



PLANNING BOARD MINUTES
VIRTUAL -WebEX
July 20, 2021

C. Howard Post, Chairperson, opened the meeting at 7:30 p.m.

Present: C. Howard Post, Carole Furman, Ken Goldberg, Mike Tiano, Robert Hlavaty, Kevin Brady, William Creen (alternate) and Adriana Beltrani (Town Planner, NPV).

Absent: Len Bouren

The draft minutes of the June 15, 2021 Planning Board meetings were reviewed. A motion was made by Furman, seconded by Tiano, to approve as written. Board vote: Goldberg-Aye, Furman-Aye, Post-Aye, Tiano-Aye, Hlavaty-Aye, Creen-Aye, Brady-Aye. Motion carried.

PUBLIC HEARINGS

1. Major Subdivision, Joseph Gambino, 3524 Route 32. Presented by Bill Stade, Praetorius & Conrad, P.C. This is a public hearing that has been left open from the last meeting for a proposed 5-lot subdivision of a 32-acre parcel of land located off Route 32 and High Falls Road.

Public comments:

- Marilyn Freeburg, 3574 Route 32-still concerned with the visual impacts from the road, septic review concerns, well drainage and have the Department of Health approvals been received. Stade-topo was submitted, the SWPPP and drainage study. Road design questions can be addressed by Rich Rothe, the engineer working on this. BOH will have to approve all wells and septic prior to installation. The visual impact should be limited as there is a sight line of 100' uphill and 200' downhill. The road cut design has been planned to leave natural vegetation to screen. Beltrani-comments were provided by the Town Engineer to the Board and are being reviewed and considered.
- June Brandt, 63 High Falls Road-where is the DEC report? Was it submitted to the Board as requested at last month's public hearing? Beltrani-the site off of High Falls Road was looked at and determined that at the time less than 1-acre was being disturbed at the time of review. The entire site is being studied by the Planning Board and the Town Engineers. Brandt-there was fill put in and no environmental screening in that area, will that be done in the future with the development? Stade-will be done with the process as required. The DEC report was submitted and reviewed by the Planning Board. Brandt-all fill used was from inside the lot? No debris is being buried on property? Gambino-correct. Stade-from this point forward no debris will be buried onsite. Brandt-tar and road pieces were buried on the High Falls Road site. Rothe-concrete and asphalt are considered clean fill and are able to be disposed of in that manner.
- Toni Berzal, 97 High Falls Road-how will the sites be handled? Was the site work on High Falls Road done prior to notification of the Town? Water issues. Rothe-the work has been stopped until the Building Department removes the stop work order, once and if the application

has been approved. Perk results were done. The fill that was used on the High Falls Road site was shale and pervious materials from onsite. There has been no pooling of water noted on the site since the work was done. The water is absorbed into the site. Gambino-we only used clean fill from onsite. The area looks the way that it does because of the “Stop Work Order” issued by the Building Department. Will move forward and clean it up once the SWO is lifted. Everything will be leveled to the road itself. Berzal-it is visually unappealing. Brandt-there is more water than usual onsite. Gambino-took pictures and video after all the recent rain and there was no pooling of water onsite, they can be provided if necessary.

Post-any further comments? None. Beltrani-a negative declaration is appropriate. The engineer has looked at the SWPPP and feels that it is achievable but a neg dec is warranted at this time. A motion was made by Furman, seconded by Hlavaty, to approve a Negative Declaration under SEQR. Board vote: Goldberg-Aye, Furman-Aye, Post-Aye, Tiano-Aye, Brady-Aye, Hlavaty-Aye, Creen-Aye. Motion carried. A motion was made by Furman, seconded by Hlavaty, to close the public hearing since no further comments were made. Board vote: Goldberg-Aye, Furman-Aye, Post-Aye, Tiano-Aye, Brady-Aye, Hlavaty-Aye, Creen-Aye. Motion carried. The public hearing was closed at 7:57 p.m.

