# Town of Catskill Planning Board

Planning Board Meeting

February 28, 2023 6:30 PM

Town Hall 439 Main St. Catskill

**Present:** Chairwoman-Teresa Golden, Vice Chairman- Larry Federman, William DeLuca, Jay Lesenger,

 Bridgett Hernandez, Laurie Sprague – Schmidt (Alternate), Secretary Patricia Case-Keel.

**Absent:** Brittany Williams, Angelo DiCaprio.

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 next planning board meetings will be held on March 28th and April 25th. Note that the Planning Board is now only meeting once a month (on the fourth Tuesday). We will re-evaluate this approach in August, depending on the workload and the length of the resulting meetings. To ensure that these meetings are effective, we are also working with the Code Enforcement Officer who will be reviewing all applications prior to their being passed to the planning board for consideration. Complete applications must be submitted to the Code Enforcement Office 15 days prior to the planning board meeting. Due to the number of applications on tonight’s agenda, we will limit applicant presentations to 10 minutes. The Town Attorney will be the timekeeper. Thank you for your understanding as we adjust to this new approach.

That said, for those applications that require referral to the Greene County Planning Board, their next meetings are scheduled for March 15th and April 19th. 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 that during the winter season, planning board meetings will be automatically cancelled if the Town Hall is closed due to inclement weather. Any scheduled public hearings will be automatically carried over to the next regularly scheduled meeting.

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 your remarks to three minutes if possible and keep true to the purpose of the public hearing. The Town Attorney will be the timekeeper. 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.

Ms. Golden stated Laurie Sprague-Schmidt, as our Planning Board alternate, will participate in tonight’s meeting and vote in place of Planning Board member Brittany Williams who is absent.

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

**Subdivision SUB-24-2022 Greene County IDA Rt. 23B, Leeds**

Ms. Golden gave a brief overview of the project to date, and then opened the Public Hearing for SUB-24-2022 Greene County IDA Rt. 23B , Leeds. The Notice of Public Hearing was published in the Daily Mail on February 22, 2023 and February 23, 2023.

 **PLEASE TAKE NOTICE**

**Town of Catskill Planning Board will hold a public hearing in accordance with Town Law § 276 and the Town of Catskill Subdivision Regulations on February 28, 2023 at 6:35 PM at Town of Catskill Town Hall 439 Main St. in the Village of Catskill, to consider a 3 lot major subdivision of land located on 704 Rt. 23B,Catskill proposed by Greene County IDA 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 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 Golden Chairwoman of the Town of Catskill Planning Board.**

Mr. McDonald gave a brief overview on the project; the applicant is requesting a 3 lot subdivision of a 6.914 acre parcel into a 2.083, 1.721 and a 2.626 acre parcel along with the development of a County Road. At this time the site is being developed for the relocation of the Stewarts Shop, and a Hampton Hotel.

The applicant submitted the green cards for the certified mailing.

Ms. Golden asked three times if there were any questions or comments regarding SUB-24-2022.

There were no questions or comments.

Mr. Federman made a motion to close the Public Hearing for SUB-24-2022, seconded by Mr. DeLuca

Ayes 6(Laurie Sprague- Schmidt voting in Brittany Williams place), Nays 0, Absent 2, Abstained 0 **Motion Carried.**

**Public Hearing Closed at 6:37 PM**

**Continuation of Public Hearing at 6:30 PM.**

**Special Use Permit SUP-4-2022 Chet Garrison 91 Falling Waters, Palenville**

The applicant had requested postponement for this Public Hearing in order to revise the plans, addressing some of the concerns and comments from the Public Hearing held on January 10, 2023

**Public Hearing will be continued**

**OLD BUSINESS:**

**Subdivision SUB-24-2022 Greene County IDA, Rt. 23B, Catskill (Board review EAF)**

Mr. DeLuca reviewed part 2 of the EAF with all answers being ‘no or small impact’.

