

PLEASANT VALLEY PLANNING BOARD

January 11, 2011

A regular meeting of the Pleasant Valley Planning Board took place on January 11, 2011, at the Pleasant Valley Town Hall, Route 44, Pleasant Valley, New York. Chairman Rebecca Seaman called the meeting to order at 6:38 p.m.

Present: Chairman Rebecca Seaman; Boardmembers Rob Fracchia, Henry Fischer, Kay Bramson, Paula Vincitore, Michael Gordon; Planning Board Attorney James Nelson, Esq.; Planning Board Engineer Pete Setaro; Secretary Laurie Fricchione.

PUBLIC HEARING:

WILLIAMS LUMBER - RESUBDIVISION

Grid #6564-02-529886 & 6564-02-507860

Location: 2424 Route 44

This item was on the agenda for re-subdivision public hearing. Boardmember Vincitore recused herself from this application. Kim Williams, the owner, and Richard Cantor, Esq. appeared before the Board. Mr. Setaro stated that from an engineering viewpoint, they do not have any further comments on either the application or the plans so resolutions were prepared for preliminary and final approval of the project. The motion to open the public hearing was introduced by Chairman Seaman, seconded by Boardmember Gordon and passed 5-0 in favor, 1 abstention. There were no comments or questions from the public, so the motion to close the public hearing was introduced by Chairman Seaman, seconded by Boardmember Bramson and passed 5-0 in favor, 1 abstention. Chairman Seaman wanted to state into the record a few points with respect to SEQRA: "Whereas, prior to granting the applicant's conditional site plan approval on August 10, 2010, the Planning Board issued a Negative Declaration under SEQRA" and "Whereas on receipt of the subdivision application the Board has reviewed the applicant's site plan, EAF, supporting documentation and negative declaration, and has considered whether the change to the applicant's parcels by removal of the dividing lot line between them might lead to any significant adverse environmental impact, and having determined that it would not...". The resolution granting Preliminary Approval was introduced by Chairman Seaman, seconded by Boardmember Bramson and passed 5-0 in favor, 1 abstention. Chairman Seaman made a motion to waive the public hearing upon granting Final Subdivision Approval, which was seconded by Boardmember Fracchia and passed 5-0 in favor, 1 abstention. The resolution granting Final Re-Subdivision Approval with two conditions being Dutchess County Department of Health signoff and Owners signatures was introduced by Chairman Seaman, seconded by Boardmember Fracchia and passed 5-0 in favor, 1 abstention.

OLD BUSINESS

STONERIDGE FARM SITE PLAN (STRAIN) – SITE PLAN REVIEW

Grid #6463-04-558211

Location: 3-80 Great Pyre Way

Engineer Eric Gardell appeared before the Board as well as Mr. Strain. A submission was made to respond to the prior month's engineering review letter to the satisfaction of the Town Engineer. A few minor changes need to be made regarding wetland boundaries and floodplain boundaries. Another item needing to be addressed was that the applicant should ensure the SSDS and well were

in proper working order. A bacteria sample from the well water was taken and failed; a subsequent test of the water revealed that it passed. The Dutchess County Department of Health was contacted by the Town Engineer and they concurred with the Town Engineer in the suggestion that an ultraviolet disinfection system be installed on the well. It was determined that a 239-m referral was not necessary to be submitted and/or approved. The motion to re-open the public hearing held over from the last meeting was introduced by Chairman Seaman, seconded by Boardmember Gordon and passed 6-0 in favor. There was no one in the audience to make a comment or ask questions, therefore the motion to close the public hearing was introduced by Chairman Seaman, seconded by Boardmember Fischer and passed 6-0 in favor. The resolution accepting the Resource Analysis and Concept Design was introduced by Chairman Seaman, seconded by Boardmember Gordon and passed 6-0 in favor. The resolution granting Conditional Site Plan Approval with the following conditions being payment of all fees, addressing Morris Associates letter dated 1/7/2011 and the Planning Board Engineer is to review the UV sketch and installation for the water source was introduced by Chairman Seaman, seconded by Boardmember Vincitore and passed 6-0 in favor.

ROSSWAY PROPERTIES SUBDIVISION

Grid #6563-03-176033

Location: Rossway Road

Jeff Ringler, the applicant's representative as well as Peter Cantline of Spectra Engineering appeared before the Board. The applicant is requesting a 6th extension of this subdivision's Preliminary Approval. Chairman Seaman stated that she would like to have a discussion regarding where the applicant is in the process and how far away satisfying all the conditions of the approval are so that Final Subdivision Approval can be granted. Mr. Ringler gave the Board an update as follows: The Town Attorney has been provided with and has approved the easements and Spectra Engineering is taking care of the survey descriptions that go along with the various easements which should be completed in 1-2 months. The Board of Health requires a test well be drilled; the septic system drawings are to their satisfaction. The resolution granting a 90-day extension (commencing from 11/5/10 to 2/4/11) was introduced by Chairman Seaman, seconded by Boardmember Fischer and passed 6-0 in favor. Mr. Ringler stated that he would be making a submission by 1/24/11 for the 2/8/11 Planning Board meeting at which time he hopes to address to the Town Engineer's satisfaction all conditions of previously discussed issues in order to receive Conditional Final Subdivision Approval. Upon receipt of Conditional Final Subdivision Approval, then the applicant is entitled to two (2) 90-day extensions and one (1) 180 day extension, for a total of 1 year.

ZBA APPEALS:

APPEAL #969 - VALLEY VETERINARY HOSPITAL (Dr. Michael Murphy, D.V.M.)

Grid # 6363-12-890689

Location: 23 North Avenue

This item was on the agenda for a recommendation to the ZBA regarding a side yard setback variance, impervious surface coverage variance and for the expansion beyond 50% of the existing non-conforming building by structure. This is an existing veterinary clinic in an HR Zone. Proposed is the demolition of an existing structure which necessitates the above mentioned variances in the applicant's proposed construction of a new building. Dan Scharff of Cheridan Designs appeared before the Board on behalf of Dr. Murphy. The application is to expand his commercial

