



PLANNING BOARD MINUTES April 18, 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, Len Bouren, Al Riozzi and Gina Kiniry (alternate).

Absent: Kevin Brady and Robert Hlavaty

Also Present: Max Stach (Town Planner, NPV)

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

The draft minutes of the March 21, 2023 Planning Board meetings were reviewed. A motion was made by Riozzi, seconded by Kiniry to approve as written. Board vote: Furman-Aye, Bouren-Aye, Riozzi-Aye, Post-Aye, Kiniry-Aye. Motion carried. Tiano recused himself.

ADDITIONAL ITEM

Prior to the commencement of the public hearings the Chairman allowed Walter Sparling of 278 Malden Turnpike to address the Board regarding Oz Farms. Sparling lives between Oz Farms and Annarella restaurant on the right-of-way (ROW) that provides access to the farm. Sparling-the owner of Oz Farms has not been following the Special Use Permit (SUP) requirements regarding the number of events she is allowed to host per year. The traffic is an issue and the owner is not watering down the road, as required to, during events. There was a Land Rover event last year that brought an excessive amount of traffic and transients to the site. Originally they were approved for 10 events per year and came back to increase that number, which was approved for 20 events per year. She is doing more than that. Mr. Sparling has lived here for 28 years and feels as though they are trying to push him out. According to Mr. Sparling, Oz Farms hosted more than 55 events the year before last and they are not following the SUP. The owner of Annarella owns the ROW that runs before Mr. Sparling's house to access the farm and he has heard that they would like to put a fence up in front of his house along that ROW. Mr. Sparling is upset that the owner is not following the SUP and adhering to the limitations and requirements stated within that SUP. Post-the Board will reach out to the Building Inspector to see what can be done.

PUBLIC HEARINGS

1. Minor 2-Lot Subdivision/Lot Line Revision, Sharon Cohen/Alexandra Gambino, 59 & 73 Windbourne Lane. Mr. Gambino was present. The applicant is requesting a 2-lot subdivision with lot line revision.

Post opened the public hearing at 7:45 pm. No one was present. Stach-the major concern is that ROW in encroaching on neighboring properties that have not provided authorization to do so. The ROW has to be moved to ensure that it does not encroach and ensure that the 25' from centerline falls on the applicants' properties. There is a 100' buffer requirement for State Wetland Regulated areas, this is to be shown. The Board should request a written approval for the Centerville Fire Chief regarding emergency access. A road maintenance agreement is required, to be submitted for review by the Planning Board Attorney. The final maps submitted

should be labeled “Final Subdivision Plat”. An authorization should be obtained from Alexandra Gambino for the surveyor to act as agent. Before the public hearing can be closed the Board will have to take action on the negative declaration.

A motion was made by Tiano, seconded by Furman, to adopt a negative declaration. Board vote: Furman-Aye, Tiano-Aye, Bouren-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried. A motion was made by Tiano, seconded by Kiniry, to close the public hearing. Board vote: Furman-Aye, Tiano-Aye, Bouren-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried. The public hearing was closed at 7:50 pm. A motion was made by Furman, seconded by Riozzi, to approve the minor subdivision and lot line revision with the following conditions:

- ROW shifted off of neighboring properties
- State Wetlands Regulated Area shown (100’ buffer)
- Written approval from the Centerville Fire Chief regarding emergency access
- Road Maintenance Agreement submitted and approved by the Planning Board attorney
- Authorization from Alexandra Gambino to act as agent
- Final Map titled “Final Subdivision Plat”

Board vote: Furman-Aye, Tiano-Aye, Bouren-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried.

2. Site Plan/Special Use Permit Amendment, Solar Generation/Total Tennis, 1811 Old Kings Highway.

Presented by Zach Schrowang and Kelly DiMarzo of Solar Generation. The applicant is looking to amend a site plan and special use permit to install additional ground mounted solar panels to help the owner offset energy cost by 100%. The expansion will be for 3 additional rows of ground mounted solar panels in front of the existing panels. Will use the existing trench and update. A Central Hudson agreement is already in place.

Post opened the public hearing at 7:53 pm. No one was present from the public. Furman-in the past applicants have run into trouble with Central Hudson connections. Schrowang-that was an issue in the past but now it has calmed down, there is minimal risk on the feeder side. A motion was made by Furman, seconded by Bouren to adopt a negative declaration. Board vote: Furman-Aye, Tiano-Aye, Bouren-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried. A motion was made by Tiano, seconded by Furman, to close the public hearing. Board vote: Furman-Aye, Tiano-Aye, Bouren-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried.

Post asked if there were any further questions from the Board. Furman-will there be a fence that will allow for small animals to pass? Schrowang-yes, the fence will have openings to allow for small animals to pass through. Stach-the requirement for a buffer along the private road can be waived by the Board. Financial Security, decommissioning agreement, can be a condition of approval. The applicant had mentioned they would discuss the planting mix to be used around the solar panels with the parcel owner. Schrowang-he would prefer to keep the maintenance routine that he currently uses with the existing panels. Stach-awaiting SHPO consultation. Just to note the historical resource is the bridge that is located on the parcel but is some distance from the location of the project site. The Board could always make a condition of approval pending SHPO response. Ensure that the fire department has access to the gate in case of an emergency and written approval from the Chief stating that emergency access is adequate. A motion was made by Tiano, seconded by Kiniry, to approve the Site Plan and Special Use Permit, with the following conditions:

- Preparation and approval of a Decommissioning Plan and Agreement to be reviewed by the Town Engineer, Attorney and approved by the Town Board
- Written approval front the Saxton Fire Chief that the emergency access is adequate.

