



## PLANNING BOARD MINUTES

October 16, 2018

The Pledge of Allegiance.

One public hearing was scheduled for this meeting and the public was invited to come forward to review the plans and ask questions. Howard Post, Chairman, opened the meeting at 7:30 p.m.

Present: Howard Post, William Creen, Carol Furman, Kenneth Goldberg, Len Bouren, Michael Tiano and Robert Hlavaty (alternate).

Also Present: Dan Shuster, Consultant & Mike Maclsaac (Liason)

Absent: Daniel Ellsworth

Review of September 18, 2018 draft minutes. Goldberg requested two minor changes be made. A motion by Furman, seconded by Tiano to accept the September 2018 minutes as amended, all in favor, motion carried. Creen abstained.

### **PUBLIC HEARING(S):**

**1. Minor Subdivision, Ted Miller, Off Delaware Street.** A motion was made by Goldberg, seconded by Post, to declare an Unlisted action under SEQR. All in favor, none opposed, carried. A motion was made by Goldberg, seconded Creen, to approve the neg dec. All in favor, none opposed, carried.

Public Hearing opened at 7:32 pm. Presented by Dan McCarthy for Tom Conrad of Praetorious & Conrad, P.C. Mr. Miller was not present. The applicant's family is purchasing the property from Northeast Solite, would like to be able to subdivide a lot from the main parcel. The parcel to be separated is in the town sewer but not tied into the town water system. A well will be needed if developed w/approval from the UCHD.

Public Comments:

- Jack Breen – 211 Hudson Street: Where is the access to the parcel? There is a gate on that Town easement to the Glasco Mini-Park. How will the owner access the property if that gate is locked during certain hours? McCarthy-The details regarding the gate will have to be discussed with Town but there is access from the road to the parcel just above the gate on Hudson Street. A site plan will have to be developed first before access can be determined.
- Jeff Ferraro – 137 Delaware Street: How much property is located on this parcel? McCarthy-This will be a 1.06-acre lot.
- Tom Francello: Suggest that when the owner develops the site plan that they take in to account the gate being locked, eliminating access through that Town easement. McCarthy-That will be considered by the owner.

There were no more public comments/concerns. Furman made a motion, seconded by Creen to close the public hearing. All in favor, none opposed, carried. Public hearing closed at 7:42 p.m.

Maclsaac let the public know that there is a Town Board Meeting on Wednesday, October 17, 2018 if anyone would like to attend and ask the question about the gate and how it will affect access to the parcel to be subdivided.

A motion was made by Goldberg, seconded by Furman to approve the Minor Subdivision pending signatures and fees paid. All in favor, none opposed, carried.

**OLD BUSINESS:**

**1. Site Plan/SUP, Agawam Hospitality Group LLC, Route 32S.** Presented by Bruce Utter, P&C. Tiano recused himself at this time. An updated on the progress of the project was given. There have been some minor shifts in the site plan to provide adequate placement for the stormwater plan. Several concerns that were addressed in Dan Shuster's comments were explained. Noise: During wedding season there will be an event tent located in the center of the property. The following thresholds are being considered:

- 70 dBa between the hours of 10:00 am -10:00 pm during the week.
- 55 dBa between the hours of 10:00 pm – 10:00 am during the week.
- 70 dBa between the hours of 10:00 am – 12:00 am during the weekend.
- 55 dBa between the hours of 12:00 am – 10:00 am during the weekend.

Shuster-70 dBa, according to one source, is equivalent to a kitchen exhaust fan on high or a push wheel mower. Utter-70 is a number that is common with festivals and used in many other towns. Shuster-Hours of operation will be discussed by the Board, will need an idea of how many events will be held at the site. Utter-The applicant plans on hosting one wedding event per weekend during the wedding season. Furman-When is wedding season? Utter-Around late spring through early fall, between 20-30 events max.

Utter-Regarding the Shuster's comment on Buffers/Security. The applicant will provide screening outside sewer easement along adjoining properties. Not touching the southwest corner which is heavily vegetated already. The applicant would prefer to provide landscaping as screening vs. a fence along the property lanes and road, evergreens of some sort. Furman-May require both.