Beltrani-most comments have been addressed. The applicant will need to include the BOH approvals and signature blocks on the subdivision map. The Town Engineer will review the Road Maintenance Agreement, SWPPP, Easements, Drainage & Erosion Control. Hesitant to approve, even conditionally, as there are several items outstanding: swail and easement on lots 3, 4 and 5, HOA established and submitted, revised SWPPP or simple report. Need more information for the formal submission. The Board can approve with these conditions or wait for the Town Engineer to review and make final comment/approval. UCPB required a T-style deadend, discussed with the Town Engineer and they do not feel it is necessary. Rothe-Ulster County Health Department signature block, no individual lot approvals at this time, they are not necessary and will be required by the Building Department when development does occur. Erosion & Sediment Control plan submitted. Beltrani-was a bond provided? Post-regarding the DEC report that was submitted, does it matter that the applicant stated that they had received approval for clearing prior to the review? Beltrani- the Town Engineer does not feel that had any bearing on the outcome. The review was only to see if there was over 1-acre of disturbance. Rothe-will contact the Town Engineer regarding the HOA in addition to the RMA. If an HOA is required it is a big deal as it needs approval from the Attorney General. The applicant would like to avoid this.

Post-does the Board have any additional questions: Goldberg-UCPB requirement of “T” rather than a cul de sac, would like more information. There are still outstanding engineering issues but the applicant states they are simple and done, and would like to wait for the Town Engineer’s approval before approving the subdivision application. Furman-erosion control, will a silt fence be used. It was stated that there was 100’ between neighbors? Gambino-yes, there is 100’ between the lot and neighbors before clearing, between the road and the Stinemire residence. Hlavaty-no questions. Creen-no questions. Tiano-walked the property twice, and should have been shown the High Falls site on the initial visit. The “T” vs. cul de sac question if Saxton Fire Department is ok it should be fine the way that it is. 120’ diameter is more than adequate for a fire apparatus to turn around. Post-agree with Goldberg on waiting for Engineer’s comments before approving. Beltrani-outstanding concerns that need to be addressed with exact details.

A motion was made by Goldberg, seconded by Tiano, to override the UCPB comment requiring a “T” at the end of the road. Board vote: Goldberg-Aye, Furman-Aye, Post-Aye, Tiano-Aye, Brady-Aye, Hlavaty-Aye, Creen-Aye. Motion carried.

Post polled the Board regarding approval: Goldberg-wait for Town Engineer’s comments. Creen-no comment. Hlavaty, Brady, Tiano, Furman and Post-agree with Goldberg. Rothe-road design was submitted on time to be reviewed by the Town Engineer but comment has not been received. Would like to have a response by the next meeting. Would like to know if similar rural roads need to be bonded? Beltrani-wait until next meeting regarding the bonding question. Post-no further action can be taken by the Board at this time. Will await the Engineer’s review and comments for next month’s meeting.

2. Minor Subdivision, Ronald Frank, Houtman Road. No one present for the applicant. The Board decided to move forward with the public hearing as scheduled. The meeting was opened at 8:55 p.m. by Post. Public comments:

- Debbie Daly, 215 Houtman Road-this subdivision is proposed to the East of the parcel. There is a swale in Lot 1 and Lot 2, what will be the impact on the wetlands in the area? Do not have a problem with the subdivision application but wanted to note that the certified mailer was just put in the mailbox and a signature was never requested as proof of delivery. How do we know that all those that were to be notified were notified? Bertorelli-the mailing receipts were submitted by the applicant that the certified mailers were in fact sent out via the post office. The issue with a signature not being required is something that needs to be addressed with your specific postmaster and the mail delivery carrier, as that is the purpose of the certified mailer with return receipt requested. The applicant or anyone that sends a certified letter has no control over what happens after it is handed over to the postal service.
- Eleanor Minsky, 255 Houtman Road-never received notice of the public hearing, just heard about it from neighbors. How will the runoff affect the well greenbelt? What are the next steps? What is the development plan? Beltrani-there is an outstanding comment that has been sent to the applicant requesting the limits of disturbance, run off from clearing of land, treeline and cluster to be shown on the subdivision map. These comments should be addressed for the next meeting.

Beltrani-the Board can keep the public hearing open. Post-we will keep it open so that the applicant or their engineer can be present to answer questions. No further action can be taken at this time.

OLD BUSINESS

1. Major Subdivision, Catskill Terraces/HV Contemporary Homes, LLC, Ralph Vedder & Manorville Road. Presented by Jeffrey Hogan. This application is for a 10-Lot Major subdivision encompassing three parcels of land. The plan has been updated to include a “T” at the end of the private roads instead of a cul de sac. There are 2 grading lines shown, property clearing and land disturbance for each lot. A blow up of each road was shared for easier review. The road off Ralf Vedder is fairly flat, with stormwater, grading and dimensions shown. The road off Manorville is downhill to a flatter area with a max slope of 10%. Post-nice job. Furman-great work, only concern is snow removal because of the slopes? Hogan-there is a swale for collection to be treated before the run-off is released. There are several storage areas that can be used including a small catch basin.

