TOWN OF PLATTEKIL

PLANNING BOARD

*P.O. BOX 45*

MODENA, N.Y. 12548

Minutes of: February 25, 2025

THE MEETING OPENED WITH A SALUTE TO THE FLAG BY CHAIRPERSON, RICHARD GORRES

ROLL CALL: CHAIRMAN: RICHARD GORRES, ERNIE VANDEMARK, DARLENE EISENHARDT, NATHANIEL BAUM, RICH DMYTRY, ERIC ACKERLY, JOSEPH LAFIANDRA

Consultant: Pat Hines, MHE Engineering

**NEW BUSINESS:**

*Apuzzo, Joseph & Diane SBL# 101.2-2-6.131*

*54 Barcley Road Proposed: Two-Lot Subdivision*

Ms. Jennifer Apuzzo and Mr. Michael Brenner were present to represent the applicant for a two – lot subdivision.

Ms. Apuzzo explained on the map that she would like to remove her parents from this piece of property and add a line (showing on the map) and subdivide them off and build a house on this lot.

Mr. Gorres: Pat, have you reviewed this yet?

Mr. Hines: Yes, I have.

Mr. Gorres: Do you have any comments?

Mr. Hines: I do have a couple of comments issues. The current lot has frontage on Barclay Road, a public roadway. A subdivision creates a lot 3B and lot 3A on the plan. Lot 3B will no longer have frontage on a public/private roadway. That creates a NYS Town Law issue #288a issue and they may need to go to the ZBA or Town Board. I am not sure which to get permission for an open development area; because you are creating a lot here that does not have access to a public roadway. It only has this common driveway or whatever it is.

Mr. Gorres: Right away.

Ms. Apuzzo: This driveway which is on their property (pointing to the map), if I created instead and turned that into a flag lot off here.

Mr. Hines: That would solve that issue.

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Ms. Apuzzo: The other question is I spoke to the other owner, Andy Murano, owns this property (showing on the map) there is this easement here for a possible roadway.

Mr. Hines: So that exists then?

Ms. Apuzzo: I don’t know where it came up from. We had Apuzzo’s forever and this was not on here till they subdivided all of this property. I do not know where it came from. Andy said he did not ask for it on his deed as well. Now the driveway he said he is allowed to use; he’s created which is approximately about here (showing on the map) is only allowed to get to the old house this way. If he were to subdivide this property and subdivide and create multiple lots, he would put an entrance here anyway (showing on the map) there is already one for this driveway. He would do it here where the road is straight. So, I don’t understand why straightening out the road here ruining this piece of property and he even said it would affect if he wanted to make a lot here.

Mr. Hines: There is a note #3 here “The area shown as dashed lines across this lot shall be subject to an easement and offer of dedication for road purposes in the event required by the town in connection with any future subdivision and development of lot 1.”

Ms. Apuzzo: There is no dedication.

Mr. Hines: There was probably an offer at some point or on some filed map. The offer was proposed but probably just not excepted by the town at this point. I don’t know if your surveyor can look up the history at some point.

Ms. Apuzzo: We used Brinnier & Larios because they already had done this original map. He said he did not find any records of this being dedicated.

Mr. Hines: It probably wasn’t accepted. It was only an offer of dedication so that may have been filed and offered on some subdivision map. I would extinguish that as a question for your attorney.

Mr. Gorres: I would also call Mr. Bob Wager the Highway Superintendent. That is going to cost the town money and if he is not interested in doing that have your attorney talk to him. If they want to get rid of this, we do not have a problem with that. It would probably make your life easier because at some point the town will have to spend a sum of money to build that road through.

Ms. Apuzzo: That would literally cut this line in half if that roadway gets in there.

Mr. Gorres: Yes, contact your attorney and the Highway Superintendent and let the talk about that.

Mr. Hines: It may not be that easy but there has to be a way.

I also have concerns regarding the impact of this lot because this lot becomes undersize.

Mr. Hines proceeded to continue to review his technical comments (dated 25 February 2025).

