

Greenport Planning Board
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Chairman Edward Stiffler

Planning Board meeting of November 24, 2015 was opened at 7:30 by Chairman Stiffler with Pledge to 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 Bucholsky | <input checked="" type="checkbox"/> John Florio |
| <input checked="" type="checkbox"/> Genevieve Trigg, Esq. | <input checked="" type="checkbox"/> Ray Jurkowski, Engineer |

Chairman Stiffler motioned to approve minutes of the October 24, 2015 meeting. Mr. Bucholsky noted there would be a change made on page 3, about halfway down the page, from the wording storm water extension to sewer extension. Chairman Stiffler motioned to accept minutes with this modification. Seconded by Michael Bucholsky. All in favor.

OLD BUSINESS:

1. MENTAL HEALTH ASSOCIATION OF COLUMBIA-GREENE COUNTIES – (7:30-7:38)

Chairman Stiffler stating that first on the agenda is the continuation of the Public Hearing on the Mental Health Association. Last month there was an issue identified and a letter was sent to NYS DEC for their comment on an additional permit that was not previously identified in the SEQR Form. The attorney has indicated that she has not, to date, received that reply and the 30 days has not expired. That will expire next Monday, November 30, 2015, so the Public Hearing will continue until the DEC meeting.

Mr. Freeman was present as representative for the Mental Health Association. Mr. Freeman explained the issue with the sewage as he understood it from John Mokszycki, who indicated that when the Greenport sewer and water plant went into storm mode, it took approximately two cycles of storm mode for the backup to end and the plant to start receiving again the sewage in the ordinary course of things. There is a four hour process for each storm cycle, so by the time it went through two cycles, which is eight hours, the plant then began functioning properly. It was during that eight hour period that there was an issue. John indicated that is when the backup occurred. Because it only runs at 45% capacity in the ordinary course of things, and the peak part of any worse day is at 45% to 48% capacity, then with the storm water getting into the sewer system, it backs up. For the purpose of not impacting the sewer plant in a time of crisis, which would be the storm mode situation, the Mental Health Association is proposing to build into the development 24 hours of capacity so that when the plant goes into storm mode they will hold for the 24 hours, which will allow the plant to cycle through its storm mode, get back into accepting of sewer so that they are not contributing to worsening the situation as a storm occurs.

Mr. Freeman stated that Dan Hershberg, their engineer, sent a letter to Jamie Malcolm of DEC, and then spoke to him, as well as spoke to John Mokszycki with the preliminary information about the situation. Mr. Freeman stated that Jamie Malcolm was very receptive to that idea. Apparently they had used the same concept in Albany where they had the same issues with their storm water going into their sewers. Dan put together some preliminary outlines with some of the details and sent it to Jamie and John. Jamie said that generally he would be receptive to that concept, and it would need to be worked out. Chairman Stiffler asked if this would necessitate a change to the Site Plan. Mr. Freeman replied that it will to the extent that it will be an underground holding tank. Chairman Stiffler stated that it would have to be shown on the Site Plan. Mr. Freeman indicated that he wasn't sure of the name of it, a back flow preventer. Mr. Jurkowski stated that is was called a flow equalization tank. Mr. Freeman said it would then be able to kick in and stop distributing when a storm hits. Mr. Bucholsky asked how they would know when the town goes into crisis mode. Mr. Jurkowski stated that the initial correspondence showed either a measurement device within the system or actually connected to the towns flow chamber at the sewer plant. So once the flow meter gets to a certain level it would then send a message over to the plant via telemetry, radio signal, or whatever then immediately shut down. The proposal outlined that it would be an automatic operation. Mr. Bucholsky questioned that if it was at 10:00 at night, and no one was around it will automatically go into hold mode. Mr. Jurkowski confirmed that. Mr. Freeman stated that is the proposal they are working on right now, so if the board doesn't hear from Jamie, then they are going to build that into the plan to resolve that particular issue.

