declaration) and therefore the Planning Board can take action on the SEQRA Negative Declaration and close the public hearing.

Chairperson Kevin Durland asked for a motion to close the public hearing, motioned by Board member Pasquale Cartalemi, seconded by Alternate Board member John Rapetti, and unanimous vote of the Board members present.

**Prince & Gerschel Special Use Permit Review; Mountain Creek Road, Union Vale, NY 12545; Parcel Grid # 6860-00-692660; Owner: Janet Prince & Lawrence Gerschel;** - This proposal involves a Special Use Permit Review for certificate of visual compatibility to construct a single family dwelling. The site is located in the RD10 (Rural Development 10) zoning district on a 56.439-acre site; and the proposed action is a Type 2 Action under SEQRA.

Chairperson Kevin Durland asked for a motion to open the public hearing, motioned by Alain Natchev, seconded by Board member Kaye Saglibene.

Ms. Janet Prince and Lawrence Gerschel approached the Board and described that they purchased a parcel of property approximately 56 +/- acres in the East Mountain Subdivision. They are planning on building a Single Family house approximately 3,300 square feet that they plan on sharing with their dogs. The house is going to be single story house with a finished basement. The materials they are planning on using for the exterior are going to be kept very rural and natural as to keep with the aesthetics of the wooded property.

Chairperson Kevin Durland as if there is going to be any clear cutting of trees. Ms. Prince replied that they are not going to do any clear cutting, some trees will need to be removed to put in the septic fields, and a small area will be cleared for a meadow. They are not looking to maintain a large area of lawn and are going to keep most of the existing trees intact.

Chairperson Kevin Durland asked if there were any comments from the public.

Mrs. Deborah Gremito, an adjacent neighbor had some questions regarding the setbacks. Town Planner Liz Axelson stated in the RD10 District the side yard setback is 75 feet and rear setback is 100 feet, the placement of this proposed house is within the setbacks. Mrs. Gremito asked the applicant why they positioned their house so close to her adjacent property, especially that the lot they purchased is roughly 56 acres, it is very close to her property line and stated that she can see clearly where the house is going to be. Mrs. Gremito further stated she purchased property in the East Mountain Subdivision largely because of the larger lots, woods and privacy it offered, now her privacy is being taken away by building so close to her lot. Ms. Prince replied that it was the Board of Health that determined where their septic and well needed to be,

and that is how they determined the placement of the house. Ms. Prince explained that the lot they purchase is large, but has wetlands in the front and rear section that are not buildable. Mrs. Gremito asked if the Planning Board had jurisdiction over having the applicant plant some screening trees towards her property for privacy. Chairperson Kevin Durland stated that the Planning Board does not have that jurisdiction and it would have to be something that would have to worked out between the property owners.

Board member Alain Natchev stated that after visiting the site he has no objections. The proposed house is a far distance from the road and there are a lot of trees on the property.

With no further questions from the public or the Board, Chairperson Kevin Durland motioned to close the public hearing, seconded by Board member Michael Mostachetti.

**REGULAR SESSION (OLD 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;**

**D R A F T**

**Resolution: SEQRA Negative Declaration; Close Public Hearing; and Preliminary Approval with Conditions of the 2130 Clove Road Subdivision & Special Permit**

“The Town of Union Vale Planning Board hereby acts as follows in the matter of an Application known as 2130 Clove Road Subdivision for Subdivision and Special Use Permit under Town Code Chapters 192 Subdivision of Land and 210 Zoning for creation of 3 lots for single-family development at a site located at 2130 Clove Road in the Rural Development (RD-10) Zoning District, as described or otherwise depicted within supporting information including subdivision plans prepared by Richard Rennia, Jr., PE, Principal, Rennia Engineering Design, PLLC dated November 30, 2016:

