

PLEASANT VALLEY PLANNING BOARD MINUTES
January 08, 2013

A regular meeting of the Pleasant Valley Planning Board took place on January 08, 2013 at the Pleasant Valley Town Hall, 1554 Main Street, Pleasant Valley, New York. Chairwoman Rebecca Seaman called the meeting to order at 6:35 p.m.

Present: Chairwoman Rebecca Seaman; Boardmembers: Dr. Henry Fischer, Michael Gordon; Robert Fracchia, Eileen Quinn, Paula Vincitore; Planning Board Attorney: James Nelson.; Planning Board Engineer: Pete Setaro; Secretary: Maura Kennedy

Sign Application – Salt Point Volunteer Fire Co.

Grid # 6465-02-680842-0000

Location: P.O. Box 152, Salt Point, N.Y. 12578

This item is on the agenda for continued review of the sign application.

The first order of business was the Salt Point Fire Company sign. The applicant Jeff Cady, President of Salt Point Fire Co., Matt Cady, Chief of Salt Point Fire Co., along with Rich Canero, owner of Valley Custom Signs brought forth and presented the 3rd reiteration of the Salt Point Fire Co. sign application. Jeff Cady presented and reviewed the changes in the sign. Chairwoman Rebecca Seaman asked the fire company to come forward and present the newly proposed sign. Jeff Cady reviewed the sign:

- 1) it is now a post monument sign
- 2) the sign face area is proposed at 25.73 s.f. (sign area variance required)
- 3) Sign request is for it to be internally illuminated and electronically changeable which is not permitted by the code.
- 4) The proposed sign contains 4 colors, the maximum # of colors allowed per code is 3.

Chairwoman Seaman canvassed the board for their comments. Board member Eileen Quinn commented that the size of the size and colors is more than the code permits but it is a big improvement from the last sign. Matt Cady replied that the “barn red” is hard to copy and is different depending on the computer rendition, but it would be in line what is already in existence on other signs in the hamlet (also the color can appear different depending on the product used). Chairwoman Seaman said that the Fire Department has achieved the goal from designing a sign much more in tune with the “hamlet” perspective. The font will be the same as the “Welcome to Salt Point” hamlet sign. The lighting proposal will be LED lit with a cornice overhang. It was agreed that a stone planter base would be added.

Chairwoman Seaman stated that the sign should now proceed to the ZBA per this design, the sign is a very attractive sign and there are legitimate reasons to request the variances required. The Chairwoman asked if there were any other questions or comments. The questions arose on how the communication factor would be handled. Chairwoman Seaman said that the ground rules need to be determined and the point is to maintain the viability of a very important public service message. After the ZBA, the Fire Department needs to come back to the Planning Board with a detailed recommendation on how the messaging will be utilized; messages which are deemed necessary for public safety and the time limits for display of those messages. As discussed in prior planning board meetings, at the time of final approval of the sign design the Planning Board, in consultation with the applicant, shall determine the manner and time parameters for all usage of the LED portion of the sign, with the exception of emergency situations. The usage of the LED portion of the sign during emergency situations shall be left to the discretion of the fire company.

Chairwoman Rebecca Seaman made a motion that the Planning Board make a positive recommendation to the ZBA for a variance on color, size, off-site location and LED lighting which are all prohibited by code. Motion was seconded by Board member Paula Vincetore. The sign referral will be submitted to County Planning for their review.

Gasland Petroleum Inc. (Zoned MC) #6564-01-475845

Location: 2406 Route 44

Proposed Amended Site Plan:

Improvements to an existing Shell gasoline filling station/convenience mart

The 2nd item on the agenda is Gas Land Petroleum. Chairwoman Rebecca Seaman asked the applicant to state name and affiliation. Representing the applicant, Margaret McManus of Chazen Properties reviewed the picture rendition of the changes. The template was reviewed for colors texture, roof-line and other aesthetic features. Town engineer, Peter Setaro commented that he didn't have a comment letter for this meeting as the meeting is more for the Planning Board's update on elevation. The SEQRA process can be initiated tonight with a resolution. Chairwoman Rebecca Seaman opened the discussion with a request for comments from the board. Board member Eileen Quinn asked if the roof line would be changed and Margaret McManus responded that it would not. The discussion centered on proposed architectural changes or possible alternatives. Town engineer Peter Setaro said that this site plan modification is the opportunity to bring the existing building more aesthetically in line with the surrounding area buildings. The front of the building and proposed color scheme needs to be refreshed. Chairwoman Rebecca Seaman stated that she didn't want to create a hardship to the applicant, but the opportunity exists to make improvements to the building that would be more aligned with the area. Chairwoman Rebecca Seaman asked the applicant to come back with the changes along with an updated site plan. The Chairwoman read the Form of Motion for Lead Agency Resolution, board voted all in favor (6 Ayes) and signed off.

The motion to accept the minutes of the October 9, 2012 Planning Board meeting as amended was introduced by Chairman Seaman which was seconded by Board member Fisher passed 6-0 in favor.

The motion to accept the minutes of the November 13, 2012 Planning Board meeting as amended was introduced by Chairman Seaman which was seconded by Board member Fisher and passed 6-0 in favor.

Chairwoman Rebecca Seaman asked if there were any additional comments from the board, there was none.

The motion to close the meeting was introduced by Chairman Seaman, seconded by Board Member Fisher and passed 5-0 in favor.

The foregoing represents official minutes of the January 08, 2013 Pleasant Valley Planning Board Meeting.

 Approved as read

 X Approved as corrected with deletions/additions

PLEASANT VALLEY PLANNING BOARD MINUTES
February 12, 2013

A regular meeting of the Pleasant Valley Planning Board took place on February 12, 2013 at the Pleasant Valley Town Hall, 1554 Main Street, Pleasant Valley, New York. Chairwoman Rebecca Seaman called the meeting to order at 6:31 p.m.

Present: Chairwoman Rebecca Seaman; Boardmembers: Eileen Quinn, Paula Vincitore; Planning Board Attorney: James Nelson.; Planning Board Engineer; Mike Takacs; Secretary: Maura Kennedy

NEW BUSINESS:

CADY LOT LINE ADJUSTMENT

Grid # 6365-04-618259

Location: 1005 Netherwood Rd., Hyde Park

Pre-application discussion regarding proposed lot line realignment

The first order of business was the Cady lot line adjustment. The applicant Jeff Cady, presented a map to the board detailing the lot line adjustments.

Chairwoman Rebecca Seaman asked the applicant to check the conservation easement under the Dutchess Land Conservancy to ensure compliance. The applicant responded that he had checked with the DLC and that everything is acceptable.

Chairwoman Rebecca Seaman indicated that:

- 1) a formal lot line application should now be submitted
- 2) a letter from Dutchess Land Conservancy should be submitted
- 3) owner authorization letter to be submitted
- 4) surveyor letter to be submitted with application

Chairwoman Seaman canvassed the board for additional comments, there were none.

OLD BUSINESS:

Gasland Petroleum Inc. (Zoned MC) #6564-01-475845

Location: 2406 Route 44, Pleasant Valley

Proposed Amended Site Plan:

Improvements to an existing Shell gasoline filling station/convenience mart

The next agenda item introduced was Margaret McManus from The Chazen Company representing Gas Land. Margaret McManus reviewed the revised site plan drawing noting the following:

- 1) the existing curb line has been moved further back towards the property line
- 2) discussion on egress/ingress-outgress needs to be reviewed with DOT
- 3) discussion with Taconic Homes engineer on grading, joint access, needs to occur
- 4) Entrance/Exit design needs to be revised as there are only 3 and they are positioned very close together. Since the major volume activity occurs during rush hour, the current design of the entrances and exits needs to be reviewed to ensure that the best traffic/safety guidelines are adhered too.

Next, the architectural elements were presented by Bob Turner from Tinkleman Architecture. Bob presented the most recent revised design which consisted of:

- 1) Addition of molded side caps for the building, drive-thru and molded cornices for the windows
- 2) Addition of canopies for windows
- 3) The roof is fairly new, and would remain the same for the present
- 4) Building color would be beige

The wrap up discussion centered on the fact that currently the Dunkin Donut sign is not being applied for yet. Chairwoman Rebecca Seaman asked the town attorney, Jim Nelson if the Planning Board could approve the color of the roof (since approval is good for a year) in this phase, instead of making the applicant

come back for color approval. Chairwoman Rebecca Seaman stated that the changes are much more aesthetically pleasing and if the roof is replaced with a brown color, it would be an improvement to the site.

Chairwoman Rebecca Seaman asked if there were any additional comments per the board and its representatives. Town engineer, Mike Takacs commented that the site still requires Health Department approval, housekeeping standards, etc....Town Attorney Jim Nelson stated that Chazen should write a letter with the final site plan and elevations which would complete the submission and then a quorum would be needed for authorization. At that point, it should be circulated to county planning with landscaping. A vote was taken and the applicant was authorized to circulate notice of a public hearing to be held in March.

Chairwoman Rebecca Seaman made a motion to close the meeting.

The foregoing represents unofficial minutes of the February 12, 2013 Pleasant Valley Planning Board Meeting.

Approved as read

Approved as corrected with deletions/additions

PLEASANT VALLEY PLANNING BOARD MINUTES
March 20, 2013

A regular meeting of the Pleasant Valley Planning Board took place on March 20, 2013 at the Pleasant Valley Town Hall, 1554 Main Street, Pleasant Valley, New York. Chairwoman Rebecca Seaman called the meeting to order at 6:41 p.m.

Present: Chairwoman Rebecca Seaman; Acting Chairman Michael Gordon
Boardmembers: Janet Gross, Robert Fracchia; Norm McKay; Planning Board
Attorney: Janis Gomez.; Planning Board Engineer; Mike Takacs; Secretary: Maura Kennedy

The Chairwoman Rebecca Seaman called the meeting to order at 6:41 pm. The Chairwoman addressed the audience by telling them that they will be able to speak in a public forum for Appeal #983, and that whomever wishes to do so should sign the sheet in the back corner of the room and all would be heard in the order that they signed-in.

The Salt Point Fire Agenda item was moved up on the agenda and first to be heard.

OLD BUSINESS:

SALT POINT FIREHOUSE

Grid #6465-02-685766

Location: 30 Cottage Street

Continue review of previously damaged sign

Sign approved by ZBA, Planning Board to review guidelines/conditions of electronic message display.

Discussion centered on “electronic display” message activities to be only for public health and safety activities. Examples of messages were given: tornado warnings, storm advisories, trees down, road closures & alternate route activity, amber alerts, health alerts, turn clocks back, change your batteries etc....

The hours of operation can be applicable to run 24 hours a day, with controlled/dimming and sensed lighting. The frequency use of the sign was designated that it could be on from daybreak till 9:00 pm. Boardmember Michael Gordon asked about wording and ensuring that the message should be short so as not to impede visibility and driving safety. Chairwoman Rebecca Seaman said it was the board’s responsibility to ensure that the LED Display items and durations

should be drafted out and agreed upon. This would ensure that there will be no commercial overload of this type of sign, since the recodification committee had indicated that these types of signs were prohibited and guidelines must be agreed upon and adhered to. The Salt Point Fire Department has been given an exemption for this prohibition and an agreement needs to be made with reasonable parameters for all the public, health & safety electronic messaging. The decision was made suggesting that the Fire Department work with the Chairwoman and Zoning Administrator to define the usage display and duration parameters and then the Fire Dept. would need to come back to the Planning Board with the final usage agreement.

Chairwoman Rebecca Seaman made the motion to approve the design of the sign. This approval is based on flexible usage parameters to be established in which the approval grants the applicant to proceed with design and not conditional on establishing the usage requirements at this time but will be agreed and decided upon in the near future.

The motion was seconded by Boardmember Robert Fracchia, passed all in favor.

NEW BUSINESS:

CADY LOT LINE ADJUSTMENT

Grid # 6365-04-618259

Location: 1005 Netherwood Rd., Hyde Park

Pre-application discussion regarding proposed lot line realignment

Chairwoman Rebecca Seaman made a motion that the Public Hearing of this lot line adjustment be waved, seconded by Boardmember Robert Fracchia, passed all in favor. The Chairwoman reviewed the EAF and asked if there were any comments on the negative declaration under SEQRA act. Motion moved, all in favor. This motion was granted for approval with all 3 signatures, seconded by Board member Michael Gordon. Chairwoman noted to have a lot line approval form drawn up.

CHESTNUT MART OF PLEASANT VALLEY, INC.

Grid #6363-04-555243

Location: 1413 Route 44

Modify an existing gas station canopy and install a new free standing price sign

Scott Parker representing Chestnut Mart reviewed his application before the Planning Board. The Zoning Administrator indicated that per the current application submittal there are already several code variances that will be required. Chairwoman Rebecca Seaman commented that since there are variances that need to be applied to that the applicant must proceed to the Zoning Board. The Planning Board discussed how the previous renovation was completed. Board member Michael Gordon commented that the applicant's design achieves practicality and makes sense but is currently prohibited. Chairwoman Rebecca Seaman recommended that the current design is more of a highway look, and requested if the applicant could try to bring the design to incorporate more of a hamlet look. The station is being rebranded to Mobile who has standards that their company adheres to, and that is a rectangle shaped canopy design. Chairman Rebecca Seaman asked the applicant if there is some way to design a post and arm sign. The applicant will have to go back and review what changes can be made to make it more zoning compliant. The remaining discussion centered on a new law which just came on Dutchess County's books. This law requires the owner to display prices for cash and debit.

ECHO COTTAGES

Proposal for ECHO Cottages

Robert Novak representing ECHO Cottages introduced himself as the company spoke person. The ECHO cottage concept is an emerging industry. The utilization of these cottages is strictly for seniors, doesn't effect home assessment values, they can be rented or purchased with refurbishment buy back options for the owner. The conditions of approval are doctor's note, age, etc.... From a Zoning perspective, they don't require a special use permit and meet the set backs of the house...The cottages are on wheels, 400 square feet and can have a handicapped lift provided.

After the overview of the ECHO cottage concept, a 4 minute video was presented. Once the presentation was completed, the Chairwoman commented that currently the code prohibits this type of dwelling and it would take a full zone code change to allow these types of structures. In addition, it essentially is a town board decision.

