

PLEASANT VALLEY PLANNING BOARD MINUTES
June 9, 2015

A regular meeting of the Pleasant Valley Planning Board took place on April 14, 2015 at the Pleasant Valley Town Hall, located at 1554, Main Street, Pleasant Valley, New York 12569.

Present:	Chairperson:	Rebecca Seaman
	Boardmembers Present:	Norman Mackay Janet Gross Eileen Quinn Robert Fracchia Michael Gordon
	Staff:	Sonia James
	Consultants:	Janis G. Anderson PB/ZBA Attorney Peter Setaro, PB Engineer

Chairperson Ms. Rebecca Seaman called the meeting to order at 6:30 p.m. The first item on the agenda was:

Baroni Recycling

Chair Ms. Seaman invited Baroni's representative to come forward, and update the Board about the progress so far, as they had appeared before the ZBA, and have had a public hearing. Also slight changes were made in the Site Plan.

Chair, Ms. Seaman ~~informed~~ stated that, as this is already an approved Site Plan, it does not need ~~the~~ signature block for engineer's signatures. But for future approvals they will have to put the Engineer's sign block on the Site Plan.

Ms. Courtney Baroni, represented the Baroni's and briefed the Board that a six feet (6) Boundary Fence has been moved within the property lines. Landscaping ~~has been taken care of,~~ **will be added** roses and other plants and flowers are part of the landscaping.

Mr. Michael White, Zoning Administrator ~~stated gave his input, stating~~ that the Special Use Permit application was processed, ~~and it was a lengthy process. Special Use Permit was allowed by the Planning Board.~~ **The application was referred to Dutchess County Planning for review. It was returned without comment, noting this was a matter of local concern.** ~~The Dutchess County had referred this as a local decision, County recommended landscaping improvements.~~ Baroni's architect Mr. Brian Houston submitted a revised site plan, in which the fence was off the boundary line. This was pointed out to the architect and he **adjusted the** Site Plan ~~was submitted a revised site plan showing~~ **to show** the fence in its proper place, ~~also as well as a 10 feet buffer area is shown in this re-created/shown in the site plan.~~

Building color choices were shown to the Board by Ms. Baroni. She informed that landscaping cannot be done on Route 44 so they have opted to do landscaping **closer to the building.** ~~inside the premises.~~

Mr. Michael Gordon, remarked that “just cleaning up the building will make a huge visual difference”.

Chair, Ms. Seaman, invited the Board for their comments. None were given.

A motion was made by Mr. Michael Gordon to ratify the decision as a Minor Site Plan Modification/amendment, seconded by Ms. Janet Gross and was approved 6-0-0.

Chair, Ms Seaman, explained that, it was customary with the Planning Board to waive any public hearing **in conjunction with a minor modification to a site plan,** as The Zoning Board of Appeals has already had a public hearing and has made no recommendation to make any major changes to the site plan.

Mr. Pete Satero, informed the Board that he received the PB Package late, just looking at the map it seems that everything has been shown on the map, based on the conference call ~~we~~ **his office** prepared SEQR resolution.

Mr. White stated that he would list it as an uncoordinated review. He stated that he has visited the site number of times. The operation ~~was~~ **is** constantly monitored by the town. Major issue with this project was the noise level, but after doing number of noise tests, while the work was in process, **the** town found that the noise levels were within the town codes. ~~There are lots of eyes on this particular project. It is about time to finalize this one.~~

A motion was made by the Chair, Ms. Seaman to treat this the as a Minor Modification and to waive the Public Hearing, motion was seconded by Mr. Robert Fracchia and was approved 6-0-0.

A motion was made by the Chair to approve the “Negative Declaration”, seconded by Ms. Gross and was approved 6-0-0.

A motion was made by the Chair to Approve Baroni Recycling Site Plan with Minor Modification as per the revised Site Plan of June 9, 2015. Motion was seconded by Mr. Fracchia and was approved 6-0-0.

Next Item on the Agenda was:

F.E. Development Holdings – Utterly Delicious

Mr. Joe Fuscaldo (owner) represented his company. He briefed the Board about his project, stating that it is just a large tarp that lays on the ground, held down with the gravel, it is inflated in the morning and the deflated at the end of the day. He stated that he was not aware that he needed a Site Plan, as there was no structure involved.

Board looked at the Site Plan and Ms. Seaman ~~wanted~~ asked Mr. White's to offer his comments/inputs.

Mr. White explained that about month and a half back, Mr. Fuscaldo, asked him, if he could have a small trampoline and was told that he did not need Town's permission to put up a small trampoline. Early June, Mr. Karl Pfister Building Inspector, passing by Route 44, spotted a huge trampoline, stopped and inquired about the permits.

Mr. White informed Mr. Fuscaldo, that this is was an addition to the approved Site Plan and therefore does need Planning Board Approval as well as a Building Permit. Mr. Fuscaldo accepted this and applied promptly. He was informed that he could not use the facility as it is violation, he requested to the Zoning Administrator that as he had booked parties over the weekend, to permit him to do so. At this point Mr. White did allow him to have the scheduled function, but he was supposed to close the trampoline after that, which the owner did not ~~comply to~~ do.