property. There was an addition that was done 9 or 10 years ago that he believes exhausted the allowable expansion per code of a non-conforming use. The variances sought are to allow the expansion to go beyond the 50% allowable amount. There are two buildings on the property; an existing 2-family residence in conjunction with the hospital. The proposal is to demolish the house. The variances sought are a side yard setback variance and the special permit and expansion of the non-conforming use exceeding the allowable amount. Chairman Seaman stated that either the applicant is conforming to the new code under special permit since it is an allowable use in this district; it just does not have the required acreage or the applicant is expanding a non-conforming use but the applicant needs a variance to expand the non-conforming use. It was suggested that the Zoning Officer re-visit and define the administrative decision he wrote. Chairman Seaman stated she did not think the applicant should be going for a variance for the 10 acre requirement when it is not needed because we are pursuing the non-conforming status. The other variance is to increase the size even though the applicant has used up his non-conforming size limitation. The non-conforming status does not really apply because the applicant has the right to apply for a special use permit in this zone as veterinary clinics are one of the few things that are accepted in residential districts for many reasons. Attorney Nelson stated he was sure the ZBA realizes that this is an allowed legal, non-conforming use and that the Planning Board's recommendation is not that they think that every property not 10 acres in size ought to be able to be a veterinary clinic. Boardmember Seaman stated that she would have the special use permit be confined to the structure, not for the lack of the 10 acre requirement. Attorney Nelson stated that the Planning Board would positively recommend that the area variance be granted to the extent that it allows an expansion of a prior non-conforming legal use to go beyond the 50% allowed by the square footage. It was also suggested that the impervious surface variance be positively recommended to the ZBA and the ZBA needs to recognize this is a prior non-conforming use as of today when it considers the required special use permit. As far as the area variance is concerned, it should be positively recommended that it be granted to the extent that it represents an expansion beyond 50% of the existing non-conforming use and it is being done by structure. The existing hospital is 2490 s.f. and the proposed hospital is to have an addition to it for a total of 3489 s.f. for a net increase of 999 s.f. Chairman Seaman made a motion that the Planning Board recommend a positive acceptance the following: 1. Impervious surface coverage variance under the circumstances that the impervious surface will actually decrease; 2. The side setback be allowed because the building is already in existence even though it will be expanded; 3. The expansion of the existing veterinary hospital by the approximately 1000 s.f. as a variance from the 50% limitation in §98-57 by structure and taking into consideration although it is a separate structure that this is a unique property in that there will be a structure taken down, seconded by Boardmember Fracchia and passed 6-0 in favor. The Planning Board would like to note to the ZBA that the Planning Board did not address the requirement for a variance from the 10 acre requirement because it was not required in this particular case.

APPEAL #970 - VALLEY VETERINARY HOSPITAL (Dr. Michael Murphy, D.V.M.)

Grid # 6363-12-890689

Location: 23 North Avenue

(See Above) Special Use Permit to allow a veterinary clinic in an HR Zone

APPEAL #971 – SCHARFF AREA VARIANCE

Grid # 6463-01-370580

Location: 38 Parksville Road

Dan Scharff of Cheridan Designs appeared before the Board on behalf of himself. Requested are a front yard setback variance of 15 feet where 50 feet is required and a side yard setback variance of 5 feet where 20 feet is required in an MDR Zone. The existing structure is proposed to be demolished and replaced with a single family 3 bedroom residence. Chairman Seaman made a motion to positively recommend to the ZBA the requested variances are granted which was seconded by Boardmember Vincitore and passed 6-0 in favor.

MINUTES

The motion to accept the minutes of the December 14, 2010 Planning Board minutes as written was introduced by Chairman Seaman, seconded by Boardmember Fischer and passed 6-0 in favor.

The motion to close the meeting was introduced by Chairman Seaman, seconded by Boardmember Fischer and passed 6-0 in favor.

Minutes submitted by:
Laurie Fricchione
Secretary

The foregoing represents unofficial minutes of the January 11, 2011 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, 2011

A regular meeting of the Pleasant Valley Planning Board took place on February 8, 2011, at the Pleasant Valley Town Hall, Route 44, Pleasant Valley, New York. Chairman Rebecca Seaman called the meeting to order at 6:38 p.m.

Present: Chairman Rebecca Seaman; Boardmembers Rob Fracchia, Henry Fischer, Paula Vincitore; Planning Board Attorney James Nelson, Esq.; Planning Board Engineer Pete Setaro; Secretary Laurie Fricchione. Boardmembers Kay Bramson and Michael Gordon were absent and excused.

NEW BUSINESS

PLEASANT VALLEY PROPERTIES, LLC (BROOKSIDE MEADOWS) AMENDED SITE PLAN

Grid # 6363-02-542935

Location: Wigsten Road

Boardmember Vincitore recused herself from this application. Appearing on behalf of his client, Mark Delbalzo of MJD Engineering stated this project involves an expansion of an existing apartment rental complex. Back in 2003, this project went through the FEIS process as far as SEQRA is concerned. The maximum approved built-out was 302 units; currently there are 284 units, or a difference of 18 additional proposed units, which this amended site plan entails. These additional 18 units are proposed to be in the form of two (2) additional 8-plex units and the expansion of an existing townhouse for two more units. Paula Vincitore, who was sitting in the audience, interjected that the reason for the site plan amendment started because the tenants were desirous of more amenities in terms of green space, another swimming pool, squash, tennis, basketball and handball courts. She stated she knew with the proposed addition of the tennis court, she knew there needed to be an amended site plan, but since the owners want to retain their tenants and provide these amenities, they decided to do the courts and the 18 units all at the same time. The difference between the existing, approved site plans and the proposed plans is the removal of the one-way circular drop-off road at the proposed clubhouse which is now a straight through-road; the proposed mail-box area has been eliminated due to the fact that the existing one can accommodate the proposed tenants; also there was a bus-stop proposed which has also been removed because the Arlington School District will not pick up children on private roads. All the children are picked up and dropped off on West Road. In the pool area, proposed is a small bath house with a changing area and unisex sanitary facilities with an outdoor patio area. The original site plan depicted a gate on the West Road entrance, but not on the north entrance, which has now been added into this amended plan. In the intervening time of when this project was originally approved and now, the zoning has changed to reflect that this proposal is not allowed in the new zone, which was HDR and now is MDR. Mr. Delbalzo stated that he can meet the setbacks of MDR, however in the new code, the definition of MDR does not allow the amount of units proposed. Chairman Seaman stated that they should first discuss the change in zoning. Attorney Nelson stated that when this project was approved in 2003, the minutes reflected this project was "SEQRA'd" for 302 units. When it came later on in the year to do the approval, the resolution approved the plat which was for 284 units. Subsequently, when the zoning change came in, this went from HDR to MDR. In the MDR, multiple family dwellings (which is defined as anything that involves 3 or more units), are not allowed. He also stated that he felt it was always the applicant's intention to go up to 302 units, (economics permitting), but was approved at 284. Technically, this project is a use which is not

allowed, but the Code under §98-57A, B, and C allows in certain circumstances for the expansion of non-conforming uses and §98-57A says that a non-conforming use can expand its operation. §98-57B deals with the expansion of non-conforming structures which is not what is being dealt with because these are proposed to be new structures and §98-57C has to do with the expansion of non-conforming uses which are existing structures. Most of the difficulty the applicant faces is that most of the expansion is a stand-alone structure proposed to be built. A small number is an expansion of an existing structure. Chairman Seaman stated that this issue came up with Great Spring Apartments in their desire to expand, which brought to light problems with §98-57. The Code basically contemplates the idea that people who are in non-conforming use or structures should have an ability to expand to a certain extent. With structures, it is 50%. Whether or not that percentage is applicable to multi-family developments, she does not know. §98-57 has been revised and will be presented to the Town Board at a work session in March who will be informed that the reason for the revision is because there is another non-conforming multi-family development that needs to be addressed. The position, Chairman Seaman stated, that the Planning Board is in right now is that there is no provision in the code that would prohibit this expansion; however the code is already under revision for contemplation by the Town Board. The decision would be whether the Town Board would be inclined to revise §98-57. If it is revised as proposed, the expansion would be allowed as a non-conforming expansion and then the Planning Board could go ahead with its discussion regarding SEQRA. In her review of notes, Chairman Seaman stated that the first time the reduction from 302 to 284 was mentioned was in January, 2003 and then again in May 2003 it was discussed and the specific language was the DEIS has addressed the maximum 302 apartments; the site plan references 284 units. All impacts have been based on 302 units; therefore all SEQRA documents (scoping, findings statement, final EIS) have been based on 302. Without the change in the code, this project is going to mean pursuing a use variance which is a huge hurdle for the applicants. It was suggested that the applicant wait until the Town Board decides on this particular code section which will dictate the next steps they take as far as whether the applicant needs a use variance or not.

