



TOWN OF CAIRO PLANNING BOARD
PO Box 728, Cairo, NY 12413
Chairman-Ray Pacifico
Email: planning@townofcairo.com

Meeting Minutes: November 2, 2017

Members Present: Ray Pacifico, Allen Veverka, Joe Hasenkopf, Ed Forrester,
and Kevin Hicks

Absent: Elizabeth Hansen

Pledge of Allegiance

Moment of Silence for Suzanne Bauer Oldakowski

The Chairman asked that there be a moment of silence before continuing with committee business:

“Before we start tonight’s meeting I would like to take a moment of silence in acknowledgement to a very dear friend of mine, Suzanne Bauer Oldakowski – who is the owner of Bavarian Manor County Inn along with her husband Stan, who passed away this past week, and give her the acknowledgment that she deserves for the dedication and her contribution to the Town of Cairo over the years. She will long be remembered. Suzanne was an integral part of shaping the zoning law and many other things in the Town of Cairo. Thank you.”

Approval of Meeting Minutes for October 5, 2017

The Chairman stated that the first order of business is to review and approve the October 5, 2017, meeting minutes. Kevin made a motion to approve the minutes, seconded by Allen, all were in favor, the motion passed and the minutes were approved for the record.

Public Hearings:

1) - The Tiny House Resort – 2754 Route 23B – Robert Malkin/Margie Juszczak

Bryan Clapper from Clapper Structural Engineering, PLLC, along with owners Mr. Malkin of BMPP Holdings, LLC and Margie Juszczak presented a site plan for The Tiny House Resort stating that they are adding 5 additional sites to the existing 4, and adding 3 tent platform sites, along with a pool down on the lower plateau with access to the pool.

Ray asked if there were any questions from the public and none were posed. Ray asked if this was another phase of the development of the property and Margie stated that yes, the final plan is for a total of 18 which they are developing in increments, this phase being the addition of the 5 additional tiny houses and the 3 tent sites.

There were no further questions, the public hearing was held open, and Tiny House Resort owners were informed they would be called up shortly.

2) Yuriy Stus, 180 Blackhead Mountain Road – 2-lot subdivision

Richard Sardo presents a site plan for Yuriy Stus and states that there are 2 separate properties owned by the same person. The plan is to take approximately $\frac{3}{4}$ acre from an approximate 5-acre parcel and add it to an approximate 1.3-acre parcel thereby creating a 2-acre parcel and a remainder parcel of 4.2 acres -- basically a lot line adjustment.

Ray asked if there were any questions from the public. Stephanie Zavatore, a neighbor, asked where the land was situated. Mr. Sardo answered that the parcel they are taking property from to the north abuts up against Iseman, and to the West, Altamari, and other lands of the applicant. The parcel they are adding to abuts to other lands of the applicant to the West and to other lands of the applicant to the North.

Ray indicated to keep the public hearing open, and call Mr. Sardo back up shortly.

Open Business

1) Steve Petronio Dance Company – 278 Crow’s Nest Road

No one was present from Crow’s Nest Road. Ray offered an update on the status of their approval, and provided a handout tool to the Planning Board members consisting of emails and letters generated with regard to the subject of bridge safety.

Ray explained there have been emails going back and forth including not only the attorney from Crow’s Nest Road, but also Elliott Fishman making a comment to please note the placing of the heavier rear axle at the mid-span of the bridge to provide a “worst case loading condition” where both axles are on the bridge at the same time putting them much closer to the end supports resulting in a lower maximum bending stress. In addition, there is a letter from the Round Top Fire Department advising the maximum weight of any single axle of trucks currently in the Fire Company’s fleet is 30,000 pounds. So to summarize, Ray asked the Fire Chief to clarify what would be the total weight of the truck when the truck is on the bridge; he said this is an estimated weight of 30,000 pounds.

The Board discussed that the Round Top Fire Department letter also states that the only way to truly find the truck’s true full weight is to take it to a full-size truck scale, which means if we wanted that they would have to go to Peckham or someplace like that with a fully-loaded truck including all their equipment. They are not opposed to doing that; they said they would like to know what the true weight is, and that’s the only way to do it. Ray said he didn’t know if we wanted to go that far with this issue, and would like some feedback from the Board. The safety of the bridge is one of the

contingencies on the approval that they received last month, as well as getting a letter and making sure the bridge is safe - so we've been kind of going back and forth.

