



PLANNING BOARD MINUTES

June 19, 2018

The Pledge of Allegiance.

Four 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 7:30 p.m.

Present: Howard Post, Daniel Ellsworth, Len Bouren, Carol Furman, Kenneth Goldberg, Michael Tiano, William Creen and Robert Hlavaty (alternate).

Also Present: Dan Shuster, Consultant

A motion by Furman, seconded by Goldberg to accept the May 2018 minutes, motion carried. Tiano abstained.

PUBLIC HEARING(S):

1. **Site Plan/SUP-Anthony Tampone-Malden Turnpike.** Presented by Mr. Tampone. Opened public hearing at 7:31 pm. Two landowners present for the public hearing. The applicant would like to change the use of the building from storage to a high-end car repair shop. The building site will remain the same.

Public Comments:

- Lisa & George Downey of 437 Malden Turnpike presented their concerns:
 - A “Cease & Desist Order” was issued to the applicant three years ago and they continued to operate, Alvah Weeks, Building Inspector did respond via email stating that the “Cease and Desist Order” was nullified when the information was verified that the current owners, the Deidrick’s, secured Pre-Existing Business status on the site pre-zoning. Mr. Post did respond that the use is permitted in the zoned area, as it was grandfathered in. There are still several vehicles on the property, some unregistered. Mrs. Downey, referenced Municipal Law 136: Junk/Junkyards –“It is further declared that the unrestrained accumulation of junk motor vehicles is a hazard to such health, safety and welfare of citizens of the state necessitating the regulation, restraint and elimination thereof.” The Downey’s are concerned regarding contamination of their well water from spills/run-off. Mr. Post stated that if a special use permit is granted there can be conditions put into the resolution that must be followed in order to keep the permit.
 - Asked that if the special use permit is granted that Mr. Tampone follow all NYS laws, Town of Saugerties restrictions and DEC regulations. Mr. Tampone stated that he does adhere to NYS law and regulations as well as DMV. He does follow DEC practices and procedures to keep contamination non-existent. This business will run under the description of a repair shop and is subject to spot checks from DMV, inspected every six months for the next four years.
 - Asked for some type of fence/privacy vegetation to limit site onto the property. Shuster- site plan layout can be required to include landscaping or privacy fence. Mr. Tampone would be happy to do so.
 - Shuster stated that several of the points being made are actually for the Code Enforcement Officer and not the Planning Board.
 - Mrs. Downey requested that the “Cease & Desist Order” be put back into effect. Post- have to go to Building Department and file complaint.

A motion was made by Creen, seconded by Furman to close the public hearing. All in favor, none opposed, carried. Closed at 7:49 pm.

Ellsworth asked Mr. Tampone if he had a repair shop license – not for the current business requesting the SUP. Is in the process of acquiring a used car license through DMV. Tampone – They have been at this location for approximately 3 ½ years operating as a hobby repair shop. The new company was established in January 2018. Ellsworth was at the site shortly after the May meeting and found 17 vehicles-one old camper-2 trailers on the property. 9 out of 17 were unregistered/no plates and 8 had plates (2-Historic and 1 Expired). His second visit was 2 pm this afternoon and 12 vehicles and three trailers were on the site. 7 out of 12 were unregistered/no plates and 5 had plates. 80% of the junk that was on the property had been removed since his last visit. The stuff that was removed had been there for years and is not the tenant's responsibility but the owner's and Tampone has done it. There was a small pile of car parts in the rear of the building and trash scattered in the woods (mattress, tv, etc.)

Tampone - Awaiting dealer license to send several of the unregistered vehicles to auction. He has to get a used dealer license in order to sell the cars that he gets in auction. There will be no cars along the street for sale. Ellsworth-there has to be a designated spot to show vehicles as required by DMV for licensing. Tampone-it is on the site plan but does not plan on putting cars out for display.

Furman – The area is a mix of residential and commercial. Residents want their privacy, no noise and worry about contamination. Tampone – all operations occur inside of the concrete building, which make the noise virtually non-existent. When the overhead door is open during the day there may be some noise, but it would be minimal. All spill response on hand in several different spots throughout the shop. Fencing was offered to the Downey's but was denied.

Goldberg-What is the actual business? Can the cars on-site be moved to another location off-site? Tampone – Offering premium service for high-end vehicles or classics, primarily European. No plan to keep inventory for sale, only for clients. Unregistered vehicles going to auction, and all others can be moved off-site if necessary or sealed to keep out of view.

