

**UNION VALE TOWN BOARD PUBLIC HEARING RD10 L.L. #1 OF 2025
249 DUNCAN ROAD, UNION VALE, NEW YORK
UNION VALE TOWN HALL 7:00 PM**

PRESENT: Supervisor Steve Frazier

Town Council: Kevin Harrington, Kevin Durland, Kevin McGivney, John Welsh

Town Clerk: Andrea Casey

Highway Superintendent: Ed Kading - Absent

Town Attorney: Ian Lindars – Absent

Supervisor Frazier opened the public hearing at 7:30 P.M. He gave a summary of what the local law would encompass as a town wide code change for RD10 zoning. They are proposing removing “conference center” and replacing it with “wedding venue” which will have a lower impact on the towns rural character. He further explained that all projects set forth would still undergo the process and procedure through the towns planning board.

Public Comment:

Vicky Pitman – Bruzgul Road, spoke about her concerns with the noise from something such as a wedding venue. Although the proposal sounds nice, she does not wish it to be near her home. She is not in favor of this code change.

Luise Chassange, Bruzgul Road, opposes this vehemently as it opens to the door to other possibilities. Although it is not there yet, she feels a for-profit business in a residential area. She feels the country atmosphere is not suitable for a wedding venue. She is also concerned about traffic and Bruzgul already being dangerous and now a commercial venue would include more than cars.

Pat Cartalemi, Rose Court, spoke about issues of the code that need further clarification. This is for business meeting and similar events, or even 3-4-day events. He also pointed out the line ‘no major grading’ there is no definition and should be defined. He spoke about need for more specifics with maximum square footage other than dining a bar facilities in 6,000 sqft. He spoke about the 200 ft from property line and cited 64 decibels travel 200 feet, other areas of issue are outdoor activities and the noise ordinances with variable times, square footage, parking should also be clarified.

Josuha Mackey, representing Amy & Hans Harsidity, did a cost benefit analysis and urges the board to further research issues brought forth in his letter which was also distributed to the Town Board. (Attached)

Robert Stockley, Bruzgul Road, is concerned about Bruzgul and the traffic site distance with new development. He is not in favor of the code change and likes the town the way it is.

Hans Hardisty, Liberty Way, against the RD10 code change and spoke further about the issues with this potential change, he is also upset about the notice to residents about this change. He points out no petition or application has been filed. He is concerned this change is being done for an out-of-town developer rather than in the best interest of the Town. His other concerns are increased traffic, delivery vehicles and overall safety of travel for his family and neighbors. He brought forth a letter of a potential property buyer on Liberty way who will not purchase based on this potential change of code and further cited decrease in property values and it not being in line with the master plan.

Paul Canevari, Bruzgul Road, moved here to enjoy the rural beauty, he is against this code change and has concerns about the traffic, noise, and overall change or character of the Town.

Peter Rodriguez, Liberty Way, is worried about the increased traffic and the potential combination of drinking and driving. He is not in favor of this code change.

Adam Croner, Liberty Way, is against the wedding venue code change, sent an email outlining his concerns. His major worry is how many people oppose this idea and noted the number of people who have spoken out about not being in favor of this change.

Amy Hardisty, is firmly against the RD10 zoning changes, noted the reasons she is against this and cited it conflicts with the town code. She stated this code change is not a simple way of further defining conference center or to remove conference center from the code. She pointed out this also reduced the acreage required from 100 acres to 50 acres, goes against the town noise ordinance from 8:00pm to 10:00pm. Her concerns are that the Town Board reviewed this section of the code with knowledge of a looming application. In her opinion, allowing a wedding venue in this area goes against the Towns master plan. She feels based on these aforementioned items, this is spot zoning and is illegal and this code change is not in the best interest of the Town.

Motion to Close the Public Hearing

Councilman Durland motioned to close the hearing at 7:28 PM which was seconded by Councilman Harrington and were unanimously in favor. Supervisor Frazier noted all comments will be considered.

Due to the letter submitted by Attorney Mackey, the Board will not be voting on the items tonight but they will have discussion.