Ray probed the other Board members for their opinion or comments. Allen indicated that he had a couple issues: 1) that we should know the real weight of the truck; and 2) he has an issue with the letter from Maple Ridge stating that they "professionally installed" the 6x6 oak curbs; he said he doesn't know what that means. Allen said he would like to see Santo sign off on the curbs that he recommended to be installed. The other question is what is the width of the bridge? Suppose there was an event with 50 or more people, and you have an emergency with people trying to get out and the fire department trying to get in. Is it a 2-way bridge where it can handle traffic both ways? Allen referenced another case where a roadway was only 30 foot wide and there was concern that if someone broke down on one of the corners, the fire trucks couldn't get by. Allen recommended that we consult an outside resource with regard to the safety of the bridge -- that way no liability would fall on the town if something happens there. Basically bring in an outside source to review the bridge and safety issues. He then continued to say that he recommends also getting a letter from Santo saying the curbs are up to code, or specifications. Allen reiterated that he had never seen in his life that something was "installed professionally."

Ed inquired as to what the curbs were for and Allen explained the curbs are so someone doesn't drive off the bridge that way.

Kevin spoke up and indicated that his only recommendation with regard to the fire truck weight would be to check with the mutual aid towns that would assist Round Top Fire Department, see what the heaviest truck is in all of those fleets and get that one weighed to determine the heaviest maximum emergency vehicle in the towns in mutual aid of Round Top. If we get that one weighed, then for the future we know what that actual weight is for any bridge in the town.

Joe commented that he believed Allen's concerns were legitimate. Ray stated Planning Board sent them an approval letter contingent on getting the letter from the Fire Department and also a letter from the builder and Santo with regard to safety of the bridge. Believes we approved up to 50-person events. Ray asked for a motion to have Santo sign off on curbs and comment on what work Maple Ridge performed and also having not only Round Top, but mutual aid tankers fully weighed and have an outside resource review them to see if there is a safety issue with the bridge.

A question was posed as to when the bridge was built. The answer was "quite a while ago." That it was always a private bridge - it always went to a residence, but now goes to a retreat and consists of wood construction.

Allen made a motion to hire an outside resource to review the bridge for safety and weight concerns as well as having the tanker truck weighed as well as have a worst case scenario by surrounding fire companies with their equipment. Also have Santo look at Maple Ridge's work on the bridge -- which also should be part of the outside source as well, to concur on the curbs as well. The engineer will need to review what Santo then has said on Maple Ridge's work. It was stated that before when he reviewed the bridge that he noted a 30% deterioration. We need to know how much longer the bridge has to go. Once the bridge has deteriorated 30%, it will begin to deteriorate much faster. Allen suggested getting that from Santo and an outside engineering firm as well.

Kevin seconded the motion, all were in favor and the motion was passed. Ray indicated that he will send a letter to the applicant and we will go from there.

2) Chevreux Guest House – 308 Timmerman Road – site plan

No one present from Chevreux. Ray indicates at this point they are going to throw out the public hearing. The public hearing has been open for some time. Apparently the main issue seems to be the right-of-way and how they are going to deal with it as a guest house. Do we want to close the public hearing at this time? Since it has been many months since they have attended a meeting, it was decided to close the public hearing at this time and when they return have a new public hearing. A motion to close the public hearing was made by Joe, and Allen seconded the motion, all were in favor and the public hearing was closed. Ray indicated that we would send them a letter to that effect.

3) The Tiny House Resort – 2754 County Route 23B – Robert Malkin/Margie Juszcak

The owners come forth and distribute maps for review. Margie indicates the road coming in, which goes down to the existing sites. Illustrates where they are going to add units, particularly along the ridge, so there's little disturbance. There is an existing driveway in and an existing parking lot and an existing 4 sites. Margie further stated that they are adding along the roadway the 3 units and off the parking lot 2 more units. Continues to indicate along the existing railway bed, the 3 tent camp sites will be located – which is accessed along the old railroad road. There are 4 existing and the total will be 9 of the tiny house sites and 3 platform tent sites. Septic and wells were designed for the build out for the entire 18 units.

