



PLANNING BOARD MINUTES March 21, 2023

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

Present: C. Howard Post (Chair), Len Bouren, Kevin Brady, Al Riozzi and Gina Kiniry (alternate).

Absent: Carole Furman (Vice-Chair), Robert Hlavaty and Mike Tiano

Also Present: Max Stach (Town Planner, NPV)

Gina Kiniry joined the Board for the evening's agenda.

The draft minutes of the February 21, 2023 Planning Board meetings were reviewed. A motion was made by Riozzi, seconded by Kiniry to approve as written. Board vote: Brady-Aye, Bouren-Aye, Riozzi-Aye, Post-Aye, Kiniry-Aye. Motion carried.

PUBLIC HEARINGS

1. Minor 2-Lot Subdivision/Lot Line Revision, Sharon Cohen/Alexandra Gambino, 59 & 73 Windbourne Lane. No one was present for the applicant or from the public. The public hearing is adjourned until further notice.

OLD BUSINESS

1. Site Plan Amendment, Middle Way School, 268 West Saugerties Road. Presented by Jeff Hogan, Praetorius & Conrad, P.C. The applicant did not provide new documentation in time for the submission deadline but did present an updated site plan to demonstrate the movement of the geodesic dome to adhere to the setback requirements. The only outstanding issue is receipt of the Ulster County Planning Board (UCPB) comments. The applicant requests that the Board considers a conditional approval based on those comments and the applicant's ability to adhere to any requirements that the UCPB makes. If not, the Planning Board will address those requirements at that time. A motion was made by Riozzi, seconded by Kiniry, to conditionally approve the applicants site plan amendment pending the UCPB comments. Board vote: Bouren-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried.

2. Site Plan, The Villas Residences, 49 Spaulding Lane. Presented by Matt Wexler (National Development Council) and Emily Gardner (Landscaping, Saratoga Associates). Wexler-the newest submission included additional landscaping details and elements of design. The applicant's team has reviewed the Town Planner's memo that was received and will submit a response. Hoping to move closer to a SEQR determination. Gardner-the landscaping design has been updated to show more details in the shrubbery and species of trees being proposed. There are 204 trees proposed including deciduous and evergreens. The green roofs that are proposed are non-accessible to the tenants. A planting list provided. Shrubs are proposed into the bioretention area. Screening proposed along the roadway and bank areas. EV stations were discussed. There will be 4 in each lot, north and south. Post-how many apartments in total? Gardner-121. Stach-is all the landscaping considered within the limit of disturbance? Will need details for the planting on the steep slope. Gardner-yes, included in that calculation. Will provide that list. There are some notes of the signage style provided. May

need to move the existing columns just beyond the access easement of the future trail. More information will be provided with the next submission.

PRE-HEARING CONFERENCE

1. Site Plan/SUP, Lucia Gannett, 372 Manorville Road. Presented by Lucia Gannett, property owner. Proposing to use an existing yurt for a seasonal rental. Does not fall under AirBnB because it is only being used seasonally. A Certificate of Occupancy was obtained in 2008 for personal use but now would like to rent for transient use. The lot is very large and only looking to operate the one site that contains the yurt. There is a house, garage, apartment and yurt that are existing. No additional sites are proposed. The yurt has all of its own facilities. Stach-does not meet the definition of a short term rental but falls under lodge/camps/recreational vehicle parks in the zoning. There is more than enough parking proposed for the one site. According to measurements taken from Ulster County Parcel Viewer it seems that the yurt meets the 50' side yard setback from any other residence. This is a pre-existing structure and no changes are proposed to the site, just a change of use for the structure itself.

A motion was made by Brady, seconded by Riozzi, to approve the site plan and special use permit to operate a 1-site campground. Board vote: Bouren-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried.

