



PLANNING BOARD MINUTES

Virtual

April 19, 2022

C. Howard Post, Chairperson, opened the meeting at 7:32 p.m.

Present: C. Howard Post (Chair), Carole Furman (Vice-Chair) - part of the meeting, Mike Tiano, Robert Hlavaty, Kevin Brady, Len Bouren and William Creen (alternate who joined as full member)

Absent: Ken Goldberg

Also Present: Adriana Beltrani (Town Planner, NPV)

The draft minutes of the March 15, 2022 Planning Board meetings were reviewed. A motion was made by Tiano, seconded by Furman, to approve. Board vote: Furman-Aye, Bouren-Abstain, Tiano-Aye, Brady-Aye, Post-Aye, Hlavaty-Aye, Post-Aye. Motion carried.

PUBLIC HEARINGS

1. Major Subdivision, Greenspace Realty LLC/Mullen, Harrison Court. Presented by Bruce Utter, Praetorius & Conrad, P.C. The applicant is looking for approval to do a 6-lot subdivision off of Harrison Court in the existing subdivision known as Glasco Ponds. Harrison Court will be extended, moving the cul de sac back a couple hundred feet. Extending the water and sewer services. Access will be through Glasco Ponds Subdivision.

Public hearing was opened by Post at 7:36 pm. No one was present with comments/concerns. A motion was made by Post, seconded by Brady to approve a Negative Declaration under SEQR. Board vote: Furman-Aye, Tiano-Aye, Bouren-Aye, Hlavaty-Aye, Brady-Aye, Creen-Aye. Motion carried. A motion was made by Furman, seconded by Hlavaty, to close the public hearing. Board vote: Furman-Aye, Tiano-Aye, Bouren-Aye, Hlavaty-Aye, Brady-Aye, Creen-Aye. The public hearing was closed at 7:39 pm.

Utter-plan to have the water/sewer and updated SWPPP to the Town Engineer for review/approval. Beltrani-the Planning Board voted to waive the 20 lot limit requirement. A conditional approval can be approved with the condition of the Town Engineer's approval of the water/sewer plans and updated SWPPP. A motion was made by Furman, seconded by Brady, to approve the 6-lot subdivision with the condition of Engineer's approvals. Board vote: Furman-Aye, Tiano-Aye, Bouren-Aye, Hlavaty-Aye, Brady-Aye, Creen-Aye.

2. Site Plan Amendment, ELNA Magnetics, 203 Malden Turnpike. Presented by Bruce Utter, Praetorius & Conrad, P.C. The applicant is looking for an amendment to their existing site plan to add a 15,000 square foot addition to the existing building and construct an additional detached 18,750 square foot cold storage building, adding an additional 13 parking spaces and an emergency access drive in the rear of the building. Stormwater through planter beds to the stormwater retention pond before discharge. No new water/sewer, using existing. Updating site lighting, awaiting plan from consultant. Landscaping shown, created a bank of future parking area that will only be developed if necessary.

Public hearing was opened by Post at 7:43 pm. Public Comments:

- Tim Scott, 226 Malden Turnpike - No objections to this amendment. The property has always been well maintained.

No further public comments/concerns. A motion was made by Furman, seconded by Tiano, to approve a Negative Declaration under SEQR and close the public hearing. Board vote: Furman-Aye, Bouren-Aye, Tiano-Aye, Brady-Aye, Post-Aye, Hlavaty-Aye, Post-Aye. Motion carried.

Utter-submitting the SWPPP to the Town Engineer by the end of the week or early next week. No comments from the County yet, awaiting lighting photometrics before submitting the referral, will do before the next meeting. Beltrani-landscaping, including in SWPPP for maintenance. Utter-the applicant has always maintained the landscaping and will continue to do so. Beltrani-the Board will have to wait for County comments for further action. Furman-will push for a solar field to support the facility. No further comments from the Board.

3. Minor Subdivision, Abe & Nicole Friedman, 159 Band Camp Road. Presented by Don Brewer, Surveyor. The applicant proposes a 2-lot subdivision. The larger of the two lots is vacant, the applicant plans to build a home on the 16.5 acre lot. The other lot has an existing house. The area of disturbance will be 0.47 acres on the 16.5 acre parcel. Setbacks are met. Elevations given, elevations certificates have been completed and will be submitted to the Planning Board for their files. The applicant received approval from the NYSDEC and Highway Department on the bridge. Used the CRIS system to determine archeological sites, but could not locate any. 13b on the EAF was corrected.