Ray asks about the signage, anything new? Margie stated the only comments from people who are coming to their open house events is that they would like to see a sign facing the other direction which is West. The sign is currently facing people coming off the Thruway. It appears people are definitely having some issues seeing us coming from the other direction. If you are coming from Stewart's direction there is no sign. At the present time, they do not have any plans to add an additional sign. Ray said if they do that they just need to come to the Planning Board for approval.

Ray asked if they had paid the fees. Margie indicated that she didn't bring a check, but would drop off the checks tomorrow if that was okay. It was explained that they would need \$100.00 for the site plan and \$25.00 for the issuance of public hearing notices.

Lastly, the lighting was brought up. Allen stated that it's lit up like Yankee Stadium. Stated he notes the map says there is path lighting. Owner indicated that the street lights were approved (required 8 of them). They did exactly what was in the plan. The pathway lighting is small little lights (4 or 7 watts) -- just enough light for people walking there to make sure they don't trip. Margie said the lights are set on a dusk-to-dawn schedule. Allen says he's surprised how bright that they are.

Further discussion ensued about the brightness of the lights and if it would be possible to compromise on the brightness, possible dimming, etc. Margie said she could set timers so that they could go off. She will ask the electrician to come in and change the setting to go off at 12:30 or 1:00. On Friday nights guests do arrive late. If they have a dog, they are going to walk the dog when they arrive and they want to come to the country but also be able to see what's around.

A SEQR review was performed, and it was determined there was a negative declaration. A motion to declare the negative declaration was made by Joe, seconded by Kevin, all were in favor and a negative declaration was passed.

Another question was asked about whether the tents will be supplied by the customer, it was indicated that the Tiny House Resort will supply the tents.

A motion to close the public hearing was made by Kevin, seconded by Joe, all were in favor and the public hearing was closed.

A motion was made to accept the current site plan as proposed by Joe, seconded by Allen, all were in favor and the site plan was approved.

4) 180 Blackhead Mountain Road – Richard Sardo, Owner is Yuriy Stus

Richard Sardo presented the site plan for 180 Blackhead Mountain Road. Mr. Sardo explained that they are taking $\frac{3}{4}$ acres and adding it to an existing parcel one - 1.4 acres creating a 2-acre parcel with a residence, leaving a 4.72 acre parcel of vacant land remaining. The owner is not asking for an approval for a building lot at this time. Sardo said he had performed some Perc tests but says owner not thinking about improving that land yet. Discussion regarding coming back if decide to build on the lot requiring a site plan review to show them the driveway locations, well, septic and basically the layout. If not approving at this time for a building lot, would need to come back for a site plan review. Ray said that parcel 3 should have a note on it that it is not approved for a building lot at this time.

Joe stated that the pins were not noted on the map, and that should the owner go to sell the property the pins should actually be set. Sardo said he knows a lot of surveyors don't put them in, and knows of surveyors who charge for putting them in and never put them in.

A SEQR review was performed. Based on the review, it was determined that there is a negative declaration. A motion for a negative declaration was made, Joe seconded it, all were in favor and a negative declaration was made.

A motion to close the public hearing was made by Allen, seconded by Kevin, all were in favor and the public hearing was closed.

Ray asked for approval based on the two contingencies noted, putting notes on map that Parcel 3 is not being approved as a building lot at this time, and noting the pins set and actually setting them. Based on those two contingencies can we have a motion? A motion was made to approve the subdivision by Allen, seconded by Joe, all were in favor. It was agreed that when the contingencies are met, then Mr. Sardo should contact Ray to meet him to approve the map and site plan.

