

PLANNING BOARD

May 10, 2012

AGENDA

1. Approve/amend minutes from the April 12, 2012 meeting.
2. Amendment to application SPR-35 Joseph Moskowitz to change the use in the rear of the building to a multiuse area (ex: concerts, banquets, films etc.) on 43311 State Highway 28 in Arkville.
3. Amendment to application SPR-43 Lilly Piacquadio & Tom Phillips and Cheryl Myers would like to add a hot dog cart to the retail space already in the structure on Route 28 in Arkville.
4. Preliminary discussion on application SP-225 SBA Towers IV, LLC would like to erect a cell tower on Walnut Street LLC in Arkville. Tax map # 285-2-48.111.
5. Preliminary discussion on application SP-226 Robert & Jutta Greenberg would like to operate a yoga studio on 129 Cross Road in Margaretville. Tax map # 284-2-32.
6. Sketch plan review for application 12-2 Robert & Brian Sweeney would like to do a 2 lot subdivision on Morse Hill Road and Route 28 in Arkville. Tax map # 285-2-34.
7. Discussion on the zoning ordinance definitions.
8. Anything else to come before the meeting.

The Town of Middletown Planning Board held their regular monthly meeting on Thursday, May 10, 2012 at 6:30 p.m. in the Town Hall, 42339 State Highway 28, Margaretville.

Board Members present:

Vice Chairman-----Katherine Somelofski

Other members-----John Nolan, Barbara Puglisi, Sue Finch and Glenna Herz

Others present: Andrew Nappi (alternate), Charles Kowalski (alternate), Donald Ross, Herb Finch, Robert Greenberg, Joe Moskowitz, Victor Fairbairn, Charles Somelofski, Kent Manuel (Del Co Planning), Patrick Davis and Beth Bush.

Vice Chairman Somelofski called the regular meeting to order at 6:30 p.m.

Sue Finch made a motion to approve the minutes of the April meeting. John Nolan seconded motion. Motion carried.

John Nolan made a motion to reorder the agenda so the additional items can be done before the definitions.

Amendment to application SPR-35 Joseph Moskowitz would like to amend to change the use in the rear portion of building to include movies, concerts, indoor mini golf etc. Vice Chairman Somelofski asked if this will exceed the approved 204 seats? The application said it would not. John Nolan asked if they were doing anything outside. The applicant said no it would be all inside. Barbara Puglisi made a motion to approve this amendment as presented. Sue Finch seconded motion. Motion carried.

Amendment to application SPR-43 Lilly Piacquadio would like to amend her permit to allow Tom Phillips and Cheryl Myers to operate seasonal hot dog cart (May – October). This cart per DOH requirements is tied to the Bun-n-cone for food preparations. John Nolan made a motion to approve this amendment as presented. Sue Finch seconded motion. Motion carried.

Preliminary discussion for application SP-225 SBA Towers would like to install a telecommunications cell tower on Walnut Street LLC on County Highway 38 in Arkville. Don Ross from Phillips Lytle, LLP representing the applicant explained the proposed cell tower. The access for this tower will be a 3000' gravel road off 191 Elliott Hills Road due to the steepness of the entrance on County Highway 38. All utilities will be underground. Vice Chairman Somelofski asked for a more detailed road coverage map with tax map parcels, she feels the public will want to know if their house will be covered. The tower will be 190' in height and it will be a lattice design. Alternate Charles Kowalski asked if the company is insured in the case of a failure. Vice Chairman asked about the height, it is inconsistent throughout the application and if that could be verified for the public hearing. Barbara Puglisi made a motion to send for 239 review and schedule the public hearing for June 14, 2012. Sue Finch seconded motion. Motion carried. Sue Finch how soon the tower would go up after the approval? Don Ross said asap, usually 2-3 months.

Preliminary discussion on application SP-226 Robert Greenberg would like to open a yoga studio in a proposed 1200 square foot building, approximately 15 students maximum per class. The bathroom will be tied to the well and septic for the house. Sue Finch made a motion to schedule the public hearing for June 14, 2012. Barbara Puglisi seconded motion. Motion carried.

Sketch plan review on application 12-2 Robert & Brian Sweeney would like to do a 2 lot subdivision. Lot one is proposed to be 45+- acres and lot two is proposed to be 16+- acres. Kent Manuel asked if there is access off Route 28 for Lot 2? Yes and Morse Hill Road will be the access for lot 1. Sue Finch made a motion to classify this application as a minor subdivision, send for 239 review and schedule the public hearing for June 14, 2012. John Nolan seconded motion. Motion carried.

FYI: Watershed Ag Council is doing a WAC Easement on the Sanford property on Bull Run Road. There was no action needed from the Planning Board.

Temporary Certificate of Occupancy request for Chris Plante on 402 Deer Dell Road. Patrick Davis feels that one year should be sufficient amount of time to get the work completed. Patrick Davis will meet on site and determine whether the structure has met the requirements to issue the Temporary Certificate of Occupancy. Sue Finch made a motion to issue a Temporary Certificate of Occupancy

once Patrick Davis has determined that it met all requirements. Glenna Herz seconded motion. Motion carried.

DEFINITIONS:

Charles Kowalski asked the board to look at #4 and determine if it should say “shall” or “must”. The board went through the definitions one by one.

Adult Uses – Kent will check on the definition to determine if “not” should remain in the following sentence: “which is **not** open to the public generally, but excludes any minor by reason on age”.

Adult Peep Show – add internet.

Assisted Living Facility – Should “Nursing staff” be included? Kent Manuel will check on State definition.

Bed & Breakfast – Patrick Davis suggested taking “tourist homes” out of this definition and creating a separate definition “tourist home” and include 9 or less occupants regardless of age to that definition.

Mobile Home – Patrick Davis asked the board to replace this definition with “Manufactured Home”, these homes are no longer considered mobile homes they are now manufactured homes.

Continue with “Building” at the next meeting. The board will meet at **5:30 pm on June 14th** to do the definitions with the public hearings to follow at 6:30 p.m.

Glenna Herz made a motion to adjourn the meeting at 8:30 p.m. John Nolan seconded motion. Motion carried.