Public hearing was opened by Post at 7:54 pm.

- Hope Kellerhouse, 193 Pine Lane - this is a much better plan than the previous subdivision. Ok with this one. Have a safety concern regarding where the test holes were made, they were not filled in or cautioned off. Brewer-will take care of that this week.

No further public comments/concerns. A motion was made by Hlavaty, seconded by Brady, to approve a Negative Declaration under SEQR. Board vote: Furman-Aye, Bouren-Aye, Tiano-Aye, Brady-Aye, Post-Aye, Hlavaty-Aye, Post-Aye. Motion carried. A motion was made by Tiano, seconded by Furman, to close the public hearing. Board vote: Furman-Aye, Bouren-Aye, Tiano-Aye, Brady-Aye, Post-Aye, Hlavaty-Aye, Post-Aye. Motion carried. A motion was made by Brady, seconded by Bouren, to approve the application. Board vote: Furman-Aye, Bouren-Aye, Tiano-Aye, Brady-Aye, Post-Aye, Hlavaty-Aye, Post-Aye. Motion carried.

OLD BUSINESS

1. Site Plan, Rust Free Motors LLC, 2 Simmons Drive. Presented by Steven King, owner of Rust Free Motors LLC. An engineered site plan was provided to the Planning Board. The bushes that are proposed along Route 9w were changed to match the bushes that currently exist along the north side of the property. Moved customer parking, curb cut is existing on Route 9W, added the fence along the entire back lot along Simmons Drive. The dumpster will be hidden behind the fence. Furman-lighting and hours of operation. Will there be lighting in the rear of the building? King-there will be a limited amount of light. There are two downward facing lights. A camera system is installed in the front, back, side and inside of the building. Tiano-there are 4 trees proposed on the Route 9W side, is there also going to be grass? Sitting water on site, from neighbor's property. King-there is currently grass that will be left and will be adding the bushes as proposed on the site plan. There are power lines there so trees would not be a good option. The neighbor does have a sub pump in their basement that pumps out but the flooding is coming from Route 9W. The berm that we are proposing is to solve that problem. Tiano-no comment on lighting. Suggest hours of operation to be 7am-6pm with appointments available to view cars after hours. King-all work will be done inside the building, no air tools will be used. Brady-no comment on lighting, the hours that Tiano suggested seem reasonable. Hlavaty-would like the SUP to capture that all work will be done inside the building. Beltrani-repairs conducted indoors only will be included. Need make, model

and lumens of light fixtures proposed. Post-those items can be supplied with the cut sheet for the light fixture. Beltrani-that can be a condition of approval. Bouren-think the hours may be too limited. Tiano-Monroe, across the street, closes at 6pm. Creen-no comments.

Beltrani-review of the Ulster County Planning Board comments. Comment #1 has already been addressed. Parking needs to be updated to include an ADA identified parking spot. King-can do that. Beltrani-there needs to be a clear limit to the number of vehicles. Incorporate the number of vehicles to be placed onsite. Lighting cut sheet to be provided as a condition of approval. Screening of the dumpster has been provided. Are there fuel tanks remaining on-site from the gas station that operated years ago? King-not known. Beltrani-look into if there are buried fuel tanks remaining onsite and if so they be removed. The planning board can vote to override the County comment by supermajority. The DEC map which identifies remediation locations does not show anything for this site. Tiano-Curry Brothers probably filled them in years ago. King-the islands that are existing are shallow. Post-should investigate as a condition. Hlavaty-possible Phase I may have been completed by the owner when purchased, look into obtaining that report if it was. Beltrani-documentation to demonstrate if tanks are located. Ist eh Board comfortable with signing off before? Brady-are we asking Rust Free to do something that is not their responsibility? Creen-the owner is responsible for removal/remediation of tanks. Post-fine with approval with conditions, possibility of tanks being investigated to see if remediation is needed. Board's thoughts: Furman, Tiano, Bouren, Hlavaty, Brady, Creen all agree. Post-access on 9W was approved by NYSDOT. A motion was made by Post, seconded by Furman, to override the County comment regarding access. Board vote: Furman-Aye, Tiano-Aye, Bouren-Aye, Hlavaty-Aye, Brady-Aye, Post-Aye, Creen-Aye. Motion carried.

