



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

Meeting Minutes: May 5, 2016

Members Present: Ray Pacifico, Allen Veverka, Edward Forrester, Richard Lorenz, Jessica Dillon, Peter Kavakos, and Elizabeth Hansen **Absent:** Mike Villela

Pledge of Allegiance

Approval of April Meeting Notes -- Pete moved to accept the meetings minutes and Jessica seconded. All were in favor – Minutes passed

Chairman Pacifico stated that the meeting started early due to the Board conducting interviews in an executive session for an appointment to the vacancy on the Planning Board. Ray mentioned that the Town Board passed a moratorium on Solar Farms at their last meeting. The Town Board did this because currently the new zoning does not cover Solar Farms. Ray also mentioned that there were Training Sessions available if anyone is interested.

A note was made also that the Town Supervisor, Dan Benoit, is looking to have a 3% reduction in spending. The areas that could be cut is staffing, training, besides the mandatory training and meetings. Jessica mentioned that the free trainings are available but not everyone gets the notices. Ray stated he would see if he could help to streamline the process to get the emails to people in a timely manner. There are however 4 hours of mandatory training per year. Ray did note that the planning board has been under budget the past few years.

Town Board member Doug Ostrander notified the Town Attorney, Tal Rappeyea, and the other board members with a letter on the issue of religious and non-profit social groups moving into the area and coming off the tax rolls. Greenville is also in a similar situation that they are also looking into to that. Tal will be looking at the possibility of curbing or taxing the parts of the land money making portion to be on the tax rolls.

Public Hearing

Al Macdonald sent a letter to the Planning Board asking them to keep the Public Hearing open on the two clients he is representing Nicholas Glaviano and Anna Parra Sub-division. Because Al was not in attendance for the meeting he will need to send another letter in order to keep both of these projects open until the next monthly board meeting.

Cornell Cooperative Extension – Chuck Brooks, Executive Director, spoke to the public in regards to putting a 4' x 6' sign up indicating where the entrance is on their property. Chuck stated that many people speed past the entrance due to not being clearly marked. There were no questions from the public or the board members.

Cornell Cooperative Extension – Chuck Brooks, Executive Director from Cornell Cooperative Extension stated the proposed sign is a 4' x 6' aluminum sign with computer generated lettering. The sign will be secured by 2 -- 4 x 4 wooden post and held in the ground by concrete. They are asking the sign to be posted on the east side of the road. Chuck stated two of his staff members have been rear-ended pulling into the parking lot. It is strictly a safety issue to have the sign installed. Chuck presented the site plan to the planning board. There were no questions from the public or the board members.

Allen made a motion to waive the sign fee. Jessica seconded the motion. All were in favor.

A motion was made by Jessica to close the Public Hearing and Allen seconded it. All were in favor.

Allen made a motion to approve the sign and the fee being reimbursed back to Cornell Cooperative Extension and Jessica seconded the motion. All were in favor. A letter will be sent to Mr. Brooks and Stacey Sprague in the Code Enforcement Office so Cornell Cooperative Extension will be able to apply for a sign permit.

Open Meeting

Tom Garden and John Muller – Their proposal is to get permission to combine properties and then subdivide into two properties. They are getting rid of a build lot and a right of way. They have to survey the new lot. Each deed will need to be rewritten. Ray stated that that they will have to obtain a site plan which they will then bring to the Zoning Officer, Robert Fritze to show him what they are going to do so they can then move to a public hearing.

Ray asked if they were in contact with the current owner giving them permission to proceed. They acknowledged they had permission to purchase the property indicated. The lot is 18+ acres which will be split between the two parties. There is a stone wall fence that will be used as a dividing line. Tom Garden will have one half of the property and John Muller will have the other half, equally divided. It will be combined into two lots so that the new deeds will reflect the change.

Ray stated that they would be included on the June 2nd Public Hearing and that they would need to present to the planning board how the surveyor would show how the two properties will be combined. There is a \$100 application fee and a \$25 fee to notice it in the Daily Mail. The land owners will also need to be notified of the change. The Planning Board will take care of that notification.

Master Units Retreats – A discussion was held in regards to how Master Units needs to proceed. It was noted that there are some issues and that the original project was approved on October of 2013. A site plan approval lasts for one year and if need be there is a six month extension. Ray said he had no paperwork on the six month extension in the files. Ed noted that the Planning Board did approve an extension on December 4, 2014 which would mean their site plan had expired.

Master Units provided a review from their attorney and the attorney believed Master Unit's site plan is still approved for them to continue working based on the law. Their attorney noted that based on the definition of construction, which is what you have to show, stated that any site plan approval lasts for one year and if need be there is a six month extension. Unless there has been substantial work done on the construction of the project. Master Units provided a time line of construction related activities from the date of approval in December of 2013 to present. They also provided an expense report listing to date what expenses they have incurred.

