



PLANNING BOARD MINUTES September 19, 2023

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

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

Absent: Kevin Brady

Also Present: Max Stach (Town Planner, NPV)

The draft minutes of the August 15, 2023 Planning Board meeting were reviewed. A motion was made by Furman, seconded by Hlavaty to approve. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Kiniry-Aye, Hlavaty-Aye. Motion carried.

PUBLIC HEARINGS

1. Minor Subdivision, Mary Spinac, 164 Fawn Road. Post recused himself and Furman sat as Chair for this application review and public hearing. Presented by Tom Conrad, Praetorius & Conrad, P.C. The applicant is proposing a two-lot subdivision on a 19.8 acre parcel. Lot #1 will be 5 acres with an existing house. Lot #2 will be the remaining land, which is currently vacant.

Furman opened the public hearing at 7:35 pm. No one was present from the public for this hearing. Stach-this is an Unlisted Action under SEQR, a Negative Declaration is required prior to the closing of the public hearing. A motion was made by Tiano, seconded by Riozzi, to adopt a Negative Declaration under SEQR. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Hlavaty-Aye, Riozzi-Aye, Kiniry-Aye. Motion Carried. A motion was made by Kiniry, seconded by Hlavaty, to close the public hearing. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Hlavaty-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried. The public hearing was closed at 7:37pm.

The Board had no further questions. A motion was made by Riozzi, seconded by Tiano, to approve the 2-lot Minor Subdivision. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Hlavaty-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried.

2. Site Plan/ SUP, Jennifer Leroy/ Solar Generation, 280 Malden Tpke. Post rejoined the Planning Board as Chair. Presented by Brendan Boland, Solar Generation. The applicant is proposing to install a Community Solar ground mounted solar array on property located at 280 Malden Turnpike. The Building Inspector did not see an issue with having a second Special Use Permit on one parcel.

Post opened the public hearing at 7:38pm. No one was present from the public for this hearing. A motion was made by Tiano, seconded by Kiniry, to close the public hearing. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Hlavaty-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried. The public hearing was closed at 7:40pm.

Stach-the Planning Board can approve the application with a condition that the Flood Administrator review the project to ensure that the proposed array is outside the 100 year floodplain. A motion was made by Tiano,

seconded by Kiniry, to adopt a Negative Declaration under SEQR, approve the site plan and SUP with the condition that the Flood Administrator review and confirm that the proposed array is outside the 100 year floodplain. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Hlavaty-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried.

3. Site Plan/ SUP, Fehr Brothers/ Solar Generation, 895 Kings Highway. Presented by Brendan Boland, Solar Generation. The applicant is looking to install an additional 1.53MW ground mounted solar project on the Fehr Brother's property located at 895 Kings Highway. This project will be known as "Bronze Age".

Post opened the public hearing at 7:44pm. No one from the public was present for this hearing. A motion was made by Furman, seconded by Tiano, to close the public hearing. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Hlavaty-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried. The public hearing was closed at 7:45pm.

Stach-all issues have been addressed by the applicant. Our firm had proposed a section of the parcel that is less wooded but the applicant has expressed that the owner would like to keep that area clear for future use.

A motion was made by Riozzi, seconded by Tiano, to approve the site plan and SUP. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Hlavaty-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried.

4. Minor Subdivision, John P. Mullen Jr., 176 Cole Bank Road. Presented by Joe Mihm, owner's engineer. The applicant is proposing a two lot subdivision on property located at 176 Cole Bank Road. Each lot will be approximately 4 acres. Parcel A, proposed, contains an existing house. Parcel B, proposed, is vacant with the possibility of building in the future.

Post opened the public hearing at 7:48pm. No one from the public was present for the hearing. A motion was made by Hlavaty, seconded by Riozzi, to close the public hearing. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Hlavaty-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried. The public hearing was closed at 7:52pm.

Stach-the ROW that travels across the western parcel which was in question has been addressed by the applicant. The applicant has advised that the ROW is not an accessible road and will not be used as such. A note should be made to indicate that. The deed to the adjacent parcel to the northwest shows that the boundary line is within the parcel the applicant is looking to subdivide. The Planning Board has contacted their attorney and received comment back suggesting that the applicant do one of the following:

- Quit Claim for the overlapping acreage
- Article 15 Proceeding
- Request a variance for the acreage to ensure that the parcel can meet bulk requirements

A motion was made by Hlavaty, seconded Kiniry, to approve the minor subdivision with the condition that the applicant complete one of the three recommendations given by the Town Planning Board attorney to rectify the section of the parcel that is deeded to two parcels. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Hlavaty-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried.