Ms. Apuzzo & Mr. Brenner will do their homework and be back.

*Fosler Forest, LLC (Kevin Corriston) SBL# 102.1-7-7.1*

*Fosler Road Proposed: Two-Lot Subdivision*

Ms. Brooks was present to represent Fosler Forest, LLC. We are subdividing a ninety-one (91) acre parcel of land separated right now on two sides of Fosler Road. We are separating 4.76

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acres from the eighty-six (86) acres on the Easterly side of the road. We received Pats comments and I did speak with the land owner. He doesn’t live in the area and basically, he is looking to

market the property. He was hoping not to have to go through Board of Health process for something he is selling. Then who knows where the landowner is going to want to build a house. I prepared a soil survey map to show where the wet lands are, were the state wet lands are, where the federal wet lands are, soil types are. We do have a good soil type in the 4.76 acres partial in fact it has the same soil type as the two houses that were just constructed a little southerly on Fossler Road. At this point in time, I was going to ask if we could put a note on the map that they are not approved as residential building lots at such time Board of Health approval might be granted for the lots. There are other uses that are allowed in the RR 1.5 other then residential and building a house.

Mr. Hines: I believe it is a reality subdivision and has to be planned out. If it was bigger than five acres I would say yes. If its less than five acres I think you need Board of Health approval.

Ms. Brooks: I can bring the boundary line to the center of the road and give you the five acres.

Mr. Hines: Yeah, I don’t buy that either.

Ms. Brooks: Its not part of Town of Plattekill code that it needs to be. At the end of the day, you are not going to cross the road with a septic system. It is a natural subdivision; unfortunately, the town of Plattekill does not recognize, as most communities do, natural subdivision.

Mr. Gorres: That is another one for the Zoning review.

Ms. Brooks: There is nothing in NYS Reality Subdivision Law that says they have to get Board of Health approval that only if they are gong to put a residential home on it. If they are not putting a residential home on it at this point in time it is not a requirement.

Mr. Hines: Get a letter from the Health Department.

Ms. Brooks: Saying that we are not going to build a house on it?

Mr. Hines: Saying its acceptable to create the lot without their approval.

Ms. Brooks: They have no jurisdiction over it unless they are going to build a house on it. There are other uses in the RR 1.5 other then residential structures. The Board of Health is not going to give a letter and you know it.

Mr. Hines: I know they are not.

Ms. Brooks: They are going to say they have no jurisdiction over it unless you are applying for a residential structure that requires a septic system.

Mr. Gorres: So, if somebody buys the five (5) acre lot, just as a lot, they have to go to the Health Department.

Ms. Brooks: Correct.

Mr. Gorres: Have to get approval for a septic system and well.

Ms. Brooks: Which they would have to do anyway.

If he doesn’t sell this lot in two – three years he is going to have to go back to the Board of Health, which he has to anyway, they are going to collect their $500 dollars for the application fee just to change it from one name to another.

To get Board of Health approval at this point in time…. I called him up and said you have a purchaser lined up because if you do let’s lay out the house, well and septic now. He said no I don’t even know when I’m going to put it on the mark. I just want to have the opportunity because it is already split by the road.

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Mr. Gorres: When your father did our lots there was no approval from the Health Department.

Ms. Brooks: Correct. That is something fairly new that the Planning Board has been requiring. Under certain circumstances I agree 100%, if I have an acre or two lot and there is a concern of

the buildability of it. That is why when I do ask the board not to require the Board of Health, I make sure I do my homework. Where are the wetlands, what are the soil types, is it going to be suitable for a septic system and if you have a comfort level that it is going to support a septic system. Its not that we are just asking you to unilaterally approve a lot without giving it due consideration.

Mr. Gorres: Can we require her to do this lot and not that lot?

Mr. Hines: Oh, that side of the road I don’t have any concerns about.

Ms. Brooks: That lot was never in question. Is only that side.

Mr. Gorres: Oh, only that side.

