



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

**Meeting Minutes: October 4, 2018**

**Members Present:** Joe Hasenkopf, Allen Veverka, Ed Forrester, Kevin Hicks and Stacey Poulsen

**Absent:** Elizabeth Hansen

**Pledge of Allegiance**

**Approval of Meeting Minutes for September 6, 2018**

The first order of business was to review and approve the September 6, 2018, meeting minutes. A motion was made to approve the minutes with minor revisions by Allen, seconded by Kevin, all were in favor, and the minutes were approved for the record.

**Public Hearings**

**1) 2018-0801 – Lampost Motel – Lakshmi/Garvin – 861 Route 145 – Site Plan Application**

Mr. Garvin was present and presented his plan to the public for refurbishing and operating the Lampost Motel, formerly Stacks Motel. He stated that he and his wife purchased the Lampost Motel from Mike Stacks in November of 2017 just prior to his death. Rich stated that there were no current violations, an existing health department permit negotiated through 2019 and that the establishment was and is in full operation. Furthermore, several local businesses will attest to the fact that the Lamppost Motel has been open and operating and has been so for the last 40 years. It is frequented by guests during Irish Arts Week and many other local events.

**2) 2018-0802 – Kusminsky/Hoffman, Gary Harvey – Horseneck Road – 2-Lot Subdivision**

Gary Harvey presented the site plan for a 2-lot subdivision of property located on Horseneck Road for Bob Hoffman and Sue Kusminsky. The plans show two existing 2 parcels, one approximately 4 acres and the other 21 acres. He explained that basically the plan was to reconfigure property line. The results of the subdivision will be a 3.1-acre parcel with an existing home and garage and a 22-acre lot of vacant property. Someone from the public asked if there were plans on building on the 22-acre parcel, and Gary stated there were no plans for building at this time.

**3) 2018-0903 – David Osborn -4422 Rt 23 – Steel Building**

David Osborn addressed the public and discussed his intentions for placing a steel building on his property for the purposes of storage. (Mr. Osborn was running late, and his presentation was later in the evening.)

**Business:**

**1) 2018-0904 - Patricia Schneider – PlayZone – Proposed Addition**

Patricia Schneider presented her plans for an addition to her current PlayZone building project to provide space for party rooms which is to be located on the backside of the building currently under construction. Patricia had received approval for the previous plans but had not planned for an addition at that time. The applicant paid a fee previously for \$100, and the Chairman instructed she needed to pay another \$100 – she said she would stop by and drop off a check the next day.

A motion was made by Kevin and seconded by Allen to waive the public hearing, all were in favor and the public hearing was waived. A motion was made to approve the addition by Kevin and seconded by Stacey, all were in favor and the site plan was approved.

**2) 2018-0801 – Lampost – Lakshmi/Garvin – 861 Route 145 – Site Plan Application**

Mr. Garvin reappeared before the Board and said that none of the existing structures on the property would be changing, only refurbishment of the interiors of the units. Rich said he would be closing the bar but continue to operate the motel as it always has been in the past.

The Chairman reminded Mr. Garvin that the current law allows for no more than a 21-day stay by actual tourists. Mr. Garvin inquired if that law applied to everyone, couldn't he have been grandfathered in, or was this requirement a result of the new zoning law. Joe indicated to Rich that that has been the law for as long as he can remember and that its always been the local law. Mr. Garvin said obviously it is not enforced, and that was not the way this business was run and what other similar businesses have done. The Chairman said that he must put that condition down on the approval letter for the project.

The Planning Board members reviewed and discussed Mr. Garvin's plans for the Lampost. A motion was made to close the public hearing by Kevin, seconded by Stacey, all were in favor and the public hearing was closed. A motion was made to approve the project by Allen, seconded by Kevin, all were in favor and the site plan was approved subject to the 21-day requirement.

**3) 2018-0802 – Kusminsky/Hoffman, Gary Harvey – Horseneck Road – 2-lot subdivision**

Gary Harvey presented his maps for review by the Planning Board for the 2 lots over on Horseneck Road proposing the reconfiguration of the lot line. He demonstrated on the map the front 4-acre lot and the current 21-acre lot in the back of vacant property, sort of flipping it around, and the lot will be accessible from either side. It was determined that all existing setbacks were met. There were no other questions or concerns.

A motion was made to close the public hearing by Kevin, seconded by Stacey, all were in favor and the public hearing was closed. A motion was made by Allen to approve the project, seconded by Kevin, all were in favor and the subdivision was approved.

