# Town of Catskill Planning Board

Planning Board Meeting

November 28, 2023 6:30 PM

Town Hall 439 Main St. Catskill

**Present:** Chairwoman-Teresa Golden, Vice Chairman- Larry Federman, Bridgett Hernandez, Laurie Sprague –Schmidt William DeLuca, Angelo DiCaprio, Jay Lesenger, Secretary-Patricia Case-Keel.

**Also Present**: Ted Hilscher (Town Attorney), Adam Yagelski (Town Engineer).

Chairwoman Teresa Golden opened the meeting with the Pledge of Allegiance to the flag.

Ms. Golden stated the last planning board meeting for 2023 will be held on December 19,2023. For those applications that require referral to the Greene County Planning Board, their next meeting is scheduled for December 20, 2023. Please note that Greene County requires all referrals with supporting documentation (including full-sized drawings) to be sent 12 days prior to their meeting. Please bear in mind as we are in the winter season, that the Planning Board’s meeting will be automatically canceled if the Town Hall is closed due to inclement weather

As is our practice, I’d like to remind everyone that during our public meetings (including public hearings), the board respectfully asks that all public comment speakers give their name, address, and organization (if any) and limit remarks to 3 minutes if possible ,and keep true to the purpose of the public hearing. Remarks should be addressed to the entire planning board and not to any specific member. Speakers should present their remarks in a courteous manner and observe accepted rules of decorum, dignity and good taste and may not make personal comments unrelated to the public meeting agenda about public officials, town residents, or other members of the public. Speakers who disregard these rules, disturb the peace at a meeting, make impertinent or slanderous remarks, or generally conduct themselves in an inappropriate manner, shall be barred from further participation and will forfeit any balance of time remaining for their comments. Thank you.

 **Opening of Public Hearing at 6:35 PM.**

**Subdivision SUB-22-2022 Vita Foras Bogart Road, Palenville**

Ms. Golden gave a brief overview of this project to date, and then opened the public hearing**.** The Notice of Public Hearing was published in the Daily Mail on November 22, 2023 and November 23, 2023.

 **PLEASE TAKE NOTICE,**

**the Town of Catskill Planning Board will hold a public hearing in accordance with Town Law § 276 on November 28th, 2023 at 6:35 PM at Town of Catskill Town Hall 439 Main St. in the Village of Catskill, to consider a 24 lot major subdivision, and Waiver requests for lands located on Bogart Road, Palenville Tax Map # 184.00-3-45 proposed by Vita Foras Catskill Manager LLC . The above application is open for inspection at the Planning Board Office located at 439 Main Street, Catskill NY 12414 between the hours of 10:00 A.M and 2:00 P.M Monday – Friday. Please call and make appointment for inspection of application. The Public is welcomed to attend the Public Hearing in person or through the digital Zoom.com platform. Detailed information for the Zoom platform will be posted with the Planning Boards Meeting Agenda on the Towns website. Written and oral comments will be accepted until the close of the public hearing. By order of Teresa**

The applicant submitted the green cards for the certified mailing.

Sarah Ashcroft and Jason Brown are the owners of the project SUB-22-2022 and were representing the application at tonight’s meeting along with Stuart Mesinger from LaBella Associates. The applicant gave an overview of the project involving a major 22 lot subdivision including a 22 acre parcel to be used as open space, on a 148 acre parcel. The project involves the development of a private road, and will also be including part of an existing private road (Penney Lane), with an HOA managing the community. Ms. Ashcroft stated she has also purchased a parcel adjacent to the proposed development, and will be residing at that location and it is their intention to preserve the natural beauty of the site within the development.

Mr. Mesinger reviewed the technicalities in the development of the project including the involved agencies D.E.C., D.O.H, A.C.O.E. and, S.H.P.O., Chief of the Kiskatom Fire Dept., and the Town’s Highway Superintendent, all of which have participated in reviewing the proposed subdivision as well as conducting site visits. The lot sizes range from 1.5 acres – 14acres, number of lots and lot sizes were determined based on zoning, mitigation of wetlands, and the potential for financial return on the development .a site visit was also conducted with the Planning Board and the Town’s Engineer. The wet lands on the site were delineated and the project will involve a total of ½ an acre of disturbance to the wetlands. There are no known endangered species on the site, and as part of the development of this project a biologist had conducted a wild life survey, but there will be a condition to restrict tree cutting due to Long Eared Bat .and at this time the Town Engineer has given approval in concept for the SWPP which includes the culvert pipes, retention ponds and construction. For the parcels 5 acres and over, the Town’s Code Enforcement Officer will inspect in order to obtain a certificate of occupancy, for the parcel 1.5 acres or less it will be required to obtain approval from the DOH.

