



## PLANNING BOARD MINUTES June 20, 2023

C. Howard Post, Chair, opened the meeting at 7:34 p.m. Pledge.

Present: C. Howard Post (Chair), Carole Furman (Vice-Chair), Mike Tiano, Kevin Brady, Al Riozzi and Gina Kiniry.

Absent: Bob Hlavaty

Also Present: Max Stach (Town Planner, NPV)

The draft minutes of the May 16, 2023 Planning Board meeting were reviewed. A motion was made by Furman, seconded by Kiniry to approve as written. Board vote: Furman-Aye, Riozzi-Aye, Post-Aye, Kiniry-Aye, Tiano-abstain. Motion carried.

### **PUBLIC HEARINGS**

**1. Major Subdivision, UC Habitat for Humanity, Jeffrey Court.** Presented by Khattar Elmassalemah, P.E., Praetorius & Conrad, P.C. Also present, Christine Brady LaValle (Executive Director of the Ulster County Habitat for Humanity) and Peter Tirc (Project Manager). The applicant is proposing an 11-lot subdivision on land located off Jeffrey Court. The proposal includes 10 building lots and the remaining land to remain undeveloped due to topography and presence of Federal Wetlands. The applicant is proposing to keep wetland disturbance to a minimum. The wetlands located to the south will be untouched. The applicant is proposing small lots with homes that are similar to those already located in the neighborhood.

Post opened the public hearing at 7:36 pm. Public Comments:

- Karen Deruyter, 2 Stevens Court - does the applicant plan to build on all 10 lots at one time or over the course of several years? How long will the neighborhood have to tolerate construction? How many large vehicles are going to be going in and out of the neighborhood and for what period of time? Elmassalemah-the significant part of the construction aspect that will require large vehicles will be during the extension of Jeffrey Court into the proposed development, including the extension of utilities. The infrastructure will be done first, prior to any houses being built. The houses will be built as needed. An example to be used is Bishop's Gate. The homes were built when the new owner's were ready to do so. They were not built all at the same time. Deruyter-will the applicant need to build up the land? Will fill be required? Where will that come from? There are two fingers of the wetlands that seem to be affected? Elmassalemah-the applicant is proposing to fill those two fingers of the wetlands, with the required permits. The stormwater plan that is being proposed is part of an approved stormwater repair plan the Town had many years ago but was never completed. The water run off will go into the catch basins and piping installed to help drainage. Deruyter-will there be noise from the proposed pump? Post-no noise per say.
- Andrew DiNitto, 35 Canterbury Drive - there is a lot of area that is being converted from permeable to impermeable. Is there a retention pond? Elmassalemah-the project will have to be NYSDEC compliant. The SWPPP (Stormwater Pollution Prevention Plan) is before the Town Engineer for review and approval. A retention pond is not required, only required when over 5 acres of disturbance is proposed.

DiNitto-sewer system/pump station? What if it fails? What impact will the increase of demand for 20 to 30 occupants have? What effect will this have on neighboring home assessments? Create higher taxes. What do our comments do to affect the process? Elmassalemah-not sure what the concern is, the pumps are just to help the flow uphill to attach to existing Town sewer. Eventually the Town Sewer Department will take over the entire system proposed for this subdivision and oversee as they do with the entire public water/sewer district. There will be two pumps proposed, so that if one fails the other will continue to function until the broken one can be fixed. Due to the nature and topography of the site, some areas are gravity fed and others require the assistance of a pump. Post-will check with the water/sewer department during the process to ensure that the facilities can accommodate the increase of service. The Planning Board can not answer questions regarding taxes, those should be addressed to the Assessment Office. The Board will take into consideration all comments and concerns that are made during the public hearing process.

