



PLANNING BOARD MINUTES February 20, 2024

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

Present: C. Howard Post (Chair), Mike Tiano, Bob Hlavaty, Kevin Brady and Gina Kiniry

Also Present: Max Stach (Town Planner, NPV)

Absent: Carole Furman (Vice-Chair) and Al Riozzi

The draft minutes of the January 16, 2024 Planning Board meeting were reviewed. A motion was made by Tiano, seconded by Kiniry, to approve as written. Board vote: Tiano-Aye, Hlavaty-Aye, Kiniry-Aye, Brady-Aye, Post-Aye. Motion carried.

PUBLIC HEARINGS

1. Minor Subdivision, Janet Marazita, 236 Dutchtown Road. Presented by the owner Janet Marazita. The applicant is looking to do a minor subdivision. One parcel will contain the existing house and consist of 15.8 acres and the second parcel will be wooded and consist of 10.8 acres.

Post this public hearing was opened and closed in January but the Town paper, Hudson Valley One, neglected to run the legal ad that was submitted as notification of that public hearing. The Board will re-opened the public hearing tonight because the paper did run the legal ad for this meeting so proper notice has been given.

Post re-opened the public hearing at 7:34pm. No one from the public was present. A motion was made by Tiano, seconded by Brady, to close the public hearing. Board vote: Tiano-Aye, Hlavaty-Aye, Kiniry-Aye, Brady-Aye, Post-Aye. Motion carried. The public hearing was closed at 7:35pm.

No further comments. A motion was made by Tiano, seconded by Hlavaty, to re-approve the minor subdivision as proposed. Board vote: Tiano-Aye, Hlavaty-Aye, Kiniry-Aye, Brady-Aye, Post-Aye. Motion carried.

OLD BUSINESS

1. Site Plan, The Villa Residences, 49 Spaulding Lane. No one from the applicant's team was present. Stach-the reason this applicant is on the agenda for this evening is that the Planning Board has received new information from the Town's Historic Preservation Committee (HPC) regarding the stone house, known as "The Van Leuven House", located on the parcel. It has been noted to be an important resource that needs to be preserved. The question that the Planning Board needs to have answered is whether this structure is designated by the Town as a landmark. Upon reviewing the list that has been provided by the Building Department, it is not listed. NPV has reached out to the Chairman of the HPC to request documentation if it is supposed to be incorporated in that list. If it is designated as a landmark the HPC will take the lead on that review. At this point we need confirmation from the HPC Chairman of HPC designation. The Planning Board has requested that the Town Board place further review of the zoning change on hold until this can be resolved and the Planning Board has a better understanding of how to proceed, regarding SEQR. There was a question regarding the existing cemetery, also located on this site. The Planning Board did already include this in their previous review of SEQR. The Applicant did do a Phase 1A Archaeological Study. As a result of that study, the applicant has

confirmed that they will be exceeding the requirements received from NYSHPO in order to preserve graves that may be located on site. The applicant will be seeking funding from NYS and in doing so will have to work very closely with requirements as such. If required the applicant will have to do additional historic preservation work as NYSHPO sees fit.

Post-the Planning Board, nor the Town Board, can move forward with the application's review until the HPC Chairman responds with the requested information.

PRE-HEARING CONFERENCE

1. Minor (2-Lot) Subdivision, Doug & Susan Myer, 18 Warren Myer Road. Presented by Dan McCarthy, Praetorius & Conrad, P.C. The applicant is looking to subdivide a 29 acre parcel located on the southeast side of Warren Myer Road into two lots. Parcel 1 will be 17.5 acres and contain the existing single-family home and accessory structures. Parcel 2 will be 11.5 acres and contain the existing large scale solar facility. The proposed lot line runs along the existing fence line around the solar arrays. The solar facility has around 20 years left on their lease with the applicant and when that is done the land will be returned to empty land as required by the decommissioning agreement.

