# Town of Catskill Planning Board

Planning Board Meeting

July 26, 2022 6:30 PM

Town Hall 439 Main St. Catskill

**Present:** Chairwoman-Teresa Golden, William DeLuca, Bridgett Hernandez, Angelo DiCaprio, Brittany Williams, Secretary Patricia Case-Keel.

**Absent:** Vice Chairman- Larry Federman, Heather Bagshaw, Jay Lesenger (Alternate Member).

**Also Present** : Travis Smigel ( Delaware Engineering), Jesse Fraine ( Delaware Engineering).

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 August 9, 2022 and August 23, 2022. For applications requiring a 239 Review, the Greene County Planning Board’s next scheduled meeting will be held on August 17, 2022 and September 14, 2022. Any application requiring a 239 Review must submit all required materials including full size drawings 12 days prior to their scheduled meetings.

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.

**Continuation of Public Hearing:**

**Special Use Permit SUP-1-2022 ELP Solar 555 Cauterskill Ave., Catskill.**

Wendy DeWolf was representing this application at tonight’s meeting, also in attendance via Zoom –media Will Bliss.

Ms. DeWolf gave an update on correspondence sent to Delaware Engineering.

Mr. Fraine stated although DEC initially determined solar panels were not considered impervious. However, the panels proposed for this project will travel and there is a proposed concrete bed, because of this Delaware Engineering requires a full SWPP since this can allow for storm water to be travelling in different directions.

Discussion ensued regarding the grading of the conditions for the SWPP requirement.

Mr. Fraine stated he has not received the MSDS Sheet for the equipment.

Mr. Bliss answered he would send the material.

Ms. Hernandez asked with the removal of trees on the site if there will be any concern for flooding.

Mr. Frain answered he will be looking into the matter of flooding as he reviews the SWPP.

Ms. Golden stated SHPO has requested additional information regarding this project. The applicant has requested for the Board to consider granting an approval with the condition of obtaining approval from SHPO, however without SHPOs approval the Board cannot compete the SEQR Review.

Ms. DeWolf stated she had asked the Planning Board at the May 24, 2022 meeting if any additional material was required for the application.

Discussion ensued regarding the requirement of material for this review.

Ms. Golden stated the offer from the applicant for mitigation of $5000.00 is proportional, but does not take into consideration the significant amount of early succession forest being removed in the Town of Catskill.

The discussion ensued.

Ms. Golden stated at this point and time the Board is trying to figure a method of consistency considering the past and future projects that may involve mitigation. She would recommend the $10,000.00 for this project. Ms. Golden asked if any of the Board members had any other recommendations.

Ms. Golden thanked the applicant for adjusting the inflation rate for the decommissioning plan, and then asked Delaware Engineering if there are any additional concerns regarding the decommissioning plan.

Mr. Fraine answered he is not sure if the utility poles are considered part of the electrical unit, and in his opinion the amount is comparable low.

Ms. Golden stated Bridgett Hernandez had distributed information regarding the potential for hazardous materials on solar panels. Ms. Golden asked what type of material the proposed solar panels are made of.

Ms. DeWolf answered silicon, thin filmed.

Ms. Golden stated it is to her understanding when the panels are removed there is a potential for lead contamination.

Ms. DeWolf answered the proposed panels do not have lead in them.

Ms. Golden stated there should be a note added indicating at the time of decommissioning, the panels comply with local and state law.

Ms. Golden stated neither the EPA nor DEC consider the decommissioned of solar panels, as hazardous waste. Ms. Golden then asked if the panels are iodizing or non- iodizing.

Ms. DeWolf answered the panels are not dissolvable and are very safe.

Ms. Hernandez asked how the Board knows if the panels are not hazardous.

Discussion ensued.

Mr. Bliss stated as part of the application he has submitted a spec sheet on the panels.

Ms. Golden stated at this time the open issues are the SWPP, archeological survey, finalizing the decommissioning plan. Ms. Golden asked if the project could be scheduled for the next Planning Board meeting.

Mr. Fraine answered the holdup is going to be a “no effect” letter from SHPO.

Ms. Golden asked why, on the draft EAF, it is indicated the project will affect soils classified 1-4 and it also indicates small to moderate impact.

Mr. Bliss answered there are no mineral groups on the site that is classified as 1-4, and there is no active agricultural on the land.

