



PLANNING BOARD MINUTES

Virtual

December 21, 2021

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

Present: C. Howard Post (Chair), Carole Furman (Vice-Chair), Mike Tiano, Robert Hlavaty, Kevin Brady, Ken Goldberg and Len Bouren

Also Present: Jonathan Midler (NPV, Town Planning Firm), Max Stach (NPV, Town Planning Firm)

Absent: William Creen (Alternate)

The draft minutes of the November 16, 2021 Planning Board meetings were reviewed. A motion was made by Hlavaty, seconded by Furman, to approve. Board vote: Furman-Aye, Goldberg-Aye, Tiano-Aye, Bouren-Aye, Brady-Aye, Post-Aye, Hlavaty-Aye. Motion carried.

PUBLIC HEARINGS

1. Site Plan/SUP, Rust Free Motors, LLC, 2 Simmons Drive. At the request of the applicant this application was postponed until the January 2022 Planning Board meeting.

2. Site Plan/Lot Line Revision, Glasco Apartments, 260 Glasco Tpke., 2964 & 2966 Route 9W, Rt. 9W, 30 Belknap Ln./off Glasco Tpke. Presented by Tom George, Commercial Street Partners (developer). An updated site plan was submitted. The applicant is proposing a 160-unit apartment complex consisting of 16 buildings with 10 units each. There will be a clubhouse and pool provided for renters. This is proposed as a conventional market rate community. The applicant has had a meeting with the Fire Chief of Glasco Fire Department to discuss Mary's Way and would like to use it for emergency access only to prevent through traffic.

Post opened the public hearing at 7:38pm and asked that each individual that wishes to speak limit their questions to 5 minutes and try not repeat questions previously asked. Public Comments:

- Kevin Jordan, 268 Glasco Turnpike - we have a private easement via the access will that be changed in any way? George-no, the easement will remain, we will use gravel or stone dust until that section is paved.
- Linda Hering, 19 Belknap Lane - Currently there is flooding, how will that be addressed? Will there be a security fence along Belknap Lane? Landscaping? George-we are required to provide a SWPPP which will address all of those concerns regarding runoff. Installation of drainage per SWPPP. Drains installed on the Southeast corner of the project to ensure containment of runoff on site. Catch basins to be installed. No security fence is proposed, there will be a landscaping buffer. Sudol (Civil Engineer for applicant/Passero Associates) - currently there is a gravel parking lot that drains into that area, will be replacing that with green space and the collection basin as explained. Hering-any removal of trees? George-if they are on our parcel they may be removed.
- Mark Perpetua, 294 Glasco Turnpike - my property is labeled as "The Birches" on the site plan map. There is a building that overlaps the property line, can we work out something to eliminate this encroachment? It overlaps into the sewer easement so it is not an area that you would be developing

