



PLANNING BOARD MINUTES August 15, 2023

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

Present: C. Howard Post (Chair), Carole Furman (Vice-Chair), Bob Hlavaty, Mike Tiano, Kevin Brady and Gina Kiniry.

Absent: Al Riozzi

Also Present: Max Stach (Town Planner, NPV)

The draft minutes of the July 18, 2023 Planning Board meeting were reviewed. A motion was made by Furman, seconded by Hlavaty to approve. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Kiniry-Aye, Brady-Aye, Hlavaty-Aye. Motion carried.

PUBLIC HEARINGS

1. Site Plan/SUP, Andrew Peck & Chloe Dresser, 375 Hommelville Road. Presented by the owner, Andrew Peck. The applicant is proposing a 2-site campground, which was previously rented as an Airbnb, on a 23 acre parcel that was purchased in 1990. There is an existing cabin and teepee that have been used as rentals for 30-years. Due to the new short term rental law passed by the Town the applicant can no longer operate as such and requires site plan and special use permit approvals. The applicant wants to ensure compliance, no new changes to the existing structures are proposed.

The public hearing was opened by Post at 7:34pm. Public Comments:

- Patti Kelly, 369 Hommelville Road -would like more information regarding the shower and toilet facilities offered for renters. Peck-the toilet and shower is located in a separate building, which is 75' to the teepee rental and 200' to the cabin rental. Kelly-individuals that are renting the structures do not have the correct address, sometimes, and frequently go to our house. The applicant needs better marking of the address, mabe a lighted mailbox? Peck-will provide address, more clearly state the correct driveway. Kelly-there is a firepit in the TeePee and some people do not know how to use it correctly. Peck-information and pictures of operating are given to instruct the renters on how to use the fire pit. Kelly-the garbage needs to be in a bear proof container. Peck-there are trash cans that lock. Welsh Sanitation picks up weekly.
- Robert Saturn, 72 Lodge Road - how often is it rented, what seasons? Peck-the teepee is rented in all Spring through Fall. It can accommodate up to 4 people. The cabin is rented year around and can accommodate 2 people. Saturn-there has been loud music, loud talking, dogs barking and gun fire in the past. Peck-admits to target practice on the parcel. Saturn-during the burn ban, renters were burning and could smell the smoke. Our "Posted" signs have been torn down, concerned that it was done by someone that was staying at the teepee or cabin.
- Sandra Saturn, 72 Lodge Road - are there rules regarding noise and lights? Peck-will add to instructions given to renters upon arrival. Can give anyone our personal cell phone numbers in case there is ever any issue. Saturn-will any more sites/cabins/teepees be added? Peck-no, will only have the two sites that are existing.

- Kathy Waithe, 90 Lodge Road - has this been approved yet? Can it still be denied? Post-no decision has been made regarding this application yet.
- Joan Lamb, 20 Lodge Road - will you tell renters there is a leash law in Saugerties? Animals roam on to adjacent properties. Peck-we will inform any renters.

A letter was submitted by Bob Saturn detailing the concerns and signed by 8 neighboring residents. A copy can be found in the file.

Post-are there any additional questions/comments/concerns? None. A motion was made by Furman, seconded by Tiano, to close the public hearing. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Kiniry-Aye, Brady-Aye, Hlavaty-Aye. Motion carried. The public hearing was closed at 7:53pm.

Stach-the existing cabin and teepee do not fit with the STR regulations. This particular use will be a campground or lodge. A professional site plan has been submitted by the applicant. A SUP can be issued for a 12 month period in which it can then be reviewed by the Planning Board to ensure that it is being followed and renewed. If there are violations the applicant will be required to come back before the Planning Board. The Planning Board will have the ability to put specific conditions in the SUP to ensure that the concerns that have been presented are addressed, including but not limited to noise and lighting. A host contact must be available in case of an emergency, the owner lives 8 miles away and is available. No weddings or mass gatherings will be permitted on site. Quiet hours will be imposed between the hours of 10pm - 7am. If there are more than 3 police calls to the site the applicant will be considered in violation of the SUP. A sign needs to be installed that is easily seen from the road that is appropriate for the area. The garbage cans need to be animal resistant and can only be at the curb for no longer than a 24-hour period. Information must be provided to guests including, but not limited to; safety, safety egress, host contact information, property map, noise restrictions, leash law, etc. Both of the on-site wells need to be tested annually and the findings submitted to the Building Department. Fire Department access has been deemed acceptable with required modifications as outlined in the letter from the Centerville Fire Chief. Ulster County Planning Board referral is not required. This is a Type II action, therefore no additional SEQR review is required by the Planning Board. There are two sites proposed, no more than 11 people can be on site at any one time. Furman-is there any Board of Health overview or permits required. Stach-no because it is less than 5 sites and less than 11 guests at one time. Furman-septic on site? Peck-yes, there is an approved septic on site. Tiano-clarification regarding the toilet and shower facilities? Peck-the septic used is from a previous mobile home that was destroyed.