Ms. Brooks: But again, you are probably talking Five Thousand Dollars (5,000) for something that will never get used. May never get used.

Mr. Hines: Let me run it by your council. Get his opinion?

Mr. Gorres: Yeah, I’m inclined to let it go the way it is. We can run it by Dominic quick if we can do this without getting Board of Health approval on a small lot.

Ms. Brooks: What legal question are we asking Dominick for?

Mr. Gorres: If we can subdivide this without the Board of Health approval.

Ms. Brooks: If there is a note on the map saying approved as a residential building lot and there are other uses in RR 1.5.

Mr. Hines: Do me a favor and send him a e-mail and I will coordinate with Dominck.

Mr. LaFiandra: Is this a County Highway?

Mr. Gorres: Fossler Road is a County Highway.

Ms. Brooks: We got an e-mail from the Ulster County Department of Public Works saying that the site distance is adequate we don’t get a permit at this point in time.

Mr. LaFiandra: Does this require a review by County Planning under GML239

Ms. Brooks: No, it’s a two-lot subdivision.

They are a waver town.

Mr. Hines: They have the waver of certain things.

Ms. Brooks: I will send you an e-mail. I do not have any other questions.

The EAF for the BOG Turtle we are not going to … If they build it will not be anywhere near the wetlands. That is where the habitat is.

Mr. Hines: Potential Habitat. Is there wet lands on the site?

Ms. Brooks: Yes, there is.

Mr. Gorres: Both sides.

Mr. LaFiandra: Does the wet land also call for GML review?

Mr. Hines: No. The Ag District would but we have the wavier for subdivisions. There are certain things they have an agreement in the town that they don’t review.

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*Mr. Ackerly introduced himself and proceeded to have a conversation with Ms. Brooks regarding a project that was not done in the Town of Plattekill but had some of the same issues with natural boundaries as the Fossler Forest.*

Ms. Brooks: So, nothing further on this one until I get a determination from Dominick

**OLD BUSINESS:**

*John Fazio SBL# 101.2-1-2*

*1836-1838 Route 44-55 Proposed: Mixed Use – Campground*

Ms. Brook was present to represent John Fazio. We have gotten a letter of determination from the Code Enforcement Officer (William Johosky 1/29/25) “The Existing building located on the corner of 44/55 and Freetown Highway is considered mix-use, TOP code 110-21. The restaurant located on the property is commercial use.”

Mr. Hines: The restaurant there was added as an Ag use?

Ms. Brooks: It was originally Ag use and it is part of this application. We are removing it from the Ag use and applying for Site Plan Approval for the restaurant. Then the cottage that is not park of the mixed-use building is considered residential.

So, the area we need for the mixed use is 1.5, Commercial 1.5 and Residential 1.5.; which brings us up to 4.5 acres required. There was a separate notation that “All Agricultural uses shall comply with the Town Code 110-49 (Animal Husbandry)”.

Right now, on the property, he has two horses and I do not remember how many goats. For the horses we need to have three acres minimum. Two acres will be required for one horse and one additional horse may be keep for an additional acre of land. So, there is three acres for that.

I am a little bit confused I think this is backwards. When you look at 110-49 it says you need one acre for a goat or a sheep and then it says animals per acre, it says .4. Which would mean for the next goat you would need another two and a half acres. So, I think they meant to say was acres per animal .4 acres per animal. So, I need to clarify that with the Town but that’s nor here nor there, for this particular application.

In any event if he has to get rid of the goats he will.

Mr. Fazio: They are gonna go.

Ms. Brooks: Well, I think you will be able to keep some of them if you want to.

Mr. Gorres: Are those horses on your property?

Mr. Fazio: They are actually on some of Libolts.

Mr. Gorres: The next-door neighbor’s property.

Mr. Fazio: Yeah. Cause I lease the land from him.

Ms. Brooks: We are trying to do the worst-case scenario for this site.

