



**TOWN OF CAIRO PLANNING BOARD**  
**PO Box 728, Cairo, NY 12413**  
**Chairman-Ray Pacifico**  
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**Meeting Minutes:** March 2, 2017

**Members Present:** Ray Pacifico, Edward Forrester, Joe Hasenkopf, Allen Veverka, Jessica Dillon, Elizabeth Hanson and Kevin Hicks

**Absent:** Pete Kavakos

**Pledge of Allegiance**

**Approval of March Meeting Notes –**

**Public Hearing**

**Charles Balsano** – 253 Ira Vail Road -- Lot line adjustment. Mr. Balsano explained to the public who attended that he would like to do a less intensive review for his project and showed a map outlining his intent. Ray stated that due to an illness the surveyor, Gary Harvey, was not able to supply the survey map for Mr. Balsano. Ray said there shouldn't be a problem with approval because it is now a 3 acre lot which is acceptable per zoning but a map would be needed to be approved.

**Open Business**

**Chevreux Guest House/Cottage** – The project manager on the property, Wolfgang Stockneier, stated that the owner was hiring an engineer for the project to check on the septic system and they hope to have a full report with a perk test for the next meeting. He noted that the septic would be within the easement area by the driveway. At the next meeting Wolfgang said he would probably have the full design of the cottage with the kitchen and where the septic would be located. For right now they provided a hand drawn sketch of the placement of everything. Ray asked who the engineer was on the job and he said the owner had hired Kaaterskill for the job. Ray said once all the engineer reports are in they can proceed with doing a less-intensive review on the project. Ray did mention several things for him to focus on for the next meeting presentation, one being working with the engineer to fill out any reports needed. Ray asked the board if there would be any objection to accepting the sketch for a site plan as opposed to

getting a full site plan. Everyone agreed that was acceptable and that the perk test, elevation and septic still need to be approved. A review of the submissions next month will be done and the public hearing will be left open.

**Pizza Wagon** – Robert Meringolo again came before the board with his Pizza Wagon project. He would like to place the Pizza Wagon at the garage across from Slater’s Smart Shop. The first item of business was to determine whether or not the wagon would be considered a structure or not based on page 141 of the zoning law. If the Pizza Wagon is a structure then the 65’ setbacks would need to be taken into consideration and if it is not a structure then just the right of way issues along with state and county highway department concerns would need to be addressed. Mr. Meringolo stated he did some research and stated that nowhere in law did it state or refer to mobile food trucks being a permanent structure or prohibited and that no other such law exists in any other surrounding town. Ray noted that “location on the ground” is verbiage that needs to be addressed due to the fact that is project will set a precedent for other food trucks going forward.

The question was then thrown out to the rest of the Board for comments. Mr. Meringolo said in the zoning law it states; “is the zoning law unreasonable, arbitrary or capricious and any zoning law that is it unreasonable, arbitrary or capricious would take ownership from the owner. The board then had a discussion in regards to the food truck being a structure or not. Jess stated she is in support of having food trucks and wagons within the county and within the town, that it provides a strong basis for increasing both foot traffic and revenue in town. Jess’s only concern is the location due to the narrowness of the property itself and the safety of entering and exiting the site. She said if they first have to decide if it is a permanent structure or not that she would not say that it is a structure but rather identify it for what it is a food cart or food truck. She said to her it is not a structure but a mobile anything tied into it should be considered mobile, things such as decking, plants and lighting, etc. would be considered mobile also. Beth asked for clarification on what “location on the ground” is. Jess said a swimming pool is affixed to the ground where as a food truck is not affixed to the ground as long as anchors are not affixed to the ground. Beth agreed it is not a structure. Jess said that because we are setting a precedence any other food truck wanting to come into Cairo would have to follow the same rule as being set for the Pizza Truck.

Ed stated his concern is how the zoning currently reads and how far the structure needs to be back from the center line. Ed said that as the zoning law stands now he is in violation of the law and would need to go to the zoning board of appeals for a variance on the offset. Ray said only if it is a structure would it fall under the center line law but the board needs to vote on whether it is a structure or not. Ed said he would have to think about his answer so Ray moved onto Allen. Joe said as long as it is not anchored to the ground it would not be a structure and Allen agreed. Ray asked for a vote on the Pizza Wagon and other similar food trucks would not be considered structures as long as they remain mobile and not anchored to the ground, they are non-structures. Jess made a motion that this Pizza Truck and all other food trucks in the future will be considered a non-structure and Allen seconded it. All were in favor and the motion passed.