OLD BUSINESS

1. Site Plan, The Villa Residences, 49 Spaulding Lane. A representative was not present for the applicant. Stach-wanted to update the Planning Board, a SEQR addendum was received from the applicant. As a result of the public hearing held by the Town Board, it has been brought to the applicant's attention that there is a residential facility for individuals with disabilities adjacent to the proposed project site. The Planning Board should look how the noise and air impacts will affect the neighboring facility. EAF Part I did not indicate that the facility was considered in the SEQR review. Blasting was indicated in the original EAF and specific impacts on that sensitive population should be reviewed. The applicant has since advised that no blasting will occur on

site. Consider the noise and air quality effects on the sensitive population. This will need to be expanded upon in the EAF. May cause the Planning Board to identify a large impact where one was not. All involved agencies will require to be notified to let them know. Will create a letter to distribute.

A motion was made by Tiano, seconded by Riozzi, to distribute the new information to all involved agencies. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Hlavaty-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried.

2. Site Plan, UC Habitat for Humanity, Jeffrey Court. A representative was not present for the applicant. The Board just needs to refer this application to the Ulster County Planning Board (UCPB) for review. A motion was made by Tiano, seconded by Hlavaty, to refer to the UCPB. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Hlavaty-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried.

PRE-HEARING CONFERENCE

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). The applicant is looking to subdivide so that each SFR is on its own parcel. The proposed parcel to the southwest contains the owner's SFR, where they reside. The parcel to the north contains a smaller modular cabin that is rented. The applicant is looking to subdivide that off and sell to the current tenant. Stach-the existing non-conformities are not affected by the proposed subdivision. Referral to the UCPB is not required, this is an Unlisted Action under SEQR.

A motion was made by Tiano, seconded by Riozzi, to approve a Negative Declaration under SEQR and set the public hearing for the October 17, 2023 Planning Board meeting. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Hlavaty-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. Furman-is the mobile home located within a flood zone? Denniston-according the the FEMA map most of the septic and dwelling of that proposed parcel are not located within the flood zone. There are wetlands onsite, which are shown and flagged. Stach-this application will require referral to the UCPB because the entrance to the lot is within the 100-year flood zone.

A motion was made by Tiano, seconded by Kiniry, to refer the application to the UCPB and approve a negative declaration under SEQR. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Hlavaty-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried. A motion was made by Tiano, seconded by Riozzi, to set the public hearing for the October 17, 2023 Planning Board meeting. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Hlavaty-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried.

3. Lot Line Revision, Scott Kolb/Lewis Trust, 21/25 Oakledge Park. Presented by Tom Conrad, Praetorius & Conrad, P.C. The applicant is looking to sell a section of his parcel located on the west side of Oakledge Park to an adjacent neighbor (Lewis Trust). There is an existing garage, accessory structure, on that parcel of the applicant's. Stach-the applicant should remove the parcel located on the east side of Oakledge Park from the map as it is not involved in this proposed lot line. The applicant will also have to provide a survey of the entire parcel, to the west and east of Oakledge Park, for the adjacent parcel that will be gaining the land. The parcels are undersized but were in existence when the code was adopted. Will require an area variance for Lot A (Kolb), as the applicant is proposing to increase the non-conformities, such as area, lot width and side yard for the existing garage.

A motion was made by Tiano, seconded by Riozzi, to refer to the Zoning Board of Appeals. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Hlavaty-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried.

ADDITIONAL ITEMS

1. Minor Subdivision, PWO148 Holding, Inc., 180-184 Blue Mountain Road, 6-month Extension. The applicant has submitted a request, via email, for an additional 6-month extension to complete the Road Maintenance Agreement which is a condition of approval. A motion was made by Tiano, seconded by Hlavaty, to approve an additional 6-month extension. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Hlavaty-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried.

2. Minor Subdivision, William & Michele Haines, 12 Michele Blvd., 18-month Extension. The applicant has submitted a letter requesting an 18-month extension. A motion was made by Tiano, seconded by Riozzi, to approve an 18-month extension as requested. Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Hlavaty-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried.

ADJOURNMENT

Since there was no further business to discuss, a motion was made by Tiano, seconded by Hlavaty, to adjourn the meeting. Board vote: Board vote: Furman-Aye, Tiano-Aye, Post-Aye, Hlavaty-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried. The meeting was closed at 8:38 pm.

Respectfully Submitted by,

Becky Bertorelli
Planning Board Secretary