The overall parcel is 26.8 acres, minus 6.9 we need to subtract out for the pond, gives us 20 acres of density to work with the 4.5 acres for the uses. Plus, I’m saying 3 acres for the horses, plus ten acres for the campground, 17.5 acres is required so I am hopeful that once and for all we have put the density issue aside.

Mr. Baum: Do we have that calculation somewhere?

Mr. Hines: I still have a concern that the mix use building has eleven units in it.

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Mr. Fazio: Ten

Mr. Hines: Ten, ok.

Ms. Brooks: The eleventh one is the cottage.

So, we have a determination from the Code Enforcement Officer and that is what we were requested to get over the last year.

Ms. Brooks went on to quote the Plattekill Town Law for the Mixed Use.

Going through the code this meets the mixed-use criteria. It is a mixed-use building; it is meeting the minimum lot standards and it meets the mixed-use standards of this project.

Mr. Hines: Are they above the commercial uses?
Ms. Brooks: Yes, they are.

Ms. Brooks: One thing the Code Enforcement Officer did say he was going to do and I don’t know if he has reached out to you yet or not but the mixed-use projects say that such use may not be in approximate to or effected by obnoxious hazardous or noisy residential use. So, he is going to come and inspect your building and make sure that all of the non-residential uses you have on the first floor are in compliance with all of the standards of mixed-use projects.

Has he reached out to you yet?

Mr. Fazio: No, he hasn’t yet, but it is probably in the file because all of this has already been done.

Ms. Brooks: It is a new Code Enforcement Officer and it is a new application in front of the board so he is going to come and review it.

So, this has been two years in the ….

Ms. Eisenhardt: I have one question; these twenty acres is that in total, does this twenty-acre total included in the leased land?

Ms. Brooks: Yeah, we are not including the leased land at all.

Ms. Eisenhardt: So, these twenty acres is his.

Ms. Brooks: Just his.

Ms. Brooks: We have previously received the determination from the Planning Boards Attorney that the usable land was applicable to this site. We had to subtract out the pond area.

So Pat is correct we have numerous items from the November 2023 Planning Board review, but we have not gotten past the fact the density.

Mr. Hines: I am struggling with the mixed use 1.5. If someone came in here with a eleven unit apartment building…..

Ms. Brooks: But that is not what this application is.

Mr. Hines: I know but it’s what this determination says that on 1.5 acres I can put eleven apartments.
Ms. Brooks: When it’s a mixed use that’s what the code says.

Mr. Gorres: Ok. Alright.

Ms. Brooks: I guess basically if Pat obviously still has concerns but we have a determination from the Code Enforcement Officer that is why we are here tonight. If the board is going to except the determination form the Code Enforcement Officer the applicant is willing to spend the

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money to move forward. Obviously, the concern has been we do not want this flip flopping back and forth.

Mr. Gorres: Ok I am going to pole the board:

Willing to except the Building Inspectors Determination:

Ms. Brooks: I don’t know what the other option is then excepting the Code Enforcements Determination.

Mr. Hines: The other option is they can go to the ZBA.

Ms. Brooks: The Planning Board would have to go to the ZBA. Not the applicant; because we have a positive determination in our favor.

Mr. Gorres: If we wanted to challenge it, we would have to go to the ZBA.

Ms. Eisenhardt: If the Building Inspector gave the thumbs up, I am ok with it.

Mr. Gorres: I know you two are new but he’s not. He’s been doing Planning and Zoning for a while.

Mr. LaFiandra: What is the issue here exactly. Is it the….

Mr. Gorres: It is the density to build the campground.

Mr. Hines: The campground needs ten acres. A six-acre pond has been taken out.

Mr. LaFiandra: The campground is the proposal. Is there eleven existing dwelling units on the property?

Mr. Hines: Ten and one structure with a mixed use. The Code Enforcement Officer says it needs 1.5 acres. My initial concern was you need my interpretation it was you need x number of acres per unit.

Mr. Gorres: He does not want to move forward until he knows this is ok and then he will come in with a design plan for the project.