Ms. Sprague made a motion to declare a Negative Declaration for SUB-24-2022, seconded by Mr. Federman

Ayes 6(Laurie Sprague- Schmidt voting in place Brittany Williams) Nays 0, Absent 2, Abstained 0 **Motion Carried.**

Mr. DeLuca made a motion to accept the waiver request for Town Codes 140-13 #12, # 15 #20, # 21

 # 22,# 27 # 28 and with it noted that all of the approved waivers will be reviewed at the time of the site plan review for each lot, seconded by Mr. Lessenger

Ayes 6(Laurie Sprague- Schmidt voting in Brittany Williams place), Nays 0, Absent 2, Abstained 0 **Motion Carried.**

Mr. Federman made motion to accept SUB-24-2022 plans and as preliminary, in order to satisfy the requirement for performances guarantee and, seconded by Ms. Sprague- Schmidt

Ayes 6(Laurie Sprague- Schmidt voting in Brittany Williams place), Nays 0, Absent 2, Abstained 0 **Motion Carried.**

Mr. Deluca made motion to accept the resolution approving the plans for SUB-24-2022 as preliminary, to satisfy the requirement for performances guarantee and, seconded by Ms. Hernandez

Ayes 6(Laurie Sprague- Schmidt voting in Brittany Williams place), Nays 0, Absent 2, Abstained 0 **Motion Carried.**

**Sketch Conference Special Use Permit SUP-5-2022 Catskill Grid LLC, 8006 Rt. 9W, Catskill.**

 Chris Coutu is the owner of the site located at 8006 Rt. 9W and was present at tonight’s meeting, also in attendance via Zoom media was Ari Goldberg from Barclay Damon LLP, along with Daniel Krzykowski from Barclay & Damon LLP, as well as Andrew Fabian also from Barclay & Damon LLP and Justin Adams from Catskill Grid LLC. The applicant has requested a second sketch conference in order to submit a revised sketch form the first submittal that was reviewed with the Planning Board at the October 11, 2022 Planning Board meeting. The revisions to the plans included shifting the battery storage units foot print in order to address the retaining wall height, adequate turning radius for emergency vehicles, shifting the access road, lowered the elevations of the substation and switching station, adjusted substation fence line, enlarged battery unit layout, identified Central Hudson water main for future waterline easement, and added multiple fire hydrant locations.

The Board reviewed the plans.

Ms. Golden asked if there is any concern for the potential of chemicals running into the wetlands.

Mr. Goldenberg answered the final plans will be able to address that matter.

Ms. Hernandez stated she has concerns with the potential for the battery units to catch on fire and contaminating the air quality for local residence, and also pollutants running into the ground from the site.

Mr. DeLuca asked what types of material the units will be placed on.

Mr. Goldenberg answered concrete and gravel.

Mr. Lesenger asked why the retaining wall doesn’t encapsulate the complete units

Mr. Krzywoski answered the placement of the retaining wall is designed based on the topography.

Mr. Yagelski discussed with the applicant details for the fire suppression system.

Ms. Golden stated in order for this project to move forward the applicant will be required to submit preliminary plans, decommissioning plans, an escrow account with Delaware Engineering will have to be established , details for the fire hydrants ,landscaping and the long EAF .

Mr. Yagelski stated he will work with the applicant regarding the required information for the specs for the suppression system, water district with the Village of Catskill, any involvement from DEC.

**Subdivision SUB-18-2022 The Nest, Mossy Hill Road, Catskill.**

There was no one in attendance to represent this application at tonight’s meeting.

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

Sarah Ashcroft was representing this application at tonight’s meeting along with Jason Brown. On February 8, 2023 the applicant submitted revised plans in order to address comments submitted by the D.O.H and also the Planning Board after having conducted a site visit on November 21, 2022. The revisions included a reduction in the number of proposed lots from 26 parcels to 24, 23 of the lots will be residential and 1 of the lots will be used for a community lodge.

The Board reviewed the plans.

Ms. Hernandez asked what the timeline will be for the development of the parcels.

Ms. Ashcroft answered parcels will be developed after they are sold.

