



PLANNING BOARD MINUTES December 18, 2018

The Pledge of Allegiance.

Two public hearings were 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 7:32 p.m.

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

Also Present: Dan Shuster (Town Planner), Paul Andreassen (Town Board) and Mike MacIsaac (Liaison)

Absent: Robert Hlavaty (alternate)

Review of November 20, 2018 draft minutes. A motion was made by Goldberg, seconded by Tiano, to accept the minutes as written. All in favor, none opposed, carried. Furman abstained.

Post noted that SEQR must be determined before the public hearing can begin for Omotoso. 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.

PUBLIC HEARING(S):

1. 2-Lot Minor Subdivision, Andrew Omotoso, 266 Malden Turnpike. Public Hearing opened at 7:34 pm, presented by Tom Conrad, P&C. Post asked if anyone from the public were present for this Public Hearing? No one came forward. A motion was made by Creen, seconded by Ellsworth, to close the Public Hearing. All in favor, none opposed, carried. The Public Hearing was closed at 7:35 pm.

The letter from Mr. Pino was submitted to the town attorney for review and as a result it was suggested that the Board does not take further action/consideration until a Road Maintenance Agreement is obtained for access to the proposed back lot. Conrad-As per the attorney's suggestion a Road Maintenance Agreement will be obtained but can a Conditional Final be granted while awaiting that? This way the maps can be filed with the County Clerk, but not further action will take place on the parcels until the Agreement is obtained. Goldberg-As suggested by the attorney the Board should not act at this time. Suggest getting that Agreement and submitting to the Planning Board to forward to the Attorney before the next meeting so that it may be reviewed, and the Board can act further at that point.

2. Lot Line Revision, Vincent Berzal, 32 Route 32A. Public Hearing opened at 7:37pm, presented by Gary Holtz, Holtz Surveying, for the owner. Going from 6 lots to 5 lots. New maps were distributed at the meeting, color coded to show the exact lot line changes that are being proposed. Shuster asked to review the lots that are existing to the new lot configuration. Ellsworth-Why is this being done. Holtz-Parcel B is being enlarged because the owner is looking to sell it and the buyer wanted a larger lot. Post asked if anyone was present for this Public Hearing. No one came forward. A motion was made by Furman, seconded by Ellsworth, to close the Public Hearing. All in favor, none opposed, carried. The Public Hearing was closed at 7:42pm. A motion was made by Ellsworth, seconded by Tiano, to approve the lot line revisions as noted on the updated color-coded maps. All in favor, none opposed, carried with a majority +1 vote.

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. Several items were submitted for review. Utter reviewed the stripping plan with suggested changes/additions made by the independent Traffic Consultant hired by the Town, Phillip Grealy. Crieghton Manning, Agawam's Traffic Consultant, worked with Grealy to develop the plan. Double yellow line down center of Liberty Street Extension with opening to new entrance and existing private drive. There will be a 4' strip of blacktop on each side of the white lines down Liberty Street for pedestrians. Stop bar and Stop sign at the end of Liberty Street and Stop signs at the end of propose road and the existing drive. Shuster-Get documentation from Grealy confirming agreement.

Utter- notes on sound were provided. Reviewed the dBa thresholds as discussed previously. Distributed a list for references of noise and levels from the "Center of Hearing and Communication". Followed Town of Ulster regulation and the NYS mass gathering requirements. 70 dBa is equivalent to a dishwasher. Shuster-Difference sources will give different equivalents. The issue is also timeframe that the threshold will be continuous. Ellsworth-working knowledge in sound levels. When the levels go too low you will only hear the bass in the music, this can be more disruptive then hearing the actual music. The Board will have to be careful when setting the thresholds. The chart that was distributed is relatively accurate. Sound travel is different depending on temperature, pressure and humidity. Bouren-Plantings are important to help shield the sound. Ellsworth-Venue should have a sound person on staff that will regulate the sound levels. This way there is one person in control and can handle any issues. Any band or dj being used for an event will have to use the staff sound person. Shuster-appropriate to do testing at the beginning. Ellsworth-That would be the responsibility of the staff sound person. Utter-Note sound guy on staff with testing to be done. Furman-Why is the timeframe set for the dBa thresholds? Utter-Just as a reference to keep levels lower as to not disturb the neighbors. Post-set a level w/the condition that it will be tested when up and running to ensure the levels work. Shuster-must be a defined process in the resolution. Ellsworth-suggest testing be done of a 12-month period.

Utter-events will be less then 250 people but more than 150. One per week with 52 a year, depending on what is the definition accepted for an event. Friedman-would a rehearsal dinner with the wedding the following day be defined as one event or two? Utter-the figures are representative as a rehearsal dinner and wedding being counted as one event. If that is not the case the numbers will have to be adjusted. Post-Typically a rehearsal dinner is not 150 people. Shuster-Clear what the terms mean as far what constitutes an event. Period of which you have 150 or more people congregated at an event. Ellsworth-start the event at 2am. Utter-have guests on premises the entire weekend. Each day that the attendance exceeds 150 will be an event. There will be a total of 2 events per week with a total of 104 events a year. Creen-who monitors the number of events? Shuster-suggest a monthly schedule of events to be provided to the building department to monitor. Ellsworth-suggest that the reservations records be available for review if necessary, should be included in the approval. Friedman-agreed. Shuster-notice would have to be provided in advance to the applicant. Post-All in agreement on 104 events and the event starts at 2am. Utter-Yes.

