

## **PLEASANT VALLEY PLANNING BOARD MINUTES**

### **January 14, 2014**

A regular meeting of the Pleasant Valley Planning Board took place on January 14, 2014 at the Pleasant Valley Town Hall, 1554 Main Street, Pleasant Valley, New York. Chairwoman Rebecca Seaman called the meeting to order at 6:39 p.m.

Present: Chairwoman Rebecca Seaman; Boardmembers: Robert Fracchia, Janet Gross, Norman Mackay; Boardmembers Michael Gordon, Eileen Quinn were absent. Town Engineer: Liz Axelson; Planning Board Attorney: James Nelson; Secretary: Maura Kennedy; Zoning Administrator: Mike White

#### **Goose's Diesel Truck Parts & Service, LLC**

**Grid # 6463-02-648952**

**Location: 1931 Route 44**

Public Hearing

Chairwoman Rebecca Seaman stated that the first item of business is Goose's Deisel Truck Parts & Service LLC. Chairwoman Rebecca Seaman spoke into record that Boardmember Robert Fracchia was recused from this agenda item. Mark Day of M. A. Day Engineering appeared before the Board on behalf of Goose's Diesel. MarkDay reviewed the application stating that:

- 1) the building is an 8800 sq. foot building
- 2) has 2 DOT entrances
- 3) existng well to be abandoned with new well to be established
- 4) amount of vehicles to be serviced per day is 4
- 5) no vehicles are worked on in the 1<sup>st</sup> bay
- 6) hours of operation are 9:00 am to 5:30 pm
- 7) applicant is not increasing the ambient noise level
- 8) plantings will be utilized to shield noise on residence side.

Chairwoman Rebecca Seaman made a motion to open the public hearing, 2<sup>nd</sup> by Janet Gross, all in favor.

The Chairwoman asked the people who wanted to speak to state their name and address for the record.

Meta Plotnik of 2002 Rt. 44 - Commented that she is the chair of the CAC and her concern is that there could be waste leaking into the ground or storm water from the process that Goose's Diesel will be conducting. Mark Day indicated that there are waste receptacles for waste run-off. Ms. Plotnik asked if there were plans to expand. Mark Day answered that the level is the level its been and will stay that way and that the construction of the new building will not generate any more business. Ms. Plotnik also

raised the concern that the drainage pipe is in the side hill and this raises a flood issue since the stream seems to be at peak levels lately. Mark Day responded that there is actually a reduction in the amount of run-off and that Goose's Diesel is not adding to the peak of run-off.

Courtney Jburis of 1937 Rt. 44 - Ms. Jburis spoke that she is a senior at Arlington High School and she has lived at her residence for quite awhile, and she has been woken up by noise previously coming from the proposed location of the new business by prior habitants. Ms. Jburis asked the question on what is being done with residual fluids that occur during the process. Mark Day responded that the fluids are run thru a filter (a sand filter which is DEC approved), any overflow runs into a culvert and discharged into the stream and that sand at site will run into road.

Suzanne Horne of 1911 Rt. 44 – read a document that was submitted to the Planning Board members. Incorporated by reference into these minutes refer to “Attachment I”.

Kevin Belote of 29 Pleasant View Rd. – commented that as a resident above the site, he is very concerned regarding noise, window rattling, the truck back up alarms constantly going off. With all the proposed noised, he won't be able to sit outside and enjoy his property. He doesn't believe the plan presented is a good plan for their residential neighborhood.

Jay Gallow of 37 Pleasant View Rd. - told the Planning Board that the stream does pass into Wappingers Creek which is a water shed area. He indicated that there is great concern regarding the leakage that could occur to well water with reference to the on-going water situation in Fishkill regarding well contamination. The additional concern is the land banked parking. Mark Day said that it exists because of current code requirements and remains green for now. Jay Gallow asked about fumes, and that the stream is DEC protected and a previous sound barrier with landscaping had been removed from most of the areas. Mark Day commented that the code requires a minimum of 44 parking spaces and is zoned mixed use commercial zone and that the diesel repair shop is an allowed use with a special use permit.

Darah J. Buris of 1937 Rt. 44 – commented that as a resident she is very concerned with the noise and already has had to put up a privacy fence to not see the mess of the property. She currently enjoys being able to sit out in her front and back yard during the summer. In addition, she is concerned about her children's health as they have asthma, a donut shop is not going to help the residents. She asked – “how is it going to help the residents?”.

Allison Richards of 11 Pleasant View – told the Planning Board that noise is occurring now, there are trucks idling at night and waking up her children. She believes that some concession to residents in the area should be made. She recently bought her house and has only owned it for 2 months now. They bought the house because the backyard was not visible in the public eye.

Chairwoman Rebecca Seaman commented that the Planning Board would be conducting a site visit to 1931 Route 44, surrounding parcel's and residents, that the Planning Board is charged with improving an area when a site plan proposal is before them. The Chairwoman noted that it appears that the noise is exceeding the current code allowance and that would look into the question of whether the bays would be are conditioned.

Chairwoman made a motion to adjourn the public hearing to a date to be decided, 2<sup>nd</sup> by Janet Gross, all in favor.

Liz Axelson, engineering representative from Morris Associates commented that:

- the hours of operation would be annotated
- recommended that landscaping on eastern side should be of varied heights
- doors should be closed during hours of operation
- deeper shades of warmer colors should be utilized on outside of building
- more details on types of equipment, i.e. type of wrenches
- review other means of sound attenuation
- stakes should be placed for site visit

**Pleasant Valley – Citgo**

**Grid #6564-02-808968**

**Location: 2551 Rt. 44**

Sign Review

Matt Kusewich representing the applicant, Pleasant Valley Citgo reviewed the sign proposal with the Planning Board. Chairwoman Rebecca Seaman proposed planting vegetation for the west side of the site, Matt Kusewich commented that it was not feasible due to the Rt. 44 DOT sign placement. In addition, the Chairwoman recommended down-lit goose lighting for the Citgo proposed sign. The Chairwoman also noted that a 239M Referral needs to occur to Dutchess County Planning.

Chairwoman Rebecca Seaman made a positive recommendation to the ZBA, 2<sup>nd</sup> from Robert Fracchia, all in favor:

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

**DATE: 1-13-14**

**APPEAL #988 : AREA VARIANCE**

**APPLICANT: Gyannwanti Persaud, Citgo Gas Station**

**GRID # : 6564-02-808968**

**LOCATION:**            2551 Rt. 44

**PROPOSAL:**

The applicant has proposed a wall sign stating “Quik Mart” which would be code-compliant in size, colors, lettering and coverage. In addition, the applicant has requested a two sided monument sign to be located on the east side of the property to display gasoline and diesel prices together with the company logo. The Planning Board may grant relief pursuant to 98-46 N, to allow the applicant the right to have both a monument sign and a wall sign which would otherwise be prohibited by 98-46 (I) (1).

**VARIANCES REQUESTED:**

1. A variance to allow a monument sign of 39.16 s.f. in area; a size in excess of the 16 s.f. allowed pursuant to 98-46 I(a)(6). The Planning board bases the positive recommendation on the sight lines and visibility required for traffic on Route 44 and to avoid obstruction by vegetation on the adjacent property to the east.
2. A variance is requested to allow for the height of the proposed monument sign to reach 14 ft in height. The town code, Chapter 98, Article IV, § 98-46 I (1) (a) [6] limits the height to a maximum of 6 ft, including all components of the sign. The Planning Board bases a positive recommendation on the above reasons stated in #1 above.
3. A variance is requested to allow for the internal illumination which is prohibited pursuant to the town code, Chapter 98, Article IV, § 98-46 F (7). The Planning Board makes a positive recommendation for internal illumination of the gas price display only to avoid hardship to the applicant caused by the need to constantly change gas price displays.
4. A variance is requested to allow for eleven (11) words plus the gasoline prices. The town code, Chapter 98, Article IV, § 98-46 J (2) (c) establishes a maximum of 7 words on a sign. The Planning Board bases the positive recommendation on the fact that it is reasonable for the applicant to display gas prices of all products plus the company logo.

**RECOMMENDATION** – The Planning Board refers this application to the Zoning Board of Appeals with a positive recommendation for the area variances requested above for the reasons stated:

*Rebecca Martin Seaman*  
Planning Board Chairman

1/14/14  
Date

**Vertex**

**Grid # 6463-02-706981**

**Location: 20 Pleasant View Road**

Pre-application discussion

Salvatore Osnato, owner of Vertex presented his proposed site plan to the Planning Board for pre-application discussion. The plan for this site is kitchen/cabinet storage with garage space for storage of vintage cars. Currently, the building has everything necessary for the owner's needs, there is no showroom proposed and any requirements for patrons or public to come to the site for business. Mr. Osnato has plans for placement of new windows and landscaping to make the site more aesthetically pleasing.

Chairwoman Rebecca Seaman told Sal Osnato that he needs to submit a formal site plan with application including all proposed minor modifications for approval to the Planning Board.

**Church Proposition – Serino Subdivision**

**Grid # 6463-01-460888**

**Location: 1847 Rt. 44**

Pre-application discussion

John Mirabilio presented his proposal for a church to be built at the above referenced location. The Zoning Administrator informed the board that a church is a permitted use under rcial zoning. Chairwoman Rebecca Seaman asked if the applicant would be building the church for a customer. Mr. Mirabilio commented that he is just building it since it is a permitted use and would be marketing it for an owner after it is constructed. Chairwoman Seaman said that the site plan and approval process is a lengthy and expensive process and that the proposal for a cemetary with a church is not a permitted use under current zoning code. The board advised the applicant to carefully consider such an expensive without already having secured a congregation.

The next item covered on agenda was the October 8, 2013 Planning Board Meeting Minutes. Chairwoman Rebecca Seaman tabled the approval since there was not a quorum available to approve these meeting minutes.

Chairwoman Seaman made a motion to approve the November 21, 2013 Planning Board Meeting Minutes. Seconded by Norm Mackay, all in favor.

Chairwoman Seaman made a motion to approve the December 5, 2013 Planning Board Meeting Minutes. Seconded by Janet Gross, all in favor.

Chairwoman made a motion to move into Executive Session at 8:45 pm. Seconded by Janet Gross, all in favor.

Chairwoman made a motion to move out of Executive Session at 8:55 pm. Seconded by Janet Gross, all in favor.

Chairwoman Rebecca Seaman made a motion to adjourn the meeting at 9:10 p.m., 2nd by Board Member Janet Gross, all in favor.

The foregoing represents unofficial minutes of the January 14, 2014 Pleasant Valley Planning Board Meeting.

  X   Approved as read

       Approved as corrected with deletions/additions

**PLEASANT VALLEY PLANNING BOARD MINUTES**  
**February 11, 2014**

A regular meeting of the Pleasant Valley Planning Board took place on February 11, 2014 at the Pleasant Valley Town Hall, 1554 Main Street, Pleasant Valley, New York. Chairwoman Rebecca Seaman called the meeting to order at 6:30 p.m.

Present: Chairwoman Rebecca Seaman; Boardmembers: Robert Fracchia, Janet Gross, Norman Mackay, Michael Gordon, Eileen Quinn

Chairwoman Rebecca Seaman opened the meeting with a discussion initiated by resident, Suzanne Horn on her request to have the meeting cancelled due to late notification. The Chairwoman noted that discussion with Planning Board counsel confirmed the meeting was held with sufficient notice as required by Section 103 of the Public Meetings Law.

**Planning Board Review & Approval of Meeting Minutes**

Chairwoman Seaman made a motion to approve the October 8, 2013 Meeting Minutes, 2<sup>nd</sup> by Michael Gordon, all in favor.

