



PLANNING BOARD MINUTES May 15, 2018

The Pledge of Allegiance.

Three public hearings were scheduled for this meeting and the public was invited to come forward to review the plans and ask questions. Howard Post, Chairman, opened the meeting at 7:32 p.m.

Present: Howard Post, Daniel Ellsworth, Len Bouren, Carol Furman, Kenneth Goldberg, William Creen and Robert Hlavaty (alternate).

Absent: Michael Tiano

Also Present: Mike MacIsaac, Liason

A motion by Furman, seconded by Creen to accept the April 2018 minutes, motion carried. Goldberg abstained.

PUBLIC HEARING(S):

1. **Site Plan/SUP-Anthony Tampone-Malden Turnpike.** Presented by Mr. Tampone. Opened public hearing at 7:33 pm. There were several landowners present for the public hearing. The applicant would like to change the use of the building from storage to a high-end car repair shop. The building site will remain the same. There were a couple of individuals that wanted to speak:

- Lisa & George Downey of 437 Malden Turnpike presented their concerns:
 - A “Cease & Desist Order” was issued to the applicant three years ago and they continued to operate.
 - There are several vehicles on the property (pictures presented to the board). Mrs. Downey referenced Municipal Law 136: Junk/Junkyards –“It is further declared that the unrestrained accumulation of junk motor vehicles is a hazard to such health, safety and welfare of citizens of the state necessitating the regulation, restraint and elimination thereof.” The Downey’s are concerned for the well water. Tampone states that all DEC regulations are followed.
 - The definition is when there are two or more unregistered vehicles on the property. Tampone admits there are approximately 7 there at this time.
 - There is not adequate fencing around the property to keep the vehicles out of site with a gate for access. Tampone stated that he did offer to repair the fencing that was there but the Downey’s declined.
 - The Police did visit the site and show them the “Cease & Desist Order” but they continued to operate after they left.
- Christine Bellarosa of 1606 Old Kings Highway presented for her and her husband, Michael.
 - There are dozens of vehicles on property and parts being stored outside of the building.
 - Concerned on how the hazardous waste is being disposed of.

A motion was made by Ellsworth, seconded by Furman to keep the public hearing open until the June 19, 2018 meeting. All in favor, none opposed, carried.

2. **Site Plan/SUP - Arthur Green/Canos Recycling LLC – Kings Highway.** Presented by Brian Schug. Opened public hearing at 7:47 pm. Using small portion of existing building to process dry metals. There will be 5

parking spaces. The entire operation will be located inside the building. The hours of operation will be 7am – 5pm (M-F) and 7am – 2pm (Sat). There will be three employees; 1 driver and 2 sorters. Landscaping will be done. There will be no storage on the property for longer than 120 days. Deliveries will be approx. 10x/week and 3 tractor trailers a month.

- Phil Anderson – What are they actually sorting? Schug- There will be no melting or burning of materials. Sorting will strictly be done by hand, dry in and dry out.

A motion was made by Goldberg, seconded by Ellsworth to close the public hearing at 7:52 pm., All in favor, none opposed, carried.

A motion was made by Goldberg, seconded by Furman to approve the site plan and special use permit as presented for a dry metal recycling business. All in favor, none opposed, carried.

3. Site Plan/SUP – Agawam Hospitality Group LLC – Rt. 32S. Presented by Bruce Utter, Praetorius & Conrad. Opened public hearing at 7:55 pm. Utter presented a brief overview of the project. There will be a 120 seat restaurant, cabins, agricultural crops, spa, artist house and studio, staff residence and a barn with stables. Some changes that have been made since the last public hearing:

- Dust/chip seal road along back of the houses on route 32.
- As a result of the traffic study there will be a right in/right out created on Rt. 32S.
- The lake has been moved to create more drainage area.
- Liberty Street will be left as is and entrance road will run along it. A new water main will be installed with an 8” pipe to help with the waterflow. The project will provide the availability to those residents on Liberty Street to link into the new water main from the east side of the entrance road. It will be the resident’s responsibility to hook into that.
- Parking will be on north edge of lot and parking has been reconfigured for emergency vehicles.
- Fencing and parking will be extended by the existing baseball fields.

