

**PLEASANT VALLEY PLANNING BOARD**

**January 20, 2004**

**6:30 p.m.**

The regularly scheduled meeting of the Pleasant Valley Planning Board took place on January 20, 2004, at the Pleasant Valley Town Hall, Route 44, Pleasant Valley, New York. Chairman Labriola called the meeting to order at 6:35 p.m.

Members present:     Joe Labriola, Chairman  
                              Henry Fischer  
                              Rebecca Seaman  
                              Scott Craft  
                              Rob Fracchia  
                              Kay Bramson

Also present:         Peter Setaro, Engineer

**1.     MIRABILIO – TWO-FAMILY – SITE PLAN**

This application and plans were submitted for site plan approval on proposed construction of a two-family residence on Salt Point Turnpike.

Mr. Mirabilio was present and explained that the application was for construction of a two-family home on the Salt Point Turnpike site.

Peter Setaro, Planning Board engineer, stated that there were several questions that needed to be changed or answered on the Environmental Assessment Form and that the map that was submitted did not meet the requirements of the Pleasant Valley Code for site plan approval. For instance, there is a whole section, 98-41, where there is a whole list of items that are supposed to be on the map. Some of the things we would like to see on there are: a driveway profile, grading, erosion control measures, parking area, exterior lighting, and a letter of approval from the Department of Transportation for the access road.

J. Labriola: I'm particularly interested in seeing some landscaping details, elevations, materials and colors of roof, siding and lighting. So, when you have a revised plan, contact the Planning Office, and we will put you on our next Planning Board Meeting agenda.

**2.     RICHARD SUBDIVISION – SKETCH PLAN APPROVAL**

This application and plans were submitted for sketch plan approval of proposed subdivision of parcel creating an 11.60 acre parcel with existing residence and a 36.29 acre parcel to remain vacant at 1419 Salt Point Turnpike.

Mr. Richard was present and explained that he was downsizing to a smaller home and keeping some land for hay field for cattle and for his sons' future homes.

Peter Setaro, Planning Board engineer, states that according to the agricultural map, this parcel is listed as agricultural and that there is a small wetland on the 36.29 acre parcel that is being undeveloped, but no need to flag unless the future holds development plans. A letter from the Department of Transportation is needed because this is a subdivision and requires approval of proposed access to the site.

Mr. Richard states that he approached the Department of Transportation and that they said he could not propose a second access until it is subdivided, that they would not give two accesses for one single parcel.

J. Labriola: Conceptual plans requested on the table at this time are: what will the maximum build out be; what will the future septic plans be in conjunction to the other subdivisions, i.e., Beverly Hills and Apple Ridge subdivision proposals going in?

**MOTION BY J. LABRIOLA, SECONDED BY S. CRAFT**

**Motion made that the Planning Board grant sketch plan approval for the Richard Subdivision in the form of the Resolution prepared by the Board's engineer and now before the Board, subject to the following conditions:**

- 1. address Planning Board engineer's letter dated January 14, 2004**

**REVISED TO ADD:**

- 2. conceptual plans for max build out Lot #2.**

**VOTE TAKEN AND PASSED 6-0-0**

J. Labriola: You will have to notify adjacent property owners.

**3. ON THE RUN MOBIL MART – SITE PLAN REVISION**

This application and plans were submitted for site plan revision approval of proposed new canopy lighting and pump decals at 1904 Route 44.

Applicant, Mike Gammel, Project Manager and Manufacturer were present. He stated that they were proposing a re-image of the station to the Exxon/Mobil front. There will be some minor painting, changes in the canopy, and non-structural fascia system. There will be some work done on the pumps under the canopy.

Peter Setaro, Planning Board engineer, reported that we don't have any engineering issues with this application. If we are going to consider this, we should have a revised 3 point EAF prepared. This is an amendment to the original site plan approval, and the application should be sent to the Dutchess County Planning Department.

J. Labriola: We did get a comment letter from them that we read into the record in December. They recommended subdued lighting and some landscaping.

There was a request by the Board to add some landscaping and also to avoid heavy lighting. The Board requested the elimination of some of the proposed lighting before the next meeting.

#### **4. THE COMMONS AT BECKWITH COURT – SITE PLAN**

This application is revised plans submitted for approval of proposed site plan for construction of apartment complex and continued use of existing office on parcel. Several pre-existing non-conforming uses were presently maintained on the property at 1380 Route 44.

Dave Beckwith, owner and architect for the project, was present and explained the plans to make an apartment complex and to phase out the trailer park on site. This would be done in two phases over several years.

Peter Setaro, Planning Board engineer, stated that the site plan was modified. Therefore, before going to the ZBA, this Board needs to go over the plan regarding the areas around the 100-foot buffer encroachments. Setaro thinks the Board is going to want to limit the disturbance within the 100-foot buffer, especially being on the Wappinger Creek as far as sewage and storm water facilities.

#### **5. TACONIC APARTMENTS – SITE PLAN**

This review and discussion of plans are submitted for a site plan approval of proposed construction of a 280-unit apartment complex on Route 44.

(Testimony inaudible)

J. Labriola: I like the look of the building. It's a nice look, and I think it will fit nicely with the landscaping. I like the fact that you have everything tucked nicely in the center, and it maintains a perimeter of vegetation. I would like to see a number of parking spaces minimized here. We will probably set up and do a site visit in February or early March.

Peter Setaro, Planning Board engineer, asked if the County Planning looked at any of the new submission yet. Setaro states that we have all their comments about the impact on the parkway in the beginning.

(Answer inaudible)

#### **6. APPLE RIDGE SUBDIVISION – DISCUSSION**

This is a revised plan submitted for approval of proposed subdivision of parcel creating 5 new residential building lots with approximately 77 acres remaining with existing orchard facility on North Avenue.

Bill Povall, engineer for owner and applicant, explained the project. There is an existing house on the second parcel, and there is a wetland located on the property.

The Board suggested leaving Lot 5 where it is and making common drive off Lot 3 and making some other road frontage along North Avenue to give a second access between Lot 1 and 2 or by Lot 3. The next set of plans needs to reflect this.

## **7. CAPELL SUBDIVISION – DISCUSSION**

This review and discussion of revised plans was submitted for approval of proposed subdivision of parcel creating 7 residential building lots on Fox Run Road and Malone Road.

Henry Fischer and Rebecca Seaman recused themselves.

Steve Alex, Chazen Engineering, introduced two plans: 4 driveways on Malone Road and Fox Run Road vs. one Town Road on the 7-lot parcel. The Board also discussed the wetlands on the parcel. The Board decided that the center line of the drive should be staked, and that they should take a site walk on February 7, 2004, at 9 a.m. on Malone Road. Items to be concerned with on this application are:

1. make sure Board is comfortable with wetland delineation
2. concern about drainage
3. what's going to be done to improve current archeological study
4. visual impacts.

A letter was introduced from CAC dated January 16, 2004, and was put into file.

## **8. ROUTE 44 PROPERTYN LLC SITE PLAN**

This is a review of revised plans submitted for approval of site plan for conversion of convenience store, within an existing gas station, into a Dunkin' Donuts at 2406 Route 44.

J. Labriola: my preference would be design 3. The Board was all comfortable with design 3 for the canopy. Lighting that is proposed is 12 lights at 250 watts each under the canopy. Check with the State as to whether you can make a left and right turn either way out of the area. If you cannot make a left turn, a sign will need to be added.

Peter Setaro, Planning Board engineer: we need an updated EAF and SEQRA determination.

**MOTION BY J. LABRIOLA, SECONDED BY K. BRAMSON**

**Motion made that the Planning Board determine as set forth in the attached declaration dated January 20, 2004, prepared by the Planning Board's engineer that the proposed Dunkin' Donuts site is an unlisted action under SEQRA and that it will not have a significant effect on the environment for the following reasons and that no environmental impact statement will be required: the reasons to support this determination of non-significance are:**

- 1. the Dutchess County Department of Health will approve water and sewage systems.**
- 2. storm water mitigation measures have been incorporated**
- 3. site traffic circulation pattern will avoid any adverse impacts.**

**VOTE TAKEN AND PASSED 6-0-0**

**MOTION BY J. LABRIOLA, SECONDED BY K. BRAMSON**

**I move that the Planning Board grant site plan approval to Route 44, LLC with regard to the application of a gas station convenience store and Dunkin' Donuts in the form of the attached resolution dated January 20, 2004, prepared by the Board's engineer and now before the Board subject to the following conditions:**

- 1. payment of all fees**
- 2. address Planning Board engineer's letter dated January 20, 2004**
- 3. Dutchess County Department of Health approval**
- 4. NYS Department of Transportation approval**
- 5. removal of propane tank enclosure details**
- 6. removal of all signage details**
- 7. finalize wattage and number of canopy light fixtures**
- 8. final ruling from Department of Transportation on the exit – right & left turn**
- 9. submission of color rendering**
- 10. revised plan to show canopy design #3.**

**VOTE TAKEN AND PASSED 6-0-0**

**9. ALBRECHT ESTATES SECTION II SUBDIVISION – ROAD BOND**

Letter from Peter Setaro: please be advised that this office has reviewed and approved the attached road construction estimate of \$437,673.05. It has been revised based on our comments. We recommend that the Planning Board approve a rounded amount of \$448,000. This figure will be used as the basis of a letter of credit that will be approved by the Town Board.

**MOTION BY J. LABRIOLA, SECONDED BY H FISCHER**

**WHEREAS, approval has been granted for the Albrecht Estates Section II Subdivision located on Rossway Road in the Town of Pleasant Valley, and**

**WHEREAS, the developer desires the Letter of Credit to cover cost of the required improvements in lieu of the completion of all said improvements at this time, and**

**WHEREAS, the Planning Board engineer has prepared an estimate of cost of completion of all required improvements in the amount of \$448,000,**

**NOW, THEREFORE BE IT RESOLVED, that the Planning Board does accept the estimate prepared by the engineer and recommends that the Town Board accept this amount and review the Letter of Credit as to form and efficiency and manner of execution prior to final acceptance.**

**VOTE TAKEN AND PASSED 6-0-0**

**10. ROUTE 44 PROPERTY LLC – DUNKIN’ DONUTS/GULF SIGN PERMIT**

This is an application and plans submitted for approval of proposed signage designating Dunkin’ Donuts store with drive-thru and Gulf gas station at location.

Will come back with exact plans and details that were revised under Plan 3.

**11. APPEAL #803 HENSCHER VARIANCE**

This application was submitted to ZBA requesting a variance from minimum setback requirements for location of an existing shed housing a shallow well.

**MOTION BY R. FRACCHIA, SECONDED BY S. CRAFT**

Refer to ZBA with positive recommendation.

**VOTE TAKEN AND PASSED 6-0-0**

**12. APPROVAL OF MINUTES**

**MOTION BY J. LABRIOLA, SECONDED BY K. BRAMSON**

**APPROVED WITH CHANGES**

**VOTE TAKEN AND PASSED 6-0-0**

Chairman Labriola adjourned the meeting at 9:23 p.m.

Original minutes submitted by,

Linda Mitchell, Secretary

Pleasant Valley Planning Board  
January 20, 2004

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Corrected minutes submitted by,

Helen D. Millar  
Secretary

The foregoing represent unofficial minutes of the January 20, 2004, Pleasant Valley Planning Board. They are not official and should not be construed as the official minutes until approved.

\_\_\_\_ Approved as read.

\_\_\_\_ Approved as corrected with deletions/additions.

**PLEASANT VALLEY PLANNING BOARD**  
**February 10, 2004**  
**6:30 p.m.**

The regularly scheduled meeting of the Pleasant Valley Planning Board took place on February 10, 2004, at the Pleasant Valley Town Hall, Route 44, Pleasant Valley, New York. Chairman Labriola called the meeting to order at 6:32 p.m.

Members present:     Joe Labriola, Chairman  
                          Henry Fischer  
                          Rebecca Seaman  
                          Scott Craft  
                          Rob Fracchia  
                          Kay Bramson

Also present:         Peter Setaro, Engineer

**1.    ECM REALTY, LLC – SITE PLAN**

Brian Franks, surveyor for applicant, was present.

This application and plans were submitted for site plan approval for proposed construction of office building on Charles Street. Mr. Meyers wants to put a 4000 square foot office building on ½ acre on Charles Street.

Peter Setaro, Planning Board engineer, stated that there are a couple of questions to be answered on the SEQRA form. The names of the adjoining owners are required, and the Board is going to want to see an elevation drawing of the proposed building. The Highway Supervisor is going to have to give a sign-off on the entrance. The drainage will be on Lot #5. You should install a catch basin in back of the building. The Board will want to see some kind of landscaping.

There is a letter from the Pleasant Valley Fire Advisory Board stating that they have no comments with regard to this application.

The Board asked about the septic and where it's going.

Mr. Franks said that some of the buildings have septic and some do not. What they have been doing is making them put a note on the map that there is no water or sewage proposed yet. If the person who is going to occupy the building needs it, they will have to go and get an approval from the Board of Health.

The Board asked what number of people will occupy the building per the 4000 square foot building. Mr. Franks did not know, but would find out before the next meeting.

SEQRA determination will be held off.

This application will come back next month.

**2. DAVIS WOODS SUBDIVISION – SKETCH PLAN APPROVAL**

**WITHDRAWN**

**CAPELL SITE VISIT WAS CANCELLED (Due to weather, center line of road not staked as committed to by the applicant.)**

**3. CASCADES SUBDIVISION – SKETCH PLAN APPROVAL**

This was a review of revised application and plans submitted for sketch plan approval of proposed subdivision of parcel with existing structure creating two residential lots on Salt Point Turnpike and Clinton Hollow Road.

Mr. Franks, surveyor for applicant, and Bob Beckman, applicant, were present. The last time we were here, the Board did not like the idea of subdividing the lot up and down with any work being done in the new wetland law. So, we altered the subdivision to go east and west instead of north and south with no disturbance in the wetland zone other than connection to the septic system in Lot #1. The well in the north-west corner of Lot#2 is existing.

Peter Setaro, Planning Board engineer, stated that one question needs to be answered on the SEQRA form. We talked about the sewage system.

**MOTION BY J. LABRIOLA, SECONDED BY S. CRAFT**

**Motion made that the Planning Board grant sketch plan approval to the Cascades Subdivision in the form of the resolution prepared by the Planning Board's engineer and now before the Board subject to the following conditions:**

- 1. applicant address all issues identified in the engineer's letter dated February 6, 2004.**

**VOTE TAKEN AND PASSED 6-0-0**

J. Labriola: You can go ahead and advertise for a Public Hearing and notify the adjacent property owners and let us know when you're ready and we'll put you back on the agenda for the next meeting.

**4. BEVERLY HILLS SUBDIVISION – DISCUSSION**

This is a review of revised cluster layout for proposed subdivision of a parcel creating 48 residential building lots on Salt Point Turnpike.

Oswald & Gellespie, engineers, were present for this application and introduced the revised plan. This is a cluster plan.

The Board suggested a buffer be put in front of Salt Point Turnpike and also a buffer put as a shield from adjacent property owners.

Peter Setaro, Planning Board engineer, said that there were no comments on this application.

The Board states that the Zoning law says that you cannot have more than 18 homes on a dead end street and you have far in excess of 18. The farm area is going to remain farm area. The Board thinks you need to look at 2 acre minimums on the eastern side and then see what it does to lot count. If you end up with 25 or 30 lots, and you think that is still viable enough to move forward, then come back with a revised plan.

## **5. MIRACLE FORD SIGN PERMIT – DISCUSSION**

This is a discussion regarding the applicant's proposed signage at 2424 Route 44.

Jon Adams, attorney for applicant, was present. Mr. Adams explained the ground sign that the Ford Company wants to place at its location at its business on Route 44.

J. Labriola: We are bound by the Master Plan of the Town in factoring into the plan for these signs.

Section 1.4: "Major gateways to the Town and historic hamlet area should create a distinct and positive visual impression with better landscaping and formatted signs that define the entrances that help generate a sense of community identity and pride."

Section 4.4: "Salt Point, Washington Hollow, should also be seen as center where business uses should be attractively designed."

Section 6.1: "Pleasant Valley should recognize that its roads and rights-of-way are the Town's most prominent public spaces - the means by which residents visualize their community and are areas where the Town can most directly control its future character."

Section 8.15: "The Town should enact and enforce Town sign regulations that eliminate nonessential, off site, or excessively large signs and encourage graphics that are compatible with the buildings and neighborhood."

J. Labriola: I believe there is adequate signage there. It's quite obvious what the place is.

The attorney argues that the Zoning law states that businesses are entitled to a ground sign and that he should not be denied the right.

The Board would like to see 1 or 2 alternate plans for a monument sign for further review.

Peter Setaro brought up the issue about lighting. He brought out that it was too bright during the later evening hours, turning off some of the lights during that time span, and also the sign being lit late at night should be avoided also.

## **6. FOX RUN DEVELOPMENT SUBDIVISION – DISCUSSION**

This is a review of information submitted for approval of subdivision of parcel creating 8 new residential building lots on Drake Road.

Dan Wheeler, engineer, was present. Mr. Wheeler reviewed the plans for the building of 8 residential lots. We are dropping one of the lots by combining #1 and #2. We plan to buffer Drake Road along driveway and grading the hill.

The applicant needs to update the plans and revise the EIF. We will look at the grading and then authorize to advertise for a Public Hearing where there will be a SEQRA determination at that point.

## **7. CARRINGTON HEIGHTS SUBDIVISION – EXTENSION OF FINAL APPROVAL**

This is a final approval (conditional) granted August 12, 2003 – request for 90-day extension.

Letter from Oswald & Gellespie dated January 27, 2004: “The above referenced project was granted a continued and final approval 6 months ago. On behalf of our client, we would respectfully request an extension to allow for the mylar to be signed by the Town of Clinton Planning Board. The Dutchess County Department of Health has signed the final mylar set.”

### **MOTION BY J. LABRIOLA, SECONDED BY S. CRAFT**

**WHEREAS, an application for approval of a subdivision entitled Carrington Heights located on Hibernia Heights Road was submitted to the Planning Board on September 20, 2002, and**

**WHEREAS, a conditional approval of final plat was granted by the Planning Board on August 12, 2003, and**

**WHEREAS, in accordance with the Town Code, Section 82-15I, said approval is valid for 180 days beginning August 12, 2003, and ending February 12, 2004, and**

**WHEREAS, the applicant has requested an extension of said approval due to the Town Board has not yet accepted Letter of Credit submitted by developer,**

**NOW, THEREFORE BE IT RESOLVED, that the final approval be extended for a period of 90 days to begin February 12, 2004, and to end May 12, 2004.**

**VOTE TAKEN AND PASSED 6-0-0**

**8. APPEAL #804 CANNAVINO – SPECIAL USE PERMIT**

This is an application submitted to ZBA requesting a Special Use Permit to construct and establish an indoor riding facility. Applicant intends to place two mobile homes to house farm help on Marshall Road/Rusky Lane.

**MOTION BY J. LABRIOLA, SECONDED BY S. CRAFT**

**PASS ONTO TO ZBA WITH NO RECOMMENDATION – WOULD LIKE MORE INFORMATION – NOT ENOUGH PROVIDED - WOULD LIKE LOCATION OF MOBILE HOME PLACEMENTS AND RIDING FACILITY AND DRAINAGE, PARKING AND LANDSCAPING.**

**VOTE TAKEN AND PASSED 6-0-0**

**9. APPEAL #805 FRALEIGH – SPECIAL USE PERMIT**

This is an application submitted to ZBA requesting a Special Use Permit to conduct a home occupation (floral arrangement, telephone and internet orders designed and delivered/shipped by applicant from her home).

**PASS ON TO ZBA WITH NO RECOMMENDATION, BUT ASK THAT THE ZBA REVIEW THE SITE PLAN FOR LIGHTING WITH A KEEN EYE FOR WHERE TRUCKS WILL PARK, TIME OF DELIVERIES, AND NUMBER OF DELIVERIES.**

**VOTE TAKEN AND PASSED 6-0-0**

Chairman Labriola adjourned the meeting at 8:46 p.m.

Original minutes submitted by,

Linda Mitchell, Secretary

Corrected minutes submitted by,

Helen D. Millar  
Secretary

The foregoing represent unofficial minutes of the February 10, 2004, Pleasant Valley Planning Board. They are not official and should not be construed as the official minutes until approved.

\_\_\_\_ Approved as read.

\_\_\_\_ Approved as corrected with deletions/additions.

**PLEASANT VALLEY PLANNING BOARD**  
**MARCH 9, 2004**

The regularly scheduled meeting of the Pleasant Valley Planning Board took place on March 9, 2004, at the Pleasant Valley Town Hall, Route 44, Pleasant Valley, New York. Chairman Joe Labriola called the meeting to order at 6:32 p.m.

Members present:     Joe Labriola  
                              Rob Fracchia  
                              Rebecca Seaman  
                              Kay Bramson  
                              Scott Craft

Members absent:     Henry Fischer  
                              Michael Gordon

Also present:         Peter Setaro, Morris Associates  
                              Deiter Friedrichson, Zoning Administrator  
                              David Hagstrom, Esq.  
                              James Nelson, Esq.

The meeting was opened with the Pledge of Allegiance.

**1.    MOUNTAIN VIEW ESTATES SUBDIVISION – FINAL APPROVAL**

Applicant, Larry Poggi, was present at this meeting.

Applicant states that plans submitted to the Planning Board tonight are identical in content to the sketch plans that were approved at the last meeting of this Board. Applicant submits tonight detailed engineering design associated with that layout including the storm water management system design that conforms with the new phase 2 regulations, modified sewage disposal system areas, and the revised grading and erosion control measures that are associated with this design. A detailed hydrological analysis was also submitted to the Town's engineer for his review.

Discussion of P. Setaro's comment letter:

- Note must be added to the map (Comment 2) about the grading and drainage for the common driveway that must be completed before the Chairman signs the map. Also, the first couple 100 feet of the Lot two's driveways should be included because there's some overlap of the grading there.
- Larry to take a look at (Comment 4) a low point on the entrance road that lacks any catch basin, which could cause an icing condition there in the winter.
- There is a hundred-year flood plain at the entrance. Will have to take out a flood plain on development permit.
- Item 7: engineer did review the storm water plan and the water quality calculations. The calculations seem to be fine. Applicant states that every driveway of every

house is an interceptor swale for any runoff coming from the top of the hill. All runoff now is being directed into the road system and into our storm water management facility. P. Setaro reports a concern with the storm water treatment area. Based upon soil tests, it seems that there could be 3 feet of standing water in the wet pond at various times during the year. That is a common design in the DEC book as part of these new phase 2 regulations. P. Setaro states that he needs to run this by the Town Board, the Highway Superintendent's office, and Town attorney because it raises liability issues. P. Setaro also states that we need a guide rail (not made from wood) along the road.

- Item 11: Larry must look at what the back water condition might be and what effect it would have on the pond and the storm drainage system. There is an existing culvert that crosses through the 100-year flood plain and water accumulates in that area when we get a lot of rain.

J. Labriola requests Larry to add to the map the lengths of the driveways for lots 2, 3, 4, 5, and 6, and to change the signature block which currently has the wrong name.

Cul-de-sac will be reduced in size.

J. Labriola wants to verify that we are comfortable with the deed restrictions that were placed for all the wooded areas. David Hagstrom has checked this and is satisfied.

J. Labriola asked Larry if it is possible to add screening along Salt Point Turnpike with some trees and that screening may be required around the wet pond.

J. Labriola states that, in just about every subdivision that the Board as approved, the Board looks for the planting of trees 5-10 feet outside of the town right-of-way. Larry states that the trees are shown inside the right-of-way and that they will be moved out.

J. Labriola reads into the file a letter dated March 8, 2004, from the Pleasant Valley Fire Advisory Board: "This Board approved the revised plan and has no further comment with respect to this application."

**NEXT STEP: Advertise for Public Hearing for meeting scheduled for 4/13/04.**

## **2. RICHARD SUBDIVISION – PUBLIC HEARING – PRELIMINARY APPROVAL**

Present for this application was Mike Richard and his engineer.

Sketch plan approval was granted at the January 2004 Planning Board meeting.

P. Setaro discusses his comment letter:

- Item 1: contact map has been prepared as requested.
- Item 2: letter received from Dept of Transportation. P. Setaro requests that applicant work with them to clarify that there is no intended development at this

time for lot 2. We need to know if the Dept would allow for a single-family driveway on lot 2. Applicant states that the Dept was not interested in granting conceptual approval at this time. P. Setaro asks that the applicant have the Dept call him if there's a problem as the Board needs a new letter. P. Setaro does not understand why the Dept has a problem and states that, if the Dept still holds that position, then the applicant will have to come back to the Board and revise the map to show a common access with lot 1.

- Requests that a monument be installed.

J. Labriola reads into the file a letter dated March 8, 2004, from the Pleasant Valley Fire Advisory Board: "This board has no comment with respect to this application."

**MOTION BY J. LABRIOLA TO OPEN PUBLIC HEARING; SECONDED BY R. FRACCHIA.**

**VOTE TAKEN AND PASSED 4-0-0**

**PUBLIC HEARING IS OPEN**

Cary Veeder (spelling?), 1422 Salt Point Turnpike, Pleasant Valley, New York. Mr. Veeder states that he lives across the street from Mr. Richard and that he sent a letter to the Board. Mr. Veeder states that he listened to the proceedings tonight and does not really understand what the resolution was. Mr. Veeder states that granting a permit for this lot, you more or less give them permission to put another driveway in. Mr. Veeder states that would create 4 driveways along the road in that one little area. Another concern stated by Mr. Veeder is flooding if the drainage isn't controlled; that area is under water already. The road was under water in that area 12 hours after a storm. Mr. Veeder states that he understands that Mr. Richard does not plan to develop at this time, but as soon as it is sold, that changes immediately. The new owner will have the right to subdivide. Further, putting a road into that area really compounds the traffic situation with regard to the existing driveways and the road across the street. Mr. Veeder states that he has a concern in general with what's going in that area.

**MOTION BY J. LABRIOLA TO CLOSE THE PUBLIC HEARING; SECONDED BY K. BRAMSON**

**VOTE TAKEN AND PASSED 4-0-0**

**PUBLIC HEARING IS CLOSED**

P. Setaro notes that this proposal is for only one single-family lot. Further subdivision in the future would go through a complete subdivision application procedure with the Board. Clarification of DOT's position on a driveway is a condition to final approval. DOT may not grant an additional driveway cut and may require a common driveway.

**MOTION BY J. LABRIOLA THAT THE PLANNING BOARD DETERMINE AS SET FORTH IN THE ATTACHED DECLARATION DATED MARCH 9, 2004, PREPARED BY THE BOARD'S ENGINEER THAT THE RICHARD SUBDIVISION IS AN UNLISTED ACTION UNDER SEQRA AND THAT IT WILL NOT HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT FOR THE FOLLOWING REASONS:**

- **NO ADDITIONAL BUILDING IS ASSOCIATED WITH THIS APPLICATION AT THIS POINT IN TIME AND IT MEETS TOWN ZONING REQUIREMENTS;**

**SECONDED BY K. BRAMSON**

**VOTE TAKEN AND PASSED 4-0-0**

**MOTION BY J. LABRIOLA THAT THE PLANNING BOARD GRANT PRELIMINARY APPROVAL TO THE RICHARD SUBDIVISION IN THE FORM OF THE ATTACHED RESOLUTION DATED MARCH 9, 2004, PREPARED BY THE BOARD'S ENGINEER AND NOW BEFORE THE BOARD SUBJECT TO THE FOLLOWING CONDITIONS:**

- **NONE;**

**SECONDED BY K. BRAMSON**

**VOTE TAKEN AND PASSED 4-0-0**

**MOTION BY J. LABRIOLA TO WAIVE THE SECOND PUBLIC HEARING;  
SECONDED BY R. SEAMAN**

**VOTE TAKEN AND PASSED 4-0-0**

**MOTION BY J. LABRIOLA THAT THE PLANNING BOARD GRANT FINAL APPROVAL TO THE RICHARD SUBDIVISION IN THE FORM OF THE ATTACHED RESOLUTION DATED MARCH 9, 2004, PREPARED BY THE BOARD'S ENGINEER AND NOW BEFORE THE BOARD AND SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. PAYMENT OF ALL FEES**
- 2. DUTCHESS COUNTY BOARD OF HEALTH APPROVAL**
- 3. STATE HIGHWAY DEPARTMENT APPROVAL OF ACCESS**
- 4. MEET ALL REQUIREMENTS OF THE PLANNING BOARD ENGINEER'S LETTER DATED MARCH 6, 2004**
- 5. RESOLUTION FOR A RECREATION FEE IN LIEU OF LAND;**

**SECONDED BY K. BRAMSON**

**VOTE TAKEN AND PASSED 4-0-0**

**RESOLUTION TO THE TOWN BOARD FOR RECREATION FEE IN LIEU OF  
LAND**

**WHEREAS, the Town of Pleasant Valley Planning Board has granted final approval of the subdivision entitled Richard Subdivision being a 2-lot subdivision of 47.89 acres located on Salt Point Turnpike;**

**WHEREAS, the Town of Pleasant Valley Planning Board recommends that in lieu of land the Town of Pleasant Valley Board impose a one-lot recreation fee of \$2,000; SECONDED BY K. BRAMSON**

**VOTE TAKEN AND PASSED 4-0-1**

**3. LAL'S GAS STATION & GROCERY STORE – SITE PLAN REVISION**

J. Labriola reports that this application is on for discussion. This application is currently before the ZBA for determination on setbacks for the proposed canopy. We typically don't look at site plans while there's a pending ZBA decision, but the applicant has requested this opportunity to give the Board a quick summary of their plan so that they can incorporate this Board's comments into their plan.

Present for this application was Ray Van Vorhees, architect for the project.

R. Van Vorhees reviews the preliminary site plan and states that the proposal is for the addition of a canopy in front of the gas station on Route 44 and Timothy Heights Road. Mr. Van Vorhees states that this is one of the last gas stations that does not have a canopy. Further, he states that they are requesting a front yard setback. He requests comments at this time.

Discussion of P. Setaro's comment letter: lighting below 250 watts; Board to review the canopy design; sign permit required.

J. Labriola reads into the file a letter dated March 9, 2004, from the Dutchess County Department of Planning and Development: "The Department requests that the Board resubmit this application pending approval by the Zoning Board of Appeals. Once this is done, we will initiate the formal 30-day review provided in 239-1 and -M. We can't circulate this yet because it really isn't officially in front of us. Although the Department considers this application incomplete for review, we offer the following preliminary comments. The site is located in the middle of a high-density residential area. According to the plan submitted with the application, it does not appear that the applicant is proposing to upgrade any other features of the site. The highly asphalt site should be improved to better reflect and blend with the residential character of the area. The applicant is also before the ZBA to obtain a variance as the proposed canopy will encroach into the required front setback. The following are miscellaneous items regarding the site plan and existing conditions. The Board should inquire whether the underground gasoline storage tanks are double-walled and the date of the last replacement. Looking at the atlas image, image year 2000, it appears that the applicant had been using a dirt access point off Timothy Heights for access to the rear of the building. This use of this access and loop drive should be discussed, and the locations

indicated on the plan if the applicant plans on using them. Upon a recent site visit by this Department, it was noted that the rear of the building needed to be painted and graffiti exists on the building's east side. The back of the building is highly visible to those traveling Timothy Heights on their way to Route 44, and the graffiti is visible to those traveling westbound on Route 44 as well as those on Timothy Heights. There appears to be a mound of dirt and a pile of brush to the rear of the building and miscellaneous debris on the west side. The recent site visit also revealed that the dumpster enclosure may be in disrepair as the doors were left open and the entire structure appeared to be askew. The Board is aware when an applicant is seeking site plan approval that the entire site is up for review not just the proposed change. Regardless of whether or not the applicant is able to obtain the variance, we encourage the Board to work with the applicant in developing a more attractive site in this highly visible residential area."

