

PLANNING BOARD
MINUTES FOR APRIL 19, 2011

One public hearing was scheduled for this meeting. Howard Post, Chairman, opened the meeting at 7:35p.m. Present were Paul Andreassen, Howard Post, Carole Furman, William Creen, William Hayes, Dan Weeks, Michael Tiano and Ken Goldberg. Bruce Leighton, Liaison; Dan Shuster, Consultant; and Josh Randall, CAC, were present.

A motion by Furman, seconded by Weeks to accept the March 2011 Minutes. Goldberg abstained. Motion carried.

PUBLIC HEARINGS:

1. Site Plan-Aristotle Moshos-York Street-Plans presented by Moshos-Opened public hearing. Plans presented by Aristotle Moshos. Moshos was given parameters for the first submittal and then worked up a design for a 3 bedroom house and accessory apartment. Then a second design proposed due to the undersized lot and meets the bulk required and still has an accessory apartment. Moshos described how he proposes to move the building on the lot to provide another footprint that meets all the setbacks. Moshos-the 2 story building instead of 3 stories will be better for neighbor who does not want to lose view of the Hudson River. The revised plans provide more of a vista for the neighbors. Drainage issues regarding Blanco's property-Moshos intends to alter the drainage to eliminate the problem affecting Blanco's property. When Town Engineer and Shuster visited site it was discussed to bring the building down somewhat to handle all the site and drainage. Comments: Joan Folliott-asked about view from North St. Moshos said yes see roof line. Maryellen Mitas-how many feet from dropoff. Moshos showed location of building in relation to Catharine Clarke's. C. Clarke-how far from my property line. Moshos-is 10 feet. Clarke-do you have variance. Moshos-due to undersized lot provision it complies. Clarke-asked about accessory apartment if more than a single family house do these provisions apply. Shuster-yes it complies. Clarke-confused that 2 units can be in a single family house. Shuster explained limits and genesis of accessory provisions. Folliott-concerned about parking. Answer: Zoning allows 2 spaces for house and 1 for accessory. C. Clarke-thanks Pl.Bd. and concerns are that the Pl.Bd. and Building Dept. will not hold Moshos in compliance; hopes the project keeps with the Comprehensive Plan and Moshos adheres to Comp Plan and follows Waterfront Overlay District By-Laws. Also concerned with Moshos' time frame and length of 7 years to build the

property to the South and who will monitor project. Cliff Tienken, Sr.-concerned that the property owners are not being allowed to building what they want to on their property has long as all comply with zoning and waterfront overlay. The overlay was not meant to stop construction. He has lived in Malden for 51 years and has been a member of the Conservation Advisory Committee.

No more comments. A motion by Weeks, seconded by Furman to close public hearing. Andreassen abstained. Motion carried. Discussion on steep slopes-Moshos complies. Goldberg suggested a variance for setbacks. Weeks unfair to put burden on Code Enforcement Officer. Shuster stated that "feasible extent" should be determined during site plan review. Moshos stated setbacks. Discussion on timeline. Goldberg stated setbacks not clear. Post stated setbacks have been met. Creen- it was stated a few meetings back that if building was lowered then the Pl.Bd. could work with setbacks as amended. A motion by Goldberg, seconded by Weeks that project be forwarded to ZBA. Goldberg in favor, Tiano and Andreassen abstained and all other votes "no". Discussion on Resolution Conditions: timeline and percentages and injunction; safety and drainage; periodic site visits by Town Eng. Moshos to set up money in an escrow account. Moshos discussed the plan with Pl.Bd. and he will place a nice building on property. Creen-have Shuster draw up a draft and discuss at May 17, 2011 meeting.

OLD BUSINESS:

1. Site Plan-Lisa Buskirk-Rt. 32N-Plans presented by Lisa Buskirk and Alvah Weeks. Wants to convert single family house into a multi-family residence. This is a 3 bedroom existing building so no more than 3 one-bedroom apartments can be created. Discussed multiple driveway parking requirements. A motion by Goldberg, seconded by Creen to declare an Unlisted Action. All in favor, none opposed, carried. A motion by Goldberg, seconded by Creen to grant a Neg Dec. All in favor, none opposed, carried. A motion by Weeks, seconded by Creen to grant Preliminary Plat approval, waive submission of Final Plat and grant Conditional Final approval pending locator map, signature blocks and reproducible map. All in favor, none opposed, carried.

PRE-HEARING CONFERENCE:

1. Lot Line Revision-Donald and Eileen Lezette-Fawn Road-Plans presented by Tom Conrad. Several lot line revisions to consolidate existing lots and enlarging a smaller lot. All parcels are owned by family members. Shuster concerned with access. Discussion on Road Maintenance Agreement. A motion by Creen, seconded by Weeks to waive public hearing per Section 323. All in favor, none opposed, carried. A motion by Goldberg, seconded by Creen to declare a Type II Action. All in favor, none opposed, carried.

2. Minor-John and Kristina Chmelar-Drummond Falls Road-Maps presented by Tom Conrad. Access via a 50ft. ROW off Penna. Ave. in Greene County. Subdividing Lot 1 with 35 acres and Lot 2 with existing house and 84 acres. Discussion on Sect. 280a of Town Law. Discussion on 1200ft. rule and if need to refer to Catskill Pl.Bd. Shuster will prepare a letter to Catskill Pl.Bd. Need Highway and Health Dept. approvals. Delineate wetlands where ROW and building site are located and show septic area. A motion by Creen, seconded by Furman to extend the 1200ft. rule for ROW to 1300ft. All in favor,

none opposed, carried. A motion by Creen, seconded by Furman to schedule a public hearing for May 17, 2011. All in favor, none opposed, carried.

MISCELLANEOUS:

1. Major-Michael Spada-Rt. 32S –ZBA needs a letter from Planning Board stating Pl.Bd. is forwarding to ZBA.
2. Tom Conrad will follow up with Town Board regarding Open Development approvals.
3. Montano/Steinberg – signed maps and received 2 signed maps.
4. Received ZBA Minutes.

Since there was no further business to discuss, a motion by Creen, seconded by Post to adjourn the meeting at 9:40p.m. All in favor, none opposed, carried.

Recorded by Paul Andreassen
For Juanita M. Wilsey, Recording Secretary