OLD BUSINESS:

Taconic Homes

Grid # 6564-02-529760

Location: Route 44, Pleasant Valley

Continued review of Site Plan

Chairwoman Rebecca Seaman introduced Nat Parish of Parish & Weiner, project manager representing Taconic Homes. Nat Parish gave a brief summary of the project from inception to date:

- the project was started in 2005
- it's a 76 acre site
- traffic has been studied extensively
- concept site plan was developed w/comments from county requesting a more urbanism plan and the county was acceptable to that
- site has approval for wetland site (there is a buffer protecting the wetland)
- the board ultimately issued a findings statement for SEQR
- site has own sewer plant & water system with minor treatment applications
- recreational areas: tennis courts, hiking, walking trails
- fish & wildlife species approval

Tom Shield from McMillon & MacBroom presented the site plan architectural layout with the clubhouse, sales office façade, and landscape rendering. The landscaping will be integrated for color, feel and selection of off-season shrubbery. The interior landscaping was reviewed and presented with screening and privacy for the residences.

Nat Parish requested the board to open a public hearing for the next scheduled Planning Board Meeting. Chairwoman Rebecca Seaman made a motion to open a public hearing at the next scheduled planning board meeting with conditional approval to site plan, pursuant to obtaining all necessary permits. The

Chairwoman indicated that the project has not been referred to Dutchess County Planning yet, but in the near future will need to start the process. The Chairwoman asked for comments from the board, the comments made were that entrance and exits should be reviewed further. The Chairwoman agreed that entrance and exit situations need to be closed and also asked if there is still a berme running along the Taconic? The response from the applicant was yes. Prior to submitting the project referral to county a project architect's material list needs to be submitted. At this time, Keith Cartica from the Pleasant Valley Fire Advisory Board requested a meeting with the Taconic Homes project members to review the fire protection aspect of the project. Maura Kennedy, Planning, Zoning Board of Appeals & FAB secretary will set up the meeting. The chairwoman commented that in addition, a final landscape plan needs to be submitted to the board.

Chairwoman Rebecca Seaman made a motion to authorize applicant for public hearing, motion was seconded by Board member Robert Fracchia, all in favor.

Gasland Petroleum Inc. (Zoned MC) #6564-01-475845

Grid # 6564-01-475845

Location: 2406 Route 44, Pleasant Valley

Continued review of Site Plan

The next agenda item introduced was Margaret McManus from The Chazen Company representing Gas Land. Margaret McManus reviewed the revised site plan drawing noting the following:

- 1) there are still transportation issues
- 2) egress/ingres needs to be reviewed with DOT

Next, the architectural elements were presented by Bob Turner from Tinkleman Architecture. Bob presented the most recent revised design with the Dunkin Donuts emblem. The Chairwoman commented that the board really appreciated the architectural adjustments that had been made and incorporated into the project.

Chairwoman Rebecca Seaman made a motion to authorize applicant for public hearing, motion was seconded by Board member Michael Gordon, all in favor.

Refferral to ZBA

Appeal #983 – Freedom Reigns Farm Use Variance

Grid # 6365-04-662125

Location: 383 Smith Road, Hyde Park

Application for kennel business, variance for parcel size

The last agenda item for the meeting was Appeal #983, Freedom Reigns Farm Use Variance. Chairwoman Rebecca Seaman recused herself from this agenda item and Boardmember Michael Gordon was nominated officiator. The rules and definition of an area variance was read by Acting Chairman Gordon. It was noted that the Planning Board's purpose is to hear and weigh in on comments and refer the variance matter to the Zoning Board of Appeals with a postive or negative recommendation. Boardmember Michael Gordon opened the meeting for public comments in the order of the signed attendance sheet.

1) The first person to speak was resident Kelly Redl Haridsty residing at 11 Appelgate Lane, Pleasant Valley, NY.... Ms. Hardisty came to speak on behalf of applicant, that she has brought her 80 lb. dog to Freedom Reigns for over 10 years and she objects to the name "kennel". She commented that she doesn't understand why there are now negative objections to Ms. Castellani's business operation as it is a farm and a great atmosphere for her dog. She attested that Ms. Castellani runs an extremely compassionate, clean environment for pets and is greatly disturbed by how Ms. Castallani is being treated.

2) The next person to speak was the applicant herself, Annette Castellani residing at 383 Smith Rd., Hyde Park, NY.... Annette introduced herself as a resident of Pleasant Valley for over 15 years. She has been a soccer mom, her kids have gone to the Arlington School District and she has tried to be the best positive representative as a resident for Pleasant Valley. She explained that currently her dog care business is her only source of income and livelihood and if she is not allowed to continue her business she will have to move since she cannot continue her past type of employment, which was physically working on other people's farms. She stated that her residence is not a "kennel" - it is a farm and she takes care of the dogs in her house, they sleep in her beds and are offered home care not just boarding care. In the past 6 years she commented that she has fostered over 20 dogs in 6 years. In regards to the complaints about her dogs habitually barking,

they do not since the dogs are restrained by a 5 ft to a 6 ft fence. She stated that the neighbor's dog comes over and bothers her own dogs and cared for dogs. Ms. Castellani has specialized in taking in and caring for abused dogs, she puts her heart and soul into the care of these animals, this job is her semi-retirement and she feels she is contributing to the needs of the neighborhood. She cares for the animals 7 days a week, some are day care and some are over-night. The dogs go outside at 5:30am & 6:00 am in the morning and then out again from 7:00 pm thru 9:00 pm.

3) The 3rd person signed up to speak was Sandy Nosonowitz. She is physically unable to walk her dog so she takes him to 383 Smith Road for Ms. Castellani to walk him, in addition her dog goes for socializataion. Ms. Marchino stated that we should be thanking Ms. Castellani for her service to the community and cannot believe that Ms. Castellani is being treated by the town like this. She believes Ms. Castellani is an asset to the community. She hears no barking....if anything the neighbors should be thanking her.

4) The 4th person to speak was Stevan Nosonowitz residing at 77 Martin Road, Pleasant Valley (speaker #3's husband). Steven opened up that when you drop your dog off at a boarding business, you want your dog to have the same care that you provide for it at home. This is what you get when you drop your dog off at Ms. Castellani's, it is not your typical kennel. Steven urged the board to look at what we are facing today, without Annette's help many dogs would be put down . He has had nothing but a positive experience at Annette's and urges the ZBA to allow her to continue conducting her business.

5) The 5th person to speak was Chris Hart residing at 395 Smith Road, Hyde Park. Chris commented that through his involvement with local government he didn't believe that any application should be heard when they have open or active zoning violations against the premises. Chris stated that he respects neighbors' privacy as far as what goes on there, but when you can't pull into your own driveway without being greeted by dogs consistently barking at you, it is simply wrong. He believes that as a homeowner, he has the right to live in peace and quiet and enjoyment of his property. To date, Chris has observed 13-14 dogs at any given time and the problem with this is that currently kennel's are not regulated in the current state code and if a variance for a kennel is approved, it means that there is "no" regulated amount of dogs, so there can be many at any given time. Chris Hart stated that from a recent real estate home value estimate, if a kennel goes in next door to his home, he has lost automatically 20% of his real estate value. Mr. Hart also questioned whether the owner of the business has the proper insurance to cover any accidents, that "not" owner owned dogs could potentially cause. Mr. Hart commented that there are so many cars coming and going, with the recent break- ins in the surrounding neighborhood areas, it is hard to keep track of what is

going on in the neighborhood. Mr. Hart contended that he never received a call alerting him that a kennel business was going on next door to him, he was never extended that courtesy and that his opinion was never requested. As a homeowner right next to this business, he doesn't feel that people should have the right to just drop their dogs off at the next door neighbors' expense. If you lived next door, you would feel the same way. Mr. Hart exclaimed that the real reason this "kennel" came to the attention of the town, was that fact that there was a complaint made in the court regarding Annette Castellani and a situation she had with a customer. This is what prompted an inspection by the town Zoning Administrator. At that time, the Zoning Administrator should have cited the premises for violations and a stop work order should have been given. Mr. Hart expressed his concern stating that the Pleasant Valley Zoning Administrator hasn't done his job and never ensured that the applicant did hers

6) The 6th person to speak was John Dunn residing at 984 Netherwood Rd, Hyde Park. Mr. Dunn stated that his property borders the back of the 383 Smith Road Castellani residence. John Dunn started his statement with the reading of Chapter 98, Article VII, § 98-90D: No application to the Town Board, Planning Board or Zoning Board of Appeals shall be accepted for any property on which, at the time the application is made, filed and/or taken under advisement, there is any unremedied cease-and-desist order or a cited violation (see § 98-87D(4)) of this chapter and/or any other ordinance or regulation of the Town existing as related to said property. Mr. Dunn stated that currently the Castellani residence has several violations that have not been addressed by the Zoning Administrator: 1) an illegal goat shed right on the property line, 2) animal excrement run-off 30 ft. from the neighbor's well 3) 2.39 acre residence run over with more than 2 horses, over 3 goats and up to 15 dogs at one time. Mr. Dunn commented that applicant says she has 19,500 sq. feet of run for these animals, which on a 2.39 acre parcel is at a 90% deficiency. Mr. Dunn then submitted a written formal complaint to be entered into the record and submitted to Planning Board Secretary, Maura Kennedy. In summation, Mr. Dunn stated that it was nice to hear what a fine service Ms. Castellani is providing for the community but it's hard hearing from people who don't live and deal with the nuisance because their home is directly next door to the applicant.

7) The seventh speaker was Mrs. Sandra Dunn residing at 984 Netherwood Rd, Hyde Park (wife of John Dunn). Mrs. Dunn stated that there is no peace and tranquility at her residence since all the dog's constantly bark and the sound carries over to her property. Mrs. Dunn continued to comment that it is great that Annette Castellani provides such a significant community service, but wishes it was delved out to the neighbors in the form of compassion for their feelings. When she returned home from a hospital stay (Sloan Kettering) and needed to

convalesce on her back porch, she couldn't due to the constant barking of the dogs. She reminded the customers who had come on Annette's behalf, just remember as you drive away we have to listen to all the noise and barking.

8) Joseph Lomoriello residing at 400 Smith Road, Hyde Park was the 8th speaker. Joseph commented that Annette Castellani was truly a nice neighbor but was very concerned regarding the potential of her residence operating a kennel. Mr. Lomoriello's concern is centered on the fact that there is no site plan currently in place and the fact that there is a potential to have the capability of having "50" dogs at one time at her residence is cause for alarm. Mr. Lomoriello has no concern about Ms. Castellani as a person but the fact that no environmental impact assessment has been done is of great concern as a neighbor.

9) The 9th speaker was Barbara Beckley residing at 376 Smith Road, Hyde Park living across the street from the applicant. Mrs. Beckley and her husband have lived across the street from Annette Castellani for 20 years. Mrs. Beckley stated that Annette boards dogs to pay living expenses, the dogs sleep in the house and she is very conscientious when it comes to the dogs' barking. The current situation doesn't bother her at all and people who live in glass houses shouldn't throw stones.

10) The 10th speaker was Jo-D Demone who resides at 159 Ring Rd., Salt Point. Jo-D commented that she has been a friend of Annette's for over 10 years. Annette's dogs are contained to only be on her property, where in the neighborhood there are resident's who don't control their dogs, allowing them to roam and cause Annette's dogs to bark. Jo-D recently did a study on a busy day at the Castellani residence and she heard the dogs only bark for 5 minutes. Jo-D commented that Annette now has a disability and is also dyslexic, she isn't qualified to do anything else, if some agreement can't be made she will have to move up state and move in with family. Regarding how the application was submitted to the town, it was submitted exactly the way the town instructed them to submit it. Jo-D said she would leave it as that, that she didn't want to publicly embarrass anyone.

11) The 11th speaker was Vicky Enniss of Shady Brook, Pleasant Valley. Vicky asked that since Annette has been in business for over 10 years, and there has been no complaints for all that time, why now?

12) The 12th speaker was Crystal Wager Shaffer of 1848 Meadowbrook Lane, Staatsburg, N.Y...Crystal commented that she was like the Castellani's 4th child and grew up on Smith Rd. She commented that Castellani's dogs are under control, it is the dogs in the neighborhood that are allowed to roam around and are the one's uncontrolled. Crystal commented that the farm is wonderous for people, and the actual neighbor's are the one's causing tons of animosity in the neighborhood. She indicated that the Hart's dogs are always on Annette's property

and wants to know if Annette's dogs are clearly a problem why wasn't the dog warden called?

13) The 13th speaker was Kristina Cairns of Pleasant Valley, who stated that there has never been any problems at 383 Smith Road. Kristina commented that Annette keeps to a set schedule, things are done in shifts and all activities on the premises occur without any disturbance. She feels that the neighbors and town are totally justified in the fact that they don't want 50 dogs at the Castellani residence, but that number far outweighs any amount that has been there.

14) The 14th speaker was Michael Goodwin of 379 Smith Road, Pleasant Valley. Michael stated that he lives exactly next door to Annette Castellani's residence, his driveway runs along the Castellani property line and he is the most effected in the neighborhood. Mr. Goodwin commented that he cannot get out of his car without the dogs running up to the property line and barking non-stop until he goes into his house. He cannot go out his back door, take out his garbage or allow his children to play outside without the constant non-stop barking harassment. To date, Mr. Goodwin has dropped off 3 formal letters of complaint to the town Zoning Office. Mr. Goodwin said that when he moved to his residence in January 2013 that Annette Castellani had approached him covered in dog hair and animal excrement, initiated a discussion telling him that her business is "legal and approved" from the town. Mr. Goodwin asked her what her business is and she said dog sitting. Mr. Goodwin responded as time went on he observed the following problems with his neighbor: at any given time there are 6 or 7 "business related" dogs on top of the 5 Ms. Castellani owns, there is a goat shed that is directly on my property line and it should be at a minimum of 100 ft from the property line, the area where the dogs do their business is 30 ft. from my well and is much too close to my property, the dog excrement with other types of garbage is being dumped on my property, they are throwing everything over the fence. Mr. Goodwin said he works from home most of the time and he commented that he wants to raise his kids in peace like Ms. Castellani had the opportunity to raise hers. Ms. Castellani claims that this is her only source of income, he would like to see her tax returns especially since she has a Mercedes in her garage. Mr. Goodwin also commented that the dogs are let out in packs 7 days a week with non-stop barking, walking and pacing the fence line and that there is no way to get away from it.....I want to live in peace like every person. Mr. Goodwin indicated that there is no difference between sitting and owning, that this situation has caused an undesirable change and detriment to his property and neighborhood and the benefit sought can be accomplished by other means. Mr. Goodwin gave the acting Chairman Michael Gordon pictures of the activities taking place at 383 Smith Road. These were passed to the board members. People who had spoken during the meeting came up to the table expressing an interest to review the pictures. The pictures were passed around to

the public..At this time, a resident showed pictures of Mr. Hart's dog on the premises of 383 Smith Road. These pictures were passed around.

15) The 15th speaker was Richard Olson residing at 325 Smith Road, Hyde Park. Mr. Olson commented that previous zoning for 383 Smith Road was Rural Residential before 2010 and that this use was permitted then and only 2 acres were required. There has not been any injury to neighborhood or public welfare since the Castellani business has been in operation. He has never noticed any unusual barking or substantial change or detriment to the neighborhood. Mr. Olson believes that it should go forward to the Zoning Board.

