

**Town of Kinderhook
Planning Board Meeting
February 21, 2013**

Approved

Minutes

The Meeting of the Town of Kinderhook Planning Board was held on Thursday, February 21, 2013 beginning at 7:03pm at the Kinderhook Town Hall, 4 Church Street, Niverville, NY. The meeting was called to order by the Chairwoman, Mary Keegan-Cavagnaro. The Roll was taken by the Secretary.

A. Roll Call

Present:

Mary Keegan-Cavagnaro, Chairwoman
Paul Freeman, Attorney
Patrick Prendergast, Engineer
Peter Haemmerlein
Guy Rivenburgh
William Butcher
Dale Berlin
Jake Samascott
Nataly Dee, Secretary

Excused:

Chris Simonsen
Cheryl Gilbert
Daniel Weiller

Absent:

None

B. Correspondence

1. Review of Minutes:

January 10, 2013: Workshop
January 17, 2013: Meeting

A motion to approve the above mentioned minutes was made by Mr. Berlin. Motion seconded by Mr. Rivenburgh. All in favor. Motion passed; minutes approved.

C. Public Hearings

1. 7:05 pm - James Egnasher – 1082 County Route 25, Kinderhook – Subdivision/Lot Line Adjustment:

The Public Hearing was opened by the Chairwoman. The Notice as it appeared in the newspaper of record was read by the Secretary.

Mr. VanAlstyne addressed the Board and plans were distributed. He reviewed details about the project stating the acreage of the parcels and adjustments, noting the adjoining lands are owned by Forest Birch. He stated that it is a fairly straightforward lot line adjustment. After the Public Hearing was set last month, the County Highway Department was consulted regarding entrance permits. The Highway Superintendent informed the applicant that 24' of road frontage was required for access, where only 20' had been proposed on the plans. The addition of a culvert was proposed, however, the applicant wasn't preferred to have a farm access only permit so that a culvert would not need to be put in. It was noted that a farm only access does not require a permit. It was suggested that the applicant increase the width of the frontage to 30', what the County would require, just in case some time in the future the owners decided to put a culvert in they would not have to re-apply to the County and re-appear before the Board. Mr. Prendergast requested that "Farm Entrance Only" should be noted on the plans. The area is zoned AR. Setbacks from the house to side line should also be reflected on the map. Mr. Freeman confirmed that the rear property was a land-locked parcel. There was a question of the scale of the plans provided. It was requested that the plans reflect the correct dimensions and scale.

The Chairwoman asked if there were any questions or comments from the public regarding the application.

Mr. Walt Simonsmeier was concerned that the access could too easily become a road or driveway and then there would be a house on the lot. He was also concerned about the water problem in the area

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There were no questions at this time from the Board.

A Motion to close the Public Hearing was made by Mr. Butcher. Motion seconded by Mr. Samascott. All in favor. Motion carried; Hearing closed.

Mr. Butcher wanted to address the issue of water and drainage. Mr. Freeman confirmed that if it was a residence the county would require a culvert for the access; however, as farm access a culvert is not required. Mr. Prendergast recommended that notes regarding farm access only be added to the plans as well as the approval letters with conditions. Notes to be added should stipulate farm use only at this time pending Department of Health approval for septic and County Highway approval for a residential driveway entrance. Mr. Van Alstyn suggested that the lot could also have been accessed by an easement. Mr. Freeman offered that the proposed language to be added will be approved by Mr. Prendergast prior to plans being stamped by the Chairwoman.

Part II of the EAF (Short Form Environmental Assessment) was reviewed by the Mr. Freeman. The proposed answers to the questions listed below were all in the negative.

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING:

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems?

No.

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character?

No.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species?

No.

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?

No.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action?

No.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5?

None.

C7. Other impacts (including changes in use of either quantity or type of energy)?

None.

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?

No.

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?

No.

A Motion of Negative Declaration was made by Mr. Haemmerlein. Motion seconded by Mr. Samascott. All in favor. Motion carried; Negative Declaration approved.

A Motion that the project is substantially complete and ready for approval with conditions was made by Mr. Berlin; the conditions being that a note be added to the plans reflecting the farm access only, that Department of Health and Department of Transportation approval would be required for any further action upon the land, and that the plans reflect accurate measurements and scale. Motion seconded by Mr. Haemmerlein. All in favor. Motion carried; project approved with conditions.

D. Old Business

1. Drake Petroleum – Site Plan Review

No one was in attendance to represent the applicant.

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2. Josh Flood – 108 Hunter Drive – Application for an Accessory Apartment

A letter was received from the Building Department regarding the “breezeway” and lighting. Mr. VanAlstyne, representing the applicants, distributed updated plans which were reviewed by the Board. As long as the “breezeway” is a framed structure it is permissible under the Code. There are no width requirements stipulated. The Department of Health said the applicant would have to increase the size of the septic. The leach field is still being delineated.

A Motion to set a Public Hearing for Thursday, March 21, 2013 at 7:05pm was made by Mr. Samascott. Motion seconded by Mr. Berlin. All in favor. Motion carried; Hearing set.

