

DRAFT
Tivoli Village Planning Board

Minutes of Monthly Planning Board Meeting
August 25, 2008

CALL TO ORDER/ DETERMINATION OF QUORUM

Meeting was opened at 9:29 pm and a quorum was determined to be present for the conduct of business.

Planning Board Attendees:

Chairman Peter Sweeny
Vice Chairman Harry Colgan
Gary DiMauro
Navin Sharma
Robert Roff
Alternate: Domenic Scarpulla

Also Present:

Mayor Tom Cordier
Village Attorney Christine Chale
Planning & Zoning Liason Village Trustee Susan Ezrati
Planning Board Attorney Scott Volkman
Recording Secretary Marina L. Schmid

Absent:

Leigh Palmer

Chairman Sweeny wanted a recap of what the Planning Board was waiting on.

Village Attorney Chale reported:

1. The Village Board considered recommendation of Planning Board and it was adopted that the determination was consistent with LWRP
2. Determined Negative Declaration
3. Adopted Resolution approving acquisition of waterfront property
3. ZBA approved granting of 2 variances and 3rd was not necessary.

Chairman Sweeny requested the Board consider the Resolution granting final subdivision plat approval to CSX Transportation, Inc. The attached Resolution was offered and read by Harry Colgan and seconded by Navin Sharma, to wit;

Attorney Chale suggested that the 1st page should be modified with the following addition: Whereas, the Village Board of Trustees, on August 20, 2008, approved the acquisition of the CSX Parcel for park purposes, subject to receipt of subdivision approval from the Planning Board.

Alternate Domenic Scarpulla asked if CSX can sell subdivision before Village buys it? Attorney Chale stated that she will add #3 on second page "The subdivision is further conditioned upon conveyance of the two parcels to the Village of Tivoli for park purposes.

RESOLUTION GRANTING FINAL SUBDIVISION PLAT APPROVAL TO CSX
TRANSPORTATION, INC.

Name of Project: Waterfront Acquisition Project

Name of Applicant: Village of Tivoli

Whereas, the Applicant has submitted an application for Final Subdivision Plat approval dated June 30, 2008, to the Village of Tivoli Planning Board to subdivide a ±24.1 acre parcel of land (Tax Parcel No. 6175-03-103069) into three (3) parcels; and

Whereas, the subject parcel is located at the intersection of Diana Street and the Hudson River Waterfront in the Land Conservation District in the Village of Tivoli, Dutchess County, New York; and

Whereas, the applicant submitted a Final Subdivision Plat dated August 12, 2008 prepared by Crawford & Associates, with revision dates as follows: 04/18/07; 04/26/07; 05/02/07; 09/27/07; 02/05/08, 03/31/08; 06/23/08; 07/16/08 and 08/12/08; and

Whereas, on July 21, 2008, the Planning Board referred the application to the Zoning Board of Appeals for consideration of three area variances, to wit; 1) An area variance from Section 231-22, Minimum lot size, to permit a 1.09 acre lot and a 1.25 acre lot to be subdivided from a parent parcel; 2) An area variance from 231-22 to permit a lot with a Width of Lot at Front Building Line of 199.11 ft. for Lot 1; and 3) An area variance from Section 231-15, Frontage on a public street, to permit the creation of a lot which does not have at least 50 feet of frontage on a street; and

Whereas, on August 20, 2008, the Village Board of Trustees, acting as lead agency determined that the proposed action will not cause any potential significant adverse impacts on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, pursuant to New York State General Municipal Law §239-nn, notice of the public hearing on the Final Plat application was sent to the Town of Saugerties at least ten days prior to the hearing; and

Whereas, the Village Board of Trustees, on August 20, 2008, approved the acquisition of the CSX Parcel for park purposes, subject to receipt of subdivision approval from the planning board.

Whereas, on August 18, 2008, the Planning Board conducted a public hearing which was continued to August 25, 2008 at 8:00 p.m., on the Final Plat application, at which time all interested persons were given the opportunity to speak; and

Whereas, the Zoning Board of Appeals granted the applicant two (2) area variances regarding Section 231-22 referred to above and determined the variance from Section 231-15 was not necessary; and

Whereas, the Planning Board now wishes to grant Preliminary and Final Subdivision Plat approval to CSX Transportation, Inc., to subdivide a ±24.1 acre parcel of land into three (3) lots.

