

**PLEASANT VALLEY PLANNING BOARD
JANUARY 11, 2005**

The regularly scheduled meeting of the Pleasant Valley Planning Board took place on January 11, 2005, 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
 Peter Karis
 Rebecca Seaman

Also present: Peter Setaro, Morris Associates
 James Nelson, Esq., Town attorney
 Dieter Friedrichson, Zoning Administrator

Absent: Henry Fischer

The meeting was opened with the Pledge of Allegiance.

1. PORCO LOT LINE REALIGNMENT – PRELIMINARY APPROVAL

J. Labriola reported that this application was on last month for Sketch Plan Approval and that this evening it is on for preliminary discussion and Public Hearing. The file contains an affidavit of publication in The Poughkeepsie Journal.

Brian Franks, surveyor for applicant, was present and reported that they have made all the changes requested in the last engineering letter. They have changed the driveway profile for Lot #1. The applicant does not want to go with a common driveway, and therefore they prepared a profile and an engineer letter (by Ron Freedman). What would have been the common drive is now being shown to be grassed over. B. Franks states that the trench for the new gas line has been dug, and the LP tanks will be moved.

J. Labriola read into the record a letter dated 1/11/05 from Butch Gardner, who did a site visit for the proposed driveway for the Porco subdivision. Mr. Gardner reports that the proposed driveway has adequate site distance, and he requests flared ends on the twin 6' culvert pipes and specific stone in the inlet and outlet of the pipe due to large body of water that flows in the streambed during the wet season.

P. Setaro reviewed his comment letter. Relocation of the propane tank is a condition of final approval.

J. Labriola inquired of P. Setaro whether Peter was able to determine whether the stream is a tributary of one of the main streams. P. Setaro reported that he reviewed a USGS

map, that this stream flows north and ends up crossing the Taconic Parkway near the Superior Telephone site, and that it is not a tributary of one of the main streams. J. Labriola stated that, therefore, the Wetland Ordinance does not apply to this stream.

Board discussed the 75' buffer along the stream and the revision to the grade necessary to meet the design elevation for the drainage. Therefore, over 10' of fill will be brought in at the entry of the driveway and graded out within the 75' wetland buffer. Board would like to see that disturbance within the wetland buffer so that they know what they are approving. J. Labriola clarified that Wetland Ordinance does not apply.

P. Setaro responded that he did not verify it with the DEC. P. Setaro commented on the need for a permit. J. Labriola stated that without knowing whether it's a Class B stream, the Board cannot go any farther with the SEQRA determination.

J. Labriola checked with J. Nelson: SEQRA determination is supposed to be done before the Public Hearing. However, the Public Hearing has been advertised for this evening's meeting. J. Labriola asked if the Board can open the Public Hearing and adjourn it to the next meeting in order to avoid having to advertise again. J. Nelson said this is OK as long as the applicant consents and the agenda for the next meeting will include a continuation of the Public Hearing. B. Franks stated that his client didn't make it to the meeting, and it's OK with him.

J. Labriola: MOTION TO OPEN THE PUBLIC HEARING ON THE PORCO LOT LINE REALIGNMENT APPLICATION; SECONDED BY M. GORDON

VOTE TAKEN AND APPROVED 6-0-0

J. Labriola stated that it is too early to have a discussion on this application until the Board has a determination on whether this is a Class B stream.

J. Labriola: MOTION TO ADJOURN THE PUBLIC HEARING ON THIS APPLICATION TO NEXT MONTH'S MEETING; SECONDED BY K. BRAMSON

VOTE TAKEN AND APPROVED 6-0-0

B. Franks clarified that the Board wants to see the re-grading and find out whether the stream is a Class B stream.

2. LOT #1 AVALON HILLS TWO-FAMILY SITE PLAN

Bill Ligori was present and reported that he is applying to convert the property to a two-family home. The size of the building is quite large. He reported that the ZBA approved the variance. He presented the design drawings of the floor plan. There will be a garage at either end, and an additional driveway will be added.

P. Setaro reviewed his comment letter. The original Health Department approval for Lot #1 was for a 5-bedroom home. This application does not change that, and therefore the Health Department approval is still valid. Approval of the proposed driveway is a condition of final approval. Bill reported that landscaping between this and the adjacent property will be put in place and that lighting will be normal house lighting.

J. Labriola read into the file a letter dated 1/5/05 from the Pleasant Valley Fire Advisory Board that states that it offers no comment in regard to this application.

J. Labriola advised Bill that the short form EAF needs to be completed.

J. Labriola stated that the file contains a request dated 12/22/04 from the applicant for waivers of submission requirements: 1) additional DEC Board of Health approval because the current approved 5-bedroom usage will not be changed, and 2) long EAF since there will be no significant changes to the current approved building or subdivision plan. J. Labriola stated that he's OK with the short EAF, and Board of Health is OK as is.

J. Labriola: **MOTION TO ACCEPT THE REQUESTED WAIVERS FROM PLAT REQUIREMENTS; SECONDED BY M. GORDON**

VOTE TAKEN AND APPROVED 6-0-0

J. Labriola inquired about planned colors, materials, roof materials. Bill reported that the roof will probably end up being architectural shingles just like the houses. He is undecided about the siding at this time because he wants to keep it looking like a barn. J. Labriola stated that the Board cannot give approval without information about final plans on colors and materials.

R. Seaman pointed out that the rationale for approving the acreage waiver was to save the barn and to save its look as a barn. So, she questioned whether the Board is adding requirements on the site plan regarding alterations going forward to save this as a barn. J. Labriola stated that if someone wanted to tear down the barn and put up a stainless steel and glass two-family home, this Board could do nothing about that as long as they did not alter the footprint. Further, it is consistent with the Master Plan about rehabilitating old agricultural buildings into some other residential or some other use building. J. Nelson asked whether the variance was granted for a two-family residence in this structure or on this site. J. Labriola responded that it was granted in this structure.

J. Labriola asked whether this barn is old enough to go on the Historic Registry. M. Gordon stated that he doubts that it would be permissible to renovate it into two modern dwellings for sale if it were on the Registry. P. Setaro pointed out that this would have been researched and determined at the time the subdivision was going through its approval process, that the plans were circulated to the State Office of Parks and Recreation and Historic Preservation. D. Friedrichson pointed out that preservation at the Town level is strictly voluntary. J. Labriola asked whether this barn meets the minimum

criteria to be eligible to go onto the local Registry. It is voluntary, and the owner has to state that he would like to participate. This is one option for protecting the barn in the future. If it's on the Historic Registry, it cannot be modified. Bill stated that he will put a restriction in the deed that preserves the barn and that prevents any alterations to the structure. J. Labriola stated that this will satisfy the Board's desire to preserve this structure.

Board discussed colors that are consistent with barns in Dutchess County. Green was suggested, as was yellow. Board settled on green siding and green roof shingles.

J. Labriola: MOVE THAT THE PLANNING BOARD DETERMINES AS SET FORTH IN THE ATTACHED DECLARATION DATED 1/11/05 PREPARED BY THE BOARD'S ENGINEER THAT LOT #1 AVALON HILLS SITE PLAN 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 FOLLOWING REASONS ARE USED IN SUPPORT OF THIS DETERMINATION:

- 1. THE PROJECT INVOLVES LIMITED SITE CONSTRUCTION**
- 2. WATER AND SEWER FACILITIES WERE PREVIOUSLY APPROVED BY DUTCHESS COUNTY DEPARTMENT OF HEALTH**

SECONDED BY P. KARIS

VOTE TAKEN AND APPROVED 6-0-0

J. Labriola stated that the deed restriction, completed short EAF, and the colors and roofing materials need to be added.

J. Labriola: MOVE THAT THE PLANNING BOARD GRANT SITE PLAN APPROVAL TO LOT #1 AVALON TWO-FAMILY SITE PLAN WITH REGARD TO THE APPLICATION OF THE BLBP LLC IN THE FORM OF THE ATTACHED RESOLUTION DATED 1/11/05 PREPARED BY THE BOARD'S ENGINEER AND NOW BEFORE THE BOARD SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. PAYMENT OF ALL FEES**
- 2. HIGHWAY SUPERINTENDENT APPROVAL FOR SECOND DRIVEWAY**
- 3. DEED RESTRICTIONS THAT THE STRUCTURE WILL REMAIN AS A BARN SUBJECT TO PLANNING BOARD ATTORNEY'S APPROVAL**
- 4. THE BARN WILL BE GREEN WITH WHITE TRIM AND THE ROOF WILL BE CONSTRUCTED WITH SHINGLES THAT ARE OF A DARKER GREEN COLOR**
- 5. COMPLETED SHORT EAF FORM**

SECONDED M. GORDON

VOTE TAKEN AND APPROVED 6-0-0

3. TUTTLE/ABD STRATFORD SUBDIVISION – SKETCH PLAN APPROVAL

Applicant was not present.

4. DIAO SUBDIVISION – SKETCH PLAN APPROVAL

Maureen Connor and David Diao were present for this application and reported that the property consists of over 15 acres of land with two structures on it. Applicant had the property surveyed, had an engineer review the plans, had the Highway Department look at site line on the road, and did the PERC test. This plan is being proposed because of their desire to be closer to the Wappingers Creek and to build on the plateau near the water. D. Diao submitted to the Board the survey plan and a letter from the Highway Department. J. Labriola read into the file this letter dated 1/10/05 from the Public Works Department which states that the department reviewed the two-lot subdivision plan pertaining to the Dutchess County highway system, has granted approval of single residential access for Lot #2 onto County Route 13, and that a permit is required prior to construction.

P. Setaro reviewed his comment letter. He advised the applicant to have the surveyor fill out the EAF as it was not done properly by the applicant. P. Setaro requested a note be added along the 100' buffer that references Chapter 53 and to state what the regulated and unregulated activities are. Comment #6 lists a number of items that need to be shown on the map and some that don't apply to this application for which a waiver should be requested. Comment #7 has been taken care of.

D. Diao corrects the information about the number of dwellings. There is a main house (built in 1949-1950) and a studio (built in 1960). D. Diao confirmed that the studio has bathroom and kitchen facilities. D. Friedrichson confirmed that both structures are carried by the assessor as residences because they are equipped as such. Further, the assessor records them as having existed since 1961 and is non-conforming or grandfathered as long as we maintain, in an R-2 zoning district, 4 acres for the two houses.

Comment #9: P. Setaro requested a letter from Ron Freedman saying that Lot #2 is capable of supporting a sewage system.

J. Labriola read into the file a letter dated 1/5/05 from the Pleasant Valley Fire Advisory Board stating that they offer no comments in regard to this application.

Board discussed wetlands on the property and steep slopes on the property. D. Diao stated that he specifically took into account these steep slopes surrounding the flat area for the picturesque quality of the landscape.

J. Labriola questioned whether the wood road, which traverses both of these lots, will be usable in the future by both lot owners. If so, there will need to be an easement that allows Lot #1 to access Lot #2 property, etc. D. Diao has a contingency for this and stated that given the contour of the land there is an easy way for this road to be redefined to have a turn around so that the existing property will have its own access to the creek. The road could either end or a gate could be placed upon it.

J. Labriola requested that the applicant add to the map a dotted-line envelope that indicates where the house and the SDS system will be located. D. Diao stated that he thinks the land speaks for itself, that there is no other place for the house. J. Labriola requested that he indicate on the map where that is.

J. Labriola: MOVE THAT THE PLANNING BOARD GRANT SKETCH PLAN APPROVAL TO THE DIAO SUBDIVISION IN THE FORM OF THE RESOLUTION PREPARED BY THE BOARD'S ENGINEER AND NOW BEFORE THE BOARD. SKETCH PLAN APPROVAL SHOULD BE ACCEPTED AS LONG AS THE FOLLOWING CONDITIONS ARE ADDRESSED WITHIN THE PRELIMINARY PLAT: MORRIS ASSOCIATES LETTER DATED 1/10/05

SECONDED BY M. GORDON

VOTE TAKEN AND APPROVED 6-0-0

Next steps: J. Labriola advised the applicant that, when he is ready to bring it back to the Planning Board, with the comments that were indicated in D. Friedrichson's letter and the input from this Board, he can advertise for a Public Hearing. The next time you come in, the Board will review the application, will discuss and review the drawings, will do a Parkland Determination, will do a SEQRA determination, and will move forward to preliminary approval and may even go to a conditional approval. J. Labriola requested that the applicant contact N. Salvato at the Planning Board to get a subdivision sign to be placed on the property, which will notify the neighbors of the pending subdivision application. A Public Hearing will be held. P. Setaro informed the applicant of the packet that is available that describes all the next steps.

5. COUNTRY COMMONS SITE PLAN REVISION

Harry Bly (spelling?) was present and reported to the Board that this application is for construction of a storage building (30' x 30'). Plans have been submitted. The location of the storage building has been moved to behind the building in a relatively flat site and is not in conflict with any other infrastructure including septic system. As requested, they will show the zoning boundaries and school district boundaries on the plan. H. Bly reported that there's very little disturbance involved in this plan because there will simply be a pad for the structure and access is from the parking lot.

H. Bly assumes that maintenance equipment and tools will be stored in this structure.

P. Setaro reviewed his comment letter. Board may want to discuss landscaping and lighting. The 239M referral on file is the original one from October when the structure was to be located on the side, which the Dutchess County Department of Planning objected to because it would have been visible from the road. The file does not contain a new 239M, and the Dutchess County Department of Planning needs to weigh in on this revised plan. Need to show a short section of silt fence.

J. Labriola stated that the Board will need to see details of colors and materials, and the applicant needs to indicate on the elevation of the building where they plan to have lights. He drove by the site and noted that the neighbors are up the hill and there is a tree buffer around the property.

Board discussed wetlands on the site. Applicant will show on the map the location of the SDS. H. Bly does not think that the storage shed will have water or bathroom facilities.

J. Labriola asked the Board whether they wish to do some landscaping around this building and noted that it is not visible from road and it is shielded from the neighbors. It will be similar to a Quonset hut and it would be good to include some plantings. H. Bly will ask the applicant to prepare some documents about landscaping plans.

Next steps: determine whether water will be run to the shed, indicate landscaping plans, indicate on the plan outside lighting, provide details on colors and materials, provide on the map the location of the SDS, J. Labriola will talk with Nancy to confirm that Dutchess County Planning will respond to the 239M referral.

6. CINGULAR WIRELESS CO-LOCATION – SITE PLAN REVISION

This application was last before the Board in November 2004 and is for a co-location of additional antennas to an existing cell tower for use by Cingular Wireless. J. Labriola pointed out that this plan is consistent with the Town's direction to co-locate as many antennas on existing structures as possible.

Sam Simons was present and reported that majority of the Board's comments have been made and they will make the changes requested in P. Setaro's comment letter. He reported that they are requesting a waiver for the requirements of Section 98-41 because it is an existing structure and they are not making any changes to the access road. They are installing on the vertical structure 6 additional antennas with the associated mounting brackets and a prefab equipment shelter (12' x 20'). A lot of the requirements of 98-41 simply don't apply. J. Labriola stated that, although there are no written requests for waivers in the file, he's OK with these waivers. Further, before the map is signed, there needs to be a letter requesting these waivers. S. Simons reported that they were unable to locate the approval dates of the other providers on the tower but did find the building permit approval dates.

P. Setaro reported that S. Simons has covered all of the comments in his letter and requested that the building permit approval dates be listed on the drawing.

J. Labriola asked that the color of the equipment shelter be indicated on the plan. Board discussed procedures for adding notes to the drawing about access by Pleasant Valley Fire Department and about a small sign that needs to be put on the chain link fence that lists contact numbers.

J. Labriola: MOVE THAT THE PLANNING BOARD DETERMINE, AS SET FORTH IN THE ATTACHED DECLARATION DATED 1/11/05 PREPARED BY THE BOARD'S ENGINEER, THAT THE CINGULAR WIRELESS SITE PLAN 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 BOARD USES THE FOLLOWING REASONS IN SUPPORT OF THIS DETERMINATION OF NON-SIGNIFICANCE:

- 1. PROPOSED ANTENNAS ARE CO-LOCATED ON AN EXISTING CELLULAR TOWER**
- 2. SITE IMPROVEMENTS ARE MINOR**

SECONDED BY R. SEAMAN

VOTE TAKEN AND APPROVED 6-0-0

J. Labriola: MOVE THAT THE PLANNING BOARD GRANT SITE PLAN APPROVAL TO THE CINGULAR WIRELESS CO-LOCATION ON PINE HILL TOWER WITH REGARD TO THE APPLICATION OF CINGULAR WIRELESS IN THE FORM OF THE ATTACHED RESOLUTION DATED 1/11/05 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 1/10/05**
- 3. ADD COLOR OF THE BUILDING TO THE DRAWING**
- 4. PROVIDE A LETTER IDENTIFYING REQUESTED WAIVERS**
- 5. ADD NOTES TO THE DRAWING INDICATING ACCESS BY THE FIRE DEPARTMENT**
- 6. ADD EMERGENCY CONTACT SIGN DETAILS**

SECONDED BY M. GORDON

VOTE TAKEN AND APPROVED 6-0-0

- 7. SYCAMORE SQUARE (LA PUERTA AZUL) SITE PLAN REVISION**

Ty Bittner was present and reported that, since the December 2004 Board meeting, they have done everything that the engineer requested. He showed the Board the actual color chips, and the Board discussed where each color will be used.

P. Setaro reviewed his comment letter. Board discussed and determined that it is not necessary for the Fire Department to review the 16' one-way drive aisle. T. Bittner responded to the comment about the location of the sewage effluent – that the grease trap is accessible, that junction boxes are accessible, walk-in freezers are movable, and maintenance is not a problem. A 239M review by County Planning Department, dated 10/28/04, was done relative to the variance on parking. J. Labriola stated that it needs to go back to County Planning Department and that it is not clear whether they have the plans. DC Department of Health approval is in process. P. Setaro and T. Bittner discussed DOT approval for discharge. ZBA approved the parking variance. J. Labriola will confirm with Nancy that the latest plans will be submitted to County Planning Department for their review.

Next steps at next Board meeting: review any updates and do SEQRA determination.

8. TIMBERLAKE FARM SUBDIVISION – SKETCH PLAN APPROVAL

J. Labriola reported that this parcel is just under 82 acres and is on for a proposed subdivision into 3 lots.

Robert Catrini was present and reported that this property is on Drake Road across from their other property. There are two dwellings on the property now. Lot #1 is 51.21 acres which consists of the original farm house that dates to the 1800's and is now rented to a tenant. This lot also includes most of the barns and out buildings. This is where most of the fencing and horses are. Lot #2 is 16.67 acres and includes the lodge, which is his family's primary residence and the pool. There are no plans to develop this lot. Lot #3 is 13.92 acres and goes along Rossway Road. R. Catrini wants to put a restriction to allow only two houses on this lot. He reported that he talked with the CAC and was told that they would not accept this property because it was not a big enough parcel.

P. Setaro reviewed his comment letter. Full EAF will be needed. The scale on the map is incorrect. Agricultural statement is required. There's a DEC wetland on this property, which will have to be shown on the map to include accurate delineation of buffers and setbacks. Board discussed impact of wetland on development plans and buildable areas of these lots. P. Setaro inquired about reciprocal easements for the lake to provide for use of the lake by each of the lots. R. Catrini will confer with his attorney about this question.

J. Labriola read into the record a letter dated 1/5/05 from the Fire Advisory Board stating that they offer no comments on this application.

J. Labriola asked that improvements made to Lots #1 & #2, fencing and the pool, etc., be added to the map. Board discussed the question of whether they want to look at what a

maximum buildout would look like to understand what the potential is. No decision was reached.

J. Labriola: MOVE THAT THE PLANNING BOARD GRANT SKETCH PLAN APPROVAL TO THE TIMBERLAKE FARM SUBDIVISION 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: MORRIS ASSOCIATES LETTER DATED 1/20/05

SECONDED BY R. SEAMAN

VOTE TAKEN AND APPROVED 6-0-0

Next steps: applicant to contact Nancy and pick up a yellow subdivision sign, update the drawings with improvements to Lot #1 & #2, flag the DEC wetlands and buffers and review lot lines, talk to attorney about easements/access to lake, get back on the Planning Board's agenda, and advertise for Public Hearing.

P. Setaro requested that R. Catrini ask whether the dam is classified as a DEC registered dam. Any reciprocal easements should also include provisions for maintenance of the dam.

9. BEI JING CHEF SIGN PERMIT

Nancy Clancy was present, reported that the applicant wants to change the name of the restaurant, and that the sign has already been made.

D. Friedrichson reported that the sign is within the square footage limitations.

The sign will be yellow.

Board discussed that the look, feel, and design is consistent with everything else that is there.

J. Labriola explained that there is a situation with the landlord that restricts further sign permits to be approved. Until Milestone Square is in compliance with the last requirement, this applicant cannot attach this sign to the building. The outstanding item is the undertaking, which has still not been provided to the Town. The undertaking is required to make sure that the planter gets built. This Board can provide a conditional sign approval at this time. As soon as the landlord provides the Town with the check, D. Friedrichson can issue the necessary sign permits. But the applicant cannot put up the sign at this time.

J. Labriola: **WHEREAS THE TOWN OF PLEASANT VALLEY PLANNING BOARD HAS RECEIVED AN APPLICATIONN DATED 12/14/04 FROM BEI JING CHEF FOR APPROVAL OF ONE WALL SIGN;**

WHEREAS AN ENVIRONMENTAL ASSESSMENT FORM HAS BEEN SUBMITTED AND REVIEWED BY THE BOARD;

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. THE REASONS FOR THAT IS THAT IT IS A REPLACEMENT OF AN EXISTING SIGN

AND FURTHER BE IT RESOLVED THAT THE PLANNING BOARD GRANTS APPROVAL FOR ONE WALL SIGN AS SHOWN IN THE APPLICATION AND DRAWING AND CONSISTING OF THE MATERIALS, SIZES, AND COLORS SHOWN IN THE APPLICATION EXCEPT AS FOLLOWS:

- 1. THIS IS A CONDITIONAL APPROVAL. SIGN PERMITS CAN BE ISSUED AFTER THE MILESTONE SQUARE UNDERTAKING IS POSTED.**

SECONDED BY R. FRACCHIA

VOTE TAKEN AND APPROVED 6-0-0

D. Friedrichson will contact the applicant once the undertaking has been posted.

10. FOX RUN (CATRINI) SUBDIVISION 90-DAY EXTENSION

This application for a 90-day extension is due to delay by Dutchess County Department of Health.

J. Labriola: **WHEREAS AN APPLICATION FOR THE APPROVAL OF A SUBDIVISION ENTITLED FOX RUN SUBDIVISION LOCATED AT DRAKE ROAD WAS SUBMITTED TO THE PLANNING BOARD ON 10/26/01 BY MARK DAY;**

WHEREAS CONDITIONAL APPROVAL OF FINAL PLAT WAS GRANTED BY THE PLANNING BOARD ON 7/13/04;

IN ACCORDANCE WITH THE TOWN CODE SECTION 82.59 SAID APPROVAL IS VALID FOR 180 DAYS BEGINNING 7/13/04 AND ENDING 1/13/05;

AND WHEREAS THE APPLICANT HAS REQUESTED AN EXTENSION OF SAID APPROVAL DUE TO DELAYS IN REVIEW AND APPROVAL OF THE PLAN BY THE DUTCHESS COUNTY DEPARTMENT OF HEALTH;

NOW THEREFORE BE IT RESOLVED THAT FINAL APPROVAL BE EXTENDED FOR A PERIOD OF 90 DAYS BEGINNING 1/13/05 AND TO END 4/13/05

SECONDED BY R. SEAMAN

VOTE TAKEN AND APPROVED 6-0-0

11. APPEAL #837 AMORESANO VARIANCE

This is an application for a 15' variance from minimum center of the road setback requirement for addition to existing residence. J. Labriola pointed out that the proposed addition will be no farther beyond the current front of the house.

R. Seaman: **recommend that the Planning Board return this appeal to the ZBA with a positive recommendation as the alteration does not really affect the closeness of the house to the road**

Seconded by P. Karis

Vote taken and approved 6-0-0

12. REFERRAL FROM TOWN OF HYDE PARK

J. Labriola reported that the Board received a referral from the Town of Hyde Park on a proposed action where someone wants to build a stable rather close to a side lot line. The reason Hyde Park requested this Board's opinion was because this property is within 500' of the Town of Pleasant Valley.

J. Labriola reported that he drove by the property, which is completely wooded along the road and looks like the woods go way up the hill. He stated that it was impossible for him to see what the implications are and that it is not clear who owns the property. He does not see any planning issues that would affect the Town of Pleasant Valley.

J. Labriola checked with J. Nelson on appropriate procedure to respond to this referral. J. Nelson stated that the receiving Board is probably looking for a response to put into their file, that a motion is probably sufficient.

J. Labriola: **MOVE THAT THE PLANNING BOARD PASS ALONG A RECOMMENDATION TO THE TOWN OF HYDE PARK ZBA THAT THE PROPOSED ACTION ON THIS PIECE OF PROPERTY HAS NO ADVERSE PLANNING IMPACTS TO THE TOWN OF PLEASANT VALLEY AND THAT**

IT IS COMPLETELY WITHIN THE PURVIEW OF THE HYDE PARK ZBA FOR THEM TO DETERMINE WHETHER THIS IS APPROPRIATE BASED ON THEIR ZONING ORDINANCE;

SECONDED BY K. BRAMSON

VOTE TAKEN AND APPROVED 6-0-0

13. LETTER FROM TOWN OF RED HOOK

J. Labriola reported that the Board received a letter from the Town of Red Hook: the Town of Red Hook is co-sponsoring an energy technology seminar on 2/1/05 at Bard College to target builders, engineers, architects, developers, and local officials who are involved with building decisions in the Hudson Valley, etc. Anyone interested in attending should contact J. Labriola.

14. DRAFT EIS FOR TACONIC

The draft EIS was distributed to the Board members. J. Labriola read a letter from Parish, Greener, and Mafia, Inc.: they are writing on behalf of their client, the Richmond Group, regarding Taconic Apartments. The letter confirms that the project has been adjourned to the Planning Board meeting on 2/8/05 to provide additional time for the Board to review the DEIS. Further, the letter informs the Board that the surveyor has marked the site plan in preparation for the Board's site visit. The Board is requested to provide 3 possible dates for the site visit.

Board discussed possible dates: 1/29/05, 2/12/05, 2/26/05 with the visit to start at 1 p.m. J. Labriola will notify Nancy of these dates, and she will coordinate the scheduling of the site visit.

Chairman J. Labriola adjourned the meeting at 9:30 p.m.

Minutes submitted by,

Helen D. Dickerson
Secretary

The foregoing represent unofficial minutes of the January 11, 2005, 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 8, 2005**

The regularly scheduled meeting of the Pleasant Valley Planning Board took place on February 8, 2005, at the Pleasant Valley Town Hall, Route 44, Pleasant Valley, New York. Chairman Joe Labriola called the meeting to order at 6:34 p.m.

Members present: Joe Labriola, Chairman
 Michael Gordon
 Rob Fracchia
 Kay Bramson
 Peter Karis
 Rebecca Seaman

Also present: Peter Setaro, Morris Associates
 James Nelson, Esq., Town attorney
 Dieter Friedrichson, Zoning Administrator

Absent: Henry Fischer

The meeting was opened with the Pledge of Allegiance.

**1. PORCO LOT LINE REALIGNMENT – PRELIMINARY APPROVAL &
PUBLIC HEARING**

Stanley Porco was present.

J. Labriola: Sketch plan approval was granted in December 2004. At the January 2005 Planning Board meeting, the Public Hearing was opened. There were questions that could not be answered regarding the stream that the driveway crosses – whether it is a Class B stream. Therefore, the Hearing was adjourned to this meeting tonight.

S. Porco reported that he has chosen to go with a common driveway and the easements are being attended to by the attorney.

P. Setaro reviewed the 2/3/05 comment letter. Mr. Porco responded that the propane tank has been relocated to alongside the house, between the house and the property line.

J. Labriola: **MOVE TO REOPEN THE PUBLIC HEARING; SECONDED BY R.
FRACCHIA**

VOTE TAKEN AND APPROVED 6-0-0

No member of the public spoke.

J. Labriola: **MOVE TO CLOSE THE PUBLIC HEARING; SECONDED BY R.
FRACCHIA**

VOTE TAKEN AND APPROVED 6-0-0

J. Labriola: MOVE THAT THE PLANNING BOARD DETERMINE AS SET FORTH IN THE ATTACHED DECLARATION DATED 2/8/05 PREPARED BY THE BOARD'S ENGINEER THAT THE BOUNDARY LINE ADJUSTMENT PREPARED FOR STANLEY PORCO SUBDIVISION IS AN UNLISTED ACTION IN SEQRA AND THAT IT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT FOR THE FOLLOWING REASONS AND THAT NO ENVIRONMENTAL STATEMENT WILL BE REQUIRED.

WE USE THE FOLLOWING REASONS IN SUPPORT OF THIS DETERMINATION OF NON-SIGNIFICANCE: THE PROJECT IS ONLY A BOUNDARY LINE ADJUSTMENT; NO MAJOR CONSTRUCTION IS PROPOSED.

SECONDED BY P. KARIS

VOTE TAKEN AND APPROVED 6-0-0

J. Labriola: MOVE THAT THE PLANNING BOARD GRANT PRELIMINARY APPROVAL TO THE PORCO SUBDIVISION IN THE FORM OF THE ATTACHED RESOLUTION DATED 2/8/05 PREPARED BY THE BOARD'S ENGINEER AND NOW BEFORE THE BOARD SUBJECT TO THE FOLLOWING CONDITIONS: NONE

SECONDED BY R. FRACCHIA

VOTE TAKEN AND APPROVED 6-0-0

J. Labriola: MOVE TO WAIVE THE SECOND PUBLIC HEARING; SECONDED BY R. FRACCHIA

VOTE TAKEN AND APPROVED 6-0-0

J. Labriola: MOVE THAT THE PLANNING BOARD GRANT CONDITIONAL FINAL APPROVAL TO THE PORCO SUBDIVISION IN THE FORM OF THE ATTACHED RESOLUTION DATED 2/8/05 PREPARED BY THE BOARD'S ENGINEER AND NOW BEFORE THE BOARD AND SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. payment of all fees**
- 2. Morris Associates letter of 2/3/05**

SECONDED BY P. KARIS

VOTE TAKEN AND APPROVED 6-0-0

2. TIMBERLAKE FARMS SUBDIVISION

Robert Catrini was present.

J. Labriola: Sketch plan approval was granted at the January 2005 meeting. This application is on the agenda this evening for Public Hearing.

R. Catrini provided the affidavit of public hearing and certified letters to adjacent property owners. Catrini reported that he addressed the comments in Morris Associates' letter as follows:

- wetland delineation has been added to the map
- deep tests have been done and they have a letter from a certified engineer

P. Setaro reviewed his comment letter. There are still some questions that need to be fully answered on the EAF. The plat is in pretty good shape. Stream easement of 75' needs to be on the outlet of the dam on the pond. Mr. Catrini requested waivers in his letter dated 1/25/05, which the Board should consider. The highway superintendent should document the sight distance for Lot #3.

Board reviewed and discussed the waivers requested from 82-26 (a) (m).

J. Labriola: **MOVE TO ACCEPT THESE REQUESTED WAIVERS; SECONDED R. FRACCHIA**

VOTE TAKEN AND APPROVED 6-0-0

Board comments/questions: K. Bramson inquired whether Lot #3 could be subdivided into 2 lots at some point. Mr. Catrini responded that he thinks that Lot #3 will be one lot, which he will note on the map.

J. Labriola inquired whether all improvements in Lots #1 and #2 are now reflected on the map. Mr. Catrini reported that the surveyor could not come due to the snow, that some things (the pool, the road, the barn) have been added from aerials, and that he will come and measure for the final. The only thing now left out is the horse fencing.

P. Karis questions whether the 75' stream easement is language from the Code. J. Nelson read the Code, which states that certain activities are "prohibited." Question remains as to how this links with the Wetlands Ordinance Chapter 53. J. Labriola states that this must be answered prior to Final Approval.

P. Karis stated that the 100' buffer line should be shown across all the lots, that currently it is only shown across Lot #3, but that it does extend through Lot #2. Mr. Catrini stated that the wetlands are inaccurately shown on the map – what is shown on the map is in excess of what is actually present on the property. J. Labriola emphasized that the map must be accurate, that the 100' buffer must be accurately shown on the map. The map

must be delineated accurately. P. Karis stated that a qualifier could be put on the map to indicate where the line came from (the DEC) and that it is "approximate."

P. Karis agreed that the Highway superintendent should be consulted and that the proposed driveway easement should be shown for Lot #13.

J. Labriola: **MOVE FOR PARKLAND DETERMINATION:**

WHEREAS THE PLANNING BOARD HAS REVIEWED THE SUBDIVISION APPLICATION OF ROBERT J. CATRINI PURSUANT TO THE REQUIREMENTS OF TOWN LAW 2774, THEREFORE DETERMINES THAT IF SUCH APPLICATION IS GRANTED EVEN IN MODIFIED FORM THE TIMBERLAKES SUBDIVISION WILL CONTRIBUTE TO THE INCREASED POPULATION OF THE TOWN AND INCREASE THE BURDEN ON TOWN PARKLAND AND RECREATIONAL FACILITIES AND THAT A PROPER CASE THEREFORE EXISTS FOR REQUIRING THAT A PARK OR PARKS BE SUITABLY LOCATED FOR PLAYGROUNDS OR OTHER RECREATIONAL PURPOSES WITHIN THE TOWN;

NOW THEREFORE BE IT RESOLVED THAT THE PLANNING BOARD HAVING CONSIDERED THE SIZE AND SUITABILITY OF THE LAND SHOWN ON THE SUBDIVISION PLAT AND THE NEED TO THE IMMEDIATE NEIGHBORHOOD HEREBY DETERMINES THAT A SUITABLE PARK MEETING THE REQUIREMENTS OF THE TOWN CANNOT BE LOCATED ON SUCH SUBDIVISION PLAT. THE APPLICATION IS APPROVED. THE APPLICANT IS HEREBY REQUIRED TO DELIVER TO THE TOWN FOR DEPOSIT IN THE 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 PLANNING BOARD.

SECONDED BY R. FRACCHIA

VOTE TAKEN AND APPROVED 6-0-0

J. Labriola: **MOVE THAT THE PLANNING BOARD DETERMINE AS SET FORTH IN THE ATTACH DECLARATION DATED 2/8/05 PREPARED BY THE BOARD'S ENGINEER THAT THE TIMBERLAKE FARMS SUBDIVISION IS AN UNLISTED ACTION UNDER SEQRA AND THAT ITWILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT FOR THE FOLLOWING REASONS AND THAT NO ENVIRONMENTAL IMPACT STATEMENT IS REQUIRED.**

THE FOLLOWING REASONS ARE USED IN SUPPORT OF THIS DETERMINATION OF NON-SIGNIFICANCE:

- 1. only three lots are being created; two have existing dwellings; no major construction is proposed.**

SECONDED BY R. FRACCHIA

VOTE TAKEN AND APPROVED 6-0-0

J. Labriola: MOVE TO OPEN THE PUBLIC HEARING; SECONDED BY P. KARIS

VOTE TAKEN AND APPROVED 6-0-0

Meta Plotnik, Chair, Conservation Advisory Council: She found the map difficult to respond to because it lacks notation of where buildings might be located. Lot #2 has an elaborate stone entryway and the road crosses a stream, which may require a Town permit. On Drake Road, there's another driveway with a metal gate which is not indicated on the map. She stated that they wonder where the buildings will go given that there is so much wetland on this property. J. Labriola stated the applicant has agreed to indicate on the map all of the improvements on Lots #1 and #2, which should answer those specific questions. M. Plotnik asked if there are any plans for building. J. Labriola stated that the plan needs to reflect any additional existing driveways that are not shown on the map. Mr. Catrini pointed out an existing farm entrance that will be added to the map. M. Plotnik stated that there's a new gate in Lot #3. Catrini stated that it's 100' from the high point of the road and is not a driveway, but is a farm entrance. J. Labriola stated that it must be added to the map.

J. Labriola asked P. Setaro if a permit is required for the stream crossing and clarified with the applicant that it is pre-existing and no improvements are planned.

J. Labriola: MOVE TO CLOSE THE PUBLIC HEARING; SECONDED BY M. GORDON

VOTE TAKEN AND APPROVED 6-0-0

J. Labriola: MOVE THAT THE PLANNING BOARD GRANT PRELIMINARY APPROVAL TO THE TIMBERLAKE FARM SUBDIVISION IN THE FORM OF THE ATTACHED RESOLUTION DATED 2/8/05 PREPARED BY THE BOARD'S ENGINEER AND NOW BEFORE THE BOARD SUBJECT TO THE FOLLOWING CONDITIONS. APPROVAL OF THE PREMINARY PLAT BE GRANTED WITH THE FOLLOWING CONDITIONS:

- 1. Engineer's letter dated 2/4/05**
- 2. show improvements, buildings and fences, in Lots #1 and #2**
- 3. show farm roads and gates**
- 4. show 100' buffer on Lot #2**

SECONDED BY M. GORDON

VOTE TAKEN AND APPROVED 6-0-0

3. AGENDA FOR PLANNING BOARD MEETING 2/23/05

J. Labriola: Originally, the Beverly Hills scoping session was scheduled for 2/23/05. The applicant has hired a firm to create the draft scoping document which is not yet ready. Therefore, the agenda for 2/23/05 will now include review of the DEIS for Taconic Apartments and a workshop on the Sign Ordinance document.

4. TUTTLE/ABD STRATFORD SUBDIVISION - SKETCH PLAN APPROVAL

Michael White, Spectra Engineering, was present to represent the applicant, ABD Stratford LLC. Mr. White provided the Board with handouts.

Mr. White stated that the applicant is considering constructing a right-turn lane off of Bower Road, which is contingent upon agreement of Central Hudson to move the pole. Agreement has been reached with the Tutttles, NW corner of Route 44 and Bower Road, to purchase a small portion of land (750 square feet) for the purposes of constructing the right-turn lane with ultimate dedication of this parcel to the Town. If this application is approved, construction details will be shown on the DOT maps.

P. Setaro reviewed his comment letter.

Mr. White clarified that the Tuttle's driveway will not be impacted by this project.

J. Labriola commented that the 750 sq. ft. parcel appears to be two pieces of property that are not contiguous – that there is a tiny sliver of Tuttle land. Mr. White will speak with the Tutttles about this.

J. Labriola commented that this lot does not meet the minimum bulk requirements; but because the parcel will be ultimately conveyed to the Town, there will be language to explain its approval.

M. Gordon asked where the Town stands on this application. J. Nelson stated that the Town Board will have to decide whether to accept this parcel. J. McNair stated that the Town Board has not yet reviewed this application.

J. Labriola: MOVE THAT THE PLANNING BOARD GRANT SKETCH PLAN APPROVAL TO THE TUTTLE/ABD STRATFORD LLC SUBDIVISION LOT LINE REVISION 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:

1. Engineer's letter dated 2/3/05

SECONDED BY R. SEAMAN

VOTE TAKEN AND APPROVED 6-0-0

J. Labriola advised the applicant to advertise for a Public Hearing whenever they are ready to come back to the Board and to pick up from the Planning Office the yellow subdivision sign.

5. DUTCHESS QUARRY & SUPPLY SCALE HOUSE – SITE PLAN

Steve Bernabe, Mazzarelli Architects & Planning, was present and reported that they propose to build a new 1173 square foot scale house with 7 new parking spaces. The old building will be demolished.

P. Setaro reviewed his comment letter. J. Labriola confirmed that the 239 M referral was sent, there is no date on the referral, and that no response has been received yet. Contact should be made to the Planning Office to ask when it was submitted so as to determine when the 30-day window is up. The Planning Board can reconsider this on 2/23/05.

P. Setaro stated that the applicant must apply for a Flood Plain Development Permit as it is within the 100 year flood plain.

Board requested specific documentation on colors and materials to be used. S. Bernabe stated that he has not discussed this with the applicant yet. J. Labriola advised him to bring samples to the next meeting and complimented them on the improvements they have made to this site.

Next steps:

1. address P. Setaro's comment letter
2. J. Labriola will contact Nancy regarding 239 M referral
3. put on agenda for 2/23/05

J. Labriola read into the file a letter from the Pleasant Valley Fire Advisory Board that they recommend the approval of the application as submitted.

6. KDA PLEASANT VALLEY – SITE PLAN

Jeff Akins, Dewkett Engineering, was present and reported that they have:

- pulled the building forward
- limited the parking with provisions to add additional parking as needed in the future
- on-site sanitary and on-site wells – they will salvage leach field system from residential property – the application with the Health Department is currently pending
- handicapped parking spaces will be provided as required

J. Akins responded to P. Setaro's comment letter:

1. CY Management has a connection to an existing leach field on the property and this application will not disturb this leach field. There is no infringement on CY's current use of this on-site septic. Additionally, CY

Management currently uses a well on the Maggiacomo property which serves a hydromatic tank and ultraviolet system that feeds CY Management. CY Management now recognizes that they should have a well on their own property, and they currently have an application in front of the Health Department to drill a well on their property. J. Akins believes they have dealt with issues of cross easements and utilities on the site plan.

2. Access to the site: J. Akins reported that there are multiple existing exits out of the property. There are two entrances for the Dunkin Donuts. There are a number of parking spaces. There is a default one-way issue through the property, even though people use it as a two-way access. A plan to create one ingress and one egress is being reviewed by Dutchess County Department of Public Works. J. Nelson stated that the Board is interested in understanding how these properties will be sharing water/septic/access and what the impact of this sharing will be.
3. Parking spaces: J. Akins stated that he has discussed with the applicant the request to reduce the number of parking spaces. J. Labriola stated that the plan is still double the minimum required number of spaces and requested that he report to the applicant that additional reduction in number of spaces must be made. The Board characterized the current plan as a “sea of asphalt,” that existing bank facilities in the Town have far fewer parking spaces – which are never fully occupied - than what is proposed in this application, and the drive-thru’s will handle a lot of bank traffic. The Town parking requirements are already generous. The Board stated its concern for the impact of this application on loss of large older trees, the creation of a “moonscape,” and requests that the older larger trees not be removed. J. Akins stated that all the existing structures (6) will be removed, the existing wooded area will remain wooded, and that trees and landscaping will be planted on the site. Further, he stated that he will discuss with the applicant the Board’s request to protect the trees.
4. Lighting: J. Akins stated that intense lighting is required by NY State for the external ATM. Lighting in other areas will be reduced. P. Setaro will check whether 25’ poles are allowed under the Code.
5. Board discussed the grid lock potential on both sides of the curb cuts created by parking spaces that back into the main driveway.
6. J. Akins reported that they had Sketch Review with DPW with the idea of reducing the curb cuts from 5 to 2. P. Setaro noted and the Board concurred that left turns out of the property will be difficult. J. Labriola stated that the Board will want to see a traffic study for this application. This property is in the heart of the hamlet. J. Akins asked how many traffic spaces will trigger a traffic study. J. Labriola stated that this is an already congested area and the application is a less than casual use of the property. There are 5 drive-thrus – the Board wants to understand the traffic implication of this application. There must be some standards that banks use (regarding how many people use drive-thrus versus get out of their cars) to plan size of buildings, number of employees, number of

tellers, etc. The Board needs to understand the additional impact on North Avenue which will help gauge the correct number of parking spots. J. Akins mentioned that the peak use of the property does not always mirror the peak use of the road. M. Gordon stated that on-line banking has significantly cut lobby traffic, which also reduces the need for parking spaces. P. Setaro stated that the County will want to see the traffic numbers. Board will wait for the County's proposal prior to making any decisions.

7. D. Friedrichson prepared an application package for the applicant to apply for the floodplain development permit.

Board comments/questions/suggestions:

R. Fracchia asked a question about Dunkin Donuts and access (inaudible). J. Akins stated that they have a legal agreement with the property owner to provide a number of parking spaces and access through the existing curb cuts. R. Fracchia commented on a scheme to restrict egress onto Route 44. J. Akins reported that the DPW is concerned about creating a short circuit of the light.

M. Gordon referenced the provisions in the Master Plan that seek to preserve the village appearance with buildings to the sidewalk and objected to the section of the parking that is along the sidewalk. He suggested that those spaces be eliminated and a lawn be put in that area. J. Akins stated that the landscaping can be increased in that area. J. Labriola stated that, in the effort to reduce the parking space, this is a good area to target. Further, J. Labriola suggested that, in order to tie this site with other sites in the hamlet, a fieldstone wall with landscaping – similar to the CVS site – be installed in that area. Further, he noted that the plan to locate parking behind the building will require people to walk across 5 lanes of drive-thrus and ATM machines. This creates a safety implication where people will have to dodge traffic. Board discussed alternate parking designs, some of which would require septic relocation.

M. Gordon asked about the applicant's ownership structure. J. Akins reported that KDA is a national company that serves as a consultant manager for projects – creates a one-stop shopping situation for the owner. M. Gordon stated that Pleasant Valley is a lot different from Los Angeles, Atlanta, etc. J. Akins recognized the uniqueness of each municipality which always enters into the discussion with the client.

J. Labriola read into the file a letter from the Fire Advisory Board dated 2/2/05: "recommend as a condition of approval of the site plan application of KDA Project that the proposed one-story financial building be built in such a manner that it has a dry sprinkler system, that Fire Department access to be located as agreed upon between the applicant and the Fire Department."

P. Setaro recommended that the Board first get a site plan that they are generally satisfied with and an EAF based on that plan and then go for Lead Agency. The Board concurred.

K. Bramson commented that the elevation of the building does not really fit into the “hamlet look,” that it is too contemporary. J. Akins stated that he thinks the building will be brick with a metal roof. J. Labriola asked about the possibility of designing the building to look more like a home rather than a commercial property, which ties nicely with other houses along the street.

7. COUNTRY COMMONS – SITE PLAN REVISION

Harry Bly was present.

J. Labriola asked if there have been any changes to the plan since H. Bly was last before this Board in January 2005. H. Bly replied that they added an inset on the map to show more detail for the storage building and provided zoning and lighting districts. J. Labriola clarified that the septic field location was added and the wetlands have been delineated.

P. Setaro reviewed the comment letter.

J. Labriola reported that 239 M response from the County states that this project is a local Planning Board concern.

J. Labriola asked the Board for comments on the landscaping plan. P. Karis suggested that Arbor Vitae (AKA “deer candy”) be replaced with hard needle evergreens (i.e., Spruce) that are not as attractive to the deer.

H. Bly stated that the building is well shielded from sight by landscaping. Board asked him to show all planned landscaping on the plan. He verified that there is no water being run to the shed and no exterior lighting.

J. Labriola: MOVE THAT THE PLANNING BOARD DETERMINE AS SET FORTH IN THE ATTACHED DECLARATION DATED 2/8/05 PREPARED BY THE BOARD’S ENGINEER THAT THE JAMIL CORP. SITE PLAN 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 IN SUPPORT OF THIS DETERMINATION OF NON-SIGNIFICANCE ARE:

- 1. the project is simply the addition of a 30’ x 30’ storage shed**
- 2. no major construction except for the foundation for the shed**
- 3. erosion control measures have been shown**

SECONDED BY M. GORDON

VOTE TAKEN AND APPROVED 6-0-0

J. Labriola: **MOVE THAT THE PLANNING BOARD GRANT SITE PLAN APPROVAL FOR THE SITE PLAN PREPARED FOR JAMIL CORPORATION WITH REGARD TO THE APPLICATION OF JAMES CARASSONE IN THE FORM OF THE ATTACHED RESOLUTION DATED 2/8/05 PREPARED BY THE BOARD'S ENGINEER AND NOW BEFORE THE BOARD SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. payment of all fees**
- 2. Spruce trees, quantity 12, will be used to screen the shed.**

SECONDED BY P. KARIS

VOTE TAKEN AND APPROVED 6-0-0

8. SYCAMORE SQUARE (LA PUERTA AZUL) – SITE PLAN REVISION

Ty Bittner was present.

Changes since January meeting: T. Bittner reported that they have showed the treatment course and enlarged the building to house the treatment mechanism.

J. Labriola stated that relocation site of the propane tank must be indicated on the map and that the Board needs details on the building that will house the treatment mechanism (i.e., elevation, manufacturer's specifications, materials).

Board comments/questions/concerns:

R. Fracchia asked if the generator is going in the building. T. Bittner replied that it will not be in the building, it will be next to it.

County referral stated that this application is for local Planning Board concerns.

J. Labriola: **MOVE THAT THE PLANNING BOARD DETERMINE AS SET FORTH IN THE ATTACHED DECLARATION DATED 2/8/05 PREPARED BY THE BOARD'S ENGINEER THAT THE SYCAMORE SQUARE (LA PUERTA AZUL) SITE PLAN IS AN UNLISTED ACTION UNDER SEQRA AND THAT IT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT FOR THE FOLLOWING REASON AND THAT NO ENVIRONMENTAL IMPACT STATEMENT SHALL BE REQUIRED.**

THE BOARD USES THE FOLLOWING REASONS IN SUPPORT OF THIS DETERMINATION OF NON-SIGNIFICANCE:

- 1. limited site construction**
- 2. Dutchess County Department of Health will review and approve the proposed sewage treatment system**
- 3. New York State Department of Environmental Conservation will issue a S.P.D.E.S. Permit with effluent discharge limits**

SECONDED BY R. SEAMAN

VOTE TAKEN AND APPROVED 6-0-0

J. Labriola: MOVE THAT THE PLANNING BOARD GRANT SITE PLAN APPROVAL TO SYCAMORE SQUARE SITE AMENDMENT WITH REGARD TO THE APPLICATION OF TY BITTNER IN THE FORM OF THE ATTACHED RESOLUTION DATED 2/8/05 PREPARED BY THE BOARD'S ENGINEER AND NOW BEFORE THE BOARD SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. payment of all fees**
- 2. Morris Associates' letter dated 2/3/05**
- 3. show location of relocated propane tank**
- 4. show details of new concrete building that will house the sewage treatment equipment**

SECONDED BY R. SEAMAN

VOTE TAKEN AND APPROVED 6-0-0

9. COMMONS AT BECKWITH - adjourned.

10. SIMMONS FABRICATING SERVICE, INC. – SIGN PERMIT

Colleen and Robert Lalonde were present.

R. Lalonde reported that they wish to put up a sign outside of Simmons Fabricating. The sign is proposed to be 3' x 4' white sign with black lettering, on a wrought iron 12' tall pole, with 7'6" clearance. There is an existing sign on the building. There will be no lighting on the sign.

Comments/questions from the Board:

M. Gordon asked where it will be located and should it be further west. R. Lalonde showed the location of the cemetery and the rec office and reported that he does not have the exact location yet. J. Labriola pointed out that the exact location with dimensions must be added to the map and that it must be out of the right-of-way for the highway. The Board concurred that the design is good and requested that a stone base with seasonal plantings be added. Dimensions of the stone base were suggested:

- 18" to 24" high
- natural fieldstone
- rectangular
- 2' x 3' interior dimension

J. Labriola: RESOLUTION FOR APPROVAL OF A SIGN PERMIT APPLICATION

WHEREAS THE TOWN OF PLEASANT VALLEY PLANNING BOARD HAS RECEIVED AN APPLICATION FROM SIMMONS FABRICATING FOR APPROVAL OF ONE SIGN,

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 AN UNLISTED ACTION AND THAT IT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT,

AND 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 SHOWN IN THE APPLICATION EXCEPT AS FOLLOWS:

- 1. it is white with black lettering**
- 2. there will be the addition of a fieldstone planter base with seasonal plantings that will be 18" to 24" in height and 2' x 3' rectangular**
- 3. location dimensions of the sign on the map**

SECONDED BY P. KARIS

VOTE TAKEN AND APPROVED 6-0-0

11. PERMIT APPLICATION FOR REGULATED ACTIVITIES IN WETLANDS, WATERBODIES, WATERCOURSES, AND BUFFER AREAS

Dieter Friedrichson was present and reported that a structure at 87 South Avenue has been declared unsafe by the Building Department. According to the Code, the owner must be notified to either restore or remove the building within 30 days of this notice. The notice was sent and signed for on 1/3/05. Requests for bids to demolish the structure were sent out on 2/4/05. This structure is within 100' of the stream bed and therefore makes this a regulated area. The regulated activity would be, after the structure is removed, to fill the basement cavity with clean fill, which requires a Wetland Development Permit from the Planning Board.

J. Labriola reported that D. Friedrichson connected with Jack Isaacson at the DEC, that a silt fence will be installed, and no disturbance will happen on the steep slope down to the stream. J. Labriola requested that correspondence from Jack Isaacson be added to the file that documents this conversation. D. Friedrichson submitted copies of e-mails for the file between himself and J. Isaacson. J. Labriola read into the file an e-mail from D. Friedrichson to J. Isaacson in which he writes to confirm that a permit is not required and that bid quotes for the demolition include a silt fence to protect the stream bank. The e-mail response from Isaacson confirms that no permit is required.

Comments/questions/concerns from the Board: NONE

J. Labriola: **MOVE THAT THE PLANNING BOARD DETERMINE AS SET FORTH IN THE ATTACHED DECLARATION DATED 2/8/05 THAT THE PROPOSED REGULATED ACTIVITY ON WETLANDS FOR 87 SOUTH AVENUE WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT FOR THE FOLLOWING REASONS AND THAT NO ENVIRONMENTAL IMPACT STATEMENT WILL BE REQUIRED.**

THE FOLLOWING REASONS ARE BEING USED IN SUPPORT OF THIS DETERMINATION OF NON-SIGNIFICANCE:

- 1. the Town is demolishing a building that has been deemed unsafe**
- 2. the Department of Environmental Conservation was contacted and participated in developing the protection requirements necessary not to disturb the steep slopes and the creek**

SECONDED BY R. SEAMAN

VOTE TAKEN AND APPROVED 6-0-0

J. Labriola: **MOVE THAT THE PLANNING BOARD GRANT FINAL APPROVAL OF PROPOSED REGULATED ACTIVITIES IN THE WETLANDS FOR 87 SOUTH AVENUE,**

SECONDED K. BRAMSON

VOTE TAKEN AND APPROVED 6-0-0

12. APPEAL #841 – BARRY – VARIANCE

This application is for a variance from minimum side setback requirement for deck on mobile home in a mobile home park.

K. Bramson reported that the deck is already in place and that it looks nice. She reported that she could not tell where the property lines were, but that it didn't seem any worse than any of the rest of them – that there was plenty of room between the deck and adjacent mobile homes.

J. Labriola read into the file a letter from the Fire Advisory Board which recommends disapproval of this application until such time as the applicant submits details as to the distances between the location of the proposed structure and any nearest existing structure.

K. Bramson reported that there was a mobile home next to it and that it didn't look any closer than the rest of them. She estimated the distance between the deck and the mobile home next door was at least 15'.

J. Labriola: MOVE THAT THE PLANNING BOARD PASS THIS APPEAL ALONG TO THE ZBA WITH A POSITIVE RECOMMENDATION BECAUSE IT APPEARS THAT THERE IS 15' OR SO BETWEEN THE DECK AND THE NEAREST STRUCTURE WHICH IS CONSISTENT WITH DISTANCES BETWEEN OTHER STRUCTURES IN THE PARK,

SECONDED BY M. GORDON

VOTE TAKEN AND APPROVED 6-0-0

13. APPEAL #842 – THE WOODWORKS COMPANY – VARIANCE

This application is for a variance from minimum setback requirements for construction of addition and location of sawdust hopper on site.

J. Labriola reported that this company is out by the Trooper Barracks and was before this Board a number of years ago. Photos from the file were distributed to the Board. They are proposing to build an enclosed storage area that will house some of their equipment. The proposed project does not meet any of the side setbacks.

J. Labriola read into the file a letter from the Fire Advisory Board dated 2/2/05: "motion to recommend disapproval of this application as submitted as there appears to be a fire safety issue with regard to the location of a hopper containing combustible materials within 1'4" of the property line and that any application should be delayed until such time as the fire safety issue is addressed."

J. Labriola: MOVE THAT THE PLANNING BOARD PASS THIS APPLICATION ALONG TO THE ZBA WITH A NEGATIVE RECOMMENDATION UNTIL THE ISSUES AND CONCERNS RAISED BY THE FIRE ADVISORY BOARD HAVE BEEN SUFFICIENTLY ADDRESSED,

SECONDED BY M. GORDON

VOTE TAKEN AND APPROVED 6-0-0

14. APPEAL #843 – ENNIS PARC – VARIANCE

This application is for a variance from minimum setback requirements for replacement mobile home and proposed shed in a mobile home park.