2. Site Plan, 1031 Kings Highway, 1033 Kings Highway. Presented by Abe Farkas for Shimon Eckstein. Arthur Green, property owner, was also present. Green-the applicant is looking to use the existing building for a warehouse facility for toys and games. There will be changes to the exterior of the building. Will be adding interior loading docks to the left of the building. There will be some interior changes, and will include updated details on that with the next submission. Stach-the footprint of the building stays the same, correct? Green-yes, no changes to the footprint. There was a comment in the Planner's memo regarding landscaping along Kings Highway. That would not be a good idea as that would create sight distance issues when entering and existing the site. Stach-the code reads that 20% of the parking needs to be landscaped. Shade trees can be provided and trimmed so that the lower branches are removed to ensure that sight is not obstructed. There is a note in the previous subdivision that the walkway and parking in between the created lots was to be removed or an easement was to be created. Green-there is an easement and a copy of that will be provided. Post-are there enough parking spaces proposed? 43.2 are required according to code and 40 are proposed. There will need to be ADA spaces marked which will take more space as they require an additional parking space to ensure accessibility. Farkas-will look at the parking lot. Post-agree with Mr. Green that the sight distance would be an issue if landscaping was provided at the entrances. Believe that area falls within the Ulster County right-of-way too so not sure if they are allowed to plant anything there. Stach-will require an Ulster County DPW to obtain a permit for the changes to the southern entrance. Green-water and sewer will be connected from Sinsapaugh Lane, municipal. Post-some landscaping should be provided within the site. Stach-fire code requires that the emergency vehicles have access within 150' from any point of the building. According to the owner there is a road that looks like it circulates the building but will need the building inspector's determination if that roadway is suitable for the requirements. That road needs to be added to the site plan. Show limits of resurfacing/new asphalt. This is a Type II Action under SEQR. Post-will need to see the flow of traffic for the tractor trailers that will be delivering and picking up. Stach-a traffic flow will need to be added to the next submission. The cross easement agreement needs to be provided. Green-ok, the easement was filed with the Ulster County Clerk's office. Stach-the proposed signage needs to be shown but ultimately will be up to the Building Department to ensure that the sign meets requirements set forth in the Town's sign law. Post-modification of existing floor plan shown for Planning Board, for reference. The Planning Board can not take any further action at this time.

3. Site Plan/SUP, Solar Generation/Total Tennis, 1811 Old Kings Highway. Presented by Zach Schrowang and Kelly DiMarzo, Solar Generation. The owner, Total Tennis, would like to add to their existing ground mounted solar array in hopes to offset their electricity requirement by 100% with solar energy. They currently produce enough solar energy, with the existing solar array, to offset their demand by 50%. The solar array is

located in an open field. Brush hogging is all that will be required to install the additional panels. The site will continue to be manicured as it has. There are three rows proposed and they are substantially shorter than the original arrays that were installed. The new arrays will be installed in line with the existing panels. Propose to use the existing trench and conduit. The inverter will be updated and combined. There is an existing fence and access. The additional fence will not be visible from the east and a vegetative buffer is on the south and west sides. Stach-limits of clearing need to be shown. Large trees need to be identified and the vegetation to be removed indicated. Landscaping required between Sacks Lodge Road and this additional array. Natural vegetation or landscaping within 50' of road. Existing gravel access road will be used. An inquiry should be submitted to SHPO, section 106 review. A consultation is necessary. The EAF Part I needs to be updated if state funding is being used. A meadow mix is suggested for under the panels. Will pesticides or chemicals be used?. Schrowang-the area has tall grass currently that will be brush hogged. No pesticides/chemicals. Mowing only will defer to the owner regarding the meadow mix. Stach-this is an Unlisted Action under SEQR. Does not require a lead agency notification (NOI). A revised EAF is required along with SHPO consultation. Will require referral to Ulster County Planning Board (UCPB) and a public hearing.

A motion was made by Brady, seconded by Bouren, to refer to the UCPB. Board vote: Bouren-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried. A motion was made by Riozzi, seconded by Brady, to set the public hearing for next month. Board vote: Bouren-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried.

