



## PLANNING BOARD MINUTES

January 15, 2019

The Pledge of Allegiance.

Howard Post, Chairman, opened the meeting at 7:33 p.m.

Present: Howard Post, William Creen, Kenneth Goldberg, Len Bouren, Carole Furman, Michael Tiano and Daniel Ellsworth.

Also Present: Dan Shuster (Town Planner) and Paul Andreassen (Liason)

Absent: Robert Hlavaty (alternate)

Review of December 18, 2018 draft minutes. Tiano requested that the width of the pipe regarding Agawam be changed from 8' to 8". Goldberg requested that the comments made from the UCPB be addressed as "required modifications" not "suggestions". A motion was made by Goldberg, seconded by Furman, to accept the minutes as amended. All in favor, none opposed, carried.

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

None

### **OLD BUSINESS:**

**1. Site Plan/SUP, Agawam Hospitality Group LLC, Route 32S.** Presented by Bruce Utter, P&C, Adam Friedman of Agawam was also present. Tiano recused himself at this time. As per the UCPB comment a required modification to change the service road to chip & seal was completed on the updated site plan that was presented at the meeting. The Handicapped area will be left paved by the main entrance and the remainder will be gravel. The utility plan, the waterline was changed from the 4" pipe loop to the 8" pipe as required and fire hydrants have been moved to be more accessible, post hydrants to fire hydrants around that loop road. Labels were added to show that roads are H20 capacity. Events were revised to 2/week, 104/year with events being 2am-2am for the 24-hour period. So that an event that lasted until 1am would not be considered two events. Joe Mihm comments -Added a gate on the northern side and added culvert along the cart path.

Review of Draft conditional final resolution as presented by Dan Shuster. Post-Tom Francello, resident, requested some minor changes to draft resolution. Shuster-Replace the "or" for "and" regarding to landscaping screening on page 4, #3. Second change included time frames for noise levels, "and 10:00 AM until 11:59 PM Friday and Saturday". Utter-That is what is noted on the plans, as per the discussion at the last meeting. Shuster-Resolution will be updated. Shuster- addition of wording "to provide local residents with spa, artist, and restaurant services;" under the description of the usage. Goldberg-Not a necessary change and is something that should be left to the applicant to decide if the public will have access to these amenities if not staying on site or eating at the restaurant. Ellsworth-Only guest gets to use the facility? Will be different regulations and insurance needs. Friedman-amenities will primarily serve the guest but then would be open for residents. Would request that this restriction not be put on the resolution, open for the public. Shuster-Not necessary to include this wording in the resolution, should be left up to the applicant and their operation of the facility. Conditions are on the Resolution that must be completed prior to approval of building permits and Certificate of Occupancies.

A motion was made by Goldberg, seconded by Furman to approve the Site Plan and Special Use Permit with the Resolution as amended. All in Favor, none opposed, carried.

**2. Lot Line Revision, Frank Torok & Toni Berzal, High Falls Road.** Tom Conrad, Praetorius & Conrad, P.C., presented. A conditional final was approved two years ago by the Planning Board, but a final map was never submitted for final approval/signatures. Lot line revision requested is to include access to the new house that was built. Shuster-more then 6-months have passed so an extension must be approved. A motion was made by Furman, seconded by Goldberg to grant a 90-day extension. All in favor, none opposed, carried. Final maps were submitted for signatures at the meeting.

**3. Lot Line Revision, Nine W Car Wash & Barber Shop/Costello, Arthur Lane & Route 9W.** Tom Conrad, Praetorius & Conrad, P.C., presented. Conditional Final was given in April 2018, but final maps were never submitted for final approval and signatures. Shuster-more then 6-months have passed so an extension must be approved. A motion was made by Furman, seconded by Goldberg to grant a 90-day extension. All in favor, none opposed, carried.