Comments from residents not in attendance are also attached

UNION VALE TOWN BOARD MEETING FEBRUARY 5, 2025

249 DUNCAN ROAD, UNION VALE, NEW YORK

UNION VALE TOWN HALL 7:30 PM

PRESENT: Supervisor Steve Frazier

Town Council: Kevin Harrington, Kevin Durland, Kevin McGivney, John Welsh

Town Clerk: Andrea Casey

Highway Superintendent: Ed Kading - Absent

Town Attorney: Ian Lindars

Supervisor Frazier opened the meeting with a Salute to the Flag

Motion Approve Minutes: Councilman Welsh made a motion to approve January 8, 2025 meeting minutes which was seconded by Councilman Harrington and all were unanimously in favor.

Supervisor Report

- All agreed to add discussion of park truck for new business and an executive session for town security after new business
- Working on year end reports for county and the state, working with engineer on salt shed will have bid package for review soon
- Check website for status of town hall for closing tomorrow due to the impending storm
- Working on cell tower with assembly and senate
- Attorney Lindars updated the timeline for the cell tower, phone conference with cell tower company and NYS, home rule request, resolution has been sent and bill number secondary resolution and home rule request form to be submitted for the next phase, this is on target, although the time frames may facilitate a special meeting
- Library getting up to speed on the issues and proposition. Continuing to review

Board Member Reports

Councilman Welsh- RD10 vote reviewing zoning and master plan and find consistency and is unable to. Supervisor Frazier Advised to look at report from the planner

Councilman Harrington – staying abreast of the library issue and hopes for a resolution, has been following the park truck feels gas is better than diesel

Councilman McGivney- reviewing correspondence regarding the RD10 code change.

Councilman Durland- speaking to residents about rd10 change and reviewing the master plan

Town Clerk Report

Clerk Casey advised the 2025 recycling center permits are still available. Town of Union Vale is partnering with Town of Beekman for the annual ‘Valentines for Vets’ event this Saturday from 10:00-12:00pm please stop by and make a card which will be distributed to various VFW posts in the area.

Tax Collector Report

Ms. Saglibene reported January 31st had 19% in and today 22%. She is hopeful she can pay fire dept soon. She also advised and credit cards taking up to 72 hours to clear the account. She reminded residents to come in person during the week or Saturday's 9-12.

Recreation Report, submitted by Recreation Director Maggie Collins

Registration for our Summer Camp programs is currently open to town residents only, and will open up to non-residents this upcoming Monday, February 10th. Our team greatly suggests to non-residents that if you do not currently have a household account on our Parks and Recreation website, to do so in advance to allow a smooth registration process. For further information on our Summer Camp programs please visit our Social Media pages, our Parks and Recreation website, or call/email our team at the Parks Office. She gave a document to the Board about the budget changes for the summer camp hourly minimum wage rate and increased responsibility for some positions. She also advised the Board the concession stand manager is retiring and we will need to find a replacement.

Parks Report, submitted by Park Manager Vincent Germano

- We are still taking down Christmas decorations. We are refinishing some of the signs around the park, such as the main Tymor Park sign in front of the park building and the Senior Center sign.
- The changes to the TGTT area were finished last week, which included new carpet and removing a non-structural wall.
- Our dump truck is having multiple problems with the Diesel particulate filter and fuel pressure. The highway has thankfully lent us one of their trucks so we can deal with the snow until we figure out what to do regarding our truck.
- The garage door opener at the 2 Tymor Park Road rental house was very old and kept having problems, so we replaced it.
- Our weekend Maintenance employee has put in his resignation notice. There is a job posting with more details on Indeed under The Town of Union Vale if anyone would like to apply.

Senior Center Report, President of the Senior Club

On behalf of the Union Vale Senior Club (UVSC), I am pleased to provide this update on our recent activities, community initiatives, and upcoming events. Our club continues to grow, offering engaging opportunities for seniors while fostering a welcoming environment for both current and prospective members. With regard to Organizational Updates & Accomplishments With the start of the new year, we welcomed a new Executive Committee, which has been actively meeting for weekly working sessions at the Union Vale Senior Center Mondays through Wednesdays. We have expanded the hours on Fridays from 10 AM to 3 PM.

