



PLANNING BOARD MINUTES May 16, 2023

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

Present: C. Howard Post (Chair), Carole Furman (Vice-Chair), Len Bouren, Bob Hlavaty, Kevin Brady, Al Riozzi and Gina Kiniry (alternate).

Absent: Mike Tiano

Also Present: Max Stach (Town Planner, NPV)

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

The draft minutes of the April 18, 2023 Planning Board meeting were reviewed. A motion was made by Furman, seconded by Riozzi to approve as written. Board vote: Furman-Aye, Bouren-Aye, Riozzi-Aye, Post-Aye, Kiniry-Aye. Motion carried. Brady and Hlavaty recused themselves.

PUBLIC HEARINGS

1. Site Plan, Daniel “Casey” Backhaus, 50 Rivka Road. The applicant failed to mail out the public hearing notification within the required timeframe. Therefore, the public hearing has been postponed until the June 20, 2023 meeting.

2. 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.

Post opened the public hearing at 7:42pm. Public Comments:

- Joe Bubel, 5 Jeffrey Court - would like to take the opportunity to thank Habitat for Humanity for all of the hard work that they do in the community. Not directly opposed to this project as it has less of an impact on the community than the previously proposed apartment complex. Curious how the applicant will handle the restrictions being pursued by officials in Albany to ban the use of fossil fuels by 2026? With the proposed gas lines and electric usage what effect will it have on the existing neighborhood? Have they done a study on all electric homes and how that would work with a power outage? Also, will Jeffrey Court be widened? Elmassalemah-the applicant has to follow the current building code and those restrictions have not been incorporated into that to date. 100% electric is not a requirement yet but when it is put into enforcement, I believe, they will require the home to have solar of self generated power as a back up. Did not speak to Central Hudson yet about hook up, need to move a little further along in the planning process before that can be done. The applicant is not proposing to widen the existing road of Jeffrey Court but from where the entrance to the parcel is, all the roadways from that point forward will be brought up to Town standards, as required.

- Bob & Karen Deruyter, 2 Stevens Court - how is this parcel zoned High Density Residential? There is a 6" water main feeding that development, how will that be able to sustain the demand brought by adding 10 additional homes? How did the developable area go from 1 acre, with the last proposed project, to 5 acres with this project? Something does not add up. How does Habitat for Humanity plan to fill 10 homes when they already have 2 homes empty in the Glasco Ponds development? Jeffrey Court is a very narrow road and the additional traffic will cause issues. The Fire Department will have issues and block the roadway if there is an emergency in the proposed development. There are a lot of wetlands located on this site, how will they be impacted? How will the additional homes affect the neighbors taxes? Will they be building homes that will increase the neighbor's taxes, in comparison? How much will the new houses cost? How long will the building of the homes take? What is the construction timeframe? There are deed restrictions and covenants that do not allow a development like this here. Elmassalemah-not aware of the covenant/deed restrictions but will look into it. Two years ago I represented an applicant that wanted to install a 3-story apartment complex, which is a commercial use and would require that a Stormwater Pollution Prevention Plan (SWPPP) be completed if we proposed to develop more than 1 acre of land. The residential requirements are different and a SWPPP is only required if the applicant plans to develop more than 5 acres. The applicant from two years reconsidered their proposed project and decided to not move forward and have sold the land. The Planning Board at that time had suggested that moving towards a smaller more residential project that would be more fitting within the community would be beneficial for this site. The wetlands were delineated back with the first project and again this year. The wetland areas are marked with the shaded areas on the subdivision map. Post-taxes are not considered by the Planning Board when reviewing a project. Any questions regarding the tax impact would have to be asked of the Assessment office. Brady and Tirc-the homes we build will be done over the course of 3 to 4 years. The two houses in Glasco Ponds that were mentioned are being finished. One just received the Certificate of Occupancy and will be occupied soon and the second is still under construction. The cost of a home will be determined by the family that will be purchasing it. It is based on 30% of the household income. So each one is different. They are not taxed by the assessor based on the purchase price. We build homes that fit into the character of the existing neighborhood.
- Andy DiNitto, 35 Canterbury Drive - it shows that you will be crossing a wetland area? How will that affect the area? Will it change the course of the current drainage pattern? The impact on the water and sewer will be of concern. Elmassalemah-we are disturbing a small section but rerouting so that it still flows into the same path of drainage. There is no impact to the existing drainage flow. There is a pump system proposed that will be gravity fed. DiNitto-I have seen pump stations fail. Pump station overflows? The odor it gives off for the neighbors? Post-we have never seen a pump system fail in any of the projects that we have reviewed throughout the Town. There are back-up measurements in place in case of a failure. Elmassalemah-there are alarms and a backup system with each of the pump stations, the one that is proposed will incorporate that as well. Extension of the existing sewer main and will become part of the district. Still working on the design, which will have to be submitted to the Town Engineer and Ulster County Health Department for approvals.
- Mike Schaefer, 8 Spaulding Lane - I know someone that works in areas of wetlands all the time and they have to stay 100' away from any wetlands. How can the applicant propose to be that close to the wetlands on this subdivision? Elmassalemah-only State wetlands only require a 100' buffer. The wetlands located on this parcel are Federally regulated and do not have that setback requirement that the State does. We will have to apply for a permit from the Army Corps of Engineers to fill in that section and reroute. Deruyter-how are they determined? Stach-State wetlands are over 12.5 acres.