Ms. Brooks: To answer your question that existing cooler building is a mixed-use building with commercial on the first floor and residential on the second floor. It is not conforming to current setbacks from either Freetown Highway or 44-55. It is pre-existing non-conforming.

Mr. Ackerly: How is the KOA campground compared. What are the precedence there? Example density and use. Is it similar?

Ms. Brooks: I think they are way bigger.

*Mr. Ackerly: Spoke about other camp grounds and how they got their density.*

Mr. Ackerly: My only concern is really just the sewer and the density on the applied use of it but this seems like a case similar like KOA. So, if you have the sewer concern for me that is my only concern. Not an you get a perk in each spot. The case would be if you set it up as a limited waste.

*(Multiple Board members over talking each other)*

Mr. Gorres: We are just trying to get it to the point where they can go have it engineered and come back with what you want with. Where are they going to put the well, where they are going to put the septic, where they are going to put the dump tank or whatever.

Mr. Gorres: Let’s get back to the topic at hand. Are we going to except the Building Inspectors Determination?

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Mr. Eisenhardt: Yes, I will.

Mr. Gorres: I’m ok with it.

Mr. Fazio: That’s two.

Mr. Dmytry: Yeah.

Ms. Eisenhardt: That’s three.

Mr. Ackerly: I am going to abstain I do not know enough about the project.

Mr. Baum: What would be necessary to look farther into it? To answer the concerns, you have.

Mr. Hines: The only other thing is to appeal to the ZBA.

Mr. Baum: Ok.

Mr. Hines: That is a usual step.

Mr. Gorres: I don’t think we have ever done that.

Mr. Hines: It is unusual. They are the arbiter over the code.

Ms. Brooks: I understand the health and safety of the community is the boards responsibility.

But there are certain things we can do during the review process to make sure the septic system is suitable for the eleven units.

Mr. Hines: My concern is someone is going is going to take a determination like this and come in with 1.5 acres and say I’m gonna put eleven units on it.

Ms. Brooks: If its brand new they are going to have to through the Board of Health code requirements. So that would probably be the restriction.

Mr. Gorres: The board is willing to except at this point everybody is in a vote with one abstain to except the Building Inspectors determination. We can move forward with this?

Mr. Hines: So, you have four and one abstention.

Mr. LaFiandra: I am going to obstained also I don’t know enough information

Mr. Hines: Four yes’s and two abstentions.

Mr. Baum: So, it’s me.

The density thing has been my hang up from the very beginning. I am hesitant on it. I don’t want you to spend all the money then come to an issue after you have invested so much into it.

That’s my fear.

Ms. Brooks: The only thing …

Mr. Baum: That’s the risk you take but..

Ms. Brooks: Correct.

Mr. Baum: I don’t want to see that happen if we can catch it early.

Ms. Brooks: The first thing that has to happen, again this is where his engineer is going to guide him, the first thing is you have to make sure that density wise you have enough room for a septic and expansion area. This is going to go to the Board of Heath so that is going to be up to him to prove.

Mr. Ackerly: One more thing on the density, you have permanent structure density and then you have variable density. I think to clarify, if I can the density is about permanent structures compared to transit structures that come and go.

Mr. Hines: So, the campground needs ten acres.

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Ms. Brooks: Any campground, in this town, you need minimum of ten acres. Then within those ten-acres is a minimum of lot size per unit per campsite with particular criteria for each one of them.

Mr. Ackerly: The density is for the campground then.

Mr. Fazio: The way it’s cut out there is still plenty of room right for the septic on the building for me to add too, right?

Mr. Baum: Yeah, yeah, it’s the overlining concept the density design. The same issue we had in the beginning.

Pat, do you think there will be an issue moving that direction.

Mr. Hines: Moving this forward?

Mr. Baum: Yeah.

Mr. Hines: Certainly, this board can hang their hat on this determination of the Code Enforcement Officer. He is the arbor of the code. If you all took exception from it your only option would be to challenge the determination before the ZBA.