Chairman Stiffler asked if he would be submitting revised Site Plans by the next meeting. Mr. Bucholsky stated that the next meeting would be December 22nd. Mr. Freeman asked if December 7th was the due date for submitting the revised Site Plans and Mr. MacGiffert confirmed that it was. Mr. MacGiffert asked Mr. Freeman if he received the Planning Board's bill for the two special meetings yet. Mr. Freeman indicated that he had and had passed it on to the Mental Health Association. Mr. MacGiffert also enquired if the board doesn't hear back from Jamie Malcolm, would they at least be getting a letter from John Mokszycki, letting them know that he has received the plans and they tie into his system and he approves it. Mr. Jurkowski said that if they don't hear back from DEC the Planning Board would be able to continue the process. One of the items that could be placed on to the conditions would be the fact that having a sewer district extension, which was part of the requirement and that's how DEC gets involved in this project, and normally at that point it's a combined review with the town and DEC, making sure both entities accept the proposed mitigation, and normally correspondence come back from DEC accepting it with the input of John and the town on the sewer end, and then the permit is provided. Genevieve Trigg suggested that it be added to the Neg. Dec as a proposed mitigation measure and that way the board would be approving it and it would be bound that way as well. Mr. D'Onofrio inquired if they would then have to reopen SEQR. Genevieve reminded him that SEQR had been reopened last meeting. Chairman Stiffler stated that the board would ask Mr. Jurkowski if he would be able to add that to his narrative on that section. Mr. Jurkowski confirmed he would make the modification and circulate it to the board members for the next meeting.

2. Dziubelski Apt – No show.**3. Columbia Land Conservancy – (7:39-7:45)**

Peter Paden and Nate Davis were present as representatives for the Columbia Land Conservancy. Mr. Davis stated that they submitted the updated surveys. Chairman Stiffler confirmed that the sub-division plot was received. Mr. Davis pointed out that the corrections were on it that Mr. Stiffler had requested. Chairman Stiffler established that they were and asked Mr. Jurkowski if he had picked up on anything that was not. Mr. Jurkowski said that all the items that were discussed have been dealt with. One had to do with the hydrant and the other had to do with the easement for the water line. Previously it had the meets and balance description although they stated they didn't know the exact location so therefore, they just have an overview line. Both issues have been rectified.

Chairman Stiffler deferred to the board for their thoughts. Mr. Bucholsky requested that the board's attorney explain about the deed. Genevieve declared for the public's awareness, that there is a concern from Mr. Kobilka, an adjacent land owner who has a private road that he feels this third party should not have access to the road. However, it is common law that upon transfer of property rights all rights to the property including the easement and right of ways run with the land. Therefore, that right will pass to this incoming land owner. Mr. Kobilka stated that they have no rights. Genevieve stated that their deed does specify that it's included. Mr. Kobilka replied that his deed doesn't and his is the original deed that created the road, and that it is for two parties only. Genevieve said that if Mr. Kobilka wishes to challenge this and he has an attorney that wants to present some argument to that fact, she would be happy to entertain it, but at this point she would advise the board that this is proper. Mr. Kobilka requested a copy of the scenario in the book sighting what the law is so he could give it to his attorneys. Genevieve let him know that he could get a copy of the meeting minutes. Mr. Kobilka then stated that his other concern was the sewer and septic system. Chairman Stiffler said that this wasn't a public hearing and that the board addressed the right of way as an issue that came up previously that the board had asked their attorney to check into.

Chairman Stiffler declared that there would be two steps to take. One would be to complete SEQR tonight and the other to then set a Public Hearing. With the board's approval Chairman Stiffler asked their engineer, Mr. Jurkowski to do SEQR and they would sign off on that and then figure out when they'll have a Public Hearing. Mr. Jurkowski stated that the applicant has filled out Part 1 of the Short Environmental Assessment Form, stating that the board's responsibility is to review the project and as the lead agent, provide responses to Part 2 of the EAF. Chairman Stiffler checked with Mr. Jurkowski that he reviewed it and that he is comfortable that this is an Unlisted Action. Mr. Jurkowski confirmed that he has and that it was. Mr. Jurkowski stated that there are a list of several questions and there are two categories. The first category being that there is no or a small impact that may occur. The second category to be a moderate or large impact that may occur. He asked that he hear from the members as he reads off each question. All answers to each question was a unanimous no from the board members. Mr. Jurkowski then stated that based on all the items being indicated as no,

there will be no need to move forward with a Part 3, and therefore, the Planning Board at this point may consider a Negative Declaration indicating that the proposed project will not have an adverse impact on the environment.

Michael Bucholsky motioned to accept the Negative Declaration on the project. Paul D'Onofrio seconded. All in favor.

Robert MacGiffert motioned to set the public hearing for next month at 7:35 p.m. It was seconded by Sandy Kipp. All in favor.