Utter-Independent review of traffic study, not sure why it is necessary. DOT concurred with the Traffic Study that was complete. Goldberg-Concurs with Dan Shuster to have an independent review of the Traffic Study that was submitted. Someone that is a third party to comment and agree/disagree with the conclusions. Utter-270 townhouse project in 1988 had a traffic study done which had the same results. Furman-30 years later and agree that an independent review is necessary to validate the results or not. Post-Concur and it will be done right away so there is time to review and the Town will cover the cost. Shuster-Not a new study, just evaluate the methodology and conclusion of the traffic study. Will recommend a traffic engineer. Request that Bruce Utter put together the package to give to the traffic engineer for review, he will forward to the Planning Board Secretary. Goldberg made a motion, seconded by Hlavaty, that the Town hires a Traffic Engineer to review the traffic study done by the applicant and send a report to the Planning Board of their findings regarding methodology and the conclusions of that traffic study. All in favor, none opposed, carried.

Shuster-In agreement with Joe Mihm, Brinnier & Larios, regarding SWPPP and the other utilities? Utter-Met several times with communications regularly to ensure that the applicant is taking the direction that he recommends.

Utter-One concern regarding the porous pavement system, the fire company would like gravel.\*\* What is the Board's view on using the concrete blocks with grass growing in-between, it is a load-bearing surface? Shuster-Make sure Joe Mihm approves. Post-Make sure you have all the calculations.

Tiano-Handout addressing decibel levels, football league that plays in the fields by the firehouse, traffic study issues/accidents, screening. The traffic study did not take in to account the amount of traffic that goes through that area with boats or the new use of the fields for the football league.

**2. Site Plan/SUP, Sophiedrew Acres, LLC/Bach/Ferraro, Glasco Turnpike.** Presented by Bruce Utter, P&C. Received Ulster County Planning Board Review comments and will work on them. Should we forward the final plans to the County for comments. Post-Yes. Will get the final issues addressed and present at the November meeting. Tiano-Handout addressing road surfaces, traffic/accidents, pesticides, manure handling and handicapped accessibility.

No further action will be taken by the Planning Board at this time. Applicant will attend the November meeting.

**3. Site Plan/SUP, Blue Stone Solar, LLC/Geronimo Energy, Churchland Lane.** Presented by Jenny Monson-Miller and Derek Hasek, Geronimo Energy. Seeking final Site Plan/SUP approval at this time. Working with the Town attorney regarding decommissioning bond. Monson-Miller-Only concern is regarding the section in the resolution that needs to be addressed. Sound decibels, 50-decibels max, concern regarding time of measurement and background noise. Clarification to include a continual measurement over an 8-hour period. Furman-Where is the noise coming from? Hasek-The units will create very minimal noise. The concern is that noise being measured will be created by other objects then the solar project itself. Monson-Miller-Inverters are around 53 dBa when standing right next to them, Transformers will be between 63-65 dBa. Shuster-Request wording that will include average decibel level over a sustained period of time. Goldberg-With a long range of time there could be an hour of high decibel noise and the average over an 8-hour period would be low, but that hour would be unacceptable. What kind of wording have you received in other towns? Monson-Miller-Usually ask for a period of time and decibel level average over that period of time, varies with the circumstances. Concerned that outside noise would bring them over a 50-dBa max. Post-Would the placement of the solar panels create any noise, howling? Hasek-Have never heard of that, no anticipation of that. Goldberg-Thruway traffic will create noise as well. Post-Increase to 55 dBa max. at any time, is that acceptable? Shuster-There is a difference between what the project generates and the ambient noise level. Change item #3 on the resolution to include the increase from 50 dBa to 55 dBa maximum. Goldberg made a motion, seconded by Taino, approval of the application for the Site Plan and Special Use Permit and the acceptance of the resolution as amended. All in favor, none opposed, carried.

