



## PLANNING BOARD MINUTES January 17, 2023

C. Howard Post, Chair, opened the meeting at 7:37 p.m. Pledge.

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

Absent: Al Riozzi

Also Present: Adriana Beltrani (Town Planner, NPV)

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

The draft minutes of the December 20, 2022 Planning Board meetings were reviewed. A motion was made by Tiano, seconded by Bouren to approve as written. Board vote: Tiano-Aye, Furman-Aye, Hlavaty-Aye, Brady-Aye, Post-Aye, Bouren-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 will remain open until further notice.

### **OLD BUSINESS**

**Site Plan, The Villas Residences, 49 Spaulding Lane.** Presented by Matt Wexler (National Development Council) and Jeff Hogan (Engineer, Praetorius & Conrad, P.C.). Wexler-here this evening to let everyone know that the applicant's team will be before the Town Board tomorrow evening to review the rezoning petition. We have updated the site plan to include several of the comments made by the Town Planner last month. Hogan-proposed zoning block updated. Proposed location of any structure will be 50' from the steep riverbank. The private cemetery will not be touched, and will use ground penetrating radar to locate any burials that were not marked within 50' of the cemetery boundaries, including part of the encroachment of the road. Realigned the dumpster locations, moved and noted. No parking in fire zones, parking will be on the west in the southern cluster of buildings. Dimensions shown on north and south. S2.5 shows the added fire truck movements. Used the Ulster Hose ladder truck dimensions on north and south, using loop roads. Tiano-have not seen the retaining wall on previous site plans. Hogan-it has been there to help with grading and wetlands, preventing disturbance to the wetlands. North there is a short wall proposed, on the southern part of the north building. There is another retaining wall along the southern building to the east. Tiano-will the retaining wall be next to the access road? Will it be seen from the river? Hogan-there is no interference. A lot of tree cover between the retaining wall and the river. The existing woods and distance from the river keep the visual impact minimal.

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

### **PRE-HEARING CONFERENCE**

**1. Minor Subdivision, Frank/Kathy/Ferene/Magda Torok, Hommelville Road.** Presented by Dan McCarthy, Praetorius & Conrad, P.C. The application is looking to subdivide a 40.7 acre parcel into two parcels. 3.5 acres

will be divided off to remain in the family, Lot 1. Access to Lot 1 will be via a private rural road with right of way through remaining lands of Torok. A proposed house, well and septic were shown. There is a 100 year floodplain present and no building will occur in that area. That area is 20'- 30' higher in elevation. Beltrani-the configuration of the lot is interesting. The 50' ROW associated with private rural road encroaches on neighboring property owner's parcels. The subdivided lots should come to the centerline of the roadway to incorporate ownership. A lot line change to include the ROW. No additional subdivisions can be proposed within three years and one day from approval of a minor subdivision. McCarthy-providing an easement instead to retain ownership of the road within the lands remaining. Beltrani-will need more engineering details from the preliminary plat. This is an Unlisted Action under SEQR with no other interested agencies to coordinate with.

A motion was made by Hlavaty, seconded by Furman, to declare this an Unlisted Action. Board vote: Tiano-Aye, Furman-Aye, Hlavaty-Aye, Brady-Aye, Post-Aye, Bouren-Aye, Kiniry-Aye. Motion carried. A motion was made by Tiano, seconded by Kiniry, to set the public hearing for next month. Board vote: Tiano-Aye, Furman-Aye, Hlavaty-Aye, Brady-Aye, Post-Aye, Bouren-Aye, Kiniry-Aye. Motion carried.

### **PUBLIC INFORMATION SESSION**

**1. Site Plan/SUP, Terramor Catskills/KOA, Route 212 & Cottontail Lane.** Presented by Charles Gottlieb (Environmental & Land Use Attorney, Whiteman Osterman & Hanna) The purpose of this meeting is to hear the public's comments and concerns so that the applicant can address each and every comment.