Mr. Joe Fuscaldo's voiced his opinion, stating that he did not think any of this is warranted. We are talking about a tarp, he was confused why he was before the Planning Board, as there was no structure involved, nothing has to be inspected, no building permit needed.

Chair, Ms. Seaman quoted that according to the section 98-90-01, the owner is required to appear before the Board. It is up to the Zoning Administrator and the Building Inspector to determine if it is a structure or not. He was further informed that as he already has a Site Plan this will be treated as a minor modification, and will be approved as soon as he paid the fine for violations.

Mr. Gordon added that as the usage of the property has been changed, it certainly need the Planning Boards permission, as a minor modification to the Site Plan.

Mr. Fuscaldo emphasized on the fact that, this is not a usage, this is a play area, and it should not be considered as a structure. But he said he was willing to pay any and all fines for the violations.

~~Mr. Gordon explained that if someone, gets hurt then the Town would be in trouble for not issuing the permits. Thus becoming a legal issue, for the Town.~~

Chair, added that this was also a change of the use, thus increasing the intensity of crowd, that itself needs a modification. Also she wanted to know if additional parking was required for additional customers.

Mr. Fuscaldo added that as this was a great thing for the valley. They have built a nice site and are trying to do something good for the Town. People from neighboring Towns are visiting our town, which is good for the Town businesses. Mr. Fuscaldo informed that 15 kids can bounce on the trampoline at the same time.

Ms. Gross, was concerned if people would walk or bicycle all over the tarp when it is deflated at night. What security measures are being taken to protect the Tarp?

Mr. Fuscaldo informed that they had security camera all over plus the night vision is synced to their cell phones. They have caught number of people trespassing.

Mr. White's concern was, that what if the Tarp was knifed?

Mr. Fuscaldo informed that the Tarp was repairable and can be patched up. Also he informed that there was more of car traffic than foot traffic. Plus there are sidewalks.

Mr. White, told the Board that there were ~~abundant of signs that do~~ **which may** not comply with the town code, although these sign are way back from the main road.

Mr. Fuscaldo said that there signs are 144 feet off the road, and are signs for rules for using the tarp, sent by the manufacturers, required to be put up.

Ms. Gross, Mr. Fracchia and Mr. Gordon all, stated that they do not have a problem with the signs. **These are signs setting for the use of the tarp and are not signs which are for advertisement.**

Ms. Seaman ~~was of~~ **echoed** the opinion that as these signs were not advertisements but rather rules, therefore, they are not considered as violations.

A motion was made by the Chair to waive public hearing it was seconded by Ms. Eileen Quinn and was approved 6-0-0.

A motion was made by the Chair to approve amended site plan ~~approval to~~ **for** Utterly Delicious-Jumbo Bouncer site plan application, after the fines were paid, it was seconded by Ms. Janet Gross and was approved 6-0-0.

Mr. White informed that he and Mr. Pfister will determine if a building permit was needed for the Bouncy place.

Next Item on the agenda was Proposed Estate Lots - REDL

Mr. Frank Redl represented his Uncle Mr. Herb Redl. He explain that they have 53.3 acres of land and wanted to create 4 or 5 large estate lots of approximately 10-15 acres each. The land is situated at Route 44/Mill Lane/Drake road. He thought it was wise to appear for a preliminary discussions before appearing before the Planning Board.

Ms. Seaman wanted to know if the driveways would be shared.

Mr. Redl informed that there would be no shared driveways. They would do the resource analysis, identify wetlands, streams, buffer etc.

Ms. Seaman informed that they would have to identify steep slopes, streams, rocky zones. She further informed that they would have to stay out of **any buffer zones** ~~the buffer zone~~. ~~She stated that the Board will not tell you where to build but will certainly tell them where not to build.~~

Mr. Redl thanked the Board for their input and support.

Next Item on the agenda was:

Reardon Briggs

Mr. Patrick Flanagan, represented Reardon Briggs.

Chair asked Mike to go thru the Reardon Briggs application.

Mr. White stated that, he received a letter from Reardon Briggs attorney regarding the re-zoning. Applicant wants to sell a parcel adjacent to his commercial parcel. Presently this parcel is in Residential Zone, and the applicant wants it to be Mixed Commercial. He further informed the Board that the Town Board has walked the Property and it makes sense to re-zone the said parcel. **The parcel is not surrounded by residential properties, but rather by commercial. Rezoning the property will bring it into conformity with the property on either side.**

Mr. Flanagan told the Board that the parcel is vacant and it is to the east of his commercial shop.

Ms. Seaman informed the Board member, that they are required to send their comments to the Town Board. She further stated that the zone is Hamlet Residential **which does not fit with the properties on either side** ~~and it fits in with the whole neighborhood.~~

Chair made a motion to submit a positive referral, seconded by Mr. Norm Mackay and was approved 6-0-0.

Final item was approval of April 14, 2015 Minutes of Planning Board meeting. This items was carried on to next month i.e. July 14, 2015, Planning Board meeting.

A Motion was made by the Chair to close the meeting, it was seconded by Ms. Janet Gross and was approved 6-0-0.