Mr. Gorres: I’m not willing to do that. We don’t need to tick off the….

Mr. Baum: Ok.

Mr. Hines: Someone else can do that in the future if there is a neighbor that doesn’t like this they always have that option.

Mr. Baum: To do it themselves. Ok, I vote yes to excepting the Building Inspectors determination.

Mr. Ackerly: Is there an option to expand the size of the individual lots to fall more in compliance? It would be less lots but it would be slightly larger and in compliance with the density requirements.

Ms. Brooks: The density is all about this building not the campground.

Mr. Hines: It’s all one lot.

Mr. Ackerly: It’s all very confusing.

Mr. Gorres: You will learn.

Mr. Hines: It’s what a 26-acre lot right now?

Ms. Brooks: Yes, 26 acres.

Mr. Hines: The pond you see before you is 6 acres. That’s gets taken out and then they are doing a math calculation, for the restaurant, the single-family house/cottage, the apartments.

Mr. Gorres: It’s generally a mixed-use site.

Mr. Ackerly: I don’t mean to speak out of term but….

The board all said “that’s ok that’s how you learn”!

Mr. Ackerly: Well, this is old business I’m still trying to catch up on new business.

Ms. Brooks: This now actually, probably will start as fresh. Now we are going to have to start digging deeper.

Mr. Gorres: Yeah, he will come back. He will bring back an engineered plan for the camp ground. Then you will be on the same space we are.

Mr. Ackerly: I feel like four main criteria’s is:

* Is it in the spirit of the master plan?
* Does it fall within the zoning criteria?
* Is it good for the person making the capital investment?
* Does it do no harm or improve the condition of the neighbors.

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Mr. Hines: Two and four are under our purview.

Mr. Ackerly: I know. I am just saying in general. Normally is this a good project in general and if we have options how do we overcome them but still prevent misuse from future applications. We don’t want that either yeah no.

Mr. Baum: Yeah, no we don’t want so set that president.

Mr. Ackerly: But anytime someone is willing to invest capital into their community, I have to take a hat off to them.

Mr. Gorres: Yeah, its not easy, it’s not easy.

Mr. Baum: Just one more question. I think it was said earlier but everything is gonna fall under the new site plan we are going to do the restaurant.

Mr. Gorres: Yeah.

Mr. Baum: Ok I just wanted to make sure.

Mr. Gorres: I told John once he opens this can of worms, everything falls in it.

Mr. Fazio: Well yeah, we want to make everything easier and get to the point….

Mr. Baum: No, a 100%.

Mr. Gorres: Everything is compliant.

Mr. Hines: A bunch of outside agencies reviews DOT involved, the Health Department will be involved, Highway Department.

When we get the EAF there may be other agencies.

Ms. Brooks: This will be a long EAF for this one

*Minard Farms SBL# 102.1-6-25.11*

*730 South Street, Highland Proposed: Four – Lot Subdivision*

Ms. Brooks was present to represent Dubrava (Minard Farms).

Mr. Gorres: How long has this project been going on?

Ms. Brooks: We actually originally started this way back in 2017. My original EAF was 2018. That is one of the things I want to talk about tonight. I want the Planning Board to type the action and circulate the notice of intent. Nothing has been done on the SEQR. I did find where I had updated the EAF in June 2023. That is the most current one.

Mr. Gorres: Did we do a Public Hearing on this?

Ms. Brooks: No.

Mr. Gorres: I didn’t think so. Its dragging on for seven years.

Ms. Brooks: I printed out an EAF for you because I wanted you to know if you think I need to update it again since its from June 2023. We can go through your comments first.

So, this this is a conservation sub-division which we are opposing it’s going to be four lots. We have three - four family buildings and one existing single-family residence. Were at the point where the Planning Board had granted a waver regarding the 20% of the lots being over ten acres because that was impossible for this subdivision. Storm Water and Pollution Prevention plan is what we have been waiting for the last multiple months. The engineer had some pretty major health issues luckily now have resolved themselves.