5) Twin County Recovery Services (Gallagher)

No one appeared from Twin County Recovery. Ray gave everyone an update on Twin County. He said there's been some going back and forth between Gallagher's attorney, our attorney and also Stacy has discussed this with the engineer who was told that all approvals for the upstairs offices were given in 2004. The approval was only given for a building permit for the gathering hall downstairs; nothing was ever approved for upstairs other than for a residence. When Stacy talked to the engineer he

immediately said that there would have to be work done, including 2-hour fire rating and other building code items to be done in order to have a habitable safe space. There was a conference between attorney and Stacy and it was decided that a violation should be issued and a Cease and Desist Order should be issued because if something were to happen in the meantime in the present condition and we don't do this, it's as if we are acknowledging that they have approval, which they don't. The town would be liable for anything -- including, if there's a fire or anyone gets hurt or something like that it would be a liability for the town. Stacy is in the process of issuing the Violation and the Cease and Desist Order. She is waiting for some direction from the town attorney, because we are definitely anticipating some push back on this determination. Allen asks if everything will be brought up to existing code -- handicapped, everything. Ray thinks the engineer has to make that determination when and if Gallagher comes before us with a site plan review. Allen said another thing to look at would be parking, if and when they decide to come to us that would be something we would look at also, as well as a second exit.

New Business

1) Solar City – 760 County Route 31, Purling; Owner Vasileios Paganos - Loreen Harvey,

Loreen Harvey appeared for the owner. She stated that it seems to amount to the fact that they do not install anything that's not residential property. On this particular property the meter is residential but it is commercial property. The job is only seven panels, which is ridiculously small. Ray asked Loreen if she had a letter from the owner stating she can act on their behalf and she stated that she didn't have one with her -- that normally they have something on file that's generic.

Ray discussed that there is a letter from Robert Fritze stating that the property is classified as "418-Inn/Lodge Commercial One zoning." Therefore, a building permit shall be required and they would be rooftop and flush mounted solar arrays, and any private solar array attached to a pitched roof shall not extend more than three feet from the surface of the angle of the roof. Loreen states that is apparently an old school rule. Ray said because the assessor specified it as a commercial building, he is forwarding it for final approval to Robert Fritze. Ray asked Loreen if she was acquainted with the zoning dealing with private solar arrays. Loreen stated not specifically. Ray referred to pages 20 and 21 of the zoning law to her stating that those are the things we would be looking at in approving this. Loreen stated that it appears to be a lot of cosmetics. Ray said this is the first case to come before us, so he'd like to kind of look and see, are you are putting it like on the roof like a residential situation but doing it at a commercial property. Loreen said that the building they are installing it on is the more like residential looking part of the building, the "motel-ee" part. Ray indicated that since the assessor has zoned as commercial property, the question is do we review this as private or commercial solar array based on it being a commercial property. Loreen said she would have to look at whether they would drop it as being a commercial building -- stating that they don't normally do commercial because the permitting is five different steps.

Ray asked for an opinion from Kevin, and he replied he doesn't see why we wouldn't approve it, either as commercial or residential - didn't think it mattered. Joe stated he doesn't see a problem with it but believes it is commercial because the owner rents it out. He further stated that he doesn't believe the guy that owns it lives there. Ray indicated that this site used to be called Mario's Pine Lodge. Part of the issue is there were a bunch of permits that weren't closed.

Ray stated he would like to get clarification before going forward with a public hearing, etc. There was some discussion about whether it was a residence if the applicants had to come before the planning board. Ray will get clarification and get back to Loreen in less than two weeks.

2) Robert McManus, Jr. – 2425 Rt. 23B - Convert Commerical Building to 3-family residential

Bryan Clapper of Clapper Structural Engineering presents for Mr. McManus and indicates that the site used to be the old Ossie's Pub and Grub and the owner is looking to convert that building into a 3-family residential property from the existing use of Ossie's. The site plan shows existing and proposed apartments which shows the three apartments and the square footage of each apartment. One question was how many bedrooms these apartments have. The answer was that there are two 2-bedrooms and one 1-bedroom with existing septic. Allen asked if there was a site plan showing the cabins and he said the only thing he had was when they did the septic originally from the 90's. Further discussion that there are three other buildings on that property and they consist of three 1-family bungalows, bringing the total to 6. The other ones are small one-bedroom cottages and a dilapidated trailer exists which will be disposed of. It was discussed the existing septic will handle the apartments (the cottages have their own).