In January, we celebrated National Soup Month with a Senior Soup Celebration on January 24, which was a great success. Additionally, we launched a Resource Table, providing essential materials, including a feedback box, membership packets, and informational flyers to support community engagement and new member outreach. We also completed a thorough reorganization of the Senior Kitchen and storage areas, including an inventory update for our Medical Closet. Alongside this, we are actively working on proposed bylaw amendments to enhance club operations and sustainability. With regard to Community Growth Initiatives To further increase engagement, we continue to expand our social media presence and provide updates on club activities. Additionally, we have designed professional business cards to help members introduce prospective members to UVSC.

Looking ahead, we are actively planning exciting/025 activities and exploring new event opportunities, ensuring the club remains a thriving and dynamic community resource.

Upcoming Events & Highlights

Friendship February (Open to Prospective Members) Feb. 7: Origami 101-A creative and social activity for all.

Feb. 14: Valentine's Friendship Potluck - Members share a favorite dish while celebrating friendships. Feb. 21: Members-Only Luncheon & Monthly Membership Meeting.

Feb. 28: Game & Craft Da opportunity for prospective members to join in March Madness Month

March 7: Mahjong 101-A professional instructor will teach members how to play.

March 14: Game Day (open to prospective members).

March 21: Members-Only St. Patrick's Day Luncheon & Monthly Membership Meeting. March 28: Game & Craft Day (open to prospective members).

Spring is right around the corner and our Future Planning includes-

May 2: Kentucky Derby Party- We will be streaming the 151st Race and offering delectable delights and creative mocktails with a twist on classic Derby Day favorites.

We are in discussions on proposed New Events: We are discussing hosting a Senior Bazaar (tag sale), a Pig Roast or BBQ, Glamorous Grandparent Day, Gardening Party and having a Union Vale Senior Club booth at Tymor Equestrian Center events. We are exploring cost-effective options for events such as a BBQ or pig roast, with estimated costs and vendor discussions underway. The Union Vale Senior Club continues to thrive with strong community engagement, exciting events, and expanding membership opportunities. We appreciate the town's continued support and look forward to enhancing the lives of our senior residents.

Public Comment Agenda Items- None

Deputy Code Enforcement Officer Discussion

Good evening everyone. At my request Supervisor Frazier has allowed me to speak to the board concerning the future of the Union Vale building department and my concerns with the adopted budget for the 2025 year. For those of you that have yet to interact with my office my name is George Kolb the acting building, Zoning, Fire official for the Town of Union Vale.

I was hired approx. 15 years ago, by Supervisor Lisette Hitsman and previous councilman Steve Frazier and current councilman John Welsh. I guess I can surmise that the fact that I am seldom asked to attend these Town Board meetings shows the elevation of professionalism, efficiency of my office since my tenor, as well as showing the respect to the residents of this town. Since my hire, I firmly believe that this building office has become one of the most respected and efficiently run in all of Dutchess County, bar none. From the turnaround time of processing permits, to acting on complaints and compliance to building and town codes. As some of you are aware I've made the, somewhat sad decision, to retire at the end of this year and start the next chapter of my life (as they say). In order to have a meaningful transition period I had sat down several times with Supervisor Frazier last Fall to discuss an exit plan that would allow a part time deputy inspector to learn the many faceted duties and responsibilities of this position and nuances of the town. I have witnessed numerous towns and villages that have failed to provide a plan for transition and what disruption that it caused to its residents and the municipality.