Additional comments and recommendations from the Department:

- a canopy with a peaked roof instead of a flat roof should be provided;
- instead of a stark white aluminum canopy, it should be proposed with architectural shingles;
- absolutely no signage should be allowed on the canopy;
- applicant should contact the NY State Department of Transportation for the following in an effort to buffer the visual and luminary effects of the canopy: close the eastern-most curb cut along Route 44; obtain permission to plant street trees spaced every 30 feet along Route 44 for the entire length of the parcel and other lower plantings along Route 44; widen islands for increased depth of landscaping; recessed lighting in canopy and low intensity and directed away from Route 44;
- new plantings along the buildings to screen from Timothy Heights;
- minimal signage, externally illuminated, constructed of natural-looking wood

J. Labriola reads into the file a letter dated March 8, 2004, from the Dutchess County Fire Advisory Board: "This Board has no comments with respect to this application."

Board advises the applicant and architect to look closely at improving the site because of its high visibility, to check out the improvements made to the gas station adjacent to the Town Hall, and to follow the recommendations of the Department of Planning and Development.

#### **4. LIGHT SUBDIVISION – SKETCH PLAN APPROVAL**

Mike Duvall, engineer, present for this application. Mr. Light was out of state. M. Duvall presents a letter from Mr. Light stating that Mr. Duvall can represent him at this Board meeting.

M. Duvall states that Mr. Light is proposing to subdivide the property, which he purchased last year, to create two residential building lots. Mr. Duvall is looking for conceptual approval from the Board that this is a viable plan on this parcel.

Board states that there has been standing water on this site, that this parcel is wet.

Discussion of P. Setaro's comment letter: Board of Health approval is required, common driveway easement and maintenance agreement required, review access with Highway Superintendent.

J. Labriola notes that a fair amount of site work has been done, which is usually done after Board and applicant have these discussions. Also, J. Labriola asks why they are proposing a common drive, that the Board typically uses a common drive as a backup plan if there's a really good reason that two driveways aren't possible. J. Labriola states that, where the driveway is currently cut, he thinks there is a sight distance problem. J. Labriola states that the Board will want to know where on the adjacent properties the wells and septic are located.

J. Labriola reads into the record a letter dated March 8, 2004, from the Pleasant Valley Fire Advisory Board: "This Board recommends that the applicant construct the driveway 12 feet in width and cleared of any limbs and brush to 12 feet in height."

**MOTION BY J. LABRIOLA THAT THE PLANNING BOARD GRANT SKETCH PLAN APPROVAL TO THE LIGHT SUBDIVISION IN THE FORM OF THE RESOLUTION PREPARED BY THE BOARD'S ENGINEER AND NOW BEFORE THE BOARD SUBJECT TO THE FOLLOWING CONDITION:**

- **MEET ALL CONDITIONS OF THE ENGINEER'S LETTER DATED MARCH 6, 2004;**

**SECONDED BY S. CRAFT**

**VOTE TAKEN AND PASSED 5-0-0**

**NEXT STEP:** Applicant to return to the Planning Board with updated plans prior to authorization for Public Hearing.

**5. PRICHARD SITE PLAN – PERMIT FOR REGULATED ACTIVITIES, WETLANDS, WATERBODIES, WATERCOURSES AND BUFFER AREAS.**

Scott Prichard present for this application.

J. Labriola states that this application was last before this Board in August 2003 and that the next step at that time for this applicant was to contact the Environmental Management Council for direction on how to restore the buffer area. Mr. Prichard reports that he spoke with Dave Ford, that the Council seemed to be disinterested, but that Ford visited the site and suggested certain plants. Ford did not provide guidance where or how to plant and told Mr. Prichard to use his discretion. Mr. Prichard reports that the plants suggested are native species and that he contacted a landscaper. Also, Mr. Prichard states that his intention was to improve the site and make it more stable and visually appealing.

**MOTION BY J. LABRIOLA THAT THE PLANNING BOARD PASS ALONG A RECOMMENDATION TO D. FRIEDRICHSON, ZONING ADMINISTRATOR, THAT HE ISSUE THE NECESSARY PERMITS WITH THE FOLLOWING CONDITIONS:**

- 1. THE PLANTING SCHEDULE REFLECTED IN THE LETTER DATED MARCH 9, 2004, BE COMPLETED BY JUNE 15, 2004**
  - 2. NO CHEMICALS WILL BE USED IN THE BUFFER ZONE AREA**
- SECONDED BY R. FRACCHIA**

**VOTE TAKEN AND PASSED 5-0-0**

**6. ON THE RUN MOBIL MART – SITE PLAN REVISION**

Applicant was not present.

J. Labriola reports that the applicant submitted a revised set of plans that shows that the blue band around the canopy will not be illuminated.

**MOTION BY J. LABRIOLA THAT THE PLANNING BOARD DETERMINE AS SET FORTH IN THE ATTACHED DECLARATION DATED MARCH 9, 2004, PREPARED BY THE BOARD’S ENGINEER THAT THE CHESTNUT MOBIL SITE PLAN IS AN UNLISTED ACTION UNDER SEQRA AND THAT IT WILL NOT HAVE A SIGNIFICANT AFFECT ON THE ENVIRONMENT FOR THE FOLLOWING REASONS AND THAT NO ENVIRONMENTAL IMPACT STATEMENT WILL BE REQUIRED:**

- 1. NO VARIANCES ARE REQUIRED**
  - 2. ADDITIONAL BAND DECAL HAS NO NEGATIVE IMPACT ON THE ENVIRONMENT AS IT IS NOT ILLUMINATED**
- SECONDED BY R. FRACCHIA**

**VOTE TAKEN AND PASSED 5-0-0**

**MOTION BY J. LABRIOLA THAT THE PLANNING BOARD GRANT AMENDED SITE PLAN APPROVAL TO IMAGE POINT, INC., WITH REGARDS TO THE APPLICATION OF CHESTNUT MOBIL IN THE FORM OF THE ATTACHED RESOLUTION DATED MARCH 9, 2004, PREPARED BY THE BOARD’S ENGINEER AND NOW BEFORE THE BOARD WITH THE FOLLOWING CONDITIONS:**

- 1. PAYMENT OF ALL FEES**
- SECONDED BY S. CRAFT**

**VOTE TAKEN AND PASSED 5-0-0**

**7. BEVERLY HILLS SUBDIVISION – SKETCH PLAN APPROVAL**

Applicant’s engineer, Mike Gellespie, was present.

M. Gellespie discussed conventional subdivision plan layout for 39 lots. He stated that they have had discussions with the DC Health Department; that they have reviewed the code; and that there is nothing specific in the Town of Pleasant Valley code that mandates that this has to have central water and sewer. He stated that they have soil test information which they reviewed with the Health Department, and that they have favorable conditions to get individual sewage disposal systems approved on this parcel.

Further, Gellespie stated that his client is not interested in a cluster plan and that it is not economically feasible to put in Town water and sewer.

Discussion of P. Setaro's comment letter: conventional plan is reasonable, cannot build on the slopes or the ridge, too early to tell about the wetland, Board must review the merits of the cluster plan, must start the SEQRA process, Mike's office to prepare the EAF and circulate it for lead agency status.

J. Labriola points out that there are two plans before the Board and asks for input on which plan the Board prefers. Engineer points out that the limit is 39 lots. R. Seaman states preference for Plan 1 as it preserves more open space. J. Labriola points out that Plan 1 provides for substandard size lots (less than 2 acres) and that the Board will have to look at standard size lots and the effect on the lot count.

**MOTION BY J. LABRIOLA THAT THE PLEASANT VALLEY PLANNING BOARD ASSUME LEAD AGENCY STATUS WITH REGARD TO THE BEVERLY HILLS SUBDIVISION APPLICATION IN THE FORM OF THE RESOLUTION PREPARED BY THE BOARD'S ENGINEER AND NOW BEFORE THE BOARD; SECONDED BY R. SEAMAN**

**VOTE TAKEN AND PASSED 5-0-0**

#### **RESOLUTION**

**WHEREAS**, a formal application for approval of the subdivision entitled Beverly Hills Subdivision located on Salt Point Turnpike was submitted to the Pleasant Valley Planning Board on January 27 of last year;

**WHEREAS**, the requirements for sketch plan in accordance with code section 82.25 of the Zoning Ordinance of the Town of Pleasant Valley have been met by said subdivision plan dated February 24, 2004, called Plan 1 Cluster;

**NOW, THEREFORE BE IT RESOLVED** that Sketch Plan approval be accepted.

**SECONDED BY R. SEAMAN**

**VOTE TAKEN AND PASSED 5-0-0**

J. Labriola suggests the next steps: SEQRA process to be started once application is complete, site visit, schedule workshop or separate meeting to discuss this application, then seeker determination.

## **9. APPLE RIDGE SUBDIVISION – DISCUSSION**

William Povall was present for the applicant.

Mr. Povall reports: primary issue at the last meeting was the wetlands. Seventy-five foot wetlands buffer has been added per Board's request and have revised Lot 3 and Lot 4 to minimize impact on buffer. Have also adjusted location of driveway for Lot 5. Also, looked at secondary access road into the subdivision which they discovered does not work out too well. Hired wetlands expert, Ecological Solutions, to evaluate impact on placement of driveway in the buffer and submitted a copy of that report and findings with our response letter prior to this meeting. Ecological Solutions findings state that the driveway would have no impact on the wetlands and would have a slight impact on the buffer. We propose to create common driveway and plant row of trees along the buffer.

Discussion of P. Setaro's letter: Board to look at change to the driveway and the report on its impact on wetlands; use of native wetland plantings to delineate the buffer.

Discussion of drainage problems and impact of any future road, secondary access road, why Board gives approval to some applicants to be within the wetland buffer.

J. Labriola asks what the Board position is on the following with regard to Lot 5:

- encroachment in the buffer zone
- there's a disturbance
- an expert has looked at it and said it's a minimal disturbance
- there's a mitigation plan in place.

Board member states that Board needs to establish policy, to pick a direction and decide how to address situations like this on this application and others in the future so that there is some consistency. Are we open to reasonable mitigating measures on all applications?

Board grants approval for advertising for Public Hearing.

## **10. FOX RUN DEVELOPMENT SUBDIVISION – DISCUSSION**

Applicants are present.

J. Labriola states that the applicants were last before the Board in January 2004.

Applicant reviews that, at a workshop, they talked about combining lots 1 and 2, and utilizing a driveway, (inaudible), grading area. Applicant wants to formalize the sketch plan tonight in order to submit a preliminary plan.

J. Labriola states that sketch plan approval is dated September 2002. Applicant states that approval at that time was contingent upon 3 or 4 issues. J. Labriola states that Board is happy with the combining of lots 1 and 2, that they are beyond sketch plan.

Applicant will submit preliminary revised plans at next meeting; Board will reopen the Public Hearing; applicant will re-advertise for Public Hearing.

**11. RED BEAR REAL ESTATE, INC. – SUBDIVISION – 90-DAY EXTENSION FOR FINAL APPROVAL**

J. Labriola reports that Red Bear is requesting an extension, due to harsh winter weather, to complete the subdivision. Red Bear anticipates completing the project soon.

**MOTION BY J. LABRIOLA THAT THE PLEASANT VALLEY PLANNING BOARD GRANT APPROVAL FOR A 90-DAY EXTENSION FOR THE RED BEAR REAL ESTATE SUBDIVISION; SECONDED BY S. CRAFT.**

**VOTE TAKEN AND PASSED 5-0-0**

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**SPECIAL NOTE: David Hagstrom, Esq., “retires” from service to the Planning Board and introduces Jim Nelson, Esq., who will take over for Mr. Hagstrom.**

J. Labriola thanks Mr. Hagstrom for his 15 years of service to the Board and welcomes Mr. Nelson.

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**12. “THE POOL GUYS” SIGN PERMIT REVISION**

Curt Hahn present.

Mr. Hahn requests permission to raise his sign 4 feet, from 9 feet to 13 feet, because it is not currently visible from the road. He states that customers complain that they cannot see his sign because it is blocked by Route 44 Automotive sign.

J. Labriola asks if D. Friedrichson can confirm that the Route 44 Automotive sign is not in the Right-Of-Way. Mr. Labriola points out that if that sign is properly placed, then Mr. Hahn’s only solution is to raise his sign rather than move his sign forward.

Next steps: Mr. Friedrichson will connect with DOT to verify that Route 44 Automotive sign is not encroaching. Mr. Hahn will present to next month’s Planning Board meeting

a photo of a piece of cardboard, of the same size as his sign, raised to the requested 13-foot height.

**13. ZBA REFERRAL #806 POLOKOFF – INTERPRETATION**

Application is to re-establish non-conforming retail automobile storage/sales use.

**MOTION BY J. LABRIOLA THAT THE PLANNING BOARD PASS THIS APPLICATION ALONG TO THE ZBA WITH NO RECOMMENDATION BECAUSE IT IS WITHIN THE ZBA’S PURVIEW TO DECIDE WHETHER TO GRANT NON-CONFORMING USE.**

**SECONDED BY R. SEAMAN**

**VOTE TAKEN AND PASSED 5-0-0**

**14. ZBA REFERRAL #808 LAL’S GAS STATION AND GROCERY STORE – VARIANCE**

Application is for a front setback variance.

**MOTION BY J. LABRIOLA THAT THE PLANNING BOARD PASS THIS APPLICATION ALONG TO THE ZBA WITH NO RECOMMENDATION AS IT IS WITHIN THE ZBA’S PURVIEW TO DECIDE. HOWEVER, THE PLANNING BOARD WILL EXPECT TO SEE THIS BACK FOR SITE PLAN APPROVAL.**

**SECONDED BY R. SEAMAN**

**VOTE TAKEN AND PASSED 5-0-0**

**15. ZBA REFERRAL #809 ANN SIEGEL – AMENDMENT FOR SPECIAL USE PERMIT**

Application is for an amendment to a previously granted special use permit, which permits retail flower sales on site from a roadside stand. Requested amendment is for permission to expand to include sales from existing structure on site.

Board discusses the conversion to commercial sales use and the potentially hazardous impact to traffic. This would no longer be a “farm stand,” and would no longer be low impact.

J. Labriola reads letter from the Pleasant Valley Fire Advisory Board dated March 8, 2004: “This Board has no comment in respect to this application.”

**MOTION BY R. SEAMAN THAT THE PLEASANT VALLEY PLANNING BOARD PASS THIS APPLICATION ALONG TO THE ZBA WITH A NEGATIVE RECOMMENDATION FOR THE FOLLOWING REASONS:**

- **DUE TO INCREASED COMMERCIAL SALES**
- **THE DIFFICULT ACCESS TO THIS SITE FROM ROUTE 44**
- **THE NATURE OF THE PARKING AT THE SITE.**

**PLANNING BOARD REQUESTS THAT THE APPLICATION, IF APPROVED BY THE ZBA, BE RESUBMITTED TO THE PLANNING BOARD FOR SITE PLAN REVIEW.**

**SECONDED BY J. LABRIOLA**

**VOTE TAKEN AND PASSED 5-0-0**

**16. ZBA REFERRAL #810 CUNNINGHAM – VARIANCE**

Application is for a variance from the requirement of completion of reconstruction of non-conforming use (two primary buildings on property, one of which burned down) within 18 months. The 18 months have expired.

**MOTION BY J. LABRIOLA THAT THE PLEASANT VALLEY PLANNING BOARD PASS THIS APPLICATION ALONG TO THE ZBA WITH A NEGATIVE RECOMMENDATION WITH A REQUEST THAT THE ZBA ENSURES THAT ALL MINIMUM SETBACKS ARE ADHERED TO FOR THIS REPLACEMENT HOME**

**SECONDED BY R. SEAMAN**

**VOTE TAKEN AND PASSED 5-0-0**

**MOTION BY J. LABRIOLA TO ADJOURN THE MEETING; SECONDED BY R. SEAMAN**

**VOTE TAKEN AND PASSED 5-0-0**

Chairman J. Labriola adjourned the meeting at 9:45 p.m.

Respectfully submitted,

Helen D. Millar  
Secretary

The foregoing represent unofficial minutes of the March 9, 2004, Pleasant Valley Planning Board. They are not official and should not be construed as the official minutes until approved.

\_\_\_\_ Approved as read

\_\_\_\_ Approved as corrected with deletions/additions

**PLEASANT VALLEY PLANNING BOARD**  
**April 13, 2004**

The regularly scheduled meeting of the Pleasant Valley Planning Board took place on April 13, 2004, at the Pleasant Valley Town Hall, Route 44, Pleasant Valley, New York. Chairman Joe Labriola called the meeting to order at 6:30 p.m.

Members present:     Joe Labriola  
                              Rob Fracchia  
                              Rebecca Seaman  
                              Henry Fischer

Members Absent:     Kay Bramson  
                              Mike Gordon

The meeting was opened with the Pledge of Allegiance.

**1.     MOUNTAIN VIEW ESTATES SUBDIVISION – PUBLIC HEARING**

This is a Public Hearing and Review of latest plans submitted for approval of subdivision of parcel into 1 lot with existing residence and creating 6 new building lots at 1496 Salt Point Turnpike, R-2 Zone.

Larry Poggi: This is the second Public Hearing on this application. Since that time, there have been some changes. The plan has been revised with the total lots being reduced from 10 to 7 lots. The total length of road has been reduced from 1700' to 500', and the proposed driveway is following the existing driveway. We have conformed to Planning Board, Town engineer, Highway Supervisor and Dutchess County recommendations. Drainage has been addressed. Easement has been addressed. The pond area will be protected with a guard rail. We have added screenings along Salt Point Road in the way of plantings.

There is Notification of Publication on file.

**MOTION BY J. LABRIOLA, SECONDED**

**PUBLIC HEARING OPEN**

**VOTE TAKEN AND PASSED 5-0-0**

Gary Veeder, Salt Point Turnpike, south of this project, talked about his concern for the pond on the site.

A resident (name inaudible) on Salt Point to north of this project spoke about getting information to neighbors of the project before Public Hearings so that they could study it before hand. Also, talked about the pond and his concerns for drainage.

**MOTION BY J. LABRIOLA AND SECONDED**

**PUBLIC HEARING CLOSED**

**VOTE TAKEN AND PASSED**

**MOTION BY J. LABRIOLA, SECONDED BY S. CRAFT**

**MOTION BY J. LABRIOLA AND SECONDED**

**That the Planning Board grant site plan approval for Mountain View Estates Subdivision, subdivision of parcel into 1 lot with existing residence and creating 6 new building lots at 1496 Salt Point Turnpike in the form of a resolution dated April 13, 2004, prepared by the Board's engineer and now before the Board.**

**Full resolution is attached.**

**VOTE TAKEN AND PASSED 5-0-0**

**APPROVED**

**Passage of Resolution of Recreation Fee in lieu of land**

**RESOLUTION**

**WHEREAS**, the Town of Pleasant Valley has granted Final Approval to a subdivision entitled Mountain View Estates, a 7-lot subdivision, located on Salt Point Turnpike,

**WHEREAS**, the Town of Pleasant Valley Planning Board recommends that in lieu of land, the Town of Pleasant Valley Town Board impose a 6-lot recreation fee of \$1,000 for each lot.

**VOTE TAKEN AND PASSED**

**2. APPLE RIDGE SUBDIVISION – PUBLIC HEARING**

This is a Public Hearing and review of latest plans submitted for approval of proposed subdivision of parcel creating 5 new residential building lots with approximately 77 acres remaining with existing orchard facility on North Avenue, Zoned R-2.

Application of Publication was on file.

Bill Povall, engineer for applicant, was present.

Mr. Povall explained that the application is to divide the parcel into 5 residential building lots. P. Setaro, Morris Associates engineer, stated that an archeological study report needed to be done before this application could be moved forward.

**MOTION BY J. LABRIOLA AND SECONDED**

**PUBLIC HEARING OPEN**

**VOTE TAKEN AND PASSED 5-0-0**

Meta Plotnik (had laryngitis – inaudible) spoke about the disturbance in the buffer zone.

Mr. Povall replied that the wetlands will be protected. Heavy woodlands and stone walls exist. J. Labriola wants to see some precautions and notes on the plan to protect delineated wetland buffer area.

Bob Ferguson, east of parcel, spoke in favor of the project. He questioned the archeological study, asking what the standard is. He doesn't object, but he doesn't understand. It was explained that it is a regulation under the Interagency Agreement under DEC.

**MOTION BY J. LABRIOLA AND SECONDED**

**ADJOURNED PUBLIC HEARING**

**VOTE TAKEN AND PASSED 5-0-0**

Adjourned until Board receives archeological report.

**3. CATRINI (FOX RUN DEVELOPMENT) SUBDIVISION – PUBLIC HEARING**

This is a Public Hearing and review of revised plans submitted for approval of subdivision of parcel creating 8 new residential building lots on Drake Road, R-2 Zone.

Publication Notice in file.

Dan Wheeler, engineer, present.

This is approximately 71.30 acres. Original proposal was for 9 lots which has been changed to 8 lots. Lots 1 and 2 have been consolidated to make one lot.

P. Setaro: dry wells on the end of drains along Drake Road are proposed for drainage to eliminate maintenance for the Town. Need to show some plans of the driveway. P. Setaro would like to see some erosion control measures around the pond and show where houses are to be built.

**MOTION BY J. LABRIOLA AND SECONDED**

**PUBLIC HEARING OPEN**

Letter was placed in file from Mr. Tinkleman, neighbor, regarding concerns about wetlands, trees, grades, drainage, etc.

Meta Plotnik spoke of her concerns for protection of the turtles in the wetlands area.

**PUBLIC HEARING ADJOURNED**

**4. ALBRECHT ESTATES SECTION II SUBDIVISION – SKETCH PLAN APPROVAL**

This is a review of re-submitted plans for approval of subdivision of parcels creating 17 new residential lots on Rossway Road and Brown Road, R-2 Zone.

Dan Wheeler, engineer, stated that it was approved last March, but that there was a delay in getting approvals from agencies. So the approval lapsed, and they have to start again and resubmit for approval.

This is a re-approval of sketch plans: nothing has changed and the fee will be waived.

New Public Hearing and Notification to adjoining neighbors is needed.

**MOTION BY J. LABRIOLA, SECONDED BY H. FISCHER**

**Planning Board granted Sketch Plan approval for the Albrecht Subdivision in the form of the Resolution dated April 13, 2004, prepared by the Board's engineer and now before the Board and subject to the following conditions:**

- 1. provide new revision number indicating re-approval of submission and show wetland buffers on plan.**

**VOTE TAKEN AND PASSED 5-0-0**

**Approved to advertise for new Public Hearing for May 11, 2004.**

**5. ST. PAUL'S EPISCOPAL CHURCH PAVILION SITE PLAN**

This is a review of revised plans and additional information submitted for site plan approval for construction of pavilion on church property. A variance from minimum center of road setback requirement has been granted by the ZBA on 806 Traver Road.

Bill Kearn, applicant, was present and explained revised plans and additional information submitted on application.

The Highway Department Superintendent was concerned about the Department having control from a point 25 feet from the center line and because it's a user road, but he is fine with it. It's set back far enough off the road.

**MOTION BY J. LABRIOLA, SECONDED BY R. FRACCHIA**

**Negative Declaration and move that the Planning Board determine as set forth in the attached declaration dated April 13, 2004, prepared by the Board's engineer, that St. Paul's Episcopal Church Pavilion Site Plan as unlisted action under SEQRA and will not have a significant action on the environment for the following reasons and no environmental impact statement will be required:**

**Reason for determination of non-significance**

- 1. Water and sewage facilities are not part of this project**
- 2. Landscaping will be provided**
- 3. The applicant has received the needed variance from the Town of Pleasant Valley ZBA**

**VOTE TAKEN AND PASSED**

**MOTION BY J. LABRIOLA that the Planning Board grant Site Plan approval for St. Paul's Episcopal Church Pavilion with regard to the application for a new pavilion in the form of the resolution dated April 13, 2004, prepared by the Board's engineer and now before the Board subject to the following conditions:**

- 1. Payment of all fees**
- 2. Site Plan shall be signed and dated by owner**

**MOTION BY J. LABRIOLA, SECONDED BY H. FISCHER**

**Amended to add:**

- 3. Poured concrete wall with decorative finish**

**VOTE TAKEN AND PASSED**

**6. ECM REALTY, LLC – SITE PLAN**

This is a review of revised plans submitted for site plan approval for proposed construction of office building on vacant parcel on Charles Street.

J. Labriola excused himself from this application.

Brian Franks, surveyor for applicant, stated: An overview of the site plan was given, bathrooms were going to be placed in there for offices, and Board of Health approval is needed.

This application was adjourned until the next Board meeting on May 11, 2004.

#### **7. MILESTONE SQUARE**

J. Labriola: There are currently a number of violations on the site based on the approved site plan, and we have made a number of attempts to correct this over the past few years. The most recent attempts were June 13<sup>th</sup>, 2000, and July 11, 2000, and a January 9 letter and another discussion in August 2000. There was an agreement as to what needed to be done to the site plan and a time frame was put into place which was set for May 15<sup>th</sup> or so of the following year for all of the work to be completed. There was some correspondence that said that some of the work would be completed, but the applicant would like an extension until December 15, 2000, which came and went with no action. What we have now is a site that does not conform to what has been approved.

Jeff Koblenz, current manager of Milestone Square: At that time, the plaza wasn't making any money, and now we are going to make the changes and get it up to the approved site plan. He discussed the landscaping, parking, fencing, dumpster behind the A&P, soda machine on sidewalk of A&P.

The Board made it clear that they cannot grant any sign permits to the tenants as the plaza is in non-conformance. The manager has to come back with a revised site plan and statement as to what and when the non-complaint items will be addressed.

#### **8. BLOCK BUSTER VIDEO SIGN PERMIT REVISION**

This is an application and plans submitted for approval of revision of existing signage at Route 44 and North Avenue.

**NON-CONFORMING AND NOT DISCUSSED BY BOARD  
WILL BE REVIEWED WHEN THE MILESTONE SITE IS BROUGHT INTO  
COMPLIANCE**

#### **9. THE POOL GUYS – SIGN PERMIT REVISION**

This is a review of information submitted for approval of revision of existing monument sign, extending the height of the sign for better visibility on 1320 Route 44.

**APPLICANT NOT PRESENT**

#### **10. APPEAL #807 – KEVIN & TERESA ALBRECHT – VARIANCE**

This is an application submitted to ZBA seeking a variance from minimum acreage requirement for lots to be created by proposed subdivision of parcel at 109 O'Halloran Circle.

**MOTION BY J. LABRIOLA, SECONDED BY R. FRACCHIA**

Planning Board recommended passing on to ZBA with negative recommendation.

**VOTE TAKEN AND PASSED.**

**11. APPEAL #811 – SUNSHINE EARLY EDUCATION CENTER – SPECIAL USE PERMIT**

This is an application submitted to ZBA seeking a Special Use Permit required to conduct child day care center at 12 Timothy Heights.

**MOTION BY J. LABRIOLA, SECONDED BY S. CRAFT**

Planning Board recommended passing on to ZBA with positive recommendation. The Board would like to see this proposal again for site plan approval.

**VOTE TAKEN AND PASSED.**

**12. APPEAL #812 – BECKWITH – VARIANCE**

This application is submitted to ZBA seeking variance from minimum 2-acre requirement per use (office) in H-2 Zoning District and a variance from minimum bulk requirement regarding mobile homes at 1380 Route 44.

**MOTION BY J. LABRIOLA, SECONDED BY H. FISCHER**

Planning Board recommended passing on to ZBA with no recommendation.

**VOTE TAKEN AND PASSED.**

**13. APPEAL #818 – ENNIS MOBILE HOME PARK – VARIANCE**

This application is submitted to ZBA seeking a variance from minimum edge of pavement setback requirement for location of replacement mobile home in park.

**MOTION BY J. LABRIOLA, SECONDED BY S. CRAFT**

Planning Board recommended passing on to ZBA with a positive recommendation.

**VOTE TAKEN AND PASSED.**

Chairman Labriola adjourned the meeting at 9:50 p.m.

Original minutes submitted by,

Linda Mitchell  
Secretary

Corrected minutes submitted by,

Helen Millar  
Secretary

The foregoing represent unofficial minutes of the April 13, 2004, Pleasant Valley Planning Board. They are not official and should not be construed as the official minutes until approved.

\_\_\_\_ Approved as read

\_\_\_\_ Approved as corrected with deletions/additions

**PLEASANT VALLEY PLANNING BOARD**  
**May 11, 2004**

The regularly scheduled meeting of the Pleasant Valley Planning Board took place on May 11, 2004, at the Pleasant Valley Town Hall, Route 44, Pleasant Valley, New York. Chairman Joe Labriola called the meeting to order at 6:38 p.m.

Members present:     Joe Labriola  
                              Rob Fracchia  
                              Rebecca Seaman  
                              Kay Bramson  
                              Henry Fischer  
                              Mike Gordon

Members Absent:     Scott Craft

Also present:         Peter Setaro, Morris Associates  
                              James Nelson, Esq., Town Attorney

The meeting was opened with the Pledge of Allegiance.

**1.   Albrecht Estates Section II Subdivision – Public Hearing – Preliminary Approval**

Dan Wheeler, engineer, was present.

This is a revised subdivision, which was reviewed and conditionally approved last March. As a result of difficulty getting some signoffs from interested agencies, the approval time period for this application lapsed. The revision was the addition of a 25-foot wetland buffer.

D. Wheeler, engineer for applicant, submitted an overview of the subdivision proposal: a 41-acre subdivision of 17 residential lots between Rossway and Brown Roads.

P. Setaro, Morris Associates engineer, provided a comment letter which overviews buffer requirements in a wetland area according to new wetlands ordinance. Plans are for a 25' buffer around wetlands. If more than a 25' buffer is required, there may be some impact on proposed house locations. Based on field visits to the site, it was determined that guide rails were needed on the interconnecting road to Cidermill Court along both sides of the road. Subject to Board approval, Morris Associates prepared a Negative Declaration reaffirming previous SEQRA.

An extensive discussion took place regarding the wetland and buffer laws and their application to this subdivision. H. Fischer wanted to establish the exact location and size of the wetland within this parcel and where the buffer should be placed. J. Labriola suggests that it is the Board should get more information regarding the size and location

of the wetland and the size of the required buffer before moving forward on this application. It was determined that Mr. Wheeler needs to come back with an estimated size of that wetland, which would allow the Board to determine the appropriate setback and, then, to determine what needs to be done.

Mary Albrecht spoke on the continued delays and urgency for it to move forward.

J. Labriola read the condensed version of the buffer requirement ordinance.

**MOTION BY J. LABIOLA, SECONDED BY M. GORDON**

To move forward accepting a 50' buffer.