1. Determines that 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) as per the regulations in NY CRR Part 617 based on materials submitted in support of these applications and the reasoning set forth in the Short EAF Parts 2 and 3 prepared for this project.
2. Considers the response to the referral to the Dutchess County Department of Planning and Development under General Municipal Law Section 239 l, m and n.
3. Closes the Special Use Permit and Minor Preliminary Subdivision Plat concurrent public hearings.
4. Determines that due to the site’s topography and environmentally sensitive lands that no suitable land exists on the site for parkland dedication as per Town Code Chapter 192, Section 192-18 C.(3); and accordingly a payment in lieu of parkland dedication shall be required for the creation of 1 new lot, via the subdivision of two (2) lots to create three (3), as a condition of final approval.
5. Approves the Special Use Permit for a Conventional Subdivision and approves the Preliminary Minor Subdivision Plat based on the following conditions:
  - a. Address the remaining comments of the Town Consulting Engineer as set forth in the letter of December 7, 2016.
  - b. Address the remaining comments of the Town Consulting Planner as set forth in the letter of December 7, 2016, specifically comments numbered: C.2 through C.4; D.6.c; and D.6.e through D.6.k.
  - c. Obtain approval of the Open Development Area (ODA) from the Town of Union Vale Town Board.
  - d. Address all final subdivision plat requirements of Code Chapter 192.”

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

DRAFT

The below roll call vote was taken by Chairperson Durland:

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

and the Chairperson declared the Resolution:  
Adopted 6 Defeated

Resolution certified and filed:

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Joan E. Miller  
Planning Board Secretary / Clerk

January 18, 2017

**Prince & Gerschel Special Use Permit Review; Mountain Creek Road, Union Vale, NY 12545; Parcel Grid # 6860-00-692660; Owner: Janet Prince & Lawrence Gerschel; -**

Chairperson Kevin Durland offered the below draft resolution for the Boards consideration:

**D R A F T**  
**Resolution: Close Public Hearing; and Special Use Permit**  
**Approval with Conditions of the Prince & Gerschel Certificate of Visual Compatibility**

“The Town of Union Vale Planning Board hereby acts as follows in the matter of an Application known as the Prince & Gerschel Special Use Permit for Certificate of Visual Compatibility under Town Code Chapter 210 Zoning for construction of a single family dwelling at a site located at Mountain Creek Road in the Rural Development (RD-10) Zoning District, as described or otherwise depicted within supporting information including a residential lot plan prepared by David Beckwith, RA, Architect, Beckwith Group, dated November 29, 2016:

1. Closes the Special Use Permit public hearing.
2. Approves the Special Use Permit for a certificate of visual compatibility based on the following conditions:
  - a. Address the remaining comments of the Town Consulting Planner as set forth in the letter of December 7, 2016, specifically comments numbered: C.1 and C.2.

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

The below roll call vote was taken by Chairperson Durland:

|                           |        |
|---------------------------|--------|
| Member Pasquale Cartalemi | Aye    |
| Member Scott Kiniry       | Absent |



Chairperson Kevin Durland motioned to open the public hearing, seconded by Board member Pasquale Cartalemi. Town Planner Liz Axelson excused herself from the Board, for she is not the authorized Planner for the Town on this project.

Mr. Steven Habiague stated he received the scoping document this afternoon, it is fairly extensive, and he has not had a chance to review it and they are not able to comment on the document at this time.

Mr. James Horan, Town Attorney for the East Mountain project, explained that the scoping document by reviewing the Table of Contents and then reviewing each section in Chapter 3. Mr. Horan explained the alternatives that could be evaluated, then further reviewed existing documentation that will be included in appendices.

After much discussion, Mr. Horan asked if there were any questions. With no further questions, Mr. Horan explained the next step is for the applicant to prepare the DEIS using the scoping document as outlined.

Mr. Steven Habiague suggested that he could prepare a draft DEIS and review it with Mr. Horan. Mr. Horan suggested that Art Brod, Town Planner representing the East Mountain project, and Lawrence Paggi, Town Engineer be involved in this review.

Chairperson Kevin Durland asked if there were any further questions, with no further questions from the public or Board members present, Mr. Durland asked for a motion to close the public hearing, Board member Kaye Saglibene made the motion, seconded by Board member Alain Natchev to close the public hearing, unanimous vote of the Board members present.

## **REGULAR SESSION (NEW BUSINESS)**

None scheduled - No new applications

## **ADJOURNMENT**

### **NEXT MEETING / SUBMISSION DEADLINE**

The next Regular Meeting of the Town Planning Board is scheduled to occur on Wednesday, February 15, 2017. The Agenda for the meeting will close on Wednesday, January 25, 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.