



**PLANNING BOARD MINUTES**  
***VIRTUAL -WebEX***  
**May 19, 2020**

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

Present: C. Howard Post, William Creen, Ken Goldberg, Carole Furman, Len Bouren, Mike Tiano (joined later in the meeting), Daniel Ellsworth, Robert Hlavaty (alternate) and Dan Shuster (Town Planner), Adriana Beltrani (Town Planner, NPV), Bonnie Franson (NPV).

Also Present: Paul Andreassen (Town Board Liason)

The draft minutes of the April 14, 2020 Special Meeting and the April 21, 2020 Planning Board Meeting were reviewed. No changes were requested. A motion was made by Furman, seconded by Creen, to approve the April 14, 2020 Special Meeting minutes as written. All in favor, none opposed, carried. A motion was made by Goldberg, seconded by Creen, to approve the April 21, 2020 Planning Board Meeting minutes as written. All in favor, none opposed, carried.

**PUBLIC HEARINGS**

**1. Site Plan Amendment, Kiniry West, LLC/Kim Kiniry, 1740 Route 212.** This meeting has been left open from the February 18, 2020 Planning Board meeting. Chris DiChiaro, P.E., presented some additional information. The Phase 1A Archaeological Investigation was submitted to the Board for review. Mike Moriello, applicant's lawyer, updated the Board with the contents of his letter, dated May 4, 2020, that was submitted and included "SEQRA Application Addendum: Lawful Segmentation" and the Short EAF Part II Draft Applicant Answers". The purpose is to keep the use of the neighboring property segmented from the property under review at this time. It was thought that the neighbor's lawyer, Emily Svenson, had agreed but in a new letter that was submitted on May 19, 2020 from her office it seems as that is not their opinion. There have been many mischaracterizations presented regarding the use of the adjacent parcel and there is no active application in front of the Planning Board at this time. Would hope that the Board will be able to close the SEQRA public hearing at this meeting and move forward to the site plan review and that process, which will include another public hearing.

Post opened the public hearing for comments at 7:40 p.m.

Comments:

- Emily Svenson, attorney for neighbors (Mark Kanter and Heather Hutchinson), presented the letter that she submitted to the Board for review, dated May 19,

2020. Some of the main key points are that the site plan that is before the board at this time is not completely clear and demonstrate other changes besides the area of disturbance as described in the amendment. These changes significantly change the character of the project, which include visual impact, noise, dust and the effect on the community character. There is a concern that the applicant may perform further excavation to the shale ledge but that was cleared up with an email from the applicant's engineer stating that there is no intent to do so. There should be a note on the site plan noting this. It is believed that the intended use for the adjacent lot should be considered when reviewing this project. A letter was received from the Town Engineer that they are satisfied with the SWPPP that has been amended. We do not believe that the Planning Board should consider a neg dec at this time, need more information.
- Mark Kanter, 24 Adams Road-there is lots of noise that bounces around the lots below our house and is heard from our home. This has been going on intermittedly and is visually not favorable. We own the land directly behind both sites owned by Kiniry.
  - Heather Hutchinson, 24 Adams Road-have been a resident for 23 years and there has been more extreme noise within the last year, along with dust. Our house shakes and the noise begins before 6:45 a.m. The trust has been broken with the owner's. DiChiaro-the building site that is front of the Board at this time is 570' from the neighbor's house and the traffice from Route 212 is 300' feet from the same house, the noise may be from the traffic on Route 212. I think that the concerns are being mixed with the adjoining site which is not included in this application. There are 12' berms and once the landscaping that is planted grows it will be less of a visual impact. The DEC emails suggest that they find no enivornmental impacts on the amendment, they do not seem to want any further involvement. They had someone on-site when the contruction of the building started and there were no violations found. They were on-site again recently with little comment to follow-up on. There are no mapped wetlands.
  - Corrina Geib, 1776 Route 212-recently purchased the old Fiberflame building and will be opening a tea shop and retail store under the business of Immuneshein. Concerned with the impact that this site will have with the dust and noise. There will be outdoor seating. Moreillo-this project is not the land adjacent to your porperty and this public hearing is for the SEQRA review only. Would like to close this so that the Board can move on to the site plan review. Closing this public hearing does not mean that the review process is over. There is no project on the adjacent land before the Board at this time. If anything is to be done on that adjacent land to the east side the application and review process will start from the beginning. The applicant will work to ensure the effects that you are worried about do not effect your site.
  - Paul Steinberg, 1715 Route 212-2016 there has been an increase in noise with an echo, terrible. Can not say much about dust, the noise has stopped because the excavation has stopped at this point. There have been many comments about pushing the envelope and doing more then what was originally approved.
  - Gina Kiniry, applicant-it never was our intention to upset our neighbors. We do not start the machines or any type of work at 6 a.m. We are trying to make the site look nice as it is in the Gateway Overlay. We would like to be a good