**VOTE TAKEN AND PASSED 6-0-0**

**MOTION BY J. LABRIOLA, SECONDED BY M. GORDON**

**PUBLIC HEARING OPEN**

**VOTE TAKEN AND PASSED 6-0-0**

Bob Arthurs, 202 Route 44, was worried about the drainage and stream going through his property and flooding. He is also afraid of septic running into the stream and salt contaminating the stream as well.

Meta Plotnik spoke regarding clustering provisions of 40 acres or larger.

**MOTION BY J. LABRIOLA, SECONDED BY F. FRACCHIA**

**PUBLIC HEARING CLOSED.**

**VOTE TAKEN AND PASSED 6-0-0**

J. Labriola read the condensed version of the Negative Declaration resolution into the record.

WHEREAS, the Town of Pleasant Valley Board has received an application for subdivision approval entitled Albrecht Estates Section II Subdivision, dated March 29, 2004, submitted by Dan Wheeler, engineer,

WHEREAS, the Albrecht Estates Section II application which was previously approved by the Planning Board on December 10, 2002, and has expired, and

WHEREAS, the Albrecht Estates Section II Project received a Negative Declaration on December 10, 2002, and

WHEREAS, an identical resubmitted application for Albrecht Estates Section II has been submitted and reviewed by the Pleasant Valley Board and there are no new environmental impacts that were not considered in the previous Negative Declaration,

NOW, THEREFORE BE IT RESOLVED, that the Planning Board determines that the Albrecht Subdivision to be an unlisted action according to the State Environmental Quality Review Act, Part 617-4 & 5.

BE IT FURTHER RESOLVED, that the Town of Pleasant Valley Planning Board reaffirms the previous Negative Declaration issued on December 10, 2002, for the Albrecht Estates resubmission application.

**MOTION BY J. LABRIOLA, SECONDED BY M. GORDON**

**VOTE TAKEN AND PASSED 6-0-0**

Motion was made for Preliminary Approval

**MOTION BY J. LABRIOLA, SECONDED BY H. FISHER**

**VOTE TAKEN AND PASSED 6-0-0**

Motion was made to waive the second Public Hearing.

**MOTION BY J. LABRIOLA, SECONDED BY M. GORDON**

J. Labriola read into the record the condensed version of the final approval resolution subject to five conditions. A full version is annexed hereto.

Motion for an amendment was made to add two more conditions: #6 and #7.

**MOTION BY J. LABRIOLA, SECONDED BY K. BRAMSON**

**VOTE TAKEN AND PASSED 6-0-0**

Motion was made to reaffirm motion made a year ago that will ask the Town Board to assess a recreation fee of \$1,000 per lot for this subdivision.

**MOTION BY J. LABRIOLA, SECONDED BY K. BRAMSON**

**VOTE TAKEN AND PASSED 6-0-0**

**MOTION BY J. LABRIOLA, SECONDED BY K. BRAMSON**

**CONDITIONAL FINAL APPROVAL GRANTED.**

**VOTE TAKEN AND PASSED 6-0-0**

**2. Catrini (Fox Run) Subdivision**

Public Hearing opened at the April Planning Board meeting was adjourned to this meeting.

Dan Wheeler, engineer, represented the applicant. This subdivision represents 71 acres off of Drake Road and is being subdivided into 8 lots.

Mr. Wheeler addressed 6 comments in a letter prepared by P. Setaro, Morris Associates. The applicant has addressed all issues to include moving drywells to a location closer to the road but not in the Town Right-of-Way. The applicant has narrowed the driveway down and kept a wider radius turn for emergency vehicles. Applicant has provided erosion control measures in the area of Lot 1. Also, applicant has delineated large areas of jute and a cross section for the driveway and also performed a soil test pit.

P. Setaro commented on his 6 point letter, which basically was on drainage mitigation and erosion control measures. Most of the comments on the letter have been addressed. Remaining concerns are grading and tree clearing cut backs, which could be reduced drastically.

**MOTION BY J. LABRIOLA, SECONDED BY H. FISCHER**

**PUBLIC HEARING REOPENED.**

**VOTE TAKEN AND PASSED 6-0-0**

Mita Plotnik spoke on turtle habitat protection in this area.

Steven Tinkleman, neighbor, was concerned about future building and wetlands on his property and the cutting down of trees.

J. Labriola replied to Mr. Tinkleman that the Board reviewed sight distance and that the number of trees to be removed is minimal. Further, there would have to be an entirely new application and approval process for any future building or subdivision.

**MOTION BY J. LABRIOLA, SECONDED BY H. FISCHER**

**PUBLIC HEARING CLOSED.**

**VOTE TAKEN AND PASSED 6-0-0**

J. Labriola made a recommendation to consider putting a note on the map to provide for no future building on site. Board to discuss at next meeting.

ADJOURNED TO NEXT MEETING TO GET FURTHER UPDATED INFORMATION INCLUDED ON THE PLAN.

### **3. DOTY-STIRLING**

J. Labriola read update to Town Ordinance on Historic Register.

Chris Stirling was present for this application.

Mr. Stirling is proposing an addition of a bathroom adjoining a bedroom and also a sitting room addition upstairs.

J. Labriola read complete resolution for approval.

WHEREAS, the Town of Pleasant Valley Planning Board has received an application dated April 22, 2004, from Christopher Stirling for approval of a Certificate of Appropriateness as per Chapter 56 of the Code of Pleasant Valley,

WHEREAS, an Environmental Assessment Form has been submitted and reviewed by the Board,

NOW, THEREFORE BE IT RESOLVED that the Planning Board determines the application to be a Type II action and that it will not have a significant affect on the environment, and

BE IT FURTHER RESOLVED that the Planning Board grants an approval of a Certificate of Appropriateness for work as shown on the application dated April 22, 2004, at 119 Wigsten Road and that the Zoning Administrator may issue the building permit subject to the following conditions: none.

**MOTION BY J. LABRIOLA, SECONDED BY R. SEAMAN**

**APPROVED**

**VOTE TAKEN AND PASSED 6-0-0**

### **4. CAPELL SUBDIVISION**

Walter Ardiss was present.

J. Labriola stated that this application received sketch plan approval in 2002. The key things to be discussed in order to move forward are: input to applicant on access to parcel – Town Road vs. Common Driveways. Also make sure application is complete in order to go ahead and advertise for Public Hearing and get SEQRA determination.

Site visit was made on April 22<sup>nd</sup> by J. Labriola, K. Bramson, M. Gordon, R. Fracchia, P. Setaro, P. Capell, W. Ardiss, and S. Alex from Chazen. The applicant provided necessary information. Mr. Capell arranged to have the center line of road and center line of proposed driveways as well as the approximate locations of the home sites staked. The site was fairly overrun with brush. There was a very good trail system they went through. There were able to see the approximate location of every proposed home and able to see and follow the center line of proposed cul-de-sac. They also inspected the pond and wetland area. Summary was supplied to the public.

M. Gordon felt there was a lot of water going across the road.

The file contains a letter from the May 5<sup>th</sup> Fire Advisory Board indicating that they recommend that the developer install a dry hydrant system as per Fire Department specifications and in accordance with the Dutchess County Soil and Water District. A member of the Pleasant Valley Fire Department will be available for assistance to developer, if necessary.

There was discussion regarding the pros and cons of the two alternate designs, the road system vs. common driveway aspects. The Board cataloged what they thought they would need to move forward:

1. Updated set of plans, if required
2. Updated EAF
3. Shipo Study complete

Walter Ardiss spoke for the applicant. He stated that the plans have not been revised and the common driveway layout, septic areas, and center line showing the road was all scoped out. He stated that they would like to proceed with the common driveway layout. "We did have 8 lots and reduced it to 7. The site is dense, and we have provided a habitat assessment. We've provided testing, and we are looking to move forward tonight."

The wetland has been flagged by the Army Corps but still waiting for their reply on distinguishing when done and where wetlands are. In order to expedite the process, the Board recommends that the applicant follow up with the Army Corps to identify when the flagging was done and where the wetlands are.

J. Labriola stated that this application predates the new wetland ordinance, and he requested that it be incorporated in the applicant's design.

## **5. MILESTONE SQUARE**

Richard Cantor, attorney for applicant, Jeff Rosenbloom, spoke. "There are two issues here. One is site plan compliance, and the other is sign applications. I think we are dealing with a Planning Board issue in terms of site plan compliance. I think we are dealing with a Zoning Administrator issue of administration and enforcement of an approved site plan. The site plan was originally approved in 1990 and recently approved in a modified form in 1999. There is a CO for this center.

J. Labriola: What we have is a site that does not match either the site plan that was approved or the amendments to the plan that were discussed, agreed upon, and approved back in 1999. The plan this evening does not reflect those changes agreed upon.

J. Labriola: The sign for Block Buster Video, which is replacing an existing approved sign, should be able to come back before the Board regardless of what happens with discussions around site plan compliance because it is an existing sign. The Golden Lion, which is an existing sign out of compliance because it is larger than should be, should come back before this Board because we have yet to see an application for that sign. The other two new business signs are at a site that is out of compliance, and we are not able to grant approval at a non-compliant site.

**THIS PROPOSAL WAS ADJOURNED FOR FURTHER RESEARCH.**

## **6. BOLANDER SUBDIVISION**

This is a 90-day extension of a final approval. Applicant is still waiting for approval from Dutchess County Department of Health as a condition of final approval.

J. Labriola read a letter from Walter Ardiss, Chazen, for a time extension. Delay is due to DC DOH approval process.

J. Labriola read the following resolution.

WHEREAS, an application for approval for subdivision entitled Bolander Subdivision located on Gretna Hill Road was submitted to the Planning Board on October 14, 2003, by Chazen Companies, and

WHEREAS, in accordance with the Town Code, Section 82-15 I, set approvals valid for 180 days beginning November 12, 2003, and ending May 12, 2004,

WHEREAS, the applicant has requested an extension of said approval due to application awaiting approval from Dutchess County Department of Health,

NOW, THEREFORE BE IT RESOLVED that the Final Approval be extended for a period of 90 days to begin May 12, 2004, and end August 12, 2004.

**MOTION BY J. LABRIOLA, SECONDED BY R. FRACCHIA**

**APPROVED**

**VOTE TAKEN AND PASSED 6-0-0**

## **7. AVALON HILLS**

This is a request for reduction in Performance Bond.

Peter Setaro, Morris Associates engineer, reviewed the work performance so far. They have completed all the work that was required in the bond off of Plass Road. They submitted an initial bond reduction and, based on P. Setaro's inspection, they are looking to reduce it by approximately \$607,000 to about \$124,000. P. Setaro would like to hold some money back and suggests a reduction to \$131,320.

J. Labriola read Resolution.

WHEREAS, a Performance Bond has been posted to cover the full cost of the required improvements for the Avalon Hills Subdivision in the Town of Pleasant Valley, and

WHEREAS, the Bond was posted in the amount of \$607,000, and

WHEREAS, the required improvements have been installed in sufficient amount toward reduction in the face amount of said Bond,

NOW, THEREFORE BE IT RESOLVED that the face of the Performance Bond be reduced to \$131,320 after approval by Town Board which will cover the cost of the amended list of improvements as shown in the estimate by Morris Associates, dated May 10, 2004.

**MOTION BY J. LABRIOLA, SECONDED BY R. SEAMAN**

**PERFORMANCE BOND APPROVED AT \$131,320 REDUCTION**

**VOTE TAKEN AND PASSED 6-0-0**

**8. THE POOL GUYS**

**APPLICATION ADJOURNED – NO APPLICANT PRESENT**

**9. LEHMKUHL APPEAL #814**

This is an application seeking a Special Use Permit to conduct a business with a structured warehouse that stores chemicals (pesticides) for landscaping business on proposed site.

J. Labriola read letter from Fire Advisory Board dated May 5<sup>th</sup> indicating that they take no position with respect to this application.

J. Labriola recommended passing this application along with no recommendation as it is strictly within the purview of the ZBA to determine if this is an appropriate Special Use or not. The Planning Board would like the ZBA to consider if they are comfortable with

the materials and review whether they are properly secured and that safeguards are in place to prevent theft.

J. Labriola recommended an amendment to the recommendation to include: fire suppression to be reviewed; that the floor of the proposed shed be of an impervious surface; that the ZBA is comfortable that safeguards are in place; and that it won't extend beyond the confines of the shed.

**MOTION BY J. LABRIOLA, SECONDED BY H. FISCHER**

**VOTE TAKEN AND PASSED 6-0-0**

**10. HADDED VARIANCE APPEAL #815**

This is an application seeking variances from minimum side and center of road setback requirements for location of shed on parcel.

J. Labriola read into the record a letter from the Fire Advisory Board dated May 5, 2004, indicating that they offer no comment with respect to this application.

J. Labriola stated that this is a really small lot with a shed on the property line, and there's not a lot of place to put the shed. It's a very tight spot. He made a motion to pass it on to ZBA with a Negative recommendation because he would like to see the shed placed behind or on the side of the house, as opposed to in the front of the house.

**MOTION BY J. LABRIOLA, SECONDED BY R. FRACCHIA**

**VOTE TAKEN AND PASSED 6-0-0**

**11. ENNIS VARIANCE APPEAL #816**

This is an application seeking a variance from minimum edge of pavement, side and rear setback requirements for replacement of a mobile home on lot in mobile home park.

J. Labriola read a letter into the record from the Fire Advisory Board indicating that they take no position on the placement of the mobile home but recommends that the proposed shed be placed 10 feet from the line bordering 20 Eagle Circle.

K. Bramson went to the site and said that it is really tight. There is no other place, however, to put the shed.

J. Labriola recommended passing this along to ZBA with a Positive recommendation for replacement of the existing mobile home with the new mobile home because the setbacks are very close to the setbacks now there, and this will be a newer and safer mobile home. However, the Board passes along a Negative recommendation for the proposed shed because it is a very tight lot and too close to the proposed porch and lot line.

**MOTION BY J. LABRIOLA, SECONDED BY M. GORDON**

**VOTE TAKEN AND PASSED 6-0-0**

**12. HEITMAN VARIANCE – APPEAL #817**

Frank Heitman is seeking a variance permit for an existing driveway on the property in order to get a building permit.

J. Labriola read a letter into the file from the Pleasant Valley Fire Advisory Board dated May 5, 2004, recommending that the straight sections of the driveway be cleared 12' in height and 12' in width and that the curved sections of the drive be cleared 12' in height and 20' in width.

Motion was made that the Board make no recommendation but that the ZBA should take into account that it's a pre-existing driveway. Also, the owner will pave the driveway and put a mirror across the road to improve sight conditions. The Planning Board feels that this is at the total discretion of the Town Highway Department.

**MOTION BY J. LABRIOLA, SECONDED BY H. FISCHER**

**VOTE TAKEN AND PASSED 6-0-0**

Discussion was held between the Board and Jim Nelson, Planning Board attorney, regarding Public Lands for new subdivisions. The Board needs to assess whether the proposed site is appropriate to handle a Town park. The process will be revised to include a resolution prior to SEQRA determination to determine if a new Town park will be included on the proposed subdivision or if the Town will request recreation fees in lieu of land.

**Chairman J. Labriola adjourned the meeting at 10:00 p.m.**

Original minutes submitted by,

Linda Mitchell  
Secretary

Corrected minutes submitted by,

Helen Millar  
Secretary

The foregoing represent unofficial minutes of the May 11, 2004, Pleasant Valley Planning Board. They are not official and should not be construed as the official minutes until approved.

\_\_\_\_ Approved as read

\_\_\_\_ Approved as corrected with deletions/additions

**PLEASANT VALLEY PLANNING BOARD  
JUNE 8, 2004**

The regularly scheduled meeting of the Pleasant Valley Planning Board took place on June 8, 2004, at the Pleasant Valley Town Hall, Route 44, Pleasant Valley, New York. Chairman Joe Labriola called the meeting to order at 6:35 p.m.

Members present:     Joe Labriola  
                              Michael Gordon  
                              Rob Fracchia  
                              Kay Bramson  
                              Henry Fischer

Members absent:     Scott Craft  
                              Rebecca Seaman

Also present:         Peter Setaro, Morris Associates  
                              James Nelson, Esq., Town attorney

The meeting was opened with the Pledge of Allegiance.

**1.   SERINO SUBDIVISION – PUBLIC HEARING – PRELIMINARY APPROVAL**

This is a Public Hearing and review of revised plans submitted for preliminary approval of proposed subdivision of parcel into four residential building lots on Route 44.

Dave Johnson, engineer, was present.

Mr. Johnson described some changes made to the plans. A soil scientist flagged the wetland.

Peter Setaro: Most of the items on our October 9<sup>th</sup> comment letter were taken care of. On Lot 3 there is a storm water management basin, and I wasn't sure why you couldn't put it on Lot 2 closer to the common driveway. It would make it easier if it were all on one lot. You sent a letter to the N.Y. Heritage Program last year and didn't get a response back. One of the people in my office talked to you and another letter was sent. We need that addressed for SEQRA.

J. Labriola: I have a letter from the Fire Advisory Board dated June 2, 2004, that recommends that all driveways be maintained to a clearance of a minimum of 12' high and 12' wide and all pull-off areas established and maintained to the same specifications.

**MOTION BY J. LABRIOLA, SECONDED BY H. FISCHER**

**PUBLIC HEARING OPEN**

**VOTE TAKEN AND PASSED 5-0-0**

Dave Goddard was present and was concerned about wells, buffers, and stone walls. His property is historic, and he didn't want anything disturbed on his land.

**MOTION BY J. LABRIOLA, SECONDED BY H. FISCHER**

**PUBLIC HEARING ADJOURNED UNTIL JULY MEETING**

**VOTE TAKEN AND PASSED 5-0-0**

**2. LEHMKUHL LANDSCAPING SITE PLAN**

This application and plans were submitted for approval of construction and establishment of a landscaping business on 14 Charles Street.

Thomas Lehmkuhl, applicant, was present. Mr. Lehmkuhl's engineer stated that this is currently a vacant piece of land and that he wanted to put up a pole barn to house and store landscaping products inside. No retail sales would be conducted at the site. It would be for storage only. No bulk storage of fuel on site. Crushed stone parking lot. A 6' chain link fence around the site. Additional details needed as to color, lighting, etc., and a revised set of plans.

This application was adjourned to the July meeting when revised plans could be reviewed.

**3. FOX RUN DEVELOPMENT SUBDIVISION PRELIMINARY APPROVAL**

This is a review of revised plans submitted for approval of subdivision of parcel creating 8 new residential building lots. This is on tonight for SEQRA determination and contingent preliminary approval.

Dan Wheeler speaking for Mr. Catrini reviewed the original application, which has not changed.

Peter Setaro, engineer, stated that the cross section for the Lot 1 driveway should be modified to indicate a typical cut and fill condition for the side slopes based on the actual design. Asphalt paving is required due to the slope of the driveway. The drywells should be clearly labeled and connecting perforated pipes should be shown with inverts labeled. The recovering interconnecting pipes should be installed between the two drywells near the bottom of the drywells.

J. Labriola read a letter from Steve Tinkelman regarding trees on the land and his concern about their removal. Letter is in the file.

If anyone wants to subdivide Lot 1 in the future, it has to go before this Board for review and approval.

**MOTION BY J. LABRIOLA, SECONDED BY K. BRAMSON**

**Negative Declaration – Unlisted**

**I move that the Planning Board determine, as set forth in the attached Declaration dated June 8, 2004, prepared by the Board’s engineer, that the Fox Run Subdivision is an unlisted action under SEQRA, that it will not have a significant effect on the environment for the following reasons: no environmental impact statement will be required.**

**WHEREAS, the Town of Pleasant Valley Planning Board has received an application for Subdivision entitled Fox Run Subdivision (Catrini) dated October 1, 2001, submitted by Mark Day, and**

**WHEREAS, an Environmental Assessment Form (EAF) has been submitted in support of this application, and**

**WHEREAS, the Planning Board has acted as Lead Agency in the (Coordinated) Review of this action, and**

**WHEREAS, the Planning Board has reviewed the potential Environmental Impacts that may be associated with this action:**

**NOW, THEREFORE BE IT RESOLVED, that the Planning Board determines the Fox Run Subdivision to be an (Unlisted) Action according to the State Environmental Quality Review Act (SEQRA), Parts 617.4 and 617.5,**

**AND, FURTHER BE IT RESOLVED, that the Town of Pleasant Valley Planning Board has determined that the proposed action will not have a significant effect on the environment and a draft Environmental Impact Statement will not be prepared,**

**AND, FURTHER BE IT RESOLVED, that the Town of Pleasant Valley Planning Board uses the following reasons in support of this determination of non-significance:**

- 1. Storm water and erosion control mitigation measures have been provided.**
- 2. Archeological and historic survey indicated no adverse impact.**
- 3. Threatened and endangered species survey indicated no adverse impact.**
- 4. Dutchess County Department of Health will approve water and sewage systems.**

**VOTE TAKEN AND PASSED 5-0-0**

**MOTION BY J. LABRIOLA, SECONDED BY K. BRAMSON**

**I move that the Planning Board grant preliminary approval to the Fox Run Subdivision, in the form of the attached Resolution dated June 8, 2004, prepared by the Board's engineer and now before the Board, subject to the following conditions:**

**WHEREAS, a formal application for the approval of a subdivision titled Fox Run Subdivision (Catrini) located at Drake Road of a parcel consisting of 71.3 acres into 8 lots was submitted to the Planning Board in October 2001 by Mark Day, and**

**WHEREAS, a Public Hearing was held on said subdivision at the Town Hall in Pleasant Valley, New York, on April 13 and May 11, and**

**WHEREAS, the requirements for preliminary plat of the subdivision regulations of the Zoning Ordinance of the Town of Pleasant Valley have been met by said subdivision except as waived by the Planning Board, plat dated December 2002, latest revision dated May 24, 2004,**

**NOW, THEREFORE BE IT RESOLVED, that approval of the preliminary plat be granted with the following conditions:**

- 1. Address Planning Board engineer's letter dated June 7, 2004.**
- 2. 50' buffer from center of Drake Road.**
- 3. Blandings turtle notes will be added to the map.**

**VOTE TAKEN AND PASSED 5-0-0**

**PRELIMINARY APPROVED**

**4. ROUTE 44 PROPERTY LLC – DUNKIN' DONUTS/GULF SITE PLAN REVISION**

This is a plan submitted for approval of revisions to previously approved plans for conversion of existing gas station/convenience store to Dunkin' Donuts store with drive-thru and Gulf gas station at 2406 Route 44.

Jeff Atkins, Dewkitt, engineer of the previously approved building, discussed changes made in colors and an enlarged building moved 5' forward.

Peter Setaro, engineer, stated that lighting and site drainage should be reviewed. There is a catch basin near a sewage disposal system that's too close in back.

J. Labriola read the Fire Advisory Board's recommendations that the canopy be constructed to a minimum of 15' underneath to allow for the passage of emergency fire vehicles also for sufficient access to the rear of the building for emergency vehicles.

The Board feels that the colors should be toned down a bit more and shorten windows to avoid window signs.

This application was adjourned to the July 2004 meeting for revised plans.

#### **5. CARRINGTON HEIGHTS SUBDIVISION PERFORMANCE BOND REDUCTION**

This is a request for reduction of performance bond submitted for completion of road construction in new subdivision.

Peter Setaro stated that “we have a reduction of a Letter of Credit for the project. The project has been paved with a binder coat of asphalt. We were out there with the Highway Superintendent, and we came up with a reduction amount of \$102,000.00, which would cover the remaining work that won’t be done until after a substantial amount of the houses have been completed.”

#### **MOTION BY J. LABRIOLA, SECONDED BY R. FRACCHIA**

**WHEREAS, a Performance Bond has been posted to cover the full cost of the required improvements for the Carrington Heights Subdivision in the Town of Pleasant Valley, and**

**WHEREAS, the Bond was posted in the amount of \$484,000.00, and**

**WHEREAS, required improvements have been installed in sufficient amount to warrant reduction in the face amount of said Bond,**

**NOW, THEREFORE BE IT RESOLVED, that the face amount of the Performance Bond be reduced to \$102,000.00, after approval by the Town Board, which will cover the cost of the amended list of improvements as shown in the estimate by Morris Associates dated June 7, 2004.**

**VOTE TAKEN AND PASSED 5-0-0**

#### **6. RED BEAR REAL ESTATE SUBDIVISION 90-DAY EXTENSION OF FINAL APPROVAL**

This is a request for extension of subdivision approval located at 2136-2140 Route 44.

J. Labriola read the following letter from Roger Bastian, President of Red Bear Real Estate, Inc.:

Pleasant Valley Planning Board

Please grant an extension on the Red Bear Subdivision. The further delays are due to Health Department not being able to finish and the delays in putting in driveway.

All work should be finished by the end of this extension.

Thank you.

Sincerely,

Roger Bastian

**MOTION BY J. LABRIOLA, SECONDED BY R. FRACCHIA**

**WHEREAS, an application for approval of a subdivision entitled Red Bear Real Estate Subdivision located at 2136-2140 Route 44 was submitted to the Planning Board on June 24, 2003, by Land Resource Consultants, and**

**WHEREAS, conditional approval of the final plat was granted by the Planning Board on September 9, 2003, and**

**WHEREAS, in accordance with Town Code Section 82.15.1, said approval is valid for 180 days, beginning September 9, 2003, and ending March 9, 2004, with 90-day extension to June 9, 2004, and**

**WHEREAS, the applicant has requested an extension of said approval due to delays in approvals from DCDOH and delays in completion of driveway.**

**NOW, THEREFORE BE IT RESOLVED, that the final approval be extended for a period of 90 days to begin June 9, 2004, and to end September 9, 2004, final extension.**

**It is the responsibility of the applicant to submit the plat in the final form prior to the expiration of this time period.**

**Should information presented by the applicant or his representative, either written or verbal, be found to be erroneous, the approval granted herein will be subject to invalidation by the Planning Board.**

**VOTE TAKEN AND PASSED 5-0-0**

**7. MILESTONE SQUARE – DISCUSSION**

Jeff Koblenz, manager of Milestone Square, was present.

J. Labriola stated that the site is still in non-compliance and until it's in compliance with Peter Setaro's letter dated June 7<sup>th</sup>, we will continue to not grant any sign permits in a non-conforming site.

Our attorney will get in touch with your attorney and get the list of non-compliant items established with him. Must come back with amended site plan.

**8. LA PUERTA AZUL RESTAURANT – ROUTE 44, EAST OF TACONIC PARKWAY**

Plans for proposed construction and establishment of a restaurant business submitted by prospective buyer of property, Ty Bitner.

The proposed name of the restaurant is LaPuerta Azul II.

The Board recommends choosing another site as the proposed building and parking lot are too far into the wetland and buffer area to be legal.

**9. BLOCKBUSTER VIDEO SIGN PERMIT REVISION**

This is an application and plans submitted for approval of revision of an existing wall sign at Milestone Square, Route 44 and North Avenue.

This is an existing sign replacement but both signs are smaller than what is there now.

**MOTION BY J. LABRIOLA, SECONDED BY H. FISCHER**

**WHEREAS, the Town of Pleasant Valley Planning Board has received an application from Blockbuster Video for the approval of two signs dated March 25, 2004, and**

**WHEREAS, the Environmental Assessment Form has been submitted and reviewed by the Board,**

**NOW, THEREFORE BE IT RESOLVED, that the Planning Board determines the application to be a Type II Action/unlisted action and it will not have a significant effect on the environment because overall signage is smaller than current signs, and**

**THEREFORE, BE IT FURTHER RESOLVED, that the Planning Board grants approval for two signs as shown in the application and drawings consisting of material, size, and color shown in the application except as follows: None.**

**The Blockbuster sign on the current, non-compliant directional sign will not be changed.**

**VOTE TAKEN AND PASSED 5-0-0**

**APPROVED**

**10. GOLDEN LION SIGN PERMIT REVISION**

This is an application and plans submitted for approval of revision of existing wall sign (reducing square footage of sign due to reduction in store size).

Preston Law was present for the application.

This is an existing sign replacement but smaller than what was there.

**MOTION BY J. LABRIOLA, SECONDED BY H. FISCHER**

**WHEREAS, the Town of Pleasant Valley Planning Board has received an application from the Golden Lion for the approval of a sign dated May 3, 2004, and**

**WHEREAS, the Environmental Assessment Form has been submitted and reviewed by the Board,**

**NOW, THEREFORE, BE IT RESOLVED, that the Planning Board determines the application to be an unlisted action and will not have a significant effect on the environment because the new sign is smaller than the old existing non-conforming sign,**

**BE IT FURTHER RESOLVED, that the Planning Board grants approval for one sign as shown in the application and drawing consisting of material, size, and color shown in the application except: None.**

**VOTE TAKEN AND PASSED 5-0-0**

**APPROVED**

**11. ST. STANISLAUS CHURCH SIGN PERMIT**

This is an application and plans submitted for approval of monument sign designating a church at 1590-1596 Main Street.

Rev. Charles Quinn was present for the application.

A lighted sign, 4' wide, 6' high, 10" deep, black and white between two pillars is proposed. It will be in approximately the same site as current sign, but closer to the pavement. Bottom of the sign will be at the level of the wall. Maximum height of the sign to be 7'. It will be placed between two traffic signs.

**MOTION BY J. LABRIOLA, SECONDED BY H. FISCHER**

**WHEREAS, the Town of Pleasant Valley Planning Board has received an application from the St. Stanislaus Church for the approval of a sign dated May 24, 2004, and**

**WHEREAS, the Environmental Assessment Form has been submitted and reviewed by the Board,**

**NOW, THEREFORE BE IT RESOLVED, that the Planning Board determines the application to be an unlisted action and it will not have a significant effect on the environment because it meets maximum square footage requirements of Town of Pleasant Valley sign ordinance, and**

**THEREFORE BE IT FURTHER RESOLVED, that the Planning Board grants approval for the sign as shown in the application and drawing consisting of material, size, and color shown in the application except as follows:**

- 1. Bottom of sign will be placed at same grade as top of existing retaining wall.**
- 2. Dimensions identifying sign will be added to sketch prior to issuance of building permit.**

**VOTE TAKEN AND PASSED 5-0-0**

**APPROVED**

**12. APPEAL #818 ROTHSTEIN/FRANKEL SPECIAL USE PERMIT**

This application is submitted to ZBA seeking a Special Use Permit to conduct a Bed and Breakfast business in home on property at 359 Masten Road.

J. Labriola read recommendations from Fire Advisory Board requesting that applicant submit a floor plan of the structure in which guests will be staying for pertinent fire issues.

**MOTION BY J. LABRIOLA, SECONDED BY H. FISCHER**

**FORWARD TO ZBA WITH POSITIVE RECOMMENDATION WITH REQUEST TO SEND BACK FOR SITE PLAN REVIEW RELATIVE TO PLANNING, IF APPROVED BY ZBA, FOR CONSIDERATION OF LIGHTING, PARKING, ETC. ALSO, WHAT IS THE INTENTION OF THE COTTAGE?**

**13. APPEAL #819 AVALON HILLS LOT #15 VARIANCE**

This is an application submitted to ZBA seeking a variance from minimum side setback requirement for construction of new home at 15 Avalon Hills Subdivision.

