

**Town of Greenport Planning Board
Meeting Minutes for June 28, 2016**

The Planning Board meeting of June 28, 2016 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, Member |
| <input checked="" type="checkbox"/> Robert MacGiffert, Co-Chairman | <input checked="" type="checkbox"/> Sandy Kipp, Member |
| <input checked="" type="checkbox"/> Michael Bucholsky, Member | <input checked="" type="checkbox"/> George Schmitt, Engineer |
| <input checked="" type="checkbox"/> Virginia Benedict, Esq. | <input checked="" type="checkbox"/> Jennifer Pinkowski, Secretary |
| <input checked="" type="checkbox"/> John Florio, Building Inspector | |

Robert MacGiffert motioned to approve the minutes of the May 24, 2016 meeting. Seconded by Sandy Kipp. All in favor, and carried.

Old Business:

Flach’s Gymnastics – The board began SEQR, read by George Schmitt. The answers were no impact to small impact until the drainage question was reached. Mr. Bucholsky stated that the board would be unable to determine the impact without the drainage report, which has not yet been turned in by the applicant. Chairman Stiffler asked the engineer for his opinion of the impact at this time. Mr. Schmitt replied that from prior information it would seem to be a moderate to large impact but couldn’t be sure without the drainage report. Chairman Stiffler stated that a moderate to large impact decision would require an EAF to be completed.

Mr. Bucholsky motioned to suspend the SEQR until the drainage report has been turned in and reviewed by the board. The motion was seconded by Mr. D’Onofrio. All in favor, and carried.

7:45 p.m. The Public Hearing Notice was read preceding the Public Hearing for Flach’s Gymnastics. Chairman Stiffler asked Jamie Flach to give a brief description of the plan. Ms. Flach stated that they are currently at the Corner Plaza and the space is limited and therefore would like to expand to give the kids more room and add more equipment for them.

Chairman Stiffler asked if there were anyone who would like to speak for or against the Site Plan. David Sullivan spoke about the drainage issue, mentioning the heavy rains from a few years ago. Mr. Sullivan stated that the water had drained across Joslen Blvd into a neighbors’ yard and noted that it doesn’t all go east. He also stated that he hopes this facility will not infringe on the lifestyle of the surrounding neighbors’ as they would be sure to do the same for them. Ms. Flach stated that they are an indoor facility and doesn’t believe the neighbors will hear any noise from them, also stating that classes begin after school hours and do not usually go past 8:00 p.m. There was no one else present with any comments.

Mr. Bucholsky motioned to continue the Public Hearing until the July meeting at which time SEQR will be completed upon receipt of the drainage report. The motion was seconded by Sandy Kipp. All in favor, and carried.

Graziano Calcagno Development – The board began SEQR, read by George Schmitt. The answers were no impact to small impact.

Mr. D'Onofrio motioned to approve a Negative Declaration. The motion was seconded by Sandy Kipp. All in favor, and carried.

Mr. D'Onofrio announced that he had spoken to the fire chief regarding the removal of the fire hydrant. He reported that the water and sewer department will be taking it out because it's an old six inch line and there is a new twelve inch line that comes from the tank which is north of this property (east of Fairview Avenue) and feel the removal of this line would be better for the entire system.

Mr. Bucholsky asked if there has been a determination regarding the right hand turn only coming out onto Joslen Blvd. Mr. Prendergast does not believe it will be an issue. Mr. MacGiffert asked about the property that they had mentioned potentially purchasing, as that would allow them to move the driveway up to that location. Mr. Calcagno stated that they now hold the mortgage on the property but there are liens on the title that will require some time to work out. They will come back to the planning board when they make the move to change the exit.

8:00 p.m. The Public Hearing Notice was read preceding the Public Hearing for Graziano Calcagno Development. Chairman Stiffler asked if anyone was present to speak for or against the project. Elizabeth Pulcher stated that her father always had a small ditch because the water would run to her house, the first house on Fairview, and would like some assurance that the water would not run to her house from this facility. Mr. Prendergast stated that there was no proposed grading changes to the lot and they would be curbing it, and channeling the water to a catch basin. It was noted that a small swale would be put there to make sure that the water would not run onto Ms. Pulchers' property. The Public Hearing was closed.

