



PLANNING BOARD MINUTES
VIRTUAL -WebEX
July 21, 2020

C. Howard Post, Chairman, opened the meeting at 7:32 p.m.

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

Absent: Len Bouren and Daniel Ellsworth.

The draft minutes of the June 16, 2020 Planning Board Meeting minutes were reviewed. A motion was made by Goldberg, seconded by Tiano, to approve as written. Board Vote: Creen-Aye, Furman-Aye, Hlavaty-Aye, Post-Aye. Motion carried.

PUBLIC HEARINGS

1. **Site Plan Amendment, Kiniry West, LLC/Kim Kiniry, 1740 Route 212.** A DRAFT Negative Declaration was prepared by Dan Shuster and distributed to the Board prior to the meeting for review. A motion was made by Goldberg, seconded by Hlavaty, to approve the neg dec as written. Board Vote: Furman-Aye, Creen-Aye, Tiano-Aye, Post-Aye. Motion carried.

The public hearing was opened at 7:39pm. Chris DiChiaro gave a brief description of what has been updated; additional landscaping plan, specific stock pile heights, updated lighting plan. He noted that there is a minor elevation change in site plan from the approved 2017 site plan. Post-questions from the public:

- Emily Svenson, attorney for Heather Hutchinson and Mark Kantor (neighbors of the property). Presented the Board with a letter of concerns that her clients have. Noise, dust and visual impacts are the primary concerns. Her clients downloaded a noise meter application and the following were measurements that they recorded. Ambient level is 96 decibels, a truck passing on Route 212 was recorded at 46-49 decibels and a power tool on the applicant's property was recorded at 96 decibels. Gina Kiniry asked if she could address that power tool concern. The noise that is being referred to was not on the property of this application but the lot adjacent located at 1752 Route 212. There was a repairman there working on a pillar that needed to be repaired. The repair was less than 2 hours and the power tool that was being used was a masonry saw, operated by the repair man. This repair occurred on July 16, 2020. After doing some research found that a lawn mower is recorded at 90 decibels. Svenson-zoning code for a Special Use Permit sets the

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standard at 70 decibals. Kiniry-this is not a SUP, just a site plan review. Svenson-her clients would like to suggest the following to the Board during their reivew:

1. restrict allowable activities
2. ledges are not to be further escavated
3. hours of operation are limited to 8:30am-4:30pm
4. lighting be removed on the western side of building
5. screening of evergreens be extended around the western boundry of property.

DiChiaro-your client's home is over 500' from the shop building and there is a natural grade that slopes up 10'-12' with natural screening. All lighting that has been proposed, including the western side of the building, is down shielding.

Kiniry-the hours of operation suggested are not feasible for a construction company, they are banking hours. 8:30am-4:30pm infringes on the profitiability of our company. Jobs can be in Westchester County and we have to be there by 9am, this means we have to load the trucks and travel to be on-site at that time.

7am-4pm are more rational for this type of business. This is a permitted use in the Highway Business zoning district. We can not commit to those specific hours.

DiChiaro-M-F business. Kiniry-there may be emergencies that occur afterhours or weekends when they may have to access the shop and load machines to address those emergencies. We do not want to be followed around with a camera on those accounts and say that we are not following our approved hours of operation.

Creen-the hours suggested would not work for loading machines and being at jobs on time. The suggestions are overboard. Tiano-decibal meters are not a reliable source of measurement. This is a local construction company that is trying to operate in an area that it is an allowed use.

Post-I work in the construction business myself and would recommend 6:45am-5:30pm. Svenson-my clients would request that the Board not allow earlier then 7:30am. Kanter-concerned with the noise, dust and mining out of ledge. The business should not be overly impactful and must be reasonable. We do not harrass anyone, we only go out when there is noise, to see what is going on. Post-the Board's job is to apply the law and ensure that the zoning law is being enforced and followed. DiChiaro-asked Gina Kiniry if the neighbor across Route 212 from this site has ever complained about the noise, the house is located 300' from the site? Kiniry-no, never. Kantor-it is the acoustics of the ledge that cause the noise level.

DiChiaro-there are trees along the ledge and above the building in between the site and your home.

Post-any additional comments, none. A motion was made by Creen, seconded by Tiano, to close the public hearing. Board Vote: Furman-Aye, Hlavaty-Aye, Goldberg-Aye, Post-Aye. Motion carried. Closed at 8:06pm.

Shuster-will provide a full resolution incorporating the Board's conditions. Moriello-will need to be referred to the Ulster County Planning Board.

Post polled the Board regarding hours of operation:
Creen – 7am-3:30pm

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Goldberg-first asked how often does the loading and unloading of machinery occur in a normal day? Kiniry-it is usually one in the morning and once at end of day. Goldberg-7am-4 or 4:30pm M-F with the stipulation that additional hours may occur on occasion.

