

Town of Catskill Planning Board

Planning Board Meeting

January 10, 2023 6:30 PM

Town Hall 439 Main St. Catskill

Present: Chairwoman-Teresa Golden, Vice Chairman- Larry Federman (Zoom- Media) William DeLuca, Jay Lesenger, Brittany Williams, Laurie Sprague – Schmidt, Bridgett Hernandez, Secretary Patricia Case-Keel.

Absent: Angelo DiCaprio.

Also Present: Adam Yagelski(Delaware Engineering), Ted Hilscher (Town Attorney)

Laurie Sprague –Schmidt will be voting in place of Angelo DiCaprio at tonight's meeting.

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

Ms. Golden gave a few opening remarks for tonight's meeting The Planning Board's next regularly scheduled meetings will be January 24, 2023 and February 28, 2023. Starting in February the Planning Board will be meeting once a month on the 4th Tuesday of every month. The Planning Board will try out this new schedule for 6 months and then will reevaluate this schedule, based on the work load and the length of the meetings she would. The Board is also working to ensure all of the applications are complete before they come before the Planning Board and will be reviewed for completion by the Code Enforcement officer before being forward to the Planning Board for consideration. For applications requiring a 239 Review, the Greene County Planning Board's next scheduled meeting will be held on January 18, 2023 and February 15, 2023.. Please note any application requiring a 239 Review must submit all required materials including full size drawings 12 days prior to their scheduled meetings. 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. Any scheduled Public Hearings will automatically be re-scheduled for the next Board meeting

During the public meetings, 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. 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.

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

Ms. Golden gave a brief overview of the project to date, and then opened the Public Hearing for SUP-4-2022 1516 91 Falling Waters, Palenville. The Notice of Public Hearing was published in the Daily Mail on January 4, 2023 and January 5, 2023.

NOTICE OF PUBLIC HEARING

The Town of Catskill Planning Board will hold a Public Hearing on January 10, 2023 at 6:35 PM at the Town of Catskill, Town Hall located at 439 Main Street, in the Village of Catskill, New York. The purpose of the public hearing is to allow the public to make comment on an application by Chet Garrison for the use of ground mounted solar system located at 91 Falling Waters, Palenville NY Tax Map # 199.12-1-69 pursuant to Section 160-11 of the Town of Catskill Zoning Code. 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 Board's Meeting Agenda on the Town website. Written and oral comments will be accepted until the close of the public hearing. The above application is open for inspection at the Planning Board Office located at 439 Main Street, Catskill, New York between the hours of 10:00 a.m. and 2:00 p.m. (Please call and make appointment for inspection of application) By order of Teresa Golden Chairman, Planning Board, Town of Catskill.

Chet Garrison was present at tonight's meeting along with his representative Alix Martin from Kasselmann Solar. Mr. Martin gave a brief description of the proposed project which consists of a 19kw ground mounted solar array for personal consumption.

Ms. Golden asked if there were any questions or comments regarding SUP-4-2022.

Margaret Graham resides at 65 Rabbit Lane. Mrs. Graham stated she has concerns regarding this project because when she came in and viewed the project two weeks ago, it was for a 20kw solar array and now it has been changed to a 19kw solar project, which changes the project from a commercial use to residential and a commercial use would have made it prohibited by the zoning law.

John Graham is Margaret Graham's son and at one time resided at 65 Rabbit Lane he now currently resides in Armonk NY. Mr. Graham stated he understands the project has been reconfigured but the application has been entirely changed. The original application was requesting a large scale 20 kw system. This should require all of the neighbors receiving notification of the changes.

Ms. Golden responded, the changes to the amount of kw will have no changes to physical aspects of the project it will only involve removal of an inverter. The applicant made the changes in order to comply with the Towns Code because a large- scale solar system is not permitted in a Residential Zone. It is only required for the neighbors to receive a notification that a public hearing is being held for an application, so they may review the application if they like.

Mr. Martin stated the modifications involved changing the inverters to a 7.6 kw and a 11.4 kw which buffered the rate of production down to a 19 kw solar array.

Mr. Graham asked if the amount of kw produced in a solar array is the only trigger for a large scale or a small scale and if so, is there any concern for the landscaping based on the size of the arrays.

Ms. Golden answered the reason for a Public Hearing is to allow the neighbors to comment on any concerns regarding landscaping and location of the arrays.

Mrs. Graham reviewed with the Board the requirements for a special use permit in accordance with the Towns Code 160-20 (C). Mrs. Graham stated the applicant has not provided any landscaping plans, that would screen the solar array from adjacent neighbors or the street.

Mr. Martin stated there was the removal of some trees so that the arrays will be tucked in and enhanced by natural buffers.

Mrs. Graham stated she does not believe the natural buffers will be adequate for protecting her view or the view of the neighbors on Rabbit Lane.