**4. Lot Line Revision, John Finn, 527 Churchland Road.** Dan McCarthy (P&C) presented in place of Tom Conrad (P&C) for the owner. There were modifications made to the original lot line change map submitted with the application and new maps were presented to the board. the owner proposes to re-locate the lot line between two adjacent properties located between Churchland Road and the NYS Thruway, to transfer +/- 50 acres from one to the other. Parcel A is being created, approx. 24 acres, with access from a 50' right of way through Parcel B and from Churchland Court. Parcel A will be combined with Parcel C, creating an approx. 98-acre lot, access is from Churchland Road. A motion was made by Goldberg, seconded by Bouren, to approve the lot line revision as presented. Vote taken 7-0, carried. Approved with a supermajority vote.

#### **PRE-HEARING CONFERENCE:**

**1. Site Plan, John & Ana Marvin, 210 Riverside Drive.** Mr. Marvin presented. The applicant is requesting approval for a site plan to build a dock on their waterfront overlay parcel. The process will include five separate approvals/permits; Town Planning Board, DEC, ZBA (received), Coastal Management and the Army Corp. of Engineers. Received a conditional area variance approval from the ZBA, pending the approval from all other agencies. Applications have been submitted to all required agencies and awaiting comments/approvals/permits. At this time a straight, rectangular, dock is being applied for. There has been multiple correspondence between the DEC and the applicant regarding their application. The DEC is concerned with the overall size of the dock. The Marvin's have taken over the process with the DEC from their contractor to ensure that all concerns/comments are handled in a timely manner. Dock Doctors are the contractors for the construction of the dock. Originally the application was submitted to all agencies to include fingers on the dock for stabilization of the boat, if necessary in the future. Currently the Marvin's are re-submitting applications without the fingers. Also, a concern is the deadman anchors as opposed to the pylons. Deadman anchors are more aesthetic, and the

pylons do not leave enough sway for the location of the dock. The dock that is proposed will be removed in the winter months and a dock with pylons is a permanent structure that can be damaged with snow and ice. Furman-How do the chains work? Marvin-There is enough give for the high tide and the extra will sit on the riverbed at low tide. The dock needs to be the proposed size because of where it is in the river and ensure that the boat is secure over a period of time. Goldberg-Why were the fingers in the application if they were not going to be installed? The ZBA approved the area variance only on the straight dock with no fingers pending the approval/permit from all necessary agencies. Marvin-They were put on the applications for the DEC, DOS, Coastal Management and Army Corp. of Engineers because they did not want to have to submit another application in the future if they wished to add the fingers. The thought process was that they would go in front of the ZBA with the smallest area variance request possible which would be without the fingers and if they wanted to add them in the future would have to apply for an additional variance. Goldberg asked permission to remove the pages containing the fingers from the Planning Board application to alleviate any confusion in the future regarding what the site plan is for, the straight dock only. Marvin agreed and will submit something in writing to the Planning Board. Tiano-This is for one boat, correct? Solar light at the end of the dock? Marvin-One boat only. Lighting will be put at the end of the dock for night time navigation precautions. Shuster-No referrals are required or a public hearing. The Zoning Board of Appeals declared this a Type II action under SEQR, the Planning Board concurs.

A motion was made by Furman, seconded by Tiano, to approve the site plan as amended by removal of the fingers, with the condition all approvals are received from DEC, DOS, Coastal Management, Army Corp. and Zoning Board of Appeals. All in favor, none opposed, carried.

**2. Site Plan, Kimberly Hines/Kasselman Solar, 27 Montague Lane.** Scott Stevens from Kasselman Solar presented on the owner's behalf. The application would like to install 45 ground mounted solar panels, producing 13.5 KW of energy. The panels will cover an area of approximately 768 square feet of land and the panels will not be any higher than 8' and less than 2' thick. The panels will be located far enough from the Hudson River to have any effect on the riverbed. The area is surrounded by foliage, leaving no impact to surrounding parcels or views from the river. A 55' trench will be dug, no deeper than 2", to the house from the panel's location. No glare or noise will be created. No removal of trees or foliage. The energy created will only be for personal consumption. There will be no visual obscurement for the neighbors of the Hudson River.