Conditions as follows: Hours of Operation 7am-8pm, Car Showings by appointment available, Lighting cut sheets received, Remediation investigated, Repairs to be conducted indoors only, landscaping be maintained for the life of the project and review of the SUP in 1-year. A motion was made by Brady, seconded by Bouren, to conditionally approve the site plan and SUP with the conditions as stated. Board vote: Furman-Aye, Tiano-Aye, Brady-Aye, Hlavaty-Aye, Bouren-Aye, Creen-Aye, Post-Aye. Motion carried.

2. Minor Subdivision/Lot Line Revision, Martec/Demitri Kolokotronis, 44 Pine Tree Lane. Presented by Tom Conrad, Praetorius & Conrad, P.C. The applicant has changed their previously proposed 5-lot subdivision to a 2-lot subdivision with a lot line revision. Lot #1 will be a new building parcel and Lot #2 will contain an existing house with wetlands. Parcel A is being combined with the adjoining parcel owned by Hicks. Beltrani-will need an authorization from Hicks to act on their behalf. Will need an amended application and SEAF to represent the new proposed minor subdivision and lot line revision. The Board needs to affirm this in an unlisted action under SEQR. A public hearing is required. The area of disturbance needs to be shown on Lot #1, along with septic and well locations. It is best practice to show the entire parcel of any parcel that is included in the proposed action(s). An updated map will need to be provided with the entirety of each parcel affected.

A motion was made by Hlavaty, seconded by Brady, to schedule the public hearing for the May meeting. Board vote: Furman-Aye, Tiano-Aye but would like comments addressed, Brady-Aye, Hlavaty-Aye, Bouren-Aye, Creen-Aye, Post-Aye. Motion carried. Post-will do a site visit for tree marking w/ Tiano and Brady next Tuesday at 4:30pm. A motion was made by Tiano, seconded by Brady, to reaffirm this as an Unlisted Action under SEQR. Board vote: Tiano-Aye, Bouren-Aye, Hlavaty-Aye, Brady-Aye, Post-Aye, Creen-Aye. Motion carried. Conrad, do we have to survey the entire parcel of Hicks? Beltrani-yes, it is the best practice.

3. Site Plan, Fehr Brothers/Solar Generation, 895 Kings Highway. Presented by Brendan Boland, Solar Generation. The applicant had an engineer review the Site Plan and sign off on it for this submission. Changes will be made to address the Town Planner's comments in her recent memo. The proposed panels are glare resistant with a racking design. Show row spacing and height, fixed tilt-no tracking, access road for ingress and egress. UCDPW curb cut. Screening will be forsythia or comparable. Will include a more precise number of

plantings for the next submission. Beltrani-the size of the plant when it is planted, possibly root base, indication of how the plant is potted. A note to be added that if the plant is dead or dying it will be replaced within a certain timeframe, ex: 1 to 2 years. Boland-to address project maintenance it is only mowing, typically 4 times a year. Beltrani-noting the land area not be disturbed or graded after construction is necessary. Boland-there will be no clearing, just a brush hog will be used and a mower before installation. A construction schedule will be provided. Beltrani-the site plan needs metes and bounds, area of fence line dimension and within the shown calculation of disturbance. Driveway is not detailed, needs materials and how they will be installing it with design, is a culvert necessary? Boland-more detail will be provided. Beltrani-did this go to the Town Engineer? UCPB referral is required. Boland-this was sent to the Town Engineer already, awaiting comment.

A motion was made by Tiano, seconded by Hlavaty, to declare this an Unlisted Action under SEQR. Board vote: Tiano-Aye, Bouren-Aye, Hlavaty-Aye, Brady-Aye, Creen-Aye, Post-Aye. Motion carried.

Tiano-who will be able to use the solar, how big? Boland-this is a 750 kw community solar project array. Anyone that Central Hudson provides energy to can access the solar option. Boren-are the posts on concrete? Sheep can be used instead of mowing. Boland-driven posts. Discussing sheep with the company. No further action can be taken by the Board at this time.