Public Comments, with a 5 minute time limit:

- Susan Paytner-Citizens Against Terramor-President. The organization, Citizens Against Terramor (CAT), has collected 35,100 signatures for a petition against the proposed project. What is in it for our community? They claim it will be tourist support for Saugerties but the outreach meeting was held at a Woodstock restaurant. Woodstock is 2 miles from the site and Saugerties Village is 8 miles. The proposed facility will have its own restaurant and bar and states it will not increase traffic because of the facilities offered onsite. How does that help the Town of Saugerties? Does not support local businesses. There is a dormitory and they are offering seasonal help, not good local jobs. How will this affect our real estate taxes and help burden the tax load on the Town of Saugerties residents? This is not a campsite but a resort. The public was told 50 campsites and at the next meeting the number went up to 75, stating that is what is necessary to make this project viable. The community does not trust Terramor anymore. Trip Advisor reviews from the Bar Harbor, ME resort complain of noise, with the quiet hours not being enforced. CAT is hoping the Board will issue a Positive Declaration under SEQRA and deny the Special Use Permit (SUP).
- Paul Rubin- HydroQuest. Hired by CAT. There are flaws and omissions in the unsupported conclusions presented by Terramor that demonstrate a negative declaration is warranted under SEQRA. CAT fact sheet shows the adverse impacts, the public water supply and impact on the neighboring wells. Terramor presents that the neighboring wells will not be impacted. Terramor conducted three 72-hour pumping tests on three property wells. The short review they provided does not include critical water level data to verify the total well yield is available for this project use. Terramor claims that the project will not affect neighboring wells. My firm and another monitored 9 wells in the surrounding area during the pumping tests. For example, we recorded 4,500 water level measurements and 12 sonic measurements. There was water level decreases in three of the nine wells. The site will almost certainly pull in contaminants from the nearby Superfund site, including Dioxane. Had CAT not hired an expert Terramor's submissions could have been taken at face value. Recommend a Positive Declaration under SEQRA.
- Tracy Bouvette-resident on John Joy Road. Communicating with Fred Costello regarding the Saugerties landfill for the past 4/5 years. Contamination that exists beneath the landfill and migrates into the prosecution wells proposed by Terramor. The State Superfund site is within about ½ mile from the site of the proposed project. Liability of this contamination will fall on the applicant and the Town of Saugerties, of the known toxins. Testing of about 90 private wells in the area have indicated Dioxane

presence and is regulated by NYS. NYS Department of Health has placed over 60 homes in the area on bottled water because of the presence of Dioxane in their wells. Terramor is proposing to tap into those same contaminants for their water supply. The proposed groundwater production will have a significant impact on the direction and rate of flow. Potential impacts include wastewater discharge impacts as well. The plan proposed does not remove Dioxane. No data has been collected to assess the impact of discharging known and suspected carcinogens on local surface water bodies. Additional collection of data needs to be done by the applicant to address these issues. A positive declaration is warranted.

- Maeve Tooher-Tooher, Barone in Albany (attorney). Hired by CAT. Concerned with the impact on the community under SEQRA. This is a Type I Action under SEQRA. The SEQRA review assesses those impacts. A Positive Declaration addresses those issues such as traffic, water supply/runoff and community character. Determination from the zoning officer not made on accessory uses such as the proposed bar, restaurant, wedding venue and additional facilities which have serious ramifications under SEQRA. These items are not permitted in the district in a lot of cases. The ZBA needs to determine if the accessory uses are permissible under the zoning code. The Brody decision states that a wedding venue is an acceptable use for an AirBnB, this is not that it is a campground. In a recent decision by the NYS Courts, issued on January 11th, it specifically speaks to the idea that a wedding venue, bar or restaurant are not included in an underlying determination. A wedding venue will impact your community character. A campground is permitted, a restaurant requires a supplemental permit, a drinking place is prohibited. A hotel or motel is prohibited in the district but Terramor identifies themselves as a resort. The ZBA needs to review this project and determine this, glamping facility, is permitted in the zoning district. Terramor has misrepresented the project. Before the SEQRA review can continue the Board needs to know if the accessory uses are permissible, which needs to be determined by the ZBA.
- Andy Mossey-Woodstock Land Conservancy (WLC) -Executive Director. Woodstock Land Conservancy is an accredited land trust with a surface area in the eastern Catskills. Created to protect and preserve open lands, forest, wildlife habitat and water resources. Density, traffic, noise, air pollution from 75 campfires, groundwater impacts, surface water impacts, pesticide use, encroachment upon adjoining existing residences, violation of community character and others are reasons this project is not right for this area. Vital habitat is provided for a variety of wildlife, including threatened and endangered species (Indiana Bat & American Woodcock), on this project site. The impact on the existing aquifer has not been adequately studied. The discharge of the treated wastewater that will ultimately end up in the Woodstock Jewish Congregation sacred pond is disturbing. Conservation of land is more important now than it ever was. The project site borders Woodstock and contains wetlands and aquifers which are shared. WLC does not feel that this proposed use should be permitted, at the very least a Positive Declaration is warranted.
- Eve Fox-Woodstock Day School (WDS) -President of the board of Trustees. WDS has 200 students ranging from Kindergarten through twelfth grade. Also offer a summer program with about 100 students. WDS has about 85 employees. Interested in preserving the safety and health of the community, this proposed use will not do that. There will be an increase of traffic on Glasco Turnpike. The intersection of Glasco and Route 212 is already dangerous. There is a school zone marked but that is often not adhered to. An increase in accidents is a major concern. To get the school zone marked was a big undertaking. The number of fire pits and the level of air pollution is a great issue. A lot of our classes operate outside when the weather permits it. There will be a negative health impact on the students and employees. We use the outdoors as a living laboratory, the proposed development of land will have serious ecosystem impacts. Interested to know what the Town will do to make the roads safe. A Positive Declaration is necessary.
- Laura Ricci-Woodstock Town Board member-Saugerties Tax Payer. Many of the Woodstock Town Board members oppose this project. It does not address the area's needs. Serves outsiders and not the needs of the local residents. The proposed use damages the character of the area. Will have an impact on quality of life. Preserving integrity, value, healthy environment and neighborly atmosphere is

