

**Town of Greenport Planning Board  
Meeting Minutes for July 26, 2016**

The Planning Board meeting of July 26, 2016 was called to order at 7:30 by Chairman Stiffler with the Pledge of Allegiance. There were 9 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"/> Ray Jurkowski, Engineer       |
| <input checked="" type="checkbox"/> Virginia Benedict, Esq.         | <input checked="" type="checkbox"/> Jennifer Pinkowski, Secretary |
| <input checked="" type="checkbox"/> John Florio, Building Inspector |   |

Sandy Kipp motioned to approve the minutes of the June 28, 2016 meeting. The motion was seconded by Robert MacGiffert. All in favor, and carried.

**Old Business:**

**Flach’s Gymnastics** – The board began with a brief introduction from Jamie Flach about the Gym. Ray Jurkowski then stated that he had received the storm water analysis from Mr. Pendergast. It was reviewed and accepted. Mr. Jurkowski then read the remaining questions for SEQR Part II. Question’s number 10 and 11 were both answered by the board as little to no impact.

Mr. MacGiffert motioned to close SEQR with a Negative Declaration. The motion was seconded by Sandy Kipp. All in favor, and carried.

Mr. D’Onofrio motioned to open the Public Hearing. The motion was seconded by Mr. MacGiffert. All in favor, and carried. A gentleman asked where it would be located. Ms. Flach replied that it was in a new building across from Green Acres Road. There were no other comments or questions.

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

Mr. MacGiffert motioned to approve the project. The motion was seconded by Mr. D’Onofrio. All in favor, and carried. Project approved.

Chairman Stiffler provided an invoice to Jamie Flach for the Public Hearing fees and an invoice for impact fees.

**Bopp, Barca, Barca and Grabowski** – Mary Ann Bopp was present on behalf of Bopp, Barca, Barca and Grabowski. Mr. MacGiffert stated for the record that he is related to the applicant and feels there will be no interference with his vote. There was no objection from the applicant or the board members. Ms. Bopp gave a brief introduction about the sub-division of the property. Chairman Stiffler asked if there has be an

easement prepared. Ms. Bopp said that it was just recently brought to her attention and had contacted her lawyer to take care of it. She request a conditional approval. The remainder of the discussion was postponed until 8:00 p.m. at the time of the Public Hearing.

**Dziubelski Apartments** – No one was present on behalf of Dziubelski Apartments. Chairman Stiffler stated that the board has received a letter from their engineer stating that they are still waiting for the necessary approvals and anticipates receiving new plans by the next meeting.

**PDP Development Corp** – No one was present on behalf of PDP Development. Chairman Stiffler stated that the board has received a letter officially withdrawing their application. The board expects to be receiving a new proposal for an apartment complex in the near future.

**Colarusso Quarry Haul Road** – Chairman Stiffler stated that the board had accepted their application last month and the board has decided that they would apply for lead agent. On July 11<sup>th</sup> all the notifications were sent to the appropriate agencies. No further action will be taken until the 30 day period expires on August 10<sup>th</sup>. There should be an answer by the next meeting. It was noted that the City of Hudson would like to be Co-Lead Agency though the board has not received anything in writing from them.

**TRG New Retail Establishment (Retail Store Proposal)** – Chairman Stiffler stated that the current project is on hold for this meeting. Ms. Poole stated that they do intend to move forward and will have a full site plan for the next meeting. They are currently in negotiations with their neighbor. Mr. Jurkowski asked if they had received any comments from DOT. Ms. Poole replied that they hadn't submitted anything yet and would submit it when the full site plan is done.

**TRG Façade Improvements (Façade)** – Meredith Poole and Adam Elia were present on behalf of TRG Management. Ms. Poole and Mr. Elia presented drawings illustrating the current buildings as well as the new façade plans. It was noted that there will be a green screen used on the movie theater and the materials to be used for the façade are listed and that the colors may vary a bit from what is currently pictured. Ms. Poole stated that she had been in touch with Fire Chief Gary Mazzacano in regards to providing access in several areas of the roof for the fire department. Mr. D'Onofrio stated that building labeled #1 would not be a problem and asked how much higher the façade would be. Mr. Poole responded that the existing height is 21 feet and after completion it will be 25 feet. Mr. D'Onofrio stated that Building #2, where Payless is located is a key area that would require a four foot break-away. Ms. Poole noted that Building #3, Joanne Fabric and Planet Fitness would require little if any work as they are already complete. Mr. D'Onofrio then mentioned Building #4 where Fairview Books is located, the fire department would need an access on the corner above the bank.