**Goose's Diesel Truck Parts & Service, LLC**

**Grid # 6463-02-648952**

**Location: 1931 Route 44**

Continued Site Plan Discussion

Chairwoman Rebecca Seaman stated that the first item of business is the retention of a landscaping consultant for Goose's Diesel Truck Parts & Service LLC site plan. Chairwoman Rebecca Seaman spoke into record that Boardmember Robert Fracchia was recused from this agenda item. The Chairwoman read the resolution into the record:

**RESOLUTION**

**RETENTION OF LANDSCAPING CONSULTANT**

**TOWN OF PLEASANT VALLEY PLANNING BOARD**

**GOOSE'S DIESEL**

Motion Date: 2/11/14 Resolution offered by: Rebecca Martin Seaman

Ratification Date: \_\_\_\_\_

Seconded by: Michael Gordon

**WHEREAS**, a formal application (“Application”) for site plan approval of a project entitled “Goose’s Diesel” located at \_\_\_\_\_, Town of Pleasant Valley, (the “Premises”) has been submitted to the Town of Pleasant Valley Planning Board (“Planning Board”) by Michael Bucey (Applicant); and

**WHEREAS**, the proposed site plan review of the Application requires the consideration of potential screening from adjacent properties; and

**WHEREAS**, Peter Karas, a Landscape Architect, is qualified to advise the Planning Board regarding the potential need for screening on the Premises, and is willing to provide his services as an independent contractor to the Planning Board at \$95.00/hour plus reasonable disbursements, such costs to be solely the responsibility of the Applicant, and subject to payment being made when and to the extent the Town of Pleasant Valley receives payment from the Applicant;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Pleasant Valley Planning Board Chair is authorized to retain Peter Karas to advise the Planning Board regarding the above issues on this Application on the foregoing terms, subject to any required Town Board approval.

Rebecca Martin Seaman  
REBECCA SEAMAN  
Planning Board Chairman  
Date: 2/11/14

VOTE: 5 ayes  
\_\_\_\_\_ nays  
\_\_\_\_\_ abstentions  
1 recused

Cc: Applicant  
Zoning Administrator  
Town Clerk  
Town Engineer

**Fuscaldo Enterprises**  
**Grid # 6463-02-590874**  
**Location: 1894 Route 44**  
Pre-application discussion

Chairwoman Rebecca Seaman introduced Joe Fuscaldo of Fuscaldo Enterprises who was not on the agenda but came to the meeting last minute to request an appearance before the



Planning Board for a non-binding discussion to install a miniature golf course feature at 1894 Route 44. The Planning Board reviewed the proposal, Chairwoman Rebecca Seaman told the applicant to sketch out the miniature golf plan, get placed on the agenda and that it would be subject to a site plan amendment review by the Planning Board.

Chairwoman Seaman made a motion to adjourn the meeting, 2<sup>nd</sup> by Janet Gross, all in favor.

The foregoing represents unofficial minutes of the February 11, 2014 Pleasant Valley Planning Board Meeting.

\_\_\_\_Approved as read

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

## **PLEASANT VALLEY PLANNING BOARD MINUTES**

### **April 8, 2014**

A regular meeting of the Pleasant Valley Planning Board took place on April 8, 2014 at the Pleasant Valley Town Hall, 1554 Main Street, Pleasant Valley, New York. Chairwoman Rebecca Seaman called the meeting to order at 6:30 p.m.

Present: Chairwoman Rebecca Seaman; Boardmembers: Robert Fracchia, Janet Gross, Norman Mackay, Michael Gordon, Eileen Quinn. Staff: Michael White, Laura Wojtowicz. Consultants: James Nelson, ESQ, Peter Setaro, Engineer

#### **Goose's Diesel Truck Parts & Service, LLC**

**Grid # 6463-02-648952**

**Location: 1931 Route 44**

Discussion regarding the site plan and landscaping plan

Mark Day, Day Engineering discussed the new proposed landscaping plan which he stated shows berms and substantial evergreens to mitigate views from adjacent property owners.

Peter Karas, Taconic Site and Landscape Architecture submitted revised landscaping sketch plans for the eastern part of the site which includes berms and evergreens to mitigate the visual impacts to the neighbors.

Ms. Seaman advised that they return to the May 13, 2014 Planning Board meeting to present the final landscaping plans to the board before the Board sets the date to re-open the Public Hearing.

#### **Accent Cabinetry & Woodworking Sign Application**

**Grid # 6363-01-322767**

**215 West Road**

Requests approval for a monument sign

Loren Ouimet presented the proposed sign rendition to the Planning Board. The Board discussed the brightness of the lighting for the proposed sign as well as the Belgian Block. Mr. Gordon suggested the block be changed to fieldstone and asked how bright the lights would be. After the discussion, Ms. Seaman made a motion to approve the sign with stipulations:

The applicant is to show notes on the plans;

1. The ground lighting will be no stronger than 18 watt LED as shown on the submitted plans.
2. The lights will be adjusted to avoid light pollution.
3. Only white lights shall be used.
4. The sign lights will be turned off by 12:00 AM midnight every night.

5. The Belgian Block will be changed to fieldstone.

The motion was seconded by Ms. Quinn and approved by the Planning Board 6 – 0.

Planning Board Minutes April 8 2014

**Nolan Lot Line Revision**

**Grid # 6363-01-201777**

**841 & 843 Salt Point Turnpike**

**Pleasant Valley NY**

Applicant requested an initial discussion of a proposed lot line realignment.

Brian Houston, Land Surveyor represented the Nolans and explained the proposed revision to the Board and expained the reason the applicant wished to do have this realignment approved. The Board discussed the access to the pole barn and how the access would be accomplished with one driveway.

Ms. Seaman made a motion to waive the Public Hearing in accordance with § 82.12.B, Town Of Pleasant Zoning Code. It was seconded by Mr. Gordon and approved by the Planning Board 6 – 0.

The Board instructed the applicant's engineer to prepare a legal temporary easement over the existing driveway to be reviewed and approved by the Planning Board's attorney.

**Gas Land Petroleum, Inc.**

**Grid #6564-01-475845**

**Location: 2406 Route 44**

Discussion of a site plan for an addition and drive through

Margaret McManus, Chazen Companies appeared before the Planning Board to discuss progress on the site plan and NYSDOT proposals. Due to concerns regarding the safety of the traffic patterns proposed, the applicant agreed to return to discussions with the DOT, together with representatives for the Planning Board.

**Built Parcel Two**

**Grid #6463-01-191743**

**Location: 1736-1738 Main Street**

Presentation for final site approval for a parking lot

Steve Tinkleman explained to the Board that he needs to utilize parking on an adjacent parcel for his tenants at 1736-1738 Main Street. After discussion about the parking, chairwoman Seaman moved to grant final site plan approval subject to the following:

1. Approval of council for the easement regarding the 4 parking spaces
2. Add a signature block on the plans for the Chairwoman's signature.

The motion was seconded by Mr. Mackay and approved 6 – 0.

The Planning Board went into executive session at 8:10 PM and returned from executive session at 8:15 PM

The meeting was closed at 8:20 PM with a motion by Rebecca Seaman and seconded by Eileen Quinn, approved 6 – 0.

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Minutes approved 5/13/2014

\_\_\_\_\_ Planning Board Chairman

## **PLEASANT VALLEY PLANNING BOARD MINUTES May 13, 2014**

A regular meeting of the Pleasant Valley Planning Board took place on May 13, 2014 at the Pleasant Valley Town Hall, 1554 Main Street, Pleasant Valley, New York. Chairwoman Rebecca Seaman called the meeting to order at 6:30 p.m.

| Present: Chairwoman Rebecca Seaman; Boardmembers: Robert Fracchia, ~~Janet Gross~~, Norman Mackay, Michael Gordon, Eileen Quinn. Staff: Michael White, Laura Wojtowicz. Consultants: James Nelson, ESQ, Peter Setaro, Engineer

### **Goose's Diesel Truck Parts & Service, LLC**

**Grid # 6463-02-648952**

**Location: 1931 Route 44**

Discussion regarding the site plan and landscaping plan

Mark Day, Day Engineering discussed the new proposed landscaping plan which he stated shows berms and substantial evergreens to mitigate views from adjacent property owners.

Peter Karas, Taconic Site and Landscape Architecture submitted revised landscaping sketch plans for the eastern part of the site which includes berms and evergreens to mitigate the visual impacts to the neighbors.

| Ms. Seaman advised that they return to the ~~May/June 130~~, 2014 Planning Board meeting to present the final landscaping plans to the board before the Board sets the date to re-open the Public Hearing.

### **Accent Cabinetry & Woodworking Sign Application**

**Grid # 6363-01-322767**

**215 West Road**

Requests approval for a monument sign

Loren Ouimet presented the proposed sign rendition to the Planning Board. The Board discussed the brightness of the lighting for the proposed sign as well as the Belgian Block. Mr. Gordon suggested the block be changed to fieldstone and asked how bright the lights would be. After the discussion, Ms. Seaman made a motion to approve the sign with stipulations:

The applicant is to show notes on the plans;

1. The ground lighting will be no stronger than 18 watt LED as shown on the submitted plans.
2. The lights will be adjusted to avoid light pollution.
3. Only white lights shall be used.
4. The sign lights will be turned off by 12:00 AM midnight every night.

5. The Belgian Block will be changed to fieldstone.

The motion was seconded by Ms. Quinn and approved by the Planning Board 6 – 0.

Planning Board Minutes April 8 2014

**Nolan Lot Line Revision**

**Grid # 6363-01-201777**

**841 & 843 Salt Point Turnpike**

**Pleasant Valley NY**

Applicant requested an initial discussion of a proposed lot line realignment.

Brian Houston, Land Surveyor represented the Nolans and explained the proposed revision to the Board and explained the reason the applicant wished to ~~do~~ have this realignment approved. The Board discussed the access to the pole barn and how the access would be accomplished with one driveway.

Ms. Seaman made a motion to waive the Public Hearing in accordance with § 82.12.B, Town Of Pleasant Zoning Code. It was seconded by Mr. Gordon and approved by the Planning Board 6 – 0.

The Board instructed the applicant's engineer to prepare a legal temporary easement over the existing driveway to be reviewed and approved by the Planning Board's attorney.

**Gas Land Petroleum, Inc.**

**Grid #6564-01-475845**

**Location: 2406 Route 44**

Discussion of a site plan for an addition and drive through

Margaret McManus, Chazen Companies appeared before the Planning Board to discuss progress on the site plan and NYSDOT proposals. Due to concerns regarding the safety of the traffic patterns proposed, the applicant agreed to return to discussions with the DOT, together with representatives for the Planning Board.

**Built Parcel Two**

**Grid #6463-01-191743**

**Location: 1736-1738 Main Street**

Presentation for final site approval for a parking lot

Steve Tinkleman explained to the Board that he needs to utilize parking on an adjacent parcel for his tenants at 1736-1738 Main Street. After discussion about the parking, chairwoman Seaman moved to grant final site plan approval subject to the following:

1. Approval of Planning Board Legal Ceounesel for the easement regarding the 4 parking spaces
2. Add a signature block on the plans for the Chairwoman's signature.

The motion was seconded by Mr. Mackay and approved 6 ~~--~~ 0 0.

The Planning Board went into executive session at 8:10 PM and returned from executive session at 8:15 PM

The meeting was closed at 8:20 PM with a motion by Rebecca Seaman and seconded by Eileen Quinn, approved 6 – 0.

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### Minutes

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\_\_\_\_ Planning Board Chairman

## **PLEASANT VALLEY PLANNING BOARD MINUTES**

### **June 10, 2014**

A regular meeting of the Pleasant Valley Planning Board took place on June 10, 2014 at the Pleasant Valley Town Hall, 1554 Main Street, Pleasant Valley, New York. Chairwoman Rebecca Seaman called the meeting to order at 6:30 p.m.