J. Labriola read recommendations from Fire Advisory Board stating that they make no recommendation with regard to this application.

**MOTION BY J. LABRIOLA, SECONDED BY H. FISCHER**

**FORWARD TO ZBA WITH POSITIVE RECOMMENDATION**

**VOTE TAKEN AND PASSED 5-0-0**

**14. BOARD DISCUSSION**

The Board discussed at length several options on the Sign Ordinance and how to change the Ordinance to make it better in respect to the signs being allowed to be placed in the Valley. This discussion will be carried on further at future meetings.

Chairman J. Labriola adjourned the meeting at 10:45 p.m.

Original minutes submitted by,

Linda Mitchell, Secretary

Corrected minutes submitted by,

Helen D. Millar  
Secretary

The foregoing represent unofficial minutes of the June 8, 2004, Pleasant Valley Planning Board. They are not official and should not be construed as the official minutes until approved.

\_\_\_\_ Approved as read

\_\_\_\_ Approved as corrected with deletions/additions

**PLEASANT VALLEY PLANNING BOARD  
JULY 13, 2004**

An Executive Session of the Board was held from 6:30 p.m. to 7:05 p.m.

The regularly scheduled meeting of the Pleasant Valley Planning Board took place on July 13, 2004, at the Pleasant Valley Town Hall, Route 44, Pleasant Valley, New York. Chairman Joe Labriola called the meeting to order at 7:05 p.m.

Members present:     Joe Labriola  
                              Michael Gordon  
                              Rob Fracchia  
                              Kay Bramson  
                              Henry Fischer  
                              Scott Craft  
                              Rebecca Seaman

Also present:           Peter Setaro, Morris Associates  
                              James Nelson, Esq., Town attorney

The meeting was opened with the Pledge of Allegiance.

**1.   SERINO SUBDIVISION – PUBLIC HEARING – PRELIMINARY APPROVAL**

This application was a Public Hearing and a review of revised plans submitted for preliminary approval of proposed subdivision of parcel into 4 residential building lots on Route 44. Public Hearing continued from last month.

Dave Johnson, engineer, was present for this application. Mr. Johnson stated that, at the last meeting, they spoke about the neighboring houses and their concern with the stone wall disturbance along that property line, and they proposed that they would keep the disturbance away from the stone wall when subdividing the parcel of land. Mr. Johnson also said they are seeking a preliminary approval this evening and need to finish up SEQRA. He said they contacted NYS DEC in Albany and a formal response was received from Betty Ketcham and placed in the file. A field test was done recently for Dutchess County Board of Health, and the area showed the soil to be usable and the pond is located in a way where runoff from the hills will be collected by the basin and treated. A maintenance agreement has been prepared for the shared driveway.

Peter Setaro, Planning Board engineer, reported that a letter was received from NY State Department of Environmental Conservation and on file and indicates no record of threatened or endangered species exists. Mr. Setaro also stated that as there is an existing monument at the West End of the Route 44 property. He recommends that a proposed monument be installed at the intersection of the Lot 2 and 3 property line with Route 44. He also notes that all plans should be changed to "Final." He indicates that a note should

be added on Lot 1 indicating that the construction of the detention basin is the responsibility of the Lot 1 owner, and the detention basin 2 should be constructed at the time of common driveway rough grading. This is a condition of approval. He suggested the Board consider additional screening for the two existing houses on Route 44.

J. Labriola: Peter, the detention basins on Lot 1 and 3, will they be constructed and maintained as a shared maintenance between Lots 2 and 3?

P. Setaro: Yes, and the common driveway maintenance agreements will include provisions, if possible, for the maintenance of that detention basin.

J. Labriola: What are the plans for buffers? We would like to see some degree of buffer or at least maintenance of the existing buffer.

**MOTION BY J. LABRIOLA, SECONDED BY K. BRAMSON**

**I move that the Planning Board adopt the following Parkland Determination resolution with regard to the application of Serino Subdivision, in the form of the attached resolution dated July 13, 2004, prepared by the Board's engineer and now before the Board, subject to the following conditions:**

**The Planning Board, having considered the size and suitability of the lands shown on the subdivision plat and the needs of the immediate neighborhood, hereby determines that a suitable park meeting the requirements of the Town cannot be located on such subdivision plat. If applicant's subdivision application is approved, applicant is hereby required to deliver to the Town, for deposit in the Town's trust fund for park, playground and other recreational facilities, the amount required by the Town Board's fee schedule for the number of residential subdivision lots approved by the Planning Board.**

**FULL COPY OF RESOLUTION ATTACHED**

**VOTE TAKEN AND PASSED 7-0-0**

**MOTION BY J. LABRIOLA, SECONDED BY K. BRAMSON**

**I move that the Planning Board determine, as set forth in the attached declaration dated July 13, 2004, prepared by the Board's engineer, that the Serino Subdivision is an unlisted action under SEQRA, that it will not have a significant effect on the environment for the following reasons, and that no environmental impact statement will be required:**

- 1. DCDOH will approve water and sewage system.**
- 2. Storm water mitigation measures have been incorporated.**
- 3. The applicant has provided an erosion control plan.**
- 4. The plans conform to the Town's wetlands code, establishing a buffer zone adjacent to the identified wetlands.**

5. **A minimum of a 50' tree buffer will be protected via easement except along Lot 1 driveway and Lot 2 and 3 common driveway.**
6. **6' high Norway spruce trees on 20' centers will be planted around the Lot detention basin along Route 44 and driveway side.**

**FULL COPY OF RESOLUTION ATTENTION**

**VOTE TAKEN AND PASSED 7-0-0**

**MOTION BY J. LABRIOLA, SECONDED BY M. GORDON**

**REOPEN PUBLIC HEARING**

**VOTE TAKEN AND PASSED 7-0-0**

No speakers came forward.

**MOTION BY J. LABRIOLA, SECONDED BY H. FISCHER**

**CLOSE PUBLIC HEARING**

**VOTE TAKEN AND PASSED 7-0-0**

**MOTION BY J. LABRIOLA, SECONDED BY K. BRAMSON**

**I move that the Planning Board grant preliminary approval to the Serino Subdivision in the form of the attached resolution dated July 13, 2004, prepared by the Board's engineer and now before the Board, subject to the following conditions: None.**

**FULL COPY OF RESOLUTION ATTACHED**

J. Labriola: I would like the buffer around the entire exterior perimeter and around the Goddard and BeGore Lots as much as possible on the driveway sides.

S. Craft: We need to show buffer zone on map.

**MOTION BY J. LABRIOLA, SECONDED BY H. FISCHER**

**WAIVE SECOND PUBLIC HEARING**

**VOTE TAKEN AND PASSED 7-0-0**

**MOTION BY J. LABRIOLA, SECONDED BY M GORDON**

**I move that the Planning Board grant final approval to the Serino Subdivision in the form of the attached resolution dated July 13, 2004, prepared by the Board's engineer and now before the Board, subject to the following conditions:**

- 1. Payment of all fees.**
- 2. Submit common driveway maintenance agreements for the Planning Board attorney's review.**
- 3. Obtain Dutchess County Board of Health approval.**
- 4. Rough grade common driveway and install detention basin 2 with drainage structures prior to the Chairman signing the map.**
- 5. Install concrete monument at the Lot 2 and 3 property line prior to Chairman signing map.**
- 6. Indicate 25' buffer around wetland #1.**
- 7. Indicate 50' minimum tree buffer around perimeter of property and submit deed restriction to Planning Board attorney for review.**
- 8. Indicate Norway spruce tree buffer around detention basin #1 along Route 44 and driveway sides.**

**FULL COPY OF RESOLUTION ATTACHED**

**VOTE TAKEN AND PASSED 7-0-0**

**MOTION BY J. LABRIOLA, SECONDED BY M. GORDON**

**I make a motion in the form of a resolution for recreation fees in lieu of land as follows:**

**WHEREAS, the Town of Pleasant Valley Planning Board has granted final approval of a subdivision entitled Serino Subdivision being a 4-lot subdivision, and**

**WHEREAS, the Town of Pleasant Valley Planning Board recommends that in lieu of land, the Town of Pleasant Valley Town Board impose a 3-lot recreation fee of \$1,000 each.**

**VOTE TAKEN AND PASSED 7-0-0**

**2. THE CASCADES SUBDIVISION – PUBLIC HEARING – PRELIMINARY APPROVAL**

**THIS APPLICATION WAS PULLED DUE TO INCORRECT DATE LISTED ON PUBLIC HEARING NOTICE SENT OUT**

**3. APPLE RIDGE SUBDIVISION – PUBLIC HEARING**

This application is a Public Hearing and review of revised plans submitted for approval of proposed subdivision of parcel creating 5 new residential building lots with

approximately 77 acres remaining with existing orchard facility on North Avenue. The Public Hearing was adjourned from last month.

Bill Povall, engineer for applicant, was present. Mr. Povall stated that one outstanding issue was that they hired an archeological consultant to do the stage 1A and found that there were possibly some areas where it required further investigation. So, based on this recommendation, they just went forward with 1B and found that there were no significant impacts for that stage. They did submit a detailed report to the Board stating that. Mr. Povall said he included a conservation easement on the map around the wetland as recommended by the Board and installed evergreen trees along the buffer on Lot 5.

Peter Setaro, Planning Board engineer, reported that drainage and a couple other items Mr. Povall had said he would address when he submitted application for final subdivision approval. Otherwise, as Mr. Povall stated, we received his cultural Resource Investigation Report study, and he has addressed the other issues we recommended.

J. Labriola: I would like to see a buffer protection along Lot 4 Rymph Road and North Avenue and adjacent property owners.

**MOTION BY J. LABRIOLA, SECONDED BY M. GORDON**

**I move that the Planning Board adopt the following Parkland determination resolution with regard to the application of Apple Ridge Subdivision, in the form of the attached resolution dated July 13, 2004, prepared by the Board's engineer and now before the Board, subject to the following conditions:**

**The Planning Board, having considered the size and suitability of the lands shown on the subdivision plat and the needs of the immediate neighborhood, hereby determines that a suitable park meeting the requirements of the Town cannot be located on such subdivision plat. If applicant's subdivision application is approved, applicant is hereby required to deliver to the Town, for deposit in the Town's trust fund for park, playground, and other recreational facilities, the amount required by the Town Board's fee schedule for the number of residential subdivision lots approved by the Planning Board.**

**FULL COPY OF RESOLUTION ATTACHED**

**VOTE TAKEN AND PASSED 7-0-0**

**MOTION BY J. LABRIOLA, SECONDED BY H. FISCHER**

**I move that the Planning Board determine, as set forth in the attached declaration dated July 13, 2004, prepared by the Board's engineer, that the Apple Ridge Subdivision is an unlisted action under SEQRA, that it will not have a significant effect on the environment for the following reasons, and that no environmental impact statement will be required:**

- 1. Erosion control measures have been provided.**
- 2. The applicant will obtain a DEC and Town Wetlands Permit.**
- 3. The DCDOH will approve water and sewage facilities.**
- 4. Cultural resource investigation revealed no impacts.**
- 5. The maximum tree buffer will be provided as determined by Planning Board along North Avenue and sidelines of Lot 2 and 3.**

**VOTE TAKEN AND PASSED 7-0-0**

**MOTION BY J. LABRIOLA, SECONDED BY K. BRAMSON**

**REOPEN PUBLIC HEARING**

**VOTE TAKEN AND PASSED 7-0-0**

Meta Plotnik: She spoke to DEC and they could not get back and redefine the wetland that crosses the road. Today they would have included it as one wetland. Lot 5 could be the place to provide corridor for wildlife and habitat.

**MOTION BY J. LABRIOLA, SECONDED BY K. BRAMSON**

**CLOSE PUBLIC HEARING**

**VOTE TAKEN AND PASSED 7-0-0**

**MOTION BY J. LABRIOLA, SECONDED BY R. SEAMAN**

**I move that the Planning Board grant preliminary approval to the Apple Ridge Subdivision in the form of the attached resolution dated July 13, 2004, prepared by the Board's engineer and now before the Board, subject to the following conditions:**

- 1. Applicant's engineer to address Planning Board engineer's comments on January 15, 2004, in Final Plan submission.**
- 2. Review tree buffer delineation prior to final approval.**

**FULL COPY OF RESOLUTION ATTACHED**

**VOTE TAKEN AND PASSED 7-0-0**

J. Labriola: Let us know when you're ready to come back with revised set of plans.

**4. AVALON HILLS LOTS 14/15 LOT LINE RE-ALIGNMENT**

**APPLICATION WAS WITHDRAWN**

**5. PENNUCCI – PERMIT FOR REGULATED ACTIVITIES IN WETLAND**

This application is for review submitted to Zoning Administrator for permit to conduct clean out of pond located in designated Federal wetland on 2213 Route 44.

Richard Pennucci, applicant, was present and stated that recently he purchased a piece of property on Route 44. There was a pond put on the property in 1956 and in the last 48 years it's filled in with silt from a small incoming creek. The pond is fed naturally from a natural spring on the property. He cleaned it out around the perimeter of the pond. The pond itself is just under a ½ acre. He would like to dredge the pond to deepen it for fishing and boating and place the soil along the bank nearest the house where he has removed dead trees. He is trying to restore the pond to its 1950's condition when it was first dug. CAC recommended that he consult with Dutchess County Soil and Water for the proper way to proceed with the least disturbance to the larger wetland area and protect the downstream area from runoff. Dredging should probably be done in stages. The Pleasant Valley Ordinance requires a buffer, and buffer should be able to grow up naturally and not be mowed.

Board suggested that they are going to want at least a 25' buffer around, and asked Mr. Pennucci to go to Dutchess County Soil and Water and return to the Board with their decision. Then the Board can move forward.

## **6. LAHMKUHL LANDSCAPING – SITE PLAN**

This is a review of revised plans submitted for approval of plan for construction and establishment of landscaping business on 14 Charles Street.

Thomas Lehmkuhl, Lehmkuhl Landscaping, was present and stated that several notes were added to the site plans since last meeting. First, he specified that the chain link fence with the green mesh was added. No bulk fuel will be stored on the property. The rear drainage swell will be maintained, and he added details as far as the bulk storages in the back of the property. He also added a handicap parking space after speaking with the Town Building Inspector and added lighting details. Minor corrections on the Environmental Assessment Forms were taken care of. It's going to be a grey/tan building with green trim and roof with white windows and doors. No office, no retail sales, and no client visits, strictly warehouse and storage.

J. Labriola: I have a letter from the Highway Superintendent stating that he did a site inspection and he found no problem as to where you want to install the entry. The Planning Board engineer will have to look into any wetland issues or drainage issues. We need documentation on the map and in the file regarding details of shed for fertilizers and pesticides and some kind of surface for spillage protection.

## **MOTION BY J. LABRIOLA, SECONDED BY R. SEAMAN**

**I move that the Planning Board determine as set forth in the attached declaration dated July 13, 2004, prepared by the Board engineer, that the Lehmkuhl Site Plan is an unlisted action under SEQRA, that it will not have a significant effect on the**

**environment for the following reasons, and that no environmental impact statement will be required:**

- 1. Erosion control measures will be implemented.**
- 2. Storm water mitigation will be implemented.**
- 3. Dutchess County Department of Health will approve water and sewage facilities.**
- 4. Special Use Permit was approved by ZBA, which incorporated secondary containment measures.**

**FULL COPY OF RESOLUTION ATTACHED**

**VOTE TAKEN AND PASSED 7-0-0**

**MOTION BY J. LABRIOLA, SECONDED BY K. BRAMSON**

**I move that the Planning Board grant site plan approval to Harry J. Bly LS with regard to the application of Lehmkuhl Site Plan in the form of the attached resolution dated July 13, 2004, prepared by the Board's engineer and now before the Board, subject to the following conditions:**

- 1. Payment of all fees.**
- 2. Dutchess County Board of Health approval.**
- 3. Details will be provided regarding fertilizer and pesticides storage shed.**

**FULL COPY OF RESOLUTION ATTACHED**

**VOTE TAKEN AND PASSED 7-0-0**

**7. FOX RUN DEVELOPMENT SUBDIVISION – PRELIMINARY APPROVAL**

This is a review of revised plans submitted for approval of subdivision of parcel creating 8 new residential building lots.

A revised set of drawings was delivered to Peter Setaro this morning.

Peter Setaro, Planning Board engineer, stated that review of the revised subdivision plan which was prepared by D.F. Wheeler was that the driveway detail indicates 6" of asphalt. This would be reduced to 3". A connector pipe should be shown between the two drywells. This should specify the perforated pipes to be connected to the drywells. The limits of jute mesh can be revised based on the new grading. The guide rail shown should be in fill areas not wet areas. The drywell should be backfilled with 1" washed stone, not gravel; and the 50' clearing restrictions along Drake Road should be clearly labeled.

**MOTION BY J. LABRIOLA, SECONDED BY R. SEAMAN**

**I move that the Planning Board adopt the following Parkland Determination resolution with regard to the application of Fox Run Subdivision in the form of the attached resolution dated July 13, 2004, prepared by the Board's engineer and now before the Board, subject to the following conditions:**

**The Planning Board, having considered the size and suitability of the lands shown on the subdivision plat and the needs of the immediate neighborhood, hereby determines that a suitable park meeting the requirements of the Town cannot be located on such subdivision plat. If applicant's subdivision application is approved, applicant is hereby required to deliver to the Town for deposit in the Town's trust fund for park, playground, and other recreational facilities, the amount required by the Town Board's fee schedule for the number of residential subdivision lots approved by the Planning Board.**

**FULL COPY OF RESOLUTION ATTACHED.**

**VOTE TAKEN AND PASSED 7-0-0**

**MOTION BY J. LABRIOLA, SECONDED BY M. GORDON**

**MOTION TO WAIVE SECOND PUBLIC HEARING**

**VOTE TAKEN AND PASSED 7-0-0**

**MOTION BY J. LABRIOLA, SECONDED BY K. BRAMSON**

**I move that the Planning Board grant Conditional Final Approval to the Fox Run Subdivision in the form of the attached resolution dated July 13, 2004, prepared by the Board's engineer and now before the Board, subject to the following conditions:**

- 1. Payment of all fees.**
- 2. Dutchess County Board of Health approval**
- 3. Meet all requirements of the Planning Board engineer's letter of July 13, 2004.**
- 4. Resolution for recreation fee in lieu of land.**
- 5. Submit common driveway maintenance agreement for review by the Planning Board attorney.**
- 6. Submit deed restriction along Drake Road for review by Planning Board attorney.**
- 7. Review legibility of maps for filing in Dutchess County Clerk's Office and Planning Board engineer to review final maps prior to Chairman signing.**
- 8. Indicate common driveway easement on maps.**
- 9. Provide monuments on Lot 1 and 2, Lot 2 and 3 and Lot 7 and 8 intersection corners with Drake Road prior to Chairman signing the map.**
- 10. Common driveway to be rough graded to 14' prior to Chairman signing map.**

**FULL COPY OF THE RESOLUTION ATTACHED**

**VOTE TAKEN AND PASSED 7-0-0**

**MOTION BY J. LABRIOLA, SECONDED BY K. BRAMSON**

**Recreation fee in lieu of land as follows:**

**WHEREAS, the Town of Pleasant Valley Planning Board has granted final approval of a subdivision entitled the Fox Run Development and being an 8-lot subdivision of a 71.3-acre parcel located on Drake Road, and**

**WHEREAS, the Town of Pleasant Valley Planning Board recommends that in lieu of land, the Town of Pleasant Valley Town Board impose a 7-lot recreation fee of \$1,000 each.**

**VOTE TAKEN AND PASSED 7-0-0**

**8. ROUTE 44 PROPERTY LLC – DUNKIN’ DONUTS/GULF SITE PLAN REVISION**

This is a review of revised plans submitted for approval of revisions to previously approved plan for conversion of existing gas station/convenience store to Dunkin’ Donuts store with drive-thru and Gulf gas station at 2406 Route 44.

Jeff Akins and Scott Cruikshank were present for the application. Dewkett provided corrections from the previous application submitted by Day Engineering and resubmitted a 5 sheet set of plans of all the details and information now offered. They revised the lighting and poles to a “Shoebox” style fixture. Drainage conditions have been revised to a small underground detention system to rear of property. Egress and ingress layout has also been revised and have addressed the Fire Advisory Board’s comments regarding a minimum 15’ clearance height for emergency access. The color scheme has been changed to more subdued colors.

Peter Setaro, Planning Board engineer, stated that the lighting has been revised, and based on our review, the canopy lighting is acceptable. We note, however, that the site light poles are now a standard “shoebox” style fixture versus the historic style poles that were originally approved. We have no issue with the change. However, the Board should review this item. If the new lighting will remain, we suggest that the height of the poles be lowered from 25’ to 15’ to 20’. This would coordinate better with the height of the canopy and building.

**MOTION BY J. LABRIOLA, SECONDED BY R. SEAMAN**

**I move that the Planning Board grant amended site plan approval to Route 44 Property LLC with regard to the application of Gas Station, Convenience Store, and**

**Dunkin' Donuts in the form of the attached resolution dated July 13, 2004, prepared by the Board's engineer and now before the Board, subject to the following conditions:**

- 1. Payment of all fees.**
- 2. Revise height of light poles to 18' maximum.**
- 3. DCDOH approval.**
- 4. NYSDOT approval.**
- 5. Remove signs from the elevations – they require a separate sign permit.**

**FULL COPY OF RESOLUTION ATTACHED**

**VOTE TAKEN AND PASSED 7-0-0**

**9. SMOKES 4 LESS – SIGN PERMIT**

This is an application and plan submitted for approval of a wall sign designating tobacco store to be located in shopping plaza at Milestone Square, North Avenue and Route 44.

John Penns, store manager, proposed a new wall sign at the Milestone Square on North Avenue. It is a beige building with a red-letter sign. The store front is 18'.

J. Labriola: We have not resolved the compliance issues at the Milestone Plaza. There was a joint site visit done; there were site plan lists to be complied with; and they will have to come back for a site plan amendment. So, we are still a ways off for the site to be in compliance. To move things forward, however, with tenant signs as much as possible, we can review and conditionally approve and building permits can be issued on site compliance, or if required, the approval of an amended site plan. This will cut the waiting time for the tenants.

**MOTION BY J. LABRIOLA, SECONDED BY H. FISCHER**

**I move to grant conditional approval:**

**WHEREAS, the Town of Pleasant Valley Planning Board has received an application dated June 4, 2004, from Smokes 4 Less for the approval of one sign, and**

**WHEREAS, an Environmental Assessment Form has been submitted and reviewed by the Board,**

**NOW, THEREFORE BE IT RESOLVED, the Planning Board determines the application to be a Type II action and will not have a significant effect on the environment.**

**BE IT FURTHER RESOLVED, that the Planning Board grants approval for one sign as shown in the application and drawing and consisting of the materials, sizes, and colors shown in the application except as follows:**

- 1. Building Permit will be issued when the Zoning Administrator declares that the Milestone Plaza site is in compliance and if required, an amended site plan is approved by the Planning Board.**

**VOTE TAKEN AND PASSED 7-0-0**

**10. PERFECT NAILS II – SIGN PERMIT**

This is an application and plan submitted for approval of a wall sign designating a nail salon located in shopping plaza at Milestone Square, North Avenue and Route 44.

Applicant was not present.

**MOTION BY J. LABRIOLA, SECONDED BY K. BRAMSON**

**I move to grant conditional approval:**

**WHEREAS, the Town of Pleasant Valley Planning Board has received an application dated April 30, 2004, from Perfect Nails II for the approval of neon sign, and**

**WHEREAS, an Environmental Assessment Form has been submitted and reviewed by the Board,**

**NOW, THEREFORE BE IT RESOLVED, the Planning Board determines the application to be a Type II Action and will not have a significant effect on the environment.**

**BE IT FURTHER RESOLVED, that the Planning Board grants approval for one sign as shown in the application and drawing and consisting of the materials, sizes, and colors shown in the application except as follows:**

- 1. Building Permit will be issued when the Zoning Administrator declares that the Milestone Plaza site is in compliance and, if required, an amended site plan is approved by the Planning Board.**

**VOTE TAKEN AND PASSED 7-0-0**

**11. COMPUTER EXPERTS – SIGN PERMIT**

This is an application and plan submitted for approval of a wall sign designating computer sales and service business located in shopping plaza in Milestone Square, North Avenue and Route 44.

Tim Magnarella, applicant, was present.

**MOTION BY J. LABRIOLA, SECONDED BY M. GORDON**

**I move to grant conditional approval as follows:**

**WHEREAS, the Town of Pleasant Valley Planning Board has received an application dated April 29, 2004, from Computer Experts for the approval of one sign, and**

**WHEREAS, an Environmental Assessment Form has been submitted and reviewed by the Board,**

**NOW, THEREFORE BE IT RESOLVED, that the Planning Board grants approval for one sign as shown in the application and drawing and consisting of the materials, sizes, and colors shown in the application except as follows:**

- 1. Building Permit will be issued when the Zoning Administrator declares that the Milestone Plaza site is in compliance and, if required, an amended site plan is approved by the Planning Board.**

**VOTE TAKEN AND PASSED 7-0-0**

**12. APPEAL #820 HINSCH VARIANCE**

This is an application submitted to ZBA seeking a variance from minimum center of road setback requirement for placement of shed on 168 Gretna Woods Road.

A letter was submitted from the Pleasant Valley Fire Advisory Board dated July 12, 2004, which states it takes no position with regard to this application as it is strictly within the purview of the ZBA.

J. Labriola: It sits right on the road. It's not ugly, and it's existing on asphalt.

**MOTION BY J. LABRIOLA, SECONDED BY H. FISCHER**

**REFER TO ZBA WITH NEGATIVE RECOMMENDATION AS CURRENT SET BACK IS 60' AND THERE IS ROOM ON THE SITE TO RELOCATE THE SHED AND IT WILL STILL NOT BE IN COMPLIANCE BUT WILL BE IN LESS OF A NON-COMPLIANT STATE.**

**VOTE TAKEN AND PASSED 7-0-0**

**13. APPEAL #821 VOSE VARIANCE**

This application was submitted to ZBA seeking a variance from minimum side setback requirement for placement of shed on 1658 Main Street.

A letter was submitted from the Pleasant Valley Fire Advisory Board dated July 12, 2004, which states that it takes no position with regard to this application as it is strictly within the purview of the ZBA.

**MOTION BY J. LABRIOLA, SECONDED BY H. FISCHER**

**REFER TO ZBA WITH POSITIVE RECOMMENDATION AS IT IMPROVES THE PRIVACY AND SCREENING OF THE NEIGHBORS, AND IT IS NOT VISIBLE FROM ROUTE 44. HOWEVER, THE ZBA SHOULD TAKE INTO CONSIDERATION THE HEIGHT OF THE PROPOSED BUILDING AS THE PLANNING BOARD WAS NOT PROVIDED WITH THAT INFORMATION.**

**VOTE TAKEN AND PASSED 7-0-0**

**14. A NOTIFICATION:** The Town Board has a Public Hearing scheduled for the evening of July 14, 2004. They are planning to amend Chapter 82 and 98 of the Town Code to adopt the Greenways. They are looking for a position from the Planning Board.

**MOTION BY J. LABRIOLA, SECONDED BY H. FISCHER**

**Town of Pleasant Valley Planning Board consents to the designation of the Town of Pleasant Valley Town Board to act as Lead Agency for the above amendment to the Town Zoning Code.**

**VOTE TAKEN AND PASSED 7-0-0**

**15. J. Labriola:** I also got a letter from the NYS Department of Parks and Recreation and Historic Preservation regarding the Taconic State Parkway from the Kensico Dam Plaza in Valhalla, north to the I-90 interchange in East Chatham. It says, "The State Review Board has recommended to the Commissioner of Parks and Recreation and Historic Preservation that the property identified above be listed on the NYS Register of Historic Places and nominated to the National Register of Historic Places. After review of the nomination, Shipo has agreed with the recommendation of the State Review Board and has listed the property on the State Register of Historic Places. We shall now forward the nomination to the keeper of the National Register in Washington, D.C. If the keeper of the National Register approves the nomination, the property will be listed on the National Register." I imagine that once that happens, they will let us know. I think it's a step forward because I think it gives us additional teeth for any proposed development adjacent to the Taconic Parkway.

**16. J. Labriola:** I also got a letter from Dutchess County Planning Federation. They are going to be hosting their annual awards dinner in January, and they will be recognizing individuals who have made positive contributions to the communities by implementing good planning practices. The four categories for awards are:

1. Historic Preservation or reuse

2. Open Space Preservation
3. Redevelopment
4. New Development

To be eligible, the project should be complete or near completion by the end of this year.  
If we have any suggestions.

## **17. MINUTES**

Reviewed minutes of April 13, 2004, May 11, 2004, and June 8, 2004. Multiple corrections are required prior to their approval.

Chairman J. Labriola adjourned the meeting at 10:35 p.m.

Original minutes submitted by,

Linda Mitchell, Secretary

Corrected minutes submitted by,

Helen D. Millar  
Secretary

The foregoing represent unofficial minutes of the July 13, 2004, Pleasant Valley Planning Board. They are not official and should not be construed as the official minutes until approved.

\_\_\_\_ Approved as read

\_\_\_\_ Approved as corrected with deletions/additions

PLEASANT VALLEY PLANNING BOARD  
August 17, 2004

The regularly scheduled meeting of the Pleasant Valley Planning Board took place on August 17, 2004, at the Pleasant Valley Town Hall, Route 44, Pleasant Valley, New York. Chairman Labriola called the meeting to order at 6:34 p.m.

Members present:            Joe Labriola  
                                     Kay Bramson  
                                     Mike Gordon  
                                     Robert Fracchia  
                                     Henry Fischer

Member absent:             Rebecca Seaman

Also present:                Peter D. Setaro, PE, Morris Associates  
                                     James Nelson, Esq.  
                                     Dieter Friedrichson, Zoning Administrator  
                                     John McNair, Town Supervisor

The meeting was opened with the Pledge of Allegiance.

**1. Personnel Updates:**

J. Labriola welcomed Helen Millar, the new Recording Secretary, and announced that Scott Craft has resigned as Board member. Applications are being actively pursued, with interviews to begin next week or so. Please spread the word.

**2. Beverly Hills – Site Visit 7/27/04**

J. Labriola reported on 7/27/04 site visit. Attendees: Kay Bramson, Rob Fracchia, Joe Labriola, Peter Setaro, Mike Gillespie (applicant's engineer). Groundrules as usual: No decisions; qualifying questions only; no input offered; facts gathered. Applicant staked center line of internal road system. Good job noting approximate location of homes, good idea of view shed, ridge lines. Attendees had trouble finding the center stake of the center of the northern circular road due to high grass. Very enlightening visit. This will be discussed in detail when next on the Planning Board agenda.

Actions needed: Long form EAF is required prior to circulating the plan. Nancy to contact the applicant in writing for this form.

**3. The Cascades Subdivision – Public Hearing – Preliminary Approval**

Present: Brian Franks, Surveyor for applicant.

Notice of Publication was not submitted.

B. Franks reports: awaiting letters from DEC, Parks and Recreation, DOT, and County DPW. County DPW verbally agreed that existing driveway coming out on Clinton

Hollow would be fine for an access way for Lot #2. Letters received from State, DEC, and Parks and Recreation approving the State Entrance. Two separate driveways are planned – county and state.