Ray asked if they would like to proceed to a public hearing next month. Response was yes. Ray asked if they had a letter from the owner granting permission to represent them, and he indicated that he did. Discussion about the fees not being paid, but Bryan would have someone stop by. Mr. Clapper indicated that the owner will probably ask if there is any way to waive the public hearing. Ray indicated there should be a public hearing especially since there are units being added it will give the public a chance to comment on the game plan.

3) Kim Paradis – 189 Main Street, Cairo, Eat-In/Take Out

Ray stated that he had skipped over Kim Paradis who is looking at putting in a restaurant near the Pizza Wagon. Robert has said it is an allowable use. Kim had called the day before and said she couldn't make the meeting but did provide a letter from the Department of Health stating everything that needed to be accomplished to bring everything up to code. Said the Pizza Wagon would go in there and operate inside with her – discussion regarding parking with regard to the Pizza Wagon. There is a stipulation about how much parking with a restaurant. Pizza Wagon would have to go in with Ms. Paradis on a new site plan.

Solar Discussion

There was discussion that a couple of the Planning Board members had attended the Greenville Board meeting the prior evening. Ray said he has already expressed his concern with solar arrays, article in the paper saying they are apparently targeting Greene County and he's not saying it's a bad idea, but there are places with regard to the solar that are more suitable than others. For instance, an example would be the land behind Tommy Rogers, that's prime development for future housing. Ray owns property in rear, if a solar farm went there, in Ray's opinion it would not be the highest best use of that land in a rural area there close to water and sewer. If they would clear it for the solar farm he would have a buffer installed so you wouldn't see it.

Ray sent the university study to the town board and they said they would look into it. Ray spoke to Dan, kinda thinks we've addressed it. Dan is looking for us to make more suggestions to the town,

not just the university study -- wants planning board to give him more detailed direction. Dan asked if the Planning Board could give some feedback.

Kevin said the guy from Cypress Creek showed the proposed site off Route 32 in Freehold. An impact statement had been prepared, they already flown a weather balloon, weather buffer, sight lines from there to see if anyone could see it off 2 or 3 areas of Red Mill Road, where you could potentially see the solar array. They had a survey of the proposed site plan and explained construction takes approximately 12-16 weeks, generally working 7a – 4p. The company would do a payment in lieu of taxes (PILOT) since it is not taxed as part of New York State's green environmental shift. Cypress Creek enters into an agreement with the town in lieu of taxes they would normally pay. Their goal is to save customers 10% of what they currently pay Central Hudson.

Kevin described that the panels sit no more than 12 feet at highest point, 2 feet off the ground at lowest point, they are fixed panels in Freehold (they have the ability to install shifting panels). There's an inverter, a transformer, generator, 65 decibels is the highest amount of noise they would put out from 10a – 2 in the afternoon. It's basically silent at night. The company hires a tree company to come in and harvest the wood. They plant native grasses and mow five times during growing season. Whole place is fenced in and there's a code box for fire department should they need to have access to it anytime they need to. There's no traffic, once every 2 months they go by and check out the site and provide maintenance. After the initial construction there's not much to it. From the road you can't see the site, you will see trees, and then it curves around to the actual site. The panels put out same amount of glare as a lake would. Couple neighbors asked how much the site would affect their sight line, and there didn't seem to be opposition. Kevin brought documents -- Cypress Creek propaganda -- which explains what panels are made of – all non-toxic material, speaks to noise and requirements from New York State abatement plan. In addition it explains that the company is required to file a permit when they do the application to ensure that they would scrap materials and remove it from the site should the company go under.

The only site disturbance once they clear the land is when the panels sit on steel posts that are driven into the ground, couple concrete pads to hold generator. The land is leased. When we discussed this earlier looking at the zoning law, lighting was not discussed in Greenville, do you want it to be lit up? Perhaps just have a motion detector at the gate if the fire department needed to get in there or something.

Dan's recommendation as a Board to look at that study and make any recommendations to the town is what he asks. The document is a little intensive that Pace University did, if we want to do that it's something to look at in the future to give them some direction.

Kevin made a motion to adjourn the meeting, Allen seconded, all were in favor, and meeting was adjourned at 8:27 p.m.

Respectfully submitted, *Diane*
Diane M. Newkirk ~ Planning Board Secretary