Members Present:	Chairwoman Rebecca Seaman Robert Fracchia Norman Mackay Michael Gordon Eileen Quinn Janet Gross
Staff:	Michael White Sonia James
Consultants:	James Nelson, ESQ Peter Setaro, Engineer Peter Karas, Landscape Architect.

Ms. Seaman, started the meeting at 0630, she welcomed Sonia James, Secretary to the Planning Board.

**Goose's Diesel Truck Parts & Service, LLC**  
**Grid # 6463-02-648952**  
**Location: 1931 Route 44**

Note: Robert Fracchia recused himself from this agenda item.

Owner Mike Bucey and engineer Mark Day were present for this project.

Mr. Day presented the amended plan to the Board, stating that the lot already has an existing storage wood framed unit. The future use of this building has not been determined at this time.

Mr. Peter Karas, Landscaping architect informed the Board that there will be a buffer of trees towards the eastern, and north side of the property which will provide a visual and sound buffer.

The NYS DOT has issued a permit for the driveway and they are still awaiting, Health Departments approval.

Mr. Pete Setaro indicated that he is okay with all the calculations and approves all the basic items, subject to BOH approval, sewerage was taken care of, we are in good condition and he recommends the Planning Board could pursue a SEQR determination.



Attached is the Resolution “Site Plan and Wetland Permit Approval Town of Pleasant Valley Planning Board”.

At this point, Chairwoman, Ms. Seaman, informed all present that a notice of the meeting was published in the Poughkeepsie Journal, and also that the letters were sent to all the adjacent neighbours to the Goose’s Diesel.

Ms. Seaman made a Motion to open the Public hearing, it was seconded by Mr. Michael Gordon, and approved by all the Board Member 6-0.

The Public hearing was opened and public was invited to offer their views.

Mr. John Bell of 37 Pleasant View Road, had this to say:

- Minutes of the Meeting are not updated on the Town website, therefore the public was not aware of the latest situation
- Trucks noise start around 6 in the morning, which is very disturbing to the neighbors
- How tall will the trees/spurs be when planted

Mr. Peter Karis, informed all that the trees when planted will be eight (8) feet tall. There will be no removal of existing or vegetation on the hill side. The trees planted around the road access are as allowed by space and should provide an attractive streetscape.

Mr. John Bell of 37 Pleasant View Road, suggested:

- Town to enforce the hours of operation, trucks should not start firing up early in the mornings.

Ms. Seaman, explained that as part of the site plan hours will be established and these must be followed by GOOSE’S Diesel, otherwise the Zoning Administrator will have an enforcement action.

Mr. Michael Bucey, owner Goose’s Diesel, explained that the official hours of operation start at 8 a.m. Sometimes the trucks have to upload before 8, but he would try to do his best, and make all efforts as not to disturb neighbors.

Mr. Day added that the trees/spurs will help to block the noise.

Mr. Peter Setaro, suggested that the bermes should be planted as soon as possible.

Mr. Peter Karas, said that the planting should be done in fall as in summer there will be irrigation problems. All agreed that it was best to plant the bermes in fall.

Mr. Gordon also pointed out that the fall planting would bring in much better survival rate for plants/trees.

A question was raised about, how long it will take for the trees to grow full height, so that the sound from the trucks can be blocked.

Mr. Michael White, Zoning Administrator stated that the noise levels at, the present Goose Diesel operation are within the town codes.

Mr. Peter Setaro, pointed out a clause that “no registered vehicle could be parked at the premises for more than 30 days and no unregistered vehicle could be parked at the premises for more than 10 days”.

Mr. Bucey, assured the Board that there will be no unregistered vehicles parked on the Goose’s premises, as no body work is done at the shop.

Ms. Seaman stressed the need to have a designated parking area for employees, plus visitors and that the trucks to be repaired should be stored properly. A note should be made on site plan stating the number of employees. Also there should be some area designated for overflow parking

Mr. Bucey explained that there should be enough maneuvering area for trucks

Mr. Gordon inquired if the building permit was needed in order to plant the berms.

Mr. Jim Nelson, Town Attorney, informed that it was not possible, first the building permit should be issued, and only after that any planting or earth moving can be done.

A resolution was passed for the planning board to have the ability to dismiss the additional requirements of parking space.

At this point, Ms. Seaman asked public if they had any more comments, and as there were none, Ms. Seaman moved to close the public hearing, Mr. Gordon seconded the motion, approved by all the members, except Robert Fracchia, recused.

Ms. Seaman asked that the auxiliary building already existing on site should match the color/material with the main building

Ms. Seaman made a motion , to approve the Site Plan/Wetland application in accordance with the Resolution set forth, below, Mr. Gordon seconded and the motion was approved 5-0-1 with Mr. Fracchia abstaining due to his recusal.

The Board then referred the Site Plan to the ZBA for special approval with positive referral from the Planning Board. Ms. Seaman made a motion for a positive referral to the ZBA, Mr. Gordon 2nded the notion, all were in favor. 5-0-1, Mr. Fracchia abstaining due to his recusal.

**ZONING BOARD OF APPEALS (ZBA)**  
**RESOLUTION – SPECIAL USE PERMITS – APPROVAL**  
**(Dated June 26, 2014)**  
**98-49 (B) (IF IN FH OR SFH DISTRICT SEE 98-49 [B] [4])**

WHEREAS, the applicant **Michael Bucey**, has submitted proof in support of **his**/her application for **Goose's Diesel, A Truck Repair Shop**, which under the code of the Town of Pleasant Valley requires the issuance of a special use permit, and

WHEEAS, such proof has been duly considered by the Board at the public meeting, now therefore, be it

RESOLVED, that the Board finds that the use for which such permit is sought, to wit: **A Truck Repair Shop**, and under the conditional hereinafter set forth, will not be injurious to the neighborhood or otherwise detrimental to the public welfare and be it further

RESOLVED that the Board determines that in its judgment, the special use:

1.     **a.     is reasonable and in the general interest of the Public health**
- b.     is reasonable and for the general welfare of the Public**
2.     **is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities**
3.     **that the neighborhood character and surrounding property values are reasonable safeguard**
4.     **will not cause undue traffic congestion or create a traffic hazard**
5.     **complies with all other conditions or standards specified in the Zoning Code of the Town of Pleasant Valley**

AND, be it further RESOLVED, that the Board determines that the following appropriate conditions and safeguard (and/or lime limitations) are included with the issuance of this special use permit:

1.     **Site specific notes, item 10, working hours : Monday – Friday 8 am-5pm, Saturday retail only 8 am to 5 pm, Sunday closed.**

These conditions are found to be appropriate so as to guarantee that the use of the premises shall not be incompatible with other permitted uses in the vicinity and area where the property is located.

All in favor Vote 6-0-0

**SCHROEDER SITE PLAN LEAD AGENCY**

**1734 Main Street Pleasant Valley NY**

Grid # 6463-01-185734

Owner: Michael Schroeder

Applicant Michael Schroeder, appeared before the Planning Board to discuss his site plan request to demolish an existing old 1820's two family farm house and replace it with a new 2 family house meeting all current building codes. Mr. Schroeder explained that he inherited this property in 2011 and the house has been vacant for last 30 years. It is not feasible to restore the existing house. He further explained that they will need approval from the Health Dept. for the septic. The Site Plan would need a variance for a two family home as the site does not have the minimum acreage required for a two family home. Also he needed variance from the side setbacks required for the house from 5.4 feet to 8 feet for sewage and oil tanks to maneuver.

A Motion was made by Ms. Seaman, to refer the variances to the ZBA with a positive recommendation for approval of the variances requested, the motion was seconded by Ms. Janet Gross and all were in favor 6-0-0.

The Chair noted that the Board's positive recommendation for the variance from the minimum acreage requirement for a two family home was predicted on the fact that the historical use of the site was for a two family home, the grandfathered status of that use was lost due to the difficulties of inheritance issues through no fault of the applicant and that the applicant would suffer unnecessary loss and hardship on a denial of the variance.

The variance for side set back caused no disruption to neighboring properties and was necessary for a workable service access to the structure as noted by the Board.

**Netherwood School**

**Grid #: 6265-04-906289**

**Location: 648 Netherwood Road, Pleasant Valley NY 12569**

Sign Permit Application

Ms. Barbara Fitzgerald presented their request to the Board; the Netherwood School wanted to replace the existing sign with a new one. No internal illumination or LED was used.

Ms. Seaman asked, if anyone had any objection to the sign and made a motion to positively refer the plan to the ZBA for the variances requested from size and word limitations in the code. Mr. Gordon seconded the motion and all members approved 6-0-0.

**Vertex**

**Grid # 6463-02-706981**

**Location: 20 Pleasant View Road**

Applicant requests site plan approval to use an existing 1 (one) story building for a wood working shop, including an office and storage.

Owner, Mr. Salvatore Osnato, explained to the Board Members that he intended to do the cosmetic changes to the existing house, which he uses as his home office, plus build a covered carport for his 12 cars. He emphasized that the house was not open to the public, as he has a showroom elsewhere, and that's where the public goes.

Mr. Michael White added that the house was built in 1964, and is in need for a facelift.

Ms. Seaman wanted to look at the site plan, which was not ready yet. Mr. Osnato explained that it was still with the Architect Mr. David Beckwith, who has promised to submit by early July.

Ms. Seaman wanted the town engineer to have a look at the site plans, before those were submitted to the Planning Board.

Mr. White wanted to know if Building permit can be issued before the site plan was submitted.

Mr. Nelson was firm in his answer that no permits could be issued before the site plan approval.

Mr. Setaro, inquired if the company vans were parked at the premises.

Ms. Seaman, emphasized that a professional site plan was need for the Board to give their approval. She suggested that the Board may be able to waive the public hearing and a decision will be made at that time.

Mr. White suggested that as long as Mr. Osanto submits his site plan before July 8<sup>th</sup> 2014, the Board will accept it.

The minutes of May 14, 2014 were approved, 2<sup>nd</sup> by Mr. Gordon.

#### **CHESTNUT MART OF PLEASANT VALLEY**

**1902-1904 Route 44, Pleasant Valley NY**

Grid # 6463-02-606871 Zoned: MC

Ratify sign/approval

The proposed sign was approved by the Board members seconded by Ms. Gross 6-0-0. Ms. Seaman made a motion to adjourn the meeting at 8.20 p.m. The motion was seconded by Ms. Eileen Quinn.

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Planning Board Chairman



**Town of Pleasant Valley**  
**Planning/Zoning Department**

**PLEASANT VALLEY PLANNING BOARD MINUTES**  
**July 08, 2014**

A regular meeting of the Pleasant Valley Planning Board took place on July 8, 2014 at the Pleasant Valley Town Hall, located at 1554 Main Street, Pleasant Valley, New York 12569.

Present:	Chairperson:	Rebecca Seaman
	Boardmembers Present	Robert Fracchia
		Norman Mackay
		Michael Gordon
		Janet Gross
	Boardmember Absent:	Eileen Quinn
	Staff:	Michael White
		Sonia James
	Consultants:	James Nelson, ESQ
		Peter Setaro, Town Engineer

Chairperson Ms. Rebecca Seaman called the meeting to order at 6:30 p.m.

**Daley Soil Mines: Special Use Permit**

**Grid # 6465-02-639557-0000, Hyde Park District**

**Location: 822, North Avenue, Salt Point NY, 12578**

Special Permit to expand additional gravel mine for the use of more material

Mr. Glen Daley and Ms. Cindy Daley, represented Daley Soil Mines. Stating that after 30+ years of mining they are running out of material and needed more land for mining. 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.

Ms. Seaman explained the Planning Board procedure to the applicant stating that we look at and approve site plans, whereas the special use permit applications are approved by the ZBA.