Post-board comments: Goldberg-send the UCPB and schedule a public hearing. Tiano, Brady, Hlavaty, Creen-no questions. A motion was made by Furman, seconded by Tiano to send the referral to

the UCPB. Board vote: Goldberg-Aye, Furman-Aye, Creen-Aye, Hlavaty-Aye, Brady-Aye, Tiano-Aye, Post-Aye. Motion carried. A motion was made by Tiano, seconded by Furman, to schedule the public hearing for the August 20, 2021 Planning Board meeting. Board vote: Goldberg-Aye, Creen-Aye, Hlavaty-Aye, Brady-Aye, Tiano-Aye, Furman-Aye, Post-Aye. Motion carried.

Beltrani-the Board had discussed at the last meeting scheduling a site visit to mark significant trees. Post, Furman and Brady will meet Hogan at the site on August 5th at 4pm.

Beltrani-Part II of the EAF was completed and it was requested that the areas that were checked “Moderate to large impacts” must be mitigated by the applicant. This can be reviewed at the next meeting. Post-further questions/comments? Goldberg, Gurman, Tiano, Brady, Creen, Hlavaty-ok, looks good. The EAF will need to be responded to before SEQR determination.

2. Major Subdivision, Robert Gelb & Norma Hill, 269 Wilhelm Road. Presented by Chris DiChiaro, Engineer. No response from the Saxton Fire Chief regarding the updated road plan. The new proposed 4-lot subdivision and proposed road are a lot safer than the current conditions. The private road meets requirements with the exception of the grade, being 12% rather than 10%. Spoke with the Town Engineer and he feels that 12% grade is acceptable, given the area. The applicant has eliminated Lot 5 because it was not suitable for a septic/sewer system. The Surveyor is now Chuck Holtz, he is new to the project. Septic design and soil testing completed. The Town Engineer was ok with the road configuration, outbounds to be labeled by new surveyor the current shown were based on the old survey that was done. Beltrani-the Town Engineer to review the SWPPP before SEQR determination. Would like to see emergency responder comments. DiChiaro-a basic SWPPP will be completed, as there is limited disturbance. No proposed development on existing wetlands, a basic sediment and erosion control plan will be needed. Beltrani-the Board can refer to the UCPB, schedule a public hearing (which can be kept open if necessary), need a Road Maintenance Agreement and comments on roads. Post-will contact the Fire Chief of Saxton, Tiano will reach out too.

A motion was made by Goldberg, seconded by Tiano, to refer to the UCPB and schedule a public hearing for the August 20, 2021 Planning Board meeting. Board vote: Goldberg-Aye, Furman-Aye, Brady-Aye, Hlavaty-Aye, Creen-Aye, Tiano-Aye, Post-Aye. Motion carried.

3. Site Plan, Embassy Holding LLC, 334 Route 212. Presented by Khattar Elmassalemah, Praetorius & Conrad, P.C. The applicant applied for a variance for the rear setback to the Zoning Board of Appeals and was approved. This will allow Starbucks to utilize the most recent site plan that was submitted. Contacted the NYS DOT to close the tow curb cuts on Route 212, they were happy with that decision. Standards of Starbucks were acquired and meet the Gateway Overlay requirements of the Town. Will hook into the existing public water & sewer system. The access will be via the plaza only, in and out. Goldberg-closing all direct access from Route 212? Elmassalemah-correct, will connect the sidewalk. Furman-like the opening up to the plaza for only access. Beltrani-letter received from the ZBA with approval. Will require consent to use the plaza, user agreement necessary. Elmassalemah-both parcels are owned by the same person. ROW granted for access. Beltrani-parking is still a concern, will there be joint use of the parking in the plaza? Elmassalemah-a note will be added to the site plan regarding the ROW through the plaza and the shared parking. Beltani-a maintenance note added for landscaping to be replaced when needed. Lighting shows spill over on parcel boundary, it is supposed to be .5 foot candles at lot line. Elmassalemah-the fixtures are mounted 12’ high, and may be able to make that lower to help with lighting. Beltrani-look at §245.27(d). Furman-can we tell what the lighting from CVS is? What is the landscaping in the SW corner of the parcel?