K. Bramson reported that the old mobile home is still there. This new home will only extend one foot farther out than the porch on the existing home. She reported that the lots

are tight in this park but that it looked OK. K. Bramson reported that the back of the lot is wooded and she could not get a sense of where the shed would be located.

J. Labriola read into the file a letter from the Fire Advisory Board dated 2/2/05: "motion to recommend disapproval of this application until such time as the applicant submits drawings showing the nearest adjacent mobile home and the distances." J. Labriola stated that the application does, in fact, show proximity to the adjacent structures and indicates measurements.

K. Bramson: MOVE THAT THE PLANNING BOARD PASS THIS APPLICATION ALONG TO THE ZBA WITH A POSITIVE RECOMMENDATION BECAUSE THE PROPOSED PROJECT IS NOT A MAJOR CHANGE, IT WILL HAVE A POSITIVE EFFECT ON THE PARK, AND THE DISTANCES BETWEEN THE PROPOSED NEW MOBILE HOME AND THE SURROUNDING MOBILE HOMES WILL BE VIRTUALLY THE SAME AS CURRENT CONDITIONS.

SECONDED BY R. FRACCHIA

VOTE TAKEN AND APPROVED 6-0-0

Chairman J. Labriola adjourned the meeting at 9:30 p.m.

Minutes submitted by,

Helen D. Dickerson
Secretary

The foregoing represent unofficial minutes of the February 8, 2005, 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 23, 2005

A special meeting of the Pleasant Valley Planning Board took place on February 23, 2005, 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, Chairman
 Michael Gordon
 Rob Fracchia
 Kay Bramson
 Peter Karis
 Rebecca Seaman
 Henry Fischer

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

The meeting was opened with the Pledge of Allegiance.

- 1. DUTCHESS QUARRY** – is not on tonight's agenda
- 2. TACONIC APARTMENTS - DEIS REVIEW**

J. Labriola reported that tonight's objective is to compare the Draft Environmental Impact Statement with the scoping document that the Board reviewed and agreed upon in August 2003. The purpose of this comparison is to determine if the DEIS is complete. If gaps are identified, then decisions need to be made regarding who will address the gaps and how they will be addressed. When the DEIS is viewed as complete, the applicant can then advertise for a Public Hearing, hear comments from the Public, and then finalize it via the FEIS process. Tonight's intent is not to resolve problems with the site. There will be plenty of opportunity to address problems during the FEIS review and Site Plan approval process. The Board will focus tonight on the question: does the DEIS answer and address and cover the items that were identified in the scoping document.

J. Labriola reviewed the history of this application:

- Application came in April 2003
- Positive declaration under SEQRA in June 2003
- Areas identified as having potentially damaging environmental impacts are: land, water, aesthetic resources, plants and animals, noise and odor, transportation, growth and character

Nat Parrish, president of Parrish, Weiner, and Maffia (spelling?), was present and reported that his company prepared the DEIS with substantial contribution from a team of consultants including the Chazen Companies and the project architects. Also present are the clients, Karen Krautheim and Joseph Kirchhoff, and Steve Maffia (spelling?) who did

the traffic analysis among other things. N. Parrish stated that what they have submitted is a Concept Plan which shows where the buildings will be but some of the details are not exact.

N. Parrish reviewed the history of this project and emphasized that the project as it is now designed is very different from the one that the Board reviewed at the time of the scoping document. The Board's review of, and comments on, the scoping document caused the client to substantially rethink the project. The site plan has been totally revised to move the buildings away from the Taconic Parkway, to remove any visual impact from outside, and to fit the buildings into the landscape and use the grades to create interesting vistas within the project. N. Parrish characterizes the project as having an "internal intimacy" and as being hardly visible to the "outside world." He stated that this was the main object of the redesign of the site plan.

Further, N. Parrish reported that, even though this project is not subject to the Wetlands Ordinance because it was submitted prior to enactment of that Ordinance, they have made the determination to adhere to the Ordinance to the maximum extent feasible. They have tried to create a design that is as close as possible to compliance with that Ordinance. He believes that they have achieved this with a couple of minor exceptions. The wetlands are only being touched in a couple of instances where an access road crosses them, which is now an existing right-of-way. Also, he reported that they respected the buffer, although in a few instances the buffer they have is somewhat less than would be required under the Ordinance. He stated that they would almost be totally in compliance with the Wetlands Ordinance with a few minor exceptions. The sewer plant has been moved clear across the site to remove any impact from odor. The paved area has been minimized in order to maximize the landscaped areas. Parking areas have been minimized to accommodate tenants and occasional guests. Landscaped areas would be for overflow parking as needed for certain occasions.

With regard to the issue of impact on water supply and wells on adjacent properties, N. Parrish reported that they did extensive studies (documented in the appendix) with time-consuming pump tests. This process has been completed, and it has been established that the amount of water used by this project will not adversely impact any existing wells. Also, they did extensive studies of waste water management. The waste water system will have state-of-the-art odor control and the effluent will meet all of the required standards. N. Parrish stated that there should be no discernible impact from waste water.

N. Parrish stated that he believes they have addressed all of the issues raised in the scoping document and that they will be able to address all of the comments in P. Setaro's letter.

P. Setaro stated that it's hard to distinguish between a comment regarding completeness and a substantive comment. The easiest way to proceed is to review the DEIS from the perspective of whether it answers or address the concerns in the scoping document. P. Setaro stated that there will be opportunity for substantive review and comment after the DEIS is deemed to be complete and ready for Public Hearing. Morris Associates will

have more a detailed review of the “nuts and bolts” (i.e., waste water report, storm water report) followed by the Site Plan approval process. There is a long way to go.

P. Setaro reviewed his comments regarding completeness of the DEIS:

1. Senior component: P. Setaro pointed out that the scoping document was precise about a senior component of the project, and that the DEIS states that implementation of this senior component will be dependent upon the market condition. P. Setaro suggested that a worst case scenario be considered in which reference to a senior component be deleted. Where this becomes important is in the traffic report, which stated that 88 units would be senior housing. He recommends that the document should reflect the worst case scenario without the senior component. He stated that the document should be clarified throughout in this regard.
2. Soils: There appears to be a significant amount of rock excavation that will require rock crushing. P. Setaro suggested that some discussion of the impact of the excavation and crushing (i.e., noise, dust) should be included in the DEIS.
3. 100,000 yards of material fill: Because of the cuts and fills in the project, the plan projects for 100,000 yards of material to be brought into the site. P. Setaro pointed out that the impact from that number of dump trucks and that much material being brought onto the site needs to be addressed. Additionally, the grading needs to be reviewed; and if reduced, the amount of material needed would also be reduced. P. Setaro reported that he and N. Parrish discussed the need to take time to review the grading and that they discussed the possibility of having a final answer on a revised grading plan during the FEIS process. P. Setaro thinks this would be fair and would be followed with a Findings Statement after the FEIS process.
4. Visuals: P. Setaro pointed out that the scoping document referenced photo simulations, which were left out of the DEIS because the applicants believe that the buildings are set back so far that their impact can be adequately represented through cross sections. P. Setaro raised the issue of the proposed construction of a water storage tank in the southeasterly portion of the site. The tank will be partly buried and partly elevated – approximately +/- 10' above the existing grade – and will be at the highest point. He pointed out that they will also have to clear a path for an access road to construct and install the tank. He suggested that it would be important to know what will be seen when traveling on the Parkway – a clear cut swath or what. P. Setaro questioned the impact of lighting – from buildings and parking lots - when viewed from the Parkway or by neighbors along Route 44 and stated that the tree cover and season of the year will determine this impact.
5. Schools: P. Setaro pointed out that the projected impact (as stated in the DEIS) of this project on the school district was based on standard Urban Land Institute data. He suggested that a good effort should be made to meet with the school district officials to get the most current data so that the applicants can determine whether the impact is being accurately forecast.

P. Setaro commented regarding his conversations with N. Parrish regarding the wetlands buffer. Technically this project does not have to comply with the Wetlands Ordinance, however we want to make sure that this project comes as close as possible to compliance. This is a big project, and there are a few Federal wetlands on the site. P. Setaro stated that grading could be tweaked to reduce the impact and provide a greater buffer. J. Labriola affirmed that the Board is grateful for the care and attention that the applicants and their consultants have paid to being as much in compliance as possible and appreciates their cooperation. N. Parrish stated that the client absolutely agrees with the Board in their desire to minimize grading and anticipates being able to pull back from a buffer area.

N. Parrish stated that, regarding senior housing, they will show the worst case scenario and that they will revise the traffic study to take into account no senior housing. He said that this will not change their conclusions regarding level of service.

N. Parrish stated that, regarding the school analysis, they assumed that all of the units would be open market units. The projection numbers that they used came from the Urban Land Institute. J. Labriola questioned whether the occupancy rates and ratios in Dutchess County are significantly different from the US-based study. He pointed out the rapid growth in the Arlington School district and in Pleasant Valley over the past 24 months and voiced concern about a study that is normalized across the US or the northeast. The question is how this relates to Dutchess County and more importantly to the actual school district. P. Setaro stated that this is not a completeness issue but that it should be addressed before the FEIS process - they answered the question. M. Gordon stated that the key is what size and how upscale will the units be as this will determine who the tenants will be. Price and size will dictate who lives there. N. Parrish stated that the major variable in studies is bedroom size – more children in a 3-bedroom than in a one bedroom. Further, he stated that rental levels are not a variable in any of the studies they have reviewed. There is a variable between condominium, town houses, rental apartment, garden apartment, or high rise building.

J. Labriola asked if the Board should assume going forward that all of the 282 units are general market units with no affordable units and no senior housing. This represents the worst case scenario. Joseph Kirchhoff and Karen Krautheim, applicants, confirmed that there will be no senior housing and no affordable housing units. The applicants described this as a market rate multi-family project. M. Gordon asked if this will be a phased construction project. N. Parrish stated that phase one is 166 dwelling units and phase two is 116 dwelling units and that all infrastructure will be completed in phase one.

Section 1 – no comments or questions.

Section 2

P. Karis stated that, in the list of involved agencies, two distinct SPEDES permits should be listed. Regarding the proposed access road, P. Karis stated that the Class B unnamed stream, which is a tributary to the Wappingers Creek and runs on the northern part of the site, should be labeled consistently through the document. Further, he stated that, if they

plan to improve the Class B stream crossings, a permit from the DEC is required and it should be listed under the permit requirements.

P. Karis asked about the Army Corps of Engineers being identified as an “involved” agency. N. Parrish clarified that only agencies that are part of the NYS government are deemed to be “involved agencies.” Because ACOE is Federal it is, therefore, accurately listed as an “interested” agency.

J. Labriola noted (in Section 2.09 Transportation) that the traffic study was completed in August, which is not representative of peak traffic patterns in the Town. Therefore, the traffic counts are low. Steve Maffia clarified how the traffic study was done: they realized that August is not representative, compared their numbers with the NYS DOT traffic numbers, saw that the numbers were low and adjusted them upwards. The numbers have been normalized for non-vacation traffic patterns using NYS DOT comparison for typical traffic volumes for that section of Route 44 in Pleasant Valley.

Section 3 – no questions or comments.

Section 4.1

R. Seaman requested larger maps (specifically the soils map and steep slopes map) with overlay of the project development on it. Ok to do larger maps and one transparency that shows the buildings. N. Parrish will provide these.

Section 4.2 – has been answered.

Section 4.3 – groundwater.

R. Seaman asked and N. Parrish confirmed that, when they did the estimates on water demand rate, it was based on full capacity and full build out.

P. Karis asked about a reference made to “created an on-site wetland.” N. Parrish will check this out.

Section 4.4 – vegetation.

P. Karis asked that correspondence with the DEC and/or NYS Wildlife be appended.

Section 4.5 – no comments or questions.

Section 4.6 – no comments or questions.

Section 4.7 – visual.

R. Seaman agreed with P. Setaro’s comments that the Board needs the photo visuals, that the geological cross sections do not indicate what will be seen from the Taconic Parkway. She stated that the Board would like visual representation of what will be seen from the high points on the Taconic when traveling north and when traveling south. In addition, photo visuals are requested from high points on Route 44 when traveling east and traveling west. N. Parrish stated that only trees will be visible except at night when

points of light will be visible through the trees. Buildings and the tops of buildings will not be visible at any time. R. Seaman stated that the Board wants the photo visuals on the record. J. Labriola affirmed that the DEIS has answered the question. Further, he stated that members of the public may have questions during the Public Hearing about visual impact. Anything that can be done now to allay these concerns now will benefit the applicants. P. Setaro suggested that photos be taken now and added to the DEIS to document what the site looks like now. It is reassuring to the public to have the representation on the record of what the site looks like now and what it will look like after development.

J. Labriola requested the following photos be added to the DEIS document in order to move forward: north and south on the Taconic at the highest points from which you first see the full impact of the site; east and west on Route 44 also at the highest point from which you first see the full impact of the site.

P. Setaro asked if the Board would like to deal with the water tank issue in the same manner. Board responded "yes."

Section 4.8 – transportation.

J. Labriola pointed out that the DEIS used a growth factor of 1% per year for 2003-2008 but that Pleasant Valley actual growth has been much higher. N. Parrish stated they used the DOT factor. R. Seaman stated that the reason it seems low is because we are dealing with Pleasant Valley and there are areas (Lagrange, Poughkeepsie) that are growing much faster that will impact that traffic corridor much greater than 1%. Considering the growth around Pleasant Valley which will significantly impact these traffic corridors, the 1% factor is too low. J. Labriola concurred and stated that they have answered the question.

J. Labriola asked about the impact of levels of service at the identified intersections that got worse. Route 44 and West Street went from B to C.

R. Seaman commented, regarding the Accident Summary Table 4.8-1, that intersections have been impacted by the closing of the Taconic Parkway crossings – specifically Route 44 at the northbound and southbound ramps. She stated that more recent accident data are required on these intersections.

Section 4.9 – no comments or questions.

Section 4.10 – lighting

P. Karis requested a photometric plan to understand the proposed lighting implications. P. Karis' specific concern is the proposed 20' poles. J. Labriola confirmed that this will be addressed in the site plan.

Section 4.11 – community facilities and fiscal analysis.

P. Karis asked if the buildings will be sprinklered. Chazen doesn't know yet.

R. Seaman had a question regarding recreational impact. The plan states that the open space will be “deed restricted,” that the rest of the open space will be preserved. She asked if there is a plan to have any recreational use of open space, such as hiking trails, interior trail system, sidewalks along the roads feeding down to Route 44 to enable tenants to walk to local businesses. K. Krautheim stated that they will think about this question as the planning proceeds. J. Labriola stated that it will be addressed during site plan review. Further, language in this section that refers to senior housing needs to be corrected.

Section 4.12 – school impact

J. Labriola requested new calculations to reflect no senior housing and a plan to meet with the Arlington School District personnel to get local data.

Section 4.13 – waste water

P. Karis asked if there will be an auxiliary power plan for the pump station. N. Parrish stated that there will be a standby generator. P. Karis asked about fuel storage for the generator and any permits required for it. Chazen stated that no extra fuel storage is required as the generator’s fuel capacity is adequate for the demand. P. Setaro stated that diesel generators have a built-in two-day fuel chamber.

R. Fracchia asked if any one else will be on the waste water plant. Chazen confirmed that it is for the exclusive use of this development.

Section 4.14 – water

J. Labriola asked if they found when they did their pump tests that they had considerable excess capacity. N. Parrish stated that they have 3 wells, that 2 will give sufficient water for the development, and the third is a reserve well.

R. Seaman pointed out a discrepancy in the DEIS between estimated water demand and estimated waste water use. Specifically, Section 4.3 estimates the average water demand rate for the proposed project to be 45 gallons per minute, which computes to 32 gallons per day. And Section 4.13 (waste water) estimates the waste water expected use to be 83 gallons per day. These numbers need to match in order to determine the impact on the aquifer. Chazen stated that the numbers for water demand and waste water cannot be reconciled because they are required to use two completely different methods to calculate them. The Board wants to be clear about how much water will be pulled from the aquifer and wants to have the methodologies documented on how the estimates are arrived at.

Section 4.15 – no comments or questions.

Section 5.0 – no comments or questions.

Section 6.0 - alternatives

P. Karis commented on the 3-story alternative plan, which looks like only some buildings were removed and nothing changed with the parking and the layout. He pointed out that this is not a true exploration of that alternative because there would be some

reconfiguration of parking areas, lighting, etc. He suggested that this needs to be studied a little further for this to be considered an alternative. N. Parrish stated that the purpose of these alternatives was to determine if there would be a significant “net effect” on the reduction of impervious surface. J. Labriola stated that this consideration of the alternative is adequate as it answers the question.

Section 7.0, 8.0, 9.0 - no comments or questions.

J. Labriola reviewed the things that need to be factored in the DEIS in order for it to be deemed complete:

1. delete any references to senior units and impact on traffic, schools, etc.
2. comments on rock crushing, noise, dust, etc.
3. alternate grading plan to deal with proposed 100,000 cubic yards of fill
4. location of and visual impact of water tank, access road, photo simulation
5. parking lot lights, visuals from Parkway and Route 44
6. meeting with Arlington School District to understand impact on number of children and check on numbers associated with Brookside
7. range of square footage and some average \$ per square foot to give idea of rental rates
8. separate DEC permits listed in involved agencies
9. clarification on traffic count normalization to understand how August numbers reflect other times of the year
10. larger soils and steep slopes maps with overlay of proposed construction
11. clarification of location of “created on-site wetland”
12. current photos from Taconic and 44 to see current conditions vis a vis evergreen coverage – photo simulations will be needed in future for the buildings
13. updated accident summary reports – data more recent than 2001
14. language about backup generators for water and sewage treatment plant
15. mismatch between water usage and waste water numbers – to understand how to bridge those
16. correct the address for Dutchess County Health Department
17. correct Meta Plotnik’s name as the Town of Pleasant Valley Conservation Advisory Board Member

Discussion of site visit: Snow prevented the previously scheduled site visit from taking place. J. Labriola suggested that site visit be scheduled after review of the revised DEIS and before the leaves come out on the trees. P. Karis suggested that balloons be floated to indicate location and height of water tower and other items on site. K. Krautheim stated that the site has been staked in preparation for the site visit.

Discussion of time frame within which the DEIS review must be complete: J. Nelson asked whether the 45-day time clock for DEIS review is now in suspension due to the receipt of the additional information. P. Karis clarified that the Board has 45 days from receipt of the DEIS within which to determine whether it is complete. Further, if the Board determines that the DEIS is not complete, the Board must identify the deficiencies

in writing to the project sponsor. Upon resubmission, the Board has 30 days to review the revised document. The ball is now in the applicants' court.

3. SIGN ORDINANCE DISCUSSION

J. Labriola reviewed the history of this discussion. Some months ago the Board met and marked up the Sign Ordinance. The Board has received "mark ups of our mark ups" and will review these this evening. The intent is to complete as much of this review as possible tonight with the ultimate goal of sending the revised Sign Ordinance to the Town Board for inclusion in the "recod effort."

Jim Nelson and Janis Gomez worked together on the review of the Board's mark ups with especial regard to issues of the media and the First Amendment. They have previously worked together on a sign project for the City of Poughkeepsie and a project for the village of New Paltz. J. Nelson and J. Gomez submitted documentation, including an amortization statute and a flow chart, to supplement their discussion.

J. Gomez's comments regarding General Rules for Establishing Sign Regulations:
Background to sign law – there are many cases. There are some basic constitutional tests that arise from those cases. Within those cases there are variations and exceptions. These comments arise from the review of these cases.

First, to establish a sign law there must be a Statement of Purpose in the regulations. For any constitutional test, they want to know what the governing purpose is – to determine the level of government interest. Also, must define the standards that will guide the permitting authority and limit the authority's discretion so that the Building Inspector cannot arbitrarily grant permits. The Planning Board may also need to have stated guidelines regarding details such as landscaping – to define and limit the Planning Board's discretion. J. Gomez will research this point further. Must define the timeframe within which the permitting authority must make a decision. Stating a "reasonable time" is adequate. With limited exceptions, must avoid content-based restrictions – this is the biggest part of the sign law. Must meet various constitutional tests:

- (1) time, place, and manner restrictions;
- (2) Central Hudson test – for commercial speech;
- (3) the application form must meet the requirements of the constitution.

J. Gomez reviewed the details of the law that pertain to content-based restrictions – details available in the documents she submitted to the Board. Exceptions to these restrictions are determined through the "strict scrutiny test:"

- (1) must have a very important reason for an exception;
- (2) must be focused on addressing that reason when creating the law
- (3) must not unnecessarily encompass or restrict any other speech.

J. Labriola asked, if a business wanted to use a swastika in their logo, what authority would the Planning Board have to restrict this? J. Gomez stated that the strict scrutiny test would have to be applied to determine what government interest, if any, applied. She

stated that the Board might well be able to restrict the use of a swastika. J. Gomez pointed out that NYS state laws regarding hate crimes would also inform this test.

J. Gomez reported that an example of a test that fails is limiting political signs to be put up only 6 weeks prior to an election. This has been found not to be narrowly tailored to meet a compelling State interest. Also, political speech is highly protected. J. Labriola asked if limiting the time these signs can stay up after an election is also a problem. J. Gomez stated that this has been addressed in the past by coupling it with other types of signs that pertain to dated events (football games, church fairs, elections). J. Gomez advised that for political events, there can be no time restriction prior to the event, but there can be such restrictions after the event. Also, she stated that for aesthetic reasons, it may be possible to limit how long the signs may be up.

M. Gordon asked if these political signs would fall under the definition and, therefore, the restrictions of a "temporary sign." J. Gomez agreed and stated that it depends on how temporary signs are defined. There can be a couple of categories of temporary signs. She recommended that the Board define commercial and non-commercial speech in its Ordinance, which will also inform the definitions of temporary signs.

J. Gomez stated that the Ordinance cannot limit non-commercial speech any more than it limits commercial speech. Anything that is permitted commercially must also be permitted non-commercially. There is a separate test for commercial speech because, by its nature, it is content-based. Content and manner restrictions are allowed if they are justified without reference to content – when, where, how the sign looks. J. Gomez reviewed a case where a town in the mid-west, in an effort to control "white flight," tried to restrict homeowners from putting For Sale or Sold signs on their houses. J. Gomez reviewed the less-restrictive test for commercial speech.

J. Gomez guided the Board in how to follow the flow chart when making a determination about how the Board is permitted to rule on a sign application. The flow chart outlines how the Board must determine which test to apply to which sign applications.

J. Gomez comments regarding the marked up Sign Ordinance

J. Gomez explained how to interpret the document she submitted that shows: the Sign Ordinance as it currently stands, the changes suggested by the Board, and J. Gomez' and J. Nelson's comments. She reported that they reviewed both the Board's suggested changes and the current Sign Ordinance line by line a couple of times. She stated that it is important to review the entire Sign Ordinance because when major changes are made, that is when you are likely to be challenged. And when you are challenged, the court may look at the whole Ordinance.

J. Gomez explained the rationales for the notes in the document.

J. Labriola stated that the Board wants to be very specific about what constitutes an existing sign, especially with regard to businesses that are out of business. The Board wants to be able to require that signs be removed within a specific time frame (days,

weeks, or months) following a business closing its doors. This is for the purpose of establishing that the sign will no longer be considered an existing sign, which will restrict someone from making a claim that it is non-conforming but is existing. The Board wants a provision that will address removal of signs so that the Board does not have to consider it an existing sign for the next business at that location. J. Gomez will look into this and the issues of tax liens that would inform removal provisions.

J. Gomez reviewed the notes in the Definitions Sections. Board discussed its desire to limit indoor signs and how to regulate this in the Ordinance. J. Gomez suggested that mention of window signs be added to the Definitions Sections and regulations regarding them be added later in the document.

Discussion of definition of Directory Signs, Wall Signs, Temporary Signs.

Board agrees that it must establish a time frame for signs regarding dated events. J. Gomez is working on making it less cumbersome. Although she believes that the New Paltz draft is still more cumbersome than she would like, it does provide boilerplate from which to start. Board wants to restrict the time frame prior to the event as well as after the event. J. Gomez will review additional cases regarding pre-event restrictions. Assuming that the political signs must be left in place, J. Nelson summarized that this Board's question is whether there are other non-commercial signs that can be time-limited before the event. J. Labriola stated and the Board agreed that political signs are not the Board's main headache. He stated that the Board will strategically pick the issues it wants to address, and that political signs are not one of those issues.

Discussion of existing signs.

J. Gomez to work on language for removal of existing signs. Board discussed options for what can be done if signs are not removed.

Discussion of Exempt and Prohibited Signs.

Board agreed that it wants to specify size and detail limits in any category of sign where it's appropriate. Board agreed to remove reference to business names or advertising messages from Section C (I) (c). J. Gomez will clarify in Section C (I) (h) issue of off premises and pre-event time limit. J. Gomez and J. Nelson have defined an election as a dated event. Board discussed the question of placing restrictions on and/or requiring a permit for signs within the Town of Pleasant Valley for events that take place outside the Town. J. Gomez will research this question.

J. Gomez will check the Zoning Code for limitations on unregistered vehicles on properties. This will impact Section C (I) (m), which states that signage is permitted only on vehicles that are registered and insured, the purpose of which is to prohibit someone from leaving a non-running vehicle on their lawn with advertising on it for their business.

Board agreed to change to language regarding window signs – Section C (I) (o) – to read “25% of each window and in no event greater than _____ (to be determined).

Board discussed the addition in this section of a paragraph on non-commercial signs and restrictions on non-commercial linked to restrictions on commercial.

J. Gomez will review other sign laws for language regarding Section C (2) (c) – how to protect public safety, what standards apply.

Board discussed its desire to get rid of billboards, which is the intent of C (2) (j). J. Gomez stated that the amortization schedule may address this. R. Seaman stated that she would like to see a sunset provision for phasing out billboards and wonders if there are constitutional issues for setting a time frame for phasing them out. She suggested, and the Board agreed, that the language in this section be changed to prohibit all (new or old) billboards in the Town of Pleasant Valley, which then makes them non-conforming and therefore subject to the amortization schedule. J. Nelson confirmed that there is a NYS statute that allows towns to amortize based on an item's value.

Board agreed to the suggested change to “handwritten commercial signs” – Section C (2) (f).

Board agreed to change to “neon lettered signs” – Section C (2) (m) – but acknowledged the difficulty of enforcing this.

Discussion of Section D – Sign Permit Requirements and Application Procedure

R. Seaman raised the fact that the Planning Board repeatedly addresses the question of why, if a sign meets the Code requirements, it must come before the Board for approval. Her question is how the Board may do the SEQRA determination (with especial regard to aesthetics for the Town) in conjunction with these Ordinances. Should language be added to the Ordinance to document the Town's interest in promoting the aesthetics of the Town? She referenced a previous Ford application for a huge pole sign, which the Board denied under SEQRA but which may have been permitted in the Code. J. Nelson agreed that it is better to state up front the Town's intentions and standards. Board asked for language to be added that references: aesthetics, Town Master Plan, member of the Greenway Compact and standards.

Chairman R. Seaman moved to adjourn the meeting at 9:30 p.m. – M. Gordon seconded – and the Board approved.

Minutes submitted by,

Helen D. Dickerson
Secretary

The foregoing represent unofficial minutes of the February 23, 2005, 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 16, 2005**

The regular meeting of the Pleasant Valley Planning Board took place on March 16, 2005, 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, Chairman
 Michael Gordon
 Rob Fracchia
 Kay Bramson
 Henry Fischer

Also present: Rich Rennier, Morris Associates
 Janice Gomez, Esq., Town attorney

The meeting was opened with the Pledge of Allegiance.

1. DUTCHESS QUARRY AND SUPPLY SCALE HOUSE – SITE PLAN

J. Labriola announced that this application will not be heard this evening as the applicants are not ready to proceed.

2. DIAO SUBDIVISION – PRELIMINARY APPROVAL – PUBLIC HEARING

J. Labriola reported that this application was last before the Board in January 2005 where Sketch Plan approval was granted. This application is for a subdivision at 122 Clinton Corners Road to create a 4.68 acre residential building lot and a 10.35 acre lot with existing residence and improvements.

The applicant, David Diao, was present. The most current map is dated 2/14/05.

Rich Rennier, Morris Associates, reviewed the comment letter.

Board discussed the wood road that bisects Lots #1 and #2 and the need for an easement. D. Diao stated that eventually this road will have a new cut back and will have its own access. J. Labriola requested an update to the map to reflect this.

Comments and Questions from Planning Board Members

J. Labriola reported that the applicant has requested waivers in a letter dated 2/14/05 from Spencer Hall, an agent for Mr. Diao. Waivers requested are from Chapter 82, Section 26 of the Code: location of all trees 8” or more in diameter; rock outcroppings located outside the area of the proposed house, well, and SDS; contours on the property other than the area of the proposed house, well, and SDS; and storm drainage plan. J. Labriola stated that he sees no problem with these waivers and mentioned the need for a driveway grade as described in Morris Associates’ letter.

J. Labriola: **MOTION TO ACCEPT THESE WAIVERS; SECONDED BY M. GORDON**

VOTE TAKEN AND APPROVED 4-0-0

J. Labriola requested from Mr. Diao the notice of publication and return receipts for certified mail, which were provided for the record.

J. Labriola: **MOTION FOR PARKLAND DETERMINATION:**

MOVE THAT THE PLANNING BOARD ADOPT THE FOLLOWING PARKLAND DETERMINATION RESOLUTION FOR THE SUBDIVISION FOR DIAO IN THE FORM OF THE ATTACHED RESOLUTION DATED 3/16/05 PREPARED BY THE BOARD'S ENGINEER AND NOW BEFORE THE BOARD SUBJECT TO THE FOLLOWING CONDITIONS;

WHEREAS THE PLANNING BOARD HAS REVIEWED THE SUBDIVISION APPLICATION PURSUANT TO THE REQUIREMENTS OF TOWN LAW 277/4, IT HEREBY DETERMINES THAT IF SUCH APPLICATION IS GRANTED EVEN IN MODIFIED FORM THE DIAO SUBDIVISION WILL CONTRIBUTE TO THE INCREASED POPULATION IN THE TOWN AND INCREASE THE BURDEN ON TOWN PARKLAND AND RECREATIONAL FACILITIES AND THAT A PROPER CASE THEREFORE EXISTS FOR REQUIRING THAT A PARK OR PARKS BE SUITABLY LOCATED FOR PLAYGROUNDS OR OTHER RECREATIONAL PURPOSES WITHIN THE TOWN;

NOW THEREFORE, IT IS HEREBY RESOLVED THAT 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,

THE APPLICANT'S SUBDIVISION APPLICATION IS APPROVED. THE 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 AMOUNTS REQUIRED BY THE TOWN BOARD'S FEE SCHEDULE FOR THE NUMBER OF RESIDENTIAL SUBDIVISION LOTS APPROVED BY THE PLANNING BOARD

SECONDED BY M. GORDON

VOTE TAKEN AND APPROVED 4-0-0

J. Labriola: **MOTION FOR A NEGATIVE DECLARATION:**

MOVE THAT THE PLANNING BOARD DETERMINE, AS SET FORTH IN THE ATTACHED DECLARATION DATED 3/16/05 PREPARED BY THE

BOARD'S ENGINEER, THAT THE SUBDIVISION FOR DIAO 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 SHALL BE REQUIRED,

FURTHER BE IT RESOLVED THAT THE TOWN OF PLEASANT VALLEY PLANNING BOARD USES THE FOLLOWING REASONS IN SUPPORT OF ITS DETERMINATION OF NON-SIGNIFICANCE:

- 1. only two residences are proposed on 15 acres**
- 2. Dutchess County Department of Health will approve water and sewage facilities**

SECONDED BY R. FRACCHIA

VOTE TAKEN AND APPROVED 4-0-0

J. Labriola: MOTION TO OPEN PUBLIC HEARING; SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 4-0-0

PUBLIC HEARING OPEN

John Bowman, 93 Clinton Corners Road, stated that his driveway is across the street and 250 yards south of the proposed new driveway. Mr. Bowman stated that the last time the Planning Board approved a subdivision on this road, it created a serious detriment to his property. J. Labriola requested that Mr. Bowman limit his comments to the Diao Subdivision application only. Mr. Bowman requested that there be a two-way conversation between the applicant and the next door neighbors. He reported that this did not happen and that the applicant never responded to anything he said. Further, Mr. Bowman stated that no one from the Town seems to want to hear from him and that "they will answer in a court of law."

J. Labriola stated for the record that all adjacent property owners are notified by certified mail of pending subdivision applications and that they are, in fact, made aware of these applications. The Board instituted, as recently as a couple of years ago, a procedure whereby for all proposed subdivisions a sign is placed on the property so that people driving by or people who live nearby are made aware of the proposed subdivisions. J. Labriola respectfully disagreed with Mr. Bowman's statement the Board is not informing the public of these applications. J. Labriola emphasized that notification to the adjacent property owners is built into the process and a sign is prominently displayed on the property.

Tom O'Shea, also a neighbor, was notified of this application. He stated that he is a friendly neighbor, doesn't have any problems, and that Wappingers Creek is between his property and the Diao property. However, he also supports Mr. Bowman's comments regarding the addition of multiple driveways along the road. "You fellas are building a

disaster because driveway after driveway after driveway is being added and there's a hidden section and school buses daily up and down that road." Mr. O'Shea stated that somewhere the line has to be drawn and asked that the Board look at it "with other eyes in the future with all this property being split up." He asked that the Board review future applications from the perspective of "the whole road." He stated that it's a narrow road – school buses, garbage trucks – there are "all kinds of disasters being built where there were none just 5 years ago."

J. Labriola: **MOTION TO CLOSE THE PUBLIC HEARING; SECONDED BY M. GORDON**

VOTE TAKEN AND APPROVED 4-0-0

J. Labriola: **MOTION FOR PRELIMINARY APPROVAL:**

MOVE THAT THE PLANNING BOARD GRANT PRELIMINARY APPROVAL TO THE SUBDIVISION FOR DIAO SUBDIVISION IN THE FORM OF THE ATTACHED RESOLUTION DATED 3/16/05 PREPARED BY THE BOARD'S ENGINEER AND NOW BEFORE THE BOARD, SUBJECT TO THE FOLLOWING CONDITIONS: NONE

SECONDED BY M. GORDON

VOTE TAKEN AND APPROVED 5-0-0

In response to the comments from the public, H. Fischer asked if, from an engineering standpoint, it would be possible to locate the driveways closer together. Mr. Diao and the Board reviewed the map, and he stated that he has already taken that into account in the current proposed location of the driveways. Board noted that there is an existing (grandfathered) driveway and the proposed driveway cut is deliberately located close to the neighbors for safety. Board discussed alternate locations and whether an engineer should be consulted to advise the Board on this question. Mr. Diao confirmed that the Highway Department reviewed the plans, looked at the sight lines, and that the file contains a letter documenting this. Mr. Diao stated that he would not have made the proposal without first conferring with the Highway Department regarding safety.

The Board asked the applicant to add to the map the Louey's (spelling?) driveway.

J. Labriola: **MOTION TO WAIVE THE SECOND PUBLIC HEARING; SECONDED BY M. GORDON**

VOTE TAKEN AND APPROVED 5-0-0

J. Labriola: **MOTION FOR CONDITIONAL FINAL APPROVAL**

MOVE THAT THE PLANNING BOARD GRANT FINAL APPROVAL TO THE DIAO SUBDIVISION IN THE FORM OF THE ATTACHED RESOLUTION DATED 3/16/05 PREPARED BY THE BOARD'S ENGINEER AND NOW BEFORE THE BOARD SUBJECT TO THE FOLLOWING CONDITIONS:

1. PAYMENT OF ALL FEES

- 2. APPROVAL BY DUTCHESS COUNTY DEPARTMENT OF PUBLIC WORKS OF THE PROPOSED DRIVEWAY FOR LOT #2**
- 3. MORRIS ASSOCIATES LETTER DATED 3/7/05**
- 4. SHOW A GATE AT THE PROPERTY LINE FOR WOOD ROAD**
- 5. SHOW THE APPROXIMATE LOCATION OF THE LOUEY (spelling?) DRIVEWAY**

SECONDED M. GORDON

Board discussion: H. Fischer stated that just showing the driveway on the map does not answer the safety question. It may be advisable to hold final approval pending accurate information. Department of Public Works will decide about the proposed driveway. Mr. Diao clarified that the Department assured him that, should he apply for approval of the proposed driveway, it would be approved. Board reviewed the map. Mr. Diao showed the Board how close the Louey driveway is to the property line. Board clarified for Mr. Diao that he needs to show on the plat the location of that driveway.

VOTE TAKEN AND APPROVED 5-0-0

J. Labriola: **MOTION FOR RECREATION FEES:**

WHEREAS THE TOWN OF PLEASANT VALLEY PLANNING BOARD HAS GRANTED FINAL APPROVAL OF THE SUBDIVISION ENTITLED DIAO SUBDIVISION BEING A TWO LOT SUBDIVISION OF A 15.03 ACRE PARCEL LOCATED AT CLINTON CORNERS ROAD

WHEREAS THE TOWN OF 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 APPROVED 5-0-0

3. TUTTLE/ABD STRATFORD SUBDIVISION – PRELIMINARY APPROVAL – PUBLIC HEARING

J. Labriola reported that the application was before the Board on 2/8/05 when Sketch Plan approval was granted. This application is for approval for subdivision conveying 750 square foot parcel to be utilized as a portion of an access roadway of subdivision off Bower road. J. Labriola clarified that a lot line alignment is not appropriate for this project because an actual new lot is being created, which will be used as a turn lane.

Liam Featherstone, project manager for Stratford Subdivision, was present and reported that there have been no changes to the plan.

R. Rennie reviewed the Morris Associates' comment letter dated 2/3/05. L. Featherstone stated that all issues have been addressed. However, a new map needs to be submitted.

Board comments and/or questions: None

J. Labriola: **MOTION REGARDING PARKLAND DETERMINATION:**

MOVE THAT THE PLANNING BOARD ADOPT THE FOLLOWING PARKLAND DETERMINATION RESOLUTION FOR THE TUTTLE/ABD SUBDIVISION IN THE FORM OF THE ATTACHED RESOLUTION DATED 3/16/05 PREPARED BY THE BOARD'S ENGINEER AND NOW BEFORE THE BOARD SUBJECT TO THE FOLLOWING CONDITIONS

WHEREAS THE PLANNING BOARD HAS REVIEWED THE SUBDIVISION APPLICATION PURSUANT TO THE REQUIREMENTS OF TOWN LAW 277/4, IT HEREBY DETERMINES THAT IF SUCH APPLICATION IS GRANTED EVEN IN MODIFIED FORM THE TUTTLE/ABD SUBDIVISION WILL CONTRIBUTE TO THE INCREASED POPULATION IN THE TOWN AND INCREASE THE BURDEN ON TOWN PARKLAND AND RECREATIONAL FACILITIES AND THAT A PROPER CASE THEREFORE EXISTS FOR REQUIRING THAT A PARK OR PARKS BE SUITABLY LOCATED FOR PLAYGROUNDS OR OTHER RECREATIONAL PURPOSES WITHIN THE TOWN;

NOW THEREFORE, IT IS HEREBY RESOLVED THAT 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,

THE APPLICANT'S SUBDIVISION APPLICATION IS APPROVED. THE 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 AMOUNTS REQUIRED BY THE TOWN BOARD'S FEE SCHEDULE FOR THE NUMBER OF RESIDENTIAL SUBDIVISION LOTS APPROVED BY THE PLANNING BOARD

SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 5-0-0

J. Labriola: **MOTION FOR NEGATIVE DECLARATION:**

MOVE THAT THE PLANNING BOARD DETERMINE AS SET FORTH IN THE ATTACHED DECLARATION DATED 3/16/05 PREPARED BY THE BOARD'S ENGINEER THAT THE CONVEYANCE FROM TUTTLE TO ABD

STRATFORD LLC 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 SHALL BE REQUIRED;

THE REASON FOR THIS DETERMINATION OF NON-SIGNIFICANCE IS: no new residential construction is proposed, land will be used to build a turning lane.

SECONDED BY M. GORDON

VOTE TAKEN AND APPROVED 5-0-0

J. Labriola requested the notice of public hearings and return receipt certificates from Mr. Featherstone, which were provided for the file.

J. Labriola: **MOTION TO OPEN THE PUBLIC HEARING; SECONDED BY R. FRACCHIA**

VOTE TAKEN AND APPROVED 5-0-0

PUBLIC HEARING OPEN

Chuck Tuttle inquired about the recreational fee. J. Labriola clarified the procedure by which the fee is assessed and recommended and stated that the Town Board ultimately decides whether the fee is required. Mr. Tuttle also inquired about the process by which the Town accepts the turn-lane project. J. Labriola explained the steps that the Planning Board will take this evening to grant preliminary approval and explained his desire to receive, as a condition to final approval, written confirmation from the Town Board that they will accept this parcel for the turn lane. M. Gordon advised Mr. Tuttle to write the Town and request that they waive the fee.

Renee _____ spoke on behalf of property owner at 208 Bower Road. This is the first notification she received of this project and asked where she can get a complete description of what is proposed. She does not understand exactly what is proposed. J. Labriola offered to show her on the map and advised that the entire record is available through Nancy Salvato in the Town Planning Office. He described the project: a parcel 75' long by 10' wide is proposed to be converted into a turn lane.

J. Labriola: **MOTION TO CLOSE THE PUBLIC HEARING; SECONDED BY H. FISCHER**

VOTE TAKEN AND APPROVED 5-0-0

J. Labriola: **MOTION FOR PRELIMINARY APPROVAL:**

MOVE THAT THE PLANNING BOARD GRANT PRELIMINARY APPROVAL OF THE CONVEYANCE FROM TUTTLE TO ABD STRATFORD LLC SUBDIVISION IN THE FORM OF THE ATTACHED RESOLUTION

**DATED 3/16/05 PREPARED BY THE BOARD'S ENGINEER AND NOW
BEFORE THE BOARD SUBJECT TO THE FOLLOWING CONDITIONS;**

**NOW THEREFORE BE IT RESOLVED THAT THE APPROVAL OF THE
PRELIMINARY PLAT BE GRANTED WITH THE FOLLOWING
CONDITIONS:**

- 1. the purpose of the subdivision is for dedication to the Town for a turning lane**
- 2. that the Town Board provides a Letter of Intent which states that they plan to accept this property for this purpose**
- 3. no new residential construction is proposed**

SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 5-0-0

4. MARTINO SUBDIVISION – SKETCH PLAN APPROVAL

This application is for a subdivision at 339 Smith Road to create a 5.20 acre residential building lot and a 6.62 acre lot with existing residence.

Dave Johnson, Zarecki & Associates, was present and reported that a two-lot subdivision is being proposed. There is one existing house. The proposed lot will access Smith Road via an existing access. There is a DEC regulated wetlands on the site, which have been flagged by the DEC. DEC has also looked at the access. Mr. Johnson believes that Morris Associates has reviewed the entrance with the Highway Superintendent. He believes that everyone is on board with the project and requests feedback from the Board on this proposal.

R. Rennie reviewed the Morris Associates letter.

Board reviewed the map with Mr. Johnson in order to clarify where Smith Road is, where the property is, and where the lot lines are.

Board question/comments

H. Fischer stated that the major problem is the wetland buffer. K. Bramson observed that from the map it looks like there's no way to get into the lot without crossing the wetland. J. Labriola stated that the property line could be adjusted to protect the buffer. He explained to Mr. Johnson that the Board's priority is to keep any construction out of the wetland buffers and that the Board will want to see what it would take to move the driveway out of the buffer area and what the impact of such a move on the proposed location of the lot line would be. Discussion of whether a Town wetland permit will be required or whether a new access could be created that would be outside of the buffer area. Board advised the applicant that it will be looking for anything that can be done to minimize the disruption of the wetland on this property.

J. Labriola read into the record a letter dated 3/2/05 from the Town of Pleasant Valley Fire Advisory Board that "recommends as a condition of approval that a dry hydrant

system be installed somewhere in the vicinity of the existing dirt driveway to access the deepest part of the pond to the north of where the existing driveway is to provide for water for the proposed residences as well as to residences across the street.”

J. Labriola: **MOTION FOR LEAD AGENCY:**

MOVE THAT THE PLANNING BOARD ASSUME LEAD AGENCY STATUS WITH REGARD TO THE MARTINO SUBDIVISION APPLICATION IN THE FORM OF THE RESOLUTION PREPARED BY THE BOARD’S ENGINEER AND NOW BEFORE THE BOARD.

Attached is a Master Circulation List which includes DC Health Department, NYS DEC, Town of Pleasant Valley Conservation Commission, Town of Pleasant Valley Fire Advisory Board, NYS Parks, Rec, and Historic Preservation Office.

SECONDED BY M. GORDON

VOTE TAKEN AND APPROVED 5-0-0

J. Labriola: **MOTION FOR SKETCH PLAN APPROVAL:**

MOVE THAT THE PLANNING BOARD GRANT SKETCH PLAN APPROVAL TO THE MARTINO SUBDIVISION IN THE FORM OF THE RESOLUTION PREPARED BY THE BOARD’S ENGINEER AND NOW BEFORE THE BOARD;

NOW THEREFORE BE IT RESOLVED THAT SKETCH PLAN APPROVAL BE ACCEPTED AND THAT THE FOLLOWING CONDITIONS MUST BE ADDRESSED WITHIN THE PRELIMINARY PLAT:

- 1. payment of all fees**
- 2. Morris Associates letter dated 3/7/05**
- 3. Fire Advisory Board letter dated 3/2/05**

SECONDED BY R. FRACCHIA

VOTE TAKEN AND APPROVED 5-0-0

J. Labriola gave a sign to the applicant to post on the property and advised that they may advertise for a public hearing when they are prepared to address the comments in the engineer’s letter and when they are ready to move forward.

A question was raised regarding a 25’ right of way along Smith Road and the impact on the historic barn.

J. Labriola advised the applicant to consider all options available for mitigating the impact on the wetland and the wetland buffers.

5. THE COMMONS AT BECKWITH COURT – SITE PLAN

This is before the Board for review of revised plans submitted for approval of a proposed site plan at 1380 Route 44 for construction of an apartment complex and continued use of existing office, apartment, and residence on the parcel. J. Labriola reported that this application was last before the Board in January 2004 at which time the applicant was directed to appeal to the ZBA because some variances were required.

David Beckwith, owner and design architect, was present. Mr. Beckwith reported that existing on the property now are 4 new trailer homes, the architect's office, and two apartments. He stated that he would like to develop the property for more apartments and to phase out the trailer park and keep the office. He received a variance to keep the office on site and reduce the amount of land for it to .5 acre. He received a variance for the trailer park to reduce the size allocated for the non-conforming remaining trailers to 30,000 square feet. Currently, there are three trailers on the site, two of which are occupied. One is unoccupied, which has been bought from a mortgage company by an individual who will remove it by 4/15/05.

Mr. Beckwith stated that following approval of these variances he has completed a preliminary design for the septic system which they have proposed to the County Health Department. Health Department is in agreement with it conceptually. Discussion of location of proposed wells to accommodate required setbacks. The number of units has decreased to 15 (13 new and 2 existing) due to the new configuration of the septic system.

Mr. Beckwith stated that this project has two phases. All the trailers will be gone in Phase Two and renovation (or replacement) will be done on the existing house. He stated that all new construction will stay outside of the 100' buffer. The existing building overlaps the buffer. M. Gordon mentioned the age of the building and its historic status – circa 1900 colonial revival style. Mr. Beckwith stated that it has major structural problems and restoration would entail rebuilding it. He is not at all opposed to maintaining the architectural look of the building in the front. He would like to extend it a little in the back. This reconstructed building would be for apartments. Currently, there is one apartment in it now.

Mr. Beckwith stated that once the Board is OK with the proposed plan, he will drill the wells. He is currently working with the Health Department on their approval process, which is not yet complete. Board reviewed the proposed new septic system. Mr. Beckwith commented that they are clarifying with the Health Department the logistics for drilling the new wells, creating the new septic system, and abandoning the old system.

R. Rennie reviewed the Morris Associates comment letter dated 2/5/05.

J. Labriola inquired whether the applicant is planning to bring in a lot of fill. Mr. Beckwith stated that they will need no fill. They will have extra fill when they excavate for the foundations.

Board comments/questions/concerns

M. Gordon pointed out that the Planning Board has not yet received a comment letter from the Fire Advisory Board. Also, Morris Associates has not reviewed the plans from the perspective of access for emergency vehicles.

R. Rennier commented that the two proposed wells are within the 100' buffer. He advised the applicant to review Chapter 53 of the Town Code, which lays out what is and is not permitted and what permits are required. Board reviewed and discussed the plans and requested a storm drainage plan.

Board discussed abandoning the two additional access points in Phase Two after the trailers are removed and the additional traffic that will be created in and out of the main access point.

Board discussed the number of proposed parking spaces, which seem excessive. Also, discussed the resulting amount of impervious surface. Board mentioned that it will ask the applicant to consider plantings to screen the parking spaces from Route 44.

M. Gordon underscored that there is a magnificent picture-postcard sugar maple tree on the property, which they plan to remove. He asked if there is some way to save this tree. Mr. Beckwith stated that the septic system requires the removal of the tree. A suggestion was offered to reconfigure the septic system in order to save the tree.

K. Bramson mentioned that the driveway for this property is almost directly across from Innis Park which when they are fully expanded out will create a traffic problem. Board stated that it will look at traffic count for this application in concert with the planned expansion of Innis Park and any other known or planned expansions in the Town. This may require a traffic study in consideration of installing a traffic light.

M. Gordon asked how far back the level property extends beyond the existing buildings before it slopes down to the creek. Mr. Beckwith stated that the property slopes up 6-8' from Route 44 to a level area, which is just behind the sugar maple.

H. Fischer suggested that Mr. Beckwith have the plans reviewed by Dutchess County Soil and Water with respect to storm water drainage.

6. KDA PLEASANT VALLEY – SITE PLAN

This application is before the Board for review of revised plans for approval of site plan for construction and establishment of banking facility at North Avenue and Quaker Hill Road.

Jeff Akins, Dewkett Engineering, and Bill Wilson were present. Mr. Wilson did not attend the Feb. 2005 Planning Board meeting and submitted a completely reworked site plan for the project which he believes addresses the Board's comments regarding location and orientation of the building, number and location of parking spaces, traffic circulation and pedestrian conflicts. He stated that he would like to schedule a site visit for the Board.

J. Akins reviewed the revised site plan for the Board. Drive-thru facility has been relocated remotely from the bank building to reduce the potential conflicts with pedestrian traffic. The bank building has been rotated 90 degrees, which also increases pedestrian traffic safety. He stated that they have provided information regarding parking that explains the client's need for 68 spaces to accommodate employees and customers. They have modified the landscaping by reducing some of the parking spaces and adding landscaped islands and landscaping in and around the building. They are proposing a stone wall across the entire front section of North Avenue and on the corner. They have redesigned the appearance of the bank building to make it look more residential. Site lighting plan is available for review. Law stipulates the lighting requirements for the ATM and other security areas. There is an application in front of the Department of Health for the proposed septic and water provisions for the facility. The plan is to reclaim an existing sanitary system from the on-site dwellings. Department of Public Works is also reviewing the application. J. Labriola requested access information prior to SEQRA determination. Department of Public Works input on the proposed curb cuts will be important for going forward. Applicant stated that they are reducing the number of curb cuts from 5 to 2 and that access to the site will be from North Avenue only.

J. Akins requested that the Town of Pleasant Valley Zoning Board of Appeals be added to the Master Circulation List.

Architect commented that they have fulfilled the Board's request to redesign the building so that it has a more residential appearance. The exterior windows are now clad double hung divided light around the entire facility. On the North Avenue elevation, a gable element has been added and all cornice work is styled with traditional fascia soffit crown molding detailing. A couple of pilaster elements with capitals have been added. All materials on the exterior of the building will be brick. The main entry to the facility carries forward with the same materials and style. J. Labriola asked about the appearance of the rear elevation.

M. Gordon stated that the Board has been working on bringing back a more traditional "look" for the hamlet. J. Labriola pointed out that the Board's concern is for changes to the residential character of the hamlet of Pleasant Valley. He stated that a number of residential buildings are being removed from this site and asked if there are ways to redesign the building to fit more into the character of what's currently there. He referenced a bank in New Paltz that looks like a house. Applicant stated that the roof color – green – is preferred and that the credit union's marketing color scheme is in that green palette. Hence, the color of the building needs to complement that green color scheme. M. Gordon referred to the County Planning Department's comment letter on the project, which is dated 2/25/05 and was issued after the Board's last meeting. The County's concern is to try to preserve the hamlet look of the Town and the Board echoes that concern.

M. Gordon read from the County's comment letter: "For the reasons stated above, we recommend the Board not grant site plan approval until the following conditions are met:

1. the northern most curb cut onto North Avenue be eliminated
2. the applicant provide a sidewalk buffered by regularly spaced street trees along the entire frontage of the site
3. that the Board consider an alternative plan showing no parking along North Avenue, an internal connection to the Pleasant Valley Fire House, and the possibility for connections between this project and the parcels along Route 44.”

Board again stated that the number of parking spaces is excessive. Applicant responded that the credit union is responsible to provide adequate parking so that customers are not blocking residential roads and/or parking in private lots. The package that was provided to the Board explains the rationale for the number of proposed parking spaces and how it was reworked to decrease safety issues for pedestrian traffic. M. Gordon stated that online banking greatly reduces foot traffic and drive-thru traffic into a bank. Board discussed specific parking spaces on the map some of which are intended for use by Dunkin Donuts. The proposed parking is transaction oriented, is planned for peak times, and is distributed around the site in order to break it up. The Board reiterated that what exists on this site now are homes and what is planned for this site is asphalt, parking, and a commercial building. J. Labriola stated that the Board weighs what people are used to seeing today with what is proposed for tomorrow.

J. Labriola stated that there's a potential pinch point in the traffic flow around the handicapped parking spots and Dunkin Donuts and asked if an alternate design is for ingress only at the curb cut closest to Route 44. Traffic would then be routed through the site and out at an exit only curb cut. This is in an effort to avoid grid lock on North Avenue. Board would like this suggestion to be part of the discussion with DPW. M. Gordon stated that he thinks they need to move the entrance. Applicant stated that they are not happy with the Dunkin Donuts traffic flowing through the bank parking lot. J. Labriola mentioned that Dunkin Donuts delivery trucks also will be routed through the site. The fact that 18 wheelers may have gone through there in the past does not mean that it will or should continue in the future. Board will review issues regarding tractor trailers passing through the site and likes the alternative that segregates the Dunkin Donut traffic flow from the bank's traffic flow.

Board discussed the notion of a left-hand turn only onto Quaker Hill Road – a substandard road.

R. Rennie reviewed the Morris Associates comment letter dated 3/7/05.

J. Labriola noted that a letter from Peter Karis, Board member who could not attend the meeting, is in the file and referenced a couple of his points. P. Karis is concerned about parking accumulation and whether a traffic study is warranted. He stated that the DC Planning proposal to connect into the fire house will funnel more traffic into it and could, therefore, impede an emergency vehicle exiting the property. Therefore, he does not think that suggestion is a good idea. P. Karis made a number of comments on the EAF, which the applicant can review and address. He stated the need for a lighting plan and a

storm water management plan. He characterized the traffic patterns for Dunkin Donuts as awkward.

M. Gordon stated that the plan for a 2' high stone wall will not match the existing stone walls in the hamlet.

K. Bramson asked for clarification regarding the 7 parking spaces for Dunkin Donuts and the Board discussed alternative design.

J. Labriola referenced the Verizon building which has been designed to look like a home and now blends in very nicely. Town residents appreciate commercial buildings that do not look commercial. He asked that the applicant redesign the look of the back of the building, which now will be a sea of brick. He asked if something can be done to dress up the back of the building – fake windows – to make it look more residential. M. Gordon pointed out that a stone fascia would tie in with the mill building.

J. Labriola asked if the applicant had any questions for the Board. Applicant inquired when the Board would like to do a site visit. J. Labriola stated that the Board prefers to review DPW's comments prior to doing a site visit. M. Gordon pointed out that the Fire Advisory Board may have a problem with the plan.