The Board discussed the use of the existing rail road bed, amphibian crossings, and required waivers, and the required process for SEQRA.

Mr. DeLuca made a motion to declare this project as a type 1 action and as declared at the November 8, 2022 meeting a coordinated and the Town of Catskill Planning Board lead agency

Ayes 6(Laurie Sprague- Schmidt voting in Brittany Williams place), Nays 0, Absent 2, Abstained 0 **Motion Carried.**

Mr. Lesenger made a motion to exit the sketch plan conference for SUB-2-2022 seconded by Ms. Schmidt

Ayes 6(Laurie Sprague- Schmidt voting in Brittany Williams place), Nays 0, Absent 2, Abstained 0 **Motion Carried.**

**NEW BUSINESS:**

**Lot Line Adjustment SUB-6-2023** **Mathew Goodell, 5 Mile Wood Road, Catskill.**

Mathew Goodell was in attendance at tonight’s meeting along with his surveyor Alton McDonald.

The applicant is requesting the conveyance of 2.342 acres forma 6.95 acre parcel to an existing 2.38 acre parcel in order to add availability for open space. The applicant submitted an application and a survey.

The Board reviewed the plans.

Ms. Golden stated if the applicant ever intends on building on the parcel it will require approval from the CEO for the private road.

Mr. DeLuca made a motion to approve SUB-6-2023, seconded by Mr. Federman

Ayes 6(Laurie Sprague- Schmidt voting in Brittany Williams place), Nays 0, Absent 2, Abstained 0 **Motion Carried.**

**Subdivision SUB-1-2023 Mathew Goodell, 5 Mile Wood Road, Catskill.**

Mathew Goodell was in attendance at tonight’s meeting along with his surveyor Alton McDonald.

The applicant is requesting the subdivision of an. The applicant is requesting the subdivision of an 4.167 acre parcel into a 2.308 and a 2.309 parcels. The applicant submitted an application EAF, and a Survey.

The Board reviewed the plans.

Mr. DeLuca made a motion to accept the plans as preliminary seconded by Mr. Federman

Ayes 6(Laurie Sprague- Schmidt voting in Brittany Williams place), Nays 0, Absent 2, Abstained 0 **Motion Carried.**

Ms. Sprague-Schmidt made a motion to schedule a Public Hearing for SUB-1-2023 to be held on March 28, 2023 at 6:35 PM, seconded by Mr. DeLuca

Ayes 6(Laurie Sprague- Schmidt voting in Brittany Williams place), Nays 0, Absent 2, Abstained 0 **Motion Carried.**

**Stone Gate / Catskill Pond** **Porto Road, Catskill .**

There was no one representing Catskill Pond Mobile Home development at tonight’s meeting.

Ms. Golden Asked the Planning Board Clerk to contact the applicant and request their presence for the March 28, 2023 meeting

**Special Use Permit SUP-1-2023** **Murariu Brothers Inc. 3335 Rt. 23A Palenville.**

Mr. Muraraiu was present at tonight’s meeting along with his Engineer Paul McCreary. Back on July 6, 209 the applicant had been granted a special use permit by the TOC Planning Board for the use of a restaurant and hotel. The applicant is now asking to rescind the approval and is now requesting a special use permit for the use of 36 apartments with 26 currently in operation. The applicant has submitted an application, EAF and a site plan.

The Board reviewed the plans.

Mr. DeLuca asked if there has been any construction on the site.

Mr. McCreary answered “No”.

Mr. Hilscher asked if the applicant has an approval for the septic to service 36 apartments.

Mr. McCreary answered there was a SPDDS Permit granted by DEC for the restaurant (which has expired).

Mr. Hilscher stated this application will requires SPDDS permit.

Ms. Golden stated the review of this application will require an escrow account established with the Town’s engineer.

Discussion ensued.

Ms. Golden asked if there will be recreational area on the site.

Mr. Murariu answered there is 10 acres with access to the creek.

Ms. Golden stated the site plan must identify the location of the dumpsters.