**Town of Pleasant Valley**  
**Planning/Zoning Department**

Ms Seaman wanted to clarify lead agency status. Even if planning board is not the lead agency, they would still have to approve the site plan under town code. If DEC is the lead agency, planning board has just to approve the site plan, sending letters to neighbors etc. Also as part of the procedure we will have to hold a public hearing. The board will coordinate with Mr. White on this project.

**Brief Presentation by Mr. Nat Parish – Taconic Homes**

At this point Mr. Nat J. Parish, President, Parish & Weiner Inc. Planning, Development and Traffic Consultants, gave a brief update on the Taconic Homes Project. On November 12, 2013, the Planning Board approved the conditional site plan. Applicant is still processing the wetlands permit; there's been a delay due to change of staff member. Things with Fire Board are being cleared. The work is proceeding well.

**SCHROEDER SITE PLAN LEAD AGENCY**

**1734 Main Street Pleasant Valley NY**

Grid # 6463-01-185734

Owner: Michael Schroeder

Mr. Wade Silkworth, of Silkworth Engineer, represented Mr. Michael Schroeder, and informed the Board that ZBA had granted the Variances requested. Mr. Silkworth stated that there was a slight modification/addition to the plan. Instead of gravel driveway, they will now have paved driveway plus a six (6) feet fence between the next door neighbors as per neighbor's request.

The site plan was approved on the conditions that the revise elevation and correct color codes will be added to the map, and than the map will be signed by the Chairperson (attached).

Motion was made for conditional approval by Ms. Seaman seconded by Mr. Norm Mackay and was approved 5-0-0.

**Vertex**

**Grid # 6463-02-706981**

**Location: 20 Pleasant View Road**

The Board waived the public hearing.



**Town of Pleasant Valley**  
**Planning/Zoning Department**

The Applicant had added to the site map a blue print of a future covered car port. Mr. Osnato was informed that by adding that to the map, it no longer qualifies as a minor site plan amendments. The applicant agreed to take the car port out of the site map. He was given an approval on the condition that the map would be revised and then signed by the Chairperson.

A resolution was made to find Vertex was a type 2 action, exempt from environmental review under SEQR, motion was seconded by Ms. Janet Gross. Approved 5-0-0.

**Rao Citgo LLC**

**Grid # 6564-02-808968-00**

**Location: 2551-2553, Main Street, Pleasant Valley NY 12569**

Mr. Rao Naeem, of 2551, Main Street, Pleasant Valley NY 12569, represented Rao Citgo. A revised Site plan was submitted showing addition of a Proposed Storage and Rental of Three (3) U-Haul vehicles. Mr. Setaro informed the Board that he has visited the site and observed that the conditions previously approved were not met, they were supposed to build a wooden fence around the dumpster which was not done, plus the trees were not planted as requested.

Therefore a conditional approval was given to the Applicant for the parking of three U Haul rental vehicles. Conditions being:

1. A 6' wooden fence is to be built around the dumpster
2. Trees should be planted as discussed earlier

A motion to waive SEQR was made by Ms. Seaman seconded by Mr. Robert Fracchia and approved 5-0-0.

Motion for conditional approval was made by Ms. Seaman seconded by Mr. Michael Gordon. Approved 5-0-0.

**Gasland Petroleum, Inc.**

**Grid # 6564-01-475845**

**Location: 2406 Main Street, Pleasant Valley NY 12569**

Ms. Margaret McManus, Project manager, Chazen Companies, represented the Gasland Petroleum, informed the Board that she had met with the DOT and had their approval, on the two entrances going in





**Town of Pleasant Valley**  
**Planning/Zoning Department**

from the west and out on the east and for a left turn lane from west bound side of 44.

A motion was made by Ms. Seaman, to authorize the applicant to advertise for a public hearing, Mr. Michael Gordon seconded the motion. 5-0-0.

Ms. Seaman made a motion to adjourn the meeting at 7:45 p.m. The motion was seconded by Ms. Janet Gross.

## PLEASANT VALLEY PLANNING BOARD MINUTES

August 12, 2014

A regular meeting of the Pleasant Valley Planning Board took place on August 12, 2014 at the Pleasant Valley Town Hall, located at 1554 Main Street, Pleasant Valley, New York 12569.

Present:	Acting Chairperson:	Michael Gordon
	Boardmembers Present	Robert Fracchia Norman Mackay Janet Gross
	Boardmember Absent:	Eilneen Quinn Rebecca Seaman
	Staff:	Michael White Sonia James
	Consultants:	James Nelson, ESQ, Planning Board Attorney Peter Setaro, Town Engineer

Vice Chairman Mr. Michael Gordon called the meeting to order at 6:30 p.m.

### **Preliminary Discussion: Mystic Gas Station 1699 Route 44, Pleasant Valley, NY 12569**

Mr. Roshan Lal, owner appeared before the planning board for a pre-application discussion to explain his expanded auto and truck sales activities.

Mr. Michael White informed the Board, that he had received number of complaints about the said property, stating that there were too many cars parked being a gas station, there should be a proper flow of vehicles. Also the property had an apartment on the second floor.

Mr. Lal explained that the economy is bad and to generate extra income he had allowed Mr. Jawad Maya and another person, to open up a garage where Mr. Maya repairs the cars and then sells them.

Ms. Janet Gross at this point added that the number of parking spaces should be specified and assigned, especially as the cars sale is an addition to the pre existing gas station/garage.

Mr. Jim Nelson, was concerned if the zoning district allows the sales of the cars, or would a site plan modification will be needed.

Mr. Lal, clarified that they had enough parking area for the car sale business.

Mr. White told the Board the property was in (Hamlet Residential) HR, which is not a Mixed Commercial (MC) Zone.

Mr. Setaro commented that by allowing car sale business, they will have to render non-conforming uses.

Mr. Gordon, Acting Chairman, assured the applicant Mr. Lal, that he will not be prohibited to do his work, but will have to get the site plan approval as well as ZBA approval for the special use permit.

Mr. Lal wanted to know, what he should do now, should he continue with the car sale business or not.

Mr. Gordon informed him that he could continue with his current business as is, for now.

Mr. Jawad Maya, resident 50 Long View Road, Poughkeepsie NY 12603, introduced himself as Car Sales Owner/Mechanic, gave his statement, stating, that as there is not much business or work for mechanics, he has no other option to repair cars and put those up for sale. He clarified that at a time he had no more than 4-5 cars. If his business was closed he could have no source of income.

Mr. Gordon assured Mr. Maya, that town will do whatever is in there power to help him.

It was concluded that Mr. Michael White will check various possibilities to accommodate the car sale business and will let Mr. Roshan Lal know what has to be done.

### **Citgo Quik Mart**

**Grid # 6564-02-808968-00**

**Location: 2551-2553, Rt. 44, Salt Point NY 12578**

An approval for the change in the fence built around the Dumpsters - chain link instead of wooden fence was given. A resolution was read Mr. Robert Fraccia made the motion for approval Mr. Norm Mackay seconded and the resolution (attached) was approved in favor of the applicant 4-0-0.

**Daley Soil Mines: Special Use Permit**

**Grid # 6465-02-639557-0000, Hyde Park District**

**Location: 822, North Avenue, Salt Point NY, 12578**

Mr. Roy Budnik represented Daley Soil Mines. To get approval for Special Permit to expand additional gravel mine for the use of more material.

Mr. Gordon explained that Dutchess County Planning Department had to be notified as the property was on the county road.

Mr. Jim Nelson, noted that a Site Plan has to be submitted to the Planning Board for approval after that it has to go to ZBA for special use permit.

Mr. Setaro asked if there were trees planted along the property line for the privacy of neighbors.

Mr. Budnik, answered that for now they did not have tree plantings on the site plan.

Mr. Glen Daley, owner Daley Soil Mines was upset and wanted the clarification that “what, did the expansion in the middle of his own land had to do with the county road?” He informed the Board that he has paved the road at the entrance of his property to emit dust, by vehicles going in and out.

Mr. Gordon explained that it was just a practice/procedure to inform the county if the property was on the county road.

At this point the motion was approved to hold and Public hearing for Daley soil mines on September 9, 2014, Planning Board Meeting. Motion was made by Mr. Gordon, seconded by Ms. Gross and was approved 4-0-0

**Gasland Petroleum, Inc.**

**Grid # 6564-01-475845**

**Location: 2406 Main Street, Pleasant Valley NY 12569**

Mr. Robert Turner of Tinkleman and Mr. Kyle Ahearn, of Chazen Companies, represented the Gasland Petroleum. The Applicant is proposing the construction of a 575± square foot addition to the existing 1,791 square foot convenience store, with associated site improvements. Approximately 1,050 square feet of the building will be utilized for a coffee shop with a drive-through on the east side, and the remaining 1,316 square feet will continue as a convenience store.

Mr. Turner showed the samples of all the materials that would be used on the building exterior, along with the color palates.

He also explained that a second entrance – which has a handicap access - to the convenience store was needed. As the first entrance is too close to the traffic thus was not suitable for the handicap access.

The drawing showed a Dunkin Donut, sign, which was questioned by the Board as the sign permits were approved separately.

A motion to open a public hearing was made by Mr. Michael Gordon and was seconded by Ms. Janet Gross. At this point Mr. Gordon informed all present that the public hearing will stay open till the September 9, 2014 Planning Board meeting. This motion was seconded by Mr. Norm Mackay, approved 4-0-0.

Mr. Peter Setaro informed the applicant that the Board seeks SEQR at the September hearing and also Site Plan approval. Notes on map that has to do with the phasing, will be looked over by Mr. Nelsons office.

The August 12, 2014 Planning Board meeting was adjourned at 7:15 p.m. The motion to adjourn meeting was made by Mr. Michael Gordon and seconded by Mr. Norm Mackay, approved 4-0-0.

RESOLUTION  
TOWN OF PLEASANT VALLEY PLANNING BOARD

**MODIFICATION OF CONDITIONAL SITE PLAN APPROVAL**

Application of Rao Citgo LLC

Grid # 6564-02-808968-00

Location: 2551-2553, Main Street, Pleasant Valley NY 12569

**WHEREAS**, Rao Citgo submitted an application for modification of its Site Plan to allow for the storage of three (3) U-Haul vehicles; and

**WHEREAS** on July 8, 2014, the Pleasant Valley Planning Board issued a conditional approval to the Applicant for the parking of three U Haul rental vehicles on site, conditioned on:

1. A 6' wooden fence to be built around the dumpster; and
2. Trees to be planted as discussed by the Board.

; and

**WHEREAS**, the above Motion for conditional approval was approved 5-0-0; and

**WHEREAS**, the Applicant having constructed the dumpster enclosure using chain-link fence with visual screening through it, which installation is acceptable to the Planning Board;

**NOW THEREFORE**, be it resolved that the Town of Pleasant Valley Planning Board hereby further modifies the conditional Site Plan Approval for Rao Citgo to allow the enclosure of the dumpster by chain-link fencing with visual screening through it in lieu of the previously required wood fencing.

The foregoing resolution having been presented by Mr. Robert Fraccia and seconded by Mr. Norm Mackay on August 12, 2014 and having thereafter been called to a vote was carried as follows:

	Aye 4	Nay 0
Rebecca Seaman, Chair		
Robert Fraccia	X	0
Michael Gordon	#	0
Janet Gross	/	0
Norm Mackay	'	0
Eileen Quinn		

## **PLEASANT VALLEY PLANNING BOARD MINUTES**

### **September 9, 2014**

A regular meeting of the Pleasant Valley Planning Board took place on September 9, 2014 at the Pleasant Valley Town Hall, located at 1554 Main Street, Pleasant Valley, New York 12569.