After the speakers talked, acting Chairman Michael Gordon asked for a brief moment to consult with the attorney, Janis Gomez.

As is the custom of the Planning Board in matters when a large number of citizens appear on a referral from the ZBA, the matter was open for public comment. This was not a public hearing but public comment was taken.

After the public comment was taken, the Acting Chairman asked the Planning Board attorney to speak. She noted that with only three members present who could hear the matter, there was no quorum for the Planning Board to be able to act and give an opinion on the referral; and therefore, under Town Code § 98-96(B), the Planning Board is deemed to have approved the appeal to the Zoning Board by default.

No Planning Board members made comments on the application other than one Planning Board member asking a few questions of speakers (s) during the public comment period (which was Board member Janet Gross). It is very obvious that more needs to be done and also that conditions can be placed on a variance.

The comments of the public will be forwarded to the Zoning Board of Appeals once they have been transcribed.

Acting Chairman Michael Gordon motioned that the meeting was adjourned, seconded by Janet Gross, all in favor.

The foregoing represents unofficial minutes of the March 20, 2013 Pleasant Valley Planning Board Meeting.

_____Approved as read

X Approved as corrected with deletions/additions

PLEASANT VALLEY PLANNING BOARD MINUTES
April 9, 2013

A regular meeting of the Pleasant Valley Planning Board took place on April 9, 2013 at the Pleasant Valley Town Hall, 1554 Main Street, Pleasant Valley, New York. Chairwoman Rebecca Seaman called the meeting to order at 6:35 p.m.

Present: Chairwoman Rebecca Seaman; Boardmembers: Michael Gordon; Janet Gross, Robert Fracchia; Norm McKay; Planning Board Attorney: James Nelson; Planning Board Engineer; Peter Setaro; Secretary: Maura Kennedy

Chairwoman Rebecca Seaman called the meeting to order at 6:35 pm. The first order of business was a Resolution honoring Dr. Henry J. Fischer Jr. for Outstanding Service and Dedication to the Planning Board from 1990-2013. Chairwoman Rebecca Seaman read into the record a letter to the Planning Board from Dr. Fischer's wife:

March 18, 2013

Dear Pleasant Valley Planning Board Members,

Henry Fischer, a member of the Pleasant Valley Planning board for many years passed away March 5th, 2013. He so appreciated his time on the Board, being part of his community, sharing thoughts and helping to improve the place he lived with a Board he respected and enjoyed working with. Thank you for the many interesting and satisfying years he spent with all of you.

Respectfully,

Tibby Fischer

Chairwoman Rebecca Seaman thanked Tippy and presented her with a plaque memorializing Dr. Fischer's significant contribution to the town of Pleasant Valley.

The Chairwoman made a motion to make this a permanent part of the minutes, 2nd from Boardmember Gordon, all in favor.

OLD BUSINESS:

SALT POINT FIREHOUSE

Grid #6465-02-685766

Location: 30 Cottage Street

Continue review of previously damaged sign

Sign approved by ZBA, Planning Board to review guidelines/conditions of electronic message display.

Chairwoman Rebecca Seaman made the motion to approve the Salt Point Fire Co. sign. This approval is based on the “LED Display Items & Durations” agreement signed off by the S.P.F.C. President, Matt Cady and S.P.F.C. Fire Chief, Jeff Cady.

The motion was seconded by Boardmember Robert Fracchia, passed all in favor.

Jeff Cady apologized for the dialogue that occurred during the sign design process, as he indicated that the health & safety of his town are very dear to his heart.

Chairwoman Rebecca Seaman thanked the Salt Point Fire Company for all that they do for our community.

OLD BUSINESS:

Gasland Petroleum Inc. (Zoned MC) #6564-01-475845

Grid # 6564-01-475845

Location: 2406 Route 44, Pleasant Valley

Continued review of Site Plan – Opening of Public Hearing

The next agenda item introduced was Margaret McManus from The Chazen Company representing Gas Land. Margaret McManus reviewed the revised site plan drawing noting the following:

- 1) there are still transportation issues
- 2) the applicant is currently conversing with DOT on egress/ingress and will defer to DOT’s opinion

- 3) DCP had responded that there wasn't adequate stacking with 6, so they have changed it to 9. If additional stacking is required, they can create more spaces.
- 4) Trees have been scaled back from the landscaping so as not to impede site visibility

Next, Bob Turner from Tinkleman Architecture showed the elevation samples of the current design. Bob indicated that the owner is considering replacing the roof with brown or green and the awning should be darker brown....In addition, faux windows will be utilized to break up blank exterior walls.

The Chairwoman solicited input from the board. The town engineer, Peter Setaro indicated that we need the remaining feedback on transportation access before we can consider SEQRA authorization. In addition, he commented that the public would be interested on the traffic control study. Since Taconic Homes will be a private road, the lamplight needs to be looked at. 25 amps under canopy is average w/flush LED's, that should be fine for the project.

Chairwoman Rebecca Seaman made a motion to open the public hearing portion of the meeting, motion was seconded by Board member Michael Gordon, all in favor.

- 1) The 1st resident to speak was Dolores Benedict currently residing at 732 Bear Gulch Rd of Richmondville, N.Y., owns property at 12149 Rt. 44, Pleasant Valley, N.Y. Ms. Benedict said that all the commercial building that is going on across from her property is the "worst" case of strip zoning she has ever seen. She indicated her property has high density and all the noise from the commercial activity travels over to her property as if they are in her living room. She believes that the town is not addressing the concerns of residents. Chairwoman Rebecca Seaman said that as Chairwoman it is her charge to address the concerns of residents, thus the reason for a public hearing. The Chairwoman proceeded to say that she will take note of the "cheesy" music under the canopy and review conditions and hours of operation. Town Engineer, Peter Setaro asked that the two applicants review the transportation DOT report and see what the findings are. Until DOT decides, the public hearing will remain open.

2) The 2nd person to speak was David Jones, owner of Superior Telephone. David commented that the traffic impact of this type of site plan, with a proposed Dunkin Donuts would be severe for the area. It is a high speed road, with impeded site visibility and could cause traffic conditions to become worse than they already are.

Chairwoman Rebecca Seaman canvassed the board for any comments, there were none . The Chairwoman commented that the current architectural drawings show the “Dunkin Donuts” sign on it, which needs to be removed until the decision that the application officially represents the Dunkin Donut brand.

Chairwoman Rebecca Seaman made a motion to adjourn the public hearing for continuance and to review the issues presented during this public portion of the meeting.

Taconic Homes

Grid # 6564-02-529760

Location: Route 44, Pleasant Valley

Continued review of Site Plan – Opening of Public Hearing

Chairwoman Rebecca Seaman commented that Board member Paula Vincetore was recused.

Chairwoman Rebecca Seaman introduced Nat Parish of Parish & Weiner, project manager representing Taconic Homes. Nat Parish gave a summary of the project:

- Findings Statement was accepted in November 2011
- Plans represent 252 home owned condominiums (180 2 bedroom models, 72 3 bedroom models and 24 affordable units)
- Site plan is in total conformance with zoning ordinances
- Site plan has been developed with full environment impact compliance
- Elements of mitigation plan reflects: a) concept b) basic storm drainage c) incorporates mitigation elements

- there will be a buffer around the site which will exist without any disturbances made to it, the applicant will abide by all requests by the DEC
- 14% of the project is preserved wetland and ½ of the site will be left in its natural state.
- Site project has its own water system and sanitary sewer plant. There is no government assistance and no tax abatement
- Site has been reviewed for protected species (fish & wildlife species approval)

Tom Shield from McMillon & MacBroom presented the landscape plan. There has been some minor revisions to the plan, with verbal input from the board that doesn't affect density.

- Parallel parking has been removed from the cluster off of the road
- Saved some open space, preserved knoll
- Will not be visible due to woods and set backs
- Native & non-native species will be utilized
- Shade & ornamental trees to be used
- Cluster development w/privacy texture
- 275 new shade trees, tulips & sycamores
- Burms to be established w/plantings

Chairwoman Rebecca Seaman asked for a phasing plan and that it needs to proceed in an orderly fashion. The Chairwoman also asked for grade changes going forward. There are 27 drawing sheets submitted, comments on permits are needed to get work under way. Board member Michael Gordon asked Nat Parish when does the applicant want to start the work? Nat Parish commented that once the approvals on the project are obtained, he is out of it. It is owned by "The Richmond Group" and Nat felt that by the fall the financing might be clearer. Chairwoman Rebecca Seaman asked for any comments by the board. Town engineer, Peter Setaro commented that he leaves the landscaping up to the board.

The Chairwoman instructed the board that they had the ability to bring in expertise from other firms. Board member Eileen Quinn asked if pricing of the units has been determined yet. Nat Parish responded that all things have to be considered. Chairwoman Seaman said that pricing isn't within the board's realm of responsibility and we need independent experts advising us, which will be a topic for executive discussion. Whatever decisions are made regarding landscaping in the approved site plan, it has to be maintained. Board member Janet Gross asked if sidewalks were going to be part of the site plan, that there might be a need for a stop sign or cross walk since it is anticipated that Dunkin Donuts is going in at the adjacent site. Town engineer, Peter Setaro indicated that once DOT gets back on how the pathways and walkways are going to work with the entrance, that will give us a better idea of requirements. Town attorney, Jim Nelson asked if the public hearing will be adjourned. Chairwoman Rebecca Seaman indicated that the public hearing will be adjourned to review all the capacity issues. Board member Norm MacKay asked if the wastewater treatment facility would serve other developments. Nat Parrish said that the facility would only serve this site and couldn't accommodate and is in practical to even consider. All SEQR's have been done on this design.

Chairwoman Rebecca Seaman made a motion to authorize applicant for public hearing, motion was seconded by Board member Robert Fracchia, all in favor.

At 7:48 pm, Chairwoman Rebecca Seaman made a motion to go into Executive Session, 2nd by Norm Mackay. The Chairwoman made a motion to come out of Executive Session, 2nd by Janet Gross, the board came out of Executive Session at 8:00 pm.

Chairwoman Rebecca Seaman motioned to open the public portion of the Gas Land application, motion was a 2nd by Michael Gordon, all in favor.

Patrick Flanagan of Reardon Briggs says that traffic is a big problem. There are 300-400 cars leaving in the morning, and how could we better improve the visibility going west, also, the exit end is just as important. Steve Koi is the applicant who has looked at re-working entrances in and out and widening Route 44. Deloris Benedict asked how many cars, 600 spaces, 600 people so the pool

will be noisy, what about the RA zone across the street, the water tower is 50 feet high.

Chairwoman Rebecca Seaman indicated that a balloon test was conducted on the roadways and that the water tower can't be seen from on-going traffic. Pool hours should be regulated, etc...Chairwoman Rebecca Seaman indicated that the town will take the residents concerns into account. John Mort asked to speak publicly, he said that they have taken constructive action for each comment. There are 62 acres of which 58 acres is all woodlands. This will impact his property but the applicant has done something to minimize the impact. They have reacted regarding the control of the water in the area, the way it is set up the flooding will be controlled as the applicant is very credible. Chairwoman Rebecca Seaman thanked Mr Mort for his input on the project and for his time to which Mr Mort responded that there has been no shortage of time and effort on the applicants' part.

Motion to adjourn for continuance and until all agencies have more information is suggested and Mike Gordon seconds the motion. All in Favor.

The foregoing represents unofficial minutes of the April 9, 2013 Pleasant Valley Planning Board Meeting.

Approved as read

Approved as corrected with deletions/additions

PLEASANT VALLEY PLANNING BOARD MINUTES

May 14, 2013

The regularly scheduled meeting of the Pleasant Valley Planning Board took place on May 14, 2013 at the Pleasant Valley Town Hall, Route 44, Pleasant Valley, New York. Acting Chairman Michael Gordon called the meeting to order at 6:36 p.m.

Present: Acting Chairman Michael Gordon; Board Members: Janet Gross;
Paula Vincetore; Norm McKay; Eileen Quinn
Zoning Administrator: Michael White; Planning Board Attorney: Jim Nelson;
Secretary: Maura Kennedy

Executive Session was conducted from 6:36 pm to 6:44 pm

Appeal #983 – Freedom Reigns Farm Use Variance

Grid # 6365-04-662125

Location: 383 Smith Road, Hyde Park

Application for kennel business, variance for parcel size

The Acting Chairman Michael Gordon called the the meeting to order at 6:46 pm. The Acting Chairman addressed the audience by reviewing how the public forum for Appeal #983 would be conducted, that public commentary from each person who wants to speak would be limited to 3 minutes and solely directed to the issue at hand. The issue is not pertaining to the applicant's character but the area variance that does not meet code.

Chairman Michael Gordon explained that the variance request was an issue with boundary set backs, side set backs and an acreage at 2.39 with only 47% of the requirement for a commercial kennel.

Jen Brown, Esq. spoke on behalf of her client, Miss Castellani. Jen Brown stated that the applicant isn't running a commercial kennel. Acting Chairman Michael Gordon asked Jen Brown if the applicant was doing it for money? Jen Brown responded that she is doing the pet sitting from "a personal perspective – it is more of a home occupation". Jen Brown stated that the business is not commercially based or advertised and this is her sole income done on a referral basis. Acting Chairman Michael Gordon commented that he didn't agree, he felt it is was commercially based.

Board member Janet Gross commented that the business is in existence for income. Attorney for the applicant, Jen Brown stated that the variance relief sought by Ms. Castellani is not major and that the business has been in existence for 10 years plus. This house itself is used as the kennel. The house is 40 ft. from the Hart property line, 20 ft. from the Goodwin property line and 30 ft. from the road. The business is not expanding and all activities would remain and continue as they have been. In addition, the run is excluded from the variance. Jen Brown commented that during the visit, the dogs only barked for a couple of seconds. The applicant in good faith has put up a stockade fence in

front of the house and on the Hart property line which will provide screening & sound proofing. In addition, there is no obstrusive odor coming from Ms. Castellani's residence & property.

Acting Chairman Michael Gordon asked the Zoning Administrator to give his review of the site location visit. Mike White said that the visit was held under the open meeting law.

There were 5 violations:

- 1) Operation of kennel without authorization
- 2) Illegal goat shed – which was removed
- 3) Illegal hay storage shed – which was removed
- 4) Variance Requirement
- 5) Site Plan Approval Required

At this time, Acting Chairman Gordon opened the meeting for public commentary and asked the speakers to limit their time to 3 minutes and only to address the issues at hand not the character of the applicant.