4. Site Plan/SUP, Denier Car Wash/Duncan Properties, LLC, 2891 & 2897 Route 32. Presented by Scott Ouimet. Also present were owner, John Denier, and attorney, Mike Moriello, Esq. The zoning change that is being proposed is to allow car washes in the General Business district and allow only zero discharge car washes in the Aquifer Overlay. The proposed car wash is a zero discharge using reclamation. The overflow is hauled off site regularly to the waste handling facility. Beltrani-there is not much more that the Planning Board can do at this time. Any action by the Planning Board will be contingent on the Town Board's decision regarding the proposed zoning changes. The Planning Board will provide a recommendation to the Town Board, SEQR determination will be made by the Planning Board before the Town Board can make their decision. The Planning Board can decide certain criteria that need to be met to allow the use, elements of zoning. The Planning Board has not received the local law or zoning language from the applicant. Supplemental information, comment #17, information will be provided upon site plan review, it should be provided prior to so that the Planning Board can make recommendations. Comprehensive Plan needs to be adhered to. What information, if any, does the Planning Board want prior to making their recommendation to the Town Board? Tiano-we closed the initial public hearing/comment session. We need more public comment before making a recommendation to the Town Board. Brady-agrees with Tiano. Hlavaty-need the proposed language, close to being comfortable with amendment to zero discharge car wash. Need to see the language in order to make recommendations to the Town board. Bouren, Creen, Post-agree with comments by the Board members. Post-another informational public hearing/comments session can be arranged for next month. Agree with Brinnier & Larios, Town Engineer, comments and recommendations and Hlavaty's statements. New information is available. Moriello-agree w/Town Planner and the Board. Will be presenting the proposal in a streamlined fashion, from this point forward. Take the SWPPP and engineering studies along with the submittals and add to a bullet list for the Board. Give the Board an outline to find the information more easily. Proposed zoning language will be submitted to the Planning Board. There will be 2 public hearings, held by the Town Board, for the rezoning and a public hearing for the Site Plan/SUP review. Concerned with how long this process has taken so far. Not required under SEQR to have an additional public hearing unless this is a positive declaration. Post-the Board would like to hear public comments before sending recommendations to the Town Board. Brady-look at all the letters to the Board of concern and discouragement of this project in the Aquifer. The main concern is leak and containment. Who is responsible if there is an issue with the protections, what if there is a failure and the consequences of that. Ouimet-there is a dual protection if one fails there is a safety net with leak detection. Any issues can be addressed if it happens. Brady-150% protection, concern about leakage into the aquifer. Ouimet-the safety is set up so that there is one week + two days to pump out before the leaks happen into the environment. Tiano-what about after cars are washed the water drips off them as they leave the facility, potential

to get into the APO. Ouimet-making sure modern blowers to dry the cars while still in the bays. Goal is that what is coming off the cars is only clean water. The slope is away from the APO, to drain away. Bouren-concerned that nothing is foolproof and the potential contamination. Creen-no comments. Moriello-concerned that the public hearing will be a big showing of individuals against the project. Post-board votes to see if they would like an information meeting: Tiano=yes, Brady=yes, Hlavaty=yes, Bouren=yes, Creen=yes, Post=yes. A motion was made by Tiano, seconded by Brady, to have a public comment session/information meeting next month, publicized by the Planning Board. Board vote: Tiano-Aye, Brady-Aye, Hlavaty-Aye, Bouren-Aye, Post-Aye, Creen-Aye. Motion carried.

Moriello-will help the public to see the proposed language. Denier-agree with a public comment session, but concerned that opinions will be presented not facts. Brady-doing so is sending out the message of transparency to the public.

Post-should the reports received after receiving Paul Rubin's Report be forwarded to him for additional review? Board vote: Tiano-no, Post-no, Hlavaty-no, Bouren-no, Brady-no, Creen-no.