**Subdivision SUB-2-2023** **Kaaterskill 75 Mossy Hill Road , Catskill**

Mr. Stevens attended tonight’s meeting via Zoom media, also in attendance was Charles Holtz his surveyor and his attorney Sarah Schnieder. The applicants requesting a 2 lot subdivision of a 71.88 acre parcel into a 54.86 acre parcel and a 17.26 acre parcel. The requested subdivision will involve both parcels to access onto a private road. The applicant has submitted an application, EAF, and a survey.

The Board reviewed the plans.

Mr. Hilscher stated he has concerns regarding the private road will be traversing through private lands and he is not sure the road can conform to the Town’s Codes 148-18 and 138 design standards.

Mr. Stevens stated he will add to the plans that neither parcels can be further subdivided.

Mr. Federman asked if the bridge leading to the second parcel is in the wetlands.

Mr. Holtz answered he is planning on having the wetlands delineated.

Ms. Golden stated the subdivision will require a cul-de-sac where the right of way ends.

Mr. Holtz stated he will submit waivers for the Towns Code 140-18c5, 140-18.k3,and 140-18j1

Mr. Hilscher stated he will have to look into the Towns Code regarding the proposed road requirements and the road traversing through private lands.

 **Sketch Conference Subdivision SUB-3-2023** **David Jordan, 730 Bogart Road, Palenville**

Dan McCarthy from Praetorius and Conrad was representing the applicant at tonight’s meeting. The applicant is requesting a 2 lot subdivision of a 7.90 acre parcel into a 6.59 acre parcel and a 1.513 acre parcel. The applicant has submitted an application, EAF and a survey.

The Board reviewed the plans.

Mr. McCarthy stated because of the topography the orientation of the house will not meet the required 100’ rear setback .

Mr. Hilscher stated the location of the proposed dwelling is not necessarily a concern for the Board at this time. The matter will have to be resolved though at the time the applicant applies for a building permit.

Mr. McCarthy stated he will revise the plans in order to indicate the dwelling can meet the set back requirements.

Mr. Lesenger made a motion to declare the Town of Catskill Planning Board as Lead Agency for this unlisted and uncoordinated review, seconded by Mr. Federman

Ayes 6(Laurie Sprague- Schmidt voting in Brittany Williams place), Nays 0, Absent 2, Abstained 0 **Motion Carried.**

Mr. DeLuca made a motion to accept the preliminary plans with the condition the orientation of the proposed dwelling to be amended on the plans, seconded by Mr. Lesenger

Ayes 6(Laurie Sprague- Schmidt voting in Brittany Williams place), Nays 0, Absent 2, Abstained 0 **Motion Carried.**

Ms. Sprague-Schmidt made a motion to schedule a Public Hearing for SUB-3-2023 to be held on March 28, 2023 at 7:05 PM seconded by Mr. Lesenger

**Subdivision SUB-4-2023** **Catskill Golf Course, 27 Brooks Lane, Catskill**

Mr. Vipler was in attendance at tonight’s meeting, along with Charles Holtz his surveyor and Allyson Phillips his attorney. On September 27, 20222 the applicant had been approved for a 3 lot minor subdivision for the purpose of developing 2 duplex dwellings on 2 of the parcels, The applicant is now requesting to amend the approved 3 lot subdivision and is now requesting a major 5 lot subdivision in response to the Town’s definition of a Townhouses allowing each of the town houses to have its own parcel. The applicant has submitted an application, EAF and a survey.

The Board reviewed the plans.

Ms. Golden stated if granted an approval for this project, it will require a condition of approval for the establishment of a water district for a lateral connection on the east side of the parcel, with the Village Water Works.

Discussion ensued regarding eliminating the requirement for a second SHPO review.