P. Setaro reviews his letter dated 8/16/04, attached.

- Discussion of Blanding turtle sighting: Board reaches consensus on the placement of standard turtle protection notes on the map in lieu of a visit by a qualified biologist. Board recognizes that we are improving a previously developed property that is farther away from the wetlands and that the buffer has been mowed all summer.
- Discussion of sewage disposal system located within buffer zone: Brian states that the system will slide to the east to avoid the buffer zone.
- Add standard erosion control measures to the map.
- Add driveway abandonment notes to the map and areas to be seeded.

**RESOLUTION FOR PARKLAND DETERMINATION - SUBDIVISION: #2 A SUITABLE PARK CANNOT BE LOCATED ON SUCH SUBDIVISION PLAT.**

Motion by J. Labriola; seconded by H. Fischer.

**VOTE TAKEN AND PASSED: 5-0-0**

**NEGATIVE DECLARATION – UNLISTED.** Motion by J. Labriola; seconded by M. Gordon.

**VOTE TAKEN AND PASSED: 5-0-0**

**4. LAL'S GAS STATION AND GROCERY STORE – SITE PLAN REVISION**

Present: Ray Vanvoorhees & applicant Lal

ZBA has approved the addition of the canopy above the gas island. Street trees will be added along Timothy Heights Road and behind the building; remove debris and paint over graffiti; landscaping along curb cut areas; and match the canopy to the mansard roof of the building.

Must submit new sign application.

P. Setaro reviews comment letter.

- Discussion re: written request for waivers. Ray to handle.
- Discussion re: County 239M. Joe will talk with Nancy regarding what documents were sent to Dutchess County Dept. of Planning – the short EAF with the latest set of plans. If these were not sent, let's get that done. Ray asks that comments be received from Planning in timely fashion.
- Discussion re: canopy lighting. Concern about intrusively bright lighting in this neighborhood. Lighting will be restricted to 25 footcandles.

- Discussion re: landscaping and site appearance. Board concerned about poor housekeeping at the site and disheveled building. Applicant states there will be new pumps, new paving, that he does not own the building or the land, and that major oil company will dictate specific appearance. Ray to check on whether the canopy height can be lowered to match the height of the building. Board requests landscaping details be added to the site plan to include size and type of trees, window treatments, plans for painting and/or repair of the building, color samples of paint for canopy and building to be submitted, and details on paving. Joe to check w/Nancy. If site plan has not already been sent to DC Planning, then the 5/27/04 plan with these comments will be sent and comments requested prior to the September 2004 PV Planning Board meeting.

#### **5. PENNUCCI – PERMIT FOR REGULATED ACTIVITIES IN WETLANDS**

Present: Rick Pennucci

Pennucci reports: Project is to clean out an existing pond (originally dug out in 1956 when the house was built). Pond used to be 5'–6' deep and is now 18" deep. Pennucci consulted Soil and Water as requested by CAC. Soil inspection conducted. Good stable soil, mostly shale and clay, good base. Concerned about digging too deep so as not to disturb the natural spring. Recommended to dig the pond on a 1 to 4 pitch and not to dig any deeper than 4 feet. Recommended to get permit from DEC because the creek ends up in the Wappingers. Recommended to bale off the spillway to prevent run off of silt; level and let dry; seed with straw; 3'-5' buffer of trees 20' apart. Pennucci consulted James Cronin, Army Corps of Engineers, who agreed w/Soil and Water. Some confusion regarding size of pond area. If ½ acre in size, then it's in the Town's domain. Pond and spillway have been cleaned out and is taking great shape. Pennucci will return next month.

J. Labriola requests: hand sketch with landscaping, copies of letters from Conservation, Soil and Water, and Army Corps of Engineers. When permit of DEC is received, then we're good to go.

#### **6. MILESTONE SQUARE SITE PLAN REVISION**

Present: Jeff Koblenz, Time Equities, Inc.

Last appeared before this Board on 6/8/04. Have met with Zoning Administrator, Town Engineer, Planning Board attorney. Attempt to bring existing site in compliance with a site plan signed in 2000.

P. Setaro reviews 8/16/04 letter:

- Add cart corrals to site plan.
- Discussion re: removal of trees. Trees have already been removed.
- Discussion re: additional parking spaces behind building and placement of three dumpsters. Safety concerns for employees or shoppers when parking back there. Dumpsters create access problems for tractor trailers behind the building. Space is very tight. Dumpsters must be set at an angle for access, which additionally

reduces the passage for tractor trailers. Access road is one-way that way because of position of loading dock. Town code: dumpsters must be 25' from the building. D. Friedrichson reports that, to vary from 25', would require variance from ZBA and Fire and mentions a \$2,000 fire suppression system in dumpster. J. Koblenz shows pictures taken today which reveals how tight the access is.

Action: Koblenz to apply to ZBA and Fire Advisory Board for variance to place the dumpsters up against the building.

- Unsanitary Compactor behind A&P: D. Friedrichson reports that the leak has been fixed.
- Legibility of Site Plan: Koblenz to make final site plan legible with updated notes that are clear and crisp and that the final plan is "crystal clear."
- Fence: Fence has been repaired.
- All other items have been addressed.

## 7. MILESTONE SQUARE SIGN PERMIT

Present: Barbara Fitzgerald, Gloede Neon Signs, Inc., & Jeff Koblenz

J. Labriola notes that there are 5 ground signs on the site. On each of North Avenue entrances, there are 4 low brick monument signs that say Milestone Plaza and need to be factored into the discussion of replacing the current sign. D. Friedrichson suggests putting these monument signs on the site plan. B. Fitzgerald suggests these are entrance signs, not ground signs. J. Labriola suggests removing the lettering. J. Koblenz notes that they are on the site plan as entrance signs. L. Labriola suggests a review of the most recently approved site plan to see what was approved regarding these "entrance signs."

Discussion: dropping height proposed sign from 15' to 13' or 12'; A&P getting top billing dwarfs Milestone Square as the name of the plaza; treating A&P different from the other tenants is justified because it's the anchor store and could be given more space in the directory part of the sign; changing the name to the A&P Milestone Square; removing the visual clutter of listing all the tenants in favor of a sign that only says Milestone Square; drivers cannot read the listing of tenants; directory signs on the building are more functional; back-lit is much more visible than spot-lit; proposed sign design is within town code; A&P has been waiting for this signage for years; Board agrees that new design is not an improvement, cannot read the listing of tenants, and prefers a sign "Milestone Square Plaza" or "A&P Milestone Square" without any tenant listing; option to post a bond for removal of old sign by a specific date.

### Actions:

- Drop total height of sign
- Remove current sign – cannot approve amended site plan or approve new sign application until old sign is down
- Koblenz to talk with Richard Cantor to review alternatives for more aesthetically pleasing sign and how to deal with "entrance signs"
- Updated site plan that covers all discussions and sign application for a new conforming sign.

## **8. FEASIBILITY OF CONSTRUCTION OF FINANCIAL INSTITUTION ON NORTH AVENUE AND QUAKER HILL ROAD**

Present: Jeff Akins, Dewkett Engineering  
Applicant: K.D.A. Holdings, Atlanta, GA

Project: 6,000 square feet, 1-story financial institution.

### Discussion:

- R. Seaman provided the following comment to M. Gordon: R. Seaman does not like open-front w/parking on North Avenue w/building in the back or the entrance on Quaker Hill Road – tough hill and narrow road.
- M. Gordon, K. Bramson, J. Labriola agree w/Seaman's comments.
- J. Labriola – too much parking for 5 drive-thru windows, traffic implications on substandard Quaker Hill Road and across from Milestone Square, landscaping is good, entrances are tough
- R. Fracchia – look at Greenway Guides
- J. Akins – traffic analysis will be needed
- M. Gordon – questions whether this location can support the volume of traffic to support this number of drive-thrus (more than across from IBM) - # of drive-thrus may be excessive – can the village provide this volume of business; 6,000 square feet is very large especially – questions use of the building
- J. Labriola – 67 parking spaces is a lot; since most of the business will be drive-thru
- D. Friedrichson – site on flood plain
- J. Labriola – separate drive-thrus from main building
- M. Gordon – cannot dump traffic out onto Quaker Hill – not safe
- J. Labriola – make entrance 3 lanes wide to accommodate turns into traffic
- P. Setaro – cannot touch existing sewage disposal system – talk with Public Works

## **9. FEASIBILITY OF FULL SERVICE RESTAURANT ON ROUTE 44 IN EXISTING RETAIL/PROFESSIONAL BUILDING – SYCAMORE SQUARE**

Present: Ty Bittner

Will put in a package plant behind the building and pump to the plant and discharge clean water into the stream. No outside seating. Will show all renovation plans at future meetings.

Board concern for sufficient parking. T. Bittner reports that there will be no more seating than the parking spaces can handle. Also, lease will not allow any other restaurants. Maximum seating will be under 200. 3,500 square feet for customers.

D. Friedrichson – inspector may have comments because of cooking.

Wants to be open by Cinco de Mayo. Will return to next Planning Board meeting. Will work w/the Board on building design and appearance to fit into the community.

**10. BOLANDER SUBDIVISION 90-DAY EXTENSION FINAL APPROVAL**

Motion by J. Labriola; seconded M. Gordon.

**VOTE TAKEN AND PASSED 5-0-0**

**11. MOUNTAIN VIEW ESTATES RESOLUTION LETTER OF CREDIT**

Approval sought for bond for road. DEC approval has been received.

Motion by J. Labriola; seconded by K. Bramson

**VOTE TAKEN AND PASSED 5-0-0**

**12. APPEAL #822 FRALEIGH-VARIANCE – 748 TRAVER ROAD**

Referral from ZBA; existing home inside necessary setbacks by 4 feet. Project: addition to house. Fire Advisory Board letter 8/4/04 stating that they take no position with regard to this application.

Motion by J. Labriola to pass along to ZBA with a positive referral that the proposed improvements are in keeping with the nature and feel of the neighborhood; seconded by R. Fracchia

**VOTE TAKEN AND PASSED 5-0-0**

**13. GREENWAY GUIDE**

Discussion regarding adopting the Greenway Guide. Town Board will adopt it and insert it into the Town code. Adoption of the Guide gives us more authority to require alternative designs and more consideration of a set of best practices useful for SEQRA discussions.

Motion by J. Labriola that we reviewed and concur with the Environmental Assessment Form and consent that the Town Board act as lead agency for review and adoption; seconded by R. Fracchia.

**VOTE TAKEN AND PASSED 5-0-0**

**14. FORD SITE ON ROUTE 44**

Trucks and cars are parked on grass. D. Friedrichson has been up there 5 times. The area belongs to the State. State has already told them to remove the vehicles. Friedrichson will follow up.

**15. SCOTT CRAFT'S RESIGNATION**

We need a Vice Chair as a result of Scott's resignation. Please consider volunteering.

**CHAIRMAN LABRIOLA ADJOURNED THE MEETING.**

Respectfully submitted,

Helen D. Millar  
Recording Secretary

The foregoing represent unofficial minutes of the August 17, 2004, Pleasant Valley Planning Board. They are not official and should not be construed as the official minutes until approved.

\_\_\_\_ Approved as read

\_\_\_\_ Approved as corrected with deletions/additions

**PLEASANT VALLEY PLANNING BOARD  
SEPTEMBER 14, 2004**

The regularly scheduled meeting of the Pleasant Valley Planning Board took place on September 14, 2004, at the Pleasant Valley Town Hall, Route 44, Pleasant Valley, New York. Chairman Joe Labriola called the meeting to order at 6:37 p.m.

Members present:     Joe Labriola  
                              Rob Fracchia  
                              Rebecca Seaman  
                              Kay Bramson  
                              Henry Fischer  
                              Mike Gordon

Also present:           Peter Setaro, Morris Associates  
                              Deiter Friedrichson, Zoning Administrator  
                              James Nelson, Esq.

The meeting was opened with the Pledge of Allegiance.

**1.    CASCADES SUBDIVISION – PUBLIC HEARING – PRELIMINARY APPROVAL**

Bob Beckman and Brian Franks, surveyor for applicant, were present.

J. Labriola reports that Parkland Resolution and negative declaration on SEQRA done at last month's meeting. This is on tonight for Public Hearing and discussion of Preliminary Approval.

Applicant states that they have met with all of P. Setaro's comments in his letter: turtle notes, driveway requirements for Lot 2, fence, moved septic system for Lot 2 out of 100-foot buffer zone.

Discussion of P. Setaro's letter: remaining requirement is a note on the map that no buildings or structures will be located within the 100-foot buffer zone without prior approval of the Planning Board.

J. Labriola states that there is a Notice of Publication for The Poughkeepsie Journal.

**MOTION BY J. LABRIOLA TO OPEN THE PUBLIC HEARING; SECONDED BY H. FISCHER.**

**VOTE TAKEN AND PASSED 6-0-0**

**PUBLIC HEARING IS NOW OPEN**

Anita Plotnik, Conservation Advisory Committee, asks who is responsible for enforcing the turtle notes. P. Setaro states that no window wells will be permitted and all open excavation will be covered at night, but ultimately the lot purchaser will be responsible. J. Nelson states that these covenants are covered by deed change; hence deed owners are responsible. J. Labriola states that the Town does not have the personnel to monitor this.

**MOTION BY J. LABRIOLA TO CLOSE THE PUBLIC HEARING; SECONDED BY R. SEAMAN**

**VOTE TAKEN AND PASSED 6-0-0**

**PUBLIC HEARING IS CLOSED**

**MOTION BY J. LABRIOLA THAT THE TOWN OF PLEASANT VALLEY PLANNING BOARD GRANT PRELIMINARY APPROVAL TO THE CASCADES SUBDIVISION IN THE FORM OF THE ATTACHED RESOLUTION DATED SEPTEMBER 14, 2004, PREPARED BY THE BOARD'S ENGINEER AND NOW BEFORE THE BOARD SUBJECT TO THE FOLLOWING CONDITIONS: NONE**

**SECONDED BY M. GORDON**

**VOTE TAKEN AND PASSED 6-0-0**

Applicant states that the house will be situated on the site parallel with Salt Point Turnpike and in line with most of the other houses on Salt Point Turnpike.

**MOTION BY J. LABRIOLA TO WAIVE THE SECOND PUBLIC HEARING; SECONDED BY H. FISCHER**

**VOTE TAKEN AND PASSED 6-0-0**

**MOTION BY J. LABRIOLA THAT THE TOWN OF PLEASANT VALLEY PLANNING BOARD GRANT FINAL APPROVAL TO THE CASCADES SUBDIVISION IN THE FORM OF THE ATTACHED RESOLUTION DATED SEPTEMBER 14, 2004, PREPARED BY THE BOARD'S ENGINEER AND NOW BEFORE THE BOARD SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. PAYMENT OF ALL FEES**
- 2. DUTCHESS COUNTY BOARD OF HEALTH APPROVAL**
- 3. DUTCHESS COUNTY HIGHWAY DEPARTMENT APPROVAL OF ACCESS**
- 4. ADD BUFFER NOTE ACCORDING TO PLANNING BOARD ENGINEER'S LETTER DATED SEPTEMBER 12, 2004**

**SECONDED BY R. FISCHER**

**VOTE TAKEN AND PASSED 6-0-0**

**RESOLUTION FOR RECREATION FEES IN LIEU OF LAND**

**WHEREAS**, the Town of Pleasant Valley Planning Board has granted final approval of a subdivision entitled Cascades Subdivision, being a two-lot subdivision located on Salt Point Turnpike,

**WHEREAS**, the Town Pleasant Valley Planning Board recommends that in lieu of land the Town of Pleasant Valley Town Board impose a one-lot recreation fee of \$1,000

**SECONDED BY M. GORDON**

**VOTE TAKEN AND PASSED 6-0-0**

**2. SUNSHINE EARLY EDUCATION CENTER – SITE PLAN**

Applicant is at school tonight and was represented by her husband, Jeff Frazier.

J. Frazier reports that this is a proposal for a day care center in an existing building at 12 Timothy Heights. Current proposal is to build out ½ of the building and to expand into the rest of the building at some later time. J. Labriola clarifies that this is a multi-phase plan and the Board should consider both phases of the plan with regard to traffic, noise, safety, etc. J. Frazier reports that there will be a total of 18 children in Phase 1 and a total of 30 children when Phase 2 is complete. Total staff for Phase 1 will be the applicant, one aide, and two other employees. Hours for Phase 1 will be 7 a.m. to 5 or 6 p.m. J. Frazier reports that his wife has been in regular contact with the State regarding day care regulations.

P. Setaro's comments:

- need accurate site plan that shows the relationship of the building to the parking, a map based on a survey that shows the features on the site, parking, access, traffic flow
- complete approval from Dutchess County Board of Health regarding sewer and water systems
- long form EAF

J. Labriola states that safety will be a major issue for the Board regarding this proposal: traffic, lighting, landscaping, fenced in playground areas, gates and how locked, cooking for the children affecting sewage, handicapped access, parking, noise, ingress/egress.

J. Frazier cannot answer questions about other tenants in the building. J. Labriola suggests that, since the applicant will be in school on Tuesday evenings, she may want to hire a professional engineer to represent her at the Planning Board.

**NEXT STEPS: Board needs an engineered set of drawings, drawn to scale by a professional engineer.**

J. Labriola states that, because the property is on a State highway, the Town Planning Board will refer the prepared drawings to the Dutchess County Department of Planning for their consideration.

**3. ALBRECHT – PERMIT FOR REGULATED ACTIVITIES IN WETLANDS**

Bob and Steve Albrecht present. Application is for a permit for installation of an already installed culvert pipe in stream on property.

Albrechts report that originally they intended to put in a through road, which never materialized. Albrechts say that: the DEC told them that if the stream dries up in the summer, then a permit is not needed; that Jim Cronin in NYC told them to go to Craig Vogel at Farm Home Center; and that Vogel said that it's not a wetlands area. Because they had extra pipe and a pile of fill, they went ahead and put in the pipe and covered it up.

Albrecht says that a through road would give the people who live there access to Brown Road for mail delivery, snow removal, school bus access, that the Planning Board may in the future want to open up the road.

J. Labriola clarifies that the Albrechts' intention behind putting the pipe in the ground and covering it with fill is to create a through road from their recently approved subdivision to Brown Road. The Albrechts confirm this as accurate.

J. Labriola reminds the applicants that the through road was specifically not approved by the Board at a previous meeting. Further, the Board at a previous meeting determined that there was no compelling reason to disturb this Federally-protected wetland area, which was flagged and designated as wetland. Town of Pleasant Valley Wetland Ordinance describes the application procedure required prior to disturbing a wetland.

R. Seaman suggests that the Albrechts may have received incorrect information, that the fact that it dries up in the summer does not determine wetland status. The area is still protected as wetland under Town of Pleasant Valley ordinance. J. Labriola stresses that the applicants ignored a Town Wetlands Ordinance. Board reviews original map for the subdivision which delineates that area as wetland.

**NEXT STEPS:** Albrechts to get correspondence from Army Corps of Engineers that will: substantiate what they claim to have been told about whether or not this area is a wetland and determine where the buffer is. Albrechts will present this at next month's Planning Board meeting for a decision on whether there has been a violation.

J. Labriola reads into the file a letter from Anita Plotnik, Conservation Advisory Committee, dated September 14, 2004.

#### 4. LAL'S GAS STATION & GROCERY STORE – SITE PLAN REVISION

Vinnie Lal and Ray VanVorhis present.

R. VanVorhis reports: ZBA approval on canopy has been received; lighting has been reduced to 175 watts and the fixtures are a flat profile lens; landscaping and building treatment requirements have been met; all four sides of the building will be painted; and the decrepit trash enclosure will be replaced by chain link fence with green slats.

P. Setaro states that must have Owner's Consent Note added to the site map.

Discussion of planting salt-resistant shade trees along the street.

Discussion of signage: old sign (14 feet to the bottom of the sign, 6 feet by 8 feet in size, internally lit) was removed prior to this new tenant; there is no existing sign at this time; remove sign detail from the map and amend note on the map to reflect the intention to replace the sign in the future; apply for sign permit after franchise is established; engineer wants the record to reflect that the applicant wants to replace the original sign exactly as it was before in size.

J. Labriola reads into the record a letter from Dutchess County Department of Planning dated September 14, 2004:

- Recommendation #1 regarding signage has been incorporated.
- Recommendation #3 regarding lighting has been incorporated.
- Discussion of closure of curb cuts along Route 44: will impede access by fuel trucks, will back up traffic on Timothy Heights, and cannot change location of fuel pumps.
- Discussion of planting street trees every 30 feet: not practical along Route 44; planned landscaping will be sufficient.
- Discussion of widening the islands to allow for increased depth: not possible as it would affect traffic flow.

Discussion of relocating the dumpster to the western side of the building.

**MOTION BY J. LABIOLA THAT THE TOWN OF PLEASANT VALLEY PLANNING BOARD ACCEPT TWO OF THE THREE RECOMMENDATIONS OF THE DUTCHESS COUNTY DEPARTMENT OF PLANNING. WE AGREE WITH AND HAVE INCORPORATED RECOMMENDATION #1, ABSOLUTELY NO SIGNAGE WILL BE ALLOWED ON THE CANOPY, AND RECOMMENDATION #3, ALL LIGHTING OF THE CANOPY SHOULD BE RECESSED INTO THE DECK, LOW INTENSITY AND DIRECTED AWAY FROM ROUTE 44, AND THAT THE FASCIA WILL NOT BE ILLUMINATED. RECOMMENDATION #2, WHICH DEALS WITH CLOSING THE EASTERN MOST CURB CUT ON ROUTE 44, OBTAINING PERMISSION TO PLANT STREET TREES WITHIN THE DOT RIGHT-OF-WAY, AND TO WIDEN THE**

**ISLANDS TO PROVIDE INCREASED DEPTH FOR LANDSCAPING HAS BEEN REJECTED.**

**THE RATIONALE BEHIND THIS IS THAT THE CURRENT CURB CUTS PROVIDE FOR A BETTER FLOW OF TRAFFIC, THE EASTERN MOST CURB CUT IS USED BY FUEL TRUCKS FOR DELIVERY, AND CONCERN WITH TRAFFIC BEING BACKED UP ON TIMOTHY HEIGHTS WAITING TO CROSS AND GO EAST ON ROUTE 44 COULD IMPEDE PEOPLE TRYING TO GET INTO THE SITE OFF OF TIMOTHY HEIGHTS. AS FAR AS PERMISSION TO PLANT STREET TREES IN THE DOT RIGHT-OF-WAY, WE HAVE DIRECTED PREVIOUS APPLICANTS TO REQUEST PERMISSION TO PLANT LANDSCAPING IN THOSE RIGHT-OF-WAYS AND THEY HAVE BEEN REFUSED. LASTLY, INCREASING THE DEPTH OF THOSE ISLANDS WILL NEGATIVELY IMPEDE TRAFFIC FLOW.**

**SO, TWO OF THE THREE RECOMMENDATIONS HAVE BEEN INCORPORATED.**

**SECONDED BY H. FISCHER**

**VOTE TAKEN AND PASSED 6-0-0**

**MOTION BY J. LABRIOLA THAT THE TOWN OF PLEASANT VALLEY PLANNING BOARD DETERMINE, AS SET FORTH IN THE ATTACHED DECLARATION DATED SEPTEMBER 14, 2004, PREPARED BY THE BOARD'S ENGINEER, THAT LAL'S GROCERY STATION SITE PLAN IS AN UNLISTED ACTION UNDER SEQRA AND THAT IT WILL NOT HAVE A SIGNIFICANT AFFECT ON THE ENVIRONMENT FOR THE FOLLOWING REASONS AND THAT NO ENVIRONMENTAL IMPACT STATEMENT WILL BE REQUIRED:**

- 1.THE APPLICATION IS ONLY FOR THE INSTALLATION OF A GAS PUMP CANOPY**
- 2.THE SITE LANDSCAPING HAS BEEN IMPROVED.**

**SECONDED BY H. FISCHER**

**VOTE TAKEN AND PASSED 6-0-0**

**MOTION BY J. LABRIOLA THAT THE TOWN OF PLEASANT VALLEY PLANNING BOARD GRANT SITE PLAN APPROVAL TO BASHRON LAL WITH REGARD TO THE APPLICATION OF LAL'S GAS STATION IN THE FORM OF THE ATTACHED RESOLUTION DATED SEPTEMBER 14, 2004, PREPARED BY THE BOARD'S ENGINEER AND NOW BEFORE THE BOARD AND SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. PAYMENT OF ALL FEES**
- 2. ADD OWNER'S CONSENT NOTE TO THE MAP**

- 3. A NOTE WILL BE ADDED TO THE MAP THAT EITHER A TOP COAT OF ASPHALT WILL DONE OR THAT THE EXISTING ASPHALT WILL BE SEAL COATED AND PARKING SPACES WILL BE REPAINTED**
- 4. REMOVE SIGN DETAILS OFF MAP**
- 5. LOCATION OF DUMPSTER TO BE MOVED TO THE WESTERN SIDE OF THE BUILDING**

**SECONDED BY R. FRACCHIA**

**VOTE TAKEN AND PASSED 6-0-0**

**5. PENNUCCI – PERMIT FOR REGULATED ACTIVITIES IN WETLANDS**

Richard Pennucci present.

R. Pennucci reports progress on clean out of pond located on his property on Route 44 between the Williams' and Richard's properties. Pond has been filled in by silt over the years. Soil & Water recommended that he plant pines to stabilize it and to bail the pond and the spillway. Scott Ballard, DEC, requested a map, a proposal, and recommendations from Soil & Water in order to determine what permit is required. Ballard's decision will take 6 weeks.

NEXT STEPS: Pennucci to provide the Board with a sketch and letter from Soil & Water saying that they have reviewed and approved the plan.

Pennucci will probably return to the Board in December 2004.

**6. ZBA REFERRAL #824 TIME EQUITIES (MILESTONE SQUARE) - VARIANCE**

Richard Cantor, Esq., and Jeff Koblenz present.

Discussion of variance from 25 foot setback of dumpster: Cantor reports that the source of the 25 foot setback requirement is not the Zoning Code but is, rather, Chapter 57 of the Town Code. It is Section 57-6 subdivision (A)(3) which provides for a variety of refuse facilities that must be located at least 25 feet from the nearest structure or be adequately protected with automatic extinguishing systems. Cantor states that the ZBA does not have jurisdiction because the applicable code is the Town Code and not the Zoning Code. Cantor suggests that, in lieu of a condition for a variance from the ZBA, the Board substitute compliance with this Section 57-6 (A)(3) as a condition. Further, Cantor states that the leading contender at the moment for how to comply with that Section is a system, using a valve and a hose, that is being used for the trash compactor at the other end which has been approved by the Fire Inspector. Cantor suggests conferring with the Fire Inspector for guidance on a similar device. Cantor has spoken with D. Freidrichson, who is fine with this plan if the Fire Inspector is on board.

J. Labriola states that 25 foot distance is not possible, that the only alternative is a fire suppression system.

J. Koblenz will go to work with the Fire Inspector to meet this condition.

## **7. MILESTONE SQUARE SITE PLAN REVISION - & SIGN PERMIT**

Richard Cantor, Jeff Koblenz, and Barbara Fitzgerald present.

R. Cantor discusses the concept of an “undertaking” – not a bonding company bond – but rather an agreement in which Milestone puts up an agreed-upon sum of money as security for the performance of its obligation to remove the sign in a timely fashion. Milestone’s concern is for a seamless transition from removal of the old sign to installation of the new sign in order to satisfy tenant lease agreements.

P. Setaro’s comment letter: applicants are appearing before the ZBA on 9/23/04; cart corrals are not shown on the map; Milestone Square name has been removed from the brick monuments at entry ways; must determine dollar amount of bond if the concept is acceptable to the Board.

NEXT STEPS: Board requests engineered set of drawings with all changes documented prior to chairman signing the map.

### Sign Discussion

Discussion of changing the name to the A&P Milestone Square: J. Koblenz reports that Time Equities wishes to retain the name Milestone Square. Further, Koblenz points out a potential problem with such a name change should A&P move out. J. Labriola asks if it’s possible to remove A&P from the top of the sign and include it in the body of the sign with other tenants. Koblenz states that A&P’s lease promises a larger sized sign than the other tenants.

J. Labriola notes that the Greenway guide says that signs should not be overly complex or distracting. The current Milestone Square sign looks confusing and busy with too many colors and fonts.

H. Fischer states that we have one chance to have a really nice looking sign in a marquis area in the Town of Pleasant Valley.

J. Labriola proposes that they leave A&P at the top but use same color, same font, and same size for all other tenant directory signs. Cannot change the A&P colors because it’s a brand issue.

NEXT STEPS ON SIGNAGE: B. Fitzgerald will return to Board with a redesign that incorporates Board’s request for same color, same font, and same size lettering for tenant directory signs. A&P is OK at top, but Board requests that an effort is made to make

Milestone Square stand out. Additional request is for some dressing up at the base of the sign – a stone base with landscaping and/or a bench for pedestrians to sit on.

J. Labriola clarifies that sign permits for Computer Experts, Perfect Nails III, and Smokes 4 Less are conditional on amended site plan approval and getting the site into compliance. The assumption is that these conditional sign permits can be issued upon approval of the dumpster system.

**RESOLUTION FOR AMENDED SITE PLAN APPROVAL**

**WHEREAS**, formal application for the amended site plan approval of Milestone Square located at North Avenue in the Town of Pleasant Valley was submitted to the Planning Board by Time Equities;

**WHEREAS**, the requirements for site plan of Chapter 98 Section 98.41 of the Code of the Town of Pleasant Valley have been met previously on July 11, 1989, which was the original approval, and amended on September 22, 1999, except as waived by the Planning Board;

**WHEREAS**, in accordance with Chapter 98 Section 98.43 the Planning Board has reviewed the factors pertinent to the site relating to parking, traffic, circulation, landscaping; and

**WHEREAS**, the Planning Board has requested a review of the site plan information by the Planning Board engineer and has obtained comments from the Planning Board engineer;

**WHEREAS**, a negative declaration was issued on September 21, 1999, for the last amended application and the Planning Board finds that all of the environmental conditions remain the same and the 1999 negative declaration is hereby affirmed,

**NOW THEREFORE BE IT RESOLVED** that the site plan entitled Milestone Site Plan Revisions, latest revision dated July 30, 2004, be approved and the Zoning Administrator may issue the necessary building permits upon completion of such conditions as noted below:

1. payment of all fees
2. a set of drawings prepared by an engineer that reflect all agreed-upon revisions
3. dumpsters behind Building A will have a system that is approved by the Fire Inspector in compliance with 57-6 (A) (3)
4. the non-conforming ground sign will be removed or an undertaking secured by a Letter of Credit or deposit in the amount of \$3,500 in a form acceptable to the Planning Board attorney; sign will be removed within 90 days from new sign approval; and the undertaking must be posted prior to signing of the map.

**SECONDED BY R. SEAMAN**

**VOTE TAKEN AND PASSED 6-0-0**

**8. COOKINGHAM – SITE PLAN AMENDMENT II**

Scott and Bruce Cookingham present.

Applicants propose the elimination of two dormers that were originally approved over the doors. The building is structural metal, and there is no acceptable way to attach the dormers.