Mr. Smigel stated he would recommend the applicant review those items.

Ms. Golden asked if there were any questions or comments from the public.

There were no questions or comments.

The Board discussed whether to proceed with the Special Use permit in 2 phases in response to the requirement to the SHPO notification.

Mr. Fraine asked if the Fire Department has responded.

Ms. Golden answered the Board has not received any response, and it has been over 30 days.

Ms. DeWolf confirmed with the Board the list of requirement for this project decommissioning plan, full SWPP, SHPO no effect notification.

Ms. Golden thanked the applicant.

**OLD BUSINESS:**

**Subdivision SUB-9-2022 Samantha Butts 1516 Rt. 23B Leeds.**

There was no one representing SUB-9-2022 at tonight’s meeting.

**Lot Line Adjustment SUB-14-2022 Catherine Maurer 1093 Main St. Leeds (Sketch conference)**

Ms. Golden gave brief overview of this project.

Catherine Monteverde was representing the applicant is this request for a lot line adjustment along with Robert Ihlenburg who is the surveyor. The applicant is requesting conveyance of .01 from a .02 acre parcel so as to improve the ability to comply with setbacks or other building standards. The applicant submitted revised plans.

The Board reviewed the plans.

Mr. DeLuca made a motion to approve SUB-14-2022, seconded by Ms. Williams

**Roll Call Vote**

Mr. DeLuca Aye

Mr. DiCaprio Aye

Mr. Federman Absent

Ms. Hernandez Aye

Ms. Golden Aye

Ms. Bagshaw Absent

Brittany Williams Aye

Jay Lesenger Absent Motion Approved

**Lot Line Adjustment SUB-14B-2022 Gilfeathers Holdings LLC 23B Leeds (Sketch**

**Conference)**

Ms. Golden gave brief overview in this project.

 Catherine Monteverde was representing the applicant is this request for a lot line adjustment along with Robert Ihlenburg who is the surveyor. The applicant is requesting conveyance of .100 from a 5.6 acre parcel so as to improve the ability to comply with setbacks or other building standards. The applicant submitted revised plans.

**Roll Call Vote**

Mr. DeLuca Aye

Mr. DiCaprio Aye

Mr. Federman Absent

Ms. Hernandez Aye

Ms. Golden Aye

Ms. Bagshaw Absent

Brittany Williams Aye

Jay Lesenger Absent Motion Approved.

**Lot Line Adjustment SUB-14B-2022 Jalin Sama 1067 Main St. Leeds (Sketch Conference)**

Ms. Golden gave brief overview in this project.

Catherine Monteverde was representing the applicant is this request for a lot line adjustment along with Robert Ihlenburg who is the surveyor. The applicant is requesting the conveyance of .074 from a .300 acre parcel so as to improve the ability to comply with setbacks or other building standards. The applicant submitted a revised plan.

**Roll Call Vote**

Mr. DeLuca Aye

Mr. DiCaprio Aye

Mr. Federman Absent

Ms. Hernandez Aye

Ms. Golden Aye

Ms. Bagshaw Absent

Brittany Williams Aye

Jay Lesenger Absent Motion Approved.

**Subdivision SUB-12-2022 Perez 24 Jurrasic Park Road, Catskill.**

Dan McCarthy from Praetorius and Conrad was representing the applicant at tonight’s meeting. The applicant is requesting subdivisions in order to subdivide an existing 5.810 acre parcel into a 1.654 acre parcel and a remaining 4.156 acre parcel. The applicant submitted copies of the deeds to all of the parcels on Jurrasic Park Road along with an index map, and pictures of Jurrasic Park Road.

The Board reviewed the plans.

Mr. McCarthy stated the deeds all indicate the year the homes were developed all of which date before the Town subdivision regulations. Mr. McCarthy stated he has spoken with Mrs. Perez and she had indicated her and her neighbors had the road paved 3 years ago. He also has spoken with the Town Attorney and to Shawn Beers (Town of Catskill Highway Superintendent).Mr. Beers indicated it was not in his purview to inspect private roads.

Ms. Golden stated the issue as it stands with this proposed subdivision is the Town Code is unclear if an existing private road requires an RMA. The Board may want to consider addressing this issue when the Board discusses updating the Town Code.