A detailed plan with budgeted salaries and anticipated revenue were discussed at length to adequately train a new hire. This was a well thought out plan to the needs of the Town and its residents. As you are all aware during my tenure here, the start of the Covid epidemic in 2020 caused havoc with municipal lock downs. Many of the surrounding building departments simply closed down to the public. This office never closed and was always accessible to your residents and contractors. During that time, I assumed that revenue in my office would drop dramatically. To my surprise revenue in my office met its target for the two years that we endured this epidemic. In each of the following years up to this current year my anticipated budgeted revenue has exceeded by 20-30%. That equates typically from \$20,000 - \$30,000 in additional revenue each year to the town. This you can assume can be correlated to the additional work load for my department. To my surprise, this past budget cycle, the Town board failed to vote for Supervisor Frazier initial budget with a 0 % tax increase. It is my understanding that ultimately a budgeted amount of approx. \$220,000 was inserted to the approved budget for the funding of a library. This proposition for library funding was over overwhelmingly turned down in the last November election. This last-minute change removed both deserved raises for town staff and the addition to a part time deputy inspector for my office. I'm not here to discuss the politics or the need or lack of for a Town owned library. I'm here to try to explain how this will negatively affect the town. I strongly and respectfully request the current Town Board reconsider and amend the 2025-year budget to reflect the initial budget requests from Supervisor Frazier. Your residents deserve to have the building department operate as smoothly and efficiently as it has been for the last 15 years. But more importantly to give the deserved raises to your town staff. I have worked for several municipalities, and as I have always said for the past 15 years, these are some of the finest, thoughtful and hardest working municipal employees I have ever had the pleasure to work with. From the Town highway to the park maintenance workers. The recreation department. The court staff and Constables and All the Town Hall staff in every department. We all provide a service with respect and smile, whether it generates revenue or not. There's an old saying "NOT MY JOB" I have never heard those words in this Town. Every employee always offers to help each other for whatever and whenever their asked. ALWAYS! Every employee always treats

your residents with respect and unending patience. ALWAYS So, I speak for myself and all the employees of this town. Please reconsider these needed and deserved budget amendments. Thank you all for the time for allowing me to speak tonight on these important issues.

DPW Signs by Dutchess County

Supervisor Frazier sent the Board and email explaining DC County DPW is able to print these door deals for a much lower rate than commercial outfits. He would like to join with the Boards approval. Councilman Welsh, McGivney, Durland and Harrington agreed this is a great way to save money and work with the County.

Motion to Join DPW Sign Program

Councilman Harrington made a motion for the Supervisor to contact the DPW and facilitate all paperwork to join this program which was seconded by Councilman Welsh and all were unanimously in favor.

Sponsor LaGrange Little League

Supervisor Frazier explained the fee was \$750, for LaGrange little league, as it has been a longstanding tradition. Councilman Welsh & McGivney agreed to move forward, since Union Vale does not have their own team. Supervisor Frazier offered this could be moved from contingency fund and be drafted for next meeting.

RESOLUTION AUTHORIZING ACCEPTANCE OF AN OFFER OF A HIGHWAY RIGHT OF WAY (ROW) DEDICATION AND A DECLARATION OF A SNOW EASEMENT (See Attached) Vitale Property Snow Easement, asked to approved an accurate map that reflects the existing conditions, this is to allow the closing, there is no cost to the town, map was prepared by Engineer Brian Stokosa.

Park Truck 2016 Emergency Repair

Supervisor Frazier advised the Board the truck needs repair. This truck is set up for ice control and plowing which clears the fire houses and town property. A 2016 truck with rust damage and emissions issues. The repair is close to \$13,000.00 which is worst case scenarios. There was further discussion on this issue.

Motion Repair 2016 Park Truck

Councilman Harrington made a motion to move forward with the necessary repairs which was seconded by Councilman Welsh and all were unanimously in favor.

Budget Amendments

Building Dept Supervisor Frazier said when this was first brought up the entire board was in favor of this to preserve the continuity of the department. This would be a one-time cost and eligible for fund balance. Councilman Welsh suggested this might be an idea for correcting the park salaries. Councilman Durland explained that the budget adjustment was not a reflection on disservice to his department. Mr. Kolb further explained the extreme need for the benefit of the residents and the Town. Supervisor Frazier will have the Town Attorney write up a resolution for a future meeting.

Other amendments will be tabled after further research

RD10 Code Changes – Supervisor Frazier suggested to table the resolution, they are not prepared to vote due to the new correspondence.

Councilman Durland stated there were many fair points spoken about tonight and each hearing. He feels the inconsistency with the time in the code for 10:00pm is contradictory, the 100 acreage, perhaps a traffic study. He pointed out that the resident's tonight were here for a specific lot in the confines of this code change and this could potentially affect many lots in this district. Councilman Welsh noted not a single resident spoke in favor of this change and that the majority of this town is on RD10 and will affect many lots. There was further discussion on the other potential possibilities of what is already allowed within the code and focusing the conversation on the town code change not a specific project.