important to the area. Destroy the open space on the property, there is no trade-off to warrant the acceptance of these impacts. The proposed area is in the middle of a densely populated area. The Bar Harbor, ME location is a sparsely populated area. The decision that the Planning Board makes will make a statement. The project is harmful to our local citizens. Impacts include visual, lighting, noise, smoke, traffic, trespassing. Environmental impacts include wetlands, water supply and wastewater discharge. The Woodstock Town Board opposes this project because this proposed use is not consistent with the Saugerties Laws, Comprehensive Plan, the neighborhood and the needs of the people they serve. Request a Positive Declaration be issued.

- Kathleen Nolan-Catskill Mountain Keeper (CMK). We recommend rejection of the project. If not, we recommend a Positive Declaration. The Board needs to request a correct zoning determination for the accessory uses proposed. This is not a camping facility. The issuance of a Special Use Permit does give the Planning Board the ability to address specific issues such as protecting wetlands, wildlife and drinking water resources. There needs to be a Positive Declaration issued with a thorough analysis done. Alternatives can be addressed during the review for consistency with the zoning.
- Tom Helling-Sierra Club (SC)-Executive Committee Member. SC supports a Positive Declaration with a full environmental impact statement before the project is allowed to proceed. Type I Actions require the preparation of an EIS. Several significant environmental impacts associated with the wetlands on the property. Once an ecosystem is changed it can not be brought back. There is a larger interconnected waterway system between the Town of Woodstock and the Town of Saugerties. There are significant potential impacts of drinking water, interconnected waterways on neighboring lost and water used by spiritual communities in the area. How will the waterway be impacted? A professional environmental impact survey should be done. The water interconnections negatively impact wildlife and plants across the complete property areas affected. This project must be held to the highest standard in terms of evaluation regarding those environmental impacts. SC urges the Planning Board to issue a Positive Declaration, requiring Terramor to fund a full environmental impact survey.
- Glenn Kreisberg-Overlook Mountain Center (OMC). OMC is a small nonprofit organization whose mission involves land protection and preservation as well as sponsoring and researching ceremonial stone landscapes in our region. There are early American cultural resources on site. A cultural resource survey should be conducted to determine if the site development plan will disturb important resources of cultural significance. The proposed site is close to several other sites that native Americans have been documented as having had a presence. Consultation should be done with State and Federally recognized tribal historic preservation offices such as Stockbridge Munsee, Vander Mohegan or the Delaware tribe. Domestic disputes at campgrounds are the most dangerous part of law enforcement rangers jobs. It is important to have a plan for the security of neighbors and groups like the Woodstock Jewish Congregation (WJC). There needs to be a containment plan and a cultural resource plan. A Positive Declaration is necessary.
- Alan Britt was signed up but no present
- Andy Scherer-Glasco Turnpike resident. Presented a slide show. This is a resort not a campground. Reviews from guests of the Bar Harbor, ME location. Campgrounds are located in remote areas or in the woods. They are usually attached to 100s of acres of natural resources. The tents have a bedroom, some with a second bedroom and each of them have a complete bathroom. They could be compared to a 5 star hotel. The bathrooms have granite countertops, double sinks, tile showers with double showers and handheld showerheads. They can be called non permanent because they have canvas walls but they are far from the conventional campsite tent. They have electricity and plumbing. All tents will be illuminated internally which will cause light pollution. The Lodge is Bar Harbor, ME is illuminated as well, inside and outside. They provide many activities at the Bar Harbor location, which will be the same here. Guests of that location report loud late night noise, drinking with lack of enforcement. This is a 24/7 commercial hospitality operation that carries with it infrastructure needs to support recreation, dining, staff housing, deliveries, trash carting, laundry, linens, towels, etc. The location is not right for this proposed use. A commercial resort does not belong in a medium density residential neighborhood.

