



PLANNING BOARD MINUTES March 19, 2024

C. Howard Post, Chair, opened the meeting at 7:34 p.m. Pledge

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

Also Present: Max Stach (Town Planner, NPV)

The draft minutes of the February 20, 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 (2-Lot), Douglas & Susan Myer, 18 Warren Myer Road. Presented by Dan McCarthy, Praetorius & Conrad, P.C. The applicant proposes a 2-lot minor subdivision. The proposed lot line between the two parcels runs along the existing solar farm fence. The zoning law requires a 25' setback from that fence line and the property line. Post-the Planning Board can not waive certain requirements of a special use permit but the side yard setback is not one of them. The applicant will require an area variance from the Zoning Board of Appeals.

Post opened the public hearing at 7:36 pm. There were no public comments.

A motion was made by Hlavaty, seconded by Kiniry, to approve the negative declaration as prepared by the Town Planner. A motion was made by Furman, seconded by Tiano, to refer to the Zoning Board of Appeals for the 25' side yard area variance required to approve the proposed subdivision line between the two parcels to be created. Board Vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried. A motion was made by Brady, seconded by Tiano, to adjourn the public hearing until the May 21, 2024 meeting, giving the Zoning Board of Appeals time to review and make a decision.

2. Minor Subdivision (2-Lot), Church Rd Bend LLC, Church Road. Presented by Bruce Utter on behalf of Khattar Elmassalemah, Praetorius & Conrad, P.C. The applicant is proposing a two lot subdivision of a 10.8+/- acre parcel into one parcel that is 5.7 acres and one that is 5.15 acres. The applicant is proposing to use an existing stone wall for boundaries. Proposed well and septic locations shown.

Post opened the public hearing at 7:42 pm. There were no public comments.

A motion was made by Tiano, seconded by Riozzi, to approve the negative declaration as prepared by the Town Planner. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried. A motion was made by Hlavaty, seconded by Furman, to close the public hearing. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried. The public hearing was closed at 7:42 pm. A motion was made by Tiano, seconded by Hlavaty, to approve the minor subdivision as proposed. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried.

3. Site Plan/SUP (Dog Boarding Facility), Jane Orlieb, 1922 Old Kings Highway. Presented by the applicant and business owners, Jane and Trevor Orlieb. The applicant is looking to install a prefabricated building which will house 3-boarding kennels and an office. The kennels will have both an inside and outside area for the dog's. They are also proposing to install a fenced area for the dogs to exercise.

Post opened the public hearing at 7:43 pm. Public comments:

- Sam Dietrich, 1908 Old Kings Highway-what is the exact location of the kennel? Orlieb-we have moved it from the back parcel to the front parcel where the house is located. It will be in front of the existing house. Dietrich-can they expand off the SUP in the future? Stach-they would have to come back before the Planning Board to do so.

There were no further public comments. A motion was made by Brady, seconded by Furman, to close the public hearing. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried. The public hearing was closed at 7:47 pm.

Stach-it is suggested that the Planning Board may approve the SUP application with the following conditions:

- Verification by the Building Department that the proposed improvements are not proposed over the existing well or wastewater facilities.
- To mitigate noise and ensure that the 70dBA limit is met at the property line, the kennel enclosure shall be constructed of a greater than five-foot high masonry wall or solid vinyl or substantial wooden fence (with tightly abutting or overlapping slats) for that portion of the fence located between the enclosure and Old Kings Highway. Chain link or standard stockade fence with space visible between slats shall not be permitted for this stretch of fence.

A motion was made by Hlavaty, seconded by Kiniry, to approve the Site Plan and SUP with the conditions as suggested by the Town Planner. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried.

OLD BUSINESS

NONE

PRE-HEARING CONFERENCE

1. Lot Line Revision, Rocco Pietrofesa, 1112 Main Street & 20 Bigelow Road. Presented by Tom Conrad, Praetorius & Conrad, P.C. The applicant is looking to move an exciting parking area from the Pietrofesa parcel to the parcel located on 20 Bigelow Road. Stach-there is concern that the section to be transferred be under a separate deed and as such advise the Planning Board that a deed restriction needs to be added approved by the Planning Board attorney that this section of land can only be conveyed with 20 Bigelow Road and not separate ownership. The Board, in most cases, requires metes and bounds for both lots involved in the transfer of land. They do have the right to waive that requirement, which has been done in this case.

