



**TOWN OF CAIRO PLANNING BOARD**  
**PO Box 728, Cairo, NY 12413**  
**Chairman-Ray Pacifico**  
**Email: [planning@townofcairo.com](mailto:planning@townofcairo.com)**

**Meeting Minutes:** April 7, 2016

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

**Absent:** Mike Villela

Pledge of Allegiance

Ray mentioned that this was Richard Lorenz last meeting and he thanked him for all his years of service.

It was brought up again that there is a vacancy on the board and the board is looking for a new member or members. Ed Forrester brought up the fact that Mike Villela had missed several meeting and Ray stated it was a concern that needed to be addressed.

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

There was a motion that the May 5<sup>th</sup> meeting begin earlier so that interviews could be done. It will also appear in the Catskill Daily Mail. Jessica made a motion to make the meeting earlier and Beth seconded. All were in favor.

### **Public Hearing**

The density issue was addressed again. Ray passed out a description on density. Dan Benoit came back to the planning board and asked how planning board wants to deal with the issue of density going forward. The planning board will put a proposal together and submit it to the town board to the let them know how the planning board plans to move forward. Ed asked how the density was going to work, as it stands now it makes very little sense. Richard brought up the fact that we could not change the zoning laws and we would have to follow them. Ray stated that in doing an interpretation “most towns zoning laws states you look at the whole parcel, no matter if there is wetlands or steep slopes. Let’s say you

have 100 acres and use all the acreage in a 5 acre minimum with 20 potential lots. You would not have to upfront calculate how many acres of wetlands and how many acres steep slope because it doesn't matter, you have 20 potential lots and then you would hire an engineer and do calculate it.

Cairo zoning states to take out steep slopes and wetland and not consider them. So if there were 30 acres the only way to determine that is do all the engineering, everything up front and then if there are 30 acres you would only consider 70 acres in that 5 acres so that's 70 acres divided by 5. That's what needs to be changed. The planning board has several 2 lot subdivisions that have been held up for over 3 months over the density issue. It is important to move forward with density definition so that we can keep things moving. Ray stated that the board would put forth the something like the following below in regards to solving the density issue in Cairo and submit it to the Town Board for review.

*“This letter is in regards to the issue of the density concept. For now, I have an idea of what could be done in the short term involving the density concept. The intent of the law was to prevent over-development. In order to do that, water availability and land percolation capacities were looked at and the hydrologist came up with densities of 5 and 8 acres that were changed to 3 to 5. The belief is you would not have to survey the entire parcel, the following example will give you an idea of what the thinking is.*

*A person has a 100 acre parcel and wants to subdivide off a 6 acre parcel. Let's say for the sake of argument that all 6 acres are buildable – no steep slopes, etc. The density rules require that you calculate density on the entire parcel so that you can allocate density units to the various lots. In essence, the intent is to make sure you don't over-build because the law allows the lots to be as small as health department and DEC regulations allow.”*

On one of the projects in front of the planning board during the meeting is there is a 104 acres and the owner is proposing to take 17 acres to be cut out of the 104 acres. The planning board recommended the engineer look at density of the 17 acres look at density in a 5 acre minimum subdivision zone on County Route 67. Al MacDonald said there are 2 or 3 acres of wetlands and steep slope. So of the 17 acres he is proposing 2 lots - 10 acres, not 3 units, so he is more than covering for any potential wetlands or density. On the 85 acre lot that remains they can only do one lot until they come back to the planning board if they want to cut it into more than one lot. It doesn't go against zoning but an interpretation of the zoning so that something can be done and more forward. If the law was not interpreted this way it would cost hundreds of thousands of dollars of engineering costs upfront to the land owner if it wasn't done this way. This is what Ray, as planning board chairman and Robert in zoning is recommending to Dan Benoit and Tal that it wouldn't go against the zoning but be workable going forward. Pete makes motion Jessica seconds all were in favor except Ed Forrester.