Ray asked for a letter from Tony Patasso giving Mr. Meringolo permission to act on his behalf. Because food trucks are now considered non-structures the 65’ rule does not apply. However, because of the location chosen for the food truck, the SEQR review will also include the code, building departments, state and the county. A site visit would need to be set up between all parties involved. A decision is needed to be made as to whether a short or long form would need to be filled out. Ray suggested to do a long form SEQR and to also do a coordinated review between the town, state and county so that all basis are covered and there are no issues down the road. Ray thought a long form SEQR would be best. Ray

asked for questions or concerns from the board about doing the review. Ed asked the difference between the short and long form SEQR. Ray said the difference in using the long form goes into more depth than the short form on the traffic coming in and out from two different roadways and the smallness of the site are concerns. Ed said he thought the board should take themselves out of the process. Jess clarified to the board there is little to no environmental impact as the building is not the focus, the traffic and safety are more of the issue.

Ed said a driveway permit was needed and Mr. Meringolo provided a letter and survey of the lot. Ray talked to Mr. Stein from DOT and he had concerns and he also was in touch with Mr. Shepard. Mr. Meringolo and Mr. Patasso were asked to fill out the form and to show where the driveways would be. It was also noted there can be parking in the back. There are two separate parcels and the second parcel is not included in the review, only the ¼ acre is. It was noted if the site plan can be adjusted to include the second parcel then it would be considered within the project. The garage itself has not been used in over 30 years and the concerns come with the changes in the area and increased traffic over the last 30 years. Ed felt that nothing had changed in the area. Ray asked for a motion that the applicant fill out a long form SEQR. Ray made a motion the long form be filled out and to have it sent back to be will be distributed to the building department, state and county departments review. Allen seconded it. All were in favor except for Ed. The motion passed.

The question was put forth about whether there should be an engineered site plan or would it be acceptable to use his maps and survey he has supplied. There was an inconsistency between the survey map and another map supplied on the property lines and Ray stated that it is an important difference. Ray asked Mr. Meringolo would need to get Mr. Meringolo would need to get permission from Mr. Patasso to use the driveway in the back. It was noted that the food truck is 20' by 8' in size. The only issues that would need to be addressed are the ones brought up after the on-site review. Ray said there might need to be a traffic pattern study due to safety issues and asked for comments on having a traffic study. Beth made a motion not to have a traffic study and Jess seconded it. Joe said yes, Allen said no, Kevin said yes, Ray said no, Ed said yes, Jess said yes, and Beth said yes. By a vote of five to three the motion was passed not to have a traffic study. Beth was asked to bring the SEQR form to the Greene County Planning Board and that the form be reviewed and either approved or give notes on things to address. It was determined that there should be another public next month that would include the results of the building department, state, county and town planning board reviews. Mr. Meringolo asked to be able to begin to work on the property but not be open for business. The board felt it would be ok for him to begin fixing up the site. Mr. Meringolo stated that his patience has a does have a limit and that the planning board process has so far taken him a year and he is still not approved.

**Margie Juszczak and Bob Malkin** – Tiny House Camp Ground – tax ID#101-02.6.3. Scott Lane is the engineer on the project. A binder contract for purchasing the property was submitted along with the two checks required and a site plan application. Bob gave Scott permission to represent him in case he can't make a meeting. The survey is due within the next couple of days. The property is roughly 24.8 acres and they are looking to put 18 tiny house sites that would be approximately 1,200 to 1,500 square feet per site in size and an area of 60' x 25' mulched area. Each of the tiny houses would be 400 square feet or less in size.

The site will remain as natural as possible. Some of the tiny houses will be on wheels. The only vehicles allowed on the site would be ambulance, trash pickup and fire trucks. Cars would have their own parking lot away from the campground. There would be a golf cart to take people around. There is also negotiation to purchase the house in front of the campground. Ray mentioned that Scott should get in

touch with Dan Benoit to see what might be coming up with the new zoning laws. Because of the impact on the house in the front there is a good possibility they will be purchasing the house. If the house is bought the site plan would change. The board was in agreement that everything looked good so far as long as the emergency vehicles can get into the site if need be.