Present:	Chairperson:	Rebecca Seaman
	Boardmembers Present:	Michael Gordon
		Robert Fracchia
		Norman Mackay
		Janet Gross
		Eilneen Quinn
	Staff:	Sonia James
	Consultants:	James Nelson, ESQ, Planning Board Attorney
		Peter Setaro, Town Engineer

Chairperson Ms. Rebecca Seaman called the meeting to order at 6:30 p.m.

#### **Daley Soil Mines: Special Use Permit**

**Grid # 6465-02-639557-0000, Hyde Park District**

**Location: 822, North Avenue, Salt Point NY, 12578**

Chair Ms. Seaman, informed all present, about a clerical mistake/typo in publishing the ad for Daley Soil Mines for public hearing in the Poughkeepsie Journal. Thus, stating that the public hearing will be opened on September 9, 2014, but will not close and will be carried on to the next meeting to be held on October 14, 2014. This should give ample time for the neighbors to attend and share their opinions. The motion to leave the public hearing open was made by the Chair Ms. Seaman and seconded by Ms. Eileen Quinn, all were in favor 6-0-0.

Mr. Glen Daley, owner Daley Soil Mines requested clarification as to why the public hearing has to be kept open. Ms. Seaman explained that everyone has a right to offer/share their opinions especially the neighbors, and that adequate and proper notice is a requirement of the code.

The public hearing was declared open by The Chair. Following were the public comments:

**Mr. Peter Lumb of 831 North Ave, Salt Point:** He stated that as his house is right across the road, he is the one who is most impacted than

the other neighboring land owners. Further stating that his intention is not to create hurdles for the applicant, but clarifying three things the Board should take into consideration before taken any decisions:

1. The DEC permit - that is in process is issued for a maximum of 5 years, does town has any jurisdiction over this? This should be changed and that needs to be addressed or reviewed periodically.
2. Soil mines are supposed to be extracting material/processing the material, no material from outside should be brought in.
3. He would like to see some sort of mitigation for visual side lines and noise. He informed that lots of soil mine in Dutchess area are protected by berms or white pine trees, thus buffering the noise.

**Mr. Gary Veeder, 1422 Salt Point:** Stated that he had deep appreciation for open lands and as the Daley soil mine operation is going on for quite a while, he wanted to see the mines continued. He gave credit to the people who keep the farmlands open.

**Ms. Alison Czech, 787 Netherwood:** was of the opinion that the mine was run in an organized manner, there were no noise or traffic concerns. She had no objections.

**Mr. Richard Czech, 761 North Avenue, Salt Point:** Strongly supported the need for farm lands. Saying that the Daley Farm is one of the most beautiful site and he would hate to see that beautiful open land replaced by houses.

**Mr. Thomas Hahn, 1331 Netherwood Road:** Mr. Hahn, informed that he supported Mr. Glen's father, in opening the mine, and continues to support Glen Daley.

**Mr. Frank Susezynki, 116 Scout Road, Salt Point:** stated that he has lived in this area for last 60 years. He added that the "Soil mining is like farming", therefore it should be allowed to continue. He asked the public if they would prefer to see farms and serene pond around them or rather see 50 houses.

Mr. Peter Setaro, Town Engineer read his Comments:

1. It would be helpful to further review the site plan to have a **copy of the original approved plans for the DEC mine application**. I emailed with applicants representative Roy Budnick who agreed to provide a copy of 2005 plans. The current permit that is in effect references 2005 plans.



2. The Mining Map included with the application references perimeter top soil berms, however the limit of the berms is not clear. In Mr. Budnick's September 5<sup>th</sup> email to me, it appears that the indicated berms may not be permanent. We recommended as part of the site plan review that the Planning Board consider permanent berms and tree plantings to help screen the mines.
3. The plan should include the standard owners consent signature block.

Chair, Ms. Seaman, in response to Mr. Peter Lumb's query about the discontinuation of the project, stated that it was not within the jurisdiction of the Planning Board, rather DEC controls the issuance of permits. Under the town code special use permit is required. Thus they have to appear before the planning board for the Site Plan approval. We cannot stop the mining; we will discuss putting up the berms, trees etc. We will continue the public hearing on October 14, 2014, and then refer the application to the ZBA for Special Use Permit consideration.

**Ms. Jan Czech, 761 North Avenue, Salt Point:** Wanted to know why the proceedings have to be delayed due to the clerical error.

Ms. Seaman explained that it was done as a precaution to avoid any law suits for failure to follow proper procedure. This decision to keep the public hearing open is not holding up the Daleys mining work, as the Chair confirmed with Mr. Daley.

Mr. Glen provided the 2005 Site Plan Map to the Board for their records – as requested by Mr. Pete Setaro.

At this point the public hearing was adjourned. A motion was made by the Chair Ms. Seaman to keep the public hearing open till the next Planning Board meeting scheduled to be held on Tuesday October 14, 2014, seconded by Mr. Michael Gordon all were in favor 6-0-0.

**Gasland Petroleum, Inc.**

**Grid # 6564-01-475845**

**Location: 2406 Main Street, Pleasant Valley NY 12569**

Proposing construction of a 575± square feet addition to the existing 1,791 square feet convenience store, with associated site improvements.

Approximately 1,050 square feet of the building will be utilized for a coffee shop with a drive-through on the east side, and the remaining 1,316 square feet will continue as a convenience store.

Ms. Margaret McManus, Project manager, Chazen Companies, representing Gasland Petroleum, informed the Board that they had closed one entrance towards the Taconic Homes, and had reduced the width of the driveway from 22 feet to 20 feet. Chair, Ms. Seaman was concerned if large trucks could pass through the drive way. Ms. McManus confirmed that there would be enough space for trucks to pass through.

A motion was made by the Chair Ms. Seaman to re-open the Public Hearing that had been kept open from August 12, 2014 Planning Board Meeting, seconded by Ms. Janet Gross, all in favor 6-0-0.

No Public was present to give their opinion therefore the motion was made by the Chair to close the public hearing, Mr. Norm Mackay seconded and all were in favor 6-0-0.

Mr. Peter Setaro informed the Board:

- i. That, he had prepared a Negative Declaration and Conditional site plan and wetlands permits approval resolution for the Boards consideration. Also informed the Board that NYDOT has issued Conceptual Approval for the route 44 left turn lane, which was the last item before the Board could consider a SEQR determination.
- ii. The applicant submitted a wetlands permit application dated August 10, 2014. Applicant is required to install a new septic system, which will meet current DCDOH requirements, and in our opinion will provide greater safeguards to the existing wetlands. As a result we recommend the wetlands permit be granted.

Mr. Setaro also informed the Board that he had reviewed the latest plans dated June 2014, as well as previous comment letters from our office, and responses from Chazen Companies. Based on our review we have the following comments and addressing these comments have been made a condition of approval:

1. A note shall be added to sheet SP-4 indicating that the existing main drainage pipe transversing through the site to the rear wetlands shall be evaluated during construction for structural integrity, as replaced as directed by the project engineer or NYDOT as part of the approval of the Highway Work Permit plans.
2. The NYSDOT Access note Sheet SP-3 shall be revised to indicate that should Taconic homes develop their westerly access roadway adjacent to this site the Gasland may be allowed to modify their site access to utilize the new roadway subject to

amended site plan approval from the Town of Pleasant Valley Planning Board in conjunction with a coordinated review between the Town and NYDOT. The exact wording of this note should be discussed.

3. As there are some additional impervious surfaces created by this project, the applicant's engineer should work with our office to determine whether any roof leaders, or other impervious surfaces could be directed to infiltration swales rather than direct runoff. We are not requiring a drainage study as the increase is not substantial, however it could also be further protection for the rear wetland.
4. The applicant's engineer should review the pavement grading along the driveway behind the building and drive thru areas as the grades seem relatively flat and ponding may occur.

Ms. Seaman made a motion to approve Negative Declaration with following addition:

"5. There will be no loud speaker system for the exterior of the premises"

Seconded by Ms. Janet Gross approved 6-0-0.

Ms. Seaman made a motion for conditional approval for Site Plan and Wetland Permit with following addition:

"4. Final approval by the Boards engineer for limitation of run off.

5. Hours of operation will not exceed 5 a.m. to 1 a.m"

Seconded by Mr. Norm Mackay, approved 6-0-0.

Chair Ms. Seaman thanked the Board and wished Ms. Margaret McManus good luck.

Copies of the Resolution for SEQR determination and the Conditional Approval of the site plan and wetlands permit application are attached.

**The Point Club**  
**Design Properties LLC (Old Williams)**  
**Parcel # 134400-6465-02-70547**  
**58 Cottage Street, Salt Point, NY**

For the record Chair Ms. Seaman informed all that the Planning Board is always willing to add new items to its agenda last minute, but it is not possible for all the consultants/board members to review the project

files. Any opinions expressed in such preliminary discussions are not binding as they are made without benefit of review by the Boards legal and engineering consultants.

Mr. Richard Rang, of Kirchhoff Companies gave a briefing about the project, he reminded the Board that it was the old Williams Lumber site, instead of an auction hall it will now be a gym/fitness club, there will be no outside structural change to the building, only the interior will be remodeled, there will be a change in occupancy.

Mr. Rang requested waiving of public hearing as the facility will be like a small studio/semi-private gym. Operating hours will be 6 a.m. to 8 p.m.

Ms. Seaman wanted to know the max capacity of parking lots.

Ms. Seaman informed the applicant that the Board needs to see the Plan for the interior.

Mr. Rang told that as soon as an architect is hired interior plan will be submitted

Ms. Quin wanted to know if a septic tank would have to be replaced.

The applicant stated that there would be no hot tubs, pools or Sauna's at the facility.

Mr. Rang stated that a dye test was performed and all seems to be in order, they had no idea where the absorption is, but there is no seepage in the creek.

Mr. Setaro, spoke about the Health Department code stating that if "25+ people per day using water for 60 consecutive days", then the Health Department would need to look into the matter.

Ms. Seaman informed that the Planning Board does not want to overstep the Board of Health, so a clarification of the BOH requirement will be needed.

Mr. Setaro inquired about the handicap parking. Ms. Seaman was concerned about the lighting. Mr. Rang informed that the lighting levels were within the town codes.

Mr. Rang was requested to submit his site plan after getting all the clarification from the Building Department and also from the Board of Health.

Motion to approve the Minutes of June 10, 2014 meeting with changes was made by the Chair and seconded by Ms. Gross, approved 6-0-0.

Motion to approve the Minutes of July 8, 2014 meeting with changes was made by the Chair and seconded by Mr. Gordon, approved 6-0-0.

Motion to approve the Minutes of August 12, 2014 meeting with changes was made by the Mr. Gordon and seconded by Ms. Gross, approved 4-0-0. Ms. Seaman and Ms. Quinn recused themselves, as they were not present at the August meeting.

Motion to adjourn the Planning Board meeting was adjourned at 8 p.m. The motion to adjourn meeting was made by the Chair Ms. Seaman seconded by Mr. Fracchia approved 6-0-0.

## **PLEASANT VALLEY PLANNING BOARD MINUTES**

### **October 14, 2014**

A regular meeting of the Pleasant Valley Planning Board took place on October 14, 2014 at 6:30 pm, at the Pleasant Valley Town Hall, located at 1554 Main Street, Pleasant Valley, New York 12569.

Chairperson:	Rebecca Seaman
Boardmembers Present:	Michael Gordon
	Robert Fracchia
	Norman Mackay
	Eilneen Quinn
Boardmembers Absent:	Janet Gross
Staff:	Sonia James
	Michael White
Consultants:	James Nelson, ESQ, Planning Board Attorney
	Peter Setaro, Town Engineer

Chairperson Ms. Rebecca Seaman called the meeting to order at 6:30 p.m.