A motion was made by Tiano, seconded by Furman, to conditionally approve the site plan and special use permit with the conditions as outlined by the Town Planner which will be written into the resolution. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Kiniry-Aye, Brady-Aye, Hlavaty-Aye. Motion carried.

2. Minor Subdivision, Clifford & Bonnie Tienken, Mike Krout Road. Presented by the owner, Cliff Tienken. The applicant is proposing a 2-lot subdivision on a parcel located off Mike Krout Road. Looking to subdivide off a section of the parcel to give to his son to build a house.

The public hearing was opened by Post at 8:13pm:. No one from the public was present for the public hearing. A motion was made by Furman, seconded by Brady, to close the public hearing. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Kiniry-Aye, Brady-Aye, Hlavaty-Aye. Motion carried. The public hearing was closed at 8:15pm.

Stach-there are federal wetlands located on this parcel, north and south. Are they located on the site or near the site of the proposed building? Kevin Brown, Assistant Building Inspector, met with the engineer at the site, the proposed building site is at 128', not near a stream or wetlands. The site has access to municipal water and sewer and the applicant has indicated that the site will be connected to both. The EAF Part II was received. The

application was referred to the Ulster County Planning Board, comments were received and reviewed. The Planning Board can override or follow the UCPB recommendation. Post-will need a letter from the fire department regarding emergency access. Kevin Brown present at the meeting and stated that all is ok with the access. Post-the Planning Board can approve with the condition that the driveway and house location be added to the final map.

A motion was made by Tiano, seconded by Furman, to conditionally approve the minor subdivision with the condition that the driveway, with approved curb cut, and house locations are on the final subdivision maps. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Kiniry-Aye, Brady-Aye, Hlavaty-Aye. Motion carried.

3. Minor Subdivision, Ferdinand Flick, 269 George Sickles Road. Presented by Jeff Hogan, Praetorius & Conrad, P.C. The applicant is looking to do a 2-lot subdivision on a 56-acre parcel located on George Sickles Road, creating a 7.4 acre building lot.

The public hearing was opened by Post at 8:22pm. No one from the public was present for the public hearing. A motion was made by Furman, seconded by Hlavaty, to adopt a negative declaration under SEQR and close the public hearing. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Kiniry-Aye, Brady-Aye, Hlavaty-Aye. Motion carried. The public hearing was closed at 8:24pm.

Stach-the "Agricultural Data Statement" was received from the applicant's engineer, pending approval. The Board can approve with the condition that the Ag Data Statement is approved. All other conditions have been met.

A motion was made by Hlavaty, seconded by Tiano, to conditionally approve the minor subdivision, pending approval of the Ag Data Statement. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Kiniry-Aye, Brady-Aye, Hlavaty-Aye. Motion carried.

4. Site Plan, Habitat for Humanity, Jeffrey Court. Presented by Khattar Elmassalemah, Praetorius & Conrad, P.C. Post-we are continuing a public hearing from the June 20, 2023 meeting. Elmassalemah-endangered species report received, there is a presence of the Indiana Bat. Awaiting the archaeological report. Will contact the Town Engineer regarding water/sewer technical questions. Contacting the Army Corps of Engineers regarding the small area of wetlands disturbance. The only response to the Notice of Intent for the Town of Saugerties Planning Board to act as Lead Agency was from Homes and Community Renewal and it was reviewed. The Board will require comment from the Ulster County Planning Board. ****Update: as of 9/7/23 referral to UCPB has not been made, a motion is required by the Town of Saugerties Planning Board to do so.**

Post asked if anyone was present for the public hearing. No one was present. A motion was made by Furman, seconded by Brady, to adopt a negative declaration under SEQR with the understanding that this applicant is seeking state funding from the Office of Homes and Community Renewal and Section 106 of the Natural Historic Preservation Act review will occur mitigating any impacts to archaeological resources. Also, to close the public hearing. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Kiniry-Aye, Brady-Aye, Hlavaty-Aye. Motion carried. The public hearing was closed at 8:35pm.

Stach-there are several items that the Planning Board can consider as conditions of approval, when they are ready to make that decision. The Army Corps of Engineers review required, there is a 45-day timeframe they must respond, once that passess it is automatically approved. Ulster County Department of Health approvals are needed. The SWPPP comments from the Town Engineer need to be addressed to his satisfaction. The Town Attorney will need to approve the proposed drainage easements legal documentation. An archeological report must be obtained.