- Michael Goodwin of 379 Smith Road – Pleasant Valley, NY commented regarding the applicant's property, why aren't the dogs corraled further back and more to the center of the property? Also, there is a shed, why can't that be used to house the dogs, would this be a viable option? Annette Castellani responded to Mike Goodwin's questions. She indicated that if the dog's were placed farther back on the property, cribbing could occur with the Hart's horse (term that means the horse could get high off the wood).
- Sandy Nasonowitz of 77 Martin Road – Pleasant Valley, NY asked to speak. Sandy commented that her dog Henry goes to Annette's house, and it's unfortunate that we can't see past the word kennel, she wouldn't take her dog to a kennel.....she takes it to a loving farm environment. The analogy is of a Hilton Hotel to a bed and breakfast. The consequences is going to be Annette's income and to the people that want to bring their dogs there. Sandy commented that she doesn't know what the problem is.
- Joan Carbonaro of 267 Hollow Road Staatsburg, NY stated that we are finessing a term that will not allow Annette to have her business. It is a pet sitting business that isn't in our code. Annette runs a pet sitting business, it is a completely different animal than a commercial kennel, this flies in the face of all reality.
- Jackie Freeman came forward to speak and she stated that she owns an acre and she can do what every she wants to do with it, what is starting this witch hunt and why all of a sudden?
- Linda Wager of 369 Smith Road, Hyde Park, NY stated that as a resident of Smith Road and neighbor of Ms. Castellani, she is confronted with constant noise barking when they drive into their residence, there are dogs out all winter and summer. As neighbors, they have no quality of life. They have complained to the

dog warden, they cannot enjoy their property. This is a quality of life issue. As neighbors, the Wagers have complained to the ASPCA and on that day there were 17 dogs at the Castellani residence. There are other things that Ms. Castellani can do for income.

At that time, attorney for the applicant interjected that she wanted evidence of the complaints.

- Chris Hart of 395 Smith Road, Hyde Park, NY stated that overall the quality and character of the neighborhood has changed. He also indicated what led to the discovery of Ms. Castellani's business was a court situation which alerted the town that an unauthorized business was being conducted. This inadvertently led him to figure out what all the traffic "ins & outs" on the road were due to. Mr. Hart stated that this business is a convenience and under state code is an "unregulated" business. The relief sought by addressing the variance isn't at 50%, it is well over. This is not to pit neighbor against neighbor but to ensure that everyone has the ability to enjoy their premises in a fair fashion. Board member Janet Gross asked Mr. Hart what the increase in traffic coming and going has been and Mr. Hart noted that the influx in the last year was 50% or more activity.
- Barbara Beckley spoke stating that it has blown her out of the water that Mr. Hart can't tell what a wonderful person Annette is. Everyone should take a deep breath and look at the business, it is not a kennel. Annette is complying and needs a break. Conditions could and should be applied, regulations can be applied.

Boardmember Eileen Quinn commented that the issue at hand is not being addressed at all and Board Member Paula Vincetore said that we are trying to look at the situation as a whole. Acting Chairman Michael Gordon stated that he had made a recommendation to move the kennel further centered down the property, but he was told that his suggestion was not feasible.

- Richard Wager of 369 Smith Road, Hyde Park, N.Y. stated that the stockade fence does nothing, he has called the ASPCA, he pays taxes and he can't have his windows open. He had to invest in central air conditioning and keep his windows shut in order not to hear the barking. Mr. Wager doesn't want to take Annette's livelihood away, but the barking must be stopped and the barking will come back even with the controls that are imposed now.
- Annette Castellani asked to speak. She currently only has 4 boarding dogs out at a time, how it is now – is how it will stay. Annette swears that she will control the situation.

Board member Eileen Quinn asked if this is a compromise.

- Richard Wager of 369 Smith Road, Hyde Park NY stated that it needs to be

regulated and once it is regulated and granted, it can never be controlled. He also wanted to know if the town would reduce his taxes since there is going to be a kennel near his residence? Would anyone really like to live like this?

- Christine Graner of 33 Madison Avenue Hyde Park, NY identified herself as Annette Castellani's daughter. Christine commented that her mother keeps up her property, that the neighbor Michael Goodwin has a barn filled with garbage, the Wager's have their own dogs and farm and their property is mutually noisy. Christine's mother's dogs are never out at night. In addition, Mr. Goodwin's house was a foreclosure that he bought.
- Hans Hardisty of 11 Applegate Lane Hyde Park, NY stated that Annette pays taxes, that the noise has been mitigated, two issues have been resolved and that's what variances are for.
- Pat Sinatra spoke indicating that she has known Annette for 14 years and her dog has special needs and he needs to go to a place like Annette's, he has to be in a home environment. Ms. Sinatra stated that Annette's business is a home business not a kennel.

At that time the Zoning Administrator interjected that the business is operating as a kennel. Boardmember Paula Vincetore asked about noise ordinances. The Zoning Administrator, Mike White said during the day it's 60 decibals and at night time it's 50 decibals. In addition, per the code Chapter 44, Section 44-4B is relative to the controlling of habitual barking and that is when it becomes an enforcement issue.

- Amy Hardisty of 11 Applegate Lane Hyde Park, NY stated that since the code doesn't specify the limit of dogs, and since this is about money, if the customer gives a donation – there are practical limits.

The Acting Chairman asked if there were any additional comments.

- Michael Goodwin, next door neighbor to the applicant stated that his kids are learning to read, he needs peace. When the customers come to drop off their dogs, the barking is constant. What is going on next to him is a total mess. Mr. Goodwin's well is only 30 ft. from the property line. An engineer should be hired to review where the dogs should reside. For the first time, Annete has been calling the dogs in and she has made it a little quieter. He is taking his fence down which will impact the problem. A ruckus on his side of the property is going on all the time. Do the right thing and get an engineer, she needs to do the right thing. The parking in the driveway is a problem, Ms. Castellani has made no adjustments to help his side of the property.

Mr. Goodwin stated he wants the dogs away from his house. There are many issues with the people dropping their dogs off, traffic, etc.....

Resident John Dunn got up to speak, Jen Brown – lawyer for the applicant stood up and stated that John Dunn has no reason to speak. Attorney, Jim Nelson representing the town said that Mr. Dunn is a tax payer, resident and adjacent landowner, he does have the right to speak.

John Dunn stated that the current code indicates that a kennel must be 100 ft. from a well and the current set-up doesn't meet those specifications. As a resident he has complained to the Sheriff's office, and the previous Zoning Administrator. If they had known that it was a business, they would have had her shut down. It is not up to the town to allow one person her livelihood. The barn was approved only for horses. The Cease & Desist order was for only 4 outside dogs. This is a self-inflicted hardship and a detriment to the neighborhood.

- Cindy Ramos of 394 Smith Road, Hyde Park, NY who lives across the street indicated that the noise is now much, much less. When the wind is right, however noise does travel. She has taken multiple neighbors to court for dog attacks, she trusts Annette's dogs. She also believes that the activity on the road is not due to Annette Castalani's business.
- Michael Goodwin got up again and said that we don't write the code, and she is crossing the line.

Board member Paula Vincitore and Eileen Quinn interjected that this is a business.

- Krystal Wager-Shaffer of 184 East Meadowbrook Lane Staatsburg, NY lived on Smith Road for 29 years. Annette's dogs are well cared for, the premises are very clean. There is no barking at night. Krystal has witnessed Mike Goodwin's kids enjoying Annette's property. Krystal feels strongly that Annette should be allowed to continue to provide service for this neighborhood.

Boardmember Paula Vincitore asked the applicant, Annette Castalani if her business always had this many dogs. The applicant explained that the number of dogs had increased in the last 7 years. 15 years ago she probably only had 4. Board member Paula Vincitore asked how many dogs do you now have every day? The applicant Annette responded that she personally owns 5 dogs, fosters 2 and has 10 to 12 boarders per day including her own.

Acting Chairman Michael Gordon made a motion to close the public hearing, 2nd by Norm Mackay, all in favor.

Acting Chairman Michael Gordon voted negative stating that type of business should not be in the area and in his mind things are not fixable.

There were 3 affirmatives with conditions: # of dogs permitted outside, dogs in total allowed on property at any given time, what is the appropriate amount of dogs, if dogs

can't be controlled the applicant will have to find another place to operate and a 1 year probationary period.

For the ZBA referral, a motion was made to the ZBA with the following conditions:

- 1) # of dogs outside (4)
- 2) # of dogs on premises (10) total
- 3) 12 month probationary time limit

The vote was 3 in favor, 2 opposed.

The Acting Chairman made a motion to approve the referral, 2nd by Norm Mackay, all in favor.

Acting Chairman Michael Gordon made a motion to adjourn and close the meeting. All in favor, the meeting was closed.

The foregoing represents official minutes of the May 14, 2013 Pleasant Valley Planning Board Meeting.

_____Approved as read

 X Approved as corrected with deletions/additions

PLEASANT VALLEY PLANNING BOARD MINUTES

June 11, 2013

A regular meeting of the Pleasant Valley Planning Board took place on June 11, 2013 at the Pleasant Valley Town Hall, 1554 Main Street, Pleasant Valley, New York. Chairwoman Rebecca Seaman called the meeting to order at 6:35 p.m.

Present: Chairwoman Rebecca Seaman; Boardmembers: Janet Gross, Paula Vincetore; Norm McKay; Eileen Quinn, Michael Gordon
Planning Board Attorney: James Nelson; Secretary: Maura Kennedy

New Business:

Grid #6565-02595949 & 6565-02-619934
Location 122-124 Clinton Corners Rd.
Lot Line Realignment Application

Spencer Hall, surveyor for the applicant, Mohr & Mitchell presented the proposal of combining the two lots. The Chairwoman indicated that the recording of the cross easements need to be documented before the signing of the plot. The town attorney will give the document to the applicant. There were no comments from the town engineer. The Chairwoman asked for a list of requested waivers and bulk requirements to be put on the map. The Chairwoman asked if there were any comments from the board on the EAF. There were not. The Chairwoman made a motion for an ulisted action with no significant changes, seconded by Boardmember Paula Vincetore, all in favor.

The Chairwoman indicated that we could now move on to a conditonal final with no change in the # of lots and no recreation fee. The Chairwoman made a motion to approve as presented:

- 1) Zoning Bulk Table on Platt
- 2) Shared driveway document

Chairwoman Rebecca Seaman made a motion to approve per all waivers requested, seconded by Boardmember Paula Vincetore, all in favor.

Gasparro Amended Site Plan (ALKL CORP.)

Grid #6363-03-447030
Location: 1325 Route 44

The applicant James Klein, President of ALKL introduced himself to the board, stating that his site previously consisted of 4 units. The deed was filed in February 2013, and had exceeded the extension of the site plan. The applicant stated that the plan is still the same but would like the extension of the existing site plan for another year. Chairwoman Rebecca Seaman asked that the town attorney, Jim Nelson speak to the issue. Jim Nelson commented that it should be a reapplication, that the previous SEQRA has expired. Jim Nelson suggested that James Klein should talk to the Zoning Administrator who will consult the town attorney regarding reapplication that hopefully it is just a matter of reapplying, that the public hearing can be waived by the board and that there should be a review of the current zoning. Since the application was not made prior to expiration, the underlying zoning could be an issue, if there was a variance for special use which runs with the land. The issue at hand is if the original grant of rights runs with the land and the town attorney will be able to give more guidance.

Shekomeko Masonic Lodge – Amended Site Plan

Grid #6363-12-887660

Location: Route 44

Continue review for Amended Site Plan Approval

Carlo Mazzealli of Mazzealli Architecture presented the final site plan for the project. Chairwoman Rebecca Seaman and the board members reviewed the plan for finalization. After review, Chairwoman Rebecca Seaman stated that the platt will be signed since it has met the guidelines for minor modifications.

Executive Session

The board went into executive session for 10 minutes and resumed at 7:36 pm.

The Chairwoman Rebecca Seaman noted on record that due to the death of applicant, Anthony Daria – the agenda item is off of the agenda. Gasland is off the agenda due to continued discussions with DOT.

TACONIC HOMES – SITE PLAN & PUBLIC HEARING

Richard O'Rourke - attorney for Taconic Homes; Nat Parish – Consulting Engineer, Joseph Kirchoff – Principal Property Owner introduced themselves representing Taconic Homes. Morris Associates, the town engineering company commented that the conclusion on the SEQRA findings' current plan is layed out and the findings were reaffirmed by the 2009 code. The issues that came up in 98-40 can be addressed under the current site plan review. Currently, there is no set of definitions for what is intended by length and there are areas that need to be classified by some ambiquities. The Zoning Administrator, Mike White read Comment 13 of the Zoning Administrator's memo dated June 10, 2013. Per Morris Associates review of the Zoning Administrator's memo, it does comply with the bulk table list. Chairwoman Rebecca Seaman told the applicant's that we should be on track to re-open the public hearing for a conditional preliminary. The applicant thanked the board.

Planning Board Review of Meeting Minutes

Chairman Rebecca Seaman moved to read the meeting minutes for approvals:

Meeting Minutes for 12/8/12 approved as corrected with deletions/additions
Meeting Minutes for 1/8/13 approved as corrected with deletions/additions
Meeting Minutes for 2/12/13 approved as corrected with deletions/additions
Meeting Minutes for 3/20/13 approved as corrected with deletions/additions
Meeting Minutes for 4/09/13 approved as corrected with deletions/additions

Meta Plotnik asked to address the board, all in favor. Meta spoke about the Open Space Meeting which is on 6/25/13. Meta indicated that there is also a survey on the web-site.

The Chairwoman made a motion to adjourn, 2nd by Michael Gordon, all in favor.

The foregoing represents official minutes of the June 11, 2013 Pleasant Valley Planning Board Meeting.

 Approved as read

 X Approved as corrected with deletions/additions

PLEASANT VALLEY PLANNING BOARD MINUTES
July 09, 2013

A regular meeting of the Pleasant Valley Planning Board took place on July 09, 2013 at the Pleasant Valley Town Hall, 1554 Main Street, Pleasant Valley, New York. Chairwoman Rebecca Seaman called the meeting to order at 6:35 p.m.

Present: Chairwoman Rebecca Seaman; Boardmembers: Robert Fracchia, Michael Gordon, Janet Gross, Norm McKay, Eileen Quinn, Paula Vincetore
Planning Board Attorney: James Nelson; Planning Board Engineer: Pete Setaro;
Secretary: Maura Kennedy

Old Business:

Chestnut Mart of Pleasant Valley Inc.