Stach-large scale solar energy facilities have a specific list of items that are conditions of the approval for a Special Use Permit. Due to the time in which the solar facility was approved it may be that those conditions were not required. However, the Planning Board does have to consider those requirements when reviewing the proposed subdivision. Two items that are in question are the percentage of the parcel that is covered by the solar array and the setback requirements to the fence. The facility can not exceed 70% coverage. McCarthy-the way the subdivision is proposed the coverage is at 59%. Stach-it does not look that the fence line meets the 25' setback requirement consistently along Warren Myer Road. McCarthy-this is a requirement that the applicant would like the Planning Board to consider waiving. The applicant owns that land and the solar farm will not be there forever. That setback is only a requirement as long as that large scale solar facility is operational. Stach-would like to ensure that the Planning Board is allowed to waive that requirement and if not the applicant can seek an area variance from the Zoning Board of Appeals. Post-we will ask the Planning Board Attorney if we have the ability to waive that requirement. Stach-there is a trailer located within the setback of Parcel 1, which will have to be moved or an area variance will be required from the Zoning Board of Appeals. This is an Unlisted Action under SEQR and NPV has prepared a Part II with a Negative Declaration for the board's review. A public hearing is required but an Ulster County Planning Board (UCPB) referral is not required.

A motion was made by Tiano, seconded by Kiniry; to declare Lead Agency, declare this an Unlisted Action under SEQR, approve the Part II and negative declaration as prepared by the Town Planner and set the Public Hearing for the March 19, 2024 monthly meeting. Board vote: Tiano-Aye, Hlavaty-Aye, Brady-Aye, Kiniry-Aye, Post-Aye. Motion Carried.

2. Minor (2-Lot) Subdivision, Church Rd Bend LLC, Church Road. Presented by Dan McCarthy for Khattar Elmassalemah, Praetorius & Conrad, P.C. The applicant is proposing a two lot minor subdivision on an undeveloped 10.856 acre parcel. Lot 1 will consist of 5.7-acres and Lot 2 will consist of 5.15 acres. Both proposed lots will have direct access to Church Road.

Stach-the only concern is that there looks to be a low spot in the middle of proposed Lot 2 that may propose wet conditions. However, this spot is not listed on the National Wetland Inventory. There is a section in the southeast corner of proposed Lot 2 that is within the Federal Wetland. This area has been updated on the subdivision map as requested. NPV would suggest that the applicant have a certified wetlands specialist delineate any on-site wetlands. Post-very familiar with this parcel and although the Planning Board does appreciate the suggestion it does not seem necessary for this particular parcel. The Board agreed. Stach-this is an Unlisted Action and NPV has prepared a Part II and Negative Declaration for the Board's review. UCPB referral is not required. A public hearing is required.

A motion was made by Hlavaty, seconded by Brady; to declare Lead Agency, declare this an Unlisted Action under SEQ, approve the Part II and negative declaration as prepared by the Town Planner and set the Public Hearing for the March 19, 2024 monthly meeting. Board vote: Tiano-Aye, Hlavaty-Aye, Brady-Aye, Kiniry-Aye, Post-Aye. Motion Carried.

3. Site Plan/SUP (Dog Boarding Facility), Jane Ortlieb, 1922 Old Kings Highway. Presented by the applicant and business owners, Jane & Trevor Ortlieb. The applicant is looking to open a dog boarding facility consisting of three kennels for overnight accommodations. The kennels consist of an inside and outside enclosed area. A fenced area for the dogs to exercise is also proposed.

Stach-this is a Type II Action under SEQ. This will require referral to the UCPB, it is located within 500' of a County Road. A public hearing is required for the SUP. The only concern is the location of the fence in relation to the required front yard setback. Trevor-we have moved the fence line and will get the site plan updated to reflect that the closed corner of the fence will be 53' from the property line.

A motion was made by Brady, seconded by Tiano, to refer to UCPB. Board vote: Tiano-Aye, Hlavaty-Aye, Brady-Aye, Kiniry-Aye, Post-Aye. Motion Carried. A motion was made by Tiano, seconded by Kiniry, to set the public hearing for the March 19, 2024 monthly meeting. Board vote: Tiano-Aye, Hlavaty-Aye, Brady-Aye, Kiniry-Aye, Post-Aye. Motion Carried.

ADDITIONAL ITEMS

None

ADJOURNMENT

Since there was no further business to discuss, a motion was made by Tiano, seconded by Hlavaty, to adjourn the meeting. Board vote: Post-Aye, Tiano-Aye, Hlavaty-Aye, Brady-Aye, Kiniry-Aye. Motion carried. The meeting was closed at 8:26 pm.

Respectfully Submitted by,

Becky Bertorelli
Planning Board Secretary