FUSCALDO ENTERPRISES AMENDED SITE PLAN

Grid # 6463-01-590874

Location: 1894 Route 44

Proposed is the amended site plan and expansion of an existing building to accommodate an ice cream shop, deli and professional office space. M. Gillespie Associates appeared before the Board on behalf of their client, Mr. Fuscaldo, who was also present. The building is 2500 square feet in size and the applicant is proposing a 900 square foot addition to the side of the building, in addition to freshening up the exterior façade of the whole building. The parking lot will also be re-configured. The DOT has commented on the road cuts off Route 44. The septic area is in the back with a loading area in the rear of the building. The Town Engineer submitted an alternate layout of the parking lot, to which the applicant is amenable in making it be a part of the site plan. Each of the 3 businesses will have their own door in an effort to delineate their individuality. Because this project is an alteration of an existing building, conceptual review and resource analysis is not required as part of this particular project. Mr. Setaro spoke to the alternate layout of the parking lot. Currently, the way the parking is set up, most people would enter through the westerly road cut and immediately be faced with a parking row, necessitating stopping to let parked cars pull out of their spaces, possibly being dangerous. He said that if the applicant were to put the 900 square foot

addition in the front, close off one of the entrances and shift the second entrance over, there would be a better traffic flow in terms of people looking to park as well as to create a better sight line in pulling out of their spots. County Planning was also concerned about getting rid of one of the entrances as well. The applicant will make another submission depicting the foregoing as well as elevations, landscaping, lighting plans and materials and colors proposed at which time the SEQRA process as well as the County 239m Referral process can commence and move forward.

The Planning Board went into Executive session to discuss the RFPs for the Planning Consultant. The motion to close Executive session was introduced by Chairman Seaman, seconded by Boardmember Fischer and passed 4-0 in favor, 2 absent.

MINUTES

The motion to accept the minutes of the January 11, 2011 Planning Board minutes was deferred.

The motion to close the meeting was introduced by Chairman Seaman, seconded by Boardmember Fischer and passed 4-0 in favor.

Minutes submitted by:
Laurie Fricchione
Secretary

The foregoing represents unofficial minutes of the February 8, 2011 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 8, 2011

A regular meeting of the Pleasant Valley Planning Board took place on March 8, 2011, at the Pleasant Valley Town Hall, Route 44, Pleasant Valley, New York. Chairman Rebecca Seaman called the meeting to order at 6:38 p.m.

Present: Chairman Rebecca Seaman; Boardmembers Rob Fracchia, Henry Fischer, Paula Vincitore, Kay Bramson; Planning Board Attorney James Nelson, Esq.; Planning Board Engineer Mike Takacs; Secretary Laurie Fricchione. Boardmember Michael Gordon was absent.

OLD BUSINESS

ROSSWAY PROPERTIES SUBDIVISION

Grid # 6563-03-176033

Location: Rossway Road

Jeff Ringler of Rossway Properties as well as Andy Lerner of Spectra Engineering appeared before the Board. Chairman Seaman asked the applicant for an update of the project. Mr. Takacs went through each point of the engineering review letter dated March 4, 2011 and stated that all comments and concerns have been responded to. Chairman Seaman discussed the approximate two year period of time between the present and when the public hearing was held and the possibility that the Planning Board might feel the applicant should advertise for another public hearing regarding subdivision approval. The Chairman asked Mr. Nelson to discuss whether or not a second public hearing should be held. Mr. Nelson stated that he, the Chairman and Mr. Takacs discussed the question of the two easements for drainage; one of which is shared among the homeowners which take care of the driveways and the other one channels water off the property into a pond by the Wilson residence. There was a discussion regarding whether good engineering practice suggested that there should be a mandate that the pond be cleaned out at any particular cycle. The easement and various legal documents which have been submitted and found to be in acceptable form, should be considered that the homeowners of the subdivision be obliged to clean out the pond because eventually that is where all the drainage will end up on a mandatory minimal cycle not less frequently than every 3 years. Mr. Nelson suggested a mandate to the Planning Board to memorialize it on the final subdivision approval for the 3-year cycle and the Town would have the option to ensure that it is done. Mr. Ringler stated that there was some discussion regarding drainage easements and that the Wilsons requested that the pond be cleaned out one time after the construction was completed. Another thing that Mr. Ringler stated was that this proposed 3-lot subdivision is by no means the sole contributor to the stormwater runoff and retention/detention to the pond. The main source of the siltation is from across the street which has a very large watershed. He felt that every 3 years for only 3 lots is not fair to the proposed new 3 homeowners due to the above siltation situation and also a large subdivision (Trillium Gardens) that also contributes to it. Mr. Ringler believes that the Wilsons cleaned the pond out once since they have resided at their home, but they did say it was an issue. Mr. Ringler stated that the positioning of the two ponds will attenuate the flow before it gets to the road, thereby significantly decreasing the additional stormwater runoff that makes it to and across the street that will eventually discharge into an existing stream. Chairman Seaman stated that she wanted to make sure that the agreement between the landowners that there is a frequency of clean-out not less than 2 to 3 years apart. Mr. Takacs felt that 3 years was sufficient. Mr. Nelson stated that because this subdivision is from the old code, there is an allowance for the establishment of a bond to ensure the completion of the improvements; so estimates are created for the review of the Town Engineer, then the Planning Board, then must go

to the Town Board for their final approval of the amount. Mr. Ringler stated that once he talks to his partners, they will discuss it and either post a bond or do a letter of credit to ensure the completion of the improvements in a satisfactory manner. A motion to waive the public hearing upon final subdivision approval was introduced by Boardmember Fischer, seconded by Boardmember Vincitore and passed 5-0, 1 absent. As far as the Conditional Final Subdivision Approval is concerned, more conditions were discussed and have been added as a part of the final conditional approval. They are as follows: the Permanent Easement for Drainage; the Site Distance Easement; Protective Covenants and Conditions; the Declaration of Permanent Easement for Drainage and the Declaration of the Common Driveway Easement and as part of the on-site Drainage Easement, they will include in that document the requirement that the homeowners will clean the two ponds and all of the basins at least every 3 years and that obligation to clean out is something that the Town, if it chooses, but does not undertake to do, may pursue. The resolution granting Final Conditional Subdivision approval was introduced by Chairman Seaman, seconded by Boardmember Bramson and passed 5-0 in favor, 1 absent.