3. Maret Halinen – Mile Hill Road - Application for Special Use Permit for Bed And Breakfast

Mr. VanAlstyne represented the applicant. He distributed revised site plans showing additional gravel parking on the side of the garage. \$250 was submitted in fees for the Special Use Permit and Site Plan Review. Mr. Prendergast suggested it be sent to County Planning for review.

A Motion to set a Public Hearing at 7:15pm on Thursday, March 21, 2013, was made by Mr. Berlin. Motion seconded by Mr. Haemmerlein. All in favor. Motion carried; Hearing set.

4. Novak Farms LLC – Route 203, Valatie– Three Lot Subdivision

Mr. Freeman recused himself. Dan Russell, Land Surveyor, distributed plans of the project to the Board for review. Still awaiting for approval from the Department of Transportation for the driveway. An email was received regarding communication with Mr. Visconti. A letter of approval from him will follow prior to the next meeting. Proposed driveway and site distances will be noted on the plans. \$200 Recreation fee still needs to be submitted. Letters from the Health Department are on file.

A Motion to set a Public Hearing at 7:20pm on Thursday, March 21, 2013 was made by Ms. Keegan-Cavagnaro. Motion seconded by Mr. Rivenburgh. All in favor. Motion carried; Hearing set.

5. Cedar Flow Excavation/Deerfield Crossings – County Route 28 – Conservation Subdivision

Mr. VanAlstyne represented the applicant. New plans were submitted and distributed to the Board for review. Some modifications were made to the subdivision plat. Bearing, distances, and lot calculations were conducted. The engineer created an Erosion and Sediment Control Plan. The septic designs were completed and have been presented to the County. Approval for curb cuts and grading plans for the driveways were submitted.

Page one of the plans showed the subdivision plats showing location map, contours, proposed house sites, adjoining owners, locations of driveways, location of septic and wells, etc. Calculations and locations of disturbed areas are also noted. Based on the size of the conserved lot, it was determined that 98.75’, which is 3% of the perimeter, of frontage is required. The zoning officers for the Town were consulted regarding setbacks from the railroad tracks. They were not aware of anything stipulating any more than 50’. Mr. Berlin inquired about a particular line on the northern side of the property. Mr. VanAlstyne stated that he acquired the deed which lists the property as 19.65 acres. He indicated that there is a hedgerow along the property line.

Page two of the plans addressed the waste water plan and the Sediment and Erosion Control Plan. Mr. VanAlstyne indicated that the lots of most concern were lot 4 and lot 6 which had the most amount of grading. A Notice of Intent is being filed. Storm Water Permit has been requested. Septic detail and a letter from Department of Health are on file. A full set of permits for curb cuts from the County has also been submitted.

Mr. Freeman inquired if the property is in a designated Ag District. Discussion about Ag Districts in Kinderhook ensued. It was not determined if this property falls within one.

Mr. Prendergast inquired about culverts. The response was no, and that Jim Everett from the County Highway Department was consulted. Mr. Prendergast suggested that proposed lot 6 might need one.

Mr. Prendergast requested that the plans be stapled and contain a cover sheet.

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Mr. Freeman indicated that he reviewed the deed which looked fine, and appeared to have no covenants that affect the property.

A Motion to set a Public Hearing at 7:30pm on Thursday, March 21, 2013, was made by Mr. Samascott. Motion seconded by Mr. Rivenburgh. All in favor. Motion carried; Hearing set.

E. New Business

1. Melony Coons – Finish Line/Old Post Road – Change of Use

The applicant and her father addressed the Board and distributed a site plan and explained the scope of her project. She is intending to purchase the former Finish Line property on Old Post Road and convert it to a hair salon on the main floor and a day care center downstairs.

There are no physical changes to the exterior of the building planned. The applicant's sister, Melinda Coons, has certification from the State and would run the daycare center. The State's position is that if approval from the Town is granted they will visit the site and provide details about their requirements. The Building Department is in agreement with that.

The applicants addressed the septic capacity. Ingress and egress of the building were also discussed. Lot is 1.1 acres. Area is zoned B1. Section 250-23(P) (2) (d) of the Code regarding signage was noted for the applicant's edification. They are not intending to change the dimensions of the existing sign or lighting, merely the lettering. The available parking was reviewed. The subject of exterior play equipment and fencing was broached. The State has specific requirements for these items to be addressed at a later date. Hours of operation of the proposed establishments were stated. The issue of regulation of the hair salon by the State was discussed.

It was requested that a new, updated Site Plan be provided. Project could be ready for a Public Hearing in April.

F. ZBA Opinions

None

G. Liaisons

1. Village Planning Boards – Liaison was excused.
2. Town Board - Nothing to report at this time.
3. Comprehensive Plan Review Committee – Moving toward completion.
4. NYSEG Project – Nothing new to report.

H. Other

Stuyvesant has taken lead agency on a subdivision of lands that are in both the Towns of Kinderhook and Stuyvesant. The map of the proposed project was reviewed. The Public Hearing regarding this application is scheduled for February 25, 2013. It was determined that a response was not required from this Board.

Public Comment:

None.

A Motion to adjourn was made by Mr. Berlin. Motion seconded by Mr. Heammerlein. All in favor. Motion carried; meeting adjourned at 8:40pm.

Respectfully submitted,
Nataly Dee, Secretary