**Daley Soil Mines: Special Use Permit**  
**Grid # 6465-02-639557-0000, Hyde Park District**  
**Location: 822, North Avenue, Salt Point NY, 12578**

The Chair stated that the first item on the agenda is Daley Soil Mine, this is a public hearing, which was opened last Planning Board Meeting held on 9/9/14. Because of a clerical error, the Public Hearing was adjourned. Also the Chair added for the record that the state law preempts any decision from the town. The town has very little jurisdiction over the regulations of mining, but noted that the Planning Board is required by Town Law to go through the procedure of the Site Plan. The Chair, requested Mr. Michael White, Zoning Administrator to present his review on the application.

Mr. White informed all that the application was presented to DEC in 2013 requesting an expansion over a 25 year period. Furthermore, Mr. White stated that he did not find anything out of order with the site plan. The plan is well phased and controlled. The applicant is requesting to excavate 750 acres of land within a period of 25 years. Referrals went out to Department of County Planning. As the state has taken authority away from the towns, therefore DEC controls all mining projects.

Ms. Seaman asked the Board for any comments, as there were none, a motion was made by the Chair to reopen the public hearing, seconded by Mr. Gordon White, all in favor 5-0-0 (1 absent).

**Mr. Atkins, of 103, Mianur River Road, Bedford NY 10506**, spoke on behalf of his wife, Mrs. Elizabeth Atkins – who has property adjacent to the Daley Soil Mine. Mr. Atkins, informed that as he is a lawyer himself and would like to speak for his wife. Mrs. Atkins has 170 acres of land next to the Daleys' (Locust Grove), which is currently used as a dairy farm. He said that they were planning to move back to Salt Point within a year.

"My wife has donated the land to the church; cemetery, we do not know what will happen in 25 years. It's a long time it affects us directly, as we had never decided what to do with the land. We have numerous areas adjacent to our property which are all marked as gravel pit on the map, we have gravel pits on our property, it goes all the way to the cottage street and is getting closer and closer to the hamlet. We may want a soil mine of our own, we have a use which maybe a proper use but is it really appropriate to have this kind of operation in the Hamlet? As I understand the mining operation began in 40's it started at a small scale, when zoning came in they just continued".

He recited the following title of the memoirs of his deceased friend: "5 minutes is a long time when your head is in the water." Implicit in this application, it will take 25 years, and it effects our directly. We are committed to protect this land. The Chair invited public for their inputs/comments:

**Mr. Glen Daley**, owner/applicant had these comments: "Application procedure started in 1989. Although, I started mining with my father in 1960. I have cows; I make 10,000 bales of hay a year or more. I spoke to DEC last week, and was informed that I am not required to put up the berms or plant trees, yet I am planting 6-7 feet high white pines, at my own expense. I want to reclaim the land as meadows. I have black top on 30 feet of the driveway, in additional to the 200 feet already done, in order to eliminate dust from the vehicles/trucks. I only open 2 acre of land at a time, it is in the plan I submitted. Also, I will dig from east to west, away from the Hamlet. I want cows on my farm as well as I want to keep producing hay, that's my family farm and I will never ruin it, I will never ruin the Hamlet of Salt Point, I have lived in Pleasant Valley my whole life, everyone sees what I've been doing my whole life. Now we are moving into the farm house built in 1870's. I am a man of my word, I have done every thing possible to make everyone happy.

Ms. Eileen Quinn wanted the clarification on 25 years deal?

Mr. Daley replies : "25 years are permitted to the applicant by DEC, in phases of 5 years each (thus 5 phases), in every phase 2 acres of land is being dug for gravel, sometimes they hit rocks instead of water, then that land is wasted and we loose money."

Ms. Seaman thanked Mr. Daley for his intent to screen his neighbor's property. If the Board had jurisdiction to do so, they would have requested screening. She noted that the reclamation plan should be reviewed by the Zoning Administrator every five years.

**Mr. Jeff Cady**, 1005 Netherwood Road Hyde Park NY 12538 stated:  
"Glen is an honest man. I am not a neighbor, yet I wanted to speak out in his favor. If anyone has seen his dump trucks, they are immaculate. He is trust worthy. I appreciate Mr. Atkins statement, but Glen did not ruin the land, it would be ruined if 250 houses come up. This application needs to get through."

Mr. Michael Gordon, stated that we have a local person who is so committed, there is no blasting going on at the site. Even if we did have the authority to reject this application, he did not believe the Board would have done so.

**Mr. Gary Veeder, 1422 Salt Point:** Salt Point looks they way it does now, is because of Glen, we should give him credit for that.

At this point a motion was made by the Chair to close the public hearing, seconded by Mr. Norm Mackay, all in favor 5-0-0 (1 absent).

Chair, Ms. Seaman, thanked everyone for their comments and explained the procedure, that the application will be referred to the Zoning Board of Appeals and than will be brought back to the Planning Board for final approval/signatures.

A resolution was read and a motion was made by the Chair to approve the resolution, it was seconded by Mr. Michael Gordon and was approved: 5-0-0 (1 absent) - Copy of the resolution is attached with the minutes.

The Chair, thanked Mr. Glen Daley again for his patience with the delay in proceedings due to the clerical error.



**Design Properties LLC: The Point Club**  
**Parcel # 134400-6465-02-70547**  
**58 Cottage Street, Salt Point, NY**

Mr. Richard Rang, representing Kirchhoff Properties, told the Board that they have addressed the three issues which the board pointed out in the last months meeting of September 9, 2014. The three issues were:

1. Drinking Water
2. Parking layout
3. Interior floor plan

Mr. Seaman gave a short review/introduction of the project to all present, informing that the project was presented last minute in the September 9, 2014 Planning Board meeting, and was reviewed by the Planning Board. She invited Mr. Pete Setaro, Planning Board Engineer for his inputs.

Mr. Setaro stated that he worked with Michael White, Zoning Administrator, and Mr. Richard Rang with respect to Board of Health requirement. They tested the water, the owner provided the detail of showers, and there would be no drinking fountains at the facility. The parties concluded that the applicant need not go to the Department of Health for any approvals.

Mr. White added that the water was tested and results were satisfactory. The Owner installed a UV disinfectant system. Bottled water will be used for drinking purposes. He recommended approving the site plan as a minor site plan amendment as no structural changes were being proposed.

Ms. Seaman stated that the Planning Board would like to see the water tested and a dye test performed to ensure that the septic system was functioning properly quarterly for the first year and yearly thereafter.

Mr. Pete Setaro, wanted the applicant to add the quarterly septic dye test and the Planning Board signature Block to the site plan plat map.

Mr. Gordon commented that it was a good use of the property.

Ms. Seaman read and signed off the (attached) Resolution to the Minor Site Plan Modification, with following additions:

Adding a clause: "whereas, the Planning Board has waived any request of the Public Hearing." Also following conditions were added:

- “1. Water (including septic dye test) testing quarterly for first year and on an annual basis thereafter.
2. Circulate to county planning for 239M.”

The resolution was made by the Chair seconded by Mr. Norm Mackay approved 5-0-0 (1 absent).

Attached with the minutes are:

1. Resolution to the Minor Site Plan Modification
2. Copy of Administrative decision along with:
  - a. Certificate of water analysis
  - b. Chain of custody
  - c. Letter from owner Mr. Joseph Parrinello
  - d. copy of Mr. Richard Rang's letter

### **Review of proposed revisions to Town Code Section 98-46. Signs**

Mr. Michael White gave a presentation proposing Zoning Code amendments to Open LED signs; and gas station pricing signs.

Mr. White informed that during the course of the performance of his Zoning Administrators duties, one of the items he noticed was the need for revision to Chapter 98-46, which is the sign ordinance. Present sign ordinance was cumbersome and restrictive, to the point where at least half of all sign permit applications, require variances from the Zoning Board. That seems particularly true for Gas Mart and Gas Stations, where nearly all the sign permits required variances from ZBA.

Additionally, Mr. White added, that he has been continually hearing from business owners in the Town; the need to adequately advertize their business. He informed the Board that as an enforcer of the town codes, he has to listen to the business owners complaints constantly, thus making it a nearly impossible job, as there are just too may unhappy business owners.

Mr. White gave an example of an “Open Sign” at the recently opened business in the town “Vape Craze” located at 1449 Route 44. When the proprietor was informed that an internally illuminated “OPEN” sign does not comply with the town code and needs to be removed. That is when the proprietors became very upset and told that once they placed the “open” sign in the window their business increased significantly. They were already thinking of closing until they purchased and placed the internally illuminated red “open” sign in their window, and this dramatically increased their business.

Further, Mr. White added that this is a tough economy, and people are trying to make an honest living, we are just trying to help business people to have "open" sign and want Boards approval.

Chair, suggested that we look at the changes suggested and refer our comments to the Town Board.

Mr. Gordon stated that the signs can get totally out of control. That's why we have sign ordinance. It does make sense we as a Board get caught up in nit picking.

Mr. White gave an example of Chestnut Mart. They got rid of violations.

Ms. Quinn wanted to know what can be done to enforce codes.

Ms. Seaman stated that a template should be created for gas stations, it seems ridiculous to go back for same variances.

Mr. White: there will be no beer or cigarette signs displayed on windows.

Ms. Seaman stressed the need to continue the ban on Neon signs except in specific instances

Mr. Norm Mackay commented that some of the businesses cannot be seen from the road, thus an "open" sign will be useful and can be spotted while driving.

Mr. Jeff Cady, from the audience commented that he personally disliked all the signs inside the windows, as mostly ones advertising beer and cigarettes.

Mr. Gordon, informed that 7-11 took all their window signs off, as it cut down on burglaries.

Ms. Susan Horn, from the audience commented that "I am seeing open sign flags, fluttering devices, flashing signs, all over, the drafter of the present code had a vision for Pleasant Valley to look like a destination.

Chair, Ms. Seaman made a motion to approve September 9, 2014 Planning Board Meeting Minutes was made by the Chair, Mr. Rob Fracchia seconded it and was approved 5-0-0 (1 absent).

Motion was made by the Chair to close October 14, 2014 Planning Board meeting, at 2000 hrs. it was seconded by Mr. Norm Mackay approved 5-0-0 (1 absent).

**PLEASANT VALLEY PLANNING BOARD**

**FORM OF MOTION**

**Negative Declaration - Unlisted**

"I move that the Planning Board determine, as set forth in the attached declaration dated October 14, 2014 prepared by the Boards Engineer, that the Design Properties LLC site plan is an unlisted action under SEQRA, that it will not have a significant effect on the environment for the following reasons; and that no environmental impact statement will be required (See Resolution)."

**RESOLUTION**  
**MINOR SITE PLAN MODIFICATION**  
**TOWN OF PLEASANT VALLEY PLANNING BOARD**

DATE: **October 14, 2014**      RESOLUTION OFFERED BY:      **Rebecca Seaman**

SECONDED BY:      **Norm Mackay**

WHEREAS, IN ACCORDANCE WITH CHAPTER 98, SECTION 98-78B(2), THE PLANNING BOARD HAS REVIEWED THE FACTORS PERTINENT TO THE **Design Properties LLC**. APPLICATION AND

WHEREAS, THE PLANNING BOARD HAS WAIVED ANY REQUEST OF A PUBLIC HEARING

WHEREAS, THE PLANNING BOARD HAS DETERMINED THAT SUCH APPLICATION QUALIFIES AS A MINOR MODIFICATION AND INCLUDES NO, OR ONLY MINOR STRUCTURAL CHANGES TO THE BUILDINGS OR CHANGES TO THE GROUNDS, WHICH CHANGES WILL HAVE NO EFFECT ON THE USE, INTENSITY OF USE, PARKING, LIGHTING, STORM WATER DRAINAGE, SEPTIC REQUIREMENTS, WELL USE OR PLACEMENT, WETLAND OR WATER BODY PROTECTION, SITE ACCESS, BOUNDARY LINES OR GENERAL CHARACTERS OF THE SITE

NOW THEREFORE BE IT RESOLVED, THAT THE **Design Properties LLC** APPLICATION DATED **September 5, 2014**, BE APPROVED AS A MINOR SITE PLAN MODIFICATION AND THE ZONING ADMINISTRATOR MAY ISSUE THE NECESSARY BUILDING PERMIT(S) UPON COMPLETION OF SUCH CONDITIONS AS ARE NOTED BELOW.

