



PLANNING BOARD MINUTES October 17, 2023

C. Howard Post, Chair, opened the meeting at 7:28 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 September 19, 2023 Planning Board meeting were reviewed. A motion was made by Tiano, seconded by Riozzi to approve. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Kiniry-Aye, Brady-Aye. Motion carried.

PUBLIC HEARINGS

1. Minor Subdivision, Kevin & Claire Raper, 43 Augustine Road. Presented by Christian Denniston and Vincent Dawdy-Narvaez, Kaaterskill Associates. The applicant is proposing a two lot subdivision on a 17-acre parcel with two existing single-family residences (SFR) along Augustine Road. The applicant is looking to subdivide so that each SFR is on its own parcel, one parcel at 11-acres and one at 6-acres.

Post opened the public hearing at 7:31pm. No one from the public was present for this hearing. A motion was made by Furman, seconded by Kiniry, to close the public hearing. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Kiniry-Aye, Brady-Aye. Motion carried. The public hearing was closed at 7:32pm.

The Board had no questions. Stach-the proposed subdivision is conforming and all concerns have been addressed.

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

2. Minor Subdivision, Nora Kirkpatrick, 151 Wilhelm Road. Presented by Christian Denniston & Vincent Dawdy-Narvaez, Kaaterskill Associates. The applicant is proposing a two lot subdivision on a 24-acre parcel containing an existing single family residence and a mobile home. The applicant would like to separate the two and sell the piece containing the mobile home and +/- 6.5 acres. The second proposed parcel will be +/- 17.5 acres.

Post opened the public hearing at 7:33pm. No one from the public was present for this hearing. A motion was made by Kiniry, seconded by Brady, to close the public hearing. Board vote: Furman-Aye, Tiano-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried. The public hearing was closed at 7:34pm.

Stach-the application was referred to the Ulster County Planning Board (UCPB). A referral response from the UCPB was received stating "No Comment". All other comments have been addressed, this is a conforming subdivision.

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

OLD BUSINESS

1. Site Plan, The Villa Residences, 49 Spaulding Lane. A representative was not present for the applicant. Stach-last month at the Town Board public hearing it came to the attention of the Board that the EAF indicated there were no facilities for sensitive populations within 1,500 feet of the proposed site. At that point the Town Board had to halt their review and send it back to the Planning Board to review the new information as it pertains to SEQR. The updated information was sent to all involved and interested agencies for comments/concerns. Tiano-general question regarding enforcement of any conditions approved. The Building Department would be the enforcement agency and they are currently down one inspector and one secretary. How will the project be monitored and conditions enforced? The Glasco Fire Chief has confirmed that the fire department has responded to 5 fire alarm activations and 1 structure fire at the Lasher House in the course of one month. The impact on Diaz with this project. The traffic study indicated the projected traffic, the road can't handle it the way it is now. Stach-the previously approved Negative Declaration did not indicate that there would be no impact, just that it was not significant, regarding traffic, and fell below the threshold of what would constitute a significant impact. The Planning Board needs to determine if the new information brought before them regarding Lasher House will affect the previously approved determination on SEQR. The conversation is regarding significant adverse impact not seen or reviewed previously. Impacts include dust/air, noise and those that will affect the residents of Lasher House more so than other facilities/populations. Tiano-the impact on Diaz and the Fire Department. Post-consider the average for the year of visits from the Fire Department. Stach-the Planning Board has previously moved forward with a decision on SEQR and submitted to the Town Board to see if the zoning change request would be granted and if the project can proceed with the site plan review. The Planning Board will need to consider the new information and move forward. The Town Board will still have another public hearing once the Planning Board has made their decision regarding the new information, Lasher House.

The Board discussed the letter submitted from the applicant's representative, AKRF, updating the Board on a virtual meeting that they had with the representatives of the Lasher House, dated October 3, 2023. Wraparound Service of the Hudson Valley represents Lasher House and an email was received from Mr. Austin Rynne, COO, indicating that they are confident that the Planning Board will complete their due diligence; including compliance with all local, state and federal regulations. Also, that they will abide by any decision made by the Planning Board on this issue.

A motion was made by Kiniry, seconded by Post, to reaffirm the previously approved negative declaration. Board vote: Furman-Aye, Tiano-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried.

2. Site Plan, UC Habitat for Humanity, Jeffrey Court. Khattar Elmassalemah, P.E. from Praetorius & Conrad, P.C. was present for the applicant. The application was referred to the Ulster County Planning Board (UCPB) at last month's meeting and comments have been received. One of the required modifications was for access modification to go through an access easement into Bishop's Gate. Due to the topography and presence of wetlands the applicant can not do that. Post-this has previously been discussed by the Board and we agree with the applicant. Elmassalemah-UCPB also made an advisory comment regarding a T-shape design or hammerhead were considered when the cul-de-sac is proposed. The use of a cul-de-sac will have less of an impact on the land, which is the choice of the applicant. Tiano-the fire department does not have any issues with the design of the roadway and cul-de-sac that is proposed. Elmassalemah-the Archeology report was negative for any findings. The wetland delineation has been completed. The applicant is awaiting the Army Corps of Engineer approval. The Engineer comments to be reviewed and addressed.