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The DEC wetland boundary has been updated, we need a Storm Water Maintance agreement. I spoke with the applicant’s attorney and he asked if there was a template.

Mr. Hines: Yes, there is.

Ms. Brooks: Great are you able to supply that to me?

Mr. Hines: Yes.
Ms. Brooks: A recommendation any Storm Water practices contain standing water to be fenced. I spoke with Andy Willingham this morning and he said they are in filtration spaces and there will be no standing water. I guess that is part of the prevention plan that you are reviewing.

Mr. Hines: Yes

Ms. Brooks: At this point until Pat has the opportunity to review the Storm Water Pollution Prevention plan and opine on that. The action I was hoping this board would be able to take is

we really have done nothing on SEQR yet on this application so I was going to suggest the Planning Board to circulate, type the action then circulate with notice intent to be Lead Agent.

Mr. Hines: It is an Unlisted Action, it does not exceed ten acres disturbance, doesn’t have 2.5 in the Ag District, disturbs two acres of property and there are no other triggering items that would

make it a Type I Action, it is a Unlisted Action. I have no issue with the board declaring Lead Agencies and I will do the circulation.

**MOTION:**
Mr. Baum made a motion to take Lead Agency with Mr. VanDeMark seconding the motion. All ayes on the motion.

Ms. Brooks: I also would like to ask the board to consider scheduling a public hearing for this on March 25, 2025. I know we will not be done with our circulation but if there is anyone coming out of the wood work that has any issues or any questions I would rather have them before we are ready to cross the T’s and dot the I’s or do you not prefer to do that.

Mr. Hines: I prefer not to do that. It is a subdivision and we have to have SEQR done before we can do that.

Ms. Brooks: So, we are probably looking at an April Public Hearing then.

Mr. LaFiandra: The four family dwellings does that include the construction of any accessory dwelling units making it four become eight?

Mr. Hines: No, the lot areas are not going to permit that.

It is a very large lot actually two large lots that are 75% DEC regulated wetland and adjacent areas so only this frontage is usable.

Ms. Brooks: There is useable land to the rear but you have to go through the wetland to get to it. The only reason you can do that is because it was mined. That was a sand and gravel mine. So, the owner, three generations now, put the road way in before you had to worry about things like that. Probably put in the forties.

Mr. LaFiandra: I only asked about that because my experience I have seen multifamily houses all of a sudden become converted with accessory dwelling units. I have seen those accessory dwelling units become into condominiums.

Ms. Brooks: Is that more in area where there is municipal water and sewer?

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Mr. LaFiandra: Yes.

Ms. Brooks: That’s the driving force.

Ms. Brooks: So there really isn’t anything else for this board. You are going to circulate; you are going to do the Storm Water part.

Mr. Hines: You have the Health Department on here?

Ms. Brooks: He has submitted to the Board of Health, we have not heard back.

*United Pump & Tank (PULLED TILL MAY 27, 2025) SBL# 107.1-1-4.321*

*120 Kingsview Road PER APPLICANTS REQUEST Proposed: Light Industrial*

Mr. Gorres: Some of you may have noticed our friend United Tank and Pump has put off for two months.

Mr. Hines: I am good with that. They have those wet land issues and they need time to address that.

Mr. Gorres: We all talked about him getting access out to Orchard Drive from that property. What is going to happen now is they are going to have DEC come out and actually come out and flag the property. What that does is put him in the box where DEC says no you are not going out that way. We are not going to let him go out on Kingsview he is still going out that road. I have talked to Brian VanDuser. He is ok with it going to this (pounded the table) because we are finally getting some action here. This guy has been invading what he is supposed to do for a while. It is going to be a few more months than he will have to come back.

Mr. Hines: The struggle is he also has the lot next door. He is not willing to combine with this lot.

