



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

Meeting Minutes: August 7, 2016

Members Present: Ray Pacifico, Allen Veverka, Edward Forrester, Jessica Dillon, Peter Kavakos, Joe Hasenkopf and Elizabeth Hansen

Absent: Kevin Hicks - alternate

Pledge of Allegiance

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

Ray noted that Kevin Hicks had an excused absence for this meeting. Kevin is in New York City training with the Wounded Warriors today and he would not be back in time for the meeting. It was also noted that the next Zoning Workshop would be August 8th at 7pm at Town Hall. The workshops deal with the fine tuning of current zoning laws and the confusion it has caused over the past few months. The workshops hope to work the issues out.

Public Hearing

Nicholas Glaviano – Al MacDonald with Santos Associates is representing Glaviano and was the first to speak. The project is a 2 acre lot sub-division located on County Rte. 67. The total acreage is 104.86 acres. Lot 2 will be 16.218 acres with 13” of usable soil sewer and can accommodate an alternative for a septic system access will be over the 50’ wide strip which located on lot 2. In the future, and according to the present zoning, lot 2 can only be sub-divided into 2 lots. The remaining size of lot 1 is 88.645 acres and all residential rights shall remain there. Ed made a motion for a negative declaration SEQR and Jess 2nd it. All were in favor. Jess then made a motion to close the public hearing and Beth seconded it. All were in favor. Pete made a motion to approval the two lot sub-division and Allen seconded it. All were in favor.

Huzza Estates – Ray stated that he was going to recuse himself and Allen would take over. Per Al MacDonald this is a sub-division that was approved back in 2013 and is now all Ray is asking to do is a

lot line adjustment on lot 2 and lot 3. Al MacDonald explained that in making a lot line adjustment no new engineering will be involved and no new lots will be created. It is fairly straight forward. Pete made a motion to close the public hearing and Allen seconded it. All were in favor.

Open Business

Anna Parra – Al MacDonald representing Parra. Al reviewed the issue on the sub-division. Ray stated the property is located on Joseph Chadderdon Road and the parcel is bisected by the road with 13 acres on one side and over 100 acres on the other side. Al stated if the parcel is bisected by a road it is already a sub-division within the deed it is listed as two existing parcels. He stated that in his research he found a section in a pamphlet provided by the state, “Subdivision Review in New York State”. On page 12 Al read the following of what the States position is:

“The Department has taken the position that where there is a single parcel land, described in a single deed is split by a public highway the sale of the portion on one side of the highway is not subject to subdivision review where subdivision is defined as the division of a parcel into two or more parcels, the reason is that the placement of a public road is a factor over which the land owner can have no control therefore it is a de-facto sub-division”. Al said based on that information he provided would then withdraw the project from the Board for review.

Ray said he would run it by the Town attorney so that if another one situation like this comes before us we will have a ruling on it already. Allen mentioned we really didn’t have to go to Tal that there is a law on the books already. Ray just stated that if there is a parcel and it is on the same side of the road and there is one deed and two parcels are listed on the one deed they should still come before the board. Al stated the argument that what the State Law stated was a true in regards to a lot line/sub-division. Based on the law, Al stated Parra did not need to come before the board again for a vote or approval.

Master Units Retreats

Ray said that he had sent out the correspondence to all the Board members via email in regards to the connection between Path of Bliss and Master Unit Retreats. Ray spoke to a Mr. Michael Hemmegarn who represents Path of Bliss. Their position is that Master Unit Retreats and Path of Bliss have nothing to do with each other. Ray stated it was the Boards position that there was a connection that needed to be looked at to avoid segmentation. There were many questions at last month’s planning board meeting in regards to the two properties. No additional letters had come in, in regards to the matter. Because the public hearing was still open Ray asked if there were any other questions in regards to Master Unit Retreats.

Lou O’Connor had a few questions for the Board. He wanted to have Master Unit Retreats address what is going on around the property. His house is located just across from Master Unit Retreats. Did DEC ok and approve the sewer system? The sewer system is within 150 feet of his well, all surface water. He is concerned that it could possibly contaminate his well. He would like a copy of the paperwork from the Board that the sewer project is approved by DEC/DOH. He then asked if the parking lot was approved per a DEC storm water plan and were they allowed to park there? Ray said it is not the Planning Board’s responsibility to oversee the work done by DEC/DOH and that when the Board receives the paperwork from them we can forward copies to him. However there should be a letter of approval coming from Code Enforcement also once the project is complete which can also be forwarded to him once it is received. Currently DEC has been approved for the waste water facilities state the Department of Health

(DOH) has approved their portion of the application but Master Unit Retreats has yet to receive the written permit from DOH agency.

