



## **TOWN OF CAIRO PLANNING BOARD**

**PO Box 728, Cairo, NY 12413**

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### **Meeting Minutes**

**October 3, 2019**

**Members Present:** Joseph Hasenkopf, Allen Veverka, Ed Forrester, Beth Hansen, Kevin Hicks and Stacey Poulsen (Alternate)

**Members Absent:**

**Pledge of Allegiance:**

**September 5, 2019, Meeting Minutes:**

The Planning Board members reviewed the draft meeting minutes for the September 5, 2019, meeting. Kevin stated he believed that Allen had recused himself on #6, the Arp Subdivision. The Chairman indicated to change the minutes to reflect Allen's recusal on that matter. Kevin Hicks made a motion to approve the September 5, 2019, minutes with the noted change. Elizabeth seconded the motion, all were in favor and the September 5, 2019, meeting minutes were approved.

**Public Hearings:**

- 1) **2019-0902 – Puorro/Santo – 3-lot Subdivision – 615 Doman Road, Freehold, (Tax Map #66.00-3-65 & 66.00-3-66)**

Al MacDonald in representing Joseph Puorro and Paul Backis and stated they were basically doing a land swap to create a clearance to meet building code for the house Mr. Puorro built there. Lot 4A of 0.405 acres will be combined with Lot 4B of 4.137 acres and Lot 3A of 0.405 acres will be combined with Lot 3B which is 4.315 acres. No new lots are being created.

2) **2019-0901 – Arp/Holtz – 2-lot subdivision – Sandy Plains Road, Cairo, (Tax Map #85.00-4-31)**

Chuck Holtz is representing Jason Arp who is seeking to subdivide a 16-acre parcel by taking a 2-acre parcel out of the bottom. The existing house will be on the 2-acre lot and the remaining 14-acres will be a vacant lot.

Allen Veverka recused himself from the matter and asked if the drawing shows where the septic system was. Mr. Holtz indicated that it did, that it was on the side of the house behind the shed. Mr. Veverka asked if it was marked out where it was demonstrated what the measurements were from the pond. Mr. Holtz indicated that he measured the distance based upon the homeowner's description of the location of the septic. Mr. Veverka indicated that the public should know what that distance is as he stated that the pond wasn't existing. Allen went on further to say that he had done a job in Catskill and that the Catskill Planning Board made him dig up the existing septic system to find out its location, so that he didn't know why you wouldn't do that in the Town of Cairo. Mr. Holtz indicated that by digging up the septic field you would basically ruin it.

The second issue Allen had was with the division of the pond in half. If the septic system proved to be too close to the pond, there would be a possible liability. Allen indicated he believed it would be more beneficial for the pond to be on the piece of property where the existing septic is.

The third issue Allen brought was his concern with no reserve area for the septic system since it is likely to fail due to its age. Being that the existing system is older and likely to fail and near the pond that the drawing should indicate a reserve area.

The fourth issue Allen had was with the well location on the property on the left, as "we don't know where the well is going to be in relation to the septic."

The fifth issue Allen brought up was that we need to see a permit from the Greene County Highway Department showing that the driveway that is there was approved. Allen demonstrated that the driveway was not existing on the map approved by the Town of Cairo previously which showed no driveway on that piece of property. Allen stated that the applicant put the driveway there afterwards as well as digging the pond.

Allen also indicated that if the vacant lot was going to be a building lot, it should show the proposed septic system. Mr. Holtz indicated that it's not being approved as a buildable lot at this time.

Allen concluded by saying that he would ask the Board that until everything is located on the map with measurements, do not approve this or close the public hearing until that's all done and the Board has a chance and the public has a chance to look at it and make sure everything is correct.

The Chairman asked if anyone else had any questions or concerns, and no one else spoke up.

3) **2018-0903 – Waldron – 2-lot Subdivision – Sandy Plains Road – Holtz , Cairo, (Tax Map #67.00-5-7.1)**

Chuck Holtz in representing Jeffrey Waldron and explained the applicant seeks to subdivide property at the corner of Schoharie Turnpike and Sandy Plains Road. The parcel is 50 acres and it lies on both sides of Sandy Plains Road. The subdivision would split the parcel right down the road leaving an 18-acre parcel on one side and a 34-acre parcel on the other side.

The Chairman asked if anyone had any questions or concerns, and there were none brought. He indicated to Mr. Holtz that he would call him back up in a few minutes.