- anyway. Sudol-sure we can propose a minor lot line adjustment to eliminate that encroachment. Will make the change to the site plan to demonstrate that it is your property.
- Maurice Hodder, 20 Trinity Court - submitted a letter of concerns and comments prior to the meeting, would anyone be able to address those? George-regarding why the only access point proposed is parallel to Trinity Court and out to 9W is because 9W was designed for the traffic turns proposed by the new development. The turns onto Route 32 and Route 9W, using Mary's Way, had much longer wait times. It was safer with access to enter and exit from 9W. Crosswalks and bus stops have been proposed, the bus will enter and circle the development before exiting onto Route 9W. There will be a temporary entrance off Glasco Turnpike for construction vehicles. Hodder-I have an existing 50' ROW from a previously approved subdivision, how can it legally be abandoned? There is a light pole and tree in the proposed turn around. George-will take a look at the 50' ROW question further and see how to resolve it. Sudol-the proposed turnaround was a drafting error, will be moving.
 - Kathy Pallandino, 276 Glasco Turnpike - bordering owner, will the tree line remain? Will there be additional landscaping to ensure our privacy remains in our backyard? Many of the trees are dead, there is a lot of poison ivy and poison oak. Can we see landscaping plans? George-further details will be provided for landscaping, and will try not to touch the tree buffer.
 - Ron Deak, 12/14/16 Trinity Court - concerned with drainage issues. Prior to the installation of "The Birches" being built there was never a water issue in the basements of my buildings. However, now we have that issue. Hoping the proposed development does not make this issue worse. The new proposed entrance/exit brings the road within our property lines? Current ROW does not encroach but what is being proposed will. If you were to move Building #1 to the north and in turn move the proposed ROW to the north that will probably resolve the problem. There is a tree proposed to be planted in my parking lot on the proposed site plan. George-all the issues are solvable. We are looking at moving the two buildings and shifting 10'-20' to the north so that there is no encroachment on property lines. Deak-why not use two access points? It is dangerous to enter and exit from this access on Route 9W. Use both the available access point on Route 9W and Glasco Turnpike. Why would a secondary access not be used? Five of my six tenants have small children and there is concern for their safety during construction with the large vehicles entering and exiting from Route 9W. Using the existing entrance from Glasco Turnpike where the barn for construction vehicles would be better. Will the internal roads of the development be Town or Private? George-the roads will be private and maintained by the development. Sudol-we would like to address these concerns and could meet with the individuals in the field, at the site, to discuss the drainage, stormwater, sewer system, construction, moving of buildings, etc. We will be using the access from Glasco Turnpike for construction vehicles. The clubhouse and Building #1 will be built first and the rest will follow from there. The reasoning to not use the second entrance from Mary's Way is to eliminate cut through traffic and discourage additional vehicles from entering the development. The secondary will be used for emergency purposes only. Deak-any extension of existing water system, currently it is an 8" cast iron pipe, that I had to install at my own expense, water main with fire hydrant to service water to the buildings. Does your project propose to use that? Sudol-no we will have a separate connection. George-we plan on being on site the first week of January if anyone would like to meet us at the site to discuss their concerns.
 - Linda Hering-movement of Building #1 and water issues. Sudol-the issue is noted that there is a low spot with no relief on the other side of Belknap. We are working to get that out of there with our plan with a drain to provide relief to that low spot parallel to our property.
 - Hodder-estimated duration of construction? Will there be dumpsters? Mail delivery? George-anticipate a 12-month build from start to finish. There will be individual mailboxes at each building and garbage will be the responsibility of the renter to hire a disposal company.
 - Tony Tsung, 227 Glasco Turnpike - will construction vehicles be going through Mary's Way? How will this development affect the surrounding property values? George-no. The plan is to not use Mary's Way except for emergency access. The site of the proposed development is a pretty flat site and there will not be a lot of earth moving. Post-that is not something that the Planning Board has the authority to take into

consideration. Sudol-even though that is not the concern of the Planning Board we would like to answer that by stating that it is proven that improvements, such as the proposed development, do increase property values.

- Elissa Nanna, 608 Commons Lane - would like to view the plans, how will the buildings affect our views, will these be monthly rentals or AirBnB type rentals? George-additional landscaping will be provided and the buffer will be maintained. The apartments are proposed to be market rate rental apartments, we have restrictions under management that they can not be used like an AirBnB. Nanna-density change? George-the final plan shows density, accurately represented.
- Deak-who is the actual owner of the development? George-Commercial Street Partners.
- Peg Nau, 272 Glasco Turnpike - will this development offer affordable housing? George-no, it is our management protocol, we do not intend to operate in that way.

Post-at this point we will poll the Board to keep the public hearing open until the January meeting:

Goldberg-yes, until the Planner's list has been addressed, there are a number of errors on the site plan that need to be addressed and other items as well. Hlavaty-no objection, Brady-no objection, Bouren-no objection, Goldberg-open, Furman-open, Post-open. The public hearing will be held open.

3. Minor Subdivision, Douglas & Joyce Brayton, 1066 Main Street (Malden). Presented by Dan McCarthy, *Praetorius & Conrad, P.C.* The applicant proposes to split a .8-acre parcel into two. Parcel 1 will have the existing house and Parcel 2 will consist of an existing garage w/rear deck, in which the applicant will be creating a living space in the rear for residential use. Both parcels have existing access, Parcel 1 from Main Street and Parcel 2 from Mueller Lane. The applicants' intent is to sell the house and live in the created living space in the garage on Parcel 2. Garage on Mueller Lane meets all zoning and area requirements. Public sewer and water on both. There is an existing well on Parcel 1.

Post opened the public hearing at 8:36 p.m. There were no comments or questions presented.

A motion was made by Furman, seconded by Hlavaty, to approve a negative declaration under SEQR. Board vote: Hlavaty-Aye, Bouren-Aye, Brady-Aye, Tiano-Aye, Goldberg-Aye, Furman-Aye, Post-Aye. Motion carried. A motion was made by Furman, seconded by Tiano, to close the public hearing. Board vote: Hlavaty-Aye, Bouren-Aye, Brady-Aye, Tiano-Aye, Goldberg-Aye, Furman-Aye, Post-Aye. Motion carried. The public hearing was closed at 8:37 p.m.