CONDITIONS OF MINOR SITE PLAN MODIFICATION APPROVAL SHALL BE AS FOLLOWS:

1. **Water testing quarterly for first year and on an annual basis thereafter.**
2. **Circulate to county Planning for GML 239M**
3. **Pursuant to the conditions of the SEQR Negative Declaration the sewage system**
4. **will be dye tested quarterly for the first year of operation and yearly thereafter and the result will be submitted to the Town Zoning Administrator.**

SHOULD INFORMATION PRESENTED BY THE APPLICANT OR HIS REPRESENTATIVE EITHER WRITTEN OR VERBAL, BE FOUND TO BE ERRONEOUS, THE APPROVAL GRANTED HEREIN WILL BE SUBJECT TO INVALIDATION BY THE PLANNING BOARD.

  
PLANNING BOARD CHAIRMAN

CC: APPLICANT  
ZONING ADMINISTRATOR  
TOWN CLERK  
TOWN ENGINEER

VOTE:	AYES	<u>5</u>
	NAYS	<u>0</u>
	ABSTENTIONS	<u>01</u>

**NEGATIVE DECLARATION  
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE  
TOWN OF PLEASANT VALLEY PLANNING BOARD**

DATE: October 14, 2014

OFFERED BY: Rebecca Seaman

SECONDED BY: Norm Mackay

WHEREAS, THE TOWN OF PLEASANT VALLEY PLANNING BOARD HAS RECEIVED AN  
APPLICATION FOR : Change in Use-Lumber and Home Center to Health and Fitness Club

ENTITLED: Design properties LLC Site Plan

DATED: November 7, 2013, last revised October 3, 2014, SUBMITTED BY: Richard Rang, Kirchoff Companies, AND

WHEREAS A SHORT ENVIRONMENTAL ASSESSMENT FORM (EAF) HAS BEEN SUBMITTED IN  
SUPPORT OF THIS APPLICATION, AND

WHEREAS THE PLANNING BOARD HAS ACTED AS LEAD AGENCY IN THE (UNCOORDINATED)  
REVIEW OF THIS ACTION, AND

NOW, THEREFORE BE IT RESOLVED, THAT THE PLANNING BOARD DETERMINES THE Design Properties LLC Site Plan TO BE AN UNLISTED ACTION ACCORDING TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA), PARTS 617.4 AND 617.5.

AND FURTHER BE IT RESOLVED, THAT THE TOWN OF PLEASANT VALLEY PLANNING BOARD HAS DETERMINED THAT THE PROPOSED ACTION WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND A DRAFT ENVIRONMENTAL IMPACT STATEMENT WILL NOT BE PREPARED.

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

1. No site improvements are proposed with the Change in Use.
2. Water system is not classified as a public water supply.
3. Sewage system will be dye tested quarterly for first year of operation and yearly thereafter and results submitted to the Town.

PLANNING BOARD CHAIRMAN

VOTE:	<u>5</u>	AYES
	<u>0</u>	NAYS
	<u>1</u>	ABSTENTIONS

CC: APPLICANT

## Short Environmental Assessment Form

### Part 1 - Project Information

#### Instructions for Completing

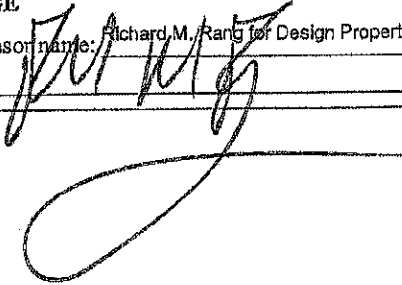
**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 - Project and Sponsor Information</b>							
Design Properties, LLC							
Name of Action or Project: Design Properties, LLC - Amended Site Plan							
Project Location (describe, and attach a location map): 58 Cottage Street, Salt Point, NY							
Brief Description of Proposed Action: Change of occupancy from lumber and home center (General Business - not listed elsewhere) to health and fitness club (General Business - not listed elsewhere). No site improvements are proposed.							
Name of Applicant or Sponsor: Design Properties, LLC		Telephone: 845-635-2000					
		E-Mail: rrang@kirchhoffcompanies.com					
Address: 199 West Road							
City/PO: Pleasant Valley		State: New York	Zip Code: 12569				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">NO</td> <td style="text-align: center;">YES</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
3.a. Total acreage of the site of the proposed action?		2.14 acres					
b. Total acreage to be physically disturbed?		0 acres					
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		2.14 acres					
4. Check all land uses that occur on, adjoining and near the proposed action.							
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)							
<input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____							
<input checked="" type="checkbox"/> Parkland							

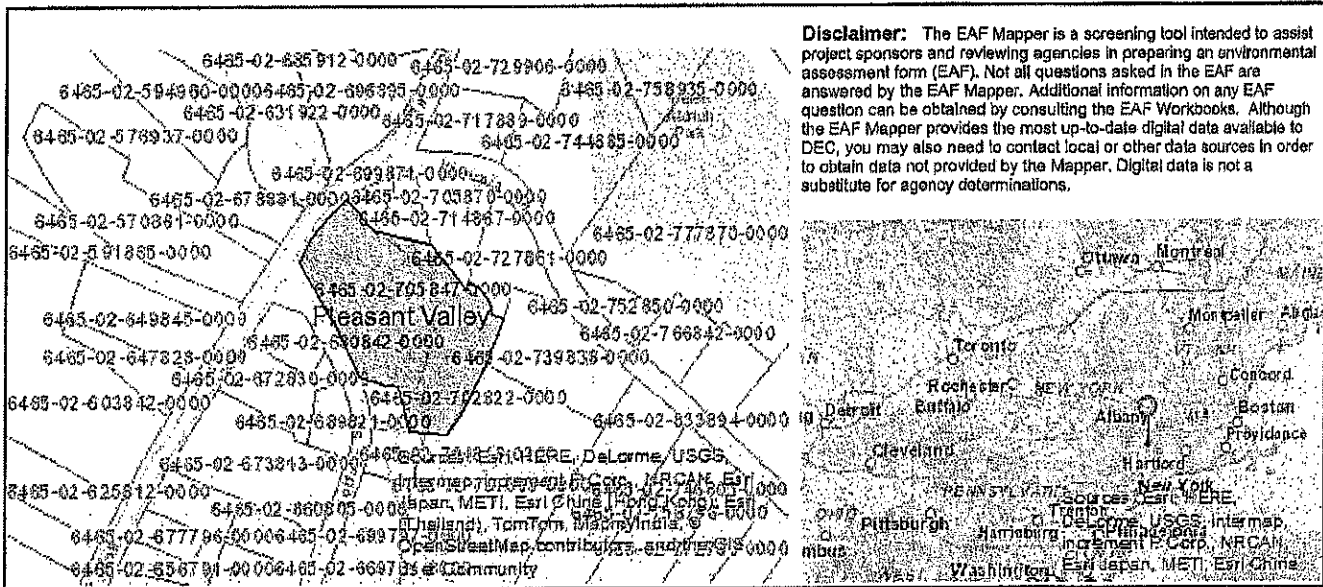


5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
b. Are public transportation service(s) available at or near the site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: Existing on-site well _____		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
b. Is the proposed action located in an archeological sensitive area?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input checked="" type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100 year flood plain?		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES No changes to the existing site are proposed. Existing site drainage will continue to be utilized.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: <u>Richard M. Rang for Design Properties, LLC</u> Date: <u>09/15/2014</u> Signature: <u></u>		

# EAF Mapper Summary Report

Thursday, September 04, 2014 5:18 PM



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: _____		Date: _____
Signature: _____		

**Part 2 - Impact Assessment.** The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Part 3 - Determination of significance.** The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<div> <div>Name of Lead Agency</div> <div>Date</div> </div>	
<div> <div>Print or Type Name of Responsible Officer in Lead Agency</div> <div>Title of Responsible Officer</div> </div>	
<div> <div>Signature of Responsible Officer in Lead Agency</div> <div>Signature of Preparer (if different from Responsible Officer)</div> </div>	

**PRINT**



## TOWN OF PLEASANT VALLEY

Office of Zoning Administrator

1554 MAIN STREET

PLEASANT VALLEY, N.Y. 12569

845-635-8395

FAX 845-635-1452

October 8, 2014

(Rev. October 13, 2014)

### ADMINISTRATIVE DECISION

**Memo To:** Planning Board - Town of Pleasant Valley  
**Property Owners:** Design Properties, LLC  
**Applicant:** Design Properties LLC for The Point Club  
**Location:** 58 Cottage Street - Grid# 134400-6465-02-705847-0000  
**Subject:** Analysis of Public Water Supply System Requirements

The applicant has applied to the Planning Board for an Amended Site Plan approval for a change of occupancy to a Health and Fitness Club (gym) use on the subject property as referenced above. The property is the former Williams Lumber site in the hamlet of Salt Point. The applicant is proceeding through the planning board approval process as a minor application, and during this process, the planning board engineer raised the question as to whether or not the water supply for this use should be classified as a public water system.

In this case, given the scope of the proposed project, clarification is sought as to the classifying of the application as a public water system. I have worked with the planning board engineer, the applicant's engineer, and the Dutchess County Department of Health engineer on this matter in seeking a just answer and position on this matter. This includes researching applicable regulations, including the Dutchess County Sanitary Code, the NYS Sanitary Code, and even EPA definitions.

The applicant's engineer has submitted information in a letter to the zoning administrator's office, dated October 3, 2014, in which the applicant's engineer provides a detailed analysis of the proposed project usage compared with the thresholds listed in the Sanitary Codes. The applicant's engineer also proposes to provide a UV disinfection system to the existing water supply to further assure a potable water supply.

Additionally, the applicant's engineer has provided a comparative usage analysis of the former Williams Lumber use and the proposed use, and concludes a) that the proposed use will not exceed the previous use; and b) that the existing facilities for the absorption and disposal of sanitary waste water are and will remain adequate for the proposed usage.

Upon my analysis of the above-stated information and calculations, and the applicability of the County and State Sanitary Codes, I agree with the conclusions provided by the engineer for the applicant for this project.

## **Town of Pleasant Valley – Office of the Zoning Administrator**

**Administrative Decision:** the following has been considered in the issuing of this administrative decision in support of this application with respect to the issue of a public water system:

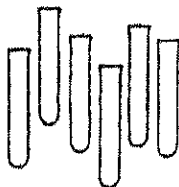
1. I find the analysis of the expected and anticipated usage for the proposed gym to be basically accurate and acceptable.
2. I find the analyses of the former Williams Lumber usage to be acceptable.
3. I find the proposal, dated September 19, 2014, as issued by Joseph Parrinello, President of The Point Club for the new gym usage to be reasonable.
4. I find the analysis, dated October 3, 2014, by the engineer for the applicant of the applicability aspects of the public water supply system requirements and regulations to be accurate and acceptable.
5. I find that the proposed provision of incorporating a UV disinfection system into the existing water supply will provide an additional measure of water portability for the people who will be employed by The Point Club and by the people who will use these new gym facilities.
6. Additionally, the existing water system has been tested by Smith Labs for coliform, E coli, nitrates and nitrites and was found to meet EPA potable drinking water standards for all four of these water constituents, along with a verifiable chain of custody for sample/testing.
7. All information has been reviewed with the planning board engineer and the applicant's engineer, and the Health Department engineer has been consulted on several occasions.
8. I find that a formal approval by the DCDH does not appear to be required based on the data and information presented, discussions with the referenced engineers, and the fact that the proposed use does not meet the public water system thresholds.
9. The cited documents are attached to and are to be considered a part of and in support of this Decision.