- Stuart Auchincloss-Resident. The proposed package sewage treatment plan is a concern. Being discharged into an intermittent stream that runs dry in the summer. The water being released from the treatment plan would need to be treated to drinking water quality or the impact on the quality of life in the neighborhood will be drastic. Treatment plants do not always work the way they are supposed to. These treatment plants have a lot of moving parts that can fail. The plan to contain and store any untreated or partially treated sewage that occurs on this project should be the subject of a full environmental impact assessment. An example of a treatment plant failure is what happened in Seattle. Once a failure happens the damage can not be undone. Training of staff for proper use is necessary. Toxic chemicals are used to treat sewage. Noise and smells of the treatment plant are a concern. Request a Positive Declaration and a full environmental accounting for how the neighbors will be protected from harm.
- Mark Pisani-Resident. My well dropped 17' during the testing and would probably run dry within 40 days with this development. Back during the review of the South Peak subdivision, one of the conditions of the approval by the Planning Board was that the applicant had to provide flood mitigation for Osnas Lane and Cottontail Lane. This project never moved further and over time the Town used those plans to install the new drainage in spring 2020. An issue to consider with this review is Broadband. We need this to participate in today's society. When you stick a very large development with a lot of WIFI you crush the bandwidth of everyone on that line. Broadband should be part of the Positive Declaration of SEQRA scoping. In the same way as Central Hudson provides an intent to serve, the applicant should be doing the same with a broadband provider. The Board should get an expert opinion on this issue. The applicant should be required to ensure that an adequate supply of broadband is offered so that this development will not affect the neighbors.
- Paul Steinberg-Resident-Route 212. I am within the group of homes affected by the chemicals leaching into our wells from the landfill. How will this project be financed? Will they receive concessions from the Town, tax concessions? The water issue is serious. It needs to be addressed and resolved, which will cost a lot of money to do so. This problem long predates this project and is seriously affecting the community.
- Douglas Haeberer-Resident. Most of my points/comments have already been covered by those before me. What constitutes a nonpermanent structure, how are the tent structures we have seen that? My well went dry last summer. Concerns of this happening again. What will the development effects be on the surrounding neighborhood? Proposed site joins my property on two sides. Originally they were proposing for the wastewater to run through my property into my pond and further. The animals that use my pond will not be able to do so. Now the proposed wastewater discharge will end up in the WJC pond. The ecosystem will be affected. Terramor has gone back on their word before so what can we expect? It looks like a beautiful resort but just does not belong in this location. Concerned about those staying at the resort wandering off property. It should be moved to another location.
- Irwin Rosenthal-Resident. Sang a song regarding the impacts of development in regards to the Hudson River.
- Richard Buck-59 Raybrook Drive, Woodstock. Living at this location for 15 years and paying Saugerties School Taxes. I thought proposing a resort in the middle of the neighborhood was a joke. The traffic at the intersection of Glasco Tpke. and Route 212. The intersection has an accident rate of 5.5x the NYS average now, this development will exacerbate that. Concerns regarding traffic for the WDS and the little kids/parents. Traffic increase is a major concern. The traffic study that Terramor presented was done on February 10th last year under circumstances that do not accurately reflect the traffic. The traffic impact will not only be for Saugerties but all Woodstock. Another concern is Overlook Mountain. Those that are staying at Terramor will most likely want to enjoy hiking in the area. Overlook is already overcrowded with hikers. What will the impact be on those hiking locations that are already busy? Traffic at other new developments has increased to a point where it is dangerous. All the roads around this development will see an increase in traffic. The traffic study submitted by Terramor relied on abstract trip generation software algorithms as their primary method of estimating traffic. They

should have been modified to reflect special characteristics of the area. Their methods have been incomplete, even deceptive. Request a thorough and empirical analysis based on 100 percent occupancy on all local roads, intersections, neighborhood and nearby towns.