Grid # 6363-04-555243

Location: 1413 Route 44

Area Variance Referral for ZBA on modification of an existing gas station canopy and installation of a new free standing price sign

Chris Gent appeared for the applicant and reviewed the current proposed sign permit with their short form EAF. Discussion centered on the fact that the current proposal would not meet code and the Board has previously set a precedent to require monument signs for conformity in the town. The applicant said that they would have to go back for redesign as a monument sign with no LED lighting and a landscaped island. The Chairwoman indicated that the applicant must come back to the Planning Board with any design changes as the sign that is presented to the ZBA requesting vaiances must first be reviewed by the Planning Board for referral to the ZBA.

The Chairwoman made a motion for a positive recommendation to ZBA for 2 signs on the canopy as long as they are back-lit and a motion for the post sign to become a monument sign with the change from an LED to a sign that is backlit. 2nd made by Board Member Paula Vincetore, all in favor.

Jacqueline Torino

Grid # 6463-02-910721

Location: 96 Rossway Road

Area Variance Referral for ZBA on demolition of existing structures and construction of new building

Timothy Gates presented a notarized letter from the applicant Jacqueline Torino to speak on her behalf. Mr. Gates submitted a drawing to the Planning Board showing where the proposed pole barn would be placed and the current location of the sheds that require demolition. Mr. Gates presented a letter from adjacent property owner Michael Aloia, stating that he did not object to the building of the barn. Chairwoman Rebecca Seaman and board members reviewed the documentation presented. The Chairwoman commented that aesthetically this is a better solution, that the shed/structures which are coming down are in disrepair and structurally unsafe.

Chairwoman Rebecca Seaman asked if there were any comments from the board. Board member Janet Gross asked how many horses are contained on the property now and the representative for the applicant replied 5.

Chairwoman Rebecca Seaman made note for the ZBA Referral regarding the adjacent neighbor's non-objection and also noted that the referral will be based on the fact that all the sheds will be removed.

The Chairwoman made a motion for a positive recommendation to the Zoning Board of Appeals for Referral at the July 25th meeting, seconded by Paula Vincetore.

**TOWN OF PLEASANT VALLEY PLANNING BOARD
RECOMMENDATION TO ZONING BOARD OF APPEALS
ZBA REFERRAL**

APPLICANT:Jacqueline Torino
GRID # : 6463-02-910721
LOCATION: 96 Rossway Road

DATE: 7/19/13

Variances: The construction of a barn (Action) requested will need a variance for Ch 98, Article IV § 98-19b (Section of the Code) because the applicant would like to build the barn within 60' of the property line which does not meet the 100' setback requirement.

RECOMMENDATION – The Planning Board makes a Positive

**Recommendation to the Zoning Board of Appeals to Approve
(Deny/Approve)**

the request for a variance from 98-19B (Section of the Code).

The Planning Board makes such recommendation based on the following:

- 1) The existing buildings will be removed and a new barn will improve the property. The existing buildings are already within the set back.
- 2) The adjoining property owner, pursuant to a letter filed with the zoning office, has no objection to the requested reduction in set back requirement.

The Planning Board requests that the following conditions be placed on such approval:

- 1) The applicant will agree to remove the existing buildings as a condition of approval of the variance.
- 2) The variance is limited to a reduction in the setback required of 40'.

Rebecca Martin Seaman 7/19/13 (mark)

Planning Board Chairwoman Date

Wood Crest Pines (Appeal #986)

Grid # 6464-01-429648

Location: 1383 Rte. 44 – 38 Shag Bark Rd.

Area Variance Referral for ZBA on Set Backs

Wood Crest Pines (Appeal #987)

Grid # 6464-01-429648

Location: 1383 Rte. 44 – 28 Juniper Ave.

Area Variance Referral for ZBA on Set Backs

Applicant did not attend, item moved to next month's agenda.

Goose's Diesel Truck Parts & Service, LLC

Grid # 6463-02-648952

Location: 1931 Route 44

Pre-application discussion

Applicant did not attend, item moved to next month's agenda.

Pleasant Valley Holding Co. LLC

Grid # 6463-02-706981

Location: 20 Pleasant View Road

Pre-application discussion

The applicant, Lloyd Wright owner of Pleasant Valley Holding Co. reviewed his site plan for 20 Pleasant View Road. The site plan discussion centered on the proposal to utilize current building thumbprint to store antique and designer cars without any retrofit to building. Questions were asked relative to oil disposal, storage of contaminants, grinding, sanding, dust, noise levels, hours of operation and other activities which might affect operations.

Chairwoman Rebecca Seaman indicated to the applicant that the next required step would be a formal application for an amended site plan application before the Planning Board.

The applicant thanked the board for reviewing the pre-application.

The next item covered on agenda was the March meeting minutes. Chairwoman Rebecca Seaman made a motion to approve the March PB Meeting Minutes. Seconded by Michael Gordon, all in favor.

Chairwoman Rebecca Seaman made a motion to adjourn the meeting at 7:42 pm. Seconded by Paula Vincetore, all in favor.

The foregoing represents unofficial minutes of the July 09, 2013 Pleasant Valley Planning Board Meeting.

 Approved as read

 X Approved as corrected with deletions/additions

PLEASANT VALLEY PLANNING BOARD MINUTES
August 13, 2013

A regular meeting of the Pleasant Valley Planning Board took place on August 13, 2013 at the Pleasant Valley Town Hall, 1554 Main Street, Pleasant Valley, New York. Chairwoman Rebecca Seaman called the meeting to order at 6:36 p.m.

Present: Chairwoman Rebecca Seaman; Boardmembers: Robert Fracchia, Michael Gordon, Janet Gross, Paula Vincetore, Planning Board Engineer: Pete Setaro
Planning Board Attorney: James Nelson; Secretary: Maura Kennedy

Chairwoman Rebecca Seaman made a motion to move into executive session for attorney-client privilege at 6:38 pm, seconded by Michael Gordon all in favor.

Chairwoman Rebecca Seaman made a motion to move out of executive session at 7:48 p.m.

Chairwoman Rebecca Seaman and Boardmember Robert Fracchia were recused, Acting Chairman Michael Gordon called the meeting to order at 7:48 pm.

Acting Chairman Michael Gordon read the Special Permit Referral to the Board:

Michael Gordon, Acting Planning Board Chair
Members of the Pleasant Valley Planning Board

Re: Castellani Special Use Permit Application

Dear Planning Board Members,

Enclosed for your reference is a copy of an April 22, 2013 Supplement to a Site Plan Application entitled "Supplement to Site Plan Application/Special Permit Application" for the above property owner, together with a separate July 2, 2013 application for a Special Permit.

I forward these to you per Town Code § 98-69 B and request that at the upcoming Planning Board meeting this Special Permit application be considered by the Planning Board and that the Planning Board submit a report of an advisory opinion to the ZBA prior to the August 29, 2013 Zoning Board of Appeals meeting at which time it is anticipated that the Special Permit Application will be considered.

Maura Kennedy

MAURA KENNEDY
ZBA Secretary

Acting Chairman Michael Gordon asked Mike White, Zoning Administrator to read into record the Site Plan Visit letter dated May 6, 2013:

MEMO TO: Planning Board of the Town of Pleasant Valley
FROM: Michael J. White, Zoning Administrator *MJWhite*
SUBJECT: FREEDOM REINS FARM – VARIANCE APPLICATION
MAILING ADDRESS 383 Smith Road, Hyde Park, NY 12538
And LOCATION: 383 Smith Road, Town of Pleasant Valley
GRID NO.: Grid No. 134400-6365-04-662125-0000
BUSINESS OWNER: Annette Castellani (herein referred to as “the applicant”)

SITE INSPECTION WITH THE PLANNING BOARD

A. Notes to Planning Board Members:

This gathering is a site inspection by the members of the Planning Board of the Town of Pleasant Valley, including the Planning Board secretary, the Town Zoning Administrator, and the Town Planning Board Attorney. This gathering is not a regular Planning Board meeting. As such, observance of the rules, regulations and requirements of the Open Meetings Law need to be observed:

1. The applicant has been notified of this site inspection in advance and has agreed to allow the participants referenced above access to and on her property.
2. As this site inspection is not a regular meeting, there can be no discussions of the events of today’s inspection among the Planning Board members while present today. Such discussions will occur at the regularly scheduled May 14th meeting of the Planning Board.
3. Each Board member is encouraged to take notes of pertinent observations which are of interest to them.
4. This gathering of Planning Board members is a site inspection in advance of a regular Planning Board meeting, scheduled for May 14th, for the purposes of pre-paring a recommendation to the ZBA; negative, neutral or positive.
5. The applicant had five violations: i) operating a kennel without Town approvals; ii) using a goat shed without a building permit and certificate of compliance; iii) using a trailer as a hay storage shed, which is a commercial vehicle in a residential zone; iv) not having the required 100 ft. setback distances from the

- kennel to the road or property lines; and v) not having the required 5-acre minimum property size in order to have and operate a kennel.
6. The applicant has since eliminated two of the violations: she has had both the goat shed and the trailer removed. She will no longer have goats and horses on the property. This now leaves three violations.
 7. The applicant, as may be observed, has also embarked on installing stockade fences so as to shield the dogs from public view. The applicant hopes this action will decrease the incidents of dog barking.
 8. The applicant requires a variance from the ZBA to allow a kennel on 2.39 acres of property that is in her possession. The code requires 5 acres.
 9. The applicant requires variances covering varying distances from her kennel operations to the roadway and property lines. The code requires 100 ft. setback distances.
 10. The approximate distances, subject to field verification, are as such: a) 35 ft. variance from the road property line; and b) 100 ft. variance from the property lines with Goodwin to the south and Hart to the north.
 11. The applicant requires a site plan approval and ultimately a special use permit from the Planning Board in order to legally operate a kennel.
 12. I will now point out the various aspects of the operation, with the assistance of the applicant, Annette Castellani: a) the kennel location; b) out-buildings; c) fences; d) the variance locations; and e) specifics of the site.

OPEN THE PUBLIC HEARING TO THE PUBLIC:

The Acting Chairman, Michael Gordon opened the meeting to the public for comments that were new and had not already been discussed regarding this topic:

Jackie Freeman – 188 Creek Road - was sworn in by Acting Chairman Michael Gordon. She stated that the economics of the situation should be reviewed, that the customers of Annette's come to Pleasant Valley and spend money and that should be considered.

CLOSE THE MEETING TO THE PUBLIC:

Motion was made by Acting Chairman Michael Gordon to close public portion of the meeting, seconded by Board Member Paula Vincetore.

Acting Chairman Michael Gordon engaged the board members to discuss the positive or negative referral to the ZBA. Board member Paula Vincetore brought up the conditions that the referral could address: amount of dogs, hours of operation, noise ordinance – duration of barking.

With seven members present, two of whom were recused, the Planning Board made a

a motion to forward a favorable recommendation on the Special Permit application to the Zoning Board, subject to the following condition:

- That not more than ten (10) dogs boarded or owned be allowed on the site at one time; and
- That not more than four (4) dogs be outside of the residence at any time; and
- That no dogs will be outside other than from 7:30 a.m. through 7:30 p.m.; and
- That the requested variances must be granted if a special use permit is to be granted; and
- That the duration of any dogs barking outside be not in excess of 10 minutes.

When called to a vote, 4 members voted for the recommendation and 1 voted against it.

The foregoing is a synopsis of the Planning Board's conditional recommendation on this special use permit application.

Chairwoman Rebecca Seaman came back from recusal to preside over the remaining appeals.

NEW BUSINESS:

Wood Crest Pines (Appeal #986)

Grid # 6464-01-429648

Location: 1383 Rte. 44 – 38 Shag Bark Rd.

Area Variance Referral for ZBA on Set Backs

The area variance request was presented by David Pretek and discussed by the Planning Board. Chairwoman Rebecca Seaman made a motion for a positive recommendation to the ZBA, seconded by Board member Robert Fracchia.

**TOWN OF PLEASANT VALLEY PLANNING BOARD
RECOMMENDATION TO ZONING BOARD OF APPEALS
ZBA REFERRAL**

APPLICANT: Wood Crest Pines

GRID # : 6464-01-429648

LOCATION: 38 Shag Bark, Pleasant Valley

DATE: 8/13/13

Variances: **The area variance (Action) requested will need a variance**

for set back required 25' from access road (Section of the Code) Chapter 98, Article IV, 98-36

RECOMMENDATION – The Planning Board makes a positive_____

Recommendation to the Zoning Board of Appeals to approve_____
(Deny/Approve)

the request for a variance from bulk table setback (Section of the Code).The Planning Board makes such recommendation based on the following:

1) Replacement of trailer will be on the same site and only extend 2' in excess, the shed may be placed in a size and location as approved by the ZBA.

The Planning Board requests that the following conditions be placed on such approval: NONE

Rebecca M. Seaman

8/13/13

Planning Board Chairman

Date

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Wood Crest Pines (Appeal #987)

Grid # 6464-01-429648

Location: 1383 Rte. 44 – 28 Juniper Ave.

Area Variance Referral for ZBA on Set Backs

The area variance request was presented by David Pretek and discussed by the Planning Board. Chairwoman Rebecca Seaman made a motion for a positive recommendation to the ZBA, seconded by Board member Paula Vincetore.

**TOWN OF PLEASANT VALLEY PLANNING BOARD
RECOMMENDATION TO ZONING BOARD OF APPEALS
ZBA REFERRAL**

APPLICANT: Wood Crest Pines

GRID # : 6464-01-429648

LOCATION: 28 Juniper Ave., Pleasant Valley

DATE: 8/13/13

Variances: The area variance (Action) requested will need a variance

for set back required 15' from side, 20' from rear, 25' from access road (Section of the Code) Chapter 98, Article IV, 98-36

RECOMMENDATION – The Planning Board makes a positive_____

**Recommendation to the Zoning Board of Appeals to approve____
(Deny/Approve)**

the request for a variance from 98-36 B (3)(a) (Section of the Code).The Planning Board makes such recommendation based on the following:

1) Replacement of trailer will be on the same site and only extend 2' in excess

The Planning Board requests that the following conditions be placed on such approval: NONE

Rebecca M. Seaman

8/13/13

Planning Board Chairman

Date

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OLD BUSINESS

Chestnut Mart of Pleasant Valley, Inc.

Grid # 6363-04-555243

Location: 1413 Route 44

Area Variance Request for modification of an existing gas station canopy and installation of a new free standing price sign

Applicant Chris Gent came back with re-submittal of design. Chairwoman Rebecca Seaman commented that the plans need to include a landscaped island. In addition, the updated plans need to be submitted to Dutchess County Planning for a 239M Referral. A motion was made by Chairwoman Rebecca Seaman to grant the two canopy signs, seconded by Paula Vincetore, all in favor.

Chairwoman Rebecca Seaman made a motion for a positive recommendation to the ZBA, seconded by Board member Paula Vincetore.