Now therefore be it resolved, that the Planning Board grants Preliminary and Final Subdivision Plat approval to CSX Transportation, Inc. to subdivide a ±24.1 acre parcel of land into three (3) lots in accordance with the plans and specifications heretofore submitted upon the following conditions:

1. Monuments shall be placed on lot boundaries in location, manner and material as required by the Village Engineer.
2. Submission of Subdivision Plat drawings for stamping and signing in the number and form specified under the Village's Land Subdivision Regulations, including all required P.E. and L.S. stamps and signatures.
3. The subdivision is further conditioned upon conveyance of the two parcels to the Village of Tivoli for park purposes.

The following resolution was offered by Member Colgan, seconded by Member Sharma, to wit;

RESOLUTION NO. _____
DATED AUGUST 25, 2008

RESOLUTION GRANTING FINAL SUBDIVISION PLAT APPROVAL TO CSX
TRANSPORTATION, INC.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Peter Sweeny	Voting AYE
Robert Roff	Voting AYE
Harry Colgan	Voting AYE
Navin Sharma	Voting AYE
Gary DiMauro	Voting AYE

The foregoing resolution was thereupon declared duly adopted.

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) She is the duly qualified and acting Secretary of the Village of Tivoli Planning Board, Dutchess County, New York (hereinafter called the "Village ") and the custodian of the records of the Village, including the minutes of the proceedings of the Village Board of Trustees, and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Planning Board held on the 25th day of August, 2008 and entitled:

RESOLUTION NO. _____
DATED AUGUST 25, 2008

RESOLUTION GRANTING FINAL SUBDIVISION PLAT APPROVAL TO CSX
TRANSPORTATION, INC.

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the Village. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Board was present throughout said meeting, and a legally sufficient number of members voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the Village and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this __ day of August, 2008.

-SEAL-

Marina Schmid
Planning Board Secretary

After discussion and review the attached resolution was offered by Harry Colgan and seconded by Navin Sharma to accept the resolution as amended. The question of the adoption of the foregoing resolution was duly put to a vote on a roll call, which resulted as follows:

Peter Sweeny	Aye
Robert Roff	Aye
Harry Colgan	Aye
Navin Sharma	Aye
Gary DiMauro	Aye

All in favor. Motion carried. The foregoing resolution was thereupon declared duly adopted.

Discussion followed with various questions the Board had:

Navin Sharma-Realize confusing process. Purpose is to narrowly act on application itself. Wonders if we need assurances that decisions are in no way carrying the project further in terms of site plan being approved or any other actions. That all further actions come before the Planning Board.

Attorney Chale- reviewed documents stating reassurances concerning approvals. Additional actions will need environmental review also.

Harry Colgan also noted that the Waterfront Committee will probably be presenting designs to Planning Board and open to public comment. Mayor agreed.

Domenic Scarpulli- Are there any conditions that Board should be aware of in the Agreement that CSX is requiring?

Attorney Chale stated fencing will be required during construction, among a list of other conditions. Discussion followed with the Boards concern on conditions, liability and fencing.

Susan Ezrati-stated that as a concerned resident if we go forward and Village Board buys, applies for grants, listen to residents we will have hope for some use of the waterfront. Whereas if not done the area will probably be inaccessible to all residents in the future.

Discussion continued with the Boards concerns on the conditions that CSX has in the agreement and any issues or conditions that the Board needs to be aware of.

Attorney Chale went over the conditions and contingencies and offered to review any and all info the Board would like to know about. As Attorney Chale stated this is really irrelevant as the information has already been discussed.

Trustee Ezrati pointed out that the easement is not part of the approval of variances, but main objective and worries could occur regardless of who owned the property.

ADJOURNMENT

On a motion by Gary DiMauro and seconded by Harry Colgan the meeting was adjourned at 10:00 pm. All in favor. Motion carried.

Respectfully Submitted,

Marina L. Schmid,
Secretary
Planning Board