

Greenport Planning Board
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Hudson, New York 12534
Phone 518 822-8149
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Chairman Edward Stiffler

Planning Board meeting of October 27, 2015, was called to order at 7:30 by Chairman Stiffler with the Pledge of Allegiance. There were 8 people in attendance.

Present:

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| <input checked="" type="checkbox"/> Edward Stiffler – Chairman | <input checked="" type="checkbox"/> Paul D’Onofrio |
| <input checked="" type="checkbox"/> Robert MacGiffert | <input checked="" type="checkbox"/> Sandy Kipp |
| <input checked="" type="checkbox"/> Michael Bulcholsky | <input checked="" type="checkbox"/> John Florio |
| <input checked="" type="checkbox"/> Genevieve Trigg, Esq. | <input checked="" type="checkbox"/> Ray Jurkowski, Engineer |

Motion made to approve minutes of the Special Meeting on September 22, 2015, by Robert MacGiffert and seconded by Sandy Kipp. All in favor.

OLD BUSINESS

- 1. Mental Health Association of Columbia-Greene Counties/Greenport Gardens – (7:35 - 8:00)**
Chairman Stiffler stated that the Planning Board would continue the public hearing for the Mental Health project and asked if there was anyone there representing Mental Health that would like to give a brief outline of what the project entails.

Mr. Freeman spoke on behalf of The Mental Health Association. He stated that they had brought updated plans to show where the road would be located. He felt that he addressed most concerns during the last meeting and stated he would be happy to address any further questions that may arise as the meeting progresses.

Robert MacGiffert asked if everyone has signed the sheet that would like to make comments and if anyone else wanted to sign who may not have. No one else signed.

7:40 p.m. Opened Public Comment.

David Sullivan of Joslen Blvd. Stated that he didn’t feel this housing unit would be good for Greenport and that the cost would be too great and more than anticipated. He has concern that the tax payers would be responsible to cover the taxes and that the since Mental Health had applied for a PILOT they would not be covering the taxes. He didn’t feel it was right for the Planning Board to approve a project that would cost the taxes payers’ money and give nothing back in return.

Florence Pizza of Joslen Blvd and Green Acres Road stated she felt the burden would be on the tax payers to cover the costs. Ms. Pizza felt that the fire company would need either more volunteers or a paid fire company to compensate for the extra population, as well as the Greenport Police Dept. She also expressed concern over the sewer lines getting worse and that the extra occupancy would be more than the system could handle. Those extra cost would then fall on

the tax payers to cover that burden as Mental Health would not be paying taxes. She also stated that she thought the planning board should find another way to let everyone in the area know what is going on so that they would understand the impact it has for them before the final decision is made. She believes that with there being more elderly than younger people in the area, that most would not have computers and may not be reading any bulk mailings so they aren't being fully informed. Ms. Pizza also felt that they should have been given the opportunity to express their concerns from the onset of the project and not after they are three years into it. She offered the suggestion that a smaller facility may be more appropriate for the location and that there is too many lower income as of the establishment. Ms. Pizza asked if their comments had any impact and Mr. Stiffler stated that at this point the town is only collecting comments. She has concerns over trespassers as those who would reside in the housing unit may be cutting through people's yards, with potential destruction to property, and possibly having home owners getting sued if people cross through their property and fall and get hurt. She also had concern over dogs in the yards, potential for trespassers to kick them if the dog is protecting their property or if the dog bites them, what would be the repercussions for that? Ms. Pizza thought that it would be better for everyone if the facility was put in a more central location, closer to public transportation and shopping. She also mentioned concern over property values decreasing and traffic increasing. Ms. Pizza also mentioned traffic and accidents.

Jen Berman of 45 Green Acres Road said that due to it being hunting season it has occurred to her that this facility would be in hearing distance and walking distance of the Rod & Gun Club. She said that though she doesn't have any mental illnesses, when she hears gun shots at 8:00 at night or as recently it has been 12:15 and 5:45 in the morning it's scary for her. She said she couldn't imagine that anyone with mental health conditions would feel comfortable in that area. She also expressed concern over the sewer system and reminded the board that DEC had sited them in June 2014 for a backup. Ms. Berman felt that the sewer system is something that should be handled properly before adding however hundreds of more people to the area. She questioned the planning board about the petition that was submitted in 2014. Ms. Berman stated that the petition consisted of 450 people that did not want this project to go through and wanted to know if the Planning Board was able to verify if they received it. Chairman Stiffler said that he had checked on it and they had not received the petition. Mrs. Berman said that she had been in to the office and spoke to John Porreca regarding the petition who would in turn speak with Genevieve about the receipt of the petition. She said that he was going to speak with them about it as well.