**4. Added at Meeting – Site Plan/SUP, Leading Edge/Mullen, Kings Highway.** Conditional final approval was given in December 2017, but final site plan maps were never submitted for final approval and signatures. No changes have been made since the initial approval. Shuster-more then 6-months have passed so an extension must be approved. A motion was made by Furman, seconded by Creen to grant a 90-day extension. All in favor, none opposed, carried. Maps were submitted to the Planning Board Secretary prior to this meeting and brought for signatures.

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

**1. Site Plan/SUP, Trnka Trust/Solar Generation, 1751 Old Kings Highway.** Paul McMenemy, owner of Solar Generation, presented for the applicants, who were present. The applicant is requesting site plan and SUP approval to develop a 750-kWh solar project on a currently open field located on the rear part of the 11.8-acre parcel. It will be a Community Solar program offering participation for Central Hudson customers, on a first come first serve basis. It will provide a 10% - 15% discount on utilities for all that participate. There will be an access road on the south side of the property line. The site plan has adhered to the required 50' setbacks. There will be 13 (thirteen) rows of panels. There will be 4 utility poles along the access road to provide hook-up to Central Hudson at Old Kings Highway. Evergreens or tall grasses will be planted so that you will not see the array from the road. Wildflowers will be grown around the array and a wildlife fence installed, 6' tall. No herbicides, pesticides, synthetic fertilizer or fungicides will be used. No grading, clearing, parking or building of structures (other than the array) will be done.

Furman-Access for small animals in the access fence? McMenemy-There will be access areas every 20', 5" x 10" openings. Tiano-Historical houses? Post-There is one but not of concern due to its location to this property. Bouren-There will have to be mowing at least twice a year, even with the wildflower plantings, to keep the brush down. Shuster-Does not require DEC approval. Requires submission of a decommissioning plan with approval from the Town Attorney. Post-Visuals? McMenemy-There will be no visibility from the road and the topography is flat. There will be no reflection off the panels themselves, they are designed only to absorb the light.

A motion was made by Goldberg, seconded by Furman, to declare this an Unlisted action under SEQR. All in favor, none opposed, carried. A motion was made by Goldberg, seconded by Furman, to approve a negative declaration. All in favor, none opposed, carried. A motion was made by Furman, seconded by Tiano, to schedule the public hearing for February 19, 2019. All in favor, none opposed, carried.

**Note: As required this application has been referred to the Ulster County Planning Board.**

**2. 3-Lot Major Subdivision, Jessica Keil, 233 West Camp Road.** Presented by the owner, Jessica Keil. She wishes to subdivide a 25.6-acre parcel into three parcels. The current parcel is bisected by West Camp Road which is a Town owned and maintained road. One parcel would remain on one side of the road and the other two on the opposite side. All three proposed parcels will have access off West Camp Rd. Shuster- Proposed lots are big enough for zoning regulations. Is there a road maintenance agreement to Clearwater Lane, which runs through the parcel to be subdivided? Ellsworth-Clearwater Lane will still bisect the proposed Parcel C and currently has a 15' ROW. When the final maps are submitted for the subdivision it needs to be a wider ROW. Post-Change to a 50' ROW where it passes through the proposed Parcel C, when recording the deed. Require a curb cut from the Highway Department for Parcel A to ensure that there is access before approval can be made.

A motion was made by Goldberg, seconded by Tiano to declare an Unlisted action under SEQR. All in favor, none opposed, carried. A motion was made by Goldberg, seconded by Bouren, to approve a negative declaration. All in favor, none opposed, carried. A motion was made by Furman, seconded by Goldberg, to schedule the public hearing for February 19, 2019. All in favor, none opposed, carried.