Post-this public hearing will remain open until the June meeting. The NOI was circulated and the Board is required to wait the 30-day response period prior to proceeding.

3. 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 the top floor to host short and long term occupants. 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. All exterior lighting is existing and conforms to the lighting standards. There is no outside sound system.

Post opened the public hearing at 8:25 pm. Public Comments:

- Heidi Chen, 71 West Saugerties Road - how would this property fall under residential use while operating an inn? How is she regulated? I run an Airbnb-STR and will she be regulated like we are? How is she allowed to have transient use on that parcel? Post-she has to go through a different process but will be required to adhere to her site plan and special use permit. The Planning Board will set regulations within the Special Use Permit that the applicant will have to follow. Stach-transient use is the same as renting out a short term rental. She will have to meet all building code requirements for an inn.

There were no further comments/questions from the public. A motion was made by Furman, seconded by Kiniry, to close the public hearing. Board vote: Furman-Aye, Bouren-Aye, Hlavaty-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried. The public hearing was closed at 8:33 pm.

There were no Board questions or concerns. A motion was made by Hlavaty, seconded by Bouren, to conditionally approve the site plan and special use permit. Board vote: Furman-Aye, Bouren-Aye, Hlavaty-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried.

4. 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. They will be three season rentals. There is no running water. There are outhouses, potable water is provided and there are gravity fed hot water tanks for the showers.

Post opened the public hearing at 8:35 pm. Public Comments:

- Bob Luke, 541 Manorville Road - the applicant is a respectful neighbor and those that he rents to have been that as well. We live right next to the site and have no complaints. The proposed use has a very low impact on the neighborhood.

No further comments/concerns from the public. A motion was made by Brady, seconded by Hlavaty, to close the public hearing. Board vote: Furman-Aye, Bouren-Aye, Hlavaty-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried.

Stach-are the water tanks existing? Bogert-yes. Stach-no Ulster County Health Department permit is required because they are under the 5 site threshold. Ulster County Planning Board referral is not required. All aspects of the site are pre-existing non-compliant. There are 8 parking spaces, which is appropriate under §245.29 of the zoning code.