Janet Schnitzer of 42 Green Acres Road. Signed the wrong list. Did not need to speak.

Larry Bernacki of 52 Green Acres Road state that on October 26th he has submitted a written statement. With regards to the pedestrian traffic on Joslen Blvd. he felt this new facility would be a threat to public safety and wanted to remind the Planning Board that they were not required to approve an application if it posed a threat to the public. No court would uphold an action that was concerning public safety, and that was the most basic rules of government.

Katy Miller of Joslen Blvd (between Delaware Ave. and Lincoln Blvd. across from Daisy Hill Road) stated that she could confirm that the sewage problem has been an issue for the last 16 years and that whenever there is heavy rain, the drainage system cannot handle it. She also stated that the traffic is already becoming a problem and that there have been several accident just in the last few weeks with 100 to 300 yards of her driveway. She has concern for pedestrians and said that speeding was a big issue. Ms. Miller stated that there had been an accident just the night

before near her home. Her concern is that this facility will only increase traffic making for a more dangerous situation. She asked if traffic lights could be added at intersections, possibly three-way lights installed.

Chairman Stiffler asked if there was anyone else who wished to address the board who had not signed in. No response. Chairman Stiffler addressed the board to ask what they wanted. Bob MacGiffert made a motion to keep the public hearing open. It was seconded by Paul D'Onofrio. As Mr. Stiffler asked "All in Favor?" Mr. Freeman asked what the vote was regarding. Mr. Stiffler stated that it would explain in a moment. Mr. Freeman said that he wanted to know what was being voted on before it was completed. Genevieve stated that in light of new information that has come to the boards' attention they would be reopening SEQR to examine the issue of sewer capacity due to recent rainfall amounts. She also stated that the DEC has not been involved up until this point but has recently opened an investigation and would like to weigh in as their jurisdiction permits them to. They will need to issue a permit and is it is considered a sewer extension. Therefore the town will need to wait for the DEC's input and amend the NEG-DEC as necessary. Mr. Freeman asked if any of the issues that have come up have any direct relationship to where this sewer installation is going to occur and if anyone has made any determination because their engineers have spoken to the town representatives, and they have expressively said that this will not have an impact on the sewer systems. He said that the sewer system was only at 45% capacity. Mr. Freeman asked if someone told the board (that they aren't aware of) that there is a direct correlation between this project and a system that may be failing in another part of the town? Genevieve replied that it is to her understanding from a DEC representative that there are capacity issues and under Chapter 750 of the DEC Regulations, because this project will convey more than 2,500 gallons per day of residential sewage in combination with storm water, it's considered a storm water extension, and therefore would require a DEC Permit. The location of this facility in relation to Virginia Ave. and other area's with failures of the sewer system where backups have occurred, this requires further review. Mr. Freeman questioned if the board required a DEC Permit from the new project that is being constructed at the old Middle School? Genevieve replied that this permit should have been identified in the Part 1 EAF by the applicant. Mr. Freeman clarified that he was asking if the board required it, as they are now, on the other project. Genevieve stated that she wasn't involved in that but that the DEC has jurisdiction here. Mr. Freeman stated that DEC would have sole jurisdiction so the board should just pass them through provided that DEC grants their permit. Genevieve said that the planning board has an obligation to take a hard look under SEQR obligations and cannot just circumvent that by not examining the sewer issue at all when it does have an impact on the entire town. Mr. Freeman asked if DEC addressed this particular project as causing an issue with respect to the sewer system. Genevieve replied yes, they are concerned with the additional capacity from this project. Mr. Freeman said that no other projects required a DEC Permit with a capacity over 2,500 and accused the board of singling them out. Chairman Stiffler stated that DEC is requiring the board to address the issue and that they are not singling anyone out. Genevieve stated that Greenport would serve a letter to DEC which would give them 30 days to respond. If they have not heard back from them after that point the board will assume there is no issue and move forward with the application. Mr. Freeman asked when the letter would be sent and Genevieve responded that it would this week. Mr. Freeman asked who the DEC Agent was that we would be addressing and was told that it was Jamie Malcom. Mr. Freeman asked if Mr. Malcom had sent anything in writing regarding the project. Genevieve responded not yet but it would be forth coming. Mr.