Based upon the above, which summarizes the research, review, calculations and analysis of the public water system question, I hereby issue this Administrative Decision that this application does *not* meet the thresholds to be classified as a public water system, and to so recommend to the Town of Pleasant Valley Planning Board.

*Michael J. White*

Michael J. White

Zoning Administrator and Code Enforcement Officer



# SMITH LABORATORY

ENVIRONMENTAL TESTING  
4 SCENIC DRIVE & RT. 9  
HYDE PARK, NEW YORK 12538  
(845) 229-6536

## CERTIFICATE OF ANALYSIS

Client: Kirchhoff Properties

199 West Road  
Pleasant Valley

NY 12569

PO #

---

Client Project Name: Design Properties LLC, 58 Cottage St., Salt Point  
Sample Type: Drinking Water  
Order comment:  
Order ID: 124960

---

Sample Number: 223569  
Sample Location: Bathroom Sink  
Sample Comment: TC rec'd at 17.8 deg C  
Date/Time sample collected: 10/1/2014 10:15 Collected By: Richard M. Rang  
Date/Time sample received: 10/1/2014 11:05 Received by: Karolina  
Date/Time sample analyzed: 10/1/2014 14:10 Tech: SS

---

Parameter	Test Result*	Units	Test Method
Total Coliform	Absent	CFU/100mL	Colisure
E. coli	Absent	CFU/100mL	Colisure

### \*Explanation of Test Results:

Total Coliform test result of "ABSENT" or "< 1" (Less than One) indicates that the water sample DOES MEET EPA drinking water standards.

Total Coliform test result of "PRESENT", or a test result expressed as any number other than "< 1" indicates that the water sample DOES NOT MEET EPA drinking water standards.

Bacteriological test results are expressed as Colony Forming Units (CFU) per 100 milliliters of sample volume.

### Results Comment:

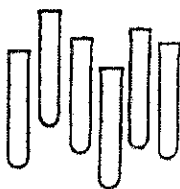


Reviewed by: Lab Manager, ELAP Lab ID #10924

05-Oct-14

*Smith Laboratory is approved as an Environmental Testing Laboratory in conformance with the National Environmental Laboratory Accreditation Conference (NELAC) Standards. This test report pertains only to the above items analyzed on this sample as received by the laboratory. Information supplied by the client is assumed to be correct.*





# SMITH LABORATORY

ENVIRONMENTAL TESTING  
4 SCENIC DRIVE & RT. 9  
HYDE PARK, NEW YORK 12538  
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## CERTIFICATE OF ANALYSIS

Client: Kirchhoff Properties

199 West Road

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PO #

Client Project Name: Design Properties LLC, 58 Cottage St., Salt Point

Sample Location: Bathroom Sink

Order comment:

Order ID: 124960

Sample Number: 223569

Sample Type: Drinking Water

Sample Collected By: Richard M. Rang

Date/Time sample collected:

10/1/2014 10:15

Date/Time sample received:

10/1/2014 11:05

Received by:

Karolina

Sample Comment: TC rec'd at 17.8 deg C

Parameter:	Test Result	Units	Test Method	Test Date/Time	Tech**
Nitrate-Nitrogen	0.17	mg/L	EPA 300.0	10/2/2014 1:16	LAE
Nitrite-Nitrogen	< 0.01	mg/L	SM18 4500 NO2-B	10/2/2014 11:40	SW

Results Comment:

Reviewed by Lab Manager, ELAP Lab ID #10924

09-Oct-14

Key: < = less than; A=Analysis performed over holding time; B=BOD blank depletion was greater than 0.2 mg/L; C=degrees Celsius; D=Elevated reporting limit; Est=Estimated Value; H=Sample received over analysis holding time; J=Result estimated below quantitation limit; MCL=New York State Maximum Contaminant Level; MDL=Method Detection Limit; mg/kg=milligrams per kilogram dry weight; mg/L=milligrams per Liter; mL/L=milliliters per Liter; ND=Not Detected; NTU=Nephelometric Turbidity Units; PtCo=Platinum Cobalt Units; Q=Not all QC data met acceptance criteria; SI = Saturation Index; SU=Standard pH Units; T.O.N.=Threshold Odor Number at 60 degrees C; ug/L-micrograms per Liter; umho/cm=micromhos per centimeter; V=Value above quantitation range; \*ELAP/NELAC does not offer certification for this analyte; \*\*ELAP ID is listed for sub-contract laboratory

Smith Laboratory is approved as an Environmental Testing Laboratory in conformance with the National Environmental Laboratory Accreditation Conference (NELAC) Standards. This test report pertains only to the above items analyzed on this sample as received by the laboratory. Information supplied by the client is assumed to be correct. This report must be reproduced in its entirety.

Total number of pages in this report, including chain of custody, is 2

## CHAIN OF CUSTODY

Local Health Dept.

PWS Fed ID No: NY-

**CLIENT: COMPLETE THE SAMPLE INFORMATION IN THE SPACE PROVIDED BELOW**

[illegible]

DATE	11/11/11
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**Comments:**

Data Review: Mgr SPR Date 16/9/14

**THE POINT CLUB**  
58 COTTAGE STREET SALT POINT NY 12578

Mr. Richard M. Rang, PE  
The Kirchhoff Companies  
199 West Road  
Pleasant Valley, NY 12569

September 19, 2014

Dear Rich,

Regarding water usage at the Club:

As was previously discussed, we anticipate a maximum of 100 people may come to the Club on any given day (inclusive of employees) and would not expect more than 20 people on the premises at one time, 5 employees and 15 members.

Bottled water is always provided, as no one drinks from a faucet anymore and we do not intend to provide any drinking fountains. In fact, again, the trend is to bring your own bottled water or sport drink.

At our maximum usage I would expect no more than 2 to 3 showers per day. (The current trend is to come and leave dressed in gym clothes. It is now acceptable to go out in your sweats or yoga pants). Further, there will be no Jacuzzis, hot tubs or cryotherapy offered on site.

There will be no cooking or food preparation on premise and as we do not anticipate anyone drinking the tap water and only a few showers per day, very few people will be using the water at all and even fewer for consumption, certainly far less than the 25 per day you were suggesting.

Please don't hesitate to contact me with any additional questions.

Sincerely,



JOSEPH PARRINELLO  
President



**HAND DELIVERED**

October 3, 2014

Michael White  
Zoning Administrator  
Town of Pleasant Valley  
1554 Main Street  
Pleasant Valley, NY 12569

**Re:           Design Properties, LLC  
              Parcel # 134400-6465-02-705847  
              58 Cottage Street  
              Salt Point, New York**

Dear Mr. White:

This submission is made to supplement to our 09/05/2014 submission for the change of occupancy from retail to a Health and Fitness Club.

As previously noted and summarized in our 09/05/2014 submission, the total of all site uses is expected to be considerably less intensive than the former use of the site (Williams Lumber and Home Center). We further submit:

- Escrow check #1592 in the amount of \$1,500.00.
- Twelve (12 copies) of the Parking Concept Plan, dated 10/03/2014 (6- full scale copies & 6- 11x17 copies)
- Twelve (12 copies) of a Sketch Plan of the proposed interior floor plan.
- A copy of a 09/19/2014 letter from The Point Club.

At the Planning Board meeting of 09/09/2014, there were three (3) items that the Board asked that we address:

1. Clarification as to whether or not the water supply should be considered a Noncommunity Public Water System.
2. The proposed parking arrangement, inclusive of ADA spaces.
3. Sketch of the proposed interior floor plan.

In response to these items, we offer the following:

1. As defined under the NYS & the Dutchess County Sanitary Code a *Public Water System means a community, noncommunity or nontransient noncommunity water system which provides water to*

*the public for human consumption through pipes or other constructed conveyances, if such system has at least five service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.* The enclosed letter from the Joseph Parrinello of The Point Club (proposed user) outlines the anticipated water usage at the proposed occupancy. As the proposed occupancy will have fewer than five (5) service connections and is expected to serve fewer than 25 individuals daily with water for human consumption, it is the applicant's position that the system does not meet the threshold to be considered a Public Water System. However, as a further assurance of the water quality, the applicant proposes to have a disinfection system installed on the existing water supply.

2. The Health & Fitness Club will occupy approximately 4,368 sf of the site. §98-42.O.(2) *Schedule of off-street parking requirements* of the Town Code requires 1 space per 250 sf of gross floor area for Business, general uses or 18 spaces for the proposed use. The existing Warehouse use (5,067 sf) requires 1 space per 1,000 sf of gross floor area or 6 spaces. The site as a whole, therefore requires 24 spaces. The Code further requires the provision for handicapped parking spaces in accordance with ADA regulations, which recommend 1 accessible space for each 25 spaces. Attached is the Parking Concept Plan - dated 10/03/2014, depicting 48 existing parking spaces available at the site. As shown, there are 18 spaces located outside of the gated area that will serve the Health and Fitness Club and 30 spaces located in the gravel area within the gate which shall serve the existing Warehouse as well as employee parking for the Health & Fitness Club. A total of two (2) handicapped parking spaces are proposed.
3. Enclosed is a sketch plan of the proposed interior floor plan of the Health & Fitness Club. As these plans are developed for the purpose of obtaining a building permit, we will provide copies to the Planning Board for your records.

In addition to the above and in response to a question from the Town Zoning Administrator regarding wastewater capacity, we offer the following. The previous use of the property as a lumber and home center employed more than 18 full time staff and more than 250 patron per days as compared to the Health & Fitness Club with a full time equivalent staff of fewer than 6 and fewer than 100 patrons per day. Typical design wastewater flow estimates for the 2 uses however would be similarly calculated at 0.1 gallons per day (gpd) per square foot or approximately 440 gpd. As the existing disposal system had functioned adequately and has not shown any signs of failure or stress, we believe the existing system will adequately service the proposed use.

We request that the Planning Board;

- consider this a minor modification as defined in 98-78.B.(2) of the Town Code,

- deem the application complete,
- conduct an uncoordinated review and adopt a Negative Declaration under SEQRA,
- waive the requirement for a public hearing, and
- consider this application for approval.

Please place this application on the next available Planning Board agenda for the Board's consideration. If you have any questions or require additional information, you can reach me at my office at (845) 635-9681 or on my cell (845) 902-8665 or email at [rrang@kirchhoffcompanies.com](mailto:rrang@kirchhoffcompanies.com).

Thank you for your consideration.

Sincerely,

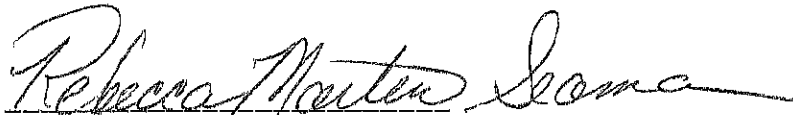
**Kirchhoff Properties, LLC**

Richard M. Rang

Enclosures

## ZBA Referral

Pursuant to the attached Resolution passed by the Pleasant Valley Planning Board on October 14, 2014, the Daley Soil Mine application for the Special Use Permit is hereby referred to the Pleasant Valley Zoning Board of Appeals with a positive recommendation for approval.

A handwritten signature in cursive script, reading "Rebecca Martin Seaman". The signature is written in dark ink and is positioned above the printed name and title.

Rebecca Martin Seaman  
Planning Board Chairperson