Ms. Golden gave a brief overview on the required procedure for tonight’s public hearing and then read aloud a letter submitted by Diana and Robert Willis who resided at 430 Bogart Road., Ms. Golden then asked if there were any questions or comments regarding SUB-22-2022.

Robin DePuy resides at White Road in Palenville. Mrs. DePuy stated the map submitted by the applicant in 2022 indicates the location of the wetlands, but do not correspond with the wetlands on the current revision of the map.

Mr. Messenger responded that the maps submitted back 2022 were for planning purposes only the current plans show the wetlands delineated and inspected by D.E.C.

Ms. DePuy stated it is to her understanding 1 acre of wetlands will hold 1.5 million gallons of water, and the wetlands have been moved from the north west side of the parcel to the south west side and will be bordering another residents lands, She feels this subdivision will have fragment resources form the North Lake to Ulster County. She also has a concern regarding the title for the rail road bed.

Mr. Hilscher stated for this meeting he would recommend anyone speaking should finish their time speaking before the applicant responds, and he would also recommend for anyone who has any comments to submit their comments in writing in order to have your exact concerns preserved in the Planning Board minutes.

Cal Flakner resides on Bogart Road. He would like to concur what others have said tonight, and also he is very concerned about climate changed how this project will affect the water and the potential for flooding , and he would like to know if there will be an escrow account established to take care of any future problem that may occur form this development. He is concerned about the number of trees being cut, and the historical significant of the area. He’s also concerned about the proposed septic being above ground.

Mr. Messenger stated the raised bed septic’s will be under the jurisdiction of the D.O.H.

Mary Ellen Cariseo stated she is concerned regarding the wetlands and out cropping involved in this project and how these types of soils do no lend themselves to development, and the plans are very complex requiring many types of approvals. Also the applicant is requesting several variances from the Towns subdivision requirements, which means this project does not meet the Towns Codes for a development. Also, the project requires permits from the ACOE, and DEC for the SWPP and SPDDS permit. She would like to know the location of the 31 acres of trees to be removed and is concerned what kind of effect this will have on the water courses. This development will go from being a beautiful wetland area, to houses, septic system, paved roads and concrete sidewalks, and storm water collections swells. The wetlands on this parcel are part of a greater ecological system and she believes the negative impact can never be reversed.She believes the number of lots should be reduced because some of the lots have a greater percentage of wetlands on them.

Evan Tassell resides at 78 Malden Avenue. Mr. Tassel asked if the neighboring wells could be affected by the additional demand for water from this development. He’s also concerned about the additional of greenhouse emissions from the loss of all of the trees being cut, erosion, and nitrogen contamination from the septic system, local residents will not able to afford to purchase these houses, and the effects to the traffic in the surrounding area.

Charles Demarest resides at 86 Bogart Road. Mr. Demarest stated he has concerns regarding the potential impact from moving the wetlands.

 Toby Depuy resides at 83 Apple Estate Road and has concerns regarding the possibility of someone developing on top of the mountain side and erosion falling onto the development.

Carolyn Meyer resides on Maple Grove Road. Ms. Meyer stated she is concerned regarding the lack of a landscaping plan and addressing all of the clearing for the road and septic systems. She would also like to know if the stream on the site runs off into streams that are protected, and why the D.O.H. couldn’t review all of the proposed septic’s. She has concerns regarding the choice for the test wells, and that they may not be representative for some of the other sites. She is also concerned that the houses will not be affordable for the local community.

Carl Lucas resides at 110 Bogart Road. Mr. Lucas stated he is very concerned about the traffic and would recommend the applicant use the entrance on Penny Lane as the main access to the site.