FUSCALDO ENTERPRISES AMENDED SITE PLAN

Grid # 6463-01-590874

Location: 1894 Route 44

Proposed is the amended site plan and expansion of an existing building to accommodate an ice cream shop, deli and professional office space. Brian Skokosa of M. Gillespie Associates appeared before the Board on behalf of his client, Mr. Fuscaldo, who was also present. An alternative layout was presented to the Board that showed only one entrance off of Route 44 which was shifted more towards the middle of the property. Ms. Fricchione informed Mr. Skokosa that the Fire Advisory Board wanted the applicant to remove the raised curb which was shown on the drawings closer to the entrance and to paint the curb outline instead so as to create easier turning movements in the event of fire/emergency vehicles needing access to the parking lot. A picnic table area has been shown in front of the ice cream parlor. A drawing depicting elevations of the conceptual design was shown. Chairman Seaman suggested that the applicant refer to the zoning code to be aware of the design standards as far as architecture, lighting, colors, landscaping, etc. Boardmember Vincitore stated that the drawing shown was a tremendous improvement over what is there now; however, she is not sure of the "tower" façade depicted and suggested it stuck out too high, but that it was subjective. It was suggested that the tower be lowered to be more in line with the proposed peaks shown on either end of the building. There were a few minor comments from the engineering review letter, which all have been or will be rectified in the next submission. The County 239-m referral will be made once the applicant submits elevations, color, materials list and lowers the tower. The DOT submission will also be made. It was mentioned that the existing sign is expected to be recycled so as to save money. The resolution for the Intent to Declare Lead Agency was introduced by Chairman Seaman, seconded by Boardmember Bramson and passed 5-0 in favor, 1 absent. The motion to direct the applicant to advertise for the public hearing, which will be held on April 12, 2011, was introduced by Chairman Seaman, seconded by Boardmember Vincitore and passed 5-0 in favor, 1 absent. It should be noted that one small addition to the wording of the Intent was added, i.e., under Action and Location to insert the phrase "...New York State Route 44 *having one consolidated point of access to Route 44...*". After the public hearing is closed, a Determination of Significance will be acted on once all comments/concerns, if there are any from the public or any outside agency(ies).

ZBA APPEALS

APPEAL #972 – WOLFF SPECIAL USE PERMIT

Grid # 6365-02-795554

Location: 31-35 Clinton Avenue

This item was on the agenda for a referral to the ZBA for the above referenced Special Use Permit application to convert an artist's studio into a one-bedroom accessory dwelling in an existing accessory structure. Jaime Wolff appeared before the Board on behalf of himself. Mr. Wolff stated that the existing studio has approval for a two bedroom septic system, but he is seeking permission for a one-bedroom accessory apartment and wishes to install a kitchen. There already is a bathroom and it is a heated space. Chairman Seaman stated that the zoning code may be amended by the Town Board being that it is an area of disagreement as to exactly what the zoning code was meant to say. Chairman Seaman stated that it did not appear Mr. Wolff was looking to have this accessory apartment as a rental; he is related to the owner of the principle residence. She also stated that there is no gray area if the Planning Board can positively recommend to the ZBA by saying this will not be a rental unit and will be for a family member, if that was what Mr. Wolff was asking. Mr. Wolff stated yes. Chairman Seaman stated that the Special Use Permit would be restricted for a rental; she also stated that if a positive recommendation was made and said that it was for a family member, if the Special Use Permit was granted and attached the rental restriction to it, there is no guarantee that 10 years from now the applicant could make an application to be allowed to rent out the accessory apartment. The motion to positively recommend to the ZBA this requested special use permit with a note that it be occupied by a family member and is not being built for rental and that the size of the dwelling unit is 1,000 square feet which is within the definition of dwelling, accessory but is not within the square footage specified in §98-15 (6) and so the ZBA should make a decision as to which is controlling and whether or not an area variance is needed was introduced by Chairman Seaman, seconded by Boardmember Fischer and passed 5-0 in favor.

MINUTES

The motion to accept the minutes of the January 11, 2011 Planning Board minutes was deferred.

The motion to accept the minutes of the February 8, 2011 Planning Board minutes was introduced by Chairman Seaman, seconded by Boardmember Vincitore and passed 5-0 in favor, 1 absent.

The motion to close the meeting was introduced by Chairman Seaman, seconded by Boardmember Fracchia and passed 5-0 in favor, 1 absent.

Minutes submitted by:
Laurie Fricchione
Secretary

The foregoing represents unofficial minutes of the March 8, 2011 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, 2011

A regular meeting of the Pleasant Valley Planning Board took place on April 12, 2011, at the Pleasant Valley Town Hall, Route 44, Pleasant Valley, New York. Chairman Rebecca Seaman called the meeting to order at 6:38 p.m.

Present: Chairman Rebecca Seaman; Boardmembers Rob Fracchia, Henry Fischer, Paula Vincitore, Kay Bramson, Michael Gordon; Planning Board Attorney James Nelson, Esq.; Planning Board Engineer Pete Setaro; Secretary Laurie Fricchione.

WOLFF SPECIAL USE PERMIT

Grid # 6365-02-795554

Location: 31-35 Clinton Avenue

This item was on the agenda for site plan review for the conversion of an existing artist's studio into an accessory apartment. Jaime Wolff appeared before the Board on his own behalf. At the Zoning Board of Appeals meeting of March 24, 2011, this application received a Special Use Permit under Appeal No. 972 and now needs site plan approval from the Planning Board according to the Zoning Regulations. Mr. Setaro stated that the water supply must be tested for potability; the septic system is adequate and asked that a short form EAF be submitted as part of the site plan application. He stated that some of the regulations may be waived at the discretion of the Planning Board as far as public hearing. On the site drawings, there must be an owner's certification note and approval block for the signature of the Planning Board. He stated that the plan showing the septic and well design can be added to so as to include the missing information necessary. Due to the fact that this application had a public hearing the month prior at the ZBA, the Planning Board felt that another public hearing was not necessary. Mr. Wolff understood that only a family member may live in the accessory structure, which is specifically mentioned in the ZBA Findings Appeal. The motion to waive the public hearing for site plan was introduced by Boardmember Gordon, seconded by Boardmember Vincitore and passed 6-0 in favor.

SWANSON – OUT ON A LIMB – SITE PLAN

Grid #6463-01-296827

Location: 1785 Route 44

This item was on the agenda for a recommendation to the Town Board for establishment of landscaping bond. The landscaping bond will be in place for one year to ensure not only the installation of the plantings according to the landscaping sheet detail of the approved site plan, but that they also survive in the same one-year time period and they be maintained. Chairman Seaman suggested that in all future site plan reviews, there should be a note on the set of approved drawings indicating the landscaping should be maintained in the form approved. The motion for the recommendation to the Town Board to accept the landscaping bond estimate as presented by Morris and Associates was introduced by Boardmember Gordon, seconded by Boardmember Bramson and passed 6-0 in favor.

NEW BUSINESS

CATRINI LOT LINE ADJUSTMENT

Grid # 6463-02-995548

Location: 201 Drake Road

This item was on the agenda for a discussion regarding the proposed re-configuration of two lots in a previously approved subdivision. Robert Catrini appeared before the Board on his own behalf. Mr. Catrini proposes to amend the acreage and lot line between two lots of his previously approved subdivision on Drake Road. One lot is 6.39 acres which he proposes to be sized approximately 3 acres and the other 3.39 acres are proposed to be absorbed into two adjoining existing approved lots; thereby making them larger. His reasoning behind this is because he has had interest on the lower end site for prospective buyers which he realizes would be at a lower price, making it available to more people who are in the market to purchase vacant land. Another reason was that the driveway that would serve the upper lot is too long. Under the new zoning code, lot sizes are calculated for net average density. Both these lots (one is 7 acres and the other lot is 10 acres) will have no problem complying with the above net average density calculation of 5 acres each. Chairman Seaman also discussed with Mr. Catrini if this project is approved as submitted, there will be a note on the final plat indicating there will be no further re-subdivision of any of the lots. Mr. Catrini was informed that he must go through the same process for this [proposed] re-subdivision that he went through for the original subdivision. Mr. Catrini felt that when he first pursued the original subdivision, he felt that there was favoritism among boardmembers because someone said this property is a gateway to Pleasant Valley and the first thing you see should not be a house. He said he feels he has been in this town long enough that the type of work and projects he undertakes are well known and are an asset to this town. Chairman Seaman stated that the reason certain decisions were made were not politically motivated; rather they were made in following the SEQRA regulations and needed to make sure there were no encroachments on the wetlands or wetland buffers to the greatest extent practicable. A new survey will be required if Mr. Catrini pursues this re-subdivision. Particular attention must be given to this proposal in terms of engineering, placement of the home, driveway, well and septic. The minutes of all the previous planning board meetings with respect to the original subdivision will be distributed to all members, Mr. Catrini and the Town Engineer.