Shuster – The use is allowed for the special use permit but is subject to conditions as outlined by the Board. A detailed site plan must be submitted to include display area, parking area, lighting, fencing and landscaping. This will be used by the Planning Board and the Code Enforcement Officer to ensure that the plan is followed. Post – One of the conditions will be that all town laws are followed. Goldberg – Requested that screening be on the site plan and that the vehicles start to be removed before the next meeting.

2. Site Plan/SUP – Agawam Hospitality Group LLC – Rt. 32S. Presented by Bruce Utter, Praetorius & Conrad. Opened public hearing at 8:15 pm. Tiano recused himself at this time. Utter presented a brief overview of the project. There will be a 120 seat restaurant, cabins, agricultural crops, spa, artist house and studio, staff residence and a barn with stables. No changes have been made since the last meeting.

Several residents presented their concerns:

- Tom Francello, 2179 Route 32 - Concerned that the process is not further along, and the same concerns are still present, 15 months in front of the Planning Board. Utter – showed Francello the landscaping plan. Sent the plans to his personal engineer and the engineer made some comments, the gravel is high maintenance and not recommended. Parking lots gravel and not a hard surface. Handicapped accessibility is a concern. Utter – Handicapped parking is only on the hard surface. Francello – Fire Hydrants? Utter – All have fire flow. Francello – Security fence for neighbors? Suggestions in his hand-out. Utter – Working on the details. Francello – Propane vs. Natural Gas. 35 separate structures that require propane tanks, recommends natural gas for aesthetics.

- Mary Snow, 74 Glasco Turnpike – Also owns a residence at the Commons in Saugerties. They had to fight with developers to get things finished. Asking that Town requires bond to ensure that doesn't happen. Mike Moriello, Attorney – No bond is required on private improvement. This will not be deeded over to the town so the town will not be liable. A bond is not governed under the law. A public improvement must be bonded, this is not that. Snow – Concern regarding what happens if the developer walks away and the project is not finished according to the approved plans? Moriello – the entity does not plan on walking away. It is a private entity that will own it and the Town will have not responsibility to finish. Snow – How will it be taxed? Moriello – The entity will pay market rate taxes and owned by the business entity. Francello – Is the whole project taxed the same? Moriello – It will be taxed according to the tax regulations.
- Ted Miller, Tax values? Moriello – The property will generally be taxed based on the buildings rather than the land use. Planning Board does not have any impact on the tax issues. Miller – Concerned w/security and the right-in right-out entrance. Post – That access road is a secondary entrance/exit. Miller – Municipal water concerns. Concerned with noise created from the restaurant and events held on the property. The zoning is residential not commercial. The walking trails on his property will be used by transients that come to inn/restaurant. Concerns with littering and trespassing. A bond is necessary. Traffic study is not adequate. Drinking and Driving is an issue due to the restaurant and events. Moriello – Ingress/Egress has been extensively vetted by DOT/Creighton Manning and the town engineer, not reasonable to speculate that the traffic will be bad. Encourage all to read the Traffic Study that was done. Restaurant is in harmony with the zoning regulations. It is permitted in the HDR zoning district. The Planning Board can only administer the law not change it. There have been two Neg Dec documents issued under SEQR that address all the noise issues and the various other concerns that have been previously mentioned. There are laws regarding trespassing and if it occurs the police should be notified, individuals can be arrested. Alcohol consumption is also regulated by law and the police can be called. This is a high-end establishment, it is the best interest of the applicant/business/owner that the grounds will be kept clean and free from litter. All of the issues that have been brought up tonight have been addressed in detail over the last 15-months.
- Tom Francello – Noise ordinance? Moriello – Noise perimeters that have to followed. Client will be working on their own private rules/regulations. The Planning Board has the authority to add conditions to the resolution. Francello –Landscaping? Moriello – Amount of screening proposed is well beyond what is necessary and recommended by architect. Conditions can be added to the resolution regarding this as well. Francello – Shouldn't all of this be done before the public hearing. Moriello – There are regulations and reasonable conditions that the Planning Board can add to the resolution.
- Ted Miller – This use is not permitted in HDR. Post – This is allowed usage in HDR. We keep repeating the same concerns. Miller – Traffic is an issue. Moriello – When the traffic study was done it included multiple additional projects in extensive detail.
- Michael Tiano, 155 Glasco Turnpike – Handout which addresses the following concerns: Increased traffic and roadway hazards were the reason a previous project before the Planning Board had been denied and this project poses the same issues. The water district cannot support the increase in demand with this project, referenced the River Edge Estates project that was considered in 1988. Tax concerns and employment opportunities are unknow. Natural gas vs. LP gas with an estimate of usage from Botini Fuels. Pictures attached of a fire from an LP gas fire to show damage. Should be presented to the fire district as there is not a project this large in the district that uses LP tanks. Road to artist studio is not wide enough for fire truck. Gravel roads and stone be brought onto Route 32. Local resident parks truck on 18 Wheeler on Liberty Street (Picture Attached) and has for the last 20 years intermittently. Will have to move because of traffic. Will have no where to park and will affect his livelihood. Arial pictures attached of Little League Tournament from the previous weekend to show parking and the number of cars just that generated. Next year an additional field will be added there which will cut down on accessible parking even more. Should fire house have to stop their fundraisers to allow for traffic flow to Agawam

