



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

DRAFT

Meeting Minutes: October 5, 2017

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

Absent: N/A

Pledge of Allegiance

First order of business was to look over September 7, 2017, meeting minutes. A change was brought up by Ed on page 5 under B&B Forest Products – language should read “complies with Town of Cairo Zoning Law.” A motion to approve the September 7, 2017 meeting minutes was made, seconded by Ed, all were in favor, the motion passed and the minutes were approved for the record.

Approval Date Question - Ray checked with the town attorney regarding when the clock starts ticking to perform substantial work related in site plans. The town attorney confirms that the time period begins on the date of the meeting approval, keeping in mind the maps also have to be signed on the date of the meeting approval. This information will be sent out to Master Unit Retreats (will go by the February 2017 date) clarifying the time period from which the six-month extension extends. So they will have from February 2017 through August 2017 to perform their work.

Public Hearing:

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

Two site plan applications Steve Petronio’s Dance Studio is looking for approval for:

- a. Amended site plan of existing site plan approved in 2016
- b. 2-lot subdivision

Crystal Hines appeared for Stephen Petronio Dance Company and presented that they had appeared before the Planning Board last December and received approval for a special use permit for a dance initiative that the company is bringing to 278 Crow's Nest Road. At the present time, they are seeking to add to that special use permit – upon the vacant parcel, where the company also owns 76.13 acres. This acreage is wooded with trails throughout where the participants of the retreat will be given the opportunity to commune with nature and find inspiration to hone their craft. Primarily the initiative pays for their stay and provides them a chance to get away from the city, cultivate contemplation, reflection and dance.

The second application before the board would be the subdivision of one of the parcels just mentioned at 278 Crow's Nest Road. The proposal looks to subdivide 5.13 acres from the parcel which currently contains a 2-story residence. Essentially the subdivision would carve off the residence and separate it from the remaining 94.3 acres for the dance initiative. The intention of the founder of the dance company would be to obtain an appraisal for that home and purchase the subdivided property.

Ray brought an inquiry if there were any questions from the public. None were presented. The public hearing was kept open and Crystal was asked to step down and informed she would be called up again shortly.

2) Jesse Muller- Rudolph Weir Road- 2 lot subdivision-

Jesse Muller did not appear, decision made to postpone and keep the public hearing open until next month.

3) Richard Malin – 2 lot subdivision

Mr. Malin presented his map and explained that right now the existing lot is just over 5 acres; the proposal is to subdivide the lot containing his existing home which they reside in to 2.931 acres, and the second lot would contain their pole barn and the remaining 2.13 acres subdivided lot from it. Mr. Malin stated there were no other changes to the property other than that and that it was not approved for a building lot at this time.

Inquiry was made if there were any questions from the public, and there were none. Mr. Malin was asked to step down and informed that he would be called up later.

Open Business

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

The site plan was reviewed including the 2-lot subdivision. Crystal was asked who the director was; her response was that Yvan Greenberg was the Executive Director. Inquiry was made with regard to the director of the residence, and she was not sure what that person's name was. There was a discussion of the number of maps presented, perhaps she had brought 8 copies to the last meeting. Discuss the access going to the carriage house, and with regard to the setbacks question, their position is since this is a driveway that the setbacks do not apply pursuant to the Code Section VC2B1 – driveways are exempt from setbacks provided that they are not 3 inches above the grade of the land around it. It was stated that as long as there was no access to the carriage house from that driveway then they were exempt from setbacks.

Subject was raised of letter from Santos requesting that some work was to be done on the bridge. It was discussed that the approval would be granted conditional upon the work needed to enhance the bridge stability and an assessment by the fire department that the bridge would be sufficient for emergency vehicles. Santos should confer with the Round Top Fire Department as to the weight of a fully loaded water tanker per axle, as well as accessibility and any recommendations.

A question was raised with regard to the total number of events, estimated to be around 20 per year. The occupancy of the main house will be for the visiting dancers. The dance participants will stay there and it has/will be used as a corporate retreat. The NYC staff stayed there to make sure the dance floor was properly installed, etc. The main house will be used primarily by the dancers and staff members, for work purposes only, and is not a weekend guest house for them.