**4) 2018-0901 – DiDomenico – 295 Joseph Chadderdon Rd. - 4-lot subdivision – Esslie**

Mike Esslie approached the Planning Board members as the representative for DiDomenico and discussed the proposed 4-lot subdivision. He produced maps for review by the members and stated they would be chopping the original parcel into 3 pieces. After the proposed subdivision, parcels 2 and 3 would contain existing houses and parcels one and 4 remain vacant land. The Chairman inquired what the distances from the property line to satisfy setbacks which need to be indicated on the maps as well as the depiction of the location of the wells and septs. The Chairman indicated that the fees would total \$300.00 for a four-lot subdivision, noting that the applicant had paid \$175 already. Mr. Esslie indicated to the PB there were a lot of people who border this land. The Chairman asked if there were any neighboring houses to the property and if so, they also need to be on his maps. In addition, he asked that it be noted on the map that parcels one and four will not be building lots at this time. No other questions or concerns were brought. Joe indicated to Mr. Esslie that the PB would set the public hearing for next month – he instructed he will need 3 maps and one mylar, which the applicant would need to file.

**5) 2018-0902 – Puorro – Doman Road – 2-lot subdivision – Santo**

No one appeared for Puorro.

**6) 2018-0101 - Grandview Solar – 3-775 Main Street – Site Plan Review**

John Reagan from Cypress Creek was in attendance and Jim, his land surveyor associate. John discussed that since the last meeting they had the surveyors doing some work and their engineers have been doing some thinking. Their conclusion was they have some additional work to do. John brought a couple of exhibits and passed them out. One of the items at issue was the location of the well and the uncertainty of that on Michelle Hale's property. Jim spoke to that issue stating that the well in question was on Hale's property. Jim's research of the deed determined that it calls for the property line to be 10 feet from the well house, so hopefully that issue should be put to rest. The driveway was the next issue, Jim explained from the survey work there was an ambiguity of the exact location of the property. He discussed Monti Drive as a town road and there are questions about the location of the right-of-way and the width of Monti Drive. They contacted the Town, NYC DEP, and after a lot of digging it seems that there's a gap from the road and the property line which is owned by the Pacificos, potentially preventing access from Monti Drive to the parcel. Therefore, upon further examination they found it would make more sense to find another entrance. Indicated the company would look at that unless the issue with the right-of-way with Pacifico could be resolved. Chairman spoke up and said he wasn't interested in getting involved in ambiguities, as there is a potential to cause problems.

John indicated that on a more positive note, the engineer's site layout, comments from the public hearing, they have moved to usage of higher wattage panels which comes at a higher cost. The good news is they will use less panels causing a smaller footprint, less disturbance. This would reduce tree clearing by almost half which would be a good positive turn for the project.

The discussion turned to what would be visible from Main Street if the entrance to the project was located there. The Chairman suggested that perhaps when entering from Main Street they should try not to go straight with the road, but rather go up and loop around, put a bend in it so you don't look straight up the driveway. Stream crossings were another issue they would have to address from the second possible entrance off Main, which would require permitting, etc.

Michelle Hale was present and asked if they do end up coming up Monti Drive, is there a distance that the driveway would have to be from her well. Joe indicated that driveways can go directly on the property line. After further review of the site plan map, it was determined that the road would be 100+ feet away from the subject well – and likely using that entrance would be slim due to discussed ambiguity with the right-of-way of Monti Drive and the proposed property. In addition, John indicated that when the surveyors staked out the property they flagged where the panels will be located so you can go out and see if you can see yellow flagging – he told Michelle he would send her a picture via email of what it will look like. Michelle asked if the Town was against the project going in off the Main Street entrance. Chairman stated he was not opposed. Stacey stated she was somewhat opposed to it – but that she wasn't opposed if the project was not visible from Main Street. It was discussed that it would be back in the woods, so should not be visible from Main Street. Michelle also raised a question about the trucks utilizing Monti Drive due to its narrow size, seldom two cars cannot fit on it side by side.

Ed spoke up regarding the issue about the current zoning of the subject property. He said the Supervisor stated that the property should all be zoned as one zone, and suggested this issue may need to be heard by the Zoning Board of Appeals. The Chairman said the company is applying for a special use permit anyway and that he thought they were good whether they do it or not.

