



## PLANNING BOARD MINUTES November 19, 2024

C. Howard Post, Chair, opened the meeting at 7:39 p.m. Pledge

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

Also Present: Max Stach (Town Planner, NPV).

The draft minutes of the October 15, 2024 Planning Board meeting were reviewed. A motion was made by Furman, seconded by Riozzi, to approve as written. Board vote: Post-Aye, Furman-Abstain, Tiano-Aye, Hlavaty-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried.

### **OLD BUSINESS**

**1. Site Plan, Stone Creek Commons, 3190 Route 9W.** Presented by Chris LaPorta, Passero Associates. Also present, the RSS team. The team has made substantial progress addressing many of the comments presented in the Planner's October memo. Comment #5 of the memo requests the sign location, the site plan has been updated to demonstrate the sign 6' off the property line at the entrance of the site. Will be offering two visuals of the entrance of Route 9W. Comment #13 requesting Jurisdictional Determination (JD) to be completed. The applicant would like to submit the permit application to the United States Army Corps. of Engineers (USACE) along with the JD request. The USACE is required to respond within 30-days of the application and therefore the JD will be taken care of at the same time. Stach-it would be our firm's recommendation that the jurisdiction determination be made on the site plan as soon as possible for SEQR purposes. If the delineation provided by the applicant is submitted to the Army Corps of Engineers it can be made a condition of approval. Otherwise, a different wetland specialist may be required to visit the site as the lines demonstrated currently do not accurately follow the topography. LaPorta-the shown lines are conservative. Stach-would recommend JD submission to USACE as good faith. Laporta-will submit tomorrow to ensure that the Planning Board can move forward with SEQR determination. Comment #15-the applicant is still requesting the parking waiver, proposing 47 spaces. Stach-the way the code reads joint use waiver would require 125% of the highest use residential spaces required, which would be a total of 59 spaces required for this particular mixed use. The joint use of space condition does not meet that 47 proposed spaces. The application would be required to go to the Zoning Board of Appeals for a variance of the 12 spaces. LaPorta-will discuss parking with the applicant to see how to proceed. Plantings comment, questioning the 2-year maintenance vs. life cycle of the site. Looking for guidance on the note wording. Stach-the trees that would be required by code would need to be maintained throughout the life of the site. There is other landscaping that the Planning Board may require that are not necessarily required by code that would need the maintenance note. The DOT guiderail will comply with all requirements of NYSDOT. The details on the proposed pedestrian bridge have not been designed to date. Will include the type of products the applicant is considering for the bridge construction and dimensions with the next submission. We have connected with Paul Larios from the Town's Engineering office to discuss issues with the proposed SWPPP. Currently working with him to address those concerns. We have pulled the bioretention ponds away from the buildings for fire access. The drainage system proposed for the foundation of the building to lower the water table on site. French drain installation is proposed as well. Working closely with the Town Engineer regarding parking and SWPPP. New architectural drawings will be submitted for the next meeting, including removal of

some of the garbage rooms, there will still be some garbage rooms but they will be maintained by staff and emptied at least once daily.

LaPorta-the applicant's team would like to move forward with UCPB referral and scheduling of a public hearing. Stach-there are concerns with the SWPPP and before either can be done the applicant would be required to complete Part II of the EAF. This can be done for the December meeting but a public hearing or UCPB referral can not be done before that is completed. The applicant's team should work with the Town Engineer for submission for next month to have a Part II ready. Once that is completed a public hearing can be scheduled and referral to UCPB can be done.

Post-it would be a good idea to schedule an informational meeting for the public in December. This would not be the statutory required public hearing but just a place for the public to voice their comments. Tiano-the Glasco Fire Chief would like to speak to the applicant's representative to answer some concerns. LaPorta-our engineer, Patrick Mitchell, has spoken to both the Fire Chief and Diaz. He would be happy to do so again.

A motion was made by Hlavaty, seconded by Furman, to schedule an informational meeting for December 17, 2024. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried.

## **PUBLIC HEARINGS**

**1. Minor Subdivision (2-Lot), Chestnut Hill Holdings Group LLC, Chestnut Hill Road.** Presented by owner, Richard Rothe. The applicant is proposing a two lot subdivision on a 28.3 acre parcel. There is an existing 50' ROW through lots that follows the existing roadway. Creating the new +/- 3.5 acres lot for son to build a house, noted as Lot #2. The Centerville Fire Chief has approved access for fire apparatus. Proposing to leave the 25' ROW where indicated to deter future subdivision/development.

Post opened the public hearing at 8:14pm. Public comments:

- William Rockwell, 1428 Route 212 - will the proposed subdivision access affect our property? We live adjacent to the parcel being subdivided. Rothe- no new access of Chestnut Hill Road is proposed, using the existing access drive. Will not affect your property at all.

Post-any other comments? None. A motion was made by Furman, seconded by Kiniry to approve the negative declaration under SEQR. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried. A motion was made by Furman, seconded by Brady, to close the public hearing. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried. The public hearing was closed at 8:18pm.