Mr. Bucholsky asked about the Phase I and Phase II Site Investigation that was supposed to be turned in by the applicant. Mr. Calcagno stated that he emailed it to Mr. Jurkowski and had received an email in return confirming its receipt. Mr. Schmitt stated that Mr. Jurkowski had not noted it as a concern.

Chairman Stiffler noted that there were four letters received. The letter from the Greenport Highway Superintendent stating his approval of the driveway as it is currently proposed, noting that he would prefer the driveway be at the other location (of the newly acquired property) when it becomes available. The letter from the Fire Chief states that there is sufficient space available for the fire apparatus and sufficient access. The letter from the Columbia County Planning Board took the position that it is a local decision with some comments. The first comment was that the EAS submitted included the two lot minor sub-division, which they have no authority to look at so they will not comment on it. The proposed access off of Route 9 requires review and approval by NYS DOT. In regards to the gravel area and paving, it is recommended that the limits of paving be noted on the site plans. It is noted that any right of ways or access agreements be noted on the site plans. It was noted information should be provided on any proposed auto body, repair work, inspections, etc. as they may require additional permits and review. And finally, the applicant should provide information on any proposed remediation plan for this area. The last letter is from NYS DOT stated that to provide more detailed comments they would require more information, including a traffic impact study including trip generation and turning movements, and the SEQR status.

Mr. Prendergast stated that they are already set to do a traffic study as he had anticipated the request.

Mr. Bucholsky asked about the written description of the easement. Mr. Calcagno stated that he believed that Mr. Van Alstyne had already sent it in to the lawyer. Virginia Benedict, Esq. stated that she had only received a legal description and only describes the area. Chairman Stiffler stated that they could not approve the Sub-Division without the easement to the property. Mr. Prendergast said that they would get a lawyer to write it up and submit it.

Chairman Stiffler noted another issue of concern was that the display cars on the end could block getting cars out as needed. Mr. Graziano then spoke that they would not be pulling cars out of that exit onto Joslen Blvd. and that concrete barriers will be going there. Chairman Stiffler requested that that be noted on the Site Plan. Mr. Graziano expanded on the explanation that the vehicles noted on the plans is the maximum amount of cars at any given time, though the majority of time would likely not hold that many. Mr. Graziano mentioned that he would like to blacktop the entire area of the sub-division (approximately .57 acres). Chairman Stiffler stated that there could be a storm water issue with a more impervious surfaces there as something for consideration.

Mr. Graziano noted the area marked for snow storage would likely not be put there, against Mrs. Pulcher's property, as that would block the view for on-coming traffic. Sandy Kipp noted that it could also obstruct the view of traffic coming out.

Mr. Graziano asked if the board was limiting the driveway on Joslen Blvd. to right turn only, reaffirming that they would like to move the driveway down immediately but they have to wait until that situation is settled first and he fully intends to move it as soon as it is allowable. Chairman Stiffler reiterated that the highway superintendent has approved it as is, as long as it's moved down if and when the property is acquired. Mr. Graziano estimates the house to be removed within a two month period, though it will be longer for the driveway movement. Mr. Bucholsky noted that once SEQR is sent in to DOT, they will need a letter of approval from them.

Chairman Stiffler reiterated what is still needed, which is the amended plan showing the bump stops, the additional paving area and the swale. Also the final decision from DOT and the easement. Virginia Benedict, Esq. reminded the applicant of the mitigation fee.

Mr. Graziano asked if vehicles could be brought in to be stored on the property with a sticker on the cars showing that they are not for sale. Chairman Stiffler deferred to council. Virginia Benedict, Esq. stated that they could not start using the site in any way until they have site plan approval, also deferring to John Florio on how many vehicles could be stored on any site. Mr. Florio replied no more than one.

Mr. MacGiffert motioned to close the Public Hearing. The motion was seconded by Paul D'Onofrio. All in favor, and carried.

Mr. Bucholsky motioned to approve the site plan with four conditions. Submittal of the amended plan showing the bump stops, the additional paving area and the swale. The final decision from DOT, the easement and the mitigation fee. The motion was seconded by Paul D'Onofrio. All in favor, and carried.

Chairman Stiffler stated that they would get the letter out within a week or so.