- Bob Deruyter, 2 Stevens Court - how can we be assured that this project will be completed to the extent that is being proposed and the applicant will not start foundations and leave them. Elmassalemah-the applicant will have to provide the Town with a financial bond for the road and utilities. If the applicant were not able to finish that part of the project then that bond would be used by the Town to complete. The applicant can not bond a house to secure the completion. The lots have been grouped in the upper part of the property to avoid wetlands. Homes that are built can be engineered according to the environmental impacts of the land, such as the existence of groundwater. Half built homes will not be left.
- Marcia Baudanza, 24 Village Drive - how will water and gas be provided to the proposed lots/homes? Elmassalemah-the applicant proposes to extend the existing water/sewer that is provided to Jeffrey Court down the proposed road and to the homes.
- James Harvey, 15 Joseph's Drive - will these lots be tax exempt? La Valle-no exemptions.
- Joe Bubel, 5 Jeffrey Court - how will this affect the power grid? The NYS Law that no more gas utilities are permitted? The impact on the electric infrastructure, can Central Hudson handle the increase in service demand? Elmassalemah-can ask Central Hudson that question, not sure if I will get a response.
- Ray Mendock, 27 Canterbury Drive - covenant within deed regarding wetlands that abutt Bishop's Gate. Elmassalemah-not sure about that but the applicant does not propose any disturbance of those wetlands located adjacent to Bishop's Gate.
- Marjorie Leopold, 5 Highwoods Road, Housing Smart Communities co-coordinator - there is a lack of affordable housing in Saugerties. There are 460 Short Term Rentals in the area. Habitat for Humanity is trying to provide 10 homes that are affordable for 10 families in our area. Home ownership creates stability. The proposed homes will bring students into the school district. The area needs more housing and people that can own homes in the community. They should be commended for their work.
- Darlene Moore, 37 Spaulding Lane - 160 new apartments are being built in Glasco.
- Diane Colello, 13 Barbara Court - in favor of Habitat for Humanity but for it to be done in a way that addresses neighbors concerns.

Stach-the Board has received the corrected EAF. NOI distributed. County & Town approvals are still needed; Town Highway, NYSDEC, Army Corps. of Engineers and SWPPP approval from the Town Engineer. Post-this public hearing will be adjourned until the August meeting, which will be held at the Senior Center at 7:30pm, to allow the applicant to provide additional information.

## **OLD BUSINESS**

**1. Site Plan, The Villas Residences, 49 Spaulding Lane.** Presented by Matt Wexler (National Development Council) and Aaron Werner (AKRF). The applicant is hoping to receive a determination of significance at this meeting. Tiano-was able to FOIL information from the 911 center to get the number of ambulance calls to three of the senior housing facilities. Will the proposed facility have nurses on staff? Concerned with the ambulance services ability to provide the significant additional need. Wexler-the facility will not have nurses on staff,

individuals can hire private nurses to assist them if needed. This is proposed as independent living. Tiano-there are other significant projects in the area that will increase traffic and cause an impact.

A draft negative declaration was attached to the memo distributed to the Board and applicant, by NPV, prior to the meeting. A motion was made by Brady, seconded by Furman, to approve the Negative Declaration (Part III), Adopt Part II EAF and send the recommendation to the Town Board regarding the zoning change. Board vote: Furman-Aye, Tiano-Nay, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried. A motion was made by Post, seconded by Riozzi, based on the information provided and reviewed to date the Planning Board recommends the Town Board to adopt the aforementioned submissions as Part III (Negative Declaration) for the action. Board vote: Furman-Aye, Tiano-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried.

Stach-the application will need to be referred to UCPB. The applicant will now proceed to the Town Board for the zoning change. The Town Board will have to hold two public hearings, 15 days apart. There is a deed restriction requirement, that the land can only be used as proposed. If the Town Board approves the zoning change the applicant will continue the process with the Planning Board for site plan approval.

A motion was made by Post, seconded by Tiano, to refer to the UCPB. Board vote: Furman-Aye, Tiano-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried.

### **PRE-HEARING CONFERENCE**

**1. Site Plan, Archtop Fiber, LLC, 165 Old Route 32.** Presented by Jake Lehman, Airosmith, Inc (contractor). Also present - Tom Weckesser, Archtop Fiber, LLC. The applicant is looking to install a fiber optic hub on the parcel. There will be a generator and shed, which will house the hub. The area will be fenced in. Stach-NPV has requested that some labeling be done on the site plan to make it easier to see the proposed scope. Will the generator be diesel? If so would request that an above ground double wall with leak detection be installed. Plantings between the fence and road shown. Will access be from the existing pavement? This is a Type II Action under SEQR. Will require referral to UCPB. Lehman-will be using the existing access drive, no new driveway will be proposed.

A motion was made by Post, seconded by Brady, to refer to the UCPB Board vote: Furman-Aye, Tiano-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried.