J. Labriola will send a letter to DPW that details the Board's concerns regarding this plan.

Shown on the plan are potential areas for additional parking. J. Labriola asked if the applicant would consider making these areas of potential parking into actual parking areas. In exchange, Mr. Labriola asked if the parking along North Avenue could be made into the areas of potential parking for the future. This would reduce the visual impact. Applicant stated that they will look at this idea, although it does not make good business sense given the placement of the building.

M. Gordon pointed out that if County Planning's recommendations are not followed, then the applicant will need a majority of the full Board plus one to go forward.

J. Labriola: **RESOLUTION FOR LEAD AGENCY:**

MOVE THAT THE PLANNING BOARD ASSUME LEAD AGENCY STATUS WITH REGARD TO THE KDA PLEASANT VALLEY SITE PLAN APPLICATION IN THE FORM OF THE RESOLUTION PREPARED BY THE BOARD'S ENGINEER AND NOW BEFORE THE BOARD

RESOLUTION IS ON FILE

SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 5-0-0

D. Friedrichson stated that the office must issue a Flood Plain Development Permit and requests that he be put on the circulation list.

J. Labriola modified the above resolution to add the Town of Pleasant Valley Flood Plain Administrator to the Master Circulation List.

RESECONDED BY M. GORDON

VOTE TAKEN AND APPROVED 5-0-0

7. A&P FRESH MARKET – SIGN PERMIT

Counsel for the applicant and a representative for A&P were present.

Applicant reported that A&P has redesigned their brand, brand name, and appearance as part of a national plan. A&P will remove the logo and change their name to Fresh Market with a smaller sign.

M. Gordon noted that the sign is all lower case. J. Labriola confirmed that Fresh Market will be lit.

Board agreed that the new sign is better than the original.

J. Labriola: **RESOLUTION TO GRANT SIGN PERMIT:**

WHEREAS THE TOWN OF PLEASANT VALLEY PLANNING BOARD HAS RECEIVED AN APPLICATION FROM A&P FOR APPROVAL OF ONE WALL SIGN DATED 1/26/05,

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 AN 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 SHOWN IN THE APPLICATION EXCEPT AS FOLLOWS: NONE

SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 5-0-0

8. DEBI'S HAIR STUDIO – SIGN PERMIT

Debi Secord, applicant, was present. The studio is located on Route 44. Previous business on that site was Irma's Beauty Shop and there was an existing sign.

The proposed sign is 2' by 3' and will be attached to the existing post with an aluminum bracket. The white sign post is approximately 4' out of the ground. The top of the sign will not be higher than the top of the post. The sign will be double sided and will not be lit.

J. Labriola: **RESOLUTION TO GRANT SIGN PERMIT:**

WHEREAS THE TOWN OF PLEASANT VALLEY PLANNING BOARD HAS RECEIVED AN APPLICATION FROM DEBI SECORD FOR DEBI'S HAIR STUDIO FOR THE APPROVAL OF ONE GROUND SIGN DATED 2/2/05,

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 AN UNLISTED ACTION AND THAT IT 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 SHOWN IN THE APPLICATION EXCEPT AS FOLLOWS:

- 1. utilize existing pole**
- 2. sign will be attached to the existing pole with a metal bracket**
- 3. top of sign will be 3'6" from the ground**

SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 5-0-0

9. JOHNNY ROCKS – SIGN PERMIT

J. Labriola stated that he received a phone call reporting that the colors used in the Johnny Rocks sign are not the colors that the Board approved. Attached in the file is a picture of the constructed sign. What the Board approved is not what was built.

Board discussed the changes to the sign.

J. Labriola: **RESOLUTION TO GRANT SIGN PERMIT:**

WHEREAS THE TOWN OF PLEASANT VALLEY PLANNING BOARD HAS RECEIVED AN APPLICATION FROM JOHNNY ROCKS FOR APPROVAL OF ONE WALL SIGN REVISED FEBRUARY 2005,

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 AN 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 SHOWN IN THE APPLICATION EXCEPT AS FOLLOWS: NONE

SECONDED R. FRACCHIA

VOTE TAKEN AND APPROVED 5-0-0

10. APPEAL #844 RAMUNDO – VARIANCE

J. Labriola reports that the applicant has a landlocked piece of property to which they want access via a right of way or an easement. The applicant owns both parcels, the front and the back. Property exists in R-2 zoning. The back lot is .95 acre, but is a pre-existing non-conforming property.

J. Labriola clarified that they have a pre-existing piece of property that does not have road frontage to which they want access. The applicant is requesting a variance from the minimum road frontage.

J. Labriola read into the file a letter from the Pleasant Valley Fire Advisory Board which recommended that “the application as submitted be disapproved pending submission by the applicant of the location of the proposed right of way over the front lot so that the Fire Advisory Board may ascertain the location of the driveway and any safety issues that may be involved.”

H. Fischer recommended that the Board refer this application to the ZBA with a negative declaration because it is unclear as to where it is and for what purpose this is being done.

J. Labriola: **MOTION TO PASS TO THE ZBA WITH A NEGATIVE RECOMMENDATION BASED ON:**

- 1. the issues raised in the Fire Advisory Board’s comment letter with which the Planning Board agrees, and**
- 2. that due to the absence of a clear understanding of how these two parcels are proposed to be developed, the Board is unable to discern any planning issues that may arise from location of the common driveway and any easements that may be required.**

SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 5-0-0

11. APPEAL #845 PERLIK – INTERPRETATION

D. Friedrichson reported that the temporary permit for the work trailer was granted for a year and expires the moment the Certificate of Occupancy was granted. The CO was granted; hence the permit for the trailer has expired. The applicant has not yet removed the trailer. This appeal is before the Board for the Board to decide if the Zoning Administrator has correctly interpreted the limitations on the permit.

J. Labriola: **MOTION: ZONING ADMINISTRATOR HAS CORRECTLY INTERPRETED THIS SITUATION AND IT REMAINS UNDER THE PURVIEW OF THE ZBA TO DECIDE WHETHER TO EXTEND THE TEMPORARY PERMIT**

SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 5-0-0

12. APPEAL #846 DETULLIO – VARIANCE

J. Labriola stated that this property on Gasparro Drive does not meet the minimum road frontage. They have 42.5' and 50' is the minimum. They are proposing to put in a flag lot.

J. Labriola offered his opinion that the Code's road frontage requirements should be "sacred" and that he would like to pass this application along to the ZBA with a negative recommendation because they do not meet the minimum road frontage requirements. K. Bramson reported that she drove by the property and had difficulty determining where the two acres are that could be buildable. J. Labriola agreed that it's a dangerous precedent to deviate from the required road frontage.

J. Labriola: **MOTION TO PASS ALONG TO THE ZBA WITH A NEGATIVE RECOMMENDATION AS THEY DO NOT MEET THE MINIMUM ROAD FRONTAGE REQUIREMENT SET FORTH BY THE CODE, IT WILL BE A DANGEROUS PRECEDENT TO SET FOR SUBSEQUENT APPLICATIONS BEFORE THE BOARD, AND WOULD ALSO BE CREATING A NON-CONFORMING LOT**

SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 5-0-0

13. FOX RUN SUBDIVISION (CATRINI)

J. Labriola read into the record a letter dated 2/25/05 from Robert Catrini requesting a second extension on the time granted to comply with the conditions for final approval of the subdivision. Mr. Catrini reported that the Department of Health had just begun to

look at their application, which was submitted on 8/16/04. He stated that Mr. Ron Miller, engineer for Department of Health, advised him that, due to a large backlog of applications, he needs more time to review the Catrini application.

J. Labriola: WHEREAS AN APPLICATION FOR APPROVAL OF A SUBDIVISION ENTITLED FOX RUN SUBDIVISION (CATRINI) LOCATED AT DRAKE ROAD WAS SUBMITTED TO THE PLANNING BOARD IN OCTOBER 2001 BY MARK DEY ENGINEERING, CURRENT ENGINEERING IS BEING DONE BY DEY AND WHEELER,

WHEREAS THE CONDITIONAL APPROVAL OF THE FINAL PLAT WAS GRANTED BY THE PLANNING BOARD ON JULY 13, 2004 AND IN ACCORDANCE WITH THE TOWN CODE 82.15 (I) SAID APPROVAL IS VALID FOR 180 DAYS BEGINNING 7/13/04 AND ENDING 1/13/05 WITH AN EXTENSION THROUGH 4/13/05,

WHEREAS THE APPLICANT HAS REQUESTED AN EXTENSION OF SAID APPROVAL DUE TO DELAYS IN RECEIPT OF APPROVAL FROM DUTCHESS COUNTY DEPARTMENT OF HEALTH,

NOW THEREFORE BE IT RESOLVED, THAT THE FINAL APPROVAL BE EXTENDED FOR THE LAST PERIOD OF 90 DAYS TO BEGIN 4/13/05 AND ENDING 7/13/05

SECONDED H. FISCHER

VOTE TAKEN AND APPROVED 5-0-0

MEETING ADJOURNED.

Minutes submitted by,

Helen D. Dickerson
Secretary

The foregoing represent unofficial minutes of the March 16, 2005, 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 12, 2005

The regularly scheduled meeting of the Pleasant Valley Planning Board took place on April 12, 2005, 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, Chairman
 Michael Gordon
 Rob Fracchia
 Kay Bramson
 Henry Fischer
 Peter Karis
 Rebecca Seaman

Also present: Peter Setaro, Morris Associates
 Jim Nelson, Esq., Town attorney
 Dieter Friedrichson, Zoning Administrator

The meeting was opened with the Pledge of Allegiance.

J. Labriola: announced that the Martino Subdivision and the Dutchess Quarry & Supply Scale House are both off the meeting's agenda.

1. AVALON HILLS RE-SUBDIVISION – SKETCH PLAN APPROVAL

J. Labriola: this is a new application for a further subdivision of a couple of lots in a subdivision application that was previously approved.

Mike Gillespie, Oswald & Gillespie, was present and reported that the original subdivision was approved by the Planning Board almost 2 years ago. Preliminary approval was based on 27 lots. It went to the Health Department, which identified a couple of lots (#24 & #16) that needed improvements. Lot #16 and Lot #24 were each filed as one lot, with the potential for further subdivision. In the last two years, improvements have been made to the lots with fill and dewatering. The lot lines are in the same locations as were originally proposed. Board discussed specific improvements that have been made. P. Setaro clarified that this application was originally for 33 lots and was approved for 27 lots because of the Health Department requirements. P. Setaro believes that the environmental review was based on 33 lots.

J. Labriola stated that the Board needs to review how many recreation fees were assessed, which will answer the question of how many lots were approved and the number of lots SEQRA was done on.

R. Seaman clarified that this re-subdivision application is a new application and requires the full review process. J. Labriola stated that the Board will go through the full SEQRA review. P. Setaro stated that there are no Lots #23, #17, or #18 on the map.

M. Gordon asked that, if it were not possible to grant subdivision 2 years, how can it be possible to do so now. J. Labriola stated that satisfaction of the Board of Health requirements makes this re-subdivision possible now. P. Setaro stated that the fill pads for the 3 new lots were put in and have sat the requisite time period per the Board of Health.

R. Seaman asked if the wetland buffer is shown on the map. M. Gillespie stated that the map will show the buffer.

P. Setaro reviewed the Morris Associates letter.

J. Labriola read into the record a letter from the Pleasant Valley Fire Advisory Board dated 4/6/05 stating that it "offers no comment in reference to this application."

J. Labriola read into the record a letter from the Town of Pleasant Valley Conservation Advisory Council dated 4/8/05: "These proposed subdivisions of subdivisions are immediately adjacent to the most sensitive habitats on this property and would significantly increase the disturbance of the area. This is one of the few documented habitats of Blanding turtles in the Town and needs the utmost protection by the Town. Turtles were identified in the large pond, and the kettle pool to the west is an integral part of the habitat. After the long and careful process to protect the habitat, it makes no sense that further disturbance is planned. Both Hudsonia and DEC are committed to protecting this area and should be consulted." J. Labriola stated that these are issues that will need to be discussed as the Board proceeds with his review. Mitigation measures will have to be explored and implemented.

J. Labriola: **MOTION FOR SKETCH PLAN APPROVAL**

MOVE THAT THE PLANNING BOARD GRANT SKETCH PLAN APPROVAL TO THE RE-SUBDIVISION OF LOTS #16 AND #24 OF THE AVALON HILLS SUBDIVISION IN THE FORM OF THE RESOLUTION PREPARED BY THE BOARD'S ENGINEER AND NOW BEFORE THE BOARD.

NOW, THEREFORE, BE IT RESOLVED THAT THE SKETCH PLAN APPROVAL BE ACCEPTED AND THAT THE FOLLOWING CONDITIONS MUST BE ADDRESSED WITHIN THE PRELIMINARY PLAT:

- 1. address Morris Associates letter dated 4/12/05**
- 2. CAC letter dated 4/8/05**

SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 7-0-0

J. Labriola asked Mr. Gillespie to pick up a yellow subdivision sign and stated that the Board would like to have one more review prior to the Public Hearing. Board requested a map with everything on it, including wetland buffers.

2. TIMBERLAKE FARM SUBDIVISION – FINAL APPROVAL

J. Labriola reported that this application was last before the Board in February 2005 at which time preliminary approval was granted.

Robert Catrini was present and reported that he recently submitted an updated map that includes the wetland delineation and a note restricting any further subdivision. There were 3 copies of this final map made after the packets were mailed to Board members. R. Catrini stated that he addressed all of the Morris Associates concerns and that the farm gates on Lot #3 have been removed.

P. Setaro stated that the EAF reported that the land is within a 100 year flood plain, but that he questions whether this is accurate. This must be researched and, if true, it must be noted on the map. P. Setaro will review the flood plain maps in his office.

J. Labriola asked P. Setaro if they must do anything with monumentation. P. Setaro stated that one would be required at the road intersection.

P. Karis questions the sight distance for the approved entrance for Lot #3 and wonders why the drive is not located at the high point of the road, which would be safer. R. Catrini stated that there's no plan to build in that area and there's no plan to put a driveway in there. P. Karis stated, therefore, an objection to the word "approved" for that entrance. J. Labriola pointed out that there's a note which states a "proposed approved entrance." He stated that the Board is approving a lot, and it is immaterial whether or not there are plans to build on this lot. If someone wants to build in the future, the Board wants to make sure that the entrance is located at the safest place. J. Labriola pointed out that there is no letter in the file from Butch. P. Setaro suggested that the Board should notify Butch if it wants him to review the location of the driveway, or remove the word "approved." J. Labriola stated that he agrees with P. Karis that, if there is a safer location for the driveway, then it should be moved to that location and noted on the map, even if there's no plan to build one.

J. Labriola suggested: remove the word "approved;" move the driveway to the highpoint of the road; and get Butch to revisit the site.

J. Labriola: **MOTION TO WAIVE THE 2ND PUBLIC HEARING; SECONDED BY P. KARIS**

VOTE TAKEN AND APPROVED 7-0-0

J. Labriola: **MOTION FOR FINAL APPROVAL**

MOVE THAT THE PLANNING BOARD GRANT FINAL APPROVAL TO THE TIMBERLAKE FARMS SUBDIVISION IN THE FORM OF THE ATTACHED RESOLUTION DATED 4/12/05 PREPARED BY THE BOARD'S ENGINEER AND NOW BEFORE THE BOARD SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. payment of all fees**

2. **Morris Associates letter dated 4/11/05**
3. **placement of monument at the intersection of lots #1 and #2 on Drake Road**
4. **verify 100 year flood plain and show on map, if required**
5. **move the location of the proposed driveway on lot #3 to the highpoint on Rossway Road and review location change with Highway Superintendent and obtain his approval**

SECONDED BY H. FISCHER

Discussion: Board clarified that SEQRA has been done.

VOTE TAKEN AND APPROVED 7-0-0

J. Labriola: **RESOLUTION FOR RECREATION FEES**

WHEREAS, THE TOWN OF PLEASANT VALLEY PLANNING BOARD HAS GRANTED FINAL APPROVAL OF A SUBDIVISION ENTITLED TIMBERLAKE FARMS BEING A 3 LOT SUBDIVISION OF AN 81.8 ACRE PARCEL LOCATED AT DRAKE ROAD,

WHEREAS, THE TOWN OF PLEASANT VALLEY PLANNING BOARD RECOMMENDS THAT IN LIEU OF LAND THE TOWN OF PLEASANT VALLEY TOWN BOARD IMPOSE A 2-LOT REC FEE OF \$1,000 EACH

SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 7-0-0

3. KDA HOLDINGS – SITE PLAN

Neil Wilson was present as was Jeff Akins, Dewkett Engineering. N. Wilson reported that they met with the DPW and DOT and that they have a revised plan to present to the Board, which will be formally submitted at the May Board meeting. Mr. Wilson advised the Board that the new plan will need to be submitted to the County for a new 239M referral letter.

J. Akins reported on the changes to the site plan. The handicapped parking spaces have been moved to the rear. They met with the County to discuss segregating out the Dunkin Donuts traffic from the Credit Union traffic and options for access from North Avenue. County recommended a single entrance opposite the Plaza. Mr. Akins reported on specific traffic flow patterns as recommended by DOT, which he stated they will show on the revised site plan. County is requiring a queue analysis and traffic counts on North Avenue to determine if a 10' left-turn lane is necessary at either entrance for traffic traveling south on County Road 72. They will do these studies in the coming week.

Board discussed merits of one-way internal traffic flow versus two-way flow.

Parking lot count now is 68 spaces, which Mr. Akins stated is the minimum number needed for the bank operation. There are 12 parking spaces along the road. There are 7 spaces for the exclusive use of CY Management, which have not been included in the 68 count. Hence, there are 75 total new parking spaces. Board discussed options for optimizing green space.

The rear entrance to the building is exclusively for employees. There is one single front entrance for the public and a secondary entrance for employees only. This design provides security, which is an overriding concern for the bank. The employee count is 20 maximum at any given time.

Board agreed that the segregated parking for Dunkin Donuts is a good improvement and facilitates traffic flow. Also, Board likes the single entrance and will wait for the results from the traffic study to determine if a two-way access is possible. Board appreciates the progress that has been made on this plan and the landscaping that includes a stone wall.

R. Fracchia inquired if a tractor trailer can make the turn. J. Akins stated that this plan provides a greater radius than currently exists.

P. Karis inquired how loading will be handled. J. Akins stated that the entrances can accommodate emergency vehicles. Question was raised about where Fed Ex/UPS will stop to unload and whether a loading space is required. The reality is that those companies will pull up to the front door and run into the bank. Applicant agreed that a pull-in spot may be needed.

K. Bramson questioned whether the total number of parking spaces must be reported in the plan as 75, even though 7 are reserved for Dunkin Donuts. Board clarified that the applicant is requesting approval for a total of 75 parking spaces. P. Setaro reported that according to the Code the allowed number of spaces per site is 1 space per 200 square feet of retail. The building is 6,000 square feet. The minimum number of spaces would be 30 with 20 additional spaces for employees. The Code does not mention a maximum number of spaces, but does address other ratios such as coverage and paving. The percent of the site that will be impervious is 60%. Currently, the existing site with pavement and driveways around the buildings is 37%. P. Setaro reported that C-2 zoning has no maximum lot coverage.

R. Seaman noted that 20 spaces are for employees, which leaves an additional 48 spaces. She asked if the applicant anticipates 48 people an hour coming into the bank. J. Akins reported that transactions are quick and that they must plan for peak hours in order to avoid backing out onto North Avenue.

J. Labriola stated that the traffic studies will be critical to determining the correct number of parking spaces.

Board discussed the architectural design of the building. Scott Ward, architect for the project, described the efforts made to create a more residential appearance with materials

and architectural details. Board discussed a desire for the rear of the building to also appear residential with windows or false windows.

Board stated its appreciation for the good job the applicants have done incorporating its concerns and ideas. The revised plan is a dramatic improvement over the previous plan. Board discussed options for enhancing the stone wall in order to shield the parking spaces.

D. Friedrichson commented that flood plain protection measures are required by the Town Code. He will need the elevation certificate and views.

R. Fracchia questioned the drainage system and storm water management system. Applicant reported that the site doesn't flood, the deep tests revealed 8-9' of sand across the back of the property, there is no indication of raised ground water table for any of the area, and the quality of the subsurface soil lends itself ideally. R. Fracchia voiced a concern about the gas station and the house. Applicant stated that they have not talked with Smith, but that their property is off site. J. Labriola stated that it is a good idea to know where the SDS and the well are located.

J. Labriola: key next step is traffic study to understand any significant impacts. A plan that incorporates results from the traffic study would be recirculated for a new 239M review. Landscaping and lighting plan will be presented at the next Board meeting.

4. LICTRO-PERMIT FOR REGULATED ACTIVITIES IN WETLANDS

This is an application for a permit for regulated activities for construction of residence and lot improvements within 100' wetland buffer at 64 Clinton Avenue, Pleasant Valley, NY 12569.

Steve Rudd of Charles H. Sells, Inc., Engineers, and John and Mary Lictro, property owners were present. They presented plans and a color-coded map. Mr. Rudd reported that they have fulfilled all the modifications requested by the Department of health and have received the necessary approvals from that Department of Health. The wetlands have been flagged; the 100' wetland buffer has been coded on the map in pink; the house and gravel driveway will be constructed within the buffer; roof and cellar drainage have been put in as requested by the Dept. of Health; plantings will be installed to mitigate the wetland area; a fence will be installed to limit access to the wetland area. Mr. Rudd stated that they have received DEC and Dept. of Health approvals for everything on the submitted plans.

Mr. Rudd stated that they have legal right-of-way in the deed.

These are two parcels that were combined and resurveyed. Total area is 4.76 acres. Mr. Rudd stated that approximately 5-10% of the property is not wetland or in the wetland buffer. Further, he stated that they had a difficult time designing the house and the septic system on this property.

J. Labriola stated that, as the parcel currently exists, it is a non-buildable lot.

Mr. Lictro and Mr. Rudd stated that the DEC review and approval process took a year. P. Karis inquired why the Planning Board application is occurring at the end of that process. Mr. Rudd responded that, because of the Town's wetland regulations, the Zoning Administrator informed them that they had to come before the Planning Board. They were aware that they needed a local wetland permit, but thought that the DEC permit took precedence over the local permit.

R. Seaman explained to the applicants that the Planning Board has reviewed a number of wetland permit applications and, so far, has not permitted any building within the buffer. No septic systems, wells, driveways, impervious surface, no building or construction – none of these activities has been permitted by the Board within wetlands or wetland buffers. The Board has literally required applicants to move driveways and redesign plans in order to protect the wetlands. The wetland regulation was created to provide no or minimal disturbance to the buffer. R. Seaman clarified that New York State does not supercede the local wetland ordinance. The local wetland ordinance was created by the Town so that it could oversee and regulate its own wetlands.

Mr. Rudd pointed out that the septic system will not be in the buffer zone. He also pointed out that in previous years there was a 20,000 square foot hotel on the property. R. Seaman stated that the hotel has not existed in the last 20 years.

J. Labriola affirmed that the Board has tried to keep all impervious surfaces off of wetland buffers. He can think of only one or two instances where a well was permitted. He recognized that this is a challenging site, but this application is a first for the Board. The Board has had one similar previous application which was subsequently withdrawn because of the wetland regulations.

Applicants reiterated that they have spent a lot of time and effort to make their construction plans workable on this site and a lot of time fulfilling the DEC and Department of Health requirements. Board explained to the applicants the problem that would be created by granting their application and, thereby, setting a precedent to which all subsequent applicants could point. R. Seaman explained that the wetland ordinance protects the drinking water of the town. Subsequent applicants could come before the Board and claim a hardship and point to this application as justification for approval. Clean drinking water for the Town then goes by the wayside.

Mr. Rudd stated that they will be living there and doing everything they possibly can to protect the clean water. There has been no one living on the property for the past 20 years.

J. Labriola pointed out that the variance goes with the property. Therefore, although you, the applicants, are committed to protecting the wetland, subsequent owners of the property may not have the same commitment. The Board reviews each application

individually, but must make its decisions with the bigger picture in mind – must consider the impact of its decisions on all subsequent applications and on the Town as a whole.

Mr. Lictro stated that no other Board, including the ZBA, informed them that they had to come to the Planning Board first. He believes that they should have been told this two years ago. Mrs. Rudd stated that the ZBA did site visits and never said anything about the wetlands. J. Labriola explained that it is not the purview of the ZBA - that the applicants were before the ZBA for a variance, not for consideration of construction within a wetland. J. Labriola explained that this is basically a non-buildable lot because it is almost completely within a State wetland or a wetland buffer.

J. Nelson stated, and J. Labriola concurred, that, since this is the first time this application is before the Planning Board, the Board would not be taking any kind of formal action or decision tonight.

Mr. Rudd asked what the point is of having a DEC review if the local ordinance supercedes it. R. Seaman explained that sometimes the Town has a greater interest in protecting the local wetlands and water sources. The buffer zones are needed to protect the drinking water. And that is the purpose of the wetland ordinance. The entire Town of Pleasant Valley is supplied by wells. If the Town continues to permit construction within the buffers and within the wetlands, as was done years ago, then the Town no longer has a clean and reliable water supply. This Board has been diligent and consistent in the application of this law.

Mr. Rudd reviewed the history of this application. He received this application from D. Friedrichson in 12/2003. They have spent a year and a half and money addressing DEC and DOH, going back and forth changing and modifying plans to meet all their requirements. He stated that the applicants and he should have been informed about the local wetland ordinance in 12/03.

J. Nelson reiterated that the Board will get as clear a picture of this proposal as it can this evening and that no decision will be made tonight. The Board needs to absorb and review the information. J. Labriola concurred and stated that this is unlike any application that has been before the Board. No quick decisions will be made tonight. And the Board appreciates the new color-coded map. The Board must consider the pros and the cons of any action it might make and discuss it again at the next Planning Board meeting.

The owners purchased the property in January 2004.

Mr. Lictro inquired whether Section 53-2(e) of the ordinance applies to this application. J. Nelson confirmed that the Board would be taking a look at this and will factor it into the Board's deliberations. Mrs. Lictro stated that they were required to change their deed per DEC requirements to state that there would be no further development in the buffer or in the wetland. No one can ever further develop this property.

Next steps: applicants to get on next month's agenda. Board will carefully consider the implications of any decisions it makes about this application.

5. SERINO SUBDIVISION 90-DAY EXTENSION OF FINAL APPROVAL

J. Labriola read into the file a letter from Zarecki and Associates dated 3/24/05 requesting a 90-day extension for the Serino Subdivision. This request is being made due to the fact that the DC Dept. of Health has requested that a test well be dug, which has yet to be accomplished due to the weather. Therefore, additional time is required.

J. Labriola: **RESOLUTION FOR THE EXTENSION OF FINAL APPROVAL FOR SUBDIVISION ENTITLED SERINO SUBDIVISION LOCATED AT ROUTE 44 WAS SUBMITTED TO THE PLANNING BOARD ON 10/23/01 BY JOSEPH ZARECKI & ASSOCIATES**

WHEREAS CONDITIONAL APPROVAL OF THE FINAL PLAT WAS GRANTED BY THE PLANNING BOARD ON 7/13/04

WHEREAS IN ACCORDANCE WITH THE TOWN CODE SECTION 82.15(i) SAID APPROVAL IS VALID FOR 180 DAYS BEGINNING 7/13/04 AND ENDING 1/13/05 WITH AN EXTENSION TO 4/13/05

WHEREAS THE APPLICANT HAS REQUESTED AN EXTENSION OF SAID APPROVAL DUE TO WAITING FOR SIGNOFF FROM DUTCHESS COUNTY DEPARTMENT OF HEALTH

NOW THEREFORE BE IT RESOLVED THAT THE FINAL APPROVAL WILL BE EXTENDED WITH NO FURTHER EXTENSIONS FOR A PERIOD OF 90 DAYS TO BEGIN 4/13/05 AND TO END 7/13/05.

SECONDED R. FRACCHIA

VOTE TAKEN AND APPROVED 7-0-0

7. APPLE RIDGE SUBDIVISION 90-DAY EXTENSION OF PRELIMINARY APPROVAL

J. Labriola read into the file a letter from Povall Engineering dated 3/21/05 requesting a 90-day extension because they are awaiting DC Dept. of Health approval and the NYS DEC wetlands permit.

J. Labriola read into the file a letter from Warren Paquette, 58 Rymph Road, in which he expressed concerns regarding the proposed Apple Ridge Subdivision. Mr. Paquette stated that the original property had a pond that handled the runoff of surface water. An orchard was built and the pond was filled in. A ditch was built behind Mr. Paquette's house in an attempt to divert water away from his property and onto Rymph Road. Mr. Paquette stated that his cellar and driveway now flood and that the Town Road Commissioner, Butch Gardner, has had to salt, sand, and scrape the ice from the road in

freezing conditions. He stated that this condition only exists because the pond was filled in. He stated that his other concerns are the wetlands ribbing (?) at the border of his property on Rymph Road. He questioned the proper location and thinks that they might have been moved after it was checked by the company that surveyed it as a wet area. He stated that they seem to have been relocated. J. Labriola stated that as the Board moves into final approval, this situation will have to be looked at.

J. Labriola: **RESOLUTION TO GRANT 90-DAY EXTENSION**

WHEREAS AN APPLICATION FOR APPROVAL OF A SUBDIVISION ENTITLED APPLE RIDGE SUBDIVISION LOCATED AT NORTH ROAD WAS SUBMITTED TO THE PLANNING BOARD ON 11/24/03

WHEREAS CONDITIONAL PRELIMINARY APPROVAL WAS GRANTED BY THE PLANNING BOARD ON 7/13/04 IN ACCORDANCE WITH THE TOWN CODE SECTION 8214(E) SAID APPROVAL IS VALID FOR 180 DAYS BEGINNING 7/13/04 AND ENDING 1/13/05 WITH AN EXTENSION TO 4/13/05

WHEREAS THE APPLICANT HAS REQUESTED AN EXTENSION DUE TO SIGNOFF FROM DC DEPT. OF HEALTH AND THE ISSUANCE OF A NYS DEC FRESH WATER WETLANDS PERMIT

NOW THEREFORE BE IT RESOLVED THAT THE PERLIMINARY APPROVAL BE EXTENDED FOR A PERIOD OF 90 DAYS TO BEGIN 4/13/05 AND TO END 7/13/05

SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 7-0-0

7. CITIZENS BANK – SIGN PERMIT APPROVAL

Maria Rotundo was present for this application. She reported that Citizens Bank is applying for permission to put up a replacement wall sign to designate the bank's new name. The proposed replacement sign is smaller (16.62 square feet) and the colors are blue/aqua.

J. Labriola stated that the only outstanding item on Milestone Square is the planter at the base of the sign.

J. Labriola: **RESOLUTION FOR SIGN APPROVAL**

WHEREAS THE TOWN OF PLEASANT VALLEY PLANNING BOARD HAS RECEIVED AN APPLICATION FROM CITIZENS BANK FOR THE APPROVAL OF ONE SIGN DATED 2/17/05

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

AND 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 SHOWN IN THE APPLICATION EXCEPT AS FOLLOWS: none

SECONDED BY R. SEAMAN

VOTE TAKEN AND APPROVED 7-0-0

8. APPEAL #847 BETTINA – VARIANCE

No applicants were present for this application.

J. Labriola reported that this property is at 1 Barkit Kennel Road and that an in-ground swimming pool was installed prior to the development of the adjacent property. Apparently, the property line was misjudged. The application only states that the pool was installed “too close” to the property line – no measurement was provided. The distance from the pool to the property line is unknown. Further, it is not known whether the pool is, in fact, over the property line.

Board agreed that it did not have enough information to make an informed decision.

J. Labriola: RECOMMENDATION TO PASS ALONG TO THE ZBA WITH NO RECOMMENDATION BECAUSE THE APPLICANT DID NOT PROVIDE ENOUGH DETAILS ON HOW CLOSE THE POOL IS TO THE ACTUAL PROPERTY LINE

SECONDED R. FRACCHIA

VOTE TAKEN AND APPROVED 7-0-0

9. APPEAL #848 QUATTROCHIACCHI – VARIANCE

No applicants were present.

J. Labriola reported that this application is for a variance from minimum acreage required for establishment of a two-family residence on a parcel that is 1.4 acres in an R-2 zoning district. There is a pre-existing mixed use structure that was in poor condition, which was demolished and replaced. Based on his conversation with D. Friedrichson, J. Labriola reported that there was previously a commercial building on that site with a residence in it. They replaced the original building with “like for like” – a new commercial building with a residence in it. Also, the residential use was non-conforming because it is in an R-2 district. Now the request is to split it into a two-family residence,

plus the commercial, which would require 4 acres. This application would make the site more non-conforming than it already is.

J. Labriola read into the file a letter from the Fire Advisory Board: “no comment in reference to this application.”

R. Fracchia inquired about the septic. J. Labriola did not find any information in the file on the septic. D. Friedrichson stated that if the applicants were to add an additional apartment, they would need Board of Health approval for the addition.

J. McNair inquired whether the applicants were planning to build onto the existing building. J. Labriola stated that his understanding was that all modifications would be within the existing footprint.

M. Gordon inquired whether the applicants needed any permits when they rebuilt – conforming to the original non-conforming status. D. Friedrichson stated that the Code allows for extension and enlargement of non-conforming uses by 1.5 times. The new building complies with this measurement. Because the new building continues the pre-existing non-conforming use (commercial and one residential unit) and is within 1.5 times the size of the original building, it needed no new permit.

J. Labriola clarified that this application is to make a non-conforming use into a more non-conforming use. D. Friedrichson confirmed that they are not proposing to convert any of the existing commercial space into residential space. What was designated to be commercial will remain commercial. What was designated to be residential will remain residential.

R. Seaman: **MOTION TO PASS THIS ALONG TO THE ZBA WITH A NEGATIVE RECOMMENDATION BASED ON THE FACT THAT THE RESIDENTIAL USE IS UNDER-REPRESENTED BY ACREAGE AND THERE’S NOT SUFFICIENT REASON TO EXPAND THAT,**

FURTHER MOVE THAT, IF THE ZBA APPROVES THIS VARIANCE, THE APPLICATION MUST COME BACK BEFORE THE PLANNING BOARD FOR SITE PLAN APPROVAL

SECONDED J. LABRIOLA

VOTE TAKEN AND APPROVED 7-0-0

10. KUCHENMEISTER – VARIANCE

J. Labriola stated that this is the Ennis Mobile Home Parc and the applicants want to put an addition to their home which does not provide the necessary setbacks. Board did not have an opportunity to visit the site. However, the documentation provides good measurements. The proposed addition is 18’ to the back lot line, 29’ to the side lot line,

and 15' from the front. This application does not seem to create any problems with the adjacent properties.

J. Labriola: **MOTION TO PASS ALONG TO THE ZBA WITH A POSITIVE RECOMMENDATION AS IT APPEARS THAT THERE IS SUFFICIENT CLEARANCE AROUND THE PROPOSED ADDITION TO ELIMINATE ANY FIRE CONCERNS**

SECONDED R. FRACCHIA

Discussion: letter in the file from the Fire Advisory Board dated 4/6/05: "no comment in reference to this application"

VOTE TAKEN AND APPROVED 7-0-0

11. APPEAL #850 MARIANI – VARIANCE

J. Labriola reported that this application is for a property at 5 Maple Hill Road and requests a variance from the minimum center of road setback requirements for the placement of a shed on the property. Board did not do a site visit.

Letter from the Fire Advisory Board in the file: "no comment in reference to this application."

J. Labriola: **MOTION TO PASS ALONG TO THE ZBA WITH NO RECOMMENDATION BECAUSE NONE OF THE BOARD MEMBERS HAD AN OPPORTUNITY TO VISIT THE SITE**

SECONDED R. SEAMAN

VOTE TAKEN AND APPROVED 7-0-0

12. HOUSEKEEPING ITEMS

J. Labriola notified the Board of an invitation to a Stormwater Management for Planning Officials and Code Enforcement Officers scheduled for Tuesday, May 17, 2005, from 9 a.m. to 1 p.m. in Greene County Emergency Operations Training Center in Cairo, NY. Please let J. Labriola know if you are interested in going.

13. MINUTES

J. Labriola: **MOTION TO APPROVE THE 12/14/04 MINUTES AS REVISED; SECONDED BY R. SEAMAN**

VOTE TAKEN AND APPROVED 5-0-0

J. Labriola: **MOTION TO APPROVE THE 1/11/05 MINUTES AS REVISED; SECONDED BY H. FISCHER**

VOTE TAKEN AND APPROVED 5-0-0

J. Labriola: **MOTION TO APPROVE THE 2/8/05 MINUTES AS REVISED;
SECONDED BY R. SEAMAN
VOTE TAKEN AND APPROVED 5-0-0**

J. Labriola: **MOTION TO APPROVE THE 2/23/05 MINUTES AS REVISED;
SECONDED BY R. SEAMAN
VOTE TAKEN AND APPROVED 5-0-0**

14. SIGN ORDINANCE REVIEW

J. Labriola reported that he spoke with J. Nelson regarding the Sign Ordinance Review. In about two week's time, J. Gomez and J. Nelson will provide the Board with mark-ups of the Board's mark-ups. Time will be set aside on the next Planning Board agenda for further discussion of the Sign Ordinance. Hopefully, the Board will decide on the final language and then will begin the amortization discussion. A goal is to put the proposed final draft of the Sign Ordinance before the Town Board sooner rather than later.

15. TACONIC SITE VISIT

J. Labriola will contact Nancy in the Zoning Office to schedule the Taconic site visit. The site has been staked; he would like to do the site visit before the leaves come out. The following dates were proposed: 4/19/05 or 4/26/05.

16. P. KARIS – WATER COMMISSION

P. Karis stated that he has been on the Water Commission for the past few months. The target area has been defined as the Route 44 corridor. A press release has been drafted. Questionnaires have been drafted and will be mailed to residences and business owners in the target area. Information obtained from the questionnaires will be presented to the Town Board and at two public informational meetings in May and June 2005 to give all Town residences an opportunity to comment. The Town Board will then determine what the next steps are.

Board was impressed with the good progress that has already been made. P. Karis stated that the Commission is not yet looking at protection of the water supply. They are currently focused on the feasibility of a central water distribution system. Other issues will be addressed later.

Meeting adjourned at 9:05 p.m.

Minutes submitted by,

Helen D. Dickerson
Secretary

The foregoing represent unofficial minutes of the April 12, 2005, 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 10, 2005

The regularly scheduled meeting of the Pleasant Valley Planning Board took place on May 10, 2005, 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
 Jim Nelson, Esq., Town attorney

Absent: Dieter Friedrichson, Zoning Administrator

The meeting was opened with the Pledge of Allegiance.

J. Labriola announced a change to the meeting's agenda: the Lictro Permit for Regulated Activities in Wetlands is not on the agenda this evening.

1. MARTINO SUBDIVISION-PUBLIC HEARING-PRELIMINARY APPROVAL

Dave Johnson, Zarecki & Associates, and Mr. Matino were present.

J. Labriola reported that this application was last before the Board in March 2005 where they received sketch plan approval.

Mr. Johnson reported that there have been no real significant changes since the last appearance. They have added grading for the driveway and have added the paved driveway apron as required by the Town Code.

P. Setaro reviewed the Morris Associates comment letter. He reported that most of the engineering issues were taken care of. Mr. Johnson handed to P. Setaro the letter from the NYS Heritage Association and stated that he sent the required information (pictures of surrounding houses and the USGS map) to the NYS Office of Parks last week. P. Setaro stated that the Board needs to receive the response from NYS Office of Parks prior to SEQRA determination. He reported that he and the Highway superintendent were out to the site. Mr. Johnson has not received a letter from the superintendent yet. DEC permit is in process.

P. Setaro stated that the dedication of right-of-way along Smith Road is an issue that creates some problems. He stated that the property crosses Smith Road and discussed issues connected with dedicating to the Town a 50' wide right-of-way 25' off the center line:

- Creates a .31 acre substandard lot on the east side of Smith Road
- Cuts through an existing stone garage
- Puts the existing well for the Matino house within the proposed future right-of-way.

P. Setaro stated that, in his opinion, this is not a good case where the Town would want to take the right-of-way because it creates more problems than it would solve. J. Nelson underscored that the ROW would create a substandard lot for the zoning district.

P. Karis inquired whether Smith Road is considered a user road. J. Nelson replied that he doesn't know.

M. Gordon inquired what constitutes the width of the Town's ROW or ownership of a road. J. Nelson reported that it is determined by what is used and there is a minimum of a certain number of rods in the Highway law. He stated that roads are supposed to be open to a certain statutory minimum, but that they can be wider. P. Setaro stated that a dedicated road must be 50'. The Town has maintenance responsibilities for a user roadway and along the drainage swales. P. Setaro stated that most likely Smith Road is classified as a user road.

J. Labriola stated that he agrees with P. Setaro's assessment that the Town should avoid taking the ROW in this case.

Board comments/questions:

J. Labriola stated that SEQRA will not be done this evening; that the Board will go through Parkland Resolution. Pending receipt of letter from NYS, the Board will be able to issue a SEQRA determination. No Public Hearing will be held tonight. J. Nelson advised that the applicant should republish.

J. Labriola raised the issue of the driveway for Lot #2 that goes right through the wetland buffer. It looks like it is almost impossible to reconfigure the drive so that it does not disturb the buffer. There is an existing gravel drive, which will remain gravel within the buffer and not be paved until outside of the buffer. The drive within the buffer will never be paved. J. Labriola stated that this seems like a reasonable way to mitigate the impact on the buffer and asked if the Board is comfortable with this approach.

H. Fischer stated that he's not comfortable with it, but that it must happen. R. Seaman stated that it must be clear for future precedence that the dirt driveway was pre-existing, that nothing new is being put into the wetland buffer. Additionally, R. Seaman asked if the applicant is willing to agree to a prohibition to any further subdivision. This property is in a district where they could further subdivide, but it could not be done without additional impact on the wetland. Mr. Martino stated that he agrees to this prohibition.

P. Karis suggested extending the post & rail fence along the downside of the driveway as a barrier to activity in the wetland. J. Labriola stated that similar mitigation measures were put in place at Ennis Parc and Avalon Hills. P. Karis further suggested creating a “no mow zone” within the buffer to allow the area to re-establish to its natural state to protect the wetland. J. Labriola clarified these suggestions: that anything on the buffer side of the split rail fence goes back to its natural state and that these measures would be done as deed restrictions.

H. Fischer discussed the run-off from the house and the driveway to be pitched away from the wetland.

P. Karis suggested extending the roof drain footing drain line down to the wetland edge. It is now at the buffer line, which becomes a source of erosion at that point, creating an eroded ditch down to the wetland. Extending the drain down to the wetland line would dissipate runoff into the wetland without eroding the buffer.

J. Labriola: **MOTION FOR PARKLAND RESOLUTION**

MOVE THAT THE PLANNING BOARD ADOPT THE FOLLOWING PARKLAND DETERMINATION RESOLUTION FOR THE MARTINO SUBDIVISION IN THE FORM OF THE ATTACHED RESOLUTION DATED 5/10/05 PREPARED BY THE BOARD’S ENGINEER AND NOW BEFORE THE BOARD SUBJECT TO THE FOLLOWING CONDITIONS:

NOW THEREFORE BE IT RESOLVED THAT 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. THE APPLICANT’S SUBDIVISION APPLICATION IS APPROVED. THE 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 LOTS APPROVED BY THE PLANNING BOARD

SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 7-0-0

Next Steps: letter from NYS, republish for Public Hearing, SEQRA Determination at June 8, 2005 meeting.

D. Johnson stated that, if the Town does not want a roadway dedication at all, it may create a frontage problem for the lot. J. Nelson and P. Setaro will look into this.

2. STERN SUBDIVISION-PUBLIC HEARING-PRELIMINARY APPROVAL

Brian Franks, surveyor for the applicant, was present and distributed a new map to the Board.

J. Labriola stated that this application was last before the Board in 12/03 where sketch plan approval was granted.

B. Franks reported that they took care of all of the comments from the last meeting, have submitted everything to the Board of Health and almost have their approval, have submitted to the DC Department of Public Works and had received approval from an individual who is no longer employed by DPW. The Department of Public Works is redoing everything that individual had done, so B. Franks is waiting for a new comment letter for the driveways. He doesn't anticipate any problems because the sight line is a mile in either direction. Only problem they've had has been dealing with the DEC in order to get the wetlands flagged. He reported that he was #80 on their list when he first applied and that he is now #20. In the meantime, he has applied to a private corporation to flag the wetlands, and he has noted on the map the location of the 100' buffer. B. Franks reported that nothing in the subdivision touches the buffer.

P. Setaro reviewed the Morris Associates comment letter. He inquired whether erosion control measures were added. Mr. Franks reported that around the septic systems for the new expansion area for the existing house but nothing along where it's very flat where the septic systems will be going. P. Setaro requested that they be shown on the map for each lot.

P. Setaro inquired whether the Board is concerned about having DEC or a private biologist do the wetland flagging or is the Board satisfied that there is no proposed work anywhere near the buffer. J. Labriola stated that, based on the 100' buffer that B. Franks has shown, it's not anywhere near septic or any proposed homes. Board is satisfied with how the buffer is delineated.

P. Karis asked what the area disturbance is for the new lots. P. Setaro stated that it does not qualify because residential is OK up to a total of 5 acres.

Board comments/questions:

J. Labriola inquired why the houses are not lined up. B. Franks stated that he put the houses where the engineer laid them out. Further, home owners can put the houses wherever they want. J. Labriola suggested establishing a "building envelope." H. Fischer suggested lining up the house lot #3 with the house in lot #4. B. Franks stated that he will ask the engineer but also pointed out that the engineer located the house on a high point so that he can get the flow that he needed for the gravity feed system.

J. Labriola: MOTION FOR PARKLAND DETERMINATION

**MOVE THAT THE PLANNING BOARD ADOPT THE FOLLOWING
PARKLAND DETERMINATION RESOLUTION FOR THE STERN
SUBDIVISION IN THE FORM OF THE ATTACHED RESOLUTION DATED**

5/10/05 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 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. THE APPLICANT'S SUBDIVISION APPLICATION IS APPROVED. THE APPLICANT IS HEREBY REQUIRED TO DELIVER TO THE TOWN FOR DEPOSIT IN THE TOWN'S TRUST FUND FOR PARKS, PLAYGROUND, AND OTHER RECREATIONAL FACILITIES THE AMOUNT REQUIRED BY THE TOWN BOARD'S FEE SCHEDULE FOR THE NUMBER OF RESIDENTIAL LOTS APPROVED BY THE BOARD.

SECONDED BY R. SEAMAN

VOTE TAKEN AND APPROVED 7-0-0

J. Labriola: **SEQRA NEGATIVE DECLARATION**

MOVE THAT THE PLANNING BOARD DETERMINE AS SET FORTH IN THE ATTACHED DECLARATION DATED 5/10/05 PREPARED BY THE BOARD'S ENGINEER THAT THE STERN SUBDIVISION 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 BOARD USES THE FOLLOWING REASONS IN SUPPORT OF THIS DETERMINATION:

- 1. limited construction activity: 3 new residences with attendant drives, swales, and septic**
- 2. soil erosion and sedimentation control devices proposed**
- 3. DC Department of Health will approve water and sewage**

SECONDED BY M. GORDON

VOTE TAKEN AND APPROVED 7-0-0

J. Labriola noted that the file contains an affidavit of publication in The Poughkeepsie Journal and certified mail receipts for the adjacent property owners.

J. Labriola: **MOTION TO OPEN THE PUBLIC HEARING; SECONDED BY M. GORDON – VOTE TAKEN AND APPROVED 7-0-0**

No one from the public spoke on this application

J. Labriola: **MOTION TO CLOSE THE PUBLIC HEARING; SECONDED BY H. FISCHER – VOTE TAKEN AND APPROVED 7-0-0**

J. Labriola: **MOTION TO GRANT PRELIMINARY APPROVAL
MOVE THAT THE PLANNING BOARD GRANT PRELIMINARY
APPROVAL TO THE STERN SUBDIVISION IN THE FORM OF THE
ATTACHED RESOLUTION DATED 5/10/05 PREPARED BY THE BOARD'S
ENGINEER AND NOW BEFORE THE BOARD SUBJECT TO THE
FOLLOWING CONDITIONS: None**

SECONDED BY M. GORDON

VOTE TAKEN AND APPROVED 7-0-0

J. Labriola: **MOTION TO WAIVE THE 2ND PUBLIC HEARING; SECONDED BY
M. GORDON – VOTE TAKEN AND APPROVED 7-0-0**

J. Labriola: **MOTION TO GRANT CONDITIONAL FINAL APPROVAL
MOVE THAT THE PLANNING BOARD GRANT FINAL APPROVAL TO
THE STERN SUBDIVISION IN THE FORM OF THE ATTACHED
RESOLUTION DATED 5/10/05 PREPARED BY THE BOARD'S ENGINEER
AND NOW BEFORE THE BOARD SUBJECT TO THE FOLLOWING
CONDITIONS:**

- 1. payment of all fees**
- 2. Morris Associates letter dated 5/9/05**
- 3. line up the front of the house on lot #3 with the house on lot #4**
- 4. DC Department of Health approval**

SECONDED BY R. FRACCHIA

VOTE TAKEN AND APPROVED 7-0-0

Board discussed the direction to align the houses in lots #3 and #4. H. Fischer specifically asked what happens if the owners line up their houses differently, does the Board want to establish a "building envelope." P. Setaro stated that the zoning setbacks provide the building envelope and that people do have the opportunity to move the house around. H. Fischer stated that, therefore, the owners can move the houses around even though there is now a direction for them to be aligned. J. Labriola concurred that the true building envelope is the defined by the setbacks and stated that the Board is trying to give them some good planning guidance. B. Franks asked what happens if the engineer says he cannot do it without bringing in a lot of fill to raise the house up to get the pitch he needs. He pointed out that if he moves the house back, he must bring in fill. Board decided to leave the condition as stated in the resolution. If the engineer has trouble with it, he can come back before the Board for further discussion. B. Franks pointed out that a lot of these things he has no control over either, that he's going by what the Health Department tells him. There are three different agencies involved in moving the house back.

J. Labriola: **RESOLUTION FOR RECREATION FEES**

WHEREAS THE TOWN OF PLEASANT VALLEY PLANNING BOARD HAS GRANTED FINAL APPROVAL TO A SUBDIVISION ENTITLED STERN SUBDIVISION BEING A 4-LOT SUBDIVISION OF A 21.929 ACRE PARCEL,

WHEREAS THE TOWN OF PLEASANT VALLEY PLANNING BOARD RECOMMENDS THAT IN LIEU OF LAND THE TOWN OF PLEASANT VALLEY TOWN BOARD IMPOSE A RECREATION FEE OF \$3,000 BEING A FEE OF \$1,000 EACH FOR 3 NEWLY CREATED LOTS.

SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 7-0-0

3. ECM REALTY, LLC SELF STORAGE FACILITY – SITE PLAN

J. Labriola recused himself of this application. R. Fracchia has agreed to follow this application through the process.

Brian Franks, surveyor for the applicant, was present. He reported that they removed some of the buildings because of the concern for trucks being able to make the corners. He pointed out for the Board the area where ½ a building was removed. The lighting has been added. Drainage report was prepared by Ron Friedman.

P. Karis asked P. Setaro if there is enough room for trucks to turn. P. Setaro stated that he will visit the site to check the clearance. B. Franks stated that there is 35' between the corner and the nearest unit, which is enough room for a panel truck.

P. Setaro reviewed the Morris Associates letter. The lot coverage in an LI district is 20%. The site plan proposes 30%. The Code permits the Planning Board to waive this if the site is less than 6 acres provided that all other Area Bulk requirements have been applied and any remaining criteria established by the Planning Board under Site Plan review powers authorized in Article 7 are met. There is more building coverage on this site than is allowed in the zoning district. All other Bulk requirements have been met. R. Seaman asked what they would have to do to bring it down to 20%. P. Setaro stated that they would have to reduce the number of units. B. Franks stated that the applicant is requesting the waiver. He stated that nothing on this site will be different from what is already present in the neighborhood. These buildings will be only 14' tall where the neighboring buildings are 1.5 to 2 stories tall.

Board discussion of impervious area and water drainage: P. Setaro pointed out the Board's concern with the amount of impervious area on this site and the potential for water to drain onto adjacent properties. He pointed out that the site has a slope from back to front. He suggested that the units will have to be stepped down and a drainage line will have to be created in the center of the drive between units. P. Karis stated that a detailed drainage plan is needed that shows how the buildings will be stepped. P. Setaro would like to look at how high the ground water table is and what the soils are like on the

site. If there's a fairly decent depth to ground water table, perhaps a couple of dry wells could be tied together with an overflow pipe which could be tied into the main drainage system. B. Franks suggested using gutters to direct the water flow. K. Bramson asked how to make the site less impervious. P. Setaro responded that he would have to reduce the number of units or replace the black top with gravel, which creates plowing issues.

A question was asked whether the proposal for the dry wells, the gutters, etc. would be mitigating factors that would allow the 30% impervious coverage. B. Franks stated that, if they can show the Board how they will handle the extra water, then they will appeal to the Board for that waiver.

M. Gordon asked about materials and colors for the buildings. B. Franks stated that the buildings will be metal but that he will find out what colors are planned. The lighting is high pressure sodium mounted fixtures, 150 watts. There will be no automatic timers; they do not want lights on all the time. In the winter, the lights will go off around 6 p.m. or whatever they determine their hours of business to be. Once the electric gate is shut, the lights will be off. P. Setaro asked if a note about the timers will be specified on the plan. B. Franks responded that he can do this. H. Fischer asked about stepping down the gutters. B. Franks stated that this can be done. H. Fischer also pointed out a potential for icing in the gutters. B. Franks confirmed that the units will be unheated.

R. Fracchia asked about plans for the fencing. B. Franks stated that the fence will be a standard 6' high chain link fence. He will put a detail on the map regarding the fence. He does not know what color is planned. M. Gordon asked if some detailing could be added to make the fence look less like an army site. B. Franks will ask about this.

Landscaping is on the map. The applicant will return to the Board for sign permit.

Next steps:

- detailed drainage to handle runoff
- document note on the map about no timers
- how to handle icing in gutters
- color/materials for the building and the fence
- detailing/ornamentation for the fence
- turning radius in the back
- excavation of holes to explore ground water table

4. KDA PLEASANT VALLEY – SITE PLAN

Present for this application:

- Neil Wilson
- Jeff Akins, Dewkett Engineering
- Chip Nix
- Tony Rormeier & Barry Loastro from the Credit Union
- Paul Quartaro, attorney for the Credit Union
- Dale Lois

N. Wilson reported that his firm is under contract with the Town for the design of the Little League ball field for Redl Park. He is prepared to answer any questions or concerns the Board may have regarding a conflict of interest. He reported that his involvement in the plans for the ball field dates from 6 years ago. J. Labriola stated his appreciation for the full disclosure and that the Board does not have a problem with this.

N. Wilson stated that traffic counts and a traffic analysis have been done per the request of the Department of Public Works. The information regarding the traffic on North Avenue has been submitted to the DPW for comment. Based on the numbers gained from these studies, there is no need for left turn lanes on North Avenue to access the site. They expect to have reply letters from DPW in time for the next Board meeting.

N. Wilson reported on a substantial change to the site plan related to agreements with Cy Management regarding ingress/egress. Cy Management has had an easement for ingress and egress off of North Avenue. Cy Management objected to the plan that provided restricted access (one-way) from Route 44 through the site and an exit only onto North Avenue. N. Wilson stated that they created a redesign that gives Cy Management a turn-in off of North Avenue so that they can enjoy the same in/out of North Avenue that they now have. This is an important change.

J. Akins identified for the Board this change on the map: one-way entrance only to allow for vehicles off of North Avenue to provide access to the rear parking area. The one-way exit remains unchanged. Number of parking spaces is also unchanged. Signage will manage the one-way traffic flow; however there are no plans for shared signage between the credit union and Dunkin Donuts. J. Akins believes that the majority of Dunkin Donuts traffic is coming off of Route 44, and this change is an accommodation. There needs to be an amendment of the existing easement through the driveway on North Avenue, and the only way Cy Management agreed to sign the amendment is with this change. J. Labriola inquired whether DPW was interested in having that be an ingress and egress. J. Akins said no, because it's so close to the traffic light on Route 44. N. Wilson stated that both DPW and DOT stipulated that it must be exit only. Board discussed that this creates an awkward way of getting into that site. H. Fischer offered that there is also a lot of morning traffic into Dunkin Donuts off of North Avenue. J. Akins pointed out that peak traffic flow hours for the Dunkin Donuts are different from peak hours for the credit union. There is no conflict.

