

PLANNING BOARD
MARCH 8, 2012

PUBLIC HEARINGS

Application 12-1 Shirley Sanford would like to do a 3 lot subdivision on Bull Run Road in Margaretville. Tax map # 262-1-48.

Application SP-224 John Kowatch would like to operate a bulk fuel oil storage facility on his property on County Highway 36 in Margaretville. Tax map # 263-3-13.3.

AGENDA

1. Approve/amend minutes from the February 9, 2012 meeting.
2. Action on application 12-1 Shirley Sanford.
3. Action on application SP-224 John Kowatch.
4. Amendment to SPR-20 Joseph Moskowitz to change the use at "Bikeville" on Route 28 in Arkville.
5. Discussion on the memo to start the zoning ordinance review process.
6. Anything else to come before the meeting.

The Town of Middletown Planning Board held their regular monthly meeting on Thursday, March 8, 2012 at 6:30 p.m. in the Town Hall, 42339 State Highway 28, Margaretville.

Board Members present:

Chairman-----John Sanford

Other members-----John Nolan, Katherine Somelofski and Glenna Herz

Others present: Andrew Nappi (alternate), Charles Kowalski (alternate), Shirley Sanford, Albert Parker, Sean Kearns, Jennifer Kearns, Victor Fairbairn, Karina Storrs, Zoey Antonette, Landon Storrs, Dalton Sanford, Jr, Birgitta Brophy, Trudy Sheldon, Joe Moskowitz, Marjorie Miller, Kent Manuel (Del Co Planning), Patrick Davis and Beth Bush.

Chairman Sanford called the public hearings to order at 6:30 p.m.

Application 12-1 Shirley Sanford would like to do a 3 lot minor subdivision on Bull Run Road in Margaretville. Lot 1 is a proposed flag lot 9 +- acres, proposed lot 2 will be 8.8 +- acres, and proposed lot 3 is 9.9 +-acres. Dalton Sanford will be getting a ROW from lot 1 for access to lot 2 to be added to the map and deeds. There were no public comments on this application.

Application SP-224 John Kowatch would like to operate a bulk fuel oil storage facility on his property on County Highway 38 in Margaretville. The board received a stamped fuel tank plan from an engineer with spill protection installed around the tank. Mr. Kowatch is proposing to install one 30,000 fuel oil tank. Sean Kearns – how can the neighbors downhill from him be protected? Patrick Davis explained that there is a large containment around the tank with a capacity larger than the tank. Greg Murad – Has there been a perk test done on the property? Patrick Davis said if there is a septic on site than yes. Mr. Murad said it is a sess pool so no perk has been done. Jennifer Kearns – with 30,000 gallons above our house how are going to be protected? Brigitta Brophy – how is the

delivery truck going to access the property? Patrick Davis said he would probably use Zarcone Road. Trudy Sheldon – how is this allowed in a residential area? Patrick Davis explained that this is a rural zone and with the required special permit you can do any number of businesses listed in the zoning ordinance. Brigitta Brophy – is a roof required to catch rain water or is that going to fill up the containment area? Patrick Davis said there is sump pump shown of the plan to deal with rain water. Brigitta Brophy asked how often the tanks are inspected? Andrew Nappi said his gas station is inspected annually. Greg Murad would like to see the specs on the “spill-out” procedures. Jennifer Kearns – said that she is totally opposed this area was already devastated by the flood and now they have to worry about the oil sitting directly behind their property. Trudy Sheldon – is concerned that this will depreciate her property values. Brigitta Brophy – opposed she feels this is not compatible with the area, it will create dust, noise odor etc., if by chance it is approved she would like it screened from her view. An email was read into the record in opposition of this application.

Chairman Sanford closed the public hearing and called the regular meeting to order at 7:05 p.m.

Glenna Herz made a motion to approve the minutes of the February meeting as presented. John Nolan seconded motion. Motion carried.

Action on application 12-1 Shirley Sanford. A short form EAF was completed for this application. John Nolan made a motion for a negative declaration. Katherine Somelofski seconded motion. Motion carried. This application was disapproved by the Delaware County Planning Board for soils tests. John Nolan made a motion to override the county and approve this application as presented. Katherine Somelofski seconded motion. Motion carried.

Action on application SP-224 John Kowatch. Katherine Somelofski made a motion to table this application for the following information:

- Detailed site plan showing path of deliveries in and out of property, include topography.
- What color will the tank be?
- Will there be an apron, if any?
- Show lighting plan
- Manufactured specs on tank
- What size are the trucks that will be delivering fuel?

John Nolan seconded motion. Motion carried.

Amendment to SPR-20 Joseph Moskowitz. Mr. Moskowitz would like to reopen Casey Joe’s in the Bikeville building across from the previous location. This building will be divided into a total of four spaces for either retail or office space. John Nolan asked where the parking was going to be located? Mr. Moskowitz said along both sides of the building. Kent Manuel asked if this was an open floor plan? Mr. Moskowitz said yes. Kent Manuel asked if two exits were required? Patrick Davis said that only one access required but there is two in the building. Katherine Somelofski made a motion to approve this amendment as presented. John Nolan seconded motion. Motion carried.

A memo was submitted by Supervisor Miller in regard to starting the process of reviewing the existing zoning ordinance. After some discussion it was decided to have the Town Board give the Planning Board direction on the priority areas to start with.

John Nolan made a motion to adjourn the meeting at 7:44 p.m. Glenna Herz seconded motion. Motion carried.