**MOTION BY J. LABRIOLA THAT THE COOKINGHAM AMENDED SITE PLAN REQUEST FOR THE REMOVAL OF AWNINGS OVER TWO DOORS ON THE FRONT OF THE BUILDING BE APPROVED DUE TO DIFFICULTIES WITH SECURELY ATTACHING THEM TO THE BUILDING;**

**SECONDED BY K. BRAMSON**

**VOTE TAKEN AND APPROVED 6-0-0**

**9. ALBRECHT ESTATES II SUBDIVISION – ACCEPTANCE OF LETTER OF CREDIT**

J. Labriola reads into the record a letter from P. Setaro regarding the Road Bond estimate.

**MOTION BY J. LABRIOLA THAT THE PLANNING BOARD ACCEPT THE ROAD BOND ESTIMATE THAT HAS BEEN PREPARED BY MORRIS ASSOCIATES FOR THE ALBRECHT SUBDIVISION,**

**SECONDED BY H. FISCHER**

**VOTE TAKEN AND PASSED 6-0-0**

**10. ZBA REFERRAL #823 DEMAKOS – VARIANCE**

Application is for a variance from minimum 50' road frontage requirement.

**MOTION BY J. LABRIOLA THAT THE PLANNING BOARD PASS ALONG WITH A NEGATIVE RECOMMENDATION BECAUSE THE BOARD DOES NOT BELIEVE THE LOT IS BUILDABLE DUE TO (1) WETLANDS AND BUFFERS AND (2) THE AREA OF THE PROPOSED DRIVEWAY AND STEEP GRADES,**

**SECONDED BY H. FISCHER**

**VOTE TAKEN AND APPROVED 6-0-0**

**11. MINUTES – APRIL & MAY 2004**

**MOTION BY J. LABRIOLA THAT THE BOARD APPROVES THE MINUTES OF THE APRIL 2004 PLANNING BOARD MEETING AS CORRECTED.**

**VOTE TAKEN AND PASSED 4-0-0**

**MOTION BY J. LABRIOLA THAT THE BOARD APPROVES THE MINUTES OF THE MAY 2004 PLANNING BOARD MEETING AS CORRECTED.**

**VOTE TAKEN AND PASSED 6-0-0**

Minutes still need to be corrected for the following months (2004): January, February, March, June, July, August, and September.

**12. SIGN ORDINANCE DISCUSSION**

A special meeting of the Planning Board has been scheduled for Tuesday, September 28, 2004, at 6:30 p.m. Recommendation made to get a copy of Rhinebeck's sign ordinance.

Chairman J. Labriola adjourned the meeting at 10:00 p.m.

Respectfully submitted,

Helen D. Millar  
Secretary

The foregoing represent unofficial minutes of the September 14, 2004, Pleasant Valley Planning Board. They are not official and should not be construed as the official minutes until approved.

\_\_\_\_ Approved as read

\_\_\_\_ Approved as corrected with deletions/additions

PLEASANT VALLEY PLANNING BOARD  
September 28, 2004

The **special meeting** of the Pleasant Valley Planning Board took place on September 28, 2004, at the Pleasant Valley Town Hall, Route 44, Pleasant Valley, New York. Chairman Labriola called the meeting to order at 6:32 p.m.

Members present: Joe Labriola, Chairman  
Kay Bramson  
Mike Gordon  
Robert Fracchia  
Rebecca Seaman

Members absent: Henry Fischer

**J. Labriola announced two items for the agenda this evening:**  
**(1) review and mark up the current Sign Ordinance, and**  
**(2) review minutes of previous meetings.**

**1. SIGN ORDINANCE**

J. Labriola suggests that the Board read through and mark up the current Sign Ordinance. He will then take the Board's marked up version to Jim Nelson for his review, after which our suggestions will be submitted to the Town Board for their consideration. We will request to be put on the Town Board's agenda so that we can present our suggestions.

R. Fracchia submits a copy of Rhinebeck's Sign Ordinance. Copies of 1992 Scenic Hudson's Signs of the Times signage document were provided at M. Gordon's request.

Board discussed the current Sign Ordinance section by section. J. Labriola will create a master document that includes the Board's suggested revisions.

Section B: Definitions

J. Labriola suggests the following definition of "temporary": "A sign that is not permanent, permanently attached to a building, pole, or the ground, and that is displayed for a limited period of time."

J. Labriola suggests the following definition of "existing": "A sign that has been reviewed and approved by the Planning Board and was issued a sign permit, or was erected prior to the introduction of the Town of Pleasant Valley Zoning Laws."

K. Bramson notes that this definition of "existing" does not dispel the confusion about signs that used to be in existence a week ago, a month ago, six months ago. People will say, "but the sign used to be there," and claim that the sign "existed." K. Bramson says

that “existing” should mean “taking this down and putting this up.” She thinks that if the sign is already down, then it is not an “existing” sign.

M. Gordon asks about grandfathered signs: at what point in time following the implementation of the new Sign Ordinance does the “grandfathering” of signs expire? J. Labriola speaks of the amortization schedule as a mechanism by which to answer this question.

Lal’s Gas Station sign: Board questions how to address the issue of whether that sign is “existing” because it was removed some time ago.

J. Labriola suggests the following revised definition of “existing”: “A sign that has been reviewed and approved by the Planning Board and was issued a sign permit, or was erected prior to the introduction of the Town of Pleasant Valley Zoning Laws. To be considered an existing sign, the sign must be installed. Any sign that has been removed for a period of more than 60 days requires a submission of a new sign application.”

J. Labriola clarifies that if you take down a non-conforming sign, you can replace it with another non-conforming sign because it is an “existing” sign. He further points out that the amortization schedule, when implemented, will take care of the problem of existing non-conforming signs.

M. Gordon points out that when towns get serious about restricting the size of signs and as more signs come into compliance with the restrictions, businesses don’t need as big a sign because nobody has large signs. It benefits everyone.

Section C 1 (f): reduce from 6 square feet to 4 square feet.

Section C 1 (h): temporary means 4 weeks prior/1 week after.

Section C 1 (j): temporary means 2 months prior/1 week after.

Section C 1 (m): discussion of advertising signage on registered vehicle that is parked on front lawn of residence. M. Gordon asks how the law protects neighbors from someone who parks their car/van/truck, which is covered with advertisements for their business, on their front lawn. M. Gordon suggests that the Board ask Jim Nelson about this.

Section C 1(o): J. Labriola suggests that window signs cannot exceed more than 25% of the total square footage of all windows on side of building with the main entrance.

Section C 2 – Prohibited Signs:

J. Labriola suggests the following additions:

- No handwritten signs
- No bench signs
- No inflatable signs

- No new billboards. (R. Seaman reports that language that prohibits altering, substantially repairing, or relocating existing billboards has been upheld by the courts and has had the effect of reducing billboards through attrition.)
- No posters on telephone poles
- No rotating/moving signs
- No neon signs
- No portable signs

R. Seaman points out that these provisions support the adoption of the Greenway and help to maintain the rural character of Hudson Valley communities.

M. Gordon states that the Town Board needs to recognize that aesthetics in the year 2004 is good for business and is good for the Town.

Clarification of C 2 (e): “No advertising message shall be extended over a succession of signs.”

#### Section D – Sign Permit Requirements & Application Procedure

J. Labriola suggests the addition of the amortization schedule to bring non-compliant signs into compliance. He says that the Town Board should decide the time schedule but that we need to be very specific. M. Gordon points out the wording on this provision in the Scenic Hudson document. J. Labriola will copy that wording.

Section E 1 (b): change to “whichever is smaller”

#### Section 2 – Ground Signs:

J. Labriola suggests that pole signs be prohibited inside the hamlets. Further, he suggests that, outside the hamlets, pole signs and monument signs be permitted and that monument signs can be larger than pole signs. M. Gordon points out Scenic Hudson’s terms on this provision.

J. Labriola suggests:

- no pole signs in hamlets
- inside hamlet, monument signs can be 20 square feet
- outside hamlet, monument signs can be 24 square feet and pole signs can be 18 square feet
- ground signs and monument signs shall have a rock or stone base with landscaping
- directory signs shall not exceed 10 square feet; each sign shall use the same font, color, and size with dark background and light lettering.

#### Section 2 – Wall Signs

J. Labriola suggests that our wall signs are way too big. He suggests the following changes:

2(b)I: reduce to 1 square foot for each lineal foot and not to exceed 50 square feet in size. Board discusses adopting Scenic Hudson’s language regarding wall signs inside the

hamlet and outside the hamlet. Discussion of limiting lettering on wall signs to 24” and adopting same size provisions as ground signs for inside and outside the hamlet.

2(b)II: specify that the front of the building is the side with the main customer entrance.

M. Gordon asks if we need a special section for shopping centers, strip malls, in order to be more specific. Is Milestone Square a shopping center or a hamlet? J. Labriola says that it’s within the hamlet and could be called a “multi-business center.”

2(b)IV: require that directory wall signs be same lettering, font, color, dark background with light lettering.

Section 3(b)2: add restriction disallowing any neon signs.

Section 3(c) Subdivision Signs: remove “or adjoining property,” limit to 24 square feet, and add provision for each lot to have a single, temporary, non-illuminated sign identifying the lot number not to exceed 3 square feet.

Other thoughts:

J. Labriola suggests the addition, under “A. Purpose,” of language he pulled from the Master Plan: “The Town should enact and enforce sign regulations that eliminate non-essential, off site, or excessively large signs and encourage graphics that are compatible with the buildings and neighborhoods.” He suggests adding language from the Greenway Connections that “a sign should convey its message clearly and quickly, compatibility fits within the structure and its surroundings, and promotes the visual image of the entire community.” Also, he suggests language that eliminates overly complex signs that become a driving distraction.

M. Gordon points out that signs are an important part of a town or village’s aesthetic appearance. Board agrees and suggests adding this language under “A. Purpose.”

M. Gordon suggests that a copy of Scenic Hudson’s provisions be appended to our revisions when submitted to the Town Board.

R. Seaman advises that we ask Jim Nelson to review case law to substantiate our suggested changes.

M. Gordon suggests the inclusion of language about “abandoned signs.”

Next Steps:

- J. Labriola will create a document that incorporates the Planning Board’s suggested revisions
- Jim Nelson to review these revisions and pertinent case law
- Send document to John McNair and ask him to review it with the Town Board
- Schedule a meeting between Planning Board and Town Board to review these revisions.

**2. REVIEW OF MINUTES OF PREVIOUS MEETING OF PLANNING BOARD**

**January 2004:** J. Labriola dictated corrections to the minutes and moved to approve them.

**VOTE TAKEN AND PASSED 4-0-0**

**February 2004:** J. Labriola dictated corrections to the minutes and moved to approve them.

**VOTE TAKEN AND PASSED 4-0-0**

**March 2004:** J. Labriola dictated corrections to the minutes and moved to approve them.

**VOTE TAKEN AND PASSED 4-0-0**

**June 2004:** J. Labriola dictated corrections to the minutes and moved to approve them.

**VOTE TAKEN AND PASSED 3-0-0**

**July 2004:** J. Labriola dictated corrections to the minutes and moved to approve them.

**VOTE TAKEN AND PASSED 5-0-0**

**August 2004:** J. Labriola dictated corrections to the minutes and moved to approve them.

**VOTE TAKEN AND PASSED 4-0-0**

M. Gordon suggests that the name of the Fox Run Development is confusing. J. Labriola says that we've been lax about names of subdivisions, but names of roads are always reviewed by County 911 Commission.

Chairman Labriola adjourned the meeting at 8:20 p.m.

Respectfully submitted,

Helen D. Millar  
Recording Secretary

The foregoing represents unofficial minutes of the **special meeting** of the September 28, 2004, Pleasant Valley Planning Board. They are not official and should not be construed as the official minutes until approved.

\_\_\_\_ Approved as read

\_\_\_\_ Approved as corrected with deletions/additions

**PLEASANT VALLEY PLANNING BOARD**  
**October 12, 2004**

The regularly scheduled meeting of the Pleasant Valley Planning Board took place on October 12, 2004, at the Pleasant Valley Town Hall, Route 44, Pleasant Valley, New York. Chairman Labriola called the meeting to order at 6:31 p.m.

Members present:            Joe Labriola, Chairman  
                                 Kay Bramson  
                                 Mike Gordon  
                                 Rebecca Seaman  
                                 Peter Karis

Members absent:            Henry Fischer  
                                 Rob Fracchia

Also present:                Peter Setaro, Morris Associates  
                                 Dieter Friedrichson, Zoning Administrator  
                                 Jim Nelson, Esq.

**1.        WELCOME PETER KARIS, NEW MEMBER OF THE PLANNING BOARD**

J. Labriola welcomes Peter Karis, licensed landscape architect, who has spent a lot of time and has experience working through various planning processes in Westchester and Putnam counties from the other side of the table. We are very grateful for his service on this Board and he is taking the place vacated by Scott.

**2.        HUDSONIA AND PLEASANT VALLEY CONSERVATION ADVISORY COMMITTEE**

Meta Plotnik, CAC, reminds the Board that part of CAC's job is to survey the natural resources of the Town. This effort is a deeper cut at trying to identify and map different kinds of habitat. Although any recommendations ultimately must be passed by the Town Board, we nevertheless wanted the Planning Board to be aware of this project because your questions will help us refine what we're doing. Ms. Plotnik introduced Gretchen Stevens of Hudsonia.

G. Stevens is a botanist with Hudsonia, a non-profit, non-advocacy scientific research institute. Hudsonia began this habitat mapping project in 2001 in collaboration with CAC and with a small grant from The Hudson River Valley Greenway. Hard copy of Ms. Stevens' PowerPoint presentation is attached.

Ms. Stevens reports that, in other towns, they have mapped all of the habitats of ecological significance. However, she reports that they are doing something different in the Pleasant Valley mapping project because the funding was small. They are starting by

identifying and mapping a small group of habitats (see attached) that are not the most rare or the most significant, but are ones that are often overlooked and often under estimated in terms of their ecological value. They hope to find further funding to complete the mapping of the Town.

J. Labriola asks, if Hudsonia were to complete the list of total habitats, would it be twice as many – 8 times as many? Ms. Stevens says that there might be three times as many habitats for a complete list. For the other towns, she reports that they have mapped 20-22 habitats.

Ms. Stevens reports that, initially, they use remote sensing to do the mapping. They look at topographical maps, soil maps, geology maps, and aerial photos. They come up with a lot of predictions about what is occurring on the landscape. They visit as many of the sites as possible to verify their findings, to correct the boundaries, and make lots of other little corrections. She presented images of what the mapping will look like when complete (see attached for color coding that represents the different habitats). The purpose is to provide the Planning Board with information about how these habitats are interconnected and, thereby, help the Board make land use planning decisions that will be more closely related to the actual interactions of plants and animals and habitats in the landscape.

Ms. Stevens reports that forests surrounding certain types of pools are critical to the life cycle for some rare species of amphibians (i.e., Blanding's Turtle). Therefore, in order to conserve these species, these forests surrounding these pools must also be protected. She reports that the critical habitat for these species extends 750 feet from the edge of the pools. Therefore, the Board may want to minimize development and/or disturbance around or within forested areas that are within 750 feet of these pools.

Ms. Stevens reports that they hope that the Town agencies will use these maps for large scale planning, open space planning, revisions to the comprehensive plan and Zoning Ordinance. It gives a picture of the whole landscape that the Board doesn't have when it looks at things from a site-by-site basis. The maps give a sense of how one parcel of land is connected to features on other parcels and to the entire landscape. She also hopes that these maps will be used by the Board when reviewing individual sites.

J. Labriola asks about best practices/guidelines that the Board can provide to applicants as a key to how to work with issues and how to protect landscape. Mr. Labriola points out that recommendations from this mapping project would be a helpful tool for the Board to put in front of all applicants, even though it would carry no regulatory weight. The map puts the individual sites into a larger context and shows how wetlands cross over site boundaries.

P. Setaro asks how they identified the pools. Ms. Stevens responds that they use aerial photos and check in the field as much as possible. J. Labriola notes that the Board does site visits and can invite specialists to validate habitat issues. J. Labriola thanks Ms. Stevens for her presentation and the printed handouts.

### **3. COUNTRY COMMONS SITE PLAN REVISION**

This is a new application for site plan revision for construction of a storage shed on site. Applicants were present, but they have left.

### **4. ALBRECHT – PERMIT FOR REGULATED ACTIVITIES IN WETLANDS**

J. Labriola reports that the Albrechts have not received the correspondence that the Board had requested them to get from the Army Corps of Engineers and the NY State Department Environmental Conservation. He reports that, if they are not on the agenda at next month's meeting, the Board will have to decide what - if anything - to do with this application.

### **5. MILESTONE SQUARE SIGN PERMIT**

This is a continued review of revised materials submitted for approval of proposed ground sign designating shopping plaza on site.

Jeff Koblenz, Time Equities representing the owners of Milestone Square, and Barbara Fitzgerald are present.

Discussion of placement of dumpsters: J. Koblenz reports that the dumpsters have been located 28 feet away from the buildings for some weeks and provides photos to document this. He further states that trucks are passing through without problems. J. Labriola and P. Setaro reviewed the photos. Koblenz states that one garbage truck comes in from one side and the other truck comes from the other side. J. Labriola advises that snow will all have to be plowed and removed completely. The snow cannot be plowed up against the rock ledge. J. Labriola states that this fix looks OK and that a fire suppression system in these dumpsters is no longer required. J. Labriola confirms with P. Setaro that the requirements have been met and confirms with D. Friedrichson that the sign permits can now be given to the tenants.

Discussion with B. Fitzgerald of a variety of designs: Board reached consensus on a design with green background, cream letters, individualized font style, same size lettering, and with no dividing lines between signs.

Discussion of stone base: Board reached consensus on a fieldstone planter base.

J. Labriola:

**WHEREAS**, the Town of Pleasant Valley Planning Board has received an application from Milestone Square for the approval of one sign dated \_\_\_\_\_ (Nancy to fill in the date),

**WHEREAS**, the Environmental Assessment Form has been submitted and reviewed by the Board,

**NOW THEREFORE BE IT RESOLVED** that the Planning Board determines the application to be a Type II unlisted action and will not have a significant effect on the environment,

**FURTHER BE IT RESOLVED** that the Planning Board grants approval for one sign as shown in the application and drawing and consisting of the materials, sizes, and colors as shown in the application except as noted: green background, cream letters, individualized lettering of the same height, fieldstone planter base that is approximately 2' high that includes seasonal plantings,

**SECONDED BY** R. Seaman

**VOTE TAKEN AND PASSED 5-0-0**

**MILESTONE SQUARE SIGN IS APPROVED!**

Discussion of time period within which the old sign is to be removed and the new sign installed: J. Nelson received a 3<sup>rd</sup> revision of the “undertaking” that delineates this time period. J. Labriola clarifies that the old sign is to be removed within 90 days of the approval date and that this 90-day period includes a 30-day notice to remove. So, if the sign is not removed within 60 days of approval date, then a 30-day notice to remove will be issued. J. Labriola affirms that the total time period for removal of old sign and installation of new sign is 90 days. P. Setaro inquires whether this 90-day period also pertains to installation of the fieldstone base and points out that winter weather may hinder its installation.

J. Labriola suggests amending the approval to say: if weather prohibits the installation of the planter base, that the applicant can have until May 15, 2005, to install the planter portion of this sign. Further he inquires whether the “undertaking” pertains to the planter base. P. Setaro suggests that the “undertaking” remain until both the new sign and its planter base are installed.

D. Friedrichson asks when he should issue the sign permit – prior to start of construction or after it’s complete? J. Labriola thinks the permit is the first step in the process.

J. Labriola:

**AMENDMENT TO THE RESOLUTION:** If weather prohibits the installation of the planter base, the applicant has until May 15, 2005, to complete construction. The undertaking will be held until the planter base is completed.

**SECONDED BY** R. Seaman

**VOTE TAKEN AND APPROVED 5-0-0**

**AMENDMENT IS APPROVED.**

**6. MOUNTAIN VIEW ESTATES SUBDIVISION**

This is a request for a 90-day extension of Final Approval of Subdivision as several issues need to be addressed for final approval from Dutchess County Department of Health.

J. Labriola reports that the Board received a letter from Larry Poggi that states that they have not received Department of Health approval.

P. Setaro reports that the Department of Health is very backed up and that the subdivision plans have not yet been signed because they haven't met all the conditions.

P. Setaro reports that his office is part of the ongoing road construction: their inspector visits the site daily and more frequently as the work gets heavier, reviews all the plans, makes sure that hay bales and erosion controls are in place. DEC Phase II requires that the applicant have his own inspector and keep a log of erosion control measures taken. Setaro reports that Poggi does all this, "all is up to snuff." They even have added some silt fences, and all is OK.

J. Labriola:

**WHEREAS**, an application for approval of a subdivision entitled Mountain View Estates, located on Salt Point Turnpike, submitted to the Planning Board on November 13, 2002,

**WHEREAS**, conditional approval of the final plat was granted by the Planning Board on April 13, 2004,

**WHEREAS**, in accordance with the Town Code said approval is valid for 180 days beginning April 13, 2004, and ending October 13, 2004,

**WHEREAS**, the applicant has requested an extension of said approval due to applicant addressing issues relating to Dutchess County Department of Health required for their approval,

**NOW THEREFORE BE IT RESOLVED** that the final approval be extended for a period of 90 days to begin October 13, 2004, and end January 13, 2005.

**SECONDED BY** K. Bramson

**VOTE TAKEN AND APPROVED 5-0-0**

**7. ADOPTION OF GREENWAYS COMPACT**

J. Labriola: The Planning Board provided an endorsement to the Town that they act as Lead Agency for the adoption of the Greenways Compact. The Town has asked that the Planning Board make a resolution that this Board has reviewed and approved the EAF, which we did. J. Nelson worked with Scott to get the language that the Town is looking for. J. Labriola has asked J. Nelson to brief the Board next month on what the Greenway does for us.

J. Nelson has drafted a resolution and included some background materials along with a copy of the proposed local law that the Town is going to adopt. Mr. Nelson directs the Board's attention to where the Town is amending the Zoning Code and the Subdivision Code to incorporate the Greenway Connections Program and Guidelines. Also attached is a copy of the State legislation from which the Greenways program flows.

M. Gordon wants a greater sense of where the Town Board is on a lot of these issues, including the sign issue. J. Labriola passed on to J. Nelson for his review the Planning Board suggested revisions to the sign ordinance. Further, J. Labriola will reach out to John McNair to let him know of the Board's work on the signage revisions and to ask John to have Scott Volkman work with J. Nelson to review these revisions.

J. Labriola: **MOTION TO ADOPT THE GREENWAYS COMPACT; SECONDED BY R. SEAMAN. (original signed motion attached)**

**VOTE TAKEN AND APPROVED 5-0-0**

#### **8. APPEAL #825 – FRANKEL VARIANCE**

This application is for a variance from minimum setback requirement for height of addition to home on property.

Paul Frankel was present. Mr. Frankel states that he had an architect design a 2<sup>nd</sup> floor addition to his house and a front porch. He applied for a 7' variance towards the front, which was granted, and 1' towards side, which he was told was unnecessary because he was extending the existing line of the home by adding on a porch. Construction is 98% complete and has now been told that he needs a 6' variance towards the side of his property because the height of the home is now higher.

J. Labriola clarifies that the applicant has added a 2<sup>nd</sup> story to the house and that he visited the site and spoke with the applicant's wife. J. Labriola and K. Bramson agree that the house looks great and is in keeping with the neighborhood and surrounding homes.

J. Labriola reads into the file a letter from the Fire Advisory Board stating that they take no position with regard to this application as it is strictly within the purview of the ZBA.

J. Labriola: **MOTION TO PASS THIS APPLICATION ALONG TO THE ZBA WITH A POSITIVE RECOMMENDATION BECAUSE THE DESIGN OF THE HOUSE IS CONSISTENT WITH THE SURROUNDING HOMES AND THE ADDITIONAL HEIGHT OF THE BUILDING DOES NOT CREATE ANY PLANNING ISSUES OR CONCERNS; SECONDED BY M. GORDON**

**VOTE TAKEN AND APPROVED 5-0-0**

**9. APPEAL #829 SYMTHE VARIANCE**

The applicant was directed by the Planning Board to seek a variance from minimum acreage requirement for new residential building lot to be created by proposed subdivision.

J. Labriola: this parcel is split between Creek Road and Pine Hill Road and is marginally over 4 acres. They wanted to subdivide and the Board was not sure, with it being a user road, whether or not there really was 2 acres. This is now in front of this Board again for a referral to the ZBA.

M. Gordon: because the road is narrow there, the applicant does not own as much property as they thought. The setback from the center line cuts that parcel to the point where it is not 2 acres.

P. Setaro remembers that they really didn't have the 4 acres that they claimed they did, and he confirms that the right-of-way reduces the parcel to less than 4 acres. He questions whether the lot is buildable, whether it's possible to put in a driveway, that the lot is very steep.

J. Labriola states that it's not clear whether they can put in a driveway or a septic system. He reads into the record a letter from the Fire Advisory Board that they take no position on this application as it is strictly within the purview of the ZBA.

J. Labriola: **MOTION TO PASS THIS APPEAL 829 ALONG TO THE ZBA WITH A NEGATIVE RECOMMENDATION BECAUSE THE PLANNING BOARD IS CONCERNED THAT WITH THE STEEP SLOPES THE APPLICANT WILL BE UNABLE TO GET A DRIVEWAY IN THAT WILL MEET THE DRIVEWAY GRADE REQUIREMENTS AND IS UNSURE THAT A SEPTIC SYSTEM OR SEPTIC FIELD CAN BE SITED ON THE STEEP SLOPES; FURTHER IF THE ZBA DOES APPROVE THE VARIANCE, THE PLANNING BOARD WILL GET ANOTHER OPPORTUNITY TO SEE THIS APPLICATION AS PART OF THE SUBDIVISION PROCESS; SECONDED BY M. GORDON**

**VOTE TAKEN AND APPROVED 5-0-0**

**10. APPEAL #826 SHARP VARIANCE**

This application is for a minimum setback for location of an existing swimming pool on property.

J. Labriola states that he drove by the property and could not see it. K. Bramson states that she walked the driveway and couldn't see it either.

D. Friedrichson reports that there exists a pool permit but not Certificate of Occupancy.

J. Labriola reads into the record a letter from the Fire Advisory Board that they take no position on this application as it is strictly within the purview of the ZBA.

**J. Labriola: MOTION TO PASS THIS APPLICATION ALONG TO THE ZBA WITH NO RECOMMENDATION BECAUSE THE PLANNING BOARD MEMBERS WERE UNABLE TO SEE WHERE THE POOL IS SITED ON THE PROPERTY; SECONDED BY K. BRAMSON**

**VOTE TAKEN AND APPROVED 5-0-0**

#### **11. APPEAL #827 WOGALTER – SPECIAL USE PERMIT**

This application is for a Special Use Permit required to conduct professional office (doctor) in existing residence to be converted to professional use on property.

J. Labriola: this property is along Route 44.

Discussion regarding issues that the Planning Board will review in the site plan approval process if the ZBA approves the application: parking, question of “spot rezoning” from residential to professional, clarification that the Special Use Permit stays with the property when sold, need for handicapped access, the potentially invasive impact on residential character of the neighborhood, impact on septic system, traffic flow, and the fact that approval of the variance does not give the applicant carte blanche to actually do what he proposes.

R. Seaman does not believe that this is an appropriate application of the Special Use Permit and that it amounts to rezoning.

J. Labriola reads into the file a letter from the Fire Advisory Board that they take no position on this application as it is strictly within the purview of the ZBA.

**J. Labriola: MOTION TO PASS THIS APPEAL #827 ALONG TO THE ZBA WITH A NEGATIVE RECOMMENDATION BECAUSE THE PLANNING BOARD DOES NOT BELIEVE THE SITE CAN HANDLE ADDITIONAL PARKING, SHARED DRIVE WITH THE ADJACENT PROPERTY, DOES NOT HAVE ENOUGH INFORMATION TO DETERMINE WHETHER THE SEPTIC SYSTEM CAN HANDLE THE INCREASED USAGE AND/OR WHETHER THERE'S ROOM TO ADD ADDITIONAL SDS AREA, AND THE BOARD**

**BELIEVES THESE FACTORS WILL NEGATIVELY IMPACT THE CHARACTER OF THE SURROUNDING NEIGHBORHOOD; IF THE ZBA GRANTS A SPECIAL USE PERMIT, THE APPLICATION WILL BE BACK BEFORE THE PLANNING BOARD FOR A SITE PLAN REVIEW WHERE ALL OF THESE ISSUES AND POTENTIALLY OTHERS WILL BE FACTORED INTO THE BOARD'S DECISION PROCESS; SECONDED BY R. SEAMAN**

**VOTE TAKEN AND APPROVED 5-0-0**

**12. APPEAL #828 CEDAR HOLLOW MOBILE HOME PARK VARIANCE**

This is an application for variances from setback requirements for location of replacement mobile homes and proposed shed on lot in mobile home park.

J. Labriola reports that he did not visit this site.

K. Bramson visited the site and says that it's is a single wide that is located on this very small parcel. The boundaries are unclear, and it's hard to see how they were going to accomplish this proposal. K. Bramson says that there's an empty space on the property that's not being used.

J. Labriola reads into the file a letter from the Fire Advisory Board that they take no position on this application.

**K. Bramson: MOTION TO PASS ALONG TO THE ZBA WITH NO RECOMMENDATION BECAUSE THE BOARD COULD NOT SEE THE BOUNDARIES AND THE SITE LOOKED TOO TIGHT; THE BOARD DID NOT HAVE ENOUGH INFORMATION TO MAKE A DETERMINATION; SECONDED BY M. GORDON**

**VOTE TAKEN AND APPROVED 5-0-0**

**13. APPEAL #830 BITTNER VARIANCE**

This is an application for a variance from the minimum parking area required for proposed restaurant to be located in existing retail use building on site.

J. Labriola: this application is for the Mexican restaurant out in Washington Hollow. Applicants have provided a fair amount of content.

J. Labriola reads into the record a letter from the Fire Advisory Board that they take no position on this application.

J. Labriola reports that the applicant is short 38 required parking spaces. The applicant's rationale for the variance is that operation is afternoon and into the evening when other businesses are not open. K. Bramson reviewed the other occupants to determine their use

during the evening. R. Seaman observes that the only business that is underserved in parking spaces is the CVS. She wishes to encourage less parking rather than more and suggests a positive recommendation to the ZBA with a process for land banking parking spaces. M. Gordon suggests that the employees could park across the street, but J. Labriola suggests that this would raise safety issues. D. Friedrichson reports that restaurant requires 1 parking space per 50 square feet of customer floor area. R. Seaman drives by this site 4 times daily and the site is  $\frac{3}{4}$  empty every day. She suggests first one in, first one served and conditional approval based on what he said he plans to do with his restaurant. J. Labriola would rather not worry about additional spaces needed in the future if the site becomes restaurant row. P. Karis notes that, when the application comes back to the Planning Board for site plan approval, the applicant will have some issues beyond parking.