Public Comment Town Issues

Jean Moore, Darren Road, wrote 7 reasons to abolish the library and cancel the lease with the Union Vale Library. Full report on file in the office of the town clerk.

Laura Lahay, S. Smith Road, in opposition of the library, she feels the proposition is valid and is encroaching completely on the Senior Center. She asks the Board why is this still an issue after a fair vote.

Pat Cartalemi, Rose Court, spoke about the RD10 code change, he brought up issues with this project that were ignored when on the Town Board. He feels that this code change was for the specific developer and cited emails to that affect.

Attorney Eriole stated that no one has said there was not communication about this one particular property or even that it may not have been the impetus for considering this change. What was said was when it was determined it might be a good law to consider, that it would be something the board might find beneficial as a zone change within the RD10, this is not being done for the benefit of one developer or the urging of that developer and feels there as been no indication by this board that they would pass a bad law to satisfy any developer. Supervisor Frazier stated he researched all lots affected by this change.

Amy Hardisty, Liberty Way, stated that there are few restrictions, and feels this change was very specifically reduced from 100 acres to 50 acres to specifically allow this one particular parcel to qualify and that is why she has an issue.

Executive Session Councilman Welsh made a motion to enter executive session to discuss town security, which was seconded by Councilman McGivney and all were unanimously in favor.

Executive Session Councilman Welsh made a motion to exit executive session to resume the regular meeting which was seconded by Councilman Harrington and all were unanimously in favor. Supervisor Frazier advised that no decisions were made and no money allocated.

Motion Approve Minutes: Councilman Welsh made a motion to approve December 18, 2024 meeting minutes which was seconded by Councilman McGivney and all were unanimously in favor, however Councilman Harrington abstained as he was not on the Town Board at the time.

Approve Budget Adjustments, Transfers, Warrants, Pay Bills

Councilman Welsh made a motion to pay the bills and which was seconded by Councilman McGivney and all were unanimously in favor.

Next Meeting February 19, 2025 at 7:30pm

Motion to Adjourn At 8:54 PM Councilman Welsh made a motion to adjourn the meeting which was seconded by Councilman McGivney and all were unanimously in favor.

Respectfully Submitted,



Andrea Casey, Town Clerk

**TOWN OF UNION VALE
RESOLUTION # 20 OF 2025**

**RESOLUTION AUTHORIZING ACCEPTANCE OF AN OFFER OF A HIGHWAY
RIGHT OF WAY (ROW) DEDICATION AND A DECLARATION OF A SNOW
EASEMENT**

WHEREAS, the Town of Union Vale Planning Board on August 10, 2023 granted conditional approval to Joan DeConne, Executrix of the Estate of John J. Vitale, and Rocco Bueti, Jr. and Frances Albanese, Co-Trustees of the Rocco Bueti Trust, the owners of Lots 2, 3, and 4 shown on Dutchess County filed map 5369A, located in the Town's R-10 Zoning District, for a Lot Line Consolidation and Lot Line Adjustment as depicted on a plat prepared by Day/Stokosa Engineering entitled "Vitale & Saglibene Subdivision Revision to filed map 5396", as last revised November 30, 2023 (The "Plat"); and

WHEREAS, the conditions of the above Approval included the receipt by the Town of a Snow Easement and the dedication to the Town of 2,765 sq ft Highway Right of Way, both as shown on the above approved Plat;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Union Vale hereby authorizes the Supervisor and his designees to execute all necessary documents and to otherwise accept the above Easement and highway Right-of-Way, as depicted on Plat and Exhibit A hereto, on such terms and in such form as are acceptable to him after consultation with the Highway Superintendent, Town Engineer, and Attorney to the Town, which include the provision to the Town of good title to the Easement and dedicated lands; and

The preceding Resolution was offered by Councilman Durland who moved its adoption, seconded by Councilman Welsh.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Frazier	Aye
Councilman Durland	Aye
Councilman McGivney	Aye
Councilman Welsh	Aye
Councilman Harrington	Aye