Zane Cheek resides at 21 Penny Lane. Mr. Cheek stated his parcel borders the applicants parcel on the north side, the area is very wet, and the last owner of the applicants parcel had trenched the lands which is putting more water on his land. He would like for the applicant to consider blocking that outlet. He tried to read the plans in order to determine where the proposed drains’ will be directed on the site but he could not identify it on the plans. He also has concerns regarding Penny Lane because he has a shared right of way with the applicant, and there will be an issue for him, as to where he can put snow for snow removal out of his driveway.

Steve Depuy is a resident of Palenville. Mr. Depuy stated he has hunted and fished on the land in this proposed project, and the stream that runs through that land feeds one of the biggest wildlife preserves in Greene County. He’s is concerned about the stream being maintained. He’s also concerned about the wetlands being moved.

Doreen Davis resides at 58 Pennsylvania Avenue. Mrs. Davis stated she had been the Town of Catskill’s Town Supervisor from 2016-2020, and at that time the Town could not make payroll and it took several years to fix the revenue situation. When Dollar General applied to build in Palenville, everyone was concerned, at the end of the day it was private property,and a decision had to made based on the fact that a private property owner has the right to develop their land. It cost several million dollars to run the ambulance service. It cost seven hundred, and fifty thousand dollars for a fire truck. Residents need to consider where any revenue will be coming in from, she is in favor of holding everyone accountable, but there needs to be development to run this Town.

Robin DePuy stated her family did own the land sold to Dollar General, but it was zoned Commercial.

Amanda Wolfson resides at 354 Maple Grove Rd. Ms. Wolfson stated she is concerned about this project because she resides downstream from this site. Hickory Hollow development was 47 affordable homes on land that was level. She understands the owner has the right to develop their land but she believes this project is too big and there are too many variances that require consideration, She’s concerned regarding the plans changing so fewer of the septic system fall under the review of D.O.H. She believes the plan should be pared down. The wetlands are all connected and the wildlife depends on them.

Lizz Banna resides on Woodstock Avenue. She stated she is very concerned about the land being destroyed in order to build homes for people who don’t live here. She would also like to ask the Planning Board how much revenue would be generated from this project and how that revenue will help fund the hamlet of Palenville.

Ms. Golden answered she would have to look into that matter.

Craig Davis resides at 58 Pennsylvania Avenue, Mr. Davis submitted a Development plan, dated 11/ 28/ 2023 addressing. The rules for development , Impact on community, Impact on local economy , Impact on the environment and , Impact on Palenvilles future. Mr. Davis stated this land was never virginal land is was a working farm. The trees on the site are new growth. Residents need to consider the revenue and what could be obtained for Palenville from this project.

Mr. Mesinger explained the process for storm water modeless based on rain fall, absorption rates of the soil, topography , and vegetation ,also including the removal of plants and trees with the addition of structures, with this information the SWPP is designed using retention ponds ad outlet structures allowing the water to continue to flow as it had previous to the development but at a controlled rate .The N.Y. State Land is not going to be developed . The mitigation of the wetlands will be developed on the open space parcel and will be using the same source of water that is currently there now, it will not be running off to any neighboring property, and all of this is part of DEC permitting process. The process for a testing for wells is intentionally chosen close the neighboring properties. The process requires pumping the well and checking to assure that the water table does not go down and is required by D.O.H.

Mr. Federman asked what would be the course of action if the test well fails.

Mr. Messinger answered it would require additional testing. D.O.H. is involved anytime a development is creating more than five lot, based on size, unless they involve raised bed septic systems. The chip seal for the road is better for the environment than pavement, and there will be no sidewalks.

Ms. Golden stated Cheek Zane has indicated there could be a problem with snow removal.

Mr. Mesinger responded that he will have to look into that matter. As far as wildlife there will be some impact, but the only protected species are bats and there will be cutting restrictions for construction. There are trout in the stream and therefore they will be removing the nonconforming drain pipes and replacing them open bottom culvert pipes.

Mr. Federman explained how the Board had recommended wildlife corridors and operating restriction with the HOA.

Mr. Mesinger stated a traffic study had been conducted which is based on peak hours, and a single car per house and it was determined 22 cars.