**R. Seaman: MOTION TO PASS THIS APPLICATION ALONG TO THE ZBA WITH A POSITIVE RECOMMENDATION BASED ON THE REPRESENTED USAGE OF THE RESTAURANT AT NIGHT NOT IN CONFLICT WITH THE OTHER DAY USAGE OF THE CURRENT PARKING SPACES AND TENANTS NOW EXISTING AND THAT IT WILL COME BACK TO THE PLANNING BOARD FOR A SERIOUS LOOK AT THEIR SITE PLAN TO DETERMINE HOW IT WILL AFFECT THEIR PARKING AMONG OTHER THINGS; SECONDED BY M. GORDON**

**VOTE TAKEN AND PASSED 5-0-0**

Chairman Labriola adjourned the meeting at 8:40 p.m.

Respectfully submitted,

Helen D. Millar  
Recording Secretary

The foregoing represents unofficial minutes of the October 12, 2004, meeting of the Pleasant Valley Planning Board. They are not official and should not be construed as the official minutes until approved.

\_\_\_\_ Approved as read

\_\_\_\_ Approved as corrected with deletions/additions

**PLEASANT VALLEY PLANNING BOARD  
NOVEMBER 9, 2004**

The regularly scheduled meeting of the Pleasant Valley Planning Board took place on November 9, 2004, at the Pleasant Valley Town Hall, Route 44, Pleasant Valley, New York. Chairman Joe Labriola called the meeting to order at 6:32 p.m.

Members present:     Joe Labriola  
                          Michael Gordon  
                          Rob Fracchia  
                          Kay Bramson  
                          Henry Fischer  
                          Peter Karis  
                          Rebecca Seaman

Also present:         Peter Setaro, Morris Associates  
                          Rich Renna, Morris Associates  
                          James Nelson, Esq., Town attorney  
                          Dieter Friedrichson, Zoning Administrator

The meeting was opened with the Pledge of Allegiance.

**1. BEVERLY HILLS SUBDIVISION**

Mike Gillespie, applicant, reviewed the progress of this application and presented a map of the project. He reported that this property is on the west side of Salt Point Turnpike and is comprised of 126 acres. Modifications were proposed at previous Planning Board meetings regarding access, well location, and visibility from Salt Point Turnpike. (Much of Mr. Gillespie's presentation is inaudible.) Layout of lots has been designed around the "cluster plan."

Review of site visit: J. Labriola distributed copies of the summary of the site visit, which took place in July for about 1 hour and 45 minutes in the pouring rain. The site visit was hosted by M. Gillespie, and the participants were J. Labriola, K. Bramson, R. Fracchia, and P. Setaro. Included in the summary is a sketch of where the stakes were located, which really helped them visualize the approximate location of the homes. J. Labriola reported that it was a fact-finding visit and that the Board did not provide any input to the applicant. Purpose of the site visit was for the Board to ask qualifying questions and to get the lay of the land. They walked the entire property, and they were unable to locate the center stake of the circular part of the road. They searched in the waist-high grass, did not find it, but got a reasonable idea of the area. They were able to review the approximate location of the homes, the proximity to Salt Point Turnpike, proximity to other homes, proximity to some of the low lying wetland areas in the northeastern part of the property, and from the knoll they got an idea of what might be visible from Salt Point Turnpike on a per home basis. J. Labriola thanked M. Gillespie for staking the site and

for walking around with members of the Board in the rain and pointing things out for them.

J. Labriola: this application was given Sketch Plan Approval in March 2003. This evening the Board will talk about considerations that will be factored into a SEQRA discussion. The resolution regarding Parkland will be addressed at a subsequent meeting.

P. Setaro: Circulation was started on September 15, 2004. Have received a letter from NYS Office of Parks that requests a Phase I archeological study, which will have to be done. P. Setaro stated that the Board has a couple of options for moving the application forward:

1. Board can either issue a negative or a positive declaration. If the Board issues a positive declaration, we will proceed to an environmental impact study on this project. In order to make a positive declaration, the SEQRA regulations state that you only need to have one potentially significant adverse impact.
2. Depending on how the Board feels about particular levels of impact, the Board could ask for additional information that could be included in an expanded long form EAF. A long form EAF has already been prepared for this project; there could be a Part II and/or III done that would describe how certain impacts would be mitigated (i.e., appendices that describe pre- and post-development conditions, discussion on erosion control, traffic study).

J. Nelson: the SEQRA standard for a negative declaration is a finding by the Board that there will be no adverse impact or that the adverse impact is not significant.

P. Setaro: even if the Board requests a Part III, the Board may still make a positive declaration and proceed to an environmental impact study.

J. Labriola: reported on the concerns that he noted during the site visit.

1. the proximity of homes to Salt Point Turnpike
2. the proximity of the homes that back up onto the homes in #1 above
3. question of enough room to grade the road without encroaching onto the neighbor's property
4. the homes on the knoll will be visible from Salt Point Turnpike
5. marshy wetland – question of soil and septic systems
6. development on steep slopes and issues of erosion

J. Labriola summarizes his concerns: aesthetics, proximity/visibility to Salt Point Turnpike, change in rural characteristics of this property, soil's ability to support septic systems, water quality and quantity, steep slopes/erosion, and archeological Phase I study

R. Seaman: water quality, rural characteristics, difficult site and large number of homes:

1. large number of homes on a difficult site
2. aquifer map reveals a branch that follows the Great Spring Creek underneath the preponderance of the proposed homes and, therefore, a potential impact on Pleasant Valley water quality

3. this plan does not follow the Greenway Compact principles

R. Fracchia: agrees with R. Seaman's comments and is mainly concerned about runoff and how it will affect the neighboring and downstream properties.

P. Karis: would like a chance to study the applicant's map.

K. Bramson: was surprised about the location of the homes on the ridge line because this had been a major point with the Board at previous meetings. Also, Ms. Bramson voiced concerns about the wet area.

M. Gordon: concerns are the same as R. Seaman's and states that this is a major change for this property. This is the 2<sup>nd</sup> in what will probably be a series of properties developed in that corridor, and therefore the Board needs to be particularly careful that the final site plan really fits the property. Development in Pleasant Valley is challenging because there is a lot of wetland and a lot of steep slopes in the Town. The Board must take time and get other professional opinions from Soil and Water on this application. The future concern for the Town is roads and how to handle the increased traffic. There are a number of big developments under construction now, and by next year this time there will be a lot more traffic on these little roads. Also, the water quality is a huge issue. M. Gordon points out that, in a lot of areas, developments happen one at a time. When each development is considered upon its own merits and is not reviewed from its interrelationship with other developments, the Board is not looking at the big picture. An individual development does not exist in its own little world; it is part of a bigger world and a bigger universe which is the Town of Pleasant Valley. M. Gordon is concerned that there are no plans for any future connecting roads to alleviate the increased traffic. He reports that he visited Leesburg, VA, which has grown almost 50% in 5 years, and that it took them 2 ½ hours to drive 20 miles – the roads are choked.

J. Labriola reports that when the Board reviewed Brookside Meadows, Kerchoff's traffic study factored in the Beverly Hills as part of his auto count. This study included Mountain View, Beverly Hills, and Stratford Farms in Poughkeepsie. The Board felt that they understood the traffic implications for Beverly Hills Development.

M. Gordon states that we're still not providing for any additional roads to handle the increased traffic from the existing developments or from any future developments.

P. Setaro: the Town, as a whole, needs to review these traffic considerations and take the initiative. If the Board had several projects like this that were in close proximity to each other, the Board would have to consider them in a combined SEQRA review to look at the cumulative impact.

H. Fischer: this whole corridor will be developed as the current owners die and the Town will not do anything about the roads. H. Fischer states that he sees significant impact from this project:

1. does not want to see the back of 35 houses along the road – wants the homes to front onto the road
2. the site needs a planner
3. other large properties along road will be developed
4. needs a connector road to relieve egress/ingress
5. because of the wetlands, some property owners will get stuck with a lousy piece of land. The Board should make sure that the lots are on land that “we would like to build a house on,” and if not, then the lots should not be built on.

J. Labriola: recaps the concerns:

1. erosion
2. runoff and drainage implications with adjoining properties
3. aesthetic implications – change in rural characteristic of property
4. water quality and quantity
5. soil and septic systems
6. Phase I archeological study
7. connector road in future – possible easement

M. Gordon: asks if County Planning has seen this application. P. Setaro states that they usually don't unless specifically requested to comment. K. Bramson and J. Labriola remember that the Board asked M. Gillespie's predecessor to meet with County Planning, but unsure whether this actually happened as the Board did not receive any comments.

J. Labriola: Board is not ready to move ahead with the SEQRA determination because the Parkland Resolution must be done first, and the Board is not prepared to do that tonight. Parkland Resolution will be done at the next month.

M. Gillespie: time is at issue. The site plan will evolve based on the Board's concerns and wants to prepare their response for the next meeting.

J. Labriola: clarifies that the Parkland Resolution is a decision of whether the property is suitable for a town park and whether to assess a recreation fee per lot in lieu of land.

P. Setaro: distributes a draft positive declaration to the Board.

R. Seaman: look at the Greenway Guide for guidance on how to handle scenic hillsides and scenic views.

K. Bramson: would like to see what Dutchess County Planning would say.

M. Gillespie: (comments inaudible)

J. Zarcone, attorney for the project, introduced himself to the Board. He stated that they are looking into a planner and other experts for guidance and mentioned that a key issue for next meeting may be a discussion of cluster vs. conventional design. He wants to accommodate the Board's concerns. J. Labriola welcomes Mr. Zarcone's participation in

this project, mentions the possibility of scheduling a workshop with the planner if appropriate. Board recommends that Mr. Zarcone get a copy of the Town's Master Plan and a copy of the Greenway Guide.

## **2. CINGULAR WIRELESS CO-LOCATION SITE PLAN – REVISION**

Sam Simons, present on behalf of Cingular Wireless, reports that this is a wireless installation located at 326 Pine Hill Road. This is a 67.6 acre tract of land on which there is an existing 180' cell tower. This application is to co-locate a Cingular telecommunication antenna on this existing tower, which is currently used by Verizon, Cell One, IWO, and Nextel. Cingular's antenna will be placed on the tower at 140' high and will be comparable to the other carriers' antenna. Each carrier has an equipment shelter on site. Cingular's equipment shelter will be a 12' by 20', self-contained concrete shelter which has air conditioning and heating for climate control. There are no facilities for people to work there; the site is periodically visited and monitored. Electrical and telephone lines will be run. Access road is pre-existing.

R. Renna reviews Morris Associates' comment letter, which is on file.

J. Labriola: this application is in line with the effort to co-locate telecommunication equipment rather than build new towers. J. Labriola proposes to move forward with the SEQRA determination but wants at least one more pass of the site plan to review the structural analysis of the tower and the revised bond issue. Other issues: (1) sign on the building with contact information, and (2) note on the drawing that access to the fence enclosure and equipment shelter will be made available to the Town fire department.

M. Gordon: are your antennas vertical and will they change the height of the tower? The height of the tower is just at the requirement for a light, which we really don't want.

S. Simons: the antenna will not change the height of the tower.

R. Fracchia: can you make the tower more aesthetically attractive – to look like a pine tree.

S. Simons: we would have to construct a completely new tower.

P. Karis: will Cingular be requiring additional locations for towers.

S. Simons: currently there are no plans for additional towers but it is a constantly evolving network. This antenna will improve Cingular service. S. Simons asks if the Board would like photos.

J. Labriola: We appreciate the offer, but can't imagine that your installation of 4' to 5' antennas on an existing tower will visually change what we are already seeing.

J. Labriola: **RESOLUTION OF NEGATIVE SEQRA DECLARATION** – see attached original declaration – **SECONDED H. FISCHER.**

**VOTE TAKEN AND APPROVED 7-0-0**

**3. MILESTONE SQUARE SIGN - CLARIFICATION**

J. Labriola received a fax from J. Koblenz clarifying the lettering to be used on the sign. J. Labriola put on the record that the Board approved individualized lettering, that the lettering does not all have to be the same size, and that the lettering can allow for individual logo format.

**4. ALBRECHT – PERMIT FOR REGULATED ACTIVITIES IN WETLANDS**

P. Karis recused himself from this discussion.

Bob Albrecht present for this application.

J. Labriola: the Board received a letter from Mike Nowicki, Ecological Solutions, which is on file and says that the wetland assessment was completed in October 2004 and that a Jurisdictional Determination is NOT required by the Army Corps of Engineers since the project impacted less than a 10<sup>th</sup> of an acre of federally protected wetland.

J. Labriola states that the applicant came before the Planning Board to apply for this permit after the project was complete. J. Labriola states that the Board has been steadfast in protecting buffers by keeping roads, driveways, and other projects out of buffers. He is troubled by setting a precedent with this application: coming to the Board for permission to disturb a buffer after the disturbance has already been done. Rubber stamping this application will cause problems with applicants and/or developers pointing to this action as precedence for permission.

J. Labriola's recommendation is to deny this application and states that it is up to the Town Board to decide how to deal with the fact that the applicant has done something in a buffer without a permit. He reviewed the rationale for this project: the applicant had extra fill and a culvert pipe, and in case the Town ever wanted to put in a through road from the Albrecht development out onto Brown Road, the applicant laid the culvert pipe. Previous discussions with the Planning Board about this project clearly stated that the through road is not going to happen and, therefore, there is no need to lay this culvert pipe in the buffer. J. Labriola states that he cannot think of any set of circumstances under which the Board would have approved this application to disturb the buffer for these purposes.

M. Gordon underlines the fact that approval of this application after the fact sets a dangerous precedent that the courts can and will use in the future.

J. Nelson: a Board which acts differently in two circumstances that look similar has to explain the rationale for why it chose to act differently.

B. Albrecht repeats the history of this action where they checked with Soil and Water Conservation and the Army Corps of Engineers, and states that they did not receive a letter from them and didn't know that they needed a permit. B. Albrecht states that they tried to do the right thing and that they were given permission by the Army Corps of Engineers because the area dries up in the summer.

J. Labriola: states that B. Albrecht's brother was on the Town Board that reviewed, developed, and approved the ordinance that pertains to the new wetland regulations and states that his brother would have known that there was a new wetland ordinance that was enacted. Further, J. Labriola states that even if he did not know, this does not make what they did OK. The fact of the matter is that these applicants went into a buffer which the Board has a responsibility to protect. And, J. Labriola emphasizes that the Board must not set a precedent by granting a permit after the fact for an action that disturbs the buffer.

H. Fischer: agrees with J. Labriola's position and states that he spoke with Cronin at the Army Corps of Engineers. H. Fischer reports that Cronin had a phone conversation with the Albrechts but did not give them approval over the phone and, in fact, that he requested maps, which he did not receive, and that he stated that he would have to do a site visit. H. Fischer states that this is the worst of the worst scenarios – when someone does something and comes for approval after the fact, which sets that precedence.

J. Labriola: emphasizes that the Planning Board is the body that gives the permit for this action, not the Army Corps of Engineers, and it is this Planning Board that must ask the applicant to abide by the wetland ordinance.

R. Seaman: points out that the Board specifically did not want a road going through there so there's no reason to put a culvert pipe in there – the applicant could have left it undisturbed.

B. Abrecht: figured that the road would go through, had the extra fill and the pipe, and didn't know they needed a permit.

J. Labriola: reminded the applicant that, prior to approval of his subdivision, the Board considered and rejected the idea of a through road – and ended up with a cul-de-sac.

**J. Labriola: MOTION TO DENY THE ALBRECHT APPLICATION FOR REGULATED ACTIVITY IN WETLANDS DUE TO THE FACT THAT NO COMPELLING REASONS WERE PROVIDED THAT THIS BOARD WOULD HAVE APPROVED AN INITIAL PERMIT PRIOR TO DISTURBANCE;**

**SECONDED BY R. SEAMAN**

**VOTE TAKEN AND APPROVED 6-0-1 (Karis)**

J. Labriola: it's up to the Town Board to decide how to deal with this non-compliance.

J. Labriola: **MOTION THAT THE PLANNING BOARD RECOMMEND THAT THE TOWN BOARD DIRECT THE ALBRECHTS TO RETURN THE SITE TO THE CONDITION IT WAS IN PRIOR TO THE DISTURBANCE FOR THE INSTALLATION OF THE CULVERT AND SUBSEQUENT FILL;**

**SECONDED BY K. BRAMSON**

**VOTE TAKEN AND APPROVED 6-0-1 (Karis)**

**5. MOUNTAIN VIEW ESTATES ROAD BOND**

R. Rennie reports that his office prepared the road bond estimate and is now recommending that the original bond of \$345,000 be reduced to \$190,500. Further, he reports that no actual money has been posted yet and that the reduced bond represents the work that remains to be done.

J. Labriola: clarifies that \$190,500 worth of improvements remain to be done.

J. Labriola: **MOTION TO PASS ALONG TO THE TOWN BOARD FOR ACCEPTANCE A REDUCTION IN THE ROAD BOND FOR THE MOUNTAIN VIEW ESTATES FROM ORIGINAL ESTIMATE OF \$345,000 TO \$190,500 TO TAKE CARE OF THE REMAINING ROAD IMPROVEMENTS TO BE COMPLETED;**

**SECONDED K. BRAMSON**

**VOTE TAKEN AND APPROVED 7-0-0**

Board discussed the process by which the work has been partially completed without the bond being posted. J. Labriola suggests that he and J. Nelson do the necessary research to discover what the process is and should be, where it broke down, and what changes, if any, need to be enacted.

R. Rennie: clarifies that it's OK for the developer to do this prior to the map being signed. Usually, prior to the final map being signed, the developer has a time frame – so many days in which to get the map signed before it expires. In that time frame, developers are usually rushing to get as much work done as possible because once the map is signed and then filed, the Town takes ownership of that road at that point. And that's the point at which the Town wants the road bond to be fully protected. Typically, if someone gets a preliminary approval or a final approval, developers are trying to get as much of the road work done as possible so that they don't have to post the full road bond.

## **6. SUPERIOR TELEPHONE SIGN PERMIT**

David Jones is present for this application and reports that Superior Telephone has never been happy with its sign and is applying to remove it and replace it with a 24 square foot sign. The little roof will be removed. The new sign will be internally lit.

D. Jones clarifies that only the letters are lit, that the whole face of the sign is not lit.

J. Labriola: **RESOLUTION (ORIGINAL ATTACHED) TO APPROVE THE SIGN EXCEPT AS FOLLOWS: NONE**

**SECONDED K. BRAMSON**

**DISCUSSION:** H. Fischer proposes adding the condition that only the letters will be lit

**MOTION REVISED (ORIGINAL ATTACHED) WITH ONE EXCEPTION:  
OUTLINE OF LETTERS AND SWOOP WILL BE THE ONLY ILLUMINATED  
PARTS OF THE SIGN**

**SECONDED K. BRAMSON**

**VOTE TAKEN AND APPROVED 6-0-0**

## **7. LIBERTY AUTO SALES – SIGN PERMIT**

Tom Walsh from Sign Language was present to represent Liberty Auto Sales. They are planning to install two signs: (1) single-sided, building-mounted, 1” thick, non-illuminated aluminum pan sign that is 3’ tall by 20’ long which will be mounted on the wall of the building; (2) double-sided wood sign on the existing pole sign 40”x 48”.

Board discussed the illumination of these two signs.

J. Labriola: **RESOLUTION TO APPROVE THE SIGNS WITH CONDITIONS (original resolution is attached):**

- **stone planter base of fieldstone or modular concrete block, approximately 2’ high, 2’ x 3’ minimum to 3’ x 5’ maximum, installed with seasonal landscaping**
- **signs will be non-illuminated**

**SECONDED BY M. GORDON**

**VOTE TAKEN AND APPROVED 7-0-0**

J. Labriola: customer must reapply to the Planning Board if he wants to illuminate the signs.

**8. BUTLER VARIANCE – APPEAL #831**

Application for a 4' variance on the side setback for location of a shed on property at 39 Clark Heights.

J. Labriola reported that he visited the site. Further, he couldn't tell where the back property line was or why they needed a variance because there appeared to be plenty of room for a shed. K. Bramson also visited the site and agrees with J. Labriola. Board reviewed map submitted with the application.

**J. Labriola: MOTION TO PASS THIS APPLICATION ALONG TO THE ZBA WITH NO RECOMMENDATION BECAUSE IT IS UNCLEAR TO THE PLANNING BOARD WHETHER THE APPLICANT IS REQUESTING THAT THE SHED BE PLACED 35' FROM THE BACK PROPERTY LINE OR 3.5' FEET FROM THE SIDE LINE.**

**SECONDED BY H. FISCHER**

**VOTE TAKEN AND APPROVED 7-0-0**

**9. BURRIS VARIANCE – APPEAL 832**

Application to build a two-stall barn on a piece of property that does not meet the necessary side setback. Property is located at 47 Netherwood Hill Road.

J. Labriola visited the property and spoke with the man who wants to lease the property to put the barn up. The property was staked. J. Labriola reports that there is nothing but woods all around the property and didn't see any reason with this application.

Board discussed the rationale for locating the barn on the property line.

**J. Labriola: MOTION TO PASS THIS ALONG TO THE ZBA WITH A POSITIVE RECOMMENDATION BECAUSE THE PLANNING BOARD THINKS THAT THE DESIGN OF THE BARN IS CONSISTENT WITH THE SURROUNDING PROPERTIES AND DOES NOT BELIEVE THAT THE LOCATION OF THE BARN WILL CREATE ANY VISUAL PROBLEMS WITH ADJOURNING PROPERTY OWNERS;**

**SECONDED BY R. SEAMAN**

**VOTE TAKEN AND APPROVED 5-1-1**

**10. HUGHES VARIANCE – APPEAL #833**

Application for 11' variance from minimum side setback for construction of screened porch on mobile home in mobile home park at 87 Elm Lane.

J. Labriola visited the site and reported that the length of the proposed porch will be fairly close to the adjacent property owners. K. Bramson also visited the site and agrees. J. Labriola mentioned a potential fire hazard. R. Fracchia spoke with the property owner on the right who said that she has no problems with this proposed construction. M. Gordon states that they all look to be close to each other and doesn't see any compelling reasons to deny the application.

**J. Labriola: MOTION TO PASS THIS APPLICATION ALONG TO THE ZBA WITH A POSITIVE RECOMMENDATION;**

**SECONDED BY R. FRACCHIA**

**VOTE TAKEN AND APPROVED 6-1-0**

**11. STUART, VINCENT, PHILLIP ASSOCIATES – SPECIAL USE PERMIT – APPEAL #834**

Application to change from non-conforming use (agricultural) to another non-conforming use (residential) by the subdivision of the parcel into 31 residential building lots on property at 850 Van Wagner Road.

R. Seaman asks whether this appeal is appropriate, whether it constitutes rezoning, and whether it is more appropriate for the Town Board to consider this application and not the ZBA or the Planning Board.

J. Nelson: Town Code Section 98-38 states that one non-conforming use can be converted to another non-conforming use if applicant goes to the ZBA, gets a special permit, and the ZBA finds that the new use would be no more detrimental to the neighborhood than the use it replaces.

Board discusses impact of conversion from one non-conforming use to another non-conforming use. R. Seaman points out that these are completely different uses - agricultural vs. high-density residential. J. Labriola states that if this were a like use being converted to a like use, it might then be OK; but the proposed conversion changes the character of the neighborhood.

R. Seaman states that this would set a precedent for the Planning Board to be doing what the Town Board should do – that is rezone an area from agricultural to residential.

M. Gordon states that spot-zoning is a huge issue and that it would be a big mistake to change the zoning this way, that it sets a bad precedent for future legal battles.

**J. Labriola: MOTION TO PASS ALONG TO THE ZBA WITH A NEGATIVE RECOMMENDATION AND THAT THE PLANNING BOARD BELIEVES THAT THE ZBA SHOULD DEFER ON RULING ON THIS SPECIAL USE VARIANCE**

**AND REFER THIS BACK TO THE TOWN BOARD FOR CONSIDERATION OF A REZONING OF THIS PARCEL OF LAND; IF THE ZBA DOES RULE, THEY SHOULD TAKE THE FOLLOWING INTO ACCOUNT IN THEIR DELIBERATIONS:**

- **TRAFFIC**
- **MINIMUM LOT SIZES**
- **OPEN SPACE PRESERVATION**
- **WETLANDS AND POTENTIAL IMPACTS**
- **VISUAL AND AESTHETIC CONSIDERATIONS AND CHANGES TO THE RURAL CHARACTERISTICS OF THE PROPERTY AND SURROUNDING PROPERTIES**
- **LOTS 13-19 HAVE WETLANDS AND BUFFERS AND THE ONLY BUILDABLE AREA SEEMS TO RESIDE IN THE CENTRAL HUDSON EASEMENT WHICH IS NOT LEGAL – HENCE THESE LOTS ARE NOT BUILDABLE**

**SECONDED H. FISCHER**

**DISCUSSION:** M. Gordon adds to the motion a strong recommendation from the Planning Board that spot rezoning not be allowed; that it sets a very bad precedent.

J. Labriola: **MOTION AS ABOVE IS AMENDED TO INCLUDE A STRONG RECOMMENDATION THAT SPOT REZONING NOT BE ALLOWED.**

J. Labriola: Short EAF is on file.

J. Nelson: the code also addresses the question of whether the new use is more detrimental to the neighborhood than is the existing use.

M. Gordon: the bigger concern is spot rezoning.

**VOTE TAKEN AND APPROVED 7-0-0**

**12. COOKINGHAM – WEST ROAD**

J. Labriola: doesn't remember that the Planning Board approved signs, which are now in place. D. Friedrichson will look into this. Possible multiple businesses being run out of that site with unapproved signage.

**13. MINUTES**

Minutes of 9/14/04 meeting corrected and approved 6-0-0.

Minutes of 9/28/04 meeting corrected and approved 5-0-0.

Minutes of 10/12/04 meeting corrected and approved 5-0-0.

#### **14. DISCUSSION OF TOWN PLANNER**

H. Fischer would like to have a discussion about the need for a Town Planner for Pleasant Valley. The Salt Point Turnpike corridor is the last rural area which will be developed. Mr. Fischer wants some guidance for the Planning Board and the Town Board. R. Seaman discussed issues of preservation, planning, and how to act proactively. In the budget for last year, J. Labriola requested money for (1) a Town-wide traffic study and (2) very specific architectural design guidelines in each of the hamlet areas. This could be extended to include a Salt Point corridor planning study with a set of recommendations that would be enacted for any developments in that area. J. Labriola will speak with John McNair regarding this. Greenway dollars is a source of funding.

M. Gordon: talk with the Town Board about an infrastructure fee per lot. J. Labriola states that he was unsuccessful in convincing them to impose such a fee.

R. Seaman: also a water study is needed to look at the effect of total build out on quantity and quality – every time you punch a hole in the aquifer, you pollute it.

Board discusses the value of retaining the services of a professional planner on a contract basis that the Board would use on challenging projects.

J. Labriola will talk with John McNair regarding:

1. Greenway dollars for a Town-wide traffic study and a Salt Point corridor build out study
2. infrastructure fee
3. professional planner – J. Nelson will call Milan to discover what they do. P. Karis states that very few Town Boards do not have a Town planner.

#### **15. DISCUSSION OF ALBRECHT**

H. Fischer: reported that Cronin at the Army Corps of Engineers said that Albrecht turned his (Cronin's) words around. H. Fischer suggests that the Planning Board should contact the agencies directly to check things out because the applicants "build onto" what the agency says. J. Labriola does not want to turn the Board into a policing function and prefers to turn it back to the applicant to get written documentation in a timely fashion.

#### **16. DISCUSSION OF STORM WATER MANAGEMENT**

(Much of this discussion is inaudible). J. Labriola: all applicants must be treated the same – all site plans must be reviewed by Soil and Water. P. Karis states there are specific state requirements on erosion control and storm water management.

Chairman J. Labriola adjourned the meeting at 9:42 p.m.

Minutes submitted by,

Helen D. Dickerson  
Secretary

The foregoing represent unofficial minutes of the November 9, 2004, Pleasant Valley Planning Board. They are not official and should not be construed as the official minutes until approved.

\_\_\_\_ Approved as read

\_\_\_\_ Approved as corrected with deletions/additions

**PLEASANT VALLEY PLANNING BOARD  
DECEMBER 14, 2004**

The regularly scheduled meeting of the Pleasant Valley Planning Board took place on December 14, 2004, at the Pleasant Valley Town Hall, Route 44, Pleasant Valley, New York. Chairman Joe Labriola called the meeting to order at 6:36 p.m.

Members present:     Joe Labriola, Chairman  
                              Michael Gordon  
                              Rob Fracchia  
                              Kay Bramson  
                              Henry Fischer  
                              Peter Karis  
                              Rebecca Seaman

Also present:           Peter Setaro, Morris Associates  
                              James Nelson, Esq., Town attorney  
                              Dieter Friedrichson, Zoning Administrator

The meeting was opened with the Pledge of Allegiance.

**1.     CINGULAR WIRELESS CO-LOCATION – SITE PLAN**

J. Labriola reported that Cingular Wireless was due back this evening for a revised site plan discussion and will not be on the agenda because their engineering report is incomplete at this time.

**2.     ECM REALTY, LLC SELF-STORAGE FACILITY –SITE PLAN**

This application is for site plan approval for construction at 19 Charles Street of buildings containing units and office for self-storage facility.

J. Labriola recused himself from the discussion of this application. R. Fracchia volunteered to lead this discussion.

Brian Franks, surveyor for the applicant, was present.

K. Bramson went on the record that Chris Meyer built her house and that she knows him on a somewhat friendly basis. Neither she nor the Board felt that her association with Mr. Meyer would affect her ability to participate in this discussion.

B. Franks reported that engineers have reviewed the site and reported that they cannot get a septic system on this site. Therefore, the plan for a medical building has been abandoned and replaced with self-storage units. There will be three sizes of units: 10' x 15'; 5' x 5'; 10' x 10'. There will be one office, which will not be occupied full-time and will not need a septic system. If, at some point in the future, they decide to man the

office full-time, then the best solution is to install a septic tank that will be pumped regularly. Storage units have a self-opening gate and only require personnel on site when customers sign contracts.

P. Setaro: supposes that the Board will want to see a landscaping plan and information on elevation of the storage units. Because the site is now covered with more impervious area, applicant must look at how to collect drainage and provide drainage details on the map.

B. Franks: reported that he has faxed Setaro's letter to the engineer for a drainage study.

P. Setaro: reported that storage units are usually set all at one level and graded between the units. However, this plan seems to show that the site slopes from back to front.

B. Franks: asked for more guidance on what the Board wants to see in landscaping and stated that the sides are enclosed with a chain link fence. There is not a lot of room around the sides to do much landscaping.

M. Gordon: asked what is on the adjacent property lines. The plan does not indicate what the setbacks would be.

Setaro: Comment 11, maximum lot coverage per the Code in this district is 20%. This plan is 30% building coverage. The Code says that the Planning Board may waive this requirement if the site is less than 6 acres provided all the other area and bulk requirements have been met. So, Setaro stated that he does not have an issue with it as long as the drainage is solved.

P. Karis: the back building on the property line seems pretty tight. Will a box truck be able to turn around? B. Franks noted that there is 15' between those buildings. P. Karis stated that in his experience this is not enough clearance for a box truck. Discussion of clearance for two-way traffic and/or clearance for a truck when other vehicles are present. B. Franks stated that he will bring this to ECM's attention. P. Karis sees an issue of clearance for u-turn at the rear. P. Setaro stated that, with these storage units, the biggest vehicle you'll see is a van-sized box truck. P. Karis stated that he has designed storage units with stepped foundations to provide for drainage. Further, he stated that roof lines must be adjusted.

