

**Town of Kinderhook
Planning Board Meeting
3211 Church Street
Valatie, NY 12184
May 16, 2013**

Approved

Minutes

The Meeting of the Town of Kinderhook Planning Board was held on Thursday, May 16, 2013 beginning at 7:03pm at the Kinderhook Town Hall, 3211 Church Street, Valatie, 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
Andy Howard, Attorney
Patrick Prendergast, Engineer
Chris Simonsen
Daniel Weiller
Peter Haemmerlein
Dale Berlin
Jake Samascott
Nataly Dee, Secretary

Excused:

Cheryl Gilbert
Guy Rivenburgh
William Butcher

Absent:

None

B. Correspondence

1. Review of Minutes:

February 14, 2013: Workshop
February 21, 2013: Meeting
March 14, 2013: Workshop
March 21, 2013: Meeting
April 11, 2013: Workshop
April 18, 2013: Meeting

A Motion to approve the minutes listed above was made by Mr. Simonsen. Motion seconded by Mr. Haemmerlein. All in favor. Motion carried; minutes approved.

C. Public Hearings

1. 7:05pm - Drake Petroleum – Site Plan Review – Xtra Mart Gas Station, 3355 US Route 9. Hearing to take place at The Martin H. Glynn Building at 3211 Church Street, Valatie, NY.

The Notice as it appeared in the paper of record was read by the Secretary.

Parker Fennely of Consulting and Design representing Drake Petroleum addressed the Board. He reviewed the scope of the project explaining that the applicant is seeking site plan approval to add a 4x10 slave island diesel island on the far side of the existing diesel island. Additional lighting will be installed to match the existing lighting. The location of the dumpster was moved and an enclosure will be added. The dumpsters will be set back with a concrete pad for easier and safer access. NYDOT was consulted, and Mr. Visconti provided comments on the project.

A Motion to open the Public Hearing was made by Mr. Simonsen. Motion seconded by Mr. Weiller. All in favor; Motion carried. Hearing opened.

The Chairwoman opened the floor to the public. She invited anyone from the public who may had concerns or questions regarding this application to be heard. There was no one.

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

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The Board was invited to address the applicant and discuss the project.

Mr. Pendergast inquired about positive limiting barriers. Mr. Fennely stated that they are groves cut into concrete to channel and collect any gasoline that may accidentally spill. They are required at all gas stations.

The Short Form Environmental Assessment (SEQRA) was reviewed by Mr. Howard.

The questions listed below were all answered 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. Berlin. Motion seconded by Mr. Samascott. All in favor; Motion carried.

A Motion that the project is complete and ready for approval contingent upon approval from the County Planning Board was made by Mr. Simonsen. Motion seconded by Mr. Weiller. All in favor, Motion carried. Application conditionally approved pending review by County Planning Board.

Fees of \$350 were collected.

D. Old Business

1. Laguesse – Site Plan Review – 3340 US Route 9

E. New Business

None

F. ZBA Opinions

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1. Peter Difulio – Area Variance. Seeking waiver of 45 day review by Planning Board prior to Zoning Board of Appeals Public Hearing.

The Public Hearing is scheduled for Thursday, June 6, 2013. Mr. Defiglio addressed the Board. He indicated the location of the well on the plans as requested.

Mr. Simonsen expressed concern about the septic and evaporation. Mr. Prendergast did not think there would be a problem.

A Motion to make a positive recommendation to grant a variance pursuant to the sketch provided by the applicant was made by Mr. Simonsen. Motion seconded by Mr. Weiller. All in favor; motion carried.

G. Liaisons

1. Village Planning Boards:

2. Town Board: Meets Monday

3. Comprehensive Plan Review Committee:

4. NYSEG Project: Mr. Simonsen reported that PSE has certified NYSEG's application. The Public Hearing process will begin.

H. Other

1. Public Comment

The application submitted by Mr. Laguesse was discussed. A memo to the Building Department was suggested.

Ms. Keegan-Cavagnaro introduced a potential applicant from a property owner on Ottoville Road who is interested in subdividing a parcel which is 2.2 acre. The area is zoned agricultural and residential. The Building Department told him he probably needed a five acre lot. He could submit an application to Planning Board but if the parcel did not conform it would go before the Zoning Board of Appeals.

A Motion to adjourn the meeting was made by Mr. Berlin. Motion seconded by Mr. Simonsen. All in favor; Motion carried. Meeting adjourned at 7:26pm.

Respectfully submitted,

Nataly Dee, Secretary