FUSCALDO LOT LINE ADJUSTMENT

Grid # 6463-04-916412 & 926326

Location: Timberlake Lane

This item was on the agenda for a discussion regarding the proposed re-configuration of two lots in a previously approved subdivision. Joe Fuscaldo appeared before the Board on his own behalf. Mr. Fuscaldo proposes to “give” approximately 2+/- acres on a lot 10.6 acres in size to an adjoining lot which is 5.6 acres in size, thereby creating two lots approximately 8 acres in size each. He has a prospective client who would like to have a larger backyard and more of a buffer from a potential new house to the rear. There is no impact on the septic systems as indicated on the drawings. Chairman Seaman indicated that he is in the same situation Mr. Catrini is in terms of the necessity of

making a formal application complete with the short form EAF, drawings, fees and engineering reviews for the re-subdivision.

PUBLIC HEARING

FUSCALDO ENTERPRISES AMENDED SITE PLAN

Grid # 6463-02-590874

Location: 1894 Route 44

This item was on the agenda for continued amended site plan review public hearing. Brian Skokosa of Gillespie and Associates appeared before the Board on behalf of Joe Fuscaldo, who was also present. Proposed is the 900 square foot expansion to an existing building which would have three tenancies: an ice cream shop, a deli and office space. The exterior façade has been changed in response to the Planning Board's desire to have a softer look to it by lowering the tower feature at the corner of the building. The proposed lights will be down lit so as to reduce light glare spillage. The landscaping plan depicts junipers, hydrangeas and other low-lying plant growth due to the DOT's requirements for traffic sight distance regulations. It was suggested a picket fence be installed on the street side of the ice cream shop to prevent children from running into danger. Chairman Seaman made a motion to open the public hearing which was seconded by Boardmember Fischer and passed 6-0 in favor. In the audience, Judy Moran asked if the applicant realized there was a vacant office building as well as a deli across the street and wondered if this project was feasible. Also, she asked what was to stop a car from careening onto the property where people would be sitting at the ice cream shop. It was suggested bollards be installed behind the proposed fencing, which was amenable to Mr. Fuscaldo. Carol Roberts stated the color choice was not friendly or warm and suggested a dark blue or red would be more inviting. Chairman Seaman made a motion to adjourn the public hearing to May 10, 2011 which was seconded by Boardmember Fischer and passed 6-0 in favor.

PUBLIC DISCUSSION ON MATTER OF COMMUNITY INTEREST

In the audience, Judy Moran asked Chairman Seaman if a proposed project not on the agenda could be discussed. Attorney Nelson stated that a motion must be made to waive the rules to allow public comment. Chairman Seaman made a motion to waive the rules to allow for public input, which was seconded by Boardmember Bramson and passed 6-0 in favor. Ms. Moran stated that Dr. Murphy is planning on demolishing the pink house on his property and is concerned about it. She stated that it is on the Pleasant Valley Historical Society List but is not registered on any state or federal list of historic homes. The parking lot is proposed to be expanded. Next, Carol Roberts spoke. Unfortunately, she was sitting too far away for the microphone to pick up her voice, but Ms. Fricchione recollects Ms. Roberts saying that this project will have a detrimental effect on the neighborhood and the demolishing of the pink house will forever change the character of the neighborhood. Chairman Seaman stated that once the applicant makes an application to the Planning Board for amended site plan review and approval, it will be subject to the SEQRA laws which include, but are not limited to, neighborhood character and impact, visual aesthetic features, historical status, etc. Chairman Seaman is of the opinion that Dr. Murphy cannot demolish the pink

house because the house is part of the site plan and cannot be demolished without the proper amended site plan review and approval from the Planning Board.

Attorney Nelson discussed the Town Board's proposal to amend the local law regarding illicit discharges and the necessity for the Planning Board to either positively recommend that it be made into law or suggest changes to the wording contained within. The motion to positively recommend to the Town Board the passage of the amendment was introduced by Chairman Seaman, seconded by Boardmember Gordon and passed 6-0 in favor.

MINUTES

The motion to accept the minutes of the January 11, 2011 Planning Board minutes was introduced by Chairman Seaman, seconded by Boardmember Vincitore and passed 6-0 in favor.

The motion to accept the minutes of the March 8, 2011 Planning Board minutes was introduced by Chairman Seaman, seconded by Boardmember Bramson and passed 6-0 in favor.

The motion to go into Executive Session for attorney client matters was introduced by Chairman Seaman, seconded by Boardmember Bramson and passed 6-0 in favor.

The motion to go out of Executive Session was introduced by Chairman Seaman, seconded by Boardmember Gordon and passed 6-0 in favor.

The motion to close the meeting was introduced by Chairman Seaman, seconded by Boardmember Fischer and passed 6-0 in favor.

Minutes submitted by:
Laurie Fricchione
Secretary

The foregoing represents unofficial minutes of the April 12, 2011 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, 2011

A regular meeting of the Pleasant Valley Planning Board took place on May 10, 2011, at the Pleasant Valley Town Hall, Route 44, Pleasant Valley, New York. Chairman Rebecca Seaman called the meeting to order at 6:38 p.m.

Present: Chairman Rebecca Seaman; Boardmembers Rob Fracchia, Henry Fischer, Paula Vincitore, Kay Bramson, Michael Gordon; Planning Board Attorney James Nelson, Esq.; Planning Board Engineer Pete Setaro; Secretary Laurie Fricchione.

Chairman Seaman announced that the July Planning Board meeting originally scheduled for the 12th has been moved to the 19th.

OLD BUSINESS

WOLFF SPECIAL USE PERMIT – ACCESSORY DWELLING

Grid # 6365-02-795554

Location: 31-35 Clinton Avenue

This item was on the agenda for site plan review for the conversion of an existing artist's studio into an accessory apartment. Jaime Wolff appeared before the Board on his own behalf. Mr. Setaro stated that all of the comments raised in his previous review letter have been addressed and responded to in a satisfactory manner. The motion to grant the applicant's requested waivers was introduced by Chairman Seaman, seconded by Boardmember Bramson and passed 6-0 in favor. The resolution for the Negative Declaration for purposes of SEQRA was introduced by Chairman Seaman, seconded by Boardmember Vincitore and passed 6-0 in favor. The resolution granting Site Plan Approval was introduced by Chairman Seaman, seconded by Boardmember Bramson and passed 6-0 in favor.

CATRINI LOT LINE ADJUSTMENT

Grid # 6463-02-995548

Location: 201 Drake Road

This item was taken off by Mr. Catrini and placed on the July 19, 2011 agenda (rescheduled from July 12) regarding a discussion about previous minutes from past meetings of applicant's existing and approved subdivision.