J. Labriola inquired if there is a way to open up the access between Cy Management and the bank parking lot. He observed that it appears to be really tight and mentioned a concern for people backing out of parking spaces, snow plows in the winter, etc. H. Fischer also mentioned concern for tractor trailer access to the site and/or through that area. J. Akins showed the Board the revisions to the plan that will open up the area – removal of a tree and an island – which are subject to Cy approval. Seven additional parking spaces are obligated for Cy Management under the agreement. J. Labriola inquired whether it's possible to eliminate a couple of the parking spaces in the pinch point in order to alleviate the blockage. J. Akins responded that this is not possible due to the terms of the agreement. P. Karis pointed out that the spaces are at an awkward

angle and that the potential exists for people backing out into the bank parking area. H. Fischer clarified that there is no drive-thru at Dunkin Donuts. Suggestion was made to reserve those spots for Dunkin Donut employee parking.

N. Wilson stated that no off-site existing conditions are being changed. Rather they are providing 7 parking spaces and the ingress and egress to North Avenue. Their objective is to make the accommodation because of the agreements for the additional 7 spaces plus a safe through access for the passenger vehicles as well as trucks. Whatever becomes of the off-site spaces, however they are used, is not an issue for KDA. Board pointed out that, if the gas station owner removes the off-site parking spaces, more cars would be forced into the back area. N. Wilson stated that that is a matter for Cy Management and the station owner; it is out of their area of control. J. Labriola stated that the Board must assume that all of the parking spaces will be filled at some point and that there be enough room to maneuver through there safely. H. Fischer suggested that if they do have employees park in the tight area, this would mitigate the potential safety issues.

Discussion of parking and traffic flow between the bank lot and Dunkin Donuts: P. Karis suggested connecting both lots with the egress lane out to North Avenue – making it one big parking lot. J. Akins stated that they are trying to accommodate many interests and especially trying to avoid paving over everything. One of the benefits to this arrangement is the increased green area and the stone wall. The operating characteristics of Dunkin Donuts compared to the bank create conflicts. The engineering is done in order to accommodate passenger vehicles as well as delivery vehicles. M. Gordon stated that the Board's focus has shifted from creating a really good plan that provides for a lot of green area along North Avenue to being bogged down in something for which there is no easy solution. He thinks that KDA has accomplished what the Board requested of them in the overall plan. J. Labriola suggested a solution is to mark those spots as employee parking for Cy Management, which reduces the in/out customer parking in that area. Employees will arrive before Dunkin Donuts opens and will leave during non-peak bank hours. Mr. Nix stated that Cy Management has 4-5 employees per shift and that they could designate those parking spaces for employees only. J. Labriola pointed out that, if 5 of the 8 spaces are designated for employees, this would leave only 3 available spaces for the public. Because of the one-way traffic flow, if all the spaces are taken, people will have to go out and come back in and probably will park in the bank spaces. Further, he stated that marking these spots for employees only helps, but that it is a really tight spot in the design. What else can be done? Are there any other suggestions? P. Karis stated that he would like to see it considered that the lots are connected into one. He demonstrated on the map his ideas. J. Akins stated that he sees pedestrian conflicts being created by P. Karis' idea and possibly problems with drivers cutting through the site. Applicant underscored again that one of the themes from the beginning was to reduce the parking in the front along North Avenue and increase the green space. Creating a completely connected parking area immediately sets up some pedestrian conflicts. The parking areas are, additionally, designed to slow down the traffic with striping and speed bumps. J. Akins stated that they will revisit some of the ideas the Board raised tonight.

J. Akins pointed out a loading space that has been designated for UPS/Fed Ex.

Discussion of internal traffic flow around the site: P. Setaro raised an issue with traffic flow problems behind the bank adjacent to the designated employee parking area. There are two lanes of traffic exiting the drive-thru area and meeting opposing traffic coming into the site. Board discussed various methods of managing internal traffic flow around the bank building. R. Seaman inquired why there are two-left lanes in a row proposed across North Avenue, one before and one after the bank. The only thing the left hand ingress behind the bank serves is for what is supposed to be employee parking. She pointed out that the potential for a head-on collision is high between exiting and entering traffic in that area. She stated that she thinks the left-turn into the site behind the bank is unnecessary. J. Akins stated that they reviewed various options with DPW and that DPW wanted the second entrance to allow for parking access. R. Seaman cited disastrous experiences with the CVS parking lots that have shown that two lanes of opposing traffic create more of a backup than traffic flow that requires cars to go around the site. A consistent flow of traffic will facilitate the movement around the site even if it requires cars to drive a little farther. Further, she mentioned that there is no patron entrance at the back of the bank, that patrons must come around to the front entrance anyway. So, therefore the parking spaces behind the bank are not first choice for patrons. The especially useful parking is in the front of the bank. J. Labriola agreed that the likelihood that someone will park in the back of the building in order to access the front of the building is not high. People will park as close to the entrance as possible. R. Seaman stated that it is especially important not to have opposing traffic at peak traffic times and stated that she recommends one-way traffic flow around the site. Parking behind the building will be underutilized. J. Akins stated that the lanes at the front of the building will become the major thoroughfare for drive-up traffic. Hence, the entrance at the back will become the convenient alternative for people who do not wish to use the drive-thru. J. Labriola pointed out that the likelihood of a credit union member parking behind the building and having to walk all the way around to the front is low. He agreed that the one-way flow around the site eliminates the opposing traffic hazard and also eliminates confusion about how to access the site. All of the traffic flows out behind the bank building. He suggested that the two exiting lanes be designated as one for right turn only and one for left turn only. The Board concurred with this suggestion.

H. Fischer inquired about an entrance off of Quaker Hill Road. Board stated that it's a substandard road, and there are sight distance problems.

N. Wilson stated that, each time they have come before the Board, they have attempted to accommodate the Board's comments. And that they are hoping that the ingress and egress design can be finalized. J. Labriola stated that the discussions have been very helpful and have led to better ideas for the site. M. Gordon stated that this one-way internal flow pattern will be a lot better. J. Akins stated that they will make these changes to the plan.

J. Akins displayed for the Board a drawing of the stonewall along the entire frontage of North Avenue and a profile drawing that shows how the parking will be set behind the stone wall. This arrangement effectively shields the parking from the line of sight.

Board reviewed the elevations of the building and a view of the drive-thru canopy building. The canopy is constructed of the same materials and styles as the main bank building. All sides of the building have the same materials and architectural styles. J. Labriola complemented the design of the canopy, which ties the site together nicely, and stated that the design has come a tremendous way. The building is very attractive, and the Board appreciates the applicants working on the design with the Board. This is vastly improved.

J. Labriola stated that the Board would like to recirculate the updated site plan and elevations so that the interested parties can review them. The updated plan and elevations should include:

- The change in the exit
- New configuration of access into CY Management and the parking
- Updated EAF that notes the current impervious surface of the site

J. Akins agreed and stated that, most particularly, the updated plan must be circulated to County Planning.

J. Labriola stated that, when they have an updated set of site plans, he will ask Nancy to recirculate, which will start the 30-day clock to get feedback.

J. Akins asked about scheduling the public hearing. J. Labriola clarified that no public hearing is required for site plan approval. He stated that the Board will need to receive comments from the interested parties. P. Setaro stated that a preliminary storm water report is required prior to SEQRA determination. Board discussed options for reducing the lighting.

J. Labriola stated required next steps for SEQRA determination are:

- feedback from interested parties
- storm water management plan
- results from the traffic study that was submitted to DPW
- revised lighting plan
- flood plain to be submitted at the next meeting

H. Fischer asked whether the lighting along the parking on North Road can be a little lower.

5. DAMSKY – PERMIT FOR REGULATED ACTIVITIES IN WETLANDS

Julie Damsky was present for this application. She reported that she is proposing to construct a run-in shed for her horse. This is a 3-sided barn with no closing doors. It has a roof and 3 sides. She stated that she meets all the setbacks on 3 sides except for there's a stream on the property. There's a half acre pond on the property. She stated that she

wants the barn to be as far away from the pond as possible. She wants to meet the 100' setback of the north property line. The stream has a 100' buffer. She states that she doesn't want to take any more trees down, but that in order to stay out of the buffer zone she will have to remove 3 trees, one of which is huge. She stated that she wants to leave the property as natural as she can and that she has already taken some trees down in order to build her house.

J. Labriola explained that the Board consistently keeps construction out of the wetland buffer areas. He suggested an alternative location for the shed where she would not need a permit from the Planning Board for a regulated activity in a buffer zone. Rather she would need to apply to the ZBA for a setback variance. J. Damsky agreed that this is a viable and preferable alternative. J. Labriola recommended that she locate the shed outside of the 100' buffer and as far from the property line as possible. J. Damsky will contact Nancy in the Planning Office to get on the ZBA agenda.

Board clarified with J. Damsky the location of wetlands on her property and on the adjacent property and advised her to check the wetland maps for all buffers. She mentioned that the pond does not apply because it is less than ½ an acre, but that the stream does apply. H. Fischer stated that she has a structure potentially going into a wetland buffer that he considers a polluting structure because it houses a horse. There is runoff and wear and tear. He stated that, to be safe, she must stay out of all 100' buffers.

Board reviewed her map to identify all regulated wetlands, to determine the best location for the shed, and recommended that she apply to the ZBA for a setback variance. J. Labriola advised her that the Planning Board will give the ZBA a positive recommendation for her application based on the fact that her application is made in an effort to stay out of the 100' wetland buffer and to avoid any tree removal.

6. MARION SALON SPA – SIGN PERMIT

Nancy Forrest, Glode Neon Signs, was present for this application. She stated that allowable square footage for signage is 42.9 sq. feet. The current design application is for 25 square foot signage front and back combined. The sign is non-illuminated. The photo of the front accurately represents the colors and materials to be used. The Board approved the design.

J. Labriola: **MOTION TO GRANT SIGN PERMIT**

WHEREAS THE TOWN OF PLEASANT VALLEY PLANNING BOARD HAS RECEIVED AN APPLICATION FROM MARION'S HAIR SALON FOR THE APPROVAL OF ONE SIGN DATED 4/4/05,

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 AN UNLISTED ACTION AND IT 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 CONSISTING OF THE MATERIALS, SIZES, AND COLORS SHOWN IN THE APPLICATION EXCEPT AS FOLLOWS: none

SECONDED BY R. FRACCHIA

VOTE TAKEN AND APPROVED 7-0-0

7. TIMBERLAKE FARM SUBDIVISION RESOLUTION FOR RECREATION FEE

J. Labriola stated that at the last meeting when the Timberlake Farm subdivision was approved, he did a resolution for recreation fee and that there was some confusion about the number of lots. This will now be corrected to reflect the total \$2,000 recreation fee for the 2 net new lots.

J. Labriola: **CORRECTED RESOLUTION FOR RECREATION FEES**

WHEREAS THE TOWN OF PLEASANT VALLEY PLANNING BOARD HAS GRANTED FINAL APPROVAL OF A SUBDIVISION ENTITLED TIMBERLAKE FARM BEING A 3-LOT SUBDIVISION OF AN 81.8 ACRE PARCEL,

WHEREAS THE TOWN OF PLEASANT VALLEY PLANNING BOARD RECOMMENDS THAT IN LIEU OF LAND THE TOWN OF PLEASANT VALLEY TOWN BOARD IMPOSE A RECREATION FEE OF \$2,000 BEING THE FEE OF \$1,000 EACH FOR THE TWO NEWLY CREATED LOTS

SECONDED BY R. SEAMAN

VOTE TAKEN AND APPROVED 7-0-0

8. APPEAL #851 BAKER VARIANCE

J. Labriola reported that this property is on Dragon Trail Road and is an application to site a storage shed. The application is for a 12' variance from the rear setback. They will be 3' from the back of the property line. R. Fracchia visited the property and reported that the adjacent property has no problem with this request. The land does drop off. There's a buffer of trees in the back. The shed will be 28' x 14'.

R. Fracchia: **MOTION TO PASS THIS ALONG TO THE ZBA WITH A POSITIVE RECOMMENDATION BECAUSE IT IS SCREENED AND MEETS ALL THE OTHER SETBACKS AND HE DOES NOT HAVE ANY OTHER PLACE TO PUT THE SHED, SECONDED BY K. BRAMSON**

VOTE TAKEN AND APPROVED 7-0-0

9. APPEAL #852 TOWN OF PLEASANT VALLEY SPECIAL USE PERMIT

J. Labriola reported that this application is for the proposed Herb Redl recreation park at Salt Point and West Road. The park is being put in a Light Industrial zoning district. Hence, they need a special use permit. J. Labriola suggested that the Board pass this along with a positive recommendation.

Board discussed whether it will be given the chance to review the site plan. J. Labriola stated that if John McNair were present, he would ask him to give the Board the courtesy of a review. Town sponsored activities are not required to go through the site plan process. J. Labriola stated that he will request from John an opportunity to review the plan and provide planning guidance.

J. Labriola read into the file a letter from the Pleasant Valley Town Board notifying the Planning Board that it has adopted a resolution regarding the development of a Little League Baseball facility and that the proposed action is subject to SEQRA and that a coordinated review should be conducted. The Town Board has determined that the project is an unlisted action. The Town Board wishes to be the lead agency for the project and requests the Planning Board's agreement that the Town Board be designated as lead agency. Planning Board approved Town Board lead agency status.

MOTION TO PASS THIS APPLICATION ALONG TO THE ZBA WITH A POSITION RECOMMENDATION BECAUSE IT IS A GOOD USE OF THE PROPERTY AND IS CONSISTENT WITH THE MASTER PLAN REGARDING RECREATIONAL FACILITIES,

SECONDED BY P. KARIS

VOTE TAKEN AND APPROVED 7-0-0

10. EXECUTIVE SESSION REGARDING LICTRO-PERMIT FOR REGULATED ACTIVITIES IN WETLANDS

J. Nelson reported that, for the record, this is an attorney client session and is, therefore, off the record.

11. MISCELLANEOUS

MINUTES: will be considered at the next Planning Board meeting

SIGN ORDINANCE: If next month's agenda does not permit time enough to review proposed revisions to the sign ordinance, then it will be necessary to have a special meeting.

LOCALIZED DATA REGARDING DENSITY OF CHILDREN PER HOUSING UNIT:

J. Labriola reported that he had a conversation with Frank Peppe, the superintendent of schools for the Arlington School District. They have been doing some work looking at

density of kids per unit (i.e., apartments, mobile home parks, and different types of subdivisions) in order to get localized data. J. Labriola invited them and the president of the Board of Education to brief the Planning Board, possibly as soon as June, to explain what they are doing.

TOWN BOARD WORKSHOPS: R. Seaman reported that she attended a Town Board workshop last week regarding the recodification. Her suggestion to John McNair is for a joint workshop of the ZBA, Planning Board, and Town Board to review comments. It is ultimately the Town Board's responsibility to pass the recod, but they should have input from the Planning Board in this process. She will send a packet to Board members of copies of the code, the recod, and comments.

Meeting adjourned at 10:00 p.m.

Minutes submitted by,

Helen D. Dickerson
Secretary

The foregoing represent unofficial minutes of the May 10, 2005, 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 14, 2005

The regular meeting of the Pleasant Valley Planning Board took place on June 14, 2005, at the Pleasant Valley Town Hall, Route 44, Pleasant Valley, New York. Chairman Joe Labriola called the meeting to order at 6:33 p.m.

Members present: Joe Labriola, Chairman
 Rob Fracchia
 Henry Fischer
 Peter Karis

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

Absent: Michael Gordon
 Kay Bramson
 Rebecca Seaman

The meeting was opened with the Pledge of Allegiance.

J. Labriola announced changes to the meeting's agenda:

1. representatives of the Arlington School Board will brief the Planning Board on their research regarding the impact of development on school districts;
2. Neal Wilson will brief the Planning Board on the proposed site plan for the Pleasant Valley Park at the intersection of Salt Point Turnpike and West Road;
3. the Board will review the letter of credit reduction for Mountain View Estates;
4. Fox Run subdivision has been removed from this evening's agenda.

Arlington School Board presentation:

Kelly Lappan, President, Arlington School Board
Jan Andrews, Board Member
Frank Pepe, Superintendent

Dr. Lappan reported that one of the goals this year of the Arlington School District has been to become informed on the tax and economic development issues. These issues are extremely complex, and they are looking toward participation in activities and processes that will ease the tax burden on their constituents. Dr. Lappan reported that the Board will continue to look at these issues over the next couple of years and that the School Board is interested in continuing the dialogue with the Planning Board.

Mr. Pepe provided copies of his remarks and charts to the Planning Board. He reported that the Board of Education has established a goal for this year for investigating and understanding the system of school funding. A major objective would be to lobby and promote for a fairer system of taxation. He stated that the current system of home and property taxation is regressive for all of those for whom the value of their land and home

is not indicative of their ability to pay. They have found that the overall system of funding and support for schools in New York needs very serious reform.

Historically, Mr. Pepe reported that Arlington is a very cost effective school district, and he presented a chart depicting the 2003-2004 Total Expenditures per Student report done independently by the Board of Cooperative Educational Services. This chart encompasses every aspect of spending – buses, mortgage, all classroom expenditures. Historically, Arlington has been at the very low end of this chart – 13 out of 13 for all Dutchess County School Districts.

Mr. Pepe presented a chart on the Core Expenditures (teacher salaries, benefits, pensions, materials, textbooks). Arlington was 12 out of 13 school districts. He reported that these rankings will change a little as they have opened two new schools to resolve the overcrowding.

Mr. Pepe stated that given these rankings one would expect that a frugal Board of Ed would have a lower tax impact on residents, but that this is not the case. He presented a chart of the 4 school districts that serve the Town of Poughkeepsie that depicts the amount spent per pupil and the taxes imposed on the residents. The Arlington tax payer pays more than Wappingers on virtually the identical home. Spackenkill School District spends 30% more than Arlington, yet their taxes are lower than Arlington's.

Mr. Pepe presented a chart representing the 3 school districts that comprise the LeGrange Township municipal area – Millbrook, Wappingers, and Arlington. Again, the same is true with taxes higher in Arlington than the other two and Millbrook being a \$1,000 lower in residential taxes.

Mr. Pepe reported that they have been investigating this for the past year and half and have been working with Dutchess County Economic Development Corporation, which has been terrifically helpful. They have also received significant assistance from Vassar College. He reported that there appear to be two reasons for this inequity. The first may be the manner in which Arlington has received State aid. Over the past 20 years of very significant growth, State aid system has capped the increases so that even though the student enrollment has dramatically increased the aid did not. Those districts that remained consistent or declined in enrollment did much better because they had a stable or declining population of children served.

Mr. Pepe stated that if the New York City law suit, the Campaign for Fiscal Equity, is resolved in a State solution, Arlington may receive a correction. The other avenue that seems to be contributing to this inequity in tax burden is the lack of non-homestead commercial rateables. In all of the communities in Dutchess County and New York, those that have lower commercial non-homestead rateables have higher school taxes. Mr. Pepe stated that they are continuing to study this and are working with the Economic Development Corporation to examine models of economic development to project the cost benefit to the local tax payers.

Mr. Pepe reported that they are very happy to have the opportunity to make this presentation to the Planning Board and that they wish to come back from time to time to engage in dialogue and to bring the Board up to date on their research and their findings.

J. Labriola stated that the Planning Board is grateful for their time, their work, and their presentation. He stated that the “Westchester creep” is moving up the Taconic and has arrived here. The Board has seen a lot of proposed residential development over the past 3-4 years and part of the Board’s process is to try to understand potential impacts to community services, like schools. Typically, the Board receives from applicants reports on the average number of students projected per unit based on a national average, which is not helpful locally in Dutchess County or more specifically in Arlington. Mr. Pepe had reported that they were doing some database development to depict the average number of students for different types of residential developments (condos, apartments, mobile homes, single family homes). The Planning Board will use that database to more accurately assess the potential impact of development and to make sure there are mitigating measures in place. J. Labriola stated that it was very fortunate that the School Board reached out to the Planning Board at this time and that they are welcome back at any time. The Planning Board is especially interested in the database they are creating and the information they are discovering so that the Planning Board can integrate this data into every application it considers.

Dr. Andrews reported that they formed an Ad Hoc Committee consisting of representatives of the School Board, staff, faculty, parents, and the community. The Committee has been studying these issues and has met with some of the State Legislators. They also hosted a series of events for the public to become informed about the variety of proposals that groups have been preparing to improve State funding and State formulas. Two events have already been held, and a third is scheduled for the following evening. There will be a speaker from the New York State School Funding Consortium. The purpose is to improve State education funding and raise awareness.

J. Labriola inquired whether there is someone on the School Board who can be a liaison for local developers. Mr. Pepe stated that he will be the liaison and that they are trying to work out how to play an active role with 9 Planning Boards.

H. Fischer stated that most applicants who come before the Planning Board report that there will be no impact of their proposed development on the local schools. Mr. Pepe stated that they are acutely aware of the need for more data so that town leaders know where they are headed. He stated that they are looking at the incremental cost for every additional child and how to measure that.

Dr. Lappan reported that Arlington is the 16th largest school district in the State, including New York City, Albany, and other cities.

J. Labriola stated that, although the Planning Board tends to look at single applications at a time, the Board is very interested in the cumulative effect of developments. Further, the Town of Pleasant Valley Planning Board does not have access to what the other 8

Planning Boards are approving. He stated that it is important that to create a partnership to improve the dissemination of current and updated information.

1. MARTINO SUBDIVISION

Dave Johnson, Zurecki & Associates, was present.

J. Labriola stated that this application was last before the Board in May 2005 at which time a Parkland Resolution was done but could not move to SEQRA at that time.

D. Johnson reported that he received a letter from the NYS Department of Parks and Recreation today. He reported on the recent changes to the plan:

- the wood rail has been extended along the outside boarder of the wetland buffer
- the applicant will keep the driveway forever gravel
- no changes were made to date to the proposed roadway designation.

P. Setaro reviewed the Morris Associates letter.

Comments/questions from Board: R. Fracchia inquired about the gravel driveway. D. Johnson stated that it will be entirely gravel with the exception of the apron, which is required. The plan will be revised to reflect this.

J. Labriola: **NEGATIVE DECLARATION**

MOVE THAT THE PLANNING BOARD DETERMINE AS SET FORTH IN THE ATTACHED DECLARATION DATED 6/14/05 PREPARED BY THE BOARD'S ENGINEER THAT THE MARTINO SUBDIVISION 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 SHALL BE REQUIRED:

- 1. LIMITED DISTURBANCE – ONE NEW RESIDENCE, EXISTING DRIVEWAY WILL BE EXTENDED**
- 2. SOIL EROSION AND SEDIMENTATION CONTROL DEVICES HAVE BEEN PROPOSED**
- 3. DUTCHESS COUNTY DEPARTMENT OF HEALTH WILL APPROVE WATER AND SEWER**
- 4. ACTION REQUIRES DEC PERMIT FOR REGRADING WITHIN 100' ADJACENT TO THE WETLAND BUFFER**

SECONDED BY P. KARIS

VOTE TAKEN AND APPROVED 4-0-0

J. Labriola: file contains an affidavit of publication for the Public Hearing and copies of the certified receipts for notification of the adjacent property owners.

J. Labriola: **MOTION TO OPEN THE PUBLIC HEARING; SECONDED BY P. KARIS; VOTE TAKEN AND APPROVED 4-0-0**

No one from the public spoke with regard to this application.

J. Labriola: **MOTION TO CLOSE THE PUBLIC HEARING; SECONDED BY P. KARIS; VOTE TAKEN AND APPROVED 4-0-0**

J. Labriola: **PRELIMINARY APPROVAL**

MOVE THAT THE PLANNING BOARD GRANT PRELIMINARY APPROVAL TO THE MARTINO SUBDIVISION IN THE FORM OF THE ATTACHED RESOLUTION DATED 6/14/05 AND PREPARED BY THE BOARD'S ENGINEER AND NOW BEFORE THE BOARD SUBJECT TO THE FOLLOWING CONDITIONS: none

SECONDED BY R. FRACCHIA

VOTE TAKEN AND APPROVED 4-0-0

J. Labriola: **MOTION TO WAIVE 2ND PUBLIC HEARING; SECONDED BY H. FISCHER; VOTE TAKEN AND APPROVED 4-0-0**

J. Labriola: **FINAL APPROVAL**

MOVE THAT THE PLANNING BOARD GRANT FINAL APPROVAL TO THE MARTINO SUBDIVISION IN THE FORM OF THE ATTACHED RESOLUTION DATED 6/14/05 AND PREPARED BY THE BOARD'S ENGINEER AND NOW BEFORE THE BOARD SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. payment of all fees**
- 2. Morris Associates letter dated 6/13/05**
- 3. DEC permit for construction within 100' wetland buffer**
- 4. DC Department of Health approval (permission to file)**

SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 4-0-0

J. Labriola: **RECREATION FEES IN LIEU OF LAND**

WHEREAS THE TOWN OF PLEASANT VALLEY PLANNING BOARD HAS GRANTED FINAL APPROVAL OF A SUBDIVISION ENTITLED MARTINO SUBDIVISION BEING A 2-LOT SUBDIVISION AT A PARCEL LOCATED ON SMITH ROAD

WHEREAS THE TOWN OF PLEASANT VALLEY PLANNING BOARD RECOMMENDS THAT IN LIEU OF LAND THE TOWN OF PLEASANT VALLEY TOWN BOARD IMPOSE A RECREATION FEE OF \$1,000 BEING A FEE OF \$1,000 FOR EACH OF THE ONE NEWLY CREATED LOTS

SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 4-0-0

2. AVALON HILLS

Amy Bombardieri, Oswald and Gillespie, and Bill Liguori were present.

J. Labriola reported that this application was last before the Board in April 2005 at which time Sketch Plan Approval was granted. At that time, the Board questioned the number of lots that were factored into the original SEQRA determination.

A. Bombardieri provided the Board with new maps. She reported that the plans have been updated per Morris Associates' comments.

P. Setaro reviewed the Morris Associates' letter. He clarified that because the fill pads had to be in place for a period of time, they could not be subdivided at the time this application originally came before the Board. Therefore, this re-application is now before the Board to create the three additional lots. P. Setaro stated that he reviewed the original SEQRA determination, which was granted on 10/8/02 and was based on 33 lots. Between preliminary and final, the project was reduced to 31 lots in response to Health Department testing and concerns. The map was ultimately filed as a 28-lot subdivision. But, there were 31 approvable lots numbered on the map that was filed. Lots 17, 18, and 23 were identified with dotted lines and are now before the Board for approval. These lots were incorporated in SEQRA, and no new SEQRA is required.

J. Labriola inquired whether the configuration at the end of Ryan's Run is exactly the way the Board had reviewed it in 2002. P. Setaro affirmed this to be true.

P. Setaro reported that the Habitat Assessment Report that was done by Eric _____ and Hudsonia also identified the application as a 33-lot residential subdivision.

J. Labriola further stated that the mitigating factors that were identified were based on a more intensive use of the property.

P. Setaro stated that there are no further issues. Once the map is submitted for signature, Morris Associates will check it.

Board comments/questions: None

J. Labriola: **PARKLAND DETERMINATION**

MOVE THAT THE PLANNING BOARD ADOPT THE FOLLOWING PARKLAND DETERMINATION RESOLUTION FOR AVALON HILLS LOT 16 AND 24 SUBDIVISION IN THE FORM OF THE ATTACHED RESOLUTION DATED 6/14/05 PREPARED BY THE BOARD'S ENGINEER AND NOW BEFORE THE BOARD SUBJECT TO THE FOLLOWING CONDITIONS;

NOW THEREFORE BE IT RESOLVED THAT 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 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.

SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 4-0-0

J. Labriola: **NEGATIVE DECLARATION**

MOVE THAT THE PLANNING BOARD DETERMINE AS SET FORTH IN THE ATTACHED DECLARATION DATED 6/14/05 PREPARED BY THE BOARD'S ENGINEER THAT THE AVALON HILLS LOTS 16 AND 24 SUBDIVISION 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 SHALL BE REQUIRED:

- 1. the original SEQRA determination for Avalon Hills dated 10/8/02 considered the lots being proposed as part of that application**

SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 4-0-0

J. Labriola: file contains affidavit of publication and certified receipts.

J. Labriola: **MOTION TO OPEN THE PUBLIC HEARING; SECONDED BY P. KARIS; VOTE TAKEN AND APPROVED 4-0-0**

Meta Plotnik, Chair, Conservation Advisory Committee, reminded the Board that this property is one of the most environmentally sensitive places in the Town. She reported that this re-application was on the original plat. But she questioned whether this configuration was the one that Eric _____ actually saw. Now there are about 12 owners of this wetland area, which includes the large pond, the little pond, and a kettle shrub pool that is home base for the Blanding turtles. Nests have been located in the paths of these two new lots. The turtles travel considerable distances, and this subdivision would not be the Committee's most desirable situation because this now puts 4-5 houses in this very sensitive area. She requested that the Board be very sure about

what kind of monitoring is happening in this area and what kind of information residents are receiving about the habitat they are living in. J. Labriola stated that an educational packet was created at the time of the original subdivision to be provided to the homeowners. Measures were instituted during construction and design criteria were required (i.e., no window wells) to ensure that habitats were not disturbed.

B. Liguori reported that, at closing, each buyer is given Eric _____'s brochure and also one from the State regarding turtles. Further, he reported that Eric _____ did this entire subdivision as it's laid out. The two adjoining lots are used as a nesting area by the turtles as depicted by Eric _____. M. Plotnick inquired whether the nesting areas will become lawns after construction. B. Liguori stated that more nesting areas have been added to these sites than originally existed. The soil was handpicked to accommodate the turtles. Eric _____ has been very much aware of this property and has inspected the turtle crossing. M. Plotnick stated that the kettle shrub pool is probably not indicated on the map.

J. Labriola: MOTION TO CLOSE PUBLIC HEARING; SECONDED BY P. KARIS; VOTE TAKEN AND APPROVED 4-0-0

J. Labriola: PRELIMINARY APPROVAL

MOVE THAT THE PLANNING BOARD GRANT PRELIMINARY APPROVAL TO THE AVALON HILLS LOTS 16 AND 24 SUBDIVISION IN THE FORM OF THE ATTACHED RESOLUTION DATED 6/14/05 PREPARED BY THE BOARD'S ENGINEER AND NOW BEFORE THE BOARD SUBJECT TO THE FOLLOWING CONDITIONS

SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 4-0-0

J. Labriola: MOTION TO WAIVE 2ND PUBLIC HEARING; SECONDED BY R. FRACCHIA; VOTE TAKEN AND APPROVED 4-0-0

J. Labriola: FINAL APPROVAL

MOVE THAT THE PLANNING BOARD GRANT FINAL APPROVAL TO THE AVALON HILLS LOTS 16 AND 24 SUBDIVISION IN THE FORM OF THE ATTACHED RESOLUTION DATED 6/14/05 PREPARED BY THE BOARD'S ENGINEER AND NOW BEFORE THE BOARD SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. payment of all fees**
- 2. address Morris Associates' letter dated 6/13/05**

SECONDED BY R. FRACCHIA

VOTE TAKEN AND APPROVED 4-0-0

B. Liguori stated that he paid the recreation fees based on the 31 lots. J. Labriola stated that the Board will proceed with the recommendation to the Town Board and will note that they have previously paid recreation fees on 31 lots and to confirm that the same fee scheduled was used.

J. Labriola: **RECREATION FEES IN LIEU OF LAND**

WHEREAS THE TOWN OF PLEASANT VALLEY PLANNING BOARD HAS GRANTED FINAL APPROVAL OF THE SUBDIVISION ENTITLED AVALON HILLS LOTS 16 AND 24 BEING A THREE LOT SUBDIVISION

WHEREAS THE TOWN OF PLEASANT VALLEY PLANNING BOARD RECOMMENDS THAT IN LIEU OF LAND THE TOWN OF PLEASANT VALLEY TOWN BOARD IMPOSE A RECREATION FEE OF \$3,000 BEING A FEE OF \$1,000 EACH FOR THREE NEWLY CREATED LOTS

LET IT ALSO BE NOTED THAT THE APPLICANT HAS PAID FOR 31 LOTS WHEN THE ORIGINAL SUBDIVISION WAS APPROVED AND THE TOWN BOARD SHOULD ASSESS AND DETERMINE WHETHER THE FEE SCHEDULE HAS CHANGED SINCE THAT POINT

SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 4-0-0

4. NEAL SUBDIVISION

Andrew Neal was present and reported that the plan has recently changed. He wants to divide the property into two lots: a 2 acre lot and a 3 acre lot. He pointed out a shed barn on the map that no longer exists. It burned down two years ago. There are two dwellings on the property, one that the applicant lives in with his family and one used as a guest house and storage. They want to subdivide and build a new house on the hill top. Mr. Neal explained that he wants to alter the location of the driveway in order to include the existing pole barn in his lot. Board discussed the reconfiguration of the driveway.

P. Setaro reviewed the Morris Associates letter. The property is in an R-2 zoning district which requires 2 acres per residential house. The applicant stated that the guest house is due to be demolished, which will leave one existing house on the property. P. Setaro and D. Friedrichson discussed the fact that if the guest house is removed then the applicant can proceed with his application to subdivide. Further, P. Setaro advised the applicant to look at the setback requirements for the pole barn.

J. Labriola requested that a set of engineered drawings (recalculate the bulk areas of the lots, note proper setbacks, show where the driveway will be) be submitted for their next appearance at the Board. Further, the applicant must contact the Highway superintendent to review the driveway plan.

H. Fischer inquired about the sight distances on the road for the driveway. Mr. Neal affirmed that sight distances are good.

P. Setaro noted the hill on the property and advised the applicant to have someone check out the feasibility of a sewage disposal system.

J. Labriola read into the record a letter from the Fire Advisory Board dated 6/1/05: "the FAB recommends that the applicant be required to clear and maintain the proposed driveway to 12' wide and 12' high to accommodate the passage of emergency vehicles."

J. Labriola: **MOTION TO GRANT SKETCH PLAN APPROVAL FOR THE NEAL SUBDIVISION; SECONDED R. FRACCHIA; VOTE TAKEN AND APPROVED 4-0-0**

5. PLEASANT VALLEY GARDEN CENTER – SITE PLAN

Bethany Ralph, attorney, and Pat Rupert, principal, were present. R. Fracchia recused himself from this application.

Ms. Ralph reported that Mr. Rupert owns and operates the Amenia nursery on Route 343 in Amenia. At the Amenia nursery, Mr. Rupert grows product, which he sells on a wholesale and retail basis. This application is for a retail garden center in Pleasant Valley on Route 44 where Mr. Rupert would sell product that he grows in Amenia. There is an existing building (1100 square feet) that was an antique store. The proposal is to put a pergola on the end of the building to house plants that are for sale. There will be a holding area for product in the back under a hoop. Gardening accessories will be sold in the building. Plants will be around the perimeter of the property and in the back. Mulch corrals will be situated in the front for convenience and will be shielded by plants. Eleven parking spaces are planned for the front of the building.

P. Setaro reviewed the Morris Associates letter.

Ms. Ralph mentioned that she hoped the Board would waive the requirement for a detailed site plan for two reasons. First, the area is very built up – there's a truck lot on the east side and a used car lot on the left side. Second, Mr. Rupert's business is seasonal and he would like to open as soon as possible.

P. Setaro commented that the Code details all the requirements that the applicant must fulfill in order to obtain site plan approval. If there are certain waivers being requested, there is a procedure by which to do that. The map provided to the Board does not fulfill the site plan requirements. Further, because there is a change of use on the property, the application must go to the Department of Transportation for review of access points. Department of Health or a qualified engineer must confirm that the existing well and septic is adequate for the proposed use. Further, because this is in a C1Zone, the Board must discuss the use. A commercial greenhouse is not allowed in the C1Zone.

J. Labriola inquired if there is adequate room for delivery trucks, how large the trucks will be, and whether there is room when cars are parked there. Mr. Rupert stated that deliveries arrive early in the morning and that usually they are box trucks and occasionally a tractor trailer. Mr. Labriola stated that the Board does not want the trucks parked on Route 44 when they are unloading, and it must be demonstrated that there is adequate turn radius for the trucks on the property.

Mr. Rupert stated that he is not planning to use or store pesticides on this cite.

J. Labriola stated that accommodations for handicapped parking must be made and that area must be paved.

J. Labriola advised the applicant that he must show the dumpster on the map and that it must be shielded. Outdoor lighting must be shown on the map.

J. Labriola read into the record the following letters:

1. Office of the Zoning Administrator which states that after reviewing the plan, the Zoning Administrator "considers this proposed use to be a retail business or service permitted by right in this zoning district."
2. Fire Advisory Board: no recommendation with regard to this application.
3. Dutchess County Department of Planning dated 6/14/05: "the proposed garden center is in the gateway corridor of the Hamlet of Pleasant Valley. The Town could begin to upgrade this section ... by establishing a uniform appearance to the street. The Planning Board should consider requiring regularly spaced street trees along the frontage of this proposed garden center – three trees. ... The Department recommends that the Board rely upon its own study of the facts in the case with due consideration of the above comments."

Comments/questions from Board

H. Fischer agrees with the Dept. of Planning letter as the area in question is a "war zone" and anything would be an improvement. However, he mentioned concern about the mulch corrals in the front, which over time don't look as nice as they do when they are new. He pointed out that the applicant has a chance of starting from scratch and improving the appearance of this property. Further, most customers like to stop at a nice looking place and having the best appearance out front benefits the business. Also, this is the gateway into the Town, and having something green will benefit everyone. Board discussed shielding the hoop with trees and plantings.

P. Karis raised the issue of cars parked adjacent to the mulch corrals impeding a customer's access to the corrals for loading of product. He inquired about any possible measures to separate these two activities. Loading conflicts with the traffic corridor and the last thing the Town wants is cars stopping on Route 44. Board discussed options for relocating the mulch corrals to provide adequate safe access for loading and unloading.

J. Labriola stated that the Board needs to see where the permanent structures are, where the permanent landscaping will be, where the non-permanent landscaping will be, and

where product will be displayed. Further, J. Labriola stated that the Board requires a detailed site plan per the Code Section 98.41 done by an engineer, architect, or surveyor. P. Setaro mentioned that some elements of that Section of the Code may not apply.

J. Labriola requested that the applicant take into account the Planning Department's comments regarding street trees along the front and out of the right of way. Applicant is requested to come up with a proposal and put it on the site plan.

Ms. Ralph inquired about a due date for the submissions to the Board. Mr. Labriola explained that the next meeting is in July, and typically the Board has a two-week cut off prior to the meeting date for adequate time for circulation and review of documents.

5. DUTCHESS QUARRY & SUPPLY SCALE HOUSE – SITE PLAN

Steve Barnabe, Mazzarelli Architects, was present.

J. Labriola stated that this application was last before the Board in February 2005. Board has reviewed the plan and all that remained was architectural appearance, materials, and colors. Also, feedback had not been received as of that date from DC Department of Planning.

S. Barnabe provided two sets of revised plans for the Board, signed by the applicant. P. Setaro will review these revised plans prior to signature. He stated that he believes that all changes mentioned in the Morris Associates letter have been made.

S. Barnabe stated that the building has not changed. He spoke with the applicant. Their intention is to stay with the earth tones and the stone base. The vinyl siding will be a light maple (tan almost beige). The vinyl trim will be a darker brown. The roof will be oak wood, which is an architectural shingle with a brown accent. There will be a grey stone base. The materials are chosen to be as maintenance free as possible given the quarry environment.

P. Setaro confirms that the Board was already set with the lighting plan and that the only thing left to do is the Site Plan approval.

J. Labriola stated that DC Department of Planning said that this application is a local concern and were very complimentary on the plans for the building.

J. Labriola: **SITE PLAN APPROVAL**

MOVE THAT THE PLANNING BOARD GRANT SITE PLAN APPROVAL TO THE NEW SCALE HOUSE FOR DUTCHESS QUARRY AND SUPPLY WITH REGARD TO THE APPLICATION OF MAZZARELLI ARCHITECTURE AND PLANNING IN THE FORM OF THE ATTACHED RESOLUTION DATED 6/14/05 PREPARED BY THE BOARD'S ENGINEER AND NOW BEFORE THE BOARD SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. payment of all fees**
- 2. Morris Associates letter dated 2/5/05**

SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 4-0-0

6. COMMONS AT BECKWITH COURT – SITE PLAN

J. Labriola reported that this application was last before the Board in March 2005.

Dave Beckwith, owner and architect for the project, was present. He reported that the dumpster location has been moved as requested. The existing driveways are abandoned. A preliminary storm water drainage plan has been done, and he stated that he is working on a design. A lighting and conceptual landscaping plan has been done. The landscaping plan is quite detailed but the plant materials have not been picked out yet. He stated that he plans to thin out the brush underneath the black locust and plant a more opaque visual buffer. Mr. Beckwith discussed his plans for tree selection.

Mr. Beckwith discussed his lighting plan, consisting of street-style lighting and some photo-cell motion-detector operated lights on the building next to the entrance.

P. Setaro reviewed the Morris Associates letter. Mr. Beckwith clarified the parking space count, which includes internal garage spaces. P. Setaro stated that he will review the Code to determine whether internal garage space can be counted as parking space.

P. Setaro reviewed his comments regarding ensuring that there is adequate water supply for the proposed use without adversely affecting the neighbors. He also mentioned the issue of construction material storage on site if both buildings are to be constructed simultaneously. J. Labriola stated that the Board will not want construction material sitting in the front along Route 44.

J. Labriola requested an inventory of requirements for the Board to do a SEQRA determination. He mentioned to Mr. Beckwith a preference that these requirements be met prior to the applicant returning to the Board. P. Setaro stated the requirements as:

1. preliminary grading plan
2. preliminary drainage plan
3. preliminary details on erosion control
4. sewage report
5. storm water report that identifies location of the dry wells on the map
6. preliminary perk test in the area of where the dry wells will be
7. conceptual information on the viability of the site to support adequate water system for the park

J. Labriola added to the above list detail regarding visual as well as traffic. He suggested more landscaping along Route 44 to minimize the visual impact of buildings and parking (i.e. shrub and/or stone wall). Board discussed the rational and options for shielding.

P. Karis inquired about the timetable for removal of the trailers. Mr. Beckwith stated that he has received a variance that permits the present elderly owners to remain on site until they are ready to move or until they pass away. He stated that the owner of one trailer has opted to move and she will do this soon.

Mr. Beckwith confirmed that he has no plans to encroach in the 100' wetland buffer to do any clean up.

7. KDA PLEASANT VALLEY – SITE PLAN

Neal Wilson, principal with LRC Group, Chip Nix, with KDA, and Jeff Akins, with Dewkett Engineering were present.

N. Wilson stated that a number of changes were made to the site plan as agreed to at the last Planning Board meeting. He reported that they have received letters from neighbors (Smith who owns the gas station on the corner, and Manfredo who owns the adjacent property on the corner of Quaker Hill and North Avenue) forwarded by the Planning Board.

J. Akins reported on the changes. Largest change is to the traffic flow for bank access: one way in and one way out for bank access with a left turning lane and a right turning lane. Also, there is a turning lane on North Avenue for entrance into the facility. They have received an approval letter for the entrance configuration from the DC Department of Public Works following the traffic review, Queue analysis, and review of the geometry for the layout. The Dept. of Public Works also commented on DOT's non-issue with the Dunkin Donuts exit. Mr. Akins stated that they have addressed the entrance and exit configurations and have provided a full set of plans for grading, drainage, erosion control, detailed lighting. Signs for employee parking in the back of Cy Management have been added. Unloading pull-off area for Fed Ex was added. Additional signage in place to direct internal traffic flow.

N. Wilson reported that the addition of the turn lane on North Avenue relates to the redirection of traffic through the exit-only lanes behind the bank. DPW indicated that they are OK with this provided that they receive detailed engineering and an application for the highway improvements. He stated that they have addressed all of the items discussed at the last Planning Board meeting.

N. Wilson reviewed the written comments from the neighbors. In response to Mr. Smith's letter, he stated that nothing being done on this property will affect Mr. Smith's well or septic. The landscaping plan specifically provides for a green buffer between the property and Mr. Smith's property. J. Labriola asked where the property lines are for the Smith's property. Mr. Akins pointed out the property lines. J. Labriola and Mr. Akins agreed that they did not understand Mr. Smith's comment in his letter about potential future extension of his (Mr. Smith's) property and a potential conflict. Mr. Wilson stated that there is no known boundary dispute between the Smith's property and this parcel, and noted that nothing about this proposal will impede any plans Mr. Smith may have for changes to his property. R. Fracchia clarified that there may be an issue with access. Mr.

Wilson stated that they are not changing any part of the Dunkin Donuts operation or traffic flow. He stated that they tried to accommodate, because of the need to revise an existing easement agreement whereby they have the right to ingress and egress off of North Avenue. This plan changes their rights of access. Mr. Wilson explained that, in order to get their consent to this plan, they needed to satisfy their concerns. He reported that they have done so and that they are happy with this plan. There are no changes to the ingress or egress off of Route 44. R. Fracchia stated that he thinks they should go talk with Mr. Smith so that they don't have a problem in the future.

J. Labriola stated that if there were an access problem in the future, it would present Dunkin Donuts with a real challenge. But it would not affect KDA's proposed plan because they are providing access to Dunkin Donuts through the back of the parking lot. If that front entrance were closed in the future, it would not affect this application. Mr. Labriola does not see how that potential issue has anything to do with this application. Board speculated that a problem might exist between Cy Management and Dunkin Donuts. Mr. Wilson stated that he's not aware of any issues between them.

J. Labriola inquired whether Mr. Smith's comments regarding separation distances have all been addressed. J. Akins stated that Mr. Smith is raising the question about the effect of the drainage system on his property. There is more than adequate buffer between the sub-grade drainage area and his property. The existing catch basins remain undisturbed. There should be no conflict.

Mr. Wilson discussed the Manfredo letter which commented on the impact of lighting on their property. Mr. Wilson pointed out the lights that will be removed and the evergreen plantings that will be added along the property line. They can add plantings, fencing, or a combination to provide complete screening. Mr. Wilson stated that they have addressed all of the traffic concerns that Mr. Manfredo raised in his letter. Further, he stated that they recognize the issues with sight line distances for cars coming out onto North Avenue from Quaker Hill. The County also recognizes this as a problem and has considered a realignment of the intersection. Mr. Wilson stated that it is an existing condition which they cannot address and that their traffic studies indicate that they are not exacerbating the problem. The issue is that the house is too close to the road which blocks the sight line. Mr. Wilson stated that they will take care of Mr. Manfredo's issues regarding landscaping and lighting but that they cannot do anything about the traffic.

P. Karis inquired about lighting size. J. Akins stated that there are 11' decorative poles along the front of the property. Poles to the rear of the property are either 15' or 20'. The 15' address the canopy, and the 20' are free standing along the rear of the property.

P. Setaro reviewed and discussed with the applicants the Morris Associates letter. Board specified its preference for flush mount lighting in the canopy. Mr. Wilson stated that the dumpster enclosure will be concrete block with a metal gate. P. Setaro and J. Akins will review the impact of increased impervious area on groundwater levels and neighbors' basements. J. Akins stated that he believes it is a non-issue as the volume of water going into the ground will not change and that there is no run-off from the site. He stated that

perk tests show no problem with ground water mounding. J. Akins stated that he has submitted the flood plain permit application.

J. Labriola read into the record a letter (original on file) from Robert Balkind of DPW dated 6/14/05. DPW stated its acceptance of the plans for the revised driveway arrangements and the proposed left turn lane for southbound vehicles. DC DPW granted conceptual approval for access to the county highway as proposed. Further, the letter reported on DPW's meeting with DOT regarding the proximity of the proposed Dunkin Donuts exit driveway to the existing traffic light at NYS 44 and County Road 72 and that DOT has no concerns about the operation of the traffic light due to the driveway. Detailed plans need to be submitted for review.

J. Labriola read into the record a letter (original on file) from the Pleasant Valley Fire Advisory Board dated 6/1/05: "recommends as a condition of Site Plan approval for the Hudson Valley Federal Credit Union that the applicant be required to install a dry sprinkler system with a siamese hook up outside the building for connection by the Fire Department in order to fight fire within the building."

J. Labriola reported that a comment letter was received from the Dutchess County Department of Planning and Development. Mr. Labriola reviewed their main comments as follows.

The department was happy to see the proximity of the proposed structure to North Avenue which provides easy access for pedestrians. Board believed that the current design has met that request. Department suggests that two more trees be placed in front of the building at regular intervals. Board and applicants discussed this suggestion and agreed to relocate one tree. Department suggests an exit onto Quaker Hill Road. J. Labriola stated that, very early on, the Board considered this idea and determined, along with DPW, that it is a really bad idea. Based on the DOT and reviews with DPW, the Board will have to respond to this suggestion with its rationale. Department also commented on internal connections and shared parking to adjoining businesses along Route 44 and the Pleasant Valley Fire House. J. Labriola stated that, earlier in the application process, the Board had considered that idea. P. Setaro commented that such an idea would require a lot of coordination with adjoining property owners. Mr. Wilson commented that they can only affect their side of the property line. J. Akins reminded the Board about the location of the proposed SDS which limits traffic flow through those areas. Mr. Wilson questioned how it would be possible to accommodate through connections without completely fouling up the internal traffic circulation and without loss of the proposed landscaping. H. Fischer questioned whether the suggestion referred to pedestrian or vehicular traffic. Board and applicants believed that it referred to vehicular traffic and that it has been addressed. The Department also commented on reducing the number of parking spaces and provided an alternate design. Again, the Board determined that it and the applicants have already discussed and abandoned the alternate design because of safety issues. The applicants have submitted documentation to justify the number of proposed parking spaces. H. Fischer asked if there is a way, in the future, to have an exit onto Quaker Hill from the back parking lot. J. Akins stated that to do so

would require some regrading but that it could be done. R. Fracchia inquired about the stone wall. The applicant responded that the wall will continue to the end without a pedestal. There will be a concrete capstone on the wall.

J. Labriola stated that circulation for Lead Agency went out on 5/16/05.

Board and P. Setaro discussed next steps required for SEQRA. P. Setaro stated that the changes to the lighting plan and a meeting with J. Akins will suffice. SEQRA is OK for next month. P. Setaro requested building elevation drawings with the final site plan denoting colors and materials.

8. REDL PARK RECREATIONAL FACILITY

Seth Stickle and Neal Wilson, from The LRC Group, and John McNair, Town Supervisor, were present.

J. Labriola stated that the Town of Pleasant Valley is beginning the planning for a new town park at the intersection of West Road and Salt Point Turnpike. Mr. Labriola reported that he had spoken with Mr. McNair about having someone brief the Planning Board on the proposed project. Mr. McNair stated for the record that there is no requirement for the Town to involve the Planning Board. Mr. Wilson stated, however, that it makes sense to involve the expertise of the Planning Board.

Mr. Wilson stated that he had been involved in the Master Plan for the Town some years ago and that the Town Supervisor contacted him about Little League Fields. Mr. Wilson provided a sketch to the Board of the proposed Little League Fields, which will use slightly less than 10 of the 29 acres of land. The current plan is the result of many meetings with the Town Board and input from members of the recreation committee and interested citizens. Mr. Wilson reported that an informational meeting for the public a couple of weeks ago was well attended and that the plan was well received.

S. Stickle demonstrated the drawings. Van Wagner Road is to the north. This property has been used in the past for soil mining. They wanted to limit the amount of soil export or import on site. They propose to lower the elevation of the fields to approximately the median grade thereby using the high point soils spread evenly across the site to level out the site. They will then construct the fields. Access off of West Road will be provided. They have been in contact with the DC Department of Transportation regarding the curb cut and the location, and they made some suggestions to the width of the access drives and the curb cut radiuses. They are proposing an entrance drive along the southern portion of the site to wrap around to a parking area. There are 101 proposed parking spaces with 4 bus parking spaces. A tournament field will be provided. They worked with Central Hudson on providing utilities and location of the transformer. There are utility poles on West Road. Mr. Stickle pointed out the specific pole that Central Hudson has asked them to use and explained the location of an additional pole for the transformer that will feed utilities to the building. The building is an accessory to the property. The Town would like to get the funding to construct the building, but at this point the focus is on developing the fields themselves. The building is proposed for a mixed use. The

ground floor will be a concession stand and restrooms. The second floor is proposed as a broadcast facility. They have been working with the Department of Health regarding sanitary on-site facilities and the on-site well. Deep tests have been done. Mr. Stickle pointed out the area for the proposed septic facility. There are adequate soils on site and they are still involved in this process with DOH. The pump test has not yet been done.

Mr. Stickle described the proposed tournament style field with drainage and lighting that will meet the Little League tournament standards. The second field is not a practice field but is a lesser quality field than the tournament style field. They are proposing a warm up area for pitchers and catchers. There is fencing along the entire exterior of the fields. They are proposing a looped pedestrian walkway and pointed out on the drawings how it links to the school. They are proposing bleachers and dugouts on both fields. The area of the building and the dugouts will be concrete. Mr. Stickle reported that Dutchess County has a very substantial drainage easement that runs along that portion of the property. They are proposing a berm in that area to eliminate problems and as a barrier to the DC drainage easement. Also, they are proposing landscaping along the berm as screening. The Board suggested the addition of street trees along the driveway and inquired about plans to extend the walkway to West Road. H. Fischer inquired about plans for a bike lane. Residents of the apartments across the road may want pedestrian or bike access to the parks. Board clarified that it would be good to have sidewalk connection from West Road and walkway connection into the fields from the access road. The bleachers will not be covered.

Mr. Wilson commented on the seasonal use of the fields. Games happen in the afternoon before school is out for the year. The Little League games, with the exception of All Star, are done by the end of the school year. There will be some continued use of the practice fields. At some point in the summer, the fields will be available for non-Little League play. The parking has been sized to accommodate two games with a total of 4 teams competing at the same time. There is plenty of land for add-ons in the future. But these fields will not be used for softball leagues. Plans for playgrounds have not been developed. J. Labriola asked, as they start to develop the rest of the site, where the access road would come from. Secondary access off of Van Wagner will be considered, but nothing is clear yet about that question. Grading of the site will inform future access plans.

H. Fischer inquired what motivated the plans for a Little League field. Mr. McNair responded that the Town had a championship team this year that could not play in their own home town. Further, Mr. McNair stated that the Town is starting with one project, which may be followed by plans for a pool, a gazebo, etc.

Mr. Wilson provided copies of the cost estimate for the project. It is now a little over \$1.1 million. He reported that they have discussed with the Town Board that the real cost will depend on the volunteer response (labor, \$ donations) to the project. Mr. McNair reported that they handed out a wish list and have received some offers of pro-bono work. Mr. Wilson reported that the lighting for the southerly most field will cost \$80,000-\$85,000. He stated that the cost estimate for a Little League field in the City of

Poughkeepsie was \$75,000 installed, but the actual out of pocket was \$35,000 because of the volunteer labor.

J. Labriola expressed the Board's appreciation for the presentation and its continued interest in the project.

9. LETTER OF CREDIT REDUCTION – MOUNTAIN VIEW ESTATES

P. Setaro reported that he has been to the site to review their request.

J. Labriola: **RESOLUTION FOR LETTER OF CREDIT REDUCTION**

WHEREAS A LETTER OF CREDIT HAS BEEN POSTED TO COVER THE FULL COST OF THE REQUIRED IMPROVEMENTS FOR THE MOUNTAIN VIEW ESTATES SUBDIVISION IN THE TOWN OF PLEASANT VALLEY

WHEREAS THE BOND WAS POSTED IN THE AMOUNT OF \$345,000 WITH A REDUCTION ON 11/9/04 TO \$190,500

WHEREAS REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED IN SUFFICIENT AMOUNT TO WARRANT FURTHER REDUCTION IN THE FACE AMOUNT OF SAID LETTER OF CREDIT

NOW THEREFORE BE IT RESOLVED THAT THE FACE VALUE OF THE LETTER OF CREDIT BE REDUCED TO \$105,000 AFTER APPROVAL BY THE TOWN BOARD WHICH WILL COVER THE COSTS OF THE AMENDED LIST OF IMPROVEMENTS AS SHOWN IN THE ESTIMATE BY MORRIS ASSOCIATES DATED 6/13/05

SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 4-0-0

10. BELLA CAPELLI SALON – SIGN PERMIT

Nancy Forest was present and described the sign and modifications to the photos provided to the Board.