Mr. Gorres: It is a million-dollar home and when I talked to Brian, yeah it’s an expensive house and he doesn’t want his equipment going out past his house. My comment is well neither do people on Kingsview Road. It is not fare to the public. If you are not willing to be whatever the people here shouldn’t except it if you are not willing to except it. He has to do what is right and come back. I don’t want to put him out of business he is a good business man but everyone who comes here has to do it the right way. You guys will have time to study your paper work on this one.

Mr. Ackerly: What project is this?

Mr. Gorres & Mr. Hines: United Pump & Tank

Mr. Ackerly: Is that Jimmy Hoppenstead’s store?

Mr. Gorres & Mr. Hines: No that was Newburgh Fuel

Mr. Gorres: They are already done.

Mr. Gorres: The issue now is….

Ms. Eisenhardt: He is running an illegal business pretty much.

Mr. Gorres: He is running a business out of an area that’s…

Mr. Ackerly: Where is this located?

Mr. Gorres: Kingsview Road

2/25/25 PB

He has to come in and do a site plan. He has no site plan for the use.

Mr. VanDeMark: Right past Vanduser Orchard on the left. The first left.

Mr. Gorres: When you go past VanDuser building you take a left and that is Kingsview Road.

He was supposed to be agricultural but he is running a business out of it and we want him to make it legal.

**DISCUSSION:**
Cross Landscaping

Ms. Stryker: Greg, Fire Inspector, wrote a memo stating that Cross can park on their property

while in front of the board. Wanted the board aware of this matter since this is not normal practice when an application is in front of the board.

Mr. Gorres: Here is the problem we just talked about it. United Tank & Pump, they are still operating and they don’t have a site plan. This guy is at least coming in doing his site plan and getting through the process and almost done. So, I have no problem with it. I told the builder I

have no problem with it because he is doing what needs to be done. You cant prosecute one person if you are not gonna do them all.

Ms. Stryker: Ok, just wanted it for the record, because this is not common practice (was over spoken by Rich as she was talking).

Mr. Baum: How much does he have left?

Ms. Stryker: He has a lot, he is downsizing (board members started all talking – could not hear Ms. Stryker)

Mr. Baum: When did that change happen?

Mr. Gorres: Yeah, thank you.

Mr. Baum: Is it a new submission then?

Ms. Stryker: I passed out the information (as board members still continued to talk) everything is in your packet.

Mr. Baum: I haven’t had time to look at that.

Mr. Hines: They still intend on doing that they are going to down size. When they added the sidewalks the proposed plan, they had with their layout plus the side walk disturbance kicked them over one acre of disturbance which required them to do a Stormwater Prevention Plan and pre and post development and all that. So, they are coming back now and reducing the foot print of the landscaping to keep the sidewalk but keep the land less then one acre of disturbance. They are going to downsize the landscaping business but I told them they need to come up with those plans and bring them back in.

Ms. Eisenhardt: I was reading that they are going to plant grass.

Mr. Hines: Stabilize what they have disturbed out there.

Mr. Baum: Should we do a time table for it?

Mr. Hines: I think you guys should acknowledge that letter received and you really don’t really have the ability to approve.

 2/25/25 PB

If the Code Enforcement officer wants to look the other way or give him time …… (over spoken)

Mr. Dmytry: It is hard when you have been through three inspectors in the time I have been here.

**VOUCHERS:**

Elan Corporate Payment Systems Amount: Material:

$63.34 Manilla File Jackets 2-inch Expansion Pocket Legal Size

**MOTION**: Mr. Gorres made a motion to approve the voucher for Elan Corporate Payment Systems with Mr. Dmytry seconding the motion. All Ayes on the motion.

**MOTION:** Mr. Gorres made a motion to accept the January 28, 2025 minutes with corrections

with Ms. Eisenhardt seconding the motion. All Ayes on the motion.

**MOTION:**

Mr. Baum made a motion to close the meeting with Ms. Eisenhardt seconding the motion. All Ayes on the motion.

The meeting adjourned at 8:21 p.m.

Respectfully submitted by

Janice Stryker, Planning Board Clerk