Bulcholsky stated that after all we've been through, the board would be remiss if they didn't go through and check this out before going any further. Mr. Bulcholsky stated that he felt they should keep the public hearing open until it's settled. It was seconded by Paul D'Onofrio. Mr. Freeman asked what about the representative who was in charge of the sewer district, questioning if he has issued any writings. Genevieve stated that he wasn't aware of the permit requirement and was just made aware of it. Mr. Freeman stated they had been paying them all along for the time expended and nothing had been mentioned. Genevieve asked why this wasn't identified to begin with. Mr. Bulcholsky asked who was responsible. Chairman Stiffler stated it was the applicant's responsibility, which should have been identified in the Part 1 of the SEQR Form.

Bob MacGiffert made a motion to keep the public hearing open and to reopen the SEQR for the limited scope of the sewer extension permit. It was seconded by Paul D'Onofrio. All in Favor.

Mr. Bulcholsky also noted that council would be issuing DEC a letter, which they will need to respond to in 30 days otherwise, the public hearing will be closed with no input from DEC so that will close all loops and move forward.

Chairman Stiffler asked for a roll call on the vote. All in Favor.

Michael Bulcholsky addressed Mr. Freeman, stating that if may be in his best interest to contact the water and sewer superintendent for review. Chairman Stiffler asked if there was anything more Mr. Freeman would like to add. Mr. Freeman stated that he objected to the leaving the public hearing open for this purpose.

- 2. Dziubelski Apartments** – (8:00 - 8:12) Ernie Martin, engineer was present as representative. He stated that the Dziubelski apartments were started back in April of 2015. They had advanced to submitting to Health Department and DOT. He stated that there are State Regulated wetlands which extends to the side. There was an access road because there is a transition on Route 9 where it goes from two lanes to three lanes and DOT said that the access road must get as close as possible to the two-lanes, which is what they've done. Mr. Martin stated that they submitted to DOT and have gotten responses and have responded back to DOT. They are currently waiting to hear back again from DOT. They have also submitted to the Health Dept. They've received comments back from the Health Dept. and responded back to them. They are in the process of working with DEC on the wetland because they are intruding into the bumper of the wetlands and it will require a permit for that reason. Chairman Stiffler asked for confirmation that they are DEC wetlands. Mr. Martin confirmed they are. Mr. Martin stated that they made sure the road would be made large enough for large trucks and fire trucks to be able to pull in and turn around safely without needed to back out. Mr. Martin stated there have been no changes since April. Mr. MacGiffert stated to the board would need a copy of all the letters and correspondent's with DEC on the wetlands, Department of Transportation, Health Dept. and Fire Dept. Mr. Martin stated he has been in touch with Fire Chief Gary Mazzacano on Monday and because it was difficult to set up a meeting he emailed him a copy of the Site Plan. Mr. Mazzacano responded to Mr. Martin stating that he had reviewed his Site Plan and would be reaching out to the Planning Board.

Bob MacGiffert stated that they had checked into Mr. Martin's escrow and he needed a check for \$1,000.00 and they only received a check for \$700.00 so he would need to send another check for the remaining \$300.00 for the escrow account. Mr. Martin had understood that he only needed to submit for \$50 and \$300. Mr. MacGiffert explained that that was \$50 for the old application and

\$50 for the new application. Chairman Stiffler stated that there was a check submitted for \$50 on 3/7/11 and a check for \$50 on 1/30/09. The board would grant him the check for \$50 from 3/7/11.