Chairman Stiffler stated that the Fairview Plaza had a Site Plan approved on June 28, 2011 which is within the five year requirement to allow for an amendment to a previously approved Site Plan.

Mr. D'Onofrio motioned to approve the application as an amendment to a previously approved Site Plan with the condition of receiving an approval letter from the fire chief for access points on the roof of the four buildings. The motion was seconded by Sandy Kipp. All in favor, and carried. Project approved.

Chairman Stiffler stated that the board would prepare a letter of approval outlining the conditions next Monday and will have the plans available for stamping.

**Bopp, Barca, Barca and Grabowski** – 8:00 p.m. The Public Hearing Notice was read preceding the Public Hearing for Bopp, Barca, Barca and Grabowski. Chairman Stiffler asked if anyone was present to speak for or against the project. There was no one.

Mr. MacGiffert motioned to close the Public Hearing. The motion was seconded by Sandy Kipp. All in favor, and carried.

Mr. Bucholsky motioned to approve the application with the condition of an approved easement reviewed by the town attorney. The motion was seconded by Sandy Kipp. All in favor, and carried. Project approved.

Chairman Stiffler provided an invoice to Mary Ann Bopp for the Public Hearing fees. Ms. Bopp submitted a check for the fees.

**Colarusso Quarry** – Mr. Pendergast and Mr. Heffner were present on behalf of Colarusso Quarry. Mr. Pendergast provided the new maps requested by the board, noting that they are half size. Also provided was a packet of correspondence from DOT, Dept. of Army Corps of Engineers, DEC and Griggs-Lang Consulting Geologists. It was noted that this project was presented to the City of Hudson at their last meeting and they requested an over-all street map. The new map shows the actual streets that are highlighted with the routes the trucks will take. Mr. Pendergast stated that at the meeting in the City of Hudson they discussed the SEQR issues, they were in receipt of the letter from the Greenport Planning Board, and they passed a motion to seek Co-Lead Agency. Mr. Pendergast said that the letter in the packet from Griggs-Lang Consulting was in regards to the question about how DEC felt about the trucks driving through the Quarry. In 2014 when renewing their mining permit, they had the permit modified to authorize construction of a new access road entrance to the facility from Route 9 that lines up with an existing gravel haul road located on the west side of Route 9. Mr. Pendergast stated that this should answer the question on how DEC feels about people driving through the mine. Mr. Bucholsky asked if this was for retail traffic as well. Mr. Pendergast replied that it they were one and the same being that when a

customer drives their truck to a gravel mine they don't bring the gravel to the customer. The customer drives to the pile needed and the truck is then loaded. Mr. Jurkowski asked if there was a report that goes with the mining plan that may go with the proposed action, perhaps providing more clarification on the use of that access road. Mr. Pendergast said he would look into and if so, provide a copy. Mr. Jurkowski also asked if anyone has contacted DEC in regards to the expansion of the haul road to see if they are going to consider that as an expansion of that mining application. He would like to have the clarification if it will be their jurisdiction or not. Mr. Pendergast went on to state that he has sent the drawings to DEC to determine if a SWPPP (Storm Water Pollution Prevention Plan) would be required. It was also noted the ecology report done in 2009 has been reviewed again.

Mr. Bucholsky said that he reviewed the traffic report from Creighton Manning and had a concern about an area on Route 9 where Quebec Trucking use to be – which is now vacant and has the potential to house another trucking operation – as it has a curb cut. Mr. Bucholsky asked if DOT is going to allow that as it has not been addressed by Creighton Manning and could be an active ingress and egress no more than 100 yards from where the crossing is for the haul road, indicating that if that were to become active again that there could be a problem with traffic and feels someone should address it before it becomes an issue. Chairman Stiffler stated that he agrees that it should be addressed however it's not Colarusso's property to be able to make that determination. Mr. Pendergast stated that they would look into it and that Creighton Manning was addressing specific studies when they did their report.