Furman-7am-5pm

Tiano-7am-5pm with same stipulation as Goldberg

Hlavaty-7am-5pm

Post-7am-5:30pm

A motion was made by Post, seconded by Hlavaty that hours of operation be set to 7am-5pm, M-F. Board vote: Furman-Aye, Creen-Aye, Goldberg-Aye, Tiano-Aye. Motion carried.

Shuster –would like to note that there have been landscaping additions aimed at noise mitigation. Further comments can be received from the public up to August 4, 2020 for review.

A motion was made by Furman, seconded by Hlavaty, to refer to the Ulster County Planning Board, as required. Board vote: Creen-Aye, Goldberg-Aye, Post-Aye, Tiano-Aye. Motion carried.

OLD BUSINESS:

1. Minor Subdivision, PWO418 Holdings, Inc. 180-184 Blue Mountain Rd. This 14-acre parcel is located across from the Rip Van Winkle Campground. Since the last meeting which this application was before the Board, we have had the Federal Wetlands mapped, the Village water lines have been delineated by the Village Water Department, received an email from the Centerville Fire Chief approving the common entrance and two driveway layouts. There have also been some minor adjustments to the property lines on the updated sketch plan. Post-reviewed the Town Planner's comments? Hogan-applicant will address the Road Maintenance Agreement. There was a request from the Beltrani to revise note #5 on the site plan to submit pre-construction notification to the Army Corps. of Engineers will be referred to the wetland delineator to ensure that is required. If it is the note will be revised. Looking to the Board to see if it is necessary to have the Town Engineer review the roads, as suggested. An erosion plan was submitted to the Engineer and he did not have any comments, assuming that the culvert was reviewed at that time as well. Beltrani-does not have to be referred to the UCPB. The Board will need to approve a neg dec and schedule a public hearing, which seems appropriate at this time. A motion was made by Goldberg, seconded by Furman, to declare this an Unlisted Action under SEQR. Board vote: Creen –Aye, Tiano-Aye, Hlavaty-Aye, Post-Aye. Motion carried. A motion was made by Goldberg, seconded by Furman, to approve a neg dec. Board vote: Creen-Aye, Tiano-Aye, Hlavaty-Aye, Post-Aye. A motion was made by Furman, seconded by Tiano, to set the Public Hearing for August 18, 2020. Board vote: Creen-Aye, Goldberg-Aye, Hlavaty-Aye, Post-Aye. Motion carried.

2. Site Plan Amendment, Agawam/Wyldwyck LLC, NYS Route 32/Liberty Street. Bruce Utter presented. A revised site plan has been submitted to space the cabins out and add a second row, all of which adhere to the 150' requirement. The Archeologist Phase data retrieval has been completed and accepted by SHPO. Ready for soil testing to

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begin. We are looking for SEQR determination and the possibility of a neg dec approval. Beltrani-upon review of the revised site plan and comparative analysis the updated plan is less of an impact than the previously approved site plan. The Part II EAF and Draft Neg Dec were prepared and distributed to the Board for review prior to the meeting. There are no large impacts, construction period will be and acceptable 24 months. A revised SWPPP will be prepared and submitted for review. Just wondering why Maser and Crieghton Manning were both used. Applicant, Adam Friedman-Maser was hired by the Planning Board to complete a third party evaluation. Crieghton Manning was always the applicant's traffic consultant. Beltrani-has the hook up to the Glasco Water/Sewer system been completed? Issues? Utter-not submitted to the Board of Health yet met with the Town officials for previous application and was noted there is plenty of capacity to facilitate the proposed plan. Beltrani-the impacts to habitat have been reduced. Review of noise levels. The building has been made 10' shorter creating less of a visual impact than the previously approved building. Mike Moriello, applicant's attorney, has reviewed with no additions or subtractions.

Post-comments from the Board regarding the Negative Declaration:

Goldberg-looks very comprehensive.

Creen-no

Furman-acceptable

Tiano-pg. 4 of 6 comments that there are no staff accommodations on site but there is a section of the building that notes staff accommodations? Friedman-this is a breakroom and lockers for staff during their shifts.

Hlavaty-no comments

Post-no comments

A motion was made by Goldberg, seconded by Furman, to approve the Negative Declaration as written. Board vote: Creen-Aye, Tiano-Aye, Hlavaty-Aye, Post-Aye. Motion carried. Beltrani will remove the "Draft" watermark and circulate.

Utter-would like to schedule the public hearing for next month. Tiano-would like a complete set of updated plans before that. Friedman-can have the majority of the site plan done but would like to have the public hearing prior to completing to ensure that we include public comments and concerns for submission the month after the public hearing is closed. A motion was made by Goldberg, seconded by Furman, to schedule the public hearing for August 18, 2020. Board vote: Creen-Aye, Tiano-Aye with 80% or better final site plan submission, Hlavaty-Aye, Post-Aye. Motion carried.