Ms. Golden asked if it would be possible to include natural buffers on the site without affecting the solar arrays.

Ms. Hernandez asked what the size of the arrays will be.

Mr. Martins answered 10' in height.

Mr. Garrison stated he would be willing to plant some trees.

Ms. Golden asked the applicant to submit a landscaping plan.

Ms. Hernandez asked how many panels will there be.

Mr. Martin answered 5 panels but there will only be 1 ground mounted structure containing the panels.

Mr. Federman stated the orientation of the array from Rabbit Lane, will only be the side of the structure, not the face of the array.

Ms. Hernandez asked why the site requires this size of an array.

Mr. Martina answered in order to match on site consumption.

Ms. Graham asked why on the EAF some of the questions have no answers, and every year blue herons come into the area and nest and she is concerned the solar panels could potentially have an effect on them.

Mr. Federman stated he did check with DEC on this matter. Blue Herons are protected by the Migratory Birds Treaty Act, but they are not afforded any other protections. In this case the nest is far enough away from the site. Also trees can be taken down outside of the nesting season which is from April 15- July 15. He did conduct a site visit, and in his opinion the Herons should not be affected by this project.

Mr. Martin stated in addressing the question regarding the EAF, the EAF is auto filled by DEC, and the answers are based on a known issues or problems.

Ms. Graham stated in accordance with the Town Code 134A-7 it indicated all large scale and ground mounted solar projects require a decommissioning plans but when she received her FOIL request for this application she did not see one or a performance guarantee.

Ms. Golden stated on October 19, 2022 the Town Board passed a resolution waiving the requirement for a performance guarantee for any residential solar arrays.

The Planning Board Clerk gave Ms. Graham a copy of the decommissioning plan.

Ms. Graham stated in accordance with the Town Code 134A-64 ground mounted solar arrays are prohibited in side yards and front yards. The applicant property is a double fronted lot, and fronts two streets.

Ms. Golden stated the driveway to the residents accesses form 91 Falling waters which indicates where the front yard is located .The access from Rabbit Lane is needed for emergency vehicles to access the solar array in case of an emergency .

Mrs. Graham stated IAW Town Code 134 A ,7.D requires fencing for all large scale solar arrays ,but the applicant had never prosed any fencing. She is concerned that the wild life in the area could be endangered by the solar panels as well as children in the area.

Mr. Martin responded there is emergency functionality at the site of the array, The wires are contained under the panels and are connected to the support struts. There will be no exposed voltage on the solar arrays unless someone open the wires.

Mrs. Graham asked if she could request a view shed analysis and the potential the solar arrays will have to Rabbit Lane.

Mr. Lessenger stated a landscaping plan or an elevation plan, would help to identify how this project may have an impact on the neighborhood.

Mrs Graham asked since the parcel is located only 45 minutes form the Albany Airport she would like ot know if the applicant received a determination from the FAA that the solar panels won't cause any problem with any of the flight paths.

Mr. Yagelski answered he will have to look into the matter .

Mr. Martin gave a brief description of the proposed sites current layout and natural screening.

Mr. DeLuca asked Mrs. Graham what year she moved into her residents on Rabbit Lane.

Mr. Graham answered nineteen eighty seven.

Mr. DeLuca asked the applicant what year he moved in to his residents.

Mr. Garrison two thousand and twenty one.

Mr. Lessenger asked if there is any reason the panels cannot be placed closer to the dwelling.

Mr. Garrison answered there is an embankment.

Mr. Graham stated he wanted to say just for context, the two properties belonging to the applicant are not very connected, there is a significant elevation change from the parcel the applicants house is on and the parcel where the solar arrays are proposed to be placed.

Krista Duffet resides at 83 Rabbit Lane. Ms. Duffet stated Rabbit Lane is a very beautiful place to reside, and she finds it to be very difficult to determine how this project will impact the residence without a 3D rendering and to have a plan that naturally fits into the area. She also has concerns regarding the solar panels effecting the water.

Mr. Martin answered there is no water used for the solar panels but he will have to look into the matter of impact to the water in the area. He then reviewed the placement of length of the piers.

Ms. Golden asked if there were any questions or comments for SUP-4-2022.

There were no questions or comments.

Ms. Golden stated she would like to propose for the Board to continue this public hearing until the next scheduled planning board meeting, in order to give the applicant a chance to submit a landscaping plan and provide a view perspective from Rabbit Lane.

Public Hearing will be continued

OLD BUSINESS:

Subdivision SUB-18-2022 The Nest Mossy Hill Road.

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

The Board had conducted a site visit.

Darren Elsom was representing the applicant at tonight's meeting. Mr. Elsom reviewed with the Board all of the updated materials submitted, copy of the deed, Central Hudson service letter, amended topography, wetlands delineation, natural site analysis, revised EAF, identified encroaching driveway, and has contacted T.O.C. Highway Superintendent. Mr. Elsom stated he has reviewed the Towns Engineer's memo and will be adding the required revisions to the plans.