Ms. Golden stated she would like to recommend native grasses for plantings.

Mr. Mesinger stated in answer to the rail road bed, when the rail road abandoned the track ownership reverts back to the owner of the land, and the owners would like to keep it intact for pedestrians .

Ms. Depuy stated the tile does not indicate the rail road bed reverts back to the land owner.

Ms. Golden stated the Town attorney will look into that matter.

Gary Carlson owns the lands adjacent to the north end of the site. Mr. Carlson stated he also owns part of the rail road bed and he had purchased it in 2007 at the same time the previous owner of the project site had also purchased the rail road bed, with a titled deed.

Mary Ellen Cariseo asked what the total for the land disturbance is.

Mr. Mesinger answered 36.5 acres. He also wanted to clarify that in this application there are no requests for any variances, the request is for waivers, and the reason for the waivers is to address design requirements in order to protect the wetlands.

Mr. Tassel asked what type of insurance or recourse will there be for any of the neighbors to this project.

Mr. Yagelski answered the Board has the power to add conditions to any approval to insure the tradeoff are adequate. This will include on-sight weekly inspections during construction and the HOA will maintain those practices and additional inspections from D.E.C. In order to obtain final plat approval, the applicant will be required to return to the Board and will have to have approval from all of the other agencies.

Ms. Golden stated at this time she would like to give the Board members a chance to ask questions. The Board will continue this Public Hearing and would recommend if anyone has any questions or concerns they are more then welcome to submit them in writing and the Board will address them at the next meeting.

Ms. Hernadez asked regarding the 36 acres of disturbance and how much of that will involve tress being cut, and what will happen to the trees after they cut.

Mr. Messinger answered the site is fairly wooded so it would involve trees being cut.

Mr. Brown answered they would like to find a purpose for the trees on the site.

Mr. Lesenger asked if there is a timeline for the construction.

Ms. Ashcroft answered it will depend on the marketing.

Ms. Golden stated there are a few items in the HOA that were missing including restrictions on the use of pesticides and herbicides near wetlands, managing invasive species, wetland buffers, covenants or design standards, fencing with wild life openings, maintaining wetland buffers . Also the Board would like to see elevations for the community lodge, and approval for the private road from the Town of Catskill.

Mr. Hilscher stated the plans should indicate at what time the community lodge is going to be built.

Ms. Golden thanked everyone for attending tonight’s public hearing.

**Opening of Public Hearing at 6:50 PM.**

**Site Plan Review SPR-4-2023 Good Company Local Market, 791 Rt23B, Leeds**

Ms. Golden gave a brief overview of this project to date, and then opened the public hearing**.** The Notice of Public Hearing was published in the Daily Mail on November 22, 2023 and November 23, 2023.

 **NOTICE OF PUBLIC HEARING**

The Town of Catskill Planning Board will hold a Public Hearing on application

Site Plan Review SPR-4-2023 pursuant to Section 160-14 of the Town of Catskill Zoning Code to allow the renovation of garage for use as a market and placement of a structure for a use as a diner on lands owned by Good Company Local Markets located at 791 Rt. 23B , Leeds NY Tax Map # 138.15-1-1 The Public Hearing will be held on the 19th day of November ,2023 at 6:40 PM, at the Town of Catskill Town Hall , 439 Main Street. Catskill NY. The Public is also welcomed to attend through the digital Zoom.com platform. Detailed information for the Zoom platform will be posted with the Planning Boards Meeting Agenda on the Towns website. Written and oral comments will be accepted until the close of the public hearing. The above application is open for inspection by appointment, at the Planning Board Office Monday – Friday located at 439 Main Street, Catskill, New York between the hours of 10:00 a.m. and 2:00 p.m. By order of Teresa Golden Chairwoman, Planning Board, Town of Catskill

Dennis Kanuk is the applicant for this request for a site plan review. The applicant is proposing to renovate the existing service station located on the site and turn it into a market and café, as well as to place a 76’ vintage dinning car on north end of the parcel. The applicant had submitted revised plans addressing parking and lighting.

The Board had received comments form the Greene County Planning Board as part of the 239Review

Mr. Kanuk stated he did not send out the green cards for the certified mailing.