Code analysis was completed. All cabins will have sprinklers and a fire hydrant within 400' of all cabins. Run 8" pipe in to feed the hydrants. Utter-update the hydraulic analysis to ensure fire flows to the updated hydrants.

Landscaping plans submitted with details included regarding types of plantings. Utter-detailed plantings along westerly property line. Trees around roadways and parking areas, would like some flexibility on the type. Shuster-There is not a direct correlation between the planting palette and planting plan. There are very few evergreens being used, visually evergreens do more than the deciduous trees and are better for sound buffering. May require a more detailed planting schedule for approval. Friedman-Would like to be able to submit a general plan because it will be hard to give definitive plantings until it is determined which will work best. Post-more evergreens and more plantings will help with the sound levels. Utter-applicant is not in favor of using a fence, just

plantings/trees. Green-fences may be better in certain areas than trees. Bouren-fences are more for security not screening. Friedman-all events will be held and focused towards the center of the property and down towards the river. Reluctant to do a fence because some neighbors want a fence and some that do not. If there is one property owner that would like a fence installed it may be something that can be addressed with them directly. There are structures that encroach on the property and if a fence is required, they will have to be moved. Ellsworth-fence is not necessary and should be left up to the applicant. What about the northside of the property. Utter-Baseball fields and wooded area along the north. Friedman-hope that if someone decides to develop the land to the north that the Board would take the same consideration for Agawam as a neighbor. Utter-Mihm requested a gate along the right of way from the Solite property line which will be installed.

Ulster County Planning Board notes/comments received. Addressed one at a time:

1. **Pavement**-Utter-Extended chip & seal along the westerly side of the property to eliminate dust. UCPB would like the chip & seal pavement to extend the main building, the back of the restaurant (service road) and center line of parking areas. Applicant would like to keep the gravel as much as possible. Shuster-it will be up to the Board to override the UCPB comments. Tiano-Fire Company would be happier with the extended chip & seal. Furman-Why would the extension be required? Shuster-Mainly maintenance issues. Friedman-there has been money allotted in the annual budget for the road maintenance/repairs/replacement. It would only benefit the business to take care of the roadways. Furman-is there chip & seal on all fire truck access roads? Post-no. Bouren-what if the chip & seal extended to the restaurant/inn only? Friedman-would prefer to extend on service road. Utter-will remove chip & seal from the Valet area and extend from the entrance through the service road. A motion was made by Furman, seconded by Creen, to override the UCPB required modification and amend the site plan to include the discussed extension to include the service road. All in favor, none opposed, carried.
2. **Easements**-UCPB requires all easements be noted on the final set of site plans. Utter-will comply and speak with attorney.
3. **Landscaping**-UCPB suggests a Conservation Easement on the eastern edge of the site. Utter-applicant would not like to do that. Furman-what would be the benefit to that? Utter-the applicant does not see one. It would just not allow any clearing of that land. Shuster-if any changes are to be made and anything is to be done in that section in the future the applicant would have to come back to the Planning Board for approval. Ellsworth-if a Conservation Easement is made the Planning Board will not have the final say on what goes on in that section of the property the State will. Friedman-at this point there is no desire to clear that land, leave as is. Any changes will have to be submitted to the Planning Board for approval, understood. A motion was made by Ellsworth, seconded by Bouren, to override the required modification of the UCPB for a Conservation Easement on the eastern edge of the property. All in favor, none opposed, carried. Shuster-Just to note that the Board agrees with the landscaping suggestions for a detailed landscaping plan just not the request for a Conservation Easement. Post-Correct.
4. **Lighting**-UCPB sent a recommended lighting level sheet from the "International Dark-Sky Association" as reference for required lighting illuminance levels which references the "Illuminating Engineering Society of North America" requirements. Utter-a lighting plan was submitted to the Board for review. The parking lots will be at .2 Illuminance which is the minimum requirement, in compliance. LED lighting mounted at 20' height, 75W, light poles based every 100'. Most pavement areas are at least a .2 value, into grass areas they drop. Furman-footpath lights are a good idea. Utter-190 pedestrian bollard lights and 53 landscaping lights, in compliance. Will forward the UCPB comments to ensure that we follow the whole plan.
5. **Architecture and Visualization**-UCPB has requested individual building references for elevations and proposed structures. Utter-We have submitted a rendering of the proposed site from the aerial

view. Not sure why they would require for each building/structure because the location of the buildings is set to be in the middle of the property. The structures will be hard to see from any adjoining property lines. A motion was made by Ellsworth, seconded by Furman, to override the UCPB required modification to provide individual renderings of each building on site. All in favor, none opposed, carried.