**TOWN OF PLEASANT VALLEY PLANNING BOARD
RECOMMENDATION TO ZONING BOARD OF APPEALS
ZBA REFERRAL**

APPLICANT:Chestnut Mart

GRID # :6363-04-555242

LOCATION: 1413 Route 44

DATE: 8/13/13

Variations: The area variance (Action) requested will need a variance

for two signs on the canopy(opposite sides)

(Section of the Code)_____

RECOMMENDATION – The Planning Board makes a positive_____

Recommendation to the Zoning Board of Appeals to Approve_____

(Deny/Approve)

the request for a variance from permitted numbers of sign. Section of the Code).The Planning Board makes such recommendation based on the following:

1) Sight distance for traffic traveling on Rt. 44 is insufficient for one sign on the front of the building.

The Planning Board requests that the following conditions be placed on such approval:

1) Signs will not be internally lit as that is prohibited by the code.

Rebecca M. Seaman

8/13/13

Planning Board Chairman

Date

Gasparro Amended Site Plan (ALKL Corp.)

Grid#6363-03-447030

Location: 1325 Route 44

Re-Application for Site Plan Approval, pre-application discussion

James Klein of ALKL Corp. presented his application for the amended Site Plan. Jim Nelson, Town Attorney explained that the site plan lapsed but the Special Use Permit did not lapse. The applicant is submitting the same site plan without changes from the site plan which lapsed. Chairwoman Rebecca Seaman asked if the Public Hearing could be waived? Jim Nelson indicated that per Code 98-79 E-2, it can be waived. Chairwoman Rebecca Seaman made a motion to waive the public hearing, seconded by Rob Fracchia, all in favor. Chairwoman Rebecca Seaman said that this application would be referred to Dutchess County Planning and if the response is received back in enough time, the applicant could be placed on the Planning Board Agenda for next meeting on 10/08/13.

Goose's Diesel Truck Parts & Service, LLC

Grid # 6463-02-648952

Location: 1931 Route 44

Pre-application discussion

Chairwoman Rebecca Seaman noted that Board Member Robert Fracchia is recused from this application discussion. Chairwoman Rebecca Seaman introduced Mark Day of Day Engineering representing the applicant. Mark Day presented the site plan proposal for the existing site which is for an 8800 square foot commercial building which will be utilized for a parts store. The Chairwoman noted that the board is particularly interested in the appearance of the building, landscaping, lighting, traffic flow, parking and site access. The applicant will work with the Town Engineer on the over-all site plan design and come back to the Planning Board for more discussion and review.

TACONIC HOMES – SITE PLAN

Grid # 6564-02-529760

Location: Route 44, Pleasant Valley

Chairwoman Rebecca Seaman noted that Board Member Paula Vincetore was recused from the application discussion. Nat Parish – consulting Engineer representing Taconic Homes gave an update on the site plan. Remaining items needed are: permits for the sewer plant and water system, recreational activities need to be decided per market analysis, the easement with Gasland will be referred to whatever DOT recommends. Chairwoman Rebecca Seaman brought up the need for a construction phasing plan and a time limit for the expiration of conditional approval. Board member Michael Gordon raised a question on when recreation fees should be initiated? Chairwoman Rebecca Seaman that the recreation fees are paid when the building permits are started, that the Planning Board makes the recommendation of what the fees should be and that the Town Board approves. Town Attorney, Jim Nelson commented that a draft of the conditional final will be available soon.

Chairwoman Rebecca Seaman made a motion to adjourn the meeting at 9:20 p.m., 2nd by Board Member Michael Gordon, all in favor.

The foregoing represents official minutes of the August 13, 2013 Pleasant Valley Planning Board Meeting.

____Approved as read

 X Approved as corrected with deletions/additions

PLEASANT VALLEY PLANNING BOARD MINUTES
October 8, 2013

A regular meeting of the Pleasant Valley Planning Board took place on October 8, 2013 at the Pleasant Valley Town Hall, 1554 Main Street, Pleasant Valley, New York. Chairwoman Rebecca Seaman called the meeting to order at 6:37 p.m.

Present: Chairwoman Rebecca Seaman; Boardmembers: Robert Fracchia, Michael Gordon, Janet Gross, Eileen Quinn, Paula Vincetore, Town Attorney: Pete Setaro
Planning Board Attorney: James Nelson; Secretary: Maura Kennedy

TACONIC HOMES – SITE PLAN

Grid # 6564-02-529760

Location: Route 44, Pleasant Valley

Chairwoman Rebecca Seaman noted that Board Member Paula Vincetore was recused from this application discussion.

Nat Parish – consulting Engineer representing Taconic Homes gave an update on the site plan.

Items discussed were: access points for the project, presentation of pictorial front and back building facade, landscaping design with plant list including 900 trees, the clubhouse is designed to represent Taconic Homes, lighting will be colonial lamp lights – 12 ft. high with fixture on top of it.

Chairwoman Rebecca Seaman noted that the applicant had completed the following notifications for the Public Hearing: an Affidavit of Publication was published on September 27, 2013 and notification to adjacent land owners occurred on September 24, 2013.

Chairwoman Rebecca Seaman made a motion to open the public hearing, seconded by Board Member Michael Gordon, all in favor.

Kim Williams of Williams Lumber - Commented that they are concerned with the east entrance and wanted to know what the plan was for incoming/outgoing traffic. Ms. Williams was concerned that there was not adequate room to accommodate the traffic for Williams Lumber as well as for the site. The Chairwoman responded that the applicant is still in discussions with the DOT. Nat Parish representing Taconic Homes indicated that there is a 50 ft. right of way for the entrance, that there should be adequate site distance from the nearest intersection. Taconic Homes will do whatever is required by DOT and that the site is subject to DOT engineering approval. Chairman Rebecca Seaman stated that it is not within the Planning Boards jurisdiction to dictate traffic patterns, but we can recommend and suggest actions.

WHEREAS, after circulation of notice, the Planning Board as Lead Agency for the State Environmental Quality Review Act (“SEQRA”) review of the Project determined it to be a Type I action; and

WHEREAS, after the issues were scoped, a draft environmental impact statement was prepared, which draft environmental impact statement was subsequently revised and accepted by the Planning Board as complete on May ____, 2007; and

WHEREAS, following a public hearing on August 14, 2007 which was continued on September 11, 2007, and a public comment period, revisions to the proposed plan were submitted to the Planning Board, and a further public hearing was held on August 8, 2008; and

WHEREAS, on April 14, 2009 the Applicant submitted a draft environmental impact statement which was accepted by the Planning Board on June 9, 2009 subject to the receipt of public comments; and

WHEREAS, at the request of the Planning Board, additional studies relating to botany and wildlife were conducted by the Applicant and received by the Planning Board between June 2009 and August 31, 2010; and

WHEREAS, after consideration of all of the foregoing the Planning Board on November 9, 2010 adopted and issued a SEQRA Finding Statement; and

WHEREAS, the Planning Board thereafter conducted a full review of the site plan Application; and

WHEREAS, as part of the Planning Board’s site plan review a public hearing was noticed and opened on _____, and reopened on October 8, 2013; and

WHEREAS, in accordance with Pleasant Valley Code § 98-81, the Planning Board has reviewed all of the factors enumerated in subdivisions “A” through “U” of said § 98-81 which are pertinent to the Project; and

WHEREAS, the Application and supporting materials demonstrate that, subject to the fulfillment of certain conditions, the requirements and standards for site plan approval as set forth in Town of Pleasant Valley Zoning Code § 98-81 have been met,

NOW, THEREFORE, BE IT RESOLVED, that the site plan entitled “Taconic Homes” dated _____ and last revised _____,

consisting of _____ pages is approved, subject to fulfillment of the following conditions, all of which, except as provided below, shall be met prior to the signing of the site plan by the Planning Board Chair:

Payment of all fees; and

1. Adoption by the Planning Board of findings and a recommendation pursuant to Town Law § 274(a) and Pleasant Valley Code § 98-86 regarding the need for a park or parks, the determination by the Town Board of the amount of such fees and/or the acceptance of dedicated parkland on the Property site, and the payment of such fees by the Applicant and/or offer of a dedication; and
2. Army Corps of Engineers (“ACOE”), Wetland Permit; and
3. Approval by New York State Department of Transportation (“DOT”) of the Route 44 Improvement Plans; and
4. New York State Department of Environmental Conservation Storm water SPDES Permit; and
5. New York State Department of Environmental Conservation Sanitary SPDES Permit ; and
6. Dutchess County Department of Health (“DCDOH”) and or New York State Department of Health (“NYSDOH”) technical approval of the water supply, treatment, and distribution system plans; and
7. NYSDEC and or DCDOH technical approval of the sewage treatment facility and collection system plans; and
8. Revision of the project plans consistent with Section 98-86, Zoning Ordinance, including the preparation of a Bulk Table; and
9. Revisions or additions to the fire system protection plans based on comments by the Pleasant Valley Fire Advisory Board in consultation with the Planning Board Engineer; and
10. Address all issues raised in the Morris Associates May 8, 2013 and June 11, 2013 comment letters to the satisfaction of the Planning Board Engineer; and

11. Final review and approval of a Landscape Plan by the Planning Board Engineer with security acceptable to the Town and Planning Boards as required; and
12. Final review and approval of the Storm water Pollution Prevention Plan (SWPPP) by the Planning Board Engineer including a maintenance agreement and inspection and maintenance easement pursuant to Chapter 74 of the Pleasant Valley Town Code; and
13. The submission by the Applicant and approval by the Planning Board pursuant to Town Code § 98-84 of a phasing plan for the development of the project which shall include the delineation of the areas of the project to be constructed under each phase, the dates by which the Applicant must have building permits for each phase, the conditions for the granting of building permits to the extent that they vary from current Town and State Code requirements, a schedule of inspections and a recommendation to the Town Board of the amount of escrow for such inspections, which inspection shall be conducted to ensure compliance with the requirements of the approved site plan and all permits; and
14. Receipt of a shared driveway easement and maintenance agreement acceptable to the Planning Board Engineer and Attorney; and
15. Construction of a sidewalk along Route 44 on the premises is deferred until such time as it is deemed necessary by the Town Board for the safe conveyance of pedestrians along State Route 44. In the interim

_____ ; and
16. Notes and endorsement on the site plan that the “open space” portion of the site plan will not be subject to further development by the applicant or its successors or assigns; and

BE IT FURTHER RESOLVED THAT:

1. The Applicant shall apply for and have received a New York State Department of Environmental Conservation water supply permit and a New York State Department of Environmental Conservation operating permit for its sewage treatment system, and the collection system for all phases proposed to be occupied, prior to the issuance of Certificates of Occupancy for any phase of the project; and

BE IT FURTHER RESOLVED THAT:

1. The foregoing approval is further conditioned, per Pleasant Valley Code § 98-84, on the submission by the Applicant to the Planning Board within two years of the date of this resolution of a plat for signature, together with proof of compliance with conditions “1” through “17” above; and
2. If any permit or approval required by this resolution will cause a change in the approved site plan, the Applicant shall return to the Planning Board for a revised site plan approval prior to beginning construction under such permits or approvals.

SHOULD INFORMATION PRESENTED BY THE APPLICANT OR ITS REPRESENTATIVES, EITHER WRITTEN OR VERBAL, BE FOUND TO BE ERRONEOUS, THE APPROVAL GRANTED HEREIN WILL BE SUBJECT TO INVALIDATION BY THE PLANNING BOARD, AND SHOULD ANY PERMIT REQUIRED TO BE OBTAINED BY THE APPLICANT AS A CONDITION SUBSEQUENT TO THIS RESOLUTION REQUIRE ALTERATION TO THE SITE PLAN DOCUMENTS THE SAME SHALL BE SUBMITTED TO AND APPROVED BY THE PLANNING BOARD PRIOR TO THE START OF CONSTRUCTION OF SUCH IMPROVEMENTS.

Planning Board Chair

Date: _____

VOTE: _____ ayes

_____ nays

_____ abstentions

Cc: Applicant
Zoning Administrator
Town Clerk
Town Engineer
Town Attorney

A discussion of the above draft resolution began with a review by Jim Nelson, town attorney reviewed the draft resolution. Currently, the draft contains 17 conditions. Discussion ensued regarding Phasing Plans. Nat Parish, Taconic Homes representative responded that they currently have no problem with establishing a phasing plan, however economics dictate what the plan is and Mr. Parish feels the reality is that no dates can be supplied. Chairwoman Rebecca Seaman noted that the legislative intent as indicated in the Town Code requires the designation of final completion dates. Site plans should not be open ended as to the designated completion date checkpoint dates. Nat Parish said that there is an up front cost to the development of a project and the capital investment is major. Richard O'Rourke, attorney for applicant talked about the Heritage Hills project

in Somers, N.Y. The absorption rate took 25 years. Nat Parish interjected that a reasonable plan can be developed to start this so that construction impact concerns are met. Board member Eileen Quinn asked if each housing cluster could appear in the plan. Chairwoman Rebecca Seaman stated that is what the Phasing Plan would do, that each cluster should be a completed project and that such a plan can be worked out. Board member Michael Gordon commented that a project of this size is precedent setting. The Chairwoman indicated that the board is not voting tonight and reiterated that Board Member Paula Vincetore was recused from this discussion. Taconic Homes will come back next month for finalization of all concerns and questions.

Carrington Heights

Grid#6566-03-384010 & Grid #6565-01-425989

Location: Forest Meadow Road & Carrington Court

Re-application for Site Plan Approval, pre-application discussion

Brian Stokosa representing Carrington Heights presented the application which was submitted with the intention to add 2 easements to the original plat. The easement consists of Lot #4 owner to allow Lot #5 owner access and exit out of property in case of catastrophic event or emergency situation caused by town access to drainage maintenance on Lot #5. Town Attorney, Jim Nelson said that these easements will be reviewed by the Town Board's Attorney. Chairwoman Rebecca Seaman indicated that this is a minor modification to site plan and the requirement of a public hearing can be waived. Chairwoman Rebecca Seaman made a motion to waive the public hearing including the requests for the 2 easements, 2nd by Michael Gordon, all in favor. Chairwoman Rebecca Seaman made a motion to approve the minor modification to the site plan, 2nd by Paula Vincetore, all in favor.

Goose's Diesel Truck Parts & Service, LLC

Grid # 6463-02-648952

Location: 1931 Route 44

Site Plan Discussion

Mark Day of M.A. Day Engineering presented a copy of the site plan application with the site plan sheets SP.1 & CD.1, long EAF, architectural building elevations and special use permit application. Chairwoman Rebecca Seaman indicated that the applicant should come back to the Planning Board's next meeting with what the proposed building facade would look like, the proposed landscaping plan and re-submittal of the EAF in response to the town engineer's comment..