J. Labriola: **MOTION FOR SIGN APPROVAL**

WHEREAS THE TOWN OF PLEASANT VALLEY PLANNING BOARD HAS RECEIVED AN APPLICATION FROM CAPELLI SALON FOR THE APPROVAL OF ONE SIGN DATED 5/25/05

AND 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 AN UNLISTED ACTION AND

THAT IT 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 SHOWN IN THE APPLICATION EXCEPT AS FOLLOWS: none

SECONDED BY R. FRACCHIA

VOTE TAKEN AND APPROVED 4-0-0

11. LICTRO – REGULATED ACTIVITIES IN A WETLAND

Board went into Executive Session with its attorney, J. Nelson, the Zoning Administrator, D. Friedrichson, and the Board's engineer, P. Setaro, regarding the Lictro application. This is a confidential attorney client session which is not on the record.

Back on the record, J. Labriola listed next steps.

Mr. Labriola stated that the applicants have provided Mr. Nelson and Mr. Setaro with documentation: the application, DEC's response, and other correspondence. The Board will seek the advice and counsel of a qualified wetland biologist who will review the application and DEC's recommendations and provide the Board with a set of recommendations on how to go forward. Mr. Labriola reported that the Board will approach 3 firms for a statement of qualification and a proposal. The Board will select one firm to work with. The letter to the firms will be sent this week. Mr. Labriola projects that the Board will review the proposals at the special meeting of the Board scheduled for 6/28/05 and make a selection at that time. A cost estimate should be available at that time. Karen Hagstrom, attorney, stated that the applicant does not have an escrow account. Mr. Labriola stated that one will have to be established to pay for these services. Ms. Hagstrom stated that, although the applicants are willing to cooperate, they do not believe it is necessary given the language in the Wetlands Ordinance and the Board of Health approval. She stated that the applicants are concerned about costs and about time. There is an issue of a construction loan that will expire prior to the Board's July meeting. The delay is incurring additional costs to the applicants and creating real life issues of where the children will attend school in the fall and construction being conducted during the school year.

Mrs. Lictro asked what specifically the wetland biologist would be looking for. Mr. Labriola replied that the Board is looking for an independent third party assessment of the application that will take into account the DEC's recommendations and provide the Board with an opinion on the mitigating measures that are going to be required. He stated that the biologist's recommendations may match the DEC's recommendations or may be different.

Ms. Hagstrom informed the Board that the applicant's engineer, Steve Rudd, is available to confer with the wetland biologist.

The firms that will be contacted are: Evans Associates, Ecological Solutions, and Rich Jacobson. All three are in Connecticut.

Ms. Hagstrom inquired whether it is the Board's position that the applicants will be required to pay for the biologist's services. Mr. Labriola affirmed that the applicants are financially responsible.

Mr. Rudd inquired about the procedure for review of the biologist's recommendations and subsequent Board appearances. Mr. Labriola explained that the Board will require the biologist to commit to a completion date for the work after which the application comes back on the Board's agenda. Based on the biologist's findings and recommendations, the Board will make its decision on the application. It is not feasible for this to happen till the August Board meeting.

12. APPEAL #853 SMITH VARIANCE

J. Labriola reported that this application is for one additional single family house to allow on-site housing for their daughter, who is the co-manager of the family farm, so that she can help with the farm.

P. Karis inquired whether this is two separate pieces of property. J. Labriola clarified that it is one piece of property separated partially by the road.

J. Labriola recommended that the applicant apply to subdivide.

J. Labriola read into the record a letter from the Fire Advisory Board dated 6/1/05: no comment.

D. Friedrichson stated that this is a horse farm on both sides of the road with a big house – a principal building. He stated that the applicant is trying to convey the idea that the proposed new house would be an accessory to the farm. Mr. Friedrichson reported that he told the applicant that it does not qualify as an accessory building.

J. Labriola: MOTION TO PASS ALONG TO THE ZBA WITH A NEGATIVE RECOMMENDATION BECAUSE IT SHOULD NOT BE CATEGORIZED AS AN ACCESSORY BUILDING. THE BOARD BELIEVES THAT THE APPROPRIATE NEXT STEP WOULD BE FOR THE APPLICANT TO COME TO THE PLANNING BOARD WITH A SUBDIVISION APPLICATION FOR THE SECOND PROPOSED HOME

SECONDED BY H. FISCHER

MOTION AMENDED: PASS ALONG TO THE ZBA WITH A NEGATIVE RECOMMENDATION AS THE BOARD VIEWS THE APPLICATION AS A

CLEAR NON-COMPLIANCE WITH THE BUILDING CODE AND THE BOARD BELIEVES THAT THE APPROPRIATE NEXT STEP SHOULD BE A SUBDIVISION APPLICATION TO THE PLANNING BOARD

SECONDED BY H. FISHER

VOTE TAKEN AND APPROVED 4-0-0

13. APPEAL #854 DAMSKY – VARIANCE

D. Friedrichson stated that this application was previously before the Board for a regulated activity in the wetlands permit. J. Labriola explained the Board suggested that the applicant move the shed, appeal for a side setback variance, and thereby avoid any disturbance of the wetlands.

J. Labriola read into the file a letter from the Fire Advisory Board dated 6/1/05: no recommendation.

P. Karis inquired what the setback is for the pond. D. Friedrichson clarified that, because the pond is less than ½ acre, there is no setback requirement.

J. Labriola: **MOTION TO PASS ALONG TO THE ZBA WITH A POSITIVE RECOMMENDATION AS THE RELOCATED SHED IS OUTSIDE OF THE WETLAND BUFFER AND THE REAR PORTION OF THE ADJOINING PROPERTIES IS WOODED AND THE BOARD DOES NOT BELIEVE IT WILL CONSTITUTE A HARDSHIP OR VISUAL IMPACT TO ADJOINING PROPERTY OWNERS**

SECONDED BY P. KARIS

VOTE TAKEN AND APPROVED 4-0-0

14. APPEAL #855 CRAFT VARIANCE

J. Labriola stated that the Board is unable to take any action on this application as R. Fracchia has recused himself from the discussion which leaves too few Board members for a vote.

J. Labriola: the Board passes this appeal along to the ZBA with no recommendation because there are not enough Planning Board members present this evening to pass a resolution.

15. APPEAL #856 CEDAR HOLLOW MOBILE HOME PARK

J. Labriola stated that this application is for the addition of a shed and approval for a proposed deck.

No one from the Board did a site visit. J. Labriola stated that the deck looks OK, but that there is no indication of how far away the shed is from adjacent properties.

J. Labriola: **MOTION TO PASS ALONG TO THE ZBA WITH NO RECOMMENDATION BECAUSE NONE OF THE PLANNING BOARD MEMBERS WERE ABLE TO DO A SITE VISIT**

SECONDED BY R. FRACCHIA

VOTE TAKEN AND APPROVED 4-0-0

16. APPEAL #857 MEAGHER – VARIANCE

J. Labriola stated that this property is along Netherwood Road, that the 8' high shrubbery has been eaten by deer, and that the applicants want to replace the shrubbery with a 8' fence to block out noise and sight of trucks and cars.

J. Labriola stated that he did not do a site visit. Board discussed that they will plant the front of the fence. D. Friedrichson stated that the fence will not be in the right of way but that this property is situated such that they need some shielding from the road. He recommends that it's a consideration for the Department of Public Works. J. Labriola stated his opinion that the applicant replace the shrubbery with plantings that the deer don't eat.

J. Labriola: **MOTION TO PASS ALONG TO THE ZBA WITH A NEGATIVE RECOMMENDATION BECAUSE IT IS UNCLEAR WHETHER THE PROPOSED FENCE WILL BE IN THE COUNTY RIGHT OF WAY AND THE BOARD IS CONCERNED ABOUT POTENTIAL SIGHT DISTANCE IMPLICATIONS**

SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 4-0-0

17. MISCELLANEOUS

J. Labriola: Minutes will not be reviewed this evening because not enough Board members are present. Nancy will contact the other Board members to confirm the 6/28/05 meeting at 6:30 p.m. Interviews were held last week for alternate Planning Board members. Two people were interviewed; both were hired. One will go to the ZBA. Mike Milicia will join as the alternate Planning Board member next month.

J. Labriola announced and stated his appreciation that P. Karis has accepted the position of Vice Chairman of the Planning Board.

Meeting adjourned at 10:43 p.m.

Minutes submitted by,

Helen D. Dickerson
Secretary

The foregoing represent unofficial minutes of the June 14, 2005, 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 28, 2005

A special meeting of the Pleasant Valley Planning Board took place on June 28, 2005, at the Pleasant Valley Town Hall, Route 44, Pleasant Valley, New York. Chairman Joe Labriola called the meeting to order at 6:43 p.m.

Members present: Joe Labriola, Chairman
 Rob Fracchia
 Peter Karis
 Michael Gordon
 Kay Bramson
 Rebecca Seaman

Also present: Peter Setaro, Morris Associates
 Jim Nelson, Esq., Town attorney
 Janis Gomez, Esq.

Absent: Henry Fischer

The meeting was opened with the Pledge of Allegiance.

J. Labriola announced the meeting's agenda:

1. The Lictro application for Regulated Activities in a Wetland: review of the quotes that came in from 2 of the 3 companies that the Board approached
2. Sign Ordinance discussion

1. LICTRO APPLICATION

J. Labriola explained that, because the Lictro discussion deals with the Board's requirements for hiring a consultant, the Board will go into executive session for that portion of the discussion.

Karen Hagstrom, Esq., provided the Board with Karol Knapp's resume, Aspen Environmental, and requested that the Board expand its list to include Ms. Knapp. Ms. Hagstrom also offered the Board a written report prepared by Ms. Knapp of her findings.

J. Nelson explained that a menu of people/companies have been provided to the Board, from which the Board will select one. Ms. Hagstrom stated that Ms. Knapp grew up in Pleasant Valley and has experience with other municipalities. Ms. Hagstrom suggested that, to save money, it should accept her objective assessment.

J. Labriola stated that the Board's selection criteria will be based on the consultant's qualifications not on their being "applicant friendly" or "municipality friendly." The Board's intent is to hire an independent, third party to assess the DEC's recommendations and advise the Planning Board. Ms. Hagstrom stated that Ms. Knapp is objective, has not

been involved in the Lictro's process to date, has reviewed the DEC documents and has completed her assessment, has worked with Mr. Setaro in the past, and is available.

J. Labriola stated that the Board has received 2 quotes and the 3rd consultant notified the Board that they would not be able to respond in the requested timeframe.

Board went into Executive Session to review the 2 quotes: Mike Nowicki of Ecological Solutions, and Richard B. Jacobson, Environmental Consultant.

J. Labriola: **MOTION TO RETAIN THE SERVICES OF ECOLOGICAL SOLUTIONS LLC TO PROVIDE THE BOARD WITH A REVIEW OF THE LICTRO'S APPLICATION FOR THE FOLLOWING REASONS:**

- 1. both of the applicants are very well qualified, but Ecological Solutions can have their report back to the Board on 7/11/05 (provided that the Lictro's put the required money in escrow) compared to mid-August for the other firm; and**
- 2. the quote from Ecological Solutions was significantly less (\$500-\$1,000) than the other firm.**

SECONDED BY M. GORDON

VOTE TAKEN AND APPROVED 6-0-0

Next Steps: After the applicants put money in an escrow account, the Board will tell Ecological Solutions to proceed with the project. Ms. Hagstrom inquired how much money the Lictro's should put into escrow. J. Labriola stated that they should deposit the upper limit of \$1,000 to be safe. J. Labriola confirmed that travel fees and attendance at the Planning Board meetings, as required, is included in the quote. Ms. Hagstrom will be copied on the e-mails from Mr. Nowicki so that she can review his written assessment. J. Nelson suggested that Ms. Knapp provided Ecological Solutions with her report. Ms. Hagstrom stated that she and the applicants will confer on this suggestion.

Mr. Lictro explained the key notations on the engineer's plans that were delivered to the office the previous week. Specifically, the asterisk indicates items that the DEC requires which are cross-referenced with the permit. Also, a capitol A inside a circle indicates things that the Board of Health requires. Mr. Lictro pointed out to the Board the last page of the plans which is the 1963 survey superimposed on their current plans. This shows the Board the location of the hotel and the pool in relation to the proposed location of their house.

J. Nelson suggested that a copy of these updated engineer's plans be provided to Ecological Solutions. P. Karis agreed to deliver the plans to Mr. Nowicki.

2. SIGN ORDINANCE

Janis Gomez reviewed her research and comments with the Board.

Clarification to (p. 8) Section SIGNS IN ALL DISTRICTS (a) Square Footage: Ms. Gomez stated that it is confusing as written regarding how to calculate the square footage. Board also discussed whether a sign's supporting structure is included in the calculation and cross-referenced this section with (p. 7) the section on Monument Signs. R. Seaman suggested adding the following language regarding the supporting structure: "unless it includes colors, designs or other materials intended to form an integral part of the sign."

Discussion of (p. 8) Section SIGNS IN ALL DISTRICTS (b) Illumination prohibiting neon lights: Board discussed Johnny Rocks sign, which has no exposed neon lighting. J. Labriola suggested prohibiting neon lights that are "directly externally visible." Although the Ordinance is clear that neon lights are not permitted, the Board acknowledged that it allowed Johnny Rocks to back light its sign with neon.

Discussion of (p. 4) Window Signs: Board discussed window signs, what constitutes a window (glass façade versus something that you can see through), and that people are not required to get a permit for a window sign. J. Nelson referred to section on p. 4 that describes window signs. J. Labriola inquired whether language should be added that states that "these signs should be non-lit and should not be neon?" The only permits that are granted are for external signs. The Board discussed its desire to regulate what can be put in a window (i.e., the old Grand Union) and acknowledged the difficulty of enforcing such a regulation. Board agreed to modify the language regarding window signs to "15% or 6 square feet whichever is greater." Neon is already prohibited on p. 8.

Discussion of Subdivision Signs (p. 8): J. Gomez inquired when the sign must be removed. Board agreed that a temporary subdivision sign must be removed 2 years from date it is first erected. Lot # signs will also be limited to 2 years.

Tax lien (p. 9): Ms. Gomez stated that there may be some language that needs to be added regarding non-payment of fees and tax liens and clarification of the word "owner."

Discussion of Section F: Compliance with new sign ordinance: Ms. Gomez reviewed this section with the Board regarding grandfathering existing signs versus compliance. Ms. Gomez stated that the non-conforming use (billboards and other signs) runs with the land, but an amortization schedule for removal can be applied nonetheless. J. Labriola stated that requiring all signs to be in compliance within 48 months of adoption of the new Sign Ordinance sounds like a nightmare. Suggestion was made to require existing signs to come into compliance when they are changed or repaired – whether change in ownership or the sign is in disrepair – whatever instigates the change, it must be brought into compliance. J. Gomez reviewed a 1994 case that defines a reasonable amortization period. Board wants to bring signs into compliance via a process that is fair and with the least amount of annoyance and financial hardship to the owners. M. Gordon stated that 25-30% of small businesses turn over in 5 years, which means that the signs will change and come into compliance. Board acknowledged that people will build to the maximum square footage allowed.

Discussion of Billboards (p. 9): Ms. Gomez reviewed the laws governing billboards: General Municipal Law which is a product of the Highway Beautification Act. Ms. Gomez stated that it seems to be a compromise between the sign owners and the State regarding billboards. She stated that there are 3 laws that apply:

1. Billboards in industrial or manufacturing districts: existing billboards cannot be removed unless the Town pays for it and cannot do amortization schedule for removal. M. Gordon inquired whether the property owner would be compensated if the sign were removed. Ms. Gomez stated that she thinks the owner does get compensated under eminent domain.
2. TO BE DISCUSSED AFTER #3 BELOW.
3. Signs on Federal aid highways: Route 44 and Taconic. State issued permits for the allowed signs which cannot be removed unless the Town pays for it. Ms. Gomez stated that a lot of the signs along Route 44 fall into this category but that she does not have the number yet. Payments must be made to the owner of the sign and the owner of the billboard. J. Labriola inquired that, if these billboards fall into disrepair, can they be prohibited from being replaced. The Board wants these signs to lose their protected/permitted status if they fall into disrepair.

Ms. Gomez pointed out that eminent domain law applies to #'s 1 & 3 above. M. Gordon inquired whether there is any Federal or State guideline for "taking" or "valuing" these signs. Ms. Gomez stated that the State can provide guidelines.

2. Amortization schedule (p. 9 - as provided by State law) applies to all billboards that do not fall into categories #1 & #3 above. M. Gordon pointed out that there is a revolution right now in advertising locally, nationally, internationally brought about by the internet. In 5 years, there may be a whole different distribution of advertising money, which may make billboards more or less valuable.

Ms. Gomez mentioned adding a severability clause.

How to move forward: Ms. Gomez suggested that she work with 1 or 2 Board members rather than the full Board. J. Labriola will work with Ms. Gomez and stated that the Town Board needs a marked up copy.

Proposed additions to Temporary Signs: R. Seaman stated that she is not adverse to people putting up banners, but that they should be limited to special times (grand opening, special sale). Board reviewed p. 3 section (i). Board wants a time limit on temporary signs and will notify J. McNair that the Board does not agree with the proposal. Anyone could put up a sign anytime by sending in a postcard and paying \$5.

Meeting adjourned at 8:30 p.m.

Minutes submitted by,

Helen D. Dickerson
Secretary

The foregoing represent unofficial minutes of the June 28, 2005, 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 12, 2005

A regular meeting of the Pleasant Valley Planning Board took place on July 12, 2005, at the Pleasant Valley Town Hall, Route 44, Pleasant Valley, New York. Chairman Joe Labriola called the meeting to order at 7:26 p.m.

Members present: Joe Labriola, Chairman
 Rob Fracchia
 Peter Karis
 Michael Gordon
 Kay Bramson
 Rebecca Seaman
 Henry Fischer

Also present: Rich Rennia, Morris Associates
 Jim Nelson, Esq., Town attorney

The meeting was opened with the Pledge of Allegiance.

J. Labriola announced a change to the meeting's agenda:

The Lictro application for Regulated Activities in a Wetland: Mike Nowicki, Ecological Solutions, will present his report on this application and the DEC review and mitigation recommendations. M. Nowicki will also discuss his findings, conclusions, and recommendations.

1. LICTRO APPLICATION

Mike Nowicki, Ecological Solutions, stated the following:

M. Nowicki stated that he visited the site yesterday and spoke with Mike Clancy from DEC. His review of the site revealed that it is clear that there has been previous impact in the area – there is an old foundation. The wetland is clearly marked, and the buffer extends over most of the property. The buffer is almost in its entirety a lawn with some scattered maple trees.

Mr. Nowicki reviewed the house location, which is within 46' of the wetland boundary. He stated that, because of the wetland and zoning setbacks, the proposed location of the house is the most appropriate place and is on a knoll. This provides room for the septic system to be located completely outside of the regulated area. M. Nowicki stated that this is key, that this is what is desired.

Mitigations for impact in the buffer are provided. M. Nowicki stated that these measures are fine but that he would have placed it down slope adjacent to the wetland because the plant species are more wetland mitigation species than buffer planting species. He stated that he does not know what good these species would do up at the top. He would rather see them down by the southern stone wall. Further, he stated

that where the plantings are proposed now, the applicants may want to bring in some fill and create some lawn area. M. Nowicki observed that a future owner of this property will want some area for kids. Because it will be the natural tendency to try to get more yard area for the family, a created lawn area will prevent them from pushing back into the buffer behind the house where the fence is located.

M. Nowicki stated that, if this were a new property in a new subdivision, it would be viewed in a different light. The applicants would be starting from scratch. He stated that, if this were the case, then they would not have a project with this property because everything would be within the 100' buffer and it would be hard to justify. However, he stated that since this is an old lot with previous impact – and the buffer is lawn – impact to the wetland is not significant, in this case.

J. Labriola asked about M. Nowicki's comments in his letter about planting evergreen trees. M. Nowicki stated that, since the applicants will be removing some medium to large maple trees, they may want to plant some evergreen trees along the fence line as screening.

Questions from the Board: M. Gordon asked if M. Nowicki thinks the rubble was buried when the buildings were taken down – as was typical in that time. M. Nowicki stated that he does not know if that accounts for the knoll. Further, he stated that the wetland is continuous with the lawn area, so it is not apparent if the rubble was buried.

J. Nelson inquired whether a short form was submitted to the Town. The applicant responded "yes." J. Nelson stated that he has drafted a SEQRA resolution for the Board.

K. Hagstrom, attorney for the applicants, stated that the Lictros are not planning on removing trees. She stated that they will trim lower branches on the trees to accommodate construction of the house. Ms. Hagstrom inquired whether a revised DEC permit would be required. The response was "no."

P. Karis inquired how close to the house are the trees that will be trimmed and asked how large they are. The applicants point out on the map the location of the trees.

Board discussed SEQRA conditions. J. Labriola suggested including as a condition that the septic is completely out of the buffer. J. Nelson pointed out that it is included in one of the "WHEREAS" clauses. Mr. Labriola stated a desire to be very specific regarding why the Board is comfortable with this negative declaration. R. Seaman raised the question of deed restrictions on no further subdivision and restrictions on tree removal. J. Nelson explained that the recitations in the SEQRA resolution serve to elucidate the Board's rationale for its decision. R. Seaman further clarified that no further development on the site would include any additional sheds, barns, pools on the property. J. Labriola stated that he agrees with no further subdivision. However, he stated that, if the applicants wanted to put a shed, above ground pool, a walk way, they would have to return to the Board for another Regulated Activity in a Wetland Buffer application at which time the Board would look at the merits of their application. R. Seaman stated

that, although this application is impacting the wetland, there is a reason for doing it (there was a building on the property in the past). The Board is, therefore, accepting this impact on the wetland as one of not great significance. However, she stated that, if the applicants returned with projects to remove more trees and do significantly more development, she would therefore not agree with the negative declaration. Further, she is concerned about the potential for incremental creeping encroachment on the wetlands. J. Labriola stated that, without specifications about what the additional development would be, it is not possible to determine its impact at this time. He believes that the Town is protected by the fact that if the Lictros or future owners want to develop in the buffer, they must reapply to the Planning Board.

The Lictros confirm that anything beyond the split rail fence will revert to natural buffer.

J. Nelson suggested the following options:

1. Base the negative declaration on the fact that there is no further subdivision; OR
2. Base the negative declaration on the specific plan that has been submitted; OR
3. Base the negative declaration on: (a) No further site development OR (b) in the event of any additional site development or disturbance the applicant will be required to return to the Planning Board for another permit.

M. Gordon mentioned to Mr. Lictro that the Board is concerned not only for the present-day proposal and the present-day owner, but also for the future and any future owner's activities. The Lictros assured the Board that they understand this concern and share it.

J. Labriola: **MOTION FOR NEGATIVE DECLARATION**

*****ORIGINAL IS ON FILE*****

REASONS IN SUPPORT OF THIS DETERMINATION OF NON-SIGNIFICANCE:

1. **Applicant has received a New York State Department of Environmental Conservation wetlands permit and a Dutchess County Department of Health permit for the proposed septic system.**
2. **The parcel previously supported a seasonal hotel, the foundational remnants of which are still on the site.**
3. **The board has been advised that that New York State Department of Environmental Conservation in 1992 issued a permit for substantially similar development on the site.**
4. **the applicant's environmental consultant has advised that the project will not generate any direct impact on Federal, state, or local regulated wetlands, and that the proposed home construction is consistent with the Town of Pleasant Valley's Wetland, Water Body, and Water Course Protection Law and is not one that will generate a significant environmental impact or impair the natural benefits of the wetland.**
5. **The Town of Pleasant Valley Planning Board's wetlands consultant has opined that the wetlands function should not be impacted long-term by the proposed activities and that they should also not be impacted during the construction activities so long as the plans are adhered to, and erosion**

controls are checked and maintained. The Town's consultant has also suggested that certain plantings be moved on the site and that additional plantings be made.

- 6. Septic system is completely out of the buffer zone.**
- 7. No further subdivision will occur on this site.**
- 8. Any additional disturbance in the buffer zone will require the applicant to come before the Town's Planning Board for review and approval.**
- 9. The area beyond the split-rail fence will revert back to a natural state.**

SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 6-0-0

J. Nelson inquired whether the Board will specify size, number, and type of trees that will be planted. J. Labriola stated that there were two reasons for planting evergreen trees: one reason was to replace trees that were being removed, of which there will be none; the other reason was visual screening on the wetland size of the split-rail fence. Board agrees to leave the decision about planting additional trees up to the applicants' discretion.

J. Labriola expressed to Mr. Nowicki the Board's appreciation and thanks for his very quick response for a quotation and for being able to complete the project in a very timely fashion.

J. Labriola **RESOLUTION FOR WETLANDS PERMIT**
*******ORIGINAL ON FILE*******

CONDITIONS OF APPROVAL:

- 1. that all construction be consistent with the permits and conditions of the New York State Department of Environmental Conservation and the Dutchess County Department of Health.**
- 2. That prior to the issuance of any Town permit the Town of Pleasant Valley Wetlands Administration be provided with proof that the mitigation measures proposed by Ecological Solutions LLC have satisfactorily been installed.**
- 3. Any additional disturbance in the buffer zone will require the applicant to come before the Board for review and approval.**
- 4. No further subdivision will occur on this site.**

SECONDED BY R. FRACCHIA

VOTE TAKEN AND APPROVED 6-0-0

2. KDA

Neal Wilson, LRC, Chip Nix, KDA, and Jeff Akins, Dewkett Engineering, were present.

Jeff Akins reported on changes to the site plan since their appearance at the June 2005 Planning Board meeting. Mr. Akins reviewed their response to the Morris Associates

comment letter. They have revised the EAF pursuant to questions from P. Setaro. They met with P. Setaro and have resolved the drainage issues and run off questions. Erosion controls are in place and include silt fencing. J. Akins reviewed the lighting plans to prevent spillage onto adjacent properties. Canopy lights will be flush mounted. Tree landscaping along the frontage has been revised as requested. Evergreen plantings are being provided along the rear parking area. Dumpster enclosure is block construction with the same brick as is will be used on the exterior of the building.

M. Gordon noted that Bradford Pear trees have problems with splitting when they get to be a certain size. He stated that they are beautiful trees, but that they have an inherent weakness for splitting when heavy with flowers which cannot be fixed through pruning. He noted that the plan calls for 18 Bradford Pear trees and recommended that they check with a nurseryman about this species. Mr. Gordon referenced two on Main Street that split and several in Arlington that also split, one of which damaged his hairdresser's car.

J. Akins stated that the entire site drains to itself. They are not using any of the street drainage on North Avenue, nothing is draining off site. Existing conditions drain on site; flood conditions drain on site. Flood plain development permit has been submitted. Questions raised by Mr. Knapp are resolvable. J. Akins stated that it would be best to have Mr. Knapp walk the property. The two mitigations provided are: the building is above the base flood elevation; and the volume of the building represents less area than all of the buildings that are being removed from the site. There's no impact to the sub-plain by the project itself.

J. Akins stated that conceptual approval has been received from the Department of Public Works with their concurrence of the DOT. Color renderings of the buildings have been provided to the Board. Architectural drawings have been revised to show a dry sprinkler system with a Siamese connection pursuant to the request from the Fire Department.

Rich Rennia reviewed the current Morris Associates comment letter. Board discussed the lighting plan and the reduction of wattage. J. Labriola stated that the Board understands that there are wattage requirements around the bank and the ATMs. He asked if they can significantly reduce the wattage in the other areas on site. N. Wilson responded "yes." Mr. Wilson reiterated that the real issue of outside lighting is ATMs and the 50' radius around them. He stated that they are working to reduce the spillage of light off site. R. Rennia inquired about foot candles around the ATMs. NYS banking law regulations specifies 2 foot candles. R. Rennia stated that he and P. Setaro are concerned about much higher levels than that on the site. Mr. Wilson stated that they will fix this and that they share the concern for the impact of the on-site lighting on the adjacent residential properties.

R. Rennia inquired about putting certain lights on timers. J. Labriola concurred that it is a good idea that, when it's not normal business hours, the only lights that should be on are the ones that need to be on. Mr. Wilson stated that the lights that must remain on are the ones around the ATMs and the ones that direct the traffic flow. J. Labriola asked if this only pertained to the entrance lighting. Mr. Wilson stated that they eliminated

lighting behind the building at the exit. Perimeter and parking lighting can be on timers. Mr. Wilson stated that they understand the request and will work with Morris Associates on the lighting plan.

R. Rennia stated that their final comment was for the Board to make sure that the landscaping is adequate.

Comments/questions from the Board:

K. Bramson inquired about grassy areas. J. Akins stated that any area that is not asphalt will be grass. R. Seaman asked about any plans for perennial and/or annual plantings, any plans for landscaping beyond trees and grass. Mr. Wilson stated that it's a basic landscaping plan. R. Seaman stated that she would like to see something a little more developed – something at the entrance – flowers perhaps. R. Fracchia referenced the plantings at Adams. M. Gordon reminded the Board that there will be a beautiful stone wall along the perimeter. J. Akins reminded the Board that the cars will not be visible. Mr. Wilson offered to enhance the landscaping plan to include perennials and annuals around the buildings.

J. Labriola requested that they remove the building signage from the elevations. Signs are handled under a separate application.

J. Labriola summarized that the Board will proceed this evening with SEQRA and next steps for the next meeting are:

- lighting issues resolved
- drainage issues and clarifications are resolved
- as part of this permit there is some dialogue that needs to be finalized
- landscaping

R. Fracchia raised a concern regarding a garbage truck backing up into incoming traffic lanes. He asked if there were a way to give a little more radius so that he could be out of the traffic lane. Applicants stated that garbage pick up is quick and not during business hours.

J. Labriola: **MOTION FOR NEGATIVE DECLARATION**

MOVE THAT THE PLANNING BOARD DETERMINE AS SET FORTH IN THE ATTACHED DECLARATION DATED JUNE 12, 2005 AS PREPARED BY THE BOARD'S ENGINEER THAT THE KDA HOLDINGS SITE PLAN 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

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. traffic concerns have been addressed by design of interior traffic circulation patterns and the proposed turn lane on North Avenue**
- 2. the building design and location will complement the hamlet area**
- 3. storm water management provides for on-site retention of designated designed storms**
- 4. Dutchess County Department of Health will approve water and sewer systems**

SECONDED BY M. GORDON

VOTE TAKEN AND APPROVED 6-0-0

Mr. Wilson stated that it is their intention to turn this around quickly and be on the agenda for the Planning Board's August meeting. He stated that the County letter referenced the requirement of a super majority vote and inquired whether, because this is vacation time, there will be enough members present at that meeting. A tally of the Board members present indicated that there will be a sufficient number at the August meeting.

.....
J. Labriola introduced and welcomed Rick Malicia – the newest alternate Planning Board member. Mr. Labriola expressed the Board's appreciation for Mr. Malicia's offer to volunteer on the Board.
.....

3. APPLE RIDGE SUBDIVISION

J. Labriola reported that this is a request for 180 day extension. Mr. Labriola stated that the Board granted Preliminary Approval on 7/13/04. At 180 days, the applicants requested a 90 day extension followed by an additional request for a 90 day extension. Mr. Labriola stated that the Department of Health is holding up this project as well as other projects because the DOH is backlogged. Mr. Labriola stated that he spoke with J. Nelson. Local law grants 180, 90, and 90 and then no more. At this point, Mr. Labriola stated that the Board must tell the applicants that they must resubmit and start the application over. Mr. Nelson confirmed that it would be good to have on the record at least a motion to deny. He explained that the Town Code and local law allows for 180 days plus two additional 90 days and that all of that time has elapsed.

H. Fischer inquired whether the delay by the Department Health is real. J. Labriola referenced the Serino application which received its approval from the DOH two days before the allowed time expired. M. Gordon stated his understanding that the DOH is 8-9 months behind. R. Rennia stated that it is possible that DOH process could easily take a year. M. Gordon inquired whether denial by the Planning Board would impact the DOH process. J. Nelson stated that he would hope that that it would not.

J. Labriola: **MOTION TO DENY THE REQUEST FOR A FURTHER EXTENSION OF PRELIMINARY APPROVAL OF THE APPLE RIDGE SUBDIVISION BECAUSE THEY HAVE EXHAUSTED THE ONE-YEAR TIMEFRAME TO SATISFY THE CONDITIONS AND THE APPLICANT WILL HAVE TO RESUBMIT THE APPLE RIDGE SUBDIVISION AS A BRAND NEW APPLICATION**

SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 6-0-0

4. JUNIOR'S FAMILY PIZZERIA – SIGN PERMIT

Board reviewed the design submitted for the replacement of an existing pole sign. D. Friedrichson reported that the size is OK but that this application is a little different in design. J. Nelson reminded the Board that, because of First Amendment rights, it must be careful when commenting/reviewing sign content.

J. Labriola: **MOTION TO APPROVE**

WHEREAS THE TOWN OF PLEASANT VALLEY PLANNING BOARD HAS RECEIVED AN APPLICATION FROM JUNIOR'S FAMILY PIZZERIA FOR APPROVAL OF ONE SIGN DATED 6/9/05;

AND 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 AN UNLISTED ACTION THAT 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 DRAWINGS CONSISTING OF THE MATERIALS, SIZES, AND COLORS SHOWN IN THE APPLICATION EXCEPT AS NOTED: none

SECONDED BY K. BRAMSON

VOTE TAKEN AND APPROVED 6-0-0

5. APPEAL #858 CEDAR HOLLOW MHP

This application is to replace and existing mobile home.

J. Labriola reported that the file contains a letter dated 7/6/05 from the Fire Advisory Board that states that the FAB takes no position on this appeal as they feel it is strictly within the purview of the ZBA.

R. Fracchia visited the site and reported that all the lots are tightly spaced. He and J. Labriola agreed that they are maintaining as much separation between lots as they currently have.

J. Labriola: MOTION TO PASS ALONG TO THE ZBA WITH A POSITIVE RECOMMENDATION AS THE PROPOSED CHANGES WILL INSTALL A NEWER, MORE ATTRACTIVE HOME AND THAT THE SEPARATION DISTANCES BETWEEN ADJACENT PROPERTIES SEEM TO HAVE BEEN MAINTAINED CLOSE TO WHAT IS EXISTING TODAY

SECONDED H. FISCHER

VOTE TAKEN AND APPROVED 6-0-0

6. APPEAL #859 WIGSTEN FARM STAND

J. Labriola stated that the file contains a comment letter from the Fire Advisory Board – the FAB takes no position in reference to this appeal as they feel that it is strictly within the purview of the ZBA.

J. Labriola stated that Wigsten wants to move their farm stand onto Salt Point Turnpike. Board discussed the hazards created by locating this stand close to a hair-pin turn and expressed concern for sight distance. K. Bramson raised a question of a driveway for the stand. Board agreed that it is a very bad corner – a dangerous location for people to try to stop in their cars. J. Labriola stated that, if the ZBA approves this application, it must come back to the Planning Board for site plan approval anyway. H. Fischer recommended a negative recommendation to the ZBA due to the location of the entrance and a requirement that it be cleared with the County. D. Friedrichson stated that the Code requires an 80' setback from the center of the road. K. Bramson stated that she visited the site and that it appeared to her that they intended to use the driveway of the house. J. Labriola stated that he thought he saw the beginnings of a new driveway.

H. Fischer stated that this is a bad idea and that a reasonable, sane person can make an assessment that it is a dangerous spot. K. Bramson agreed.

J. Labriola: MOTION TO PASS ALONG TO THE ZBA WITH A NEGATIVE RECOMMENDATION BECAUSE THE BOARD BELIEVES THAT:

- **IT WOULD BE DANGEROUS TO PUT A CURB CUT AT ANY POINT ALONG THAT FRONTAGE; AND THAT**
- **THE ZBA NEEDS TO GET THE NYS DEPARTMENT OF TRANSPORTATION TO WEIGH IN PRIOR TO THEIR DETERMINATION TO SEE IF, IN FACT, THERE ARE ADEQUATE SITE DISTANCES FOR AN ENTRANCE; AND FURTHER**
- **IF THE ZBA DOES GRANT THIS VARIANCE, THE PLANNING BOARD REQUIRES THAT THE APPLICANT COME BEFORE THE PLANNING BOARD FOR A FULL SITE PLAN REVIEW**

SECONDED BY H. FISCHER

Discussion: R. Fracchia inquired whether the entrance could be off Sherow. Discussion of the Right of Way over Central Hudson. J. Labriola stated that, as it is written on the EAF, the application states that they want to relocate the farm market from Wigsten Road to Salt Point Turnpike. Hence, the entrance would be on Salt Point Turnpike.

VOTE TAKEN AND APPROVED 6-0-0

7. MISCELLANEOUS

- a. **Recreation Fees:** J. Labriola reported that the Town Board is going to revise the local ordinance regarding recreation fees. Board has received the proposed changes to the recreation fees.

J. Labriola: **MOTION THAT THE 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 ZONING CODE; SECONDED BY H. FISCHER**

VOTE TAKEN AND APPROVED 6-0-0

J. Labriola commented on the revisions to the local recreation fee law. Mr. Labriola stated that the NYS Town Law “grants the Town the authority to impose recreation fees on site plans containing residential units.” Mr. Labriola inquired of Mr. Nelson whether it should read “site plans and subdivision plans” or is a subdivision plan considered a site plan. Mr. Nelson concurred that site plan and subdivision plan should be referenced separately. Mr. Labriola also clarified that it is not the Planning Board that determines “that a proper case exists for requiring that a park or parks be suitably located within the Town.” Mr. Labriola stated that it is more accurately the Department of Recreation that makes that determination. Mr. Nelson suggested that the standard resolution addresses this question – that there needs to be a general finding by the Town Board that recreation is good and that parks or money in lieu are good. Mr. Nelson stated that each plan, then, comes through the Planning Board for a specific finding. Mr. Labriola stated that the revised law states that some one must determine that a case exists that there is a requirement for parks within the Town, which he believes is in the purview of the Town Board or the Rec Department – not the Planning Board. Mr. Nelson stated that he believes it is the Town Board. Mr. Labriola would like to change to wording to “Town Board.”

Fee is being changed to \$3,000 per building lot and is assessed on net new lots. There is a different fee for mobile homes and apartments. H. Fischer inquired why the fee would be less for apartments. R. Malicia inquired why fees are not assessed on a commercial development. Mr. Labriola explained that commercial developments where people don’t live do not generate a need for additional park services. Mr. Nelson stated that it may be that the State law allows the collection of

fees if you are subdividing property to build homes or if you are doing a site plan application and the site plan is for residential development. Further, he stated that the general rule is that if it is a law of general application of the State, Towns cannot supercede it. If it is not a law of general application, then you can supercede it. Mr. Nelson referenced the case of Towns not being allowed to impose "impact fees."

M. Gordon inquired whether he would be required to pay rec fees if he were to build a building with 6 residential apartments. The answer was "yes" and that this is clearly stated in the revisions.

J. Labriola: **MOTION TO PASS ALONG TO THE TOWN BOARD THAT THE PLANNING BOARD HAS REVIEWED THE DOCUMENT AND AGREES WITH THE REGULATIONS THAT THE TOWN IS PLANNING TO MOVE FORWARD WITH. THE PLANNING BOARD THINKS THE REVISIONS ARE CONSISTENT WITH INPUT THAT THE PLANNING BOARD HAS PROVIDED TO THE TOWN IN THE PAST ABOUT THE NEED TO INCREASE REC FEES FOR RESIDENTIAL UNITS THAT ARE ADDED. ALSO, THE PLANNING BOARD SUGGESTS THAT TWO CHANGES BE MADE TO THE PROPOSED REVISIONS:**

1. **Section A: Purposes – "grants towns the authority to grant fees on SITE PLANS AND SUBDIVISIONS" – this correction needs to be made consistently throughout the entire document**
2. **Section A: second paragraph – delete reference to the Planning Board and replace it with the Town Board in the following sentence: "first, the TOWN BOARD or such other administrative body must find that a proper case exists for requiring that a park or parks be suitably located within the Town."**

SECONDED BY R. SEAMAN

Discussion: Question was raised as to how the \$3,000 fee per lot was arrived at. Mr. Labriola stated that there will be a Public Hearing the next day where those questions will be answered. Further, he stated that the new fee is not as expensive as many other towns.

VOTE TAKEN AND APPROVED 6-0-0

- b. Cutters Edge sign: J. Labriola requested that D. Friedrichson look at the approval for the sign permit for Cutters Edge. They have a sign on a pole out front and a big channel letter sign on the side of the building. Board does not believe that it approved the sign on the side of the building. Mr. Friedrichson will review the file and do a site visit.
- c. Avalon Hills Barn: J. Labriola requested that D. Friedrichson visit the Avalon Hills two family barn – he thinks that the roof and the siding are the wrong colors.

- d. Cunningham site: J. Labriola stated that, on the Cunningham site on West Road, he believes that the site approval stipulated that all equipment would be stored inside the building. This is not being done. And Brandl's Towing is operating out of that facility. He is parking his tow trucks there. Mr. Labriola recalled that he came in with a sign permit for Brandl's Towing; and the Board told him that, if he wanted that approved, he would need to have his site plan re-examined because it was approved for a single business. D. Friedrichson will check this out.
- e. Pleasant Valley Stone: Mr. Labriola stated that issues were raised by K. Bramson and D. Friedrichson regarding a tractor trailer backing out onto Route 44. Mr. Labriola reviewed the minutes which clearly reflect that the Board told the applicant that it did not want tractor trailers backing out of the property onto Route 44 and that the applicant stated that he would make sure that this did not happen. K. Bramson stated that traffic was stopped in both directions to accommodate the tractor trailer. D. Friedrichson will check this out.
- f. Lal's Gas Station: R. Fracchia asked whether Lal was supposed to clean up that site. Mr. Labriola stated that, although Lal received site plan approval, there is no requirement that he actually do anything on the site. Further, Mr. Labriola stated that Lal sold out.

8. MINUTES

J. Labriola: **MOTION TO APPROVE MARCH 2005 MINUTES AS CORRECTED;
VOTE TAKEN AND APPROVED 5-0-0**

J. Labriola: **MOTION TO APPROVE APRIL 2005 MINUTES AS CORRECTED;
VOTE TAKEN AND APPROVED 6-0-0**

J. Labriola: **MOTION TO APPROVE MAY 2005 MINUTES AS CORRECTED;
VOTE TAKEN AND APPROVED 6-0-0**

9. ISSUE RE APPLE RIDGE REQUEST FOR ADDITIONAL EXTENSION

J. Labriola inquired of Mr. Nelson whether the Planning Board can ask the Town Board to revise the local law regarding 180 plus 90 plus 90 day extensions or is it a State law that the Town can do nothing to change. Mr. Nelson has confirmed that the 180 plus 90 plus 90 does not come from the local Code; it does come from State law. He stated that the question is whether it is the type of law that the Town Board could supercede if so desired. Mr. Nelson reported that he has asked J. Gomez to work on this question. He stated that he does not think it can be superceded.

10. A&P PLANTER

M. Gordon pointed out that the planter at the base of the sign at the A&P has been built but has never been planted.

Meeting adjourned at 9:10 p.m.

Minutes submitted by,

Helen D. Dickerson
Secretary

The foregoing represent unofficial minutes of the July 12, 2005, 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 13, 2005

A regular meeting of the Pleasant Valley Planning Board took place on September 13, 2005, 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
 Rob Fracchia
 Michael Gordon
 Kay Bramson
 Rebecca Seaman
 Henry Fischer

Members absent: Peter Karis
 Rick Malicia, Alternate

Also present: Pete Setaro, Morris Associates
 Jim Nelson, Esq., Town attorney
 Dieter Friedrichson, Zoning Administrator

1.

Meeting adjourned at 10:15 p.m.

Minutes submitted by,

Helen D. Dickerson
Secretary

The foregoing represent unofficial minutes of the September 13, 2005, 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

acceptable to the Town attorney. He reported that they did the test wells last winter, received DOH approval on the 8th, and the Board's approval expired on the 13th. He stated that they scrambled as best they could to find everyone but vacation time made it difficult.

P. Setaro stated that he has no additional comments and reminded Mr. Johnson that they wanted a note added to Lot #1. Mr. Johnson will pick up a yellow subdivision sign.

J. Labriola: **MOTION TO GRANT SKETCH PLAN APPROVAL**

Move that the Planning Board grant sketch plan approval to the Serino 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 the Planning Board's engineer's letter dated 8/8/05

SECONDED BY M. GORDON

VOTE TAKEN AND APPROVED 6-0-0

4. PORCO LOT LINE RE-ALIGNMENT 90-DAY EXTENSION

J. Labriola stated that this application is for an extension to their preliminary approval. He read into the file a letter from Mr. Porco dated 7/29/05 (original on file) which states that the request for an extension arises from the fact that the Planning Board attorney has not acted on the information he received in May 2005. Mr. Labriola stated that this application was granted final approval in February 2005. Mr. Nelson stated that he needs to do the metes and bounds descriptions on the cross drive easements.

J. Labriola: **MOTION TO EXTEND THE PORCO LOT LINE RE-ALIGNMENT FINAL APPROVAL ANOTHER 90 DAYS; SECONDED BY R. FRACCHIA**

VOTE TAKEN AND APPROVED 6-0-0

5. ST. PAUL'S EPISCOPAL CHURCH – SIGN PERMIT

Bill Kern was present for this application. Mr. Kern reported that a couple of years ago one of the Bishops came up to visit St. Paul's for a review of fundraising for the diocese and that the Bishop could not find the church.

Mr. Kern described the proposed new sign as a 2' x 3', double-sided, post-mounted on the front lawn with a foot high stone wall around the bottom with attractive plantings inside. The sign will be a light blue/grey with 6" gold letters. The spot light will be shielded so that the light only falls on the sign. The light will be on a time clock set to come on at sun down.

Mr. Kern reported that the cannons of the Church require "The Episcopal Church Welcomes You" sign, which is 18" x 24". The problem is that this is a small non-illuminated sign and was insufficient for the Bishop to find the church.

underbrush around the trees and again suggested moving the sign forward toward the road.

J. Labriola: RESOLUTION FOR THE APPROVAL OF A SIGN

Whereas the Town of Pleasant Valley Planning Board has received an application from Cutter's Edge for approval of one sign dated 7/22/05; and

Whereas and 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 that it will not have a significant effect on the environment; and

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 in the application except as follows:

- 1. move the sign closer to the front of the building**
- 2. no trees will be removed from the Pleasant Valley Stone site.**

SECONDED BY M. GORDON

VOTE TAKEN AND APPROVED 6-0-0

7. WELCOME TO SALT POINT-FRIENDS OF HELEN ALDRICH

Linda Femenella and Bob Beckmann were present for this application and reported that they wish to replace a couple of rotted signs. Board indicated its appreciation for the design of the new signs and stated that these new signs are models for what signs in Pleasant Valley should look like.

J. Labriola inquired why the dates are different on the new signs. Mr. Beckmann stated that their research revealed the correct settlement date of Pleasant Valley – hence the change. Mr. Labriola also stated that the file contains copies of letter from the property owners, Mary Elizabeth Atkins and Joe Kerchoff, authorizing the applicants to install the signs on their properties.

J. Labriola: MOTION TO APPROVE THE SIGN APPLICATION

Whereas the town of Pleasant Valley Planning Board has received an application from the Friends of Helen Aldrich for the approval of two signs dated 7/12/05;

Whereas and 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 that it will not have a significant effect on the environment;

And further be it resolved that the Planning Board grants approval for two signs as shown in the application and drawing and consisting of the materials, sizes, and colors shown in the application except as follows: none

SECONDED BY R. SEAMAN

PLEASANT VALLEY PLANNING BOARD
September 13, 2005

A regular meeting of the Pleasant Valley Planning Board took place on September 13, 2005, 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
 Rob Fracchia
 Michael Gordon
 Kay Bramson
 Rebecca Seaman
 Henry Fischer

Members absent: Peter Karis
 Rick Malicia, Alternate

Also present: Pete Setaro, Morris Associates
 Jim Nelson, Esq., Town attorney
 Dieter Friedrichson, Zoning Administrator

1. SERINO SUBDIVISION-PUBLIC HEARING-PRELIMINARY APPROVAL

J. Labriola reviewed this application's history, which he stated has gone entirely through the Planning Board's process. But, due to delays in receiving responses from government agencies, the applicant's one-year approval time period expired. Consequently, Mr. Labriola explained that the applicant started the approval process over and had received sketch plan approval at the August 2005 Planning Board meeting.

Dave Johnson, Sarecki & Associates, was present. Mr. Johnson stated that the applicant is proposing a 4-lot subdivision on approximately 12 acres on Route 44 heading towards Millbrook on the east side of town. Mr. Johnson stated that they republished for the public hearing at this meeting. He stated that the only changes from preliminary and final a year ago were those requested by the Health Department: test well results, chemical results, and notes added to the plan. Mr. Johnson stated that the Health Department is a minimum of 6 months behind in their work.

P. Setaro reviewed the Morris Associates comment letter. Mr. Setaro clarified that a parkland resolution was done at the August 2005 Planning Board meeting. He stated that they do not have any additional comments on the subdivision plan and no new environmental issues that would change the previous SEQRA determination. Mr. Johnson confirmed that they received Health Department approval and that they received approval from Department of Transportation a long time ago. Mr. Johnson stated that he has signed plans by the Department of Health.

J. Labriola: **MOTION FOR NEGATIVE DECLARATION**

Move that the Planning Board determine as set forth in the attached declaration dated 9/13/05 prepared by the Board's engineer that the Serino Subdivision 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 shall be required. The reasons in support of this determination of non-significance are:

- **The original SEQRA determination for the Serino Subdivision dated 7/13/04 considered the lots being proposed as part of this application and no new environmental issues have occurred since the original SEQRA reviews and approval**

SECONDED BY R. SEAMAN

VOTE TAKEN AND APPROVED 6-0-0

J. Labriola: MOTION TO OPEN THE PUBLIC HEARING; SECONDED BY M. GORDON; VOTE TAKEN AND APPROVED 6-0-0

No member of the public spoke.

J. Labriola: MOTION TO CLOSE THE PUBLIC HEARING; SECONDED BY M. GORDON; VOTE TAKEN AND APPROVED 6-0-0

J. Labriola: MOTION FOR PRELIMINARY APPROVAL

**Move that the Planning Board grant preliminary approval to the Serino Subdivision in the form of the attached resolution dated 9/13/05 prepared by the Board's engineer and now before the Board subject to the following conditions:
None**

SECONDED BY R. SEAMAN

VOTE TAKEN AND APPROVED 6-0-0

J. Labriola: MOTION TO WAIVE 2ND PUBLIC HEARING; SECONDED BY K. BRAMSON; VOTE TAKEN AND APPROVED 6-0-0

J. Labriola: MOTION FOR FINAL APPROVAL

Move that the Planning Board grant final approval to the Serino Subdivision in the form of the attached resolution dated 9/13/05 prepared by the Board's engineer and now before the Board subject to the following conditions:

- 1. payment of all fees**

SECONDED BY R. FRACCHIA

VOTE TAKEN AND APPROVED 6-0-0

J. Nelson stated that his understanding is that the deeds have been checked and are fine. However, he stated that he needs to check with the Zoning Office regarding changes to the covenants and restrictions suggested by Peter Alexander.

J. Labriola: **AMENDMENT TO THE CONDITIONAL FINAL APPROVAL TO ADD A SECOND FINAL CONDITION:**

2. Planning Board attorney review of deed revisions

RESECONDED BY R. FRACCHIA; VOTE TAKEN AND APPROVED 6-0-0

J. Labriola stated that the Board has a new schedule of rec fees and a new process in the way lots are counted.

J. Labriola: **MOTION – REC FEES**

Move to pass along to the Town Board a recommendation that they assess 4 rec fees for this subdivision based on the latest fee schedule

SECONDED BY M. GORDON

VOTE TAKEN AND APPROVED 6-0-0

2. PLEASANT VALLEY GARDEN CENTER SITE PLAN

R. Fracchia recused himself from this application.

J. Labriola stated that this application was last before the Board in June 2005.

Pat Ruppert, applicant, Bethany Ralph, attorney, and Darlene Riemer, architect were present.

Ms. Ralph stated that, following the June Planning Board, they revised the site plan with the architect. Ms. Riemer reviewed a set of new plans that incorporate P. Setaro's comments. J. Labriola commented that the cut off for submitting documents for the Board's review was two weeks ago and that providing the Board with a new document on the night of the meeting is difficult because the Board has not had a chance to pre-review it prior to the meeting.

D. Riemer pointed out that the site is east of the Town of Pleasant Valley and is diagonally across the street from 4 Brothers Pizza. Some of the points that have been added are:

- the standard owner's consent
- handicapped parking sign and spaces
- there is no site lighting: there is a lantern applied to the front of the building, two lights on either side of the doorway, there will be no lighting at night.
- the joint common access driveway east of the property will be closed and will no longer exist. J. Labriola asked if there is currently a cross easement in existence.

Ms. Ralph stated that the driveway was moved so that it is entirely on this property now.

J. Labriola noted that the bulk area has been moved. Ms. Riemer noted that the bulk area is not accessed by customers. Rather it is managed by a bobcat that will pull up to the units and load material onto a truck which is then delivered to the customer. She noted, therefore, that there only needs to be 8' clearance for that area. She noted that the new plan shows details of the two concrete block bulk areas, which are stepped down. Also, detail was added to depict the 12'1" high pre-manufactured hoop greenhouse.

M. Gordon inquired whether 9 parking spaces are adequate. Mr. Ruppert thinks 9 is enough. The hours of operation are 8:30 a.m. to 5 p.m.

Ms. Riemer stated that the septic system, which was designed by Ron Friedman, is awaiting a formal letter of approval from the Health Department. She stated that Jim Napoli gave her a verbal approval and that the letter is expected in the next day or so. Also, she stated that NYS DOT gave conceptual approval and that they await the final letter. DOT has reviewed the plan and added some catch basins which are indicated on the map. She noted that the driveways are one-way in and one-way out and that they conform to the required radius.

P. Setaro reviewed the Morris Associates letter.

M. Gordon inquired whether this is strictly a retail business or is it also a landscaping business. Mr. Ruppert responded that it is retail only. Mr. Gordon asked what the area behind the building would be used for. Mr. Ruppert stated that other than storage that area would not be used. Mr. Gordon reiterated that he thinks there are not enough parking spaces especially for peak business hours.

Board and Mr. Ruppert discussed alternate configurations for parking, alternate locations for the handicapped spaces, and designate the front spaces for employee parking only. Mr. Labriola noted the potential for stacking to occur at the entrance if cars are backing out of parking spaces while cars are attempting to enter from Route 44.

Board discussed safety issues and access to dumpster, swapping the location of the dumpster with the bulk mulch bins, creating a decorative block side wall to screen the dumpster from Route 44, and a gate on the front. Mr. Ruppert stated that he prefers a stockade fence. Board agreed with the plan for a 5' high stockade fence.

Board discussed planting street trees in the front. Mr. Ruppert noted that there is a retail area in the front which is detailed on the plans as "shrubs." Mr. Labriola noted a potential issue of impaired visibility depending on the height of the shrubs and his confusion from the previous conversation regarding overflow parking in this area. Mr. Ruppert stated his preference for overflow parking in the back of the property. Mr. Gordon noted that there is one handicapped parking space, two employee spaces, and 6 spaces for customers and asked whether this is adequate for high traffic times when it's

busy in May on the weekends. Mr. Ruppert affirmed that he believes this is enough space; and if it is not, then he would dedicate the retail space in the front to overflow parking. Board agreed that it would be OK to have display plants available in that area for sale which can be moved if extra parking is needed. Mr. Labriola asked that the location details of the display area be added to the plans.

P. Setaro stated that there is a letter in the file from Dutchess County Planning regarding a 239M referral, which was read into the record at the last meeting that directs the Planning Board to rely on its own study of the facts in the case.

The pre-engineered hoop greenhouse will be behind the permanent building.