DATED: Union Vale, New York
February 5, 2025



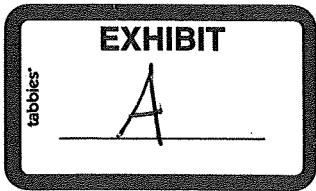
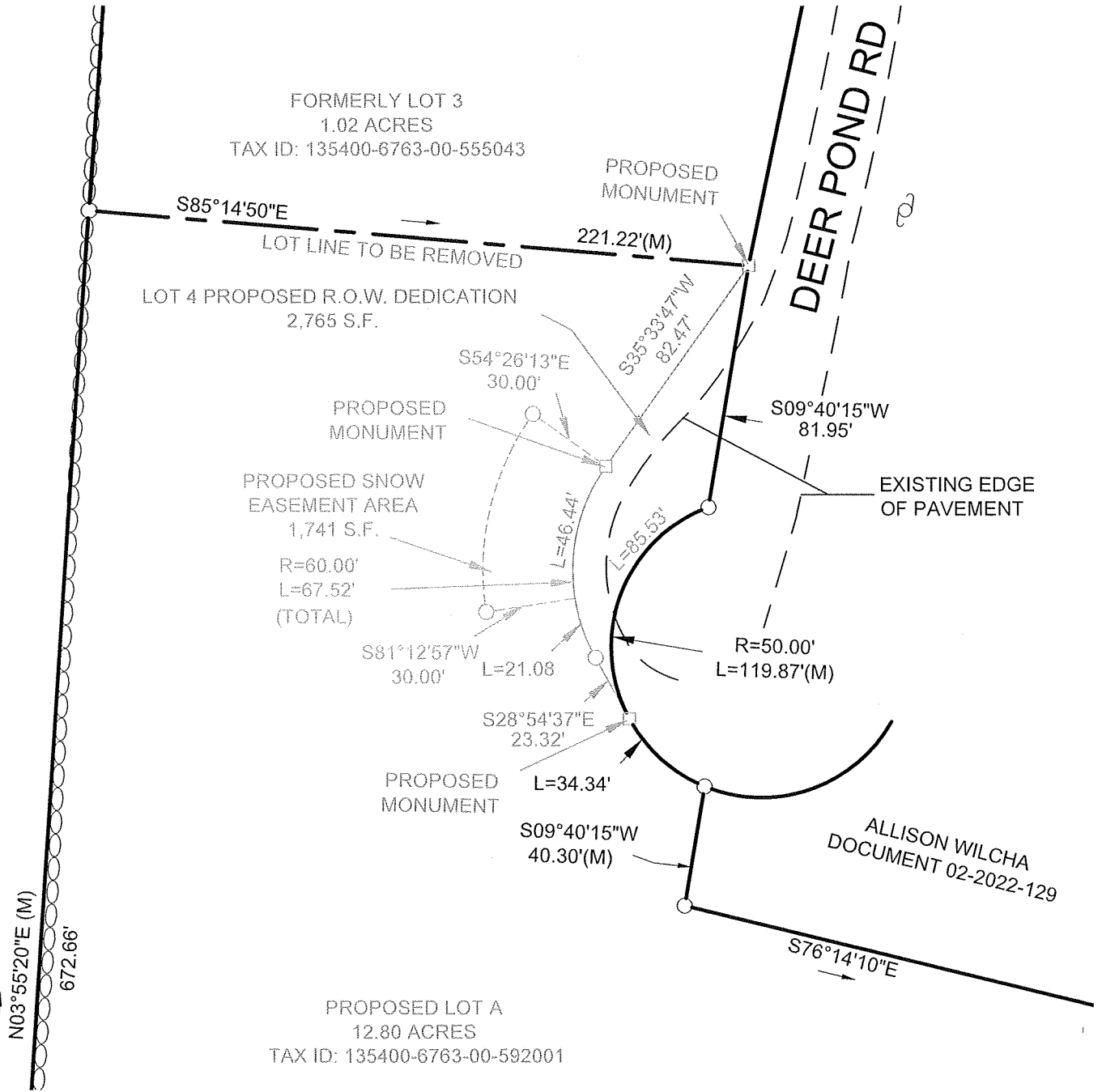
ANDREA CASEY, TOWN CLERK

I, Andrea Casey, Town Clerk of the Town of Union Vale DO, HEREBY CERTIFY that the foregoing is a true copy of a resolution offered by Councilman Durland seconded by Councilman Welsh, and adopted at the meeting of the Town Board, held on February 5, 2025.