A motion was made by Furman, seconded by Bouren, to conditionally approve the site plan and special use permit with a one year review. Board vote: Furman-Aye, Bouren-Aye, Hlavaty-Aye, Brady-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), Rachel Ehrlich (Dattner Architects) and Aaron Werner (AKRF). The applicant has submitted Part III of the EAF detailing the potential significant impacts of concern the project will have. Scenic Hudson had

requested a visualization from the red trail and we have provided that. There is one section where you will see the proposed building in the simulation from the red trail. Scenic Hudson also has an easement and parking area. The Planner's memo was received and will try to address as many points as possible in this meeting. Wexler-#1. in the memo - deed restrictions that no further construction after this development. To be addressed. #2. The SWPPP and grading plan are being completed by Jeff Hogan and will be submitted for review by the Town Engineer for review and comment. #3. The scenic impact from Tivoli has been demonstrated by proposing 35 evergreens and deciduous trees along the eastern side of Buildings. Stach-concerned with the ability to landscape the engineered slope that is proposed. How will this be accomplished and the Board will require a definitive landscaping plan for that area. Wexler- #4. The applicant's team is in overall agreement with the conclusions table of comparison of LDR subdivision traffic to the proposed use, used by the traffic consultant. Stach-would like an average daily trip to help the public understand the impacts of the traffic the proposed use will create, not just traffic counts for "peak hours". Calculations of what that would be under the LDR use for the public to understand better. Wexler- #5. The applicant can contact the owner's existing Senior Housing in Rockland County to get an estimate of the emergency response trips they incur, for reference.

Stach-the other issues raised in our memo were adequately addressed in terms of SEQR, except for the five points outlined and mentioned. #4 & #5 are more informational. The plantings on the engineered slope will need to be stable and acceptable to the Town Engineer. Once SEQR is decided by the Planning Board the applicant will be before the Town Board for their review regarding the zoning change. The Town Engineer will need to review the documents to date. A motion was made by Hlavaty, seconded by Kiniry, to forward to the Town Engineer. Board vote: Furman-Aye, Bouren-Aye, Hlavaty-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried.

Hlavaty-what is the significance of the number of EMS calls to the Rockland County facility? How will we, as a Board, use that information? Stach-it is more just informational to ensure the impact is not significant on our emergency response agency (Diaz). We have sent to Diaz for comment but received a limited response, focusing on the accessibility of the facility. The Board could request emergency calls requiring response from Diaz at the two senior facilities located in Saugerties, 155 Main Street and the "Mill at Saugerties". Kiniry-what is the minimum age requirement? Wexler-62+. Stach-the State does have established requirements for Senior Housing requirements.

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

2. Site Plan, 1031 Kings Highway LLC, 1033 Kings Highway. Presented by Shimon Eckstein. Post asked Max Stach to review the project. Stach-the water and sewer mains have to be noted on the site plan. Any signage or removal of signage to be shown on site plan. Any outdoor lighting will have to be shown on the site plan and a fixture cut sheet with specs provided. A landscaping plan needs to be provided. What is the construction time frame? Eckstein-we will note the water and sewer mains on the site plan. Plan on using the existing light fixtures but restoring them. Can provide the fixtures. Construction timeframe should be about three months. We have already submitted the permit application to the NYSDOT for the curb cut extension. Stach-stormwater is not required. Interior floor plans are not necessary. The Board can waive existing conditions. There are 46 parking spaces proposed, which meets the requirements. When providing the landscaping plan, please include the species and size that is proposed at planting. Ulster County Planning Board referral is not required.

A motion was made by Riozzi, seconded by Brady, to conditionally approve the site plan requiring landscaping and lighting plans. Board vote: Furman-Aye, Bouren-Aye, Hlavaty-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried

PRE-HEARING CONFERENCE

1. Minor Subdivision, Derek Winnie, 12 Manor Lane. Presented by the owner, Derek Winnie. Would like to divide the current parcel into two. Stach-according to zoning the applicant can not have more than three single family dwelling units or not more than one two-family dwelling unit per lot in the LDR, MDR and the HDR districts. This parcel is located in the HDR district. The way that the applicant is proposing to subdivide will make the already non-conforming lot more non-conforming. If the applicant decides to go with the proposed subdivision they will require a variance from the Zoning Board of Appeals. All buildings need to be shown on the subdivision map as it exists today. There is an encroachment of blacktop onto an adjoining neighbor's parcel, the applicant should remove that section of blacktop and provide a 10' buffer of grass. A suggestion would be to create a 3-lot subdivision or move lot lines to conform, may require an easement for cottage access. This would be an Unlisted Action under SEQR. A draft Part II EAF was attached to the review memo. Ulster County Planning Board referral is not required. A public hearing is required.