Ms. Golden stated as a result of not sending out the notices the Board cannot open the public hearing. Instead the Board can schedule a public hearing for the next meeting.

The Board reviewed the revised plans.

Ms. Golden stated the Board will need a list of plantings.

Mr. Federman stated the lighting will require specs for dark sky lighting.

Mr. Lesenger made a motion to schedule a Public Hearing for December 19, 2023 at 6:40 PM, seconded by Mr. Federman

Ayes 7, Nays 0, Absent 0, Abstained 0 Motion Carried.

**OLD BUSINESS:**

**Special Use Permit SPR-5-2023** **Catskill Grid LLC 8006 Rt 9W, Catskill**

Ms. Golden gave a brief overview of the project to date.

Daniel Kryzkowski from Barclay Damon , Justin Adams from Eolian, Andrew Mavian from EDR ( attended on Zoom ) and Ari Goldberg from Barclay Damon( attended on Zoom), were representing this application at tonight’s meeting. The applicant is requesting this Special Use Permit in order to develop a standalone battery storage facility for the purpose of storage 100MW of energy. The 17.10 acre site is currently used for automobile salvage and storage, and is currently in 2 zones with the proposed project developing only in the industrial zone.

Mr. Kryzowski stated at the last meeting in July when the Board had declared lead agency and the notice of intent were sent out for SEQR, and there have been no objections for the Town of Catskill Planning Board for being the Lead agency, since then they had training with the fire department, they have responded to the Towns engineers comments, and are currently working on their 4th submission .

Ms. Golden stated she has seen 2 different types of batteries listed in the material. And wouldlike clarification.

Mr. Adams answered Lithium Iron phosphate batteries.

Ms. Golden sated before the public hearing the materials must reflex the correct type of battery.

Ms. Hernadez asked how it can be confirmed that lithium Iron battery will actually be used.

Ms. Golden answered the CEO will have to confirm the battery in order for the applicant to obtain a permit, and there has to be signage on the site listing the material and the dangers for handling.

Mr. Hilscher stated the Board can make it a condition to have the applicant return for an amended site plan approval, if the technology for the batteries changes.

Ms. Golden asked about the erosion sediment control measures.

Mr. Adams stated it will be included in the decommissioning plan.

Mr. Yagelski answered the Board can require the CEO to approve the erosion plan.

Ms. Golden asked to have what types of seeding will be used on the site.

Ms. Golden stated that the decommissioning plan must indicate a licensed landfill that can accept the material being decommissioned.

Ms. Golden asked that the decommissioning plan address environmental control for air quality, a cost for inflation built into the plan, among other items. Regarding the emergency response plan, she asked about the location for central control, plans for any potential evacuation, and cost for inflation

Ms. Hernandez asked if the Board could obtain a third party regarding the concerns for requiring an evacuation from emissions.

Mr. DeLuca gave the Board a brief overview on the battery safety awareness training he attended on September 24. 2023.

Mr. Adams stated the batteries are tested by the U.L, listed with a third party conducting tests, the distance for evacuation is approximate 20’.

Ms. Golden stated the Board will need something in writing indicating the distance for evacuation, she does not see any safety fact sheet for fire protective agencies as indicated.

Mr. Adam answered there is no fire protective agencies.

Ms. Golden sated she has concerns regarding chemicals called out in case of a fire, and it had been discussed to have a lip around the units to prevent any chemicals form leaking out on the ground .

Mr. Adams stated the chemicals are from the system actually burning and melting.

Ms. Golden stated the plan does not indicate who would actually monitor the units after a fire.

Mr. Adams answered the fire department have L.D.L meters.

Mr. Yageski stated monitoring the site would be a decision for the fire department, but may require additional resources.

Ms. Golden stated she does not see any measures in the plans to prevent the ethaline glycol from leaking out onto the ground.

Mr. Adams responded the amount of ethaline glycol is less then what is in an automobile.

Ms. Golden read aloud the 12 condition prosed for this project.

Discussion ensued.

Ms. Golden stated once to Board has received the answers to the questions brought up at toning’s meeting the Board can move forward with this project. She is concerned because there are a lot of conditions, allowing for specific requirements not being answered until the time frame when Code Enforcement would be issuing an operating permit.