PRE-HEARING CONFERENCE

1. Site Plan, Keith Olsen, 154 Patterson Rd. Presented by Keith Olsen. Plan to remove the current structure and replace with a new building but stay within the existing footprint. Only coming before the Planning Board because the parcel is located in the Waterfront Overlay district. Reviewed the Town Planner's comments. This is a pre-existing, non-conforming building that will be moved back 4' from the road and will be 3% less than the current footprint in terms of lot coverage, creating a less non-conforming structure. Beltrani-ensure that the new structure does not go outside of the existing building's footprint or becomes more non-conforming in any way. The height will remain less than the zoning limitations of 35', the new structure will be 29'8". The

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septic will remain a grassy area and the well will stay as it is. The existing structure is a 2 bedroom home and it will remain that with the new structure. Will there be any tree removal? Olsen-no, wish there were more trees. Beltrani-lighting was provided and will be downward facing, recessed in fixture? Olsen-yes, 13w LED bulb will be used.

A motion was made by Goldberg, seconded by Tiano to declare this a Type II action under SEQR. Board vote: Creen-Aye, Furman-Aye, Hlavaty-Aye, Post-Aye. Motion carried. A motion was made by Goldberg, seconded by Furman, to approve the site plan application as submitted. Board vote: Creen-Aye, Tiano-Aye, Hlavaty-Aye, Post-Aye. Motion carried.

2. Site Plan/SUP, Nadim Farzan & Isabel Soffer, 1109 Main Street. Presented by David Minch, architect. Will let the applicants express what they would like to do. Soffer-looking to build an additional living space, separate from the current home, for an elderly relative. We currently are the primary caregivers and finding that a space for their own would be better, but want them close enough to us that we can watch over. The structure that we would like to put on the parcel would be a one-story structure that could house him and a caretaker. Minch-review of the Town Planner's comments. Some questions regarding the zoning law were addressed. One being is this considered an accessory dwelling and if so how does it fit within the guidelines of that. Beltrani-if it is considered an accessory dwelling you will have to go to the Zoning Board of Appeals for an area variance as it will be more than the 600' square feet allowed for an accessory dwelling, the proposed structure will be 800' square feet. Another option is to go to the Code Enforcement Officer to see if there is a way to reconfigure the structure so that it fits within that 600' square foot requirement. The Planning Board can not make any decision until that is done, as this proposed structure does not fulfill the requirements for that zoning district, if it is to be considered an accessory dwelling. There is encroachment from a proposed deck that must be removed to fit the bulk requirements. Minch- we can dot that. Within the zoning law it states that a property owner is allowed to have up to three single-family dwellings, as long as all bulk requirements are met, in the High Density Residential area (which this is). Beltrani-if that is what you would like to do you would have to update your application to state that. The application that was submitted was for an accessory dwelling not a single-family residence, secondary dwelling. At this time Alvah Weeks, Code Enforcement Officer, joined the meeting. Beltrani-do you agree that this will just have to come back to you for building permits only if they wish to continue as a secondary dwelling. Weeks-correct. Beltrani-if this is the case then the Board can send the owners back to the Building Department for building permits. Post-polled the Board: Creen-Aye, Goldberg-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Post-Aye. No further action will be taken by the Board and the applicants can proceed under the direction of the Building Department.

3. Lot Line Revisions, Raymond & Carol Ann Mayone, 17/29 Frontier Rd. & Old Stage Rd. Presented by Jeff Hogan. The applicants would like to adjust several lot lines on adjoining parcels, all owned by the same family. The southern and northern lots are currently vacant. The lot located to the western side in the center contains a barn and this is where the applicants would like to build a retirement home in the future with access via

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two separate ROW, located on to the north and south of the parcel. The parcel located on the eastern side of the center lots is where the applicant's current residence is located.

Beltrani-the ROW is the primary concern. Frontier Road is a private rural road and may have to brought up to Town specifications. Are there road maintenance agreements? Why is a 50' access on both sides of the center lot necessary? Hogan-this is for the contractors when building the future home and this is a farm so it is useful for the farm equipment. There will be road maintenance agreements for the two ROW to the north and south of the center lot with the barn but not sure about what Frontier Rd. has. Beltrani-spoke with the Town Engineer and Town Attorney and we will require documentation on the capacity and level on Frontier Rd. Have the Highway Superintendent look at it and if he signs off then the Board will be able to accept that. Hogan-will do that, will that be sufficient for the Board. Post-yes.