Andrea Casey, TOWN CLERK

VERBANK HUNTING AND FISHING CLUB, INC.
LIBER 645 PAGE 544



DAY | STOKOSA
ENGINEERING P.C.

3 Van Wyck Lane
Wappingers Falls, New York 12590
(845)-223-3202

PROJECT
VITALE & SAGLIBENE SUBDIVISION
REVISION TO FILED MAP #5396A
Town of Union Vale Dutchess County, New York

DRAWING
EXHIBIT - A

SCALE 1 = 50'	DRAWN BY BJS	DRAWING NO. 1
DATE 2-5-25	CHECKED BY BJS	1 of 1

From: [Colin M. Martin](mailto:Colin.M.Martin)
To: townclerk.unionvaleny.us
Cc: cheryl_fil_martin; councilmandurland.unionvaleny.us; councilmanmcgivney.unionvaleny.us; councilmanpat@unionvaleny.us; supervisor.unionvaleny.us
Subject: Opposition to change in zoning - Letter for meeting
Date: Tuesday, January 14, 2025 3:29:25 PM

Dear Town Board Members,

We write to you to express our **strong objection** to the proposed changes to the local zoning law that would allow catering facilities within the R-10 District of the Town of Union Vale.

Families in the area live in Union Vale for the peace, quiet, and privacy afforded by large lots, scenic views, and a rural atmosphere. Changing the law would hurt the integrity of our town and create a massive disturbance to the area.

Below is a list of the significant negative impacts we foresee if a wedding venue/catering facility is allowed on Bruzugul Road:

1. **Increased Traffic and Safety Risks:** Most important, the intersection of Route 55, East Noxon, Bruzugul Road is extremely hazardous. This would not only increase traffic from guests and vendors but could also add significant risks due to the higher volume of vehicles, including delivery trucks, buses, and staff. Additionally, a wedding venue could lead to more intoxicated drivers on the road. The road is already in need of a traffic study, but this venue would increase the traffic twofold.
2. **Noise:** The noise from the events and from the trucks delivering food and equipment, guests. The noise travels easily in the area as we are on the top of the hill and could become a significant disturbance to the surrounding community.
3. **Danger:** The blind spot at the top of Bruzugul Road already make it dangerous for children getting off the school bus or for anyone on the street to cross to get our mail. Adding more traffic or, worse, a venue entrance in this area would be a serious safety concern.
4. **Trespassing on our Private Road:** As residents of Liberty Way, we

already face concerns about non-residents using our private road for sightseeing (Sunsets). A catering facility would only exacerbate these issues, with more out-of-town visitors potentially trespassing and increasing traffic in our neighborhood.

5. **Decreased Property Values:** As the property owner that is directly across from the proposed venue would be, my property value would be mostly affected, and we have been informed by a local real estate attorney that this would also impact the value of our land.

6. **Uncertainty in future buildout:** We have no idea what the future are of this business in terms of expanding the venue and therefore, further increasing traffic.

We urge the Town Board to carefully consider the long-term consequences of allowing a venue in this residential area. The potential for disruption to our community's peace, safety, and quality of life is substantial, and is completely counterintuitive to why our residents live here.

I would appreciate being informed about any upcoming meetings on this matter to share our insights further.

Thank you for your time and consideration.

Sincerely,

Colin and Cheryl Martin!
31 Liberty Way

--

Colin M. Martin

MACKEY BUTTS & WHALEN LLP

ATTORNEYS AT LAW

February 5, 2025

Ellen L. Baker
Robert R. Butts
Robert B. Dietz
Richard R. DuVall
Ian S. MacDonald
Joshua E. Mackey
Cara A. Whalen

Hon. Steve Frazier, Supervisor
Members of the Town Board
Town of Union Vale
249 Duncan Road
LaGrangeville, NY 12540

Christina A. Mazzarella
Alexander D. Salvato
Elisabeth A. Schiffbauer

Re: Proposed Catering Facility Law
Our File: 3478.0001

Emily Abrahams
Tyrone Brown
Richard J. Olson
R. Keith Salisbury

Dear Supervisor Frazier and Members of the Town Board:

Our office has been asked by Hans and Amy Hardisty, residents of the Town of Union Vale (Town), to review and comment on the draft of the zoning amendment currently under review by this Town Board (Board).