Mr. DeLuca made a motion to extended existing approval of the duplex dated April 20, 2022, seconded by Mr. Lesenger

Ayes 6(Laurie Sprague- Schmidt voting in Brittany Williams place), Nays 0, Absent 2, Abstained 0 **Motion Carried.**

Mr. Federman made motion to declare the Town of Catskill as Lead Agency for this unlisted, uncoordinated review

Ayes 6(Laurie Sprague- Schmidt voting in Brittany Williams place), Nays 0, Absent 2, Abstained 0 **Motion Carried.**

Mr. DeLuca made a motion to accept the plans as preliminary for SUB-4- 2023, seconded by Mr. Lesenger

Ayes 6(Laurie Sprague- Schmidt voting in Brittany Williams place), Nays 0, Absent 2, Abstained 0 **Motion Carried.**

Mr. DeLuca made a motion to schedule a Public Hearing for SUB-4-2023 to be held on March 28, 2023 at 6:45 PM, seconded by Mr. Lesenger

Ayes 6(Laurie Sprague- Schmidt voting in Brittany Williams place), Nays 0, Absent 2, Abstained 0 **Motion Carried.**

 **Special Use Permit SUP-2-2023** **Catskill Golf Course, 27 Brooks Lane, Catskill**

Mr. Vipler was in attendance at tonight’s meeting, along with Charles Holtz his surveyor and Allyson Phillips his attorney. On September 27, 20222 the applicant is requesting this Special Use Permit for the development of two, two unit town houses, with an exemption from lot size and set back requirements. The applicant has submitted an application, EAF and a survey.

The Board reviewed the plans.

Ms. Golden stated this application will require a 239 Review with the Greene County Planning Board.

Mr. Lesenger made a motion to accept the plans as preliminary, with the condition for an extension of the water district required to be established, seconded by Mr. DeLuca

Ayes 6(Laurie Sprague- Schmidt voting in Brittany Williams place), Nays 0, Absent 2, Abstained 0 **Motion Carried.**

Mr. DeLuca made a motion to schedule a Public Hearing for SUP-2-2023 to be held on March 28, 2023 at 6:45 PM, seconded by Mr. Lesenger

Ayes 6(Laurie Sprague- Schmidt voting in Brittany Williams place), Nays 0, Absent 2, Abstained 0 **Motion Carried.**

**Subdivision SUB-5-2023 Marcial Calo 1700 High Falls Road, Catskill**

The applicant was being represented at tonight’s meeting by Alton McDonald from Santos Associate. The applicant is requesting a 2 lot subdivision of a 24.043 acre parcel into a 15.960 acre parcel and an 8.083 acre parcel. The applicant has submitted an application, EAF and a survey.

The Board reviewed the plans.

Mr. McDonald stated he has already contacted SHPO, and the property owner has filed for a quit claim for the land on the front of the road and will then be able to have an RMA for the whole road.

Mr. Federman stated he has concerns regarding the location of the proposed house and the wetlands on the second parcel.

Mr. Hilscher stated the Board will require proof of ownership of the road.

Ms. Sprague-Schmidt made a motion to accept plans as submitted with the condition for the wetlands to be shown on the plans along with the location of the house, seconded by Mr. DeLuca

Ayes 6(Laurie Sprague- Schmidt voting in Brittany Williams place), Nays 0, Absent 2, Abstained 0 **Motion Carried.**

Mr. DeLuca made a motion to schedule Public Hearing for SUB-5-2023 to be held on March 28, 2023 at 6: 55 PM, seconded by Ms. Hernandez

Ayes 6(Laurie Sprague- Schmidt voting in Brittany Williams place), Nays 0, Absent 2, Abstained 0 **Motion Carried.**

Mr. DeLuca made motion to approve the meeting minutes of January 10, 2023 as amended, seconded by Mr. Federman

Ayes 6(Laurie Sprague- Schmidt voting in Brittany Williams place), Nays 0, Absent 2, Abstained 0 **Motion Carried.**

The January 24, 2023 meeting minutes were tabled

Mr. DeLuca made a motion to close tonight’s meeting, seconded by Ms. Sprague- Schmidt

 Planning Board meeting ended at 9:35 PM

Respectfully Submitted,

Patricia Case-Keel

Planning Board Secretary

Approved as amended 3/28/2023