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

motion was made by Riozzi, seconded by Brady, to conditionally approve the subdivision pending the Town Engineer's approval, Army Corps. of Engineers approval and easements provided for the Planning Board Attorney to review and approve. Board vote: Furman-Aye, Tiano-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried.

3. Site Plan/Major Subdivision (5-Lot), Brapas Land Development LLC, Off Tiger Maple Lane. Presented by Michael Lockwood, Lockwood Architecture PLLC. The applicant has not been back before the Planning Board for some time. The sprinkler system, and structural drawings have been submitted for the Planning Board's review. The water pressure concern has been addressed. The foundations proposed are mostly in the ground. All conditions that were outstanding, as per the last memo received from the Town Planner, have been addressed.

A motion was made by Tiano, seconded by Kiniry, to approve the 5-Lot Subdivision and Site Plan for 4 Townhouses. Board vote: Furman-Aye, Tiano-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried.

PRE-HEARING CONFERENCE

1. Minor Subdivision, Jamie Cohen, 55 Fishcreek Road. Presented by Dan McCarthy, Praetorius & Conrad, P.C. The applicant is proposing to subdivide a 20-acre parcel into two parcels. Parcel 2 has access via a gravel drive requiring an easement. Parcel 1 contains the existing single family residence. Stach-there is a small area of Sensitive Area Overlay located on the parcel and the Planning Board has the power to override the SA requirements if they feel that application warrants that. The easement needs to be provided now so that it can be reviewed by the Town Planning Board Attorney for approval. Typically this is done during the application review process and prior to approval to confirm access. There is a small section of the access drive that seems to go over to Central Hudson property which will require an easement to allow the applicant to do so. McCarthy-this is an existing driveway. Post-will need metes and bounds with the width.

Stach-the Board would be able to act on SEQR at this time and set a public hearing. A motion was made by Riozzi, seconded by Tiano, to declare this an Unlisted Action and approve the Negative Declaration under SEQR, override the SA requirements and set the public hearing for the November 21, 2023 Planning Board meeting. Board vote: Furman-Aye, Tiano-Ye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried.

2. Minor Subdivision/Lot Line Revision, Kenneth & Mary Alice Lindquist/Gilton & Megan Mercado. Presented by Patricia Brooks L.S., Control Point Associates, Inc. The applicant is looking to revise lot lines on 3 parcels so this will actually be considered a major subdivision, unless the project is presented in two different applications. One for the lot line revision and then a separate one for the minor subdivision. The applicant is looking to subdivide a 7-acre vacant lot into two parcels. Lot #1 (2.19 acres) contains an existing house and applicant does not propose to build anything on the proposed Lot #2 (4.9 acres). Stach-a conceptual layout for a possible build is required. However, when and if someone does look to build in the future they will be required to come before the Planning Board for a site plan review as the parcel is located in the Waterfront Overlay district. Riozzi-does the driveway have an easement? Brooks-yes, an easement and road maintenance agreement. Stach-the Board can do a preliminary and final on the map once they are updated. Brooks-will get them updated to move forward with the major subdivision so that the applicant can do everything at one time.

A motion was made by Tiano, seconded by Brady, to declare this an Unlisted Action and approve a Negative Declaration under SEQR. Board vote: Furman-Aye, Tiano-Ye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried.

ADDITIONAL ITEMS

1. Sign Law Update - there was a question as to the inclusion of "Not-for-Profits" organizations in Section G (Changing Message Signs). The Board is looking for some clarification as to what that may include. The

concern is that there are numerous not-for-profit facilities located throughout the Town that are in residential areas. It does state in Section G(3) that changing signs are only permitted for nonresidential uses or public facilities within the LDR, MDR, HDR and RH districts. The Board would like to ensure that this means that facilities such as those located in Barclay Heights, for example purposes only, would not be permitted a changing sign. The Board would like to ensure that the residential neighborhoods in which not-for-profits may be located will be protected. A motion was made by Tinao, seconded by Brady, to send an email to the Town Board with these concerns. Board vote: Furman-Aye, Tiano-Ye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried.

ADJOURNMENT

Since there was no further business to discuss, a motion was made by Brady, seconded by Post, to adjourn the meeting. Board vote: Furman-Aye, Tiano-Ye, Brady-Aye, Riozzi-Aye, Kiniry-Aye, Post-Aye. Motion carried. The meeting was closed at 8:56 pm.

Respectfully Submitted by,

Becky Bertorelli
Planning Board Secretary