project? Traffic studies are misleading and there is no way that traffic has decreased in the last 30 years. Project does not fit into this community. Accidents on record from the four corners in Glasco, only show there were only 5 that have been from Saugerties residents and 13 are from out of area drivers. SUP standards should be taken into consideration including safety and welfare of the community with conditions and reasonable safeguards. Fire and explosion hazards regarding the LP tanks are of great concern.

Post – Are there any more questions/concerns?

A motion was made by Creen, seconded by Furman to close the public hearing. All in favor, none opposed, carried. Closed at 9:12 pm.

Post – Glamping is to be struck from the record and the actual project be addressed as Inn/Restaurant/Cabins. Goldberg – Roads and what they will be constructed of, do we have a report from out town engineer? Utter – now we start moving forward with those plans. Natural Gas vs. LP Gas. Post – it should definitely be natural gas with the access available. Utter – Applicant never said they would not do natural gas but would consider it. There is a considerable cost to go that way. Shuster – Will anything more be submitted before the next meeting. Utter – No, there is not enough time. Shuster – The Board should table this until submission of engineering and more information. Ellsworth – Just to clarify there are three campgrounds in the town and they use far more propane tanks than being proposed for this project. All equipment would be installed by code. No more dangerous than natural gas.

3. Site Plan/SUP – Tough Mudder/Winston Farms – Augusta Savage Rd. Presented by Kylee Haggarty, Event Operations Manager, Tough Mudder. The event operates as a mud run with 5-mile and 10-mile options. There will be different obstacles to go through. It is to be held August 18th & 19th. It is estimated that there will be less than 5,000 participants on Saturday and approximately 1,200 on Sunday. The start times are staggered so it is anticipated that all of those individuals will not be on-site at one time. The start times will be in 15-minute intervals with 200 participants per run. Beer will be on-site, have already obtained the permit required by NYS. Received sign-off from Centerville Fire Department, DOT and NYS Thruway Authority. Copies have been supplied to the Planning Board for record. Tough Mudder has been around since 2010 and will have 33 events in North America this year. Working with local agencies. Ulster County SPCA will be serving the beer and Tough Mudder will be donating to them. Post – Couple of non-profits interested in being food vendors. Haggarty – Have several lined up but would love to talk to the interested parties. Will give Post contact information. Will only be using six acres for the project. Post – Anyone present for public hearing? Questions? No one was present. A motion was made by Furman, seconded by Tiano to close the public hearing. All in favor, none opposed, carried. Closed at 9:25 pm. A motion was made by Goldberg, seconded by Tiano for negative declaration. All in favor, none opposed, carried.

Bouren – Parking contingency if the weather is bad. Haggarty – Monitoring the parking areas to ensure that vehicles will not get stuck. Contingency site is in the works for contract. Shuster – would like to know at this point. Haggarty – Cantine Field and HITS. Shuster – Already established parking areas with no site disturbance. Haggarty – Awaiting DPW response. Goldberg – Shuttles from contingency parking? Haggarty – Yes. A motion was made by Goldberg, seconded by Ellsworth to approve the Site Plan and Special Use Permit pending Ulster County Department of Health and New York State Department of Health approval. All in favor, none opposed, carried.

4. Lot Line Revision – Gerhard Benzenhoefer – River Rd. Presented by Tom Conrad of Praetorius and Conrad for the applicant. An existing parcel is to be allocated to three other existing parcels. Post – Anyone present for the public hearing? No one present. A motion was made by Furman, seconded by Bouren to approve the Lot Line Revision. All in favor, none opposed, carried.

