



PLANNING BOARD MINUTES

March 19, 2019

The Pledge of Allegiance.

Howard Post, Chairman, opened the meeting at 7:31 p.m.

Present: Howard Post, William Creen, Kenneth Goldberg, Len Bouren, Carole Furman, Michael Tiano and Daniel Ellsworth

Also Present: Dan Shuster (Town Planner) and Paul Andreassen (Liason)

Absent: Robert Hlavaty (alternate)

Review of February 19, 2019 draft minutes. A motion was made by Tiano, seconded by Bouren, to accept the minutes as written. All in favor, none opposed, carried.

PUBLIC HEARING(S):

1. Site Plan/SUP, Catskill Animal Sanctuary (CAS), Old Stage Road. Public Hearing began at 7:33 pm.

Jayden Carr - Engineer, presented. Also present; Colleen Schropfer - Catskill Animal Sanctuary Deputy Director and Stephanie Tunic – Attorney. A brief description of the project was given. Proposing a 2-story building to house educational services and office space - 9,000 square feet, Pavilion 1,800 square feet, 52-space parking lot. Entrance is across from the current location of the Catskill Animal Sanctuary. Post asked if anyone was present for the Public Hearing or if anyone had any questions. The following questions/concerns were presented:

- Barry Lichtenstein-307 Old Stage Road-Are there any handouts? Do we have any rights to object? Post-We do not usually have handouts, but the engineer and the applicant are present to answer any questions. You may come forward and look at the site plan as presented. Shuster-You may object at this point. Post-You may express your objections and concerns, but the Planning Board must follow the law when making a decision.
- Kathleen Tiano-314 Old Stage Road-Will the basement of the structure be showing? It is a 3-story building with the basement, correct? Does the 9,000 square feet of the building include the basement? How tall is the actual part of the building that will be visible from the road? How many stories is the pavilion? Schropfer-The basement is not counted as livable space at this point, we may choose to use in the future. Carr-The basement is below ground level in the front of the building that is visible from Old Stage Road. There is an elevation difference as well, the building sets 8' below road elevation. The height of the proposed building in the front will be 32'. The pavilion is a one story.
- Bill Ball-358 Old Stage Road-Can you change the zoning? They are trying to put a business in a residential area, not allowed. Did the Board members go to see the site? The road is narrow and dangerous. What is the job of the Zoning Board? Post-to uphold Zoning Law. Shuster-The Zoning Board of Appeals is only for when someone feels that an error has been made in a decision by the Code Enforcement Officer, they can appeal that decision. Ball-Strongly object to the location of this building in a rural residential area. They own 150-acres across the road and should be able to find a location on that site to put this building not on the road.
- Jim McTague-415 Old Stage Road-What is the anticipated traffic? There are 52-parking spaces? 9,000 square foot Visitor's Center? 30-foot Town Road with no center divider in the road and at the point where the entrance will be there is not a lot of site distance there is a curve in the road. Have you thought about

that safety issue? Provisions for safety when crossing the road to access the farm? Schropfer-No additional traffic is anticipated, the regular visitor traffic that would normally occur on the current site during the weekends and staff parking during the week. This will not be just a Visitor's center but primarily used for office space and education programs. There are currently 30 staff members. We have thought about the safety issue. Carr-There is nothing on the site plan at this point, a crosswalk can be added.

- Mark Tiano-352 Old Stage Road-Have you looked at the site distance requirements base on the speed and curvature of the road? Will have to provide that information to the Town, correct? Post-Yes, they will be required. Tiano-The worst curve on that road. Not only a bad idea but doesn't meet any requirements for the highway regulations. Commercial development in a residential zoned area. Post-Allowed usage under the zoning laws for this zoning district with a special use permit. Carr-We have not but that information can be provided. They will have to meet all the mandatory site distances required.
- Ball-Do not want this to be a done deal., rubber stamp. Post-We are here to hear all the factors and not rubber stamp anything, this is by no means a "done deal". We have applications that have been in front of the Board for months, even years, to ensure that it is done correctly and legally.
- Tiano, K.-Read a statement prepared regarding site distance, view and dangers of the road. The project has good intentions, but the location is not desirable. Reevaluate the driveway and pavilion as well as the visual impact of the building. Request the Board members to take the safety factors in to account when evaluating the application.
- Alice Tipp-521 Old Stage Road-Why didn't the applicant building on the side of the road where the Sanctuary is located already. Schropfer-Three prior site plans were developed but none of them worked. Carr-Due to the ability to place in-ground septic.
- Cheryl McTague-415 Old Stage – Plans for the future closer to our house. Traffic concerns. Tunic-We are here to address questions/concerns regarding this project only at this point.
- Lichtenstein, B.-Consideration to the size. Schropfer-Non-for-Profit Organization and are running out of space for staff on the existing space on the Sanctuary. The space is not larger then needed but we could grow into the basement area, if necessary, in the future and additional staff is necessary. Sanctuary is growing but would not like to upset the neighbors. The Sanctuary grounds itself does not allow us to do this type of construction. Is there an opportunity to keep the Public Hearing open? Post-You can request to keep it open and have a community meeting independent of the Planning Board, if you choose, where you can address any comments/concerns or take suggestions. The public hearing can be kept open, even past April, with your request. Schropfer -Would everyone be open to a community meeting? This way anyone interested can come and voice their concerns. The relationships with the neighbors are important. Tiano, M.-Why was this not addressed with the neighbors before getting to this point with the Planning Board? Schropfer-That was not intentional and should have been done prior to submission of the application. This could be discussed at a community meeting. Ellsworth-A possibility to alleviate some of the dangers from crossing the road at the current proposed access point is that you could turn the property around and put the access at a different location where they will not be crossing where the dangerous curves are. Schropfer-Would like to keep the Public Hearing open. Post-The Public Hearing will be kept open until the April 16, 2019 Planning Board meeting. Please let us know if it needs to be kept open longer.