FUSCALDO LOT LINE ADJUSTMENT

Grid # 6463-04-916412 & 926326

Location: Timberlake Lane

This project was on the agenda for continued review of a previously submitted application. Brian Stokosa appeared before the Board on behalf of his client, Joe Fuscaldo, who was also present. Proposed is re-configuring two adjoining lots so that they both are approximately 8 acres in size each. There is no change in the positioning of the proposed homes, wells, septic and there is no wetland/wetland buffer incursion as far as the originally filed plat is concerned. Mr. Setaro stated that it looked like the common driveway was constructed outside of the easement. There was a discussion regarding amending the metes and bounds of the easement due to this minor discrepancy between the filed drawing and the proposed drawing on the lot line adjustment sheet. Attorney Nelson suggested that an amended easement reflecting the amended metes and bounds be put on the lot line adjustment final drawing and also reference the originally filed plat number so as to cross-reference it. Mr. Setaro informed Mr. Fuscaldo he needed to fill out an agricultural data form

because his property is adjacent to an agricultural district. The applicant was instructed to advertise for a public hearing to be held on the next Planning Board meeting, June 14, 2011.

PUBLIC HEARING

FUSCALDO ENTERPRISES AMENDED SITE PLAN

Grid # 6463-02-590874

Location: 1894 Route 44

Continued amended site plan review and public hearing, Review for Final Amended Site Plan Approval. Brian Stokosa of M. Gillespie & Associates appeared before the Board on behalf of his client, Joe Fuscaldo, who was also present. Mr. Stokosa stated that the comments raised at the April public hearing have been addressed in the drawings. The County Planning letter regarding this project has different recommendations from what the Planning Board has approved. In the engineering review letter, there was a comment regarding the height of the light poles in the parking lot. Originally, they were proposed to be 17 feet in height but now have been changed to be 15 feet in height. Back to the County Planning letter under 239m review, Chairman Seaman stated that if the Planning Board accepts to the contrary what the recommendations are, the vote must be by a super-majority (i.e., quorum + 1 member or 5). The largest issue regards the necessity of a sidewalk according to the new zoning code. The front of the property would have to be pushed back in terms of losing 4 parking spots to accommodate the sidewalk or property set aside for it at some point in the future. Dutchess County Planning does not like the "false front" of the proposed building elevation. Boardmember Vincitore stated that it is a significant improvement over what the existing appearance of the building is and that the applicant has the right to creative license as far as the design is concerned. As far as the building signs are concerned, the County Planning letter stated that if signs are placed above the cornice, they are considered roof signs which are prohibited. The Planning Board felt that the cornice of the building was along the top of the building and designated with a trim treatment. The County Planning letter said that the cornice was the lower of the two elevations on the drawings. Chairman Seaman introduced a motion to define the term "cornice" as the triangular cornice and the highest corner of the rectangular extension of the walls and feels it does meet the code, which was seconded by Boardmember Gordon and passed 6-0 in favor. The motion to open the public hearing was introduced by Chairman Seaman, seconded by Boardmember Gordon and passed 6-0 in favor. As there were no comments from the audience, the motion to close the public hearing was introduced by Chairman Seaman, seconded by Boardmember Vincitore and passed 6-0 in favor. The resolution for the Negative Declaration for purposes of SEQRA was introduced by Chairman Seaman, seconded by Boardmember Vincitore and passed 6-0 in favor. The resolution for Conditional Final Site Plan Approval was introduced by Chairman Seaman, seconded by Boardmember Gordon and passed 6-0 in favor.

NEW BUSINESS

HUDSON VALLEY BEVERAGE, LLC

Grid # 6463-02-706981

Location: 20 Pleasant View Road

Discussion regarding proposed processing and distribution center for a brewery and cidery. Thomas Kerbleski, the applicant's real estate agent, appeared before the Board on behalf of his clients. Proposed are a cidery and brewery and possible retail and occasional weekend farmer's market to sell produce from Hudson Valley farming operations. There is an approximately 12,500 square foot

warehouse on the property. Some of the property will be rendered unusable due to the fact that the Iroquois Gas Line and Central Hudson easements run through this property. This property was formerly commercially zoned but is now zoned LDR. The proposed project will need a special use permit to be allowed multiple uses; i.e., manufacturing, retail sales and the potential for farmer's market sales in the parking lot. Chairman Seaman stated that a special use permit would not give the applicant the right to a use that was not allowed—that would be a use variance. Under §98-64 of the zoning code, a non-conforming use may be changed to another non-conforming use by special use permit granted by the Zoning Board of Appeals. As far as expansion is concerned, the applicant may not expand by more than 50% of the structure that is in existence at the time; however, a variance can allow an applicant to pursue a more than 50% expansion. Also, due to the fact that this property is residentially zoned, particular attention must be paid to creating a visual buffer for the adjoining neighbors through landscaping, lighting and parking layout design. Boardmember Gordon had concerns regarding water usage if this project were to be approved. Daily water consumption could very well be in excess of 30,000 gallons which concerned Mr. Setaro also. Chairman Seaman questioned whether this project would be a special use permit that allows the applicant to substitute a new use. As far as it being limited to one use, she asked Mr. Nelson if that was subject to a variance or be a use variance. Chairman Seaman stated that it would not be a problem for the applicant to pursue one use, but the Planning Board would have to look at the permissibility of multiple uses as far as the Code reads. It would be a decision whether this project would need a variance which application would be made to the ZBA. There also is a possibility that an accessory use to the primary use of manufacturing cider and other products would be for on-site retail sales. Mr. Kerbleski asked for guidance to find out what the next step was. Chairman Seaman stated the applicant will appear before the Planning Board but with the Special Use Permit required for the change of non-conforming use, the first step would be to go to the ZBA and make sure they will grant the Special Use Permit; then once the business plan has been established, if on-site retail sales are pursued, that is a second step that will also have to go to the ZBA and probably to a review by counsel to see (a) if it is permitted (b) being that it is not permitted by right, it would be subject to a variance and then whether that variance would allow the retail sales. As far as other enterprises at the site but that are separate businesses, that is far beyond that which is allowed in the code, although that would be a decision for the ZBA. All of these issues must be filtered through the Zoning Administrator and ask him for advice as to how to proceed. Mr. Setaro also mentioned a lack of sightline distances as far as turning in to or out of Pleasant View and that there have been numerous and some fatal accidents at that intersection. There are many other issues concerning this project that will need to be addressed if it goes to site plan and SEQRA review. As far as SEQRA is concerned, Mr. Setaro also mentioned that the Planning Board should be lead agent and it is a coordinated review with the ZBA. Boardmember Bramson asked if there was any odor emitted from the brewery. Mr. Kerbleski responded it would be similar to bread baking or a flowery, yeast-like odor.

SIGNS

FUSCALDO ENTERPRISES AMENDED SITE PLAN

Grid # 6463-02-590874

Location: 1894 Route 44

This item was on the agenda for a sign permit review and approval. Both the monument and building signs were discussed briefly during the review for the site plan above. The monument sign will be constructed with pressure treated wood with 3 individual plaques attached to it where the

lettering is 14" in size. The motion to approve the sign application with the condition that the letter coloring should stay the same color on the monument sign and on the wall signs, that the fonts will change only if required by the tenant and the signs on the building will be downlit was introduced by Chairman Seaman, seconded by Boardmember Vincitore and passed 6-0 in favor.

