

**PLEASANT VALLEY PLANNING BOARD MINUTES**  
**FEBRUARY 17, 2016**

A regular scheduled meeting of the Town of Pleasant Valley Planning Board took place on February 17, 2016 at the Pleasant Valley Town Hall, located at 1554, Main Street, Pleasant Valley, New York 12569.

Present:	Chairperson:	Rebecca Seaman
	Boardmembers Present:	Michael Gordon
		Norman Mackay
		Robert Fracchia
		Trish Prunty
		Heather Patterson
		Joy Dyson
	Staff:	Michael White
		Sonia James
	Consultants:	PB/ZBA Attorney
		Peter Setaro, PB Engineer

For the first item on the agenda, the Chair announced a change in the Agenda. She stated that as the public hearing for Central Hudson was announced pursuant to public notice at 6 pm. The Chair wanted to open the public hearing first should anyone present to speak at the beginning of the meeting. The Central Hudson public hearing will be held open till the end and then it will be adjourned to March 8, 2016 Planning Board meeting.

The Chair welcomed Ms. Joy Dyson and Ms. Heather Patterson as the newest members to the Planning Board.

Chairperson Ms. Rebecca Seaman called the meeting to order at 6:00 p.m.

A motion was made by the Chair to open the continuation of the public hearing for Central Hudson gas and electric, motion was seconded by Mr. Michael Gordon and was approved 7-0.

The Chair stated that the public hearing is now open would anyone like to speak.

First to speak was:

Mr. Richard Barret of 151 Pleasant View Road, Pleasant Valley NY

Mr. Barret wanted to know why the Board keeps adjourning the public hearing.

The Chair explained that the board is waiting for the SEQR determination, which will be made by the LaGrange Planning Board as they were nominated as the lead agency. We

still have site plan procedure to go through and we are still waiting for Central Hudson's written responses.

Mr. Gordon further added that, the reason Central Hudson has a stenographer present to take notes, is that two towns are involved.

Mr. Barret further stated that the Central Hudson did the same thing in the Town of La Grange, they did not clean up after clearing the easement right of way of trees and brush. We are waiting to see what their responses would be towards these issues.

He further wanted the details regarding the poles which might be erected on his land.

The Chair explained that as that is a part of the site plan, the town engineer will be reviewing all the plans.

Mr. Setaro commented that, the town may not get actual construction drawings of the poles from the Central Hudson.

Mr. White added, that the poles will not have a base structure. They will be dug deep into the ground.

The Chair stated that New York State law takes precedence, the Board cannot dictate the design specifications of the transmission line.

Mr. White said that the town will still have to make a decision for the pole height variance.

Mr. Barret added that, "we do not get any options, Central Hudson does what they want to do".

The Chair reminded that there have already been lots of discussions about that and we are waiting for Central Hudson's response. They will not be responding to anything tonight.

Next to speak was:

**Mr. Robert Renda, 156 Pleasant View Road, Pleasant Valley**

Mr. Renda wanted to know if there was a time line given by the Central Hudson for submission of their responses.

The Chair stated that Central Hudson has informed the Planning Board that they will be submitting their responses by March 1, 2016. If the responses are received by then, the responses will be addressed in March 8<sup>th</sup> 2016 Planning Board meeting.

Mr. Gordon further added that the Town of Pleasant Valley residents will have a chance to respond to the Central Hudson responses. This procedure/site plan will take time.

Mr. White informed all that Mr. Setaro's, Planning Board Engineer's office will be involved in reviewing the site plan for all issues.

The Chair stated that once a SEQR determination is made, the Planning Board proceed with a consideration of the Site Plan issues. At this time the Chair announced that the public hearing for the Central Hudson will remain open till the end of February 17, 2016 Planning Board meeting.

Next Item on the Agenda was:

### **ALKL Site Plan Extension**

Ms. Dorothy Klein represented ALKL.

The Chair gave quick review, this Site Plan was approved in 2013. This extension is permitted under the code. Our code states that the extension is valid from the date of issue, therefore if an extension is issued today i.e. 2/17/16, whereas their first extension expires 4/14/16. Applicant will be roughly shaving two (2) month of extension. Therefore a motion was made by the chair to grant ALKL one year extension to the site plan effective 4/14/16 through 4/14/17. Motion was seconded by Mr. Norm Mackay and was approved 7-0.

