



PLANNING BOARD MINUTES
February 18, 2020

Howard Post, Chairman, opened the meeting at 7:31 p.m.
Pledge of Allegiance.

Present: C. Howard Post, William Creen, Dan Shuster (Town Planner), Ken Goldberg, Len Bouren, Mike Tiano and Daniel Ellsworth

Absent: Carole Furman, and Robert Hlavaty (alternate)

Review of January 21, 2020 draft minutes. A motion was made by Furman, seconded by Creen, to accept the minutes as written. All in favor, none opposed, carried. Bouren abstained.

PUBLIC HEARING(S):

1. Site Plan Amendment, Kiniry West, LLC/Kim Kiniry, 1740 Route 212. Post announced that this Public Hearing will be done at the end of the agenda.

2. Minor Subdivision, Mary Spinac, 431 Shear Road. Post recused himself. Public Hearing opened at 7:32 p.m. Tom Conrad, Praetorius & Conrad, P.C., presented for the owner. The applicant would like to subdivide a 56-acre parcel into two parcels. Parcel 1 would consist of an existing house and barn with 5 acres and Parcel 2 will be the remaining 51 acres. Creen-anyone present for the Public Hearing or have comments? No one. A motion was made by Goldberg, seconded by Bouren, to close the Public Hearing. All in favor, none opposed, carried. The Public Hearing was closed at 7:33pm. A motion was made by Goldberg, seconded by Ellsworth, to approve the minor subdivision as proposed. All in favor, none opposed, carried.

OLD BUSINESS:

NONE

PRE-HEARING CONFERENCE:

1. Site Plan, Ronald & Mary Beiter, 31 Reservoir Road. Presented by the applicants, Ronald & Mary Beiter. There was an existing 3-bedroom house located on the property that was destroyed by a fire. The applicants would like to remove the destroyed home and replace it with a duplex, consisting of two 1-bedroom apartments. An email was received from the Ulster County Health Department stating there will be no issues with the using the existing sewer and water systems for the proposed two 1-bedroom apartments. The Board requested that the existing septic system be noted on the final site plan, prior to approval signature. A motion was made by Goldberg, seconded by Bouren, to declare this an Unlisted Action under SEQR. All in favor, none opposed, carried. A motion was made by Goldberg, seconded by Bouren, to approve a negative declaration under SEQR. All in favor, none opposed, carried. A motion was made by Creen, seconded by Goldberg to approve conditional final pending the submission of a final site plan with the septic system noted, as requested. All in favor, none opposed, carried.

PUBLIC HEARING(S) CONT.

1. Site Plan Amendment, Kiniry West, LLC/Kim Kiniry, 1740 Route 212. Public Hearing opened at 7:40 p.m. Post-noted to the public present that this Public Hearing is only for this application and the amendment to a currently approved site plan. Presented by Kimberly Synder, North Engineering and Chris DiChiaro, P.E. The applicant would like to amend a previously approved site plan from 2017. The area of disturbance will be increased from 0.98 -acres to 2.3 acres. A SWPPP was provided and submitted to the Town Engineer for review, comments have not been received to date. There was a mention of a Class B Trout Stream locate on this parcel but after reviewing no documentation has been found to confirm this. The two

culvert pipes by 212 are the cause for the water concerns. The stormwater was moved to avoid encroachment on the existing culvert. The complaint that the water that is draining into Dr. Leavitt's pond, via the existing culvert pipe from this parcel is muddy is due to the water that comes across this parcel from the two culvert pipes under Route 212. The water come through those culverts muddy and continues to be the same while passing through the Kiniry site. The classification that they are mining on this site is not an accurate account of what is being done. Any material that is being excavated is strictly being used on site for grading.