ITEM DISCUSSED THAT WAS NOT ON THE AGENDA:

Mr. Setaro wished to discuss the Jeremy Joyce application. The bridge construction details are being finalized and have gone from a wooden bridge to a 3-sided concrete box culvert that was rejected by the State DOT from a previous project or a leftover from another project. It meets all the requirements for this application. Plans have been updated. The last issue was the design of the footings because they were designed to be on rock instead of earth. The applicant's engineer asked if they could not design the footings yet, but wanted to excavate down on both sides, find out if there is rock or earth then will design the footings and submit the drawings for approval to the Board and the engineers. Mr. Setaro's concern was that the excavation equipment was going to be left there for at least one month and that there would not be proper soil and erosion controls in place. He stated that the DEC needs to know what is going on as far as the footings and disturbing the banks of the stream for an extended period of time. It was the consensus of the Board that the applicant needs to perform soil borings to determine the amount of rock and dirt which will determine the design of the footings according to the findings.

MINUTES

The motion to accept the minutes of the April 12, 2011 Planning Board meeting was introduced by Boardmember Gordon, seconded by Boardmember Fracchia and passed 5-0 in favor, 1 absent

The motion to close the meeting was introduced by Boardmember Gordon, seconded by Boardmember Vincitore and passed 5-0 in favor, 1 absent.

Minutes submitted by:
Laurie Fricchione
Secretary

The foregoing represents unofficial minutes of the May 10, 2011 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, 2011

A regular meeting of the Pleasant Valley Planning Board took place on June 14, 2011, at the Pleasant Valley Town Hall, Route 44, Pleasant Valley, New York. Chairman Rebecca Seaman called the meeting to order at 6:38 p.m.

Present: Chairman Rebecca Seaman; Boardmembers Rob Fracchia, Henry Fischer, Paula Vincitore, Michael Gordon; Planning Board Attorney James Nelson, Esq.; Planning Board Engineer Pete Setaro; Secretary Laurie Fricchione. Boardmember Kay Bramson was absent and excused.

OLD BUSINESS

WOLFF SPECIAL USE PERMIT – ACCESSORY DWELLING

Grid # 6365-02-795554

Location: 31-35 Clinton Avenue

This item was on the agenda for a Referral to Town Board for setting recreation fee on an existing accessory dwelling approval recently granted by ZBA. The resolution for the recommendation to the Town Board was introduced by Chairman Seaman, seconded by Boardmember Fischer and passed 5-0 in favor, 1 absent.

PUBLIC HEARING

FUSCALDO LOT LINE ADJUSTMENT

Grid # 6463-04-916412 & 926326

Location: Drake Road

This item was on the agenda for a review for Final Lot Line Adjustment Approval. Joe Fuscaldo appeared before the Board on his own behalf. The motion to open the public hearing was introduced by Chairman Seaman, seconded by Boardmember Fracchia and passed 5-0 in favor, 1 absent. There being no comments from anyone on the Board or the audience, the motion to close the public hearing was introduced by Chairman Seaman, seconded by Boardmember Fracchia and passed 5-0 in favor, 1 absent. The resolution for the Negative Declaration for purposes of SEQRA was introduced by Chairman Seaman, seconded by Boardmember Gordon and passed 5-0 in favor, 1 absent. The resolution for Preliminary Approval for the Lot Line Adjustment was introduced by Chairman Seaman, seconded by Boardmember Fracchia and passed 5-0 in favor, 1 absent. The conditions for Final Approval are as follows: payment of all fees, Dutchess County Department of Health for permission to file the Lot Line Adjustment Plat, compliance with the May 6, 2011 engineering review letter which had very minor comments, preparation of new driveway easement documents which will need to be reviewed by the Planning Board attorney for subsequent filing with the Dutchess County Clerk. It was also noted that a resolution for the Recreation Fee does not apply in this instance as the lots will not change in number. The resolution granting Conditional Final Approval was introduced by Chairman Seaman, seconded by Boardmember Fischer and passed 5-0 in favor, 1 absent.

NEW BUSINESS

VALLEY VETERINARY HOSPITAL (Dr. Michael Murphy, D.V.M.)

Grid # 6363-12-890689

Location: 23 North Avenue

This item was on the agenda for Site Plan Review. Dan Scharff of Cheridan Designs appeared before the Board on behalf of his client, Dr. Murphy, who was also present. Proposed is the

expansion of an existing veterinary practice. This project received two variances in March, 2011; one for the expansion in excess of 50% of the existing structure and another regarding the Special Use Permit for this use in a residential neighborhood. Mr. Scharff explained there will not be a net increase in parking spaces. There is a pre-existing non-conforming issue with the amount of impervious area. Currently the code allows 40%; the actual amount is 45.8%. Even after the pink house is taken down and turn it into a parking area, the amount will be 45.4%. Chairman Seaman stated that there should be a signed site plan from the previous expansion, but there is not. As far as parking requirements are, four spaces are required per doctor plus 1 for each employee. In this instance, it is 12 spaces + 7 for the employees = 19. The parking lot is proposed to be in the front because the rear would be earmarked for a possible expansion of the septic area if necessary and it would meet the setback requirements in terms of distance from the well and seepage pits. Dr. Murphy stated that one of the issues seem to be a parking restriction. There is 46% blacktop coverage presently. Would the Planning Board look favorably on having approximately 60% impervious coverage and not knocking down the house? A few Planning Boardmembers stated yes. Chairman Seaman stated that would mean the applicant would have to go back to the ZBA for an additional impervious surface coverage permit. Mr. Setaro asked Dr. Murphy what the reason was why he wanted to knock down the pink house. Dr. Murphy stated that at the very least, a part of the pink house would have to come down to accommodate the expansion of the building and the parking lot. Dr. Murphy's concern was the safety of his patients and owners traversing the parking lot to get to the entrance. Dr. Murphy stated that there is a wing to the house that was originally built and was open to possibly keeping the house as originally built and getting rid of the additions. Chairman Seaman stated the next step was a formal application for amended site plan and then the process for SEQRA could be commenced. Although not a public hearing, some members made a request to speak to the Board. Chairman Seaman made a motion to open the Board for public comments, which was seconded by Boardmember Fracchia and passed 5-0 in favor, 1 absent. Judy Moran of the Pleasant Valley Historical Society stated she is pleased to hear about the possible preservation of the pink house. Carol Roberts of North Avenue asked about viewing the plans for the site plan proposal. She was informed to fill out a FOIL request. Chairman Seaman made a motion to close the public comment portion, which was seconded by Boardmember Fracchia and passed 5-0 in favor, 1 absent.

MINUTES

The motion to accept the minutes of the May 10, 2011 Planning Board meeting was introduced by Chairman Seaman, seconded by Boardmember Vincitore and passed 5-0 in favor, 1 absent.

The motion to close the meeting was introduced by Chairman Seaman, seconded by Boardmember Vincitore and passed 5-0 in favor, 1 absent.

Minutes submitted by:
Laurie Fricchione
Secretary

The foregoing represents unofficial minutes of the June 14, 2011 Pleasant Valley Planning Board. They are not official and should not be construed as the official minutes until approved.