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

OLD BUSINESS

1. Site Plan, The Villa Residences - 49 Spaulding Lane. Presented by Jeff Hogan, Praetorius & Conrad, P.C. The applicant is before the Board tonight to provide an update on the process. The applicant is currently before the Town Board regarding the zoning change. Public hearings for the proposed zoning change are scheduled for the Town Board meetings on September 6, 2023 and September 26, 2023. The SWPPP has been submitted to the Town Engineer for review. The applicant has stated the permit process for the section of the stream located on the parcel that is impacted by the proposed development. The UCPB comments were received and being reviewed by the applicant's team. Will be discussed at the next meeting. Stach-just to make the applicant aware the Planning Board can proceed with the site plan review, at the applicant's risk since the zoning change is pending. Hogan-applicant is aware of this.

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

PRE-HEARING CONFERENCE

1. Lot Line Revision, Gregory & Thomasine Helsmoortel/ Jamie Cohen, 27 Barbara's Court/ 55 Fishcreek Road. Presented by Dan McCarthy, Praetorius & Conrad, P.C. Helsmoortel is looking to purchase .193 acres from Cohen, and adjusting the lot line, to alleviate an existing encroachment created by the pool and deck of Helsmoortel. The parcel owned by Cohen is currently 22.8 acres, well above the bulk area requirements for the district. Stach-no construction or land disturbance is proposed. This application meets subdivision requirements and the Board may waive sketch plan requirements and public hearing. Referral to the UCPB is not required. This is a Type II Action under SEQR.

A motion was made by Tiano, seconded by Furman, to waive the sketch plan approval, waive a public hearing and approve the lot line revision as proposed. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Kiniry-Aye, Brady-Aye, Hlavaty-Aye. Motion carried.

2. Lot Line Revision, James Beer/ Jamie Cohen, 107 Fishcreek Road/ 55 Fishcreek Road. Presented by Dan McCarthy, Praetorius & Conrad, P.C. The applicant is proposing to move 2 acres from the Cohen parcel to the Beer parcel to create a buffer that will not be developed in between them and the neighboring property. Both parcels involved will be well over the minimum for the zoning district. Stach-no construction of land disturbance is proposed. The application meets all subdivision requirements. A public hearing and sketch plan requirements can be waived by the Planning Board by supermajority. This is a Type II Action under SEQR.

A motion was made by Furman, seconded by Hlavaty, to waive the Sketch Plan requirements, waive a public hearing and approve the application as proposed. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Kiniry-Aye, Brady-Aye, Hlavaty-Aye. Motion carried by supermajority vote.

3. Lot Line Revision, Thomas & Margaret Lasher, 1146 Blue Mountain Road. Presented by Bruce Utter, Praetorius & Conrad, P.C. The applicant is looking to move a lot line on two parcels that they own. An existing garage is built on both lots and the applicant would like to reconfigure the lot line to include that garage on one parcel. Stach-setbacks have been shown on both lots along with lot width. There is no increase in non-conformity. The Planning Board can waive sketch plan requirements and a public hearing. This is a Type II Action under SEQR.

A motion was made by Brady, seconded by Hlavaty, to waive the sketch plan requirements, waive a public hearing and approve the lot line revision as proposed. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Kiniry-Aye, Brady-Aye, Hlavaty-Aye. Motion carried

4. Lot Line Revision, Beverly Sweeney/ Poughkeepsie Properties, LLC, 74 Lamb Avenue/ 4 Skyline Drive. Presented by Bruce Utter, Praetorius & Conrad, P.C. The applicant is proposing to the adjoining lot line to alleviate an existing encroachment caused by the parking lot of 4 Skyline Drive. Stach-all conditions have been met. The Board can choose to waive sketch plan requirements and a public hearing.

A motion was made by Hlavaty, seconde by Tiano, to waive sketch plan requirements, waive a public hearing and approve the proposed lot line revision. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Kiniry-Aye, Brady-Aye, Hlavaty-Aye. Motion carried.

5. Minor Subdivision, Mary Spinac, 164 Fawn Road. Post recused himself and Furman sat as Chair for this application review. Presented by Bruce Utter, Praetorius & Conrad, P.C. The applicant is proposing a two-lot subdivision. Lot #1 will be 4.3 acres with an existing house. Lot #2 will be 15-acres. Stach-the front yard measurements need to include the ROW from the centerline of the public ROW> Please correct the building envelope. This is located in the SA overlay district due to its location to the Blue Mountain Reservoir. The applicant should look at the 100' buffer for the building site. A negative declaration for SEQR will be required. There seems to be no stream disturbance proposed. A public hearing is required. UCPB referral is not required, less than 5 lots are proposed. The flood zone is to be noted.

A motion was made by Furman, seconded by Tiano, to declare the Town of Saugerties Planning Board as Lead Agency, declare this an Unlisted Action under SEQR and schedule the public hearing for the September 19, 2023 Planning Board meeting. Board vote: Furman-Aye, Tiano-Aye, Post-recuse, Kiniry-Aye, Brady-Aye, Hlavaty-Aye. Motion carried.