neighbor but are being made to be monsters. Trying to do everything to make the neighbors happy. This is an equipment excavation business and will be run as such. The majority of the noise is created when the equipment/trucks are started in the morning to go to jobs. The remainder of the day there may a few trucks in and out but not significant until end of day. DiChiaro-would like to add that there is a Central Hudson utility site across the street from the Kiniry site and those trucks start earlier in the morning so that may be the back up beeping noise that is heard. The Kiniry site is empty most of the day except for maybe one person in the office and one in the garage. Kanter-I know where the noise is coming from, I monitor it.

Post-any further comments from the public? None.

Shuster-there are no sensitive features that will be destroyed. There are concerns with exact use and function of the site that will still have to be clarified. The eastern site can not be disturbed, even with drainage for this site. The site plan will need more attention. Extra clearing has been added to satisfy the SWPPP requirements. The landscaping will have to be made clear and conditions will be set on the stockpiles. Visuals will be addressed, vehicle and equipment storage needs to be spelled out. All of this should be included in an updated site plan. The negative declaration will be completed down the line with conditions and a public hearing will have to be held on the site plan where the public's concerns can be heard.

A motion was made by Ellsworth, seconded by Goldberg to close the public hearing. Board Vote: Hlavaty-Aye, Bouren-Aye, Post-Aye, Creen-Aye, Tiano-Aye, Furman-Aye None opposed, motion carried. Public Hearing was closed at 8:19 p.m.

Post-Pole the Board:

Bouren-two separate lots which will be reviewed as such.

Hlavaty-a good way to determine the noise output would be to conduct some noise testing.

Tiano-no comment

Post-no comment

Goldberg-unclear on what is taking place property. DiChiaro-contractor's shop, homebase for trucks/equipment, load machine's, stockpiling of materials, some pipe storage for jobs, one person in the office and one person in the shop during the majority of the day. Post-most times when they pull a machine out of the shop they bring it to the job and it doesn't come back for days/weeks. It may even just be moved from job to job. Goldberg-stockpiles, wouldn't that create a couple of trucks to come in and out during the day to collect the product? There is not a lot of space for the stockpiles. DiChiaro-the stockpiles will be supplementary product, most times they will have the item they need delivered directly to the job site.

Furman-sounds like this is just a place to park trucks/equipment.

Ellsworth-close the SEQRA process. This is a standard work area, there is a lot of noise created from Route 212 all day long. Restrictions will be discussed and required with site plan review.

Shuster-will draft a negative declaration resolution for next meeting? Moriello-would like a refined site plan with further information and walk through the EAF at the next

meeting. Landscaping and lower the height of the stockpiles before the next meeting. A public hearing can be set for the site plan review after SEQRA is set and a neg dec approved. DiChiaro-will work on the site plan with North Engineers tomorrow. No further action will be taken by the Board at this time until an updated site plan is received.

**2. Minor Subdivision, James Bruno, 55 Joseph's Drive/Camelot Court.** Jeff Hogan, Praetorius & Conrad P.C., presented and the map was presented virtually. The applicant would like to subdivide an existing lot in a developed neighborhood with town water/sewer access. Post opened the public hearing at 8:34 p.m. No one was present from the public for comment. Post asked the Board if they had any questions: Tiano-sewer easement that runs through the property, should Mark Resso be contacted? Hogan-mains used to run North-South direction but were re-routed with the development to follow Camelot Court. There was a letter from the town lawyer, John Greco, terminating that portion of the easement, it is not currently functioning or operational, a copy was obtained but not signed. Beltrani-submit that letter for the record and see if you can get some official clarity from the Ulster County Clerk's office to see if it was filed or the water/sewer department.