A motion was made by Post, seconded by Tiano, to approve the lot line revision with the condition that a deed restriction be imposed on the future ownership of the transferred land to be allocated with 20 Bigelow Road and require approval from the Planning Board attorney. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried.

2. Lot Line Revision, Ryley O'Connor, 55 High Falls Road & 85 High Falls Road. Presented by Bruce Utter, Praetorius & Conrad, P.C. The applicant is proposing to transfer 1.34 acres to the adjacent neighbor, Torok. There is a section of the O'Connor parcel that runs behind the Torok parcel and that is the area to be transferred.

Stach-straightforward lot line revision. This is a Type II Action under SEQR and does not require further review.

A motion was made by Kiniry, seconded by Furman, to waive sketch plan approval, waive a public hearing and approve the lot line revision as proposed. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried.

3. Site Plan Amendment, Aden Marion, LLC, 534 Glascso Turnpike. Presented by Bruce Utter, Praetorius & Conrad, P.C. The applicant is looking to amend their current site plan to add a 40' x 80' storage building to allow them to unload train deliveries under cover. The parcel is 11.9 acres. There is an existing conveyor belt located next to the train tracks that will still be used. The ends of the proposed building are open to allow for movement of the product. There are concrete aprons proposed to help the front end loader. The applicant is on the pre-existing business list and a copy of that has been provided.

Stach-the concrete aprons will help for the run-off and provide some protection that is not currently there. Would advise the Planning Board to refer the application to the Town Engineer to ensure that he would not suggest additional mitigation measures, as this is located in the Aquifer Overlay District. What the applicant is proposing is more than what has previously been provided with the current use.

A motion was made by Hlavay, seconded by Riozzi, to refer to the Ulster County Planning Board, as required. and making a note to the Ulster County Planning Board that the Planning Board has referred this application to our Town Engineer for his recommendations. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried.

4. Lot Line Revision, Daniel Starr, Jr. & Amanda Prusa, 36 & 20 Meadow Lane. Presented by Daniel McCarthy, Praetorius & Conrad, P.C. The application is looking to acquire additional acreage from their adjoining neighbor located at 20 Meadow Lane. Eventually the applicant would like to build on that section that is acquired and would be able to make all setbacks required in the zoning district.

Stach-straightforward lot line reviewed and Type II Action under SEQR. A motion was made by Brady, seconded by Hlavaty, to waive sketch plan approval, waive a public hearing and approve the lot line revision. Board vote: Post-Aye, Furman-Aye, Tiano-Aye, Hlavaty-Aye, Brady-Aye, Riozzi-Aye, Kiniry-Aye. Motion carried.

ADDITIONAL ITEMS

1. Update on the Villa Residences. Stach-sat with the chairman of the Historic Preservation Committee, Stephan Yarabek, and determined that the building inside the Villa of St. Joseph is not listed as a landmark. HPC is contesting the information that was provided by the applicant regarding Part III of the EAF, that there are no structures to save. The Planning Board has asked the Town Board to hold until SEQR is reviewed further by the Planning Board. SHPO has reached out to get more information regarding the structure that is in question. The applicant will be coming back to the Planning Board with an updated site plan, as relayed by the applicant. AKRF made a statement to the effect that the stone structure is not intact as a structure inside of the Villa of St. Joseph and that is being argued by the HPC. They are claiming there is a full house inside of that structure. SHPO will be more involved at this point. HPC is looking to amend their regulations. Tiano-just wanted to make a note that there have been 9 or 10 headstones that have been destroyed by fallen trees. Post-the Board would like an opportunity to see the structure that is in question at some point.

2. The Board received a draft copy of the proposed lodging and events zoning change. Post-the Board will need more time to look at this information and provide comments. Will reach out to the Town Board to see when comments need to be received.

ADJOURNMENT

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

The meeting was closed at 8:58 pm.

Respectfully Submitted by,

Becky Bertorelli
Planning Board Secretary