2. 2-Lot Minor Subdivision, Maryanne & Richard Erickson, 320 George Sickle Road. Public Hearing began at 8:11 pm. Presented by Dan McCarthy, Praetorius & Conrad. A new plat was distributed with the packets to the Board. The property line was moved, slightly, and the topography was added. Parcel 2 was enlarged slightly from the 5-acre of the plat proposed last month. Post-Anyone present for the Public Hearing. Any questions. None. A motion was made by Creen, seconded Furman, to close the Public Hearing. All in favor, none opposed, carried. Closed at 8:12 pm.

A motion was made by Goldberg, seconded by Tiano, to approve the 2-lot minor subdivision as proposed on the updated plat pending receipt of signed maps and payment of fees due. All in favor, none opposed, carried.

OLD BUSINESS:

1. Site Plan/SUP Review, Oz Farm/Jennifer Leroy, 280 Malden Turnpike. Jennifer Leroy presented. Steven King was also present. Dates and the number of attendees were submitted prior to the meeting the Planning Board for review. The applicant is before the Board again because as a condition of the Special Use Permit, she was required to come back before the Board after a year of operating the venue, which is now overdue. She was allowed 20 events per year and she only hosted 17 in 2018 at Oz Farm. Post-concerns with the condition of the road. Leroy-have purchased a water truck to wet the dirt road and ensure that the dust is kept to a minimum and within the last few weeks have put a lot of time and money, approx. \$2,000, into fixing the potholes on the driveway by installing gravel. Will be installing new gravel into the potholes every 2-weeks. Walt Sparling, neighbor, expressed concerns that the traffic is tremendous and there are many horse trailers going in and out as well. They destroy the driveway, very upset with the current conditions of the driveway. Leroy-Will be purchasing Item #4 to put in the wholes and have installed culverts. Looking for advice on how to keep up with the condition of the driveway. Grading does need to be done. Post-Installation of fabric over the road surface prior to putting the gravel will help keep it in place. Shuster-With the amount of money being spent on gravel you should have an engineer come out and evaluate the issues. Ellsworth-hire and expert to come out and fix the road correctly. Leroy-will do that. Tiano-Why did a Hudson Valley magazine quote you as having 40 events in 2018? Leroy-I am a Wedding Planner and do events all over the country so if they said I did 40-events that meant I did 40 throughout the country. Last week I did a wedding in Palm Springs. Could not do that many anyway because I would have to host more than one wedding a day. Post-Follow-up inspection. Frank Smith, Sparling Road commented is there a time frame in the special use permit with when the music stops? Have heard loud music in the early hours of the morning. Leroy-we cut music off at 11 pm so maybe it was coming from a different property. I will give you my contact info so that you can let me know if that happens and I can tell you if it is from our property and take care of it.

2. Site Plan/SUP, Sophiedrew Acres, LLC/Bach, Glasco Turnpike. Presented by Bruce Utter, P&C. SWPPP was delivered to J. Mihm, Engineer, for review. A letter was received from Mike Moriello, Attorney for applicant, addressing concerns brought before the Board by Tiano and Mr. Francello. Will add additional landscaping behind the Jordan residence. Francello stated that white pine die from the bottom up so will be replacing all the white pines on the landscaping plan with Colorado Spruce. The invasive fly that will be used will not harm birds. Goldberg-Under pesticides in Mr. Moriello's letter it states that this application is classified as a Type II action under SEQR, when in fact it is an Unlisted action. It also states, in reference to the manure dumpsters, that they will be emptied "on a less than weekly" schedule? What exactly does that mean? Utter-They will be emptied at least once a week. We have only two dumpsters to promote the necessity of it being emptied regularly. Tiano-Will the entrance next to the Jordan residence be paved? Utter-There is a 50' paved section for each entrance road which will be screened. Shuster-Would like a landscape schedule that has the size and number of each item. Utter-There will be a mix of 40-50 Norway Spruce and Colorado Spruce 8' to 10 tall placed 8' on center. Post-Review of Draft resolution as submitted by Shuster. Ellsworth-Would like to have events run from 7:00 am to 7:00 pm added. A motion was made by Ellsworth, seconded by Bouren, to accept the Draft resolution with the change as mentioned and approve the Site Plan with Special Use Permit. All in favor, none opposed, carried.