Mr. Davis asked if the notice was just a notice from the town board and if there would be a mailing required of them. Chairman Stiffler stated that there was not, and the board would put a notice in the paper at least five days prior to the Public Hearing. Nothing more would be required of the Greenport Conservation for the Public Hearing.

4. Marie Anasta – (7:47-7:58)

Pierre Anasta and his son Andre Anasta were present to represent Marie Anasta. Chairman Stiffler stated that the board has received the revised Site Plan, the revised application. He then requested a brief update on any changes since the previous meeting. Andre Anasta stated that his father would like to open the Community Center as a bar/restaurant on Monday to Thursday from 9:00 a.m. to 3:00 p.m. and then Friday on from 6:00 p.m. on. Chairman Stiffler asked if there would be any interior changes. Andre Anasta stated that they were already done. Chairman Stiffler asked if there would be any external changes and was told there would not. Andre Anasta said that they may need to put up a sign, which they would have to still get. Sandy Kipp asked what the Friday through Sunday hours would be. Pierre Anasta replied that it would depend on what kind of function it is. Mr. D'Onofrio asked if the public area would be open to the public every night. Pierre Anasta replied that it would not, private only, for that area only. Pierre Anasta stated that the bar would have 28 chairs and 13 stools. He said that they planned to open the big room as a restaurant/bar and that it would be closed by 10:00 p.m. Chairman Stiffler stated for clarify that the application for a state liquor license indicated that there will be live music, a disc jockey, patron dancing on a small scale, and a restaurant. Pierre. Anasta replied yes. Sandy Kipp questioned that this would be all held inside the building, nothing outside and that nothing would spill out into the parking lot. Pierre. Anasta confirmed that it would be inside only. Mr. D'Onofrio questioned that this would all be shut down by 10:00 p.m. Chairman Stiffler replied that only during the week. The weekends would be 1:00 a.m. to 2:00 a.m. Mr. Bucholsky asked would there be any changes at all. Andre. Anasta stated that there would be no changes and that they had already fixed the glass and planted flowers. Chairman Stiffler asked the board if they agreed to dismiss the Site Plan. Mr. Bucholsky stated that he believes that there are no additional changes to require Site Plan approval. Mr. D'Onofrio stated that he felt that since the bar was previously considered private and would no longer be private that the late night bar use, after 10:00 p.m. may be considered a change of use. Chairman Stiffler stated that that was only an increase in the intensity of use and therefore not for the planning board to decide. Genevieve Trigg stated that she agreed that they should be

exempt and that if the people or town are still concerned that they could write to the liquor authority given the close proximity to the Senior Center. Also the SLA can put conditions on any permit and require the facility to close at a certain hour, which may be appropriate for this location.

Robert MacGiffert motioned to agree there would be no need for a Site Plan. Michael Bucholsky seconded. All in favor. Mr. Stiffler let Mr. Anasta know that the board would be returning two checks in a short period of time, at least a week and stated that they would not need anything from the Planning Board to make this change to the use. Mr. Anasta should also check with Mr. Florio on signed permits that may be needed.

NEW BUSINESS:

1. Hudson Valley Fish Farm – (7:58-8:04)

Joe Morreale was present for representing the Fish Farm. Chairman Stiffler requested a brief overview of his proposal. Mr. Morreale stated that it would just be a feed hold, to hold the feed. There would be no water, no sewer, and no office. It will just be a steel structure, as opposed to wood, which is a dry area to hold the feed. Chairman Stiffler asked if there would be any equipment in there to automatically feed, such as a conveyer. Mr. Morreale stated that there would be a conveyer that is manually fed. Chairman Stiffler asked if Mr. Morreale had a previous approved Site Plan. He stated that they found the boards copy from April 30, 2014 of an approved Site Plan that falls within a five year period which possibly makes this project eligible for a minor modification to a previously approved Site Plan. Michael Bucholsky stated that looking at the structure, he agrees that it's a diminutive change. That would include a waiver of the county Planning Board referral and a waiver of a public hearing.

Michael Bucholsky motioned to approve waiver. Paul D'Onofrio seconded. All in favor.