Dziubelski Apartments – There was no one presents to speak on behalf of Dziubelski Apartments. Chairman Stiffler stated that the board is in receipt of a letter from their engineer stating that they are still working on getting their permits.

PDP Development Corp – There was no one presents to speak on behalf of PDP. Chairman Stiffler stated that he had met with the applicant on Monday and he will sending a letter stating that he will be withdrawing their sub-division application and will be submitting an application in the future for an expansion of an existing housing project on that property.

TRG Façade Improvements (Façade) – Meredith Poole and Adam Elia were present on behalf of TRG. Chairman Stiffler asked for a brief update. Ms. Poole stated that they are working with the owners to reface the Fairview Plaza, including all buildings. Ms. Poole had asked the architect to do just one of the buildings to see if that is what the planning board was looking for.

Mr. D’Onofrio requested that there be something set up so that the tower ladder for the fire department can be safely placed if it is needed. Ms. Poole replied that it would not be a problem. Mr. Poole stated that they would put in the fire access, the material, where each store is, the heights, etc. for the next set of plans.

Mr. MacGiffert asked if the two old tractor trailers and parts being stored at the end of the shopping center, down on Utility Drive on the right, could be removed. Mr. Poole replied that they would take care of that.

Mr. D’Onofrio asked if something could be done about the narrow curbing in the plaza. Ms. Poole responded that their goal is to do the façade and the tile on sign this year and then next the entire sight.

TRG New Retail Establishment (Retail Store Proposal) – Meredith Poole began that this is the parcel next to McDonalds on Fairview Avenue that they are looking to develop for a supermarket and another 5,000 square foot building. They are looking to obtain a concept approval so that the engineer can move forward, so they can move forward with traffic and with DOT. They have spoken to McDonalds and they are willing to be part of this site plan but they need to know how far TRG can present for them. Ms. Poole stated that TRG has put an offer in on the home behind McDonalds and are now in negotiations with them. Mr. D’Onofrio asked where the tractor trailers would be going through. Ms. Poole replied that they hadn’t dealt with any of that yet, until they get a concept approval, at which time the engineer would move forward with a full site plan. Chairman Stiffler stated that it was difficult to give a concept approval without more information from Poughkeepsie. Ms. Poole asked if the board was comfortable with the lay out and was told they were comfortable with the lay out, the concern is how they would get in and out. Ms. Poole said then that she would have them move forward with a full site plan so that they could show the lighting, the storm water, truck turn, etc. Mr. Bucholsky stated that his concern is that if this is approved before anything happens with McDonalds, the vehicles can’t go through the parking lot without an easement. Mr. Elia stated that it would happen simultaneously. Chairman Stiffler

would like to see TRG discuss this with McDonalds and show the worst case possible for traffic and then you can scale back as need be, noting it may need to be done in phases.

Colarusso Quarry – Mr. Prendergast and Mr. Heffner was present on behalf of Colarusso Quarry. Mr. Prendergast stated that he had gotten the easement description, and noted on the cover page that the CSA does not about the Colarusso Quarry – Haul Road Project. The board has received a copy of that easement. They resubmitted to DOT with a traffic study which was also submitted to the board. Chairman Stiffler stated that he was given the easement, the amended sheet page 2 of the EAS, and the ecological assessment and impact analysis on the interior Haul Road. Mr. Prendergast then provided a copy of the report with the traffic study, noting the board wouldn't need comment on it tonight. It includes traffic counts, traffic estimations, there is an analysis on sights distance required based on speed limit and what cars are actually traveling. There are some recommendations regarding moving trees and signs to improve sight distance. In regards to how the Haul Road affects the mining permit, when Colarusso renewed their mining permit in 2013 they anticipated this so it was already incorporated into the mining plan and DEC has already reviewed and approved it, noting its part of the mining permit. Chairman Stiffler stated that if the road is to Route 9 on the west side, where does it go to the east. Mr. Prendergast stated that it goes through the scales to the office, where the trucks have always gone. Mr. Bucholsky asked if DEC realizes that this will now consist of commercial traffic. Mr. Prendergast stated that he couldn't confirm that. Mr. Schmitt recommends that it be brought to their attention to be sure it is taken into consideration, and that it could lend to the decision of who takes lead agency. Mr. Heffner stated that it would be for their own vehicles and customers only, not a public road. Mr. Prendergast said that he would contact DEC for that.