Mr. Stiffler asked the engineer if this would be a Type 1 Action or an Unlisted Action. Ray Jurkowski stated that it may be a Type 1 but he would need to go back to the office and look over the map to confirm. Mr. Stiffler stated that they would need to do a coordinated review for SEQR lead agency if it is a Type 1 action. Mr. Jurkowski will advise the board on which Action is required. Genevieve questioned if there was an AG-Data Statement submitted with the application. Chairman Stiffler stated that there was not and he would be providing a blank one for the gentleman to complete and forward back to the board. Mr. Bulcholsky stated that he believed the Creek flows into our CEA area so being it's a tributary of our CEA we should be looking at the impact of our CEA relative to this new project. Chairman Stiffler stated that he believed it was also a C(T) Trout Stream. Mr. Jurkowski addressed Mr. Martin, stating the plans provided for storm water management and based on recent submission, couldn't see the calculations associated with that so part of the process, that would be one of the items that he would need to submit. Chairman Stiffler noted that it should be Ag. District 7. Mr. Florio stated they were in compliance with the Fire Code, Appendix D, the driveway was over 150 feet, though they may need to adjust the hammer head location. Mr. Florio recommended that Mr. Martin familiarize himself with Appendix D. Chairman Stiffler wanted it stated for the record that the owner of the property was issued a stop work order by the Greenport Building Inspector and the only method to correct the violation is the Site Plan application and this action would be correcting that violation, even though it is an existing violation. Mr. Stiffler stated that the board would be looking at it and seeing it through to the end. Mr. MacGiffert stated that the fees would be \$300.00 for the escrow and \$300.00 for the review of the plans. Mr. Bucholsky recommended to Mr. Martin if there is any change, to wait to submit plans to the Fire Dept. It was recommended that he wait until after a few more meetings have passed to be sure there would be no further changes. Mr. D'Onofrio stated that the Building Inspector should check into Appendix D. Mr. Florio stated Fire Code. Mr. Stiffler told Mr. Martin to get the additional information required and the remainder of fees by November 9th for review before the next meeting and before the letters are sent for Lead Agency.

3. **Columbia Land Conservancy** – (8:12 – 8:22) Nate Davis and Peter Paden was present as representatives for the Columbia Land Conservancy. They were responding to questions from the previous meeting. Mr. Davis stated that in regards to the water line, that it is indicated on a revised survey from Dan Russell that it is connected to the house, and does not run through the property. Meyers was called in to locate the water line along with Dan Russell's group. There were no metal detectors used as it is an entirely plastic line. The location was judged based on trenching and the trees that were cleared. Ray Jurkowski stated that they would need clearer descriptions on the map because it's plastic lines and hasn't been identified based on actual location. Mr. Stiffler asked what they would use as a reference on this. Mr. Jurkowski stated that rather than using a metes and bounds description as proposed that the Land Conservancy they should use what the deed refers to as a 10 feet easement along the water line due to the fact that you can't be sure of its location and that. Mr. Davis stated that the metes and balance was based on the old trenching. Mr. Jurkowski asked Genevieve if she was satisfied with the language in the deed that identifies it as a 10 foot line. Genevieve said that she was satisfied with that, so Mr. Jurkowski stated that they should use that same language as a note on the plan and remove the

metes and bounds. Mr. Davis asked what the importance was with removing the metes and bounds and Mr. Jurkowski responded that the metes and bounds were implying that that was the exact location so it could be disputed in the future. Chairman Stiffler asked if the secondary septic location and a fairly large raised bed system could be plotted on the map. Mr. Stiffler noted that he could see where the actual tests were taken but they would need to note where the actual bed would be as provided with the other supplemental information so that the board could get a determination on separation distances between wells and the septic. Mr. Davis asked if the board was asking for them to amend the survey. Mr. Stiffler stated that their engineer showed the board an alternative site for the leach field, because there was no way of satisfying for sure what was there and Mr. Stiffler would like to show that on the plot used for determining separation distances between the neighbors well and the field, should it have to be built. Mr. Davis stated that the diagram for that is within the plan based upon where the house is, where the foundation of the house is and septic. Chairman Stiffler said that those things would need to be put on the survey map so it's identified where that alternative site would be. Mr. Jurkowski stated that he had confusion as to the alternative site, as he believed that it had been decided where the site would be, that it would go behind the house. Chairman Stiffler stated that regardless of where it would be located it would need to be shown on the maps. Mr. Davis asked why this wasn't mentioned during the last meeting, giving them the opportunity to correct it before now. Mr. Jurkowski stated that they would have had to make changes anyway due to the request from last time regarding labeling the hydrant as a private hydrant and was not under the maintenance agreement of Greenport. Mr. Jurkowski stated that that was a request from the last meeting and it has not been modified on the site plan. Mr. Davis asked what difference it made as it was a private hydrant. Mr. Jurkowski stated that the board needed to be sure that the parcel owner or any future parcel owner understands that it is not a Town of Greenport fire hydrant and that they are not responsible for the maintenance of it. Mr. Jurkowski reiterated that it was addressed last month at the meeting and their surveyor said that he would address that.