Stach- a note is required indicating that no further subdivision or development will be done on Lot #1 until the access drive is brought up to private rural road standards as required by the Town code (§215.19). The 25' ROW needs to include a note with a cross section. A map note will be required for a road maintenance agreement (RMA) with future development/subdivision.

A motion was made by Riozzi, seconded by Tiano, to approve with the conditions as outlined regarding map notes required. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried.

## **OLD BUSINESS CONT.**

**2. Site Plan Amendment, Derek Winnie/Saugerties Self Storage, 998 Kings Highway.** Presented by agent/engineer, Rich Rothe. Post-the applicant has yet to address the area of disturbance for the board as requested numerous requests. Rothe-thought that a note indicating that no additional development past the

present proposed would be done without completion of a SWPPP. Stach-the UCPB provided their recommendations and they request a SWPPP and re-submittal once that is completed. The Planning Board can not do anything else until that is completed.

### **PRE-HEARING CONFERENCE**

#### **1. Lot Line Revision, Lynn Keller & Katherine Vailakis / Robert Drumm, 163 & 171 Churchland Road.**

Presented by Bruce Utter, Praetorius & Conrad, P.C. The applicant is proposing a lot line revision to transfer .5 acres from Drumm to Keller to provide additional buffer and alleviate some of but not all of the pre-existing non-conformancy of the Keller parcel in regards to bulk. No issues with adding an easement for the section of the Keller/Vailakis driveway that extends over the Drumm parcel. Stach-meets all requirements to waive sketch plan approval, waive public hearing and approval.

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

#### **2. Lot Line Revision, Mary Spinac, 164 Fawn Road.**

Presented by Tom Conrad, Praetorius & Conrad, P.C. The applicant owns both parcels and is proposing to transfer .385 acres to revised lot lines to conform with setback requirements. The two parcels are currently on one deed. Stach-one deed with two lots. Never filed deeds against the previously approved subdivision. The amount of land being transferred is less than the minimum lot requirement of the district and therefore does not require a supermajority vote.

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

#### **3. Site Plan, Pond View Apartments, 14 Stevens Court.**

Presented by Bruce Utter, Praetorius & Conrad, P.C. The parcel was previously approved in 2006 for a three building complex with 24-units, which was never developed. The current applicant is looking to follow with three buildings, 8-unit/building for a total of 24 units and 36 bedrooms. The last project NYSDOT did not want egress from the gas station, creating only one-way access from Route 9W into the site. The main access to the site would be from Steven's drive which leads to a traffic light on Route 9W via Village Drive. The updated site plan proposes additional green areas. The previous Stormwater was started and the retention pond to the east has already been built out in 2006. Will be adding more details to the proposed stormwater updates. There is a 4" pipe on the site side of Route 9W to be updated and will tie into the existing 8" or 12" pipe on the opposite side of Route 9W. Will tie into the existing Town sewer system. A sewer easement for the Town is proposed, 65' access for utility easement through the gas station as well. Stormwater regulations have changed several times since the approved 2006 site plan. Have checked with NYSDEC and the 2006 SWPPP is still active, will amend and send to the Town Engineer for approval of updates. Already started the conversation with Dennis at Brinnier & Larios. SEQR revised to include both parcels because they are owned by the same owner. Deeds were provided to show as such. Only 36 parking spaces are required per the code. We are proposing 42, do the excess parking spaces have to be impervious? Stach-not unless you go over the 20%. Furman-EV spaces provided? Utter-yes, will place on site plan. A maintenance agreement through easement will be proposed. The apartments will be offered at market rate. The comment regarding the dumpster placement can be addressed by moving the dumpster as requested, where there is clear access from Route 9W. A traffic study provided with the Habitat for Humanity subdivision. NYSDOT did not recommend using the access from Route 9W for ingress and egress to the site. There is a Dunkin drive-thru lane that runs parallel to the access drive to the site, confusion between that area and the access drive. There is a dangerous stretch of road between the existing entrance and exit to the gas station and adding additional traffic would make it worse. Tiano-the fire department has responded to numerous accidents in that location, one fatal. Utter-will reach out to NYSDOT. A sidewalk is proposed with a sidewalk at the

entrance of the site from the parking lot of the gas station. There is a striped area. There is a possibility of adding a UCAT stop outside the gas station entrance/exit on Route 9W. Have provided a buffer zone of archeological areas. Will reach back out to SHPO for comment. Limits of disturbance will be added. No outdoor playground has been proposed at this point but there is a grassed area that will be maintained around the pond for walking.

Stach-our office has prepared an NOI and it can be distributed at this time. This is an Unlisted Action under SEQR. A motion was made by Tiano, seconded by Riozzi, to declare this an Unlisted Action under SEQR and distribute the NOI. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried.

#### **ADDITIONAL ITEMS**

None

#### **ADJOURNMENT**

Since there was no further business to discuss, a motion was made by Kiniry, seconded by Furman, to adjourn the meeting. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried.

The meeting was closed at 9:13 pm.

Respectfully Submitted by,

Becky Bertorelli  
Planning Board Secretary