J. Labriola: **MOTION FOR NEGATIVE DECLARATION**

Move that the Planning Board determine as set forth in the attached declaration dated 9/13/05 prepared by the Board's engineer that the Pleasant Valley Garden Center 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 shall be required. The reasons for determination for non-significance:

- 1. site currently contains a building in disturbed areas**
- 2. Dutchess County Department of Health will approve water and sewage**

SECONDED BY R. SEAMAN

VOTE TAKEN AND APPROVED 5-0-0

J. Labriola **RESOLUTION FOR CONDITIONAL SITE PLAN APPROVAL**

Move that the Planning Board grant Site Plan approval for the Pleasant Valley Garden Center with regard to the application from Pat Ruppert in the form of the attached resolution dated 9/13/05 prepared by the Board's engineer and now before the Board subject to the following conditions:

- 1. payment of all fees**
- 2. Morris Associates letter dated 9/12/05**
- 3. Dutchess County Department of Health approval**
- 4. NYS Department of Transportation approval**
- 5. Swap the location of the dumpster enclosure and bulk containers**
- 6. Dumpster will be screened with a 5' high stockade fence**
- 7. Product display area in the front of the lot will be delineated with dimensions to define the space**

SECONDED BY R. SEAMAN

VOTE TAKEN AND APPROVED 5-0-0

3. PLEASANT VALLEY GARDEN CENTER – SIGN PERMIT

R. Fracchia recused himself from this application.

J. Labriola: **MOTION FOR SIGN APPROVAL**

Whereas the Town of Pleasant Valley Planning Board has received an application from the Pleasant Valley Garden Center for the approval of one sign dated 8/29/05;

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 an unlisted action that 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 shown in the application except as follows: NONE

SECONDED BY K. BRAMSON

VOTE TAKEN AND APPROVED 5-0-0

4. THE COMMONS AT BECKWITH COURT – SITE PLAN

David Beckwith was present. Mr. Labriola noted that this application was last before the Board in June 2005 and asked Mr. Beckwith to report on any changes since then.

Mr. Beckwith reported that they have a preliminary storm water design and a preliminary septic system design. They did a test on the existing well to determine its yield, which came up with about 8 gallons per minute. Mr. Beckwith stated that he has tweaked the parking a little bit to reduce the overall parking. All the parking for the two new buildings that is required by zoning is in the vicinity of the two buildings. Mr. Beckwith also reported that the housing units are now townhouse style apartment dwellings with a first and second floor to each unit, and each unit has its own garage. He stated that he has counted the garage spaces as parking spaces along with the external parking spaces to fulfill the zoning requirements. He also noted that there are a couple of extra parking spaces associated with the existing building – this gives a couple of extra spaces for phase I. At the completion of Phase II, Mr. Beckwith stated that there would just be the minimum required parking spaces. Mr. Beckwith noted that they also have a preliminary grading plan.

Board inquired about the details of Phase I and Phase II. Mr. Beckwith clarified that Phase I entails the two new buildings with a total of 9 rental units. Further, he explained that in Phase II, after all the trailers are gone, the old house will be remodeled into two two-bedroom units. Mr. Beckwith stated that there are currently two trailers. One is unoccupied which the owner is trying to sell. He pointed out the area that will be green space, the 100' buffer, and the front yard setback. He stated that he received a variance from the ZBA to allow the person to live in the one remaining trailer as long as she would like – she is an elderly person. He confirmed that the trigger to Phase II is the elimination of the last trailer. Mr. Labriola clarified that the Board is reviewing both Phase I and Phase II, but that there is a condition for Phase II which, due to bulk

requirements, the applicant cannot add additional bedrooms until the final trailer is removed. If the trailer is never removed, then Phase II never happens.

Mr. Beckwith submitted an architectural rendering to give an idea of what the project looks like from Route 44. He stated that the colors are to be determined and that he would like to see the siding be a different color from the trim. He stated that all the townhouses will be the same color scheme and that the two new units will be the same color scheme. Mr. Labriola informed Mr. Beckwith that he must submit his color scheme to the Board as this necessary detail is part of the approval process. The Board concurred in its appreciation of the design of the building.

Mr. Beckwith discussed his plan for landscaping – he plans to add trees in order to continue the corridor of trees on Route 44 as you come into Pleasant Valley. He noted that the existing dirt drive will be abandoned. The Board suggested a 50' distance between the trees and inquired about screening for the front parking area along Route 44 – i.e. boxwoods, hedgerow.

P. Setaro reviewed Morris Associates comment letter. Mr. Setaro has been working with their engineering consultant on preliminary reports on water supply, sewage, and storm drainage and has no problems with those reports. He stated that there will be some clean up work as the project progresses. He stated that, in order to get the Board to the point where it can consider SEQRA, he is satisfied that they will be able to handle water supply, sewage disposal, and on-site storm drainage. After they receive SEQRA determination, they can start working with the Health Department on the details of the septic field and wells.

Board and Mr. Beckwith discussed options for visitor parking. He noted that the pool will be removed, probably in Phase II. Mr. Setaro remarked that it is typical to have visitor parking in these developments and that the parking count is tight with the interior garage spaces being included in the overall count. Mr. Labriola stated that he believes visitor parking will be required.

Board discussed the inclusion of garage space in the overall count – how likely is it that tenants will store a boat, motorcycles, or whatever in the garage. Mr. Setaro stated that he does not recall ever counting garage spaces in the overall parking count and referenced 98.13: “location of required spaces – required off street automobile parking spaces shall be provided on a buildable portion of the same lot.” Board concurred that the Code is vague and does not really address the question of including garage spaces in the overall count.

Mr. Beckwith stated that there are 9 units, each with one garage space. Further, the Code requires 2.5 spaces per unit for a total of 23 parking spaces. Mr. Gordon pointed out that the tenants may use these garage spaces for something other than a car. Ms. Seaman referenced the townhomes in Millbrook that also have limited parking and that tenants and visitors don't park on the grass or all over because it is not within the rules. Further,

she noted that they are very nice townhomes, and if people have to move their cars, then they move them.

Mr. Labriola suggested that there be enough visitor parking spaces so that if each unit had one visitor at a time, there would be a place for the visitor to park without having to occupy one of the tenant spaces. He asked how many additional spaces would be required and where they might be located. Further, he noted that he likes how the parking between the two buildings is shielded. Board and Mr. Beckwith considered options for locating additional spaces on the site and for rules regarding parking spaces to be included in rental agreements.

Mr. Setaro inquired about grading behind some of the buildings. Mr. Beckwith stated that there will be decks behind building #2. Further, Mr. Beckwith stated that he spoke with his engineers about the 2' grade change and that he does not anticipate that it will be a problem.

Mr. Beckwith stated that he has not submitted the wetlands permit application yet, that he is a little unclear about this. Mr. Labriola clarified that, if there is going to activity in the wetlands, he should submit the application and the Board will review it in coordination with the Site Plan. As the Site Plan progresses toward approval, the application for activity in the wetlands will also be considered. Mr. Setaro referred the applicant to Chapter 53 of the Code for clarification regarding the 100' buffer to the Wappingers Creek. Further, Mr. Setaro explained that, although there are no wetlands per se on this site, the 100' buffer does extend into it; therefore, Mr. Beckwith must submit the wetlands application.

Mr. Setaro stated that his comment #2, which suggests deed restrictions to maintain the existing landscape buffer along Wappingers Creek, no longer applies because of the 100' wetland buffer. Also, Mr. Setaro noted that as the project progresses, there will be some other agency permits that will be required – DEC permit because they will be discharging more than 1000 gallons per day – and that these permits may result in some changes to the plans. Mr. Setaro noted that the wells will be added within the buffer, but that the trailers will be removed.

Board and Mr. Setaro and Mr. Beckwith discussed options for access of construction vehicles behind the shed behind the building that will be within the 100' buffer. Mr. Fischer noted that, at this point, it is not known what the impact on the wetlands will be. Mr. Beckwith stated that he will not be removing the shed and that he thinks only a forklift will need access behind it. Ms. Seaman noted that repeatedly driving behind the shed will erode the vegetation, will create side erosion, and will impact the creek. Mr. Labriola noted that this is an existing condition. Ms. Seaman stated that if the shed remains in place, she would be comfortable with a determination of negative impact as long as the shed determines the boundary of where a construction vehicle can go – that they will not go outside the back of the shed. Mr. Setaro stated that they vehicles will have to go behind the shed.

In order to keep the application moving along, Mr. Labriola requested that information be delineated on the plan as to how access will encroach on the buffer. Based on that, he stated that Board should be able to get to a SEQRA determination. He stated that he's comfortable with the preliminary storm water, drainage, sewage, aesthetics, that additional landscaping plans can be talked about, and that implications in the buffer need to be figured out. Mr. Beckwith stated that he needs the SEQRA determination tonight.

Board and Mr. Beckwith discussed options for moving the shed, which contains his father's antique machinery, the existing tree line and the brush that protects the stream corridor. Mr. Beckwith enumerated the ways that he will protect the wetlands, which include hay bales, silt fencing, no clearing, and reseeded. Mr. Labriola noted that access to the back will not extend beyond the existing tree line, that all these details will be included on the map prior to final approval, and that it's a non-permanent intrusion into the buffer. Board concurred that these measures seem to be reasonable to protect the wetlands.

Mr. Beckwith stated that, during Phase II, there would be a small amount of encroachment for construction purposes into the 100' buffer. Board noted that the same notes will be added to the map for this Phase II.

Ms. Bramson noted that, if Mr. Beckwith finds that he needs to move the shed, he should move it completely out of the buffer. Board concurred with this suggestion.

J. Labriola: **MOTION FOR PARKLAND DETERMINATION**

Move that the Planning Board adopt the following Parkland Determination Resolution for The Commons at Beckwith Court site plan in the form of the attached resolution dated 9/13/05 prepared by the Board's engineer and now before the Board subject to the following conditions:

Whereas the Planning Board has reviewed the Site Plan application of David Beckwith pursuant to the requirements of Town law 277.4 and 82-23(A)(4) and hereby determines that if such site plan application is granted, even in modified form, the Commons at Beckwith Court increases the burden on Town parklands and recreational facilities and that a proper case therefore exists for requiring that a park or parks be suitably located for playgrounds for other recreational purposes within the Town;

Now, therefore be it resolved that the Planning Board having considered the size and suitability of the land shown on the site plan of the Commons at Beckwith Court and the needs of the immediate neighborhood hereby determines that a suitable park meeting the requirements of the Town cannot be located on such site plan. If the applicant's site plan is approved, the applicant is hereby required to deliver to the Town for deposit in the Town's trust fund for parks, playgrounds, and other recreational facilities the amounts required by the Town Board's fee schedule for the number of residential units approved by the Planning Board.

SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 6-0-0

J. Labriola: **MOTION FOR NEGATIVE DECLARATION**

Move that the Planning Board determine as set forth in the attached declaration dated 9/13/05 prepared by the Board's engineer that the Commons at Beckwith Court site plan 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 Board uses the following reasons in support of this determination of non-significance:

- 1. the applicant's engineer has conceptually demonstrated that the site can support water and sewer facilities – Dutchess County Department of Health will approve the final design**
- 2. a preliminary drainage report indicates that the site can accommodate the increase in runoff**
- 3. erosion control measures have been provided**
- 4. the Town wetlands permit application and associated buffer requirements will ensure that the Wappingers Creek is protected**
- 5. we have limited the area of disturbance behind the existing shed to the existing tree line – there will be no clearing of trees**
- 6. we have limited the area of disturbance for the construction of the addition behind the existing building for Phase II**

SECOND K. BRAMSON

Discussion: Mr. Fischer asked whether, in #5 above, reference should be made to there being no clearing of shrubs and trees. Mr. Labriola stated that he thought the Board's agreement was not to go any farther than the existing tree line. Mr. Fischer asked how the tree line is defined. Mr. Labriola stated that what is shown on the map defines the tree line. Disturbance between the shed and the tree line will be permitted, but no disturbance is permitted beyond the tree line. Mr. Fischer noted that construction vehicles will have difficulty maneuvering within the 15' area between the shed and the tree line and that they will encroach on that tree line somewhat. Mr. Fischer stated that he does not believe the vehicles can get in there. Mr. Labriola stated that the silt fencing and hay bales will mitigate the impact. Ms. Bramson noted that an alternative is to move the shed. Mr. Fischer asked what defines the tree line – multiflora roses, 6" trees, 18" trees. Mr. Setaro suggested that he and the Board members visit the site, establish the exact location of the tree line, and designate as a condition of final approval the exact area within which construction vehicles will be allowed. Mr. Labriola asked Mr. Beckwith to put some stakes in the ground to delineate the existing tree line and stated that the Board will visit the site after the stakes are in place and before the application is next on the agenda.

VOTE TAKEN AND APPROVED 6-0-0

5. APPLE RIDGE SUBDIVISION – FINAL APPROVAL

J. Labriola noted that this application received conditional preliminary approval on 7/13/04.

Bill Povall, engineer for the applicant, reported that pretty much all the conditions in preliminary have been taken care of. He reported that they have been working with the Board of Health and that the current plans represent all the details that BOH will approve regarding water supply and sewage disposal. He reported that the BOH will not issue the actual approval letter until they see the DEC wetlands disturbance permit. He reminded the Board that there is NYS wetlands on the opposite side of Rymph Road where the 100' buffer actually crosses over the road. DEC has reviewed it, and their wetland department has reviewed it. He stated that they are ready to issue the permit. However, he stated that the Office of Parks and Recreation asked for a Stage 1A archeological survey, which was completed, and that now a Stage 1B survey is required. He stated that the applicant hired an archeologist to complete the field investigations. The Stage 1B is complete and revealed an old dump site for the farm. The archeologist has been working with NYS to determine the significance of that material. Mr. Povall reported that the archeologist tells them that it is just nails and similar material from an old garbage dump that was there when the farm was active. He stated that they are pretty much complete with providing OPR with the necessary information and that they are waiting for an ownership assessment – OPR goes back as far as they can to determine previous owners and previous uses. Mr. Povall reported that the applicant has hired an attorney to work with the archeologist to gather that information. He stated that they are waiting for the NYS to issue the wetlands disturbance permit, which the State will not do until OPR signs off on it.

Mr. Povall stated that they received their entrance approval from DC DPW.

Mr. Povall stated that, other than that, everything else is complete.

Mr. Labriola asked Mr. Nelson whether the Board can go to final without closure on the archeological study findings. Mr. Nelson noted that SEQRA is complete and that he knows of nothing that would prevent the Board from a conditional approval. Mr. Labriola stated that it seems that if there are significant findings from the Stage 1B study, the application comes back before the Planning Board. Mr. Nelson stated that if there is new information that would suggest something of substance that would be adverse, it is possible that the Board would have an obligation to reconsider but not necessarily, after review, go to a positive declaration. Mr. Labriola stated that there seems to be a potential open issue with how OPR responds to the Stage 1B study findings and that, until the Board receives a determination of significance from OPR, it is not clear how to condition a final approval. Mr. Labriola stated that, if it is more than nails in a garbage dump, the findings will change the plan and that this will be new news. Mr. Setaro stated that conditional final will be upon DEC approval, and that DEC will not issue the permit until the NYS archeologist signs off. In the event that something of significance were found, the application would return to the Board because it failed to meet the condition stated in

final approval. Mr. Setaro also suggested an additional condition requiring the applicant to provide a sign-off letter from OPR. Board concurred that these conditions are enough of a safe guard. Mr. Povall stated that they have been working with DEC for over a year and that they believe they are near the end of the process – that this is what the archeologist is telling them.

Mr. Setaro noted that on Lot #5 the proposed pine trees be installed prior to a Certificate of Occupancy is granted. Also, there are three outstanding comments from the Morris Associates 1/15/05 comment letter, which Mr. Setaro attaches. Mr. Setaro and Mr. Povall discuss the permit required for the common driveway.

J. Labriola: MOTION TO WAIVE 2ND PUBLIC HEARING; SECONDED M. GORDON; VOTE TAKEN AND APPROVED 6-0-0

J. Labriola: MOTION FOR CONDITIONAL FINAL APPROVAL

Move that the Planning Board grant final approval to the Apple Ridge Subdivision in the form of the attached resolution dated 9/13/05 prepared by the Board's engineer and now before the Board subject to the following conditions:

- 1. payment of all fees**
- 2. NYS Department of Environmental Conservation wetland permit**
- 3. Morris Associates letter dated 9/12/05**
- 4. applicant to provide approval letter from NYS Department of Parks and Recreation from the findings of the Phase 1B archeological study**
- 5. maintenance agreement for driveways to be reviewed by the Planning Board's attorney**

SECONDED BY R. FRACCHIA

VOTE TAKEN AND APPROVED 6-0-0

J. Labriola: WETLANDS PERMIT RESOLUTION

Whereas a formal permit application for regulated activities in wetlands, water bodies, water courses, and buffer areas was submitted by the Apple Ridge Subdivision;

Whereas the wetlands administrator has determined that the proposed regulated activities may constitute a potential significant environmental impact and has referred the application to the Planning Board for approval or denial;

Whereas the Planning Board has reviewed the factors pertinent to the site relating to the proposed regulated activities for compliance with Chapter 53;

Whereas the Planning Board has requested review of the submitted information and documentation by the Planning Board engineer and has obtained comments from the engineer;

Now, therefore be it resolved that the application for regulated activities in wetlands, water bodies, water courses, and buffer be approved and that the wetland administrator may issue a permit for the regulated activities upon completion of such conditions as noted below:

- 1. there is minimal disturbance in the wetland buffer which mitigating measures provided**
- 2. NYS Department of Environmental Conservation will issue a wetland permit**

SECONDED BY R. SEAMAN

VOTE TAKEN AND APPROVED 6-0-0

J. Labriola: **MOTION FOR RECREATION FEES (90 total acres)**

Whereas the Town of Pleasant Valley Planning Board has granted final approval of the subdivision entitled Apple Ridge Subdivision, being a 6 lot subdivision of a 90 acre parcel located on North Avenue;

Whereas the Town of Pleasant Valley Planning Board recommends that in lieu of land the Town of Pleasant Valley Town Board impose a recreation fee of \$15,000, being a fee of \$3,000 each for 5 newly created residential lots

SECONDED BY K. BRAMSON

VOTE AND APPROVED 6-0-0

6. PLEASANT VALLEY PROPERTIES, LLC SUBDIVISION

Mr. Labriola stated that he met with Mr. Setaro, Scott Volkman, and the applicants following the August 2005 Planning Board meeting to develop a strategy for this application. Mr. Labriola stated that this is a fairly simple request that will become complicated by what the attorneys need to do to make this project a reality. He requested that the applicants review the proposal and the rational for it, that Mr. Setaro review his comment letter, and that Mr. Nelson brief the Board on some of the issues that need to be dealt with.

Chris Dyson stated that the applicant, Joe Kirchhoff, cannot attend this evening's meeting due to a long standing commitment out of state. Mr. Dyson stated that this subdivision was approved about 1.5 years ago and that they have completed Phase I (first 80 units). He stated that originally they had conceived of the project as a 284 unit multi-family, Phase I, Phase II project. He stated that they have learned during the construction and development process that there are a few factors that have compelled them to apply for this additional subdivision. One of the factors is banking commitments, keeping their risk level reasonable, and the fact that lending institutions insist on single purpose entities to be in charge of a given plot of land that they are encumbrancing with a mortgage. Mr. Dyson displayed to the Board the project drawings and pointed out the 6 lots, 4 of which have dwellings on them. He stated that they have made every diligent effort in accordance with local rules to make sure that every lot has road frontage and made sure that the non-dwelling lot that encompass the water plant and waste water treatment plant have common road access and easements – all of this is detailed on the site plan. Mr. Dyson also reported on the possibility of the Town taking ownership of the municipal water plant. He stated that they have excess capacity built into this plan, which will support the entire development built out up to 302 units. He stated that they will have

excess beyond that which may be of interest in the future to the Town to take ownership. Mr. Dyson stated that they have phased the project to keep their risk level acceptable, and that their original hope that lenders would be willing to fund to written description of the property has turned out not to be the case. He stated that the lending climate in the last three years has changed quite a bit with less flexibility now and more stringent demands on single entity control.

Mr. Dyson confirmed that there is a possibility that each of the 4 residential lots could be mortgaged by four different banks. M. Gordon noted that Phase I, which is now complete, is mortgageable to a percentage of its value because it has cash flow, and that the developer then utilizes those funds to proceed with development of subsequent phases. Mr. Dyson concurred that this description of the situation is accurate and anything that they can do to expedite this process will be very helpful. He stated that as a developer the level of risk is tied into how quickly they can progress into the next stages of the project.

Mr. Setaro reviewed his comment letter and stated that there are not a lot of engineering issues. He noted that the applicant submitted a Short Form with this application and a full environmental impact statement for the original project. Mr. Setaro stated that, subject to any further discussion that Mr. Nelson brings up, there is a good possibility that the SEQRA findings for Brookside Meadows would still remain valid for this application. He noted that there will be quite a few easements for access, for water supply, and for sewage disposal. Mr. Setaro reported that he spoke with John Glassman, County Health Department, to determine if there are any concerns from the Health Department about the fact that it was originally approved as a site plan and that now it is a subdivision. He stated that the Health Department only mentioned a concern regarding the need to form a sewage works corporation for the sewage plant in order to be able to supply sewage service to other lots. Mr. Setaro also stated that they will have to form a transportation corporation for the water plant and the water system. There has to be an actual entity that delivers water to the other lots.

Mr. Dyson pointed out for the Board that this is a paper subdivision that will not materially alter the existing site plan.

Mr. Nelson reported that he has been talking with Scott Volkman and Rich Frankel, attorney for the applicant, regarding a number of issues, some of which are still open, and some of which are resolved and/or resolvable. Mr. Nelson listed these issues:

1. SEQRA: this is a subdivision that previously went through site plan. The applicant has submitted a Short Form EAF. Mr. Nelson stated that the Board is faced with two issues. The first is to type the action. Mr. Nelson stated he interpreted the regulations to identify this application in the general category of being an unlisted action. The second is how the Board will process the SEQRA. Because this is an unlisted action, a coordinated review is not required. He stated that ZBA will approve the area variance, there will be a Town Board approval for easement for the landlocked parcels, and there may or may not be approvals from the Department of Health and the State because there are off-site supplies of water

- and sewer services provided to the developed residential lots. Mr. Nelson advised the Board that it is the Board's call whether it chooses to do a coordinated or uncoordinated review. In an uncoordinated review, the developer, as they proceed through all the other Boards, will do separate SEQRAs with each Board. In that scenario, Mr. Nelson explained that the risk to the applicant is that one of the Boards may view the project as not being a proper subject of a negative declaration.
2. Mr. Nelson identified the next issue of frontage and physical access to an improved public road. NYS law requires either a variance or the Town Board must set up an Open Development Area. Mr. Frankel referred to a question of whether NYS law supercedes Town Ordinance Section 82.22g (with regard to access to a subdivision). He suggested that the Town's legislative history would answer that question. Mr. Nelson stated that, if the State law could be superceded and if in fact it were superceded, then going to the Town Board for the Open Development Area or to the ZBA for a variance becomes something that does not have to be done. For the moment, he stated, this is an open issue.
 3. Mr. Nelson stated that the next issue is coverage. There used to be a very large parcel with a certain number of proposed development units, but now there are a lot of them clustered. He stated that Mr. Setaro did an analysis of the building coverage and does not think it is an issue. Mr. Setaro stated that Mr. Friedrichson pointed out to him Code 98.21, regarding multiple dwellings. The Schedule of Bulk Rates lists the coverage at 30%, but Mr. Friedrichson says that 98.21 supercedes that Schedule. Under density under multiple dwellings in 98.21, the buildings shall occupy no more than 20% of the site area, and within this 20% of development the number of sleeping units shall not exceed 8 bedroom units per acre, etc. Mr. Setaro stated that a rough calculation of lot #1 showed around 22% coverage. Mr. Frankel reported that their surveyor did an actual survey and measured the buildings themselves with the result of 19.48% coverage. Ms. Seaman asked whether there is still a problem with exceeding density. Phase I has 80 units with a total of 128 bedrooms. Mr. Dyson and Mr. Frankel stated that they have been talking about reconfiguring the lot lines in order to come closer to the density requirements. They need 16 acres to comply with the density requirements, and they only have 7 acres. Board discussed the reasons for dividing off the water and sewer plants in open acreage with no buildings: the Town may take over these systems; and it's a permanent financing issue. Board noted that there is still the same number of units now that were originally approved in the Brookside site plan and that they will have to do something with Lot #1 to increase the bulk site and probably get a variance from the ZBA. Mr. Labriola confirmed that the Planning Board will need a variance approval from the ZBA before proceeding to final approval. Ms. Seaman stated her preference that the applicant be encouraged to meet the density requirements because she is reluctant to set a precedent of allowing the increased density based on financial reasons.

R. Fracchia asked how much the sewage plant can handle and about the Town's interest. Mr. Dyson replied that the Town is interested in the water plant and estimated that they

are nearly double the capacity for this land – that they could double the 284 units and have adequate water supply. Mr. Fracchia noted that the stream that runs through there is dry at this time of year. Mr. Dyson stated that they have taken into consideration the influence on the creek and that their testing was done in dry years.

Mr. Labriola noted that a full environmental study was done and nothing is being changed with the site other than where the lots lines are being drawn. He stated, that without really new news items, the Board should be able to reaffirm that environmental study. The applicant is separating off the water and sewage functions as separate entities, which the Town may want to take over some time in the future.

Mr. Nelson stated that the remaining issues are water and sewer. Because there are separate lots from which sewage services and water services will be provided on a fee basis, transportation corporations must be created. There remains the question of whether the County Board of Health has to sign off on this subdivision prior to it being filed. Mr. Nelson and Mr. Frankel have both reviewed the Public Health Law, which does mandate County involvement for situations where there are 5 residential lots, which does not apply to this project. There have been conversations with the County Health Department, and one of their staff engineers thinks that there may need to be County sign off. Mr. Frankel will pursue this issue with them. The issue is whether you need to condition, an approval that you would grant, upon the County signing off before hand. Mr. Nelson stated that he understands what the issues are and does not know what the answers are.

Mr. Nelson stated that Mr. Setaro believes that there are no recreation fees to be applied to this application. Mr. Nelson stated that he believes this project has paid the required rec fees but that he would like Mr. Volkman's confirmation of this. Further, Mr. Nelson assumed that the Planning Board would make a recommendatory resolution to the Town on this issue.

Mr. Nelson restated the request that the applicant reaffirm that everything that they have done and proposed in this project and everything that they have SEQRA'd that are in all those files that the Board has reviewed once – that nothing has changed except for the items that they are specifically changing.

Mr. Frankel has sent Mr. Nelson easements, which will be significant as there are a lot of them. Mr. Labriola inquired whether the easements include walking trails between each of the parcels. Mr. Frankel responded that they do. Further, Mr. Labriola asked about an easement for maintenance on the pipes that were run to West Road. Mr. Setaro suggested that this would be covered in the transportation corporations.

Mr. Nelson stated that his recommendation is that the Board:

- type this project as an unlisted action,
- decide whether to coordinate it or not,
- allow him and Mr. Frankel to sort out the water and sewer issues,
- allow the applicant to go to the ZBA on the variance and to the Town for the Open Development Area for the access issue,

- perhaps do a recommendatory resolution on the rec fees,
- know that the easements will need to be a condition as well as the ZBA approval and access approval,
- Mr. Setaro will finish the calculations on the density issue and any reconfiguration of the lot lines.

Mr. Labriola stated that he agrees with typing this project as an unlisted action and would like to recommend that the Planning Board be lead agency on a coordinated review based on the fact that the Planning Board lived through the full environmental impact study and is the most familiar with the project. Mr. Labriola recommends that the other agencies provide input to the Planning Board which will be factored into its decision.

Mr. Labriola read into the file a letter from the Fire Advisory Board dated 9/7/05: "FAB recommends that a dry hydrant system be installed at the bridge located within the site." Board noted that the stream is dry at this time of year. Mr. Labriola stated that if the Planning Board does not follow their recommendation, the Planning Board owes them a professional courtesy to explain why.

Mr. Friedrichson noted that a couple of Certificates of Occupancy have been issued for Phase I for a certain grid #. If this subdivision is approved and if the grid # changes as a result, Mr. Friedrichson stated that this it will necessitate the reissuing of these CO's with the new grid #. Further, before he does this he stated that he must compare all the Code requirements for the new grid #'s.

J. Labriola: **MOTION TO GRANT SKETCH PLAN APPROVAL**

Move that the Planning Board grant sketch plan approval to the Pleasant Valley Properties LLC subdivision in the form of the resolution prepared by the Board's engineer and now before the Board and the following conditions must be addressed within the preliminary plat: Planning Board's engineer's letter dated 9/12/05

SECONDED BY M. GORDON

VOTE TAKEN AND APPROVED 6-0-0

Mr. Labriola notified Mr. Dyson that they are authorized to advertise for a public hearing at the next meeting on 10/11/05 and advised him to pick up subdivision signs.

Mr. Nelson advised the Board to type the action and do a lead agency resolution at this night's meeting. The agencies to be notified are the ZBA, Town Board, County Health Department, NYS DEC, NYS Health Department.

Board and Mr. Setaro discussed whether to use the Short or Long EAF. Mr. Fischer stated that it would be impossible to answer most of the questions on the Long EAF because there is no new construction. Board concurred that the Short Form would be adequate.

J. Labriola: **MOTION FOR LEAD AGENCY RESOLUTION**

Move that the Planning Board assume lead agency status with regard to the Pleasant Valley Properties LLC Subdivision application in the form of the resolution prepared by the Board's engineer and now before the Board.

SECONDED BY R. SEAMAN

Discussion: Mr. Nelson asked whether the motion was for the Board to be Lead Agency or to circulate the Board's intention to be Lead Agency. He recommends circulating to the interested agencies the Planning Board's intention.

J. Labriola: **MODIFIES LEAD AGENCY RESOLUTION**

Move that the Planning Board circulate its intention to assume lead agency status with regard to the Pleasant Valley Properties LLC Subdivision application in the form of the resolution prepared by the Board's engineer and now before the Board.

(Mr. Labriola notes that the full resolution includes a list of involved agencies.)

SECONDED BY R. SEAMAN

VOTE TAKEN AND APPROVED 6-0-0

7. VIANI – PERMIT FOR REGULATED ACTIVITIES IN WETLANDS

J. Labriola stated for the record that he and the applicant, Tom Viani, used to work together a number of years ago and that he does not plan to recuse himself from this application unless someone has a problem with him serving in his capacity as Board Chair. Board concurred that Mr. Labriola did not need to recuse himself.

Tom Viani, the applicant, was present and reported that he had applied for a permit to build an addition onto his garage and was informed that he has wetlands on his property. He stated that he's owned his property for 22 years and that he never knew about the wetlands. Mr. Viani stated that he's asking for a permit to put up the 26' addition onto the garage and that according to the map his entire house is in the buffer zone. He also pointed out that he is not adding any additional living space or any additional load onto the septic system or any new plumbing into the garage. He stated that he has an existing garage, but that he has too many cars and he needs more parking space. Mr. Viani provided the Board with photos of his cars, which he says gives the perspective of the northwest corner of the house. Further, these photos show how the land grades upward. He also stated that there's a rock formation that extends from the maple tree and runs off the property and divides the house from the wetlands as a natural barrier. He also stated that 80-90% of his septic system is in the wetlands. He also showed pictures of the pool that demonstrate that they have kept the property natural for 22 years. They took no trees out over that time.

Mr. Labriola stated that the wetland maps may be in error. Mr. Viani stated that, although he's not contesting the accuracy of the wetland maps, when he put up the pool he encountered pure rock and that he could not even dig for electric. Mr. Labriola stated that even if it is assumed that it is accurate that the entire house is in the buffer area, there is already a significantly disturbed area and that this addition will not create much more disturbance. Further, Mr. Labriola stated that based on the information provided by Mr. Viani, it does not look like the property is actually near a wetland so it would be hard to be within the 100' buffer. Ms. Seaman also pointed out that the rock formation forms a natural barrier and noted that there is already activity within the buffer.

Mr. Labriola stated that he is comfortable moving forward based on the information provided and asked if the Board had other concerns. Board asked if they are on grade. Mr. Viani responded no and stated that the house is a split-level on a slab. Further, the addition will be on the same level as the house.

J. Labriola: **MOTION FOR NEGATIVE DECLARATION**

Move that the Planning Board determine as set forth in the attached declaration dated 9/13/05 that the Viani Regulated Activity in the Wetlands application 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 Board uses the following reasons in support of this determination of non-significance:

- 1. it appears that the wetland maps are incorrect**
- 2. according to the wetland maps the entire house is in the buffer – if that is the case, there is already a disturbed area, and the Board does not believe that the addition of this garage will significantly impact the already disturbed area**
- 3. the applicant has provided documentation that shows that there is a rock formation in the back yard that provides a natural barrier if in fact there were wetlands on the property**

SECONDED BY R. FRACCHIA

VOTE TAKEN AND APPROVED 6-0-0

Board discussed whether a Site Plan Approval is required on this application. Mr. Nelson commented that the Board can use the separate resolution form, which could be read into the record.

J. Labriola: **WETLAND PERMIT RESOLUTION**

Whereas a formal Permit for Regulated Activities in Wetlands, Water Bodies, Water Courses and Buffer Areas dated 8/2/05 was submitted by Tom Viani for regulated activities consisting of the addition of a new garage;

Whereas the wetlands administrator has determined that the proposed regulated activity may constitute a potential significant environmental impact and has referred the application to the Planning Board for approval or denial;

Whereas the Planning Board has reviewed the factors pertinent to the site relating to the proposed regulated activities for compliance with Chapter 53;

Whereas the Planning Board has reviewed the submitted information;

Now, therefore be it resolved that the Application for Regulated Activities in Wetlands be approved and that the wetland administrator may issue a permit for regulated activities upon completion of such conditions as noted below.

No conditions (Mr. Friedrichson confirmed that there are no fees due.)

SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 6-0-0

8. ST. PAUL'S EPISCOPAL CHURCH – SIGN PERMIT

Bill Kern was present and reminded the Board that there were two issues - one regarding the logo for the Episcopal Church and the other regarding a directional sign. He reported that he received a letter that day from his senior warden, John J. Wagner, which Mr. Labriola read into the record:

To the Planning Board from John J. Wagner, Senior Warden
“St. Paul’s Episcopal Church is part of the larger Episcopal Church in America. There is an official sign that all Episcopal Churches display to identify their presence and welcome Episcopalians and visitors alike. The sign bears specific shades of blue and red, contains the Episcopal Shield, and the words The Episcopal Church Welcomes You. This sign is universally recognizable to all who are trying to find an Episcopal Church in a community. The sign is separate and distinct from any sign specific to an individual church. It is most often seen displayed on street corners which border the church property. Some parishes use several to mark the property. In short, this sign is the universal identification point for all Episcopalian Churches in America. This separate, universal logo is essential to identify us as a part of the Episcopal Church and needs to be posted as close to the intersection of Traver Road and Route 44 as possible.”

Mr. Kern stated that he hopes this letter clarifies that the actual logo of the church includes the words “The Episcopal Church Welcomes You.”

Mr. Friedrichson clarified that the Code states that a logo of an organization is not deemed to be a sign and does not need a permit. Therefore, if this is not a sign, then there is no issue with two ground signs. One member of the Board disagreed with the determination that “The Episcopal Church Welcomes You” is a logo and not a sign.

Board discussed the design of the new proposed ground sign and stated that it is very attractive.

J. Labriola: **MOTION TO GRANT SIGN PERMIT**

Whereas the Town of Pleasant Valley Planning Board has received an application from St. Paul's Episcopal Church of Pleasant Valley for the approval of one ground sign dated 7/6/05; and

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 an 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 consisting of the material, sizes, and colors as shown in the application except as noted;

SECONDED BY R. FRACCHIA

VOTE TAKEN AND APPROVED 5-1-0

9. APPEAL #863 QUATTROCIACCHI – AREA VARIANCE

10. APPEAL #865 QUATTROCIACCHI – USE VARIANCE

Mr. Labriola clarified that there are two separate variance requests from the same applicants. He reminded the Board that they applicants demolished an old building and replaced it with a new building that has planned retail downstairs and two apartments upstairs. He stated that this is less than a two acre parcel and that they would need two plus acres of variance for this project. The Planning Board previously reviewed this application and passed it along to the ZBA with a negative recommendation.

Board and Mr. Friedrichson clarified the history of this application and that these two appeals are new applications.

J. Labriola: MOTION TO PASS ALONG APPEAL #863 AREA VARIANCE TO THE ZBA WITH A NEGATIVE RECOMMENDATION AS THE PLANNING BOARD BELIEVES THAT THE REQUIRED ADDITIONAL ACREAGE IS TOO LARGE AND IS INCONSISTENT WITH THE CURRENT ZONING CODE. IF THE ZBA DECIDES TO APPROVE THIS VARIANCE, IT IS MANDATORY THAT THE APPLICANT COME BEFORE THE PLANNING BOARD FOR A SITE PLAN APPROVAL.

SECONDED BY R. SEAMAN

VOTE TAKEN AND APPROVED 6-0-0

J. Labriola: MOTION TO PASS ALONG APPEAL #865 USE VARIANCE TO THE ZBA WITH A NEGATIVE RECOMMENDATION. IF THE ZBA APPROVES THIS USE VARIANCE, IT IS MANDATORY THAT THE APPLICANT COME BEFORE THE PLANNING BOARD FOR SITE PLAN APPROVAL.

SECONDED M. GORDON

VOTE TAKEN AND APPROVED 6-0-0

11. APPEAL #864 PLEASANT VALLEY ESTATES, LLC – VARIANCE

Mr. Labriola stated that the supply wells must have a 100' radius ownership area as required by a transportation corporation. Mr. Nelson stated that the applicant moved the lot line in order to provide the 100' radius, which pushed the property line closer to the building (4' rather than the 15' required) creating a need for a building setback.

Mr. Labriola read a letter from the Fire Advisory Board – no comment.

Board discussed its preference for them to maintain the 100' buffer around the setback and have a setback variance.

J. Labriola: **MOTION TO PASS ALONG TO ZBA WITH POSITIVE RECOMMENDATION AS THE PLANNING BOARD BELIEVES THAT IT IS FAR MORE IMPORTANT TO MAINTAIN THE 100' BUFFER AROUND THE WELL HEADS THAN THE 15' SIDE SETBACK FROM THE BUILDING**

SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 6-0-0

12. MINUTES

Mr. Labriola: **MOTION TO APPROVE MINUTES 8/9/05 AS CORRECTED; SECONDED BY EVERYONE; VOTE TAKEN AND APPROVED 6-0-0**

Meeting adjourned at 10:15 p.m.

Minutes submitted by

Helen D. Dickerson
Secretary

The foregoing represent unofficial minutes of the September 13, 2005, 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 11, 2005

A regular meeting of the Pleasant Valley Planning Board took place on October 11, 2005, 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
 Kay Bramson
 Rebecca Seaman
 Peter Karis
 Rick Malicia, Alternate

Members absent: Henry Fischer
 Rob Fracchia

Also present: Pete Setaro, Morris Associates
 Jim Nelson, Esq., Town attorney
 Dieter Friedrichson, Zoning Administrator

1. NEAL SUBDIVISION-PUBLIC HEARING-PRELIMINARY APPROVAL

Andrew Neal, applicant, and Tim Lynch, engineer, were present.

Mr. Labriola reported that this application was last before the Planning Board in June 2005 when Sketch Plan Approval was granted.

Mr. Neal reported that they did a two month review of the survey and have changed the position of the driveways which now meet grade requirements. Labeling on the survey now identifies the second house as a pool which has power and water. Mr. Neal stated that he does not want to knock the pool house down because it's a nice structure. He stated that they have been up to the top of the property and per the Board of Health have dug test holes for the septic. He stated that Mr. Lynch has a proposal for the location of the well and the driveway layout.

Mr. Setaro reviewed the Morris Associates comment letter. There were minor comments on the SEQRA form. Mr. Setaro stated that he and the highway superintendent are both concerned about any storm water drainage flowing from the proposed driveway towards the town road. He will schedule a meeting with Mr. Lynch and the highway superintendent to determine how storm water will be managed. Mr. Setaro also reported that there are areas in the back of the property where storm water may drain onto the adjacent Kirchhoff property. Some measures will have to be designed to manage this runoff. Mr. Setaro stated that details regarding erosion control must be added to the map. He also stated that the scale on the surveyor's drawing cannot be matched to the other drawings.

Mr. Labriola read the following letters into the file.

1. letter dated 10/7/05 from Curt Gardner, Highway Superintendent (original letter on file): concerns with the grade and length of the driveway; a site visit will be required; Fire Advisory Board should review for emergency access
2. letter from Fire Advisory Board dated 6/1/05 (original on file): clear and maintain driveway to 12' wide and 12' high.

Mr. Setaro and Mr. Labriola noted that the Fire Advisory Board did not mention pull offs and discussed the option for the Planning Board to request a pull off on the driveway.

Mr. Gordon commented on the length of the driveway. Mr. Neal stated that he is undecided whether to pave the entire driveway.

Mr. Neal stated that the sheds have been demolished. Mr. Labriola stated that this should be noted on the map.

Mr. Neal stated that he advertised for a public hearing and submitted the documents related to this. Mr. Labriola stated that, because the Board cannot do a SEQRA determination tonight – which precedes the Public Hearing, he proposed that the Board will open and adjourn the Public Hearing. This way the applicant will not have to re-advertise for a Public Hearing.

J. Labriola: **MOTION FOR PARKLAND DETERMINATION RESOLUTION**

Move that the Planning Board adopt the following Parkland Determination Resolution for the Neal Subdivision in the form of the attached resolution dated 10/11/05 prepared by the Board's engineer and now before the Board subject to the following conditions.

Whereas the Planning Board has reviewed the subdivision application of Andrew Neal pursuant to the requirements of Town Law 2774 and hereby determines that if such application is granted even in modified form the Neal Subdivision will contribute to an increased population in the Town and increase the burden on the Town parkland and recreational facilities and that a proper case therefore exists for requiring that a park or parks be suitably located for playgrounds and other recreational purposes within the Town.

Now therefore be it resolved that 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 the 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 Planning Board.

SECONDED BY M. GORDON

VOTE TAKEN AND APPROVED 6-0-0

J. Labriola: **MOTION TO OPEN THE PUBLIC HEARING; SECONDED BY K. BRAMSON; VOTE TAKEN AND APPROVED 6-0-0**

Mr. Labriola: based on the fact that the Board cannot do a SEQRA determination at this meeting – **MOTION TO ADJOURN THE PUBLIC HEARING UNTIL SUCH TIME THAT THE BOARD HAS COMPLETED THE SEQRA DETERMINATION; SECONDED BY K. BRAMSON; VOTE TAKEN AND APPROVED 6-0-0**

Mr. Gordon inquired about the pool house. Mr. Neal stated that it is a guest house that has a kitchen and a bathroom. Board discussed that the pool house is a second residence on the property. Mr. Friedrichson confirmed that per the Code there cannot be two primary buildings on the property. Mr. Neal stated that if the pool house has to go, then it will go. Mr. Friedrichson stated that, because it has living accommodations (kitchen, bathroom, etc.), it does not qualify as an accessory structure and probably is a second primary building. Mr. Labriola enumerated two options:

1. remove the pool house
2. apply for a variance

Mr. Setaro offered another option to remove the kitchen and the bathroom. Mr. Neal stated that this would defeat the convenience of the pool house. Mr. Labriola advised Mr. Neal to work with Mr. Friedrichson and decide what to do with the pool house.

Mr. Karis noted that 15% is very, very steep and stated that the applicant should choose the pavement type based on the grade – black top versus gravel. Mr. Karis stated that gravel is fine, but is problematic when the grade is above 10%. Further, Mr. Karis noted that there will be storm water impact and issues with run off. Secondly, Mr. Karis noted that there is a very small platform at the entrance to this 15% grade driveway, which does not provide adequate space for a vehicle to stop before pulling onto the Town road and which creates the potential for a vehicle to slip in an icy condition onto the Town road. Mr. Karis also inquired about sight distance issues.

2. SISCO/HENNING LOT LINE RE-ALIGNMENT-SKETCH PLAN

Sharlene Sisco was present and stated that Mr. Henning knew about the meeting but is not present. Ms. Sisco identified on the map her property and Mr. Henning's property. She stated that she and Mr. Henning are proposing to exchange portions of their property. This exchange will enable Ms. Sisco to square her property off and will give Mr. Henning more of a front yard. Ms. Sisco stated that she intends to fence in her entire property. They do not have a common driveway.

Ms. Sisco stated that this exchange will increase her property from 0.225 to 0.25 acre and will decrease Mr. Henning's property from 5.202 to 5.177 acre.

Board reviewed the map. Ms. Sisco stated that the other side of the wood fence is a right-of-way that is owned by Mr. Henning to a property in the back. Mr. Labriola clarified that Ms. Sisco's property is completely surrounded by Mr. Henning's property. Ms.

Sisco stated that this exchange does not make Mr. Henning's lot non-conforming and will make her lot less non-conforming.

Mr. Setaro stated that the map must show the location of the well and the septic. He stated that the vicinity sketch and a topography sketch can be put on the next map submitted by the surveyor.

Mr. Labriola read into the record a letter dated 10/5/05 from the Fire Advisory Board: no comment.

Mr. Karis stated that it looks like Mr. Henning's house encroaches on the neighbor's property. Ms. Sisco confirmed that the house is 1' onto the neighboring property. Board discussed that, although this application involves both properties, the main focus is on making Ms. Sisco's lot less non-conforming.

Mr. Labriola: **MOTION TO GRANT SKETCH PLAN APPROVAL**

Move that the Planning Board grant Sketch Plan Approval to the Sisco/Henning Lot Line Realignment in the form of the resolution prepared by the Board's engineer and now before the Board.

Be it resolved that Sketch Plan Approval be accepted and that the following conditions must be addressed within the preliminary plat: Morris Associates letter dated 10/11/05.

Further be it resolved that the applicant may advertise for a public hearing to be held on 11/8/05 conditioned upon submission of a preliminary plat found to be in acceptable form by the Planning Board's engineer.

SECONDED BY R. SEAMAN

VOTE TAKEN AND APPROVED 6-0-0

3. QUATTROCIACCHI-SITE PLAN

Salvatore Quattrocicchi was present and reported that they have reconstructed an old building. He stated that he was told that he needs a Site Plan approval.

Mr. Labriola stated that this application was on last month's Planning Board agenda for ZBA referrals for two retail businesses and two apartments in the reconstructed building. He stated that the ZBA approved the two apartments and did not grant the variance for the second retail establishment. Mr. Quattrocicchi confirmed that there will be one business downstairs and two one-bedroom apartments upstairs and stated that he is uncertain of how to proceed with the Site Plan approval. He stated that he received a letter from Morris Associates and offered to provide whatever information the Board needs.

Mr. Labriola inquired where the access to the apartments is located. Mr. Quattrocicchi stated that the entrances to the apartments are under a porch at the back of the building and that there are cement walkways in the front and the back of the building with a roof

over them. There are interior stairs going up to the apartments. He stated that the entrance to the retail space is in the center front of the building. He also stated that there are two back doors for the retail business.

Mr. Quattrociacchi stated that there will be a lot of lighting in the building and offered to have his electrician speak to this for the Board. Mr. Labriola stated that the lighting plan with the wattage must be shown on the plans. Mr. Quattrociacchi stated that the hours of operation for the business (an antique shop) will probably be 9 a.m. to 5 p.m.

The Board concurred that if the retail use changed significantly at some point in the future, the applicant would have to get a use variance.

Mr. Setaro reviewed the Morris Associates comment letter. Mr. Quattrociacchi stated that he spoke with Bruce Stalter, NYS Department of Transportation, regarding access and that Mr. Stalter did not have a problem with him leaving it gravel. Mr. Setaro inquired whether DOT was OK with the entire front of the property being open or whether they wanted it channelized. Mr. Quattrociacchi reported that DOT told him he can leave it open. Mr. Setaro stated that the applicant needs to get that in writing from DOT. Mr. Quattrociacchi also stated that the open frontage is pre-existing, that he has not changed anything. Mr. Gordon advised the applicant that, for his own protection, he should get the DOT recommendation in writing.

Mr. Setaro inquired whether the parking area will remain gravel. Mr. Quattrociacchi stated that it will remain gravel.

Mr. Setaro inquired about grades and runoff. Mr. Quattrociacchi stated that the grades are on the septic plan. Mr. Setaro requested that the grades be added to the updated plans and stated that the concern is that no water is running off onto adjacent properties. Mr. Quattrociacchi stated that everything grades toward the highway and that there's a big swale. Also, he stated that there's a culvert buried under his driveway and that even with all the recent rain, no water ran off onto the highway.

Mr. Labriola stated that the office has not received a response from the County on the 239M.

Mr. Quattrociacchi reported that no other residences can see his building, that there is a tree line to the east and to the west of his property.

Mr. Quattrociacchi reported that there is a whole new septic system. Mr. Setaro requested that the applicant provide the Planning Board with a map of this system.

Board discussed landscaping plans. Mr. Labriola stated that he's surprised that the State DOT does not want the front of the property necked down in order to manage ingress and egress. He stated that his preference is that it does get necked down and that landscaping is added along Route 44 for aesthetics. Board and applicant discussed the merits of closing down the 130' frontage to control and direct traffic into and out of the property.

Mr. Labriola stated that he cannot think of a single site plan that has had so much open frontage. Mr. Setaro stated that, if the Planning Board prefers that the frontage of this property be narrowed, the Board can communicate that to the State DOT for consideration. Mr. Labriola stated that it could be accomplished with landscaping and some grading, which he stated would be his preference rather than having a driveway that is 130' wide.

Board also discussed the calculation for number of parking spaces: 9 spaces in the front for the retail businesses, 3 spaces along the left side for one apartment unit, and 2 spaces on the right side. One handicapped space is required and must be paved. Mr. Quattrociacchi stated that the apartment spaces will be designated and labeled.

Mr. Setaro stated that garbage cans/dumpster must be shown on the map.

Mr. Labriola read into the record a letter dated 10/5/05 from the Pleasant Valley Fire Advisory Board: no comment.

Mr. Labriola listed the next steps as:

- comments in Morris Associates letter
- handicapped parking space designated
- lighting locations and wattage
- response from County 239M
- garbage/dumpster location
- narrow the front access to direct ingress and egress and landscape
- location of sign for antique shop

4. COMMONS AT BECKWITH COURT

Mr. Labriola reported that this application is on this evening's agenda for wetlands permit consideration and the proposed disturbance in the wetland buffer. David Beckwith was present and reported that they put together a map showing the basic civil engineering information (grading, drainage) and showing the 100' buffer. Mr. Beckwith stated that they have identified the three areas where they will need to go into the 100' buffer for construction purposes.

Mr. Beckwith pointed out on the map Area #1 at the southern end of the property and stated that it is the area about which the Board had the most discussion at the last meeting. Mr. Beckwith explained the cross-hatching on the map which delineates areas that will be disturbed during construction and areas where brush and some trees will have to be removed. He estimates that construction vehicles (excavation equipment, concrete truck, and forklift) will need 12' to get around the corner of the garage. After construction is complete, Mr. Beckwith stated that the area will be restored with trees and ground cover and a lawn will be put in the front of the building.

Ms. Seaman inquired what disturbance of the wetlands would continue after construction is complete. Mr. Beckwith stated that access to the garage is in the front, which extends a little into the buffer, and that there will be no intrusion into the buffer behind the garage.

Mr. Labriola pointed out that there's a fairly natural boundary where the grade drops away sharply. Mr. Beckwith pointed out that there is some grading at the corner of building #2, and that there's no more than a 2' grade change along there.

Mr. Labriola stated that he's comfortable with proper erosion control measures during construction and, after construction, an appropriate plan to restore the area with specific vegetation and trees. Board stated that the construction vehicles will rip up the area and run rough shod. Mr. Beckwith stated that, as the owner of the property, he's doesn't want them to rip up anything more than they have to, which he will make clear to them.

Mr. Beckwith stated that they will drill the wells after the trailer is removed. He stated that they hope to break ground in spring or early summer 2006.

5. CAPELL (FOX RUN) SUBDIVISION

Ms. Seaman recused herself from this application.

Steve Alex, Chazen Engineering, and Joe Kirchhoff were present.

Mr. Labriola noted that this application was granted Sketch Plan Approval in 2002, was circulated for lead agency in 7/03. Further, he noted that it has been on the Planning Board agenda in 8/03, 10/03, 1/04, and the last time was 5/04. He noted that in 4/04 the Planning Board, the applicant's engineer, the owner, and the Planning Board's engineer did a site visit and reported on the findings of that site visit at the 5/04 Board meeting. Mr. Labriola noted that as of 5/04 the next step in the process was SEQRA determination. At that point the following items were needed to complete the application:

- updated EAF that represented the proposal at that time
- a Shippo report and
- a letter from the Army Corps of Engineers about wetland delineation

Mr. Alex reported that they have a letter from Shippo and that they have received the jurisdictional determination from the Army Corps of Engineers. Mr. Alex stated that they will resubmit these documents to the Planning Board.

Mr. Alex stated that the project has evolved. He stated that their most recent sketch drops corner lot #7. He stated that they are proposing to create common open space, and they are having discussions about including this open space under a conservation easement. He stated that if they can make that happen, then they would be inclined to continue with the 6-lot concept.

Mr. Kirchhoff stated that he is under contract to buy 50% ownership in this project. He stated that they are working to meet all interested parties' needs – neighbors, future buyers, Mr. Capell. He stated that he believes all will work out. He also stated that financially this is a big piece of property and that it is important for Mr. Capell to try to get it into the Dutchess Land Conservancy which would bridge the gap and lower the impact. Mr. Kirchhoff stated that they are heading in that direction now and that they are getting some guidance on that process.

Mr. Alex described their plan to minimize the number of driveway cuts. He pointed out one driveway off of Fox Run, which will access the 2 lots on the south end of the property, and one driveway off Malone Road, which will access the other 4 lots. Mr. Alex reiterated that each lot will have its own septic system and own well.

Mr. Alex reported that they have pulled well away from the wetlands and that there will be no disturbance at all in the wetlands.

Mr. Alex also reported on recent discussions about an alternate design with 6 lots off of one common driveway. He stated that it is doable. Mr. Kirchhoff stated that the concept that he has for this development is for:

- only stone and oil drives, no black top
- the houses are all natural products outside – cedar shakes, true divided glass, no large mansion type houses
- minimum and maximum square footage in deed restriction
- very specific target buyers, most of whom are already lined up at this time
- rotaries would have very natural landscaped islands without curbs
- create the country road impression

Mr. Kirchhoff stated that he thinks the common drive could work, but that he's not thrilled with it. As a developer, he thinks that the southern lots would have very long driveways, but that he's willing to work with the neighbors to try to make it work. He stated that there is another alternate design if the Planning Board doesn't like this one.

Mr. Kirchhoff stated that the goal is to leave all the trees except for the ones that must come down. He stated that there are some very large trees that are spread out and that there are a lot of evergreens and blue spruce that will not have to be touched. Therefore, he stated that this development will be completely hidden.

Mr. Alex stated that the common drive addresses the neighbors' concerns about the number of driveway cuts on the public road. From an engineering standpoint, Mr. Alex stated that the grades are manageable and that the disturbance will be less with the one common drive plan.

Mr. Gordon stated that his concern is the scale of the long common drive and if it is large enough to meet the Town's needs for fire and emergency access requirements. Mr. Kirchhoff stated that they will meet all the criteria for fire safety. Mr. Gordon stated that he likes the idea of gravel. Mr. Labriola stated that he likes the design, especially the perimeter buffer around the property. Further, he stated that the Board typically likes to limit common driveways to 2 or 3 lots and recalled a couple of projects that have 4 lots served by a common driveway. He stated that the Board is cautious about setting a precedent for future applications.

Mr. Labriola asked Mr. Nelson about the impact of designating it as a private road versus a driveway – does that change how things need to be constructed and maintained. Mr.

Kirchhoff stated that the property would be all homeowners association and it could be written on a reciprocal easement agreement over a private road and control all that language ahead of time.

Mr. Nelson stated that there are very clear standards for private driveways, common driveways, and town roads for frontage. Mr. Nelson stated that there probably is no difference between private road and shared driveway.