Stach-details need to be clarified regarding the existing garage and the use after subdivision. It will not be an accessory anymore to the SFR, that will be separated from it. Interpretation from the Building Inspector. Existing home has stairs and a wood fence that encroaches on the neighboring property. McCarthy-the neighbor's (O'Leary) are aware of the encroachment and are ok with it. Stach-is the garage a residential garage? The Board could request topography if they thought it was necessary or make their decision based on the Board's knowledge of the area. McCarthy-yes, stored materials. The proposed lot line is being used to follow the topography and makes the most sense. Post-Board questions? Hlavaty-no additional comments/questions. Brady-no, Bouren-no, Goldberg-corrections to sketch to address the Planner's comments are required. Something needs to be done with encroachment, how does this get handled? Post-a letter on file and a note on the map for the agreement. Tiano-will the owner's be renting out the garage as an Airbnb when they are not in the area? McCarthy-Parcel 1 will have a new owner. The owner's did not suggest that was their intention. Furman-no questions/comments.

A motion was made by Furman, seconded by Brady, to conditionally approve the subdivision with the addition of a letter of agreement on file for the encroachments along with a note on the map addressing it. Board vote: Hlavaty-Aye, Brady-Aye, Bouren-Aye, Tiano-Aye, Goldberg-Aye with usual conditions, Furman-Aye, Post-Aye. Motion carried.

OLD BUSINESS

1. Major Subdivision, Abe & Nicole Friedman, 159 Band Camp Road. Presented by Donald Brewer, surveyor. The applicant is proposing a 3-lot subdivision. Lot 1 will contain an existing home and the remaining lots are vacant. Awaiting DOH approval for Lot 3. The setbacks will be shown, the zoning chart updated and lines of disturbance added to the map. Stach-there is a steep slope, topo lines would be helpful. Flood Zone boundaries should be shown along with the limits of disturbance. Brewer-ledge is along the property line and does not affect the buildable areas. Post-poll the Board to see if topography is necessary. Hlavaty-yes, Brady-yes, Bouren-yes, Tiano-yes, Goldberg-yes, Furman-yes. The Board will require topography be shown. Brewer-as far as wetlands, none are shown on the State or Federal maps. Post-poll the Board to see if wetland delineation was necessary. Hlavaty-yes, Brady-yes, Bouren-rely on the State database and if they do not have any then that should be sufficient, Goldberg-get a listing of the search that was used. Post-we only usually have the applicant do a delineation of wetlands if they are found on the State or Federal maps. Furman-a note that wetlands were not found could just be added to the map. Brewer-flood certs for each of the lots will also be provided with building elevation requirements. Stach-the bridge over the stream, which is a Class C(T) stream, will require a permit from the DEC. There is a flag proposed for Lot 2, which will require a width and turning radius for emergency access. Brewer-will send permit application to the DEC for the bridge. There is a 50' wide ROW, which will show driveway accessibility for emergency access, 18' wide driveway proposed. Stach-revise the EAF Part #1 as necessary. A public hearing is required. SEQR will be needed before closing of the public hearing, and will require engineer DEC approval. Should send to DEC for comment, SHPO for comment if CRIS shows up archeological. Will require UCDH approvals for well/septic. UCPB referral not required.

A motion was made by Bouren, seconded by Brady, to set the public hearing for the January 2022 meeting. Board vote: Hlavaty-Aye, Brady-Aye, Bouren-Aye, Tiano-Aye, send a copy of the driveway to the FD for comment, Goldberg-Aye, Furman-Aye, Post-Aye. Motion carried. A motion was made by Goldberg, seconded by Furman, to declare an Unlisted Action under SEQR. Board vote: Hlavaty-Aye, Brady-Aye, Bouren-Aye, Tiano-Aye, Goldberg-Aye, Furman-Aye, Post-Aye. Motion carried. Post-concerns regarding approval of a negative declaration: Hlavaty-no, Brady-no, Bouren-no, Tiano-no, Goldberg-no, Furman-no. A motion was made by Hlavaty, seconded by Goldberg, to approve a negative declaration under SEQR. Board vote: Hlavaty-Aye, Brady-Aye, Bouren-Aye, Tiano-Aye, Goldberg-Aye, Furman-Aye, Post-Aye. Motion carried.

2. Minor Subdivision, Patricia A. Williams/Fred DiVito, 187 Charles Smith Road/350 Wilhelm Road. Presented by Goerge Williams, *Praetorius & Conrad, P.C.* Upon review by the Planning Board attorney, George Redder, it was determined that this application is actually for a minor subdivision and not a lot line revision as presented at the last meeting. Since the applicant is proposing to create a new tax lot within the Town of Saugerties it will require that a minor subdivision be approved. There is no development proposed on the land that DiVito will be acquiring from Williams. There will be no change of usage or increase in traffic flow of Wilhelm Road. Stach-the revised application needs to be submitted. Filings will be required in Green and Ulster County, when completed. The topography has been waived. This will be an uncoordinated review, Saugerties Planning Board can declare Lead Agency. A map note to be added that if a building permit is sought on the property located in Saugerties that the owner will have to return to the Planning Board. Who is responsible for Wilhelm Road maintenance? Williams-will check with the applicant and the highway department for that.