Several residents presented their concerns:

- Dave Mauro-19 Destiny Drive/2157 Rt. 32. What was the lot originally zoned as? Utter-HDR Mauro-Why do you require a SUP? Utter-Because of the restaurant and inn. Mauro-How is this project compatibly with the surrounding area? Utter-It will still be used as a farm site. Mauro-There are already water issues with the fire hydrants in the area that cannot be used. How will this impact the existing problem? 400’ of the property does not include fire hydrants. Utter- A new water main is to be installed that will increase pressure to ensure that existing hydrants that do work continue to do so. Mauro-Where the entrance on 32 is proposed is a very dangerous area of the road already. When was the traffic study done? Ken (Creighton Manning)-Traffic study was done over the course of a couple of weekdays. The entrance is only right in/right out which is much safer than a full access entrance. Mauro-How is the 1988 traffic study have the same results as the recent one when there is so much more traffic on the road now? Ken-Traffic studies are done differently with different guidelines then in 1988 which results in the same outcome. The recent traffic study was done in January, a softball tournament was used as an example of increased traffic in the area. A sensitivity analysis was done to include the traffic from the firehouse, school, church and baseball fields. Mauro-That study does not consider the traffic increase in the spring/summer for the area in general. How is the noise level from the events hosted be regulated? Utter-The SUP will have provisions for noise to include noise level hours and will have to be adhered to. Mauro-Kids play in the yards and there are concerns regarding the consumption during the hosted events of alcohol and the effects on the neighborhood.
- Micky/Terry Porto-2212 Rt. 32. Concerns with traffic, property is adjacent to the proposed Rt. 32 entrance. Traffic study should be done during a weekend when the traffic is increased with events that occur in the area.
- Al Carney-2146 Rt. 32. Traffic study should be done during spring/summer and on weekend. Town should ask the state to do their own traffic study. Water pressure is a big concern for the residents in the

area. Utter-traffic studies are done with numbers from DOT and they were increased for the traffic study that was done to ensure a proper outcome. Used events at school, church, firehouse and baseball fields all happening at the same time for the traffic study.

- Marilyn Mauro-2157 Rt. 32. Project is not compatible with the quiet neighborhood, residential area. Traffic study should be done during a more reasonable timeframe. Project will change the area and not for the better. There is no way that the traffic can be controlled at the Rt. 32 entrance.
- Alicia Cafaldo-2142 Rt. 32. Concerned with traffic issues. Not against developing the property but hopes it will be open to the public for use of land and amenities. Will there be privacy fencing? Utter-There will be tree landscaping to keep privacy and keep lighting at bay. The clients want to be part of the community/neighborhood. Anyone that patronizes the restaurant will be able to use the walking trails.
- Mike Leverenz-How thick will the vegetation be in the buffer zone. Utter-It will be created along the roadways enough to create a privacy barrier, but the landscaping has not been finalized. Leverenz-Why was the entrance to Rt.32 changed? Utter-It was changed to help with traffic flow and emergency vehicles.
- Carmine Gramoglia-sister lives adjacent to the Rt. 32 entrance. Will there be pavement on the Rt. 32 entrance? The entrance is on a dangerous turn, many accidents happen. How is a left hand turn prevented/monitored? Utter-There will be a concrete island 6" high to prevent a left turn out or in. It cannot be higher because of emergency vehicle access. There will be a woodland buffer between the entrance all adjacent homes. Gramoglia-How will water from snow removal effect surrounding properties. Utter-Grading will be done into the storm water pond.
- Joe Fabiano-2180 Rt. 32. Was SEQR done? Utter-Yes, it was done, received a neg dec, changes were made and SEQR was done again with a neg dec last month. It was a joint review with 15+ agencies involved. Fabiano-Was it brought up that this land was part of a larger parcel that has an archeological history? Utter-Yes, a Phase II & Phase III archeological study was done, and the results were that there are 3 areas that are being avoided and 2 areas that will be disturbed by the by the development of the barn and restaurant. What was found was chirp, arrowhead and possible fire-cracked rock. Fabiano-What happens if something is found during excavation? Utter-A mitigation plan has been created and anything that is found will be bagged and catalogued. Fabiano-What has to be done to get approval from the Indian tribes for the study? Utter-Received approval from SHPO and the Indian tribes for the mitigation plan. Fabiano-Not public land and zoned HDR and can be used for other alternatives, such as housing. Keep in mind there could 400-units of housing instead of this project. Highway Superintendent does not like parallel roads, should be one road extended off Liberty Street. Town maintained until the Martino property. Water District was formed in 1950's and every fire hydrant worked. Since then little by little the flow has been diminished with additional projects and fire hydrants have been taken out of use because of this. Planning Board should consider this. Utter-That is why the main is being replaced with an 8" pipe to help alleviate that issue and residents of Liberty Street are being offered the ability to tie in. Fabiano requested that the Board consider stipulating that if this is done that the new water main not run parallel to the existing 1 ½" pipe. Fabiano-Low property levels receive relief from the ditch on fireman's field and is requesting it not be changed. Utter-The project will not.
- Katie Wrolsen-2216 Rt. 32. How many people are projected to in and out of the site on a typical day? Ken-67-70 cars during peak hours on a Saturday/Sunday, with an event 72 on Friday and 91 on Saturday. Wrolsen-Hoping there be employment opportunities for locals considering there is on-site staff housing. If this facility changes owners will it have to go through Planning Board to change venue? Post-Yes, it would have to go through Planning Board.
- Ted Miller-Concerned about traffic issues. Neighborhood should not become a transient community. Fire safety in regard to water flow of interest/concern. Utter-Fire flows are correct in the Glasco area. Miller-Multiple closures of restaurants and bars in the area, not zoned commercial. Utter-The proposed use is