Elmassalemah-there is a key to the landscaping elements in the submission. There is no way to tell what the lighting measurements are from CVS at this point. Beltrani-something lower with lower candles would be preferable. Note regarding the pavement encroachment from the Verizon building. Elmassalemah-would prefer not to add that note. Post-Board's comments on note: Goldberg, Post, Furman, Tiano, Brady, Creen, Hlavaty-note not necessary. Elmassalemah-there is a tree in the corner and holly bush, following the pattern of landscaping in the Verizon building.

A motion was made by Furman, seconded by Creen, to refer to the UCPB. Board vote: Goldberg-Aye, Furman-Aye, Post-Aye, Tiano-Aye, Hlavaty-Aye, Brady-Aye, Creen-Aye. Motion carried. Post-poll the Board to require a public hearing: Goldberg, Furman, Tiano, Brady, Hlavaty, Creen, Post-yes. A motion was made by Furman, seconded by Tiano, to set the public hearing for the August 20, 2021 Planning Board meeting. Board vote: Goldberg-Aye, Furman-Aye, Creen-Aye, Brady-Aye, Hlavaty-Aye, Post-Aye, Tiano-Aye. Motion carried.

4. Site Plan Amendment, Guardian Self Storage West, LLC, 2902 Route 9W. Presented by Frank Redl, Guardian Self Storage West, LLC. A revised application and plan were submitted with a narrative. The Planner's comments were addressed and submitted. UCPB comment was only regarding lighting and updating it to the new requirements, those have already been met in the updated site plan. Goldberg-all comments have been addressed, thank you. Furman-no comment. Tiano-only concern is there is no way for the fire truck to get to the proposed building from the entrance of the property. Will have to fight the fire from outside the fence. There is an emergency gate but it can not be accessed by the current equipment that the Fire Department has. Is a sidewalk going to be installed? Landscaping? Visual screening? Chief of Glasco said that the fire department stated that it would be hard to enter the facility with the firetruck. Redl-have updated the plan that no propane will be used, a heat pump will be installed. It is a small building that will be accessible with fire safety equipment. The landscaping is planted as required by the original site plan. Thought the issues with emergency access were resolved with the original site plan. Brady-these concerns are pre-existing. Hlavaty-no further comments. Creen-no further comments. Post-general practice to refer to the Fire Department at the time of the original site plan, the conditions are existing. Tiano-will do our best if the time comes to fight a fire. Post-a sidewalk was not required. Excellent job addressing all questions. Redl-would like to ask that a public hearing be waived. Beltrani-it is a small addition of a building to a previously approved site plan, which seems reasonable.

A motion was made by Furman, seconded by Goldberg, to waive the public hearing and approve the site plan amendment. Board vote: Goldberg-Aye, Creen-Aye, Hlavaty-Aye, Brady-Aye, Furman-Aye, Tiano-Aye, Post-Aye. Motion carried.

5. Site Plan/SUP, Duncan Properties, LLC, 2892 & 2897 Route 32. Presented by Scott Ouimet. Lawful segmentation can not be done with this project, as clarified by the Planning Board attorney. Clarification of the rezoning action was done. Notice of Intent to serve as lead agency was drafted by the Town Planner. All comments have not been addressed from the Town Planner but are working on them. SWPPP has been prepared but not submitted. Beltrani-the Board can only approve the NOI and circulate, it is too early to do a SWPPP at this point. A motion was made by Hlavaty, seconded by Creen, to approve the drafted NOI and circulate. Board vote: Goldberg-Aye, Furman-Aye, Tiano-Aye, Brady-Aye, Hlavaty-Aye, Creen-Aye, Post-Aye. Motion carried. Beltrani-there is a 30-day response period for all notified agencies. Part II assessment form, expanded EAF will have to be very detailed. Goldberg-according to the Town Planner's memo there are several inconsistencies in what was being asked for from the Town Board. The request must be consistent throughout. This parcel is located in

the Aquifer Overlay district. Beltani-it has been clarified that the request before the Town Board to rezone is only related to car washes in the Gateway Business and Aquifer Overlay districts, clarified to allow car washes in the AO. Ouimet-specifically where is both not either of them. Beltrani-not “or” but “and” as Aquifer is only an Overlay district. Post-further questions from the Board at this time: Furman, Tiano, Brady, Hlavaty, Creen, Post-not at this time. No further action can be taken by the Board at this time.