OLD BUSINESS:

1. Minor Subdivision-Matlacha Properties-Hommelville Road - CANCELLED

2. Major Subdivision–HV Contemporary Homes LLC/Vandervliet-Manorville Road. Jeff Hogan presented. Received Ulster County Health Department approvals for the septic. He will send copies of the permits for the files. As requested by Joe Mihm, drainage and the impact on the culverts was addressed and no significant impact was found. Pre and post calculations were done and sent to Joe Mihm and he was ok with the outcome. There is a 50' easement existing on the property, which satisfied Joe Mihm's concern. Contacted Chief Mullen of Centerville. Chief Mullen called the Planning Board and gave ok to the plans but would like to be kept up to date as the process as it moves forward, in regard to the road. Road Maintenance agreement submitted to George Redder and reviewed. Shuster-Redder's comment regarding a hard surface for maintenance purposes? Hogan-Owner would prefer to maintain gravel and fire departments are ok with that. Tiano-Highway Superintendent? Hogan-Met with Doug Myer, no issues, submitted in writing. A motion was made by Goldberg, seconded by Furman to approve Conditional Final for Major Subdivision pending signatures and payment of fees. All in favor, none opposed, carried.

3. Site Plan/SUP-Sophiedrew Acres LLC-Glasco Turnpike. Bruce Utter presented. Existing property off Glasco Property to convert into horse riding academy and stables. Water line and sewer manholes found on site, partially active. Will try to use existing water line, but all pressure tests will be done as well as disinfecting. Building was shifted 50' forward and created several infiltration basins to handle runoff and reduce all the flows to predevelopment conditions. 95% of riders have horses boarded on-site. Expanded gravel road to create horse-trailer parking for the few that do come on to the site. Connect into existing water line and extend for fire hydrants. New sewer line will be connected to the existing sewer line. Grading limited to roads and north side of swail. Ready for public hearing for comments. Shuster-Architectural, landscaping and lighting for public hearing? Utter-Will work on those. Shuster-How frequently do the dumpsters get emptied? Utter-Each of the four dumpsters will be emptied once a month. Shuster-Odor control? Utter-Bedding is mixed with bedding shavings, so the smell is contained. 100' setbacks are met from property lines. On a concrete pad. Tiano-This is located by the Birches and Commons correct? Utter-Yes. Shuster–Neg Dec needs to be reviewed and approved. Goldberg-Paragraphs 2 & 3 on page 2 to be removed. A motion was made by Goldberg, seconded by Tiano to approve the Neg Dec as modified. All in favor, none opposed, carried. A motion was made by Goldberg, seconded by Furman to set the public hearing for the July 17, 2018 Planning Board Meeting. All in favor, none opposed, carried. A motion was made by Goldberg and seconded by Furman to refer to the Ulster County Planning Board. All in favor, none opposed, carried.

4. Site Plan-BlueStone Energy Solar, LLC/Geronimo Energy. Jenny Monson-Miller, Geronimo, presented. Also present were Tena Monson (Geronimo), Brett Hastings (Geronimo), Derek Hasek (Geronimo) and Caitlin Graff (EDR). Run though questions presented last month. To answer Goldberg's question last month regarding recusing himself because of the address of his residence, the applicant will not require that. Noise will be during construction which will last approximately six months, will provide the construction schedule when finalized. During operation the inverters will be as loud as a dishwasher. Generally, do not use pesticides and herbicides will potentially be used during the first 3-years. Goldberg-Can the piles be screwed in instead of driven? Monson-Soiling testing is done to see which installation process is the most economical. Testing has been done and the results should be in by the end of this week. Goldberg-Time frame that the actual pile driving will be done. Monson-Will follow the local ordinance regarding construction hours. Creen-Construction hours are 7:30am-3:30pm. Goldberg-Consideration of the less noise creating installation process. Monson-Helical screws are considerably more expensive and are not generally considered unless the testing shows that they are necessary. Goldberg-Herbicides effect on aquifer, testing beforehand. Miller-Looking into depth of the aquifer. Have drilled down 25'-30' and have not hit the aquifer. The herbicides will not be blanketed by spot used.