A motion was made by Post, seconded by Creen, to waive the submission of a final plat. Board Vote: Bouren-Aye, Tiano-Aye, Hlavaty-Aye, Goldberg-Aye, Furman-Aye, Ellsworth-Aye. None opposed, motion carried.

A motion was made by Ellsworth, seconded by Furman, to approve the 2-lot minor subdivision subject to the receipt of the signed/filed letter of abandoned easement. Board vote: Bouren-Aye, Post-Aye, Creen-Aye, Tiano-Aye, Hlavaty-Aye, Goldberg-Aye. None opposed, motion carried.

**3. Site Plan Amendment, Middle Way School, 268 West Saugerties Road.** Jeff Hogan, Praetorius & Conrad, P.C., presented and the site plan we presented virtually. The Middle Way School has a previously approved site plan but would like to add an additional building with three classrooms, covered porch and small detached wooden deck. This is an existing school that has been operational for a number of years. They received an approved SUP/Site plan in 2008. With the addition of the building they will remain well within the limitations of the approved site plan from 2008. The proposed building will connect to the existing water/sewer that has been previously approved by the Board of Health. Post opened the Public hearing at 8:49 p.m.

Comments:

- Scott Budik, 10 John Yeager Road-I feel that this is a good thing that they are expanding. Concerned about the light pollution, will the lights be left on all night? Noa Jones (MWS)-no additional street lamps will be installed and they will not be on when the building is not in use. Stephanie Bassler, architect-any lighting that is installed on the proposed building will be downward facing and shielded.

Post-any further comments? None. A motion was made by Furman, seconded by Goldberg, to close the public hearing. Board Vote: Bouren-Aye, Hlavaty-Aye, Tiano-

Aye, Post-Aye, Creen-Aye, Ellsworth-Aye. None opposed, motion carried. Public hearing closed at 8:57 pm.

Board Comments:

Ellsworth-Fire Department access concerns. Hogan-there is a 50' wide drop off loop in the front of the existing building that could be used for emergency vehicle access.

Beltrani-could do a turning radius analysis of the parking area in the rear of the building.

Tiano-will contact the Centerville Fire Chief tomorrow to see if he can do a site visit and let us know his thoughts. Beltrani-can make the access a condition of the approval.

Ellsworth-would also like to note that it is important that the sidewalks are kept clear at all times. Hogan-could build a sidewalk from the front loop to the back covered porch area of the proposed building for emergency personnel access. Jones-would agree to that if it is necessary.

Furman-can the shed be removed in the back near the parking area to help with turning radius and access? Jones-not really close to the parking area and separated by elevation.

Goldberg-the Board did receive a response from the Ulster County Planning Board referral that there is "No County Impact".

Bouren-no comment

Hlavaty-no comment

Creen-no comment

Tiano-no comment

A motion was made by Goldberg, seconded by Furman, to approve the site plan with the condition that we receive ok from the Centerville Fire Chief that the access is adequate.

Board Vote: Bouren-Aye, Hlavaty-Aye, Creen-Aye, Tiano-Aye, Post-Aye, Ellsworth-Aye. None opposed., motion carried.

### **OLD BUSINESS:**

#### **1. Site Plan Amendment, Agawam/Wyldwyck LLC, NYS Route 32/Liberty Street.**

Presented by Bruce Utter, Praetorius & Conrad, P.C. This project received an approved site plan and special use permit in 2017 and has submitted an updated site plan. The amended site plan includes the removal of a 2-acre manmade lake, removal of stables and consolidation of parking to create a better layout for visuals and views. Utter reviewed the Town Planner's comments as follows. Use of pesticides-the land will be certified as an organic farm. Existing well on-site, the well is not in use but if the developer needs to abandon it they could. Manure control-there will be no manure since the stables have been removed. Adam Friedman (Developer)-the orchards are more for visual impact rather than for actual farming. Therefore any pesticide that will be used will be organic in nature and will be used lightly in comparison to a commercial orchard. Utter-there will be a greenhouse but it is mostly for "ambiance" rather than for actual production. There are two event tents proposed but not planning on using them both at the same time. Moriello-the request from Adriana Beltrani for a comparison under SEQRA was a great idea. Would like to circulate for the NOI of Lead Agency along with EAF and reduced map. Would the Board like the Planner to do this or my office? Post-prefer that the Town Planner (NPV) circulate the NOI. Beltrani-the neg dec was amended and some technical comments were flagged for the Board. Friedman-the purpose is for the site to be less impactful and focused on the environment. A motion was made by Goldberg, seconded by Furman, to have Nelson, Pope & Voorhis to circulate the NOI for the Town of Saugerties Planning Board to serve as Lead Agency. Board Vote: Bouren-Aye,