- Lori Mendelis-Resident-Real Estate Broker. Concerned about the environmental impacts and the real estate value impact. Those looking to move to the area will not want to live near a resort like this in the middle of a neighborhood. A resident neighboring the proposed site had an accepted offer and the potential buyer backed out when they found out what was being proposed. A person's home is often the biggest investment of their life and resort will make those living around it lose value in their home. The scale and location of the proposed project is wrong.
- Cory Smith-Resident. Pay Saugerties School Taxes. Shared a letter from Lorraine Farina. She has studied the damaging effect of recreational wood burning fires for ten years. They are the most dangerous pollution to human health, wood smoke emitting particle matter at 2.5. There is no safe level of exposure to wood smoke. Saugerties has a Climate Action Plan which states "Clear proof of significant impacts of climate change were first fully confirmed by scientists in 1989. In saugerties we can deduce that because of the semi-rural nature of the town, the proximity of New York City and the attractiveness of the area, the trend toward development and modest job growth will continue to result in increased stresses on the environment and climate change. We need to take steps now to plan for the future by reducing greenhouse gas producing activities. We also need to mitigate the impacts of extreme weather events in the northeast and contribute to our share of the solution. The Northeast National Climate Assessment reported that the northeast has populations that are highly vulnerable to climate hazards such as heat waves, hurricanes, ice storms, floods and droughts." Forest and trees play a key role in mitigating climate change, flooding and drought. "Wetlands help to recharge groundwater, decrease flood risks during extreme precipitation events and delay the onset of drought"(Frontiers in the Ecology and Environment). The removal of trees is concerning. Do not sell your residents, children and grandchildren out by allowing this development.
- Richard Cohen-Resident. I will not repeat what has been said. We moved back into the area to get away from the noise, traffic, lights and pollution of New York City. We go through that intersection of Shultis Corners every day, with many close calls. Drinking of those that are staying at the resort is a concern. This is a very controversial project. If approved it will bring a lot of negative attention to Saugerties. Boards are remembered for stains on their history for the judgment that they use.
- Gail Albert-WJC Congregant. Most of my concerns have already been mentioned. Would like to discuss the specific concern for WJC. The new discharge plan of wastewater that will end up in the pond and wetlands located on WJC property. Both of the intermittent streams that the discharge will travel through prior to ending on WJC property went dry last year, which means whatever is discharged by Terramor will end up in our pond and wetlands. We have 300 families within our WJC community. We created the holding pond to prevent runoff from our parking lot, driveway and building from reaching our wetland. Committed to protecting our land. We have made protection of the Earth essential for our religious services, synagogue practices and spiritual life. We use the wetland pond that comes with the land in purification rituals. This includes complete immersion in the water. We use the pond each fall as part of our purification rituals on the high holy days of Rosh Hashanah and Yom Kippur. Many travel to come to WJC to experience our high holy day services. They begin with Jewish new year and services are all about cleansing our souls before we can go forward. During Rosh Hashanah, the pond is used for us to cast our sins from the past year and the water carries them off. WJC purchased this land with the intention of using the wetland pond for purification rituals. The symbolism and imagery of a water purification ceremony cannot include being cleansed of sins by casting them into effluent discharged water from Terramor. A Positive Declaration is necessary.

Post-thank you all for your comments, they are very informative. We appreciate your time and all comments will be considered.

**ADDITIONAL ITEMS**

**1. Major Subdivision, Gelb/Hill, 269 Wilhelm Road, Extension Request.** The applicant is requesting a 1-year extension for final map submission. A motion was made by Bouren, seconded by Hlavaty, to approve the 1-year extension as requested. Board vote: Tiano-Aye, Furman-Aye, Hlavaty-Aye, Brady-Aye, Post-Aye, Bouren-Aye, Kiniry-Aye. Motion carried.

**2. Site Plan Amendment, The Middle Way School, 268 W. Saugerties Road-Extension Request.** The applicant is requesting a 1-year extension for final map submission. A motion was made by Furman, seconded by Brady, to approve the 1-year extension as requested. Board vote: Tiano-Aye, Furman-Aye, Hlavaty-Aye, Brady-Aye, Post-Aye, Bouren-Aye, Kiniry-Aye. Motion carried.

**3. CPC Memo-Lodging & Events.** Comments regarding any changes/additions/subtractions must be received by January 24, 2023.

**4. Winston Farms-Final Scope.** The final scope adopted by the Town Board. Completeness review to be done.

**ADJOURNMENT**

Since there was no further business to discuss, a motion was made by Tiano, seconded by Hlavaty, to adjourn the meeting. Board vote: Board vote: Tiano-Aye, Furman-Aye, Hlavaty-Aye, Brady-Aye, Post-Aye, Bouren-Aye, Kiniry-Aye. Motion carried. The meeting was closed at 10:11 pm.

Respectfully Submitted by,

Becky Bertorelli  
Planning Board Secretary