Chairman Stiffler spoke of the Army Corps of Engineers and the wetlands determination in 2009. Mr. Prendergast brought the letter back to the Army Corps and had gotten no response on that but did get a new letter back stating that relocating the Haul Road from the side closest to the wetland to the middle did not require any Army Corps permits. Chairman Stiffler asked about DEC wetlands and was told no permits would be needed until they get to the intersection for realigning it. They get a renewed permit every two years. Mr. Prendergast stated that he met with the wetland biologist and they gave consent so now it's up to DEC to reissue the permit.

Mr. Bucholsky asked about snow removal and where it would be pushed to. Mr. Prendergast replied that it would be pushed to the side of the road though there is a large reduction in business in the winter months.

Mr. Bucholsky also asked if the application has been redone as requested due to being complete at submission. Mr. Prendergast stated that they had submitted edits and Chairman Stiffler clarified that it was just the one page with the permitting agencies and that was on the EAF. Mr. Heffner stated that the hours of operation had been changed. Chairman Stiffler stated the changes they were looking for was the date of submission, the name of the project was Haul Road Maintenance and the board is looking for something from A. Colarusso, there was a question as to the address and the owner, as an easement doesn't mean the same as the owner of the property.

The board discussed who would take lead agency.

Mr. Bucholsky motioned to accept the application as complete. The motion was seconded by Sandy Kipp. All in favor, and carried.

Mr. Bucholsky motioned to seek lead agency status. The motion was seconded by Paul D'Onofrio. All in favor, and carried.

Chairman Stiffler stated that Virginia Benedict, Esq. would send out letters to the four agencies for lead agency and asked Mr. Prendergast to provide a list of the agencies. He submitted it immediately.

New Business:

Bopp, Barca, Barca and Grabowski – Robert MacGiffert went on record to say that he is related to three of the applicants and feels it will have no impact on his decision making.

Land Surveyor, Mr. Ihlenburg was present on behalf of Bopp, Barca, Barca and Grabowski. Maryanne Bopp, John and Joseph Barca own properties on Middle Road and reside at 268 Middle Road, Lot A and Mr. Grabowski Lot B. Lot A exists with a strip of land to Middle Road varying in width from 30 to 40 feet. Lot B is granted access over that strip. The proposal is to change the 30 to 40 foot strip to a 50 foot access the whole length and convey that to Mr. Grabowski in lot B and decrease lot A from 3.1 to 3.02 acres and decrease 268 Middle Road from 2.3 to 2 acres. So this will be a lot line revision.

Chairman Stiffler stated that the board will need to do SEQR, set a Public Hearing and get a list of abutting land owners to send out notices.

Mr. Bucholsky inquired about the 50 foot strip being signed over to Lot B, making Lot A landlocked. Mr. Ihlenburg stated that Lot A would get an easement across the strip. Virginia Benedict, Esq. stated that would need to be shown on the site plan and specifically state that there is an easement to run in favor of Parcel A, and also that they should reference the actual filed map from before (it has the map number) with an actual reference to the filing date on that so they can tie this sub-division back to the original.

Sandy Kipp noted that on the short form, question number five would need to be changed to no zoning.

The board began SEQR, read by George Schmitt. The answers were no impact.

Mr. Bucholsky motioned to approve a Negative Declaration. The motion was seconded by Mr. MacGiffert. All in favor, and carried.

Mr. D'Onofrio motioned to set a Public Hearing for 8:00 p.m. on July 26, 2016 pending Mr. Ihlenburg's availability. The motion was seconded by Sandy Kipp. All in favor, and carried.

Mental Health Association – Mr. Freeman was present on behalf of Mental Health Association. Sandy Kipp stated for the record that she has hired Mr. Freeman for personal business that is in no relation to the Mental Health Association and will not affect her decision making for the board.

Chairman Stiffler gave an update of the information he had received from Mental Health. The submissions appeared different than the original plans and had to be submitted to the engineer for review. There were changes made in March, April and May by the applicant's engineer that the planning board had not seen. They were general comments received from the Dormitory Authority of the State of New York (DASNY), who are an agency that Mental Health is using for some of the funding for this project. The DASNY was not listed on the original EAF as an agency that would have a permitting role or a funding role as required under SEQR. Also, the resolution that was past indicated that we would have plans containing ten sheets and the submitted plans only had nine sheets, which was a condensing of the information.