Scott is looking to do a less intensive site plan for the project. He went over the site plan briefly and explained that the designs will be different for the tiny houses, there will be 4 or 5 examples of what they are proposing when they present to the board again. Scott said they were going to be disturbing less than an acre. He also noted they are going to do a soil sample and will need to do drainage on the property. The survey is due next week and they can then tell how many actual acres there are. There was a question on the site plan about the flood plain and Scott said they are not building in the flood plain.

**Justin Slater** – Slater’s Smart Shop – Justin is looking to remove the signs that are currently out in front and replace it with a sign for his donuts called Dalton’s Donuts. He is actually just swapping out the sign and his colors will be red, white and blue. He has approval to go with the size of the sign as long as he comes back to the board with the design for approval. Joe made a motion to combine the two signs into one and move up the sign. Allen seconded the motion. All were in favor and motion passed. Justin will be at the next planning board monthly meeting, which will be a public hearing, and he will show his new signage for approval.

**James Diresta** – The Gas Station near Hannaford. He brought the letter from Mr. Patasso giving him permission to speak on his behalf and gave it to the board. There is room for him to park his truck, car or motorcycle in the back of the building so he would not be in the way of Mr. Meringolo and the Pizza Truck. James stated he has most of the specifics nailed down with Mr. Patasso on the lease. The contract has not been signed as of yet. Jerry Buckley still needs to get back to James on the cost on the roof. James will be using the building for fabricating his work.

He will also be fixing up the building to be able to work inside. There would be no customers at the site, it is only for his use in fabricating. He also said he would not be using the garage itself. Ray said for James to provide a drawing of where he will be parking. He provided both checks. Ray gave him a less intensive review site plan. He can also apply for no review. Jess said to keep things simple get an agreement to just use the back as to not interfere with the Pizza Wagon. She said that Pizza Wagon would exclusively use the front and James could use the back entrance. James stated he’ll probably have his motorcycle parked inside most days, and would use whatever entrances were approved by County and State Hwy Depts. Ray stated they still had to know what direction he would be entering from. This would again have to include the second parcel.

What the county’s input will be important also on the curb cuts. The curb cuts are there and have been there to allow access to the driveways. Ray said James should also ask the building department if there are any issues with what he is proposing. The next step would be to have a public hearing next month. Ray recommended a short form for the project. Kevin made a motion for a short form and Allen seconded the motion. All were in favor and the motion passed.

Ray gave James a short form to fill out on the environmental impact form and asked that he return it as soon as possible. He also needs to ask for a less intensive review on the form. James provided both checks for the site plan and for the public notice. James did mention there would be no signs. Ray mentioned that James should come to the on-site meeting so he can have his questions answered also. James will be notified when the meeting will be.

**Stephen Wager** -- The Lantern Motel – Route 23B –not in attendance

**Alfredo Martinez** – 4387 Rt 23 Revamping of Bernio's – No changes to the outside of the building just refurbishing the inside for the restaurant. Allen received the site plan, a letter from owner to say it is ok to act on his behalf and the application fee. It was noted that the public hearing was waived.

**Whip-O-will Campgrounds** – The owners have requested additional sites be approved. They have the DOH letter approval. There is a site map with the additional 10 sites. They will have water hook up, electric and sewer. They are tied into an existing sewer system that was approved by the DOH. The new 10 lots would be located at the back of the campground off of Lower Pines Road. It will have the same access as the rest of the campsite. The site plan application was provided and the stamped map from the DOH. He will get the building permits and anything else that may be needed. Ray asked about lighting and he stated there would be no lighting in that area of the campsite. A motion to accept the site plan with a less intensive review and no public hearing or SEQR and Beth seconded. All were in favor and the motion passed. He will send in the \$100 check and the site plan for stamped approval.

**Dunkin Donuts** – Main Street – Review of proposed signs. The site plan was approved with everything except for the signs. They are proposing a sign on top of the building and the other sign would be 13' high. Ray said they would need to be 12' tall. Town law says there can only be one sign on the building which will be no higher than 12'. Currently they said the sign would face the street and the other sign would face Hannaford. They have to decide which one they want. The monument sign would be similar to Dollar General. The size is 22 square foot which is within allowable use. Dunkin Donuts would need to come to the next planning board meeting for sign approval. They need to get the old bank sign taken down and have landscaping for the property. Ray asked that they supply, before the next meeting, what the sign will look like so any issues can be addressed before the next meeting.

The meeting ended at 9:24 pm. Jess made a motion to close the meeting and Allen seconded it. All were in favor. Motion carried.