Post-pole the Board on a public hearing: Creen-no, Goldberg-no, Furman-no, Tiano-no, Hlavaty-no, Post-no. A public hearing will be waived. A motion was made by Goldberg, seconded by Creen, to declare this a Type II action under SEQR. Board vote: Furman-Aye, Tiano-Aye, Hlavaty-Aye, Post-Aye. Motion carried. A motion was made by Post, seconded by Hlavaty, to approve with the conditions of confirmation from the Highway Superintendent that Frontier Road meets the private rural road requirements and the Road Maintenance Agreements for the two proposed 50' ROW on the north and south side of the center parcel which contains the barn. Board vote: Creen-Aye, Goldberg-Aye, Furman-Aye, Tiano-Aye. Motion carried.

4. Minor Subdivision, Michael & Heidi Ferraro, Wegebauer Rd. Presented by Tom Conrad, Praetorius & Conrad, P.C. The applicants would like to subdivide a 14.006-acre lot into two lots, one 11.066 acres and the other 2.940-acres. A 50' Right of Way is proposed going through an adjacent lot (also owned by Ferraro) and the proposed larger lot to provide access to the smaller lot. The applicant will be using the existing road to proposed ROW for access to both lots. Beltrani-the ROW will be longer than 300' and therefore will need to approved by the Town Highway Superintendent that it conforms to those standards. Conrad-the DEC Mapper shows streams and wetlands, the proposed parcels will not create an encroachment, no disturbance to wetlands or water body. The Health Department will be responsible for approving the location of the well/sewer. The area of disturbance was based on the engineer's analysis, which will be .9-acres. Beltrani-a note will need to be added to the map if that does in fact go over 1-acre. Post-pollled the Board for questions. Creen-no, Goldberg-no, Furman-no, Tiano-no, Hlavaty-no, Post-no.

A motion was made by Goldberg, seconded by Furman, to declare this an Unlisted Action under SEQR. Board vote: Creen-Aye, Tiano-Aye, Hlavaty-Aye, Post-Aye. Motion carried. A motion was made by Post, seconded by Furman, to set the public hearing for August 18, 2020. Board vote: Creen-Aye, Goldberg-Aye, Tiano-Aye, Hlavaty-Aye. Motion carried.

5. Lot Line Revision, Kaisik Family Trust/Rudolf Kaisik, 24/37 Northwoods Rd. Presented by Tom Conrad, Praetorius & Conrad, P.C. The applicants would like to adjust

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a lot line and move .952-acres, with an existing greenhouse and workshop, to parcel ending in 6.112, which contains an existing house and shed. All bulk requirements are met with this lot line adjustment. A motion was made by Goldberg, seconded by Hlavaty, to declare this a Type II action under SEQR. Board vote: Creen-Aye, Furman-Aye, Tiano-Aye, Post-Aye. Motion carried. A motion was made by Goldberg, seconded by Furman, to approve the sketch plan, waive a public hearing and approve the lot line revision as presented. Board vote: Creen-Aye, Hlavaty-Aye, Tiano-Aye, Post-Aye. Motion carried.

6. Lot Line Revision, Thomas Weinrich, Diamond Ct. Presented by Charles Holtz, Holtz Surveying. The applicant would like to reconfigure a previously approved 4-lot subdivision, pushing the road back and creating a more defined Right-of-Way. There will be no further subdividing. There is reference to a pond on the parcel, which there is not but even if there was one were referenced would not be affecting it in anyway. Beltrani-would like the tax id numbers added to the maps and notes on existing ROW and proposed ROW, does the extension of the proposed ROW change the engineering? Holtz-does not change the grade just opens it up a little bit. The dotted lines indicate the existing lot lines and the solid lines indicate where the proposed new lot lines will be. The changes will make the configuration of the parcels more feasible for septic and well installation.

A motion was made by Furman, seconded by Hlavaty, to declare this a Type II action under SEQR, waive a public hearing and approve the lot line revisions as indicated. Board vote: Creen-Aye, Goldberg-Aye, Post-Aye, Tiano-Aye. Motion carried.

7. Minor Subdivision, Brian Josselyn, 155 Harry Wells Rd. Presented by Charles Holtz, Holtz Surveying. The applicant would like to take an existing 1-acre parcel and subdivide the a 2-acre section off that contains an existing house and garage, leaving the remaining land as the second parcel. Would the Board require a survey of the entire 17-acre lot or just that section that will be changed? Beltrani-there will be no buildings on the remaining 15-acre parcel that will be created. The entire parcel will need to be surveyed. Holtz-applying for a curb cut for the second lot. Wanted to get the Board's input on the survey before moving forward. Hlavaty-there were two questions left blank on the EAF form that will have to be completed. Holtz-will revise.

No further action may be taken by the Board at this time.

ADJOURNMENT:

Since there was no further business to discuss, a motion was made by Post, seconded by Furman, to adjourn the meeting at 10:25 p.m. Vote was taken: Creen-Aye, Goldberg, Aye, Tiano-Aye, Hlavaty-Aye. Motion carried.

Respectfully Submitted by,

Becky Bertorelli
Planning Board Secretary