Mr. Stiffler stated that the board had been posed the question from an abutting neighbor as to whether the right away over Daisy Hill Road can be transferred to a third party. Chairman Stiffler noted for the record that the board received a determination from the attorney that the documents that he has reviewed indicate that there is adequate access to this parcel.

Mr. Jurkowski stated they are satisfied with the water meter and that the prior deed talked about a municipal water line. Mr. MacGiffert said to have these things for next meeting so that the entire board can view the changes before accepting the plans. Chairman Stiffler stated that Mr. Davis should get what was needed to the board by November 9th and they'll get it on the agenda, get SEQR done and possibly get a public hearing the following month.

NEW BUSINESS

- 1. Marie Anasta** – (8:22 – 8:50) Pierre Anasta was present as well as his representative Lance Minor. Mr. Minor stated that the bar/meeting room should be bar/restaurant, which will be an all-purpose community room. The parking, bathrooms, and everything else would all remain the same. Chairman Stiffler asked how big the floor plans were. Mr. Jurkowski stated that one inch was equivalent to twenty feet. It was also questioned as to how many chairs and tables would be

available. Pierre stated that there would be six tables and fifteen chairs. Mr. Jurkowski stated that they needed each section labeled on the floor plans with exact amounts in each area. Pierre stated that there would be room enough for 100 people. Mr. Jurkowski stated that they would need to review the code for the building to be sure of how many people it will hold. Pierre stated 60 people in the bar and 100 people in the restaurant. Mr. Jurkowski explained that he wasn't looking for an answer but that those questions needed to be addressed on the Site Plan and that each location would need to be identified with capacity and seating count. Mr. MacGiffert also stated that both pages of the Site Plan needed to match as they currently do not. Pierre argued that they made no changes to the plans and shouldn't need to make any further changes. Sandy Kipp reminded Mr. Anasta that he also needed to make payments into the escrow still. Mr. Jurkowski also stated that Pierre would need all existing uses and proposed uses of the business to be clearly identified. Genevieve pointed out that this approval will supersede all others. Pierre mentioned that the Senior Center would need special food. He said that everything has already been approved and he just wants to open. Mr. Jurkowski deferred to the lawyer telling him he should confer with his client to clear up all the details and to make sure the drawing are coordinated and then they could resubmit. Mr. Florio questioned what the nurse's office was for. Pierre said they wouldn't have a nurse's office. It was pointed out that there was a nurse's office in the plans. Pierre stated there would be no nurse's office. Sandy Kipp also stated that the outside property was unsightly and needed to be cleaned up in the meantime, while he was working on the other issues. Mr. Anasta was reminded that he would still need to submit a check for \$1,000.00 and a check for \$300.00.

OTHER BUSINESS (8:50 – 8:58)

1. Chairman Stiffler noted the addition hours each Planning Board Member received for training.
2. Chairman Stiffler read a letter sent from Jake Watts regarding a greenhouse he added to the Pondsides Nursery that due to being less than 1,000 square feet, it hadn't require a Site Plan review. Mr. Watts thanked the Planning Board for their time and looked forward to working with the Greenport Planning Board in the future.

PUBLIC COMMENT (8:55)

1. Joe Kabilca requested to see proof that a third party has legal access to the right away. Mr. Kabilca stated that his deed states that only the homeowners have access to the right away. Chairman Stiffler stated that he would request that proof from the Greenport Conservation.

Chairman Stiffler announced the new Planning Board Secretary position has been filled by Jennifer Pinkowski.

9:00 p.m. Meeting Adjourned.

The next regular Planning Board meeting will be on Tuesday, November 24, 2015, at 7:30 PM.

Respectfully submitted,

Jennifer Pinkowski

Planning Board Secretary

cc: Edward Stiffler, Chairman
Sandra Kipp
Robert MacGiffert
Paul D'Onofrio
Michael Bulcholsky
Ray Jurkowski

Attorney Jason Shaw
Town Clerk Sharon Zempko
Building Inspector's Office
Fire Chief Gary Mazzacano
NYS DOT
Columbia County Planning Department
(Via website)