The Chairman asked if they wanted to address any other questions from John Valachovic from Kaaterskill Engineering. Joe asked John Reagan to let the PB know if they wanted John from Kaaterskill to continue to attend the meetings. Joe asked John Valachovic how much more money would be necessary to continue review of the project. John answered that it would largely depend on how many more meetings he would have to attend. He said at this point they were just finishing up the last of the escrow. Chairman also pointed out that it depends on how much things change. The discussion settled on Cypress Creek providing another \$2k in escrow, and that whatever funds went unused would be returned to them.

John Reagan indicated it would be unlikely they would have a submittal to the PB for the November meeting and asked to adjourn until December. It was decided due to the amount of engineering work that still needed to be done they would not be ready until December.

**5) 2018-0903 – David Osborn - 4422 Rt 23 – Steel Building**

The Chairman called upon David Osborn and asked him to do his public hearing. David explained he was putting up a metal building on the property located just above where the former Bernio's steakhouse was and intends to use it for storage, and that there would be no business conducted on the property. One person asked what his business was, and David indicated that he provided inflatable bounce houses, and would be storing trailers, etc.

David discussed that one of the concerns from code enforcement was that the building diagrams were done by a company in Canada and may not meet requirements, however engineers went over the plans and everything complied.

Chairman indicated to Mr. Osborn that the last time he was in front of the Board he was asked to bring site plans showing where the building will be located on the subject property. Joe explained that to approve his proposal he would need actual drawings with the building on it showing the distances, etc. Joe explained that they require a site plan with a survey map showing where the setbacks are and that the PB must hold everybody to the same standard.

Mr. Osborn discussed there had been a concern that the building was not 150 feet off the road but that he had measured the building location to be 156 feet from the center of the road, 140 feet from the edge of the road. Joe indicated that the front setback must be 65 from center of roadway.

David Osborn indicated to the planning board that he is anxious to erect his steel building due to the impending winter season and was hoping not to wait another month for approval. The Chairman proposed to give an approval contingent on the forthcoming maps. The Chairman asked Mr. Osborn to get the map drawn up by a surveyor so it's all copacetic and that he needed an actual engineer/surveyor stamped map to approve. Joe went on to say he could not stamp the map David had brought, once changes are made on it, it renders it invalid.

A motion was made to close the public hearing by Kevin, seconded by Ed, all were in favor and the public hearing was closed. A motion was made by Allen and seconded by Ed to approve the project contingent upon forthcoming surveys of the property and the proposed structure.

It was discussed that he presented checks to building department and they would not accept them. Chairman said that building cannot accept his application until the Planning Board approval.

**6) 2018-0304 – Petulla – 25 Bowery Creek Road – Single Family Home**

Mr. Petulla appeared before the Planning Board and apologized for his demeanor during the previous meeting. He discussed his intentions have changed from building a single-family home to building a four-family (32 x 60) building, by constructing four (4) one-bedroom apartments. He asked what he needed to have on his map to finalize everything that he must do. Joe wrote on the map exactly what was required on the survey, topographical lines to show elevations to determine whether septic is higher or lower than the other houses and the creek, etc. Discussion continued regarding the leach field, and the requirement to be 100 feet away from the nearby creek. Mr. Petulla stated it the subject property was a 400-year flood zone and that from his point of view there was plenty of room to place the septic lines in the location he proposes. Some of the neighbors present asked if they could do a site visit.

**Other Business**

**1) 2018-0704 - Suttmeier – Lot-line adjustment –**

Mr. Suttmeier appeared before the Planning Board with his plans for a lot line adjustment to realign to allow for an existing barn sitting on his neighbor's property.

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A motion was made by Allen to waive the public hearing, seconded by Kevin. A motion to approve the plan was made by Allen and seconded by Ed, all were in favor and the site plan for the lot-line adjustment was approved.

#### 2) **2010-1001 - Blue Shamrock Realty, Richard Whitbeck**

Mr. Whitbeck and his realtor/tenant appeared before the planning board with a site plan to open a realty office on Mountain Avenue just off Main Street and had a sign to present for approval as well. Richard discussed that he did not believe that he would need a public hearing, as the usage of the property was not changing. It was determined that they would return the following month after submitting their plan to the Zoning officer for approval first.

A motion to adjourn the meeting was made by Allen and seconded by Stacey, all were in favor and the meeting was adjourned.

Respectfully submitted, *Diane*

Diane M. Newkirk ~ Planning Board Secretary