Mr. Kirchhoff stated that there's a big problem with shared driveway regarding maintenance. However, he stated that if the language is done correctly – similar to a condo association – maintenance problems can be avoided. Mr. Gordon stated that the applicant's approach on this property will make the difference - a homeowner's group that shares open space and a common driveway. Mr. Kirchhoff stated that they are also considering a tennis court and a picnic area that is maintained by the association.

Mr. Labriola stated that a homeowner's association with a private road may provide a way for the Board to avoid future applicants wanting to create a common driveway for 9 lots. Also, he stated that he likes the idea of not having multiple driveway cuts on the town roads. The Board agreed that it needs to make sure that it is not setting a precedent that it will be unhappy with in the future.

Mr. Labriola stated that he received a letter from Henry Fischer with a sketch that looks very much like the applicant's drawing. Mr. Labriola entered this letter into the record.

Mr. Labriola read into the record a letter dated 10/7/05 from Butch Gardner, Highway Superintendent – original on file. Mr. Gardner stated that:

- he is pleased with the idea of adding common drives rather than additional Town roads,
- that the common drive be constructed with at least a binder course up to where the single driveways start for each lot before any building permits are issued,
- that a driveway permit will be issued for each lot off of the common drive,
- that a maintenance agreement be reviewed and in place for the common drive,
- that he will discuss the proposed equestrian trail with the Town attorney regarding liability to the Town and how it is constructed.

Mr. Labriola read into the record a letter dated 10/5/05 from the Pleasant Valley Fire Advisory Board – original on file. The FAB makes the following recommendations:

- maintain the common driveway leading from Malone Road up to the second turn around area at a minimum of 20' wide
- maintain all driveways at a minimum of 12' wide
- the applicant to explain what the markings are on the drawing leading to Lot #1 and also the common drive leading to the remaining three lots servicing that common drive – if the marking is intended to represent a gate, that access through the gate be provided to the Fire Department
- the second curve on the driveway leading to Lot #3 be expanded to a minimum of 30' in width for the radius of that curve

- that the applicant be required to put in a dry hydrant feeding off the pond located on Lot #5 with the hydrant located on Fox Run
- that the applicant maintain the proposed emergency turn outs.

Mr. Kirchhoff stated that for many years there have been horse trails through the property for which they would create a deeded easement. He confirmed that areas outside of the home sites will remain wooded. He also confirmed that none of the development will drive any additional drainage towards the wetlands and that it actually diminishes the drainage. He stated that all on-site drainage will comply with Phase II regulations. Impervious surfaces have been intentionally minimized.

Mr. Setaro stated that they will want to work with Chazen because the Phase II regulations can actually create the need to disturb more area in the attempt to meet these regulations. He stated that there are some practical measures that can be taken to keep the area as natural as they desire and that they will need to work with the DEC to achieve this. He stated that he has worked with the DEC on other projects to implement common sense measures that are workable.

Mr. Labriola stated that letters from neighbors inquire about studies done regarding pesticides that may be left over from the old orchard on this site. He inquired what the current situation is regarding soil studies given that construction will create disturbance. Mr. Alex stated that standard soil tests have been done and the negative results have been submitted to the Board and should be on file. Mr. Setaro stated that he recalls that a lot of work was done, that questions were raised whether the soil tests were conducted in the correct areas, and this will have to be looked at. Mr. Alex stated that the evidence of the orchard is from the USGS map, that the trees are long gone, and that they tested in that area. Mr. Alex stated that the area of the old orchard is now an old growth forest with large cherry and maple trees.

Mr. Gordon thinks the current plan is a real improvement. Mr. Setaro stated that some legal research needs to be done regarding private road versus common driveway. He stated that the Town Code should have some provisions for private roads and that they need to make sure that they are doing everything as it is supposed to be done. He reiterated the need to be cautious about setting a precedent that the Board will not want to live with.

Mr. Kirchhoff pointed out the financial issues associated with this project. He stated that he is typically never involved in this type of business, but that he does understand finance and return on investment. He explained that requiring a developer to build a municipal bonded approved road (at \$210 per linear foot) creates economic dynamics that drive the developer to build a much more dense property. He stated that the Board needs to consider the impact of creating only 5 lots or 8 lots or 10 lots on 30 acres with a private road, which would save developers the \$600,000 road investment. He stated that they can come out of the deal financially close, have less risk, and create a greatly reduced impact on traffic, less impact on the neighborhood, and makes the Town a better place to live with less density. He advised the Board to explore the private road idea.

Mr. Labriola concurred that this is research that the Board must do prior to providing direction for this project. The Board concurred that the applicants are heading in the right direction and that whatever is done on this project must be repeatable for future projects that have a similar set of unique circumstances.

Mr. Nelson asked whether the proposal is to have the Dutchess Land Conservancy manage the easement areas around the houses. Mr. Kirchhoff stated the DLC does not care where the houses go but will restrict the number of houses to 6. He stated that getting the easement and the tax credits to go with the easement makes it financially viable to reduce it to 6. He confirmed that the DLC will be the holder of the conservation easements of all of the open space including the areas around the houses. He explained that this plan provides Mr. Capell with a financial return sufficient to enable him to create the open space instead of building on Lot #7.

Mr. Labriola enumerated next steps:

- Shippo
- Pesticide study
- Army Corps of Engineer updated EAF
- Private road versus common drive

Mr. Kirchhoff stated that the houses are not preplanned but must meet the deed restrictions:

- Minimum/maximum square footage
- Building types – country construction, arts/crafts style, low profile
- Chimneys must be stone
- Siding must be natural product
- Specifies roof designs
- All windows must be true divided glass
- No pressure treated
- No clotheslines

6. SHEKOMEKO LODGE – SITE PLAN - DISCUSSION

Mr. Labriola stated that this application – the Pleasant Valley Grange – is on for discussion.

Bob Balkind, engineer for the applicant, was present. He reported that last year the Pleasant Valley Masonic Lodge, which is also known as the Shekomeko Lodge, developed an interest in purchasing the old Grange building for use as their lodge. He stated that 8 to 10 years ago the Shekomeko Lodge sold their building to the Pleasant Valley Fire Department in the center of Town to facilitate construction and parking. Since that time, he stated that the Shekomeko Lodge has met in Poughkeepsie and in Clinton, sharing space with other lodges. So, he stated, this is an opportunity because the Grange isn't able to keep their building or afford the upkeep and maintenance. Therefore, he stated, the Shekomeko Lodge decided to purchase the Grange building and provide space for the Grange organization to meet. One year ago, Mr. Balkind sent a

letter to the Town of Pleasant Valley to explain the project, which entails the removal of the Grange building off its foundation, utilize the existing foundation, and build a new building that will be very similar to what's there now. Due to inadvertent events, Mr. Balkind stated that the Town responded to this proposal via telephone and indicated that they need a building permit and Board of Health approval for a new septic system and well. He stated that they submitted design plans to the Town. Recently, he stated that the Shekomeko Lodge hired a contractor (Patterson Construction) to build the new building. He stated that the contractor got a demolition permit to remove the old building from its foundation. The building was removed under that permit. He stated that there may have been miscommunication between the Town and Zoning, but that Zoning Department asked the applicant to appear before the Planning Board for site plan review and approval.

Mr. Balkind informed the Board that the building has been removed from the foundation under the demolition permit issued by the Town. Further, he stated that the contractor is ready to begin reconstruction of the building. And, Mr. Balkind, pointed out that the foundation is open and exposed and that this creates some urgency with the cold weather closing in. He stated that the cold weather may compromise the integrity of the foundation to the point where it would not be usable, which would be costly to replace. Mr. Balkind also is seeking consideration for the nature of this project. He stated that the building is being built by a non-profit organization, the Masons, and it is also being utilized by the Pleasant Valley Grange (also another civic non-profit organization). Mr. Balkind asked that, in consideration of the site plan, the Planning Board be aware that any expense that results from the Planning Board's request upon the applicant represents monies that the applicant can no longer dedicate to other charitable causes. He stated that the project is not about financial gain. Rather it is about bringing two civic organizations back into Pleasant Valley to do the good public work that they do.

Mr. Balkind described the proposed project. He stated that they have removed the building from its existing foundation and propose to build a new building on the foundation very similar in nature to the old building. There is an existing well and septic system on the site. He stated that the Dutchess County Health Department asked them to design a new water supply and a new septic system. He stated that they have met at length with the Health Department and that those plans are currently before the Board of Health now.

Mr. Balkind stated that they do not propose to change access to the property or to change grading or to change landscaping at this time. He stated that they will utilize the existing access on Quaker Hill Road. He stated that the site plan shows a number of potential parking spots, but that the intention is not to pave at this point. He stated that the Shekomeko Lodge does propose to phase in some improvements over time after the building has been built and after they have been holding their meetings there.

Mr. Labriola noted the following:

- The building design is very attractive, fits into the hamlet design, and will be a significant improvement

- Specify colors and materials at next meeting
- Document on the map the location and wattage of outside lighting
- Handicapped and loading area must be paved
- Reconsider doing some landscaping around the new building which can be enhanced over time – possible option is for full landscaping plan with phased-in implementation plan
- Must submit an actual application with an EAF

Mr. Setaro stated that the application must be forwarded to County Planning Office for the 239M review.

Mr. Balkind stated that there will be a sign on the face of the building and that he knows there are regulations regarding signs. Board notified him that he must submit a separate sign application.

Mr. Balkind stated that the parking lot will remain gravel. He stated that the building occupancy is 90 people, which requires 15 parking spaces. He stated that they have room to meet this minimum parking and that all the setbacks comply with the RO zoning. He is unaware of any variances that would be required and stated that the new building will be a little smaller than the existing building.

Mr. Labriola inquired about a dumpster. Mr. Balkind stated that they don't anticipate needing one. He stated that 8 to 16 people attend the monthly Shekomeko Lodge meetings. He stated that between 12 and 20 people attend the monthly Grange meetings. It is a very infrequently used building that will also be offered to other civic organizations such as the Boy Scouts. He stated that there is no kitchen facility in this building.

Mr. Setaro inquired about a proposed door into the building and whether a sidewalk will be needed. Mr. Balkind stated that there are doors in the foundation now that provide access to the basement level from the outside. He stated that they are showing concrete paths and that there is no real foot traffic.

Mr. Setaro cautioned Mr. Balkind about light spillage onto the neighboring property from external flood lights. Mr. Setaro also inquired about roof leaders. Mr. Balkind stated that there will be roof leaders and reported that the soil test and the perc test yielded extremely deep gravel bank.

7. HUDSON VALLEY FEDERAL CREDIT UNION – SIGN PERMIT

Mr. Labriola stated that this application is for a temporary sign for the Hudson Valley Federal Credit Union.

Barry LoCastro was present. He stated that the temporary sign is opposite the A&P entrance on an angle and will not exceed 24 square feet. The Board reviewed the design and concurred that it looks fine.

Mr. Labriola: **MOTION TO GRANT SIGN PERMIT**

Whereas the Town of Pleasant Valley Planning Board has received an application from the Hudson Valley Federal Credit Union for the approval of one ground sign dated 9/22/05,

Whereas the EAF has been submitted and reviewed by the Board,

Now, therefore, be it resolved that the Planning Board determines this action to be an 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 shown in the application except as follows: NONE

SECONDED BY K. BRAMSON

VOTE TAKEN AND APPROVED 5-0-0

Meeting adjourned at 8:45 p.m.

Minutes submitted by

Helen D. Dickerson
Secretary

The foregoing represent unofficial minutes of the October 11, 2005, 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 8, 2005

A regular meeting of the Pleasant Valley Planning Board took place on November 8, 2005, at the Pleasant Valley Town Hall, Route 44, Pleasant Valley, New York. Chairman Joe Labriola called the meeting to order at 6:33 p.m.

Members present: Joe Labriola, Chairman
 Michael Gordon
 Kay Bramson
 Rebecca Seaman
 Peter Karis
 Henry Fischer
 Rob Fracchia
 Rick Malicia, Alternate

Also present: Pete Setaro, Morris Associates
 Jim Nelson, Esq., Town attorney
 Dieter Friedrichson, Zoning Administrator

1. NEAL SUBDIVISION-PUBLIC HEARING-PRELIMINARY APPROVAL

Andrew Neal, applicant, 223 Hurley Road was present. Tim Lynch, engineer, was also present.

Mr. Labriola stated that this application was on last month's agenda at which time SEQRA determination and Parkland Resolution were completed. Further, he noted that the Public Hearing was adjourned. He requested the applicant to report on any changes.

Mr. Neal reported that he met with Mr. Setaro and the highway superintendent. They reviewed the driveway issue and determined that the driveway is possible and that it can meet regulations. Mr. Neal stated that he received a letter from his next door neighbor who has given Mr. Neal permission to remove a rock that is blocking sight lines.

Mr. Labriola requested that Mr. Nelson review the neighbor's letter. Mr. Nelson recommended that Mr. Neal get the neighbor's wife's signature as well. Mr. Labriola entered this letter into the file.

Mr. Neal stated that he has the updated survey from Mr. Killmeyer which includes most of the requirements but which was only delivered to Mr. Setaro yesterday.

Mr. Setaro stated that there is no Morris Associates comment letter. He stated that he and Mr. Neal met in the field. He stated that he was hoping for a revised driveway plan based on the field visit, but the updated survey was not available in time. Mr. Setaro reported on changes made to the driveway which include taking out the loop and dropping plans for a barn. These changes alleviate drainage issues. Mr. Setaro stated that there were a

lot of changes made to the plan, but it was not possible to pull everything together in time for the meeting tonight.

Mr. Labriola inquired about plans for the pool house. Mr. Neal stated that he will either remove the pool house or remove the kitchen and cut the plumbing lines.

Mr. Labriola stated that the Board needs an updated set of drawings and Morris Associates comments in order to proceed with its review of this application.

Mr. Lynch asked whether the Planning Board would consider granting final approval without final sewage disposal and water system approval from the County. He stated that they are in a Catch 22 in that the Health Department will probably require a test well. In order to drill a well, the driveway must first be put in to access the site.

Mr. Labriola stated that the Board has provided conditional approvals based on DOH approvals. Mr. Setaro stated that it is standard to provide such conditional approvals. Mr. Labriola noted that it does become a Catch 22 because, if the Planning Board conditions final on DOH approval, DOH approval requires the applicant to do the test well which requires the driveway for access, which means the applicant must have a building permit. But the applicant will not have satisfied all of the requirements for a building permit. Mr. Setaro suggested that the applicant may be able to access the test well site from the current driveway if worse came to worse. Mr. Lynch stated that access from the current driveway would not be possible.

Mr. Neal also raised the issue of the approaching winter, freezing ground, which exacerbates the situation. Mr. Setaro advised Mr. Neal to check with the DOH to clarify if they require a test well for his project. Mr. Gordon also noted that the DOH is significantly behind – months behind – and suggested that Mr. Neal ask them what their projected time line would be for reviewing his application. He noted that the DOH may not be able to do a site visit until Spring 2006. Mr. Labriola concurred that the Board has granted a number of extensions due to delays from the DOH.

2. SISCO/HENNING LOT LINE RE-ALIGNMENT

Sharlene Sisco was present.

Mr. Labriola stated that this application was last on the agenda in October 2005 when Sketch Plan approval was granted and is on this evening for a Public Hearing.

Mr. Labriola asked if there have been any changes to the plan since last month. Ms. Sisco stated that there have been no changes. She submitted the return receipts and notice of publication in The Poughkeepsie Journal. She stated that she received Morris Associates comment letter that day. She stated that the surveyor drew up his map and that the agreement between her and Mr. Henning remains the same.

Mr. Setaro reviewed his comment letter. He stated that the Planning Board signature block needs to be corrected and an owner's consent note needs to be added to the drawing.

Mr. Karis asked if the septic for lot #2 is contained within the proposed lot #2. Ms. Sisco affirmed that it is.

Mr. Labriola: **NEGATIVE DECLARATION**

I move that the Planning Board determine as set forth in the attached declaration dated 11/8/05 prepared by the Board's engineer that the Sisco Henning Lot Line realignment 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 in support of this determination of non-significance are: no proposed development or land disturbance.

SECONDED BY M. GORDON

VOTE TAKEN AND APPROVED 7-0-0

Mr. Setaro asked whether a Parkland Resolution was done. Mr. Labriola inquired whether it is required since no new lots are being created. Board and Mr. Setaro concurred that it is not, in fact, required.

Mr. Labriola: **MOTION TO OPEN THE PUBLIC HEARING; SECONDED BY H. FISCHER; VOTE TAKEN AND APPROVED 7-0-0**

PUBLIC HEARING OPEN

Mr. Gordon Daley, property owner on the east, spoke. Mr. Daley stated that he has no problem with the lot line realignment. He stated that as long as they don't disturb his 15' right-of-way to his lot they can do anything they want. Mr. Labriola assured Mr. Daley that, based on the plan, there will be no disturbance and invited Mr. Daley to review the plan, which he did.

No other member of the public spoke.

Mr. Labriola: **MOTION TO CLOSE THE PUBLIC HEARING; SECONDED BY R. SEAMAN; VOTE TAKEN AND APPROVED 7-0-0**

PUBLIC HEARING CLOSED

Mr. Labriola: **PRELIMINARY APPROVAL**

I move that the Planning Board grant preliminary approval to the Sisco Henning Lot Line Realignment in the form of the attached resolution dated 11/8/05

presented by the Board's engineer and now before the Board subject to the following conditions: none.

SECONDED BY R. SEAMAN

VOTE TAKEN AND APPROVED 7-0-0

Mr. Labriola: **MOTION TO WAIVE 2ND PUBLIC HEARING; SECONDED BY M. GORDON; VOTE TAKEN AND APPROVED 7-0-0**

Mr. Labriola: **FINAL APPROVAL**

I move that the Planning Board grant final approval to the Sisco Henning Lot Line Realignment in the form of the attached resolution dated 11/8/05 prepared by the Board's engineer and now before the Board subject to the following conditions:

- 1. payment of all fees**
- 2. Morris Associates letter dated 11/7/05**

SECONDED BY K. BRAMSON

VOTE TAKEN AND APPROVED 7-0-0

3. SHEKOMEKO LODGE (Pleasant Valley Grange)-SITE PLAN

Mr. Robert Balkind, engineer, was present.

Mr. Labriola requested that Mr. Balkind provide an update on changes to the plan.

Mr. Balkind stated that they addressed the comments in Morris Associates' letter regarding dry wells, landscaping, paved driveway, down spouts into the dry wells. Mr. Balkind provided color samples of 4" double vinyl siding, color white, and that the metal roof will be forest green. He reported that the window clad is white and the doors will be green.

Mr. Setaro reviewed the Morris Associates' comment letter.

Mr. Labriola read into the file a letter dated 11/8/05 from Dutchess County Planning and Development: "Project is a matter of local concern."

Mr. Balkind stated that they will modify the plan per Morris Associates' comments. Further, he noted that they received DOH approval and that the final plans are at the Health Department.

Mr. Labriola read into the file a letter from the Pleasant Valley Fire Advisory Board dated 11/2/05: "... no comment as the proposed site improvements do not present any fire or safety issues."

Mr. Karis asked about overflow from the dry wells. Mr. Balkind stated that the soils are extremely well drained and that they anticipate no overflow. Further, he stated that the new building is smaller than the previous building. Therefore, this is now a smaller roof area. Also, there is no history of any washouts from the roof drainage. Mr. Setaro concurred that the soils at the site are excellent and that he is not concerned.

Mr. Karis asked what color the foundation wall will be. Mr. Balkind stated that the plan is to leave it as parched concrete – grey tone. He stated that there may be some desire for the Lodge to paint it white at some time in the future.

Mr. Karis asked if the access driveway into the parking lot is gravel. Mr. Balkind confirmed that it is. Mr. Karis asked if a paved apron onto the Town road is appropriate. Mr. Setaro and Board considered whether a permit is required and noted that it is an existing cut and is gravel. Mr. Balkind will discuss this with the highway superintendent.

Mr. Karis asked if Mr. Balkind would consider substituting Little Leaf Linden trees for the planned crab apples. Mr. Balkind stated that he will make this substitution.

Mr. Labriola: **NEGATIVE DECLARATION**

I move that the Planning Board determine as set forth in the attached declaration dated 11/8/05 prepared by the Board's engineer that the Shekomeko Lodge #458 site plan 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 shall be required. The reasons in support of this determination of non-significance are:

- 1. the new structure is located on an existing foundation**
- 2. disturbance is limited to the gravel parking lot improvement, construction of sidewalks, SDS, and landscaping**
- 3. drywells for roof leaders will decrease run off**

SECONDED BY M. GORDON

VOTE TAKEN AND APPROVED 7-0-0

Mr. Labriola: **MOTION FOR SITE PLAN APPROVAL**

I move that the Planning Board grant site plan approval to the Skekomeko Lodge #458 with regard to the application of Robert Balkind in the form of the attached resolution dated 11/8/05 prepared by the Board's engineer and now before the Board, subject to the following conditions:

- 1. payment of all fees**
- 2. Morris Associates' letter dated 11/7/05**
- 3. Dutchess County Department of Health approval**
- 4. substitute two Little Leaf Linden trees for the two Crab Apple trees in the front of the property**
- 5. a determination by the Highway Supervisor as to whether or not the driveway apron needs to be paved**

SECONDED BY H. FISCHER

VOTE TAKEN AND APPROVED 7-0-0

**4. PLEASANT VALLEY PROPERTIES, LLC-SITE PLAN REVISION-
Brookside Meadows**

Joe Kirchhoff was present.

Mr. Kirchhoff stated that they have a proposed amendment to the site plan. He stated that the previously approved site plan had a single large club house in the middle of what now is Phase III. He stated that, due to the demand of their tenants and their uncertainty with some issues on Phase III on which direction they are going in and when, they propose to build a new smaller club house that will be an additional club house for the whole project. This new club house will serve the 116 units that are in place now. There will be a pool and a playground. He stated that they had some concerns regarding parking and a layout change, and he discussed an alternate.

Mr. Kirchhoff presented the alternate plan, which includes the same sized building, a different pool configuration, a little different sidewalk configuration, extension of the PVC safety/privacy fence to the corner of the property line. He also pointed out a black aluminum picket fence and landscaping. He stated that the club house will house the rental office, small theater, party room with a fire place, counter top kitchen area, fitness area that overlooks the proposed pool.

Mr. Setaro reviewed the Morris Associates' comment letter and asked about a row of pine trees on the westerly property line. Mr. Kirchhoff pointed out these trees and discussed landscaping plans in that area.

Ms. Seaman inquired about landscaping to hide the parking, such as a 4' hedge.

Mr. Setaro asked how many employees will be in the rental office. Mr. Kirchhoff stated that there would be one employee, the property manager, and pointed out her parking spot.

Ms. Bramson asked about the number of parking spaces that are available for guests in the event of a party. Mr. Kirchhoff stated that, ideally, the tenants would not park near the club house except in bad weather. He stated that he hopes the parking would be for guests.

Mr. Labriola asked where the nearest guest parking is besides the area around the club house. Mr. Kirchhoff pointed out the guest parking spots and stated that they are scattered throughout the entire project. He reminded the Board that when the project was approved they had reduced the number of parking spots with the proviso that if they needed more spots, they could create them. He stated that they did create 6 additional parking spaces.

Mr. Labriola noted the pull off area for the mail kiosk and asked if there are plans for a pull off area for the club house for convenience in dropping off children and/or equipment. He asked if there exists the possibility for a turn off area in front of the club house. Mr. Kirchhoff stated that there kind of does exist such a turn off area because the paved turn around is wide enough for cars to pass a stopped car. Mr. Kirchhoff stated that at its widest point it is about 16-18' wide.

Mr. Labriola noted that, initially, the club house was centrally located in the center of the property and that there would be no concerns for noise and light affecting neighbors. He noted that this new plan may create some issues around noise and light for the neighbors as it is fairly close to the property line. Mr. Kirchhoff stated that he does not have answers to these questions.

Mr. Labriola reiterated the Board's desire to screen the front parking area with landscaping that is a lot more dense than a couple of shrubs.

Mr. Fischer asked if it will be possible to make the parking area larger and stated that he thinks there will be more people parking there than Mr. Kirchhoff anticipates. Mr. Kirchhoff stated that he may be able to squeeze 1-2 more spaces.

Mr. Gordon asked what the capacity of the club house is. Mr. Kirchhoff stated that it is probably 50 people for fire safety. He stated that entry to the building is via swipe card. Mr. Fisher noted that people will drive to the club house in inclement weather, for parties, and because they don't want to walk. Hence, he thinks there will be a parking problem. Mr. Kirchhoff stated that the area works well, that he watches how on the good days everyone walks their children to the bus. On bad days, the parents park along the island which accommodates a queue of cars without any impact on traffic. Mr. Kirchhoff stated that his goal is to preserve as much landscaping as possible.

Mr. Labriola read into the file a letter dated 11/7/05 from Dutchess County Department of Planning and Development (original on file) which includes the following comments and recommendations:

"The plan does not indicate whether any additional landscaping is proposed for this site. If the new construction will necessitate disturbing the site, the Board should investigate how to preserve as much vegetation as possible, especially any existing mature trees. If possible, we suggest moving the 6 new parking spaces closest to the building so that a small buffer area can be maintained along West Road. This area could be planted with additional street trees to maintain this area's canopied appearance. The Department recommends that the Board rely upon its own study of the facts in the case with due consideration of the above comments."

Mr. Labriola asked where the black safety fence will be located. Mr. Kirchhoff indicated on the plans the location of the black fence and of the white 6' PVC fence, which screens light spillage from the neighboring property.

4. PLEASANT VALLEY PROPERTIES, LLC SUBDIVISION – Brookside Meadows

Joe Kirchhoff was present. Mr. Richard Frankel, attorney, was also present.

Mr. Labriola reported that this application was last before the Board in September 2005 at which time it was a 6-lot subdivision with variances through the ZBA and a lengthy list of legal issues to be worked through. He requested that Mr. Kirchhoff brief the Board on changes to the plan (reduction in number of lots) and the impact of these changes on the variances required. Further, Mr. Labriola requested that Mr. Nelson brief the Board on the issues resolved and the issues remaining to be resolved.

Mr. Kirchhoff stated that previously they tried to keep the wells and the pump house, which has the tanks, ultraviolet light, etc., on a separate lot. That plan created a use that was not allowed in the zone. Further, even though there was a reciprocal easement agreement, it became a question of how public access would be provided. And the same exact thing happened with the sewer plant. Mr. Kirchhoff stated that the proposed changes get away from all of these issues.

Mr. Kirchhoff stated that the new plan has one lot in the front, which meets the density issues because there is more acreage, and there's a second lot, with units that will be occupied respectively on 12/1/05 and sometime in January 2006. He stated that they kept a little jog to accommodate the discharge from the sewer plant in order to avoid more easement issues in the future. Mr. Kirchhoff referred to a flag lot off of Wigsten Road to provide legal access. With legal consent, he stated that they will use the main drive for all ingress and egress and use a reciprocal easement agreement over it for these lots. He pointed out the lot that has most of the road frontage also has the conservation easement on it and has 84 units. Mr. Kirchhoff summarized that they cleaned it up, got the water on one lot and sewer on another lot. He stated that if the Town decides in the future that it wants the water plant, the Town will have to create a way to take it through eminent domain.

Mr. Frankel stated that he's been working with a lengthy punch list and that combining the lots into 4 has removed the area variance issue. He stated that he has been working with Special Counsel regarding forming the transportation corporation and has resolved the issue of control that created the setback area by combining the lots. He stated that they have been informed that they should be able to provide easement rights to the transportation corporations to provide sewage and water facilities throughout the development. He stated that the whole area variance issue has been removed. They believe that they have removed the use variance issue, as well, because if the water wells become ancillary uses to the apartment complexes, then the sewage treatment facility will become an ancillary use as a result.

Mr. Frankel stated that the reconfiguration deals with the density requirements that had been an issue. He noted an access point on the map that he believes is in compliance with 280A of the Town Law, although access will be obtained through the reciprocal easement agreements that run with the land. He stated that they will appear before the Town Board seeking approval for formation of the transportation corporations. He stated that they need the SEQRA determination. He believes that the revision to a 4-lot subdivision will be easier to approve. He clarified that the transportation corporations will own the infrastructure and will have rights to the land through easement arrangements.

Mr. Nelson reported that the items for consideration are:

1. sewer and water
2. access
3. SEQRA
4. Public Hearing
5. accessory use

Mr. Nelson stated that, on sewer and water, he spoke with Mr. Frankel regarding the question of security in the event of a failure of either of the transportation corporations. Further, he stated that he, Mr. Frankel, and Scott Volkman have discussed this issue. He reported that, under the transportation corporation law, the sewer plant will come before the Town Board and the Town is authorized to take security to assure that it gets built and also to hold security to assure that the plant is operating and properly maintained for a 5 year period. But there may be a separate issue regarding the water plant. Mr. Nelson agrees with Mr. Frankel's opinion that the consequences from the failure of a sewer plant may be statistically higher because mechanically they are more complicated than a water plant. However, he stated that the statute does not, on its face, provide a mechanism for requiring the posting of security against the failure of a water plant.

Mr. Nelson stated that they have Special Counsel on this transportation corporation issue. These transportation corporations will have to apply to the Public Service Commission for the purposes of allowing them to set rates. It is possible, Mr. Nelson stated, that in that rate structure (which he will discuss with Mr. Natoli) the utility (the water corporation) may be able to collect not just for the use and the drawing of the water. Further, he stated if they are able to collect for a sinking fund and then must invest that money and hold it against the eventual need for repairs, that this may be the basis for security. He stated that he will discuss this with Mr. Natoli.

Regarding access to the site, Mr. Nelson stated that this project was originally proposed and approved to have this consolidated access. The reason for that is to avoid an excess number of curb cuts. There is a NY State statute that provides a mechanism to go to a Town Board for the creation of an "open development area" to allow for the subdivision and occupancy of lots that do not have their actual access on a Town or County road. However, the Code does not specifically address that issue and the Code only goes so far as requiring that there be frontage. In the past, he stated that he has heard that this Board did have a question about access and referred it to the Town Board for approval of an

open development area. However, particularly in smaller subdivisions, residential single family subdivisions, in the past this Board has authorized access to parcels provided that they have frontage, but has authorized access by way of an easement, provided that there are easement agreements under which the occupants agree as to who has to bear what share of the costs and how the agreements to share those costs can be enforced. Mr. Nelson stated that Mr. Frankel has sent him proposed agreements related to that. Further, he stated that he assumes that if the Board approves the application, these agreements will have to be in proper form.

Mr. Nelson stated that the one thing that is different about this project is the number of people who would be using the easements to access their property. One of the things that is raised by this project as well as by Capell is the question of what is the distinction between a reciprocal driveway agreement and when does it become a private road and is there a gradation of road improvement between common driveway and Town road and should there be one.

Mr. Nelson stated that the third issue is SEQRA. The Board directed at its last meeting that circulation be made for lead agency status. Mr. Nelson stated that he did not look at the affidavits of service but assumes that this has been out for 30 days and presumes that no one else who is interested in being lead agency. Therefore, the Board could assume lead agency status tonight. He stated that the next substantive issue to address under SEQRA is a determination of significance. This is a project that has previously been before this Board and has been previously approved.

Mr. Nelson stated that he thought that this might have been publicized for a Public Hearing but that this was not done.

Mr. Nelson stated that the final issue is accessory use, which relates to the fact that on each of the lots there will be a sewer plant and a water facility. He stated that the question is whether they are accessory uses to the project on the lot. He stated that, in order to be an accessory use, it has to be something which is customarily incidental to the principal use on the lot and located on the lot itself. The easiest analogy to draw is to the fact that all residences have wells and septic. He stated that these just happen to be a larger series of wells and a much more sophisticated sewage treatment system. The thing that makes this a little different, other than the size of the facilities, is the fact that it's going to serve other lots. Mr. Nelson stated that his guess is that it is good planning to consolidate wells rather than having them sunk in different areas and drawing off the same aquifer. But he stated that he's not a planner or an engineer. To the question of whether it is customarily incidental in a multi-family development such as this project to have a sewer plant centralized and to the benefit of others is something that he stated he will leave to the Town to answer.

Mr. Gordon asked who will own the transportation corporations. Mr. Kirchhoff stated that one of the LLC's will own the actual apartments that the wells are on. Mr. Frankel stated that it will either be one of the LLC's or one of the individuals. Mr. Gordon stated that these two corporations will be owned by the entities that are also owning and

operating the whole project, but because they are separate they could in the future be owned by another entity. Mr. Gordon's asked whether, if he were looking to invest some money in a water and sewer project, he could make an offer on that corporation. Further, Mr. Gordon stated that, traditionally in Dutchess County, the owners and operators of water systems have not done a good job. Mr. Frankel stated that stock in the LLCs can be owned by individuals. Mr. Gordon asked whether the lender is viewing the separation as a negative or a positive, and whether they are trying to separate themselves from any environmental problems. Mr. Frankel stated that they have not expressed any concerns to him. Mr. Labriola clarified, and Mr. Frankel concurred, that at some point in the future somebody else could own those transportation corporations. Mr. Frankel also clarified that the whole point of the easement arrangement is that the transportation corporations will own the infrastructure (i.e., pipes, plants, fixtures) but will not own the underlying land. They will have rights through easement or license arrangements to access. Mr. Gordon stated that the way it's structured now, if these plants fail, they are owned by relatively deep pocketed individuals who also operate the whole project and have a vested interest in these plants operating properly. Further, he stated that once they are separate corporations, 10-15 years down the road Mr. Kirchhoff stated that logically they would never sell the water plant because it's feeding their tenants and they would lose control. Unless the Town came in and took it, then maybe the corporation would change hands. Mr. Kirchhoff stated that this is their people's water. He stated that they are not going to sell that water plant as a profit point – that is not going to happen. And that it is the same thing with the sewer. The legal issue of how to separate these is very complicated.

Mr. Frankel stated that conceptually if the water companies were also to own one of the apartment complexes, they are a regulated entity at that point. If his client has to go for financing at a later point, they are dealing with a different level of bureaucracy that may actually negatively impact on the ability to go forward. By separating them out, it gives flexibility for the apartment complexes to maintain integrity and at the same time allow the water companies and sewage companies to maintain integrity.

Mr. Labriola stated that he and Mr. Nelson discussed the question about Dutchess County Department of Health weighing in on these transportation corporations and when in the process they would approve them – at what point does it have to be constructed, operating, etc. Mr. Frankel stated that this is a very difficult question to answer. He stated that he had a conversation with John Glass at DCDOH about two months ago. He stated that he understood that because it is not a subdivision by the county sanitary code for a subdivision under the definition of the public health law, their approval of the process isn't necessary. However, Mr. Glass explained that he still needs to stamp approval on the subdivision map in order for it to be recorded in the county clerk's office. Mr. Frankel asked what Mr. Glass needs to stamp that approval. Mr. Glass informed him that he wants to know that the transportation corporations have been formed and can serve the needs of the individuals. Mr. Labriola stated that, in layman's terms, that would mean that the plants are up and operational. Mr. Frankel stated that he should have asked that question. Mr. Kirchhoff stated that the sewer plant came on line 4 weeks ago.

Mr. Labriola stated that he does not have a problem with the fact that lot #2 has the road frontage but not the way access is planned. He recalled that when the Board originally approved the site plan, they decided that the best way was to have one access on West Road and one access on Wigsten. He stated that the last thing they want to do is go through the agricultural conservation area or put another curb cut in. He stated that he's OK with moving forward in that direction.

Mr. Labriola asked Dieter to comment on the accessory use of the water and sewage plants. Mr. Friedrichson concurred with Mr. Nelson's statements regarding whatever is customarily associated with the primary or principal use of the property, which is a bunch of apartments. Therefore, Mr. Friedrichson stated that he would not have a problem stating that water and sewage is part of it. He stated that the only problem is that the wording states "on a lot." So, if any of those plants provide water and sewage to another lot, Mr. Friedrichson stated it would have to be looked at and would not be in compliance with the definition. It would either require a variance, perhaps, or the Board can approve it. Mr. Friedrichson clarified that the 4 lots must be treated as separate units even though there is a common owner.

Mr. Nelson stated that he reviewed this issue and only today spoke with Mr. Friedrichson. He stated that he and Mr. Frankel and Mr. Friedrichson have not had a chance to review some of the materials that Mr. Frankel has researched on this subject. He would like to have such a meeting to consider this.

Mr. Labriola stated, regarding security for performance, that it's his understanding that they are going before the Town Board tomorrow and there will be some determination on whether some sort of a performance bond will be required for the sewage treatment plant. He stated, from a SEQRA perspective, that if there were a failure of the water plant, it would be a fairly catastrophic event which would fall on the Town to try to deal with. Therefore, he requested that the applicants look long and hard at getting the Board comfortable with the water treatment plant being handled in a similar fashion.

Mr. Setaro inquired why the Town would be responsible in the event of a failure. Mr. Labriola stated that if this happens – if the operators default - people will look to the Town for a remedy. Mr. Gordon stated that this has happened before. Mr. Kirchhoff stated that a bond is no problem.

Mr. Frankel stated that he's not clear what the Board is asking of the applicant. He asked, if they are going before the Town Board (which has jurisdiction over the franchise issue of water), should they be dealing with the Town Board. Mr. Labriola stated "absolutely." Mr. Frankel asked if the Planning Board would be making a recommendation to the Town Board. Mr. Labriola stated that the Planning Board could make a recommendation, or the applicant can proactively offer the Town Board a performance bond for the water plant as well. Mr. Labriola stated that the Board is looking for some insurance against a default on that transportation corporation. Mr. Kirchhoff stated that, if you had to go to a third party to operate the plant, how much

would they charge a year and for how many years. Mr. Labriola stated that that would get at the heart of this whole quality of life potential issue from a SEQRA perspective.

Mr. Setaro stated that that he does not have a Morris Associates comment letter.

Mr. Setaro asked Mr. Nelson if it is possible for the Dutchess County Water and Waste Water Authority to be the entity that would take over if the transportation corporation fails. Mr. Nelson responded that this idea immediately came to his mind. Mr. Setaro stated that his reason for asking this question is that the Town does not operate any water or sewer plants and are, therefore, not set up to take over in the event of a failure. He pointed out that the County Water and Waste Water operate Valley Dale. Mr. Nelson stated that the question is whether this facility is something that could be integrated into their system if need be. Mr. Nelson stated that the consideration for the Board is that, if the system fails, someone will dial a phone number that starts with 635.

Mr. Gordon asked who oversees the City of Poughkeepsie water and sewer plant. Mr. Setaro stated that they have their own operating plant. Mr. Gordon asked what happens if they fail. Mr. Setaro stated that the city is in big trouble if it fails.

Mr. Labriola outlined the next steps:

- advertise for a Public Hearing for the next meeting
- Parkland Resolution
- SEQRA determination prerequisite: performance bond and issue of default
- Preliminary approval

Mr. Labriola clarified that the performance bond is an issue for the Town Board and that he expects, as a result of the applicant's meeting with that Board, clarification on this issue. Mr. Gordon asked if the Planning Board would write a letter to the Town Board. Mr. Labriola stated that he did not think this was necessary given that the Planning Board has this evening expressed its perspective on this. Further, he stated that if this Board is not satisfied, it may result in another month's delay while the Planning Board has another conversation with the Town Board.

Mr. Frankel stated that one or both of the transportation corporations are required to pledge their stock to the Town. Further, he stated that he will research this more, but that it wouldn't surprise him if that stock could be assigned to the authority. He stated that he will look into this.

Mr. Frankel asked if a special meeting would be required before the next meeting in order to do SEQRA determination and preliminary plat approval. Mr. Labriola stated that there are not a lot of changes that have to be done to the map itself. One of the conditions will be that Mr. Nelson has reviewed and is comfortable with the maintenance agreements, all the cross easements, the walking trails, all of that must get done, but Mr. Labriola stated that this can be made a condition of final approval. He stated that he does not want to set an unrealistic set of expectations, but that he does not see any huge issues that would preclude the Board from being able to do that at next month's meeting.

6. CAPELL (FOX RUN) SUBDIVISION REVIEW

Henry Fischer and Rebecca Seaman recused themselves, and Rick Malicia, alternate Planning Board member, sat in on this discussion.

Joe Kirchhoff was present.

Mr. Labriola stated that this application was before the Board last month for a discussion of an alternate design for this site. Mr. Labriola stated that the applicant's engineer provided the Board with pesticide reports, archeological study, and a letter from Army Corps of Engineers on wetland delineation.

Mr. Kirchhoff stated that tonight's goal is to discuss the issue with SEQRA and to get a better feel from the Board on the driveway and discuss the private road issue. He stated that he's looking for a direction because it could change a few things on the site plan.

Mr. Kirchhoff stated that there are presently 4 houses off of Malone Road and 2 houses off of Fox Run. He stated that at last month's Planning Board meeting the discussion was around closing off one driveway completely and utilizing the common driveway or private road into the project. He stated that he might end up twisting the homes a little bit, but that he would stay in the buildable area and would keep the septic systems in the same spots, and that all the issues with the Board of Health would stay the same.

Mr. Labriola stated that he likes the idea of reducing the number of curb cuts and that the Board has tried very hard to keep the number of homes that share a common driveway to no more than three. He stated that he can think of one instance where the Board has gone to 4 homes (Catrini property). He stated that he is personally not bothered by having two curb cuts. That single common drive to access the house in the upper right hand corner is awfully long. Further, he stated that keeping to a minimum the number of homes on that single driveway will avoid maintenance problems, congestion, etc. He stated that he personally likes that plan and that it has kept a tree buffer around the entire property. He thinks this is a very buildable plan. Also, Mr. Labriola stated that, to build 6 homes off of that single driveway or private road, the specifications to build that driveway would have to be something higher than a driveway standard, less than a Town road standard, because of the number of delivery trucks, etc. It's more than a driveway is typically going to bear.

Mr. Kirchhoff stated that if the Board prefers that design, they could make sure that at the end of the day they have real dense proper plant screening to ensure that cars passing on that lane cannot be seen by the neighbors.

Mr. Labriola inquired of the Board their preference regarding the driveway configuration. Mr. Gordon and Mr. Fracchia concurred that the two access design provides the least amount of disturbance. Ms. Bramson asked whether the drive will cross a wetland buffer. Mr. Kirchhoff stated that his engineers state that it is not a NYS wetland. Mr. Labriola stated that this application predates the local Wetland Ordinance. Ms. Bramson

asked whether the driveways will be paved. Mr. Kirchhoff stated that, if they pave them, they will put stone and oil on top. He stated that they will not leave open black top. Mr. Labriola stated that the overriding concern is for what can be done along that stretch that will keep run off flowing to the right side away from the pond area.

With regard to the western drive off of Fox run, Mr. Karis asked if, once it gets past the pond, it could be moved farther to the north in order to increase the buffer area. Mr. Kirchhoff stated that this could be done.

Mr. Karis commented to the Board that, to him, this project looks like a candidate for an open development consideration and losing these flags, thereby creating access via easement to a landlocked piece of property. This would eliminate a lot of the property lines that are lines on paper. He stated that he does not know if they need those flags to meet lot area requirements. This would simplify the lot lines and minimize easements. Mr. Kirchhoff reviewed the map and identified road frontage per lot. Mr. Labriola asked Mr. Karis if this would end up being a 2-lot subdivision. Mr. Karis responded that it would be a 6-lot subdivision but two of the lots would not have legal frontage onto a Town road and would require an open development approval from the Town Board and would simplify the way the property would be subdivided. This would eliminate the flags.

Mr. Kirchhoff stated that his first thought is how difficult is it for a buyer to get a mortgage and tell the bank that he does not have road frontage. He stated that these are going to be very expensive homes. Mr. Karis stated that this could be managed with easements and referenced the common driveway off of Fox Run that will require an easement for the lot off of it. Mr. Kirchhoff referenced his own personal property that has a meets and bounds description which enabled him to get a mortgage.

Mr. Labriola inquired whether Mr. Karis is OK with the 2 access configuration. Mr. Karis stated that he is comfortable with it and is not opposed to the alternate that was proposed the last time. He stated that it requires more common driveway which are larger than individual driveways and which create more disturbance. He stated that whatever they can do to increase the buffer to the south will address some concerns.

Rick Malicia stated that he's OK with this configuration.

With regard to the retention /detention ponds and the new regulations, Mr. Labriola discussed with Mr. Setaro the need to do some creative engineering to preserve as much green as possible and to avoid removing a bunch of trees.

Mr. Setaro inquired whether the applicants have formally submitted the map. Mr. Kirchhoff stated that this map is the most recent.

Mr. Labriola reviewed that, last month, the Board stated that it needed a recommendation on driveway configurations and curb cuts, which he stated has been accomplished this evening. He stated that there is a pesticide report, a letter from the Army Corps of

Engineers about wetland delineation, an archeological study, and a habitat assessment. Mr. Labriola stated that he read these reports and asked Mr. Setaro whether experts in his firm have looked at the methodology that was used, are comfortable with the approach taken, and that the findings and conclusions make sense.

Mr. Setaro stated that there is a sign off letter in the file regarding the archeological study from the State Office of Parks, which takes care of any concerns. Further, he stated that pesticide testing and habitat study need to be reviewed, which he will have done. He noted that the applicant's engineer needs to devise a concept plan to handle storm water and the run off from the common driveway. He stated that the Board needs some level of comfort that there will be no drainage impacts prior to SEQRA determination. He stated that the soils in the area are not that good and that they are probably looking at dry wells, roof leaders, in an effort to keep it as natural as possible. Mr. Labriola advised Mr. Kirchhoff that anything his engineers can do around mitigation where the driveway is next to the pond will be helpful.

Mr. Labriola inquired of the Board any other questions or potential environmental issues.

With regard to the common driveway discussion, Mr. Nelson stated that the sense of the Board is to not proceed with an open development area application and that his recollection at the last meeting that there was a discussion about what level of improvement the driveway would have to be brought to and that Mr. Labriola raised the possibility of a homeowners association. The question is how well improved do driveways that serve more than one home have to be and when does a common driveway become a private road. Mr. Labriola asked Mr. Setaro to comment on the construction requirements for this project – more than for a single drive but less than for a Town Road – certain widths, thickness of the driveway, the construction materials, etc. Mr. Setaro stated that common driveways are typically 16'.

Mr. Nelson stated that also discussed at the last meeting was the fact that a large portion of this parcel will be dedicated by conservation easement. The Dutchess Land Conservancy was mentioned as the potential holder of that. He inquired about the status of this idea.

(Mr. Labriola permitted Ms. Seaman to comment as a representative of the Dutchess Land Conservancy.) Ms. Seaman stated that this was presented to the DLC Board, and that the project is still problematic but is tentatively moving forward with that Board. However, she noted that it was represented to the Board, which was an important aspect, that there would only be one driveway in and that there would be a 100' buffer all the way around.

Ms. Seaman explained why this is a problem. She stated that Congress is looking askance at developments from which the developer has a large economic gain and also from which the developer receives a tax deduction. She stated that this applies to this application because Mr. Kirchhoff will receive a tax deduction from keeping the area open and he is also putting in 6 houses. Usually the guidelines of most conservation

organizations require a very limited development, and this project would not qualify as a limited development. She stated that there are a lot of pulls that they are trying to do in order to justify this project so that the Land Conservancy does not run askance of what the Congress is looking at. One of the things is looking at conservation purposes. This parcel is a high piece of land; you are protecting a lot of views; and one of the things they are looking for is that buffer all the way around. She stated that at the DLC level, the buffer all the way around was important because it represents a conservation purpose and a protection of scenic views that is very important to the DLC and especially important on this project because it is a more dense development.

Mr. Kirchhoff responded that his problem is in trying to keep everybody comfortable. He stated that he has neighbors across the street that He and pointed out on the map that they could easily pull these here, flip these driveways, and come across the farm lane. But that he stated that there are people at the meeting tonight who really don't want that. He stated that, quite frankly, the only impact on driveways would be to those neighbors. They have been there for years with no one shining headlights into their front windows. That would be a true negative impact on these neighbors if everybody were to come down that farm lane. So, that doesn't work.

Ms. Seaman stated that she cannot comment on where the DLC would go beyond where they are right now.

Mr. Gordon stated that he would be happy to talk with the DLC and that they need to look at some of these other and smaller conservation easements that are being proposed. This development is, in his opinion, probably the best use of that property in a very sensitive area of open land. Mr. Gordon stated that the DLC should be interested in doing something with this project because the applicant has reduced the number of lots and needs the tax benefit to offset the loss of income.

Mr. Labriola stated that he is very uncomfortable with the alternate proposal for 6 homes off of a common driveway because it sets a very dangerous precedent. He noted that Mr. Setaro mentioned that the Code speaks to a driveway and a Town road, with nothing in between. He stated that the Board has not approved any subdivisions for the 12 years that he has been on this Board that have had more than 4 homes on a common driveway, and that he can think of only two projects that went as high as 4 homes. He stated that you go to 6, what's the argument that you can't go to 7, then 12, then 37, and so on. There's no place to stop. Therefore, he stated that when you start getting into 6 homes, you need a road to service them, because there are garbage trucks, UPS, oil delivery trucks. It really needs to be built to a road standard. Therefore, Mr. Labriola stated that the 2 access plan is the best viable alternative that protects as much of that open space as possible with two curb cuts that are on two separate roads. He stated that he is hard pressed to find another alternative that will make everybody happy.

Mr. Kirchhoff stated that he is flexible, but that he does not want to start blitzing too big an area to make a wide enough private road by Morris Associates' recommendations. 16'

to 24' to 28' starts getting to ... then you might as well put a big paved cul de sac and put more housing in there, because you're going to ruin it.

Mr. Labriola stated that the alternative satisfies as many of the requirements that we placed on this piece of property. You said it's hard to make everybody happy. What we've accomplished here is we've made fewer people unhappy. So, we've got next steps identified. Mr. Labriola advised that they advertise for a public hearing. Morris Associates will review the reports that were submitted. At the next meeting, the Board will do a SEQRA determination, Parkland Resolution, and try to get to a preliminary position.

7. QUATTROCIACCHI – SITE PLAN

Salvatore Quattrocicchi was present.

Mr. Labriola asked the applicant to report on any changes to the plan.

Mr. Quattrocicchi reported that his engineer sent the Board copies and that there are still some unanswered questions.

Mr. Labriola stated that he noticed that the ingress/egress has been significantly altered. Mr. Quattrocicchi stated that it is up to NY State codes.

Mr. Setaro reviewed the Morris Associates' comment letter. The first item is landscaping between the edge of the parking area and Route 44. Mr. Quattrocicchi stated that the Board had suggested an entrance and an exit with planting in between. He stated that he does not see why he should have to landscape the NY State's land. He asked the Board to show him what area he would have to landscape that is not NY State land or parking lot. Mr. Setaro and Mr. Quattrocicchi reviewed the map, which was hard to read because it was small. Mr. Setaro informed the applicant that it is up to the Board to decide. Mr. Quattrocicchi stated that he planned to leave it all grass and didn't see what the problem is. He stated that he wants to keep the visibility open. Mr. Karis stated that the Board is not asking for a big hedge that would block visibility for the business, but rather a low planting between the parking and the property line to provide a buffer. Mr. Quattrocicchi asked if that is necessary and if he is required to do that. Mr. Setaro stated that the Code requires that site plans have landscaping, so the site plan needs to have some.

Mr. Labriola suggested that the Board be specific in order to provide Mr. Quattrocicchi with the kind of direction that he needs. Mr. Karis suggested shrubs, such as burning bush, something that will tolerate the environment along a State road with winter salting. Mr. Labriola stated that the intent is to provide some level of buffer to the parking area, not to shield the building. Therefore, the plantings would need to be relatively low bushes. Mr. Quattrocicchi stated that this is doable. Board discussed planters around the property with annuals and stated that this landscaping scheme must be shown on the map.

Mr. Setaro stated that the map does not show any indication of grading or storm drainage or any soil or erosion control. He asked if the roof leaders are piped. Mr. Quattrociacchi stated that there are no gutters and that he thinks the contours show all the water running into the ditch on the NY State property. He stated that his neighbor's water is currently running onto his property. Mr. Setaro and Mr. Quattrociacchi reviewed the map. Mr. Quattrociacchi pointed out where the water runs off his property onto NY State property and that there is a swale along the road.

Mr. Setaro asked if the parking lot will remain gravel or will be black topped. Mr. Quattrociacchi stated that he does not know how much will be left after he does the NY State requirements. Mr. Setaro minded Mr. Quattrociacchi that he will have to pave an area for the handicapped parking spot. Mr. Quattrociacchi stated that these are all costly things and that he would love to pave everything but that he can only do so many things at a time. He stated that this was kind of sprung on him. He stated that they had the building built and that usually a site plan is required before the building is built. He stated that the Board is now requiring a site plan after the building is here, which makes things a little more difficult. Mr. Labriola stated that the fact that he put the building up before he had site plan approval is a situation that the Board did create. He stated that, at this point, the Board is doing some reverse engineering. Mr. Quattrociacchi stated that whatever the Board thinks he needs to do, he will do. He wants to get it done.

Mr. Setaro stated that he must show how the lot will be graded and show how the contours will work. Mr. Setaro asked whether the contours will change. Mr. Quattrociacchi stated that he does not think they will have to change, that the only contour that has to be altered is in the stakes area and that everything slopes down to it. Mr. Setaro asked Mr. Quattrociacchi to have Brian take a look at it. If the contours are not to be changed, then he said it's OK. Board asked Mr. Setaro whether paving will make a difference. Mr. Setaro stated that it will make a difference. Mr. Quattrociacchi stated that it's all down hill, that it's NY State land, that there is a swale and that it's an open ditch. He stated that everybody has a culvert under their driveway. He stated again that his water does not run onto anybody else's property. Mr. Fracchia stated that this is probably why he would want to keep it open and not pave it, because if he paves it, then there's more run off.

Mr. Setaro stated that, for the handicapped spot, he needs an 8' striped area with an 8' parking space for a total of 16', which must be level with the sidewalk.

Mr. Setaro stated that the lighting details need to be legible on the map.

Mr. Setaro stated that the parking spaces for the dwellings must be up to code (10' x 22') and that the parking areas along the side of the building will have to be changed to meet code. Mr. Quattrociacchi stated that the building is where it is, the property line ends where it ends, and he asked what do you do. Mr. Setaro stated that if you can't fit the right number of parking spaces, then he must apply for a variance from the ZBA. Board reviewed the options for fitting in the required number and size of parking spaces. Mr. Labriola reiterated that there is a minimum size requirement for a parking space and a

minimum number of parking spaces required to support this site plan and that Brian is going to have to figure out how to fit them on there. He stated that, if Brian cannot do that, then Mr. Quattrociacchi will have to ask for a variance from the ZBA because he does not meet the minimum number of parking spaces. Mr. Quattrociacchi reiterated that no site plan was required until a month ago, and that the building would have been positioned differently. Mr. Labriola stated that the Board is required to abide by the Zoning Laws.

Mr. Setaro stated that if the lot is to remain gravel, a note should be added to the map. He asked if the Board received any comments from the County Planning Department.

Mr. Labriola read into the record a letter dated 11/7/05 from the Dutchess County Department of Planning and Development – original is on file – which suggested that the applicant provide a complete detailed site plan of sufficient scale including lighting plan, etc. Letter also commented on whether the NYS Department of Transportation had approved the entrance configuration and stated that the location of the access point should be evaluated for how well it functions with regard to internal circulation. Letter also commented on relocating parking spaces located at the end of the access point due to the potential for parked cars to back into the access pathway. The letter suggested the option of moving the driveway to one side or the other to reduce the potential for backing accidents. Letter mentioned the absence of an entire lighting plan which provides adequate detail. Specifically, the letter commented on the absence of detail or explanation for the proposed 500 watt high pressure sodium fixture at the rear of the building and stated that it is a tremendous amount of lighting for this use which can result in a temporary blinding effect at night. Letter also stated that a landscaping plan was not provided and suggested that the trees that are being removed to make parking be relocated or replaced to another portion of the site. Letter recommended that any future signage be minimal and blend into the environment. The overall recommendation is that the Board rely on its own study of the facts with due consideration of the Department's comments.

Board discussed the 500 watt bulb in the rear of the property. Mr. Quattrociacchi stated that it does not seem overwhelming and is located on the chimney chase in the back on the utility room. He stated that it lights up the whole back of the building. Ms. Bramson asked what is on the adjacent property in the back. Mr. Quattrociacchi stated that it's heavily wooded and that the light is on a timer but is on all night.