Andy Howard representing Master Unit Retreats stated that after reviewing all the paperwork it is his opinion Master Unit Retreats and Path of Bliss are two separate entities that function separately of each other. The site plan has always been just about the Master Unit Retreats and not a combination of the two. Master Unit Retreats has no national, regional or geographic affiliation with any other organization. They are only seeking approval of the original site plan application and nothing else; the project itself has not changed. The Planning Board had done a detailed written resolution approving the project. The IRS did a complete review of separate determination the each property is separate. Segmentation is defined as a proposed action on a piece of land that is being proposed to do the project piecemeal. Ray suggested that maybe both organizations come before the board and let them know how they are interrelated. Andy Howard asked how does it relate to the application and the building site plan and what is occurring on the property.

Ray asked that the board comment on the situation, Beth stated that she felt it is not relevant that the two entities using each other's space, as long as there is no entity above both of them that they are listed under. Jess said sharing events and people going back in forth between the two properties was initially what raised concerns of the neighbors that the two were related. However the two properties are actually two separate 501cs and there is no connection. Ed, Allen, Pete and Joe agreed that they are two separate entities also. Beth made a motion to look at only the Master Unit Retreats and not Path of Bliss. Allen seconded the motion; all were in favor except Ray who opposed. Motion passed.

Lou O'Connor asked that the public meeting stay open until we know exactly what is going on, the original site plan was approved in 2013 when zoning was not in effect and now with zoning the board should send them to zoning to see if they are still approved to continue to do what they were approved for. Ray said that will be done going forward that zoning was looking at having Master Unit Retreats. Is it an allowable use and the parameters for special use would be in that specific district?

The board looked at possibly closing the public hearing and Ray asked if the plans were resubmitted as a country inn and Andy said no. Andy said there are several that the project fall under and all would fall under a special use permit. Andy felt that there are three different areas Master Unit Retreats could fall under, the first one being a religious/spiritual facility, second being an educational facility and lastly a membership club. There should be no requirement for a variance and to possibly close the public hearing and proceeding for review of the organization that it fits within special use permit category. The educational facility works the best. Ray proposed that a new site plan application be resubmitted to the zoning officer and that it would be a special use permit to determine would fall under an educational facility.

There was a question whether SEQR forms had been submitted and Ray stated there were no SEQR plans in the file. Ray said for them to come next month with their engineer and they could go with a SEQR review next month. The full SEQR plan will need to be filled out. It was decided that the engineer would be there next month for SEQR, they would have the DOH paperwork by then afterwards we could then close the public hearing. It will be re-noticed in the paper. Ray made a motion to re-notice the public hearing and Allen seconded it. All were in favor.

Nolan Propane – Mr. Biscone and Mr. Nolan came back before the planning board to review the progress on the site. Pete gave an update. He spoke noting that where the fence was supposed to be located it is now in the correct place, the old fence has been removed. The rest of the trees have been

planted, the lights have been taken down and the concrete pillars are the only thing still there. Ed stated the fence posts on the east and the west side were cut 6" to 8" high, the ones in the front are cut to the ground. Ed had an objection that the concrete foundation and the 6" to 8" posts should be removed. Mr. Biscone reconfirmed all the items asked by the board to do has been done and any remnants that are left are within the property of Nolan and they are responsible for it. Jess noted any liability would fall on Nolan and not the Planning Board or Town. Allen stated he felt the concrete pillars need to be removed as it looks like the pillars are waiting for lights. Joe agreed with Allen and also mentioned the remnants.

Mr. Biscone stated that there are remnants there they are the property of Nolan and contained on Nolan's property. Mr. Biscone was not aware the pillars were an issue, the lights were removed as requested but no one had mentioned anything about the pillars. Ray explained to Mr. Nolan that this whole project was pushed along by the Planning Board to be able to get in before zoning. Since then there was a mistake or through ignorance things were not done as the site plan that was approved, including the lights, the fence and the lack of plantings. Nolan came back before the board in April and stated that all those things would be corrected it was a mistake. However at the meeting in May, more lights were installed, there was no movement of the fence when you came back no plantings of May. Ray said the Planning Board's frustration is, whether real or not, the appearance of taking advantage of the goodwill the Planning Board and Town had given to Nolan. Ray said the planning board has wasted more time, money and site inspections and having to go to onsite inspections all these times. Mr. Nolan and Mr. Biscone stepped outside the meeting to have a quick conference. Upon return Mr. Biscone said the posts would all be cut down to be flush with the ground, the pillars that are left will have plantings or landscaping rocks around them so they can't be seen.