permitted in the zoning law. Miller-Would like to build a development in the future that would be the same individuals living there at all times, no transients.

- Patti Lefering-Would rather have this project done right instead of 400+ housing development.
- Al Carney-How will this project effect taxes? Utter-It is currently on the tax role under farmland. Carney-not against project just wants it done correctly and concerned about traffic and water supply.
- Tom Francello-2179 Rt. 32. Things to be addressed before/at next meeting. The road is to be reviewed and approved by the town engineer. Utter-The whole loop road will be chip and seal or blacktop. The rest will be gravel. Francello-The burmed area should have stone wall to keep lights out of neighbors' homes. Do cabins have propane or natural gas? Utter-Has not been decided. Francello-Should be a single road access. Screening along property lines should have a more intensive plan. Security plan/Fencing. Road detail on site plan that can go into resolution for SUP so that if someone buys the property they must adhere to it.
- Post-Town engineer to evaluate the proposed changes.
- Public Hearing will remain open until June meeting.

OLD BUSINESS:

1. Minor Subdivision-Matlacha Properties-Hommelville Road - CANCELLED

2. Major Subdivision–HV Contemporary Homes LLC/Vandervliet-Manorville Road. Jeff Hogan presented. 24 acre lot off of west side of Manorville Road. Proposing to put in 4 lots. Neg Dec and SEQR declared at last meeting. Improve the road from 12' wide to 20' wide. Storm water Plan was submitted to Joe Mihm from Venier & Larios. Received comments, Board has not received yet. Mihm requested that the planning board consider requesting a hard surface for road. Grade is 10-12% in some areas that would require the hard surface. Mihm also asked Hogan to check the pre-development flows vs. the post development flows of the culverts and swails as submitted for potential impact. Submitted plans for the septic systems to Health Department, awaiting approval. Shuster's review included a question regarding the road maintenance agreement. Hogan-Submitted to Redder two months ago and received a couple of additions that should be added. The owner's attorney has since made those changes and re-submitted. The Board received a letter from Redder accepting the agreement as re-submitted. Hogan has sent a letter to the Centerville Fire Chief Mullen but has not received a response. Revised road profile to change grade to soften for emergency vehicles, originally 11% to -1% resulting in a 12% grade change, will now be an 11% to 3% resulting in an 8% grade change. Work out issues regarding storm water and surface of the road with Joe Mihm. Did not have to be referred to UCPB. Post-Need letter from Venier & Larios, approval from Health Department and letter from Fire Department regarding the road covering. Return next month with these items.

3. Site Plan/SUP-Sophiedrew Acres LLC-Glasco Turnpike

Bruce Utter presented. Lead agency declared in February 2018. Archeology work was done by Joseph Diamond. 170 shovel test, recovered a brick and a piece of coal. Dylan Lewis performed the shovel test. No further action is necessary. Copy to be sent to Board. Management plan was submitted to address comments. Widened road in back for horse trailer parking. Grading along roads and where horse area paddocks are. Reduce the number of paddocks and they will be rotated so grass grows back. Manure will be stored in dumpsters and the 100' setbacks will be adhered to. Stalls cleaned 2 times a day, aisles will be swept 2-3x times a day. Sheds for storage. Mike Moriello will start SEQR documents. Goldberg-Does it conflict with the HITS schedule? Utter-Prize \$ is small in comparison with HITS and will find out when shows are scheduled. Ellsworth-Drainage? Utter-Drainage swail goes through property to manmade pond and out to road. 6" diameter water line and sewer manholes were installed previously and plan on reusing them as long as they pass all tests. Tied into municipal line on Glasco Tpke.