2. Site Plan/SUP, A. Montano Company, Inc., Route 32N. Jeff Hogan, Praetorius and Conrad, presented. The building or road locations have not changed. Visuals on Route 32N and Thruway have been adjusted to address the concerns of the Board. There will be limited equipment displayed along Route 32N, only 4 to 5 machines. An up-lit sign with landscaping is proposed. The elevated equipment that was previously displayed along the Thruway side of the property has been eliminated. The number of machines has been downsized to approximately 14 pieces. The length that the equipment will be displayed has also been cut down, the area will

be framed with some sort of stone or split-rail fence. Is there a color that the Board would prefer? Goldberg- Prefer a fence and brown, will blend in the background. Hogan-working on stormwater treatment plan. DEC requires stormwater treatment with pre and post development flows. Will have 5 bio-retention areas with low plantings. 3 of the 5 will be in the equipment storage/parking area will drain to these and the water will be filtered and treated to drainage ditch to pond, 1 to treat the building and concrete area on the west of the building, and 1 on the right side of the building. Ellsworth-Drainage ditch across the middle of the property? Hogan-Pick-up the drainage from the parking lot of the Cosco property and continue down the property. Pick-up along the property line and install piping and catch basins to get the flow to go the west then to the north then to the pond. Will have an on-site sewage disposal system, there will be a 1,000-gallon tank for the main building and a 1,000-gallon tank for the shop with small pump station. Existing drill well need to connect. Shuster-SWPPP. Hogan-Hoping to have it ready for submittal in the next few weeks and get to Brinnier & Larios. Ellsworth-Fill? Hogan-8' on the norther end and 15' need the building and will be equal with the berm of the Thruway. Will be a plateau. Using fill from the property, about 30% of what is needed, then cart in. Furman-Location of machinery/equipment around the bio-retention areas, stop them from going in the retention areas? Hogan-Sloped and visible with vegetation, possible shade trees. Ellsworth-Fencing around stormwater pond? Furman-Split-rail. Hogan-Continue with split-rail. Post-appreciates the updates. Shuster-Maybe ensure there is a designated area visual from the Thruway not quantified by the number of machines but by size. Hogan-Outline with fence. No further action by the Board at this time.

PRE-HEARING CONFERENCE:

1. Site Plan/SUP, ELP Myer Solar, LLC/Doug & Sue Myer, 18 Warren Myer Road. Wendy DeWolfe & Jamie Fordyce, East Light Partners, presented. The owners were also present. The applicant is hoping to develop a 3-megawatt Community solar project on 14-acres of a 37-acre parcel that is located on both sides of Warren Myer Road. There will be 10,000 fixed landscape panels on posts. The top will be 8' above grade and the bottom of the panels will be 3' above ground level. Landscaping will be provided for screening. No herbicides will be used. There will be a 25-year lease on the land. Energy produced will be offered to the community. There will be a "Green Fair" on May 4, 2019 at the Senior Center for the community to go and see the programs that are available. Goldberg-The energy can be purchased by municipalities, correct? The fencing will include access for the animals. DeWolfe-yes and yes. Tiano-Does the Fire Department have the ability to purchase the energy? DeWolfe-Yes, you can go on the website: www.eastlightpartners.com/projects-under-development and click on the project you would like to participate in. Shuster-Grading? DeWolfe-Follow existing grade. Shuster-In my review I stated this may be a Type I action under SEQR, but I was incorrect in that it is not physically altering 10-acres of land. Decommissioning bond will be necessary.

A motion was made by Goldberg, seconded by Furman, to declare this an Unlisted action under SEQR. All in favor, none opposed, carried. A motion was made by Goldberg, seconded by Furman, to approve a negative declaration. All in favor, none opposed, carried. A motion was made by Goldberg, seconded by Creen, to refer to the Ulster County Planning Board for comments. All in favor, none opposed, carried.

2. Lot Line Revision/2-Lot Minor Subdivision, Lisa Kirk/Rana Agostini, 1076 & 1066 Glasco Tpke.

Presented by Tom Conrad, Praetorius & Conrad, P.C. The applicant proposed to reconfigure an 11.683-acre parcel by moving 1.38-acres into land owned by Agostini by a lot line revision. The applicant would then like to subdivide the remaining property into two parcels. Lot 1 will have the existing house and 3.5 acres, part of this parcel is located on the opposite side of Glasco Turnpike which contains a garage. Lot 2 will be a 6.8-acre vacant lot. Tiano-Is the stream located on the plat significant? Conrad-No. Shuster-Wetlands delineation. Show septic on Lot 2 before it can be subdivided to ensure one can be done. Furman-Engineer's letter that states there is a place for the septic on all lots. Conrad-Pretorius and Conrad does not do such a letter. May have to get from Board of Health. No further action can be taken by the Board at this time.

Adjournment:

Since there was no further business to discuss, a motion by Bouren seconded by Furman, to adjourn the meeting at 9:24 pm. All in favor, none opposed, carried.

Respectfully Submitted by,

Becky Bertorelli
Planning Board Secretary