**3. Minor Subdivision, Frank & Cheryl Ferrendino, 363 & 369 Band Camp Road.** Presented by Jeff Hogan, Praetorius & Conrad, P.C. The applicant is proposing to take the 6.3 acre parcel and subdivide into two lots. The parcel to the west (consisting of 10.7 acres) has existing access through the parcel that is proposed to be subdivided. The applicant is hoping to sell one of the proposed parcels with an existing house. Stach-the ROW does not meet the private rural road standards, creating an additional lot with access off Band Camp Road via ROW. Any driveway over 300' in length is considered a private rural road, according to the zoning. Subdivision regulations do not approve reserve strips when creating lots. The lot line of Lot #1 would have to be down the centerline of the private drive, the Planning Board can waive that standard. The gravel area has to be 16' across and the area cleared, horizontally, to 25'. Topography on the map requested, especially along the road. A Road Maintenance Agreement will be required. Hogan-the access is 20' at entrance but narrows to 12'-13'. A 50' ROW is shown. Stach-this is an Unlisted Action under SEQR and UCPB referral is not required. A public hearing is required.

A motion was made by Kiniry, seconded by Tiano, to set the public hearing for the August meeting. Board vote: Furman-Aye, Tiano-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried. A motion was made by Tiano, seconded by Furman, to declare the Town of Saugerties Planning Board Lead Agency and declare this an Unlisted Action under SEQR. Board vote: Furman-Aye, Tiano-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried.

**3. Site Plan/SUP-Campground (2-Sites), Andrew Peck, 375 Hommelville Road.** Presented by the owner, Andrew Peck. The parcel is 23-acres and has been used for many years to rent out a cabin and Sioux tipi. Due to the new STR (Short Term Rental) regulations set forth by the Town of Saugerties the two sites do not meet the requirements to be considered STRs. Therefore, a site plan and special use permit need to be obtained for a campground in order to continue renting the two out for short term periods. There are no new changes proposed to the site. Have been operating as an AirBnB for 15 years. There is an approved septic on the site that is being used for the shed that houses the toilet, used by both sites. There is a sink, toilet and outside shower located at that shed. The cabin is heated and rented year round. The tipi is rented seasonally (May to October). Stach-a professional site plan is recommended for a commercial enterprise but up to the Planning Board as to what they find acceptable. The one provided is based on a survey but using the actual survey would be preferred. Meets the requirements of a campground under Special Use Permit (SUP) requirements. The Board has been imposing the same requirements as a STR as conditions of approval. The Building Department requested, during the workshop, that both wells on site be tested and passed. There will be a Fire Safety Inspection every year, conducted by the Building Department. This is a Type II Action under SEQR, no further SEQR review is required. Ulster County Planning Board (UCPB) referral is not required. Ulster County Health Department is not required, there are less than 5 sites proposed and less than 11 people onsite at one time. Peck-contact has been made with the Centerville Fire Department, understanding that there will be road repairs and upgrades required in order for the sites to be emergency vehicle accessible. Stach-all information needs to be provided on a professional survey, it is the Law of the Town to require a professional plan. A public hearing is required.

A motion was made by Tiano, seconded by Riozzi, to set the public hearing for next month. Board vote: Furman-Aye, Tiano-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried.

***(UPDATE - June 30, 2023 - Per the applicant's request, the public hearing has been postponed until the August 15, 2023 Planning Board meeting.)***

#### **ADDITIONAL ITEMS**

1. **Glasco Apartment Amendment - 260 Glasco Turnpike - UPDATE** - Post the applicant originally requested a 1,000 square foot maintenance building but has increased that to 1,177 square feet and has slightly shifted the location. The change does not change the determination, the Planning Board will have to amend the approved resolution to reflect the additional 177 square feet. A motion was made by Riozzi, seconded by Kiniry, to amend as requested. A motion was made by Tiano, seconded by Riozzi, to set the public hearing for next month. Board vote: Furman-Aye, Tiano-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried.

#### **ADJOURNMENT**

Since there was no further business to discuss, a motion was made by Tiano, seconded by Kiniry, to adjourn the meeting. A motion was made by Tiano, seconded by Riozzi, to set the public hearing for next month. Board vote: Furman-Aye, Tiano-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried. The meeting was closed at 9:18 pm.

Respectfully Submitted by,

Becky Bertorelli  
Planning Board Secretary