PRE-HEARING CONFERENCE

1. Site Plan, Bryan & Leigh Hill, 211 Esopus Creek Road. Presented by the owners. The parcel is located in the Waterfront Overlay district and is the only reason the applicant is before the Planning Board. The applicant is proposing to add a second-story addition to an existing single family residence. The footprint will not be changed. It would not distract from the neighbors' views of the Esopus Creek. Beltrani-this is a Type II Action. No further comments from the Board. A motion was made by Post, seconded by Tiano, to declare this a Type II Action under SEQR and approve the second-story addition as proposed. Board vote: Tiano-Aye, Brady-Aye, Hlavaty-Aye, Bouren-Aye, Creen-Aye, Post-Aye. Motion carried.

2. Site Plan, Ryley's Auto Repair, High Falls Road. Presented by Rich Rothe, Rothe Engineering, P.C. The applicant is proposing to build an auto repair shop on one of the parcels that was created as a result of the Gambino subdivision. The applicant currently operates in another location where he rents the space but would like to purchase this parcel and move the business here. The building will be 60' x 125' with a 20' x 30' wood frame portion on the front. The lot was filled and cleared prior, addressed in the sediment and erosion plan. SWPPP may apply because of the commercial use. In the original subdivision all lots were residential. Is a full SWPPP required or will the existing sediment and erosion plan suffice? Will need to discuss with the Town Engineer. Highway Department curb cut was received and Health Department approval was received. Do we need to consider the requirements of the Gateway Overlay as it is not seen from the Route 32 corridor? There will be bumpers in front of the parking spaces. Signe proposal to draft to be included in the next site plan. Beltrani-will vehicles be stored in parking spaces, # required are provided. Storage of vehicles in those spaces should be discussed. The Gateway Overlay regulations discussed and the screening discussed. This parcel has been subdivided from the larger parcel that was in the Gateway Overlay and this particular parcel is over 200' from the centerline of Route 32, outside of the Gateway Overlay radius. Beltrani-agree with that opinion. Post-should we get an opinion from the Building Inspector regarding whether this new parcel would be in the Gateway Overlay? Board vote: Tiano=yes, Brady=yes, Hlavaty=yes, Bouren=yes, Creen=yes, Post=yes. Rothe-would like to schedule the public hearing for next month.

A motion was made by Post, seconded by Tiano, to declare this an Unlisted Action under SEQR and schedule the public hearing for the May meeting. Board vote: Tiano-Aye, Brady-Aye, Hlavaty-Aye, Bouren-Aye, Creen-Aye, Post-Aye. Motion carried.

3. Lot Line Revision, Thomas & Theresa Hoffman/Robert & Linda Grier, 604 & 608 Route 212. Presented by Dan McCarthy, Praetorius & Conrad, P.C. The applicant is proposing to acquire extra land for a septic plus exciting septic. Building a house so needs the extra land to meet setbacks. 40' movement of the property line.

All setbacks have been met, there is a pre-existing condition on the Grier house that is not changing. Shed with a concrete pad remains with the Grier property. There will be a deed amendment to address that agreement. Beltrani-meets all considerations, the board can move to waive sketch plan requirements and public hearing.

A motion was made by Post, seconded by Hlavaty, to declare this a Type II Action under SEQR, waive sketch plan requirement, waive the public hearing and approve the lot line revision. Board vote: Tiano-Aye, Brady-Aye, Hlavaty-Aye, Bouren-Aye, Creen-Aye, Post-Aye. Motion carried.

ADDITIONAL ITEMS

1. Local Law Amendment to Industrial and business Uses - Draft. Beltrani-nothing has changed since the last draft. No change to cell tower regulations. Included cannabis in original but is not permitted now as the Town Board voted against it, removed from the schedule. I & OLI district language is more discretionary to the Planning Board. Discussion front eh Comprehensive Plans increased the height from 40' to 60'. Expanded EAF completed and the public hearing is tomorrow night. Board comments: Tiano-the Fire Departments in the area can not provide services to a 60' high building. Bouren-no comments. Hlavaty-no comments. Bouren- no comments. Creen-no comments. Post-no comments.

ADJOURNMENT

Since there was no further business to discuss, a motion was made by Tiano, seconded by Brady, to adjourn the meeting. Board vote: Hlavaty-Aye, Brady-Aye, Tiano-Aye, Bouren-Aye, Creen-Aye, Post-Aye. Motion carried. The meeting was closed at 10:39 pm.

Respectfully Submitted by,

Becky Bertorelli
Planning Board Secretary