Hlavaty-Aye, Creen-Aye, Post-Aye, Ellsworth-Aye. None opposed, motion carried. Tiano recused himself. Tiano requested that an amended site plan be sent to the Glasco Fire Department for review. Utter-will do.

### **PRE-HEARING CONFERENCE**

#### **1. Site Plan, Adam Bly & Aya Bdeir/Rainbow Pools, 1148 Main Street (Malden).**

Presented by Mike Todd from Rainbow Pools and the site plan was presented virtually. The applicant would like to install in in-ground pool on their property. It will be next to an existing patio, will keep the landscaping that is existing intact and the only lighting will be in the pool, a fence will be installed around the pool as required by NYS code. Beltrani-the applicant is before the Planning Board because the parcel is located in the Waterfront Overlay district, which requires a site plan approval. A motion was made by Goldberg, seconded by Creen, to declare this a Type II Action under SEQRA. Board vote: Post-Aye, Bouren-Aye, Hlavaty-Aye, Furman-Aye, Tiano-Aye, Ellsworth-Aye. A public hearing for site plans is at the discretion of the Board so Post polled the Board to see if a public hearing was necessary: Bouren-Nay, Hlavaty-Nay, Creen-Nay, Tiano-Nay, Goldberg-Nay, Post-Nay, Furman-Nay, Ellsworth-Nay. A public hearing will be waived. A motion was made by Ellsworth, seconded by Tiano, to approve the site plan for an installation of an in-ground pool. Board Vote: Bouren-Aye, Hlavaty-Aye, Creen-Aye, Goldberg-Aye, Furman-Aye. None opposed, motion carried.

**2. Minor Subdivision, Anthony Jr. & Donna Buono, 29 Scalbo Road.** Presented by Tom Conrad, Praetorius & Conrad, P.C. The applicant would like to request the Planning Board make an exemption to remove this parcel from the Sensitive Area Overlay District so that a 2-lot subdivision can be done. The size of the lot now is not large enough to meet the requirements of that district when subdivided into two parcels. The map was presented virtually. An extensive discussion followed regarding the process to remove the SA Overlay and what Town Board would be authorized to do so. Beltrani-The SA zoning district requires whatever the bulk requirement is for the zoning district will be doubled and an exemption can be requested only upon finding that the land does not have any of the Sensitive Overlay features as outlined in Section 245-24(F) of the Zoning Code. Franson-it would be up to the applicant to prove that the parcel does not have any of the features as outlined with proof. Pictures could be submitted for review. Post-photos and documentation works for the Planning Board. Furman-some wet spots are visible on that parcel but not sure if they are delineated wetlands. Conrad-there are no hydric soils on that lot. Franson-the applicant can look for wetland vegetation as an indicator of wetlands. Does the applicant have an issue with documenting the 7-points (SA features)? Conrad-no. Beltrani-concerned with the road that runs through the property, is there a road maintenance agreement? Conrad-that is another concern, do we need to do a subdivision as this lot is already separated into two lots by a private road? There was a law that was passed by the Town of Saugerties stating that any lot that is divided by a road will be considered separate lots. Post-approved about 4 or 5 years ago. We will send this to George Redder, planning board lawyer, for clarification. No further action can be taken until the Board receives a response from the planning board lawyer.