**Business:**

1) **2019-0902 – Puorro/Santo – 3-lot Subdivision – 615 Doman Road, Freehold, (Tax Map #66.00-3-65 & 66.00-3-66)**

Al MacDonald met with the Planning Board and indicated that this was a subdivision which may or may not have been approved in 2009. The Chairman said that he thought we all had established that it had not been approved in 2009. A question arose with regard to the notation "as per owner" and Mr. MacDonald indicated that the reason surveyors annotate the map with "as per owner" is that if they cannot visually see the septic system, then they can't really certify it as to its location. If "as per owner" were not stated, we would become professionally liable for its location. Stacey also asked about the well and Mr. MacDonald said that the Mr. Puorro's well was on the other parcel also and that was part of the reason why they were moving the line for the subdivision. It was discussed that it makes sense when you build the house too close to the property line and put the well on someone else's property as this would cause issues when going to sell the parcel. Mr. MacDonald said they were just basically going thru the motions so he can file the map, as the house has been built for several years – and this was a lot line adjustment of two previously approved building lots. The Chairman asked for a motion to close the public hearing. Kevin made a motion to close the public hearing, Allen seconded it, all were in favor and the subdivision was approved.

2) **2018-0903 – Waldron – 2-lot Subdivision – Sandy Plains Road – Holtz , Cairo, (Tax Map #67.00-5-7.1)**

Chuck Holtz met with the Planning Board Members regarding the proposed 2-lot subdivision for Jeffrey Waldron. Mr. Holtz indicated that the maps had been approved previously but that they were not able to file the maps because the taxes had not been paid. Mr. Waldron doesn't want to wait any longer for the taxes to be paid by Mr. Pooter. There is only one new line added from the previously approved map. There is an existing barn and a couple of sheds which were built on the adjacent owner's property so the lot line revision will correct the situation. The Chairman asked the planning board members if they had any questions or concerns and none were brought. Kevin made a motion to close the public hearing, seconded by Elizabeth, all were in favor and the public hearing was closed. Kevin made a motion to approve the subdivision, seconded by Allen, all were in favor and the subdivision was approved.

3) **2019-0901 – Arp/Holtz – 2-lot subdivision – Sandy Plains Road, Cairo, (Tax Map #85.00-4-31)**

Chuck Holtz met with the Planning Board Members regarding the proposed 2-lot subdivision for Jason Arp. The Chairman asked what a repudiated septic meant on the drawing. Mr. Holtz stated that just like Al MacDonald's situation, It's basically the same thing. Someone told him the septic was in that location; you would have to dig it up in order to verify the location, which would essentially destroy the system. Mr. Veverka spoke up and said that this wasn't the case, that they have had Santos dig them up and point the corners out. Mr. Holtz asked Mr. Veverka if he was recusing himself and asked him to sit among the public. Mr. Veverka asked if the public hearing was still open and the Chairman confirmed it was. Mr. Veverka stated that it wasn't correct that digging up the septic system would destroy it. He said it is called a pickaxe and a shovel and that they had Santos do it on a couple of houses on a couple of sites. Mr. Veverka continued to say that since we don't know exactly where its located and it is within the limits of the stream and basically the pond, he felt it was very important that it be found. Mr. Veverka stated that because the pond was put in after the septic, as it wasn't there when he owned the property, Mr. Arp built the pond after he purchased the property. Mr. Holtz mentioned there was some friction between Mr. Veverka and Jason and Mr. Veverka indicated that that wasn't true and that this was the law that we needed to follow. Ed asked why they were not extending the property line back another 100 feet. Mr. Holtz explained that his client wanted a 2-acre lot which is what was required by code and that was where the line turned out to be. Ed continued to state that they are dividing the pond in half thereby it lies on both properties and there was a possible septic violation with the pond. Mr. Holtz stated that it was an existing septic. It was discussed that the pond was put in afterwards, but the

exact time was not determined. Ed's concern was there is the possibility of the pond getting polluted and putting a liability on two property owners rather than one property owner. He suggested the client make the 2-acre lot a 3-acre lot to keep the pond on one lot. Mr. Holtz indicated that the client wanted to put part of the pond on the other property as well and that it was his choice as he owned the property. A discussion ensued whether the code requirements were being met. Mr. Veverka said that it didn't meet the code, that Mr. Arp put in a pond without a permit, knowing there was an existing septic and built the pond too close to the septic and that Mr. Holtz is suggesting that just because it is existing it should be approved.

Ed brought up the question of whether the County had approved the driveway. Mr. Holtz indicated that both driveways were already existing. Mr. Veverka indicated that they don't exist. Ed agreed stating that there is a brand-new driveway he witnessed when he was over there recently. Mr. Veverka brought out his subdivision map from the period when the subdivision was approved by the Town of Cairo and demonstrated there was no driveway at that time.

The Chairman went around the table and asked each member if they had any questions or concerns. Elizabeth indicated that she thought it would be nice to know where the septic really is. Stacey brought up that it raises some concerns because if the septic is not where its purported to be, it would be a problem. Mr. Holtz reiterated that his client informed him that it is right off the side of the house behind the shed. Mr. Veverka asked if it was within 200 feet of the pond. Mr. Holtz said he had measured it out and it was about 80 feet or so from the pond. He continued to say that it could be another 20 feet back, but he didn't know. Mr. Veverka reiterated that the septic still needs to be 200 feet away from the pond. Mr. Veverka went on to question Mr. Holtz if there were wetlands, was Mr. Arp digging in wetlands? Mr. Holtz indicated that nothing had arisen during the parcel review that he recalled indicating wetlands on the property – and that just because there was a pond did not mean that it was necessarily wetlands.