The residence is a not-for-profit and will be purchased by the founder. The price will be based upon an appraisal making it a fully at-arm's-length transaction.

- a. SEQR review revealed a negative declaration on the site plan. Allen motioned to declare a negative declaration, seconded by Joe, all were in favor and the negative declaration was passed.
- b. A motion to close the public hearing on the site plan portion of the application was made by Allen, seconded by Joe, all were in favor and the public hearing was closed.
- c. A motion to approve the amended site plan as proposed was made by Beth, contingent on the two things discussed, getting letters from workers on installation of curbs on the bridge and Santos letter along with the weight per axle of a fully loaded water tanker per axle from the Round Top Fire Company. Based on that contingency Beth made the motion, and Joe seconded, all were in favor and the site plan was approved with contingencies.

Next the 2-lot subdivision was reviewed, go through SEQR process. When inquiry was made as to any questions, Joe asks if there was anything to prevent the people from going to the cottage during events. It was suggested that they would get a sign approved by the board indicating the residence driveway and directing participants to the dance studio. Thereby avoiding individuals pulling up and parking on the founder's property. Since the parking lot for the residence and the drive way to the dance studio is in close proximity, the signs would be warranted.

- a. Following the SEQR review, a motion was made to declare a negative declaration with regard to the two lot subdivision by Joe, seconded by Beth, all were in favor and the negative declaration was made.
- b. A motion was made to close the public hearing by Beth, seconded by Joe, all were in favor and the public hearing was closed.
- c. A motion to approve the 2-lot subdivision was made by Joe, seconded by Beth, all were in favor and the subdivision was approved with the contingency to put up signs designating the residence and providing direction to the dance studio.

Crystal was asked to provide 8 more maps, as they need 3 for the site plan and 2 for the subdivision.

- 2) **Petulla** - Ray made a statement that Mr. Petulla had called him and said he wasn't ready, to take him off the agenda.
- 3) **Chevreux** promises to come next month, if they do we are still good with the existing public hearing, otherwise we will call for a new public hearing.
- 4) **Richard Malin – 92 Holtzman Road Extension – Subdivision**

Rich went over his proposal to sever the lot with house he lives in off from the rest of the acreage containing his existing pole barn on the other 2.1 acres. Mr. Malin was asked to fill out 3 pages for information on the project for the board's SEQR review. Mr. Malin explained that Lot 1 is the 2.192 acres and lot 2 would be 2.931 acres with the house on it. The plan is to sell the existing house, so it is not being approved as a building lot at this time. **It was pointed out that there needs to be a note on the map for Lot 2a that it will not be approved as a building lot at this time.**

Provided the note is added to the map, the site plan would be approved.

- a. Following the SEQR review, a motion was made for a negative declaration by Allen, seconded by Joe, all were in favor and the negative declaration was passed.
- b. A motion to close the public hearing was made by Allen, seconded by Joe, all were in favor and the motion was passed to close the public hearing.
- c. A motion to approve the subdivision based on the contingency of adding the note on the map that lot 2a was not approved at this time as a buildable lot was made by Allen, seconded by Joe, all were in favor and the subdivision was approved.

5) **180 Blackhead Mountain Road**

Individual representing Yuri for 180 Blackhead Mountain Road present. Ray said he didn't expect to see them here this evening, sent Diane to retrieve the file for them.

- 6) **Kim Paradis** – It was mentioned that Ms. Paradis has contacted the Planning Board with regard to putting a restaurant in an existing building, had written to the board last month asking about the procedure and for which we also received a letter from DOH outlining the process from their end.

New Business

1) **Twin County Recovery Services (Gallagher)**

Anna Galliano appears representing John Gallagher the owner of the property at ___ Main Street. States that John was asked to fill out an application as his space may not have been designated as office space. It was explained that a tenant, Twin County, is coming in and seeing if they can use his property as office space. So Twin County should be the applicant. The Planning Board's position is

that if you are going to use a property or piece of land that is not currently zoned for that use prior to entering a lease, the party is to appear before the board and ask permission to do same. Some debate occurred as to the provision in the law requiring a tenant to present to the board to lease office space. The Chairman stated that if the space was already being used as commercial office space that they wouldn't have to.