Mr. Gordon stated the fact to the applicant, that this is the last extension that would be permitted under the code of this site plan.

### **Porco Family Limited Partnership Lot Line Adjustment**

Mr. Stanley Porco presented his application, seeking approval of a lot line adjustment of 2.20 and 2.00 acre parcels located at 444 and 446 Masten Road. There will be no physical change or construction on the parcels.

The Chair invited Mr. Pete Setaro to offer his comments.

Mr. Setaro explained that both the lots are pre-existing non-conforming as they are both less than the 3.5 acre requirement. With the lot line adjustment the lot area will remain the same for both lots. However, the appropriate orientation of the lots must be determined, as one of the boundary yards of lot # 2 will now be less than 50 feet. If the Board determines that particular boundary yard should be designated as the rear yard of lot # 2, then the designated rear yard of lot @ 2 would not meet the required setbacks and a variance would be needed for the lot line adjustment to proceed.

After review of the code by Mr. Jim Nelson, Planning Board Attorney, it was determined that the Board could designate the front of lot #2 to be the boundary yard facing the common driveway for both lots, instead of the yard of Lot # 2 facing the public street. With this orientation, the boundary yard recognized as the rear yard wo;; meet the required 50 feet minimum setbacks.

A brief hiatus during the meeting allowed the Zoning Administrator, Mr. White to confirm that there was no determination made during the original subdivision process which would preclude the Planning Board from designating the yard facing the common driveway of lot # 2 as the front yard of lot # 2. Consideration of the application was postponed to the end of the meeting.

### **MT6 LLC – Public Hearing**

Mr. Brian Frank, Surveyor to the applicant represented MT6 LLC. He explained that there will be 3 customer and one handicap parking spots. The parking area at the front will be reinforced. Some landscaping work is being done as well.

The Chair also wanted the applicant to distinguish where the “for sale” cars and where “customer parking” will be.

A motion was made by the Chair to open the public hearing it was seconded by Mr. Mackay and was approved 7-0.

Hearing no one speak, a motion was made by the Chair to close the public hearing, it was seconded by Mr. Fracchia and was approved 7-0.

Mr. Gordon wanted to know if the building would be re-painted. The Chair commented that it was currently painted a dull yellow.

A motion was made by the Chair to approve the site plan for MT6LLC as per the resolution dated February 17, 2016 – attached – it was seconded by Mr. Gordon and was approved 7-0.

Next item on the agenda was:

### **Cahill – O’Leary Lot Line Adjustment**

Mr. Kevin Cunningham, Surveyor/representation to the applicant represented his client. He explained that Mr. Cahill’s land is presently 37.76 acres in size and includes a dwelling, the land is located on the northwesterly side of Hibernia Road. Mr. Cahill is proposing to convey 5.76 acres of his land located on the north to his adjoining neighbor

Mr. O’Leary. This 5.76 acres will be merged with Mr. O’Leary’s land and will not be a separate parcel. The proposed 5.76 acres include some of the creek and flood plains and is presently being farmed by Mr. O’Leary consisting mostly of hayfields. The present farming use will continue by Mr. O’Leary. The land is located partly in the Town of Clinton and partly in the Town of Pleasant Valley. The portion of land in the Town of Clinton is 37.77 acres and there are two separate tax parcels in Pleasant Valley.

One parcel is 1.93 acres and abuts Hibernia Road. The other parcel is 5.0 acres and is the parcel adjoining the proposed 5.76 acres. These two parcels exist as separate parcels only for tax purposes.

If the Lot Line Adjustment is allowed to proceed the 5.0 acre tax parcel in Pleasant Valley will increase to 10.76 acres. There will be no change in Clinton.

The 40.70 acres is a part of Mr. O’Leary’s overall cattle and horse farm. There are no buildings located on it and consists mostly of tillable land.

Mr. Cunningham further informed Board that he had submitted the proposal and maps to the Town of Clinton Planning Board for review at their February 2<sup>nd</sup> 2016 meeting.

The Chair invited Mr. Setaro, for his comments.

Mr. Setaro stated that they had no comments on the EAF. The project is an unlisted action, the Planning Board is the only approval agency, and therefore this will be an uncoordinated review.

He further added, that once the SEQR determination is done, the Board would need some kind of evidence of action from the Town of Clinton.

The Chair made a motion to waive the Public Hearing it was seconded by Ms. Prunty and was approved 7-0.