The applicant will update the subdivision maps and resubmit. No further action can be taken by the Board at this time.

2. Site Plan, Kaitlyn Ivey, 1282-1284 Churchland Lane. Presented by Kaitlyn Ivey. The applicant is proposing to open an animal feed and retail store in an existing structure. A revised parking plan was presented at the meeting to include 29-parking spaces with 2 handicapped on the blacktop area. There are 3 bay garage doors that will not be used for deliveries. No changes, except painting, is proposed to the outside of the building. A split rail fence is proposed. No illuminated signage is proposed. A 4' x 8' sign is proposed on the fence and a second canvas sign facing the side of the building. Stach-this is a Type II Action under SEQR. A public hearing is not required.

A motion was made by Furman, seconded by Hlavaty, to approve the site plan. Board vote: Furman-Aye, Bouren-Aye, Hlavaty-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried

3. Lot Line Revision, shawn, Gary & Fred Shader, 86 & 74 Goat Hill Road. Presented by Jeff Hogan, Praetorius & Conrad, P.C. The applicants are looking to reduce a 6.4 acre property north of Goat Hill Road by 1.1 acres. There is an existing gravel drive and they would like to add that 1.1 acres to the 61.4 acres for frontage on Goat Hill Road. There will be 5.3 acres left on the parcel that is currently 6.4 acres. Have received Health Department approval. Proposing a 50' wide curb cut for separate drive access to the buildable lot. Stach-are the only wetlands shown? Hogan-yes. Stach-the Board has the ability to waive the sketch plan and public hearing.

A motion was made by Post, seconded by Kiniry, to waive sketch plan approval, waive a public hearing and approve the lot line revision. Board vote: Furman-Aye, Bouren-Aye, Hlavaty-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried

4. Site Plan/SUP Amendment, HITS, Inc., 454 Washington Ave. Ext. Presented by Mike McCollough from HITS, Inc. HITS, Inc. Inc has been sold and the new owner is trying to ensure that all facilities are in conformance with the Town Zoning requirements. The previous owner was approved to add 10 tiny homes (cabins) on the campground located at 454 Washington Ave. Ext. that is used for seasonally when HITS is hosting events. Four additional tiny home structures were added in addition to those that were approved and the new owner is looking to get approval for those units with this amendment. Bouren-so they are already installed? McCollough-correct, they are exactly the same as the 10 that were previously approved. With the additional units there is a total of 1,400 square feet combined of new lot coverage, which is less than 1% change. Stach-are any other site changes proposed? McCollough-no.

A motion was made by Hlavaty, seconded by Bouren, to approve the site plan/SUP amendment, subject to the conditions of the previous resolution. Board vote: Furman-Aye, Bouren-Aye, Hlavaty-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried

ADDITIONAL ITEMS

Post-would like to take a minute and thank Len Bouren for his time and dedication to the Planning Board. He is retiring and relocating to Rochester to be with family. We wish him all of the best, he will be missed. Kiniry will be appointed as a permanent member by the Town Board. The Planning Board will be looking for an alternate.

ADJOURNMENT

Since there was no further business to discuss, a motion was made by Bouren, seconded by Riozzi, to adjourn the meeting. Board vote: Furman-Aye, Bouren-Aye, Hlavaty-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried. The meeting was closed at 9:54 pm.

Respectfully Submitted by,

Becky Bertorelli
Planning Board Secretary