4. Site Plan, Armand Graham, 500 Old Powdermill Road. Presented by Jeff Hogan, Praetorius & Conrad, P.C. The parcel is located in the Waterfront Overlay(WO), by the Beaverkill Creek, which requires that a site plan review be done by the Planning Board. The application is looking to build a 1,200 square foot house for personal use. The parcel is 10-acres and located off Old Powdermill Road, currently vacant. The parcel has 150' of frontage on the Beaverkill Creek. Stach-requirements of WO require that there be no disturbance of anything with a 15% slope or greater and the structure be set back 50' from the top of that slope. The applicant has interpreted this section of the zoning differently than our firm has. Hogan-all general regulations are adhered to including shielding sconces and 15' shoreline buffer. As I read the code, properties on steep slopes, the top of the cliff would be where the slope breaks from the shoreline and there is a plateau. That is where we would start the 50' setback requirement. Would like to have the discussion regarding the 30' high water mark and where that 50' setback would begin. Stach-the purpose of that requirement is for erosion protection, not the clearing of the viewshed. I think it would be best to ask a Building Inspector to provide the Planning Board with an interpretation of that language so that the Planning Board has a clear understanding of where that 50' setback would begin. There is also a solar array shown on the parcel. Hogan-it is located 240' from the top edge of the bank. There are tall mature trees in between. Graham-purchased the property for the creek view and tried to build as far away while still retaining some visuals and sound. Where we are proposing the house is still an easy walk down to the creek. Movement of the location further back would disconnect the site from the creek. Where the solar panels are proposed is the optimal location, on top of the carport. It is just north of the existing clearing and provides the most sun exposure. Hogan-the applicant has also provided a 75' no building zone in between his property and the neighbors. Stach-tree clearing, disturbance? Will need to go to the Town Engineer for review of construction sediment and erosion control. Hogan-.37 acres, which is indicated on the site plan. Will provide that information for the Town Engineer. Will require fill around the back corner of the proposed house to bring it back to grade. Clearing around house 15'-20'. Will use an erosion control blanket when done with sediment and erosion control treatment. Post-the Board will request that the Town Engineer review that erosion and sediment control plan. Stach-how is the area under the solar panels and parking area being treated? Hogan-will match the slope of the "T". Graham-the Mt. Marion Fire Chief, Glenn Jones, visited the site and was ok with the set-up. Post-the Board will set up a site visit. Kiniry and Riozzi volunteered to do so and report back to the Board.

Stach-this is a Type II Action under SEQR. A public hearing is not required. Would like the interpretation from the Building Inspector and Engineer so that the Planning Board can make the determinations as they pertain to the Waterfront Overlay requirements

5. Site Plan/SUP, Daniel Backhaus, 50 Rivka Road. The applicant represented himself. He is looking to operate his business on-site. The original plan was to install a 30' x 40' prefabricated garage but that option is no longer available. A Special Use Permit is required to operate this business out of an exterior structure to the house. There is an existing shed that is used for storage of business materials. Equipment will be stored on site for his business, Drainage & More, LLC, excavation company. The parking area is to the right of the driveway. Currently owns an excavator, dump truck, mini and skid steer. Proposing screening with forsythia plants. Additional trees have been added for screening around the originally proposed garage. Kiniry-what will happen in the area that you were going to put the garage? Backhaus-may now add an addition to the attached garage to house the equipment, instead of a detached garage. Stach-building code limitations of what is to be used for the business if expanding a residence. Less than 15% of square footage of a residence can be used for that business. There are noise restrictions, limit use of 70 dba at property line. If a detached garage is put in the proposed area it would deaden the sound and a fence would do the same thing. Recommendation of plantings/screening area without being unnatural can be provided. Kiniry-what is the amount of time the dba is to be measured? Stach-mas noise at the property line will not raise above 70 dba at any time, that is how it is interpreted. Incorporating a substantial buffer and screening will help with this. Douglas fir & Canadian Hemlock are good choices to be staggered with other plantings. This is considered a second principal use on the parcel and is a Type II Action under SEQR. A public hearing is required.

A motion was made by Riozzi, seconded by Kiniry, to set the public hearing for next month. Board vote: Bouren-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried.

6. Site Plan/SUP, Jim Nutt, 1768 Route 32. Presented by the owner/applicant. The applicant is looking to move his and his wife's home office to an existing barn on-site and continue to operate his wife and his mobile veterinary business. No changes to the site are proposed, only interior improvements to the barn to relocate the offices. The business operation is totally mobile, no animals will be brought on site for veterinary services. Stach-because the business office is being moved outside of the primary residence they are required to come for a site plan review and special use permit for the veterinarian animal services. All structures are pre-existing and remaining. This is a Type II Action under SEQR and a public hearing is required. Bouren-what was the barn previously used for. Nutt-my understanding is cows.

A motion was made by Brady, seconded by Bouren, to schedule the public hearing for next month. Board vote: Bouren-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried.

ADDITIONAL ITEMS

NONE

ADJOURNMENT

Since there was no further business to discuss, a motion was made by Bouren, seconded by Kiniry, to adjourn the meeting. Board vote: Board vote: Bouren-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried. The meeting was closed at 10:03 pm.

Respectfully Submitted by,

Becky Bertorelli
Planning Board Secretary