### **3. Minor Subdivision, PWO18 Holdings, Inc., 180-184 Blue Mountain Road.**

Presented by Jeff Hogan, Praetorius & Conrad, P.C. and the map was presented virtually. The applicant proposes a 2-lot minor subdivision of a 14-acre parcel on the east side of Blue Mountain Road. Development would be towards the roadside of the parcel. There is already an approved County curb cut for the proposed parcel but the applicant would like to share a drive and split from that drive to the separate lots. It is wet along the road and will need a wetland delineation done. It may be a possibility to carry one driveway up after the wetlands and then split so that there is no disturbance. The Department of Health has no issues. The eastern half of the parcel is wet with a stream and existing woods road with Village of Saugerties water mains through the corridor in the north to south direction, no easements are referenced, no disturbance will happen in that area. The owner's have acquired a trailer from the KOA liquidation that they will use while they build the 1<sup>st</sup> house and then move to the proposed second parcel to use during that house build. Post polled the Board for comments:

Ellsworth-recused himself as his family owns property adjacent.

Bouren-straight forward

Creen-no comment

Hlavaty-no comment

Furman-no comment

Goldberg-no comment

Tiano-no comment

A motion was made by Goldberg, seconded by Tiano, to declare this an Unlisted Action under SEQRA. Board Vote: Bouren-Aye, Hlavaty-Aye, Creen-Aye, Furman-Aye, Post-Aye. None opposed, motion carried.

Goldberg-should submit to the Town Engineer to comment on the sewer line and culverts. Hogan-will contact them. Beltrani-for future reference please use the EAF mapper for submission. Will need the delineation of wetlands before moving forward. Does not require Ulster County Planning Board referral for a 2-lot minor subdivision. Franson-will need a note on the map to indicate that the village maintains the woods road and water mains where indicated. Beltrani-will need an updated site plan and EAF. No further action can be taken by the Board at this time.

### **4. Site Plan/SUP, Sparling Road Solar/NY Solar 1000, LLC, 18.1-1-22.121.**

Presented by Andrew Varrow, Lightstar Renewables, LLC and Mark Koegel, Engineer. The site plan was presented virtually. The applicant is looking to develop a 3.5 MW ground mounted, axis tracking solar project at 103 Sparling Road, parcel owned by Clarence Gardner Jr. Beltrani-base period on property lease? Varrow-25-year lease with 5-year extension options for up to 35-40 years. A long EAF will be provided. Central Hudson completed on May 27, 2020, standard connection. There is a 100' wooded ridge between this parcel and the west side of the Thruway. Will approach the Town Attorney regarding the decommissioning bond. Will need documentation/permits from the Army Corps. of Engineers, waiver on tree removal and finish the wetland delineation. Franson-NYS DEC Region 3-indicated that the India Bat was present on the property. Varrow-SWPPP will be completed. Franson-request that the note be removed from the site plan stating that minor field changes may occur. Koegel-will do. Beltrani-will need to be

removed prior to approval. Will need expanded EAF for the NOI for Lead Agency can be distributed. Goldberg-is this a community solar farm? Varrow-yes.

A motion was made by Post, seconded by Ellsworth, to declare this a Type I Action under SEQRA. Board Vote: Bouren-Aye, Hlavaty-Aye, Creen-Aye, Tiano-Aye, Goldberg-Aye, Furman-Aye. None opposed, motion carried. A motion was made by Post, seconded by Ellsworth, to send NOI for the Town of Saugerties Planning Board to serve as Lead Agency. Board Vote: Bouren-Aye, Hlavaty-Aye, Creen-Aye, Tiano-Aye, Goldberg-Aye, Furman-Aye. None opposed, motion carried.

**ADDITIONAL BUSINESS:**

**Site Plan, A. Montano, Route 32.** The applicant has an approved site plan and is requesting a 1-year extension. Goldberg-is this the first extension. Post-yes. A motion was made by Creen, seconded by Tiano, to approve the 1-year extension as requested. Board Vote: Bouren-Aye, Hlavaty-Aye, Goldberg-Aye, Furman-Aye, Post-Aye, Ellsworth-Aye. None opposed, motion carried.

**ADJOURNMENT:**

Since there was no further business to discuss, a motion was made by Bouren, seconded by Furman, to adjourn the meeting at 10:34 p.m. Vote was taken: Post-Aye, Creen-Aye, Goldberg-Aye, Ellsworth-Aye, Hlavaty-Aye, Tiano-Aye. None opposed, carried.

Respectfully Submitted by,

Becky Bertorelli  
Planning Board Secretary