The legislation before this Board seeks to modify the permitted use of land within the R10 residential district of the Town through the deletion of the existing special permitted use of Conference Center, in place since the adoption of the zoning code in 2002, and replace it with a new special permitted use know as a Catering Facility. While a Catering Facility use was previously defined under the Code, it was not a permitted use in any zoning district of the Town.

It is our position that such an alteration of the land use regulations requires further review and discussion before any action can be undertaken by this Board. We are requesting that the Board table further consideration until it undertakes a more comprehensive review of the environmental and practical impacts of implementing the amendment.

Reply to:

3208 Franklin Avenue
Millbrook, NY 12545
P 845.677.6700
F 845.677.2202

319 Mill Street
Poughkeepsie, NY 12601
P 845.452.4000
F 845.454.4966

81 Main Street
P.O. Box 308
Sharon, CT 06069
P 860.364.6232
F 860.364.6429

As you are aware, a locality’s comprehensive plan provides the framework and backbone for any land use regulations. The Town last adopted its Comprehensive Plan and Zoning Code in December of 2002. At that time the Board included the special permitted use of Conference Center within the Town based upon an analysis including a requirement for 100-acre site and a limitation of 5% development area on that acreage. The current proposal reduces the lot size in half while providing for an intensification of the proposed use on the property.

It is clear that zoning decisions must be based upon a comprehensive plan. While the current “plan” is over twenty years old, any change to zoning still needs to be reviewed in the context of development and benefit to the community. The enabling acts contemplate a comprehensive plan which suggests that the planning, if not the zoning, must encompass the whole territory of the Town. In this case,

and based upon statements made at the December 4, 2024 public hearing, the initial impetus for this change was initiated by the application of Joseph Fuscaldo, and his proposed plan for a catering facility (wedding venue) which he proposed to this Board. Such an application and proposal raises the concern of spot zoning. Rezoning requests made at the behest of any particular land owner (or potential land owner) who expects benefits from the change are susceptible to invalidation as being spot zoning. See, Buckley v. Fasbender, 1 NY2d 681 (1956)

As this Board is aware, spot zoning is a term used to describe an amendment which is invalid because it is not in accordance with a comprehensive plan. Whether the zoning was accomplished for the benefit of an individual owner, rather than pursuant to a comprehensive plan for the general welfare of the community, is a key consideration in determining whether an action is an invalid spot zoning approval. See Greenburg v City of New Rochelle, 206 Misc 28 (Sup. Ct. West. Co. 1954) aff'd, 284 AD 891 (2nd Dept 1954).

While most spot zoning cases deal with rezoning of small parcels of land, rezoning of large areas still can be considered spot zoning if it is out of character with the surrounding area, inconsistent with the comprehensive plan, and primarily intended to provide private benefits. Yellow Lantern Kampground v. Cortlandville, 279 AD2d 6 (3rd Dept 2000).

It is our position that this action needs a thorough analysis of the existing land use regulations and the environmental impacts associated with the adoption of this modification to those regulations. See, Los-Green, Inc. v. Weber, 156 AD2d 994 (4th Dept. 1989). In addition to the inclusion of a use, previously prohibited throughout the Town, the proposal reduces by half the required land size for a commercial operation within a residential zone, increases the intensification of the use, and potentially provides conflicting standards for noise complaints between the hours of the general noise ordinance and the operational hours of the site.

There are additional considerations that this Board should include in its deliberation on this proposal. Many of the articulated complaints associated with this particular use include the traffic generated by such a facility and noise impacts on adjoining residential property.

We urge this board to undertake a more extensive review of the potential environmental impacts associated with a modification of uses which provide the opportunity for a more intensive use of land within the R-10 residential zoned district.

Very truly yours,

MACKEY BUTTS & WHALEN, LLP


Joshua E. Mackey