Ms. Hernandez stated she does not believe the Board should move forward with this project until the SWPP has been approved.

Mr. Yagelski some of the conditions of approval are standard for this type of project .The CEO can request assistance from an engineering firm when the time comes for issuing permits. The SWWP is almost final, but the Board can approve the project and hold off on the final until Delaware Engineer submits an approval.

Mr. Krzykowski stated his firm will try and have all of the required material for the Planning Board December meeting.

Ms. Golden thanked the applicant.

**Site Plan Review SPR-9-2023 Car Star Collision 4834 Rt. 32. Catskill**

Mike Manning is the owner of the site .The applicant is returning to the Planning Board requesting a site plan review in order to add the use of an auto body shop to a multi-use building currently being used as a carpet supply store and a power washer company. The Auto body shop will be by appointment only. The applicant had submitted revised plans and application.

The Board reviewed the plans.

Ms. Golden stated if the Board accepts the plans as preliminary at tonight’s meeting, this project will be required to be sent to the Greene County Planning Board for a 239 Review.

Mr. DeLuca made motion to declare SPR-9-2023 as a type 2 unlisted actions, seconded by Mr. Federman

Ayes 7, Nays 0, Absent 0, Abstained 0 Motion Carried.

Mr. DiCaprio made a motion to accept this application and plans as preliminary, seconded by Mr. Lesenger

Ayes 7, Nays 0, Absent 0, Abstained 0 Motion Carried.

Mr. DeLuca made a motion to schedule a Public Hearing for SPR-9-2023 to be held on January 23, 2023 at 6:35 pm

Ayes 7, Nays 0, Absent 0, Abstained 0 Motion Carried.

**NEW BUSINESS:**

**Site Plan Review SPR-10-2023 Stewarts Shop. 10 Gateway Drive, Catskill.**

Marcus Andrews is representing this application at tonight’s meeting. The applicant is requesting an amendment to a site plan that had been approved by the Planning Board on July 25, 2023 for the use as a convenience store and service station. The applicant would like to add a shed to the site. The applicant had obtained a 3’ variance from the TOC Zoning Board on October 27, 2023, and since then had submitted an application an EAF and a site plan.

The Board reviewed the plans.

Mr. Marcus stated that in addition to the placement of the shed, he would like to add a sign to the plans.

Ms. Golden stated if the Board accepts the plans at tonight’s meeting, this project will be required to be sent to the Greene County Planning Board for a 239 Review.

Mr. Federman made motion to declare SPR-10-2023 as a type 2 unlisted actions, seconded by Mr. DeLuca

Ayes 7, Nays 0, Absent 0, Abstained 0 Motion Carried.

Mr. Lesenger made a motion to accept this application and plans as preliminary with the condition to have the electric sign added to the plan s, seconded by Ms. Sprague- Schmidt

Ayes 7, Nays 0, Absent 0, Abstained 0 Motion Carried.

Mr. DeLuca made a motion to schedule a Public Hearing for SPR-10-2023 to be held on January 23, 2023 at 6: 40pm, seconded by Mr. DiCaprio

Ayes 7, Nays 0, Absent 0, Abstained 0 Motion Carried.

**OTHER BUSINESS:**

Ms. Golden stated she would like to remind Board members that the New York Planning Federation will be offering training on December 2, 2023

Mr. DeLuca made a motion to approve the October 10, 2023 meeting minutes as amended, seconded by Mr. Lesenger

Ayes 4, Nays 0, Absent 0, Abstained 3(Larry Federman, Bridget Hernandez, Laurie Sprague-Schmidt) Motion Carried.

Ms. Sprague- Schmidt made a motion to accept the October 24, 2023 Planning Board meeting minutes as amended, seconded by Mr. DiCaprio

Ayes 5, Nays 0, Absent 2 (Larry Federman , Jay Lesenger), Abstained 0 Motion Carried.

Mr. Federman made a motion to close tonight’s meeting, seconded by Mr. Lesenger

 Planning Board meeting ended at 9:40 PM

Respectfully Submitted,

Patricia Case-Keel

Planning Board Secretary

Approved as Amended December 19, 2023