**Note: In accord with a recent revision to the Subdivision Regulations approved by the Town Board, the legal division of such a parcel into two separate portions by a public road shall not be considered a subdivision. Therefore, this will now be considered a minor 2-lot subdivision.**

**3. Site Plan/SUP, Catskill Animal Sanctuary (CAS), Old Stage Road.** Barry Medenbach, Medenbach & Eggers, P.C., presented. Also present; Colleen Schropfer - Catskill Animal Sanctuary Deputy Director, Stephanie Tunic – Attorney, Peter Sweeney – Architect. The applicant proposes to build a visitor's center across the road from their current main entrance on Old Stage Road. They would be using approximately 1.5-acres of the undeveloped 25-acre lot. There would be offices, classroom and a pavilion. The proposed building would be 9,000 square feet with two stories and 52 parking spaces. On-site septic and well will be installed, UC Health Department has already done the soil test and it is adequate. Stormwater provisions. Shuster-There will be no visibility from the 9W side of the parcel because it is elevated, and existing trees would screen it. There are no other sensitive area issues. Phase 1A Archeological study will be necessary before the Board can take further action. Referral the UCPB will be necessary after SEQR can be determined. Ellsworth-Access to other parts of the operation are across Old Stage Road, correct? Medenbach-yes and provisions will be made to ensure the safety of those that do cross over the road to access those areas. Bouren-Crosswalk may be necessary. Do animals cross the road? Schropfer-no. Bouren-Do you offer educational programs to schools? Hours of Operation of Welcome Center? Schropfer-We currently do programs for schools and will continue in the proposed Welcome Center with a better space, during the daytime only. Hours open to the public on weekends are 9am – 5pm for tours. Tiano-Will show the plans to the Glasco Fire District to ensure they have no issues. No further action can be taken by the Board until the Archeological Study is submitted.

**4. Site Plan/SUP, Roderick Martin, 209 Lauren Tice Road.** Paul McMenemy, owner of Solar Generation, presented for the applicant, who was present. The applicant is requesting site plan and SUP approval to develop a 2 MW Community Solar Project on a currently open flat field located on approximately 7.5-acres of a 16.4-acre site. Pivoting, bi-facial panels operating with 10%-15% more efficiency than fixed panels. They will follow the sun's path throughout the day and be transparent so that the sun's rays will go through the panels and reflect back up and be collected again. There will be an access road with a circle around the array for emergency vehicles. The site plan has adhered to the required 50' setbacks. There will be 4 utility poles along the access road to provide interconnection to Central Hudson at Old Kings Highway. Evergreens or tall grasses will be planted along the road to provide screening. A wildlife fence installed, 6' tall, with access areas every 20', 5" x 10" openings, for small animals. No herbicides, pesticides, synthetic fertilizer or fungicides will be used. No grading, clearing, parking or building of structures (other than the array) will be done. Post-will need additional information

on the proposed screenings, located close to the road but will not be seen if the correct plantings are used. Goldberg-need more information regarding screenings. Furman-need before the public hearing begins.

A motion was made by Goldberg, seconded by Furman, to declare this an Unlisted action Under SEQR. All in favor, none opposed, carried. A motion was made by Goldberg, seconded by Creen, to approve a negative declaration. All in favor, none opposed, carried. A motion was made by Furman, seconded by Furman, to schedule the public hearing for February 19, 2019. All in favor, none opposed, carried.

**MISCELLANEOUS:**

**Site Plan/SUP, Oz Farms, 280 Malden Turnpike.** Don Tucker spoke on behalf of Walter Sparling, neighbor, concerned with the condition of the road only. Will the Planning Board be re-visiting the Special Use Permits? Goldberg-need to re-visit the number of events being hosted. There was a limit of 20 events per year with a maximum of 150 guests and it is not being adhered to. Creen-the Building Department will have to investigate it. Shuster-the Board can re-visit the conditions of the SUP. Ellsworth-current application is in front of the Board that will be requiring a Road Maintenance agreement before it can move forward. Post-re-visit the Special Use Permit restrictions. The number of events needs to be addressed. Working on the Road Maintenance agreement with the current application. Post-put on agenda for next meeting and request that the Building Department investigate.

**Adjournment:**

Since there was no further business to discuss, a motion by Bouren seconded by Creen, to adjourn the meeting at 8:51 pm. All in favor, none opposed, carried.

Respectfully Submitted by,

Becky Bertorelli  
Planning Board Secretary