Ray moved on with the meeting stating the next subject for discussion was the moratorium on the use of solar farms on private property. Many of the solar retail companies in the area have been calling folks and sending letters about leasing their land to their company in return for x amount of dollars and Both he and Robert Fritze in zoning have received numerous calls in regards to people wanting to lease to the different solar companies out there. There is nothing in the current zoning law on solar farms. Ray suggested to Dan to bring up to the next town board meeting for the Town Board to put a moratorium on solar farms in Cairo until we can address the solar farm issue. People may get \$900 a month lease coming in from the solar farm but the implications on a marketing end of tying up their property for 20 years. This has the possibility of negatively affecting the land and surrounding areas. Catskill and Greenville also have a moratorium on solar farms for right now. There will be a public hearing at the next town board meeting in May.

**Al Macdonald** from Santos Associates Engineering representing Nicholas Glaviano and Doris Monahan was not in attendance. No one was in attendance for this project so it will be kept open for now.

**Anna Parra Subdivision** is to remain open until next month.

**Bear's Rest/ Paul Rappyea Subdivision** – The property is located on 311 Bogardus Road, and is 52.3 acres. Paul spoke about the project to the board. Basically it is a simple two lot subdivision. There is no intent for building, roads, etc. It's a flag lot. The pole will be 75' feet which is well above what is required. It is about 1,300 feet out to the bulk of the land which is about 39 acres. The property he is retaining is that 15 acres and that will have 172' of road frontage. Lot 2 is the one he is selling is not being approved as a building lot. Lot 1 is the lot he is retaining and is not being approved as a building lot. He is living on lot 1A right now. The public hearing was left open.

14.) **Bill Metzler** – He presented a site plan application to the public and planning board for his proposed project at Route 23 and Vernal Butler. Mr. Metzler would like to put a double wide motor home on the property that his son owns and lives on. It would be in his son's name and will remain in his name. Mr. Metzler will be recalled after the public meeting is closed.

**Public hearings were concluded.**

### **Open Business**

**Al Macdonald** from Santos Associates Engineering representing Nicholas Glaviano and Doris Monahan was not in attendance. No one was in attendance for this project.

**Anna Parra Subdivision** – No one was in attendance for this project.

**Bear's Rest/ Paul Rappyea Subdivision** – Maps of the proposal were passed out for review. Paul mentioned that Lot 1 and Lot 1A will be combined for tax purposes. Ray asked if there were any questions on the maps or what was being proposed. Both lots have the required frontage. Because there is no intent to build there are no well or septic requirements. There was no impact on material conflict with adopted land use, change intensity of land, impair character or quality of community, adverse change to existing level of traffic, increase use of energy, impact public or private water supplies, affect character quality of important historical archeological lands, affect wetlands or the environment, affect health and welfare of the community. All answers were no impact there by creating a negative declaration. Jessica made a motion to accept negative declaration on the property Alan seconded it. All were in favor.

A motion was made to close the public hearing by Richard and Pete second it All were in favor, the public hearing was closed.

Approval of Paul Rappeyea Subdivision proposal, Jessica made a motion to approve and Beth seconded. All were in favor except Ed Forrester who abstained.

Ray told Paul he needed a Mylar from the surveyor and Paul also needs to have it sent to Greene County Court House and he has 30 days to file it. One Mylar and 2 copies for the clerk and 2 copies for the Cairo Planning Board. Ray signed all the appropriate papers for Paul to move forward with his project.

**Mr. Metzler** – In checking with Tal, Dan and Robert in zoning, it is first to be considered it as residential and not commercial to use the density table. Ray reviewed all the zoning restrictions and/or property options to Mr. Metzler. As long as sewer and water can fit on the lot the bard can move forward with the proposal. The only stipulation in zoning is that the new building is a double wide and not a single wide. No site plan review as it is residential. The planning board would require SEQER however. Ray asked for any questions or concerns from the board. There were no questions or concerns. Mr. Metzler filled out the SEQER form.

**Slaters Storage** – Ray recused himself. Site plan review - mixed use site plan retail and storage. The building is currently being used as retail and storage. A motion was made to waive the public hearing Beth Ed seconded. All were in favor. A motion was made to waive the site plan review for Slaters. Ed made the motion to waive the site plan and it was seconded by Jessica. All were in favor. Ray rejoined the meeting.