Master Units feels that the substantial improvements were done within the 18 month time frame. It was noted that a building plans were submitted to the Building and Code Office however the building permit was rejected by Stacey based on them not having DOH/DEC permits. Stacey provided a memo stating that because Master Units failed to obtain the DOH/DEC permits the Building and Code Enforcement department could not approve a building permit. Master Units stated that their attorney interpreted the Planning Board's decision reads that the building permits were not dependent on the DOH/DEC permit approval, but the occupancy permit would have been but that they should have received their building permit whether or not they had the DOH/DEC permits. Ray asked what they had completed construction wise and it was stated that in November of 2014 they had drilled a commercial well, which was a \$12,000 investment, that did not include the cost of engineering. This was done within the 18 month time frame. The parking lot was started in May of 2015 and a driveway permit was given by the town in July or August of 2015. If the time on the site plan had been expired then why did the town approve a driveway permit? They were never notified that their site plan had expired. Ray said the Planning Board does not notify people of when their site plan has expired. It was noted that the total expenditure to date for Master Units is \$106,000 plus.

They did what work they could without the approval of DOH/DEC to do the construction. The regulations prohibited them moving forward with their construction. Two years ago they came before the planning board due to their house being effected from broken pipes. Their house would be upgraded to have commercial guests, saying that it is a B&B just a commercial code so they could move forward with construction.

Master Units has an opinion from their attorney stating that the delay in moving forward was due to Stacey and the Building Department holding up the permit because of the DEC/DOH permits not being received by Master Units. Master Units feels it was a mistake by the Building Department to hold up issuing the building permit and that only the certificate of occupancy permit should have been held up. As a result any perceived delay in the building construction is due in part to the town of Cairo's refusal to issue a building permit and not the intent of Master Units Retreat. Jessica asked if a copy of the opinion has been shared with the town's building department and the answer was no. Master Units believed that Stacey was correct in her ruling but Master Units feels that was incorrect. Jessica stated that if there was an issue it should have been addressed with the building department so they could review the issue and report to the planning board their findings and ruling. Jessica also brought up the fact that when the planning board states "substantial completion of project" means that physical on the ground structural work has been done, not just design and engineering costs. Jessica said the board is

empathic to their issues however it doesn't fall within the historical scope of what the board looks at for substantial changes and what they have asked other properties to do. Master Units said some of the issues needs to be taken into consideration considering they didn't have site plan approval. It appears to them that they are being pushed by the town to a point to failure by the approval of the board due to the DOH/DEC permits.

Ray said he would have to check to see if they did in fact do enough physical structural work on the property without DOH/DEC approval. Master Units did state that it was brought out at one of the planning board meetings that planning board members stated that they had been doing work and that they really didn't need an extension. Ray and Ed disagreed with that. Again it was brought up that if they needed further extensions why did the building department issue a permit for the parking lot?

On the issue of the house and changing of use of the house. The original approval was on having non-paying members stay at the house along with house guests. It was approved as a private home. It was never to be a B&B with paying guests. A question was posed by Master Units that if they were to resubmit the renovations as for a single family occupancy, would that be in conformity with the site plan approval? Would they need to go to another planning board meeting? Ray said the board will need to talk to all involved to get some direction on the project. Pete said he felt that too many things had changed since the approval of the original site plan, there hasn't been enough construction done and that they need to comply with all zoning to resubmit a new site plan.

Ray stated that there is an issue with the change in what the new understanding is for "paying guests", the planning board originally thought that guests were non-paying and Master Units stated they are not changing anything from the original site plan, but the planning board disagrees. The main issue is that if they will need to start over or not. The planning board will look into the issue as soon as they can.

Nolan Propane – Mr. Biscone spoke for Nolan Propane. He stated they would withdraw an amended site plan application, he will provide an as built map. He stated the reason why the fence was changed was due to trespassing, cars and trucks turning around and possible access to the propane tanks. The decision was made by the fence guy to move the fence closer to the road dismissing the original site plan. Jessica asked why Nolan Propane didn't come back to the planning board to let them know of the issue so it could be addressed. It was noted that Story's Farm has been notified that they need to deliver and plant the trees on the property by the end of May. Ray mentioned that the planning board had received many complaints on where the fence had been placed. Jessica stated to move the fence and add additional trees to address the security issue and having trucks turning around. Ray stated that all the work was done without a building permit.

Mr. Biscone stated that no one could have seen the trespassing and trucks turning around. Jessica asked if there were any police reports or statements from the Bank of Greene County who have seen the trespassing or trucks turning around. Nolan did have a concern about moving the fence all the way back as shown on the original site plan. The main concern is the front fencing and the fencing along by Dollar General. It was noted that placing the rocks and trees will help with the trespassing. Everyone was in agreement to go back and revise the original site plan. Mr. Biscone will write a letter in regards to everything that was agreed upon.

Patricia Schneider – She presented a preliminary drawing of the indoor rec center that would include soccer field, pool area, pitching cages, track, basketball court, etc. Possibly a golf simulator, a café, or other games. Steele Corp will provided a Building plot size. As of right now things are kind of on told.

Ed would like to make a motion that the planning board send a letter to the Town board on removing Mike Villela from the planning board due to absences and recommend filling the position of alternate. Beth seconded the motion. All were in favor.

The motion to adjourn into executive session to interview for planning board replacements was made by Pete and seconded by Jessica. All were in favor.

After the session a motion was made by Allen to accept Joe Hasenkopf as a full time planning board member and Beth seconded. All were in favor.

A motion was made by Allen that would make Tom Gurney an alternate planning board member and Pete seconded it. All were in favor.

A motion was made by Allen to adjourn the meeting and Jessica seconded it. All were in favor.

The meeting was adjourned at 8: 30pm.

Respectfully submitted,
Sherry B. True