Post-anyone present for this public hearing? The following individuals spoke:

- Bennett Rydcliff, Woodstock Resident-concerns regarding the Trout population on site. Request documentation from the DEC that this is not an issue. DiChiaro-not considered Trout water and documentation will be obtained, as stated by Kiniry.
- Richard Frisbee, 15 Jane Street-the 4' pond on Mr. Leavitt's property has never been trout but bass fish because of the depth. The pond water has never been brown like it currently is. DiChiaro-that water that runs into the pond is brown before it enters the Kiniry site from the culver pipes under Route 212.
- Emily Svensen, representing Heather Hutchinson and Mark Kanter-the 2017 site plan that was approved was a reasonable site plan that the neighbors could accept. However the additional disturbance created when the applicant cleared more o the site then what was allowed creating noise and vibration is not acceptable. The approved site plan was to clear .9 acres and to build a shop. The current proposed amendment is not clear. What is the storage of equipment and materials? What is the use of the site? Will there be buffering/screening? What area are not to be disturbed? Suggest that the Public Hearing be kept open. Request an updated site plan that is clearer and a change of SEQR. Post-Public Hearing will be kept open. DiChiaro-there will be no additional disturbance then what has already been done. There is no intention for more removal of the rock cliff. There are berms and screening already in place along Route 212. Synder-the rock cliff was excavated because there was loose/dangerous shale and it was used on site for fill. There are regulations that must be followed for material piles. Shuster-request an updated site plan with the exact building location, equipment parking and stock/material piles. Synder-there will be no crushing of materials. Moriello (attorney for applicant)-the Board could amend the neg dec but it does not warrant a positive declaration. The SEQR is something that can be done in tandem with the other lot when that application does come in. It does not have to be done at the same time and will be considered in the SEQR review.
- Mark Kanter/Heather Hutchinson, 24 Adams Road-No problems with the approval of the 2017 site plan but that is not what has been done. The noise and dust have caused health issues from the excavation of the ledge right under our house. House would shake. A stop work order was placed on the un-approved site and they were manufacturing materials on the site that was approved. One thing was represented, and another has been done. Called the Building Inspector when the shale bank was being excavated. A verbal stop order was placed, and they kept working with a second machine. We are fine with the original approved site plan but not that they are asking for forgiveness after the fact. Concerned for the impact on the value of the homes and neighborhood around the parcel. DiChiaro-this used to be a dumpsite where 800 tires were removed by the applicant. He has cleaned the site up significantly at his own cost. Hutchinson-would have preferred the junkyard, mother nature was staring to cover it up naturally.
- Ron Viscoe, 1035 West Saugerties/Woodstock Road-from years of work experience, when a shale face is open it will be loose. Material screening is a known practice for businesses like this.
- Sasha, 882 West Main Street, Catskill-concerned that applicant is applying for the amendment after the fact that the area of disturbance has been increased without approval.

A motion was made by Creen, seconded by Bouren, to keep the Public Hearing open until the March 17, 2020 meeting. All in favor, none opposed, carried. Goldberg-would the applicant have come back before the Board to request an amendment if Mr. Kanter did not complain and bring the additional disturbance to the attention of the Building Inspector? Did the applicant ever consider changing/amending the site plan when it was determined that the area of disturbance was going to exceed the approved area of the 2017 site plan? Ellsworth-just to make the public/neighbors aware, there will be additional construction required to comply with

the SWPPP when approved. The Central Hudson site across Route 212 from this site is what is producing the muddy water run-off. Did a site visit and you could see the type of mud that was being brought through the culvert was coming from the Central Hudson site not the Kiniry site.

ADDITIONAL BUSINESS:

1. A request was received from Bruce Utter, Praetorius & Conrad, P.C. for a 1-year extension of the final site plan submission for the Sophiedrew Acres conditional final. A motion was made by Ellsworth, seconded by Tiano, to approve the 1-year extension. All in favor, none opposed, carried.

ADJOURNMENT:

Since there was no further business to discuss, a motion by Bouren, seconded by Tiano, to adjourn the meeting at 8:32 pm. All in favor, none opposed, carried.

Respectfully Submitted by,

Becky Bertorelli
Planning Board Secretary