Dana Lynn Herrington

Grid # 6365-04-711229 & 6565-04-753177 & 6365-04-73022

Location: Lot between 416 & 426 Smith Road

Lot Line Realignment Application

Jim Herrington, the applicant presented his lot line adjustment application with plans to the Planning Board. The details and form of motion are entailed below:

**PLEASANT VALLEY PLANNING BOARD
FORM OF MOTION
October 8, 2013**

Resolution Form – Lot Line Realignment

Whereas, the applicant, Dana Lynn Herrington, has filed an application for a lot line adjustment as set forth below:

.59 acres of the 2.59 acre parcel owned by J&D Herrington, parcel #6365-04-730220, 2.59 parcel (Lot # 3), identified on the survey submitted with the application as “Lot #3”, will be transferred to M. Hattersley to be combined with parcel # 6365-04-711229, Lot #2 to create a 2.59 acre lot for that parcel. The remaining 2 acres of Lot #3 will be combined with the adjacent 15.89 acre lands of Herrington to create a 17.89 acre plot identified as parcel # 6365-04-753177 for 17.89 acres. The lot line adjustment will result in the elimination of one lot, parcel # 6365-04-730220, 2.59 acre parcel (Lot #3).

Whereas, the Planning Board determined that the lot line alignment met the Requirements of Section 82-25 (B) of the Pleasant Valley code, in so far as;

- (a) It would not create an additional lot;
- (b) It is a minor modification of an existing lot line;
- (c) It would not create a nonconforming parcel or cause any other parcel to become non-conforming;
- (d) It would comply with all applicable zoning requirements and applicable New York State Department of Health regulations pertaining to well and septic system distances from parcel boundaries;
- (e) It would not change the location of any well, septic, driveway, residence or any other structure.

Whereas, the Planning Board considered the environmental impacts of the action under the New York State Environmental Quality Review Act and determined that the action would have no adverse environmental impacts, and further determined that the action is not likely to adversely affect neighboring properties or the overall plan of the site; cause any adverse environmental effects; alter neighborhood character; or adversely affect any other considerations of health, safety and welfare.

Note: the enlarged Lot #3, may be given a new grid tax identification number by the Dutchess County Office of Real Property.

Whereas, the Planning Board waived any required public hearing.

Now, Therefore, be it resolved that the lot line realignment recited above, be and is hereby granted as requested.

Motion by Rebecca Seaman

Seconded by Paula Vincetore

Vote count: Ayes 7, Nays 0, Abstain _____

Rebecca Martin Seaman, 10/08/13
Rebecca Martin Seaman, Planning Board Chair

Thrift on By

Grid # 6363-02-744508

Location: 1540 Rt. 44

Sign Permit Application for new business

Dawn Traver, the applicant presented her sign proposal to the Planning Board. The applicant proposed a wall sign 14”X 72” which is zoning compliant. The color, number of words, lettering height and lettering coverage are all zoning compliant. The applicant is requesting a second sign to be displayed below the existing Village Restaurant sign by the roadway using an 8 sf. hanging sign attached to the southerly under-support of the existing Village Restaurant sign.

Chairwoman Rebecca Seaman made a motion to approve the wall sign, 2nd by Paula Vincetore, all in favor.

The Chairwoman indicated that regarding the street sign, the board cannot re-affirm a non-conforming sign and since there is already a planter base, that the applicant should re-design a sign to place within 2 posts so that it is code compliant. The Chairwoman asked the applicant to come back next month with a new rendering.

The details and form of motion are entailed below for the wall sign approval:

TOWN OF PLEASANT VALLEY
SIGN APPROVAL RESOLUTION

DATE 10/8/13
Seaman

RESOLUTION OFFERED BY Rebecca

SECONDED BY Janet Gross

WHEREAS, THE TOWN OF PLEASANT VALLEY PLANNING BOARD HAS RECEIVED AN APPLICATION FROM **THRIFT ON BY, REPRESENTED BY DAWN TRAVER** FOR THE APPROVAL OF 1 SIGN, DATED 10/08/13 AND,

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

NOW THEREFORE BE IT RESOLVED, THAT THE PLANNING BOARD DETERMINES THE APPLICATION TO BE A TYPE II ACTION/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 1 SIGN AS SHOWN IN THE APPLICATION AND DRAWING AND CONSISTING OF THE MATERIALS, SIZES AND COLORS SHOWN IN THE APPLICATION AS FOLLOWS:

The portion of the application entitled Store Frontage Sign for a sign to be placed directly on the
Store is hereby granted.

Rebecca Seaman
PLANNING BOARD CHAIRWOMAN

DATE 10/8/13

Cc: Applicant

Vote: AYES 7

NAYS 0

ABSTENTIONS 0

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Chairwoman Rebecca Seaman brought up the topic of the Open Space Plan and commented to the board that in the near future the Planning Board might want to vote on a resolution to pass onto the Town Board regarding this topic.

The Zoning Administrator, Mike White brought up the fact that the DEC has just instituted a new short and long EAF that is in effect for use now.

Chairwoman Rebecca Seaman made a motion to close the meeting, 2nd by Board member Michael Gordon, all in favor.

The foregoing represents official minutes of the October 8, 2013 Pleasant Valley Planning Board Meeting.

 X Approved as read

 Approved as corrected with deletions/additions

PLEASANT VALLEY PLANNING BOARD MINUTES
November 21, 2013

A regular meeting of the Pleasant Valley Planning Board took place on November 21, 2013 at the Pleasant Valley Town Hall, 1554 Main Street, Pleasant Valley, New York. Chairwoman Rebecca Seaman called the meeting to order at 6:44 p.m.

Present: Chairwoman Rebecca Seaman; Boardmembers: Robert Fracchia, Michael Gordon, Janet Gross, Norman Mckay, Eileen Quinn, Paula Vincetore, Town Engineer: Pete Setaro; Planning Board Attorney: James Nelson; Secretary: Maura Kennedy

Build Parcel Two, LLC

Grid#6463-01-191743

1736 & 1738 Main St.

Pleasant Valley, N.Y.

Chairwoman Rebecca Seaman stated that the first item of business is Build Parcel Two. The Chairwoman gave the board a history of this agenda item. This site had one of the buildings burn and it was replaced with very slight modifications, however under our code it still requires approval under the minor modification section. It is before the Planning Board to bring the site into compliance and to place a current site plan on record.

Steven Tinkelman of Tinkelman Architecture presented his site plan for 1736 and 1738 Main Street which consists of two existing apartment buildings with a total of 4 apartments. Parking is provided in front of the buildings with access directly off of Rt. 44. The applicant proposed 3 additional parking areas with access directly off of Arbor Hill Drive on the parcel which contains Arbor Hills apartments; a parcel under common ownership.

After review and discussion regarding the two parcels site plan proposals, the discussion centered on placement of parking for the apartments. The applicant said that he would come back to the next Planning Board Meeting with updated site plan proposals for the parking.

Design Properties, LLC (Auction House)

Grid #6465-02-705847

Location: 58 Cottage Street

Pre-Application Discussion

Richard Wrang representing the applicant - Design Properties reviewed the application with the Planning Board. The application proposal is for the use of the existing building as an auction house. The applicant intends to staff the site with 3-5 employees during the day. There will be parking attendants to assist with traffic control during auctions. Chairwoman Rebecca Seaman indicated the need to establish handicap parking accessibility. 4800 square feet of the Site Plan will be utilized.

The Chairwoman made a motion:

- 1) for an unlisted action pursuant to SEQRA with a negative declaration based on less intensive use of the site.
- 2) the subject action will have an uncoordinated review

2nd by Michael Gordon, all in favor.

The Chairwoman made a motion:

- 3) to waive the requirement for public hearing

2nd by Robert Fracchia, all in favor.

The Chairwoman made a motion:

- 4) for a minor modification to the site plan with only a change in tenancy of use

2nd by Janet Gross, all in favor.

Glenn Daley Farm

Grid # 6465-02-639557

Location: 822 North Ave.

13 acre expansion of sand & gravel mine

Chairwoman Rebecca Seaman indicated that the next item on the agenda is the Glenn Daley Farm. The applicant requests a modification of an existing permit to create a 3 acre pond by mining deeper than previously approved within an existing "life of mine" area of 10 acres on a total site of 98 +/- acres. The location is on the east side of North Avenue approximately one mile southwest of the hamlet of Salt Point. This has come thru as a state regulatory use not as a site plan application.

Chairwoman Rebecca Seaman opened the floor to the public but noted that this is not a “Public Hearing”.

Boardmember Paula Vincetore stated that currently the mine is not near any houses and that the dust should be a minimal impact.

Peter Lumb of 831 North Avenue - Commented that he lives close by to the gravel mine and there is noise and dust occurring already.

Boardmember Paula Vincetore commented that the roads entering should be graveled.

Peter Lumb of 831 North Avenue - Commented that the roads are already paved.

Town attorney Jim Nelson indicated that the Code of the Town of Pleasant Valley, Chapter 98, Article IV, § 98 – 67 through 76 requires the applicant to submit a Special Use Permit application. The need for an extension before comment period is requested by the town.

Chestnut Mart of Pleasant Valley, Inc.

Grid # 6363-04-555243

Location: 1413 Route 44

Area Variance Request for modification of an existing gas station canopy and installation of a new free standing price sign

Chris Gent represented the applicant Chestnut Mart. Chris Gent submitted the latest rendition of the proposed sign to the Planning Board. After review of the sign and requested variances, Chairwoman Rebecca Seaman made a motion for a positive referral to the Pleasant Valley Zoning Board of Appeals, 2nd by Paula Vincetore, all in favor.

**TOWN OF PLEASANT VALLEY PLANNING BOARD
RECOMMENDATION TO ZONING BOARD OF APPEALS
ZBA REFERRAL**

APPLICANT:Chestnut Mart

GRID # :6363-04-555242

LOCATION: 1413 Route 44

DATE: 11/12/13

Variances: The sign permit application for Chestnut Petroleum Distributer Inc., USA GAS requested will need a variance for:

1. A variance to allow the proposed canopy signs to be considered as wall signs, as canopy signs are not listed as permissible signs in the town code; §98-46B & 98-46 I (1) (a).

2. A variance to allow for three signs; two canopy and one monument sign, a variance from the single primary sign allowed by 98-46 I (1) (a), 98-46 H (3) and 1 (a) (5).
3. A variance to the limitation on the total square feet permitted for wall signs, 24 feet, pursuant to 98-46(1)(a) [5]. The size requested is 26.93 s.f.
4. A variance to allow for total sign area in the district of 37.1 s.f. to exceed 16 s.f. as required by 98-46 H (3) and I (1)(a)[6].
5. A variance to allow the monument sign height to be 13.59 ft. 98-46 I (1)(a)[6] limits monument signs to 6 feet height including all components.
6. A variance to allow for 11 words plus listed gasoline prices. 98-46 J (2) (C) limit to 7 words including numbers, logos, etc.
7. A variance to allow the internal (LED) illumination of the numbers which display the gasoline prices. Such internal illumination is prohibited by 98-46 F (7).

RECOMMENDATION – The Planning Board makes a positive_____

Recommendation to the Zoning Board of Appeals to Approve_____
(Deny/Approve)

the request for a variance from items listed in 1-7 above **(Section of the Code).**

The Planning Board makes such recommendation based on the following:

- 1) The board found the variances requested in numbers 2-6 listed above, requesting relief from size and number limitations of the code, were reasonable considering sight lines for motorists on Route 44.
- 2) The Planning Board found that the determination to allow canopy signs to function as a wall sign was acceptable as canopy signs are not provided for in the town code. These canopy signs which identify the name of the station franchise are reasonable and customary on a gas station canopy.
- 3) The Planning Board found that the request for the internal illumination of the gas prices on the monument sign was reasonable due to the need to constantly change the prices. No other portion of any sign will be internally illuminated. The limited LED illumination allowed will not have a major impact on the prohibition of internally illuminated signs.

Rebecca Seaman

11/21/13

Planning Board Chairman

Date

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Thrift on By
Grid # 6363-02-744508

Location: 1540 Rt. 44

Sign Permit Application for new business

Applicant will be on next month's agenda.

Goose's Diesel Truck Parts & Service, LLC

Grid # 6463-02-648952

Location: 1931 Route 44

Site Plan Discussion

Chairwoman Rebecca Seaman introduced the next item as Goose's Diesel and commented that Boardmember Robert Fracchia was recused. Matt Day representing the applicant indicated that he met with the Pleasant Valley Fire Advisory Board and that there were no fire and safety issues.

Chairwoman Rebecca Seaman stated that circulation to the lead agencies needs to occur and that a 239m referral would be sent to the Dutchess County Planning Department.

Chairwoman Rebecca Seaman made a motion to circulate for lead agency, 2nd by Paula Vincetore, all in favor.

Gasparro Amended Site Plan (ALKL Corp.)

Grid#6363-03-447030

Location: 1325 Route 44

Re-Application for Site Plan Approval

Scott Jandrucko representing ALKL requested status from the Planning Board of their site plan. Chairwoman Rebecca Seaman commented that the 239m referral from Dutchess County Planning came back and was designated as a matter for local concern.

Chairwoman Rebecca Seaman indicated that the site plan will need to be resigned by all people who had originally signed it.

The Chairwoman made a motion:

- 1) to reaffirm SEQRA work done on original site plan.

2nd by Paula Vincetore, all in favor.

The Chairwoman made a motion:

- 2) to waive the requirement for public hearing

2nd by Michael Gordon, all in favor.

The Chairwoman made a motion:

- 3) to approve site plan conditioned on submission of a plat with new signature blocks

2nd by Janet Gross, all in favor.

TACONIC HOMES – SITE PLAN

Grid # 6564-02-529760

Location: Route 44, Pleasant Valley

Conditional Site Plan Review

Chairwoman introduced the last agenda item for the meeting which is the Resolution for Conditional Site Plan Approval of Taconic Homes and noted that Board member Paula Vincetore was recused.

Attorney Jim Nelson and the Planning Board reviewed the resolution in detail.