Monson-There will be tall grasses to match existing to help with infiltration and run off. Taking it very seriously to keep it un-touched. Shuster-Look at aquifer study done by town (2005). Bruce Utter will forward a copy. Ellsworth-The aquifer is several hundred feet down. Miller-Financial benefit for the area will be property taxes, land owner revenue, temporary and permanent jobs and charitable contributions will be made but do not know where to at this time. Goldberg-Where did the \$2,000,000 come from in local spending? Monson-There is a model that is used to calculate the number under the National Renewal Energy Lab (NREL). When it states local it means more statewide then the immediate area. Goldberg-Please clarify that in the documents that it is statewide. Monson-There will be local spending when construction is going on with the number of employees in the area to buy food, gas, etc. NYSERTA focuses a lot on how NY benefits from the project. Goldberg-When will the contribution plans be done? Monson-Working on outreach at this time. Education fund for the area. Goldberg-On website and looked at the contributions that have been done. There is a Community Fund where individual entities can put in applications for funding. Miller-A pilot may be the way the company is going and will be taxed accordingly. Removable energy credit through NYSERTA to buy credits. The lifespan is at least 20 years and then the panels can be decommissioned or repowered depending on the solar market. Decommissioning fund as required by the Town. Furman-How do you decide to decommission vs. repowered? Monson-Consideration regarding if the panels are still providing power, is there still a buyer, NY still providing credit, do we need to change the panels? The contract with NYSERTA is for 20-years and all of this will be considered before the end of the contract. Miller-There will be minimal grading. Top soil is not removed or brought in. Top soil is removed and then replaced. The land has been fallowed for decades. Provided a copy of the archeological study, Phase II - none of the artifacts were considered of significance. Full time staff member off site in office space and a shed on site for equipment. Goldberg-Community info session? Monson-Yes, working with direct neighbors, not open to public. There will be a broader open house that will be in newspaper to ensure there is a broader community outreach. Goldberg-Suggest that Churchland Road be included. Monson-They have been invited and a personal invitation has been done. At least the third attempt has been made for outreach. Miller-What else is needed on the visual report? Shuster-Most accurate depiction of what the project will look like. Process of identifying the areas and picking out sensitive viewpoints. It is needed for the SEQRA process. Monson-Topography is not changing. Landscaping has not been finalized. Never been asked to do a 3-D rendering but will do it if necessary. Shuster-5-mile radius to identify potential visibility. Link to follow on NYSDEC regulations for visual. Post-Visual impact from Churchland Road because it is above the site. Monson-5-miles is a large area for a structure that may be 15' high. Graff-Lidar model which is an aerial data with a range of points with the height and use a 2-mile radius, which is the common distance for solar panels, for visibility and then highlight areas that we may need to consider. Done in phases. Shuster-View shed analysis done and then a physical visit to determine the visual impact. Post-Contact DEC consultant and get the information to the Board for the July meeting to determine SEQR. Graff-Digital model will be done within a couple of weeks. Can not get a physical analysis within the same timeframe. Shuster-Response to lead agency? Bertorelli-No response. Post-After local informational hearing there will be a discussion regarding the landscaping. Hlavaty-How do you determine the 35% ground covering ratio? Monson-looking at space between the panels, 27 1/2' and road. Hlavaty-Trackers vs fixed tilt panels. Monson-Locked on fixed with consideration of the space constraints. Post-Be prepared for landscaping and visuals for July meeting.

Pre-Hearing Conference:

1. Site Plan, Robert Malkin & Barbara Pokras, Esopus Creek Road-CANCELLED

2. Lot Line Revision, Robert Luke & Judy Willinger, 541 Manorville Road. Presented by Tom Conrad. Two lots and owners would like to remove lot line to make one large lot. A motion was made by Goldberg, seconded by Furman to declare a Type II Action under SEQR. All in favor, none opposed, carried. A motion was made by Furman, seconded by Tiano to approve the lot line revision pending signatures and fees paid. All in favor, none opposed, carried.

3. **Lot Line Revision, Gregory Giordano (Catskill) & Michael Gaida, 12 Nelson Hoff Road.** Presented by Chuck Hultz for Gary Harvey. Lot line revision has already been approved in Catskill, but part of the parcel lies in the Town of Saugerties, need approval. A motion was made by Goldberg, seconded by Furman to declare as a Type II Action under SEQR. All in favor, none opposed, carried. A motion was made by Goldberg, seconded by Furman to approve the lot line revision. All in favor, none opposed, carried.

Miscellaneous:

Lot Line Revision-David Holloway/Chestnut Hill Holding Group-Pine Lane. Maps were never filed with Ulster County Clerk within the allotted timeframe, need new signatures. A motion was made by Tiano, seconded by Furman to sign the new maps as presented for the lot line revision that was approved in the February 20, 2018 Planning Board Meeting. All in favor, none opposed, carried.

Adjournment:

Since there was no further business to discuss, a motion by Creen, seconded by Tiano to adjourn the meeting at 10:56 pm. All in favor, none opposed, carried.

Respectfully Submitted by,

Becky Bertorelli
Planning Board Secretary