A Motion was made by the Chair to for a negative determination under SEQRA as there will be no change in the use of the land. It was seconded by Mr. Gordon and was approved 7-0.

A motion was made by the Chair to grant final approval for Cahill/O’Leary lot line. Motion was seconded by Mr. Mackay and was approved 7-0.

### **George Gustin – Driveway**

Mr. Christopher Lapine of Chazen Engineering, 21 Fox Street, Poughkeepsie NY 12601, represented the Applicant Mr. George Gustin.

The Chair invited Mr. White to share his comments.

Mr. White provided historical reference to the application:

1. The Gustin's applied for a driveway permit in fall 2013
2. The permit was denied by the Highway Superintendent.
3. The contractor, with permission from the building office dozed the temporary driveway with the understanding that full plans and application would be submitted to the planning board which has now been done.
4. The C.O. for the house will be issued when the Planning Board approves the revised plans. The Driveway is complete and in full compliance. The deeds and common driveway maintenance agreement are filed in the Dutchess County Clerk's office, and the necessary inspection bond is posted.

Mr. White recommended following:

1. After reviewing the revised plan he had, no zoning code layout issues with the plans.
2. The new driveway provides overall driveway grade to 7.5%
3. The new driveway provides a gentler slope towards the house

Thus the building inspector, the contractor, the architect and the Zoning Administrator all agree that this revised location for the driveway is significantly better than the original one approved.

The Chair invited Mr. Setaro for his comments.

Mr. Setaro commented that:

1. The application is for amended subdivision approval. The change in the lot 2 driveway location appears minimal, and the lot 3 driveway and house location remain the same as the 2008 approval.
2. The common driveway maintenance agreement will need to be revised to include the recently agreed upon procedure that the subdivided is responsible for the construction of the common driveway improvements.

Mr. Setaro further added that Highway Superintendent will issue the driveway permit with Planning Board approval. No new environmental impact is noted.

A Motion was made by the Chair to reaffirm the prior SEQR Determination made on January 8, 2008. The Motion was seconded by Mr. Gordon and was approved 7-0.

A Motion was made by the Chair to waive the public hearing as this was a minor amendment. Motion was seconded by Mr. Mackay and was approved 7-0.

The Chair made a motion to grant conditional amended final approval in the form of attached resolution. The Motion was seconded by Mr. Fracchia and was approved 7-0.

### **Central Hudson – Public Hearing - continues**

The Chair announced that the Board would now return to the Central Hudson Public Hearing and invited public for their opinion/comments.

No one present spoke, therefore a Motion was made by the Chair to adjourn the Public Hearing to Planning Board meeting to be held on Tuesday March 8, 2016 at 6:30 p.m. the motion was seconded by Ms. Patterson and was approved 7-0.

The Chair also stated that the Central Hudson has informed the Board that they will be submitting responses to the comments made by the public by March 1, 2016.

### **Minutes of Planning Board Meeting**

As the new Board members were not present for these meetings. Members who could vote on the minutes were:

1. Rebecca Seaman
2. Michael Gordon
3. Rob Fracchia
4. Norm Mackay

A motion was made by Mr. Gordon to approve Minutes of November Planning Board Meeting as corrected it was seconded by Ms. Seaman and was approved 4-0.

A motion was made by the Chair to approve Minutes of December Planning Board Meeting as corrected it was seconded by Mr. Mackay and was approved 4-0.

The Board returned to the application for the sub-division for:

### **Porco lot line adjustment**

Mr. Setaro and Mr. White were able to locate the original map for the parcels. Confirming that there is no restriction as to the designation of which yard is treated as the front yard for lot # 2 from the original application to the Planning Board.

A motion was made by the Chair to approve the orientation of lot # 2, it was seconded by Ms. Prunty and was approved 7-0.

Motion was made by the Chair to waive the public hearing was seconded by Ms. Patterson and was approved 7-0.

Motion was made by the Chair to give conditional Final Approval to Porco lot line adjustment – attached. It was seconded by Ms. Dyson and was approved 7-0.

### **Other Matters**

The Chair informed the Board Members to take Planning Board Procedures Workshops/ Training as that is a requirement. A copy of SEQR training workshop material was handed out to the Board members for their information/records.

Motion was made by Mr. Gordon to close the Planning Board meeting was seconded by Ms. Paterson and was approved 7-0.