Pre-Hearing Conference:

1. Site Plan-Blue Stone Energy Solar, LLC-Churchland Lane

Jenny Monson-Miller and Dereck Hasek of Geronimo Energy presented along with Caitlin Graff, EDR. Goldberg-Asked if he should recuse himself because he lives on Churchland Lane, on the north side not within 500'. Miller-Thought it was ok at this point for the pre-hearing conference. Goldberg had several questions to be answered at the next meeting:

- EAF form states noise above ambient level, how long will it last
- EAF states pesticides being used during construction, plan for use of pesticides/herbicides during construction and after (when, how much, contamination)
- Aquifer on property and neighboring properties use that water, will it be monitored during construction and after?
- What contributions do you make financially to communities that you develop solar farms?
- Are full taxes to be paid on the property

Ellsworth-Who is the energy marketed to. Miller-NYSERTA purchases the renewable energy credits but have not received an off taker of the energy itself. Bouren-Are the panels on posts or cemented? Miller-Posts. Bouren-What is the lifespan of the panels? Miller-Approx. 20 years for the ones being used and can change with technology. Ellsworth-There will be no significant grading? Miller-The land will be de-vegetated and then revegetated. Ellsworth-Buying or leasing the property? Will the topsoil be removed? Miller- Believe it is a lease. NYSERTA will require to keep the topsoil on property, will be disturbing less than 1 acre but will be restored. A motion by Goldberg, seconded by Ellsworth to declare as Type I. All in favor, none opposed, carried. A motion by Goldberg, seconded by Furman to notify coordinated determination and request lead agency. All in favor, none opposed, carried. All agencies contacted will have 30-days to respond. Public Hearing will most likely be in July. A motion by Post, seconded by Creen, if necessary, to send to county for review. All in favor, none opposed, carried. Bouren-Has land been vacant? Miller-It has been vacant. Post-Archeology? Graff-Have obtained a copy of the last Archeology report, will send summary copy to Board, will forward to Shuster. Evaluating wetlands and minimize the impact to them.

Post-Preliminary Site plan, service roads, location of panels, connection to Central Hudson for next meeting. Maintenance after construction plan. Plan of removal. Bond needed.

2. Site Plan/SUP-Tough Mudder-Augusta Savage Road

Presented by Kylee Haggerty, Event Operations Manager for Tough Mudder Hudson Valley. Obstacle mud run with 5k and 10k course options to be held on August 18 & 19. Mike Stock present for the owners. Reviewed Shuster's comments and addressed. All cars will be parked on site, there will be two 5-mile loop. Evacuation, if needed, will begin on the course and guiding individuals to their cars. Full clearance when shutting down obstacles, flag emergency plan starting with green. Weather is constantly checked. Contracted with Diaz, 3 ambulances on site at all times. The participants will come in waves with different start times. There will be no camping. Contact with Chief Sinagra has been made and he seems confident in the ingress and egress of the site. Contact has been made with the NYS Thruway and NYSDOT, copies of correspondence to be forwarded to the Board. There will be food trucks on site. A helipad will be marked, and medical staff will be at each obstacle with walkie talkies. All participants have a bib number and can be identified by that. Access is available to helipad from any obstacle. There is a medical tent in the "mudder village". Would like to keep under the 10-acre threshold for SEQR. Water tanks will be brought in to make the mud and potable water will be supplied by Water Monster on the course. Contingency for rain and parking is being addressed. When the event is over the property that was disturbed will be power raked and seeded to refurbish. A motion by Goldberg, seconded by Hlavaty to declare as Type I. All in favor, none opposed, carried. A motion by Goldberg, seconded by Creen to be lead agency. All in favor, none opposed, carried. Chief Sinagra, NYS Thruway and NYS DOT have been given traffic report. A site plan with parking with contingency lot, course (no more than 10" wide) and helipad

must be submitted. Centerville Fire Chief needs to be contacted. A motion by Ellsworth, seconded by Furman to set public hearing for June 19. All in favor, none opposed, carried.

3. Site Plan/Addition-Robert Malkin & Barbara Pokras-Esopus Creek Road-CANCELLED

4. Lot Line Revision-Gerhard Benzenhoefer-River Road

Presented by Tom Conrad. Part of Staples Estate is being sold. Add Parcel B to Benzenhoefer located across the street. Parcel C to Kenzico, Parcel A a building lot. Furman-two lots can be owned by one owner across the road from each other. How do you do a lot line delineation with the road there? Shuster's review questioned whether a public hearing was necessary. Conrad-The properties do touch in the middle of the road. Each land owner owns to the middle of the road. The road is a user road. Municipality has the right to use and maintain the road. A motion by Goldberg, seconded by Ellsworth to declare as Type II (no neg dec). All in favor, none opposed, carried. A motion by Goldberg, seconded by Creen to schedule a public hearing for June 19. All in favor, none opposed, carried.

Adjournment:

Since there was no further business to discuss, a motion by Bouren, seconded by Creen to adjourn the meeting at 10:40pm. All in favor, none opposed, carried.

Respectfully Submitted by,

Becky Bertorelli
Planning Board Secretary