It was agreed upon by Elizabeth and Stacey that they need to know where the septic is. The Chairman said that his main concern is that they are making the lot smaller which affects the setbacks and would possibly present an issue with building and well and septic placement. He went on to say in comparison to Mr. Holtz's other project where they were making the lots bigger the concern didn't exist. The concern would be if the owner sold the lot and they try to put something in they could potentially have a contaminated well.

Mr. Veverka stated that the well and septic were put in back in the 50s, so it may very well fail anytime soon. The Chairman asked Kevin if he had any concerns besides the location

of the septic. Kevin suggested that they alleviate any future problems by moving the property line so that the pond is encompassed on one property.

Mr. Veverka spoke up and said he thought it was important to have a reserve area for the septic in case the old septic system fails. Stacey asked why the pond was allowed if it was too close to the septic. The Chairman indicated that he didn't know the exact size of the pond, but if it was below an acre as a rule you can just build it. He continued to say that he probably just put a pond in without getting any permitting – and the only reason he was assuming that was because he doesn't have the proper permitting for the house that is there. Mr. Holtz said he wasn't exactly sure how big the pond was because he had not done the calculations.

A discussion commenced regarding the proper distance the septic should be from the pond – 100 feet if the pond is higher than the septic, or 200 feet if the pond was lower than the septic field. It was suggested that topography would be needed on the drawing. Mr. Veverka stated that it wasn't the Town's responsibility of liability with what Mr. Arp wants to do there, it's the Town's responsibility to make it correct. The Chairman made a list to make things easier for everybody. The suggestion to move the lot line over was discussed and Mr. Holtz said he wouldn't be able to move the lot line to the suggested location as there was a 150' frontage requirement. Another option touched upon would be to build a cul-de-sac which would only require 50' of frontage.

**4) 2019-0803 – Living Stone Pavilion – Houston – 115 Fox Fire Road, Round Top (Tax Map #135.00-2-8.11)**

Scott Lane was present along with the applicants Jack and Heather to discuss the plans for the Living Stone Pavilion and their wish to apply for a special use permit for the pavilion. He stated that they also seek to subdivide into three parcels on Winter Clove Road currently a 38-acre parcel. The pavilion would hold 75 occupants maximum and would be used for small parties, weddings and other gatherings. The big lot would be 26 acres, the house would be on the second lot, and the third lot would be a vacant lot. The pavilion would be on the southernmost lot which is 5.5 acres. It was described as a nice natural area, wooded with nice trails and a stream and a waterfall. The lighting for the project along with parking and other design plans were discussed. The Chairman inquired if we had received a letter from the Zoning Officer regarding the subdivision, and I informed Joe that we had not as Robert had not yet received a proposed subdivision map. Scott indicated that he wasn't sure if Gary Harvey, the surveyor, would have everything ready for next month's meeting as he takes a little longer. It was determined they would have one public hearing for both the pavilion and the subdivision at the same time therefore they would not be setting the

public hearing at this time until possibly December assuming all was ready at that time but that they would return to next month's meeting possibly to further discuss details.

5) **2019-0904 – Tiny House Expansion – BMPP, LLC/Juszczak – 2754 Rt. 23B, S. Cairo (Tax Map #101.00-2-63)**

No one appeared for this project.

6) **2018-0203 – Cairo NY 1, LLC – Community Solar Project – CEO DEV – Amendment to Approved Solar Facility – Shanahan – 258 County Route 23 (Old Route 20) Tax Map ID #83.03-3-1.12.**

Joe Shanahan was present to discuss the amendment to the approved solar facility located along Route 23 (Old Route 20). He indicated that the landowner proposed they move the access road to his adjacent parcel which makes better sense for the project. In addition, Mr. Shanahan indicated that our approval letter did not specifically state that they were approved for the Special Use Permit and that he needed something in writing stating that their approval included the SUP. The Chairman explained that the site plan approval letter states that the site plan was approved which encompasses the Special Use Permit. Mr. Shanahan proposed that the approval letter be amended, or perhaps he could just have a copy of the Minutes from this meeting stating that they had indeed been approved for the SUP. The change of the access road, it was decided, would entail having another Public Hearing since it would lie on an altogether different parcel and different adjacent landowners would need to be notified. Proof of easement would also be needed. An additional fee of \$2000 along with a \$30.00 check would be needed should they decide to go ahead with the change. The Chairman instructed Mr. Shanahan to send the fees in a week if the company decided to proceed with the amendment.

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

Respectfully Submitted,

*Diane Newkirk*

Planning Board Secretary