Ed made a motion the fence posts should be cut flush to the ground and that the concrete pillars either be cut flush to the ground or jackhammered out. Jess seconded. A roll call was taken and Beth, Jess, Ed, Ray voted to have the motion passed, Pete, Allen and Joe voted to keep the pillars but have them covered in plantings. With the 4 to 3 vote for cutting the posts to the ground, removing the concrete pillars, it will bring the planning Board to an approved site plan. Mr. Nolan stated he would have them out and the filings done by the following Friday, August 12th. Ray said the planning board could do a conditional approval on the revised site plan maps as long as the work is done according to the requirements of the Planning Board. Joe made a motion to a conditional approval of the revised site plan with removal of the pillars and the posts to be cut down. Ed seconded the motion. It was approved by all. Once this is done the revised site maps will be signed.

Huzza Estates-- Ray stated that he was going to recuse himself and Allen would take over. The site plan is basically a boundary line/lot line division, Ray provided SEQR. Therefore the 2 lots will be 0.41+1 acres from Lot 3 given to lot 2. As Cairo Planning Law does not have a provision for a lot line adjustment, he went through the sub-division law process. Joe made a negative declaration on SEQR motion to Jess seconded. All were in favor Jess made a motion to close public hearing Beth all were in favor. The lot line was approved.

Pizza Wagon – They came before the board again in regards to getting approval on having a Pizza Wagon in Cairo. The procedure to look at it as a restaurant is a stretch but if they want to do it that way they would go before the Zoning Office for approval or go to the Zoning Board of Appeals. The path of least resistance would be the best thing to do is go before the Zoning Board of Appeals. Other places have an application for the wagon to fill out and Cairo does not because it doesn't recognize a pizza wagon as a legal entity in Cairo. Mr. Mengilo did speak to the ZBA and wanted to know what he needed to do to schedule meeting. Mr. Kleinmeier stated what Mr. Mengele had to do. This issue will be addressed in the zoning changes in the New Year; the Planning Board has to abide by that decision. Mr.

Mengele will go before the ZBA to see if he can get a resolution. Ed said that in the New York State law the ZBA can get a use variance that has the right to call it a food cart or not. He will schedule an appointment with the ZBA.

Berkshire Bank – Cliff Warren with Saxton Sign Company on Friday, August 12th the Berkshire Bank will become Pioneer Bank. The proposal is to replace the existing signs with the new Pioneer Bank signs. A rendering and the site plan was submitted to the planning board. In replacing something that is already existing Joe made a motion to waive the site plan review and the public hearing, Ray seconded it. All were in favor.

AT&T – Paul Reed and Tyler Cranston and they work for AT&T and Centerline Communication. AT&T is modernizing their tower to improve the service for smart phones, so they would like to add 2 boxes to the existing area. The site plan is the same at the tower. There are only two boxes to be installed. There is no work on the tower. It is just a box that to way site plan review and Joe seconded. Jess motioned to waive the site plan review and the public hearing and Joe seconded it. All were in favor and motion passed.

Cairo Family Care – They were not present.

Country Estates – Installation of new sign on Route 23 that would be visible from the main highway. Ray explained that they will need to submit a site plan and layouts of what the sign will look like. Once the site plan is completed then they can hand to Zoning for approval. They will be back to the September 1st Planning Board meeting and be on the agenda.

Dan Joyce – Assisted two gentlemen who are interested in opening a gas station and convenient store along the commercial mixed use area of route 23B. Dan was a helping them in the process they will need to go through to get things moving on the project. Ray gave an overview of what steps they will need to do. Ray also mentioned that they would not just be dealing with the Town but also the State to get the project approved. Ray also recommended getting an attorney in the process so things are done legally.

As a side note, Dan Joyce said he would bring up the application people in Catskill need to fill out for a vending cart to the Monday evening's Town Board Workshop Meeting.

Pete made mention that his son is interested in building a house on part of his 100 acres and he wanted to see what he needed to do moving forward. It was briefly discussed and decided that he would need to go to Zoning and double checked what are the needs. Pete said he was going to attend the Monday evening meeting and see if he can get some answers there.

Joe made a motion to close the meeting and Allen seconded the motion. The meeting ended at 10:15 pm.

Respectfully submitted, *Sherry*

Sherry B. True ~ Planning Board Clerk