The attorney insists that the space is designated as office space on the existing drawings and he is leasing the space to Twin County for the sole purpose of pushing paper. There is no existing paperwork wherein the Planning Board approved space for office use. The attorney points to the drawings being submitted in 2004 showing that the 2nd floor contained three offices. States that a certificate of occupancy was issued to John, which she believes certifies the space for use for which it is intended. The zoning office states it is an allowable use, however, it was being used as a private residence and there are no records that it was ever before the planning board.

The attorney insists that there is no basis for Mr. Gallagher to have to apply for a site plan review and approval. Ray indicates to her that there has been considerable concern raised by the public in the form of telephone calls to the Board and the Planning Board with regard to what activities are being performed in this space. Suggests that they follow through with the process of the Site Plan and Planning Board review so as to allow the public a chance to come to a public hearing and comment on the matter or to ask any questions they may have about what's going on there.

They indicated that at the very least the space has never been occupied as an office space and the building department would need to see an updated engineer design. The space has never been occupied as an office space on the second floor with an outside tenant. The attorney indicates that Mr. Gallagher has been running a banquet hall downstairs for several years which a site plan has never been approved for.

Ray stresses that the Planning Board's position is that these offices should not be in use and not open for business until this issue is resolved with regard to the site plan application.

After some prodding to please follow the application process, the attorney conferred with her client and came back to say they were tabling the issue, that it was still their position that they are exempt from the site plan review.

2) Tiny house – Revision of Site Plan.–

Brian ___ was in representing Bob, they are having a little party at the tiny houses tonight. Some comments were made about the bright lights at the site at night. Asked if he had a letter to speak on the owners behalf, he presented same. Current proposal merely to get driveway approved which would provide access from the upper level down to a lower elevation to facilitate more additions of facilities in the Spring.

A motion was made to waive the public hearing by Beth, seconded by Ed. A vote was taken to waive, Beth agreed, Ed disagreed, Ray disagreed, Allen disagreed, Joe disagreed. Therefore, a public hearing will be necessary for the driveway itself. Public hearing will be set for November 2, 2017, fees are due in the amounts of \$100 and \$25.00 – stated that he will have the owner provide same.

3) Externa Versus Game Store –

Owner presents, says he has the same questions why requesting permission when already approved for business. Difference is that was already used for business, but has been over a year, due to current zoning laws, tenant would have to submit site application plan. Owner is just renting pace out to Eternal Versus as a retail store. There was some question as to the zoning law being 3 years before use is up, will have to check into this.

- a. SEQR review performed, motion was made to waive public hearing by Joe, seconded by Allen, all were in favor and the public hearing was waived.
- b. Motion for negative declaration was made by Joe, seconded by Allen, all were in favor.
- c. Motion was made to approve site plan by Allen, seconded by Joe, all were in favor and the site plan was approved.

4) 180 Blackhead Mountain Road - _____

Owner was waiting for the zoning change, now that its 2 acre zoning, zoning guy says the drawing complies now. Turning into an over 2 acre parcel from over 3 acre parcel. Came previously, 3 acre minimum at that time. Add Parcel 1 to 2, not being approved as a building lot. 0.65 being added to 1.291 acres and taken off of 5.5 acres turning that into 4.272. End result would be 2 lots, some towns call boundary line adjustment.

Will be put on the list for a public hearing next month, November 2, 2017. Applicant asked to fill out a new site plan application, as the application has changed. Asked to provide a check for \$100.00 and \$25.00. Stated he would have everything mailed in.

Solar Discussion

Last order of business was a discussion about commercial solar panels and a study done by Pace University. A copy of the study was emailed to each Planning Board member by Kevin. A letter will be written to the Town Board asking them to review the study, and to consider drafting zoning laws specific to commercial solar plans and requesting a possible moratorium.

Motion was made to adjourn the meeting, all were in favor, and meeting was adjourned at 9:29 p.m.

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