Chairman Stiffler deferred to Mr. Schmitt for further explanation from an engineering standpoint. Mr. Schmitt stated that from an engineering stand point there were no substantial changes that would impact anything the board has discussed or reviewed. The storm water plans is better than it was previously. The sheet sizes changed, the numbering changed and some of the data is clearer to see now. Also, the applicant is no longer seeking a five acre disturbance which is also a benefit.

Chairman Stiffler deferred to Virginia Benedict, Esq. for her legal standpoint. She stated that under Greenport Town Code there is a provision for the amendment of previously approved Site Plans, reciting that, "the Planning Board may wave the procedures in this chapter on an application to amend a previously approved and filed Site Plan if the Planning Board had approved the original application." So the issue is that the planning board does not have a previously approved and filed Site Plan which would fit within the amendment of approved site plan. The second portion of the code (101.9) specifically states that "the Planning Board shall act by resolution to approve a proof with modifications or conditions or to deny the site plan application." So the Planning Board gave an approval with conditions and the town statute sets the time frame on that so within six months of receiving an approval with or without modifications or conditions, which is the case here, an approval with conditions, the applicant shall complete the modifications and satisfy the conditions and submit four prints of the site plan to the Planning Board for stamping and signature by the Chairperson. No changes shall be made to the Site Plan other than what had been authorized by the Planning Board. A failure to make modifications or satisfy condition within six months of an approval invalidates the approval without the need for further action by the Planning Board. There was a question involving the plans themselves, being has there been additional modifications other than the ones the Planning Board had made. Mr. Freeman responded no, the ones that Mr. Jurkowski are the correct dated ones as confirmed by Mr. Schmitt, with the exception of the sewer extension water one. C5 and C9 were subsequently sent to Mr. Jurkowski for purposes of gaining approval of the sewer water extensions. Those plans were modified for the purposes of gaining those. Ultimately if they are approved they will become part of the site plan. Chairman Stiffler then questioned that there are then plans that the board has not seen. Mr. Freeman responded that the John from the Water Dept. has approved them and Mr. Jurkowski. Virginia Benedict, Esq. stated that every item from one through nine has a new date on it now. Mr. Freeman stated that those dates are the dates that he received them, not for any changes purposes. The May 9th dates is the date the plans were when they were submitted. Virginia Benedict, Esq. also recited the last line of the town code that, "for the waiver in this section to occur the applicant shall cause to be produced a stamped and signed copy of the filed site plan." Therefor this section of law does not apply to this situation. If they can get plans that correspond with what was

approved conditionally in January that correspond with the resolution that the board is comfortable with and all other conditions are met then they would not need to be redone.

Chairman Stiffler pointed out a page that specifies any changes made that could be attached to the site plans to show that the changes are diminutive.

Mr. Bucholsky suggested the board draft an amended resolution to tie these plans for stamping stating that the changes are diminutive.

Mr. Bucholsky motioned to have Virginia Benedict, Esq. draft a resolution, after receiving additional information from the applicants' engineers as to exactly what changes are referenced in those revision blocks, and a letter from the boards engineer stating that he has reviewed the plans and is satisfied that they are the same plans as originally submitted. It will also reference the changes on the plans that will be stamped, as well as being subject to all of the original conditions. It was seconded by Sandy Kipp. All in favor, and carried.

Mr. Freeman will have a supplemental letter issue with the correct dates.

Chairman Stiffler requested the plans be turned back in from the board members.

Public Comment: There was no one to speak for public comment.

Paul D'Onofrio motioned to adjourn. It was seconded by Sandy Kipp. All in favor, and carried. 10:20 p.m. Meeting adjourned.

The next regular Planning Board meeting will be held on Tuesday, July 26, 2016, at 7:30 pm.

Respectfully Submitted,

Jennifer Pinkowski

Greenport Planning Board Secretary

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

Attorney Virginia Benedict
Town Clerk Sharon Zempko
Building Inspector's Office
Fire Chief Gary Mazzacano
NYS DOT
Columbia County Planning Dept.
Rapport Meyers (Via website)