**Fitness For Life** – The Freeman's stated that the Long Live Fitness was not going into the building on their property so they decided to do their own. There are six structures on the property. The building they are looking at is a structure with a wide open multi-purpose room is in the current. Ray stated that because it was already being used as Motel/Apartment which is allowable use for accessory use for a Hotel/Motel in zoning there is no impact on health and safety as long as there is a super majority we can do SEQER on the property. Ed made a motion to waive public hearing Jessica seconded all were in favor, Rich abstained. Ed made a motion to waive site plan review. Jessica seconded. All were in favor, Richard abstained.

**Mr. Metzler** returned to the planning board with the SEQER form filled out and submitted. There was no impact on material conflict with adopted land use, change intensity of land, impair character or quality of community, adverse change to existing level of traffic, increase use of energy, impact public or private water supplies, affect character quality of important historical archeological lands, affect wetlands or the environment, affect health and welfare of the community. All answers were no impact there by creating a negative declaration. Mr. Metzler will however need to get proper approval for the water and septic. Motion was made by Alan on the negative declaration. Richard seconded. Richard made a motion to close the public hearing. Jessica seconded on closing the public hearing. A letter will be sent to the building and code department on this matter.

**Cornell Cooperative Extension** not present.

**Virginia Brandow** – Came before the board in regards having approval to sell merchandise on 501 Main Street. That is the sole use of the property. Signage has not been determined as of yet. If a sign is wanted then she would have to come back to the planning board for approval. The board did not approve a sign. Ray stated a super majority agreed to waive the site plan review due to the fact that nothing has changed. Pete motion to waive the site plan review and Richard seconded. All were in favor.

**Master Units Retreats** – Ray stated he pulled the old file that was approved in February 2013. Originally they were going to do a two story dormitory with a program hall where the old chicken coop is. The farm house will be a guest sleeping space as well as a single family combined for the caretaker and his family, and the garage-barn will become a dining hall/commercial kitchen and a classroom space upstairs. Ray stated that part of that plan #7 states that the 2 story main house would be used for housing for the sites director and additional guest sleeping spaces. The proposal is in more detail provided drawings submitted by Kaaterskill.

The main house was approved for guests of the residents. In speaking with Mike Bliss he stated that it would be used as a bed and breakfast. It was noted that it would not function as one but it would be classified as such to be able to get the plans through Stacy in Code Enforcement. The board noted that their understanding was that there would not be a charge to those staying at the main house. The intended use has not changed from the original approval. Jessica clarified that they would not be advertising to the public but to their private members not to generate additional income from the public. Members or folks that they are advertising to from the public. They are not advertising as a bed and breakfast. There was a problem for the water and sewer and they have since received their DEC approval but still waiting for the DOH. For commercial purposes nothing has changed. Ray noted that things have changed as we now have zoning. Ray suggested in the new zoning they are a RR2 requires a special use permit for this use. He noted that it was initially approved as one commercial project. Because they have to call the building something, using the Bed and Breakfast was a way to pass through code. Ray stated #7 was approved for a private residence not for a Bed and Breakfast. At very least, they need a special use permit. Jessica brought up that it should be tabled and be put before the Tal, who is the town attorney, that there needs to be clarity on #7. Jessica made a motion to table project until next month pending some legal advice and clarification on the qualification of B&B. Richard Seconded it. All were in favor.

**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. They will be on the agenda for next month once the preliminary survey is done. Ed will follow up if there is any other problems they need to be aware of.

**Nolan Propane** – It was stated that Nolan has not followed the site plan which was approved by the planning board. Dan did speak with the lawyer for Nolan, Biscone and the lawyer stated it was done because people were coming on site and for safety. Dan stated that they should have come back to the planning board with the issue for approval. They were the experts they didn't need an outside person, Nolan knew everything. They knew the risk of putting the fence too close to the road. The planning board would like for Nolan Propane to go back to the original site plan that was approved. It was also noted that trees were supposed to be planted to cover the fencing and where the current fence is there is no room to do that. Stacy in code is not giving the building permit for now. Jessica made a motion Stacy should be enforcing the site plan approval and if they want to make modifications they would have to come back to the planning board. A letter will be made to Stacy to have them follow the original site plan and if they want to change they have to come back to the planning board.

Motion to adjourn the meeting. Jessica Dillon made a motion seconded by Richard Lorenz. Motion carried.

The meeting was adjourned at 9:45 pm.  
Respectfully submitted,  
Sherry B. True