Board vote: Furman-Aye, Tiano-Aye, Bouren-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried.

3. Site Plan, Daniel Backhaus, 50 Rivka Road. Applicant was present but did not send out the certified mailers, return receipt, for the notification of all neighbors within 500’ of the property lines for which the project is proposed. The public hearing will be noticed and held next month.

4. Site Plan/Special Use Permit, Jim Nutt, 1768 Route 32. Presented by the applicant/owner, Jim Nutt. The applicant is looking to operate a mobile veterinary business out of an existing barn located on his property, moving the business offices from his home. The barn will be used for office and storage of equipment used for the mobile veterinary business. The practice will not be operated on-site.

Post opened the public hearing at 8:07 pm. Sharon Bach was present in support of the project. No other members of the public were present for this public hearing. A motion was made by Kiniry, seconded by Bouren, to close the public hearing. Board vote: Furman-Aye, Tiano-Aye, Bouren-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried. The public hearing was closed at 8:09 pm.

Tiano-is that LaRue Lane? Did that change? Nutt-nothing will change on-site. It stayed the same. There were no other questions from the Board. A motion was made by Riozzi, seconded by Kiniry, to approve the Site Plan and Special Use Permit for the change of use of the existing barn to office space and storage. Board vote: Furman-Aye, Tiano-Aye, Bouren-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried.

OLD BUSINESS

1. Site Plan, The Villas Residences, 49 Spaulding Lane. Presented by Matt Wexler (National Development Council). Wexler-the applicant would like the Board to look at SEQR and the EAF Part II. Stach-traffic is a general concern, impact on Spaulding Lane. The installation of the housing development will create a significant traffic increase that has to be evaluated by the Board. Wexler-the site has not been used in many years so anything that is put there will generate more traffic than there is now on Spaulding Lane. Stach-the applicant will be responsible for submitting a "DRAFT" Part III EAF addressing those concerns indicated in Part II EAF. This will be discussed with the Board. The Planning Board can adopt the Part II EAF as distributed. The traffic study that was submitted by the applicant should be broken down into more laymen's terms for the public to understand the traffic impacts the project poses. A motion was made by Furman, seconded by Riozzi, to adopt the Part II EAF. Board vote: Furman-Aye, Tiano-Aye, Bouren-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried.

Furman-is there a way to slow vehicles down on Spaulding Road, to ensure the area remains safe for children and pedestrians? Wexler-we have discussed lining the road, will have to talk to traffic engineers. Stach-no major change in character but safety to the neighborhood to remain. Tiano-there was an accident on Route 9W last month. The ambulance service answered 3,044 calls and the fire department answered around 350 calls in 2022. Of the 3,044 calls for the ambulance over 300 were for the senior complexes that are in our township. Can the applicant find out how many calls were at their two complexes in Sparkill for comparison? The fire department is stretched now and so is the ambulance. Just something to think about.

2. Site Plan Amendment, Glasco Apartments, 2964 & 2966 Route 9W. Presented by Chris LaPorta, Passero Associates. The applicant has received ZBA approval on April 3, 2023 for the 25' side yard area variance on the pool and the 43' side yard area variance for the proposed maintenance building. The pool was moved to abide by building code requirements. The size/shape of the pool was changed when the pool designer was brought into the project. The landscaping around that area has been bulked up to include spruce trees instead of deciduous. The fence on the interior has been increased from 4' to 6' in response to the neighbor's comments. The maintenance building required a variance because of a strip of land that spans into the project site and is owned by Ulster County. It is believed to be a sewer easement. The applicant has shifted the maintenance building from the original spot in response to comments from the neighbor to the South. The alternative location proposed by a neighbor was evaluated but found to be impractical due to its location by the playground. The applicant believed that having a maintenance building next to where children would be playing was not appropriate. The emergency access gate approved on the original site plan has been shifted to the North to honor the access easement to the Hodder family. Elevations of the maintenance building have been supplied, it will be

no higher than 17.25'. Hours of operation of the maintenance building will be 8am - 8pm and no additional exterior lighting is proposed. There will be no addition to water/sewer demand. The electrical connections are being discussed with Central Hudson. If additional water/sewer is ever needed the applicant will work with the Town Water Department.

Tiano-would just like to state that the applicant and your firm have done a great job. The applicant's desire to address the neighbor's comments is greatly appreciated.

Stach-the Board can reaffirm the adopted negative declaration from the original site plan approval, prior to any decision. A motion was made by Furman, seconded by Bouren, to reaffirm the negative declaration. Board vote: Furman-Aye, Tiano-Aye, Bouren-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried. A motion was made by Furman, seconded by Tiano, to approve the site plan amendment. Board vote: Furman-Aye, Tiano-Aye, Bouren-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried.