**RESOLUTION
TOWN OF PLEASANT VALLEY PLANNING BOARD
CONDITIONAL SITE PLAN APPROVAL
Application of Taconic Homes**

Date: November 12, 2013

Resolution offered by: R. Seaman

Seconded by: M. Gordon

WHEREAS, an application (“Application”) for site plan approval of a project known as “Taconic Homes” (also, the “Project”) located on Route 44, Town of Pleasant Valley, on two tax parcels, identified on the Town of Pleasant Valley Tax Map as parcels #134400-6564-02-529760 (+/- 72.22 acres) and #134400-6564-02-450804 (+/- 4.32 acres) (“Premises”) was submitted to the Town of Pleasant Valley Planning Board (“Planning Board”) by Valley Group V, LLC (“Applicant”), successor to TRG of NY, LLC.; and

WHEREAS, the Application as amended seeks site plan approval for a 252-unit condominium complex consisting of 180 two-bedroom units and 72 three-bedroom units, including 24 affordable housing units, along with associated amenities and site improvements; and

WHEREAS, after circulation of notice, the Planning Board as Lead Agency for

the State Environmental Quality Review Act (“SEQRA”) review of the Project determined it to be a Type I action; and

WHEREAS, after the issues were scoped, a draft environmental impact statement was prepared, which draft environmental impact statement was subsequently revised and accepted by the Planning Board as complete on July 10, 2007; and

WHEREAS, following a public hearing on August 14, 2007 which was continued on September 11, 2007, and a public comment period, revisions to the proposed plan were submitted to the Planning Board, and a further public hearing was held on August 8, 2008; and

WHEREAS, on April 14, 2009 the Applicant submitted a draft environmental impact statement which was accepted by the Planning Board on June 9, 2009 subject to the receipt of public comments; and

WHEREAS, at the request of the Planning Board, additional studies relating to botany and wildlife were conducted by the Applicant and received by the Planning Board between June 2009 and August 31, 2010; and

WHEREAS, after consideration of all of the foregoing the Planning Board on November 9, 2010 adopted and issued a SEQRA Finding Statement; and

WHEREAS, the Planning Board thereafter conducted a full review of the site plan Application and found that the Site Plan was consistent with the SEQRA findings statement as adopted; and

WHEREAS, as part of the Planning Board’s site plan review a public hearing was noticed and opened on April 19, 2013, and reopened on October 8, 2013; and

WHEREAS, in accordance with Pleasant Valley Code § 98-81, the Planning Board has reviewed all of the factors enumerated in subdivisions “A” through “U” of said § 98-81 which are pertinent to the Project; and

WHEREAS, the Application and supporting materials demonstrate that, subject to the fulfillment of certain conditions, the requirements and standards for site plan approval as set forth in Town of Pleasant Valley Zoning Code § 98-81 have been met,

NOW, THEREFORE, BE IT RESOLVED, that the site plan entitled “Taconic Homes” dated August 27, 2012 and last revised October 7, 2013, consisting of 62 pages

is approved, subject to fulfillment of the following conditions, all of which, except as provided below, shall be met prior to the signing of the site plan by the Planning Board Chair:

1. Payment of all fees; and
2. Adoption by the Planning Board of findings and a recommendation pursuant to Town Law § 274(a) and Pleasant Valley Code § 98-86 regarding the need for a park or parks, the determination by the Town Board of the amount of such fees and/or the acceptance of dedicated parkland on the Property site, and the payment of such fees by the Applicant and/or offer of a dedication; and
3. Army Corps of Engineers (“ACOE”), Wetland Permit; and
4. Approval by New York State Department of Transportation (“DOT”) of the Route 44 Improvement Plans, and provided further that the Planning Board shall be advised of and may comment on all DOT applications and may attend all DOT-Applicant meetings; and
5. New York State Department of Environmental Conservation Stormwater SPDES Permit; and
6. New York State Department of Environmental Conservation Sanitary SPDES Permit ; and
7. Dutchess County Department of Health (“DCDOH”) and or New York State Department of Health (“NYSDOH”) technical approval of the water supply, treatment, and distribution system plans; and
8. NYSDEC and or DCDOH technical approval of the sewage treatment facility and collection system plans; and
9. Revisions or additions to the fire system protection plans based on comments by the Pleasant Valley Fire Advisory Board in consultation with the Planning Board Engineer; and
10. Address all issues raised in the Morris Associates May 8, 2013 and June 11, 2013 comment letters to the satisfaction of the Planning Board Engineer; and
11. Final review and approval of the Stormwater Pollution Prevention Plan (SWPPP)

by the Planning Board Engineer including a maintenance agreement and inspection and maintenance easement pursuant to Chapter 74 of the Pleasant Valley Town Code; and

12. Final review and approval of a Landscape Plan by the Planning Board Engineer with security acceptable to the Town Board and Planning Board as required; and

13. (i) The submission by the Applicant and approval by the Planning Board pursuant

to Town Code §98-84 of a phasing plan for the development of the phases of the

project which shall include the delineation of the areas of the project to be constructed under each phase.

(ii) In addition, prior to the start of construction of each phase the Applicant shall supply the Planning Board with the anticipated dates of the start and completion of construction within that stage, a suggested schedule of inspections, and a recommendation of the amount of escrow for such inspections, which inspections shall be conducted to ensure compliance with the requirements of the approved Site Plan and all permits.

(iii) The anticipated dates of the start and completion of construction within each phase are intended to be guidelines and shall not be binding on the Applicant; provided however that if construction has begun on a phase it shall be diligently pursued, and if construction is not diligently pursued or has ceased for any reason for a period of twelve months or more, this Site Plan shall lapse. However, the Applicant may apply to the Planning Board for an extension of the 12 month maximum period of non construction prior to the expiration of said 12 month period. Such extensions shall not be unreasonably withheld by the Planning Board.

(iv) Before a building permit is issued for each subsequent phase, improvements, infrastructure and landscaping of the prior phases shall be at least 85% complete and the buildings shall be at least 70% complete.

(v) Applicant shall provide a written report to the Planning Board and appear at the Planning Board to update it as to the status of this project at least once during every 12 month period after adoption of this resolution. Following execution of the Site Plan, the Applicant shall provide an annual written report to the Planning Board, and appear at the Planning Board to update it on the status of development if requested by the Planning Board.

- (vi) Notwithstanding that the dates provided by the applicant for completion of each phase are advisory, all phases of this development project shall be substantially completed within 12 years of the execution of the Site Plan, failing which the Site Plan shall lapse at the end of the twelfth year; provided, however, that the Applicant may apply for an extension of up to two years, provided said application is in writing and received by the Planning Board prior to the expiration of the allowed 12 years.
14. Receipt of the shared driveway easement benefitting the property to the east of the westerly access drive to the site showing that no specific design for access is required; and
15. Installation of crosswalk markings on the east access drive to the site when and if a sidewalk is constructed which runs east from said access road; and
16. Notes and endorsement on the site plan that the “open space” portion of the site plan will not be subject to further development by the applicant or its successors or assigns; and

BE IT FURTHER RESOLVED THAT:

1. The Applicant shall apply for and have received a New York State Department of Environmental Conservation water supply permit and a New York State Department of Environmental Conservation operating permit for its sewage treatment system, and the collection system for all phases proposed to be occupied, prior to the issuance of Certificates of Occupancy for any phase of the project; and

BE IT FURTHER RESOLVED THAT:

1. The foregoing approval is further conditioned, per Pleasant Valley Code § 98-84, on the submission by the Applicant to the Planning Board within three (3) years of the date of this resolution of a plat for signature, together with proof of compliance with conditions “1” through “16” above; and
2. If any permit or approval required by this resolution will cause a change in the approved site plan, the Applicant shall return to the Planning Board for a revised site plan approval prior to beginning construction under such permits or approvals.

SHOULD INFORMATION PRESENTED BY THE APPLICANT OR ITS REPRESENTATIVES, EITHER WRITTEN OR VERBAL, BE FOUND TO BE ERRONEOUS, THE APPROVAL GRANTED HEREIN WILL BE SUBJECT TO INVALIDATION BY THE PLANNING BOARD, AND SHOULD ANY PERMIT REQUIRED TO BE OBTAINED BY THE APPLICANT AS A CONDITION SUBSEQUENT TO THIS RESOLUTION REQUIRE ALTERATION TO THE SITE PLAN DOCUMENTS THE SAME SHALL BE SUBMITTED TO AND APPROVED BY THE PLANNING BOARD PRIOR TO THE START OF CONSTRUCTION OF SUCH IMPROVEMENTS.

Planning Board Chair
Date: November 12, 2013

VOTE: 6 ayes
 0 nays
 1 recusal

Chairwoman made a motion to grant Taconic Homes conditional site plan approval of the resolution dated November 12, 2013, 2nd by Michael Gordon, all in favor.

Chairwoman Rebecca Seaman made a motion to go into attorney client discussion, 2nd by Michael Gordon, all in favor.

Chairwoman Rebecca Seaman made a motion to close the attorney client discussion, 2nd by Paula Vincetore, all in favor.

Chairwoman Rebecca Seaman made a motion to close the meeting, 2nd by Paula Vincetore, all in favor.

The foregoing represents unofficial minutes of the November 21, 2013 Pleasant Valley Planning Board Meeting.

Approved as read
 Approved as corrected with deletions/additions

PLEASANT VALLEY PLANNING BOARD MINUTES
December 5, 2013

A regular meeting of the Pleasant Valley Planning Board took place on December 5, 2013 at the Pleasant Valley Town Hall, 1554 Main Street, Pleasant Valley, New York. Chairwoman Rebecca Seaman called the meeting to order at 7:02 p.m.

Present: Chairwoman Rebecca Seaman; Boardmembers: Robert Fracchia, Michael Gordon, Janet Gross, Norman Mackay, Eileen Quinn, Paula Vincetore, Town Engineer: Pete Setaro; Planning Board Attorney: James Nelson; Secretary: Maura Kennedy

The Chair recognized Paula Vincetore for her service to the Planning Board. Ms. Vincetore will be stepping down at the end of December as she has moved out of Pleasant Valley.

Pleasant Valley – Citgo
Grid #6564-02-808968
Location: 2551 Rt. 44
Site Plan Discussion

Chairwoman Rebecca Seaman stated that the first item of business was Pleasant Valley Citgo. Gyanwanti Persaud, the applicant presented the site plan for 2551 Rt. 44. Town Engineer, Peter Setaro commented to the board that from a site plan perspective, they are really not doing or changing anything from the current site plan. Mr. Persaud indicated they have painted, cleaned the site up and updated plantings for the landscaping. Chairwoman Rebecca Seaman asked the board if there were any comments. Boardmember Michael Gordon commented that the site was small with only 2 pumps. The applicant told the board that they would like to be on next month's agenda for their sign proposal.

Chairwoman Rebecca Seaman made a motion to:

- 1) approve the site plan as a minor modification
- 2) waive the public hearing
- 3) the it is a Type 2 listing under SEQRA

2nd by Board Member Paula Vincetore, all in favor.

The site plan as presented was approved, when the plat is available and signed, this will be the site plan of record.

Thrift on By

Grid # 6363-02-744508

Location: 1540 Rt. 44

Sign Permit Application for new business

Chairwoman Rebecca Seaman introduced the next item on the agenda as Dawn Traver, applicant for Thrift on By. The revised sign was presented to the board. Board Member Michael Gordon commented that the Village Restaurant sign could use some updating. The applicant commented that her sign has a 2 dimensional trunk look. Board Member Janet Gross interjected tht that the sign was a nice design.

Chairwoman Rebecca Seaman made a motion to approve the Thrift on By sign, 2nd by Board Member Paula Vincetore, all in favor.

TOWN OF PLEASANT VALLEY
SIGN APPROVAL RESOLUTION

DATE 10/8/13

RESOLUTION OFFERED BY Rebecca Seaman
SECONDED BY Janet Gross

WHEREAS, THE TOWN OF PLEASANT VALLEY PLANNING BOARD HAS RECEIVED AN APPLICATION FROM **THRIFT ON BY, REPRESENTED BY DAWN TRAVER** FOR THE APPROVAL OF 1 SIGN, DATED **10/08/13** AND,

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

NOW THEREFORE BE IT RESOLVED, THAT THE PLANNING BOARD DETERMINES THE APPLICATION TO BE A TYPE II ACTION/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 1 SIGN AS SHOWN IN THE APPLICATION AND DRAWING

AND CONSISTING OF THE MATERIALS, SIZES AND COLORS SHOWN IN THE APPLICATION AS FOLLOWS:

The approval of the monument sign in the size and form as herein submitted and stamped on December 5, 2013 by the Planning Board Secretary, to be placed in the same position as the existing posts from a previous sign is hereby granted.

Rebecca Martin Seaman

PLANNING BOARD CHAIRMAN

DATE October 8, 2013

Cc: Applicant

Vote: AYES 7
NAYS -
ABSTENTIONS -

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Goose's Diesel Truck Parts & Service, LLC

Grid # 6463-02-648952

Location: 1931 Route 44

Continued Discussion & Schedule of Public Hearing

Chairwoman Rebecca Seaman introduced the next item on the agenda and noted that Board Member Robert Fracchia is recused from this agenda item. Chairwoman Rebecca Seaman introduced Mark Day of Mark Day Engineering representing the applicant. Mark Day reviewed his Site Plan proposal.

Items discussed were:

- 1) Noise level is 46 db at property line
- 2) Hours of operation are 8 am to 5 pm, with no weekend hours
- 3) Site will be air conditioned
- 4) Building will have a cultured stone foundation base
- 5) FAB made recommendation to leave front area so that it could be used as a vehicle pull-off area.
- 6) utilization of pines for noise mitigation

Chairwoman Rebecca Seaman requested paint samples to be brought in for the next meeting.

Chairwoman Rebecca Seaman made a motion to authorize for a public hearing, 2nd from Board member Paula Vincetore, all in favor.

Open Space & Farmland Plan

Chairwoman Rebecca Seaman introduced the topic of the Open Space & Farmland Plan.

Meta Plotnik, CAC Board Member gave a brief overview explaining the concept of the plan.

Acting Chairman Michael Gordon made a motion that the Planning Board adopt the open space plan and recommendation in support of the Town Board for their adoption.

The motion passed with: 1 **AYES**
 - **NAYES**
 1 **ABSTENTIONS**

Chairwoman Rebecca Seaman made a motion to approve the July 9, 2013 meeting minutes with corrections, 2nd by Paula Vincetore, all in favor.

Acting Chairman Michael Gordon made a motion to approve the August 13, 2013 meeting minutes with corrections, 2nd by Eileen Quinn, all in favor. (Chairwoman Rebecca Seaman & Board member Robert Fracchia were recused).

Chairwoman Rebecca Seaman made a motion to go into attorney client discussion, 2nd by Michael Gordon, all in favor.

Chairwoman Rebecca Seaman made a motion to close the attorney client discussion, 2nd by Paula Vincetore, all in favor.

Board member Eileen Quinn interjected that the Salt Point Firehouse sign is installed and it is on all night. Chairwoman Rebecca Seaman interjected that we have a signed agreement in place and the Zoning Administrator will be notified of the occurrence.

Chairwoman Rebecca Seaman made a motion to close the meeting, 2nd by Paula Vincetore, all in favor.

The foregoing represents unofficial minutes of the December 5, 2013 Pleasant Valley Planning Board Meeting.

_____ Approved as read X Approved as corrected with deletions/additions