Mr. DeLuca made a motion to classify SUB-12-2022 as an unlisted action, uncoordinated review and declare the Town of Catskill Planning Board as Lead Agency, seconded by Ms. Williams

**Roll Call Vote**

Mr. DeLuca Aye

Mr. DiCaprio Aye

Mr. Federman Absent

Ms. Hernandez Aye

Ms. Golden Aye

Ms. Bagshaw Absent

Brittany Williams Aye

Jay Lesenger Absent Motion Approved.

Mr. DiCaprio made a motion to accept the plans as preliminary, seconded by Ms. Williams

**Roll Call Vote**

Mr. DeLuca Aye

Mr. DiCaprio Aye

Mr. Federman Absent

Ms. Hernandez Aye

Ms. Golden Aye

Ms. Bagshaw Absent

Brittany Williams Aye

Jay Lesenger Absent Motion Approved.

Ms. Hernandez made a motion to schedule a Public Hearing for SUB-12-2022 to be held on August 23, 2022, seconded by Ms. Williams

**Roll Call Vote**

Mr. DeLuca Aye

Mr. DiCaprio Aye

Mr. Federman Absent

Ms. Hernandez Aye

Ms. Golden Aye

Ms. Bagshaw Absent

Brittany Williams Aye

Jay Lesenger Absent Motion Approved.

Ms. Golden thanked the applicant

 **Special Use Permit SUP-3-2022 Carl Otto, 9 More Lan Catskill.**

Ms. Golden gave a brief overview of this project.

Alex Martin from Kasselman Solar was representing this application at this night’s meeting (Zoom Media), also present was Carl Otto. The applicant is requesting a special use permit in order to install a 27.2 kw solar array on his house. The applicant had gone before the Town Board along with the Town’s Attorney in order to obtain clarification of the Towns Solar Law and whether or not the Town Board intended for residential Solar be required to submit a performance guarantee under Town Code 134 – A-7(C) (6). The applicant has submitted revised plans with a note indicating requirement for recycling, and a decommissioning plan.

Ms. Golden stated the Town Board has indicated134 – A-7(C) (6) was not intended to include residential use be required to provide a performance guarantee.

Ms. Hernandez asked what the applicant plans to do if the house is ever sold and the potential owners request for the panels to be removed.

Ms. Golden answered there is a decommissioning plan, and it would have to be adhered to.

Ms. Williams made a motion to schedule a Public Hearing for SUP-3-2022 to be held on August 23, 2022 at 6:45 PM, seconded by Mr. DeLuca

**Roll Call Vote**

Mr. DeLuca Aye

Mr. DiCaprio Aye

Mr. Federman Absent

Ms. Hernandez Aye

Ms. Golden Aye

Ms. Bagshaw Absent

Brittany Williams Aye

Jay Lesenger Absent Motion Approved

Ms. Golden thanked the applicant

eaHearing is still open **OTHER BUSINESS:**

Ms. Golden stated she would like to thank Ms. Hernandez for submitting all of the material regarding solar panels and the potential for pollutants.

The Board discussed private road specs and grandfathered private roads not requiring an RMA, and then scheduled holding a special meeting on September 20, 2022 to review and discuss potential changes to the Towns Code.

Ms. Golden asked the Planning Board Clerk to schedule the meeting with the Town Attorney.

Mr. DiCaprio made a motion to approve the Planning Boards meeting minutes of June 14, 2022 as amended, seconded by Ms. Williams

**Roll Call Vote**

Mr. DeLuca Aye

Mr. DiCaprio Aye

Mr. Federman Absent

Ms. Hernandez Aye

Ms. Golden Aye

Ms. Bagshaw Absent

Brittany Williams Aye

Jay Lesenger Absent Motion Approved

Mr. DeLuca made a motion to approve the Planning Board’s meeting minutes of June 28 , 2022 as amended , seconded by Ms. DiCaprio

**Roll Call Vote**

Mr. DeLuca Aye

Mr. DiCaprio Aye

Mr. Federman Absent

Ms. Hernandez Aye

Ms. Golden Aye

Ms. Bagshaw Absent

Brittany Williams Aye

Jay Lesenger Absent Motion Approved

Planning Board meeting minutes for July 12, 2022 were tabled.

Ms. Williams made a motion made a motion to close tonight’s meeting, seconded by Mr. DiCaprio

Planning Board meeting ended at 8:15 PM

Respectfully Submitted,

Patricia Case-Keel

Planning Board Secretary

Approved as Amended 8/23/22