3. Major Subdivision, UC Habitat for Humanity, Jeffrey Court. Presented by Khattar Elmassalemah, P.E., Praetorius & Conrad, P.C. The applicant is proposing an 11-lot subdivision on land located off Jeffrey Court. Grading and utility plans were submitted. An updated delineation of wetlands was done in March 2023 and submitted with this month's materials. The applicant is proposing under 1/10 of an acre of disturbance. Proposed Lot 11 will not be developed further. The Planner's memo was reviewed. A second access from the Bishops Gate development. It is not feasible due to the terrain and presence of wetlands in that area. There are no private loans for this project. A basic SWPPP will be provided.

Stach-this is a Type II Action under SEQR. A Notice of Intent (NOI) to serve as lead agency is required. The interested/involved agencies to be notified will have 30-days to respond before a negative declaration can be adopted.

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

4. Site Plan, Armand Graham, 500 Old Powdermill Road. Presented by Jeff Hogan, P.E., Praetorius & Conrad, P.C. The Erosion and Sediment Control Plan was submitted to the Town Engineer and no changes were required. The Planning Board requested that Dan Shuster, Shuster Associates, provide the Board with an interpretation of the zoning code regarding "steep slopes" within the Waterfront Overlay (WO) district. A cross section was provided by Hogan to Shuster for review. Shuster's interpretation was the same as Hogan's in determining the setback for the house. A site visit was conducted by Riozzi and Kiniry and a statement was submitted to the Board for review. Post-asked if the Board accepts Shuster's interpretation for setback requirements in regards to "steep slopes" in the WO, all accepted.

A motion was made by Tiano, seconded by Bouren, to approve the site plan for the single family residence and carport with rooftop solar panels. Board vote: Furman-Aye, Tiano-Aye, Bouren-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried.

PRE-HEARING CONFERENCE

1. Site Plan/SUP, Rachel Chin, 31/34 West Saugerties Road. Presented by Rachel Chin, property owner. Proposing to use an existing house as an inn. The applicant currently lives on the first floor and would like to rent out the two studio units on top floor for transient use, short and long term. The applicant can not use these units as short term rentals (STR) due to the STR regulations set by the Town Zoning Code. There will be no structural changes to the site on the exterior or interior. Stach-will the existing landscaping remain? Chin-yes,

keep what is existing, plantings to ridge. Most of the area is rock. Stach-a note should be added regarding lighting, stating exactly the time they will be turned on and off. Also, no loud music between 8pm-10am. No loud speakers on site. Down shielded lighting, if any is proposed. No flood lighting can be used. Chin-only has security lights. Stach-parking regulations seem to be met. This is a Type II Action, no additional SEQR review is required. Ulster County Planning Board referral is not required. The Board can set a public hearing.

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

2. Site Plan/SUP, Steven Bogert, 511 Manorville Road. Presented by Steven Bogert, owner/applicant. The applicant is proposing a campground with 4 sites, 3 existing and one for future development. Have rented the sites out on AirBnB until we received a cease and desist from the Building Department. Tried to register as a STR but can not because of the lack of utilities. The 1st cabin started as an art studio and has since been turned into a rental. There is electric, indoor outhouse with a flushable toilet and 12' x 16'. The 2nd cabin is 12' x 16' with hot and cold running water and an outhouse that has gravity fed water, no electricity. The 3rd cabin is 16' x 20' with an outhouse and no electricity. Solar lighting is used. Would like to create an additional site in the future, so have included it on this application. The site consists of two parcels totalling 13 acres. The Fire Chief, Kevin Drescher, of Saxton has been to the site to approve access. Would like to use them as three season rental sites. All buildings have hot and cold water that is gravity fed. We provide 5 gallons of potable water to each renter. Each unit has its own small septic. Only allow 2-3 people per site/per building and up to 2 cars per site. There are battery operated up lights in the buildings. Never have had an issue with noise complaints from neighbors.

Stach-considered campground and can operate up to 4 without Department of Health permit. The site plan needs to clearly delineate the building and sites, parking spaces to be marked, septic systems to be shown. A public hearing is required. This is a Type II Action under SEQR, no further review is required.

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

ADDITIONAL ITEMS

1. Minor Subdivision, William & Michele Haines, 12 Michele Blvd. The applicant has submitted a request for a final map submission extension. The Board has not issued an extension for this application before. A motion was made by Furman, seconded by Tiano, to approve a 6-month extension for submission of the final subdivision maps. Board vote: Furman-Aye, Tiano-Aye, Bouren-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried.

2. Site Plan Amendment, Middle Way School, 268 W. Saugerties Road. The Ulster County Planning Board recommendations were received, they are the same as the recommendations issued with the original site plan amendment and have been addressed by the applicant already.

ADJOURNMENT

Since there was no further business to discuss, a motion was made by Tiano, seconded by Kiniry, to adjourn the meeting. Board vote: Board vote: Furman-Aye, Tiano-Aye, Bouren-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried. The meeting was closed at 9:43 pm.

Respectfully Submitted by,

Becky Bertorelli
Planning Board Secretary