___ Approved as read

___ Approved as corrected with deletions/additions

PLEASANT VALLEY PLANNING BOARD

August 9, 2011

A regular meeting of the Pleasant Valley Planning Board took place on August 9, 2011, at the Pleasant Valley Town Hall, Route 44, Pleasant Valley, New York. Chairman Rebecca Seaman called the meeting to order at 6:38 p.m. Chairman Seaman stated that as a matter of policy as meetings are called to order is ask if the Boardmembers at the beginning of the meeting to declare whether or not they have any conflicts of interest on any agenda item. No Boardmembers stated they had any conflicts of interest at tonight's meeting.

Present: Chairman Rebecca Seaman; Boardmembers Rob Fracchia, Henry Fischer, Michael Gordon, Kay Bramson; Planning Board Attorney Janis Gomez, Esq.; Planning Board Engineer Pete Setaro; Secretary Laurie Fricchione. Boardmember Paula Vincitore was absent and excused.

OLD BUSINESS

CATRINI LOT LINE ADJUSTMENT

Grid # 6463-02-995548

Location: 201 Drake Road

This item was on the agenda for a discussion regarding previous minutes from past meetings of applicant's existing and approved subdivision and his desire to pursue a lot line adjustment of two previously approved lots. Robert Catrini appeared before the Board on his own behalf. Chairman Seaman stated that since Mr. Catrini is pursuing a lot line adjustment, the zoning code does not provide a mechanism for a simple lot line adjustment; rather Mr. Catrini must pursue this project under the guidelines in the zoning code for a re-subdivision which is more involved. Mr. Setaro stated that in reviewing minutes from the past meeting minutes, one of the lots which is the subject of his proposed re-subdivision is very difficult to develop because of the restriction from the 100-foot buffer and the steep slopes involved. He said most of the houses are set back from the road which is typical of the way houses are built along Drake Road. He stated that if Lot #1 was to be developed, it would be very close to the road and also would not have much room for a lawn. Mr. Catrini stated that the proposed placement of the home meets the criterion of the originally approved subdivision. Chairman Seaman stated that she did not disagree the fact that people do call and make comments to the Planning Board; she does disagree that anyone is powerful enough to influence the Planning Board in any decision that is made. Chairman Seaman stated that back when the subdivision was first being pursued in approximately 2001, she remembers concern regarding the placement of the proposed home and that it was agreed to place the house where it was because that was where the Planning Board was happier putting it as opposed to a different part of the lot. Economic conditions on the part of the applicant was not what the Planning Board takes into account, but the applicant is allowed to come before the Board and request a change in the subdivision. Before he goes through a formal re-subdivision application, it was suggested by Chairman Seaman that Mr. Catrini should sit down with the Town Engineer, compare the two sites and look at the tradeoff because if the Planning Board decides the higher spot is more environmentally sensitive than for the spot closer to the road, then some protection in perpetuity would have to be on the site drawings so as to have less environmental impact on the site as a whole. Mr. Catrini stated that he would have his surveyor rough stake out the four corners of the proposed home and septic area as shown so that it would be visually evident that the site could handle Mr. Catrini's vision of the placement of the home showing that it would be in conformance with all setbacks and zoning regulations. Boardmember Fracchia asked Mr. Catrini how many yards of soil were excavated. Mr. Catrini stated that he did not know.

PLEASANT VALLEY PROPERTIES, LLC AMENDED SITE PLAN

Grid Nos. : 6363-02-516860; 6363-02-542935; 6363-02-615882; 6363-02-581811

Location: Wigsten Road

This item was on the agenda for continued review for the full build-out of a project previously reviewed and approved under SEQRA. Mark DeIBalzo appeared before the board on behalf of the applicant. Proposed is the amendment of the site plan layout. Chairman Seaman wanted it to be on the record this project is before the Planning Board pending the zoning changes that are before the Town Board, with the idea that the changes will go through. The new zoning code requires the applicant to take the number of acres and remove constrained land and then do the calculations for area coverage, etc. When this project was first in front of the Planning Board back in February, it was pointed out that the previous zone was high density residential was changed to medium density residential which is why the applicant is petitioning the zoning change to bring it back to that it was and therefore in conformance with the regulations. The Findings Statement from the FEIS back in July and August of 2003 reflected the approval for 302 multi-family units could be built. The site plan layout that was approved showed 284 units and at the time there was a concern for the market for rental units of this nature. What the applicant wishes to do is maximize the build-out equal to the number of units approved in the original site plan. The layout now is slightly different from what was shown in February. They still have the 8-plex unit and on Brookside Road, instead of having an 8-plex unit with a 4-townhouse unit, there is a 4-townhouse unit and 2 separate 3-townhome units. The pool and recreation areas have been reconfigured. The mailbox kiosk has been re-located. There is a security gate at the West Road entrance. The parking requirements will be reviewed under the new code. As far as SEQRA is concerned, Chairman Seaman suggested that just the changes should be isolated and discussed to see if there are any possible negative environmental effects since the full SEQRA process was conducted on the full build-out. Once the zoning changes have been ratified, the referral can be done to County Planning under 239m review.

VALLEY VETERINARY HOSPITAL (Dr. Michael Murphy, D.V.M.)

Grid # 6363-12-890689

Location: 23 North Avenue

This item was on the agenda for continued site plan review. Dan Scharff appeared before the Board on behalf of his client, Dr. Murphy. Proposed is the expansion of an existing veterinary practice while preserving the existing Victorian home. Chairman Seaman stated that now the pink house is on the site plan, it cannot be torn down without first going back to the Planning Board for amended site plan review and approval despite the fact that the Building Department issued a demolition permit for the pink house back in November, 2010. The motion setting the public hearing for September 13, 2011 was introduced by Chairman Seaman, seconded by Boardmember Gordon and passed 5-0 in favor, 1 absent.

GASPARRO SITE PLAN

Grid # 6363-03-453036

Location: 1325 Route 44

This item was on the agenda for a one-year extension the applicant's Final Site Plan Approval. Ron Gasparro appeared before the Board on his own behalf. The resolution granting the extension was introduced by Chairman Seaman, seconded by Boardmember Bramson and passed 5-0 in favor, 1 absent.

NEW BUSINESS

C-JON ENTERPRISES AMENDED SITE PLAN

Grid # 6363-02-781541

Location: 1558 Main Street

This item was on the agenda for a review for compliance of multiple tenants in a pre-existing building. Cliff Andrews appeared before the Board on his own behalf. Chairman Seaman stated that there is not a site plan in the records. Mr. Andrews presented septic drawings and water quality reports from the health department. Chairman Seaman stated that presently according to the code, any alteration requires an applicant to go through the whole process of amended site plan. The proposal before the board right now is expected to be changed in the regulations for a waiver from the whole process. The Town Board is now considering a section of the code regarding minor modifications in site plan. An applicant may seek a determination from the Planning Board that the proposed changes to an existing site plan constitute only a minor modification and that compliance with the requirements of §98-79 (the whole site plan review) is not required. If the Planning Board tables the discussion for a month or two, this project would clearly fall under the minor modification section language.

MINUTES

The motion to accept the minutes of the June 14, 2011 Planning Board meeting was introduced by Chairman Seaman, seconded by Boardmember Fischer and passed 5-0 in favor, 1 absent.

The motion to close the meeting was introduced by Chairman Seaman, seconded by Boardmember Bramson and passed 5-0 in favor, 1 absent.

Minutes submitted by:

Laurie Fricchione

Secretary

The foregoing represents unofficial minutes of the August 9, 2011 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