A motion was made by Tiano, seconded by Goldberg to declare a Type II action under SEQR. All in favor, none opposed, carried.

A motion was made by Goldberg, seconded by Furman, to approve the site plan as presented. All in favor, none opposed, carried.

**3. Minor Subdivision, Peter Antico, 36 River Road.** Dan McCarthy, P&C, presented on behalf of the applicant. The applicant proposed to subdivide a lot that was created with a previous lot line revision, Benzenhoeffer, approved by the Board in June 2018. This subdivision of land will allow a non-buildable lot to become buildable. Lot #1 will be created with River Road on the west bounded by the Hudson River on the east. Lot #2, has an existing residence, is located on the west side of River Road. Shuster-In February 2017 the Town Subdivision regulation were revised to the following:

"The division of a parcel of land that is recorded under one deed but is bisected by a public right-of-way, whether defined by legal boundaries or established by public use, into two separate portions, one on either side of said right-of-way, shall not be considered a subdivision"

The proposed action would not normally required approval by the Planning Board but in this case removal of the restriction on the portion of the land that will now be Lot #1 is an additional action for which review is appropriate. A public hearing is necessary since a new buildable lot is being created, Lot #1.

A motion was made by Goldberg, seconded by Creen, to declare an Unlisted action under SEQR. All in favor, none opposed, carried.

A motion was made by Goldberg, seconded by Creen to approve a neg dec. All in favor, none opposed, carried.

A motion was made by Tiano, seconded by Creen to set the public hearing for November 20, 2018. All in favor, none opposed, carried.

**4. Lot Line Revision, Jenkki 20121, LLC/Art Mbanefo, Burnett Road/141 Burnett Road.** Presented by Jeff Hogan, P&C, for the owner. The application proposes to scale down their northern parcel from 23.4 acres to 21 acres and add that additional 2.5 acres to the vacant parcel to the south, increasing from 2 acres to 4.4 acres. Access to the enlarged lot will be via a proposed 30' wide right-of-way. Both lots are the same landowner. Furman-Is there a reason that the proposed lot line will run through the pond on the larger of the two properties? Hogan-Will ask applicant but it is a relatively small pond.

A motion was made by Goldberg, seconded by Tiano, to declare this a Type II action under SEQR. All in favor, none opposed, carried.

A motion was made by Goldberg, seconded by Furman, to approve the lot line revision as presented. All in favor, none opposed, carried.

**5. Lot Line Revision, Ronald Marron, 658 Manorville Road.** Presented by Jeff Hogan, P&C, for the owner. The applicant proposes to enlarge an existing 4.78-acre lot by adding 2.03 acres of other lands in the same ownership. Both lots are wooded at this time with access from Manorville Road.

A motion was made by Goldberg, seconded by Furman, to declare as a Type II action under SEQR. All in favor, none opposed, carried.

A motion was made by Goldberg, seconded by Furman, to approve the lot line revision as presented. All in favor, none opposed, carried.

**MISCELLANEOUS:**

**Site Plan/SUP, Minard Farms, Delaware Street.** Applicant is re-signature of maps that were originally signed on November 3, 2017. They were never filed with the Ulster County Clerk's office. A motion was made by Furman, seconded by Tiano, to re-sign the maps for submission to the Ulster County Clerk's Office. All in favor, none opposed, carried.

**Lot Line Revision, Town of Saugerties/Glasco Fire Co., Delaware Street.** Applicant is requesting an extension on the submission of site plan, awaiting the deed for the land to be transferred. A motion mand by Furman, seconded by Tiano for a 1-year extension. All in favor, none opposed, carried.

**Adjournment:**

Since there was no further business to discuss, a motion by Tiano, seconded by Furman, to adjourn the meeting at 9:13 pm. All in favor, none opposed, carried.

Respectfully Submitted by,

Becky Bertorelli  
Planning Board Secretary

**\*\*Page 2, Paragraph 5, First Line-Tiano did not agree with the statement that was made by Utter, re: gravel surface, after reviewing the tape the minutes stand as written.\*\***