A motion was made by Brady, seconded by Hlavaty, to declare this an Unlisted Action under SEQR and declare Lead Agency. Board vote: Hlavaty-Aye, Brady-Aye, Bouren-Aye, Tiano-Aye, Goldberg-Aye, Furman-Aye, Post-Aye. Motion carried. A motion was made by Furman, seconded by Tiano, to approve a negative declaration under SEQR. Board vote: Hlavaty-Aye, Brady-Aye, Bouren-Aye, Tiano-Aye, Goldberg-Aye, Furman-Aye, Post-Aye. Motion carried. A motion was made by Furman, seconded by Hlavaty, to set the public hearing for the January 2022 Planning Board meeting. Board vote: Hlavaty-Aye, Brady-Aye, Bouren-Aye, Tiano-Aye, Goldberg-Aye, Furman-Aye, Post-Aye. Motion carried. Post-does anyone have any further questions? None.

3. Minor Subdivision/Lot Line Revision/Site Plan/SUP, Arthur Green/Sinsapaugh LLC, 1033 Kings Highway/21 Sinsapaugh Lane. Presented by Matt Mason (architect) and Arthur Green (owner/applicant). The application is in receipt of the Town Planner's memo and is inquiring about only pursuing the subdivision aspect of the project at this time. How do they go about doing that? What are the repercussions? Stach-once the application like this has been withdrawn and part of it is resubmitted for review a valid reason as to why you are separating out sections of the project needs to be received and evaluated. Post-the current application would have to be withdrawn, with a formal withdrawal request in writing, and a new subdivision application would have to be submitted. Stach-withdraw the entire application and submit the subdivision separately but there needs to be a description as to why you are only moving forward with the subdivision and not the site plan at this time.

PRE-HEARING CONFERENCE

1. Lot Line Revision, April & Randy Richers/John & Deborah Zelber, 9 Nelson Hopf Road/21 Zelber Creek Road/High Falls Road. Presented by Bruce Utter, *Praetorius & Conrad, P.C.* The applicant is proposing to divide one parcel in half and combine with the two adjacent parcels. Starting with three parcels and ending with two parcels. Post-exceeds minimum lot requirements. Questions: Hlavaty-no, Tiano-no, Bouren-no, Brady-no, Goldberg-no, Furman-no. A motion was made by Goldberg, seconded by Furman, to declare this a Type II Action under SEQR. Board Vote: Hlavaty-Aye, Brady-Aye, Bouren-Aye, Tiano-Aye, Goldberg-Aye, Furman-Aye, Post-Aye. Motion carried. A motion was made by Tiano, seconded by Furman, to waive sketch plan approval, waive a public hearing and approve the lot line revision as submitted. Board vote: Hlavaty-Aye, Brady-Aye, Bouren-Aye, Tiano-Aye, Goldberg-Aye, Furman-Aye, Post-Aye. Motion carried.

2. Lot Line Revision, David Holloway, 41 Rivka Road/Rivka Road. No one was present.

ADDITIONAL ITEMS

1. Site Plan, A. Montano, Route 32. The applicant has requested a 6-month extension to complete the SWPPP review. Post-any concerns? None. A motion was made by Furma, seconded by Hlavaty, to approve a 6-month extension on final map submission. Board vote: Hlavaty-Aye, Brady-Aye, Bouren-Aye, Tiano-Aye, Goldberg-Aye, Furman-Aye, Post-Aye. Motion carried.

2. Minor Subdivision, Bernice O'Connor, Railroad Ave. The applicant has requested a 6-month extension for final submission of maps. Post-any concerns? None. A motion was made by Goldberg, seconded by Furman, to approve a 6-month extension for final subdivision map submission. Board vote: Hlavaty-aye, Brady-Aye, Bouren-Aye, Goldberg-Aye, Tiano-Aye, Furman-Aye, Post-Aye. Motion carried.

ADJOURNMENT

Since there was no further business to discuss, a motion was made by Furman, seconded by Tiano, to adjourn the meeting. Board vote: Furman-Aye, Goldberg-Aye, Tiano-Aye, Bouren-Aye, Brady-Aye, Post-Aye, Hlavaty-aye. Motion carried. The meeting was closed at 9:47 pm.

Respectfully Submitted by,

Becky Bertorelli
Planning Board Secretary