Chairman Stiffler reiterated that the board would wait to hear back from the other agencies on the matter of lead agent.

**Mental Health Association** – Mr. Freeman was present on behalf of Mental Health Association. Chairman Stiffler began by noting that the changes made are diminutive and asked for the board's opinion. Mr. Bucholsky stated that the movement of the air conditioning units from the basement to the roof is the biggest change but the decibels it will put are well below the allowed decibels in the town code. Mr. Jurkowski explained what the decibels were and how the noise level worked. Virginia Benedict, Esq. explained the options available. Mr. D'Onofrio asked if they were to reopen the Public Hearing would the board be required to reopen SEQR as well. The attorney and engineer agreed that they would. Sandy Kipp noted that other business have changed air conditioning units and haven't had to come in for a Site Plan Review. All board members agreed that they would like to make all of the changes available to the public for transparency. Chairman Stiffler requested that the letter from Hershberg and Hershberg be made a part of the July 2016 Meeting Minutes giving special attention to the changes and allowing them to be easily viewed by the public. Chairman Stiffler stated that he wasn't comfortable passing this without first bringing the changes to the public's attention.

Virginia Benedict, Esq. gave another option to have the applicant request an extension of the six month period and agree to set another Public Hearing to put all the information out there. This would not require the reopening of SEQR. Mr. Freeman stated that based on the comments of the board, the work done by engineers which determined the changes insignificant, and the other approvals passed tonight, that the applicant is not willing to consent to the extension as noted in a prior discussion with the applicant. Virginia Benedict, Esq. then read the resolutions that she prepared.

Chairman Stiffler noted that the letter with the revised changes has been received from the fire chief approving them, the Columbia County Health Dept. has approved them for the water service for the facility and DEC approved the sewer extension. There is also an issue of outstanding fees for the attorney and engineer. The board did not request a replenishment of the funds earlier because they hadn't known they would need to do an additional review due to the last minute changes made.

Mr. MacGiffert made a motion to request \$5,000 be added to the escrow account and this stipulation be added to the resolution. The motion was seconded by Sandy Kipp. All in favor, and carried.

Chairman Stiffler asked for a motion for either Resolution #1 indicating a continuation of the review to include a SEQR Review or Resolution #2 which will state that the board will accept the changes proclaiming that they are minor in nature and will have no impact on the project.

Mr. Bucholsky made a motion to vote on and accept Resolution #2 with the addition of the fees. The motion was seconded by Sandy Kipp. All in favor, and carried.

Chairman Stiffler then requested a roll call vote. Mr. Bucholsky commented that he doesn't feel the reopening of the application and having another public hearing will serve any purpose for the minor changes on the project. Mr. MacGiffert voted yes for Resolution #2 with reservations concerning public disclosure but agreeing that they are diminutive changes and feels the end result will be the same. Sandy Kipp voted yes for Resolution #2 stating that she believes the changes are minor and does not believe it triggers SEQR to be reopened. Mr. D'Onofrio voted yes for Resolution #2 agreeing the changes are minor, but with the condition that the Hershberg & Hershberg letter dated July 7, 2016 be posted on the Townhub as well as an email dated July 13, 2016 from Mr. Freeman stating everything that's been discussed tonight. Chairman Stiffler voted no to Resolution #2 and feels that these changes could have been brought to the board sooner and the public should have seen them. He doesn't believe it was done with malicious intent but still feels he has a responsibility to the residents of the Town of Greenport and that they should have an opportunity to review the changes regardless of how minor they are. Resolution #2 was passed. Project approved.

The letter from Hershberg & Hershberg dated July 7, 2016 and the letter from the town engineer, Morris Associates dated July 26, 2016 will be posted on the town website for the public to review.

These letters can be viewed at <http://greenport.yourtownhub.com/planning-board-minutes/> or you can go to Greenport Planning Board Meeting Minutes and click on the link to each letter.

Mr. Freeman stated that he would bring a check in on Monday for the escrow.