Mr. Setaro stated that the Board needs an approval letter from the DOH for the septic system. He stated that the rest of the comments are minor.

Mr. Labriola stated that the Board needs a bigger map. Mr. Quattrociacchi asked if the Board would do a site visit. Mr. Labriola stated that he knows where the site is, he's driven by it, and he's seen the new building. Further, he stated that the Board always wants to improve landscaping and aesthetics on a site that's been rehabilitated. Therefore, he stated that the Board is not asking Mr. Quattrociacchi to do anything different from what is asked of other applicants. And, he stated, that typically these

discussions take place before somebody sinks a backhoe into the ground. As a result of Mr. Quattrociacchi building the building and then coming before the Planning Board, this creates some difficulties because the building might have been located differently if these conversations had taken place earlier. Mr. Labriola stated that he cannot change the fact that things unfolded the way that they did. He stated that the Board is trying to be as specific as possible on what is needed in order to get Mr. Quattrociacchi to the point where the Board can approve the project.

Mr. Quattrociacchi asked if he can get a temporary Certificate of Occupancy to finish these things, because he cannot do curbing or black top in the middle of winter. Mr. Friedrichson stated that the Certificate of Occupancy is granted after site plan approval. He stated that the applicant had a building permit for one apartment, and now he needs a building permit for two apartments. He stated that he cannot issue that permit until the site plan is approved. And without a building permit, the question of a Certificate of Occupancy is premature. He stated that he can issue a building permit after the site plan is approved. Mr. Friedrichson also stated that Mr. Quattrociacchi can get a temporary 30 day permit if the building inspector approves.

Mr. Labriola advised Mr. Quattrociacchi that, when he and his surveyor have got the plans ready with the comments from Mr. Setaro and the Board, he let the Zoning Office know and he will be on the agenda for the next meeting.

Mr. Quattrociacchi asked if the Board was going to come up with new problems between this meeting and the next meeting. He stated that he had a list of questions last time. Mr. Labriola stated that everything the Board discussed this evening was talked about at the last meeting – landscaping, lighting, revised access, handicapped parking. Nothing this evening is new news, but rather the way Mr. Quattrociacchi's plan reflected and responded to those requests was not appropriate or sufficient. He stated that the Board did not identify any new news items this evening.

Mr. Gordon stated that the main problem tonight was that the Board does not have a really good cohesive set of drawings reflecting all of the things that Brian Franks says are reflected in there – but the Board cannot see them. Ms. Bramson concurred that the County office could not even provide good feedback because they weren't sure. She pointed out that the Planning Board depends on the County's advice, which was not forthcoming because the plans submitted were inadequate. Mr. Labriola pointed out that all of the issues County touched on were ones that the Planning Board had also already identified. He stated that he's hoping that with a larger plan that people can see, with the addition of landscaping, looking at the proper parking space sizes, he anticipates being able to get through the approval processes. He does not foresee any new surprises.

With regard to Mr. Quattrociacchi's question about a Certificate of Occupancy, Mr. Setaro asked Mr. Friedrichson if, in the event that winter sets in and the applicant cannot complete construction of the access, the black top plants are closed, can't pour the curbs, can the applicant supply a security bond. Mr. Friedrichson stated that if the driveway

cannot be completed because the plant is closed then they do accept a bond. Mr. Setaro stated that it would be the NYS highway department's decision.

8. BONJOVEY PROPOSED SITE PLAN

Ron Gasparro and Joe Bonjovey were present.

Mr. Gasparro reported that he knows he has a long process ahead with the site plan approval, but that the purpose of coming to the Board tonight was to show the concept of what they are planning to do. He offered some general information as follows:

- the property is 4.23 acres in a C-1 Zone
- 35% coverage is allowed; the project is only at 14% coverage
- the proposals involve a 12,000 square foot building in the front for retail commercial trade with a 3,000 square foot office space
- the back building is for retail storage units for the general public and is approximately 14,000 square feet at ground level with a second floor climate controlled storage area for record keeping
- the site is on the corner of Taconic Parkway and Route 44
- more than enough parking spaces exist – the applicant asked architect to do the maximum amount of parking that he could put on the site working within the envelope. He stated that for the back building, they don't need as much parking there as is shown. He stated that they can reduce the parking if the Board so wishes.

Mr. Gasparro stated that there are a couple of issues on the site. There is a stream that runs through the property, which is exaggerated on the drawing for ease of viewing. He stated that the stream starts on the other side of the Parkway from a pond on Masten Road. He stated that the stream is dry part of the year. He stated that when the pond is full, it drains underneath the Parkway into the stream. He stated that when the stream is dry, you can walk across the area of the stream bed. He stated that there is a grandfathered culvert pipe that is shown on the drawing from years ago when the driveway and access used to be across it. He stated that the land has been developed, that he sold off the other parcels, and that there's an apartment complex that is going behind which makes these storage units a good attribute and a good use for the property because it does not require any services. No septic, no water, only electric is required. It will be completely shielded from the rest of the site. He stated that it sits by itself and that is why they did not put a driveway across on the property since they retain the right from anywhere on the road to access the property. They put in a secondary entrance because it would have limited use.

Mr. Gasparro stated that they are planning a colonial style design, the opposing roof design, to look like a village setting. It's not a big building, only 12,000 square feet, comprising 1500 square foot stores. They are looking for service type uses. He stated that he believes it fits into the hamlet design, which is part of the Town's Master Plan for that area – such as a pizza place, shoe shop, clothing store. He stated that they do not want to repeat something that already exists, rather something that's different. He stated

that maybe they can get an antique store in there. Limited use, no heavy uses, no restaurants.

Mr. Gasparro stated that it will be a couple of months before they come back to the Board at which time they will present the site plan and work with the Board on the renderings for the look of the buildings, the facades, the structure, the materials. He stated that he wants to use woods rather than brick, more of a county setting, sort of a New England feel.

Mr. Gasparro stated that they contacted the State and that the State would not give them another entrance at this point because of sight distance concerns from there to the Taconic Parkway. Hence, he stated that they put the entrance coming off the road. He stated that they met the setback requirements and then some. As far as the stream is concerned, he stated that they contacted the State and had discussions with them about the fact that it's dry part of the year. He stated that they asked the State about either tubing it or bridging it or letting them do something with it so that they can have better control of it. He stated that it's not very pretty and is really an ugly path that runs through the property. He stated that the State would not permit them to take any of those actions because it eventually drains into another stream and is classified as a Class B even though it's at the upper end. He stated that the State wants a 50' buffer from the center of the stream regardless of the fact that it dries up. Therefore, he stated they allowed for the 50' buffer. He stated that he reviewed the Town's Wetland Ordinance and he is hopeful that the 50' buffer satisfies that Ordinance. He stated that they have tried to keep the property to the maximum amount of use but keep the square footage down.

Mr. Labriola thanked Mr. Gasparro for coming to the Board and having this discussion. He stated that the Board appreciates the opportunity to provide input.

Mr. Labriola stated that some things to keep in mind as the project moves forward is proximity to the Taconic Parkway, visual implications of especially the two-storey building closest to the Parkway, lighting implications, etc. He stated that as they have been working with Joe Kirchhoff on the Taconic apartments, they have been very specific about placement of the buildings and having buffers in place for the Taconic. He stated that the Board appreciates the fact that he has worked in the 50' buffer on the Class B stream. He stated that he thinks there are some wetlands designated on the wetland map. Mr. Gasparro stated that they had the property surveyed by Joe Steele, a certified wetland specialist, and that there are no NY State wetlands on the property. He did state that there are two spots that are Federal wetlands, one of which is within the 50' that is on the map. He stated that it shows an area within the 50' basically 100' of Federal wetland. He stated that there is a second that he pointed out on the map and stated that it is certified as being under 2/10 of an acre. He stated that they will go through the whole process during the engineering process and that they will work with Mr. Setaro on this. He stated that if there is some discrepancy, they will work it out. He stated that they left the green area and that, rather than get rid of it, they will have to deal with storm water retention on the site. He stated that they decided to leave the area green which they will

use for the storm water retention, which takes care of the two Federal wetlands. He stated that one's not being touched and the other is going to be eliminated because it's under 2/10 of an acre.

Mr. Labriola stated that, with the new Ordinance, they will have to look at the buffers around those wetlands. Mr. Gasparro stated that there are no buffers from Federal wetlands and if the Board reviews the regulations, it will run concurrent with them. He stated that the control is from ½ acre or larger. Mr. Setaro stated that he should check with Peter Karis, who had a copy of the map from Taconic Apartments application, which showed Federal wetlands all through that property going through that pipe and running along the corridor of that stream. Mr. Setaro stated that it's possible that the wetland is tied to the rest of them. Mr. Gasparro stated that when Joe Steeley did the survey there was no tie whatsoever from that one. He stated that they will check this out and that they won't get too far into the process before they know. He stated that there are delineations: if it's 2/10 of an acre or less it can be filled in; if it's ½ an acre you can fill it in but you have to get requests; and there are no buffers on Federal wetlands.

Mr. Nelson stated that they have fairly recently changed some of the Federal wetlands regulations within the last couple of years. Further he stated that there are certain permits that pertain. He stated that the delineation of the wetlands for Federal purposes, the delineation of the wetlands for NY State purposes, the delineation of the stream corridor and any area that has to be protected with it, the opinion of the NY State Office of Historic Preservation is brought into this because of the proximity of the Parkway – those are all things that an applicant would look at before bringing the application forward. Mr. Nelson stated that he does not know if Dutchess County Soil and Water Conservation has any regulatory authority but that the applicant might consult them as well. Mr. Gasparro stated that they are going to do the whole list, and that he just wanted to show the footprint for the concept. And that if the Board says the concept is fine, he will make sure that they make all the other agencies happy. He stated that if they need to modify the design, they will do that. The concept of what he stated he's trying to present is retail in the front and somewhat of a retail storage in the back without services in the back. He stated that he does not want traffic going back there because Mr. Bonjovey does not want to impact the apartments in the back.

Mr. Labriola stated that the Board will want to preserve as much green space as possible along the front. Mr. Gasparro stated that Ed Lodi is the architect. He stated that there's more than enough room to put a hedge or some shielding from the Parkway and that they have more parking than they really need. He stated that they will eliminate any parking that the Board requests to be eliminated.

Ms. Bramson asked about the road on the map. Mr. Gasparro stated that the road is roughed in on the map and is to be the road that will be completed for the apartments in the back. He stated that this is curb cut that the NY State gave them.

Ms. Seaman asked about septic. Mr. Gasparro pointed out the area designated for the septic system.

Mr. Gasparro stated that they have a deeded right with the property in the back, the apartment complex, to tap into the sewer treatment plant. He stated that he will coordinate that with Mr. Kirchhoff. Depending on the timing, he may tap into that sewer treatment plant and water system rather than putting in the in-ground sewer disposal. But in the meanwhile, he stated that if he does not get the right answers, he will design something that the DOH and the engineers will approve. He stated that he knows there are some issues with the ground conditions in the area.

Mr. Bramson asked how visible this project will be from the Taconic Parkway. Mr. Gasparro stated that it will probably not be visible at all on one side. He stated that on the Taconic side there's a good growth of trees, some 12" and 14" trees. Unfortunately, he stated that this property at one time was barren, and that all there is now are 4" and 6" locust trees that keep dying off. He stated that they might have to incorporate some other trees or consider lowering the building on that end. He stated that there are a lot of alternatives that they can do to soften the effect, but that they won't know until they get into the elevations. He stated that they are not planning a high building, only 18' high with a 24' peak.

Mr. Labriola again thanked Mr. Gasparro for coming in for this discussion. Mr. Gasparro stated that he wanted to give the Board the concept and that they have designed something that is the best they can do to use the property economically.

9. PORCO LOT LINE RE-ALIGNMENT 90-DAY EXTENSION

Mr. Labriola explained that this application is on tonight for an extension of final approval. He stated that there were significant issues with the maintenance agreements and some of the driveway language that needed to be addressed. Therefore, this request comes for a little more time.

Mr. Labriola: MOTION TO GRANT 90-DAY EXTENSION

Whereas an application for approval of a subdivision entitled Porco Lot Line Re-alignment located on Masten Road was submitted to the Planning Board on 12/1/04 by Brian Franks,

Whereas conditional approval of final plat was granted by the Planning Board on 2/8/04,

Whereas in accordance with the Town Code Section 82-59 said approval is valid for 180 days beginning 2/8/05 and ending 8/8/05 with a 90-day extension to 11/8/05,

Whereas the applicant has requested an extension of said approval due to delay of preparation of submission of required legal documents,

Now therefore be it resolved that the final approval be extended for a period of 90 days, and this is the last extension period, to end 2/8/06 with no further extension.

SECONDED BY R. FRACCHIA

VOTE TAKEN AND APPROVED 7-0-0 (P. Karis had previously left)

10. MINUTES

Mr. Labriola: **MOTION TO ACCEPT MINUTES OF 9/13/05 PLANNING BOARD MEETING AS REVISED; SECONDED BY K. BRAMSON; VOTE TAKEN AND APPROVED 7-0-0**

Mr. Labriola: **MOTION TO ACCEPT MINUTES OF 10/11/05 PLANNING BOARD MEETING AS REVISED; SECONDED BY M. GORDON; VOTE TAKEN AND APPROVED 7-0-0.**

Meeting adjourned at 9:30 p.m.

Minutes submitted by

Helen D. Dickerson
Secretary

The foregoing represent unofficial minutes of the November 8, 2005, 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 13, 2005

A regular meeting of the Pleasant Valley Planning Board took place on December 13, 2005, 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, Chairman
 Michael Gordon
 Kay Bramson
 Rebecca Seaman
 Peter Karis
 Henry Fischer
 Rob Fracchia

Member absent: Rick Malicia, Alternate

Also present: Pete Setaro, Morris Associates
 David Hagstrom, Esq., Town attorney
 Dieter Friedrichson, Zoning Administrator

1. NEAL SUBDIVISION-PUBLIC HEARING-PRELIMINARY APPROVAL

Mr. Labriola noted that this application was on the November Planning Board agenda for continuation of the discussion. In October, the Planning Board completed the Parkland Resolution and SEQRA determination and opened and adjourned the Public Hearing. Mr. Labriola asked for an update from the last appearance before the Board.

Andrew Neal, applicant, and Tim Lynch were present.

Mr. Neal reported that Mr. Lynch has completed the survey and met with the Town's engineer to resolve the remaining open issues. Mr. Lynch stated that they updated the plat and responded to the Board's comments. He stated that he thinks everything has been taken care of except for Mr. Setaro's recent comment letter. He stated that, regarding the rock outcrops and the larger trees, they will probably request a waiver. He stated that the property is generally wooded and that there are a few large trees on the top of the hill and there are a couple of ridges of small rock outcrops where the house will be sited.

Mr. Setaro reviewed the Morris Associates letter. With regarding to item #7, Mr. Setaro stated that the code is 24" x 36" – the smallest sized drawing that is allowed. He stated that Butch has verbally approved the access based on a meeting in the field and noted that written approval is required. Mr. Setaro stated that all other previous comments have been taken care of.

Mr. Karis asked about the driveway plan. Specifically, he noted a rock knob that will be chipped down and moved for line of sight clearance. Mr. Karis asked if this knob is on

someone else's property. Mr. Neal stated that it is on his neighbor's property and that his neighbor has given approval for this to happen. Mr. Labriola noted that the file contains a letter from Rodolfo Castro approving this action.

Mr. Labriola noted that the old pool house is now labeled as a storage building. Mr. Neal stated that it is now a dog house. Mr. Labriola noted that Mr. Neal had talked about removing the kitchen and the bathroom. Mr. Neal stated that he plans to do this after the subdivision is approved. Mr. Labriola asked Mr. Friedrichson if the Board should make this a condition of approval. Mr. Friedrichson concurred that it be made a condition of approval after which he will have the Building Inspector verify that it is no longer a one-family house.

Mr. Labriola: **MOTION TO REOPEN THE PUBLIC HEARING; SECONDED BY P. KARIS; VOTE TAKEN AND APPROVED 7-0-0**

No one from the public spoke.

Mr. Labriola: **MOTION TO CLOSE THE PUBLIC HEARING; SECONDED BY M. GORDON; VOTE TAKEN AND APPROVED 7-0-0**

Mr. Labriola: **PRELIMINARY APPROVAL**

I move that the Planning Board grant preliminary approval to the Neal Subdivision in the form of the attached resolution dated 12/13/05 prepared by the Board's engineer and now before the Board and subject to the following conditions: none.

SECONDED BY M. GORDON; VOTE TAKEN AND APPROVED 7-0-0

Mr. Labriola: **MOTION TO WAIVE 2ND PUBLIC HEARING; SECONDED BY R. SEAMAN; VOTE TAKEN AND APPROVED 7-0-0**

Mr. Labriola: **CONDITIONAL FINAL**

I move that the Planning Board grant final approval to the Neal Subdivision in the form of the attached resolution dated 12/13/05 prepared by the Board's engineer and now before the Board and subject to the following conditions:

- 1. payment of all fees**
- 2. Morris Associates letter dated 12/12/05**
- 3. Dutchess County Department of Health approval**
- 4. Highway Superintendent approval of the driveway location**
- 5. that the kitchen will be removed from the storage building/the old pool house**

SECONDED BY R. FRACCHIA; VOTE TAKEN AND APPROVED 7-0-0

Mr. Labriola: **RECREATION FEES**

Whereas the Planning Board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds and other recreational purposes within the Town,

Whereas that finding includes an evaluation of the present and anticipated future needs for parks and recreational facilities in the Town based on projected population growth to which this subdivision or site plan will contribute,

Whereas the Planning Board has determined that a suitable park or parks of adequate size to meet the requirements cannot be properly located on the subdivision or site plan,

Now, therefore, be it resolved that, as per Town Law 277.4 and 82-23 (a)(4) of the Code of the Town of Pleasant Valley, the Planning Board recommends to the Town of Pleasant Valley Town Board that a sum of money in lieu of land be imposed for the subdivision entitled Neal Subdivision located at 223 Hurley Road for one newly created residential building lot.

SECONDED BY K. BRAMSON; VOTE TAKEN AND APPROVED 7-0-0

2. PLEASANT VALLEY PROPERTIES, LLC SUBDIVISION

Joe Kirchhoff was present and stated that they are on the agenda this evening for a Public Hearing. He stated that this is a 4 lot subdivision known as Brookside Meadows and has been approved for 1 year and a few months. He pointed out on the map the completed section of the project and the section that is being finished up in the next 30 days. He stated that the black top is all done. He stated that they are trying to capture a lower interest rate for their financing. He stated that they are working on the Transportation Corporations and are on the Town Board's agenda for the following night. He stated that they are in the midst of proposing a rate to the Public Service Commission, which will be copied to Morris Associates.

Mr. Setaro noted that he does not have any specific comments as there are no engineering issues. He stated that he reviewed for the Town Board the water and sewer plans that were previously approved by the Health Department in 2004. He stated that both the sewage and water plants are operating. He stated that, as part of any Town Board action in approving either a sewage works corporation for the sewage plant or a transportation corporation for the water plant, they must have the Town engineer's approval. He stated that they found nothing and the letters were sent to the Town Board.

Mr. Setaro stated that the Findings Statement that was previously done for Brookside Meadows should still be applicable. He sees no problem in reaffirming the SEQRA resolution and Findings Statement that was done in 9/03.

Mr. Labriola read into the file a letter dated 12/8/05 from Debbie Bjorkman, Town Clerk – original is on file. The letter states that the Town Board supports the bond that Mr.

Kirchhoff offered for the proposed Water Corporation and plans to take action on this offer at its 12/14/05 meeting.

Mr. Karis inquired whether the waste water treatment plant is operational. Mr. Kirchhoff stated that it has been operating for about a month.

Mr. Labriola asked whether the dry hydrant that was requested by the Fire Advisory Board has been reflected on the plans. Mr. Kirchhoff stated that he doesn't know and recalled a discussion of having the pool function in some capacity and that Matt Cady was going to put in a dry hydrant on his property. Mr. Kirchhoff stated that putting a dry hydrant in the stream at the bridge creates a whole other level and that if the Town Fire Department wants to do that, they will have a better shot with DEC than he would have to get approval to put in a sink basin in the stream that would hold enough water to be useful. He stated that the pool holds 20,000 gallons. Mr. Labriola stated that the FAB requested the dry hydrant and that he understands the DEC concerns. Further, Mr. Labriola stated that he's OK with a condition that requires the applicant to meet with the FAB to work out the details regarding a dry hydrant or hydrants attached to the pools. Mr. Labriola stated that he wants to ensure that the FAB's concerns are satisfied. Mr. Kirchhoff stated that he will meet with the FAB.

Mr. Fischer asked if there's water in the stream year round. Mr. Kirchhoff noted that it dries up in the summer. He noted that the pool could be helpful year round.

Mr. Labriola noted that Parkland Resolution does not need to be done again and that Mr. Kirchhoff has already paid the fees.

Mr. Labriola noted that the next item to be discussed is SEQRA. He noted that he and Mr. Setaro and Mr. Nelson concur that nothing has changed since approval in 9/03 at which time the applicant went through a full EIS. He noted that nothing on the plan has changed other than the addition of the boundary lines for the 4 lots. From a wetlands and storm water management and erosion control, there are no implications. Water supply and sewage disposal have been thoroughly discussed. There are no endangered or threatened species. Two archeological studies have been conducted. Mr. Labriola stated that he does not see any changes and is comfortable with the Board reaffirming the findings from 9/03. Mr. Hagstrom stated that the Board can reaffirm them and still make a negative declaration.

Mr. Labriola: **SEQRA DETERMINATION**

I move that the Planning Board determine as set forth in the attached declaration dated 12/13/05 prepared by the Board's engineer that the Brookside Meadows subdivision 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 shall be required.

The Planning Board uses the following reasons in support of this determination of non-significance:

- 1. original SEQRA determination and subsequent Statement of Findings considered the same scope of development and no new environmental issues have occurred since the original SEQRA, and**
- 2. no new construction is proposed**

SECONDED BY H. FISCHER; VOTE TAKEN AND APPROVED 7-0-0

Mr. Labriola: **MOTION TO OPEN THE PUBLIC HEARING; SECONDED BY H. FISCHER; VOTE TAKEN AND APPROVED 7-0-0**

No one spoke.

Mr. Labriola: **MOTION TO CLOSE THE PUBLIC HEARING; SECONDED BY H. FISCHER; VOTE TAKEN AND APPROVED 7-0-0**

Mr. Labriola: **PRELIMINARY APPROVAL**

I move that the Planning Board grant preliminary approval to the Brookside Meadows subdivision in the form of the attached resolution dated 12/13/05 prepared by the Board's engineer and now before the Board subject to the following conditions:

Discussion: Mr. Setaro explained that in preparation for tonight's meeting his office prepared resolutions for both preliminary and final approval, and that the same conditions were listed on both resolutions because they did not know which approval would be achieved at tonight's meeting. He clarified that if the Board plans to grant final approval tonight, then no conditions should be listed on the preliminary approval as they will all be picked up on final.

Mr. Labriola noted an unanswered question regarding accessory use of the water and sewage plants. He noted that he and Mr. Nelson discussed this question recently and that he is comfortable with the determination that, although the plants reside on separate lots, they are in fact accessory uses for the other lots. He stated that he's comfortable that the Board has worked its way through the discussion regarding accessory use. Further, he stated that the language has not yet been completed for all of the easements and cross access and that it needs to be reviewed and approved by Mr. Nelson. Mr. Frankel stated that Mr. Nelson has received the proposed reciprocal easement agreement and that they plan to discuss it.

Mr. Labriola stated that the conditions are:

- the review and approval of the cross easements and maintenance agreements,
- the Town Board approval of the transportation corporation for sewer plant
- Dutchess County Department of Health
- SPDES permit for sewage plant
- The transportation corporation approval by the Town for the water plant
- NYS DEC approvals

Mr. Setaro noted that #5 should have the same language as #2: “and compliance with any bonding or other conditions the Town will impose.”

Mr. Labriola asked whether, given the above list of conditions, the Board is comfortable proceeding through preliminary to a conditional final, or are there other items that need to be addressed. Mr. Fischer stated that he does not think anything is going to change and that he’s OK with these conditions. The rest of the Board concurred.

Mr. Kirchhoff stated that they are very close to being done and that their timing is so close that they might be able to negotiate with the bank to do one extended larger mortgage. He asked whether the Board would be able to consider this application as a 3-lot subdivision rather than a 4-lot subdivision, for financing purposes. Mr. Labriola stated clearly that progress to this point has been on a 4-lot subdivision and that to change it to a 3-lot subdivision would require the Board to redo all the approvals, resolutions, and decisions that have been completed to date. Mr. Setaro mentioned that Mr. Kirchhoff could combine lots through the tax office, that he may not need Planning Board approval to combine the lots.

Mr. Setaro raised the question of the involvement of Dutchess County Water and Waste Water Authority. He stated that he does not know how they would be involved. Mr. Frankel stated that DC Water and Waste Water Authority will comment to the Town Board as part of the process. Before the Town Board will approve the certificates of incorporation for transportation corporations, the Board must receive the comments from DC.

Mr. Frankel stated that, with regard to the water taking, they are not clear whether or not either DEC or DOH will be a requirement for their approval. Mr. Setaro stated that he’s not sure why it would not be required, because they have to sign the SPDES permit for the sewage plant; they would have to sign the water taking permit. Mr. Frankel stated that it also raises the issue of not being able to apply the subdivision map until the transportation corporations have received those assignments and been approved, which may not be for some time. Mr. Frankel asked what the rationale is for conditioning the subdivision based on the assignment of the transportation corporations. Mr. Labriola stated that the Board is approving based on the formation of those transportation corporations.

Mr. Hagstrom stated that Mr. Nelson stated that subject to the condition of DOH and DEC water taking approvals assigned to operator. Mr. Hagstrom stated that he does not see a problem with adding the language “if necessary” or “if required.”

Mr. Frankel stated that, with regard to the actual assignment of the SPDES permit, there can be service to a lot before the transportation corporation has actually received rates and servicing. There really should not be a condition of the permits if necessary assigned to the transportation corporation because that could take some time. He stated that he thinks the subdivision map can be approved without that condition. Mr. Labriola stated that he thinks the prerequisite for the approval of the subdivision is that the transportation

corporations are operational and fully approved. He posed the question of what would happen if the Board grants approval and then one of the other approvals does not occur. What is the remedy at that point?

Mr. Setaro asked whether once the Town Board approves the transportation corporations then they can file the paperwork for them. Mr. Frankel stated that they can then file the incorporation with the Secretary of State, which puts the corporations into existence. Mr. Setaro asked, after that's done or at the same time, you file paperwork to get the permit assigned in the name of the transportation corporation – when does this occur. Mr. Frankel stated that he is not sure when that exactly takes place. He stated that there will be applications for rates, etc. The formation and actual existence of the corporation will occur upon filing the certificates of incorporations with the Secretary of State. Mr. Setaro asked when the corporations can legally start to do business. Mr. Frankel stated that the sewage corporation does not have to start to do business because there's no requirement for that – it can continue operations under the current situation. The water can serve the lot on which it sits and cannot start to serve other lots until rates have been approved. The permits are currently in the name of Pleasant Valley Properties, LLC. There will always be permits in some entity's name, and there will be a transfer process which will occur when it occurs.

Ms. Seaman clarified that what they are saying is that they cannot start operating the second lot until the assignment has occurred because they cannot transfer water to the other lot without the permits. Therefore, occupancy will not happen until the permits have been assigned. But that they want to get this filed so that they can get their financing. Mr. Kirchhoff affirmed that this is an accurate representation of the situation and that the problem for them is that the process can take a long time.

Ms. Seaman asked Mr. Hagstrom whether this is an area where the law is silent regarding the filing of the subdivision map. She noted that the assignment of permits seems to be a grey area. Mr. Hagstrom stated that these are conditions that the Board is imposing and that are not required. He noted that the basic problem is that everyone is trying to do everything in two days.

Mr. Frankel stated that he does not think the SPDES permit should be a condition. He is recommending to the Board that it not be a condition because it will only delay, possibly for quite a period of time, the actual filing of the subdivision map, which would defeat their purpose is trying to get the financing. Further, he stated that they are not sure whether it's necessary for DOH or for DEC. But if it is, it could hold them up on financing. Mr. Setaro stated that the Board has always required a SPDES permit and stated that the permit already exists and only the transfer of name remains to be completed. Mr. Karis stated that, as the transfer in name is happening, the sewage plant can operate because there already exists a SPDES permit. Mr. Labriola stated that the Board does not want to impose any artificial inhibitors on this application but they also must be certain that they are not doing something that will impact further applications. Mr. Setaro suggested rewording #4 to “provide proof of current SPDES permit,” and on #6 to “provide proof of current DEC water taking permit.”

Mr. Karis asked whether it is correct that they cannot transmit water to lot #2 until the assignment is made to the transportation corporation. This was affirmed. Mr. Karis stated, therefore, that it is in their interest to transfer the assignment to the transportation corporation so that they can provide water to lot #2. Therefore, it is highly unlikely that the transfer would not take place.

Mr. Setaro and Mr. Labriola reviewed the file and confirmed that the file contains the SPDES permit and the water taking permit and that they are in the name of Pleasant Valley Properties.

Mr. Labriola: **PRELIMINARY APPROVAL**

I move that the Planning Board grant preliminary approval to the Brookside Meadows subdivision in the form of the attached resolution dated 12/13/05 prepared by the Board's engineer and now before the Board subject to the following conditions: NONE

SECONDED BY P. KARIS; VOTE TAKEN AND APPROVED 7-0-0

Mr. Labriola: **MOTION TO WAIVE 2ND PUBLIC HEARING; SECONDED BY R. SEAMAN; VOTE TAKEN AND APPROVED 7-0-0**

Mr. Labriola: **CONDITION FINAL APPROVAL**

I move that the Planning Board grant final approval to the Brookside Meadows subdivision in the form of the attached resolution dated 12/13/05 prepared by the Board's engineer and now before the Board subject to the following conditions:

- 1. Planning Board engineer's and Town Board attorney's approval of cross easements and the maintenance agreements.**
- 2. Town Board approval of the transportation corporations for sewer plant facilities in compliance with any bonding or other conditions the Town Board may impose**
- 3. Dutchess County Department of Health approval of the subdivision**
- 4. Provide proof of current SPDES permit**
- 5. Town Board approval of transportation corporation for water plant facilities in compliance with any other bonding or other conditions the Town may impose**
- 6. Provide proof of current NYS Department of Health and NYS Department of Environmental Conservation water taking approvals/permits**
- 7. Applicant to meet with the Fire Advisory Board to determine location of dry hydrant.**

SECONDED BY H. FISCHER; VOTE TAKEN AND APPROVED 7-0-0

3. PLEASANT VALLEY PROPERTIES, LLC – SITE PLAN REVISION

Joe Kirchhoff and Chris Dyson were present.

Mr. Labriola reported that the Board held a conceptual discussion of this application at its November 2005 meeting and asked Mr. Kirchhoff to report on any changes to the plan since that time.

Mr. Kirchhoff stated that at the last meeting they discussed the general layout, the property line fencing, the parking and screening of the parking lot from West Road. He stated that they have laid out the lighting plan, laid out screening, changed the location of a catch basin so that it is now usable, and laid out water and sewer lines. He stated that the building has not changed, neither has the playground. He stated that they added another parking spot on the front lot and a hedgerow along the front.

Mr. Setaro stated that most of the comments from last month's meeting have been taken care of. Regarding the SEQRA, he stated that it is the same as the previous application and that the Board can rely on the previous findings statements. He asked that the Board make sure that the landscaping is OK and review the fencing.

Mr. Labriola read into the file a letter from the Fire Advisory Board dated 12/7/05: no comment – no fire or safety issues.

Mr. Fischer inquired about a drop off area around the circle in front of the club house. Mr. Kirchhoff stated that it is quite wide and that he does not think additional space is needed. Mr. Dyson stated that it is wide enough for a truck to pass with cars parked in the circle.

Mr. Labriola asked that Mr. Kirchhoff add to the elevation some indication of colors and materials and inquired about details (height, materials, color) of the fencing around the pool, around the playground, and the perimeter fence and stated that these details must be added to the site plan.

Mr. Kirchhoff reported that the property line fence is a 6' solid fence that now exists and is the same as the fence on the other side of the property. The fence around the pool is black aluminum, simulated wrought iron, and meets the Board of Health 48" code. He mentioned that it may go taller, possibly to 60". Mr. Fischer stated that 48" is inviting.

Mr. Labriola asked whether the pool will be dedicated to the tenants in lot #1. Mr. Kirchhoff stated that they are now researching what is financially viable. He stated that if that happens, the pool will be for the 116 units that now exist. If it does not happen, then all tenants will share with a tenant access card.

Mr. Labriola inquired whether cross easement and access language would be required. Mr. Kirchhoff stated that it would be simple for them to add the language because they already did it for sidewalks and hiking trails. Ms. Seaman mentioned that access could also be handled in a club membership, which is done in a lot of condominium ownerships. Mr. Hagstrom stated that they will need cross easements. Mr. Labriola stated that if the lots share this facility, then the language should be in there. Mr.

Hagstrom stated that the final subdivision approval is subject to cross easements. Mr. Frankel stated that those cross easements were drafted in the concept of utilities, maintenance, rights of way. Mr. Hagstrom stated that if it will be used for lots #1 and #2, then cross easement is required. Mr. Frankel stated that it can be done through a license arrangement and does not have to be done with a filed reciprocal easement agreement.

Mr. Labriola stated that, if they want an approval tonight, they should declare tonight how they will address this, or delay a month if they don't know how it will be done. Mr. Kirchhoff asked if they can do the language of licensing, which sounds easier to manage. Mr. Hagstrom stated that the license is revocable at any time, so that is not an easement. Mr. Kirchhoff stated that this is a voluntary project and is not a stipulated recreation by the Town of Pleasant Valley. Therefore, he asked why it would not be their own decision about who they allow to use the facility. It's not a public facility. Mr. Labriola stated that, if they use that argument, then why did they do a cross easement for the hiking trails. Mr. Kirchhoff stated that they did so because they were asked to. Mr. Gordon stated that, if someone were to buy one of the pieces or write a mortgage for one of those pieces, and part of the value of that piece is inclusion of membership for the tenant in the facility, then it would be written into that agreement that it is understood that as part of the sale the tenants will have access. Mr. Gordon stated that he does not see the need for cross easement. Mr. Hagstrom stated that if they want all 4 lots to have access to the facility, then they need the cross easements. Mr. Frankel suggested that they agree to reciprocal easements for lots #1 and #2 for access to the common club house and pool and consider filing at a later time for lots #3 and #4.

Mr. Fracchia asked whether the sewer line will be brought down to the road. Mr. Kirchhoff stated that it has a limited capacity. It was designed for 60,000 gallons per day, and they will use 32,000. Also, he stated that the room to expand does not exist. He stated that the water capacity is such that the municipality may be interested in it in the future. Further, he stated that there is no real asset for the Town in the sewer plant.

Mr. Labriola inquired about the landscaping – what kind of tree line is proposed? Mr. Kirchhoff stated that they plan for a hemlock hedge – something that you cannot see through. Mr. Fischer stated that hemlock will not withstand the winter salting. Mr. Karis stated that the front is beautiful and he would like to see the theme continued – that it's not necessary to hide the cars but rather to buffer and soften. Mr. Labriola stated that the intent is to shield the cars but not the building because the building is nice looking. Mr. Karis suggested using the same kinds of plants that they already have in the front and add a couple of shade trees with some lower bushes.

Mr. Labriola: **SEQRA DETERMINATION**

I move that the Planning Board determine as set forth in the attached declaration dated 12/13/05 prepared by the Board's engineer that Brookside Meadows club house is an unlisted action on SEQRA and that it will not have a significant effect on the environment for the following reasons and that no environmental impact statement shall be required.

The Board uses the following reasons in support of this determination of non-significance:

- 1. the original SEQRA determination and subsequent statement of findings considered the same scope of development and no new environmental issues have occurred since the original SEQRA review.**

SECONDED BY M. GORDON; VOTE TAKEN AND APPROVED 7-0-0

Mr. Labriola: **SITE PLAN APPROVAL**

I move that the Planning Board grant site plan approval to the club house site plan for Brookside Meadows with regard to the application of Pleasant Valley Properties, LLC in the form of the attached resolution dated 12/13/05 prepared by the Board's engineer and now before the Board subject to the following conditions:

- 1. payment of all fees**
- 2. Dutchess County Department of Health approval of proposed pool**
- 3. add details of fencing**
- 4. add building materials and colors**
- 5. reciprocal easement to be drawn up between lot #1 and lot #2 and to be reviewed and approved by the Planning Board's attorney**

SECONDED BY H. FISCHER; VOTE TAKEN AND APPROVED 7-0-0

4. QUATTROCIACCHI – SITE PLAN

Salvatore Quattrocicchi was present.

Mr. Labriola asked Mr. Quattrocicchi to brief the Board on the changes on the revised site plan.

Mr. Quattrocicchi reported that map is bigger and easier to read. Further, he noted the placement of the lighting, rearrangement of the planters, type and placement of shrubs are listed, and the visible contours. He stated that he has a letter from NYS that the design of the curbing was approved. He stated that he must now apply for the permit. Mr. Labriola stated that the file contains a copy of that approval letter. Mr. Quattrocicchi stated that he has received approval on the septic system from the Board of Health but that he did not bring that document with him to the meeting tonight. Mr. Labriola stated that final approval tonight will be conditional on receiving a copy of the approval for the file.

Mr. Setaro reported that all comments have been addressed. He asked whether the Dutchess County Planning Department's comments have been addressed. Mr. Labriola confirmed that this has been done.

Ms. Bramson stated that she is unclear about the landscaping. She asked about grass on the site. Mr. Quattrocicchi pointed out sites on the map that will be grass. Mr. Labriola reviewed the minutes and stated that the Board was pretty specific about some low landscaping. He stated that the Board is interested in shielding the parking but not to block visibility to the building.

Mr. Labriola discussed the proposed dumpster location that provides adequate room for truck access and stated that a notation is needed on the map that details the materials and dimensions of the enclosure. In addition, Mr. Labriola stated that details regarding the building's materials and colors (roofing, siding, trim, etc.) must be added to the map.

Mr. Labriola: **PARKLAND RESOLUTION**

I move that the Planning Board adopt the following Parkland Resolution for the site plan in the form of the attached resolution dated 12/13/05 prepared by the Board's engineer and now before the Board subject to the following conditions. (NOTE: the following is an abbreviated version, and the entire resolution is on file.)

Whereas, the Planning Board has reviewed the site plan application of Quattrociacchi pursuant to the requirements of Town Law 274 (A)(6) and hereby determines that if such site application is granted even in modified form, this development will contribute to the increased population in the Town and will increase the burden on Town parkland and recreational facilities and that a proper case, therefore, exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town.

Now, therefore, it is resolved that the Planning Board, having considered that size and suitability of the lands shown on the site plan and the needs of the immediate neighborhood, hereby determines that a suitable park meeting the requirements of the Town cannot be located on such site plan. The applicant's site plan is approved, the applicant is hereby required to deliver to the Town for deposit in the Town's trust fund for parks, playgrounds, other recreational facilities the amount required for the Town Board's fee schedule for the number of residential units approved by the Planning Board.

SECONDED BY H. FISCHER; VOTE TAKEN AND APPROVED 7-0-0

Mr. Labriola: **SEQRA DETERMINATION**

I move that the Planning Board determine as set forth in the attached declaration dated 12/13/05 prepared by the Board's engineer that the site plan for the Quattrociacchi site plan 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 shall be required.

The Board uses the following reasons in support of this determination of non-significance:

- 1. NYS Department of Transportation has approved the site plan showing the new entrance onto Route 44**
- 2. Dutchess County Department of Health has approved water and sewage systems**
- 3. Erosion control measures will be provided**

SECONDED BY M. GORDON; VOTE TAKEN AND APPROVED 7-0-0

Mr. Labriola: **CONDITIONAL SITE PLAN APPROVAL**

I move that the Planning Board grant site plan approval for the site plan prepared for Quattrociacchi with regard to the application of Brian W. Franks, LLC in the form of the attached resolution dated 12/13/05 prepared by the Board's engineer and now before the Board subject to the following conditions:

- 1. payment of all fees**
- 2. Morris Associates letter dated 12/12/05**
- 3. Dutchess County Department of Health approval**
- 4. NYS Department of Transportation work permit**
- 5. add details of the dumpster location to the map**
- 6. add materials and colors to the elevation**

SECONDED BY R. SEAMAN; VOTE TAKEN AND APPROVED 7-0-0

Mr. Labriola: **RECREATION FEES**

Whereas that Planning Board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational facilities within the Town;

Whereas that finding includes an evaluation of the present and anticipated future needs for parks or recreational facilities in the Town based on projected population growth for which this subdivision or site plan will contribute;

Whereas the Planning Board has determined that a suitable park or parks of adequate size to meet requirements cannot be properly located on the subdivision or site plan;

Now therefore be it resolved as per Town Law 277.4 and 82.23 (A)(4) of the Code of the Town of Pleasant Valley, the Board recommends to the Pleasant Valley Town Board that a sum of money in lieu of land be imposed for the site plan of the Quattrociacchi's located on Route 44 for 2 newly created apartments.

Discussion: Mr. Fischer and Mr. Karis pointed out that there is one pre-existing apartment and one newly created apartment.

Mr. Labriola: **AMENDED RESOLUTION FOR ONE NEWLY CREATED APARTMENT**

SECONDED BY H. FISCHER; VOTE TAKEN AND APPROVED 7-0-0

Mr. Quattrociacchi inquired about timing for meeting these requirements. Mr. Friedrichson and Mr. Labriola explained the procedure and the timing for getting a building permit.

Mr. Quattrociacchi clarified that his question is about how to get the Certificate of Occupancy. Mr. Setaro noted that, on other applications, a security bond with an attached time limit has been accepted. Mr. Labriola noted that the curb cuts, paving, and landscaping cannot be completed until the spring.

5. ALOS SUBDIVISION – SKETCH PLAN APPROVAL

John O'Brien, Jr., and Anita Alos were present.

Mr. O'Brien stated that Ms. Alos has lived in the house on the lot for 20 years and that the house is about 1150 square feet. He stated that they would like to divide the 4 acre lot in half, to create one 2-acre lot with the existing house and a second 2 acre lot and build a new home.

Mr. Setaro reviewed the Morris Associates comment letter. He stated that a number of questions on the form were not answered and some were not answered correctly. The Code 82.25 requires topography. The deed goes not quite to the center line of Hurley Road, which defines the 4 acres. Mr. Setaro stated that the surveyor showed a line on the map 25' off of the center line of the road, which is something that is done to take a dedication where it makes sense where there are property lines that go to the center. In this case, Mr. Setaro stated that, if the Town were to consider taking the right-of-way, it would make the lots substandard sized lots. Further, he stated that he does not believe the Town can accept the dedication because of this problem. Mr. Hagstrom agreed and referenced the code: "excluding external streets." Mr. Labriola clarified that this parcel, therefore, is less than 4 acres. Mr. Setaro read from the Code.

Mr. O'Brien pointed out neighboring lots where the Board has approved not taking the 25'. He specifically noted two lots next to his lot that are each 2.02 acres and that are substandard when the road is excluded from the calculation. He stated that this sets a precedent from 1986. Mr. O'Brien reported that he talked with their neighbor about buying a small piece of property from him, but the neighbor declined.

Mr. Labriola stated that it is not known what led to that approval, that there may have been a variance granted to allow a substandard lot to be approved. He noted some alternatives:

1. Apply to ZBA for a variance for a substandard lot for which the Planning Board would probably give a positive recommendation based on the small amount of property that would make it substandard and the existence of almost adjacent property owners in a similar situation. Mr. Labriola asked the Board for its opinion on this alternative. Mr. Fischer stated that he does not see a problem with this option as long as there is no other alternative. Mr. Labriola stated that the other alternative is to ask the applicant to purchase the additional land. Mr. Fischer pointed out that the ZBA may require them to do this. Mr. Labriola stated that, if the Planning Board refers them to the ZBA, he wants to make sure that the Board will be comfortable that it is a reasonable action based on a sound rationale for a positive recommendation.

Mr. Karis asked what the lay of the property is. Mr. O'Brien stated that there is a shelf where the house is that is all flat and that they have cut across the face of the incline. Mr. Setaro stated that they should make sure that they can get a well and septic on the new lot.

Mr. Fischer pointed out that the Board and the Town are bound by the Code, as is the ZBA.

Mr. Gordon asked whether the Board should eliminate one step and turn it over to the ZBA with a recommendation. Mr. Labriola stated that the process is that the applicant must go to the ZBA for a variance and the application will come back to the Planning Board for a referral. Mr. Labriola stated that this Board has rationale for why this makes sense, but that this Board cannot consider or approve Sketch Plan on a substandard lot. The ZBA must first issue the variance.

Mr. Labriola read into the file a letter from the Fire Advisory Board dated 12/7/05: no comment as there are no fire or safety issues.

6. FAMILY CIRCLE PLAZA – SITE PLAN REVISION

Mr. John Sullivan, Day Engineering, representing Antigone Realty, was present.

Mr. Sullivan stated that they are proposing a façade improvement and he detailed the improvements.

Mr. Fracchia asked if the signs will be removed. Mr. Sullivan stated that they will be removed and redesigned. He stated that there will be a portion of the front of the building that will be dedicated to signage and that they will return with a sign permit application.

Mr. Setaro reviewed the comment letter and stated that there is not much engineering involved. He asked whether any site improvements, such as landscaping or restoration of the black top, are planned. Mr. Sullivan stated that for now only the façade improvement is planned, but that the owner wants to improve things. He does not know about plans for the pavement.

Mr. Gordon asked if this is a new owner. Mr. Sullivan stated that he believes it is a new owner. Mr. Gordon noted that whenever a site plan comes before the Board, it presents the opportunity to improve the property. He stated that the Board would like to see the entire site as part of the application.

Mr. Labriola read into the record a letter from Dutchess County Department of Planning and Development (original on file): "the Board decision involves a matter of some concern and offers the following comments. We are very pleased to see proposed elevations for the façade improvements for the existing building. These improvements will greatly upgrade the quality and appearance of this site. As with other projects that we have commented on in this area, we suggest that the landscaping along Route 44 be upgraded. In this instance, street trees could be planted along the entire frontage of this

site, one every 35' or so. The addition of trees will not only complement the upgraded façade, but will also provide some visual green relief and will act as a unifying landscape feature for this important area which leads to the hamlet of Pleasant Valley. Permission to plant and maintain the vegetation from NYS Department of Transportation may be necessary and would be well worth the effort. In addition we would also encourage the interior median to be planted with additional trees to further enhance the site. As regards to site lighting, the current box style parking lot fixtures should be replaced with traditional style fixtures and lowered in height again to complement the façade improvements. The Department recommends that the Planning Board rely on its own study of the facts in the case with due consideration for the above comments."

Mr. Labriola stated that he concurs with the DC Department of Planning's comments and recommendations, which are very similar to recommendations they have made for other applications and which the Planning Board has acted upon. He recommended that Mr. Sullivan take these recommendations to his client for consideration.

Mr. Sullivan asked if, in the meantime, they can proceed with the improvements. Mr. Labriola clarified that they cannot start the façade improvements until they get a building permit, and that the building permit will not be issued until the map is signed. Mr. Sullivan stated that they wanted to get started before the end of the year, but that December weather has been rough.

Mr. Labriola stated that the façade improvements look very good and that the map must be very specific on colors and materials, lighting, and landscaping. Mr. Sullivan requested a copy of the DCDPC's letter. Mr. Friedrichson provided him with a copy. Mr. Labriola asked the Board whether it will be comfortable if Mr. Sullivan makes the changes recommended in that letter. Mr. Karis stated that his personal opinion is that they focus on beautification for the frontage and safety in the back. Mr. Labriola said that the recommendation for trees in the median is good because it breaks up the space. Mr. Gordon mentioned other site plan applications that the Board recently reviewed and for which the Board required landscaping and other upgrades and which sites will look very nice as a result.

Mr. Fischer mentioned that Mr. Sullivan may want to review the site plan for the Hudson Valley Federal Credit Union. Mr. Labriola concurred that the Board spent a lot of time with that application on the lighting, the fixtures, and stated that there's no sense in reinventing.

Mr. Setaro pointed out that this is really a site plan amendment.

Mr. Labriola read into the file a letter dated 12/7/05 from the Fire Advisory Board: no comment as there are no safety or fire issues.

Mr. Fracchia asked that the applicant clean up the area around the dumpster.

7. APPEAL #864 CUSSICK – VARIANCE

The applicant was not present.

Ms. Bramson stated that she visited the site and asks how close any other property is to this proposed storage building, which she noted is very large. Mr. Karis stated that the area is full of big buildings next to each other. The Board noted that 40' by 40' is huge.

Mr. Fracchia stated that it is hard to visualize what it will look like on that site and noted wetlands and a pond in the area. He pointed out neighboring houses. He stated that he does not think the storage building will bother anyone. Ms. Seaman wondered why he needs such a huge building. Board speculated that the applicant might run a business out of it.

Mr. Labriola read into the file a letter dated 12/7/05 from the Fire Advisory Board: no comment.

Mr. Labriola asked Mr. Fracchia to make a recommendation. Mr. Fracchia stated that he would like to see more detail regarding how the building will look. Mr. Gordon would like to know the planned use for the building. Mr. Friedrichson stated that if the building will be higher than 15', more setbacks will be required. Mr. Gordon stated that if he were a neighbor, he would be concerned about what the usage will be. Are they going to run a body shop out of it?

NEGATIVE RECOMMENDATION TO ZBA: Mr. Labriola offered a recommendation that the Board pass the application along to the ZBA with a negative recommendation because there is not enough information to provide any informed input. Further, he recommended that the Board ask the ZBA to consider this application with regards to the height of the building to ensure proper setbacks and that the usage be revealed before they grant a variance. Ms. Seaman also expressed concern for the placement of the building in the front of the lot, which can seriously change the neighborhood.

Mr. Friedrichson stated that there is a drawing that shows the building to be 14' high. Mr. Gordon stated that, when a storage shed is bigger than the residential house, he wants to ask some serious questions about usage.

Mr. Labriola asked for a second on the negative recommendation. **SECONDED BY P. KARIS; VOTE TAKEN AND APPROVED 7-0-0.**

8. APPEAL #865 ENNIS MHP – VARIANCE

Mr. Labriola reported that this application is a variance for minimum setback requirements for the replacement of a mobile home. Mr. Fracchia visited the site and stated that the new mobile home is the same size as the ones on either side of it. Mr. Labriola stated that one side setback has been maintained, that it is farther from the Partridge Lane parking area, and that it is about 1.5' closer to the adjacent home. But there is still 16' between the homes.

Mr. Labriola read into the file a letter dated 12/7/05 from the Fire Advisory Board: no comment as there are no fire or safety issues.

Mr. Labriola: **MOTION TO PASS ALONG TO THE ZBA WITH A POSITIVE RECOMMENDATION AS THIS WILL BE AN UPGRADED HOME AND IT LOOKS LIKE THE SETBACKS FROM A PROPERTY LINE AND FROM ADJACENT MOBILE HOMES HAVE BEEN FAIRLY CLOSELY MAINTAINED; SECONDED BY R. SEAMAN; VOTE TAKEN AND APPROVED 7-0-0.**

9. MINUTES

Mr. Labriola: **MOTION TO APPROVE CORRECTED MINUTES OF THE 6/14/05 PLANNING BOARD MEETING; SECONDED BY P. KARIS; VOTE TAKEN AND APPROVED 4-0-0**

Mr. Labriola: **MOTION TO APPROVE CORRECTED MINUTES OF THE 11/8/05 PLANNING BOARD MEETING; SECONDED BY R. SEAMAN; VOTE TAKEN AND APPROVED 7-0-0**

10. MISCELLANEOUS

Mr. Labriola stated that he has been working with Janice Gomez on the Sign Ordinance document. He stated that he has a copy of a letter that was sent to the Town Board with the revised Ordinance plus the document that Janice prepared comparing the old and new Ordinances. The letter requested that the Town Board review the documents and schedule a meeting between the Planning Board and the Town Board.

Mr. Karis stated that he has been serving on the Water Advisory Committee studying the potential for central water in the hamlet of Pleasant Valley. That Committee has completed its charge and recommended to the Town Board that they do have adequate support based on the public informational meetings and the surveys. Mr. Karis pointed out a color-coded map that documents the survey results. About 53% of the responses were "yes, interested in central water." He stated that the bigger the district, the less it will cost people. Essentially, the Committee recommended to the Town Board that they take the study to the next level and carefully study the potential for ground water source, storage, distribution, and the costs associated.

Mr. Labriola asked if there is money set aside in the Town budget to take it to the next level. Mr. Karis stated that Chazen has a proposal before the Town Board, but that he does not know the status of this proposal. He stated that the Town Board is now at a point where they must deal with this issue. He stated that there is enough support for the Board to move forward.

Mr. Karis stated that, moving parallel with that, is another study that they have commissioned from Chazen Companies which is studying ground water protection and aquifer protection areas. He believes that this study combined with the central water

study will impact development densities and will have zoning implications. There are some things happening on the water conservation front within the Town.

Mr. Labriola stated his appreciation for the update and for Mr. Karis donating his time to participate on that Committee and represent the Planning Board's interests.

Mr. Gordon inquired about next steps. Mr. Karis stated that the Committee was charged to consider whether centralized Town water is necessary and whether there is support for it. He stated that the Committee's answer to this was "yes," and the Committee recommended that the Town Board study the engineering and the intricacies in developing that water system.

Ms. Seaman asked what the report on water quality in the Town was. Mr. Karis stated that water quality is low in the center of the hamlet and improves as you go away from the center. He stated that there is ground water contamination in the hamlet not only from Freon. He affirmed that it is hazardous to health and that people should not be drinking it. Further, Mr. Karis stated that everyone is on a well and septic and they are all on top of each other, which does not work.

Mr. Karis stated that the trick is how to get this to work in the physical environment, how you distribute the water. And, second, he stated that the district must be made big enough. You cannot have a 1,000 properties, centrally located, bearing the brunt of this. It is going to take including some of the bigger, undeveloped properties in the district to pay their fair share.

Ms. Seaman asked if they are considering protection of the aquifer. Mr. Karis stated that they are commissioning a separate study on that and that he attended a seminar with the hydrogeologist from Chazen Companies who is the local guru and has done big studies in Harlem Valley. He stated that they are in the process of updating some studies done in the early 80's in Dutchess County with soils and ground water recharge and hydrology – looking at the big picture. He stated that zoning will get away from minimum lot areas and focus on density. It will encourage clustering and protection of environmentally sensitive areas. If you have 100 acres, you can have 20 units with some direction for distribution.

Mr. Gordon stated that probably 12-15 years ago there was a proposal to bring the pipeline from the Town of Poughkeepsie. The problem was the huge costs associated and that Bill Paroli was involved in it. It was voted down. Mr. Karis stated that this was discussed and that there are two perceptions associated with such a pipeline. One is that you are drinking the Hudson River, which is a huge mental hurdle. And, two, you are not in control of your own destiny. Mr. Gordon stated that the question is whether one can afford to control one's own destiny.

Ms. Bramson asked whether we would be our own water system. Mr. Karis stated that, if the Town were to develop a central water system in the hamlet, the Town would have to develop a water source, which would probably mean a well field on the dedicated piece

of property. Issues to be considered: volume of water drawn, recharge area sufficient to sustain that volume, protection of water quality, protection of recharge area, and protection of water source.

Mr. Karis stated that the committee was told that the high yielding wells at Pleasant Valley Properties probably do not have a big enough recharge area to sustain them supporting alone the district area that the Committee was considering. Rather, they may be supplementary to a better suited water source. Along with creating a water source is the need for storage. There must be a water tank and a pump with a daily load volume in the tank – probably a 1 million gallon tank – and then distribution system. The water tank can easily become the center of Town. Mr. Labriola noted what happened in Hyde Park – that water tower can be seen from the Hudson River.

Meeting adjourned at 9:00 p.m.

Minutes submitted by

Helen D. Dickerson
Secretary

The foregoing represent unofficial minutes of the December 13, 2005, 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