Chairman Stiffler requested that since there is three different elements with this project on three different pieces of land that Mr. Morreale present in 60 days a full and complete as-built Site Plan with the residential element, the aqua culture element and the retention ponds on the third piece of property combined into one Site Plan that shows everything that is built as of today, including all the wells and the interconnection of the wells. At that point we'll stamp it as an approve Site Plan and that will then be on record as to what is exactly there. Mr. Morreale asked if it would still remain as three separate tax plots. Chairman Stiffler confirmed that it would still remain as separate tax plots, and Mr. Bucholsky added that he could put the three separate tax numbers on each plot. Mr. Jurkowski recommended that Mr. Morreale ask his engineer for an as-built of the three parcels. Chairman Stiffler stated that once that's stamped it will give him another five year period for any diminutive changes. He also stated that since this is an agricultural structure that there would be no permits needed from Mr. Florio for the building of this addition. Mr. Florio confirmed and continued that Mr. Morreale may want to check his files for a letter from the department of state that Mr. Morreale had given to Mr. Florio and the board in one of his previous appearances that made that classification per the

department of state. Chairman Stiffler requested a copy of that from Mr. Morreale and a letter from his engineer that it was constructed in accordance with the plans.

OTHER BUSINESS:

1. Joseph Hailey, the applicant for the property located at 51 and 53 Columbia Turnpike formally the Anthony II Restaurant. Mr. Hailey has purchased this property and it is now a four family residence, and the adjoining property is a two family residence. Mr. Hailey is going to be installing a dumpster and dumpster enclosure that is required for the four family unit. The board has checked back through all the plans that they were not able to find a stamped Site Plan. They did find a plan that had the dumpster located on the two family parcel and a Site Plan that appears to have a dumpster in the general proximity to where it is now, only moved just slightly. The board could consider it a modification as done with the Fish Farm.

Chairman Stiffler stated Mr. Hailey would need to bring in a check in for the \$50 application fee on Monday to stamp the Site Plans. Robert MacGiffert made a motion to approve. Sandy Kipp seconded. All in favor.

Mr. MacGiffert stated that he would need to give a report to the Town Board on the meeting tonight in regards to the letter for the liquor license for the Marie Anasta case, and asked if the Planning Board would need to report to the Town Board with recommendations. Mr. D'Onofrio stated that he felt they should advise the town of what Mr. Anasta's intent is going to be with the building. Michael Bucholsky stated that he felt a letter should come from the Planning Board to the Town Board letting them know that in light of the Planning Board not having authority to differentiate or embark on a liquor license we do feel that because there is a senior housing complex that the town board may wish to send a letter of some sort to the liquor authority with the concerns of the establishment. He requested that Genevieve check over the letter before it's sent. She agreed, and added that it may be a good time to let the town board know why and that the law exempted it in regards to the intensity issue. Mr. MacGiffert stated that he and Chairman Stiffler had sent a letter to the Town Board earlier regarding changing the law, with no response as of yet.

Chairman Stiffler also stated that there was a vendor permit issued for Christmas tree sales at the Fairview Cleaners on Route 9. The board did not see it and there was no drawing because it's not required so there is no knowledge of the square feet. But it is on file. Mr. Florio said that he felt a letter should be sent to the new administration in regards to this law and it would need to be addressed swiftly.

Mr. Apicella asked for clarification on what part of the law they were referring to. Chairman Stiffler clarified that they were referring to the Site Plan review law as it was an issue with the Anasta case. There was a change in intensity of use but lacking that terminology in the law ties the hands of the Planning Board. Also there is no requirement in the vendor's permit law that requires any sort of a diagram be presented with the application. In our Site Plan review law it says if it's a temporary use, and it's over a

thousand square feet it has to come before the Planning Board for a Site Plan review. That particular use could be 1,100 square feet and likely should come before the planning board but the town clerk who issues the vendor permits has no way of knowing how big it is because there's no requirement that any drawing be submitted with the application. Mr. Buchalski noted that the vendor permit law was created back in the 1970's and as most, are outdated.

Chairman Stiffler asked if anyone else had any further comment. Mr. Kobilka stated he just wanted a copy of what was said. There was a question as to where the agenda was posted on the town site. It was said that there is the new website that the agenda's and minutes will be put on and that once anything is posted, anyone who is registered will automatically get an email to keep them updated.

Mr. MacGiffert motioned to adjourn. It was seconded by Chairman Stiffler. All in favor. 8:30 p.m. Meeting adjourned.

The next regular Planning Board meeting will be on Tuesday, December 22, 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)