### **New Business:**

**Timothy Melino, Greenport Auto Sales** – Mr. Pendergast was present of behalf of Mr. Melino, who was also present. Chairman Stiffler stated for the record that his wife is the cousin of Mr. Melino and feels there will be no interference with his vote. There was no objection from the applicant or the board members. Mr. Pendergast gave a brief description stating that Mr. Melino would like to remove the building and add more parking for twenty-four additional cars. It was noted that there would be no changes to the curbing, signage or anything else. Chairman Stiffler asked about a few cars he had noticed that didn't appear to be in running condition. Mr. Melino replied that these are cars that are waiting to be hauled to the junk yard. There are usually there no more than two or three weeks and he generally waits until he has at least a few before requesting their pick up. Chairman Stiffler stated that there is a previously approved site plan from May 28, 2014 allowing for a potential amendment. Mr. Bucholsky asked what the time frame would be and was told it would start in the beginning of September of 2016 depending on the availability of the company hired to demolition the building. Sandy Kipp asked about the drainage. Mr. Pendergast stated that when he did the site plan for the ice cream shop next door, it was discussed with DOT that one of the basins and the drainage line were not done correctly. So they had Mr. McCagg to put it a whole new drainage system. A concrete outlet structure was put in with an appropriately sized rectangular catch basin that dropped the water level about two feet in the pond, now creating a big detention pond. Mr. Melino has been maintaining and cleaning it out as needed. Sandy Kipp stated that there has been recent complaints that they are still being flooded. Mr. Melino noted there are three catch basins in the front also. Mr. Jurkowski stated that there would need to be language added to the site plan with a long term maintenance plan.

Mr. Melino asked about the temporary storage of the junk cars and if they should be displayed on site plan. Mr. MacGiffert replied that that should be added to the plans. It was noted that SEQR would need to be done before sending it out to the county. Sandy Kipp asked about trailers coming into the lot to bring in cars. Mr. Melino stated that they don't receive their cars that way.

Mr. D'Onofrio made a motion for a site plan review. The motion was seconded by Michael Bucholsky. All in favor, and carried.

Mr. Jurkowski read Part II of SEQR. All the questions were answered by the board as small to no impact.

Mr. Bucholsky motioned to close SEQR with a Negative Declaration. The motion was seconded by Paul D'Onofrio. All in favor, and carried.

Mr. MacGiffert motioned to send it to county and set the Public Hearing for next month. The motion was seconded by Sandy Kipp. All in favor, and carried. The Public Hearing was set for 7:35 p.m.

**Ann Onet** – Dan Russel was present on behalf of Ann Onet, who was also present. Mr. Russell gave a brief description of the sub-division. Chairman Stiffler confirmed with the board members that they were satisfied classifying this as a major sub-division. All paperwork is required to be turned in by August 8<sup>th</sup> to be seen for the next meeting.

**Hudson Animal Hospital & Veterinary Clinic** – The applicant, Bernardo Mongil and Ann Harrison from Country Life Real Estate was present on behalf of the Hudson Animal Hospital. Dr. Mongil stated that he would like to do a change of use for the existing building. Sandy Kipp asked about the hours of operation. He replied that it would be available 24 hours a day but he would also be doing farm calls. Dr. Mongil will be the only practitioner with one other employee. Mr. Jurkowski asked about housing dogs overnight in the event of a surgery and it was explained that it would be more of an out-patient process. Chairman Stiffler asked about the sign they would use. He said that they would use one similar to what is next door and that it would go on the front of the building to avoid blocking the view of traffic. Mr. Jurkowski stated that the sign would need to be detailed in the site plan. Dr. Mongil said that there would be no other changes to the building required. There was question as to how the parking will work and that will need to be noted on the plans as well. Chairman Stiffler stated that if they could get the site plans to the board by August 8<sup>th</sup> they would be able to move forward at the next meeting. John Florio asked about the name of the Animal Hospital and if they were firm on the name as the facility would actually be in Greenport. It was determined that the Hudson name would be used.

**Other Business:**

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

Paul D'Onofrio motioned to adjourn. It was seconded by Sandy Kipp. All if favor, and carried. 9:45 p.m. Meeting adjourned.

The next regular Planning Board meeting will be held on Tuesday, August 23, 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)