6. Site Plan/ SUP, Jennifer Leroy/ Solar Generation, 280 Malden Tpke. Presented by Brendan Boland, Solar Generation. The applicant is proposing to install a ground mounted solar array on the property that houses OZ Farm. This would add an additional use to the existing horse farm and venue use of the parcel. Stach-concerned with two separate SUP on one parcel, will confer with the Building Inspector. A separate flood plain map should be provided, moving out of the flood plain would be better. The Flood Administrator should do a site visit. An engineer stamped plan is required. The standard scale should be used. This is an Unlisted Action under SEQR. A public hearing is required. No other agencies are involved. There is evidence of Bald Eagle habitat on site, to the east. EAF Part III is required, address the flood plain in that. UCPB referral is required, as the site is located within 500' from the NYS Thruway. The applicant will be required to contact the County Highway Department regarding access from Malden Tpke. Tiano-be advised that the adjoining neighbor, in the past, has had many concerns regarding the driveway that runs past his house. Proposing a stone and chip road may be helpful.

A motion was made by Hlavaty, seconded by Brady, to refer to the Ulster County Planning Board and schedule the public hearing for the September 19, 2023 Planning Board meeting. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Kiniry-Aye, Brady-Aye, Hlavaty-Aye. Motion carried.

7. Site Plan/ SUP, Fehr Brothers/ Solar Generation, 895 Kings Highway. Presented by Brendan Boland, Solar Generation. The applicant is looking to install another ground mounted solar project on the Fehr Brother's property located on Kings Highway. This project will be known as "Bronze Age". Will be keeping a 50' buffer of existing trees between the neighboring property line. Stach-the site plan has to be done to standard scale. Will require engineer stamped plans. The applicant proposes to expand across the drainage ditch located on site. An animal fence, which is required, should follow the contour of the land and have the 6" gap at the bottom for animal access. The prime agricultural soils located on that parcel will be avoided. This is an Unlisted Action under SEQR. There are no other involved agencies. The Town of Saugerties Planning Board will assume Lead Agency. There are no flood areas or federal wetlands located on site. There is a Class C stream on site, no permits are needed. UCPB referral is required, the site is located within 500' of the NYS Thruway.

A motion was made by Furman, seconded by Tiano, to classify this as an Unlisted Action under SEQR, approve a Negative Declaration under SEQR, the Town of Saugerties Planning Board will assume Lead Agency and refer to the Ulster County Planning Board. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Kiniry-Aye, Brady-Aye, Hlavaty-Aye. Motion carried. A motion was made by Tiano, seconded by Brady, to set the public hearing for the September 19, 2023 Planning Board meeting. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Kiniry-Aye, Brady-Aye, Hlavaty-Aye. Motion carried.

8. Minor Subdivision, John P. Mullen Jr., 176 Cole Bank Road. Presented by Joe Mihm, owner's engineer. The applicant is proposing a two lot subdivision on property located on Cole Bank Road. Each lot will be approximately 4 acres, meeting zoning bulk requirements for the zoning and overlay district. Parcel A, proposed, contains an existing house. Parcel B, proposed, is vacant with the possibility of building in the future. There was a previous subdivision proposed in 2015 but it was never completed, filed with the Ulster County Clerk's office. The new one is a different lot arrangement. A note will be added to the map to clarify. Topography will be added. The next set of maps will include setbacks. There is a ROW and private shared driveway. Will discuss with the applicant if he would like to bring that up to Private Rural Road Standards, get a variance from the Zoning Board of Appeals or request a waiver from the Planning Board regarding the Town Standards. The fire Centerville Fire Chief did perform a site visit. All emergency vehicles can get through. The Chief will follow up with a letter to the Planning Board. The applicant will refer to the Town Engineer to follow up on the Rural Road Standards. The septic will be added to Parcel A. The proposed ROW will be located on the map, for Parcel A. The drainage of the pond is via a 36" culvert pipe on site. Stach-will confer with the Planning Board Attorney regarding the Eagle's Nest property neighboring the site. This is an Unlisted Action under SEQR. There are no wetlands located on site, as per the Ulster County Parcel Viewer. A negative declaration is warranted. Will require referral to the Town Engineer regarding the ROW and response from the Centerville Fire Chief. UCPB referral is not required.

A motion was made by Tiano, seconded by Furman, to declare the Town of Saugerties Planning Board the Lead Agency, declare this an Unlisted Action under SEQR, accept a Negative Declaration under SEQR and set the public hearing for the September 19, 2023 Planning Board meeting. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Kiniry-Aye, Brady-Aye, Hlavaty-Aye. Motion carried.

ADJOURNMENT

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

Respectfully Submitted by,

Becky Bertorelli (*using notes from Gina Kiniry and the voice recording from the meeting*)
Planning Board Secretary