Ms. Golden asked for clarification on the proposed septic system.

Mr. Elsom answered the septic system will all be raised ground.

Ms. Golden stated there is an issue with lot #2 not meeting the Towns requirements for lots to 150' wide.

Board discussed definitions for 160-5 and 160-17(B).

Mr. Yagelski stated because the code is not clear, he would recommend the Planning Board refer this matter to the Zoning Board and request an interpretation as to where the lot width is to be measured, and then going forward the Planning Board will have precedence to follow, and he will draft the request for an interpretation for the Planning Board.

Mr. DeLuca made a motion to authorize the Chairwoman and Vice Chairman to work with the Town's engineer along with the Town's Attorney to request an Interpretation from the Towns Zoning Board regarding the definition of a lot size, and where a lot width is to be measured, seconded by Mr. Lessenger

Ayes 7, Nays 0, Absent 1, Abstained 0 Motion Carried.

Ms. Golden stated the applicant will have to submit something in writing for the waiver to address the cul-de-sac in place of a T turn.

Mr. Yagelski discussed the preliminary plats requirements for the grading plans. Mr. Yagelski stated he would suggest the applicant obtain recommendations for the wetlands from a biologist regarding a buffer zone.

Mr. Elsom stated he will contact a biologist and obtain recommendations for how to mitigate the wetlands.

The Board discussed the requirements for common open space IAW Town Code 140-18(D)

Mr. Hilscher stated he will be addressing the requirements for open space with the Town Board.

Mr. Elsom stated as representative of his client will agree to waive the requirements for a SEQRA determination until after the public hearing.

Mr. Federman made a motion to classify this project as an unlisted, coordinated review with DEC, and to declare the Town of Catskill as lead agency, seconded by Mr. DeLuca

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

Mr. Lesenger made a motion to exit this sketch conference review for SUB-18-2022, seconded by Mr. DeLuca

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

Ms. Golden stated for this project to move forward the Board will require a waiver for the cul-de-sac, T.O.C. Highway Superintendent approval of the cul-de-sac, interpretation from the ZBA, and the matter of the open space with the Town Board resolved.

Subdivision SUB-24-2022 IDA (Gateway Greene Commercial Park) 704 Rt. 23B, Catskill.

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

Alton McDonald was representing this application at tonight's meeting. 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 has submitted revised plans. The plans identify: name of project (Gateway Greene Commercial Park), Name of proposed road (Legacy Lane), direction of flow for sewer and water , contours , added note "none residential lots ", existing impervious areas, Central Hudson service , Village Of Catskill Water Works service, along with a revised application , a list of waivers, and a narrative .

Mr. McDonald stated the lot line adjustment between the NY State Highway, and the G.C.I.D.A. can be seen on the Counties GIS under history parcel layer.

Mr. Hilscher stated when the Board accepts the preliminary plat, then the Board can accept the waivers.

The Board discussed an entrance into the Stewarts, from the west bound lane, and a possible reconfiguration of Route 23B for a left turn lane into the site.

Mr. McDonald stated as representative of his client will agree to waive the requirements for a SEQRA determination until after the public hearing.

Mr. Lesenger made motion for the Board to exit the sketch conference stage for SUB-24-2022, seconded by Mr. Federman

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

The Board reviewed the requirements for a major subdivision, preliminary plat. Some of which will not apply to this application because the commercial properties will be applying for site plan reviews, for development.

Ms. Golden stated Town Code 277, only applies to residential subdivision. This application is commercial so the requirement does not apply.

Mr. Lesenger made a motion to accept the preliminary plat with the condition for lot 1, to obtain rezoning by the Town of Catskill, seconded by Mr. DiCaprio

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

Ms. Williams made a motion to schedule a Public Hearing for SUB-24-2022 to be held on February 28, 2023, at 6:35 PM, seconded by Mr. Federman

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

Other Business:

Ms. Golden stated order to address the holiday season for this year's meeting in November and December; the Board will need to determine the dates to hold the meeting. The Board agreed on November 28, 2023 December 19, 2023

Mr. DeLuca made a motion to approve the Planning Board's November 17, 2022 special meeting minutes as amended, seconded by Mr. Federman

Ayes 6 Nays 0, Absent 0, Abstained 1 (Jay Lesenger) Motion Carried.

Mr. Federman made a motion to approve the Planning Board's December 13, 2022 meeting minutes as amended, seconded by Mr. DeLuca

Ayes 6 Nays 0, Absent 0, Abstained 1 (Brittany Williams) Motion Carried.

Mr. Lesenger made a motion to close tonight's meeting, seconded by Ms. Williams

Planning Board meeting ended at 8:45 PM

Respectfully Submitted,

Patricia Case-Keel
Planning Board Secretary

Approved as Amended 2/28/23