R. Fracchia: asked about lighting. B. Franks stated that the applicant will show the lighting on the drawings and will indicate whether they are permanently lit or are on motion-detectors.

Discussion of chain link fence around property and whether it will have slats.

B. Franks: reported that they will return with a sign application.

P. Setaro: asked about a soil test. B. Franks reported that the decision to abandon the plan for the medical building was based on the results of the soil test.

M. Gordon: asked what the surface of the buildings will be. B. Franks reported that this is now being worked on and assumes that the buildings will be metal with metal roofs.

B. Franks: asked again for guidance on landscaping. Is it enough to landscape the front or should he try to squeeze something in along the sides? Board indicates that landscaping in the front would suffice.

## **2. LA PUERTA AZUL AT SYCAMORE SQUARE – SITE PLAN**

This application is for site plan approval for proposed restaurant to be located in existing retail use building on site at 2510 Route 44.

Applicants present are Ty Bittner, Marianne Bittner, and Glen Coben.

J. Labriola: reported that applicants were previously before the Board for preliminary discussion, returned a second time and were referred to the ZBA for a parking variance, and are now back with a site plan revision. J. Labriola asked that the applicants report on changes instituted since the last time they were before the Board.

T. Bittner: reported that parking variance was approved by ZBA and that they hope for a site plan approval conditional upon Health Department approval. They are working on waste-water treatment plant from BioClear. Everything will be self-contained in that unit. Bittner reviewed each of the components of the plan. The plan has been designed to Health Department's specifications and has been submitted to Health Department. Bittner reported that the Health Department has told them that, as long as they meet the Department's limits, the Department does not have a problem with the plan.

G. Coben: displayed color drawings and color swatches of inside and outside of the building with the floor plan. He stated that they want to give the building some acceptable distinction and identity and they believe they have done so with the tower on the end of the building, the columns, and the stucco detail. T. Bittner stated that the tower is no taller than the roof line of the building.

K. Bramson and J. Labriola both requested renderings/drawings of the entire site to see how the building will fit in with the rest of this site. Board discussed the blending of this building with this site, the colors to be used, the need for the full front view of the plaza, and the need to view how the building fits architecturally and aesthetically with the rest of the site and with the entire corridor.

P. Setaro: no issues from engineering standpoint. This is not a separate site plan application for the restaurant. Rather, it is a site plan amendment to the original Sycamore Square. The application has to be changed to be Sycamore Square Site Plan Amendment that includes all the site plan information from the original as amended with

parking data to reference the approved variance. The only outstanding question is what is in the existing black building? T. Bittner responded that it is a storage building. P. Setaro asked if a short form EAF will suffice as there are no real modifications to the site plan.

J. Labriola: stated that he does not foresee a problem with using the short form.

M. Gordon: stated that the only real issue is how they are handling the sewage.

T. Bittner: stated that generators will back up the treatment system in case of a power failure. P. Setaro stated that this must be shown on the map.

J. Labriola: stated that the map needs to be amended to reflect revised elevations, color specifications, materials. The footprint of the building is not changing.

P. Setaro: stated that the generator should contain sound attenuation and a note to that effect should be added to the map.

J. Labriola: inquired if outdoor seating is planned. T. Bittner responded: No.

J. Labriola: any changes to the outdoor lighting – locations, wattage, fixture details – must be noted on the map. Also, note on the revised map the location for handicapped parking.

J. Labriola: read into the record a letter (on file) dated 10/28/04 from Jennifer Coccozza of the Dutchess County Department of Planning regarding the request for a variance from the required number of parking spaces and recommends that the Board rely on its own consideration of the facts and the case.

J. Labriola: read into the record a letter (on file) dated 12/1/04 from the Pleasant Valley Fire Advisory Board recommending that the fire lanes at the site be kept clear and accessible at all times.

P. Setaro: advised that once the Board receives a revised site plan, it must go to County Planning again because they are supposed to weigh in on site plans. Procedurally, we have to get their input.

P. Karis: stated that it appears that there will be sewage discharge on adjacent properties. T. Bittner stated that they are going under the property. P. Setaro stated that they will need an easement if going through an adjacent property or a permit if going through DOT easement.

J. Labriola: stated that the Board would like to see a revised package a couple of weeks before the next Board meeting, which is scheduled for Jan. 11, 2005, and reminds the applicant that all sign applications must be submitted under a separate application. The Board does not want to see any signage on the site plan application.

#### **4. PORCO LOTLINE RE-ALIGNMENT-SKETCH PLAN APPROVAL**

This application is for approval of lot line re-alignment of two non-conforming lots creating two conforming lots each with an existing residence.

Brian Franks, surveyor for applicant, was present.

B. Franks: reported that the applicant owns two existing lots. The large lot has two existing houses on it. The applicant wants to change the boundary lines for the lots so that there will be one house on each lot. In order to access lot #1, the applicant is proposing a new driveway for that lot.

P. Setaro: one comment on the short EAF. No issues with sketch plan approval. New driveway shows two 36" drainage culverts. He wants a drainage study to confirm that they can pass the 25 year storm requirement.

M. Gordon: is the 5600' driveway accurate? B. Franks corrected the notation – it should read 560'.

J. Labriola: asked if they are planning to grass over the common drive to create two separate driveways? B. Franks stated that they wish to create a separate driveway. J. Labriola asked why they wouldn't, therefore, remove the common driveway. And if they keep the common driveway, J. Nelson confirmed that there would need to be an easement for its use. J. Labriola summarized, and Board discussed, that there are two options: remove the common drive and create two separate drives; or go with common drive and get an easement. If they go with a common drive, that eliminates the need for the drainage study and the possible disturbance of wetlands.

Discussion of disturbance of wetland: J. Labriola stated that review of this application would allow the Board to take into account the new Town Ordinance around wetlands. R. Seaman pointed out that there already exists an access that does not disturb a stream, that this application would create something that does, and that the Board has gone out of its way not to do that. P. Setaro reviewed the code to determine whether this is in a buffer zone. He does not think that the Town's Wetlands and Water Course Protection Chapter pertains to this site because he does not think it's a tributary to one of the named streams. B. Franks stated that it's a seasonal stream and that he checked with Cornell and they did not have any Army Corps or New York State wetlands on that property.

J. Labriola: requested that B. Franks validate whether it is or is not a tributary to any of the named water bodies in our Ordinance, and asked that he report to the applicant the fact that the existing driveway that services the second net new lot could avoid all of this discussion. Further, because he is creating a net new lot, he should show on the map that there is plenty of room for expansion of the SDS on both lots. B. Franks stated that he will get into trouble with the Health Department if he shows 100% expansion. They won't sign it. P. Setaro stated that there is plenty of room and concurred with B. Franks

that he will run into problems with the Health Department. J. Labriola asked if there should be a note on the map to document that the Board discussed it and determined that it was not an issue. P. Setaro stated that they could look at the Dutchess County Soils Map and see what the soils are in that area and roll that into the SEQRA determination.

P. Karis: asked what the purpose of this application is. B. Franks stated that the applicant is creating two lots so that they will sell more easily. He could not sell the one lot with two houses on it.

J. Labriola: read into the record a letter (on file) dated 12/1/04 from the Pleasant Valley Fire Advisory Board that they have no comment.

J. Labriola: asked B. Franks to come back to the Board with any waivers in writing that he is requesting: location of trees and rock outcrops, one inch equals 200 foot vicinity map is large enough to show the location of the site, nearest primary control points are too far away to be located economically, Dutchess County Real Tax Department will not give out proposed tax grid numbers until the map has been filed, and waiver from using the long form as there will be no physical changes to the property. J. Labriola and Board stated that they have no problems with these waivers.

**J. Labriola: MOTION THAT THE TOWN OF PLEASANT VALLEY PLANNING BOARD GRANT SKETCH PLAN APPROVAL TO THE PORCO BOUNDARY LINE ADJUSTMENT SUB-DIVISION IN THE FORM OF THE RESOLUTION PREPARED BY THE BOARD'S ENGINEER AND NOW BEFORE THE BOARD; THE FOLLOWING CONDITIONS MUST BE ADDRESSED WITHIN THE PRELIMINARY PLAT ADDRESSED IN THE PLANNING BOARD ENGINEER'S LETTER DATED 12/13/04;**

**SECONDED BY R. FRACCHIA**

**VOTE TAKEN AND APPROVED 7-0-0**

J. Labriola: asked that B. Franks notify the Board when they will return to the Board and told him that he can advertise for the public hearing.

## **5. BEVERLY HILLS SUBDIVISION**

J. Labriola: stated that this application is on this month for continued discussion, Parkland Resolution, SEQRA discussion, and ultimately SEQRA determination.

Mike Gillespie, Oswald & Gillespie, consulting engineers for the project, was present.

M. Gillespie: requested that the Board move on the Parkland Resolution and presented a revised plan which shows a connecting roadway and removal of homes from the ridge. He stated that he has consulted with Dutchess County Planning and asked that the Board

move on a SEQRA determination so that they can move forward in any direction that the Board feels is relevant in order to move the process along.

J. Labriola: reported that based on previous discussions relative to this and other sites, this site is not suitable for a Town park.

**J. Labriola: MOTION THAT THE TOWN OF PLEASANT VALLEY PLANNING BOARD ADOPT THE FOLLOWING PARKLAND DETERMINATION RESOLUTION FOR BEVERLY HILLS SUBDIVISION IN THE FORM OF THE ATTACHED RESOLUTION DATED 12/14/04 PREPARED BY THE BOARD'S ENGINEER THAT ARE SUBJECT TO THE FOLLOWING CONDITIONS: NONE;**

**AND THEREFORE THE PLANNING BOARD HAVING CONSIDERED THE SIZE AND SUITABILITY OF THE LAND SHOWN ON THE SUBDIVISION PLAT AND THE NEEDS OF THE IMMEDIATE NEIGHBORHOOD HEREBY DETERMINES THAT A SUITABLE PARK MEETING THE REQUIREMENTS OF THE TOWN CANNOT BE LOCATED ON SUCH SUBDIVISION PLAT;**

**IF THE APPLICANT'S SUBDIVISION APPLICATION IS APPROVED. THE APPLICANT IS HEREBY REQUIRED TO DELIVER TO THE TOWN FOR DEPOSIT IN TOWN'S TRUST FUND FOR PARKS, PLAYGROUNDS, AND OTHER RECREATIONAL FACILITIES THE AMOUNT REQUIRED BY THE TOWN BOARD'S FEE SCHEDULE FOR THE NUMBER OF RESIDENTIAL SUBDIVISION LOTS APPROVED BY THE BOARD;**

**SECONDED BY H. FISCHER**

**VOTE TAKEN AND APPROVED 7-0-0**

J. Labriola: stated that at last month's Board meeting there was a fairly lengthy discussion of the potential negative environmental impacts. The issues identified dealt with erosion, runoff, drainage onto adjoining properties, proposed development on steep slopes, aesthetic implications of proposed proximity of homes to Salt Point Turnpike and along the ridge line, significant change in rural characteristics of property, water quality and quantity, question of soils near wetlands on northern end of site and the ability to support SDS, Phase I archeological study. He stated that the connector road is good planning for the future. J. Labriola asked the Board for any additions or deletions to the list.

R. Seaman: stated that the Board has also talked about the Master Plan and the principles of the Greenway Guide which the Board has continually asked to be reflected in this plan.

K. Bramson: asked if the Dutchess County Planning gave them any guidance or suggestions. M. Gillespie stated that, although he was not yet involved with this

application, they met with DC Planning very early on in the process. He reported that their largest concern was trying to keep the homes off the ridge line and that they recognized the concern of the Board regarding proximity to Salt Point. He stated that he has received no additional response from County Planning.

J. Nelson: provided copies of SEQRA regulations for determining significance that list 8 criteria for a Board to consider in determining adverse impact.

J. Labriola: after having considered the potential negative environmental impact, proposed a positive SEQRA declaration. All Board members agreed with this proposal.

**J. Labriola: POSITIVE SEQRA DECLARATION AND NOTICE OF SCOPING FOR BEVERLY HILLS SUBDIVISION – ORIGINAL RESOLUTION ATTACHED**

Discussion of Scoping Session: Draft scoping document to be submitted by January 31, 2005; Planning Board to review at regularly scheduled Board meeting on 2/8/05; and Scoping Session with input from the public to be held on 2/23/05 at 6:30 p.m. M. Gordon asked what happens if the Board is prevented from meeting these dates due to a blizzard. J. Nelson reported that the penalty for not completing a scope within 60 days is that the applicant can go ahead and prepare their EIS. He also stated that the time frame can be extended by mutual agreement between the Board and the applicant.

**SECONDED BY R. SEAMAN**

**VOTE TAKEN AND APPROVED 7-0-0**

**7. SERINO SUBDIVISION**

J. Labriola: read a letter dated 11/17/04 from David J. Johnson of Zirecki (spelling?) and Associates that requests a 90-day extension of final approval for the subdivision. The extension is requested because the DC Department of Health has not yet commented on the project.

**J. Labriola: RESOLUTION TO GRANT THE 90-DAY EXTENSION OF FINAL APPROVAL – TIME PERIOD TO BEGIN 1/13/05 AND TO END 4/13/05 - (ORIGINAL RESOLUTION ATTACHED);**

**SECONDED BY R. FRACCHIA**

**VOTE TAKEN AND APPROVED 7-0-0**

**8. MOUNTAIN VIEW**

P. Setaro: reported that the mylars are available to be signed. Last item to be provided was a signoff letter from J. Nelson's office on the common driveway maintenance

agreement. He talked Ken today and they already have the maintenance agreement. J. Nelson reported that he has the necessary documents in order to proceed with the mylars. J. Labriola reported that Nancy did not leave the mylars out for his signature, so there is nothing that he could do tonight.

#### **9. THANK YOU – PETER SETARO**

J. Labriola expressed his and the Board's appreciation to P. Setaro for his help and the help of his company all year long.

#### **10. TASSONE REALTY – SIGN PERMIT**

This application is for approval of a wall sign designating real estate office at 13-17 North Avenue.

Kenneth McCall, applicant, was present.

K. McCall: provided a picture of the signage he is proposing. The sign is a channel letter sign with internal illumination which will be applied to the fascia of the building. The colors are burgundy and white.

J. Labriola: stated that the design seems to be consistent with all of the other signs in Milestone Square Plaza.

K. Bramson: stated that she's not crazy about the logo. J. Labriola said that the Planning Board cannot comment on logos.

J. Labriola: reported on the dilemma created by the fact that two conditions of Time Equities' (Milestone Square) amended site plan approval (a revised set of engineered drawings to be submitted to the Planning Board and an undertaking to be posted) have not been met. The dilemma now before the Board is that approval of this sign application is hooked to the successful fulfillment of these unmet conditions. This Board cannot give approval for a sign on a site that is not in compliance with the approved site plan. He stated that he's OK with approving this sign conditioned on Time Equities and Milestone Square satisfying the requirements of their conditional site plan approval. But the applicant cannot hang the sign on the building until the site is in compliance with the site plan. Letters have been sent to Time Equities to notify them that they are out of compliance.

K. McCall: reported that he spoke with someone at Time Equities and that their situation does not involve him and his customer. J. Labriola assured him that the Board recognizes the importance of signage for his customer and underscores the fact that final approval for this application cannot be granted.

D. Friedrichson: reported that Time Equities is working on it and trying to get it done.

K. Bramson: reported that there's a real problem in the back of Building B – 20 garbage bags around the dumpster, the dumpster was full, shopping carts turned over in that area, and it is a mess. D. Friedrichson reported that his deputy has been out there a total of 7 times in 2 months for complaints, which has been documented in his letter to Time Equities.

J. Labriola: stated that the Board had an agreement with Time Equities, gave them conditional approval, and conditionally approved 3 or 4 signs that are now hanging on the wall. Time Equities has not followed through and unfortunately Tassone is the first sign application that has come to the Planning Board since their failure to fulfill the conditions. He proposed that conditional approval for this sign as submitted be granted and necessary permits can be issued upon satisfaction of the conditions stated in the Milestone Square amended site plan approval. As soon as Time Equities posts the \$3500 undertaking and submits an acceptable set of engineered drawings, the necessary permits can be issued and the Tassone Realty sign can be hung. He advises that Mr. McCall speak with Time Equities with regard to these completions.

Mr. Tassone: stated that his business is being punished for something that is not his responsibility. J. Labriola concurred with him and discussion ensued on the history of the conditional site plan approval, its impact on approval of this and any subsequent sign applications, and the steps that are necessary for this sign application to be approved. Mr. Koblenz has been notified about this situation. The dilemma the Board is in was not created by Mr. Tassone, but the Board cannot approve this application at this time.

K. McCall: suggested that building permits be withheld and rentals be prevented as a way to impact compliance. J. Labriola stated that this may not be doable and construction permits do not come before this Board anyway.

Mr. Tassone: offered to put up the \$3,500 undertaking himself.

Mr. McCall: stated that it will take him a couple of weeks to make the sign.

Mr. Labriola: stated that the Board will give him conditional approval for the sign tonight, but that they cannot hang the sign until Time Equities complies with the amended site plan.

J. Labriola: **MOTION TO GRANT SIGN APPROVAL:**

**WHEREAS, THE TOWN OF PLEASANT VALLEY PLANNING BOARD HAS RECEIVED AN APPLICATION DATED 11/19/04 FROM TASSONE REALTY FOR APPROVAL OF ONE SIGN;**

**FURTHER BE IT RESOLVED THAT THE PLANNING BOARD GRANTS APPROVAL FOR ONE SIGN AS SHOWN IN THE APPLICATION AND DRAWING AND CONSISTING OF MATERIALS, SIZES, AND COLORS SHOWN IN THE APPLICATION, EXCEPT AS FOLLOWS:**

- 1. THIS IS A CONDITIONAL APPROVAL. SIGN PERMIT CAN BE ISSUED UPON SATISFACTION OF THE CONDITIONS STATED IN THE MILESTONE SQUARE AMENDED SITE PLAN APPROVAL;**

**SECONDED BY K. BRAMSON**

**VOTE TAKEN AND APPROVED 7-0-0**

#### **11. JOHNNY ROCKS – SIGN PERMIT**

This application is for approval of a wall sign designating the new name of a bar/restaurant at 5 Maggiacomo Lane.

Mike Palazzo, for the applicant, was present.

M. Palazzo: reported that this proposal is to replace the existing sign, which is larger than the new sign. This property is in the Grand Union Plaza. M. Palazzo displayed a drawing and colors of the proposed sign and reported that the sign will look 3-dimensional. Board discussed the use of neon tubing. M. Palazzo stated that the sign will be illuminated from behind by a hidden neon tube. The neon tube is not visible.

J. Labriola: **MOTON TO GRANT SIGN APPROVAL:**

**WHEREAS THE TOWN OF PLEASANT VALLEY PLANNING BOARD RECEIVED AN APPLICATION DATED 11/29/04 FROM JOHN SERICO (sp?) FOR APPROVAL OF ONE SIGN;**

**FURTHER, BE IT RESOLVED THAT THE PLANNING BOARD GRANTS APPROVAL FOR ONE SIGN AS SHOWN IN THE APPLICATION AND DRAWING CONSISTING OF THE MATERIALS, SIZES, AND COLORS SHOWN IN THE APPLICATION EXCEPT AS NOTED: NONE;**

**SECONDED BY R. SEAMAN**

**VOTE TAKEN AND APPROVED 7-0-0**

#### **12. APPLE RIDGE SUBDIVISION EXTENSION OF PRELIMINARY APPROVAL**

J. Labriola: stated that the Board granted preliminary approval on 7/13/04. He read a letter from William Povall, Povall Engineering, requesting two 90-day extensions for the approval of this subdivision because they are awaiting DC Department of Health approval. J. Labriola proposed that the Board grant one 90-day extension and stated that the applicant, if needed, can return for another 90-day extension.

J. Labriola: **MOTION TO APPROVE 90-DAY EXTENSION – TIME PERIOD TO BEGIN 1/13/05 AND TO END 4/13/05 – (ORIGINAL RESOLUTION ATTACHED)**

**SECONDED M. GORDON**

**VOTE TAKEN AND APPROVED 7-0-0**

**13. APPEAL #835 – ARNOFF VARIANCE**

This application is for a variance to allow living quarters in an existing barn on the property with separate existing single family residence also on the property at 685 Netherwood Road. J. Labriola reported that the applicant is trying to provide housing and care for their parents.

R. Seaman: stated that previous provisions have been approved for an addition to an existing house to accommodate guests or farm help, which addition can never be rented out.

K. Bramson: asked whether the reason the applicant is not subdividing is because they do not have adequate road frontage. R. Seaman stated that they do not want to go through the expense of subdividing when they are not really creating two lots.

Board discussed the location of the property, reviewed the submitted drawings, and P. Karis helped to clarify the properties on the map. He also stated that the applicant is proposing to put in a 1200 gallon septic tank for the accessory dwelling, which will be pumped. J. Labriola noted that this tank will have to be pumped very frequently. M. Gordon stated that he would like to see a better sketch of the plan. J. Labriola reminded the Board that this application will not come back to the Planning Board for site plan because they are requesting an accessory use building.

D. Friedrichson: stated that this application is for a variance from the requirement that permits only one primary building per lot. There already is a primary building on the lot. Therefore, this is a variance for an additional primary residence on the lot.

P. Karis: stated that they cannot have a second primary residence with a septic tank, that it needs a septic system.

D. Friedrichson: clarified that this application would create a non-conforming situation.

J. Labriola: concurs with K. Bramson that they do not have the 100' road frontage that is required to subdivide. The sense of the Board is that the application does not make sense because of the absence of the SDS system and it would create a non-conforming site with two primary residences on one lot.

**J. Labriola: NEGATIVE RECOMMENDATION TO THE ZBA BECAUSE THE PLANNING BOARD DOES NOT BELIEVE IT SHOULD APPROVE TWO PRIMARY RESIDENCES ON A SINGLE LOT;**

**SECONDED BY H. FISCHER**

**VOTE TAKEN AND APPROVED 7-0-0**

**14. APPEAL #836 - LUKAITIS VARIANCE**

This application is for a variance from minimum setback requirement for placement of a shed to house goats on property at 64 Whiteford Drive.

J. Labriola: stated that he had a conversation with D. Friedrichson and animals are permitted in R-0 zone. However, there must be a 100' setback for the placement of a barn or shed to house the animals. Therefore, this is not an application for a Special Use Permit. J. Labriola stated that he visited the site and that the shed is right on the property line. K. Bramson also visited the site. Adjacent property owners will be invited to comment on this application at the ZBA meeting.

J. Labriola: read into the file a letter from the Town of Pleasant Valley Fire Advisory Board that states that they take no position on this application.

Board discussed the impact on the neighborhood from noise, odor, water quality.

**H. Fischer: MOTION TO PASS TO ZBA WITH A NEGATIVE DECLARATION IN THAT THE LOT SIZE DOES NOT WARRANT THE LIVESTOCK AND WITH A RECOMMENDATION THAT THE ZBA TAKE INTO ACCOUNT ODOR AND NOISE IMPLICATIONS TO ADJOINING PROPERTY OWNERS;**

**SECONDED BY J. LABRIOLA**

**VOTE TAKEN AND APPROVED 7-0-0**

**15. APPEAL #837 - WFL CONSTRUCTION COMPANY**

This application is for a variance from the minimum acreage requirement for a two-family home (existing barn to be converted) in R-1 zoning district on the property at Avalon Hills, located at Ryan's Run (corner of Freedom Road).

Board discussed the fact that Avalon Hills created this lot and chose this size when they did the subdivision and are now requesting a variance when they could have originally given this barn another acre or two. The Board recalled that, at the time of the subdivision approval, they discussed with the applicants the possibility of making the barn into a two-family home. Further, the Board recalled having wanted the applicants to rehabilitate the barn and that the Board discussed the use and future of this barn

throughout the Avalon Hills approval process. Board now discussed its concern for the impact of a negative recommendation on the barn and the rural character of the site – the barn may get torn down. Board pointed out that the barn is in the middle of the development. Further, the barn, if not torn down, might add something aesthetically to the development. The Board cannot identify the barn as an historic building; only the owner can suggest its addition to the Historical Registry. R. Seaman asked what would prevent the owners, when granted the variance to the acreage requirements for a two-family home, from tearing down the barn and building a different two-family home. She pointed out that the Board would never grant this variance except to keep this barn. J. Labriola responded that, if the Board gives a positive recommendation, the recommendation will be based on the rehabilitation of an existing barn that the Board believes is important and is consistent with the Town's Master Plan. Further, he pointed out that, if approved by the ZBA, it will come back before the Planning Board for site plan approval.

**J. Labriola: MOTION TO PASS ALONG TO THE ZBA WITH A POSITIVE RECOMMENDATION AS THE BOARD BELIEVES IT IS IMPORTANT TO REHABILITE AND CONVERT THE EXISTING AGRICULTURAL BUILDING FOR RESIDENTIAL USE. IF THIS IS APPROVED BY THE ZBA, THE PLANNING BOARD EXPECTS TO SEE THIS BACK FOR SITE PLAN APPROVAL WHERE THIS BOARD WILL PAY PARTICULAR ATTENTION TO: ARCHITECTURAL ASPECTS OF THE CONVERSION, PARKING, LIGHTING, AND LANDSCAPING;**

**SECONDED BY MIKE GORDON**

**DISCUSSION:** H. Fischer asked if there is no place around there that they can get the additional land to make it two acres? He pointed out that the original application was for a 42-lot subdivision and now it's a 43-lot subdivision. J. Labriola concurred that it ends up being another virtual lot as a result of this variance.

**VOTE TAKEN AND APPROVED 6-1-0 (H. FISCHER)**

## **16. MINUTES**

J. Labriola reviewed corrections to the minutes of the Planning Board meeting on 11/9/04 and **MOTION TO APPROVE 11/9/04 MINUTES; SECONDED BY M. GORDON; VOTE TAKEN AND APPROVED 7-0-0**

## **17. OTHER BUSINESS**

Alternate Planning Board Members: J. Labriola reported on his meeting with John McNair regarding alternate members for the Planning Board and ZBA. Scott Volkman has written the necessary language to amend the Town law. There will be a public hearing on this subject at the next Town Board meeting. We can expect that, once that process is complete, two alternate Planning Board members will be appointed and will

have full Planning Board member authority, which includes voting. An alternate member will step in when a regular member must recuse her/himself from a discussion. Board affirmed that the alternate members must attend all Board meetings in order to be fully informed on any application. Further, the alternates must attend all meetings to learn the process and their roles and responsibilities. The alternates are automatic backup when/if current Board Members wish to retire from the Board. M. Gordon made the analogy that they serve in a similar capacity to alternate jurors. J. Labriola stated that they have some really high quality applicants. Discussion ensued about when an alternate can vote on an application. J. Labriola suggested that it would be OK for an alternate to vote on any "net new actions" but that s/he would have to abstain from continuing actions with which s/he was unfamiliar. Board also discussed the inevitable change in the dynamics of the Board as a result of the inclusion of new alternate members.

Infrastructure Fees vs. Recreation Fees: J. Labriola also reported on his conversation with John McNair regarding the Town Board's consideration of an increase in Rec Fees. J. McNair liked the idea of some sort of Infrastructure Fee and will discuss with the Town Board and report back to J. Labriola. Town law would need to be amended to permit the imposition of an Infrastructure Fee. H. Fischer asked if there is any desire for additional parkland. J. Labriola previously spoke with J. McNair about this. His take is that the Town has enough parklands at this time to satisfy the Town's needs. However, if a large application comes in, there are mechanisms available to require applicants to provide open space. R. Seaman reported on considerations regarding transfer and development rights.

Revisions to Sign Ordinance: J. Labriola spoke with John McNair about the Planning Board's suggested revisions to the Sign Ordinance. J. Nelson and an associate have carefully reviewed and made comments/changes to our suggested revisions. The recommendation is that this Board convene another workshop to review/incorporate their comments/revisions and then pass that revised document to the Town Board. This is a work in process and a significant amount of progress has been made.

Professional Planner: J. Labriola stated that discussions have been held regarding a professional planner to help the Board on an as-required basis on difficult applications. The Town of Milan uses a professional planner. The Town law would probably need to be changed to permit funds to be used for a planner. J. Labriola asked the Board if someone is willing to take the lead on this project, create an RFQ, and drive it through the next steps. East Fishkill and Milan are good sources of local laws. M. Gordon pointed out that the planning process is a lot more complex than it was even two years ago with the size of the developments and all of the new environmental concerns and laws. J. Labriola believes that one out of ten applications would need the services of a professional planner, and it would be nice to have the input of an independent third party.

R. Seaman volunteered to take the lead on this project.

Greenway Grant Dollars for Salt Point Corridor Planning Guidelines and for Town-wide Traffic Study: J. Labriola stated that J. Nelson provided information on available

Greenway dollars - \$10,000 – which can be used as a Town matching grant for County dollars. J. Labriola asked for a volunteer to write the grant requests for these grants and take the lead on this project. M. Gordon mentioned that he knows a brilliant grant writer who recently returned to this area and is working with the Town of Poughkeepsie and with the Arlington Business Improvement District. M. Gordon will find out how much this grant writer charges for her services. R. Seaman will talk with Meta.

Town Water Systems Committee: J. Labriola received a call from Jeff Battistoni. The Town is putting together a Water Systems Committee on what it would take to put central water in the central part of town. They have retained Chaizen to act as a consultant and they are planning to start meetings in January. J. Battistoni requested that a Planning Board member join this committee. P. Karis will talk with J. Battistoni and may volunteer to attend these meetings although it depends on his availability.

Mountain View Estates – Road Bond Reduction: The Board had a discussion last month about the road bond reduction that the Board approved because improvements had been made but the initial road bond had never been posted. J. Nelson had a brief conversation with Scott Volkman. Maybe the Board can make a condition at final approval that the bond must be posted prior to the commencement of any road improvements to the site. But S. Volkman does not think this Board can do that and will do some additional research. Progress is being made on this, but it is a work in process. M. Gordon says that, if doing a project that involves a State highway, work cannot begin until the bond is in place. J. Labriola says that we're trying to discover whether there is anything that precludes this Board from making such conditions regarding posting of bonds.

Town of East Fishkill Planning Document: J. Labriola reports that P. Karis passed to him a Planning Document from the Town of East Fishkill that outlines the procedures of the planning board. The document clearly describes the process, when the meetings are held, initial application, public hearings, every action with dates for submission, etc. It is especially helpful for members of the public who have no experience with this process. This document can be tailored to fit the needs of the Pleasant Valley Planning Board. P. Karis will work on this project and will give a copy to Nancy for input into the computer. R. Seaman says that she and K. Bramson had started work on this and will provide copies of some resolutions that will be helpful.

Chairman J. Labriola adjourned the meeting at 10:05 p.m.

Minutes submitted by,

Helen D. Dickerson  
Secretary

The foregoing represent unofficial minutes of the December 14, 2004, Pleasant Valley Planning Board. They are not official and should not be construed as the official minutes until approved.

\_\_\_ Approved as read

\_\_\_ Approved as corrected with deletions/additions