6. **Public Access**-The UCPB suggests that applicant provide public access to the waterfront by tying in to existing trails. Utter-Applicant would not like to do this, so to keep privacy for the guests that pay to stay there. Solite is to the north and Central Hudson is to the South, neither have public access to their waterfronts, currently. Ellsworth-it will create an issue for liability and maintenance. Friedman-some part of the property will be open to the public but the waterfront being open from the property to the north and south is not a desired aspect. A motion was made by Ellsworth, seconded by Bouren to override the UCPB required modification to allow public access to the site's waterfront. Majority +1 in favor, Furman opposed, carried.

Utter-all required permits and approvals are still in the process from the outside agencies. Still working with Joe Mihm. Need DOT and Health Department approvals. Post-are you good with the testing on-site for the noise levels? Utter-yes. Friedman-intend to hire an in-house sound person to regulate and test before each event and during the event until a definitive process is established. Post-General consensus on the 70-dBa threshold? Furman-Seems reasonable. Post-Lowered from 70 dBa to 55 dBa on the Bluestone project. Tiano-there is a public hearing regarding noise levels. Post-if the Town Board does set a lower threshold the applicant will have to follow the lower of the two. Pole the board regarding the 70-dBa threshold:

Furman-Yea
Ellsworth-Yea
Bouren-Yea
Goldberg-Yea
Creen-Nay
Post-Nay

Shuster-at this point the Board will create a resolution to include all the items discussed and agreed upon for review at the next meeting.

2. Site Plan, Lance (Long) Nguyen, 66 Chimney Road. Mr. Nguyen was not present but did submit the updated site plan with topography and the updated dock measurements of 30' x 5'. A motion was made by Tiano, seconded by Creen to approve the site plan as submitted with changes. All in favor, none opposed, carried.

3. Site Plan, A. Montano Company, Inc., Route 32N. Jeff Hogan presented. Returning for the first time since March 2018. Site plan for Heavy Equipment Sales, located on Route 32N across from the Cedar Grove Fire House. Wetland Delineation Report was done, which showed a small pocket at the culvert area by the Thruway and that will be avoided. An archeology study was completed by Joe Diamond. Phase II was completed but took longer than expected. Nothing of significance was found. Awaiting documentation of the report and will submit upon receipt to the Board. Scott Dutton provided visual simulations and a report from the Thruway and Route 32N. 40' high balloons were used to simulate the corners of the proposed structure. Two pictures were taken from the Thruway, leaf on and leaf off. Leaf on the building would not be visible, leaf off you could see the entire area where the proposed building will sit. Dutton also provided a visual from the Thruway with all the trees on the property line removed and line of backhoes displayed. Ellsworth-what will the applicant do if the Board does not allow the removal of all the trees? Hogan-will speak to the owner regarding adding some trees to the property line. Shuster-one backhoe will get the same effect as a line of them, as shown. Maybe a smaller display area with plantings around it. Hogan presented another visual with half of the backhoes removed and evergreens in their place, 50' on center. Has spoken with the Thruway and they have no control of private property. They will require a permit if signage is to be installed. The display of equipment does not need a permit from NYSDOT.

The building is approximately 200' from the property line with the Thruway. Post-would like to see more screening on the Thruway side. Goldberg-prefer less machinery being displayed. Hogan- landscaping ideas will be discussed with the applicant. There will be a monument type sign located at the entrance from 32N to the site. A visual was presented with a display of machinery on the 32N side. Post-the display of so many machines may be due to there being so much machinery on site and the need to put those machines there for space. Hogan-the stock equipment will be stored between the log homes site and the Kosco site. The equipment is to be seen will be only what is displayed. Goldberg-there must be a better way to display without the use of so much machinery. Bouren-the display may be beneficial for sales and bring people to Saugerties, off the Thruway, to purchase the machinery. Hogan-will speak to applicant about better display options. The equipment view from the 32N side will have landscaping around the entrance. The display area will be 50' back from road and the equipment will be set on a gravel pad. Furman-the number of machines on display will need to be cut back. Goldberg-leave a space in between the machines. Ellsworth-maybe set the machines on different elevations, it is located in the Gateway Overlay and visuals are important. Hogan-will have Dutton do new visuals with the changes. Should he use the same method with the balloons. Post-fine, main concern is the visual impact this site will bring. Hogan-will continue with landscaping and lighting plan, will not return until February or so.

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

PRE-HEARING CONFERENCE:

1. Site Plan/SUP, Trnka Trust/Solar Generation, 1751 Old Kings Highway. The applicant has requested review be postponed until January 2019.

MISCELLANEOUS:

Ellsworth will have a meeting with Nigel Redman regarding the sound visual equipment, requesting use for the Planning Board meetings.

Post took a moment to thank the Board on all their hard work, this is a wonderful Board to work with. Furman took a moment to thank Post for his dedication and patience this year, it is appreciated.

Adjournment:

Since there was no further business to discuss, a motion by Creen seconded by Tiano, to adjourn the meeting at 10:01 pm. All in favor, none opposed, carried.

Respectfully Submitted by,

Becky Bertorelli
Planning Board Secretary