PRE-HEARING CONFERENCE

1. Lot Line Revision, Town of Saugerties & Glasco Fire Department, 159 & 162 Liberty Street Extension. Presented by Tom Conrad, Praetorius & Conrad, P.C. The applicant is looking to take .5-acres of the Glasco Little League Field, owned by the Town of Saugerties and give it to the Glasco Fire Department to maintain. Beltrani-simple lot line that meets the requirements of waiving the sketch plan approval and public hearing. A motion was made by Tiano, seconded by Furman, to waive the sketch plan requirements, public hearing, declare a Type II Action and approve the lot line revision. Board vote: Goldberg-Aye, Furman-Aye, Tiano-Aye, Brady-Aye, Hlavaty-Aye, Creen-Aye, Post-Aye. Motion carried.

2. Lot Line Revision, Tonita V. Lezette Trust/Thomas Van Valkenburg, 2 Ebel Court & 7 Sherwood Place. Presented by Khattar Elmassalemah, Praetorius & Conrad, P.C. Parcel 2 (VanValkenburg) is giving .145-acres to Parcel 1 (Lezette) to eliminate a non-conforming lot line. Beltrani-meets all requirements to waive sketch and public hearing. A motion was made by Furman, seconded by Creen, to declare a Type II Action, waive sketch plan requirement, waive a public hearing and approve the lot line revision. Board vote: Goldberg-Aye, Furman-Aye, Brady-Aye, Hlavaty-Aye, Tiano-Aye, Creen-Aye, Post-Aye. Motion carried.

3. Site Plan/Lot Line Revision, Glasco Apartments, 260 Glasco Tpke., 2964 & 2966 Route 9W, Rt. 9W, 30 Belknap Ln./off Glasco Tpke. Presented by Chris LaPorta, Passero Associates. The applicant is looking to develop a 150-unit apartment complex, consisting of fifteen buildings, over the parcels indicated. All traffic will access the site via Route 9W and Mary’s street will be used for emergency access only. There will be no subdivision of land, which was discussed in the workshop meeting. The lot line revisions will only be to remove lot lines to create a large parcel for the development. There are existing buildings on the property which will stay. The Town Planner’s comments were straight forward and will be addressed. Have a meeting set up with the Town Engineer this week. Water and sewer infrastructure discussion will be done and once that is completed the updated site plan will be submitted to the Town. Technical review will be done with outside agencies as required. The NOI was drafted by the Town Planner. Advise on next steps. Tom George, applicant, traffic counts were attached to the EAF submitted. Do we need a traffic study in this area of 9W? LaPorta-a permit application will be submitted to the NYS DOT and they will take a look and advise if one is needed. Post-we have required a traffic study in the past. Furman, Brady, Hlavaty, Creen-no questions. Tiano-question the trip counts, population analysis, how it will affect the school system, dumpster locations, bus stops, street lights and think that 2 entrances would be better than one off Route 9W. Beltrani-building elevations and plans will be needed. The pool encroachment on the side yard setback will have to be addressed. Landscaping, screening, and noise to neighbors in that area must be considered as well. Parking calculations need to add up. Are ownership and maintenance included with the units? What is the market rate, is there an affordability component? The Town Engineer and Fire Department will need to be notified regarding the road designs. Maintenance clarified. School bus movement addressed. Details in the EAF need to match the updated site plan. Review the landscaping and lighting requirements. There was discussion about an EV charging station at the clubhouse, that

has to be shown. A comment response letter can be provided before the next meeting. This is a Type I action, it is located in an agricultural district. A full EAF will need to be completed. 17-acres are proposed to be disturbed, a full SWPPP will be required. Confirmation from the water/sewer department will be required, “willingness to serve”. Ulster County Area Transit busses past this location. Archaeological sites closed out by SHPO on Phase I for a previous project that was proposed for this site. Traffic concerns, an intersection study necessary by NYSDOT. UCPB referral is required. Not quite to the point of a public hearing but the draft NOI can be approved and circulated at this point.

A motion was made by Furman, seconded by Hlavaty, to approve the draft NOI and circulate to all involved agencies as indicated. Board vote: Goldberg-Aye, Furman-Aye, Tiano-Aye, Brady-Aye, Hlavaty-Aye, Creen-Aye, Poste-Aye. Motion carried.

ADJOURNMENT

Since there was no further business to discuss, a motion was made by Furman, seconded by Tiano, to adjourn the meeting. Board vote: Goldberg-Aye, Furman-Aye, Tiano-Aye, Brady-Aye, Hlavaty-aye, Post-Aye, Creen-Aye. Motion carried. The meeting was closed at 10:49 pm.

Respectfully Submitted by,

Becky Bertorelli
Planning Board Secretary